

## CITY OF EDEN, N. C.

The regular meeting of the City Council, City of Eden, was held on Tuesday, October 17, 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:	(Absent)	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 Journal</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 of the Draper Pentecostal Holiness Church, gave the invocation followed by the Pledge of Allegiance.

PRESENTATION:

Presentation: Darryl Carter

Mayor Grogan noted that about a week ago, the City of Eden was notified that Council Member Carter received the highest award for the State of North Carolina, from the Chapter of International Association of Arson Investigators. Carter a retired Fire Marshall was selected as the 2005 Fire Investigator of the year. He stated he thought this was big because when the peers do it from all over the State, Captain Carter was chosen for this award. He then presented Mr. Carter with a framed copy of the press release of this announcement.

Presentations: Eden Kiwanis Check Presentation for Amphitheater at Freedom Park

The Eden Kiwanis Club has made a donation to the City in the amount of \$25,000 for the construction of the Amphitheater at Freedom Park. This donation, which is half of the cost to purchase and install the Amphitheater, allows for the Amphitheater to be called the Eden Kiwanis Amphitheater at Freedom Park.

The Eden Kiwanis would like to present a ceremonial check to the Mayor and City Council to show their support of Freedom Park, and hopefully this will encourage other organizations and businesses to make donations for improvements to Freedom Park.

Mayor Grogan called for the members of the Eden Kiwanis Club to come forward for the presentation.

Mayor Grogan noted that Mr. Johnny Farmer has been the City of Eden's Recreation Director for the last 15 months and had done about three years of work at the city park.

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Mr. Farmer explained that one of the things they had been trying to do was to get a lot of civic support from the community for Freedom Park. Dr. David Smith, Chairman of the Planning Committee was also present and was asked to come forward. He noted that he and Dr. Smith had proposed an idea to them to name the new amphitheater after the Eden Kiwanis. They donated half of the cost to build that particular item which was approximately \$50,000 and tonight, the Eden Kiwanis would donate a check in the amount of \$25,000 which would allow them to name the Amphitheater the Eden Kiwanis Amphitheater. In closing Mr. Farmer noted that the Lion's Club, the Rotary Club and others would be called on also. He added that the Rotary Club had just recently given the City some money to put in some equipment for the walking trails. So, they would also be doing another presentation for that. He added that anyone in the community that would like to contribute to the park, he would be available to talk with them about that.

In closing, Mr. Farmer explained that Mr. Wright was present to represent the Kiwanis and he also thanked Mr. Ron Norwood and Mr. Wayne Kirkman.

At this time, a check in the amount of \$25,000 was presented to the City of Eden.

ADDITIONS AND DELETIONS TO AGENDA:

A motion was made by Council Member Gover seconded by Council Member Myott to add to the consent agenda (1) Grant Matching Funds for Gang Coordinator and (2) Grant Matching Funds for Gang Overtime. All Council Members voted in favor of this motion.

PUBLIC HEARINGS:

Consideration of a zoning map amendment and an ordinance to rezone property on S. Hale Street and Stadium Drive from Residential-12 to Business-Neighborhood. Request submitted by The Hutton Company. ZONING CASE Z-06-06.

At a regular meeting in September, the Council scheduled this public hearing to hear comments regarding a zoning map amendment request filed by The Hutton Company. The request is to rezone property on S. Hale Street and Stadium Drive from Residential-12 to Business-Neighborhood.

The Planning and Inspections Department recommends approval of the map amendment request. At their September regular meeting, the Planning Board voted to recommend that the City Council deny this request.

Mayor Grogan noted that prior to the meeting tonight a petition was received with approximately 50 signatures. At this time, Mayor Grogan called for a public hearing and asked Mrs. Kelly Stultz, Director of Planning & Inspections to come forward for a report.

Mrs. Stultz explained that this request was to rezone a 1.34 acre parcel from Residential-12 to Business-Neighborhood. The Residential-12 district was established as a district in which the principal use of the land is for single family residences. The Business-Neighborhood district is established as a district in which the principal use of land is for commercial and service uses to service the surrounding residential districts.

The subject parcel is located to the west of an established R-12 residential neighborhood. The area to the north of the subject property, across Stadium Drive, contains an established R-12 residential neighborhood. The property across Maryland Avenue to the south contains an R-12 residential neighborhood. The property to the west of the subject parcel, across Hale Street, contains an older apartment complex. While the property is located in a primarily residential area, it is located along Stadium Drive, which is a major connector from the east end of town to the rest of the community. Numerous commercial establishments already exist along this thoroughfare, intermingled with the residential uses.

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There has been very little new development in this area of town in many years. While a few new homes have been built in recent years, there has been no new commercial development. Residents of the area must travel several miles to the central area and beyond for even basic necessities, such as groceries. Many residents of the neighborhood are low to moderate income, and some do not have adequate transportation. The B- N district permits only limited commercial uses, including retail uses, which are designed to serve the surrounding residential districts, while not creating any conditions that would be detrimental to the area. Staff is of the opinion that the use proposed will be of assistance to this part of our community and would be a good thing for this end of town and it is highly needed.

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

Mr. Stultz explained that the Planning Board voted to deny this request and from conversations that she had heard from a number of them since they say they have had a change of heart.

Mayor Grogan asked if there were those present who would like to speak in favor or in opposition of this request.

Mrs. Linda Wyatt, 740 South Fieldcrest Road, was present and stated she also had a petition for this rezoning because they felt it was very much needed. She asked those present in favor of this rezoning to stand in which approximately 8 stood.

Ms Anne Golden, representative of the Hutton Company, was present and stated she would like to be the first to say that should this approval be rezoned tonight, that this will soon be a Dollar General (Store). They have worked with Mrs. Stultz and Mike Dougherty at length. She explained that when they went to the Planning Board they had not received their full approval from Dollar General, but they have and should the Council approve this request they will work with Mrs. Stultz going forward and hope to have a new Dollar General in the near future.

Mr. Woodrow Reece stated he was a resident of the neighborhood. He had lived in that neighborhood for over 25 years. He stated in less than two years they have done a million or more in residential development just on that intersection. The people who live there have done their part to improve their property, to improve the tax value and to make the neighborhood a little better than what it was. They truly believe that all of this investment was done because this was residential, not commercial. There are two stores within close proximity to this property. There is one that is less than a half of a mile (about 3 blocks); the other one is just two blocks away. Away from that is downtown Draper that is in need of development. They have vacant property for sale and for rent. There is no development being done in Draper downtown. They have Leaksville, Spray neighborhood, the main street; there is no development being done. They are saying in if they invest their money in real property and seeing what has been done by them, the improvements recently, then they should be given the chance and the opportunity to continue to do what they are doing to encourage their children. Mr. Reece noted that Lynn Clark is a kid that grew up in the neighborhood just next door to this proposed piece of property and she has invested over \$100,000 in a home on the next corner. That place set for almost 30 years, a wooded area and no one thought of doing anything to it. He stated that they were asking the Council to follow the foot steps of the planning board and continue to keep this neighborhood residential and give them the chance to develop and continue to develop so that all of their children can come back to the neighborhood and do something for the neighborhood and for the city of Eden. They have children who are of good financial standing but because there is no development being done, they keep their money out of state. He closed in staying that if this remains residential, it will give their children the incentive to come back here and invest in this neighborhood. He asked that they please continue and follow the footsteps of the Planning Board and keep this residential.

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Ms. Ann Clark stated she was the adjoining property owner of where this facility is supposed to be. She stated what she thought that this facility on this property is an investment for a business owner; she did not see any revenue for the neighbors and she did not see where they would gain anything. There are homes that have been built on this street. She stated she lives on the corner of Maryland and Hale and she had been there for 30 years. There is a misinterpretation of information and she did not understand the low income. In that neighborhood, on those particular streets, they have business owners, mill workers, they have Duke Power workers, they have city of Eden worker, (currently working or retired), and they have a daycare there. One property between that and the daycare, they have homes that have been built, purchased by single parent valued from \$100,000 to \$160,000. She stated she had been there for 30 years and that whole neighborhood has always had their own transportation. She added she did not think this was properly investigated. After she came to the first meeting, she went to the neighborhood and went to every home in that neighborhood and no one agreed with it. Everyone has transportation so they do not need it. She did not see a purpose for a General Family Dollar store in that neighborhood. She did not know if anyone had gone out to look to see exactly what the location looked like, where it was located and its surroundings. Right now, she looked at it for an investment for a business. She did not see anything as far as looking at the neighborhood, the homeowners. They will not benefit from it. They do not have any reason to have a store at that location and she wanted to address her other concern. At the meeting a question was asked, if this does not materialize and this facility can be sold, can alcohol be sold there. The answer was, if it falls under the zoning. She stated they did not need that in the neighborhood. They do not have it, they do not need it, they do not need the traffic.

Ms. Lynn Clark stated she was the single parent who moved back to the neighborhood and built the house on the corner. She also works for Duke Power and has been there for nine years. She brought a picture of her home for the Council to see. She paid \$185,000 to have this home built. It is right on the corner of Hale and Maryland and she would be facing the store. She stated it did not matter what they sold in the store, when she built her home in this neighborhood, this was not the best neighborhood. She and her children saw a lot of things she did not want to see. She stood up for her neighborhood; she went out on the streets and fought them. A few months later, they built houses across the street so now she has some help to keep these people, these drug dealers, off of her street. During the time she built her house, she saw it, now she did not. She added she thought the reason she did not see it now was because a store was opened on the other end of Stadium Drive. So, now the apartment complex that they used to call the "Bricks" is going in the other direction. She felt like the (Family Dollar) store would bring that traffic right back. She stated they were single parents, her, her neighbors across the street, everyone (there) is single and they do not have anyone to help protect them. She also noted that she has a handicapped child and others have small children.

Ms. Latressa Cobb stated she had not lived in the neighborhood long, but she did not favor this idea because she moved from a neighborhood that had a store on the corner and she thought, personally, that it would only cause a lot of unwanted traffic and a lot of riff-raff because there are a lot of young children (there). She stated she was like Ms. Clark in that she did not care what they sold, furniture, a real estate company, they do not need anything. If it has not been anything that long, she did not understand why anyone would want to build a store there now. She was looking at the safety of her children, the safety of the neighborhood. They have been traveling downtown Eden, downtown Draper to get what they need so if they have been doing it this long, they (can) continue to do it without a Family Dollar. She closed in saying she did not see any need for it.

Council Member Myott asked Mrs. Clark if she thought this store would bring crime into the area to which Ms. Clark replied, yes. And crime puts a bad look on the neighborhood. It would be front paper news (if), "Family Dollar Gets Hit, or Robbed" then there would be her street name in the newspaper which did not look good. She

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added she did not know what kind of people live in those apartments, but what she sees is not good.

As there were not other comments, Mayor Grogan closed the public hearing.

Council Member Gover asked Mrs. Stultz to explain how this area would be buffered and how it would be protected, proper drainage.

Mrs. Stultz explained that before World War II in this community and in every other one, they had residential areas adjacent to commercial areas and industrial areas. Draper was built as a mill village, the entire town was built around the mill and everything was designed to be walkable. They hear this walkable issue all around the country. What they know is that every community is moving back towards the kinds of development where you have more neighborhood commercial kinds of uses. She knew of no statistics that say that simply putting a commercial use in an area will bring extra crime, unless it is a different kind of use than this one. They have in place stormwater regulations, buffer requirements between the residential areas. They will work with them to make sure it is as little intrusive as possible. She added she knew there were some expensive homes within the area. There are also some folks with a little more moderate income level than some of the ladies that spoke this evening. She closed in saying that her staff stood behind their recommendation that this commercial business would be good for this end of the community.

Council Member Myott asked Ms. Stultz to go over what a Dollar General Store sells to which Mrs. Stultz replied she had been in one, but was certainly not a Dollar General expert. She stated she purchased most of her wrapping paper there and it was a general merchandise store. They sell food items and household goods.

Council Member Epps asked about the number of jobs.

Ms. Golden replied that typically a Dollar General sells no-perishable goods, they also have items for EPT purchases and EPT is similar to food stamps. They sell milk, meat items and those items that allow a Dollar General to accept food stamps.

Regarding the number of jobs, she stated not on any given shift, any given store may have between 20 to 30 people on a payroll. It did not mean they have 20 to 30 people working on a shift.

Ms. Golden added that they thought this was a good area. They looked at a number of other locations in town and they have beaten the doors down for a good year. One of the challenges she noted was that the lots were very small and this one was one of the few that was available and would allow for a Dollar General. They felt this one would be a tax benefit for that end of town as well as a job benefit.

Council Member Tuggle asked Ms. Golden how she would respond to the concerns of the citizens. Ms. Golden stated they do not sell alcohol and their hours on an average are probably from 10:00 a.m. until 9:00 p.m. She stated she did not know if it was any different from any other type of business. A retail store has the possibility of getting robbed whether they sell alcohol or whether they sell greeting cards. Unfortunately, that was the livelihood in society that they live in today. She did not believe there would be any over excessive crime specific to this store. She has seen stores that have been much more challenging areas that have actually had bars on the windows. She stated she did not see this as being an area where they would even think about putting bars on the windows.

Mr. Medlin reminded the Council that in their deliberations and decision, they are not allowed to consider a specific use, in a rezoning, they are to consider all of the possible uses in a Business-Neighborhood zoning, whether a specific store goes in there or not. The Council knows what this owner is looking at, but it could change and could be anything in this Business-Neighborhood and the Council must take that into consideration.

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Council Member Turner asked how that is different from Business-General to which Mrs. Stultz replied that Business-General was their most liberal business zoning district. It allows everything and right up to including bars. There is some Business-General down the way and she thought that was some of the concern. Business-Neighborhood is really business-light. It allows only very simple, non threatening low intensity types of uses.

Council Member Gover stated he watched Ms. Clark's home being built and it was a beautiful home. He stated he was not trying to take away from the neighborhood as he had been there all of this life. And he thought to take a step to improve their neighborhood was to allow business in there. If they continue to let other homes deteriorate and not have something to revive the section; he added he had homes around there also. But they need to revive with some other type of revitalization program. He again stated he was not trying to take away from their homes or the neighborhood; he was trying to improve it.

A motion was made by Council Member Gover seconded by Council Member Epps that the request be approved as presented.

Action on the motion was as follows: Those voting in favor of the motion were Council Members Gover, Epps, Turner and Carter. Voting in opposition were Council Members Myott, Nooe and Tuggle. The motion carried.

Mr. Medlin noted that this would require a second reading at the next Council meeting.

Mayor Grogan explained to the audience that because this was a four/three vote, this would be on the agenda again, and it would require a seconding reading.

#### Historic Landmark Designations

(b)(1) Consideration of a Local Historic Landmark Designation and an ordinance for the "Sunshine School" located on Hairston Street. Request submitted by the Historic Preservation Commission.HPCL-05-06.

Mayor Grogan called for a public hearing and asked Mrs. Galloway to come forward for a report.

Mrs. Debbie Galloway explained that the property in question was constructed around 1917 as a school for African American students in the Draper area. It was used as a school until the 1950's. The building sat vacant for many years, but was recently leased to a small congregation for use as a church, but it is now vacant again. The building is a small, one story, one-room-deep frame structure with a gable roof, and is typical of early twentieth century rural schoolhouses. The building has very simple detailing and probably originally contained two classrooms, which have now been opened up into one large room. Two rows of large; double hung windows on the rear elevation have been covered to create smaller windows. The covered doorways on either end are believed to be the original classroom entrances, and an unusual engaged hipped roof front wing with a central recessed entrance bay may be an addition. The school is situated on a large open lot. The building is in remarkably good condition, with many of the original features, both interior and exterior, intact.

She stated that the Historic Preservation Commission considered this request and voted unanimously in favor of recommending this as a local landmark.

Mayor Grogan asked if there were those present who would like to speak in favor or in opposition of this request. As no one came forward, he declared the public hearing closed.

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

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(2) Consideration of a Local Historic Landmark Designation and an ordinance for the "Little Red Schoolhouse" located at 300 Reservoir Street. Request submitted by the Historic Preservation Commission. HPCL-05-07.

Mayor Grogan called for a public hearing and asked Mrs. Galloway to come forward for a report.

Mrs. Galloway explained that the request was submitted by the Eden Historic Preservation Commission. The property in question served as Spray's first public school. Earliest records for the school date to 1897, however it is believed that the school was built sometime after 1884, when J. Turner Morehead deeded one acre of land at this site to the school committee for use as a school. The building was popularly known as the "little red school house", and North Carolina Governor Luther Hodges attended classes in the school as a child. The original building was a one story rectangular frame structure with a single large room and a gable roof. As the student population grew, rooms were added on either side of the main structure to create a cruciform shape. Folding doors opened to the main room to create one large assembly hall. Eventually, nearby cottages were used to house the primary grades. The building was used as a school until 1915 when Spray Graded School was opened. After 1915, the building was used as a grocery store until about 1930, when it was converted to a residence. The exterior form of the structure has not been altered, however the original weatherboards have been covered with asphalt siding. Although currently in use as a rental residence, the building is in poor condition.

She added that the Eden Historic Preservation Commission feels that this structure is worthy of a local landmark designation and they asked that the Council consider this request.

Mayor Grogan asked if there were those present who would like to speak in favor or in opposition of this request. As no one came forward, he declared the public hearing closed.

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

#### MONTHLY FINANCIAL REPORT:

There were no questions concerning the Monthly Financial Report.

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

#### REQUESTS AND PETITIONS OF CITIZENS:

Mr. Phil Price, Kennedy Street, stated he has five petitions which he handed to the Council to review, and added that from the people he interviewed, the response had been 100 percent favorable for additional improvements on North Kennedy Street to slow the traffic. They have a significant problem there. There was a speed survey done there and he had a little bit of a problem with the accuracy of the data. First of all, when there are police present, there is contamination of the data set because drivers are naturally going to slow down when they see a police officer. He stated he lived on the street 24/7 even though he was not there all of the time, his wife is there most of the time. She stays at home with their 2/1/2 year old son. And, he could testify that the speed limit for the average speed on the street is far in excess of 25 mph. He would venture to say it is closer to 45 mph, as the average speed.

Mr. Price stated he did a little survey himself and he tailed some cars going through North Kennedy Street, both north and south. I found the speeds, even though he could not devote a lot of time to this due to his job, he found that the cars he surveyed were as follows: The first car was going 45 mph heading north, the second car 40 mph

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heading north, these were both cut through vehicles. He did another survey on the second day, which was actually today, and he found the first car going 45 mph heading north, the second car 45 mph heading north, the third car 20 mph heading south (they slowed down after he pulled out behind them because he believed they thought he was a police officer), the next car 30 mph heading north, the next car was 45 mph heading south, the next was traveling 25 mph heading north, the next 35 mph heading north, the next 38 mph heading north, and the last traveling at 62 mph heading north. He also witnessed a high speed chase by two cars a few days ago heading north on North Kennedy Street by his house and they must have gone by his house at 65 or 70 mph and that is not uncommon. He stated he thought it was ridiculous for people on that street to have to put up with this.

Mr. Price stated he had been corresponding with several people, primarily with City Manager Brad Corcoran on this issue, and he did appreciate the time he had give to it and the measures that have been implemented. But, he did not think enough had been done. He lives just over the hill that is north of Stadium Drive, north Kennedy and he cringes every time he or his wife, who is carrying his 2 ½ year old son with her, backs out of their driveway because he knows cars coming over that hill heading north have little visibility of their driveway and on a regular basis drive 45 mph. He stated he did a lot of work outside so he was a first hand witness to what those drivers are doing.

Mr. Price stated he had not received all of his petitions back, but the ones (he brought for the Council to review); the response from the neighborhood is 100% in favor of doing additional measures. He stated he knew they were putting in a four way stop at Moore and North Kennedy, but he thought they needed something in addition to that. He had been doing research on speed humps and he thought they were a very effective means of slowing traffic. He has read many reports of reductions in accidents. He also read a report that was studied that there was a 50% reduction in children hit in the street that had speed humps over those that do not. Speed humps run between \$1,000 and \$3,500 each and he did not think they would need more than a few of them, maybe two, maybe one; south of Moore Street, maybe two, north of Moore Street, he thought they were very effective. Speed humps are not the typical speed bumps where the have to slow down to 2 mph to get over them without damaging your car, these are three inch high by maybe 10 ft long sections that only cause problems if someone is going beyond the designed speed limit. Another option that he suggested to the City Manager and has been shot down on, he suggested closing north Kennedy Street. The argument he has heard against that is that this is a thoroughfare; this is a street that people use to cut through. He stated he did not think that people have a God given right to this street; he thought that the residents who own property and live on this street have more of a right to this street than the people who use it for their convenience and who abuse the convenience by speeding through there. Now, he added, they were putting his family and his son at jeopardy every time they back out of the driveway and that really made him furious. If there were an accident, and he stated he believed there was only a matter of time before there is an accident, he thought it would be a tragedy because the city has had plenty of opportunities too remedy this situation, and it is something that can be remedied.

Mr. Price stated a couple of benefits of the speed humps, the implementation would have a definite impact. He added he knew the four-way stop would have somewhat of an impact, but his problem is that people have a long strength between Moore Street and Meadow Road where they can accelerate as he witnesses it everyday where they get up to 45 mph. The neighbors along that stretch of the street will testify. He again stated he had not received all of the petitions back, however, he anticipated them all coming back. The ones he had spoken with testified (to him) that the traffic there is regularly a very high speed at the bottom of that hill. He added that it was ridiculous because the neighbors are afraid to pull out of their driveway, afraid to back out of their driveway; they have been honked at backing out of their driveway from someone flying down the road at 50 mph, like they (residents) were impeding their right to go through at 50 mph. He again stated he thought something needs to be done.

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In closing the north end of the street, Mr. Price noted there were a few advantages to that and he had not received one objection from the neighbors he had spoken with on that. They think it is fine. When he recommended that, he received a negative response from the city saying the residents will not agree to that. He stated he disagreed with that, there are several reasons why this is a good option, (1) it is inexpensive, all they would have to do is to put a barricade up, (2) it would be quick, would solve the problem over night, (3) based on his interviews, the residents will support this. There would be a definite impact because the traffic on north Kennedy Street, north of Moore Street would be nonexistent except for residents. It will also significantly reduce the amount of traffic that is on north Kennedy Street, south of Moore Street and north Stadium.

Mayor Grogan stated he thought all of them had read his (Mr. Price's) emails and have seen everything that he has recommended, (they have) listened to the Police Department, listened to everyone. He added he knew several City Council Members had personally been by to see him and discussed this with him. He stated they were going to try to do the best they could. He added that they hear him and, certainly tonight start with the 4-way stop. That should certainly help him on his street because someone would have to stop before coming over that hill where he lives. But, being the through street as they talked about, they have a number if them, Pierce Street, and they can go all over town and site where there are through streets that are residential streets, but they are being used as through streets.

Mr. Price also mentioned that one of his neighbors was also present. Everyone in the neighborhood he had spoken with said that there is a severe problem. It is not 30 mph, 28 mph, it's people going high rate of speeds through their neighborhood.

Mayor Grogan mentioned that on his street, he has seen them going 40 mph and it is 25 mph. Every street in town, everyone wants it to be 25 mph, but people are going to go 35 mph or higher and especially if it is a through street.

Mr. Price added that they should not because they were placing the residents in jeopardy. They should not go more than 30 mph period.

Mayor Grogan thanked Mr. Price for coming.

#### UNFINISHED BUSINESS:

##### (a) Consideration of 2006-2007 Landscape Maintenance Contract.

During the 2006-2007 budget process, the Council approved monies for the city to engage a contractor to maintain the landscaping projects undertaken by the Community Appearance Commission and the Tree Board. Requests for Proposals were sent out and Depriest Land Management was the lowest responsible bidder in a total amount of \$42,000 and \$3,500 per month. His bid was \$10,000 lower than the other bidder. An amount of \$50,000 was budgeted for landscape maintenance for the 2006-2007 fiscal year. This will include all maintenance activities on the following projects:

- Parking lot on Bridge and Washington Streets behind the offices of Dave's Construction Service, Inc.
- Municipal parking lot on High Street behind the Balmar Theater (to be completed, fall 2005)
- Traffic island at intersection of Center Church Road and Patterson Street.
- Traffic island at intersection of McConnell Street, Harris Street and Overlook Avenue. Traffic island at intersection of Main Street and Fieldcrest Road (to be constructed) Veteran's Memorial Park at Main Street and Fieldcrest Road.
- Washington Street Park and Henry and Washington Streets.
- Plant beds at intersection of Kings Highway and NC Highway 14.
- All trees along NC Highway 14 from the Dan River north to the Meadow Road interchange. Meadow Road and NC Highway 14 interchange.
- City of Eden Entrance Signs.
  - NC Highway 14 North.
  - NC Highway 14 South.
  - NC Highway 770 West.
  - NC Highway 770 East.
  - NC Highway 135.

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NC Highway 700 South (under construction).

- Mowing of City owned property on Rivercrest Drive.
- Right-of-way plantings and mowing in Eden Industrial Park on Fieldcrest Road.
- Mowing and maintenance of easement between Fairway Drive and Gildan.
- City Hall sign planting area at the intersection of Pierce Street and Stadium Drive.
- River Access at Hamilton Street Bridge
- Henry Street Parking Lot

The department respectfully requests that Council approve the contract as prepared by the City Attorney. The beginning date will begin on November 1, 2006.

Mrs. Stultz explained that this is a contract that is done annually. It was their recommendation that this be awarded to Depriest Land Management. (Depriest Land Management was the lowest responsible bidder in a total amount of \$42,000 and \$3,500 per month).

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

NEW BUSINESS:

(a) Consideration of adding public skate facilities to Eden City Code.

The Skate Park at Freedom Park is scheduled to be completed by November 30, 2006. On October 1, 2003, local governments were given liability protection when designating areas for skateboarding, inline skating, or freestyle bicycling with the enactment of SB 774-Liability at Public Skateboard Parks (SL 2003-334). The act provides that a participant assumes the risks of these activities, irrespective of age, and is legally responsible for all damage, injury, or death to himself, other persons, or property, and that no government entity or public employee is liable to any person who voluntarily participates in the activity in a designated area. The fact that a government entity carries insurance does not constitute a waiver of liability limits. The operator of a skateboard park may not permit a person to ride a skateboard unless he or she is wearing appropriate protective gear, but this requirement is satisfied as to a government-owned or-operated facility that is not supervised on a regular basis when the governmental entity (1) adopts an ordinance requiring helmet; elbow pads, and kneepads to be worn, and (2) post appropriate signs at the facility.

Mr. Johnny Farmer, Parks and Recreation Director stated as Council was aware of, they are coming very close to completing the skateboard park and Freedom Park and one of the issues they have, in order to maintain liability protection, they have to amend the City Code which is Section 13-194. An ordinance will have to be passed indicating that anyone utilizing the skateboard park must wear a helmet, elbow pads, knee pads and shoes. By doing this and making it an ordinance and requiring individuals to participate wear this equipment, will give the city liability protection. This was enacted by State Bill - Liability at Public Skateboard Parks (SL 2003-334) and was passed by the legislation in 2003.

A motion was made by Council Member Epps seconded by Council Member Gover for approval of the request and adoption of the ordinance. All Council Members voted in favor of the motion.

(b) Consideration of traffic calming, Kennedy Street, 4 way stop recommendation and discussion of additional actions.

Over the past several months, city staff has been receiving correspondence from Philip Price, a resident of Kennedy Street, expressing his concerns about traffic and speeding on Kennedy Street. City staff has corresponded with Mr. Price and have met with him and his wife. Additional speed limit signs have been installed and center lines have been painted to create travel lanes on the street.

The Eden Police Department has stepped up enforcement on this street. They have written tickets and the radar trailer has been used. Thus far, we have done the things standard traffic calming practice encourages as initial measures. On September 29, 2006, a letter was sent to each property owner on Kennedy Street requesting their responses regarding traffic on this street. They are still getting responses in the mail and received information from some of the owners that they do not live on this street and then they have mailed letters to the current residents. The responses so far are mixed. The only recommendation from any of the property owners is for a four way stop to be installed at the corner of Kennedy and Moore.

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Mr. Price has asked that various things be done including installing speed humps and Children At Play signs, closing the street at the north end and installing four way stop signs at Moore Street.

As to speed humps, the Federal Highway Administration offers guidelines for speed humps and they are not recommended on streets with grades greater than 8%. The City of Eden Engineering Department checked the topography of this street and N. Kennedy Street exceeds 8%. Therefore, we do not recommend speed humps be placed on this street.

In the past we received an opinion from Mr. Charles Nooe, our former City Attorney, that the installation of Children At Play signs could be a liability problem for the City. Mr. Medlin, concurs with that recommendation and is preparing such in writing for the City Council's review.

If part of Kennedy Street were to be permanently closed, then 100% of the abutting property owners would have to sign a petition to that effect. That is required by both the City Code and State Statutes. We would also be recommended that before a traffic control device were installed to block the street that all residents of Kennedy, Madison and Adams Streets be contacted. Any traffic moved off Kennedy could significantly impact residents of Madison and Adams as well. The center line striping on Kennedy Street was installed on July 31, 2006. We asked that the lines be left in place 90 days which would be the end of this month and then have the Police Department do another traffic study in the area to gage effectiveness.

With all of the information before us the staff would like to make the following recommendations:

- That 4 way stops be installed at the intersections of Moore Street with Kennedy, Adams and Madison. Installing only one set of stop signs would not be appropriate.
- That the proposed new traffic study of Kennedy be done 90 days after the stops signs are installed.
- That the City develop a comprehensive policy for traffic calming available to all areas of the community. Historically, we have had other complaints of a similar variety from residents of Highland Drive, Madison between King's Highway and West Harris and Park Avenue.

Mrs. Stultz stated when Mr. Price spoke with the Council earlier and did mention the numerous contacts that they as a staff have had with him. One of the things they did recently was mail a letter to everybody on Kennedy Street. They sent 34 letters, 32 of those were property owners, and they had a notice from two of them that have tenants so they sent letters to the two tenants. They received six responses in writing. One suggested making Kennedy Street a through traffic only street, Mrs. Stultz stated she was assuming that that person actually meant to make it local traffic only. Three suggested adding a 4-way stop at Kenney and Moore, two questioned her assertion that based on the way you do nationally calculations for traffic that 240 trips per day of the 1000 trips per day that they had checked on that street were for residents, one said that the residents are at a loss of what to do, people will break the law and do not care about signs and speed limits. Two expressed appreciation for what city staff had already done.

Mrs. Stultz stated that there have been additional signs placed, the Police Department has spent a lot of time out there, they have done traffic stops, issued tickets, checked speed and spent a lot of hours there. And at least one who said they had no complaints and they would not want to live anywhere else.

Mrs. Stultz stated the letter that they addressed to the residents addressed some of these things: They talked about the meetings that they have had. Traffic calming across the country is something is something that planners and police departments struggle with in every community. Conventional wisdom in this study tells them that they do the most cost effective, least intrusive things first. To date, Eden does not have a policy, but what they suggested to them was that the first thing they do is paint a center line down the road. The natural thing is that they have a travel lane to travel in, they will travel in it rather than going down the middle of the street. That was done and they asked that they be given an opportunity to come back in 90 days which would have been at the end of October and have the police department staff do another check and see if it had any impact on traffic. Since the year 2000, there have only been two accidents on north Kennedy Street between the intersections of Stadium and Meadow and speed was a contributing factor in only one of those. They do know, because they asked NCDOT to do a test that there are approximately 1000 trips per day down this road, 240 of which would be attributed by traffic planning professionals to the residents. One issue that is continually raised is about speed humps. The

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topography of this street, like much of Eden, is very steep. And as Mr. Price said, some of the danger arises from it is that it rolls and tumbles. The National Transportation Safety Institute tells us that any street with a grade 8% or larger, is not a good candidate for speed humps. Speed humps have been looked at by this community for a number of years and Mr. O'Dell and his staff did check the street and it does exceed those grades. They have had requests for children at play signs. Our former attorney, Mr. Charles Nooe, recommended that they not do those things based on information that there is some liability that the city could incur. She put this information out on the Planners Listserv and all of the responses she received were in agreement along with the institute of Government that sometimes those signs can cause more problems than they help. Mrs. Stultz stated the other issue that was raised was closing the end of North Kennedy. They all know that in order to close a street, they have to have a petition signed by 100 percent of the abutting property owners in the state of North Carolina. That has to be presented to the Council for consideration and that has not been done. At this point, the staff would not recommend that, one good reason is (referring to an aerial map of the area), what they have is not just Kennedy Street that connects Stadium and Meadow, but there is also Madison, Kennedy, Adams and Jackson that go through there. Jackson does not go all of the way through so it is not going to have the kind of issues that the others do. But, if they were to close off the north end of Kennedy, what they would immediately do is increase the traffic on Madison and Adams. So whatever they do on those streets, they have to give great care and do the identical thing to the other, too because all they will do is push traffic. That is why later on in their presentation, the staff will recommend that they put a 4-way stop at the intersection of Madison, Kennedy and Adams with Moore Street. For Mr. Price's benefit, that is a good thing because he lives right there adjacent to that so everyone will have to stop and start there at his house, but what that will do is cause another place where people will stop on all three streets. The other good news for Kennedy Street is that there is a traffic light at the end, so there will be a traffic light at Stadium, a 4-way stop at Moore and then (there is) Meadow Road.

Mayor Grogan asked going south, coming down that hill, knowing there is a stop sign up there, the traffic would probably be slowing down for that, would it not.

Mrs. Stultz explained that what they hope is, indeed that will be the case.

Council Member Epps stated his concern was that if they close off the street, there are emergency vehicles that have to be in that area...

Mrs. Stultz replied in recent weeks they have heard from Council Member Nooe about a street and she had heard from Council Member Epps about another. In the course of the last several years, they have heard complaints for traffic calming issues for streets in other parts of the community.

Mrs. Stultz explained that what the staff would like to ask the Council to do is the following:

- That 4 way stops be installed at the intersections of Moore Street with Kennedy, Adams and Madison. Installing the signs only at Kennedy would only cause trouble for Madison and Adams.
- That the proposed new traffic study of Kennedy be done 90 days after the stops signs are installed. Based on the data they already have, and see what impact that does have.
- That the City develop a comprehensive policy for traffic calming. Mrs. Stultz stated she has read, and Reece Pyrtle and Chief Benthin have looked that hose from several other cities, she put this on the Planners Listserv, and have some from small cities that have com highly recommended where there is a process that you go through when residents want traffic calming measures put in place, and they have a hierarchy of things that they try. They try to do the very best thing for the neighborhood that is being considered. Along with that, Mrs. Stultz stated she would like to ask that the Council request a study be done of

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Highland Drive, Madison Street between King's Highway and West Harris Place and Park Avenue. These particular streets have been of interest and have concerns expressed for a number of years.

Council Member Gover questioned if she thought by putting 4-way on all of those streets, when they are only having trouble with Kennedy Street, why not start with Kennedy.

Mrs. Stultz replied that she and the Police believe if they put a 4-way stop only on Kennedy, that will push additional traffic onto Adams and Madison.

Council Member Gover replied they were not having a problem on those streets at this time. He was saying wait until they get them (problems) on there and then, if they have that problem, so be it, but do not move the traffic from one street to another.

Mrs. Stultz replied, of course, the Council can choose to do it however they decide, but they felt like if it was to be done on one then they need to do it on all three.

Council Member Epps stated on Park Avenue, he had been there for six years and nothing but calls... (inaudible). On these three streets they are talking about are similar to what he is talking about and whatever measure is necessary, if 4-ways will do it, they can go down on the bottom of the hill and put 4-ways on Park Avenue and it slows them down, then he was all for it. A second stop is not going to kill anybody and it might save a life.

Mrs. Stultz stated with traffic calming, it is not a one size, fit all solution. Just because a speed hump might resolve an issue on Highland Drive, does not mean that would be the best solution for Park Avenue. If you look on the internet, they will see pros and cons from speed humps and they also will see a lot of communities where in their policy they have provisions where 70% of the residents petitioned to have the things removed. So, speed humps are not always the most perfect solution for every case so there are other measures to use that they recommend the Council include in their policy and that they get recommendations for each individual street.

Council Member Epps replied he knew it caused a problem with snow plows going out.

Mayor Grogan stated the way this reads, it is, consideration of traffic calming on Kennedy Street, 4-way stop.

A motion was made by Council Member Epps seconded by Council Member Turner to follow the recommendation as set forth in the report (and the three bulleted items listed above). All Council Members voted in favor of this motion.

CONSENT AGENDA:

(a) Approval and adoption of minutes: September 19, 2006.

(b) Approval to hold a public hearing and to consider an ordinance for Local Historic Landmark Designations for a single family dwelling located at 611 Park Avenue. HPCL-06-0 1.

(c) Approval and adoption of Oakland Avenue Area Water Main and Dunn Street Booster Pump Station Improvements.

The memorandum provided an analysis of bids received for the subject project by Arcadis G&M of North Carolina, Inc. It was recommended by the Director of Environmental Services that the City Council take the following actions:

- Award the project to the low bidder, Yates Construction Company in the amount of \$482,635.75.
- Accept and reject the indicated Adjustment Prices as recommended in the attached table labeled "page 2 of 2".

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- Approve a reserve budget for this project of \$50,000 for Rock Excavation.

Arcadia G&M of North Carolina, Inc.

		Yates Construction Co. Inc.	Prillaman & Pace, Inc.	Carolina Carolina Contract Service Corporation
Adjustment Unit Price Items	Unit	Unit Price	Unit Price	Unit Price
E. Earth excavation. including backfill	Cy	\$22.00 Accept	\$10.00	\$12.20
E1. Earth excavation. Including disposal	CY	\$28.00 Accept	\$15.00	\$18.50
RI. Rock Excavation	CY	\$125.00 Accept	\$7500	\$250.00
C. Class I Cone., not incl. reinforcing (Slab or Unformed)	CY	\$460.00 Reject	\$2.50.00	\$150.00
C2. Class II Concrete	CY	\$350.00 Reject	\$500.00	\$250.00
B. Granular Backfill	CY	535.00 Reject	\$25.00	\$50.00
B1.C. D.F.	CY	5385.00 Reject	\$200.00	\$175.00
F. Fire hydrant barrel and stem extension	LF	\$325.00 Accept	\$800.00	\$850.00
W. Wood Supports & Bracing (per thousand feet, board measure)	Mfbm	5675.00 Accept	\$1,200.00	\$1500.00

(d) Approval and adoption of Traffic Study request in reference to No parking signs on College Street and Dumaine Street, near Leaksville-Spray Elementary School.

On August 17, 2006, a traffic study was received from Council Member Nooe in reference to placing No Parking signs on College Street and Dumaine Street, near Leaksville-Spray Elementary School.

College Street and Dumaine Street are one-way streets that are the only inlet for automobile traffic traveling to Leaksville-Spray Elementary School (see attached). When vehicles park on both sides of the roadway, congestion is caused, making it difficult for school traffic to proceed. The majority of residences on College Street are located on the right side of College Street. The majority of residences on Dumaine Street are located on the left side of Dumaine Street.

The Police Department's recommendation would be to:

1. Allow parking on the right side of College Street while prohibiting it on the left side of College Street.
2. Allow parking on the left side of Dumaine Street while prohibiting parking on the right side of Dumaine Street.
3. Place No Parking signs as located on the attached map.

(e) Approval and adoption of General Purpose Funding: Senior Center.

The Council was provided a copy of the letter received from the Piedmont Triad Council of Governments regarding the General Purpose Funding for the Garden of Eden Senior Center for the 2006-2007 fiscal year. The State of North Carolina allocates these funds each year and the allocation this year is \$5,123. The total match the City will be responsible for in fiscal year 2006-2007 will be \$1,708 for a total grant of \$6,831. The funds to match this grant will be derived from the Senior Center account in the Parks and Recreation Department budget.

The Parks and Recreation Department request for these funds include purchasing computers and computer software for the Garden of Eden Senior Center. The remaining funds will be used to help pay the salary of the temporary employee at this site.

The City of Eden has applied and received this grant for several years. The Parks and Recreation Department would like permission to apply and receive this grant for the Garden of Eden Senior Center for the 2006-2007 fiscal year.

(f) Approval and adoption of budget amendment #3.

This budget amendment is to replace money that was spent out of the Police Department's travel and training budget line items. The State of North Carolina reimbursed the city for expenses incurred for the ICAC (Internet Crimes Against Children) Training Conference that was attended by an employee of the police department.

Budget Amendment # 3

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	Account #	From	To	Amount
<b>General Fund Revenue</b>				
Police Miscellaneous Revenue	10-3431-41700	\$ -	\$1,576.00	\$1,576.00
<b>General Fund Expenditures</b>				
Police Travel	10-431 0-31200	\$ 6,800.00	\$7,205.00	\$405.00
Police Training	10-4310-39500	\$ 6,000.00	\$7,171.00	<u>\$1,171.00</u>
				\$1,576.00

Reimbursement from State of North Carolina for ICAC Police Training Conference.

Adopted and effective this 17th day of October, 2006.

Attest:

Kim J. Scott, City Clerk John E. Grogan, Mayor

**(g) Approval and adoption of the sale of canine "Ringo" to the Vincent Police Department.**

Several Police Departments have inquired about buying Ringo, but only one has followed through. The Vincent, Alabama Police Department has an experienced handler, and they have sent a police K 9 trainer from Burlington, NC to evaluate Ringo. After the evaluation, the Police Chief received a telephone call from the chief informing him that his department wanted to buy the dog. The Police Chief also has letters from the Vincent Police Department stating their interest. He noted that he told the chief his department could have Ringo upon approval of the City Council.

It was recommended that we sell Ringo to the Vincent, Alabama Police Department for one dollar. They will bear the expense of transporting him.

**(h) Grant Matching Funds Gang Overtime Date: 10/06/06**

Chief Benthin stated in a memorandum that he would like to participate with the Sheriffs Department, the Reidsville Police, the Madison Police and the Mayodan Police in applying for a grant from the Governor's Crime Commission. The grant would fund overtime pay for officers working on antistreet-gang activities. Each department would be required to pay \$1,250 in matching funds. In return, we each would each receive \$10,000 to use for overtime. This money can only be used for anti-street-gang overtime and most of it would be used to pay planned overtime for planned activities. This is a two year grant.

Rockingham County is eligible for \$100,000 over two years. Each participating department would receive \$10,000 this year and next. This grant does not require interagency activities. Our money would be spent in Eden for Eden Officers. We want to apply for the grant as a group to make the paperwork easier. The Sheriff's Department would be responsible for most of the paperwork. We must keep the money in a separate account and make sure only anti-gang overtime activities are paid out of this account.

His request was for permission to participate and to take the money out of their existing overtime account.

**(i) Approval and adoption of Grant Matching Funds Gang Coordinator Date: 10/03/06**

Chief Benthin stated in a memorandum to the City Council that he would like to participate with the Sheriffs Department, the Reidsville Police, the Madison Police and the Mayodan Police in applying for a grant from the Governor's Crime Commission. The grant would fund one additional Deputy Sheriff including all benefits and equipment except, a car. That deputy would spend one hundred percent of his time functioning as the interagency coordinator for anti-street-gang activities. He would work with our SRO's, teachers, detectives and patrol officers to investigate criminal street gang activity and to compile and analyze intelligence on the gangs. This is a two year grant.

In order to be eligible for the grant, each department must pay \$3,250 in matching funds. At this point, all the law enforcement department heads are in agreement to request the matching funds and apply for the grant. The Sheriff's Department would be responsible for most of the paperwork.

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His request was for permission to participate and to take the money out of our drug seizure fund, 10-1120-04000.

A motion was made by Council Member Tuggle seconded by Council Member Myott to approve all consent agenda items (a-i). All Council Members voted in favor of this motion. The motion carried.

VOUCHERS:

Mayor Grogan noted that if they had any questions to see the City Manager or Mrs. McMichael in Finance.

CLOSED SESSION:

Closed Session in accordance with GS 143-318.11 (a)(5): To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease.

A motion was made by Council Member Tuggle seconded by Council Member Myott for Closed Session in accordance with GS 143-318.11 (a)(5): To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease. All Council Members voted in favor of this motion. The motion carried.

OPEN SESSION:

A motion was made by Council Member Epps seconded by Council Member Gover to return to open session. All Council Members voted in favor of this motion. The motion carried.

ADJOURNMENT:

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

Respectfully submitted,

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Kim J. Scott  
City Clerk

ATTEST:

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John E. Grogan  
Mayor