

CITY OF EDEN, N. C.

The regular meeting of the City Council, City of Eden, was held on Tuesday, December 19, 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
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:	John Barbour, <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. Johnny Taylor, Pastor of Rising Star Baptist Church gave the invocation followed by the Pledge of Allegiance.

PRESENTATION:

Presentation: Dr. David Smith – Freedom Park, Planning Committee

Dr. David Smith, the Chairman of the Freedom Park Planning Committee since 2000 has resigned his position effective this past November. He has been instrumental in the development of Freedom Park and has been a driving force in helping make Freedom Park the facility it is today.

The Parks and Recreation Staff and the Freedom Park Planning Committee would like to present Dr. Smith with a plaque from the Mayor and City Council for his commitment and dedication to the development of Freedom Park.

Mayor Grogan introduced Mr. Johnny Farmer, Parks & Recreation Director, and Dr. David Smith and his wife to present Dr. Smith with a plaque for his part in the development of the city's Freedom Park.

ADDITIONS OR DELETIONS TO AGENDA:

Mayor Grogan stated that they would like to add to the agenda a Closed Session according to G.S. 143-318.11 to establish or instruct a public body staff negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating the price and other material terms of a contract or proposed contract for the acquisition of real property, of purchase, option, exchange or lease.

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A motion was made by Council Member Gover seconded by Council Member Tuggle to add this Closed Session to the agenda. All Council Members voted in favor of this motion. This motion carried.

Mayor Grogan stated that they would be pulling item 8(a) *Consideration of beer/wine gardens in selected downtown areas and adoption of ordinance*, at the request of a Council Member.

PUBLIC HEARINGS:

(a) Consideration of a zoning map amendment request to rezone property on S. Van Buren Road from Industrial-2 and Residential-20 to Business Highway #2. Request submitted by Ralph M. Barrow. ZONING CASE Z-06-07.

At the regular meeting on November 21, 2006, the Council scheduled this public hearing to hear comments regarding a zoning map amendment request filed by Ralph M. Barrow. The request was to rezone property on S. Van Buren Road from Industrial-2 and Residential-20 to Business-Highway #2. The Planning and Inspections Department recommends approval of the map amendment request. At their November regular meeting, the Planning Board voted to recommend that the City Council approve this request.

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

Mrs. Stultz explained that the request was to rezone approximately 5.75 acres located on Van Buren Road Highway #14 from Industrial #2 and Residential 20 to Business Highway #2. This property was originally zoned Industrial and Residential in 1979 when the ETJ was created. This property adjoined an existing industrial type use and vacant property to the west. Many times, the uses on the ground dictated what classification was given to properties. At the time of original zoning R-20 was used as a holding zone in the ETJ until development pressure changed. The property was annexed into the city when The Oaks and the old Walmart were built in the late 80's and early 1990's.

Van Buren Road/Highway#14 is the City's Central Business district. This area is commercial in nature and its value to the community must be protected. Since 1979, development pressure in this area has changed significantly. Therefore, the 1-2 zoning is now too intense for this corridor into our city and this property and those surrounding it are commercial in nature. However, the staff would not support pushing the commercial zoning further to the west than the eastern most edge of Division Street at this time.

Based upon the character of the area and the established commercial uses, staff recommends in favor of the request.

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

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

MONTHLY FINANCIAL REPORT:

There were no questions concerning the Monthly Financial Report.

A motion was made by Council Member Tuggle seconded by Council Member Turner to approve the monthly financial report. All Council Members voted in favor of this request. This motion carried.

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REQUESTS AND PETITIONS OF CITIZENS:

Mayor Grogan noted that the people listed to speak wanted to speak in opposition on an item that had been pulled from the agenda. (*Item 8(a)*).

Council Member Gover asked if the people who had wished to speak could stand to which approximately 18 people stood who were in opposition to this item.

Mayor Grogan thanked the citizens who came out.

UNFINISHED BUSINESS:

(a) Consideration of Planning Organization Appointments and Reappointments.

It is time again to make annual appointments or reappointments to the City boards and commissions. Attached is a list of these boards, their current members with absences denoted, and the ward responsible for the appointment. Members whose term expires in 2006 have been outlined. Please note that members who have missed in excess of 30% of the scheduled meetings, whether excused or unexcused, automatically lose their seat and must be replaced or reappointed. These members have been highlighted in red. We would like to have all the appointments made by the December meeting so we can start with a full slate of members in January.

Board of Adjustment

Council Member Gover moved to appoint Ms. Diana Biggs

Council Member Myott moved to appoint Mr. Jerry Myott

Council Member Turner moved to appoint Mr. Kenneth White

Community Appearance Commission

Council Member Turner moved to appoint Mr. Kenneth White

Historic Preservation Commission

Council Member Tuggle moved to appoint Mr. Ed Holbrook

Planning Board

Council Member Tuggle moved to appoint Mr. Jerry Holland, Jr.

Tree Board

Council Member Epps moved to appoint Mr. Paul Dishmon

Council Member Myott moved to appoint Ms. Mary Ruth Martin

All Council Members voted in favor of the appointments.

NEW BUSINESS:

(a) Consideration of beer/wine gardens in selected downtown areas and adoption of ordinance.

Background

For most of the sixteen years that the Eden Apple Festival has existed, Miller Brewing Company has been its major sponsor and a beer garden has been an element of the event. In 2006, Miller was the major sponsor of the Riverfest and Barbecue Invitational, providing approximately 1/3 of its funding. The sponsorship funding that Miller provides is significantly greater than other corporate sponsorships and, without its participation, the caliber of these events would not be the same. It should be noted that the 2006 Eden Riverfest and Barbecue Invitational won a North Carolina Main Street Award for Best Downtown Special Event.

There has never been an alcohol-related incident with the Apple Festival beer gardens and there were no incidents in the two beer gardens that were part of the 2006 Riverfest. We are seeking Miller sponsorships for the 2007 Eden Riverfest and Apple Festivals. Beer gardens will be part of each event.

In addition to the larger festivals, there are smaller events that need to be taken into consideration. One of the benefits of downtown revitalization is the new business that such efforts attract and encourage. This year, owners of The Front Porch Woman's Clothing store opened a wine shop. Their first wine tasting

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drew over one hundred participants. Owners Mel and Gloria Hall have expressed interest in hosting one or more of the Chamber of Commerce Friday at 5 socials that almost always include alcohol. The owners of this business would certainly want to serve wine at such events to promote their business. There is limited space inside their building, but the newly renovated Henry Street parking lot is directly behind this business.

The Eden Apple Festival is held on private property and there is no city ordinance restricting beer gardens on private property, provided appropriate ABC permits are obtained. In 2006, the Eden Riverfest beer gardens were located on private property, but there is no guarantee that these properties will be available in the future. Planning has already begun for the 2007 Eden Riverfest, but we must be certain that we will be able to include a beer garden in the event if we are to solicit sponsorship funding from Miller Brewing Company.

Moreover, if the Draper Village Merchants wish to hold a major event in the future, such as a fiddler's convention, they may seek to obtain sponsorship funding from Miller. An appropriate location for a Miller beer garden in this area would have to be determined.

The Eden Chamber of Commerce is planning its 2007 Friday at 5 events and the Olde Leaksville Merchants are considering the timetable of their Downtown at Dusk events. The Front Porch owners have expressed a desire to serve wine at one or more of the Downtown at Dusk events as well.

A request is being made to allow beer/wine gardens in the Henry Street and High Street municipal parking lots for special events under the following circumstances:

* Beer/wine gardens will be cordoned off in a specific area of these parking lots. There will be only one way into and out of the garden to ensure that no one can leave its premises with an alcoholic beverage.

* Identification checks will be conducted on anyone entering the garden. Those consuming alcohol will wear wristbands identifying them as alcohol consumers.

* The organizers of the event shall show proof of insurance for the event that will cover any and all incidents involving the event and the alcohol.

* Those serving wine/beer will undergo the mandatory training that comes with serving alcohol in public areas.

* Permits to allow beer/wine gardens will be subject to approval of the Eden City Manager and recipients of the authorization to establish beer/wine gardens will have to present proper ABC permits.

This item was pulled from the agenda.

CONSENT AGENDA:

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

(b) Approval and adoption of the sale of old aerator.

The Town of Marshall North Carolina has contacted us concerning the purchase of one of the Vertical Aerators that was deemed surplus by Council on February 21, 2006. A letter is anticipated from them making this request. At this point, they have not decided on which aerator they wish to purchase. They want to look at the units to determine if they could use one of the used units or a rebuilt unit. They would like to look at the units and pick one up in the same trip. The Town of Marshall is located north of Asheville.

Staff checked around to find a price for the used units if they could not sell them or had to sell for scrap. The current offer would be \$100.00 - \$200.00. This price would include our labor of tearing the equipment down and selling off each individual part. The Town of Marshall was told that we would accept \$200.00 for a used unit to include the float and \$3,000.00 for a rebuilt unit. We spent approximately \$4,000.00 to have a unit rebuilt which came with a one year warranty. Because we can't offer the same warranty, is the reason for the price of \$3,000.00. These units have been sitting on the plant site for twelve months with no serious inquiries.

According to the City Attorney, under NCGS 160A-274, since we wish to sell to another town in North Carolina, this statute allows the City Council to sell on any terms it deems appropriate and it does not require publication in the newspaper of a resolution.

(c) Approval and adoption of reappointment as ABC Board Chairman.

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It is time to appoint or reappoint the position of chairman to the ABC Board. This position is appointed annually, and Mr. Tommy Flynt is currently the chairman. Due to the excellent job that Mr. Flynt has done for the city and the ABC Board, it was recommended that he be reappointed for the coming year.

(d) Approval and adoption of reappointment to the ABC Board.

It is time to appoint or reappoint a position on the ABC Board currently held by Mr. Tommy Flynt. It was recommended that Mr. Flynt be reappointed to serve another three-year term.

(e) Approval and adoption of Main Street Advisory Board Appointments.

Please re-appoint the following individuals for their 2007 terms:

Board Member Glenn Denny, Sharon Tongbua, Linda Wyatt, Cindy Adams, Joy Toms, Jennifer Clark, Eddie Barker, Tom Barbour, Jean Harrington, Jo Sherwood, Benny Sexton, and Becky Shomali.

Note that it is estimated that the Eden Main Street Advisory Board will be terminated at the end of the first half of 2007. This Board will be replaced by the Twin Rivers Downtown Development Corporation, a non-profit corporation designed to promote downtown revitalization efforts. The establishment of the non-profit organization is the natural progression of the Main Street program. City Council approved the development of this non-profit organization in 2006.

The individuals listed above have agreed to serve as members of the Twin Rivers Downtown Development Board for specific terms that were determined at the November 14, 2006 organizational meeting presided over by attorney Tom Medlin. The non-profit application is being finalized and will be sent to the Internal Revenue Service for review within the next thirty days.

* The terms of the Advisory Board members have been extended until the end of August of 2007 to allow for any delays in this process of establishing the new Board.

(f) Approval and adoption of amending the Eden City Code entitled "Christmas Bonus".

We need to amend the Personnel Ordinance 10-6.13 Christmas Bonus to specifically identify the full time employees who are eligible for our Christmas Bonus. It has been acceptable practice that employees with one year of service have been the recipients of a Christmas Bonus. Therefore, the employees who have worked for the City of Eden one year as of December 1st of each year will be entitled to the \$150.00 Christmas Bonus.

(g) Approval and adoption of Budget Amendment # 6.

American General Financial Services donated office furniture to the Police Department. Even though we did not actually purchase these items, we still need to record the value of the items in our financial records. The entry to record this transaction will increase a revenue item and an expense item. The attached budget amendment increases the Police Department Donated Property line item and increases the Police Department Capital Outlay - Furniture line item by \$8,500 which is the estimated value provide by American General.

	Account #	From	To	Amount
General Fund Revenue				
Police Dept – Donated Property	10-3431-88000	\$ -	\$ 8,500.00	\$ 8,500.00
General Fund Expenditures				
PD C/O – Furniture – Non Deprec	10-4310-59000	\$ -	\$ 8,500.00	\$ 8,500.00
				\$ 8,500.00

To record office furniture donated to the Police Department.

Adopted and effective this 19th day of December, 2006.

Attest:

Kim J. Scott, City Clerk

John E. Grogan, Mayor

(h) Approval and adoption of Resolution Authorizing the Disposal of Personal Property.

RESOLUTION AUTHORIZING THE DISPOSAL OF PERSONAL PROPERTY

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 the following property is hereby declared surplus to the needs of the city:

- (1) Metal Typewriter Table (Tag #530)
- (2) Green Metal Desk (Tag #607)
- (3) Wood Roll Top Desk
- (4) Five Pink Padded Chairs
- (5) Wood Grain and Chrome Metal Table (Tag #300)
- (6) Brown Wood Desk
- (7) Two Computer Desk – Black Top
- (8) Computer Desk (Tag #3302)
- (9) Blue Padded Chair
- (10) Typewriter Table (Tag #299)

Adopted this 19th day of December, 2006.

Attest, Kim J. Scott, City Clerk

John E. Grogan, Mayor

A motion was made by Council Member Tuggle seconded by Council Member Carter to approve the Consent Agenda items. All Council Members voted in favor of this motion. This motion carried.

VOUCHERS:

No discussion.

CLOSED SESSION:

Closed Session according to GS 143-318.11(a)(4) To discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body, including agreement on a tentative list of economic development incentives that may be offered by the public body in negotiations. Also, they added to the agenda a Closed Session according to G.S. 143-318.11 to establish or instruct a public body staff negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating the price and other material terms of a contract or proposed contract for the acquisition of real property, of purchase, option, exchange or lease.

A motion was made by Council Member Tuggle seconded by Council Member Nooe to go into closed session. All Council Members voted in favor of this motion. This motion carried.

OPEN SESSION:

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

ADJOURNMENT:

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

Respectfully submitted,

Kim J. Scott
City Clerk

ATTEST:

John E. Grogan
Mayor