

CITY OF EDEN, N. C.

The regular meeting of the City Council, City of Eden, was held on Tuesday, May 16th, 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:	Lisa Doss, <u>Eden's Own</u> ; Brian Ewing, <u>Eden Daily News</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:

Council Member Jerry Epps gave the invocation with Fire Chief Doug Cline leading in the Pledge of Allegiance.

ADDITIONS AND DELETIONS TO AGENDA:

A motion was made by Council Member Gover and seconded by Council Member Nooe to add Hickory Square Project. All Council Members voted in favor of this motion.

A motion was made by Council Member Gover seconded by Council Member Epps to delete Consent Agenda Item 9(m). All Council Members voted in favor of this motion.

PUBLIC HEARINGS:

Consideration of a zoning text amendment and ordinance to amend Section 11.24(f)(2) – the Business- Central zoning district of the City of Eden Zoning Ordinance to remove textile manufacturing as a conditional use. Request submitted by the Planning Board. ZONING CASE Z-06-01. (*Kelly Stultz, Planning*)

At the regular April, 2006 meeting, the Council scheduled this public hearing to hear comments regarding zoning text amendment request filed by the Planning Board. The request was to amend Section 11.24(f)(2) the Business-Central Zoning district of the City of Eden Zoning Ordinance to remove textile manufacturing as a conditional use.

The Planning and Inspections Department recommend approval of the text amendment request. At the April regular meeting, the Planning Board voted to recommend that the City Council approve this request.

Mrs. Stultz explained that last fall, there was a discussion about the Business Central Zoning District and some concerns were expressed by Members of Council when they brought before the Council an amendment to permit cabinet shops in that district. At the time, a Council Member asked that a zoning amendment be initiated to require the same

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restrictions on textile manufacturing that was allowed in Business-Central as they were going to require for cabinet shops.

The Planning Board discussed this, and as the staff worked on this, they came to the conclusion as a staff that a number of years ago when a decision was made to allow that permitted use in the downtown districts, that it was a good one at the time, but as the downtowns have evolved and things have changed conditions in those areas, they felt, at this point, that allowing manufactured uses in some of those structures is not appropriate. The Planning Board agreed with the staff and recommended in favor of their recommendation that, that particular use be removed from the Business Central list. There still may be some circumstances where large buildings in those areas could be used for some purpose other than traditional retail. The Zoning Ordinance includes a section called Industrial Re-use Overlay that can be applied on a case by case basis and reviewed by the City Council each time a proposal would come up to make a decision at that time if it was in the best interest of the area and the property.

Based upon this information, they recommended that they Council approve their amended request to delete this from Business-Central as a permitted use.

Mayor Grogan 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 declared the public hearing closed.

A motion was made by Council Member Epps seconded by Council Member Tuggle to approve the zoning text amendment and ordinance to amend Section 11.24(f)(2) – the Business- Central zoning district of the City of Eden Zoning Ordinance to remove textile manufacturing as a conditional use. All Council Members voted in favor of this motion. This motion carried.

(b) Consideration of a zoning text amendment and an ordinance to addition a section to the City of Eden of Eden Zoning Ordinance pertaining to Tree Protection. Request submitted by the Planning Board. ZONING CASE Z-06-03. (*Debbie Galloway, Planning*)

At their regular meeting in April, the Council scheduled a public hearing to hear comments regarding a zoning text amendment initiated by the Planning Board on behalf of the Tree Board to include tree protection requirements in the Zoning Ordinance. A copy of the proposed amendment and a case report were provided to Council. Both the Tree Board and the Planning Board voted unanimously in favor of this amendment. Staff also recommends in favor of this amendment.

Mrs. Debbie Galloway explained that this request was submitted by the Planning Board but it was originally initiated by the Tree Board. Some months ago, and over the past year or two, with all of the new development that has been going on around the town, the Tree Board became concerned and several citizens made comments, and spoke to members of the Board, members of the staff and probably some of the Council, too, asking if there were any regulations in place dealing with the cutting of trees or clearing timber; and there are currently none in their Zoning Ordinance.

Mrs. Galloway stated that the Tree Board felt that perhaps some guidelines should be in place that would regulate this to some extent, understanding that you do not want to limit private property owner's rights so much, but that perhaps it would be good to have a handle on the development and what was being cleared and also this would tie into the Watershed Ordinance that would be coming along a little later. They felt this was a good recommendation and a way to keep a handle on how things are developed, what goes where, how many trees are cut and perhaps that the buffers are left in place that should be along our rivers, streams, greenways, public right to ways, and that sort of thing. She stated that the Council had the proposed Zoning Ordinance before them that they recommended and that the Planning Board agreed with for the Council's consideration.

Mayor Grogan called the public hearing with regard to Zoning Case Z-06-03 and asked for those wishing to speak in favor for this ordinance.

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Mr. William Mike, 126 Taft Street was present and stated he was a member of the Tree Board and was speaking in favor of the ordinance. He stated that Mrs. Galloway had covered all of the items he had planned to cover. He stated he thought it was an ordinance long overdue in the City of Eden and that it would be a great asset to the City.

As there were no others to speak in favor of or in opposition to this request, Mayor Grogan declared the public hearing closed and asked Council Members for discussion.

Council Member Gover stated in reading this, it had to do with just one acre, you cannot disturb but one acre.

Mrs. Galloway replied, that was correct.

Council Member Tuggle noted that also buffers were always in place and he would still like to give property owners an option to do what they want to with their own property within reason. But these buffers are in place along certain areas to make sure it would maintain a certain amount of beautification along the roads and rivers that they could cut within that area. He asked if they could give him some clarity.

Mrs. Kelly Stultz replied that the beautification was important, but perhaps more important might be a simple fact that when trees are moved, it created erosion control problems. That was an entire program that they were working on at the moment. They will be seeing some public hearings that they need to call for later and there was another ordinance to follow, it was an environmental protection measure as much as an aesthetic one.

Council Member Tuggle stated, they are still allowed to do that, they just fall within the guidelines, they can do theirs as long as they can do one part at one time and another one at another time, as long as they follow the guidelines.

Mrs. Stultz added, and there would be nothing that would stop them if, for example, we had a 100 acre tract that someone would put a residential subdivision on. They could certainly clear the portions that they would need to in order to do the development, but this would require some retainage of trees along the outer sections.

Council Member Nooe stated, as far as buffers, does it allow for leaving of natural vegetation as buffers, too, and was that in this.

Mrs. Stultz replied absolutely, and it was.

Mayor Grogan asked if it took in Office and Institutional as far as buffering and can it be made retroactive to which Mrs. Stultz replied it could not be retroactive.

A motion was made by Council Member Tuggle seconded by Council Member Carter to amend the Zoning Ordinance to include the section on Tree Protection. All Council Members voted in favor of this motion. The motion carried.

*(c-1) Consideration of a Historic Landmark Designation and an ordinance for the Burton Grove School located at 724 McConnell Street. Request submitted by the Historic Preservation Commission. HPCL-05-03 (*Debbie Galloway, Planning*)

Mayor Grogan asked the City Attorney if each of the Historic Landmark Designations should be handled individually to which he replied yes as each had separate ordinances.

At their regular meeting in April, the Council scheduled public hearings to hear comments regarding applications initiated by the Historic Preservation Commission to designate these properties as Local Historic Landmarks. Case reports for these properties were provided for Council, as well as a resolution from the Eden Preservation Society in support of the recommendation and comments received from the State Historic Preservation Office in Raleigh.

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The Historic Preservation Commission held public hearings regarding these properties at a special meeting on April 3, 2006. After consideration of these requests, the Commission voted unanimously to recommend that the City Council approve these requests. Staff also recommends in favor of these requests.

**RESOLUTION
EDEN PRESERVATION SOCIETY**

Whereas, the school buildings in the Eden community are much loved tangible reminders of an important influence on the childhood and youth of citizens living and dead; and

Whereas, the school buildings are valuable historical and architectural assets to the community; and

Whereas, too many of these buildings have already been lost, particularly the Leaksville Spray Institute, which was a National Register property; and

Whereas, studies have shown that renovation and rehabilitation can be less expensive and just as successful as demolition and new construction;

Therefore be it resolved, that the Eden Preservation Society unanimously supports the effort of the Eden Historic Preservation Commission in its request to the Eden City Council to landmark and thereby provide some protection for the following listed buildings:

Schools presently in use:

Douglass Elementary Draper Elementary

No longer used as a school:

Burton Grove School

Historic schools now in private hands:

Leaksville Male Academy Little Red Schoolhouse Sunshine School

The request was submitted by the Eden Historic Preservation Commission.

The property in question is a former elementary school owned by the Rockingham County School System. The school was built in the 1920's and operated until being closed in the 1980's. The building has been vacant since that time. The school was designed by local architect J.W. Hopper and was the first school building for the New Leaksville community. The building was situated in a grove of trees on the former site of the Burton family home place, hence the name "Burton Grove". The original building is a single story brick structure on a raised basement. The main entrance is recessed in a flat roofed central pavilion which projects from the main structure and features a round arched entryway. The front elevation has enormous twelve-over-twelve double hung sash windows with a smaller window and a circular brick detail on either side of the arched entrance. The school has a hipped-roof main wing with slightly protruding hipped-roof end wings featuring tall brick chimneys and long stairways leading to the side entrances. Two two-story wings were added to the rear of the original structure as additional room was needed. The gymnasium is located in another rear wing. Other than the later additions, no major alterations have been made to the exterior of the structure and most of the original features are still intact. The campus is open and spacious with a circular front drive and several large old trees situated around the property. There are no other buildings on the property.

Based upon the above information, staff recommends in favor of the request.

Mrs. Debbie Galloway explained that the first case before the Council as far as local landmark designation was for Burton Grove School. A Local Landmark Designation is different than a National Register Designation in that a Local Landmark Designation means that property or structure is significant to the history of this community specifically. Local Landmark Designation does entitle the property owner to certain property tax reductions, of 50% property tax reduction, as long as they maintain the historic characteristic of the property. If they chose to alter the property in any way that would change the historic features of that, they are required to get a Certificate of Appropriateness from the Historic Preservation Commission to say that they are in keeping with the guidelines as set forth for that. This property and the others that follow

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are all school buildings that have been significant in this community, most of the citizens who grew up here were probably educated in one or more of these schools. They have a very strong impact on the community, historic significance to the community is great and this is a way to, hopefully, protect those structures from the possibility that they could be destroyed or changed in some way that would cause them to lose their historic significance. The Preservation Commission felt that all of these structures were worthy of that designation. As required, they have submitted the case reports to the State Historic Preservation office for comments and they agreed that they were worthy of that designation.

Mayor Grogan asked if there were questions of Mrs. Galloway.

Council Member Tuggle stated this was the only building he had any concerns with, the other two were already occupied, the school system has those. But he stated he had seen some schools in the past that sit there for years and years and years, pointing out the old post office. He asked who checks to see if they are maintained. He stated he would hate to go over there and look and they have something of great historic significance to the City of Eden and you look and it's just another eye sore, too. He asked how they can make sure the property owners do maintain this.

Mrs. Galloway replied that if the structure is empty, it is just like another empty building in town whether it is designated or not. They have maintenance requirements with the City Ordinance that requires them to keep it in some state of repairs so it doesn't become dangerous or whatever, and the landmark adds an extra layer of protection so that they can keep an eye on those things, and they are required to maintain at least a minimum condition so that they don't become a hazard or fall into too much disrepair. And, hopefully, there is an incentive for the property owners to maintain it because they are entitled to a 50% tax credit. Now obviously with the school system, that would not be so much of an incentive because they are public property and they do not pay property tax, but the private owner, should the school decide to sell the building, which the case with Burton Grove is that it is right now for sale; hopefully, a person who would be interested in purchasing that property would want to use those tax credits and in order to receive those, they would have to maintain the structure. These are guidelines as far as what you can and can't do; it only applied to the exterior of the building. But if they were to alter it in any significant way that would totally change the appearance, that would cause them to not be able to receive their tax credits.

Council Member Tuggle stated he was an observer in a former life with Dudley High School and Grimsley and how important they were to the community because there were so many people who went to school there that and when you lose those, you can never get them back. He added that when they were renovated, they were beautiful, they really did a good job with them.

Mayor Grogan asked if there were any other questions of Mrs. Galloway regarding Burton Grove School.

As there were no questions or comments, a motion was made by Council Member Turner seconded by Council Member Myott to accept this as stated. All Council Members voted in favor of this motion. The motion carried.

(c-2) Consideration of a Historic Landmark Designation and an ordinance for the Draper Elementary School located at 1719 E. Stadium Drive. Request submitted by the Historic Preservation Commission. HPCL-05-04. (*Kelly Stultz, Planning*)

The property in question is an elementary school owned by the Rockingham County School System. The school was built in 1939 for the Leaksville Township School System, and served as Draper's first high school until being converted to an elementary school. The school was designed by local architect J.W. Hopper and is one of a group of similar schools designed by Hopper in the 1930's. The building is a single story brick structure with two hipped-roofed wings extending from the central entrance to form a broad "Y". The central gable front block has a tall rounded archway containing a recessed entrance flanked by

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blind round arches containing rectangular windows. The front elevation has rows of large double hung windows. The gymnasium is located in the central wing of the original structure. Flat-roofed one story wings were added to each end of the original structure as additional room was needed. The school was expanded in the 1960's to include a flat-roofed classroom building connected to the main building by a long covered breezeway. Other than the later additions, no major alterations have been made to the exterior of the original structure and most of the original features are still intact. The campus is open and spacious with a circular front drive. There are no other buildings on the property.

Based upon the above information, staff recommends in favor of the request.

As there were no questions or comments, a motion was made by Council Member Gover seconded by Council Member Nooe to approve the request. All Council Members voted in favor of this motion. The motion carried.

(c-3) Consideration of a Historic Landmark Designation and an ordinance for the Douglass Elementary School located at 1130 Center Church Road. Request submitted by the Historic Preservation Commission. HPCL-05-05. (*Kelly Stultz, Planning*)

The property in question is an elementary school owned by the Rockingham County School System. The school was named for abolitionist Frederick Douglass, and was the first modern educational facility for Leaksville's African American students. A plaque on the gable front auditorium records that the school was built under the auspices of the Works Progress Administration. The original Douglass School was built in on the site around 1930, but burned in 1939 and was replaced soon after with the present complex. Local architect J.W. Hopper designed the school, which served both elementary and high school students until the 1960's when it became an elementary school. The main building is a single story brick structure with a central wing containing the auditorium, flanked by two parallel wings which originally housed sixteen classrooms, a laboratory and a library. The front facade of the auditorium serves as the main entrance to the building and features Neo-Classical surrounds and transoms over the three main doors, with a central circular window above. Three one story additions were added in the 1950's and 60's at the rear of the main building. No major alterations have been made to the exterior of the original structure and most of the original features are still intact. There are no other buildings on the property.

Based upon the above information, staff recommends in favor of the request.

As there were no questions or comments, a motion was made by Council Member Myott seconded by Council Member Turner to approve the request. All Council Members voted in favor of this motion. The motion carried.

(c-4) Consideration of a Historic Landmark Designation and an ordinance for the Leaksville Male Academy located at 521 Henry Street. Request submitted by the Historic Preservation Commission. HPCL-05-08. (*Kelly Stultz, Planning*)

The property in question is located behind a residence and contains the remnants of the former Leaksville Male Academy, Eden's first educational institution. It was established in 1820 by twenty-seven of Rockingham County's most prominent citizens, including future North Carolina Governor John M. Morehead. The Academy was housed in a two story building which Trustee James Barnett sold to the school for \$1 in 1820. It is not known if the brick building existed on the site at the time of the sale, or if it was constructed after that time. One of the Academy's first teachers was Nathaniel Henry, son of Patrick Henry. Later, Nathaniel's son, Patrick Henry, III, taught there for a time. Prior to the Civil War, the building was also used for Sunday services for various congregations, and in 1852 a Masonic Lodge began using the second floor as its lodge. During the Civil War, the Academy closed and remained closed throughout the 1860's. During this time, the building became so deteriorated that most of it was demolished around 1869 and replaced with the existing one story, two room structure, which incorporated the foundation and lower brick walls of the original school. The building is constructed of brick in four-to-one common bond, and has a single shoulder chimney in each gable end. The engaged hood at the main entrance, the fifteen-over-one double hung windows and small shed rear wing were probably added after the building was damaged by fire in the mid-twentieth century. The Academy reopened in 1870 and operated until around 1890, after which time the property was sold and the building converted into a residence. A house was built on the same lot in front of the building during the 1930's.

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This house is currently used as a rental property, and the original brick structure is used for storage. The building is intact, but has deteriorated over time.

Based upon the above information, staff recommends in favor of the request.

In response to a question by Mayor Grogan as to who owns this, Mrs. Galloway replied, Barry Graves and his wife, Barbara. She explained that this was the only one of the four, before the Council, that is currently a private piece of property. The other three schools are owned by the School Board. This one is actually a little brick structure behind the house at 521 Henry Street so it's not the house itself, it's the little brick structure behind it, and most people probably do not even know it is there. It is believed that this was the first actual school building in this community, in Leaksville, Spray or Draper, and it has a little more outreaching significance in that Patrick Henry's son and grandson both taught in this school.

As there were no other questions, a motion was made by Council Member Epps seconded by Council Member Tuggle to approve the request. All Council Members voted in favor of this motion.

MONTHLY FINANCIAL REPORT:

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

REQUESTS AND PETITIONS OF CITIZENS:

Mayor Grogan referred to the citizen sign up sheet and noted that Mr. William Mike who had signed up had spoken.

Also, signed up to speak were Mr. Bill Holcomb from the Rockingham County Schools and Mrs. Marianne Aiken. Both had signed up to speak regarding the Public Hearings (c 1-4). However, neither came to the podium to address Council.

UNFINISHED BUSINESS:

(a) Planning Organization Appointments and Reappointments. *(Kelly Stultz, Planning)*

The following Board and Commission positions remain open for new appointments or reappointments. We respectfully request that you consider this matter at the May Council meeting.

Planning Board - Ward 2:

Need new appointee or reappointment for seat held by Dr. Charles Kinney.

No action was taken.

b) Call public hearing on the annexation petition of property off Summit Circle. *(Kelly Stultz, Planning)*

At your April regular meeting, you instructed the City Clerk to investigate the sufficiency of a petition for voluntary annexation for property owned by Shropshire Properties, LLC off Summit Circle. With the assistance of the City Attorney, we have determined that proper signatures were placed on the petition and that Shropshire Properties, LLC is the owner of the property off Summit Circle.

Provided to the Council was a map of the property in question and a certificate of sufficiency executed by the City Clerk.

This type of annexation does not have the same requirements as does an involuntary annexation. However, there are requirements with regard to fire service.

The request was to accept the certificate of sufficiency and call a public hearing for the June regular City Council meeting.

CERTIFICATE OF SUFFICIENCY

To the City Council of the City of Eden, North Carolina:

I, Kim J. Scott, CMC, City Clerk, do hereby certify that I have investigated the petition attached hereto and have found as a fact that said petition is signed by all owners of real property lying in the area described therein, in accordance with G.S. 160A-58.2.

In Witness Whereof I have hereunto set my hand and affixed the seal of the City of Eden this 8th day of May, 2006.

SEAL

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

RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTIONS OF ANNEXATION PURSUANT TO G.S. 160A-58.2

WHEREAS, a petition requesting annexation of the area described herein has been received; and

WHEREAS, the Eden City Council directed the City Clerk to investigate the sufficiency of the petition at their meeting on April 18, 2006; and

WHEREAS, certification by the City Clerk of the City of Eden as to the sufficiency has been made;

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

Section 1. A public hearing on the question of annexation of the area described herein will be held in the Eden City Hall in the City Council Chamber at 7:30 P.M. on June 20, 2006.

Section 2.

The area proposed for annexation is described as follows:

TRACT 1:

BEGINNING at an iron located on the South right of way margin of Summit Circle, said beginning point being North 39 deg. 24 min. east 251.15 feet from the Southeast intersection of Summit Circle with Summit Road, said beginning point further marking the Northeast corner of Lot 13 of the plat hereinafter referred to; thence from said beginning point along the South line of Summit Circle, North 39 deg. 24 min. East 125.0 feet to an iron marking the Northwest corner of Lot 131; thence with the West line of Lot 131, South 50 deg. 36 min. East 236.76 feet to an iron; then South 25 deg. 11 min. West 153.16 feet to an iron marking the Southeast corner of Lot 3; thence North 45 deg. 06 min. West 276.53 feet to an iron on the South margin of Summit Circle, the POINT OF BEGINNING, and being all of Lots 126, 127, 128, 129 and 130 as per map of Subdivision #1 for S. T. Jackson and George W. Smith by H. S. Pierce, dated August 21, 1947, to which reference is made for a more specific description.

TRACT 2:

BEGINNING at a stake set in the southeastern edge of Summit Circle, said beginning point also being a corner with Lot No. 134, and running thence with Summit Circle, North 39 deg. 24 min. east 100 feet to a stake, a corner with Lot No. 139; thence with the dividing line between Lot Nos. 138 and 139, South 55 deg. 05 min. East 183.36 feet to a stake, another corner between Lot Nos. 138 and 139; thence South 25 deg. 11 min. West 116.65 feet to a stake, a corner between Lot Nos. 134 and 135; thence running with the dividing line between Lot Nos. 134 and 135, North 50 deg. 36 min. West 211.44 feet to a stake set in the edge of Summit Circle, the POINT OF BEGINNING and being Lot Nos. 135, 136, 137 and 138, as per map showing Subdivision No.1 for S. T. Jackson and George W. Smith, dated August 21, 1947 as per survey by H. S. Pierce, C.E.

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(c) Hickory Square Apartments. (A contract was submitted some time ago regarding demotion of the Draper Elementary School, submitted by Sam Smith & Son for the amount of \$143,000,000).

Mrs. Kelly Stultz explained that starting with some conversation with Council Member Gover, staff has been heavily involved with this today and they consulted with Mr. Smith and he has agreed to lower his bid to \$110,000,000., should the Council decide to approve that, Mr. Tom Medlin, City Attorney, advised that they would need to do a contract with him for the original bid amount and then a change order to lower it to this point. A good portion for lowering that would be that they would be able to have much of the debris taken to the demolition landfill or the inert debris landfill that the city owns off of Caleb Street. This property has been at the forefront of a lot of discussion for many years and today is no exception. The City Manager, Darren Gatewood (Street Superintendent), and the Fire Chief and herself spent a considerable amount of time with this and when they take a look at the amount of money that has been brought off the contract combined with the amount of staff time, numbers of trips... Sam (Smith) estimates with his big trucks as much as 300 loads that it would take to haul that stuff away. With the equipment they have, it would be considerably lower, considerably more trips than that. So, based upon that, city staff time costs, and encumbrances, the staff recommends the Council accept Mr. Smith's proposal rather than pursuing burning the building.

Council Member Myott asked Mrs. Stultz if she had a difference in what it would cost of the city doing this or letting Mr. Smith do it.

Mrs. Stultz explained that the Fire Chief was telling them that it would cost a certain amount of money, as much as \$12,000,000 without any risk being assessed. There was a lot of risk, when it is on fire, of damaging property around them, there was also staff time, and equipment rentals. She added that they know with Mr. Smith moving the debris away, with 300 loads, that's 600 loads, they know that would be several thousand dollars in fuel at least a month with nine employees full-time doing nothing but hauling debris away. With the risk, salaries, staff time, and fire department time, they feel like this is a better value for the city and they do not have the risks associated with damaging cars and house siding for a number of streets around.

As there were no other questions or comments, a motion was made by Council Member Gover for acceptance. He noted in making the motion, he understood the considerable savings so he was proud to make that motion. The motion was seconded by Council Member Tuggle.

Mayor Grogan thanked Council Member Gover for his time and effort to bring this back and to initiate conversation which Mr. Smith to look at him reducing his contract costs.

Action on the motion to accept: All Council Members voted in favor of this motion. The motion carried.

NEW BUSINESS:

None

CONSENT AGENDA:

(a) Approval and adoption of minutes: April 18, 2006 (*Kim Scott, Administration*).

(b) Approval to hold a public hearing and to consider an ordinance for a zoning text amendment to include a section to the zoning ordinance pertaining to Stormwater Management. ZONING CASE Z-06-04. (*Kelly Stultz, Planning*)

The city has received a zoning text amendment request initiated by the Planning Board to amend the Zoning Ordinance to add a section pertaining to stormwater management.

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The Planning and Inspections Department recommends approval of the text amendment request. The Planning Board considered this request at their regular meeting on April 25, 2006 and recommended that the amendment be approved.

The request was to call a public hearing and request that an ordinance be prepared for the June 20, 2006 meeting.

(c) Request for approval of a variance on a preliminary plat for Meadow Greens Subdivision. S-06-03. (Kelly Stultz, Planning)

The city has received a preliminary subdivision plat for property located off Edgewood Road and Briarwood Drive. The plat is for Meadow Greens Subdivision. The property is platted into 83 lots and is approximately 46.25 acres in size.

The Planning and Inspections Department recommends approval of the preliminary plat with a variance in cul-de-sac length. At their regular meeting in April, the Planning Board approved the preliminary plat and voted unanimously to recommend to City Council that the variance be approved.

At the request of Council Member Turner, this item was removed for discussion. A motion was made by Council Member Epps seconded by Council Member Gover to pull this item for discussion. All Council Members voted in favor of this motion.

(d) Approval to hold a public hearing and to consider an ordinance for an amendment to the City of Eden City Code dealing with conditions constituting a public nuisance. (Kelly Stultz, Planning)

The Planning Board at their regular meeting in April requested a text amendment to the Eden City Code. This request is to amend Section 6-37 to modify a section dealing with conditions constituting a public nuisance.

Please call a public hearing and request an ordinance be prepared for your June 20, 2006 meeting.

(e) Request for approval of temporary sign located in right-of-way of Van Buren Road and Arbor Lane. (Kelly Stultz, Planning)

Cornerstone Outreach Mission has requested permission to erect a temporary sign in the right of way of Van Buren Road and Arbor lane. This sign will advertise the "2006 Spirit of Excellence Award program" to be held at Morehead High School Auditorium on June 17, 2006. This will be a civic function to recognize citizens from Eden and across the state. The Sign Ordinance was amended to allow temporary signs in the street right of ways upon approval by the City Council.

The Planning and inspections Department recommends the approval of the request.

(f-1) Adoption of an ordinance designating a pump located at 1000 Knott Street as a Historic Landmark. HPCL-05-01. (Kelly Stultz, Planning)

(f-2) Adoption of an ordinance designating the Lakeside School located at 719 Kendall Street as a Historic Landmark. HPCL-05-02. (Kelly Stultz, Planning)

In 2005 the City Council approved local landmark designation for lakeside School and a community pump located in Draper. The NC General Statutes require that an ordinance be adopted for these designations. Apparently no ordinances were adopted at the time these landmarks were approved. They respectfully request that the Council adopt the ordinances designating these properties as local landmarks at the May Council meeting.

(g) Approval and adoption of a Resolution of Support of the 2006 Clean Water Bond. (Brad Corcoran, City Manager)

The North Carolina Rural Center has requested the distribution of a resolution for consideration by local governments to support a \$1 billion bond referendum in the fall for water, sewer and stormwater infrastructure. Their request follows several months of community presentations on the Rural Center's Water 2030 initiative that identified statewide infrastructure needs for the next 25 years to be in excess of \$16 billion. These resolutions of support will be forwarded to the Rural Center to be used in their advocacy

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for the referendum with the legislature. Last week the Board of Delegates of the Piedmont Triad Council of Governments passed a similar resolution.

Although the work of the Rural Center has traditionally been in the 85 non-urban counties of North Carolina, all counties participated in the Water 2030 initiative and all counties will be eligible to participate in the proceeds from the bond. In 1998 when a similar bond was passed, 40 projects totaling over \$19 million went to local governments in Region "G". Estimated needs in our region just for the next five years exceed \$650 million.

The request was to have the local government consider this resolution.

Resolution of Support of the 2006 Clean Water Bond

WHEREAS North Carolina's continued prosperity depends on protecting the state's water resources for current use and future generations, and

WHEREAS North Carolina is expected to grow by 3.5 million people to exceed 12 million by the year 2030, placing pressures on the state's water resources and local water providers, and

WHEREAS North Carolina's businesses, traditional and emerging industries all depend on reliable supplies of clean water, reasonable utility costs and an attractive natural environment, and

WHEREAS the 1998 Clean Water Bonds delivered significant benefits to North Carolina communities and citizens, supporting 1,103 projects in 97 counties, which

- . helped create or retain 42,000 jobs
- . corrected major regulatory violations in 97 communities
- . addressed failing septic systems and contaminated wells in 59 counties
- . resulted in 50 communities receiving sewer service for the first time,
- . encouraged regional efficiencies, sound planning and conservation practices,

WHEREAS North Carolina's public water, sewer and stormwater utilities will require investments totaling \$16.63 billion to keep pace with necessary improvements and population growth over the next 25 years, including \$6.85 billion in investments within the next five years;

NOW THEREFORE BE IT RESOLVED that the City of Eden urges the North Carolina General Assembly to enact a \$1 billion bond bill in the 2006 session to fund construction and repair of urgently needed water, sewer and stormwater facilities.

BE IT FURTHER RESOLVED that the City of Eden calls upon the Governor and the General Assembly activate the State Water Infrastructure Commission to address the state's long-term water infrastructure needs with a visionary plan for sustained funding of water, sewer and stormwater system improvements

Adopted by the City of Eden this the 16th day of May, 2006.

John E. Grogan
John E. Grogan, Mayor

Brad Corcoran
Brad Corcoran, City Manager

* (h) Approval and adoption of Budget Amendments 15, 16 and 17 (Creating Greenways Fund and Downtown Revitalization Fund). *(Tammie McMichael, Finance)*

Budget Amendment # 15

	Account #	From	To	Amount
General Fund Revenue				
Fire Grant	10-3434-42000	\$1,825.00	\$3,075.00	\$1,250.00

General Fund Expenditures

Fire Travel 10-4340-31200 \$3,363.00 \$4,613.00 \$1,250.00

The Fire Department received a grant from Wal-Mart for the Life Safety Educator's Conference.

Adopted and effective this 16th day of May, 2006.

Attest:

s/Kim J. Scott

s/John Grogan

Budget Amendment # 16

Budget amendment # 16 which increases the W /S Maintenance/Repair Outfalls line item by \$442,000. This amendment relates to the state mandated repairs to the estimated 14,000 feet of outfall at Matrimony Creek. The repairs that were done are as follows:

- Repairing known and unknown sewer manholes/lines and problems/breaks.
- Building up the washed away portions of the outfall to make it completely passable to allow for mowing and maintenance.
- Replacing and extending several storm drain pipes to prevent further erosion problems. Building the bank out to original distance at a minimum of 10 feet from the center of the sewer line.
- Placing riprap along the banks to prevent further wash outs.
- Removing all dead trees along the banks and outfall.
- Removing debris from within the creek as far as the Dan River.

Budget Amendment # 16

	<u>Account #</u>	<u>From</u>	<u>To</u>	<u>Amount</u>
Water & Sewer Fund Revenue				
Fund Balance Appropriated	30-3991-99100	\$ 3,401,400.00	\$ 3,743,400.00	\$ 342,000.00
Water & Sewer Fund Special Appropriations				
Contingency	30-9990-99100	\$ 100,000.00	\$ -	\$ (100,000.00)
Water & Sewer Fund Expenditures				
W/S Maint M/R Outfalls	30-7125-24500	\$ 30,000.00	\$ 472,000.00	\$ 442,000.00

Adopted and effective this 16th day of May, 2006.

Attest:

s/Kim J. Scott

s/John Grogan

Approve New Funds - Greenways Project & Downtown Revitalization Projects and Budget Amendment # 17

The Greenways project was set up to provide funding for a Greenway master plan for the City. This includes the pilot area for the first planned facility along the Dan River.

The Downtown Revitalization project (referred to as the Streetscape in the General Fund) will include Phase I which is the design and implementation of the Old Leaksville Shopping District master plan on Washington Street from Bridge to Henry Streets. It will also include the design of the Phase II Draper Village Shopping District master plan.

Neither of these projects will be completed in the fiscal year 2006/2007; therefore, we should create capital project funds that will allow the projects to carry over from year to year.

Currently we have \$50,000 for each project set aside in the General Fund through special appropriations. If you should approve the new capital project funds we will need to complete budget amendment # 17 to

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move the funds from General Fund to the capital project funds. Any expenditures that have already occurred will be moved to these new funds.

Budget Amendment # 17

	Account #	From	To	Amount
Greenway Project Fund Revenue				
Greenways Contrib from GF	21-3984-01000	\$ -	\$ 50,000.00	\$ 50,000.00
Greenway Project Fund Expenditures				
Master Plan	21-4910-29908	\$ -	\$ 50,000.00	\$ 50,000.00
Downtown Revitalization Fund Revenue				
Transf In from Spec Appt/GF	23-3329-00000	\$ -	\$ 50,000.00	\$ 50,000.00
Downtown Revitalization Fund Expenditures				
Professional Services/Design	23-4910-19100	\$ -	\$ 50,000.00	\$ 50,000.00

Adopted and effective this 16th day of May, 2006.

Attest:

s/Kim J. Scott, City Clerk

s/John Grogan, Mayor

(i) Approval and adoption of modification to the **“Certification of Municipal Ordinance Declaring Speed Limit Modifications and Request for Concurring Ordinance by Department of Transportation”** form that was approved at the April 18th, 2006 meeting of the Eden City Council that referred to speed on Washington Street by changing the description of SR1561 from “South” Hamilton Street to “North” Hamilton Street; and (2) approval and adoption of ordinances declared in the **“Certification of Municipal Ordinance Declaring Speed Limit Modifications and Request for Concurring Ordinance by Department of Transportation”** forms that were approved at the April 18th, 2006 meeting of the Eden City Council. *(Sam Shelton, Police)*

(Copies of “Certification of Municipal Ordinance Declaring Speed Limit Modifications and Request for Concurring Ordinance by Department of Transportation” along with the concurring city ordinances are in the 2006 ordinance book).

(j) Approval and adoption of a traffic study and concurring ordinance in reference to No Parking signs on Hampton Street from Washington Street to Manning Street. *(Gary Benthin, Police)*

On April 24, 2005, I received a traffic study request from Council Member Donna Turner in reference to placing No Parking signs on Hampton Street from Washington Street to Manning Street.

Hampton Street inclines from Washington Street as it approaches Manning Street and then travels downhill at a steep grade, traveling back uphill as it approaches Harris Street (see attached). When vehicles park in the roadway, motorists passing them do not have a clear view of approaching traffic (see attached photo).

The Police Department's recommendation would be to establish a No Parking Zone on Hampton Street from Washington Street to Manning Street.

(k) Approval and adoption of a traffic study and concurring ordinance in reference to decreasing the speed limit on Highland Drive from “D” Street to Lynrock Street. *(Gary Benthin, Police)*

On March 30, 2006, I received a traffic study request from Councilman N ooe in reference to decreasing the speed limit on Highland Drive from D Street to Lynrock Street.

The speed limit on Highland Drive from D Street to Lynrock Street is currently 35 MPH. This section of Highland Drive is a semi-enclosed residential area. The speed limit on all other sections of Highland Drive is 25 MPH.

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A visual survey of posted speed limits in the area shows that several other streets in the neighborhood are posted 25 MPH. One of those streets, College Street (a one-way street), empties onto Dumaine Street (also one-way). Dumaine Street is located next to Leaksville-Spray Elementary School. The speed limit on Dumaine Street is 35 MPH.

The Police Department's recommendation would be to set the speed limit for the entire length of Highland Drive from Boone Road to Lynrock Street to 25 MPH. The Police Department also recommends decreasing the speed limit on Dumaine Street to 25 MPH.

(l) Approval and adoption of a motion to hold a public hearing to consider the FY 2006-2007 proposed budget. *(Brad Corcoran, City Manager)*

(m) Approval and adoption of proposed Charter Amendment. *(Mayor John Grogan) (Item pulled from agenda by Mayor Grogan)*

Current Language

The mayor shall receive for his services such salary as the city council shall determine, and no increase or reduction shall be made to take effect during the term in which it is voted. The city council may establish a salary for its members and such salary may be increased or reduced, but no increase shall be made to take effect during the term in which it is voted.

Proposed Language

The mayor and city council shall receive for their services such compensation as the city council shall determine.

At the request of Council Member Turner, Consent Agenda Item (c) was removed from the agenda.

A motion was made by Council Member Tuggle seconded by Council Member Carter to approve the Consent Agenda Items a, b, d, e, f (1&2), g, h, I, j, k, and l. All Council Members voted in favor of this motion. This motion carried.

Item Removed for Discussion: Request for approval of a variance on a preliminary plat for Meadow Greens Subdivision. S-06-03. *(Kelly Stultz, Planning)*

Mrs. Stultz explained that noted that generally the Council does not see preliminary plats, the only time they do is when there is a variance requested. In this particular case, the topography, the size and the narrowness of portions of this property, it is the option of the staff, necessitate allowing the cul-de-sacs to be longer than 500 feet than our subdivision ordinance required. Only the City Council can make those decisions to grant such variances. Mrs. Stultz stated their recommendation was that the Council approve this plat. He asked them to remember that approving a preliminary plat before any final plat or final sections can be approved, signed, recorded and the houses begin to be constructed that those final plats have to go back to the Planning Board and to the City Council. They anticipate one arriving at the Planning Board in June or July.

Council Member Turner stated that her main concern was there should be more open space in the development. I know we are trying to move more of those kinds of open areas within our city, and that was her concern. She stated she was not really concerned about the length of the cul-de-sac but it looked to her that this was going to be a very nice development in a very nice part of the city and she just wanted it to be the absolute...

Mr. Hommel, developer of the property, was present and stated that they liked the area and in answer to Council Member Turner's question, this will be a very nice development. They will stick with what is in the community, it will high-end, there will be walking trails. He stated that they did want to try and keep out in-ground pools and things that will basically deter people from becoming a member of the (Meadow Greens) County Club. They want to try to get as many members into the County Club as possible.

In response to a question by Mayor Grogan as to if he had joined the County Club yet, Mr. Hommel replied he intends to join.

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Council Members thanked him for choosing Eden.

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 Carter to adjourn. All Council Members voted in favor of this motion.

Respectfully submitted,

Kim J. Scott
City Clerk

ATTEST:

John E. Grogan
Mayor