

CITY OF EDEN, N. C.

The regular meeting of the City Council, City of Eden, was held on Tuesday, June 21, 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:		Brad Corcoran
City Clerk:	(absent)	Kim J. Scott
Deputy City Clerk:		Sheralene Thompson
City Attorney:		Tom Medlin
Representatives from Departments:		
Representatives from News Media:		Brian Ewing, <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.

INVOCATION:

Rev. Rick Edwards, First Church of the Brethren, was present to give the invocation.

RECOGNITION OF RETIREES:

Mayor Price asked Mr. Marshall Hill and his wife June, to come forward in recognition of his upcoming retirement. He explained that Mr. Hill had worked 31 years for the City of Eden, mostly out of Station 100 on Henry Street. He noted that he was an exceptional driver and fireman. Mayor Price noted that Mr. Hill was also one of the clowns who visited the schools to teach young people about fire protection. He then presented Mr. Hill with a plaque for his years of service.

Mayor Price then asked Fire Chief Ronnie Overby to come forward. He explained that one of the reasons he mentioned the clown program was because Mr. Overby brought that on as well as some other things in the Fire Department. He also brought the city up to where it should be in North Carolina in training people and pointing out the hazards of fire and fire safety and upgrading equipment and fire trucks. He pointed out that the city would always owe a debt of gratitude to Mr. Overby for a number of things. He closed by saying that the city would feel

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the effects of his leadership for many years to come. He then presented Chief Overby with a plaque for his many years of service.

RECOGNITION OF NEW RECREATION DIRECTOR:

Mayor Price recognized Mr. Johnny Farmer, the new Parks and Recreation Director. He explained that Mr. Farmer was a native of Rockingham County but came to Eden from Florida.

ADDITIONS OR DELETIONS TO MINUTES:

Mayor Price noted that the Director of Planning & Inspections has asked for two items to be withdrawn from the agenda. Item 8(a) and Item 8(c).

A motion was made by Council Member Epps seconded by Council Member Tuggle to remove items 8(a) and 8(c) from the agenda. All Council Members voted in favor of this motion.

PUBLIC HEARINGS:

(a) Consideration of a zoning map amendment request and ordinance to rezone property on Kendall Street and Franklin Drive from Residential-12 and Residential-20 to Residential-20/PUDR. Request submitted by W. L. Pryor/Lakeside Community, LLC. ZONING CASE Z-05-03

At the regular meeting on March 15, 2005, the Council scheduled this public hearing to hear comments regarding a zoning map amendment request filed by W.L. Pryor/Lakeside Community, LLC. The request was to rezone property on Kendall Street and Franklin Drive from Residential-12 and Residential-20 to Residential-20/PUDR.

The Planning & Inspections Department recommended approval of the map amendment request. At their February regular meeting, the Planning Board voted to recommend that the City Council approve the request.

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 the request was to rezone approximately 17.34 acres from Residential-12 and Residential-20 to R-20/PUD-R. The R-20 district was established as a district in which the principle use of the land was for single family residences on large lots. The R-12 district was established as a district where the principle use of land was for single family residences. The regulations of this district were intended to discourage any use which would be detrimental to the quiet residential nature of the district.

She explained that the PUD-R district was established for the controlled development of single family residential purposes. The PUD allows greater flexibility in design and development standards, and is characterized by large areas of open space for recreation and preservation of natural amenities. The PUD also utilizes more efficient and creative land use, which can enhance the aesthetics of the development and may result in lower street, utility and maintenance costs. The R-20/PUD-R district allows only single family site built residential development or re-use of existing structures. No manufactured housing is allowed.

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The subject property was located on Kendall Street between Franklin Drive and Ayden Road, and includes the former Lakeside School and the surrounding acreage. To the north is an established medium density Residential-6 neighborhood. To the east is sparsely developed Residential-12 property. Across Kendall Street to the south is a medium density Residential-12 neighborhood. Across Franklin Drive to the west is a low density Residential-20 neighborhood. The school has been vacant for many years and the building and campus have not been altered since the school closed. The surrounding acreage remains undeveloped.

The developer plans to preserve the school building and convert it into market-rate elderly apartments. The surrounding campus will be preserved much as it has always been, with large trees and open space. The acreage surrounding the school campus will be developed into small to medium sized single family homes in keeping with the mill village style homes prevalent in the neighborhood.

Mrs. Stultz explained that before they discussed the actual provisions of the PUD, she wanted to point out the area that surrounded Lakeside School. She then presented some photographs of the PUD development. She explained that they were pictures on Franklin Street and they were single family homes that were close by. She noted that at the bottom there was a double wide and a single wide across the street on Franklin Drive from the school property. She pointed out the Lakeside area houses and the Carolina Heights mill village which was perhaps the best preserved of the mill villages in their community. She also noted the infield development that had occurred close by to this property. There were several houses for sale in this particular area and some of them were mill houses and some of them were infield. She also pointed out the various different kinds of single family structures around the school campus. She noted the entrance to the school from Kendall Street and the pictures taken in the front of the building. She explained that these were various pictures of the school building as it stands today.

She then noted property on Smith Street that was a planned unit development by Bob Nesbit. She explained that this particular area contained single family attached housing. Those were single family homes that were sold to individuals like any other kinds of neighborhoods. Some of the properties could be rented, but for the most part these were houses that resident owners lived in but they just simply have a little different construction style. She also noted some properties that were part of The Fairways development located off of Edgewood Road and on Meadow Greens Country Club golf course. Those were single family attached dwellings in that area. She added that there were also some dwellings of this same type located in The Oaks.

One of the marvelous things about a PUD style development was not only does it allow for a little bit of flexibility as was discussed earlier but it gives the Eden City Council and thus the citizens of their community a great deal of control over the style of development, how it was done and how it was handled in perpetuity.

She stated that staff was of the opinion that based on the residential uses which surround the property, that the R-20/PUD-R classification was appropriate for the property, and that the development would not adversely affect the neighborhood. The reuse of the existing school

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building was an excellent example of adaptive reuse for buildings of this type in their community and in communities across the country.

She explained that this school has sat vacant for many years and might otherwise continue to decline and eventually need to be demolished. This would be sad on several fronts not the least of which the important role that Lakeside School played in the community of Spray. She stated that they recommended preliminary approval of the PUD-R request contingent upon submission of all requirements of the zoning, subdivision and water shed ordinances and upon the following conditions:

1. Street widths and patterns must be shown on final development plans and are subject to staff approval. Where possible, streets shall form a generally connected pattern with a minimum of cul-de-sacs. Street patterns should be designed to minimize alteration of natural, cultural or historic features of the property.
2. Streets should be designed to promote pedestrian access. Sidewalks or pedestrian ways must be provided along public streets and accessing any public spaces.
3. The existing tree canopy must be preserved as much as possible.
4. The school building shall contain a maximum of 15 residential units. No residents under age 55 shall be permitted to occupy these units.
5. Parking areas must meet City standards as set forth in Section 11.25 of the City of Eden Zoning Ordinance.
6. Landscaping must be provided for all parking areas as set forth in Section 11.25(c) of the City of Eden Zoning Ordinance.
7. Dumpsters must be screened from public view by an acceptable buffer as defined in Section 11.29 of the City of Eden Zoning Ordinance.
8. Homes and buildings in the new development should conform as closely as possible to the cottage style homes in the area in order to preserve the "mill village" character of the neighborhood.
9. The historic character of the school building and the school campus must be preserved. The appearance of the school building should remain as true as possible to the original design of the building. The character of the campus should be preserved as much as possible, including preservation of the large trees and open areas.
10. The cemetery located on the property must be preserved and the area fenced.

She added that she also wanted to recommend that they add item 11 which would state that only single family detached structures shall be located on the lots that have frontage on Park Avenue, Kendall Street and Franklin Drive.

She also noted that in addition, prior to issuance of a building permit, the following conditions shall be met:

1. The developer shall provide all sanitary sewer easements, drainage easements and grant any rights of way necessary for each phase of the development. All such improvements shall be installed as per the final development plan and shall meet all City requirements and specifications.

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2. The PUD shall comply with all City of Eden land use regulations including all provisions of the PUD-R district.
3. The size and location of all signs must be noted and proper permits obtained before installation.
4. The Homeowners Association documents shall be recorded in the Rockingham County Register of Deeds office.

Based upon the character of the area and the medium density residential uses in the area, staff recommended in favor of the request.

Mrs. Stultz also added that the next item on the agenda was a request to give Lakeside School a local landmark historic preservation status. That would also give the City of Eden, through its Preservation Commission and City Council, another layer of regulations to control the appearance and standards toward the school building.

Mayor Price noted that on the second part of that amendment to the PUD-R was Item 11. He pointed out that he wanted to make sure that it was, they would be asked to vote on it. He asked if it was correct that only a single family detached structure shall be located on lots that have frontage on Park Avenue, Kendall Street and Franklin Drive.

Mrs. Stultz replied in the affirmative.

Mayor Price asked if they would then have the apartments in the school to which Mrs. Stultz replied yes. He then questioned the interior.

Mrs. Stultz explained that at this point there was no clear definition of exactly the type of units to come but one of the things to remember, as with every other PUD that they consider, each phase would be brought before the City Council and the Planning Board for approval. So the Council and the neighborhood residents would have several more shots to give input on what they think about the following phases.

Mayor Price asked if this was the first phase.

Mrs. Stultz replied that this really was not the first phase this was just the basic rezoning.

Mayor Price questioned that she was asking the Council to vote on the school apartments and the attached structures on the perimeter of the facing...to which Mrs. Stultz replied that she was asking them to vote on the general rezoning required for a PUD. She added that she would assume that Mr. Pryor would bring back the first phase which would include the apartments in the school building but they have already limited that severely and all those requirements would apply.

Mayor Price asked if there were any questions.

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Council Member Gover stated that Mrs. Stultz had presented some nice pictures of the existing detached homes at The Fairway and Norman Drive, but which one of those were these going to look like.

Mrs. Stultz replied that the design had not been presented to her, just the rezoning. She explained that would come through with the various phases when they do it. The Council would have an opportunity to have input on those when they come back.

Council Member Vestal noted that in Article 4 under the PUD regulations on the peripheral lots, he knew they were rezoning this to R20 but ...he asked if the street did away with the adjacent lots where the Article 4 says that they have to be the same zoning, like they had some of it at R12 and some of it R20.

Mrs. Stultz replied that she was not sure she understood what he meant by the street but right now some of this property was zoned R20 and some R12 so what they recommended was that it all be rezoned to R20 PUD.

Council Member Gover clarified that in essence he was asking if it was spot zoning at those particular areas where there was 12 then she converted it to 20.

Mrs. Stultz explained that this whole tract of land contained 17 plus acres and the City Council certainly had the right to change the whole thing to R20-PUD. There were always questions about spot zoning. Spot zoning can be legal and illegal and would only be illegal if were done in a capricious and arbitrary manner by the City Council to make some effect that it could not do otherwise. 17 acres was certainly within their purview to rezone.

Council Member Vestal stated that they had discussed this in the Planning and Economic Development meeting and he wanted the outside areas as she had in Article 11...but in Article 4 PUD if they looked it up in their PUD zoning Article 4 states that the adjacent lots to the peripheral lots on the PUD were to be the same as the zoning that was in that area which would be R12 on Kendall and R12 on Ayden if the road was not a divider. If the road was doing away with the adjacent lot then they would not want to do that.

Council Member Turner asked if it was correct that Kendall was a dividing road.

Council Member Vestal stated that was his question. He pointed out that Article 4 states in their PUD development regulations adjacent lots had to be the same, if it was abutting which was R12 on Kendall, R12 on Ayden and R20 on Franklin. He added that he would rather have it R20 because it only allowed 3.2 houses per acre and R12 allowed 8 houses.

Mrs. Stultz explained that her interpretation of this kind of thing, because they had a PUD that was split zoned before was, once they change it to R20-PUD it was all R20 with the PUD overlay.

Council Member Vestal replied that was all he wanted to say.

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Mayor Price asked if everyone was clear.

Council Member Turner asked if all those houses were going to have to be rezoned and Mayor Price added that she was questioning all the acreage.

Mrs. Stultz replied that the 17 acres of this whole tract was requested for rezoning.

Council Member Turner asked if it was nothing that abutted the property to which Mrs. Stultz replied no.

Council Member Epps commented that he understood that they were just doing the zoning tonight but when the plans come back for housing or anything it would be brought before...to which Mrs. Stultz replied it would be before the Planning Board and the City Council and the property owners would be notified.

W.L. Pryor, 511 Briarwood Drive addressed the Council:

Mr. Pryor thanked the Council for the opportunity to be there. He explained that he had first noticed the Lakeside School about six years ago, but it had been empty for more than ten years. The school folks had boarded up some of the windows, but some of the windows had been knocked out. He had also boarded some windows and doors but they were continuously torn off and kicked in. He stated that he saw it and thought that someone needed to do something with it and he hoped he did not regret that he was the one who decided to do it.

He explained that he had gotten here in sort of an indirect way but he wanted to see this school preserved but also to have some housing for senior citizens and have a beautiful building on a beautiful lot. He pointed out that he did not know of a single location in Eden that was any prettier than that lot and that school. He thought it would be a good addition to this community. He added that he did not plan to make a mess out of it, there would be an engineering firm to do all the drawings and an architectural firm to tell him how to do it because he wanted to have a nice building for people to live.

He noted that he would not dare think about doing anything with the property along the streets or in front of the school. The side street in Franklin, Park Avenue or Ayden had two different names there, those houses would be single family houses that would not be out in front of the school and on the sides and they would be back up from Kendall and it would just be a great addition to the community. He explained that his current concern was to get the school done and after that he was not going to worry too much, he may get through with that project and then not tackle another one for a while.

He explained that he wanted to just ask for their consideration of what a good change this would be for that community there and he thought it would be beneficial to all of Eden and if anybody had any questions he would sure try to answer them.

Mr. Michael Balsler, 523 Franklin Drive addressed the Council:

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Mr. Balsler explained that he lived right across from the school and a lot of his questions had been answered but he wanted to know what size the lots were going to be and what would be the price range of the houses there. He wanted to get an idea of how many were going to be up and down that road.

Mayor Price asked Mrs. Stultz if she had that information.

Mrs. Stultz explained that the R20 PUDR district only allowed 3.2 units per acre in the whole 17 acres. They knew there would never be that many units in place because of the topography of the area and because of the open space that was required for the school, and streets that have to be built and all of those things. She noted that as she had said earlier, this was just the rezoning. Developers did not usually spend large amounts of money required to do all the particular planning of the phases until they get the rezoning done. The first phase Mr. Pryor had planned was just the school as he mentioned a few moments ago. Before any of the other development was done there would be a whole other set of public hearings, a review by the Council, a review by the Planning Board and all those folks would have input when the designs come through for the various phases.

Mayor Price asked if she thought that half the acreage would be available to be built to which Mrs. Stultz replied that she could not give them that.

Council Member Nooe asked if she could give them the minimum separation between units and minimum lot sizes allowed to which she replied that she could.

Mr. Balsler noted that she had also said that there was going to be people living there 55 and older. He asked who would enforce that, as far as people coming in and spending the night and things like that.

Mrs. Stultz replied that of course Mr. Pryor would be managing his own property but if the City Council discovered at any point that the provisions were not adhered to, they could revoke the Special Use permit which would effectively shut the building down. That along with the landmark designation would give the community a lot of control over what happened on that property.

Mr. Balsler questioned what if the property was sold and if all those restrictions go with this property to which Mrs. Stultz replied yes, it followed the land.

Mr. Balsler asked if she had said those houses would be unattached.

Mrs. Stultz replied that the ones out along the peripheral streets, as they talked about, she was recommending that those be limited to single family detached structures. That would leave the potential but not the requirement that there be some in the interior portions of the 17 acres.

Mayor Price questioned the units...

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Mrs. Stultz replied that R20-PUD allows 3.2 units per acre and the minimum lot sizes would be based on the amount of open space that has to be left and the lot sized could be small particularly in the interior but there was no way in the 17 acres there would ever be more than 3.2 and it would never be more than that because of the topography. The number of units, they monitor those as the various phases come through and the maintenance of the open space. So there would be more opportunity for that as design work comes in.

Mr. Balsler asked if she knew how big the open space was going to be on the campus there where the houses were not going to be built, on the space around the school.

Mrs. Stultz replied that the intent and what they require with the local landmark designation was what they see of the school was what they would continue to see. The main campus would be preserved and be a part of the open space that would allow interior lots off of that to be smaller.

Mr. Balsler stated that he was talking about the ball field and things like that. He asked if houses were going to be built in the ball field or just along the road.

Mrs. Stultz replied that she could show him on the map.

Mr. Balsler noted that she had said campus and he just wondered what size and what she was talking about as campus.

Mrs. Stultz explained that this was the way it looked right now; they have this huge tract here and then this tract when it was subdivided earlier. Now, it was all combined into one tract. She explained that when you were looking across the way you were going to see pretty much exactly what was seen now. She pointed out on the map that there may be some houses there and there would likely be some back this way.

Mayor Price added that there would likely be some interior houses and streets later on.

Mrs. Stultz added that right now all of that property was zoned residentially and it could be subdivided without a rezoning and houses could be built in there anyway.

Mr. Balsler asked if the houses that were already zoned R20 across the street, that was not subject to being rezoned to which Mrs. Stultz replied, only the 17 acres.

Mr. Tim Shelton addressed the Council:

Mr. Shelton explained that he stood before them seven years ago with the neighborhood and helped to have the Lakeside Graded School property rezoned R20 and he would like to keep it that way. He stated that he was real concerned about the PUD extension to R20 and about the 3.2 dwellings per acre as this could cause a lot of problems with congestion and it would just be detrimental to the neighborhood. He asked them to give further consideration to the whole 17 plus acres. The concept of the school was a good idea if it came to fruition if it really happened that way, but they knew through history, they knew what happened down in Draper and they

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knew what happened to Rhode Island Mills and nothing was absolute in this world. He thanked them for their time and asked them to give some consideration.

Mayor Price stated that there were no more citizens to speak on this. He asked if there were any other questions.

Council Member Vestal asked Mrs. Stultz to explain that they have more restrictions on a PUD than they do on a regular R20 if it remained R20.

Mrs. Stultz explained that currently, a good portion of the property was R20 but a very large part was also R12. She noted that R12 would allow more than 4 units per acre so bringing it down to 3.2 was a lot less in the grand scheme of things. She explained that what the PUD was, it was an instance that the City Council issues a Special Use Permit that puts conditions and restrictions on property to allow for more flexibility in development but also greater control.

The City Attorney, Mr. Tom Medlin, noted that the ordinance that had been prepared and was before them, if they get to the point of voting on that they would need to incorporate the conditions that were outlined 1-11 and it would need to be added to that ordinance.

Mayor Price clarified that the motion would include item 11 that was on the table tonight. He then asked if everyone had seen item 11.

Mr. Medlin agreed and he would need to add that to that ordinance.

Mayor Price 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.

(b) Consideration of a Historic Landmark Designation of the Lakeside Elementary School located at 719 Kendall Street. Request submitted by W. L. Pryor/Lakeside Community, LLC. HPCL-05-02.

The Historic Preservation Commission has reviewed an application from W.L. Pryor for Local Historic Landmark Designation for the former Lakeside School. Based on the character and historic significance of the school, the Preservation Commission recommended approval of this designation. Staff was in agreement with the recommendation and request that the City Council consider this matter.

Mayor Price called for a public hearing and asked Mrs. Stultz, to come forward with her report.

Mrs. Stultz explained that this application was to apply a local historic landmark status to the Lakeside School building and its main campus. The Preservation Commission has reviewed an application from W.L. Pryor for the former Lakeside School and based on the character and historic significance of the school the Commission recommended approval of this designation. Staff was in agreement with this recommendation and requested the Council's consideration.

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She explained that the property in question was a former elementary school built and opened in 1932 and one of the buildings designed by local architect J W Hopper who was very famous for his work in the community. It was very similar to other schools built post World War II and was a WPA work project. The developer has purchase the school property and surrounding development and wants to make it market rate elderly apartments which the Council just approved.

She stated that now there were some carrots and sticks that go along with local landmark designation. She explained that the carrot was that this building itself would have its city and county property taxes cut in half for the period of time that it retained its landmark status. The stick in all of that was that it would be required to adhere to on an outside design to the Historic Preservation Commission's adopted and approved by City Council local landmark designation guidelines. She explained that would mean that before any alteration could be made to the exterior of the structure that a certificate of appropriateness would have to be issued by the Eden Historic Preservation Commission in a quasi judicial fashion. This added another layer of control for their community on this development. This school was very important to this neighborhood and important to their community and she would certainly recommend that the City Council give it this status.

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 Myott to approve this request. All Council Members voted in favor of this request. This motion carried.

(c) Consideration of a zoning map amendment request and ordinance to rezone property at 152 Cricket Road in the city's extraterritorial jurisdiction from Residential-20 to Residential-4. Request submitted by Samuel Hopkins. ZONING CASE Z-05-06.

At the regular meeting on May 17, 2005, the Council scheduled this public hearing to hear comments regarding a zoning map amendment request filed by Samuel Hopkins. The request was to rezone property 152 Cricket Road in the city's extraterritorial jurisdiction from Residential-20 to Residential-4.

The Planning & Inspections Department recommended approval of the map amendment request. At their May regular meeting, the Planning Board voted to recommend that the City Council approve the request.

Mayor Price called for a public hearing and asked Mrs. Stultz, to come forward with her report.

Mrs. Stultz explained that the request was to zone approximately .71 acres from Residential-20 to Residential-4. The R20 district was established primarily for single family residences on large lots. The R4 district was established for single family residences, including manufactured homes.

The subject parcel is located to the south of a large parcel of wooded, mostly undeveloped land containing a single family residence. To the east of the property are two smaller undeveloped parcels of R20 property. To the west and northwest are three smaller parcels containing single family residences and various outbuildings. The parcel immediately to the west was rezoned

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from R20 to R4 in 1992. To the south, across Price Road, is a vacant parcel of R4 property which once contained a store now demolished.

Based upon the character of the area and residential uses staff recommended in favor of this request. Also, just to refresh their memory, in 1979 when the City Council adopted land use regulations for the extra territorial jurisdiction it was decided in many areas to rezone property R20 as a holding zone until such time as development pressure changed. She stated that she would share with them that until very recently this particular parcel contained a single family residence, there was a tragic fire and it was not able to be reconstructed and the family wanted to put a mobile home on the property.

Mr. Wayne Hopkins addressed the Council:

Mr. Hopkins stated that as Mrs. Stultz had clearly said, his mother and dad's house burned so they had to tear it down. It was so old it just would not meet standards. He explained that both mom and dad were retired, there was no insurance so the only thing financially they could do was to put a mobile home back on that lot. He stated that they would appreciate any help that they could do.

Mayor Price asked if there were any questions.

Council Member Epps asked if he was just planning on one trailer there to which Mr. Hopkins replied yes a single wide mobile home.

Mrs. Stultz replied that as with every other lot, only one residence could be put on it until such time as it was subdivided and that would come back before the Council.

Mayor Price noted that as there were no questions, he declared the public hearing closed and asked the Council for a decision.

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

(d) Consideration of the FY 2005-2006 Budget and Adoption of 2005-06 Budget Ordinance.

Mayor Price called for a public hearing and asked the City Manager to present the Budget Ordinance.

Mr. Corcoran thanked the Mayor and noted that as each of them were aware the budget was submitted to the Council towards the latter part of May. They had a budget work session on June 1st and a second work session on June 9th. He stated that he believed there was one change voted upon by the Council that had been incorporated into the budget ordinance before them tonight and each of them should have a copy of the budget ordinance for next year.

Mayor Price asked if there were any questions for Mr. Corcoran.

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Ms. Joy Toms, 622 E. Stadium Drive, addressed the Council:

Ms. Toms explained that she was the chair of the Main Street Advisory Board and was present on behalf of that Board. She noted that she tried to come before them every few months to try to update them on what was going on with the Main Street Board as well as what was going on in their downtown areas and as they come to year end they were just excited about how far they had come at this point in the program. She noted as Council Member Myott had stated a couple of weeks ago in the budget workshop, this was a pilot program and they were really getting off the ground and this past year they have been in the newspaper and on the news and she thanked them all for their coverage. She explained that there were lots of exciting things going on in their downtowns and more than 15 new businesses were in the downtown areas right now in the past year. With the help of the (Community) Appearance Commission and the (Historic) Preservation Commission they have projects going on in all of the areas and they were able to complete the Washington Street Park this year. She stated that in the coming year if the passing of the current budget the way it was proposed there would be another project in the Draper area and the Historic Preservation Commission was working to have The Boulevard and the Draper area added to the National Register of Historic Business Districts. This year they were able to have seven site grants given and completed and they hoped with the Council's help again they would be able to double that in the coming year. With the Central Hotel acting as a spring board in their downtown areas they see just wonderful things coming in the next year and know that a lot of businesses down there were excited. She stated that they just hoped to continue to see the growth and hoped they would continue to support what was going on with the Main Street Program and their revitalization and she just wanted to say thank you to Mr. Mike Dougherty for all of this work and also to Ms. Cindy Adams with the Chamber (of Commerce).

As there were no more questions or discussion, Mayor Price declared the Public Hearing closed and asked the Council for a decision.

A motion was made by Council Member Epps seconded by Council Member Tuggle to approve and adopt the 2005-06 Budget Ordinance. Action was as follows: Council Members Tuggle, Epps, Nooe, Myott and Turner voted in favor of this motion. Council Members Vestal and Gover in opposition. This motion carried.

**CITY OF EDEN, NORTH CAROLINA
2005-2006 BUDGET ORDINANCE**

BE IT ORDAINED by the City Council of the City of Eden, North Carolina in regular session assembled:

Section 1: The following amounts are hereby appropriated for the operation of the City of Eden government and its activities for the fiscal year beginning July 1, 2005, and ending June 30, 2006, according to the following summary and schedules.

Summary (Funds)	Estimated Revenues	Total Budget Appropriation
General	\$12,070,300	\$12,070,300
Self Insured Insurance	\$1,609,500	\$1,609,500

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Emergency Communications	\$142,200	\$142,200
Water and Sewer	\$11,710,600	\$11,710,600
Capital Projects Municipal Park	\$603,000	\$603,000
Police Pension	\$108,600	\$108,600
Runabout Travel	\$44,200	\$44,200
Historic Preservation	\$500	\$500
Abatement Projects	\$225,000	\$225,000
Promotional Activities	\$7,000	\$7,000
Façade Improvements	\$10,000	\$10,000
Raw Water Intake	\$42,500	\$42,500
Economic Development	\$651,700	\$651,700
Sewer Outfall Rehabilitation	\$4,328,200	\$4,328,200
Railroad Pump Station Upgrade	\$649,400	\$649,400
Bio-Solids Treatment Upgrade	\$387,600	\$387,600
Waterline Upgrades	\$644,600	\$644,600
(Less inter-fund transfers)	<u>\$6,571,300</u>	<u>\$6,571,300</u>
(Less previously appropriated project fund balances & appropriated fund balances)	<u>\$6,489,600</u>	<u>\$6,489,600</u>
(Less one time grants – North Carolina)	<u>\$823,700</u>	<u>\$823,700</u>
(Less one time projects – Rockingham County)	<u>\$298,100</u>	<u>\$298,100</u>
TOTAL	<u>\$19,052,200</u>	<u>\$19,052,200</u>

Section 2: That for said fiscal year there is hereby appropriated out of the General Fund the following:

Code	Department	Appropriation
10-4110	City Council	\$31,400
10-4120	Administration	\$166,500
10-4125	Environmental Services	\$53,900
10-4130	Finance/Human Resources	\$215,500
10-4135	Business Development	\$91,500
10-4150	Legal	\$46,500
10-4310	Police	\$3,760,300
10-4340	Fire	\$1,376,900
10-4350	Engineering	\$55,900
10-4510	Streets	\$1,245,300
10-4515	Powell Bill	\$890,000
10-4710	Solid Waste	\$1,504,900
10-4910	Planning & Code Enforcement	\$508,600
10-6120	Recreation/Facility Maintenance	\$986,100
10-6220	Public Building Services	\$87,000
10-6920	Fleet Maintenance	\$216,200
10-9100	Special Appropriations	\$704,200
10-9990	Contingency	<u>\$129,600</u>
TOTAL		\$12,070,300

Section 3: It is estimated that the following General Fund Revenues will be available during the fiscal year beginning July 1, 2005, to meet the foregoing General Appropriations:

Code	Revenue Source	Amount
3189-11092	Ad Valorem: Prior Years – Rock Co.	\$69,300

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3189-18000	Interest on Delinquent	\$16,700
3190-11000	Ad Valorem: Current Year	\$3,803,800
3190-12093	DMV-Vehicle Tax	\$521,000
3190-12094	Short Term Rental Vehicle Tax	\$9,500
3190-15000	Dog License	\$1,700
3190-18000	Interest on Current Taxes	\$14,500
3190-19097	Payment in Lieu of Annexation	\$587,500
3190-19098	Rockingham Co. DMV Collection Fee	\$(8,200)
3190-19099	Prepaid Tax Discounts	<u>\$(15,000)</u>
Tax Revenue Total		<u>\$5,000,800</u>

Code	Revenue Source	Amount
3260-11000	Privilege Licenses	\$43,100
3260-17000	Privilege License Penalties	\$100
3270-11000	Franchise Fees	\$133,600
3343-41000	Building Permits	\$85,000
3343-41100	Plumbing Permits	\$9,300
3343-41300	Mechanical Permits	\$15,400
3343-41400	Sign Permits	\$700
3343-41500	Electrical Permits	\$18,500
3343-41600	Building Insp./State Fee	600
3434-48000	Fire Department Permits	\$1,200
3491-41100	Planning Zoning Permits	<u>\$100</u>
Licenses & Permits Total		<u>\$307,600</u>

Code	Revenue Source	Amount
3413-58000	Misc/Returned Checks	\$100
3431-41800	Police Controlled Sub State Excise Tax	\$500
3434-49000	Fire on Behalf Payments	\$9,800
3612-48000	Freedom Park Concessions	\$20,000
3612-48100	Bridge Street Center Concessions	\$4,200
3612-48200	East Eden Center Concessions	\$6,400
3612-48300	East Eden Pool Concessions	\$5,600
3612-86000	Pool Admissions	\$11,500
3612-86100	Building Use	\$16,200
3612-86200	Field Use & Lights	\$600
3711-58000	G/F Return Check Fee	\$100
3831-49000	Interest: Checking	\$9,100
3831-49100	Interest: Temporary Investments	\$48,900
3831-49500	Interest: NC Cash Mgt. Trust	\$150,000
3831-49600	LLEBG: Interest	\$100
3831-49700	Interest: Powell Bill Funds	\$15,600
3831-49900	Eden PD/Forfeiture Interest	\$500
3836-82000	Sale of Fixed Assets	\$71,000
3839-89000	Miscellaneous Revenue	\$2,300
3850-85000	Insurance Proceeds	\$7,700
3991-99100	Fund Balance Appropriated	\$876,700
3991-99300	Fund Balance Appropriated-Powell Bill	<u>\$244,300</u>
Use of Money & Property Total		<u>\$1,501,200</u>

Code	Revenue Source	Amount
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3231-31000	Local Option Sales Taxes	\$875,000
3232-31000	½ Cent Sales Taxes	\$565,500
3233-31000	½ Cent Sales Taxes	\$562,400
3234-31000	½ Cent Sales Taxes	\$433,700
3322-31000	Wine & Beer Taxes	\$69,900
3324-31000	Utilities Franchise Taxes	\$659,500
3325-33000	Powell Bill: State Street Aid	\$556,400
3335-32000	County Grants: Fire Department	\$2,400
3336-33000	County Grants: School Resource Officer	\$79,700
3451-36000	NCDOT Reimbursements	\$2,400
3451-37000	Reimb. NCDOT Monroe/Wash. St. Project	\$73,700
3612-48400	Recreation Grant/Senior Center	\$5,000
3837-89000	ABC Revenues	\$112,400
3837-89100	ABC Revenues: Law Enforcement	<u>\$1,600</u>

Other Agencies Revenues Total \$3,999,600

Code	Revenue Source	Amount
3412-41000	Other Departmental Revenues	\$2,500
3431-41000	Police Revenue: Dog Fines	\$200
3431-41100	Police Security Charges	\$50,000
3431-41200	Police Security Fringe Benefit Charges	\$10,000
3431-41300	Court Costs	\$7,500
3431-41400	Parking Violations	\$2,000
3431-41600	Police Department: Sale of Materials	\$100
3431-84000	Police Department Restitution	\$1,500
3434-41000	Outside Fire Protection Charges	\$9,700
3435-82000	Engineering Testing Fees	\$4,000
3451-41100	Street Dept. Revenue: Driveways	\$3,000
3451-81000	Street Mowing	\$7,500
3491-40000	Planning Dept. Nuisance Fees	\$25,000
3491-41000	Planning Department Applications	\$1,100
3491-41600	Planning: Code Compliance Ins.	\$1,500
3491-81000	Planning Department Sale of Materials	\$100
3491-84400	Comm. Appearance Projects Revenue	\$2,000
3612-41000	Non-city User's Fees	\$6,500
3612-41100	League Entrance Fees	\$14,500
3612-41200	Recreation Dept. Revenue: Lesson	\$2,000
3612-86400	Recreation Dept. Miscellaneous	\$2,000
3612-87000	Fuel Purchases – County Agencies	\$10,700
3839-49900	Cash Discounts Earned	<u>\$400</u>

Charges for Current Services \$163,800

Code	Revenue Source	Amount
3471-41100	Residential Fees – Solid Waste	\$657,900
3471-41101	Commercial Fees – Solid Waste	\$406,800
3471-81000	Sale of Material/Scrap – Solid Waste	\$11,000
3471-81100	Recycling Income – Solid Waste	\$11,000
3471-81200	Sale of Compost/Mulch–Solid Waste	\$2,000
3471-81400	Demolition – Abatement	\$5,400
3714-52000	Dumpster Late/Reconnect Fee	<u>\$3,200</u>

Total Solid Waste Revenue \$1,097,300

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General Fund Revenue Total \$12,070,300

Section 4: That for said fiscal year there is hereby appropriated out of the Self Insured Insurance Fund the following:

Code	Department	Appropriation
4145-18300	Group Insurance Fixed Cost	\$342,100
4145-30000	Claims	<u>\$1,267,400</u>

Self Insured Insurance Fund Total \$1,609,500

Section 5: It is estimated that the following Self Insured Insurance Fund Revenues will be available during the fiscal year beginning July 1, 2005 and ending June 30, 2006, to meet the foregoing Self Insured Insurance Fund Appropriations:

Code	Revenue Source	Amount
3351-01000	Charges to other Funds/GF	\$1,226,900
3351-03000	Charges to Other Funds/W/S	\$350,500
3351-07700	Charges to Other Funds/Pension	\$19,900
3831-49000	Interest: Checking Acct.	\$100
3839-83000	Refunds	\$3,100
3839-84000	COBRA Premium Reimbursement	<u>\$9,000</u>

Self Insured Insurance Fund Total \$1,609,500

Section 6: That for said fiscal year there is hereby appropriated out of the Emergency Communications Fund the following:

Code	Department	Appropriation
4330-32100	Telephone M/R	\$36,000
4330-76000	Lease Payments	<u>\$106,200</u>

Emergency Comm. Fund Total \$142,200

Section 7: It is estimated that the following Emergency Communications Revenues will be available during the fiscal year beginning July 1, 2005 and ending June 30, 2006, to meet the foregoing Emergency Communications Fund Appropriations:

Code	Revenue Source	Amount
3255-32000	Wireless 911 Surcharge	\$77,700
3255-33000	Regular 911 Surcharge	<u>\$64,500</u>

Emergency Comm. Fund Total \$142,200

Section 8: That for said fiscal year there is hereby appropriated out of the Water & Sewer Fund the following:

Code	Department	Appropriation
7110	Water Resources	\$326,700
7115	Billing & Collections	\$316,000
7120	Water Filtration	\$1,286,500
7125	Collection & Distribution	\$1,334,100
7130	Water Reclamation	\$1,593,300

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8120	Water Construction	\$346,200
8130	Sewer Construction	\$110,000
9920	Special Appropriations	\$6,297,800
9990	Contingency	<u>\$100,000</u>
Water & Sewer Fund Total		<u>\$11,710,600</u>

Section 9: It is estimated that the following Water & Sewer Fund Revenues will be available during the fiscal year beginning July 1, 2005 and ending June 30, 2006 to meet the foregoing Water & Sewer Fund Appropriations:

Code	Revenue Source	Amount
3336-34000	Special Sewer Color Treatment Charges	\$330,000
3362-51200	Sale of Water	\$4,029,300
3362-53000	Leak Adjustments/Water	\$(19,400)
3363-51300	Sewer Service Charges	\$3,485,100
3363-53000	Leak Adjustments/Sewer	\$(17,600)
3363-53900	One-Time Pool Adj.	\$(1,000)
3711-58000	Miscellaneous Returned Checks	\$3,500
3711-58100	Customer Returned Checks	\$(300)
3713-53000	Pre-Treatment Charges	\$18,800
3714-51000	Meter Tampering Fees	\$100
3714-52000	Reconnection Charges (lack of payment)	\$75,000
3714-52200	Water Taps	\$12,000
3714-52300	Sewer Taps	\$6,500
3831-49000	Interest: Checking	\$4,500
3831-49100	Interest: Temp. Investments	\$80,000
3832-63175	Spec. Assessments W–Nat. Textiles	\$82,500
3832-63176	Spec. Assessments S–Nat. Textiles	\$82,500
3832-63375	Spec. Assessments Dan River Water	\$39,000
3832-64000	Spec. Assessments Harris Place	\$2,700
3832-65000	Spec. Assessments – Mebane Bridge	\$1,500
3834-86000	Rent of Equipment	\$12,000
3835-81000	Sales of Materials	\$1,200
3836-82000	Sale of Fixed Assets	\$12,000
3839-49900	Cash Discount Earned	\$200
3839-89000	Miscellaneous Revenues	\$4,000
3939-91000	W/S Donation – Rockingham County	\$63,100
3850-85000	Insurance Proceeds	\$2,000
3991-99100	Fund Balance Appropriated	<u>\$3,401,400</u>
Water & Sewer Fund Total		<u>\$11,710,600</u>

Section 10: That for said fiscal year it is hereby appropriated out of the Capital Projects Municipal Park Fund the following:

Code	Department	Appropriation
6120-19200	Professional Services	\$10,000
6120-19201	Professional Serv. – PARTF Grant	\$7,500
6120-52000	Municipal Park Land Improvements	\$100,000
6120-52001	Land Improv. – PARTF Grant	\$81,000
6120-53000	Municipal Park C/O Buildings	\$35,000
6120-53001	Buildings – PARTF Grant	\$149,000
6120-54000	Municipal Park Building Improvements	\$38,000
6120-55000	Municipal Picnic Shelter	\$50,000

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6120-57000	Municipal Park C/O Equipment	\$70,000
6120-76000	Municipal Park Principal Loan Payment	\$36,000
6120-77000	Municipal Park Interest Loan Payment	\$14,000
6120-99101	Contingency – PARTF Grant	<u>\$12,500</u>
Cap. Proj. Municipal Park Fund Total		<u>\$603,000</u>

Section 11: It is estimated that the following Capital Projects Municipal Park Fund Revenues will be during the fiscal year beginning July 1, 2005 and ending June 30, 2006 to meet the foregoing Capital Projects Municipal Park Fund Appropriations:

Code	Revenue Source	Amount
3491-49000	Interest: Checking	\$2,900
3491-84210	Municipal Park Annual Contribution	\$50,000
3491-84220	Municipal Park Donations	\$35,000
3491-84231	Municipal Park – Grant/PARTF	\$250,000
3491-84241	Municipal Park Shelter Revenue	\$3,700
3831-49000	Municipal Park – Interest/Loan	\$100
3984-98000	Municipal Park – Fund Balance	<u>\$261,300</u>
Cap. Proj. Municipal Park Fund Total		<u>\$603,000</u>

Section 12: That for said fiscal year there is hereby appropriated out of the Police Pension Fund the following:

Code	Department	Appropriation
4310-12900	Separation Payments	\$100,000
4310-18100	FICA	\$7,700
4310-19300	Professional Services	<u>\$900</u>
Police Pension Fund Total		<u>\$108,600</u>

Section 13: It is estimated that the following Police Pension Fund Revenues will be available during the fiscal year beginning July 1, 2005 and ending June 30, 2006 to meet the foregoing Police Pension Fund Appropriations:

Code	Revenue Source	Amount
3831-49000	Interest: Checking	\$600
3981-98000	Transfer from General Fund	<u>\$108,000</u>
Police Pension Fund Total		<u>\$108,600</u>

Section 14: That for said fiscal year there is hereby appropriated out of the Runabout Travel Fund the following:

Code	Revenue Source	Appropriation
9100-31200	Runabout Travel Expense	<u>\$44,200</u>
Runabout Travel Fund Total		<u>\$44,200</u>

Section 15: It is estimated that the following Runabout Travel Fund Revenues will be available during the fiscal year beginning July 1, 2005 and ending June 30, 2006 to meet the foregoing appropriations:

Code	Revenue Source	Amount
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3612-84000	Runabout Travel Fees	\$44,100
3831-49000	Consolidated Interest	<u>\$100</u>
Runabout Travel Fund Total		<u>\$44,200</u>

Section 16: That for said fiscal year there is hereby appropriated out of the Historic Preservation Fund the following:

Code	Revenue Source	Appropriation
9100-29900	Historic Preservation Misc. Expense	<u>\$500</u>
Historic Preservation Fund Total		<u>\$500</u>

Section 17: It is estimated that the following Historic Preservation Fund Revenues will be available during the fiscal year beginning July 1, 2005 and ending June 30, 2006 to meet the foregoing appropriations:

Code	Revenue Source	Amount
3350-00100	Historic Preservation/Book Sales	<u>\$500</u>
Historic Preservation Fund Total		<u>\$500</u>

Section 18: That for said fiscal year there is hereby appropriated out of the Abatement Project Fund the following:

Code	Department	Appropriation
4910-77001	Lemons Building – Blvd.	\$100,000
4910-77002	Hickory Square/School – Draper	<u>\$125,000</u>
Abatement Projects Fund Total		<u>\$225,000</u>

Section 19: It is estimated that the following Abatement Projects Fund Revenues will be available during the fiscal year beginning July 1, 2005 and ending June 30, 2006 to meet the foregoing appropriations:

Code	Revenue Source	Amount
3991-99100	Fund Balance Appropriated	<u>\$225,000</u>
Abatement Projects Fund Total		<u>\$225,000</u>

Section 20: That for said fiscal year it is hereby appropriated out of the Promotional Activities Fund the following:

Code	Department	Appropriation
4135-77001	Pottery Festival	\$3,000
4135-77002	Ribfest	\$1,500
4135-77003	Shopping Brochure	<u>\$2,500</u>
Promotional Activities Fund Total		<u>\$7,000</u>

Section 21: It is estimated that the following Promotional Activities Fund Revenues will be available during the fiscal year beginning July 1, 2005 and ending June 30, 2006 to meet the foregoing appropriations:

Code	Revenue Source	Amount
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3491-00100	Pottery Festival Donations	\$3,000
3491-00300	Shopping Brochure Donations	\$2,000
3491-00400	Ribfest Donations	\$1,000
3991-99100	Fund Balance Appropriated	<u>\$1,000</u>
Promotional Activities Fund Total		<u>\$7,000</u>

Section 22: That for said fiscal year it is hereby appropriated out of the Façade Improvement Fund the following:

Code	Department	Appropriation
4135-77001	Façade Improvements	<u>\$10,000</u>
Façade Improvements Fund Total		<u>\$10,000</u>

Section 23: It is estimated that the following Façade Improvements Fund Revenues will be available during the fiscal year beginning July 1, 2005 and ending June 30, 2006 to meet the foregoing appropriations:

Code	Revenue Source	Amount
3329-00000	Contr.: From General Fund	\$8,500
3991-99100	Fund Balance Appropriated	<u>\$1,500</u>
Façade Improvements Fund Total		<u>\$10,000</u>

Section 24: That for said fiscal year it is hereby appropriated out of the Raw Water Intake Fund the following:

Code	Department	Appropriation
8140-24602	Raw Water Intake Upgrade – Phase I	<u>\$42,500</u>
Raw Water Intake Fund Total		<u>\$42,500</u>

Section 25: It is estimated that the following Raw Water Intake Fund Revenues will be available during the fiscal year beginning July 1, 2005 and ending June 30, 2006 to meet the foregoing appropriations:

Code	Revenue Source	Amount
3999-99999	Fund Balance Appropriated	<u>\$42,500</u>
Raw Water Intake Fund Total		<u>\$42,500</u>

Section 26: That for said fiscal year there is hereby appropriated out of the Economic Development Initiatives Project Fund the following:

Code	Revenue Source	Appropriation
8120-38700	Virtual Shell Building	\$30,000
8120-38800	Ready-To-Go Site	\$400,000
8120-38900	Camp Site Selection Study	\$40,000
8120-40000	Performance Agreements	<u>\$181,700</u>
Cap. Proj. Economic Development Initiatives Fund Total		<u>\$651,700</u>

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Section 27: It is estimated that the following Capital Projects Economic Development Initiatives Fund Revenues will be available during the fiscal year beginning July 1, 2005 and ending June 30, 2006 to meet the foregoing Capital Projects Industrial Park Fund Appropriations:

Code	Revenue Source	Amount
3831-49000	Interest Consolidation	\$400
3831-50000	Contribution – Rockingham County	\$235,000
3986-98000	Transfer from G/F	\$316,300
3999-99999	Fund Balance Appropriated	<u>\$100,000</u>
Cap. Proj. Economic Development Initiatives Fund Total		<u>\$651,700</u>

Section 28: That for said fiscal year it is hereby appropriated out of the Sewer Rehabilitation Project Fund the following:

Code	Department	Appropriation
8140-24650	Meadow Greens Sewer Outfall	\$652,200
8140-24660	Merriman Street Sewer Outfall	\$652,200
8140-24670	Long Street Sewer Outfall	\$652,200
8140-24680	Dry Creek Sewer Outfall	\$125,000
8140-24690	Smith River Sewer Outfall	\$90,000
8140-24710	Covenant Branch Pump Station	\$652,200
8140-24711	Dan River Pump Station	\$652,200
8140-24720	Pipe Renewal - Vitrified Clay Pipe	\$100,000
8140-24730	Pipe Renewal – Reinforced Concrete Pipe	\$100,000
8140-24760	Meadow Greens Pump Station	<u>\$652,200</u>
Capital Proj. Sewer Rehabilitation Fund Total		<u>\$4,328,200</u>

Section 29: It is estimated that the following Capital Projects Sewer Rehabilitation Fund Revenues will be available during the fiscal year beginning July 1, 2005 and ending June 30, 2006 to meet the foregoing Capital Projects Sewer Rehabilitation Fund Appropriations:

Code	Revenue Source	Amount
3831-49000	Interest Consolidated	\$600
3831-49600	Rural Center Grant	\$500,000
3986-98000	Transfer from W/S	\$3,327,600
3987-99300	Transfer From Railroad Pump Station Upgrade	<u>\$500,000</u>
Capital Project Sewer Rehabilitation Fund Total		<u>\$4,328,200</u>

Section 30: That for said fiscal year it is hereby appropriated out of the Waterline Upgrades Project Fund the following:

Code	Department	Appropriation
8140-52108	Thomas Street	\$13,500
8140-52109	Burton Street	\$25,900
8140-52110	Maryland Street	\$135,000
8140-52111	Lewis Street	\$33,700
8140-52112	Elam Avenue	\$45,000
8140-52116	Pervie Bolick Street & Creekridge	\$30,000
8140-52117	Ellett Avenue & Green Street	\$57,500

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8140-52118	Georgia Avenue	\$21,000
8140-52119	Warren Avenue	\$39,000
8140-52120	Manley Street	\$25,000
8140-52121	Hollingsworth Street	\$29,000
8140-52122	Mebane Street	\$40,000
8140-52123	Smith River Bridge Upgrade	<u>\$150,000</u>
Cap. Proj. Waterline Upgrades Fund		<u>\$644,600</u>
Total		

Section 31: It is estimated that the following Capital Projects Waterline Upgrades Fund Revenues will be available during the fiscal year beginning July 1, 2005 and ending June 30, 2006 to meet the foregoing Capital Projects Waterline Upgrades Fund Appropriations:

Code	Revenue Source	Amount
3831-49000	Interest Consolidated	\$200
3986-98000	Transfer from W/S	\$344,500
3999-99999	Fund Balance Appropriated	<u>\$299,900</u>
Cap. Proj. Waterline Upgrades Fund		<u>\$644,600</u>
Total		

Section 32: That for said fiscal year it is hereby appropriated out of the Bio-Solids Treatment Project Fund the following:

Code	Department	Appropriation
8140-24610	Bio-Solids Treatment	<u>\$387,600</u>
Cap. Proj. Bio-Solids Treatment Fund		<u>\$387,600</u>
Total		

Section 33: It is estimated that the following Capital Projects Bio-Solids Treatment Fund Revenues will be available during the fiscal year beginning July 1, 2005 and ending June 30, 2006 to meet the foregoing Capital Projects Bio-Solids Treatment Fund Appropriations:

Code	Revenue Source	Amount
3831-49000	Interest Consolidated	\$1,000
3999-99999	Fund Balance Appropriated	<u>\$386,600</u>
Cap. Proj. Bio-Solids Treatment Fund		<u>\$387,600</u>
Total		

Section 34: That for said fiscal year it is hereby appropriated out of the Railroad Pump Station Upgrade Project Fund the following:

Code	Department	Appropriation
8140-19101	Railroad Pump Station Upgrade	\$149,400
8140-19200	Transfer – To Sewer Rehabilitation Project Fund	<u>\$500,000</u>
Cap. Proj. Railroad Pump Station		<u>\$649,400</u>
Fund Total		

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Section 35: It is estimated that the following Capital Projects Railroad Pump Station Fund Revenues will be available during the fiscal year beginning July 1, 2005 and ending June 30, 2006 to meet the foregoing Capital Projects Railroad Pump Station Fund Appropriations:

Code	Revenue Source	Amount
3831-49000	Interest Consolidated	\$1,500
3999-99999	Fund Balance Appropriated	<u>\$647,900</u>
Cap. Proj. Railroad Pump Station Upgrade Fund Total		<u>\$649,400</u>

Section 36: There is hereby levied for the fiscal year ending June 30, 2006 the following rate of taxes on each one hundred dollars (\$100) assessed valuation of taxable property as listed as of January 2005 for the purpose of revenue, and in order to finance foregoing appropriations:

A GENERAL FUND (for the general expense incident to the proper government of City of Eden, North Carolina) TAX RATE of \$0.570000 per hundred dollars (\$100) of assessed valuation.

Such rates are based on an estimated total appraised value of property for the purpose of taxation of \$682,416,512 with an assessment ratio of 100% of appraised value. Estimated collection rate of 97.79%.

Section 37: Copies of this Budget Ordinance shall be furnished to the Director of Finance & Personnel and City Manager of the City of Eden, to be kept on file by them for their direction in the collection of revenues and expenditures of amounts appropriated.

Section 38: The City Manager, by authority of this ordinance, may transfer/reallocate between & within departments up to a maximum of ten percent (10%) of the moneys appropriated within any of the above stated funds, not including any transfers between funds.

Adopted this the 21st day of June 2005

s/Philip K. Price

Philip K. Price Mayor
ATTEST:

s/Sheralene/Thompson
Sheralene Thompson
Deputy City Clerk

MONTHLY FINANCIAL REPORT:

Mayor Price noted that Ms. McMichael had done an excellent job of giving them the perimeters of the expenses and the what the income should be. This would certainly unfold in the next month and should be getting ready for the audit. He stated that on behalf of the Board he wanted her to know they were very proud of the work she had done.

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

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REQUESTS AND PETITIONS OF CITIZENS:

Mayor Price explained that the next order of business would be Request and Petitions of Citizens.

Mr. Roger Hodge, 625 Bryant Street, addressed the Council:

Mr. Hodge explained that he had attended the meeting of January 17th to discuss water destroying his property and he wanted to come back and give them an update.

Mayor Price asked he had provided some pictures.

Mr. Hodge replied yes, and (when) he came to the meeting he thought his problem would be fixed. The city did come out and unstop this drain but there was still an open drain on Victor Street that was running water down and washing his land away and he went down in there and cleaned it up himself. He stated that two inspectors came out and said it was flowing, (but) it was flowing because he had cleaned it out. He added that there was a swamp down there and this whole area was a swamp with mosquitoes and there was even a new form of mosquitoes in North Carolina. He indicated that it was a health hazard and it needed to be fixed. He stated that the engineer came out there and told him that he needed to come back here and talk to the Council again to see if they could give a work order to fill it in and put a new ditch in or whatever.

Mayor Price asked that as the Council was looking at the pictures if the City's Engineers, Mr. Bev O'Dell and Mrs. Tammy Amos, could come forward.

Mrs. Amos explained that back in January, Mr. Hodges had a complaint about water drainage on Fisher Street and also the drainage area behind his property which was in the hollow. She explained that what they had out there, Fisher Street and Grove Street and then all the land falls into a hollow between the two streets and the house that was up on the hill. They went out and surveyed all the drains out there and found a lot of problems with illegal pipes and oversized pipe and in fact she had contacted five (5) property owners to replace the pipe in front of their property. She stated that as far as she knew everything on the street was working great and they had resolved that problem. They had opened up the ditches and replaced the pipes on the street and the last time she had talked with Mr. Hodge everything was working good on the street.

She added that the area behind his house, there was a curb inlet on Victor Street that drained down into this hollow and takes advantage of Tackett Branch and she along with Mr. London (Engineering) went out and started from Victor Street and walked the hollow and the ditch line was basically flowing open. When they got down to Mr. Hodge's property, he had a lot of erosion take place behind his house. She noted that she thought it had taken place when they had the flooding last year and it was the same rain event that had flooded out the Happy Days (restaurant). She was just there three weeks ago and met with him and looked at his back yard and there was nothing else she could do because this was all on private property. That was why she had suggested he come back and talk to the Council, to get permission for them to go in and

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do something. She added that it would be up to them and as they know, there were situations like this all over town. She stated that she felt they had done everything they could without the Council getting involved.

Mayor Price asked that what had happened, there was normal erosion, whether it was storm erosion or not, it was normal and reasonable erosion that was taking place.

Mrs. Amos replied yes and she thought that most of the damage took place during the storm they had last year.

Mayor Price asked Mr. O'Dell if he had anything he could add. He added that they had another situation over, he guessed, behind The Boulevard and Tulloch Street, and on some other areas where yards have built up and that type of thing.

Mayor Price asked if this was just material that had just washed up in his yard to which Mr. O'Dell replied that it should be, water had to flow down hill.

Mayor Price asked if it was flowing through the city lines as it should, all the waterlines to which Mr. O'Dell replied there at Victor Street, yes.

Mayor Price asked Mr. Hodge if he agreed to what they were saying that the water was flowing.

Mr. Hodge asked where it was flowing. He had a picture, it was flowing right of the cover, right onto the ground, it was coming down and washing out his land. He stated that the culvert should have pipes hooked to it and taking that water somewhere else.

Mayor Price stated that this was a situation that was all over this town. It was one that frankly the Council had dealt with a number of times in the past and it was a very meticulous issue because a lot of folks want flood control put on to their property and the City of Eden could not justify going onto private property and put flood control items in place. He stated that he thought that the city would give him every advice possible in regard to engineering but to put flood control things in place for him, they had never been able to do that.

Mr. Hodge replied that he was not asking for flood control or anything. He was just asking that the city replace the stopped up pipe. He stated that he had talked to this man and they got into a heated argument over it and it was because of a pipe on top of the hill that was stopped up and in addition to the water coming down with the water that was just falling.

Mayor Price asked if the pipes were clear now to which Mr. Hodge replied yes, what pipe that was there they had to take the old pipe up because it was illegal and only a 10" pipe, they put the driveways back in and most of it was ditch now, but that pipe now was straight but his land was still messed up and basically a swamp.

Ms. Amos added that he definitely had wetlands in the back of his property.

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Mayor Price stated that the only time that the City Council would ever deviate from that, there was a time for a flood control item and there was some work done to make the water flow because it was effecting a lot of homes, but situations like this there was nothing the city had the power to do at this time.

Council Member Gover commented that he had asked to put in more money in this budget for situations like this. They have this problem as he had just said all over the city. They need to draft an ordinance to where they could assist these people in clearing up all these grown up main tributaries that was washing his place away. They need to really look at this all over the city and they must do something about it because for the last 35 years all the ditches have grown up and pushing water off on everybody. He pointed out that people could not come up with a flood control on their own. The city could assist them in some way if they draft an ordinance to do it.

Mayor Price stated that they had not done this in the past and he was communicating to him what they had decided in the past. If he would like to change the pattern then it would take the wishes of the majority of the Council.

Council Member Gover stated that he was not just saying his property alone, he was saying all over the city. He stated that he would even make the motion that they draw a draft up to assist the people to help them clean up, hiring contractors to do that.

Mayor Price asked for clarification of his motion to which Council Member Gover clarified that it would be to assist the property owners that have these drain problems, taking on all the waters off the streets that the city has in the main tributaries and he did not mean just small.

Mayor Price questioned who it would be paid for to which Council Member Gover replied both the property owners and the city.

Mr. Medlin commented that it sounded like in the beginning he was saying that he would support a motion to investigate an ordinance to do this, they were not passing an ordinance, but they would look into it and see if it could be done and then come back and report (the findings).

Mayor Price explained to Mr. Hodge that he had heard that there might be some help coming his way in the future. There was nothing to be done right now but to stay tuned to the City Manager to see if anything could come forward that would be a help to him.

Mr. Hodge asked if anything could be done about that pipe running the water down through there.

Ms. Amos replied that if he was talking about the one on Victor Street, it had to go somewhere and it had always gone down through the hollow behind all these houses to Tackett Branch as that was the lowest part in the area and she did not know where else it could go.

Mr. Hodge asked if the Health Department would help.

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Mayor Price replied no, it was a question...their town was just loaded with high spots and low spots, creeks and gullies and to tell the truth what they need to do was to sit down with the City Manager again with these folks and go over that. But he could tell him that water, he thought everybody on this Council agreed, had to go somewhere. It could not be individually piped out. They would try to do anything to alleviate the problem but at this point in time at this stage in this meeting right now they need to let him talk to the City Manager and the Engineers to see if anything could be worked out. Insofar as a pipe from that culvert, he did not see any way in the world, representing this Council, that that could be put in.

Mr. Hodge stated that as he had told Mrs. Amos, it would satisfy him for the city to fill that whole hollow up and cut a new waterway.

Mayor Price replied that historically the city has never done anything on private property. There was some deviation last year and Council Member Gover, speaking of that, if something comes by the study that would do that and the City Council would approve that fine, but it was a situation that that particular thing required a lot of study and he wished he could give him a good answer and he wished the city could come down and wave a magic wand and do it. He added that he could think of maybe 15 situations right now that everybody would be very happy. Everybody on staff and elected people would love to do it but the city could not afford it. He did ask Mr. Hodge to come back and meet with the City Manager and talk with the Engineers to see if something could be worked out but Ms. Amos was correct, the water has got to go somewhere. If the water was directed somewhere else on the street fine, but it was a situation that had been dealt with all over town for a number of years.

Mr. Hodge replied yes, but in this particular situation, he and Mr. Odell talked about this for a long time about that pipe being stopped up then here comes this flood and it was probably a million gallons of water coming out of that pipe. He pointed out that it was negligent of the city to not clean the pipe that caused his land to get washed away.

Mayor Price replied that he had some good valid points but he would like for him to talk to the City Manager and Engineers.

Mr. Hodge asked if he could come back any time.

Mayor Price asked Mr. Hodge to call the City Manager for an appointment.

A motion was made by Council Member Gover to investigate an ordinance to financially help citizens of the city with the drainage process, opening up the drains on the main tributaries.

Council Member Vestal asked if he would amend that to say a "task force" to check into it, consisting of Council Members, Public Works, or whoever the city finds or deems appropriate, and Engineering he would second his motion.

A motion was made by Council Member Gover seconded by Council Member Vestal to appoint a task force consisting of Council Members, Public Works (Committee) and

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Engineering, to investigate how the city could financially help citizens of the city with the drainage process, opening up the drains on the main tributaries.

Council Member Myott questioned if the monies for this would come out of the Water/Sewer Plant if they decided to do this.

Mayor Price replied that to tell them the truth, Mr. Corcoran of course had some comments, and his obvious question, as they had just passed the budget, was where was the money going to come from.

Council Member Gover commented that he had asked for drainage money to be put in.

Mr. Corcoran replied that there was drainage money under a drainage line item under the Street Division in the budget.

Mayor Price asked if there were any other questions or comments and as there were none, he called for a vote. All Council Members voted in favor of this motion. This motion carried.

Dr. David Smith, 319 Pinewood Place, addressed the Council:

Dr. Smith explained that he was there representing the City of Eden Freedom Park Committee. He explained that the Freedom Park Committee was hard at work and evidence was seen out there every weekend and during the week with activities going on all the time with ball tournaments and people playing on the playground. They were involved with signs going up on the ball field fences with opportunities for local investment and opportunities for individuals as well as businesses to advertise. They encourage anybody who has been contacted to invest in these signs as it made a great addition to the park fund and they could use the fund for upcoming activities.

He explained that his main reason for being present was to invite them all to a dedication day of the ball fields. They were going to have this on Thursday, July 14th, 2005 at approximately 6:00 p.m. before the beginning of the evening regular schedule ball field games. All City Council people, interested citizens and other dignitaries were invited. It was a great time and they were going to celebrate the opening in an official way. They were also looking forward to their association with the new Parks and Recreation Director, Mr. Johnny Farmer and they were looking forward to great things that way.

Mayor Price thanked Dr. Smith for his comments.

UNFINISHED BUSINESS:

(a) Consideration of approval of bid proposal to develop ready-to-go site at Eden Industrial Center.

The memorandum explained that a bid was received from Osborne Company to prepare the 12.71 acre industrial site adjacent to Natural Care Labs off Fieldcrest Road. Preparation of this site would enable the city to develop a virtual shell building that could be quickly configured and built to the specifications of an industrial prospect. The

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virtual shell building project eliminates the need to incur the considerable expense of building a shell building that may not be utilized for years.

The bid process began in early April of 2005. Applications were mailed to seven area contractors. The bid proposal deadline was April 27th. No bids were received at that time. The bid was re-advertised and the proposals mailed to nine area contractors with a deadline of May 27th. The bid proposal was also published in a contracting trade magazine. On May 27th, only Osborne Company presented a bid. They have indicated that they can begin immediately upon the bid proposal being accepted by the City Council.

In the past, the Rockingham County Board of Commissioners have voted to assume responsibility for half of the \$369,100 cost of this project, leaving the city liable for \$184,550. There is no indication that they will not fulfill this pledge.

Mayor Price asked the Director of Business Development for his comments.

Mr. Dougherty explained that this year the Council agreed to develop a 12.71 acre parcel next to Natural Care Labs in the Eden Industrial Center off of Fieldcrest Road. In the past in the 90's communities would often develop these properties and build a shell building. He explained that while that got them traffic at times often those buildings sat for maybe months and years and they had the expense of the building. What they decided to do with this property was to build a ready to go site. In this they would build the property, put a pad on this and clear up the land according to all the required ordinances and then they would have a virtual shell building program which was a digital representation of a building that could be modified according to the needs of the customer so the city did not incur the upfront cost of the shell building.

He explained that he had circulated invitations to nine area companies in April of this year to bid on this project with the deadline for sealed bids on April 27th at 2 p.m. He noted that they had no bids at that time so they re-circulated the bids to ten area companies with a deadline date of May 27th. They did receive one bid from Osborne Company and the Council received copies of that bid. He pointed out that it was \$369,100.00 with the County assuming half of the cost, therefore the city's expense would be \$184,000.00 to clear the property.

Council Member Gover commented that he would just like to say that they have large boulders out there on that twelve acre site and they had already paid to move them once. He hoped that they would have a place or someone would be looking at a place to put those boulders so they would not continue to keep moving them around. He pointed out that they keep piling them up and paying to move them and they did not need to be doing that.

Mr. Dougherty replied that it would be taken care of.

Council Member Vestal asked the City Manager if there was any way that the city could possibly get a commitment from the County before going out on a limb here.

Mr. Corcoran replied that they could add a stipulation that the Council would approve it subject to that.

A motion was made by Council Member Epps seconded by Council Member Vestal to approve the request with the stipulation that there be something in writing that the County assume

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responsibility for their half of the cost of the project. All Council Members voted in favor of this motion. This motion carried.

(b) Consideration of approval for Eden Industrial Site Selection process.

The memorandum explained that Doug Canavello, of Pyramid Environmental and Engineering Associates, has completed the scope of services study for the Eden industrial site selection process. Now, authorization to complete the next step in this process, a full site selection study, is being sought. This study will produce an independent recommendation of the best location for industrial development based on a thorough review of all contributing factors in such a determination.

It was estimated that the study would cost \$30,000-\$40,000. A request was placed to the County to assume half the cost.

Mr. Dougherty commented that they have hired Pyramid Engineering to do a scope of services study. He explained that this was to determine the best location for an industrial area for the city and they looked at areas of utilities, transportation, clearing, gradient site preparation, land acquisition, environmental issues, location, demographics and aesthetics. Now that was finished and they were hoping for a full site selection process. It was estimated the cost of this would be approximately \$30,000 to \$40,000. That would give them a determination of the best place to further their industrial development and again the County would assume half of the cost.

Council Member Turner questioned how that would fit into the comprehensive plan that Mrs. Stultz was talking about previously. She asked if this study would be a part of that.

Mrs. Stultz replied that it would certainly be added to that.

Council Member Gover commented that there was some confusion. He thought the \$12,000 that they had okayed for the site selection would be the monies. Now, they come back with another \$30,000 to \$40,000. He questioned how far they were going.

Mr. Dougherty replied that he believed the first amount of money was allocated for the scope of services so they came in and looked at all the different elements of what needed to be studied and determining the best place for the site. He explained that this was the second part of this whole process and they would tell them afterwards what would be the best location to build based on any number of factors but it would be an objective assessment of the best place to develop their industrial areas.

Council Member Gover questioned how many more phases they would have.

Mr. Dougherty replied that was it, and then the city would vote.

Mayor Price added that they were not spending more than \$20,000 and then asked if that was correct.

Mr. Corcoran replied that as they were each aware, the budget was just adopted and included a maximum of \$40,000 on this line item. The budget also included this revenue coming in a 50%

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match from the County and if the Council wanted to, obviously they could add the same stipulation on this that they get the commitment in writing before proceeding.

Council Member Epps commented that he thought it was good that they were getting this done and they had so many people debating where they should have the industrial park. This would solve that problem and they would know where to go so he was in favor of it with that stipulation.

A motion was made by Council Member Epps seconded by Council Member Turner to approve the request to spend not more than \$20,000 with the stipulation that the County paid their fair share of half. All Council Members voted in favor of this motion. This motion carried.

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

Mayor Price explained that the Council each had a proposal from Associated Industrial Contractors. They had discussed this before. He explained that it was a proposal to tear down the building and they also had one that turned out to be not a firm commitment to rebuild the roof and make it structurally sound for somebody to come in and take the building over. They have received a proposal from Associated Industrial Contractors for \$149,800 with several additions and alternatives if they chose to do that.

Mrs. Stultz explained that they had received a bid to demolish the building for \$117,747. They had tried unsuccessfully to garner bids on bringing the building to where it would meet minimum standards on their non residential maintenance code and could not get any takers. She noted that at the last moment before the Council meeting they received a bid from Associated Industrial Contractors. Subsequent to that time they had given the city a firm proposal and they could see that items 1-10, the initial scope of work was to be \$149,800. She explained that what that would mean was that they would spend \$32,053, more than the demolition cost, but the structure would remain and the integrity of the downtown would be in place and there would be something there that would add an opportunity to remain on the tax roles and be developed at a later time.

They could see as they go on in, more and more of the work, if they added the canopy demolition, would add \$11,550 and that would be \$43,603 more than the demolition and that continued to go on up with the scope of work. She stated that the Council had discussed this building for as long as she had worked for the city and it has been an issue with the other property owners on the Boulevard and there was a lot of concern about its condition.

One of the options being to demolish it, what they knew there was and it had happened in the Leaksville downtown district, the city ended up owning a vacant lot. She pointed out that they have put a very lovely park there that was a good addition to the downtown but it was no longer a tax paying piece of property. This was really a policy decision and a decision on the Council's part as to whether they want to make these repairs and go after the guy who owned it and subsequently the property for the amount of money to make it minimally and credible and the city's inspector, Mr. Bob Vincent, has said that items 1-10 would do that. What that would

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amount to according to Mr. Vincent, was a vanilla shell that would be there for somebody to come in and redevelop the building at some later date.

Mayor Price asked that what they would have the owner who owned this place would pay the city for this improvement.

Mrs. Stultz replied that the way it would work, because of the original ordinance that they had adopted, ordered demolition. She had discussed it with the City Attorney today and the City Council would need to amend their ordinance to allow for repair. The orders in the case up to the point of the ordinance allowed them to repair or demolish and at that point it would work the same way as any other action they do to demolish a building. The city would be able to hire a contractor to go in and make the repairs and then the staff would do full enforcement to try to get property owner to pay. Subsequently the property would stand for that and it was likely that if he did not pay then it could be through the normal process auctioned off.

Mayor Price stated that the end result would be either a hole there or a building as the people from the North Carolina Preservation (office) said, somebody needed to be a pioneer of the Boulevard and that would be the building that would be the pioneer. In terms of dollars and cents, yes it would cost more but probably minimally more than they would have tearing it down.

Mrs. Stultz added that they did the streetscape study and the consultants came in. One of the things they said was that this particular building would be a great building for housing and they certainly recommended its preservation.

Council Member Gover asked how they could put that kind of money in an old building. That was beyond him when they just got rid of a sore finger over at the post office. Here they were going into this and he questioned if the building was safe, as far as the citizens walking around it.

Mrs. Stultz replied that it was certainly in violation of their non residential code.

Council Member Gover stated that it was in violation and they had known that ever since she had been hired, he guessed.

Mrs. Stultz added that the City Council had made several attempts and in fact this building was the focus of the passage of their non residential maintenance code. She added that it was the lynch pin that hurried that process along.

Council Member Gover asked if they had checked the net worth of the owner of that building to which Mrs. Stultz replied that she did not really have an ability to do that, but he did not own any other property in the County. Council Member Gover pointed out that he also understood that the owner was homeless.

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Mayor Price questioned the cost to tear it down to which Mrs. Stultz replied \$117,747. Mayor Price asked if it would be reasonable to assume the city could at least get the difference between \$117,000 and \$149,000.

Mrs. Stultz replied that she would hope so.

Mayor Price commented that he was not in the real estate business but it seemed to him like a reasonable amount of money to invest in a reasonable chance to have a building that could be built into a very usable building on the Boulevard in an area that desperately needed some type of work. He added that Council Member Gover had agreed with him before that they should not be spending that kind of money to tear one down when they could invest in it and get some of the money back.

Council Member Gover replied that he had said that he agreed with him within reason but this was the most ridiculous thing he had ever seen plus the fact that they put in seed money of \$250,000 and that was \$225,000 in next year's budget, how would they replenish that as it was only seed money. He had asked that during the budget session. Now, if they could not get this money back then that was taking half of what they already had.

Council Member Epps commented that if he remembered correctly, the one who suggested that they look into seeing how they could avoid tearing it down and maybe temporarily fixing it, at their last meeting, that was why they had tabled it to start with. He stated that the people on the Boulevard were really fed up with this building. It had been noted that some of the tenants had said that they would never do anything with it except to let it rot away. They had to pay to tear it down as much as it cost to fix it and he would be in favor of fixing it up for a future plan for something to be used than to put all that money in the dirt. Also, if it was true about this man being homeless, they would get money out of it when it was fixed. If they just tore it down they would not have that opportunity.

Mrs. Stultz added that the discussions they had about this building over the last little while, the statutory provisions were out there to allow them to have the opportunity to make the effort to recoup the city's money. She certainly had no ability to guarantee them that somebody was going to step up to purchase this building in such a fashion that the city would recoup all that it spent. She stated that preservation was always a good thing but a decision like this was certainly a policy decision on the part of the Council. They carried it through to the end of the process and did the best they could to get them a good price for either demolishing it or repairing it, but beyond that it was their decision.

Council Member Tuggle asked if the city had ever recouped anything to which Mrs. Stultz replied that they have collected money from people which...to which Council Member Tuggle questioned the amounts.

Mrs. Stultz replied that the biggest one they had ever recouped was \$64,000, but they had never torn one down that cost \$100,000 plus before.

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Council Member Gover commented that they talk about going onto private property and spending hundred of thousands and yet a gentleman has a drain problem....that was what he was talking about, they need to take care of their people.

Mayor Price pointed out that they were in one of the most beautiful towns in North Carolina and probably this whole area. There were areas that had built up and others that have for one reason or another gone down. They have an opportunity now with the Main Street Program to be recognized as one of the most progressive communities anywhere. Yes it would take some investment; it was just as simple as that. It would take somebody that had a vision of what that building could look like, but also the small builder or developer might make an investment in the other buildings as well. It would go out on private money; they could not tell what it would spawn. They had to take a chance and they were elected to represent the wishes of the community but at the same token to put what they thought the vision would be and they knew that one of the prettiest areas anywhere was the downtown Boulevard area. Downtown Leaksville had just taken off and buildings were flying into shape. They have attracted a great developer there and the Draper neighborhood was just flat out on fire with small businesses taking off. Here they were at the Boulevard, which was one of those places and it had been recognized by the people they brought in here. It would be a downtown area for people to live in.

He pointed out that he had lived in one of those places for 20 years. He promised them, he came out at 5:30 a.m., not more than 2 weeks ago and could not believe he was living in this beautiful place. Yes, there was a lot of noise at times, but it was exciting and it was a reuse of a property that they had grown to love. He added that when he was growing up, the Burkes lived over the dime store, the Blackwells lived behind the record shop, people lived in this particular building, and his uncle, Bill Price lived there. There were 5 families at one time living in that building. He recalled that he had received his first hair cut in Mr. Parker's barber shop there. Right down the street was the Redmon residence and he thought 4 to 5 children lived upstairs over the restaurant. He explained that those things were for real. Folks all over everywhere were discovering the beauty of these downtown areas.

Yes, they have to make a solid hard business decision. They either have to spend \$150,000 or \$117,000. Would somebody step up to the plate and pay the City of Eden \$150,000? They might, but certainly they were going to get a big, big value if they get something with a solid roof and a new floor and brick outside and all that engineering that had been done to that building, all the infrastructure in place. It was a beautiful structure and they had another structure right down the street, an old car dealership.

He pointed out that he thought, right across from there a dime store, a department store and all through there stores could be built. There was one that was burned that was now a two-story building and it used to be a three story building.

He continued in that Council Member Gover was a dear friend, he was practical and a wise spender of money. He (Mayor) perhaps might go a little bit more on the other side in regards to vision of things, but they all come together. He thought this was a wise investment for the taxpayer's money to go forward with this.

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Council Member Turner asked if the Boulevard merchants (association) were aware of this proposal.

Mrs. Stultz replied that they may be, but she had not contacted them personally. The Mayor had asked for this to be put on the agenda and so she brought the information.

Council Member Myott questioned if they knew who actually owned the building to which Mr. Medlin replied that it was currently owned by Leo Terry of Axton, Virginia, according to the deed of February 2003.

Council Member Turner asked if they had to vote that night to which Mayor Price replied no.

A motion was made by Council Member Vestal seconded by Council Member Tuggle to table this request until a later time.

Mr. Medlin asked if this was being continued to a definite time or indefinite to which Mayor Price replied it would be at the next meeting.

Action on the motion was as follows: All Council Members voted in favor of this motion. This motion carried.

(d) Consideration of Adoption of Flint Hill Ordinance.

The memorandum explained that as the Flint Hill CDBG project was prepared to close, it was discovered by the new state grant representative assigned to the project that the amount of the grant assigned by the original state official was not accurate; therefore the ordinance must be amended accordingly. The program is ready to close out and this amendment will not change the close out date.

Mrs. Stultz explained that the Flint Hill Community Development Grant Program was a program that the city undertook or that was undertaken by the city a few years ago. At the time they made the application, the grant came through and the grant representative they had with the State agency told them at the time that meant that the State was going to give them \$595,000 and the city's \$105,000 would make \$700,000 in the total grant. In the last month the person who was administering this grant for the State agency left and they hired someone new who decided that what really meant was that the State would have spent \$700,000 and the city's \$105,000 would have made \$805,000. This was a requirement that she made before they could do the closeout and it was a simple amendment to an ordinance to satisfy requirements so they could get the thing closed out. No more monies would be expended except the final payment for the administrative things necessary.

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

NEW BUSINESS:

(a) Presentation by Charles Martin Re: Mebane Bridge.

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This item was withdrawn.

(b) Request approval to demolish building at 422 Morgan Road.

The City of Eden Human Habitation Standards Ordinance and the enabling legislature permit the City Council upon adoption of an ordinance to order the repair or demolition of a structure. Once the demolition is done at the City's expense, actions can be taken to recoup funds in the same manner as the collection of special assessments. The plan is to burn this structure and if that is not possible, there is an estimate of no more than \$4,170 to have the structure removed.

Mrs. Stultz explained that this was a case that they started a number of years ago. They started a case a number of years ago and it was converted to a residence but never completely brought up to standard and it had continued to deteriorate. They have had numerous complaints from the neighbors, surrounding properties and people in the community, about its condition. They received a bid of not more than \$4,170 to have the structure removed and the site cared for and asked that the Council adopt this ordinance for the demolition of the subject property.

Council Member Gover asked if that was no more than \$4,170 to which Mrs. Stultz replied in the affirmative.

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

(c) Request legal action on a zoning violation for property located at 724 Kendall Street.

Staff requested initiating legal action for a zoning violation located at 724 Kendall Street. The property contains numerous unlicensed vehicles in varying states of repair or disrepair, as well as automobile parts, tires and other items. Staff inspections indicate that an automobile repair or salvage business or a used car lot is being operated at this address which is in a residential neighborhood.

This item had been withdrawn.

(d) Consideration of street and water line acceptance for Arbor Lane and Southwood Drive.

The memorandum contains letters and maps from Mr. Pete Osborne regarding City acceptance of portions of E. Arbor Lane from Pierce Street to Southwood and Southwood from East Arbor Lane to the site where the pavement previously stopped. The request is also to accept the water line located in the right of way of Arbor Lane from Pierce to Southwood. Mr. Osborne's firm has agreed to the normal one year guarantees.

Mayor Price noted that there were a number of people present who would like to speak on this item. He asked Mrs. Stultz for comments before opening up the floor for those to speak.

Mrs. Stultz explained that they had a request to deal with a portion of Southwood that had been constructed and some street and water line improvements also to be accepted for maintenance by the city. There had been an increasing amount of concern from residents who live in the Knollwood neighborhood about the potential for thru traffic to go from the existing Southwood as it was previously, until just recently as it goes down into a large development that was going into the south that included the First Presbyterian Church, already constructed, the hospital

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building which was going to be underway within the next week or two and the new Wal-Mart, a shopping center with a considerable amount of development.

At this point she had several discussions with various residents and the issue was that the street closing or closing the street as far as doing away with the right of way was something that required a petition from the adjoining property owners and everybody that abuts it and that was a State law. They have been trying to figure out some way to deal with that for everyone's benefit and at this point there were some cones out there and she and Mr. Osborne (the Developer) had sort of made a pact to leave them there to prevent traffic from going through until such time as Pierce Street was dealt with.

She explained that she and the City Attorney had learned, in speaking with Mr. David Lawrence of the Institute of Government, was that what she knew about street closings was true but the City of Eden and the City Council had the power to make decisions based on its general police power statute which was 168-174, to apply traffic control devices to that particular spot.

She explained that she recommended that they make the decision to not allow thru traffic at that spot right where the pavement connects at the Cherry's and Samuelson's residences, and they have checked on putting barriers there. She stated that she had talked to Mr. Herbert McDowell, NCDOT, and they have graciously offered to give the city some of those concrete barriers that were used for just this kind of thing.

She explained that they would do a couple of things. It would certainly preclude thru traffic from going through the neighborhood to the new development or more particularly from the new development through the neighborhood. She also had raised concerns about there being only one way out of that neighborhood as there were a lot of folks that live there. Things could happen that might mean they have people trapped back in there. If they place those barriers there and some event did happen, the city staff could get out there and remove the barriers.

She suggested that they do this on a temporary basis until Pierce Street had gone through or circumstances changed. At that point City Council could reconsider and decide to do a permanent barrier or open the street based on whether circumstances changed. She added that they could do this without any petition from the abutting property owners. The City Council could simply make the decision to do that and that would preclude the thru traffic.

She also recommended, based on information that was received from Mr. O'Dell of the Engineering Department, that the Council approve and accept the portion of the street that would be next to the church and the new hospital structure and allow them to use that to access their property in and out, but not to put thru traffic down on the portion of Southwood that was a part of the Knollwood Subdivision.

Council Member Epps asked if they could not make Southwood an exit only from those houses toward Wal-Mart.

Mrs. Stultz replied that the City Council could do that if they chose but she was going to guess from the conversations that she had with the residents that they did not want it either way.

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Council Member Epps pointed out that if it was an exit, it should be the residents going out of it.

Mrs. Stultz replied that it would be very hard to enforce that and if they put the concrete barriers up, it was blocked.

Mayor Price asked if it was also, in the main gist of this, was the city's acceptance of this street and the water line.

Mrs. Stultz replied that she certainly recommended that they go ahead and do that and the Council make the decision to not allow thru traffic.

Council Member Epps asked if they could do a temporary blockage right now and later the people could come back and talk.

Mrs. Stultz replied that any decision the Council made of that nature could be changed and they always had that option.

Council Member Gover agreed that they had always had that power, but did she not think they needed to work with these people. He stated that he went over there the other night for the first time on top of that hill. He added that he should have been there before. They did have a legitimate complaint about all that impending traffic that could possibly come through there. He added that he was not saying it would come through there but when he looked at it he thought it was an advantage for the people, but apparently not. He asked that if they approved it tonight would that mean that they were accepting the maintenance of the street, of the water lines, everything, and just temporarily blocking that street.

Mrs. Stultz added that they would also make the decision to not allow thru traffic. She explained that she was recommending that the Council do it on a temporary basis. They could certainly do it permanently and not allow thru traffic ever and if circumstances changed and they changed their minds they could come back and ask the Council to change it. She recommended that it be done until circumstances change, but certainly the Council could make whatever decision they chose.

Council Member Gover asked what they could do to stop it all, just not let the thru traffic through there at all.

Mrs. Stultz replied that was what she was talking about they could make the decision to not allow thru traffic.

Mr. Medlin added that they were actually talking about two different things and that was what Mrs. Stultz was bringing out. The question was, the primary issue was to accept the dedication of this road which meant that the city would take over the maintenance and ownership of the road and the water pipes that have been laid. That road was there and their vote did not take away that road so there was no reason, unless they came up with some other reason, not to go

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on and accept the dedication. He explained that the next issue was what they wanted traffic to do on that road. They could put up barriers, they could have the road there but they could vote to not allow traffic through there and block it. They have that power through the police powers to put a temporary barrier put up or a permanent barrier, to dig up part of that road and just whatever they wanted to do to control traffic through there and that was what Mrs. Stultz was getting at. He stated that he thought that if the road got to be there and the residents did not want thru traffic, they could do that through traffic control devices, whether it be a barrier or whatever. He explained that would be a separate motion so they would have to vote on one and then take up the second matter.

Mayor Price commented that they should go ahead and listen to the residents. He explained that there were 8 people who had signed up to speak.

Ms. Peyton Cherry, 546 Southwood Drive, addressed Council:

Ms. Cherry explained that she and her husband both grew up in quite neighborhoods. They appreciated the value of a secure neighborhood and with that in mind they moved their family to 546 Southwood Drive in 1985. They wanted their children to be able to walk, roller blade, ride bikes, etc., without fear for their safety and they did. They knew however that Southwood Drive might be extended one day to include future housing development and that would be welcomed. They now have a beautiful church, a 96 unit apartment complex, a Wal-Mart Super Center and soon a medical facility and a strip mall. That was not exactly what they had envisioned.

Yes, they as residents understand progress and its natural course of events but they also understand the importance of foresight and long range planning. One of the main drawing points of Eden has always been its safe and quiet neighborhoods. However by connecting Southwood to commercial oriented development not only would the influx of traffic destroy the very integrity and value of the neighborhood, but it may weaken and break the spirit as well. It was their fear that the safety of this residential area would be sacrificed and compromised for the sake of progress. She closed by stating that they would greatly appreciate the Council reviewing this matter while considering an alternate plan to this situation.

Mr. Ken Samuelson, 545 Southwood Drive, addressed Council:

Mr. Samuelson explained that he lived across the street from Ms. Cherry, so they were right at the cutting edge of Southwood Drive. He hoped most of them had seen Southwood Drive. To remove any misunderstanding about the attitude of the neighbors who lived there, there was a petition signed by about 127 residents of the area who did not want Southwood Drive to go through. He added that this attitude had not changed to his knowledge. *(NOTE: The City Clerk did not receive a copy of this petition)* He stated that surprisingly, unless they had been there, they would not realize how hilly Southwood Drive was and he compared it to a little roller coaster. He thought that it was a very dangerous place to have a road coming over up a hill and then down a hill on the other side and it was a fairly steep hill. There was some danger there and he thought there was a big safety issue related to opening Southwood Drive which of course they were opposed to. He pointed out that it was logical to assume that if Southwood

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Drive could be used as a short cut it would be used by somebody and it may be a very favorable short cut in some people's minds. That was another reason they did not want Southwood Drive opened.

He closed by stating that they were a residential neighborhood and they would like to preserve the safety and the traditional character of the neighborhood for the children, the many walkers, the joggers, and dog owners. He also pointed out that litter was a problem now and it would be a much greater problem if they have miscellaneous traffic flowing through there. More importantly there was adequate access to the commercial area that was there without the extension of Southwood Drive. He thanked the Council for their attention to this matter and wanted to make it clear that the neighbors out there did not relish the idea of Southwood Drive being open to the development to their south.

Ms. Kathy DeMason, 520 Southwood Drive, addressed Council:

Ms. DeMason explained that she had lived on Southwood Drive for 22 years and she also knew that the street could possibly be extended. She explained that it was on the plans to extend Southwood Drive and she too believed that it would be to further build on to the neighborhood and add more homes. In fact at one time they even considered waiting before remodeling their home to buy a lot and build a new home there but that never came.

She explained that she and her husband have enjoyed having the privilege of raising their two children in a quiet residential neighborhood. It had been a safe place and she now worried that with the opening of Southwood Drive it would no longer be safe. People could not take their evening strolls, walk their babies down the street, or ride their bikes. A lot of people in their neighborhood enjoy walking, jogging, and running. Southwood Drive was never set up to handle a large volume of traffic. She felt that if it was opened people would use it as a short cut and it would not only hurt their safety it would hurt the appearance of the neighborhood. There would be more trash and a realtor friend told her that their property value would go down if that street was opened up.

The commercial area keeps growing and growing as was mentioned previously and there were plans for a new strip mall. They were not opposed at all to progress but they were opposed to making their neighborhood a part of the commercial area. She really hoped that the City Council would permanently close Southwood Drive and put up permanent concrete barriers. She added that she was a member of the First Presbyterian Church and an employee of Morehead Memorial Hospital. At one time they were talking about moving her office into the new building but even so, she did not want a short cut to those two places.

With the planned opening of the Pierce Street extension they felt that there was no need to open Southwood Drive and that there would be adequate access to that shopping center by Arbor Lane and Pierce Street. She thought that it would severely impact their neighborhood in a negative way if Southwood Drive was opened.

Ms. Ellen Groseclose addressed the Council:

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Ms. Groseclose explained that the preceding speakers had made the same points and they knew that the number of the people on the petition reflected the feeling of the neighborhood. She pointed out that they were talking about the whole City of Eden. They were a component of the whole city and when folks come to visit their city and visit in their neighborhoods she thought that they were favorably impressed with the way the homes were kept. They were not all palatial homes but they have a wide spectrum of homes. They were not asking for any special favors or anything that the Council would not want for their neighborhood and they hoped that the Council would give it their undivided attention.

Mr. Frank Garnier, 208 Taft Street, addressed the Council:

Mr. Garnier explained that there were two issues that concerned him if Southwood Drive was opened. If the traffic was allowed to flow in and out of Knollwood through Dogwood and Taft Streets, as one enters Taft Street from Pierce Street, there was a hill that slopes down to Dogwood Street and then into an intersection triangle with both a right and left turn. If traffic was unaware of these conditions it would create a hazard exemplified by the skid marks in that triangle right now. He explained that traffic approaches Pierce Street from Dogwood via Taft Street. The hill was severe enough to obstruct one's view of traffic coming from the opposite direction. Taft Street and most of Dogwood Street did not have curbs or gutters, the streets were curved and narrow, too narrow to accommodate a large volume of two way traffic. He had observed the above conditions first hand when Pierce Street traffic was diverted to Dogwood and Taft during the recent sidewalk and street improvements project. If they opened Southwood Drive to accommodate the traffic from Wal-Mart, the apartment projects, the church facilities and any other future commercial projects that use Dogwood and Taft Streets under existing conditions, they were just inviting accidents to happen.

Mr. Ernest Sams, 411 Dogwood Drive, addressed Council:

Mr. Sams explained that he had been there probably 50 years more or less. They built out there because it was quiet and they were able to have their family not be in danger. Therefore he signed the petition.

Mr. Ken Hoover, 301 Pinewood Place, addressed the Council:

Mr. Hoover explained that he had the unique situation of bordering on Southwood, Pinewood and Dogwood behind him as he was right on the corner, at the stop sign which was a grave concern to him in the overall scheme of things. He stated that he did not honestly understand how traffic coming, if Southwood were open, to that stop sign and being forced to then turn left to another stop sign or to exit to Pierce Street or to turn right and go further through the neighborhood to reach Pierce Street would make any logical sense in view of Arbor already being open and directly out on to the main street. He had watched for a long time and the traffic at the stop sign there and the amount of turns that were made right was minimal. But if it was opened there would be a tremendous amount of traffic into a blind stop. There was not really much more that he needed to say that had already been said. He thought they all shared the same objective and did not want to see safety or the type of atmosphere they have in the

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neighborhood changed due to opening that street. He asked them to consider permanently closing it.

Ms. Millicent Hair, 314 Wilson Street, addressed Council:

Ms. Hair explained that she had just recently noticed the No Thru Trucks signs on Pierce Street. She questioned how that sign was regulated or monitored. What did it mean no thru trucks on Pierce Street? She stated that she had never seen an eighteen wheeler on Pierce Street, but she had seen a lot of trucks, supply trucks and all kinds of trucks. She questioned these trucks taking a short cut through Knollwood. If they did decide to open up Southwood they should really put a sign down there saying no thru trucks and then monitor it.

Mayor Price commented that he wanted to deal with the closing first. He asked Mrs. Stultz to again give the alternatives to the Council.

Mrs. Stultz explained that she understood that the terminology "closing", meant to the residents of this neighborhood that no thru traffic would come through there. The Council could simply accomplish that and she recommended that they could install and declare no thru traffic at that spot on Southwood so that the neighborhood could continue to use all the pavement they have been using and the new pavement would only serve and be traveled on in a direction back down towards Wal-Mart or to the facilities that were located on that side. Additionally and separately they did recommend that the Council go ahead and accept the offers for dedication that have been extended.

Mayor Price explained that there were two different issues. One was Mrs. Stultz's recommendation that they could either permanently close that street or temporarily close it.

Mrs. Stultz replied that she recommended that it be temporary, but they certainly heard from the residents that they wanted it on a permanent basis.

Council Member Tuggle stated that he had been listening and he did not think anybody could articulate how they feel about this particular street as to whether it should be temporarily or permanently closed. He thought it would be a terrible injustice to the citizens of this community and this particular neighborhood if they did not permanently close this thing tonight.

He also wanted to reiterate again that when they came before the Planning Board before it was unanimous that they close it, and also in the same news article of April 29, 2004 it said that in here that a study was done. The study also gave an estimate of 7,350 net external trips per day from the proposed Wal-Mart Super Center. He wondered how many of those 7,350 net trips would go through a neighborhood that had been established there for about 50 years. It would be an awful thing for them not to go on and end it tonight and permanently close it and these citizens would know with certainty that politics would not play into something later and that would be the end of it.

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Mr. Medlin stated, just for clarification, the terminology of closing a street. It had certain legal implications of a process that had to be followed. He stated that he understood his meaning to install permanent barriers so there could not be any traffic through there.

Council Member Epps concurred with Council Member Tuggle. He noted that it was quiet and peaceful back there and he would not want to destroy the integrity of that community.

Council Member Vestal commented that he had received an email today on this subject she had indicated in that email; there was definitely a safety issue there.

Mrs. Stultz replied that in her opinion there was a safety issue, if they install those barriers and there was an emergency.

Council Member Vestal replied, no he was talking about the hill and the people coming on to the street.

Mrs. Stultz replied that there were some topography issues but to her the safety issue was there would be no connectivity to get out. If those barriers were installed and some disaster strikes, they could be moved on a temporary basis for that.

A motion was made by Council Member Gover seconded by Council Member Tuggle to permanently close the street with barriers to stop thru traffic on Southwood Drive. All Council Members voted in favor of this motion. This motion carried.

A motion was made by Council Member Gover seconded by Council Member Tuggle to accept the streets and waterlines. All Council Members voted in favor of this motion. This motion carried.

BREAK:

Mayor Price called for a short break before continuing with New Business.

(e) Consideration of street acceptance and name change for Hidden Valley Drive.

The memorandum contains letters and maps from Mr. Pete Osborne regarding City acceptance of an approximately 300 foot section of East Harris Place near the Hidden Valley Apartments. In addition, Mr. Osborne is requesting that the portion of East Harris Place that runs from Oleander Drive to the new section of East Harris Place be renamed "Hidden Valley Drive". Mr. Osborne's firm has agreed to the normal one year guarantees and the staff recommended in favor of these requests.

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

(f) Consideration of Proposed Solid Waste Ordinance Amendment.

The memorandum explained that staff members from the Public Works Department, Planning Department and Administration have developed an amended Solid Waste Ordinance as requested by the City Council.

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The Public Works Committee believed that the amended ordinance would bring the city in line with current Solid Waste Regulations that govern the collection, processing and disposal of solid waste. The amended ordinance will enhance the protection of the general public and environment. It would also promote the conservation of natural resources. The Public Works Committee recommended the adoption of the proposed Solid Waste Ordinance as presented.

Council Member Myott commented that Mrs. Stultz needed to mention a few little corrections.

Mrs. Stultz explained that as they have gone through the last day or so there have been some suggestions for clarification type of changes to the ordinance and then one they would get to in the end that the City Attorney suggested.

On the ordinance she noted that if they would flip over to where she had highlighted, they would like to make some clarification changes. She noted that 12-30, item one, the property owner then should contact the Public Works Department to report the missing container and then to verify container id numbers. She explained that it meant that if someone thought their container had been stolen, after this had been done, Public Works or the city would file a report with the Police Department that the property had been stolen and the container would be replaced by the city at that time. Before they had some language about within a week or after things had been exhausted and someone questioned where they would put their trash in the intervening week. If somebody makes multiple claims that their can has been stolen, she guessed if they start using it for building material or something they would investigate it further and not allow that to happen again.

During the time they were doing the research, there was a committee created which consisted of Kim Scott (City Clerk), Jerome Adams (Solid Waste Superintendent) and herself, to work on this and they found that in a given year the city replaced about 4 to 5 of those cans, which cost about \$75 a piece. So, they were not taking a huge risk by allowing this and most of the time she was told that when one was reported, they find it. So they were talking about a small amount of money and to decrease inconvenience to their residents.

The next one was in item number 3, when containers were damaged by vehicle traffic. They had some other language in there but just plainly the container would be replaced by the city and then if the Police Department could find who did it they would go after the \$75. She noted on the next page where it says "traffic and visibility" there was a question for the change that she took over to Mr. Medlin's office and his recommendation was to make it even simpler than that. No container shall be placed in any location that would interfere with visibility or impede normal traffic flow on any street or public right of way any driveway or any parking lot. There was some language in there that was quite familiar to her about sight triangles and those kinds of things with it, they would certainly be able to enforce those but this was much more simple and folks could get it when they read the ordinance.

She noted that on the next page if they go to item number two, they would say that was "shall be unlawful to replace a container within the public right of way prior to 24 hours before the day of collection." Number four that would mean they could not put their can out not more than one day ahead of time. Failure to remove roll out container at a residential location from the public right of way within 48 hours following the day the container was scheduled to be

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emptied. They have had lots of discussion about this and considered a resident going away for a weekend and their day was Friday and the resident did not put her container up until Monday. They had to make allowances for people to do what was adequate and normal.

Council Member Turner questioned number 3, placing the container in the public right of way after 7:00 a.m.

Mr. Corcoran explained that they begin picking up at 7:00 a.m. that was in there, it did need to be out by 7:00 a.m. the morning of collection. Number 2 allowed them to put it out 24 hours in advance of their day of collection. Number 3 says it must be out by 7:00 a.m. the day of their collection since their trucks were rolling and then number 4 says that it must be back out of the right of way within 48 hours after being collected.

Council Member Turner stated that she realized that they have to have this but she did not think the trash can police were out there and she did not mean that ugly, she just meant, who was really enforcing the many little regulations about trash cans to which Mrs. Stultz replied that she was (her Department). Council Member Turner replied that it seemed a little trivial.

Mayor Price explained that there had been instances where people consistently abused it and they needed something in place.

Mrs. Stultz added that they leave it out on the road all the time and just use that as where it lived. They have had issues with that and they also had a former Council Member who was very passionate about that particular thing and they have done that for a long time.

Council Member Gover stated that she should tell them about the many side view mirrors they have had to replace because of people leaving them out on the street.

Ms. Stultz continued with 12-56 where they had had a provision about vacant lots and they did not pick up stuff from vacant lots. It was pointed out that her department spent a great deal of time dealing with people and the stuff that was sometimes on vacant lots so it was suggested and she thought it a good plan to say the city would not remove yard rubbish or trash from a vacant lot without payment for the appropriate fees. The other thing, as they get on back in there to enforcement, they have some provisions in there.

Mayor Price asked if they had discussed people who have rental property that abuse this, as one rental house becomes the dumping point for a number of different places.

Mrs. Stultz replied that they have made four attempts to try to rework this ordinance. What was before them was a simple ordinance that would do the job and then as they find places where it was not working, just as they do with the zoning ordinance, they would bring it back to the Council. She added that she was sure that Mr. Adams would be happy to look into that as it happened. The question of enforcement, years ago when they took a look at this kind of ordinance and were working on amendments, she saw at that time some places that had considered adopting the solid waste provisions and putting some nuisance power with that and some enforcement procedures pursuant to that. Mr. Medlin's review of it this afternoon and

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earlier had made him think that they really could not do that. So what would be available for this ordinance would be the general enforcement measures that were available to every piece of their city code and the provisions outlined there. There were no material changes as to what was enforced and what the provisions were based on. The committee had looked at these changes and she reviewed them all with Council Member Myott who was chair of that committee.

Council Member Vestal expressed his thanks to Mrs. Stultz and Mrs. Scott and everyone involved in this. He knew they put a lot of time in it, he had butted heads with her several times on this himself, but he thought they did put a lot of work into this and he thanked them.

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

(g) Consideration of traffic study request in reference to Stop Sign placement due to construction of the new Wal-Mart Super center and adoption of ordinance.

A survey was conducted of the area and there was a need for four new stop signs to be placed at the following locations:

1. Southwood Drive/Maplewood Drive for west bound traffic on Maplewood Drive (existing yield sign for north bound traffic on Southwood Drive located at Southwood Drive/Maplewood Drive will need to be removed).
2. Arbor Lane/Southwood Drive for east bound traffic on Arbor Lane.
3. Pierce Street/Arbor Lane for south bound traffic on Pierce Street.
4. Hidden Valley Drive/East Harris Place for north bound traffic on Hidden Valley Drive.

Mayor Price asked Captain Pyrtle for comments.

Captain Pyrtle explained that on the memo addressing the stop signs they would see (1) talked about Southwood Drive and Maplewood with the erecting of the barriers there. He thought that it would be fine just to leave the yield sign up on Maplewood onto Southwood so the others (2),(3) and (4), were basically duly erected stop signs that they ask to be erected on city streets that was in that new shopping area.

Mayor Price asked if he was suggesting they leave the yield sign on Maplewood there.

Captain Pyrtle replied that he would suggest that with their decision made tonight, to just leave the yield sign on Maplewood, but (2),(3) and (4) would need stop signs.

Council Member Tuggle asked, out of curiosity, if he was aware of there being any accidents there in the Maplewood and Southwood area.

Captain Pyrtle replied that about 5 or 6 years ago somebody came off of Maplewood, it was a young adult going a little bit too fast in that curve, and he just ran off the left side of the road and to his knowledge he had not seen another one.

Mayor Price asked if there would be a sign placed that would read "barricade ahead".

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Captain Pyrtle replied that he would also recommend and he was going to discuss this with Mrs. Stultz, to consider putting some kind of reflectors on those barricades especially on the Wal-Mart side. Most of the people that live on Southwood, they would be familiar with it but on the Wal-Mart side, if they had some type of reflectors on the barricades so that somebody that got in there and got turned around would not run into a barricade. No thru traffic would be good but he would also put some reflectors.

Council Member Vestal asked if he would suggest a name change on the lower side, the new section, for emergency traffic.

Captain Pyrtle replied that it would probably be a good idea.

Council Member Vestal pointed out that if they went in there they would not be able to go through there and they would have to go around.

Captain Pyrtle replied that most of the guys should be familiar with that area, he hoped. Unless it was someone who did not frequent that area to which Council Member Vestal added, specifically the EMS.

Captain Pyrtle agreed and also the volunteer firemen and that was a good point.

Council Member Turner asked that if it came to pass then it probably needed to go through pretty quickly because there were businesses being established there now printing stationery and that sort of thing.

Mr. Medlin suggested that he look into it and see if they could. They had one straight street through there and he did not know if they could just cut it down the middle and say they were going to rename this end this and the other end that.

Captain Pyrtle added that it might be that they could just put a south and a north end and that was just a matter of adjusting a street sign to which Mrs. Stultz replied that they could do that.

Captain Pyrtle also suggested letting the traffic pattern sort itself out when the Wal-Mart opened up on July 20th. He noted that they were going to have some concerns when that place opened up. He also noted they were concerned about the private drive area that actually ran next to the Hampton Inn.

Mrs. Stultz explained that was a private entrance. Another thing was along where A Cleaner World was located. They had discussed the fact that right now with no curbing they could go out there at any place. She suggested that when the DOT offered to give them some of those barriers it might not be a bad plan to use them on an interim basis over there. She stated that she and Captain Pyrtle had talked about bringing a proposal to the Council to maybe do a planted area there in the right of way or something to keep people from going through but in the intervening time they would give them some concrete that would probably be a good idea.

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Mayor Price noted that the issue at hand was the (1) yield sign on Maplewood and to implement items (2),(3) and (4) on that recommendation.

Mr. Medlin clarified that what it meant on the ordinance was that they would be deleting section (1) and then he would amend the ordinance to renumber (2),(3) and (4).

A motion was made by Council Member Vestal seconded by Council Member Gover to accept the recommendation but amend the ordinance with the yield sign on Maplewood remaining as is. Then 2,3, and 4 would be renumbered as 1,2 and 3. All Council Members voted in favor of this motion. This motion carried.

(h) Consideration of traffic study request in reference to the traffic lights at the intersection of Van Buren Road and Arbor Lane.

A survey was conducted of the location from all four directions. The traffic lights were found to be operating properly. No violations of traffic lights were observed. Although traffic was heavy at times, it moved smoothly through the intersection.

A survey conducted of all traffic accidents that occurred at this intersection during the last four years showed that there were twenty-two in total, the majority attributed to driver inattention or distraction. None were attributed to any problems with the traffic flow at this intersection. Of the twenty-two accidents, only two have occurred in 2005 so far. The Police Department's recommendation would be to leave the traffic control devices as is.

Mayor Price noted that the recommendation was to leave everything as it was at this time. He asked Captain Pyrtle if there was anything new.

Captain Pyrtle replied no, they had looked at that intersection and there again until they opened the Wal-Mart and begin determining some traffic flow, he thought it would be fine just like it was.

(i) Consideration of setting Rockingham County Board of Elections filing fee.

Mayor Price noted that last year the filing fee was \$10.00. He asked if they wanted to leave it as it was.

A motion was made by Council Member Tuggle seconded by Council Member Myott to leave the filing fee at \$10.00. All Council Members voted in favor of this motion. This motion carried

(j) Consideration of Railroad Crossing on North Hale Street and Adoption of Ordinance.

Although the railroad grade crossing on N. Hale Street is eligible for Federal funds for a proposed project for the installation of automatic warning devices; staff was of the opinion that the city should decline to accept the project as proposed by the NCDOT. The initial cost to be borne by the city (estimated \$13,500) combined with yearly maintenance costs (estimated \$1,290) does not seem to be justified based on the relatively low volume of traffic at the crossing and accidents at the crossing.

To improve the crossing, it was suggested in the latest Public Works Committee meeting to install stop signs on each side of the railroad crossing at N. Hale Street. In addition, stop bars with the word STOP should also be

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painted on each approach to the crossing. These changes should improve the safety of vehicular traffic at a much reduced cost.

Mayor Price noted that this item was for the consideration of the railroad crossing on N. Hale Street and this had to do with a proposal as presented by Mr. O'Dell to erect stop signs.

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

(k) Consideration of Sale of Old City Hall Building.

The city has received a bid on the old city hall building located at 350 W. Stadium Drive in the amount of \$38,000 from Kenton M. Amick and Leesa J. Amick. The advertisement for bids was run in the Eden Daily News on May 25 and June 1, 2005.

Mayor Price noted that this item was the consideration of the sale of the old city hall building. He asked if Mr. or Mrs. Amick would like to comment.

Mrs. Amick explained that they had noticed the old city hall building had not been in use for many years and it was what they have been looking for with lots of offices. They have outgrown the space they have on The Boulevard. She explained that they teach music lessons and drama lessons and the last half of the school year they had 100 students coming weekly and their goal for the next school year would be 200 students, so they wanted to expand to grow and they would love to have that building.

A motion was made by Council Member Gover seconded by Council Member Tuggle to accept the Amick's offer. All Council Members voted in favor of this motion. This motion carried

CONSENT AGENDA:

(a) Approval and adoption of minutes: May 17, June 1, and 9, 2005.

(b) Approval to hold a public hearing and to consider an ordinance for a zoning text amendment to amend Section 11.22 – the General Provisions section of the City of Eden Zoning Ordinance to add standards regarding dumpsters within the city. ZONING CASE Z-05-05.

(c) Approval and adoption of resignation and recommendation for Park Committee

(d) Consideration of Budget Amendment #5, 6 & 7.

This is the Fifth Budget Amendment for the year.

Budget Amendment #5	Account #	From	To	Amount
General Fund Revenue				
Fl Hill/CDBG City Contribution	14-3329-33000	\$105,000.00	\$133,348.93	<u>\$28,348.93</u>

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City of Eden, N. C.

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				<u>\$28,348.93</u>
Expenditure				
G/F Contingency Appropriation	10-9990-99100	\$50,000.00	\$21,651.07	<u>\$28,348.93</u>
				<u>\$28,348.93</u>

Close out Flint Hill/CDBG Fund

Adopted this the 21th day of June, 2005 at Eden, North Carolina

s/Philip K. Price
Philip K. Price
Mayor

s/Sheralene Thompson
Sheralene Thompson
Deputy City Clerk

This is the Sixth Budget Amendment for the year.

Budget Amendment #6	Account #	From	To	Amount
General Fund				
Revenue				
CAP PROJ S/O REHAB TR	73-3986-98000	\$802,000.00	\$1,533,593.36	<u>\$731,593.36</u>
FR W/S				<u>\$731,593.36</u>
Expenditure				
CAP PROJ S/O MEADOW GREENS	73-8140-24650	\$595,381.25	\$775,968.17	\$180,586.92
CAP PROJ S/O MERRIMAN ST.	73-8140-24660	\$287,899.37	\$568,486.35	\$280,586.98
CAP PROJ S/O LONG ST.	73-8140-24670	\$219,313.19	\$474,900.22	\$255,587.03
DRY CREEK S/O REHAB	73-8140-24680	\$12,953.29	\$27,785.72	<u>\$14,832.43</u>
				<u>\$731,593.36</u>

To Bring Capital Projects/Sewer Rehab Project Fund in balance per Auditor

Adopted this the 21th day of June, 2005 at Eden, North Carolina

s/Philip K. Price
Philip K. Price
Mayor

s/Sheralene Thompson
Sheralene Thompson
Deputy City Clerk

June 21, 2005

City of Eden, N. C.

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This is the Seventh Budget Amendment for the year.

Budget Amendment #7	Account #	From	To	Amount
General Fund				
Revenue				
INSURANCE PROCEEDS	10-3850-85000	\$12,500.00	\$14,468.76	<u>\$1,968.76</u>
				<u>\$1,968.76</u>
Expenditure				
POLICE M/R VEHICLES	10-4310-25300	\$86,042.77	\$88,011.53	<u>\$1,968.76</u>
				<u>\$1,968.76</u>

Reimbursement from NCLM
Auto Claim to cover repairs
caused by auto accident.

Adopted this the 21th day of June, 2005 at Eden, North Carolina

s/Philip K. Price
Philip K. Price
Mayor

s/Sheralene Thompson
Sheralene Thompson
Deputy City Clerk

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

VOUCHERS:

There was no discussion about vouchers.

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 Epps seconded by Council Member Myott 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.

June 21, 2005

City of Eden, N. C.

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ADJOURNMENT:

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

Respectfully submitted,

Sheralene S. Thompson
Deputy City Clerk

ATTEST:

Philip K. Price
Mayor