

CITY OF EDEN, N. C.

The regular meeting of the City Council, City of Eden, was held on Tuesday, April 18, 2006 at 7:30 p.m. in the Council Chambers, 308 E. Stadium Drive. Those present for the meeting were as follows:

Mayor:	John E. Grogan
Mayor Pro Tem:	Wayne Tuggle, Sr.
Council Members:	Donna Turner
	Darryl Carter
	Jerry Epps
	C.H. Gover, Sr.
	Bruce Nooe
	Christine Myott
	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> ;
	Lisa Doss, <u>Eden's Own</u>

MEETING CONVENED:

Mayor Grogan 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. Jonathan Todd, Pastor, Draper Pentecostal, was present to give the invocation with Fire Chief Doug Cline leading in the Pledge of Allegiance.

PROCLAMATIONS:

Mayor Grogan read the following proclamation in recognition of Spring Litter Sweep Roadside Cleanup Week:

**LITTER SWEEP
Spring 2006**

WHEREAS, the North Carolina Department of Transportation organizes an annual Spring statewide roadside cleanup to ensure clean and beautiful roads in North Carolina; and

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WHEREAS, the Spring 2006 "LITTER SWEEP" roadside cleanup will take place April 17-30, 2006, and encourages local governments and communities, civic and professional groups, businesses, churches, schools, families and individual citizens to participate in the Department of Transportation cleanup by sponsoring and organizing local roadside cleanups; and

WHEREAS, Adopt-A-Highway volunteers, Department of Transportation employees, Department of Correction inmates and community service workers, local government agencies, community leaders, civic and community organizations, businesses, churches, schools and environmentally concerned citizens conduct annual local cleanups during "LITTER SWEEP" and may receive certificates of appreciation for their participation; and

WHEREAS, the great natural beauty of our State and a clean environment are sources of great pride for all North Carolinians, attracting tourists and aiding in recruiting new industries; and

WHEREAS, the cleanup will increase awareness of the need for cleaner roadsides, emphasize the importance of not littering, and encourage recycling of solid wastes; and

WHEREAS, the 2006 Spring cleanup will celebrate the 18th Anniversary of North Carolina Adopt-A-Highway program and its 6,000 volunteer groups that donate their labor and time year round to keep our roadsides clean.

WHEREAS, the "LITTER SWEEP" cleanup will be a part of educating the children of this Great State regarding the importance of a clean environment to the quality of life in North Carolina;

NOW, THEREFORE, I, JOHN E GROGAN, Mayor of the City of Eden, North Carolina, do hereby proclaim April 17-30, 2006, as

"LITTER SWEEP"

in the City of Eden, and encourage all citizens to take an active role in making their communities cleaner and more beautiful.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Eden, North Carolina, this the 18th day of April, 2006.

s/ John E. Grogan
John E. Grogan
Mayor

ATTEST:

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

Mayor Grogan explained that he was changing the order of the agenda pertaining to commendations and recognitions. He then asked Mrs. Kelly Stultz to come forward.

RECOGNITIONS:

Mrs. Stultz asked Ms. Betty Turner to come forward. Ms. Turner explained that the Eden Community Appearance Commission sponsors the Adopt-a-Street program for the city. Many groups and individuals volunteer their time periodically to pick up their spots as a community service. For many years the Hales and Janneys adopted the Meadow Road exchange on Highway 14. This is one of the busiest and most visible areas in the city and with all that traffic comes a lot of trash. The Hales and Janneys have spent many hours to clean this up regularly

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and have worked very hard to keep this area clean and beautiful. She stated that the City of Eden appreciated their time and efforts and on behalf of the city and the Community Appearance Commission, she presented them with an award recognizing them for their outstanding services to the Adopt-a-Street Program. She then asked Mr. and Mrs. Hale and Mrs. Janney (Mr. Janney was not present) to come forward to accept their award.

Mayor Grogan also added that Mr. and Mrs. Janney have been long time volunteers in support of this city. Ron Janney served on the City Council for many years and Mrs. Janney has always been right there with him. He knew that that circle there near their home was one of the prettiest places in town. If they (citizens) could challenge themselves to get their town looking as good as that area, that those two couples keep clean, everyone could all be extremely proud.

Mrs. Stultz then asked Mrs. Marianne Aiken and Mrs. Shirley Allen to come forward.

Mrs. Aiken explained that Shirley Allen had been with her on the Historic Preservation Commission since it first began, which was a long time ago. She stated that they did not have a formal organization or a staff; they just did what they could do. Mrs. Allen had been with them through all these many years serving faithfully doing her part in every program and project that they undertook. She explained that Mrs. Allen has found it necessary, because of her husband's health to resign at this time from their commission. She thanked Mrs. Allen for all she has done for them and for the city through these many years. She then presented her an award in recognition for her many years of service.

PROCLAMATION:

Mayor Grogan then called Ms. Joyce Carter forward. He read the following proclamation in recognition of her efforts with the American Red Cross Blood Drive.

PROCLAMATION HONORING JOYCE CARTER

WHEREAS, Joyce Carter has been employed by the City of Eden since her employment on August 14, 1995, and

WHEREAS, Joyce Carter has taken an active interest in the Rockingham County Chapter of the American Red Cross by spearheading the City of Eden Blood Drives for the last seven (7) years at the Pubic Works Facility on Klyce Street, and

WHEREAS, the City of Eden Public Works (Division I) received special recognition as being one of the countywide grand trophy winners with 190 pints of blood collected in 2005, and

WHEREAS, Joyce Carter was named the outstanding sponsor contact for the year 2005 through her hard work and dedication and due to her efforts, lives are saved everyday.

NOW, THEREFORE, I John E. Grogan, Mayor of the City of Eden, do hereby proudly recognize and congratulate Ms. Joyce Carter for her selfless participation and encourage everyone to participate in this life saving event.

This the 18th day of April, 2006.

s/ John E. Grogan
John E. Grogan
Mayor

ATTEST:

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

COMMENDATIONS:

Mayor Grogan then asked Fire Chief Doug Cline to come forward. He then explained that recently they had a situation in East Eden with an apartment fire. Without the volunteer help of some citizens it could have been more of a tragedy than what it was.

Chief Cline then invited the following citizens to come forward in recognition of their heroic efforts during the tragic fire at Draper Inn. Those citizens included: James Peatross, Albert Bean, Donnie Hurd, James Huffman, and Wayne Dunn.

He then read the following and presented each of them with a plaque:

“On Thursday, March 28, 2006 at approximately 0833 hours the Eden Fire Department was dispatched to a reported structure fire at 1422 Front Street. On arrival many lives had been saved by concerned citizens. Ladders were used to assist residents down from the second floor windows and allow first floor residents to crawl out on their backs to get to safety. You risked your life to save other human beings from this conflagration. Your efforts helped save multiple lives that day. These individuals thank you and the City of Eden thanks you.

Based upon your efforts, humanitarian actions and heroism, we are issuing you this Letter of Commendation for Saving a Life from the City of Eden. As the Mayor, City Manager and Fire Chief, we applaud your efforts and appreciate your dedication to serve others. On behalf of the Mayor, City Manager and the City of Eden we are forever indebted to your heroism. Thank you for making the City of Eden a great place to live, work and play.”

PUBLIC HEARINGS:

(a) Public Hearing and Adoption of a Resolution - CDBG Application for Elderly Housing Facility adjacent to First Presbyterian Church.

The memorandum explained that Transom Development, a wholly owned subsidiary of Sun Trust Bank, is in the process of gaining approval for an elderly housing facility adjacent to First Presbyterian Church. The structure will contain 56 units. It will also adjoin the golf course.

The public hearing at this meeting is the second of two public hearings required prior to the Community Development Block Grant application deadline. A grant of \$200,000 will be applied for and if received, the funds will be awarded to the City. In turn, the City will be asked to loan the money to the developer for infrastructure improvements. The City will receive repayment of these funds in equal annual installments and will then be allowed to choose how to spend those funds within certain guidelines.

We are also asking that you adopt the attached resolution. Such a resolution is also a requirement for the CDBG program.

**CITY OF EDEN
AUTHORIZING RESOLUTION AND CERTIFICATION**

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WHEREAS, various State and Federal agencies provide for funds to municipalities to meet the needs of local governments in financing the cost of Community Development; and

WHEREAS, the North Carolina Department of Commerce, Division of Community Assistance will be the State administering agency for the Community Development Block Grant Program whose funds are designed to improve the living condition and environment of low to moderate income households; and

WHEREAS, The City Council of the City of Eden has solicited and received citizen input regarding the Community Development Block Grant Housing Development Project which will provide for construction of streets and sidewalks to the proposed Harris Pointe Apartments as part of the grant.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EDEN:

That the City Council of the City of Eden will substantially comply with all Federal, State and local laws, rules, regulations and ordinances pertaining to the project and to Federal and State grants pertaining thereto.

That, Kelly Stultz, Director of Planning and Inspections and Kim Scott, Clerk of the City of Eden, and successors so titled is hereby authorized and directed to furnish such information as the appropriate governmental agencies may request in connection with such applications for the project; to make the assurances and certifications as contained above, and to execute such other documents as maybe required in connection with the construction of the project.

That this Resolution shall take effect immediately upon its adoption.

Adopted this 18th day of April, 2006, at the City of Eden, North Carolina, by a vote of the Eden City Council.

s/ John E. Grogan
John E. Grogan
Mayor

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

Mayor Grogan asked Mrs. Kelly Stultz, Director of Planning & Inspections, to come forward with a report.

Mrs. Stultz explained that as they discussed last month, at the first public hearing, and they all had been made aware that Transom Development was planning an elderly facility in the area that the Mayor just identified. The public hearing at this particular meeting was the second of two required ones and they have to be done prior to the Community Development Block Grant application deadline.

A grant of \$200,000 was being applied for and if received the funds will be awarded to the City of Eden. In turn, the city would be asked to loan the money to the developer for infrastructure improvements. The developer intends to repay this loan in the amount of \$10,000 a year for twenty years.

They were asking that the City Council adopt this resolution. It was a requirement for the Community Development Block Grant program.

Mayor Grogan then declared a public hearing and asked if anyone was in favor or in opposition of this request. As no one came forward to speak he then declared the public hearing closed.

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

ADDITIONS OR DELETIONS TO THE AGENDA:

Council Member Epps stated that he would like to add a request for a traffic study on Park Avenue to New Business. It was the consensus of Council to add this request.

MONTHLY FINANCIAL REPORT:

A motion was made by Council Member Tuggle seconded by Council Member Carter to accept the monthly financial report. All Council Members voted in favor of this motion.

REQUESTS AND PETITIONS OF CITIZENS:

Mr. D.M. Shropshire came forward to speak and explained that in World War II, the Y's Men's Club put a billboard over in Draper with all the veterans that worked for Marshall Field and Company. They tore it down several years ago and he would like for the City Council to take a look at building a new one at the new park. He then showed them a book that Marshall Field had made for their employees that had 209 men from Eden who either died during World War II, or who was deceased now. He checked with the lumber company this morning to see what it would cost to build and they suggested that he leave it up to the Council to decide what they wanted to put in it if they thought it was a good idea.

He stated that come May 20th, if the Good Lord lets him live, he will be 82. The World War II veterans were passing away. He added that he did not want to discriminate and would also like to see the names of the four wars since World War II, put on that board. He added that he figured it would take a board 20' high and 40' long to put all those names on there. It was about 500 names. He then thanked them.

Mayor Grogan thanked Mr. Shropshire and asked if he would leave the book, they would like to get it to their Park Committee and Mr. David Smith, the chairman, and let them look at it and come forth with some forth of recommendation.

UNFINISHED BUSINESS:

(a) Consideration of Planning Organization Appointments and Reappointments.

The memorandum explained that the following Board and Commission positions remain open for new appointments or reappointments.

Council Member Tuggle recommended Mr. E. Edward Holbrook, Jr. for the Historic Preservation Commission.

A motion was made by Council Member Tuggle seconded by Council Member Gover to approve the nomination of Mr. Holbrook to the Historic Preservation Commission. All Council Members

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voted in favor of this motion. This motion carried.

NEW BUSINESS:

(a) Consideration of request for the City Council to ask the City Clerk to investigate the sufficiency of an annexation petition for property off Summit Circle.

The city has received a voluntary annexation request for property on Summit Circle.

A motion to adopt a "Resolution Directing the Clerk to Investigate a Petition Received under G.S. 160A-31 is in order.

**RESOLUTION DIRECTING THE CLERK TO INVESTIGATE
A PETITION RECEIVED UNDER G.S. 160A-31**

WHEREAS, a petition requesting annexation of an area described in said petition was received on April 18, 2006 by the City Council; and

WHEREAS, G.S. 160A-31 provides that the sufficiency of the petition shall be investigated by the City Clerk before further annexation proceedings may take place; and

WHEREAS, the City Council of the City of Eden deems it advisable to proceed in response to this request for annexation;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Eden that

The City Clerk is hereby directed to investigate the sufficiency of the above described petition and to certify as soon as possible to the City Council the result of her investigation.

John E. Grogan, Mayor

ATTEST:
Kim J. Scott, CMC
City Clerk

PETITION REQUESTING ANNEXATION

Date: 3-29-06

To the City Council of the City of Eden:

We the undersigned owners of real property respectfully request that the area described in paragraph 2 below be annexed to the City of Eden.

The area to be annexed is not contiguous to the City of Eden and therefore the request is for a satellite annexation. A map showing the area proposed for annexation with relation to the primary corporate limits of the City of Eden is attached. The boundaries of such territory are as follows:

(Attach Property Description)

Name	Address	PIN Number
Michael Todd Shropshire	2.08 acres/lots 129-140	Parcel # 167780
Jeannie Hall Shropshire		

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Mrs. Stultz explained that she received a petition from a property owner who planned to develop some property off of Summit Circle and it needed infrastructure improvements. The first step in that is for the City Council to direct the Clerk to investigate the petition.

Council Member Tuggle stated that he thought this was probably a good time to bring this up. He stated that he would like for Mrs. Stultz to study the feasibility of an ordinance that in essence says that the city would not provide water and sewer to anyone outside of the city unless there was an agreement to be annexed. He stated that he thought in the past the city had spent a lot of money putting water and sewer in areas outside of Eden and then turn around and there was a problem with annexation.

Mayor Grogan asked Mrs. Stultz, the City Manager and the City Attorney to work together to come up with some type of recommendation.

Council Member Gover asked how much this would encompass the mobile homes out there.

Mrs. Stultz replied that this particular piece of property was vacant.

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

(b) Request by Council Member Epps for a traffic study to be done at Park Avenue.

Council Member Epps stated that there have been complaints from this area. Three or four years ago they did reduce the speed limit there and it did a significant amount of help for a while. This is a cut through from Dameron Street over to Morgan Road and a lot of people fly through there. He did not know whether putting a machine out there that reads the speed, they slow down automatically, but maybe if we can have them do a survey or write a few tickets out there would slow this down.

No motion was required. Mayor Grogan suggested that the Police Chief take a look at this and work with the City Manager to get something done.

CONSENT AGENDA:

(a) Approval and adoption of minutes: March 21, 2006.

(b) Approval to hold a public hearing and to consider an ordinance for a zoning text amendment to amend Section 11.24(f)(2), the Business-Central section of the City of Eden Zoning Ordinance to remove textile manufacturing as a conditional use. ZONING CASE Z-06-01.

The city has received a zoning text amendment request initiated by the Planning Board to amend the Zoning Ordinance to delete Textile Manufacturing as a Conditional Use in the Business-Central zoning district. The Planning Board considered this request at their regular meeting on March 28, 2006 and recommended that the amendment be approved. Please call a public hearing and request that an ordinance be prepared for your May 23, 2006 meeting.

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(c) Approval to hold a public hearing and to consider an ordinance for a zoning text amendment to add a section to the zoning ordinance pertaining to Tree Protection. ZONING CASE Z-06-03.

The Tree Board and Planning Board have initiated a zoning text amendment to amend the Zoning Ordinance to add a section pertaining to Tree Protection. Please call a public hearing and request that an ordinance be prepared for your May 23, 2006 meeting.

(d) (a) Request for approval of a variance on a preliminary plat for Stadium Heights Subdivision. S-06-01.

The city has received a preliminary subdivision plat for property located on Stadium Drive. The plat is for Stadium Heights. The property is platted into 23 lots and is approximately 13.52 acres in size. The Planning & Inspections Department recommends approval of the preliminary plat with a variance in cul-de-sac length. At their regular March meeting the Planning Board approved the preliminary plat and voted unanimously to recommend to City Council that the variance be approved.

(d) (b) Request for approval of a final plat for Phase I of Stadium Heights Subdivision. S-06-01.

The city has received a final subdivision plat for property located on Stadium Drive. The plat is for Stadium Heights, Phase I. The property is platted into 4 lots and is approximately 3.72 acres in size. The Planning and Inspections Department recommends approval of the final plat contingent upon the following requirements.

1. Minimum front building lines will need to be shown on the plat.
 2. The City of Eden shall review and approve the plans for the availability of water and sewage disposal of the final plat subject to their current regulations as set forth by the State of North Carolina. If city sewer is not available, the Rockingham County Health Department shall review and approve the plans for sewage disposal. Development plans for individual lots cannot be issued until there is proof of approved water availability and sewage disposal.
 3. All required improvements shall be installed or under bond prior to the approval of a final plat.
- At their regular meeting in March, the Planning Board approved the final plat and voted unanimously to recommend to City Council that the plat be approved contingent upon requirements being met.

Mrs. Stultz explained that at the Planning Board when this particular variance was discussed, they recommended in favor of that, the reason being there were no connecting streets for them to connect the interior street to. This cul-de-sac would be longer than their ordinance permits and the Planning Board and staff recommended that the City Council grant this variance and that they approve the Final Plat for Phase I.

A motion was made by Council Member Turner seconded by Council Member Myott to approve of Item (d). All Council Members voted in favor of this motion. This motion carried.

(e) Approval to hold a public hearing and to consider ordinances for Local Historic Landmark Designations as follows:

- a. Burton Grove School; 724 McConnell Street HPCL 05-03
- b. Draper Elementary School; 1719 E. Stadium Drive HPCL 05-04
- c. Douglass Elementary School; 1130 Center Church Rd. HPCL 05-05
- d. Little Red Schoolhouse; 300 Reservoir St. HPCL 05-07
- e. Leaksville Male Academy; 521 Henry Street HPCL 05-08.

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(f) Approval and adoption of Resolution and Code Amendments for the Greenway Program.

As the City moves forward with its Greenway Program, there are some issues that we need to address. First, we are recommending that the Planning Board be given the responsibility for the Master Plan and the planning process for construction of the first leg of our system. This is cared for in a resolution that we are asking you to adopt. The Chairman of the Planning Board will be able to create a sub-committee to assist with the projects that will allow us to bring in people for outside the Planning Board to share their expertise in these matters.

Additionally, as we add these new types of facilities to the City's parks and public places there are some code changes that would be required to permit the different types of accessibility necessary in these situations.

**A RESOLUTION ESTABLISHING THE
PLANNING BOARD AS THE GREENWAY COMMITTEE
FOR THE CITY OF EDEN**

THAT WHEREAS, the establishment of a greenway system has received strong community support as evidence in public input received as part of the comprehensive planning process; and

WHEREAS, the City Council of the City of Eden finds it advisable to give the advisory duties for the Greenway system to the Planning Board of the City of Eden.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Eden, North Carolina as follows:

SECTION 1. That the Planning Board is hereby given the duty of assisting the City Council of the City of Eden in initiating a greenway system that provides residents and visitors convenient access to greenways for recreational use and as alternate non-vehicular mode of transportation to points of interest.

SECTION 2. That this committee will be composed of the current members of the Planning Board.

SECTION 3. That this Committee will continue to serve at the pleasure of the Council and will continue with these duties until such time as the City Council gives the responsibility for the facilities to another Board or Commission.

SECTION 4. The tasks of this Committee associated with greenways shall be:

1. Educate the public and advocate in the community about the benefits and positive attributes of greenways.
2. Assist in preparing and finalizing a greenway map.
3. Logically prioritize greenway segments for phased construction.
4. Identify and refer to the City for negotiation, key property owners to facilitate land purchases and/or donations.
5. Identify and refer to the City for negotiation, necessary easements.
6. Assist in the evaluation and selection of appropriate greenway surface material.
7. Assist in the evaluation and selection of appropriate amenities such as signage, benches, etc.

THIS RESOLUTION passed and adopted this 18th day of April, 2006.

CITY OF EDEN
BY: s/John E. Grogan
John E. Grogan, Mayor

ATTEST:

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

(g) Approval and adoption of 2006-2007 Street Resurfacing Contract - Request to Award Contract.

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Please find attached a copy of the certified Bid Tabulation Schedule for the FY 2006-07 Street Resurfacing Contract. The bids were received on March 21, 2006 at 2:00 p.m. A total of three (3) responsive bids were received on the project. The low bidder was APAC-Atlantic, Inc. in the amount of \$ 546,557.90.

The Engineering Department is requesting Council's approval to award the FY 2006-07 Street Resurfacing Contract to AP AC-Atlantic, Inc. at the total bid amount of \$546,557;90. If you have any questions, comments or need any additional information prior to the Council meeting on this matter, please let me know.

(h) Approval and adoption of Resolution Supporting Local Franchising Authority for Cable TV.

The memo explained that Federal legislation has been introduced in both the House and Senate which, if adopted, would significantly alter the ability of local government to enforce local cable franchise agreements; manage and collect franchise fees; and eliminate mechanisms to collect the fees and enforce customer service standards.

The proposed legislation is sponsored at the request of telephone companies who want to enter the cable market but not "play" by current rules. The telephone companies are advocating:

1. No local franchise agreements
2. Narrowed definition of "gross receipts," reducing local revenues.
3. No build-out requirements; franchises only for specifically defined geographic areas.
4. Prohibit any tree cable service to schools or local government.
5. Prohibit PEG channel requirements, with no contributions.
6. Prohibit specific customer service requirements
7. Limits or ban on municipal networks and providing video programming services are also often part of the legislative package.

S. 1504 Ensign Bill takes all authority from local governments and transfers all responsibilities to the FCC. An S.1349 and HR3146 attempt to give local governments the authority to collect franchise a fee but then eliminates the mechanism to collect. Senator Inouye recently presented statements to the Senate which recognizes and reaffirms the role of states and local governments in the franchising process. Further statements promote competition; local governments are best suited to collect franchise fees; and to retain police powers.

RECOMMENDATION: That the Franchise Authority adopt the attached resolution in support of local franchise agreements.

RESOLUTION SUPPORTING LOCAL FRANCHISING AUTHORITY FOR CABLE TV

WHEREAS, the City of Eden recognizes that there have been three bills recently introduced that would significantly alter or completely eviscerate the ability of local governments to enter into and enforce local cable franchise agreements and to manage and collect fees for the use of local rights of way, the most far reaching of which is S. 1504 introduced July 27,2005 by Senator John Ensign (R-NV); and

WHEREAS, the two earlier hills HR3146 and S.1349, sponsored by Representatives Blackburn (R-TN) and Wynn (D-MD), and by Senators Smith (R-Ore.) and Rockefeller (D-WV), respectively attempt to give municipalities the authority to collect franchise fees, but by eliminating local franchise agreements, eliminate the mechanisms used to collect those fees; and

WHEREAS, the City of Eden strongly opposes the Ensign bill or any other federal legislation that would eliminate local government authority to manage their local rights of way and ensure that the public is compensated for the use of those rights of way; and,

WHEREAS, the City of Eden strongly endorses promoting competition for all consumers, but these bills would mean that fewer citizens will receive the benefit of video competition, leaving video providers free to choose the most lucrative communities' and,

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WHEREAS, the City of Eden's franchise is basically a lease and land management agreement, allowing private use of public land in exchange for compensation and services for the public, and these bills would leave cities with no authority to manage the use of their rights of way; and

WHEREAS, the bills would significantly limit the amount of fees the City of Eden could collect, as well as limit the authority for the City of Eden to enforce collection of a significant source of revenue to the General Fund in the amount of \$146,827 annually; i.e., a revenue source that has increased by 5.6% over the last five fiscal years; and,

WHEREAS, the City of Eden would lose its authority to ensure that public safety is maintained by eliminating institutional networks that serve our police and firefighters, as well as losing its authority over video services' ability to create potholes in public roads and potentially damage water and sewer lines, without any municipal oversight.

NOW, THEREFORE, BE IT RESOLVED that as an elected leader, I stand ready and willing to welcome and promote video competition in the City of Eden without abrogating local government authority to ensure service for all citizens and to receive compensation for private use of public land.

This the 18th day of April, 2006.

John E. Grogan, Mayor
Wayne Tuggle, Sr. Mayor Pro Tem
Donna Turner
Bruce Nooe
Christine H. Myott
Jerry Epps
Darryl Carter
C.H. Gover

(i) Approval and adoption of "Certificates of Municipal Ordinance Declaring Speed Limit Modifications and Request for Concurring Ordinance by the Department of Transportation" for the following:

- (a) NC 700: Paperwork change only signing remains the same.
- (b) NC 87: Updated ordinance due to route change.
- (c) SR 1604 & SR 1604: Updating ordinance due to route changes.

(j) Approval and adoption of establishment of Twin Rivers Downtown Development Corporation.

Authorization is being sought to establish the Twin Rivers Downtown Development Corporation. In virtually every Main Street community, such a board assumes the responsibility for downtown revitalization. There are numerous benefits to such an organization including:

- The ability to seek grants
- The ability to receive contributions and property
- The ability to receive challenging properties to save them from demolition
- The ability to work with property owners to find property transfer options (gift sales, capital gains avoidance, property trades, etc.)

The Reidsville Downtown Corporation, the Uptown Lexington Corporation and the Downtown Salisbury Corporation are three examples of such organizations. The Bylaws of the Twin Rivers Downtown Development Corporation are in the process of being finalized. Upon completion, they will be forwarded to a Washington D.C. attorney who specializes in obtaining non-profit status for Main Street organizations. She will submit an application to the IRS for approval of the non-profit status.

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Once the non-profit organization is approved, the current City of Eden Main Street Advisory Board will be dissolved and the Twin Rivers Downtown Corporation will commence its duties in overseeing the Eden downtown revitalization efforts.

Staff is requesting that City Council approve the pursuit of this non -profit status as we seek to establish the Twin Rivers Downtown Development Corporation.

(k) Approval and adoption of recommendation to retire Police K-9, sell to handler for \$1.00 and purchase replacement K-9.

One of our police K-9s, Rex, recently sustained a minor injury during training. After being x-rayed, it was discovered that he had severe degenerative bone and joint problems. The veterinarian recommended that he be retired from service. The veterinarian suggested that Rex may require hip replacement surgery. I know from experience that it costs \$1,700 per hip, more than the seven year old dog is worth. It would probably not be necessary if the dog leads a sedentary life. A copy of the letter from the veterinarian accompanies this memorandum. I request that Rex be declared surplus and retired.

I further request that you place the nominal value of \$1.00 on Rex and sell him to his current handler, Officer John Whitsett. There would be some liability issues if a police trained dog were auctioned to the general public. Because Whitsett is a well-trained, experienced and certified K-9 handler, those liability issues would be minimized. Rex is a very gentle dog and is only aggressive under circumstances for which he was trained. I have communicated with Mr. Tom Medlin and he has told me that he sees no major problem with selling Rex to Whitsett, provided Whitsett signs a release of liability form which Mr. Medlin would draw.

Thirdly, I request permission to purchase a replacement dog. We have received quotes from five vendors. We recommend purchasing a patrol and narcotics dog from Steve Phillips for \$6,700. This is not the lowest bidder, but we are familiar with most of the vendors and have seen dogs trained by them and working in this county. The lowest bidder is only \$700 cheaper. Phillips has an untrained dog that meets our needs now.

We do not have the full amount available now, but we are expecting sufficient funds from federal drug forfeitures in the near future. These funds should be available after July and we can pay for the dog when he is trained; that is twelve weeks after he is ordered. There is a \$3,350 deposit required with placement of the order. We can make that payment at this time if you authorize approval of the purchase.

Lastly, I request that you ask Mr. Medlin to draw a release of liability agreement for Officer Whitsett to sign.

(l) Approval and adoption of Budget Amendments:

Budget Amendment #12 - Police Dept. Grant

	Account #	From	To	Amount
General Fund Revenue				
Police Grant	10-3431-87000	\$3,750.00	\$9,516.00	\$5,766.00
General Fund Expenditures				
Police Department Supplies	10-4310-29100	\$20,575.00	\$25,241.00	\$4,666.00
Police C/O Equip Non-Deprec	10-4310-57001	\$15,718.00	\$16,818.00	\$1,100.00
				\$5,766.00
The Police Department received a grant from NC Governor's Highway Safety Program. The money was used to purchase 2 digital cameras and 5 sets of stop stick.				

Adopted and effective this 18th day of April, 2006.

Attest:

Minutes of the regular April 18, 2006, meeting of the City Council, City of Eden:

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

s/John Grogan
John Grogan, Mayor

Budget Amendment #13 - Closing Fund 61 Raw Water Intake Project and Fund 74 Railroad Pump Station Upgrade.

	Account #	From	To	Amount
Water & Sewer Fund Revenues				
Contribution from Raw Water intake	30-3986-98100	\$ -	\$181,754.40	\$181,754.40
Contribution from RR Pump Station	30-3986-98200	\$ -	\$222,333.18	\$222,333.18
Raw Water Intake Project				
Contribution to W/S Fund	61-8140-99000	\$ -	\$181,754.40	\$181,754.40
Railroad Pump Station Upgrade Expenditures				
Contribution to W/S Fund	74-8140-99000	\$ -	\$222,333.18	\$222,333.18

Railroad Pump Station
The Railroad Pump Station Project Fund was originally created to pay for the construction of a new wastewater pump station to replace the existing station located just off of Highway 770 east of the city limit. Economic conditions and business outlook caused a reassessment of this project. It was decided to create a bypass pumping plan for the station to be used in the event of a major failure of the station. Funds will be spent in the FY 2006-2007 Budget to prepare the station for quick implementation of the bypass pumping plan should it be needed. Since construction of a new pump station is no longer needed at this time this project fund should be closed.

Raw Water Intake
Following the four year drought cycle commencing in 1998 and peaking in 2002 the City attempted unsuccessfully to obtain approval from the State to build a new raw water intake structure on land owned by the City on Mebane Bridge Road. The State advised that the site was not suitable for a raw water intake. Concerns regarding the economic climate and the possibility of declining water sales in the future led to the decision to abandon this project at this time. Pressure from the State to address problems in the sewer collection system is currently taking precedence over the expansion of the city's ability to pump additional raw water from the river.

Adopted and effective this 18th day of April, 2006.

Attest:

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

s/John Grogan
John Grogan, Mayor

Budget Amendment #14 - Approve New Fund - Fund 72 Water Pressure Improvements and Budget Amendment No. 14.

	Account #	From	To	Amount
Water & Sewer Fund				
Water Construction Enhance of High Service Pumping	30-8120-19502	\$235,000.00	\$49,000.00	\$(186,000.00)

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Water Pressure Improvements Expenditures				
Water Pressure Improvements	72-8140-24601	\$ -	\$186,000.00	\$186,000.00

Adopted and effective this 18th day of April, 2006.

Attest:

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

s/John Grogan
John Grogan, Mayor

(m) Approval and adoption of request for replacement of Unit 27-G Knuckle Crane Loader.

The Solid Waste Division currently has a knuckle crane unit out of service due to a need for major repairs. After assessment of unit by Carolina Truck and Trailer of Greensboro and Mr. Tommy Carter and Jerome Adams, it has been determined that the estimated cost to replace the part that must be replaced is \$10,000.

(n) Approval and adoption of request to expand Recycling Drop Off Center Program to include Electronic Recycling.

The City of Eden has made considerable, progress in its efforts in waste reduction and recycling since 1992. Currently the waste reduction and recycling programs in Eden includes bulk yard waste recycling, fine yard waste recycling, white good and general metal recycling, general household material recycling, waste oil, auto batteries and HHW recycling that consist of oil based and water based paint and paint related materials.

The Solid Waste Division, in an effort to expand Eden's waste reduction efforts is requesting approval to add Electronic Recycling to the current Drop Off Center Recycling Operation. There is a vast amount of electronic equipment i.e. televisions, computer equipment, and various electronic household equipment being disposed of as waste destined for the landfill. Current sources are available to recycle basically anything that has an electrical cord attached other than white good items that already are being recycled.

Electronic Recycling is a major issue among legislators in North Carolina, EP A and environmental groups across the nation. Proposed legislation bill S 1 030 and H1765 are currently being debated for approval by the state of North Carolina. The issue remains as to whether electronic equipment falls under Hazardous Waste or under the "Universal Waste Rule" (40 CFR Part 273) The heavy metals associated with electronic equipment, especially computer components, televisions and other related equipment that contains toxic substances that could be harmful to humans and the environment.

There is a company called Synergy here in Rockingham County that can provide processing of electronic equipment for Eden. Electronic recycling can be incorporated into the current program with little operational cost required. In terms of operational cost / capital cost, there would be no added cost for collecting and retaining electronic. The current staff would be utilized at the Full Service Drop-off Center located on Mebane Bridge Road and Eden already has a storage and transport unit that can be utilized for this program. There will be cost associated with the processing of electronic equipment. (Please see unit cost/ per pound cost given in this document) The processing cost is projected to be minimal when landfill diversion cost is applied under the current tipping fee cost. This means recovered cost if this waste was disposed of in the landfill. There would be a credit issued back to the city for any equipment i.e. hard drive units and monitors that are still hold and working at the rate of 8 cents per pound.

Under this program, services can be provided primarily to the residential community. If the city options to do so, the service could be made available to the commercial and industrial communities of Eden. Commercial and industrial users of the service could be charged a at cost recovery fee for each unit handled by the city to off set the processing cost that would incur. The following rates submitted by Synergy of Mayodan for processing of electronic equipment would apply for proposed Electronic Recycling Program: Television Units: \$10.00 per unit 14.5 cents per pound or Computer Monitors \$ 3.50 per it 14.5 cents per pound Printers, Fax, Etc. 2.0 cents per pound

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City of Eden, N. C.

Minutes of the regular April 18, 2006, meeting of the City Council, City of Eden:

Credit issued on intact hard drives 8.0 cents per pound

Commercial and Industrial users of service would be charged at the applied rates the city would pay per unit received by the City of recycling.

The total projected cost per year for this program is \$6,500.00 excluding any credits issued from Synergy.

(o) Approval and adoption of Park Committee Appointment.

The Park Committee would like to recommend Amanda Yannotti, John Blackwell, and Sally Jo Blackwell be appointed to the three vacant positions on the Freedom Park Planning Committee

A motion was made by Council Member Tuggle seconded by Council Member Carter to approve the Consent Agenda with the exception of Item (d). All Council Members voted in favor of this motion. This motion carried.

VOUCHERS:

Mayor Grogan noted that if they had any questions to see the City Manager.

ADJOURNMENT:

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

Respectfully submitted,

Kim J. Scott
City Clerk

ATTEST:

John E. Grogan
Mayor