

CITY OF EDEN, N. C.

The regular meeting of the City Council, City of Eden, was held on Tuesday, July 19, 2005 at 7:30 p.m. in the Council Chambers, 308 E. Stadium Drive. Those present for the meeting were as follows:

|                                   |   |
|-----------------------------------|---|
| Mayor:                            | Philip K. Price   |
| Mayor Pro Tem:                    | Christine H. Myott  |
| Council Members:                  | Donna Turner  |
|                                   | Billy Vestal  |
|                                   | Jerry Epps  |
|                                   | C.H. Gover, Sr.   |
|                                   | Bruce Nooe  |
|                                   | Wayne Tuggle, Sr.   |
| City Manager: (absent)            | Brad Corcoran   |
| City Clerk:                       | Kim J. Scott  |
| Deputy City Clerk:                | Sheralene Thompson  |
| City Attorney:                    | Tom Medlin  |
| Representatives from Departments: |   |
| Representatives from News Media:  | Brian Ewing and Brook Corwin, <u>Eden Daily News</u> , Lisa Doss, <u>Eden's Own Journal</u> , Mike Moore, <u>WLOE</u> |

MEETING CONVENED:

Mayor Price called the regular meeting of the Eden City Council to order and welcomed those in attendance. He explained that the Council meets the third Tuesday of each month at 7:30 p.m. and works from a prepared agenda; however, time would be set aside for business not on the printed agenda.

RECOGNITION OF NEW FIRE CHIEF:

Mayor Price introduced the new Fire Chief, Mr. Doug Cline.

INVOCATION:

Mr. Daryl Law, Pastor, Eden Baptist Church, was present to give the invocation.

PROCLAMATION:

\*(a) Proclamation: National Night Out.

Mayor Price read the following proclamation in recognition of National Night Out.

**PROCLAMATION  
NATIONAL NIGHT OUT**

July 19, 2005

City of Eden, N. C.

Minutes of the regular July 19, 2005, meeting of the City Council, City of Eden:

**WHEREAS**, the National Association of Town Watch (NATW) is sponsoring a unique, nationwide crime, drug and violence prevention program on August 2nd, 2005 entitled "National Night Out"; and

**WHEREAS**, the "22nd Annual National Night Out" provides a unique opportunity for the City of Eden to join forces with thousands of other communities across the country in promoting cooperative, police-community crime prevention efforts; and

**WHEREAS**, citizens of Eden play a vital role in assisting the Eden Police Department through joint crime, drug and violence prevention efforts in the City of Eden and is supporting "National Night Out 2005" locally; and

**WHEREAS**, it is essential that all citizens of Eden be aware of the importance of crime prevention and impact that their participation can have on reducing crime, drugs and violence in the City of Eden; and

**WHEREAS**, police-community partnerships, neighborhood safety, awareness and cooperation are important themes of the "National Night Out" program;

**NOW, THEREFORE**, I, Philip K. Price, Mayor, do hereby call upon all citizens of the City of Eden to join the Eden Police Department and the National Association of Town Watch in supporting "22nd Annual National Night Out" on August 2nd, 2005.

**FURTHER, LET IT BE RESOLVED THAT, I**, Philip K. Price, do hereby proclaim Tuesday, August 2nd, 2005 as "National Night Out" in the City of Eden.

s/Philip K. Price  
Philip K. Price  
Mayor

ATTEST:

s/Kim J. Scott  
Kim J. Scott  
City Clerk

ADDITIONS OR DELETIONS TO MINUTES:

Mayor Price requested that item 7(a) be removed from the agenda and Council Member Vestal requested a time for Council comments at the end of the agenda, and he asked that they remove item 9(b) from the Consent Agenda for further discussion.

Council Member Myott expressed concern about removing item 7(a) as there were people present who wished to speak.

A motion was made by Council Member Tuggle seconded by Council Member Gover to remove item 7(a) from the agenda, add Council comment to the end of the agenda, and to pull consent agenda item 9(b) for discussion. Council Members Vestal, Gover, Nooe, Tuggle, Epps and Turner voted in favor of this motion. Council Member Myott voted in opposition. This motion carried.

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PUBLIC HEARINGS:

(a) Consideration of a zoning text amendment request and ordinance to amend Section 11.22 – the General Provisions section of the City of Eden Zoning Ordinance to add standards regarding dumpsters within the city. Request submitted by the City Council. ZONING CASE Z-05-05.

At the regular meeting on June 21, 2005 the Council scheduled this public hearing to hear comments regarding a zoning text amendment request filed by the City Council. The request is to amend Section 11.22 - the General Provisions section of the City of Eden zoning ordinance to add standards regarding dumpsters in the city.

The Planning and Inspections Department recommends approval of the request. After consideration, the Planning Board voted to recommend to the City Council that the request be approved.

Mayor Price called for a public hearing and asked Director of Planning & Inspections, Mrs. Kelly Stultz, to come forward with her report.

Mrs. Stultz explained that last month they had discussed amendments to the city code for the Solid Waste Ordinance, however, this amendment was for the zoning ordinance and would apply to new construction and any existing businesses for which a building permit was required to expand. She thanked Ms. Debbie Galloway, the city's planner, for all of her research on this subject.

She explained that what was before them was an addition to the general provision section of their ordinance that would apply to new construction and additions to existing businesses regulating where and how the dumpsters were placed. Heretofore, they have had no real regulations as far as screening, where they should be located, how to get from a to b, and really any real regulations at all and a business owner had been able to place them at any point they wanted them on their property. The city has seen concerns raised due to placement. She believed that this was a fairly simple amendment and straight forward.

Mayor Price questioned screening and asked if that was for all existing dumpsters.

Mrs. Stultz replied no, existing would be dealt with in the solid waste ordinance that was adopted last month. This was for new construction and it would apply to anything that did not already have a building permit.

Council Member Gover noted that also, if the existing dumpsters were a nuisance then this would be in effect.

Mrs. Stultz replied that if that became a problem she could have better luck dealing with them by enforcing the solid waste ordinance.

Mayor Price questioned restaurants and others who have dumpsters and have had them for a long time. He asked if they would be having any new requirements.

Mrs. Stultz replied that they certainly would and many of these same requirements were in the

Minutes of the regular July 19, 2005, meeting of the City Council, City of Eden:

solid waste ordinance; and, they all could adopt that and it would apply to anything in the jurisdiction that they chose. The Statutes were pretty particular on how they deal with grandfathering the zoning issues and that was why they handled this both ways as an issue when they brought it up.

Council Member Vestal asked if they did not change the terminology in item 2, on corner lots, in their other ordinance.

Mrs. Stultz read, "on a corner lot no dumpsters shall be placed in the triangular area formed by a diagonal line connecting two points on the right of way line." She explained that this was the same language that was sprinkled all through their zoning ordinance for site visibility. She added that they could certainly change it if they would like to make that recommendation.

Council Member Vestal commented that they had this discussion numerous times. The way that he read that, they were specifically saying what he could do with a corner lot. On a corner lot, he could do it in the little triangle area but he could put it outside of that triangle area, but in item number one, she was telling him that it had to be closer to his structure, so which would he do. He asked if he would follow on the corner lot or go by article number one.

Mrs. Stultz replied that he would have to follow both of them. It was intended to just put further restrictions on a corner lot because they did have some very small lots to make sure that they never create a site visibility problem and that was not just in the front, that was any place on a corner lot. She used as an example all of the business that were located on Arbor Lane. They did not want to have dumpsters where people could not see around them to get in and out of businesses.

Mayor Price asked if there were any questions and as no one signed up to speak he then declared the public hearing closed and asked the Council for their decision.

A motion was made by Council Member Epps seconded by Council Member Gover to approve this request. All Council Members voted in favor of this request. This motion carried.

(b) Consideration of the development of a Ready-to-Go site located in the Eden Industrial Center off Meadow Road. The cost of this project to the citizens of Eden will be \$184,550. The activities involved will include cutting, grading, grubbing, erosion control, and a pad in preparation of the industrial site. These funds were budgeted by the Eden City Council for fiscal year 2005-2006 as General Fund expenditure. This site, once prepared, will provide the City with a tract of land that can be developed in a timely manner for an industry ready to locate in Eden.

The memorandum explained that in accordance with statute #158-7.1 a public hearing will be held at the July 19, 2005 Eden City Council Meeting concerning the Ready to Go Site at the Eden Industrial Center.

Mayor Price called for a public hearing and asked the Business Development Director, Mr. Mike Dougherty to come forward.

Mr. Dougherty explained that last month the City Council voted to approve this matter.

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Mayor Price asked if there were any questions and as there were none, he declared the public hearing closed and asked the Council for their decision.

A motion was made by Council Member Epps seconded by Council Member Tuggle to approve this request. All Council Members voted in favor of this request. This motion carried.

MONTHLY FINANCIAL REPORT:

A motion was made by Council Member Gover seconded by Council Member Myott to accept the financial statement. All Council Members voted in favor of this motion. The motion carried.

REQUESTS AND PETITIONS OF CITIZENS:

Mr. Bobby Stratton Addressed the Council:

Mr. Bobby Stratton, 1214 Forrest Road, asked why the area of Spray was not considered part of the city other than as a tax base.

Mayor Price asked what that was in relation to.

Mr. Stratton explained that according to the newspaper, they have Leaksville, Draper and The Boulevard.

Mayor Price noted that Mr. Stratton was speaking of the Main Street Program. He agreed that it was confusing and it was a good question. He asked Mr. Dougherty to explain this.

Mr. Dougherty explained that the city was selected for the Main Street Program in 2003 and they had three areas that were selected as part of that application, the Washington Street area, Draper Village area, Fieldcrest Road and The Boulevard. They had initially thought about the Spray area (the Cook Block) and when he had made calls up there, there was no adequate interest. He added that there were resources available to any business to the city.

After being in Main Street for the third year, they were the only community in North Carolina that had three downtown areas and it was a daunting task to do one downtown area. Again, they would provide resources, but a lot time there were concerns about the façade grant that was approved and it was approved again this year. He added that he did not know that it would be even feasible to add a fourth area to the Main Street Program. He explained that was not how it was approved and to his knowledge, he had not received a call from anyone in the Cook Block area seeking any type of assistance, however, he did receive a call from someone when the façade grant was mentioned in the newspaper. He certainly understood that, but this was what the City Council and the Main Street Center approved. He explained that there was really no concerted effort to neglect anyone and he helped the businesses throughout the city whenever he could.

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Council Member Gover stated that he thought when they approved the façade money it was for the whole city and not just for two or three strips in the city.

Mr. Dougherty explained that typically those were for the downtown areas and the 43 Main Street communities and the State of North Carolina that was where it was offered. He noted that what usually happened in progression of this, in many areas they have a municipal service district which was a special tax district and that was a way to compile funds to use for other types of programs. Sometimes communities would buy properties and renovate them more for façade grant programs.

They decided last year to just have a façade grant program and they spent about \$3,000 of the \$6,000 allocated. With some of the ongoing efforts they expect more, but it was specifically for the downtown area when they wrote it and the application was approved by Council as well.

Mr. Stratton replied that he had never received a phone call from him, but he would tell them that when he moved here in 1969, according to what he had understood, they had Leaksville, Draper and Spray, so they all send them the tax bill and he (Dougherty) could spend the money.

Mayor Price acknowledged that he was right down the street from Mr. Stratton. All of them would like to be included in the Main Street Program and he understood his concern, but on the other hand if a program like that works and it draws business to Eden they hoped that it would spawn out. Mr. Dougherty was entirely correct. When the lady came here to draw the designs he had asked her if they could do some drawings of their buildings and they did a wonderful job. It would take a lot of effort among all of them, small business people to band together in some shape or fashion. He understood Mr. Stratton's concern, but by the same token a Main Street Program would probably not do all the downtowns. Eden was a very unique town and it would make them unique as they figured out how to develop different venues for all of them.

Petition for a Traffic Study:

Mayor Price explained that a resident of Morgan Road presented a petition by to him and he read "The city residents and property owners on Short Morgan Street are asking for help in slowing down traffic on our street. Short Morgan was a one way road with all the properties situated close to the street. We experience a lot of speeding traffic and this has made it difficult to walk or even mow our front lawns without the danger of being hit. We are requesting a current traffic study to hopefully result in a speed hump or reversing the one-way to help reduce the traffic that jets off Morgan Road through our neighborhood. We would like to have this before someone was injured or killed. Thank you for your attention." He noted this petition was signed by 26 residents of the Morgan Road area. He then presented the petition to the City Clerk and asked Council Member Epps if he would request a study of this to be done.

Council Member Vestal commented that this was what he was going to discuss when he requested adding Council discussion onto the agenda. He stated that there was no need for that discussion now.

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UNFINISHED BUSINESS:

(a) Consideration of a bid for a condemned building on The Boulevard.

This item was withdrawn from the agenda.

NEW BUSINESS:

(a) Consideration of an amendment to Section 3-89 of the Eden City Code concerning riding horses on city streets.

The memorandum explained that a request was received from some local horsemen to consider amending the City Code Section that prohibits riding horses or ponies on city streets between certain hours. Sgt. Tyrone Scales compared sections of the Eden City Code and those of other randomly selected cities in North Carolina. A review of the regulations of the 67 agencies indicated the following:

- 48 of these cities do not have regulations regarding riding of such animals in the city limits.
- 13 of the 19 remaining cities have ordinances regulating horse or pony riding.
- Only one city has an ordinance on the removal of manure from public or private property not owned by the rider.
- None of the 67 cities has an ordinance regulating riding times.

Based upon the foregoing information and discussion, staff recommended that Section 3-89 of the Eden City Code be deleted and that the section currently numbered 3-90 be amended to be re-numbered 3-89.

Mayor Price asked Mrs. Stultz and the Police Captain, Reece Pyrtle to make some comments.

Mrs. Stultz explained that they were asked to take a look at certain provisions of the city code that relates to horses being ridden after 9:30 at night. Tyrone Scales of the Police Department did extensive research in 67 cities to see what other communities do. As it was this single provision, Eden seemed to be the only city that regulates after 9:30 at night. She noted that she had received a call from a Council Member with some concerns and she suggested that if the Council chose to consider the after 9:30 thing tonight, they could make a motion to do so and then make a motion to study the rest of the ordinance.

Mayor Price asked if she was suggesting they approve this as it was and then make a request to her office...to which Mrs. Stultz replied that the Police Department enforced this section of the ordinance and it was entirely a policy decision on the part of the Council. The Council Member who called her asked if there were contraptions that other communities used for "waste" that they leave behind. She did research "horse diapers" but as yet she could not find anything that could be applied to an animal that was being ridden. The only thing she had found so far applied to horses that were pulling a wagon or wearing a harness.

Mayor Price stated that the point was well taken. It was something valid and they would think that horseback riders would make arrangements to remove any debris from the animals that come along the street. They needed to come up with something on that. Certainly horse diapers were used in other cities. He stated that he would like to see them approve this as presented and then have it studied further with some suggestions.

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Council Member Myott questioned insurance in the event of an accident.

Captain Pyrtle replied that the insurance would be on the driver. There were no obligations as a horse owner to have insurance on a horse. He added that to be honest, in the time he had been in the Police Department this had not been an issue. He had not seen a whole lot of violations. Occasionally you would see people riding at night but for the most part they were well lit and they rode along the right of way and not on the street or the highway portion. He added that this was not a chronic problem. He acknowledged that they have had complaints in the past about "waste" on the streets, but again the time element did not have any bearings on that issue.

Mrs. Stultz added that they did not think the 9:30 cut off had any bearing on whether that would happen or not. She suggested that if they wanted to look at this further and consider reflective things to be put on the rider or horse then they could certainly do that.

Council Member Epps commented that he had only seen a couple in maybe 13 years. He added that he had seen them with a flasher on the back of the horse.

Captain Pyrtle agreed that if they had some concerns about the lighting required after darkness that was something that could be looked at.

A motion was made by Council Member Epps to approve the request; however there was no second to that motion and it was withdrawn.

Council Member Tuggle asked if any of the merchants had said anything. He pointed out that for them, when you go outside in the morning there was horse manure on the road. That was probably not the best thing for economic development down town. He stated that he felt that if you ride your horse down main street there should be some provisions for cleaning that up.

Captain Pyrtle agreed. He added that he thought that should be some consideration and it may be a good idea that horse diapers would be the solution.

Council Member Tuggle stated that if you want to ride on Washington Street at night that was your business as long as it did not interfere with safety. He expressed concerns about the merchants having to periodically clean this up in the morning.

Mrs. Stultz advised that if they wanted to approve this amendment they could also make a motion to have the staff look at dealing with waste and reflection type things.

Captain Pyrtle also pointed out that the city's street sweeper came through Washington Street.

Mayor Price commented that Council Member Tuggle had a valid point.

A motion was made by Council Member Vestal seconded by Council Member Epps that they adopt the regulation (amendment) by deleting item 3-89 of Article III and have the staff return in 30 days (next regular Council Meeting) with a study that Council Member Tuggle had referenced (providing ways to remove "waste" and add reflective material to the horse or rider.)



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(b) Consideration of the 2005-06 Landscape Maintenance Contract.

The memorandum explained that during the 2005-06 budget process the Council approved monies for the city to engage a contractor to maintain the landscaping projects undertaken by the Community Appearance Commission and the Tree Board.

Requests for proposals were sent out and Irving Farms was the lowest responsible bidder in a total amount of \$45,336 and \$3,778 per month. An amount of \$50,000 was budgeted for landscape maintenance for the 2005-06 fiscal year.

The department requested that the City Council approve the contract as prepared by the City Attorney.

A motion was made by Council Member Turner seconded by Council Member Nooe to approve this request. All Council Members voted in favor of this motion. This motion carried.

CONSENT AGENDA:

(a) Approval and adoption of minutes – July 19, 2005.

(b) Approval and adoption of City of Eden Dress Code/Grooming Policy and Fraternalization Policy.

The memorandum explained that the final “draft” for both the dress code/grooming policy as well as the fraternalization policy was submitted. Both policies were ready for review, comments and adoption by the City Council.

(c) Approval and adoption of Property and Liability Insurance and Workers’ Compensation Insurance Agreements and Adoption of Resolutions.

Governing Body Resolution of the City of Eden, North Carolina

WHEREAS, certain municipalities and other units of local government of the State of North Carolina, as defined in G.S. 160A-460(2), have agreed to create the NORTH CAROLINA INTERLOCAL RISK MANAGEMENT AGENCY and have agreed to pool the risks of their workers' compensation liabilities and payment of claims for employers' liability coverage pursuant to, and to be governed by, the provisions of North Carolina General Statutes 160A-460 *et seq.* (Part 1 of Article 20 of Chapter 160A);

NOW, THEREFORE, BE IT RESOLVED that the above named unit of local government elects to become a member of the NORTH CAROLINA INTERLOCAL RISK MANAGEMENT AGENCY upon the terms and conditions stated in the "Interlocal Agreement for a Group Self-Insurance Pool For Workers' Compensation Risk Sharing," with such future policy renewals constituting a continuing ratification of this decision to be a member of the Agency and to abide by the terms and conditions of the Interlocal Agreement.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the duly authorized officials of the above named unit of local government are directed to execute in the name of said unit the "Interlocal Agreement for a Group Self-Insurance Pool for Workers' Compensation Risk Sharing," a copy of which is attached to and made a part of this Resolution

I certify that this is a true and correct copy of this Resolution, duly adopted by the governing body on the 19<sup>th</sup> day of July, 2005, as it appears of record in its official minutes.

July 19, 2005

City of Eden, N. C.

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City of Eden

By: Philip K. Price, Mayor

ATTEST:

Kim J. Scott, City Clerk

**Governing Body Resolution of the City of Eden, North Carolina**

**WHEREAS**, certain municipalities and other units of local government of the State of North Carolina, as defined in G.S. 160A-460(2), have agreed to create the INTERLOCAL RISK FINANCING FUND OF NORTH CAROLINA and have agreed to pool the risks of their exposure to property losses and potential liabilities in the manner herein provided pursuant to, and to be governed by, the provisions of North Carolina General Statutes 160A460 *et seq.* (Part 1 of Article 20 of Chapter 160A);

**NOW, THEREFORE, BE IT RESOLVED** that the above named unit of local government elects to become a member of the INTERLOCAL RISK FINANCING FUND OF NORTH CAROLINA upon the terms and conditions stated in the "Interlocal Agreement for a Group Self-Insurance Pool For Property and Liability Risk Sharing," with such future policy renewals constituting a continuing ratification of this decision to be a member of the Fund and to abide by the terms and conditions of the Interlocal Agreement.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that the duly authorized officials of the above named unit of local government are directed to execute in the name of said unit the "Interlocal Agreement for a Group Self-Insurance Pool For Property and Liability Risk Sharing," a copy of which is attached to and made a part of this Resolution.

I certify that this is a true and correct copy of this Resolution, duly adopted by the governing body on the 19<sup>th</sup> day of July, 2005, as it appears of record in its official minutes.

City of Eden

By: Philip K. Price, Mayor

ATTEST:

Kim J. Scott, City Clerk

**(d) Consideration of Budget Amendment #1.**

This is the First Budget Amendment for the year.

| Budget Amendment #1                          | Account #     | From         | To          | Amount             |
|--|---------------|--------------|-------------|--------------------|
| <b>General Fund Revenue</b>                  |               |              |             |                    |
| Police Funds Drug Enforcement Administration | 10-3431-84700 | \$ -         | \$ 1,520.00 | \$1,520.00         |
| <b>General Fund Expenditures</b>             |               |              |             |                    |
| Informant's Fees                             | 10-4310-19900 | \$ 18,000.00 | \$19,520.00 | <u>\$ 1,520.00</u> |

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\$ 1,520.00

Adopted this the 19<sup>th</sup> day of July, 2005 at Eden, North Carolina

s/Philip K. Price  
Philip K. Price  
Mayor

s/Kim Scott  
Kim Scott  
City Clerk

(e) Approval to hold a public hearing at the August 16<sup>th</sup> meeting of the Eden City Council to consider a Performance Agreement with MGM.

A motion was made by Council Member Vestal seconded by Council Member Gover to approve the Consent Agenda items a, c, d, and e. All Council Members voted in favor of this motion. This motion carried.

Discussion regarding Consent Agenda Item 9(b):

Mayor Price explained that Consent Agenda Item 9(b) was the City of Eden Dress Code/Grooming Policy and Fraternization Policy.

Council Member Vestal explained that he had come by (City Hall) a couple of times last week to see the City Manager. He was unable to make contact with him except for one time; however, he forgot to discuss the issue with him then. He pointed out that as the City Manager and the Personnel Specialist were not present tonight to answer questions or put their stamp of approval on this (policy) on record in the minutes, he thought they needed to table it for 30 days.

A motion was made by Council Member Vestal seconded by Council Member Gover to table the request for 90 days (next regular Council Meeting).

Council Member Myott stated that she would like to hear comments from the chairman of the Personnel Committee.

Council Member Turner stated that as she understood it, Mr. Corcoran sent this to the Council for them to look at in his weekly report and he did not have any discussion from anyone, other than, she thought, she sent back a reply, she thought everything looked fine, a few little periods and commas needed to be changed, he did not at that point in time hear any discussion from members of Council. She stated that she thought this was what they were aiming at from a personnel standpoint from the Personnel Committee. She explained that she was fine with it and did not have any further questions about it at that time.

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Council Member Vestal replied that he did not have any major problems with it; it was just the fact that there were a couple of little minor things in there, like cowboy boots. He did not know what was wrong with cowboy boots. He explained that he would just like for the City Manager and the Personnel Specialist to be present when they pass the policy.

Council Member Tuggle commented that he agreed.

Action on the motion: Council Members Vestal, Gover, Tuggle and Nooe voted in favor of this motion. Council Members Epps, Turner and Myott voted in opposition. This motion carried.

VOUCHERS:

There was no discussion about vouchers.

COMMENT BY COUNCIL MEMBER MYOTT:

Council Member Myott commented that she would like to express her apology to Mr. Eanes and Mr. Uden, who were going to speak about The Boulevard. She explained that she had no idea that it would be pulled.

CLOSED SESSION:

Closed Session in accordance with G.S. 143-318.11(a)(6) for discussion of personnel.

A motion was made by Council Member Tuggle seconded by Council Member Gover to go into closed session in accordance with G.S. 143-318.11(a)(6) for discussion of personnel. All Council Members voted in favor of this motion. This motion carried.

OPEN SESSION:

A motion was made by Council Member Gover seconded by Council Member Tuggle to return to open session. All Council Members voted in favor of this motion. This motion carried.

ADJOURNMENT:

A motion was made by Council Member Nooe seconded by Council Member Gover to adjourn. All Council Members voted in favor of this motion. This motion carried.

Respectfully submitted,

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Kim J. Scott  
City Clerk

ATTEST:

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Philip K. Price, Mayor