

CITY OF EDEN, N. C.

The regular meeting of the City Council, City of Eden, was held on Tuesday, October 18, 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
	(absent) Wayne Tuggle, Sr.
City Manager:	Brad Corcoran
City Clerk:	Kim J. Scott
Deputy City Clerk:	Sheralene Thompson
City Attorney:	Tom Medlin
Representatives from Departments:	
Representatives from News Media:	Brian Ewing, <u>Eden Daily New</u> , Lisa and Robbie Doss, <u>Eden's Own Journal</u> , and Mike Moore, WLOE Radio

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:

Reverend Warwick Aiken was present to give the invocation.

PUBLIC HEARINGS:

(a) Consideration of a zoning text amendment and ordinance to amend Section 11.24(f) - the Business-Central zoning district of the City of Eden Zoning Ordinance to add "cabinet, woodworking and upholstery shops" as a permitted use. Request submitted by Jimmy Wingfield. ZONING CASE Z-05-08.

The memorandum to Council explained that at the regular meeting of September, 2005 meeting the Council scheduled this public hearing to hear comments regarding a zoning text amendment request filed by Jimmy Wingfield. The request was to amend Section 11.24(f) the Business-Central zoning district to allow "cabinet woodworking and upholstery shops" as permitted uses.

The Planning and Inspections Department recommends approval of the text amendment request. At an October special meeting, the Planning Board voted to recommend that the City Council approve this request as amended to allow "cabinet, woodworking and upholstery shops" as conditional uses.

Mayor Price called for a public hearing and asked Mrs. Kelly Stultz, Director of Planning & Inspections, for comments.

Mrs. Stultz explained that at the regular September, 2005 Council scheduled this public hearing to hear this text amendment. The Planning and Inspections Department recommends approval of this amendment. At an October special meeting, the Planning Board voted to recommend that the City Council approve this request as amended to allow cabinet, woodworking and upholstery shops as conditional uses.

This request was submitted for the purpose of allowing "cabinet, woodworking and upholstery shops" in the Business-Central Zoning District. The Business-Central District was designed for more concentrated development of retail establishments and for allowing service uses and repair shops.

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Mrs. Stultz stated that staff was of the opinion that approving the change would be in keeping with this district. At the Planning Board meeting, there was a suggestion from Council Member Vestal, an attendee, that they consider changing the recommendation for this, rather than allowing it in the regular permitted uses list, to do it as a conditional use and to apply the same two conditions that are applied to textile uses in Business Central. The Planning Board agreed that this was a good way to look at it and some extra protection for the Business Central, their downtown type areas. The two conditions would be that all operations would be carried on within the building and no operations would be carried on that would likely emit any odors, fumes, smoke, dust, vibrations or noise into the atmosphere outside the facility or beyond the property line.

Based upon this information, the Planning and Inspections Department had considered the recommendation by the Planning Board and has no objections to those changes and they recommend in favor of this request.

Mr. Tom Medlin, City Attorney, questioned the conditions, into the atmosphere and outside of the facility or beyond the property line. He stated he did not understand.

Mr. Stultz replied that this was already in the ordinance for another use.

Mr. Medlin replied that it seemed to him that beyond the property line, was redundant. It would be an easier test to administer if, it has to be inside the facility. If it cannot come outside of the facility, it could never be outside of the property line.

Mrs. Stultz replied that the Council could certainly recommend making that change at this time to which Mr. Medlin replied that he recommended that.

Council Member Vestal added to make it coincide with the other one that they were trying to copy this off of, they might pay attention to that one also.

Mrs. Stultz replied that she would have to bring that one back, possibly next month. She stated that if he wanted to make a motion to initiate that in a moment, they certainly could.

Mayor Price noted that no one had signed up to speak regarding this item; therefore, he declared the public hearing closed.

A motion was made by Council Member Vestal seconded by Council Member Gover to adopt this as stated, including the conditional, with the City Attorney's recommendation. *((1) All operations shall be contained within the building and (2) no operations are carried on or likely to be carried on that emit any odors, fumes, smoke, dust, vibration or noise into the atmosphere outside the facility).* All Council Members voted in favor of this motion.

(b) Consideration of a zoning map amendment request and ordinance to rezone property on Stadium Drive from Residential-20 to Residential-12. Request submitted by Arthur David Shelton, Authorized Representative for Timothy Lee Moore and Ginger Moore. ZONING CASE Z-05-09.

The memorandum explained that at the regular meeting on September 20, 2005 the Council scheduled this public hearing to hear comments regarding a zoning map amendment request filed by Arthur David Shelton, Authorized Representative for Timothy Lee Moore and Ginger Moore. The request was to rezone on Stadium Drive from Residential-20 and Residential-12.

The Planning and Inspections Department recommended approval of the map amendment request. At a special meeting on October 4, 2005, the Planning Board voted to recommend that the City Council approve this request.

Mayor Price called for a public hearing and asked Mrs. Stultz to come forward.

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Mrs. Stultz explained that the amendment was to rezone a 13.2 acre tract of land from Residential-20 to Residential-12 off of Stadium Drive. At a special meeting on October 4, 2005, the Planning Board voted to recommend that the City Council approve this request.

Mr. Stultz stated that she had a visit from one of the surrounding property owners who has expressed a concern about impacts to water pressure in that area and she passed that on to Mr. Asbury. He and his staff are taking a look at that. It is vacant and contains approximately 13.2 acres and is located at Stadium Drive and South. Currently it is vacant and all wooded. It was zoned Residential 20 at the tie of original zoning in 1968.

Residential-20 (district) was established for the principal use of land to be used for single family residences with a minimum lot size of 20,000 square feet. The Residential 12 zoning district was established for the principal use of land to be used for single family residences with smaller lot sizes, but still not disturbing the quiet residential nature of this district. The changing of the existing residential zone of R-20 to R-12 will not diminish the character of the area, therefore, staff recommends in favor of the request.

Mrs. Stultz referred the Council to a colored map which had been provided in their information, there was a considerable amount of R-12 and R-12S in that area. There have been rezoning requests in her tenure where they have made changes in this area and at one time, staff did a recommendation to change much of the zoning in this area. There are always questions when somebody rezones a larger tract of land. At this point, the gentleman had made a request simply to rezone it and they do not have any idea as to what he would like to do with it. This evening, should Council decide to rezone this property, all he can do with it as it is, is put a residence on it. The possibility is there, she assumed, that he would come back in with a subdivision request that would go back to the Planning Board and the City Council.

Council Member Gover stated when the Council changes zoning, and this was a prime example, to go from an R-20 to an R-12, they are allowing more residents. So the concern of the people who have called him (1) is it HUD Housing (2) what are group homes. He asked if the people who live close to that property get copies explaining what are group homes.

Mrs. Stultz explained that they would not have explained all of that because it would allow anything that is allowed in R-12.

Council Member Gover replied that was true and that was what was before them, but when they start putting more homes, R-20 let's say, and cut it back to R-12, we do not have provisions in there for drainage. He stated that was his main concern of all of the things they do when they try to develop, he was not against development, but he was against pushing water down on their good people from these developments. He stated he has said that time and time again. Obviously, there will be more homes built in R-12; therefore, the runoff is greater. There are already flooding problems out there between Mr. Bigg's (home) on Vaughn and behind Dillard Court, as it was already flooding. He asked Mrs. Stultz what provisions she had made to take care of the people who are already there with the drainage problems.

Mrs. Stultz replied, at this particular juncture, the things she had to go by in order to make a recommendation on this zoning case are: The last time a land use plan was done on the city of Eden was in 1977, 28 years ago. At this point, all she had to go by was the existing ordinance and any changes the Council have made over the years. As far as drainage, at this juncture, all the gentleman can do is put in a house, which he could in R-20. So, when he would come back for a subdivision, if he chose to do that, at that time, he would have to present plans and profiles for streets and all infrastructure.

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Council Member Gover, asked what could be done to improve the drainage, what requirement can they put in the conditions to improve the drainage for the people. He knew what the gentleman could go in and build, but what were they going to do to protect the people on these developments with the water runoff.

Mrs. Stultz replied that Mr. Corcoran had asked her and her staff to be preparing a storm water ordinance which they have been working on. At this time, the only thing they could require them to do, if it was in a water supply watershed, and it is not, there were some regulations. Whatever the state might impose for their sedimentation and erosion planning issues, and what is in the subdivision ordinance. That was all she could apply to him, if he did it today, in R-20 or R-12.

Council Member Gover replied she was looking at years down the road, and asked if she was looking at a short term fix for this, with the ordinance on drainage.

Mrs. Stultz, replied as of late, it has not always been easy to get a program that extensive adopted that quickly. She stated they have plans to get the ordinance done and take it through the appropriate committees, the Planning Board and the City Council. She could not promise the Council that this gentleman would not present a subdivision plat for approval and it could meet the requirements and need to be approved. That could happen in R-20. As far as the other things he asked about regarding HUD housing, if it were going to be multi-family, it would have to go through a special use permit process and go back to the Board of Adjustment, and a decision made at that time if it was appropriate for that in this neighborhood. She stated she had not considered that at this point at all and she did not know anything about low and moderate income housing, and she did not know anything about a grant application that might be going for this piece of property. At this point, all she knew was that the property owner had asked to rezone it from R-20 to R-12.

Council Member Gover replied that he was just trying to soften the blow, because this was what some of those people (in attendance) were going to be asking. He thought the City needs to make provisions to come up with an ordinance on drainage whether it was in this area, the west area, north area or wherever it is, to which Mrs. Stultz replied she agreed.

Mayor Price then called on those individuals who had signed up to speak.

Mr. Tim Biggs, 110 Vaughn Street, right across from this adjoining property, stated when it rains, water floods them. Before anything is done on this property, he would like for the Engineers or someone to come and see what they can do on the existing problem before something else is created. It is also a problem on that road, as there is a sharp curve and a lot of traffic; they would be looking at more traffic if they put anything else across there. Water pressure was not the greatest thing in the world, a lot of places in Eden is not like that, and that needs to be looked at. Before anything is done on that property, he would like for them to look at the problems that are already there.

Mr. Troy Law stated he was not a resident of Eden, but a member of Victory Baptist Church and he had been asked to be a spokesperson for the church. Their property adjoins this property in question on the east side. Some of the concerns they have are not immediate, but they are down the future. R-12 zoning would allow more housing units on the property and it seems fairly obvious if the gentleman is requesting a zoning change, that his future concern is that he is planning to put more dwellings on that property. This would create a possible higher demand on the local elementary school which is probably already crowded now. Then there are houses adjacent to this property that might suffer some reduction in resale value if low cost housing is placed on that property. These were the concerns of members of Victory Baptist Church and they respectfully object to it.

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Mr. Tommy Mitchell, Pastor, Victory Baptist Church, 835 Grand Oaks Drive. Some of the concerns that Council Member Gover expressed were their present problems. They have water drainage problems on their property now and they are adjacent to that property and they have easement across it to get flow for city sewage when they built their church. The property south, east and some of the properties north of South Avenue are R-20 properties now. They would like to see the integrity of that retained because they feel that a better quality home would be built, and the person building the home in the long run would get a greater value. There are R-12 properties now within the city where people would like to build a garage on the side of their house, but cannot because it is a R-12 property. This is not really an ideal size lot and some of the things that have been mentioned, he did not know these people, so there is nothing personal. They would like to see houses built in their end of town and, hopefully, some of those people would come to their church so they are not opposed to progress. There is a water drainage problem and if this is reduced from R-20 to R-12, who is to say that within a few months or less that the owners will not come back and ask for a further zoning to allow the other type of housing that has been mentioned here. The statement has been made that all the gentleman can do now is put a house on it. If all he wanted on it was a house, it would not need to be reduced from R-20 to R-12. This was their concern. They have problems with the water drainage, they have R-20 property around it, and they would like to see development within the Draper Section of the city that would upgrade the value rather than downgrade it. He felt it was in the best interest of the citizens in the area, adding they understand there are properties in the city already that provide for about 60 to 80 houses, and that property is not developing very rapidly as he drove through it tonight, and only one of those houses had been sold and there were six to eight up there. So there is significant allowance for R-12 development that has been approved already and they would like to see this retained as it is.

Mr. J. C. Adkins, 114 S. Rickman, owns the property on South Rickman Street that backs up to this property, approximately 630 +/- feet. Getting to the drainage problem, at the present time and this has been this way since he bought the property, all of the water coming down Delaware Avenue, Maryland Avenue, across Stadium Drive is dumped on the right hand side of his property, which goes straight through this property, right down to Mr. Tim Biggs, and right down that way and that is what is flooded. He has had to build a dam there, a sediment pond that cost him about \$10,000. If the R-20 is reduced down to R-12, if there is multi-housing there, not only will it reduce the value of their property where they have all invested their life savings there, they need to have it protected and they were looking at the Council to protect it for them. It would reduce the value of their property tremendously to have multi-housing up there. If he wants to build one house, then why change it from R-20 to R-12. His property is zoning R-12. As the other gentleman mentioned the school, they have all of the kids in school that they can have, if they bring more houses in, they would have to do something about the schools. The streets, there is no drainage there at all. No way, shape, form or fashion, the water coming off of that property and it was coming down his back yard and down a bank where he had graded behind his house where that property adjoins to, down the side, right down to Stadium Drive. And every time it rains, they have a flood down there. To clear that 13 acres of land, it was all downhill straight to Stadium Drive. He again mentioned the traffic that it would create and the curve at Stadium Drive, it would be a very dangerous intersection. He thought all of this should be looked at before this is changed. He noted he was not against development and was for it, in fact, he would like to see nice homes built there, as it would increase the value of his property, but not to the extent on a smaller lot that they plan to put on R-12, as it was too small. They could leave it R-20, survey the lots and put a house on each lot.

Mrs. Bonita (East) Taylor, 407 S. Long Street, mentioned that she has a lot of property in the Draper section of Eden. She just checked her tax tickets and it was over \$500,000. People call the Town of Draper (section of Eden) the ghetto. She did not like this because she tries to keep her property up. She has a piece of property near the property being considered. She thought if they have it where

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they cannot build but one or two houses, everyone concerned would be better off. If they have a lot of low income there, they would have more than she thought they wanted to bargain for. She closed in saying she was against it.

Mr. Dewitt Howlett (*had signed up, but chose not speak at this time*)

Mr. Raymond Thomas, 2037 E. Stadium Drive, stated he was for development, if it is fair and beneficial to all concerned. This piece of property he had walked and 90 percent of it was elevated toward Stadium Drive and 10 percent of it was on the southwest corner and adjoins South Rickman. He understood there was already a problem on Vaughn Street which he also walked. He stated he would like for the city to have the Engineering Department to do a study on runoff, study the existing runoff on Rickman, Delaware, Maryland, and the water that comes from Green Akers. Ninety-five percent of the water that comes from Green Akers funnels at Vaughn and Eisenhower Intersection. Going out Mill Avenue, as you first enter, there is a swag there and three houses on the left, there is a ditch there so all of that water is turned north, which is great, but getting on past the Junior Lemons home place which is about the third house on the left going east then the water begins to run directly southeast. Then it goes on to Vaughn Street and Eisenhower and then to Dallas. He again stated he would like for the city to do a study of the existing runoff and then do a study of the 13 acres. He explained that when the timber is cut, it would increase the runoff and if the people who live on Vaughn think they have had it rough before, wait until the land is cleared. He stated, let's keep it R-20 because that is 100 x 200 ft. and gives them 20,000 square feet. The R-12 is 12,000 square feet or roughly 100 x 120 ft. so naturally they can put more homes on the land. He also mentioned experiencing low pressure at times, and he went to the city the other day regarding the water pressure and he was told that if was the possibility that it was National Textiles, when they are doing their dyeing process that they open up so many valves that it cuts their water pressure. He stated he didn't know what could be done there, but a study could also be made there, but if this housing development is put in at R-20 he would have less of a problem than with an R-12 due to there being less dwellings. He also stated that he recommended that this zoning request be tabled until the study has been done.

Mr. A. D. Shelton, 4000 Pond Valley Court, McCleansville stated he was the owner of the property and the biggest reason he wanted the rezoning was because he planned to build a few more houses in there. The way the land is laid out, if you get 20,000 feet, you have to go 100 x 200 when you put the lots in there, they go back so far that he could not get lots in the back of it. Going with R-12 he could come back with about 16,000 or 18,000 feet and it would be short enough that he would be able to put the road back in there and have lots in a cul-de-sac. He explained that he had been building in Reidsville and he has friends that live in Eden that work for him and they told him to come here to build, and no one was building anything but big houses, nothing for \$100,000; \$120,000 and \$130,000. He came over and rode through the area, he noted a few little houses with no crawl spaces so he and his wife started looking for land. They spotted the land on Stadium Drive that looked nice for houses, there were a couple of low places, but he had built a lot of houses and he did not see where there was a flood zone there. It wasn't anything that could not be fixed from what he could look at. He stated if had known what he knows now, he would not have come over and bought that land. He stated the land was R-20 and he had the request before Council, not knowing what they were going to do, but he was still going to build some houses in there because he had to get his money back.

Mayor Price declared the public hearing closed and noted that no one had signed up to speak.

Council Member Vestal questioned Mrs. Stultz about talking with Mr. Asbury about the water pressure and asked if she knew what size lines were at that area.

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Mrs. Stultz replied, no as when Mr. (Raymond) Thomas was in her office, knowing that was an issue that Mr. Asbury would have to care for, she could not help him. She emailed Mr. Asbury and told him about it and since has seen some emails going back and forth, Mr. Harvey is supposed to check it, but she did not have any knowledge whether he has or not.

Council Member Vestal stated he was assuming from all of the discussion that there is no storm drains, there are just ditches in this area.

Mrs. Stultz replied she would assume that was true, but she had not gone out and done an inventory of the area herself so she was reluctant to tell him yes, no or maybe so without any actual knowledge. She stated that this particular case, the rezoning of this property was like every other rezoning that the City Council chooses to do or not to do, is a policy decision. One option that this gentleman might want to consider would be to apply for a PUD application. That goes through the Special Use Process and it is completely different; however, there are times when someone applies for R-12 and they recommend R-20 or they ask for R-20 and they recommend R-S those kinds of things. That is not permitted for them to do when someone would apply for straight up rezoning as opposed to a PUD because it is a Special use Permit and they cannot oppose that on anybody, the applicant would have to choose. The decision to change this is what it is for the Council to make.

Council Member Gover thanked Mr. Shelton for selecting Eden to develop, but he could see there were questions and some ordinances that the Council needs to adopt before they could allow trouble going into trouble. When they are already having problems, they need to resolve those.

A motion was made by Council Member Gover seconded by Council Member Vestal to deny the request until the drainage problems are worked out.

Mayor Price asked Mr. Medlin if they could make that conditional until the drainage problems are worked out or just be denied to which the reply was just be denied.

Council Member Vestal stated he had a problem voting on something when he did not have all of the information in front of him. There is a very evident water drainage problem there and he did not have any information at all that he could base an opinion on that. The water pressure problem, he was sure that Mr. Asbury or someone from his department could tell them about the lines, but he knew at all times there was going to be low pressure in all areas of the city and especially up in the northern part of it. He again stated he did not have enough information right now to vote for it which was why he seconded the motion (to deny).

A substitute motion was made by Council Member Turner seconded by Council Member Nooe to table this request until there is some further study.

Council Member Vestal stated they could do a study on the available land now, but not knowing what the gentleman was going to put in there, they do not do a study to compare anything with.

Council Member Myott stated that what Council Member Gover wants is a study of all of the drainage problems in that area and the water pressure, the same thing she wants in her area.

Mayor Price stated that he had been in this area when there has been a lot of flooding and rain and everything those folks have said has been entirely correct. The water apparently has not place to drain, very slow to drain and it is a real ticklish area. On the other hand, looking at Mr. Shelton's request, he agreed with Council Member Gover, they do need the construction and the building in the community, but they need responsible construction and well planned construction.

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They need an area that will be compatible with the housing that is going to be there and compatible to the environment. As it is right now, when the rains come, and they come for two or three days at a time, everything that was said about the flooding was true. Water goes over the road, comes over the sides, and one lady that he did not see here, he had been to her house and it has made a mess. He had not spoken with the people on Vaughn Street, but was sure the water backs up over there so in his judgment to approve something like this without some background information would not be in the best interest of the city. He stated he would like to see this tabled to have a study made. And to be fair to everybody, but they have a problem and this problem has got to be resolved before, in his judgment, before more construction can take place in that area.

Council Member Vestal stated that Mr. Shelton, as Mrs. Stultz indicated, is not out yet, there are several avenues that he can pursue on this property so it is not like they were totally doing away with anything that he can do with his land.

Mayor Price noted that Mrs. Stultz had an interesting point, this new Planned Unit Development zoning is one that a lot of developers in Eden have already used, and they have used it to their benefit and to the communities benefit. Again, it has to be designed, engineered; one cannot expect growth to take place in an area that has not been set up for it.

Mrs. Stultz reminded the Council that the ordinance says that if the Council turns down a request, then he cannot apply for a year. If they were to table it this evening, then he would have the opportunity to rethink and maybe withdraw this one and go again. It is his choice, she had not had a conversation with him. His application came while she was tending to her father-in-law and those options would be available to him.

Mr. Medlin told Council Member Turner that in her motion to continue, if they could have that for one month, two months or something and then separately they could request the department to do the study they want, that would not be part of the motion, this is strictly a motion to continue, but put a date on when it will come back.

Council Member Gover stated he would rather not box the man in under those conditions. Now you are going to have your study, let's say the study comes back in two months, so what are they going to do about it, adding to the flooding problem. To have a study is not going to erase flooding. So what are they going to do when they have their study and it proves that Mr. Thomas was right, all of that runoff, now where are we, the Council was still boxing him in. At least if they deny the request, then they could give him an avenue to go another way or pull it or whatever he wants to do.

Council Member Turner stated if they do that (deny) then Mrs. Stultz had said he could not come back for a year.

Council Member Gover stated that when they have the study, it is like all of the other studies they have ever had, they never do anything about it, they study it to death and then they don't do anything about it.

Mayor Price stated that these people have proved without a doubt that they have a problem, if they are going to study it, certainly a Council will sit here and look for avenues to eliminate that problem and to put something in effect to do it.

Council Member Turner asked Mrs. Stultz if she had an idea of what kind of time might be needed to do additional studies on this area to which Mrs. Stultz replied no, as she was not an engineer and could not do those studies. She stated she was assuming that if they were suggesting that, that it is for the city to pay for that. She stated that she just had a conversation with Mr. Shelton and at this point with all of the issues that have been raised by the residents and otherwise, certainly if they want to table this and Mr. Asbury or Mr. O'Dell would be able to give them

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a better idea if they were going to do a drainage study. Doing the study would tell them what the problems are. It still would not require that the drainage created by this site be dealt with on that site. At this particular juncture, the only really good way that they have to do that is if he were to apply for a PUD and then they could have that as a condition and require him to deal with the drainage on his site. That is a whole other zoning case.

Mr. Nooe replied that still would not address the problems they are having now, all it would do is maintain it at the present level, it would not decrease the flooding downstream to which Mrs. Stultz replied, no he was absolutely right.

Council Member Epps stated he personally would like to see some type of investigation because those people need help. They can talk about it all day, but until they get something concrete where they can initiate something to solve this problem, even if this property doesn't fly, at least they know something about the flooding and can do something about that. He stated he was in favor of some type of study to see what is going on out there. He added he wanted to help those citizens, because they just all come down to talk and air, they came because they are concerned about their neighborhood and their water. By doing this study, there would be something concrete, there is a new Water and Sewer Committee which he is on the board, and there is a partnership that can be done for those property owners that have flooding whereby the city pays part of it. That way, maybe some of their problems can be solved in the process.

Council Member Turner asked if they could table this for one month.

Mr. Medlin explained that they need a time that this comes back up because otherwise a motion to table just tables it for this meeting; otherwise, if they are going beyond this meeting, it becomes a motion to continue, and if you don't state a time, it will come up at the next meeting. So, if you want to put it off until the next regular meeting in a month. . .

Mayor Price questioned whether a month would be enough time and asked if she would be amenable to continuing to some date in the future to which Mr. Medlin asked if they had a date.

Mayor Price then replied, no and Council Member Turner asked if this went on the agenda every month until they have a resolution.

Mr. Medlin asked if she was continuing it until it was brought back on the agenda to which Council Member Turner replied yes.

The substitute motion was as follows: A motion was made by Council Member Turner seconded by Council Member Nooe to continue this item until it is brought back on the agenda. Action on the motion was as follows: Council Members Turner, Nooe, Myott and Epps voted in favor of the motion. Council Members Vestal and Gover voted in opposition. The motion carried.

Mr. Adkins asked if the property owners will be notified when the study is made. Council Member Epps replied he would think they would be involved in the study, he thought to do it right, they would have to be involved.

Mayor Price replied the property owners who were notified of this rezoning, property owners of record would be certainly notified, and he would suggest that those who would like, beyond the property owners of record, who are surrounding that area, if they would like to notify the Planning Department, for notification, that they can ask for that.

(Mrs. Stultz responded, however, it was not picked up by the recorder).

Mayor Price explained that, this means the people who were notified of this rezoning will automatically get it and a lot of people here tonight who have a

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vested interest in would like to call the Planning Department and ask to be notified of that, then they would receive that.

Mr. Asbury mentioned to Council Member Vestal that they are aware of the water pressure problem, not only at Mr. Thomas' house, but in that area in general. He met last Friday with some consulting engineers, they are coming to conclusion of a project they have been working on that was approved by the Council for this year's budget which is looking at some pressure problems in several areas of the city including that area and that will be coming to the Council shortly. Mr. (Bill) Harvey is aware of the need to do some pressure testing at Mr. Thomas' house.

MONTHLY FINANCIAL REPORT:

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

REQUESTS AND PETITIONS OF CITIZENS:

No one signed up to speak during this time.

UNFINISHED BUSINESS:

(a) Consideration of Sewer Improvements Contract 2.

The memorandum explained that the engineer's recommendation was to award the project to the low bidder, Ralph Hodges Construction Company. The Director of Environmental Services, Mr. Dennis Asbury, concurred with this recommendation.

(The bid package included the total base bid for rehabilitation of sanitary sewer gravity mains in the Meadow Greens, Covenant Branch and Dan River subsystems. The package also included miscellaneous point repairs, flow monitoring equipment and easter line replacement work. Three bids were received.)

The three bids received were as follows: Ralph Hodge \$4,085,709.05; Prillaman & Pace, Inc.: \$4,332,105.15; and Yates Construction Company, Inc.: \$4,915,354.50.

Mr. Asbury explained that the Council has seen this many times and it is part of the Special Order by Consent work that was mandated by the state for the City to do. He then called on Mr. Mark Fisher. (It was noted that Mr. Raymond Corbin was along in attendance and prepared to make an explanation to the Council regarding the bids received on September 29 and the outcome of that bidding).

Mr. Mark Fisher, P. E. and Project Manager explained that he would be going over the bid summary, the analysis and recommendation. He thanked the City for the opportunity and to do the design work and continue with the construction administration and inspection.

Bids were received on September 29th and three bids were received. All bids were executed appropriately, acknowledge receipt of addenda and constrained the 5% bid bond. The package included 25,000 +/- linear feet of sewer line work and associated repairs to the collection systems at Meadow Greens, Covenant Branch, and Dan River Waste Water Collection Subsystems. Three bids were received from Ralph Hodge Construction Company, Yates Construction Co., and Prillaman and Pace. The bids were found to be in acceptable ranges of the engineers estimate. The apparent low bidder was Ralph Hodge Construction Company. After doing the bid tabulation and certifying the bid results, his bid in the amount of \$4,085,709.05 was the low bid. They performed a background check and contacted the references that were furnished, there were three references from

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consulting engineers, and two from municipalities. All references checked out very favorably, the only negative comment that they received in regards to Ralph's Construction was some concern about timely completion of the project. Mr. Fisher stated this project would require timely completion, after discussing, in particular that negative comment with Ralph Hodge Construction Company, there was an explanation and that was because some of the easements in relation to that project had not yet been acquired. But all five references that were contacted spoke very favorably and would have no concerns hiring Ralph Hodge Construction again.

Mayor Price asked if our easements had been secured. Mr. Fisher replied they were in the process as they have adequate easements to begin construction and move forward and they see no problem in acquiring the remaining easements. With that said, and based on the positive references, and Mr. Hodge's availability of crews and equipment, they trust that Ralph Hodge Construction Company can complete the project on time. Therefore, they recommend to the City to make award to Ralph Hodge Construction Company in the amount of \$4,085,709.05 for Contract 2, Special Order by Consent.

Council Member Gover asked if they would receive a progress report every month on the actual work being done or how that flow chart would work and the money spent since he was on that committee.

Mr. Fisher replied however they would want that accomplished was up to the Water and Sewer Committee. Currently, they were providing a progress report via email to Mr. Asbury. Contract 1, the progress report has been sent to Mr. Asbury. They would be happy to get emails (addresses) if they would want to see a progress report, they could come to the City Council meeting each month and do a progress update. It was the Council's preference and they would be happy to facilitate any way they could.

Council Member Gover replied that he would like to see some sort of flow chart for the Committee. He stated he did not want to speak for other committee members but to keep up with this type of money and the type of work that they are doing, he thought the Water and Sewer Committee should have a flow chart.

Mr. Fisher replied they could provide that and in the meantime, they could submit a draft of what they have been furnishing for the city staff, and if that is appropriate, then they can continue that on or any suggestions they may have. One thing they could do, as part of their ongoing services with the City, they have provided the City an Internet mapping site and in that site, they could show which lines have been completed, and that could be highlighted. That site is pretty user friendly and they could log on at home or come to the city and see it visually.

Council Member Epps replied that would be good for all of them.

Mr. Stacy Price, 438 Lake Street stated he was here tonight to represent himself and his mother of 434 Lake Street. He stated he would like to rebut his comment about seeing no issue of getting the easements. Himself nor his mother have any intentions what-so-ever of giving easement to the City for this sewer project until something is done with their creek. In the past, they have dealt with snakes, mosquitoes and land erosion is horrific, he loses six inches of yard per year to this creek. Every time they ask anyone from the City to do anything about it, they are told that they do not do any maintenance to these creeks, however, anytime he gets mad and says okay, I'll bring a dump truck down there and backfill it, he is told that it's the City's right-of-way. Who, with common sense, could give the City a second right-of-way when they will not take care of the current one that they have. He was not asking the City to spend \$500,000 to come down and fix his yard, he asked that they maintain what is there. Two men and a backhoe would probably resolve a portion of it.

Mr. Tom West, an agent with the City, has been to his home on numerous

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occasions and told him half truths, gave him idle threats and told him that he had been in contact with Council Member Gover and that he was coming to see him in two months. He has made repeated phone calls wanting to know if Council Member Gover has been to his house. He stated he was either figuring that Mr. West was lying to him more or the City Council does not care. That was why he was present tonight as he wanted to resolve this. He was not asking the city for money, not asking them to spend a ton, he was just asking them to fix what is there. He added that he had been told that this is two separate issues, sewer and creek. To him, it was one issue as the issue was right-of-way and they have no intentions of signing this until they do something and agree to something on this creek. He stated they were fed up and he was sorry to be so hateful about it, but they really were fed up. He also noted that Mayor Price had been there before when they were having issues over the bridge falling in so they are just sick of this, and now the City was asking him for something else. They keep saying they were going to improve his property, he has gravel in his driveway, his toilet flushes, so there is no improvement to his property. In fact, it was another burden to his property. He stated he had told Mr. West this and obviously Mr. West was not communicating to the Council. This was why he came to the Council to see if there was something that "we" can work out on this.

Council Member Gover told Mr. Price that he wanted to clarify something, Mr. West had not spoken with him about his problem, and he would see the City Manager about that problem. He had been down on Lake Street but not on his problem.

Mr. Price stated he was not asking for a lot, he just wants the City to come in and slope it, throw some grass seed on it and stop the erosion. There is a bad turn there where the City years ago put concrete in, the water has run up under the concrete, ate all of the dirt out from behind it and now it is a snake pit as he kills at least 20 per year, copperheads, water moccasin per year, in his yard, in his shop. He added that he has a 9 month old and a 13 year old. He stated he wished he had a dollar for every time someone in his family has hollowed, "get out of that creek". He added that it was a family concern as well.

Council Member Gover replied that he wanted to clarify that he does care and that was why he was sitting in that chair (Council).

Council Member Epps stated he was glad that he brought that information out, and that Council Member Gover would probably take pictures and have them at the next meeting. If it is the City's problem then we (City) will fix it, if it is not, then there is a partnership where they work with people. This was just put together a month or so ago and they have a lot of water problems in the City.

Mr. Price stated that one of the things that has made him the maddest that he has gotten from Mr. West is "you'll either sign it or they will come through here anyway". That was a statement that he made in front of Mr. Fisher. He added that he was not motivated by threats.

Mayor Price asked Mr. Asbury if he and Mr. Fisher could get together and check on this and give Mr. Corcoran a report for the Council's reviewing to see if this can't be resolved very quickly.

A motion was made by Council Member Nooe seconded by Council Member Gover to award the contact to Ralph Hodge Construction, the low bidder (amount of \$4,085,709.05). All Council Members voted in favor of this motion.

(b) Consideration of junk and abandoned vehicle fee schedule.

Now that the junk and abandoned vehicle lot has been finished and the city has started to tow cars, the Planning and Inspections Department requested the authority to charge a storage fee of \$20.00 per day for each day the vehicle was in storage. They also asked for the authority to charge the owner of the vehicle the amount that the towing contractor set and the administrative fee of \$50.00.

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

(c) Consideration of request for City maintenance of bridge lights and fountain in vicinity of the proposed Island Ford (Smith River) Bridge Project (West Meadow Road).

The City of Eden Historic Preservation Commission and the Eden Preservation Society have been working together for more than 15 years to promote refurbishing the Traffic Circle and the surrounding area. This part of our community is the birthplace of textiles in Eden and the Circle itself is a local landmark. Plans are being made for the adaptive re-use of the mill complex in this area. Additionally, for several years, plans have been underway to construct a new bridge over the Smith River.

The Historic Preservation Commission has devoted much time and effort to promote a compatible design and location for this bridge in keeping with the Spray National Register Historic District. Concerns have been addressed preventing interruption of business for the many small businesses that are located in this area. These businesses are located along Boone Road, Church Street and Meadow Road. Much of the west-east migration in the morning and east-west migration in the afternoon of vehicles from home to work and school and back again goes through this vitally important area at a rate of 8,000 trips per day.

With the resurgence of this area and its importance to the community, the addition of landscaping and a fountain for the Traffic Circle and decorative lighting for the new bridge are important to both the quality of life and economic development of our community.

Information received from the Eden Preservation Society, the private nonprofit arm of the community's preservation program, provided data regarding a large gift given by Miller Brewing Company for the fountain and other information pertinent to the long term costs associated with the project. Additional data has been gathered by City Staff.

In preparing for the request for the City Council to agree to have the City accept the Traffic Circle enhancements and the lights on the Island Ford Bridge after installation for maintenance, we have found the following:

1. Miller Brewing Company has donated \$20,000.00 to the Eden Preservation Society for the purchase and installation of the fountain and landscaping for this pivotal local landmark in commemoration of their 25 years as a leading local employer.
2. It is anticipated that the lights will be installed through a grant from the NCDOT. If not the Eden Preservation Society will have a fund raiser to gain private donations for the purchase and installation.
3. According to the City's insurance carrier no additional dollars would be added to our liability insurance to cover the fountain. If a motorist damaged the fountain or landscaping they would be liable for the damage. Our insurance carrier recommends a rider for the fountain and the Traffic Circle enhancements to cover vandalism, uninsured motorists and other contingences. This will cost approximately \$30.00 per year.
4. Parks and Recreation Director, Johnny Farmer, has been responsible for the care and maintenance of several similar fountains in his career. His estimation of annual maintenance costs include \$275.00 per year in chemicals for the water in the fountain. He estimates that an employee **already on staff** will need to spend 2 hours per week on maintenance. This estimated cost of this would be \$988.00. These would not be new dollars. Mr. Farmer also, estimates \$100.00 per year in miscellaneous expenditures.
5. The manufacturer of the fountain says that the life of the pump in the fountain is normally ten years. The cost of replacing the pump would be \$1,000.00. Johnny Farmer agrees with this assessment.
6. Based upon a comparison of the bill for the lights on the Dan River Bridge we estimate that it will cost \$605.88 annually for the electric bill for the lights on the Smith River Bridge. The estimated cost of running the pump and lights for the fountain will be \$1157.90 dollars per year.
7. A copy of an email from Mike Mills, Division Engineer for the N.C.D.O.T regarding his support for the fountain project and a copy of a letter with his support for the lights on the bridge are attached for your review.
8. Maintenance of the plants will be added to the landscape maintenance contract handled by the Planning Department. Our current contractor estimates an additional \$50.00 per month in additional cost to cover the plantings.

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9. Should the Council decide to proceed with this project, staff would recommend that City Staff partner with the preservationists during final design, bidding and construction of the Traffic Circle enhancements to ensure that the project would be ready for City acceptance upon completion.

10. Water will need to be run to the traffic circle for the fountain. Bev O'Dell indicated to me that the 16 inch waterline in this area will have to be replaced to accommodate the construction of the new bridge. The line for the fountain can be cared for during this process. The normal amount of tap fee of \$850.00 would cover additional cost to the city to cover labor and equipment involved.

It is estimated that the total cost in new dollars for utilities and maintenance will be \$2,062.90 per year for the fountain and landscaping and \$605.88 for the bridge lights. The new Island Ford Bridge will be in place before any construction or installation of the fountain and landscaping will take place. So, the additional costs associated with the maintenance can be figured into the City Budget before any expenses are incurred.

Creating a sense of place in this part of the community will solidify its importance to not only the history of our city but to its future. In the past, the City Council has agreed to accept maintenance for planting projects put in place by the Community Appearance Commission and Tree Board. These projects include the pocket park on Washington Street and Veterans Park on Fieldcrest and Main. In the mid 1990's the NCDOT installed the landscaping and street trees along Highway #14 from the Dan River to the Meadow Road interchange. The City has been responsible for maintenance of this project since installation. The cost of installation of the Highway #14 landscape project exceeded \$125,000 and the long term benefit to the City has been significant.

With the construction of the new historically sympathetic bridge and the proposed enhancements we have an opportunity to greatly improve the appearance and livability of Eden.

Based upon the foregoing information, staff recommends in favor of this request that the City accept the fountain and landscaping and bridge lights after construction and installation.

Mayor Price called on Mr. John Cameron, 351 West Meadow Road, President of Eden Preservation Society, for comments. He then thanked the City Manager, Planning Staff, Mike Dougherty and others who worked very hard over the last week or so to pull together some numbers so they would have some City developed numbers for the Council. Many others in the community, Eden Preservation Society, Eden Preservation Commission and others who have worked hard on this project. He then referred the Council to a power point presentation.

He noted this was the recently named Island Ford (Smith River) Bridge. He stated there were a couple of things he would like for the Council to do and the City Attorney would have to figure out how to make this happen: Accept gifts of traffic circle fountain, landscaping, and bridge lights in the Spray National Register Historic District; and, assume responsibility for costs of their maintenance and operation.

Mr. Cameron then presented pictures of the site and three examples of fountains options for the Council. Finally, Mr. Cameron presented pictures of samples of some candelabra-type street lights for the bridge, possible. He stated in keeping with the Spray Historic area, they were thinking of a light stand on each of the four corners.

Mr. Cameron then showed a picture of the Greenway Sign that was up and explained that they were excited about that project as it will run along that same area. They would like to see all of that area redeveloped and their idea of a fountain, landscaping and the bridge lights along with the greenway is all part of a very important project.

Mr. Cameron then gave the Council the following background information: The Council approved the Spray Traffic Circle fountain in concept November 19, 2002. That precipitated a lot of work by the State and by the rest of them trying to figure out what they would do, how they would pay for it so over this period of three years now, there has been a tremendous amount of effort put into how could this happen. He thanked the Council for that approval in concept.

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The bridge and circle re-construction will probably be from some time next year for a couple of years (2006-2008). He mentioned that it could go over to 2009. Before they could get to the installation of landscaping, fountain, and bridge lights, those obviously would be one of the last elements done. So they were talking about an ultimate time frame something like 2008 before they would actually be put in. He added that from the material in the Council's packet, they do have a letter from Mr. Mike Mills, Division Engineer in this region, saying they were willing to work with the City on these elements as they appreciated that very much.

Mr. Cameron stated that the capital cost of doing this work was as follows: Fountain \$20,000 and Bridge Lights (4): \$4,000.

He stated that they, the citizens, through the Eden Preservation Society were bringing to the Council and to the City a gift of approximately \$24,000 and saying that is the private sectors contribution to that project. As some may know, the \$20,000 was donated by Miller Brewing and in part celebration for their 25th celebration in Eden. That money is in the bank accounts of Eden Preservation Society and is in CD's and drawing interest. The \$4,000 is an estimate for the four lights and that money has not yet been raised; however, they figure they have three years to do it, they are preparing a grant application to the NCDOT, if that does not work, Eden Preservation Society will take responsibility for raising that money in other ways, and by the time they need it, they will have it.

Mr. Cameron then listed the estimated annual maintenance and operating costs as follows: Fountain: Insurance \$30 a rider to the current policy; Chemicals \$275 to treat the water; Maintenance: Use existing employee; landscaping \$600; electricity \$1,158 based on existing bills from Duke Power for the NC 87 bridge; miscellaneous (water, bulbs, etc) \$100. Bridge Lights: Electricity \$606.

Mr. Cameron closed with the benefits which were listed as follows: Further enhances the Spray national Register Historic District, 25th anniversary gift from Miller Brewing Company of \$20,000 (in hand), beautification of the river area and greenway, catalyst for area redevelopment, no city capital costs, minimal maintenance and operations costs.

Mr. Cameron noted that there were a couple of endorsement letters that he hoped that the Council received and he listed the following quotes: ". . . seize the moment and celebrate Spray, Eden, water and history..." – NC Department of Commerce; "A gift to the community such as this fountain is very rare..." – Partnership for Economic Development and "... you have an opportunity to do something that will not be available to you again for a long time" – Rodney Swink, Department of Commerce.

Mr. Cameron asked those in favor of the project to stand to which approximately 45 stood.

Mrs. Marianne Aiken, 700 Riverside Drive, stated she certainly endorsed this (project) and she had been working on this for years. She stated she hopes to see, at times a rather desolate part of Eden much improved. She stated they have visions of how beautiful it can be with those improvements.

Mr. Calvin Smith, 406 Greenwood Street, stated that was real nice, but he was opposed to it. For one thing, that would keep on costing the city. It would be fine if they had people working at the Spray circle when all of the mills were working, but they aren't doing it anymore. He suggested taking that fountain and carrying it to the (City) park and building a monument for the veterans, some have been killed, some wounded and some are still around. He suggested making a memorial down there. There is one in Wentworth, but Wentworth is a City, and they have one down in Draper but Virginia Woodall has to keep it up, Leaksville, they moved it. He stated they do not have anything for the veterans. He asked, why put something at a dead end and Spray circle is a dead end. He stated he

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knew there was traffic that went through there, it was just like the park in Leaksville, that was \$21,000 but they still do not have anything for the veterans. He stated he was opposed to anything going there when something could be built at the park for the veterans.

Mr. Jim Fair, 429 Boone Road, stated when he grew up, it was Leaksville, Spray and Draper. Spray was not always up to par with Leaksville and Draper. He stated that now that Mayor Price has those buildings looking good down there, Mark Bishopric's building looks great, and he sees Preston Price cleaning up down there all of the time, he thought this would be a great thing for the City. He heard at one time that they may try and do away with the traffic circle that was the easiest moving thing in the City, and that he had never seen a wreck there.

Mr. Fair added that Mr. Smith was a good friend of his and he hated to be opposed to him, but he really thought the City needed this and that it would be a beautiful thing.

Council Member Vestal called attention to a statement at the top of the second page that referred to the City executing an encroachment agreement. He stated they did not have a copy of the encroachment agreement and did not know what they were agreeing to at this time.

Mr. Corcoran replied that they have not received an encroachment agreement and it may be because it is still so many years from when this will actually be done. He stated in the motion, they could add that the encroachment agreement would have to come back to the Council, however, there is no encroachment agreement yet from the NCDOT submitted to the City.

A motion was made by Council Member Epps seconded by Council Member Myott, as requested by the Eden Preservation Society, for approval (*of the maintenance of the bridge lights, the fountain and the power for maintenance and power for the fountain and lights*) pending the encroachment agreement. All Council Members voted in favor of this motion.

Council Member Epps stated that the reason he made the motion was because he recently was asked to be on the board of the Nantucket Mill renovation and when that mill is renovated, it will be a great asset to the City of Eden with the greenway, traffic circle being remodeled and a major center soon to come, he felt they would enhance that area to a great degree. Not that he was kicking because other people have been blessed better than they have, but that area has been neglected over the years as far as getting improvements. Maybe others have out ruled it because it was necessary somewhere else, but this gives them a chance, one time, to get a light lit in that section and make the citizens proud of their community.

NEW BUSINESS:

(a) Consideration of a Resolution of Intent to close portions of E. Harris Place and Hidden Valley Drive, SC-05-02.

The memorandum explained that the city has received a request from D.R. Development Corporation to close portions of E. Harris Place and Hidden Valley Drive.

RESOLUTION OF INTENT TO CLOSE PORTIONS OF E. HARRIS PLACE AND HIDDEN VALLEY DRIVE

BE IT HEREBY RESOLVED by the City Council of the City of Eden, North Carolina, that

Pursuant to the provisions of Chapter 13, Article III, Division 3 and Section 13.88 of the Eden City Code and Section 160A-299 of the North Carolina General Statutes, the City Council of the City of Eden, North Carolina, does hereby declare its intention to close the following described unopened Streets.

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Original East Harris Place Right of Way Removal From Dedication

Beginning at an iron pipe in the northern right of way of East Harris Place; said point being the southeast corner of the property of the Greensboro News and Record as recorded in Deed Book 854, Page 1063 at the Rockingham County Register of Deeds; running thence from said point of Beginning along a curve to the right having a radius of 386.94 feet with a chord bearing and distance of South 55°.13'.13" East, 293.96 feet to a point; thence crossing East Harris Place to the southern right of way, South 57°.06'.16" West, 50.00 feet to a point; thence along a curve to the left having a radius of 336.94 feet with a chord bearing and distance of North 54°.13'.31" West, 245.11 feet to a point; thence North 00°.39'.52" West, 51.55 feet to the point and place of Beginning. This property being a portion of the right of way described in Map Book 28, Page 289 and being the portion of the right of way to be removed from dedication in Map Book 54, Page 45 at the Rockingham County Register of Deeds.

Additional East Harris Place Right of Way Removal From Dedication

Beginning at a point in the southern right of way of the new alignment of East Harris Place as recorded in Map Book 54, Page 45 in the Rockingham County Register of Deeds; said point being located North 88°.30'.04" East, 140.66 feet from the beginning of the new right of way dedication for said realignment of East Harris Place as recorded in Map Book 54, Page 45; running thence from said point of Beginning along a curve to the right having a radius of 20 feet with a chord bearing and distance of South 49°.18'.23" East, 27.95 feet to a point; thence South 04°.58'.53" East, 20.32 feet to a point; thence along a curve to the left having a radius of 225 feet with a chord bearing and distance of South 18°.56'.19" East, 108.54 feet to a point; thence along a curve to the right having a radius of 336.94 feet with a chord bearing and distance of South 19°-47'40" East, 152.75 feet to a point; thence crossing said right of way North 83°.18'.23" East, 50.00 feet to a point in the eastern right of way; thence along a curve to the left having a radius of 386.94 feet with a chord bearing and distance of North 19°.47'.40" West, 175.41 feet to a point; thence along a curve to the right having a radius of 175 feet with a chord bearing and distance of North 18°-56'-19" West, 84.42 feet to a point; thence North 04°-58'.53" West 20.32 feet to a point; thence along a curve to the right having a radius of 20 feet with a chord bearing and distance of North 39°.20'.37" East, 27.95 feet to a point in the Southern right of way of the new East/West alignment of East Harris Place; thence with the southern right of way of East Harris Place along a curve to the right having a radius of 1890 feet with a chord bearing and distance of South 84°.09'.45" West 32.59 feet to a point; thence continuing with the southern right of way of the new East Harris Place along a curve to the right having a radius of 1890 feet with a chord bearing and distance of South 85°.30'.45" West 56.47 feet to the point and place and Beginning. This property being all of the southern stub of right of way tying the new East/West alignment of East Harris Place to the remaining old alignment of East Harris Place along the Eden Elderly Housing Ltd. property as shown of Map Book 54, Page 45 and a portion of the right of way along the property of Eden Elderly Housing Ltd. as recorded in Map Book 28, Page 289 at the Rockingham County Register of Deeds.

Right of Way Dedication for New Hidden Valley Drive Connection

Beginning at a point in the southern right of way of the new East/West alignment of East Harris Place; said point being located the following courses from the southeast corner of the Greensboro News and Record Property as recorded in Deed Book 854, Page 1063 at the Rockingham County Register of Deeds: South 00°.39'.52" East, 57.39 feet to a point in the southern right of way of East Harris Place; thence along the southern right of way, North 88°.30'.04" East, 140.66 feet; thence North 85°-30'.45" East, 56.47 feet to the point of Beginning. Thence from said point of Beginning along a curve to the right having a radius of 20 feet with a chord bearing and distance of South 51°.01'.07" East, 27.95 feet to a point; thence South 06°.41'-37" East, 273.55 feet to a point in the western right of way of the original alignment of East Harris Place as recorded in Map Book 28, Page 289; thence crossing said right of way North 83°.18'.23" East, 50.00 feet to a point; thence North 06°-41'-37" West, 273.55 feet to a point; thence along a curve to the right having a radius of 20 feet with a chord bearing and distance of North 37°.37'.53" East, 27.95 feet to a point in the new East/West alignment of East Harris Place per Map Book 54, Page 45; thence along the new southern right of way of East Harris Place along a curve to the right and having a radius of 1890 feet with a chord bearing and distance of South 82°_48'-45" West, 56.47 feet to a point; thence continuing along the same curve to the right having a radius of 1890 feet with a chord bearing and distance of South 84°.09' 45" West, 32.59 feet to the point and place of Beginning.

BE IT FURTHER RESOLVED that the City Council does hereby call for a public hearing on the said closing to be held on the 15th day of November, 2005 at 7:30 P.M.

BE IT FURTHER RESOLVED, that this Resolution will be published once a week for four successive weeks prior to the said hearing, a copy of said Resolution be sent registered or certified mail to all owners of property adjoining said streets as shown on the Rockingham County Tax Records, and prominently posted in at least two (2) places along said streets.

BE IT FURTHER RESOLVED, that the Planning Board is hereby requested to submit its recommendation on the proposed closing of said streets for consideration of the City Council at

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the time of said public hearing.

APPROVED, ADOPTED AND EFFECTIVE, this 18th day of October, 2005.

CITY OF EDEN
 s/Philip K. Price
 Mayor

Attest:
 s/Kim J. Scott, CMC
 City Clerk

Mrs. Stultz explained that in recent months, the City Council made the decision to create some new right of way to deal with traffic flow in and around a large pocket of new development including the street that got you to Hidden Valley Estates. What this simply does, they have created new right of way and rerouted the road. This will close what used to be there in order to straighten all of that out and only have right of way in the places the Council chose to have traffic through. The Resolution of Intent was simply the Council’s request that a public hearing be held.

A motion was made by Council Member Epps seconded by Council Member Gover for approval. All Council Members voted in favor of this motion.

CONSENT AGENDA:

- (a) Approval and adoption of minutes: September 20, 2005.
- (b) Approval and adoption of a traffic study on the Cook Block re: handicapped parking space - Mitchell's Drug.

A traffic study request was received from Council Member Epps in reference to handicapped parking on Jones Street next to Mitchell’s Drug Store. Ms. Tammy Amos, City Engineer, agreed that there was sufficient width on Jones Street for the location of the handicapped parking space.

Maintenance Supervisor, Paul Dishmon, also noted that one handicapped parking spot in the proposed location would not cause a problem moving equipment.

Currently, Jones Street is posted as a no parking area with signs posted and with “no parking” painted with yellow paint upon the roadway. The Police Department’s recommendation would be to establish a handicapped parking space on Jones Street next to Mitchell’s Drug Store and to paint yellow lines and arrows on the roadway to enhance the lettering already there.

- (c) Approval and adoption of budget amendments.

<u>Budget Amendment #4</u>	<u>Account#</u>	<u>From</u>	<u>To</u>	<u>Amount</u>
General Fund Revenue				
PD Fed/State Drug	10-3431-41900	\$ -	\$27,791.00	\$27,791.00
General Fund Expenditures				
Police C/O Equip/Drug Forf Dep	10-4310-57200	\$ -	\$24,586.00	\$24,586.00
Police D/O Equip/Drug Forf Non Dep	10-4310-57201	\$ -	\$ 2,605.00	\$ 2,605.00
Police Train/Travel Drug Forf	10-4310-39501	\$ -	\$600.00	<u>\$ 600.00</u>
				<u>\$27,791.00</u>

Transferring money from the Federal Forfeiture Bank Account to the General Fund

Adopted and effective this 18th day of October, 2005.

Minutes of the regular October 18, 2005, meeting of the City Council, City of Eden:

Attest:

Kim J. Scott, City Clerk

Philip K. Price, Mayor

<u>Budget</u>	<u>Amendment</u>	<u>Account#</u>	<u>From</u>	<u>To</u>	<u>Amount</u>
<u>#5</u>					
General Fund Revenue					
Police Revenue		10-3431-41700	\$ -	\$275.00	\$275.00
General Fund Expenditures					
Police Informants Fees		10-4310-19900	\$19,520.00	\$19,795.00	\$275.00
			\$ -	\$ -	\$ -
			\$ -	\$ -	\$ -
					<u>\$275.00</u>

Drug Reimbursement for illegal guns.

Adopted and effective this 18th day of October, 2005.

Attest:

Kim J. Scott, City Clerk

Philip K. Price, Mayor

A motion was made by Council Member Turner seconded by Council Member Epps for approval of the Consent Agenda Items. All Council Members voted in favor of this motion.

VOUCHERS:

There was no discussion about vouchers.

ADJOURNMENT:

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

Respectfully submitted,

Kim J. Scott
City Clerk

ATTEST:

Philip K. Price,
Mayor