

CITY OF EDEN, N. C.

The regular meeting of the City Council, City of Eden, was held on Tuesday, September 20, 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:	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>

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:

Mr. Paul Talley, Pastor Hampton Heights Baptist Church, was present to give the invocation.

PROCLAMATION:

(a)(1) Proclamation: Big Sweep

Mayor Price read the following proclamation in recognition of Rockingham County Big Sweep Week:

**A RESOLUTION OF CITY COUNCIL  
OF EDEN  
DECLARING SEPTEMBER 24 - OCTOBER 1, 2005  
AS ROCKINGHAM COUNTY BIG SWEEP WEEK**

WHEREAS, Rockingham County is rich in natural resources and beauty; and

WHEREAS, water is a basic and essential need for all life; and,

WHEREAS, trash fouls our waterways as well as our landscapes; and,

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WHEREAS, every citizen should contribute to keeping our environment clean and healthy by working together to preserve clean water and the natural beauty of our surroundings; and,

WHEREAS, North Carolina Big Sweep is a statewide community effort to retrieve trash from North Carolina's waterways and landscapes;

NOW, THEREFORE, BE IT RESOLVED that the City Council of Eden, North Carolina, meeting on September 20, 2005"does hereby declare SEPTEMBER 24 - OCTOBER 1, 2005 as ROCKINGHAM COUNTY BIG SWEEP WEEK in Eden, and does further hereby urge every citizen to do his or her part to restore the beauty and function of our lakes and streams by volunteering to participate in the Big Sweep event.

In witness whereof I have hereunto set my hand and caused the seal of Eden to be affixed.

s/Philip K. Price, Mayor

ATTEST:

s/Kim J. Scott, Clerk

SEAL

(a)(2) Proclamation: Constitution Week

Mayor Price asked Mrs. Mary Lambert, DAR representative, to come forward. He then read the following proclamation in recognition of Constitution Week:

**CONSTITUTION WEEK PROCLAMATION**

**WHEREAS**, We the People did ordain and establish a Constitution for the United States of America to secure the blessings of liberty for ourselves and our posterity; and

**WHEREAS**, Constitution Week commemorates the signing of the Constitution of the United States; and

**WHEREAS**, the Bicentennial of the Constitution provides an historic opportunity for all Americans to learn about and to reflect upon the rights and privileges of citizenship and its responsibilities; and

**WHEREAS**, the Daughters of the American Revolution urge all Americans to be worthy of the Constitution's protection and remind all citizens that the freedoms of religion, press and speech and the rights of petition and assembly are guaranteed to us by the Constitution.

**BE IT THEREFORE RESOLVED** that the week of September 17-23 be proclaimed Constitution Week in the City of Eden and urge all citizens to pay special attention during that week to our Federal Constitution and the advantage of American Citizenship.

Given unto my hand this 20th day of September, 2005.

Philip K. Price

Mayor

(a)(3) Proclamation: Fire Prevention Week

Mayor Price asked Fire Chief, Mr. Doug Cline, to come forward and he then read the following proclamation in recognition of Fire Prevention Week:

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**PROCLAMATION  
Fire Prevention Week**

**Whereas**, "Fire Prevention Week" was established to commemorate the Great Chicago Fire, the tragic 1871 conflagration that killed more than 250 people, left 100,000 homeless, destroyed more than 17,400 structures and burned more than 2,000 acres; and

**Whereas**, fire is a serious public safety concern both locally and nationally, and homes are the locations where people are at greatest risk from fire, and the City of Eden is committed to ensuring the safety and security of all those living in and visiting our state; and

**Whereas**, City of Eden residents are responsive to public education measures and are able to take personal steps to increase their safety from fire; and

**Whereas**, the 2005 "Fire Prevention Week" theme, "Use Candles With Care: When You Go Out, Blow Out!" effectively serves to remind us all of the simple actions we can take to stay safer from fire during "Fire Prevention Week" and year-round; and

**Whereas**, using proper care with candles will have a positive effect on the home fire problem; and each candle fire that is prevented is an opportunity to prevent painful injury and costly property damage; now

**Therefore**, I, Philip K. Price, Mayor of the City of Eden, in recognition of the importance of this safety message from our school children to the people of this city, do hereby proclaim October 9-15, 2005 as "Fire Prevention Week" in the City of Eden.

Philip K. Price  
Mayor

Attest:  
Kim J. Scott  
City Clerk

ADDITIONS OR DELETIONS TO MINUTES:

Mayor Price asked if anyone would like to add or remove agenda items.

A motion was made by Council Member Gover to pull agenda item 7(a) (*Consideration of junk and abandoned vehicle fee schedule*) due to the uncontrolled absence of the Planning Department. (*Planning & Inspections Director, Mrs. Kelly Stultz, was absent due to family illness and Planner, Mrs. Debbie Galloway, was absent due to a death in the family*).

Council Member Myott stated that she did not understand.

Council Member Gover pointed out that their Planning Department was out and he had questions and he thought that Mrs. Stultz could answer those questions.

Council Member Myott noted that Ms. Devon Reid from the Planning Department was present.

The City Manager, Mr. Brad Corcoran, agreed that Ms. Reid could try, however this issue was being handled by both Mrs. Stultz and Mrs. Galloway.

Council Member Vestal seconded the motion.

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Mayor Price commented that they tabled this item last month until they could have more time. They had the information presented to them in the Council package and it explained the issue and he would certainly like to see them keep it on the agenda.

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

A motion was made by Council Member Nooe seconded by Council Member Gover to remove Consent Agenda item (k) (*Approval and adoption of Matrimony Creek Sewer Outfall emergency repairs*) for further discussion. All Council Members voted in favor of this motion.

A motion was made by Council Member Vestal seconded by Council Member Gover to remove Consent Agenda item (h) (*Approval and adoption of permission to spend up to \$14,000 of drug money to equip a workout room*) for clarification. All Council Members voted in favor of this motion. This motion carried.

#### PUBLIC HEARINGS:

(a) Consideration of an amendment to an ordinance adopted on February 18, 2003 for an order for demolition of property at the corner of Irving Avenue and The Boulevard. The request is to change the order to "Order for Demolition **or Repair** of property located at the corner of Irving Avenue and The Boulevard (239 The Boulevard)".

The memorandum to Council explained that the City Council during their last meeting called this public hearing to amend an ordinance adopted on February 18, 2003 for an order for demolition of property at the corner of Irving Avenue and The Boulevard. The request is to change the order to "Order for Demolition or Repair of property located at the corner of Irving Avenue and The Boulevard (239 The Boulevard)".

Mayor Price called for a public hearing and asked Mr. Corcoran for comments.

Mr. Corcoran explained that as they would recall during their last meeting, they had called for a Public Hearing, which again was to amend the ordinance that was adopted on February 18, 2003 for demolition of the property at the corner of Irving Avenue and The Boulevard. The request was to change that order to "Order for Demolition or Repair of the property". He noted that in the packet was a copy of a memorandum from Mrs. Stultz dated August 8, 2005, as well as a copy of the ordinance.

Mayor Price noted that there were several people who had signed up to speak regarding this item. He then asked Ms. Joy Toms to come forward.

Ms. Joy Toms addressed Council:

Ms. Toms, 622 E. Stadium Drive, explained that she was present as Chair of the Main Street Advisory Board and she asked that they consider this amendment. This was something that the Boulevard Merchant's Association felt very strongly about. She explained that the building was very vital to the area and very important to their revitalization efforts.

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She pointed out that it had been recommended that The Boulevard be a residential and an art district and this building was important to moving them in that direction. She noted that as the consultant had recommended, this was a building that could be used for those efforts in the future. Also, this building could be repaired for not much more than it could be demolished for. She added that if this building was demolished the city would most likely never recoup the money. If it was refurbished and be sold the city could have a great return on it.

Ms. Becky Shomali addressed Council:

Ms. Becky Shomali, 191 Firemen Club Road, explained that they would like for the Council to consider this amendment in hopes that they would be able to repair the building at some point. She added that there was a possibility of recouping some if not all of the funds for the repair of this building, but as Mr. Uden stated last month, once a building was gone, it was gone forever.

Mr. Jeff Eanes addressed Council:

Mr. Jeff Eanes, 129 Meadowwood Road, explained that he owned Boulevard Used Furniture and he was present representing The Boulevard Merchant's group. He explained that they were asking the Council to refurbish and bring this building up to code. He stated that he had served on Boards and looked at all aspects of cost and figures and he knew what they were facing in terms of expenditure, but he always tried to let common sense rule the day when he made decisions and it just seemed to him to be a good business decision to go ahead and refurbish this building.

He explained that their community on The Boulevard was starting to grow. He added that he did not know if it would ever be what it was in the 50's and 60's, but there were twenty plus members who represent their group on The Boulevard. He then asked some of the group members who were present to stand (*approximately 7 people stood*). He stated that they were there to ask the Council to consider following what the study committee had recommended which was to not demolish this building but to renovate it. The North Carolina Main Street Center staff has strongly recommended that and the consulting company also recommended that this building not be demolished but be renovated and brought up to code and made available for businesses or for the future expansion of businesses.

He pointed out that in the last year or so they have added a lot of new businesses up there. So they were trying and working hard and just wanted to respectfully ask the Council to consider this. There were a lot of buildings that needed work and they hoped that it would begin to take shape. He stated that they would do their part in supporting the retail community by trying to keep their businesses up and running and operating and trying to make sure that they have the opportunity for folks to come here and shop in Eden. He then closed by thanking them for their time and all the efforts they had put into this.

Mayor Price declared the public hearing closed and asked the Building Inspector, Mr. Bob Vincent, who provided the background for the proposal, to come forward for questions. He questioned the \$150,000 quote, was this to get it up to basic code compliance.

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Mr. Vincent replied that was correct, based on the bid he believed that was received from Associated Industrial Contractors. He added that it had been a while since he had looked at the file and it was his opinion that the building right now was very unsafe. He pointed out that it was open to the elements, there was a portion of the second floor that was cantilevered out over the first floor and he did not know how much longer it would stay there, so they have a safety issue.

He explained that as far as the ordinance to repair or demolish, he could tell them that from a code standpoint the bid that was given by Associated, when they consider this, he would omit providing any heating or air conditioning, any electrical service, or any handicapped accessible rest rooms. They could save probably \$50,000. He explained that the reason for saying that was because no one knows for sure what was going to go into this building. If they provide heating and air conditioning up front, it may not meet the requirements for what will go in there as far as outdoor air. So, typically what a lot of the new buildings do, they have what was called the "vanilla shell". Basically go in and repair the structure to make it safe, keep the elements out, which would satisfy all the city's requirements, provide the roof, first floor, second floor and then just leave it as a basic shell and then whatever private industry decides to go in there it would be very easy for them to go in and make the necessary upfits that they need.

Mayor Price asked if that would be the first level of quotations that they gave to them to which Mr. Vincent replied that was right, but he would omit a lot of it. Mayor Price stated that there were some additional things they could add to it, but the basic, standard first bid was about \$148,000 or something like that, to get it code complaint, safe so that someone could buy it, to which Mr. Vincent replied that was correct.

Council Member Myott asked Mr. Vincent to repeat that amount.

Mr. Vincent explained that he was basing the information that he gave them off of the bids submitted by Associated Industrial Contractors which was in the file. He had tried to brief himself on the file, but he was not fully prepared to be at the meeting. His opinion was that if they do decide to save the building and repair it, to not include electrical services or HVAC, as there was no need, because they did not know what would go in there. Let whoever decides to buy it or go in there, let them make the necessary upfits.

Council Member Myott questioned the figure of \$149,800...to which Mr. Vincent explained that he was looking for Mrs. Stultz's memorandum and noted that the lowest amount was \$149,800 and then in various stages could go up to \$210,350.

Council Member Myott asked if that lowest figure, \$149,800, gave them a basic code compliance and Council Member Nooe questioned if that included AC, electrical and all of that.

Mr. Vincent replied no, take all of that out, based on the one bid that was received from Associated. It was not going to be code compliant, what they were doing, they were making the building structurally sound and weatherproofed, where it was not a hazard to the neighborhood, or to the building that surrounds it. It would not be code compliant unless whatever goes in

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there, then they would be required to make it code compliant, based on whatever goes in the building.

Council Member Myott questioned if it could sit there like that to which Mr. Vincent replied absolutely, as long as it was safe to the neighborhood and not causing a nuisance. Right now, the state the building was in was very bad.

Council Member Gover asked what guarantee they had to get their \$150,000 back.

Mr. Vincent replied that he could not comment on that as he was not a real estate agent, as far as satisfying the code and the basics that was what would need to be done.

Mayor Price asked the City Attorney, Mr. Medlin for comments.

Mr. Medlin explained that in regards to Council Member Gover's question, there was no guarantee. He explained that he was not in a position to guarantee they would ever get their money back. Right now the property was titled in the name of someone who appears to be insolvent and they would not be able to recover. What he wanted to echo, first of all the city did not own the building, so it could not guarantee what use would be put to it. But, they were just going to go in and either tear it down or repair it so that it would no longer be a nuisance or a safety hazard. That was all the money that the city would spend because they did not otherwise own the building. Then they were going to demand that they pay the money back and if they did not, they would sue to get the money back and that would be a lien against the property. If they did not pay the city would have the court sell the property in order to get the money back. It either generated enough or it comes in with a deficiency and if there was a deficiency, they go after the property owner's other assets until they collect their money.

He stated that it was his opinion that the deed from Mr. Lemons, which occurred within just a few days from the time the Council passed this original ordinance from Mr. Lemons to Mr. Terry was done solely for the purpose of preventing the city from collecting its money. So his recommendation has been that they file a lawsuit to set that deed aside, put it back in Mr. Lemon's name and make him accountable for the money and that was what they plan to do.

Mr. Medlin explained that he had not done a search of Mr. Lemon's assets or his willingness to pay, but it would certainly put the city in a better position than they were with Mr. Leo Terry owning the property. He stated that he thought another question was if they should go ahead and do this work now or wait until after they have done the legal work and try to set the deed aside. He stated that his recommendation was that if they were going to do the work, go ahead and do it, because he would like to if at all possible include the dollar amount that they end up spending in the lawsuit or start that lawsuit as soon as possible against Mr. Terry and Mr. Lemons so that they cannot have an opportunity to do another deed, that he could get that judgment relatively close in time to the time that the deed was set aside so that the city had that lien on the property. So, that was the plan that he recommended.

Council Member Gover explained that the reason he questioned it, they put seed money in there to clean this city up. It was not only just one building and this was a large amount of money on

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just one building. He challenged everybody to go to 1423 Ridge Avenue. That house has been burned for over a year and he was hoping that they could leave money in there to clean up their city inside the residential areas, not only in the business areas. He pointed out that those people have smelled that old smoked house for over a year (1423 Ridge Avenue). That was why he was asking these questions. He added that he was not against the businesses, but they needed to look after their people in the city also, not just the business people. He asked them to go over to that address and see the condition of that house.

Council Member Myott questioned that in a case like that, did they not sometimes just go in and finish burning it down and clear it that way.

Mr. Corcoran replied that was correct, it was typically burned down and then the Planning & Inspections either hired a contractor to go in and clean the debris or if it was a small job they may send in the Streets Division. He indicated he would check on that and then call Council Member Gover.

Council Member Vestal commented that it makes business sense to go the route and do the bottom figures that Mr. Vincent said, because they were just talking a \$30,000 difference. They were not going to get any money back if they tear it down and there was a possibility of getting the \$30,000 back if they did sell it. His problem, with the tax dollars that would be tied up with this, without any...what information they were getting was "maybe we can get the money back". He stated that he would like to see them proceed setting aside the deed to see if they could actually do this. He then stated that they were changing tonight, which was 2005, the original order which was done in 2003, so he questioned if this order would have to go toward the new owner instead of the previous owner.

Mr. Medlin replied that the previous order was recorded with the Register of Deeds, it went with the land so whoever owned it was subject to it. The order from the inspector actually was entered prior to that, so as far as due process, to all the parties, the owners, that has all been given, this point, it was just amending to repair or demolish which was exactly in the proceedings up until the point they entered the ordinance before. All the orders from the inspector were to bring it into compliance by either repairing or demolishing and at the prior hearing before City Council, the City Council chose to demolish. He stated that he thought they could go back and amend to allow either to repair or demolish, it was still a lien, this was just an amendment, all it did was, it tacks onto what happened before and it stayed with the land. He thought that person took title to it subject to the ordinance.

Council Member Epps stated that they have a set bid and if they fool around it was going to be a lot more. He then made a motion seconded by Council Member Myott to accept the proposal to repair.

Council Member Vestal asked if this was for the base not to exceed \$149,800...and indicated that he wanted that in the motion.

Mayor Price asked Council Member Epps if that was satisfactory to which he indicated that it was.



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Action on the motion (to accept the proposal to repair with the base not to exceed \$149,800) was as follows: Council Members Vestal, Epps, Myott, Turner, Tuggle and Nooe voted in favor of this motion. Council Member Gover in opposition. This motion carried.

(b) Public hearing on the close-out of the City of Eden FY-02 Community Development Program which consisted of the Flint Hill Community Development Block Grant.

The memorandum explained that there was a Community Development Block Grant for the Flint Hill community. A public hearing is required by the federal government when all the requirements have been met.

Mayor Price called for a public hearing and explained that Mr. John Dilley, of the Wooten Company, the consultants hired by the city, to come forward with his information.

Mr. Dilley explained that the grant was awarded in late 2002 and they began work in the Flint Hill area in early 2003. The area that they concentrated on was Decatur Street, Thomas, and Riverside Drive. Most of the work was done in cleaning up the old mobile home park down there and they relocated two families and removed ten abandoned mobile homes. He noted that the property has become the property of the City of Eden.

They also proposed to renovate several houses down there. They had some houses that they had intended to do onsite relocations with modular homes, but participation from the residents down there was not as quick as they had anticipated. They had several public hearings and meetings with groups down there trying to get people to join in the activity and participate but out of all the area down there they had 16 families decline participation. He pointed out that they could have assisted them with this money to renovate their houses, the only restrictions was that they put a lien on the property for eight years and he thought that scared off a lot of the people down there.

They did accomplish though to relocate three families. They cleared three frame structures, two on Lawrence Street, one on Riverside, and they removed the mobile homes and cleared out that slum of blight down through there. They rehabbed one house with community development block money and local funds and three houses, because of their activity down there, the homeowners themselves paid for their own renovation work. They would have paid for all of that, but these homeowners decided to take the money out of their own savings account and repair their own homes. He noted that one mobile home owner bought a new mobile home with his own money. They could have used this grant money to offset that, but they just did not get the participation.

Mr. Dilley explained that the original total grant amount awarded was \$595,000. The local match was \$105,000, and out of that they were only able to spend \$211,600 out of the grant, with the local match of \$105,000 being spent. He explained that they were there asking for a resolution from City Council to go ahead and close out this grant and they were almost eight months beyond the end of the project.

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Mayor Price thanked Mr. Dilley and noted that he had gone beyond the normal course of this to help people understand exactly what this was about. He also thanked Council Member Epps who opened his church for several meetings. It was really something good for their community.

Council Member Epps stated that he did a good job on what he was allowed to do. He stated that they had such an elderly population in that area that was so drawn to their houses.

Council Member Vestal asked what he would like the city to say in this resolution.

Mr. Dilley replied that with their permission, he would go ahead and read the resolution. (*See below*).

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

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

EDEN FY 02 COMMUNITY DEVELOPMENT PROGRAM  
CLOSEOUT RESOLUTION

A Resolution Authorizing the closeout of the Eden FY 02 Community Development Program.

Be It Resolved by the City Council of Eden, North Carolina, That

WHEREAS, the City is participating in the Community Development Block Grant Program under the Housing and Community Development Act of 1974, as amended, administered by the North Carolina Department of Commerce; and

WHEREAS, the City has completed all the approved project activities and certifies that a public hearing, to review and assess the performance of this project, in accordance with the North Carolina CDBG Program Regulations, was conducted on Tuesday, September 20, 2005 at 7:30 PM to discuss the project closeout. Comments made at the public hearing were favorable; and

THEREFORE, BE IT RESOLVED, that the City Council of Eden, North Carolina, hereby authorizes the closeout of the FY 02 Community Development Program and directs the Mayor to act on behalf of the City in executing closeout documentation as the Chief Elected Official under the provisions of the North Carolina Community Development Block Grant Program Regulations (4 NCAC 19L).

Adopted this 20th day of September 2005.

Philip Price, Mayor

ATTEST:

Kim J. Scott, CMC, City Clerk

MONTHLY FINANCIAL REPORT:

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

REQUESTS AND PETITIONS OF CITIZENS:

None

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UNFINISHED BUSINESS:

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

The memorandum explained that in the early 1990's more and more communities began to avail themselves of the statutory changes that permitted vehicles to be removed from public and private property under specific circumstances. There are three (3) categories of vehicles that violate the provisions. First, vehicles can be declared nuisance vehicles, second they can be declared a violation due to aesthetic reasons and third, unauthorized vehicles left on public or private property or on the public-right-of-way can also be removed. Across the state, citizens had been complaining about the damage to property values and quality of life when neighbors collected junked, wrecked and inoperable vehicles and stored them in residential and commercial areas. Such vehicles can quickly change the character of a neighborhood.

The City of Eden, like most other communities, adopted ordinances in keeping with the enabling legislation. The model ordinance put out by the League of Municipalities encompassed the removal of all three types of vehicles in one ordinance. The City of Eden, based upon the recommendation of our attorney at the time, adopted three separate ordinances.

During 2005, the Eden City Council made the decision to provide a storage facility for vehicles removed as per the junk car ordinances. This decision was made to construct such a facility for several reasons. Tow truck operators were reluctant to tow and store junk vehicles for the city because the City of Eden Zoning Ordinance limits the number of vehicles that can be stored at anyone time on their property. Additionally, the towing operators would have to take on the legal requirements and paperwork in order to be able to dispose of the vehicles. In instances where an appeal is involved, the time period can stretch for months. Thus, the creation of a city owned lot was not in any way in competition with the local business owners but on the contrary gives business to those willing to tow for us on a rotation basis.

North Carolina General Statute 20-219.9 defines towing fee as "the fee charged for towing and storing". Additionally North Carolina General Statute 160A-303.2, the enabling legislation for junk vehicle abatement and Eden City Code Sections 6-67.12 and 6-67.13 require that we have a schedule of towing and storage fees.

In order to be able to dispose of the vehicles there needs to be a point established where the City is owed enough to justify the disposal of the vehicles. Our objective is to meet the standards of the ordinance and to improve the quality of life in our community while not becoming a clearing house and sales agent for owners of old vehicles

It was recommended that the towing fee be established as \$50.00 above the actual cost of the tow and that the storage fee be \$20.00 per day.

Mayor Price explained that Mrs. Stultz has presented the information and her recommendation was to set the towing fee at \$50.00 above the actual cost of the tow and that their storage fee be \$20.00 a day.

Council Member Gover commented that in the cost in preparation and disposal procedures, she mentioned that they would use a crusher to crush these cars. He pointed out that the crusher would not come out for 50 cars. He also pointed out that the cars that they have, they have to take the tires and the gas tanks off. He questioned the labor figure that was figured in to do all of this. He asked how they proposed to handle those cars and they were setting up and being in competition with the local businesses in doing this. He stated that he had questions...the insurance and the liability of the storage...how many extra personnel it would take to do this or

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would they do it all in-house. He explained that was why he had asked that they table it.

Mayor Price stated that he had valid questions in regard to that. In regard to stripping the tires and so forth from these vehicles, no more than they would have, it would not be a big time consuming thing. He added that they have the equipment to do it as for the draining of the gas tanks. He stated that obviously there will be some labor time there, but he would certainly rather that disposal be handled by city personnel than (the fuel) just leaking throughout the community and some of these other things. He stated that he would also be glad to know that those tires were going to the recycling center near Charlotte rather than in creeks and so forth.

Council Member Gover stated that they were trying to answer that they need the people to...Mayor Price replied that he knew that, but he just answered (to) what he knew about...he could tell him they have talked about this junk car thing to death. This community deserved better than it was getting. They have the facilities set up for it, tried to get more information last month...and personally he would like to see them...Council Member Gover pointed out that they were told it was a temporary lot to pull (the cars) in emergencies. They did not say anything about dismantling; taking tires off, pulling gas tanks off, knowing the crusher would not come out for \$50.00.

Mayor Price noted that Mrs. Stultz had made a nice lot...to which Council Member Gover replied that he had voted for the lot.

Council Member Epps commented that the last time they had this it was tabled and she was asked to redo some of this which he had found she had done. On a daily basis they have a growing problem with cars being left places...there was one that sat in the parking lot at Spray Cotton Mill with no tags. He stated that they would certainly need some way of securing these cars and he referred to the news article about the child getting locked in the car and died...

Council Member Vestal questioned that when they pick up the cars and file papers against this vehicle, it would be a lien he understood, but would the lien be against this vehicle or against the property owner who did not want the car to start with.

Mr. Medlin replied that he had never done one of these but generally you are setting a fee or a charge that an individual is responsible to pay. If they do not pay, they are also giving you a lien on the vehicle to help you satisfy that charge. If the sale of the vehicle satisfies it then that is it, if it did not, the person was still liable for the money.

Council Member Vestal questioned, so the person was still liable for the money then they were going to have to require an attorney to start proceedings against this individual. He stated that he had understood that this was going to be handled in-house.

Mayor Price commented that he had a question that might be of interest. He was reading on page 2 of item 4, "legal action remove, abate, remedy, so on and so forth, such action, should be paid by the owner of the premises and if not paid expenses shall be a lien upon the premises." He asked the City Attorney to give his feelings on that.

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Mr. Medlin found what Mayor Price was referring to at 6-66.3 (Enforcement) and under enforcement, paragraph b(4). Mayor Price added that then it would go over to 6-66.4 (Creation of Lien).

Council Member Gover pointed out that they already have that...to which Mayor Price agreed.

Mr. Medlin explained that he thought that it was clear that it says it becomes a lien upon the land where that vehicle was a nuisance. In other words if you have to go out and whether it was a bunch of tires or a vehicle, it was creating a nuisance, and they have to clean it up. That was a lien on the land, as well as individuals being required to pay.

Council Member Turner asked, so they have a chance to recoup their money because it was not a lien against the junk vehicle to which Mr. Medlin replied that was correct.

Council Member Vestal asked if that lien would require an attorney to handle.

Mr. Medlin replied yes, they would have to look and certify who the owner of the property was and then if they would take legal action that would require an attorney.

Mayor Price added, which would require adding the legal cost to the total bill to which Council Member Epps added that he had mentioned that it included attorney fees.

A motion was made by Council Member Epps seconded by Council Member Myott to accept the junk and abandoned vehicle fee schedule as is.

Council Member Vestal commented that he thought they were putting another burden on their citizens. He stated that he was all for cleaning up the city, but here again they have burned out houses in his area and the Spray section and he knew that they have been there for many many months and he had a lady who has called him many times over in Council Member Myott's ward in the Leaksville section.

Council Member Myott stated that she knew about that one. She pointed out that Mrs. Stultz had given them a report and a lot of these were in the stage, the legal loop that they have to jump through before they can do anything about this. She stated that the lady had called her about this very upset because she has asthma and it did bother her to smell this house. She stated that she had looked it up and it was going through the process.

Mayor Price stated that there were a lot of valid points. They did have citizens who were law abiding and they keep their cars up, (but) they were also being abused by not picking this up.

Council Member Vestal noted that several years ago the city attempted to do this same process and got sued for picking up vehicles that were collectable instead of junk, so they need to keep a close eye on this if it passes.

Council Member Tuggle stated that it seemed they have had a lot of questions tonight and to continue with this and to vote on it with a lot of questions, he suggested that they should table this for a month until Mrs. Stultz gets back so she can answer these questions. He explained that

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so many times they did not have enough time to read through and read specific things and feel comfortable voting on it.

A substitute motion was made by Council Member Tuggle seconded by Council Member Gover to continue this item until next month.

Council Member Myott asked if they knew what they would be asking Mrs. Stultz to do that she did not already have in there.

Council Member Tuggle replied that it may be in there but it sure was nice when they get something and they have enough time to go through it in detail when it has been changed. He added that he would like to hear it from the horse's mouth.

Mayor Price asked what things he would specifically like to see.

Council Member Tuggle replied that he just thought some of the things that he had heard tonight...even some Council Members and even after listening to Mr. Medlin talk there were some things they really needed to sit down and think thorough and talk about and even if their lawyer has to take time to think through some of those things, he knew he would have to take time...to which Mayor Price asked in regard to the legal issues.

Council Member Tuggle replied yes, legal issues and those types of things. He explained that any time those things come up, he felt much more comfortable voting on something when he knew that he had the time to think about it a month and he had more time to go through this and in all honesty he thought that when they put it off a month last time, still some other things have come up...

Mayor Price asked if he felt comfortable with the charges as presented...to which Council Member Tuggle replied that most of the things he did, but there were some things he would still like to take more time to read since some other issues have come up.

Council Member Gover pointed out (that also) their city employees would be handling hazardous materials such as gasoline, taking it out of junk cars and he questioned how they would get around that....that was just one issue.

Council Member Epps commented that he had received this information around Thursday night and he had all weekend to read it and he thought that Mrs. Stultz had covered everything pretty well.

Council Member Turner stated that again, this was just to set the fee schedule. She thought there were some other questions but those questions did not really pertain to setting the fee schedule.

Council Member Myott added it was because she needed that material to fill out the forms and send it on...to which Council Member Epps added that the State required her to have this in order to collect liens.

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Council Member Gover stated that was the problem of passing something and not having the right information and then they start finding all this information out...that they passed for the lot...now they were finding out what they were going to do on the lot...and he added that he had voted for the lot...

Mayor Price pointed out that this was approved and Mrs. Stultz came back with the fee schedule and that was the concern that everybody had. He asked if that was wrong.

Council Member Myott replied that was the question that was asked last month and she thought that Council Member Gover had a problem with the fees and how they were accumulated...

Mayor Price added that they had asked that the fee schedule be tabled. He asked Council Member Gover if he had no problem with that.

Council Member Gover explained that he had trouble with the fees because it was leading into all this other work and then they would be placing the burden on the average citizen out here just to get rid of a \$50 or \$100 car and they would eventually take his land for a \$50 car because the city chose to spend \$3,000 on trying to do something with the car.

Council Member Tuggle added that unfortunately that with so many of the people they were continually trying to get money from them and they never get a dime.

Council Member Gover agreed and he pointed out that the junk (car) dealers they never get paid, they did not go to court and fight it like the city.

Mayor Price stated that one of the reasons that the city had to do this was because they cannot afford to do it to which Council Member Gover stated that was what he was saying...Mayor Price stated that somebody, as a last resort, was going to have to pick these junk cars up and clean this city up. That was the problem there if it was going to be done on a profitable basis and be done; it would have already been done...

Council Member Gover replied that his interpretation was that they would have this lot to bring them on temporarily and then they go to a junk dealer. The city was not a junk dealer.

Council Member Epps commented that he did not read anything in there about dismantling cars. This was just setting the procedure in order to get them off the street and into their compound and to charge if necessary and so forth. He pointed out that he saw them all the time, crushed on beds with wheels and everything on them.

Council Member Gover stated that he had done some research...and what they have to do is notify inspectors when you pick up a car and notify Raleigh and you do all of this headwork when you pick that car up and he saw that it was getting into something that he did not think the city should be getting into. He thought it was a transfer lot, you pull it there and you take it to a junk dealer. He did not know they were going to have to strip it down crush it and all of this.

Mayor Price asked if it was his opinion now that he did not want to have this law to pick up junk

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cars.

Council Member Gover replied that he voted on a temporary junk law. He pointed out that even Council Member Turner had made the comment “we don’t want to turn it into a junkyard” and he did not either. They want to get all the cars off of the street and bring them in and let a junk dealer come in and get them.

Mayor Price asked if he thought that the responsible citizens, when they see the city was finally meaning business making an effort to get these cars off the streets...and get them out of the neighborhoods...to which Council Member Gover replied that he saw that they were going there now and they were going to take the car...but whatever it costs, let the junk dealer...the junk dealer would...to which Mayor Price questioned why should a reasonable law abiding citizen have to pay tax payer money to have something that somebody else had technically broken the violation...when somebody has picked up a junk car that was their responsibility.

Council Member Gover noted that they already have that ordinance...and they were not enforcing it...

Council Member Vestal stated that he knew that they were going on the substitute motion first, but going back to the original motion, if they passed that one they were passing 7(a) and the subject says “junk vehicle program-fee schedule”. He stated that he was just letting them know that if they vote on (Council Member Epps’) motion, they would be voting on the whole program.

Council Member Epps replied that was correct, but they did not say who was going to disassemble them, that would be an administration thing to work out.

Council Member Vestal pointed out that they would be voting on the whole program.

Council Member Epps pointed out that it did not say anything about dismantling or anything that their employees would be dismantling them; it just says an ordinance to get them off the street and get them in the lot and what the administration works out how to get rid of them would be their problem.

Council Member Vestal replied that was his opinion to which Council Member Epps replied that he did not see it anywhere else and Council Member Vestal explained that was one of the questions he had.

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

NEW BUSINESS:

(a) Consideration of a traffic study, and adoption of an ordinance, to place speed humps or reversing traffic on Short Morgan Street.



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The memorandum explained that a traffic study was received reference to placing speed humps or reversing traffic on Short Morgan Street. Short Morgan Street is a residential street that travels one-way from Morgan Road and exits onto Church Street. Short Morgan Street is a narrow street that travels on a downhill grade.

The police department's recommendation would be to place two speed humps on Short Morgan Street in the following locations: 1) Approximately 100 feet south of the entrance to Short Morgan Street. 2) Approximately 100 feet south of the intersection of Short Morgan Street and Water Street. Signs stating "Speed Hump Ahead" should be placed before each of these two speed humps.

Chief of Police, Gary Benthin, explained that Officer Shelton was asked to come up with a recommendation on what could be done to alleviate the traffic that was speeding on Short Morgan Street. This was a rather radical approach but it was the only alternative other than to do nothing.

Mayor Price added that the recommendation was to place two speed humps on Short Morgan and not reverse the traffic at all.

Chief Benthin pointed out that they definitely did not want to reverse the traffic.

Mayor Price then noted that it would be 100' south of the entrance of Short Morgan and 100' south of the intersection of Short and Water.

Council Member Epps stated that he had talked to the officer who did the study and he said that there would be signage there to warn people of the speed bumps.

A motion was made by Council Member Epps seconded by Council Member Turner to accept the recommendation.

Council Member Vestal asked the City Manager what the cost would be. Would they do this with asphalt or would they buy the pre-made humps.

Mr. Corcoran replied that they had not determined exact cost yet. He thought they would go with the asphalt. The City of Reidsville had installed several of these speed humps and most of them were asphalt. He added that he thought they could get information about that. He also added that with this, once you do it in one location, there will be an abundance of other requests.

Council Member Vestal asked that they would be doing this in-house to which Mr. Corcoran replied that was correct.

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

(b) Consideration of a traffic study, and adoption of an ordinance, to lower the speed limit on Williams Street from 35 mph to 25 mph.

A traffic study request was received in reference to lowering the speed limit on Williams Street from 35 miles per hour to 25 miles per hour. Williams Street is a residential dead-end street that runs east and west. Several of the surrounding streets are already 25 miles per hour. The police department's recommendation would be to lower the speed limit on Williams Street from 35 miles per hour to 25 miles per hour.

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Council Member Myott stated that Sergeant Shelton talked with her about this and the residents had also requested it.

A motion was made by Council Member Myott seconded by Council Member Vestal to All Council Members voted in favor of this motion.

**(c) Consideration of National Incident Management Resolution**

The memorandum explained that on February 28, 2003, the President issued Homeland Security Presidential Directive (HSPD)-5, which directs the Secretary of Homeland Security to develop and administer a National Incident Management System (NIMS). According to HSPD-5:

*This system will provide a consistent nationwide approach for Federal, State,2 and local 3 governments to work effectively and efficiently together to prepare for, respond to, and recover from domestic incidents, regardless of cause, size, or complexity. To provide for interoperability and compatibility among Federal, State, and local capabilities, the NIMS will include a core set of concepts, principles, terminology, and technologies covering the incident command system; multi-agency coordination systems; unified command; training; identification and management of resources (including systems for classifying types of resources); qualifications and certification; and the collection, tracking, and reporting of incident information and incident resources.*

In order for the City of Eden to be in compliance with Presidential directive HSPD-5, we as a city must adopt NIMS by September 30,2005. Without the adoption of NIMS we, as a city, will not qualify for federal grants. Along with this resolution are other details we must address as a city. Fire Chief Cline has developed this plan and presented it to Mr. Corcoran for review. I have attached some NIMS information for your review and a resolution for adoption.

**Resolution of Adoption  
City of Eden  
Eden North Carolina  
National Incident Management System (NIMS)**

Whereas, the President of the United States in Homeland Security Directive (HSPD)- 5, directed the Secretary of the Department of Homeland Security to develop and administer a National Incident Management System (NIMS), which would provide a consistent nationwide approach for Federal, State, local, and tribal governments to work together more effectively and efficiently to prevent, prepare for, respond to, and recover from domestic incidents, regardless of cause, size, or complexity; and

Whereas, the collective input and guidance from all Federal, State, local, and tribal homeland security partners has been, and will continue to be, vital to the development, effective implementation, and utilization of a comprehensive NIMS; and

Whereas, it is necessary and desirable that all Federal, State, local, and tribal emergency agencies and personnel coordinate their efforts to effectively and efficiently provide the highest levels of incident management; and

Whereas, to facilitate the most efficient and effective incident management it is critical that Federal, State, local, and tribal organizations utilize standardized terminology; standardized organizational structures; interoperable communications; consolidated action plans; unified command structures; uniform personnel qualifications; uniform standards for planning, training, and exercising; comprehensive resource management; and designated incident facilities during emergencies or disasters; and

Whereas, the NIMS standardized procedures for managing personnel, communications, facilities, and resources will improve the local's ability to utilize the State and Federal funding to enhance local agencies readiness, maintain first responder safety, and streamline incident management processes; and

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Whereas, the Incident Command System components of NIMS are already an integral part of various incident management activities throughout the local jurisdiction, including current emergency management training programs; and

Whereas, the North Carolina Emergency Response Commission, by unanimous vote, and the Governor of the State of North Carolina, by Proclamation dated May 11, 2005 formally endorses the National Incident Management System for the use in incident management and emergency prevention, preparedness, training, response recovery, and mitigation programs and activities.

Now, Therefore, be it resolved, that the city Council of the City of Eden hereby establish the National Incident Management System (NIMS) as the standard for incident management for its use in daily operations, as well as disaster operations in the City of Eden and appoints the Fire Chief to review the standard yearly and ensure compliance with Federal and State standards and report any needed revisions or amendments to the Eden City Council for consideration.

Adopted on this the 20<sup>th</sup> day of September, 2005

Philip K. Price  
Mayor

Attest:

Kim J. Scott  
City Clerk

A motion was made by Council Member Tuggle seconded by Council Member Nooe for approval. All Council Members voted in favor of this motion. The motion carried.

(d) Consideration of quote to rebuild filter(s).

The Enhanced Surface Water Treatment Rule is continuing to impose stricter parameters on our operation of the water plant. One aspect of this rule is the tightening of the allowable turbidity passing through our filters. Over the past eight months we have been monitoring and gathering data on our filters, preparing for the new regulations that will most likely begin 2007 or early 2008. These regulations will require detailed monitoring and reporting on the performance of the filters.

In our efforts to optimize our filters and evaluate how we can be compliant with these new regulations, we have begun major physical examinations of our filters and their operation. We have discovered that the older original plant filters are more challenged to operate within the parameters of the new proposed regulation limits. We found that Filter Number Four had lost all of its sand layer in one bay. This was determined to have been caused by upsetting of the porcelain balls in wheeler bottom that support the anthracite, sand and gravel filter media. A sweep arm had fallen off its support structure and the water that normally drives the sweep became a water jet that bored into the depths of the filter bed and dislodged the porcelain balls in the wheeler bottom. The sand media layer was then able to funnel out the bottom of the filter through the dislodged porcelain balls. This resulted in diminished filter performance and higher turbidity passing through the filter, although this filter was still able to meet the current turbidity regulations.

As we solicited quotes for the repair of this filter, a contractor performing an assessment inspection discovered that we had multiple disturbed areas in the filter bed of number four filter where the porcelain balls were out of place. According to the contractor this most likely occurred prior to 1994 before a new backwash control valve was installed. (The original plant wash valve was subject to fly wide open and allow bursts of high volumes of water and air to go up into the filter and disrupt the placement of the porcelain balls and media.)

The service life of the type of filter we have is generally 10 to 15 years. The original four filters now have more than 27 years of service. We now believe that all four of the original filters have reached or are near the end of their usable life. Number Four Filter is now out of service and must be rebuilt. To rebuild the filter means to remove all

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media (Anthracite, sand, gravel and porcelain balls), inspect the wheeler concrete bottom and repair or install liners in the wheeler bottoms where damage has occurred in the concrete. The media layers can then be reinstalled on the wheeler bottom. Once the filter is rebuilt, it can be expected to perform as new again.

It was recommended that Filter Four be rebuilt immediately as this filter is currently out of service. Also, Filter Number Two is showing signs that it is very near its usable service life and may yield border line water quality in the coming winter. Filter Number Two yielded the highest turbidities last Winter and would not be compliant with the new regulations if they were effective today during the cold weather months. Filters One and Three are also nearing the end of their service life, but I feel that they can be budgeted for rebuild in the budget years 06-07 and 07-08. Filters Five, Six and Seven are just now reaching 10 years of age and might be expected to provide acceptable service until 2010 or thereafter depending on their performance.

As we look at the future for the City, we have considered a new type of filter bottom called the PWI System. This system replaces the porcelain balls in the Wheeler bottom and offers several advantages. The PWI System is not subject to dislodging of the porcelain balls from the filter bottom in the way that Filter Four was damaged. The PWI System provides additional freeboard over the media, but this is not a significant advantage for our operation at this time or in the foreseeable future. PWI could make it easier to install an air scrubbing system at a later date in a significant plant upgrade. Reference plants that are using PWI System that I have talked with think it is a truly great filter system, but there are only about four water systems in North Carolina that have changed to this new system. My concern with the PWI System is that system is only three years old and there is no long-term track record. I do not know if it would stand to the harsh chlorine environment and the sustained weight load of the media that rests on it. The new PWI System for our plant is quoted below by K.L Shane and is significantly higher than rebuilding the filter as it is now.

Quotes were received from companies who can repair the filter as per the original design and specifications. The quotes for this turnkey service are as listed below.

Company	Price for One Filter	Price for Two Filters
Kemc, Inc	\$59,121.00	\$114,242.00
Tech Coat Inc.	\$66,504.00	\$133,008.00
Shoreline Enterprises	\$68,400.00	\$136,800.00
K.L Shane*	\$78,780.00	\$141,000.00

\*K. L. Shane's quote is for rebuilding the original design or the new PWI System

Although, it may be passing up a great opportunity to improve our filter system, my experience and judgment compel me to recommend rebuilding the filter as it was originally. Kemp, Inc. has an excellent reputation in rebuilding filters and has done previous work for us at the wastewater plant that was well done. Kemp is the low bidder and we can save an additional \$5,000.00 if we elect to do two filters at the same time.

Based on the four quotes I have received for this work, I recommend that we issued a PO to Kemp to rebuild Filters Two and Four with funds from Water Construction.

It is also imperative that we authorize this work to begin now to avoid being caught in the cold months with only six of our seven filters on-line. The two and half months it took to secure rebuilding quotes have led us into the beginning of the fall months. Contractors are now saying that obtaining the anthracite coal for filter media may take six to eight weeks to deliver to the job site. In the cold months, the water is denser due to the cold temperatures and is much more difficult to coagulate, clarify (settle), and remove the turbidity. Having only six filters working will be a significant handicap to our treatment process.

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

**CONSENT AGENDA:**

Minutes of the regular September 20, 2005, meeting of the City Council, City of Eden:

(a) Approval and adoption of minutes: August 16, 30, 2005.

(b) Approval to hold a public hearing and to consider an ordinance for a zoning text amendment to amend Section 11.24(f)(1), the Business-Central section of the city of Eden Zoning Ordinance to permit "cabinet, woodworking and upholstery shops" as a permitted use. ZONING CASE Z-05-08.

The Planning Board at their regular meeting on September 27, 2005 will consider a request initiated by Jimmy Wingfield to amend the zoning ordinance. The request is to amend Section 11.24(f)(1), the Business-Central section of the City of Eden Zoning Ordinance to permit "cabinet, woodworking and upholstery shops" as a permitted use. Please call a public hearing and request an ordinance be prepared for your October 18, 2005 meeting.

(c) Approval to hold a public hearing and to consider an ordinance for a zoning map amendment to rezone property on Stadium Drive from Residential-20 to Residential-12. ZONING CASE Z-05-09.

The city has received a request from Authur David Shelton Authorized Representative for Timothy Lee Moore and Ginger Moore to amend the zoning map. The request is to rezone property on E. Stadium Drive from Residential-20 to Residential-12.

The Planning Board will consider this request at their regular meeting on September 27, 2005.

Please call a public hearing and request that an ordinance be prepared for your October 18, 2005 meeting.

(d) Consideration of Budget Amendments No. 3.

<u>Budget Amendment #3</u>	<u>Account#</u>	<u>From</u>	<u>To</u>	<u>Amount</u>
General Fund Revenue				
Police Grant	10-3431-87000	\$1,250.00	\$3,750.00	\$2,500.00
General Fund Expenditures				
Police Safety Equipment	10-4310-21300	<u>\$11,050.00</u>	<u>\$13,550.00</u>	<u>\$2,500.00</u>
				<u>\$2,500.00</u>

Grant money received from the NC Interlocal Risk Management Agency Reimbursement for Soft Body Armor.

Adopted and effective this 20<sup>th</sup> day of September, 2005.

Attest:

Kim J. Scott, City Clerk

Philip K. Price, Mayor

(e) Approval and adoption of North Carolina Municipal Report of Fire Conditions,

Minutes of the regular September 20, 2005, meeting of the City Council, City of Eden:

Local Firemen's Relief Fund.

(f) Approval and adoption of Park Committee member appointment.

The Park Committee would like to recommend Claudine Burluson for one of the open position on the Park Committee. The Committee would like City Council's approval to offer her a position on the Eden Park Committee immediately.

(g) Approval and adoption of a Resolution Declaring Surplus Material- Auction.

**RESOLUTION AUTHORIZING THE  
SALE OF CERTAIN PERSONAL PROPERTY AT PUBLIC AUCTION**

**WHEREAS**, the City Council of the City of Eden desires to dispose of certain surplus property of the city:

**NOW, THEREFORE, BE IT RESOLVED** by the City Council that:

1. The following property is hereby declared surplus to the needs of the city

1996 Ford Crown Victoria	Serial No. 2FALP71WXTX138791
1983 Chevrolet C60 Dump Truck	Serial No. 1GBG6D1A2DV110864
1992 Ford F150 Pickup	Serial No.1 FTDF15YXNNA90059
1981 GMC C10 Pickup	Serial No. 1GTDC14D8BB516500
1984 Ford F600 Dump Truck	Serial No. 1 FDNF60HXEVA41 061
1989 John Deer F935 Mower	Serial No. MOF935X4771 03
1991 John Deer F935 Mower	Serial No. MF935X100460
1990 Ford L7000 Sweeper Tk	Serial No.1 FDXR72P3L V A28403
1989 Chevrolet C10 Pickup Tk	Serial No. 2GCEC14H3K1211722
1980 Chevrolet C70 Flat Bed/Dump	Serial No. C17DBAV114297
1987 Chevrolet C20 Van	Serial No. 1GCEG25Z847139817
1984 Chevrolet C10 Pickup	Serial No. 2GCCC14D1 E1166692
1995 Chevrolet Caprice	Serial No. 1G1BL52POSR181714
1994 Chevrolet Caprice	Serial No.1 G 1 BL52PORR 161179
1986 Ford Ranger	Serial No. 1FTCR10A1GUC94660
1996 Volvo Expeditior	Serial No. 4V5DAFMD4TR720142
1984 Ford 555A	Serial No. C725083
1995 John Deer 935 Mower	Serial No. MOF935X140518
1985 Chevrolet C60 Dump Truck	Serial No. 1GBH6D1A4FV213114
1995 Chevrolet Caprice	Serial No. 1G1BL52P9SR176513
1995 Chevrolet Caprice	Serial No. 1G1BL52P2SR177471
1995 Chevrolet Caprice	Serial No.1 G 1 BL52P4SR 177830
1995 Chevrolet Caprice	Serial No. 1G1BL52P1SR181155
1981 Cushman	Serial No. 898436-8110
1981 Cushman	Serial No. 549468
1990 Chevrolet Caprice	Serial No. 1G1B1547XLA125468
1995 Chevrolet Caprice	Serial No. 1G1BL52POSR181549
1995 Chevrolet Caprice	Serial No.1 G1 BL52P9SR182912
1995 Chevrolet Caprice	Serial No. 1G1BL52POSR181955

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1997 Ford Crown Victoria	Serial No. 2FALP71W6VX224926
1994 Chevrolet Caprice	Serial No. 1G1BL52P8RR160510
1995 Chevrolet Caprice	Serial No. 1G1BL52P3SR177284
1994 Chevrolet Caprice	Serial No. 1G1BL52P2RR162656
1979 American Rd. Leaf Machine	Serial No. W-94911389
1994 Chevrolet Caprice	Serial No. 1G1BL52P7RR162796
1992 Ford Crown Victoria	Serial No. 2FACP72W5NX225371
1995 Chevrolet Caprice	Serial No. 1G1BL52R6SR176288
1995 Chevrolet Caprice	Serial No. 1G1BL52P5SR180879
1992 Ford Crown Victoria	Serial No. 2FACP72W9NX225373
1996 Ford Crown Victoria	Serial No. 2FALP71W2TX130216
(1) Sanyo VCR	Serial No. 46516313103C
(1) G.E. Base Console	Serial No. 4120269
(1) G.E. Base Console	Serial No. 4050950
(1) G.E. Radio Transmitter	Serial No. 4ER18B2
(1) Midland Radio Transmitter	Serial No. 060585
(1) Intel Desk Computer	Serial No. X90431 037
(1) Epson Computer Printers	Serial No. 01 DN1087838
(1) Epson Computer Printers	Serial No. ODN1127499
Old Pumps	(1) NEC/Multisync 2A Monitor
Chain Hoist	(1) NEC/Multisync XE21
Playground Equipment	(1) Brother M-1809 Printer
(3) Camper Shells	(1) Brother EM-85 Printer
Fire Hose Dryer	(1) Accel-a-Writer 8100 Printer
Autoparts	(1) Brother/M040 18 Printer
Warehouse Parts	(1) Océ G1820 Pen Plotter
Old Chain Saws	(1) Fax Machine
(1) 12:00X22.5 Tire	(3) Chlorine Analyzers
(20) MIS PC Towers	(5) Computer Monitors
(16) MIS Monitors	(3) Laptop Computers
(18) MIS Printers	(3) Keyboards
(3) Slides	(1) C/D: Drive
(1) Merry-Go-Round	(2) Surge Protectors
(2) Handrails	(2) Modems
(1) Treadmill	(1) Glass Still
(2) Bumper Pool Tables	(1) Sienko Telemetry Monitor
(2) Foosball Tables	(3) Chlorine Detectors
(1) PanaSync/S 15 Monitor	(1) Radio Shack Telephone Amplifier
(1) G.E. Radio Transmitter	(1) Mitsubishi Laptop Computer
(2) Pro Gard Shotgun Mount	(1) G.E. Desk Microphone
(1) Megaphone	(1) Office Chair
(1) Motorola 2-way Radio Contr/Head	(9) Motorola Maritra 2-way Radio
(2) Cannon Adding Machine	(1) Adler Adding Machine
(1) CML Tech. 911 Switching Trunk Box	(1) Samsung Desk Monitor

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(2) Arrowtron Radio Battery Charges	(3) Liberty Tech. 911/Tele/Ans. Console
(1) Prinz Photo Dryer	(1) Brumberger Photo Copier
(1) Durst Film Negative Enlarger	(1) Poloroid Camera on Pedestal
(1) Bell&Howell16mm Projector	(1) Majnasync Degausser
(2) Office Chairs	(1) Office Desk
(1) G.E. Radio Transmitter	

2. The Auctioneer is authorized to receive on behalf of the City Council bids at public auction for the purchase of the described property.

**3. The public auction will be held on Saturday, October 15, 2005 at 11:00am at Mendenhall Auto Auction Facility, 6695 Auction Road, Archdale (High Point), North Carolina. The terms of the sale shall be cash or certified funds and all terms are final.**

4. The City Council shall cause a notice of public auction to be published in accordance with NCGS 160A-270(b).

5. The highest bid shall be accepted and the sale consummated.

6. Tommy Carter, Superintendent of Fleet Maintenance, is authorized to sell said surplus property.

Adopted this the 20th day of September 2005

CITY OF EDEN

Philip K. Price, Mayor

ATTEST:

Kim J. Scott  
City Clerk

(h) Approval and adoption of permission to spend up to \$14,000 of drug money to equip a workout room.

The drug enforcement unit continues to bring in funds from drug taxes and asset forfeitures. This month, information was received from the U.S. Marshal's Office that they are filing a claim on approximately \$16,000 in cash that the Eden Police department seized in a recent drug investigation. The department expects to receive 80% of that money, approximately \$12,800. They currently have over \$15,000 of forfeiture money unencumbered.

They have quite a few serious weight lifters and people involved in other fitness programs on the department, and they would like to encourage others to become more fit and less prone to injuries. They would like to create a nice workout room in the area across from the driver license office. It was approved for a workout room several years ago, but they never had the money to make it happen.

They can get quality equipment, including floor padding for \$14,000. That is catalogue price and does not include installation. The Chief has requested informal bids from eight vendors and expects to get much better prices. He was requesting permission to spend up to \$14,000 of drug money to equip a workout room, but he expects the actual cost to be less.

(i) Approval and adoption of NCDOT Bridge Inspection Agreement for the year 2006, F.A. Project BRZ-NBIS (14), and adoption of Resolution for same.

The Engineering Department requests authorization from Council to execute the enclosed NC



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DOT Municipal bridge inspection agreement. The agreement is renewed about every two (2) years. This agreement is for bridge inspections that will be performed by June 2006. The bridge inspections are federally mandated and are to be performed on a cycle not to exceed two years.

The agreement states that the Federal Highway Administration (FHA) will reimburse the NC DOT for 80% of the actual costs of the bridge inspection work. The agreement also states that the City of Eden will reimburse the NC DOT for all remaining costs not paid for by the FHA, or approximately 20% of the cost. NC DOT recommends that each municipality allot approximately \$2600 per bridge per inspection. We can expect to receive an invoice for about \$1,040 which can be paid from Powell Bill funds.

The City currently owns two (2) bridges; one on Highland Drive that crosses over W. King's Highway, and one on Park Road that spans Tackett Branch.

Please note that the agreement contains the same typographical error present in the agreement approved in October 2003. On page 4, near the end of paragraph 8, the correct reference to a General Statute has been added.

Included in the agreement (pages 7 &8) is a resolution that will need to be introduced and adopted.

COPY OF A RESOLUTION PASSED BY THE CITY COUNCIL  
OF THE CITY OF EDEN, NORTH CAROLINA

The following resolution was introduced, and Council Member Myott moved that it be adopted. The motion was seconded by Council Member Tuggle, and, upon being put to a vote, the resolution was unanimously carried;

WHEREAS, the CITY OF EDEN has requested the Department of Transportation to perform certain work under the Federal-Aid Highway Bridge Replacement and Rehabilitation Program, said work to consist of the inspection and analysis of all public bridges on the Municipal Street System in the CITY OF EDEN; and

WHEREAS, the CITY OF EDEN proposes to enter into an agreement with the North Carolina Department of Transportation for said work wherein the Department of Transportation or a Consulting Engineering firm retained by the Department of Transportation will inspect and prepare the necessary reports for all public bridges on the Municipal Street System in accordance with the National Bridge Inspection Standards; and

WHEREAS, under the proposed agreement the Federal Highway administration shall reimburse the Department of Transportation for eighty (80) percent of the cost of the work subject to compliance with all applicable federal policy and procedural rules and regulations; and

WHEREAS, under the proposed agreement the CITY OF EDEN shall reimburse the Department of Transportation for all costs of the work incurred by the Department of Transportation not paid by the Federal Highway Administration.

NOW, THEREFORE, BE IT RESOLVED that the agreement for the hereinbove referenced bridge inspection work is hereby formally approved by the CITY OF EDEN and the Mayor and Clerk (or Manager) of this Municipality are hereby empowered to sign and execute the required agreement between the CITY OF EDEN and the Department of Transportation.

This Resolution was passed and adopted the 20<sup>th</sup> day of September, 2005.

I, Kim J. Scott, Clerk (or Manager) of the CITY OF EDEN, North Carolina, do hereby certify that the foregoing is a true and correct copy of excerpts from the minutes of the City Council of this Municipality;

WITNESS, my hand and the official seal of the CITY OF EDEN on this the 20<sup>th</sup> day of September, 2005.

Kim J. Scott

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City Clerk

CITY OF EDEN NORTH CAROLINA

SEAL OF MUNICIPALITY

(j) Approval and adoption of changing position title of Fire Captain to Deputy Fire Chief.

(k) Approval and adoption of Matrimony Creek Sewer Outfall emergency repairs.

A staff recommendation to proceed on an emergency basis with repairs to the Matrimony Creek Sewer Outfall including debris removal was circulated in four City Council Committees last Wednesday. The recommendation was unanimously accepted. Councilman Nooe asked that a comparative cost be developed for relocation of the sewer outfall line. That cost estimate exceeded \$1,200,000. For this reason and in keeping with the outcome of last week's polling of the City Council regarding the urgency of this project I have issued a purchase order to Sam W. Smith, Inc. to begin immediate repairs to the Matrimony Creek Sewer Outfall including the removal of debris for a total of \$408,437. I hereby request that City Council approve funding for this project from the Water and Sewer Fund Balance and endorse the emergency action I have taken. Along with the corrective actions described above we are simultaneously appealing portions of the NC Division of Emergency Management's denial of a request to fund portions of this work.

RESOLUTION FOR EXCEPTION TO LETTING OF PUBLIC CONTACTS AS PROVIDED UNDER N.C.G.S. §143-129(e)(2)

WHEREAS, the City of Eden is charged with the responsibility of maintaining its sewer lines and collection system for the benefit of the citizens of Eden; and

WHEREAS, the City has sewer lines and easements within the City limits that run along the course of Matrimony Creek and on June 16, 2004 the City Council declared a state of emergency due to flooding and erosion along and within Matrimony Creek which endangered the stability and integrity of the City's sewer system located thereby; and

WHEREAS, the City has been working with the U.S. Army Corps of Engineers and the North Carolina Department of Crime Control and Public Safety to address a plan for repairs and possible sources of funding for said repairs; and

WHEREAS, on August 18, 2005, the North Carolina Department of Crime Control and Public Safety notified the City that the project along Matrimony Creek was not eligible for emergency funding, and in the interim the creek bed has continued to erode and deteriorate as follows: (i) further exposing sewer pipes and manhole support structures to the extent that the next heavy rain could cause a major failure in the system and leakage of sewerage into Matrimony Creek and the Dan River; and (ii) dead trees have collected along the deteriorated banks which will wash down stream and potentially rupture exposed pipes which cross the creek; and

WHEREAS, conditions have worsened over time along Matrimony Creek to the point that the sewer lines and creek bed are in need of immediate repair to protect the health and safety of the citizens of Eden and their properties along Matrimony Creek and the Dan River; and

WHEREAS, the City Council determined on September 14, 2005 that a special emergency existed requiring immediate repair work along Matrimony Creek, including: mechanized land clearing, excavation (removing blockages, restoring eroded high ground, and rebuilding stream banks), and the placement of backfill and riprap, necessary for the reconstruction and stabilization of Matrimony Creek, and that said repair work should be contracted as an exception to the requirements of N.C.G.S. §143-129(a) & (b).

NOW, THEREFORE, BE IT HEREBY RESOLVED that the City Council has found that an emergency exists which justifies contracting outside the normal procedure for the letting of public contracts as provided under

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N.C.G.S. §143-129(e)(2) for the repair work along Matrimony Creek described hereinabove.

This Resolution is effective upon its adoption this 20<sup>th</sup> day of September, 2005.

CITY OF EDEN

BY: s/Philip K. Price, Mayor

ATTEST:

s/Kim J. Scott, CMC, City Clerk

(l) Approval and adoption of Interlocal Agreement between the Rockingham County Tourism Development Authority and the City of Eden for the Administration of the City of Eden Motel Occupancy Tax.

This agreement is to ensure that the City of Eden complies with the stipulations of G.S. 10S-164.4(a)(3). The City Managers of both Eden and Reidsville, along with Eden City Attorney Tom Medlin met with representatives of the Rockingham County Tourism Development Board and Rockingham County Attorney Eugene Russell in August to discuss the procedures in managing the occupancy tax. This included a requirement for the Cities of Eden and Reidsville to submit tourism plans to the Rockingham County TDA Board in October and April of each year. This will ensure that the cities and county tourism efforts are compatible and that the city plans comply with the tourism statutes. It is the staff recommendation to approve the interlocal agreement.

A motion was made by Council Member Myott seconded by Council Member Tuggle to approve Consent Agenda items a,b,c,d,e,f,g,i,j, and l. All Council Members voted in favor of this motion. The motion carried.

(h) Approval and adoption of permission to spend up to \$14,000 of drug money to equip a workout room.

Council Member Vestal explained that he wanted the City Manager, for public information, to give some clarification on this money in that it was not coming out of the city taxpayer's funds but was coming from confiscated drug money. He also requested that he touch on what the police department had already graciously helped the city out on.

Mr. Corcoran explained that they had been very fortunate in that their police department has done an exceptional job over the years and as a result of a lot of the arrests that were made in relation to drugs and some of the funds (drug forfeiture) often come back to the community. He added that there were stipulations in the law as to how that money can be spent, for instance, recently, the police department was able to purchase five new patrol cars with money they received as a result of their work in drug cases. He noted that was money that obviously did not come from the tax payers. He explained that in this instance they were requesting to use \$14,000 out of that account for the development of a weight room type fitness room. Again this was an allowable expenditure, the money was there and they continued to do superb work.

Council Member Vestal added that it could possibly hold down insurance claims for the city and also the fire department can utilize some of this equipment. Both jobs were physical and some of the operations that they do they do get hurt, but this could hold down some injuries which would

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keep the insurance premiums down.

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

(k) Approval and Adoption of Matrimony Creek Sewer Outfall emergency repairs:

Council Member Nooe explained that they had some committee meetings and after they got this packet of information that showed the outfall and the emergency repairs that were needed; he asked to be provided a cost of moving the sewer line. He stated that it came back to be about \$1.2 million. That seemed rather high, so several of them walked the creek and they did not see that much area that needed repair. He explained that he just wanted some clarification of the cost and why it was so high, even if that would be an option instead of trying to re-work the stream bank to move the sewer in a couple of areas.

Mr. Corcoran asked Mr. Dennis Asbury, Environmental Services Director and Mr. Bill Harvey, Collections and Distribution Superintendent, to come forward for a response.

Mayor Price commented that he thought that Mr. Harvey had actually worked through the cost estimates for this program to which Mr. Harvey replied that he did along with the city's engineer, Bev O'Dell.

Mr. Asbury explained that the aerial photograph that was being passed around to the City Council was of the Matrimony Creek area. He noted that the one line that goes the full length was showing the area that will be cleaned up, which means pulling out refrigerators and trees. The permits that they have from the State and the permit they have from the Army Corp of Engineers require certain things. The State's concurrent permit with that and some additional things as far as erosion control, as they cut those trees out, if there was root mass in the bank, that has to be left. He asked if he was concerned about the \$400,000 as presented or the \$1.2 million.

Council Member Nooe replied that it was the \$1.2 million. He stated that when he walked through there the majority of it looked stable and a good distance away from the creek and would not be in any danger of a wash out or erosion. He stated that he thought there were a couple areas on the southern end, where they had manholes, (that were in the pictures there), that were on the creek bank and it really looked like that instead of trying to armor the creek bank, to move those few manholes there and relay the line. He added that he did not know if that would be an option or not, but it did not make sense, he could not understand why, when he asked about relocating or if that would be an option that the price would be \$1.2 million to relocate the sewer line.

Mr. Asbury replied that the \$1.2 million was just a simple looking at the length of the line, it was a table top exercise, and it was not done in the field. They used figures based upon repair work that they have seen in other places, especially the places that they were doing work now, for the Meadow Greens, Long Street, Covenant Branch area and Dan River Pump Station area. It was pulling out the number of feet that were in that whole area. They looked at it, said well maybe

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there was 8,000 feet there, that could be bad, well let's only take half of that, so they did that. They figured \$150 per linear foot, that was for relocating, which was going to require design, new easements, and permit approvals from the State. Any work that you are doing that was by the creek can be complicated in addition to the normal construction so that \$150 per linear foot times 4,000 feet at an estimated figure gave them \$600,000 so they said, well it could be up to \$1.2 million.

Council Member Nooe stated okay, the work they were doing under this order, this \$400,000 plus dollars there, he asked if that was impacting 4,000 feet of sewer line or was that...

To which Mr. Asbury replied no, the sewer line that they saw there, the one marked in red, those were the areas and they were rather limited when you look at that whole stretch, but they have some serious problems. Some of the ones that they saw in the original photographs that were passed around by the City Manager in the committee meetings, showed the fact that a lot of these places had some repair or fill over top of them. What they were proposing was to reclaim that fill and take care of that.

Council Members Vestal and Gover both expressed concerns about trees in the creek that might be broken loose and be launched in another flood into sewer lines that were exposed both across the creek down near the old Hertz Penske (Boss Motors) area and then there were the areas they saw in the photographs where the bank was eroded out quite a bit around manholes and lines. Their concern and the reason that they continued on with this as an emergency, they may recall that last year the Council voted to declare this particular stretch an emergency and have repairs. The repairs were not made because the staff was waiting for confirmation from the State that money was going to be forthcoming and they have been told that and in fact he had talked with the fellow in Raleigh who told them that and he confirmed that he had told Benny Sexton (former Public Works Director), Wayne Sexton (former State Representative) and Mr. Harvey that this project would qualify for funds, so the staff was just trying to wait for confirmation that they were going to get the money.

Mr. Asbury stated that never happened and if they recalled, Mr. Sexton worked until the last day in May (2005) and shortly after that the Water & Sewer Committee asked about this money. He stated that he looked into that and as a result they received a letter from the Director of Crime Control and Public Safety in Raleigh and saying the city did not qualify. They called back to Mr. Melvin Williams who was the grant manager for the project that started with Mr. Sexton and he was now working for the Governor's Crime Control Commission. Mr. Williams was still in that same department, just in a different division. Mr. Williams talked to the folks he left that project with as it was the last project he worked on before he left and he remembered it very well and was adamant that Eden should get some money. He added that he talked to him earlier today and he said the city needed to appeal this decision by Director Hoell. Based on his first hand knowledge of having prepared that report it was the last thing before he did before he moved on and he felt that they were due some funds. Mr. Asbury added that he did not know if he was answering his question at all or just beating around the bush. He asked if they could give him some guidance.

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Council Member Gover commented that there were three areas, that one up at the dam and down below where the Penske Trucking or Boss Mabe car lot (was located), that needed to be repaired "el pronto". He added that he questioned the \$200,000 there, with the great work that they did on the \$89,000. He explained that when he and Council Members Nooe and Vestal went up there and walked that thing, well with these pictures there they have already fixed these areas and he was looking to see these areas still uncovered, but they still did a great job of bringing the sewer line back in compliance up there.

Mr. Asbury pointed out that he was incorrect and it was not in compliance. He explained that what had happened, they brought some fill and put over top of that line but it was not filled to the three feet that was needed.

Council Member Gover replied that was in between two or three places there that they need that fill plus the fact that they did a lot of work for \$89,000 that was what he meant to say. So now they were going to spend \$200,000 more, that was \$280,000, and that was still going over what was projected there, see they already have the \$89,000...to which Mr. Asbury replied that he did not understand and asked if there was a question.

Council Member Gover replied that he was questioning the \$200,000 after they have spent \$89,000 to which Mr. Asbury asked what the question was to which Council Member Gover explained that he was saying that they have spent \$89,000 and was that going to be deducted from the \$200,000...to which Mr. Asbury replied no.

Council Member Gover asked if they were going to have \$200,000 to clean the Matrimony Creek out to which Mr. Asbury replied yes that was the bid.

Council Member Turner asked if there were any additional flood controls in place on that creek that would prevent this from happening again.

Mr. Asbury replied no, there was not, there was a dam, known locally as Kings Mill but that dam failed at some point years ago and then he gathered that it failed again. He stated that he had discussed it with Mr. Sexton who tried to bring him up to speed on it and his understanding on it was, the most recent failure has probably been an improvement as far as erosion control right at the site of the dam, but it also probably contributed to the problems at the Happy Days restaurant and the Crafters Mall.

Council Member Turner asked if that was in the plan that they would put some type of flood control measures on that creek.

Mr. Asbury replied it was not. He explained that it would require a considerable amount of engineering and approvals from the Army Corp of Engineers and they would control that.

Council Member Turner questioned that it had not been mandated.

Mr. Asbury replied no, not at all. Nothing had been mandated; he explained that what they were doing was; they started over again essentially in June or July when the Water & Sewer

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Committee asked them to find this \$300,000. Once they got the letter from Mr. Hoell, they had gone to the end point where Mr. Sexton and the City Manager had planned to go before which was to determine whether or not they were going to get money for this project. According to the Director they were not going to get money and they felt like it was time to move on this. He pointed out that they had three months of hurricane season still left to go and they have lines that were nearly exposed, material in the creek that could be launched and could take out sewer lines.

He pointed out that those sewer lines were immediately upstream of the Dan River and upstream of their raw water intake. They all knew how Miller Brewing feels about protecting the integrity of the water supply. And he was sure that if they were privy to all of these discussions they would be very nervous about it. He explained that this was why he would encourage them to consider that it was an emergency and to go ahead and do it. The quotes that they had this year were the same they had originally. There was no difference and no inflation factors there. If they all felt that they were just out of the ballpark then they have the option of saying no it was not an emergency and they want to look at it in greater detail, but he felt that it was his job to tell them that he thought that it was an emergency and he thought it as protecting public water supply and he would encourage them to declare it such and to authorize the funds. He then proceeded to go back to Council Member Nooe's question about doing less...

Council Member Nooe commented no, he was not talking about doing less. He explained that he was talking about doing a good job in something that would last for years and years. These manholes on the side of the creek, unless they were going in there with reinforced concrete they were going to, at some time, have to go back in there and fix or armor the bank or whatever they plan to do there. It was sitting right at the edge of the water and the creek was going to continue to do what it does, and if they leave it there on the side of the bank then they were going to have this to deal with again, and the majority of them (they had walked up there) and manholes were 30 feet or more from the top of the bank. He explained that his concern was these down here that he did not know when he asked the question about moving them, could they get further away from the stream. He had not walked the stream at that time as he was just looking at the picture. He stated that he had said they all looked terrible. They walked through there and got a feel for it and the majority of it looked like it was in good shape. He did not know about the lines themselves as he could not see those. The manholes on the stream bank, those were the ones that he was concerned about and wanted to know if they could move them further away from the stream.

Mr. Asbury replied that they could do that but they could not do it in an emergency condition. He pointed out that it would take engineering, and he joked occasionally about how slow engineers were, knowing that Council Member Nooe was one, but seriously to get engineers to come here to do the survey work, to do the design, and to get the easements from the people who own the property, they were talking about a fairly lengthy delay.

Council Member Nooe stated that there were some allowances made for emergencies, he thought that even in acquiring easements there was a process, or that you have to be in the process of getting but they did not have to have them all acquired at the time...he asked if that was correct...if they were in the process of requiring them and go in condemnation then they could

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can go ahead and do the work...to which Mr. Medlin replied that it could be imminent domain...to which Mr. Asbury replied they certainly could.

Council Member Nooe added that in short term you may have to do it this way but he thought that in the long term you may have to keep an eye on this and move it.

Mr. Asbury replied that historically the Council has been reluctant to condemn personal property and to move onto it through the legal system. If the Council wanted to make a change in that direction, it impact the way they do things in the future. They were trying to follow the history as they have seen it to which Council Member Nooe pointed out that he would think they would want to protect their water supply and in this case, long term, it was going to impact two or three property owners but it would be a better situation.

Council Member Myott asked that right now what they were talking about was an emergency situation, \$400,000.

Mr. Asbury replied that was correct, \$195,000 of that was to do the repair here. They should have in their packet a quotation and a copy of the purchase order he believed.

Mayor Price asked if this was the best estimate.

Mr. Asbury replied that was exactly what it was. He referred to all those lines that were prepared by Sam (W.) Smith (Inc.), they were all saying, this was estimated on a per unit cost of this, this was a cost estimate. He stressed that the very last line was a total cost estimate and that the purchase order the city has issued does not guarantee him he was going to get \$400,000. He explained that what they need in order to stabilize those banks to repair the culverts across the creeks, to get better access to the sewer line, there were some areas that they could not get vehicles into. The \$195,000 was going to be basically for remediation type work, covering the sewer lines, making sure they have adequate cover on them so that they did not crush them when they take heavy equipment in there to do repairs or to maintain the outfall. The other \$200,000 was for creek cleaning.

Mayor Price asked if Smith, the local contractor, was the one who was on this job now.

Mr. Asbury replied yes, he has equipment on the job...to which Mayor Price asked if he had found in the past that he was to be at or below his estimates. Mr. Asbury replied, yes a lot of his estimates were dead on. He added that they were small jobs and fairly limited. This one was not a small job and it was over a long area so it was harder to hit that.

Mayor Price asked if it was their best estimate to which Mr. Asbury replied that it was his best estimate and he was sure he would have been here tonight but as they were aware, Mr. Smith's mother had passed away.

Council Member Vestal commented that he thought there was a little miscommunication and he went back to what Council Member Gover said, they all did an extremely good job with \$89,000 and he thought they were going up there looking for the worst when they walked that line. They



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have all done a great job repairing, but where they could not see, as Council Member Nooe related to, that line was not but about six or eight inches underground and what some of this money was going to rebuild that easement that they need and then the bad places that Council Member Nooe was referring to were really the extremes at the northern and southern end and even some of the line had been moved. He pointed out that one location there had been moved away from the creek as Council Member Nooe was talking about; he thought it was two manholes.

Mr. Harvey interjected that it was one to which Council Member Vestal added, and moved the line over, to which Mr. Harvey replied that was right.

Council Member Vestal continued that they went up there looking for the worst and surprisingly enough, it was not as bad as it looked, but they did not know the details at that time and that was why they wanted to get back with them and find why the amount of money was as high as it was. He added again that they all did a good job, of \$89,000, (Sam W.) Smith did and Mr. Asbury's staff oversaw it.

Mr. Asbury pointed out that actually Benny Sexton did that to which Council Member Vestal added that the fact was that they could not get their equipment up the easements to do anything at all at this point...to which Mr. Asbury replied yes, it was going to be pretty rough.

Council Member Vestal added that they had lost their easement totally on the other end of it...

Mr. Asbury replied that again Council Member Nooe made a good point that they probably need to look, in the future, if there was a way to move those manholes back, but it was just his recommendation, for what that may be worth to the City Council, that they need to go ahead with this and take care of protecting the outfall line now and hopefully they would receive some consideration from Crime Control & Public Safety for some funds to reimburse them here.

Mayor Price asked if it was correct that the total estimated costs of repairs to Matrimony Creek from the proposal was \$408,437 to which Mr. Asbury replied that he believed that was what was there, yes.

A motion was made by Council Member Nooe seconded by Council Member Vestal to ratify the action that had been previously taken on the contract for the repairs and to approve a resolution declaring the emergency exception to the bidding requirement for repair contracts.

Council Member Myott asked, for clarification, if this would take up to two months to which Mr. Asbury replied in the affirmative.

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

#### VOUCHERS:

There was no discussion about vouchers.

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CLOSED SESSION:

Closed Session in accordance with GS 143.318.11(a)(5) - the amount of compensation and other material terms of an employment contract or proposed employment contract.

A motion was made by Council Member Tuggle seconded by Council Member Myott to go into Closed Session in accordance with GS 143.318.11(a)(5) - the amount of compensation and other material terms of an employment contract or proposed employment contract. All Council Members voted in favor of this motion.

OPEN SESSION:

A motion was made by Council Member Tuggle seconded by Council Member Gover to return to Open Session. All Council Members voted in favor of this motion.

ADJOURNMENT:

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

Respectfully submitted,

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Kim J. Scott  
City Clerk

ATTEST:

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Philip K. Price,  
Mayor