

CITY OF EDEN, N. C.

The regular meeting of the City Council, City of Eden, was held on Tuesday, September 19, 2006 at 7:30 p.m. in the Council Chambers, 308 E. Stadium Drive. Those present for the meeting were as follows:

Mayor:		John E. Grogan
Mayor Pro Tem:		Wayne Tuggle, Sr.
Council Members:		Donna Turner
		Darryl Carter
		Jerry Epps
		C.H. Gover, Sr.
		Bruce Nooe
		Christine Myott
City Manager:		Brad Corcoran
City Clerk:	(Absent)	Kim J. Scott
Deputy City Clerk:		Sheralene Thompson
City Attorney:		Tom Medlin
Representatives from Departments:		
Representatives from News Media:		John Barbour, <u>Eden Daily News</u>
		Gerald Whitt, <u>Greensboro News</u>
		<u>& Record</u> , Lisa Doss, <u>Eden's</u>
		<u>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:

Council Member Epps gave the invocation followed by the Pledge of Allegiance.

RECOGNITIONS/PROCLAMATIONS:

(a) Proclamation: North Carolina Society Daughters of the American Revolution, Constitution Week.

North Carolina Society Daughters of the American Revolution
Constitution Week
September 17-23, 2006

WHEREAS: It is the privilege and Duty of the American people to commemorate the two hundred nineteenth anniversary of the drafting of the Constitution of the United States of American with appropriate ceremonies and activities; and

WHEREAS: Public Law 915 guarantees the issuing of the proclamation each year by the president of the United States of America designating September 17 through 23 as Constitution Week.

NOW, THEREFORE, I John E. Grogan as Mayor of the City of Eden do hereby proclaim the week of September 17 through 23 as

CONSTITUTION WEEK

And urge all citizens to study the constitution, and reflect on the privilege of being an American with all the rights and responsibilities which that privilege involves.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City to be fixed this 19th day of September of the year of our Lord two thousand six.

SEAL

s/John E. Grogan

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John E. Grogan
Mayor

(b) Proclamation: Fire Prevention Week.

PROCLAMATION: Fire Prevention Week

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

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

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

Whereas, the 2006 "Fire Prevention Week" theme, "Prevent Cooking Fires: Watch What You Hear effectively serves to remind us all of the simple actions we can take to stay safer from fire during "Fire Prevention Week" and year-round; and

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

Therefore, I, John Grogan, Mayor of the City of Eden, in recognition of the importance of this safety message from our school children to the people of this city, do hereby proclaim October 8-14, 2006 as "Fire Prevention Week" in the City of Eden.

John Grogan
Mayor

Attest:
Sheralene Thompson,
Deputy City Clerk

(c) Resolution: Big Sweep Week.

A RESOLUTION OF CITY COUNCIL OF EDEN DECLARING SEPTEMBER 30 - OCTOBER 7,
2006 AS ROCKINGHAM COUNTY BIG SWEEP WEEK

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED that the City Council of Eden, North Carolina, meeting on September 19th 2006, does hereby declare SEPTEMBER 30 - OCTOBER 7, 2006 as ROCKINGHAM COUNTY BIG SWEEP WEEK in Eden, and does further hereby urge every citizen to do his or her part to restore the beauty and function of our lakes and streams by volunteering to participate in the Big Sweep event.

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

John E. Grogan
Mayor

ATTEST:
Sheralene Thompson, Deputy City Clerk

SEAL

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ADDITIONS AND DELETIONS TO AGENDA:

A motion was made by Council Member Gover seconded by Council Member Nooe to add another closed session in accordance with G. S. 143-318.11(a)(3) to consult with the City Attorney in order to preserve the attorney-client privilege. All Council Members voted in favor of this motion. The motion carried.

PUBLIC HEARINGS:

Consideration of a zoning map amendment and an ordinance to rezone property on Morgan Ford Road and Hodges Street from Residential-20 to Residential-4. Request submitted by Doug Crawford. ZONING CASE Z-06-05.

At the regular meeting on August 15, the Council scheduled this public hearing to hear comments regarding a zoning map amendment request filed by Doug Crawford. The request was to rezone property on Morgan Ford Road and Hodges Street from Residential-20 to Residential-4.

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

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

Mrs. Stultz explained that this zoning case is a request is to rezone a 3.496 acre parcel from Residential-20 to Residential-4. The applicant is Doug Crawford and he is also the property owner. The adjacent zoning is R-4 to the north and R-20 to the south, R-12 to the east and R-20 to the west.

The Residential-20 district is established for low to medium density single-family residential use. The Residential-4 district is established for single family and two family dwelling units, including manufactured homes as a conditional use.

The subject parcel is located to the north of an established R-20 and R-6 residential neighborhood. The area to the north of the subject property contains an R-4 residential neighborhood.

Since the property adjoins R -4 property to the north and a medium to high density neighborhood to the south, staff is of the opinion that rezoning the property to R-4 would not have a negative impact upon the surrounding neighborhood. There has been no development pressure to the area in many years.

Mrs. Stultz stated that every time there is a rezoning case for any sort of manufactured housing involved, there are always questions and concerns expressed by residents of the neighborhood. She stated that they know that during the 1980's, the NC General Assembly required that all cities and counties allow manufactured housing to be permitted in their jurisdictions in some areas. The area to the north of this piece of property is one of those areas. Some of the concerns that are always expressed about manufactured housing include what amounts to design standards. She stated that last month, at the Planning Board's meeting, they initiated an amendment to create design standards for manufactured housing to assure, among other things, if a manufactured home is put into a piece of property that it would only be allowed facing the street. She added that none of that was in concrete yet, as the staff was still working on that and the Planning Board hasn't considered it.

Mrs. Stultz added that the questions also that she has heard about this particular parcel and the word mobile home park, comes to mind adding that she had been asked about that a couple of times. This district does not permit a mobile home park. The City of Eden's zoning ordinance does have a district for mobile home parks, and during her more than 16 years with the city, there has never been a request nor one approved and to her knowledge, there has not been a new mobile home park approved since original zoning in 1968. They do, however, have some residential subdivisions that permit manufactured housing.

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Based upon the forgoing information and the fact the 1977 Land Development Plan of the city is to the point that it is and as elderly as it is at the moment, their real land use plan is their map. With all of those things in mind, the staff recommends in favor of the request as did the Planning Board.

Council Member Tuggle asked if the subject property could be subdivided.

Mrs. Stultz explained that the right to subdivide a piece of property is one that is applied in the North Carolina General Statutes as a use by right and it can. They would have to meet all of the requirements that any other subdivision would have to meet including streets, infrastructure revision, and all of those things.

Council Member Nooe asked what, if any, additional conditions could be placed on this.

Mrs. Stultz replied that, unfortunately, a conditional use in this district, as it stands right this minute, simply says that if you put a singlewide in, you have to put in a storage building. That has been in place, again, since the 1980's when the State forced all cities and counties to allow manufactured housing. What we have is not a true conditional use as is used in other jurisdictions. The other thing they do have is a manufactured home overlay district. That district doesn't allow singlewides, and this particular parcel is not quite large enough as the ordinance applies as it has to be five acres in size.

Council Member Gover asked what condition one would have to go under to develop it into a mobile home park.

Mrs. Stultz stated they would have to come back for another rezoning.

Council Member Gover said, let's say, a person is buying this property and decides to sell it later, everything goes with it, the R-4 goes with it... to which Mrs. Stultz replied absolutely. Council Member Gover continued, so they can petition for a mobile home park.

Mrs. Stultz replied any property owner or City Council person or any interested party can make a petition to rezone any piece of property in the jurisdiction at any time. Except if they have applied for it and it is turned down, they have to wait a year to ask for the exact same rezoning. Other than that, at any point, a parcel can have a request to come in to be rezoned.

Mrs. Stultz explained that this is a straight up rezoning and that is simply what it is.

Council Member Tuggle stated that he went there just to take a look and to the south is a neat row of houses. He stated that he knew that once the zoning was changed, it jeopardizes the identity of the neighborhood. Once you do that and a property owner gets that zoning changed, then it's changed maybe forever. Then those property owners that have that neat row of houses have to deal with whatever that property owner decides to put there. So, he stated he had concerns about changing the zoning because of the property owners to the south of where this subject property is.

Mrs. Stultz replied that one of the unfortunate things that they did when they included manufactured housing in their zoning ordinance a number of years ago is that they allowed them in the largest lot district that they have, which is residential suburban, and the smallest. She stated she thought sometimes some of the trepidations that people have is that they only allow singlewides in residential suburban and residential-4. When you start allowing a lot that small, people get concerned about traffic, numbers of people and all of those things. At this point, that's simply what they are faced with. Those are the only two districts other than the manufactured home overlay that you can have manufactured housing. Manufactured housing can be and is a quality viable option for a good portion of our population. We do not have a

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tremendous amount of available affordable housing. And, our community, like many others, struggles with this issue. That is one reason that at the same time they did this zoning case, the Planning Board initiated an amendment to the ordinance that would address some of those concerns. She added she would also suggest that at perhaps some point in the future, after their land use plan, perhaps they need to wait until the land use plan is done, the beginnings of that in earnest will be next week, that they take a look at considerations with not only design standards, but a little larger lot size for a home of this type. What happens with no design standards and a 4,000 square foot lot is often you get singlewides on it, and they look like loaves of bread and that is an unfortunate aesthetic that people are uncomfortable with.

Council Member Gover stated that R-4 extends on subject property all of the way down the back, if that is the back, R-4 is all around it.

Mrs. Stultz stated it was difficult for her as zoning administrator with no current planning in place to make the decision when it borders R-4, and there is such a large R-4 nearby.

Council Member Myott asked if it were left R-20, could there still be trailers, to which Mrs. Stultz replied, no as R-20 is the large lot, single family, stick built home zoning district. The only kind of home that could be considered manufactured is a bonified modular home, which is built to stick built standards and they can go in R-20, but a manufactured home cannot.

Council Member Epps stated, so a modular could go on this property to which Mrs. Stultz replied that a modular could go on it today. Left as is, it could be subdivided, and left as is, there are all sorts of development options for it. So, there is no guarantee if the Council were to choose to turn down this request that nothing would ever go back there.

Council Member Epps stated that Mrs. Stultz was talking about some other standards later and his suggestion would be to hold back and revisit this later, adding he cannot make that motion yet, but those were just his thoughts.

Mayor Grogan asked for those wishing to speak in favor of this request (none appeared). He added that Roger and Ann Denny would like to speak in opposition.

Mr. Roger Denny stated he lives directly in front of the property, on the map, 814 Morgan Road. He stated he signed his name to speak, however, he was not totally in opposition as this was the first board meeting that he had ever attended, along with his wife. They just had some concerns, the man that owns this property, Doug Crawford, they went to school together. He stated that they have been living in front of the property for 21 years. Per say, he and his wife do not want to see a trailer, envisioning it coming in there, if it were rezoned. That was a really high regard; there is a lot of activity walking by their house now, and he was sure the Council and some of the people may be aware, directly or indirectly, as he had heard there was a crack house on Holland up there. The police have been up there two or three times and he knew that for a fact as he had seen them go in there. His concern was if they do a big development in there, they will produce more people coming down in from Virginia, Morgan Ford Road in that area. He added that was their concern. He did not want to see something come in there to depreciate their property because he and his wife have worked hard to try to build their house up for the value, they pay taxes on time, and they try to have their house looking nice for the neighborhood.

Mr. Denny stated they had a section beside of their home where no one had built for years, the woods were cleared out and now they do have a modular home behind their house. He added that he does not have a problem with the owner doing what they want with their property, but at one time they came in and brought horses in and that caused flies, etc. and now the horses are gone and what he was trying to say was to please consider this... as he was not totally opposed to the rezoning, but he would not

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want to see trailers in there. He added he wished he could afford to buy the property because he liked the privacy and at least they do have privacy in the front yard. He added that he was sure that Doug (Crawford) wants to sell this property and make money like everyone else, but his concern along with his wife's is, (adding) he is a mail carrier in Eden and he sees what is around, he sees trailers that have moved in certain places, he knows the activity, and the sort of standards. Just up Morgan Road right now, going in the Spray area, like he said, he has carried mail all over Eden, and the Spray area is lacking in appearance. He added this was another issue, but he did not want to see the appearance of their neighborhood... adding that Ann Cook has probably lived there for approximately 50 years and she tries to have a nice presentable home as well. Again, he stated their main concern was traffic and having a decent place to live.

Council Member Myott asked Mr. Denny if he were to have some time, would he like to talk with his neighbors about purchasing this land from Mr. Crawford.

Mr. Denny replied he did not know how they would feel about that, but he was not financially able to purchase the property.

Council Member Myott replied that would prevent any of the things he was worried about.

Mr. Denny stated if Doug (Crawford) wanted to contact him, maybe they could talk.

Mr. Benny Sexton, 714 Pitcher Avenue; Carolina Heights, explained that it was not adjoining his property but was close in proximity. He stated he could sit on his front porch and see the property in question. He handed out some photos that he took today of the present R-4 zone that is there now to show some of the conditions that R-4 leads to. The first picture, as he referred to, was taken on Holland Street, the people that own the homes along Clarkway, their lots are 150 feet deep back to this property. He stated he would say this property was about 200-250 feet deep until you get to an R-4 district already. He counted 9 or 10 empty lots in that R-4 district now. He added that the pictures will show what is on the remaining parts of those lots and this is what R-4 brings to the neighborhood. He stated they definitely do not want it in their neighborhood. No one has an objection to a modular home, they know that is allowed in R-20 and they knew the property was zoned R-20, and they would like to keep it that way.

Mr. Sexton stated he had some more photos of some homes that back up to this property; and he asked the Council to take a look at the conditions that people keep their homes in Carolina Heights, backing up to this property and that is what they would like to remain. They would like to remain with clean front yards, manicured well and landscaped well. Also, Mr. Sexton presented a petition objecting to the rezoning and the petition read as follows, "we the undersigned want the zoning to stay as it is" (which is R-20). The petition was signed by people in Carolina Heights, however, he did not know the exact proximity to the property.

Mr. Sexton added that Mrs. Stultz had said something about, yes, these people can come back and ask for rezoning of the property, and they can come back and re-subdivide the property. Mr. Sexton stated they could re-subdivide the property now if it meets the lot requirement and the land area requirement, but in R-20 you have to have 20,000 sq. ft. and in R-4 it is 4,000 sq. ft. Look if they came back to divide the property then what they would gain by zoning it to R-4 rather than leaving it as R-20. Most of these homes are in the R-20 district and that was what they were asking, to leave it as R-20.

Mr. Sexton asked for those present in objection to stand to which approximately 11 stood. He closed by saying that they wanted it to stay as is.

Mayor Grogan declared the public hearing closed as there were no others to speak.

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A motion was made by Council Member Nooe seconded by Council Member Tuggle to deny this request.

Council Member Nooe added that he had talked to the person, who he thought was the owner, and he said that the person was thinking about just putting one modular home out there, which he would not have an objection to, (but) to rezone it to R-4, if there was a means or a method to do that, he knew he would not have a problem with that on a 3 ½ acre lot.

Mrs. Stultz stated that Mr. Sexton was a fairly worthy adversary for her as there have been three zoning officers in the city in the last 25 years, and he was one of them. Right now, a bonified modular could go there anyway. When Mr. Crawford came in the office, he made the request on the assumption that the person he was planning to sell it to wanted to put a manufactured home there.

Council Member Carter stated from his understanding, the people he talked with in the area really do not have an objection to the modular home, he asked if that was correct.

Mrs. Stultz replied that probably she would say that they need to take a look at their districts during the land use plan process. Small lot zoning is appropriate in some situations and probably not as appropriate in others. It is what they have.

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

MONTHLY FINANCIAL REPORT:

There were no questions concerning the Monthly Financial Report.

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

REQUESTS AND PETITIONS OF CITIZENS:

No one came forward to speak at this time.

UNFINISHED BUSINESS:

(a) Further consideration of an amendment to the City Code concerning water and sewer extensions.

During Council's regular meeting on July 18, 2006, the Council considered an amendment to the Eden City Code regarding water and sewer extensions. During the August 15, 2006 meeting, Council voted to have the second reading of the ordinance on this amendment during the September 19 meeting.

Mrs. Stultz explained that this is a request that was initiated a couple of months ago, it was considered and brought forward and tabled and it is back on the agenda this evening. This particular ordinance and code amendment is similar to one that many jurisdictions in our state use. She stated she did that research when she was drafting it to make sure that we were not going out on a limb, out of what others do. It is a part of an overall process to protect our infrastructure, in her opinion and to ensure when we are offering utility services, public services to property owners that there is some control over that by the City Council. This ordinance would require that at any point someone wants water, sewer, or both and they are outside of the city limits that they have to come before the City Council to request annexation. At that point, the City Council can decide if they want to annex them the, annex them never, have an agreement with them that at some point if some future Council or that Council decided to annex them that the folks would not protest or fight the annexation, or decide they do not want to extend the utility services. Outside the city limits, the Eden City Council and Eden City public utility system is really not a public utility; it is a

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business like any other. Inside we are a public utility according to Federal and State law, outside we are a business, the Council can decide to have customers or not as your plans and recommendations allow or you decide. And, what this does, is clearly sets out what happens when someone comes into her office or Bev O'Dell's and they have property outside of the city limits, they want to develop it and they want water or sewer or both. And, it leaves all of the discretion in the hands of the City Council. Should the Council decide to adopt it, each time there is such a request, they will get a staff recommendation and make a decision in similar fashion to what they just did with the zoning case.

Council Member Gover stated in the eastern sector of Eden, right out of Eden, (ETJ on the east side), on the east side, we (city) own the water, on the south side, Dan River owns the water, on the southwest side, Dan River; the west side, Dan River; northwest, Dan River. Now the people on the east side, let's say they want to develop the land and ask for water, they have to come to the city for self-annexation before they can get their water.

Mrs. Stultz replied they have to bring a petition and meet the ordinance.

Council Member Gover stated on the west side, or southwest or the northwest side, they can get the water out there (from Dan River Water) and do not have to annex. That will not be the case on the east side. If it were noted that they have the same privilege or amend the ordinance to that effect as all of the other surrounding areas, and that is not a hard request.

Mrs. Stultz replied that is certainly something that the City Council can do. She added she could tell him that it was not something that she would recommend. She stated that she thought the discretion of where water should be extended and sewer should be extended, outside of the city limits, and certainly within the planning jurisdiction should be in the hands of the Eden City Council every single time.

Council Member Gover replied that it will be, but they will not develop if they know they have to as it is a must that they self-annex before they get this water.

Mrs. Stultz replied there is not a requirement that they be annexed; it is a requirement that they do a petition and come before the City Council, if the City Council decides they do not want to annex them then the Council will not do it.

Council Member Gover replied that's fine, but let's say if they did, they still have to annex to get the water, but out in other areas, they do not have to do that. They would not even be asked to annex.

Mr. Medlin stated he wanted to point out one thing, just make sure that in the other areas you understand that is in areas that are currently served by Dan River Water. The areas that are not served by Dan River Water, they are in the same boat as anybody else. If they always have the water availability out there then they can develop it, but if not, then those areas are in the same boat.

Mrs. Stultz stated that the Dan River Water contract says that in any time they intend to extend their system that they are suppose to come before the Eden City Council and make the request to do that extension. That has been in their contract for the entirety of her career. So, the City Council is suppose to have control and does have control over where Dan River extends water now. But she added that she did think that it is important that the City Council make decisions whether they (Council) wants to extend the water themselves rather than Dan River doing it in certain areas and certainly sewer service before it is provided...

Council Member Gover replied they could not dictate Dan River's water connections. He stated she was killing one side of town and the other side can grow because once they find out that they have to annex just to get the water, they will not annex

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because... he added he was requesting also that they are informed of the full cost of water and sewer going to an area. They are described what is a trunk line, what is a connector line and what is a tap. He added that was pulled some years ago on Hopkins Court and that was ten years ago and they still do not have sewer and won't ever get it because of the costs.

Mayor Grogan explained that this issue was discussed and voted on at the last City Council meeting and the City Attorney said that they need to have a second reading and a second (vote). He asked if there was any more discussion.

Council Member Tuggle stated from what he could tell, there are three subdivisions and 500 plus houses that either have water or sewer or water and sewer and they are not paying city taxes even though the rates are doubled.

Mrs. Stultz replied that was the information she was given from the Finance Department.

Council Member Tuggle continued and stated maybe this was something for Mr. Asbury rather than Mrs. Stultz, but if there are sewer spills, breaks or problems of these types of things, the tax payers are the ones that have to pick up the tab for the lines that have to be repaired. He asked if he was correct in saying that. So if we take over the maintenance of anyone outside the city and they are not paying city taxes, if there is a maintenance problem or break or something then the city taxpayers, which means the city staff has to go out there and fix that even though they are not paying city taxes. So, they are talking about three subdivisions and over 500 people that are in that situation, and personally he did not think the taxpayers should have to pick up the tab.

Council Member Epps asked Mr. Corcoran if it were true that the city cannot dictate to Dan River where to put the water.

Mr. Corcoran replied, no the existing contract says that Dan River has to come before the City Council before they can do any extension. If the area is already served, this Council or a former Council has already approved it and; therefore, if it is already served, the city can make connections. If they want to extend it to a new area, irregardless of whether it was in Eden or west Eden, it is an extension either through Dan River Water or themselves, then they have to come before the City Council.

Mr. Medlin replied there are a lot of reasons for that, only one of which would be if the city is looking at annexing an area then obviously they would not want to be developing that if we (city) are looking at annexing or if someone is developing and wants it to be annexed. So there are good reasons why they need to cooperate and we need to cooperate with them.

Mr. Tommy Underwood, Deputy Fire Chief, stated he had a question for Mrs. Stultz, he asked if they were talking about annexing for water and sewer, does that include fire and police protection also. If you go out and just spot zone a piece of land out in the county, they will be considered a part of Eden, he asked if that was correct.

Mrs. Stultz replied first, it was not zoning, it's annexation. Anytime any piece of property would be annexed, it would be brought before the City Council with a staff recommendation which they would have an opportunity to put their dog in the fight, give their opinion about whether they thought it should be done or not, like anything else that they do. They come before the Council...she was asked to draft the ordinance and that was what she did.

Mr. Underwood stated it would create a lot of confusion as to who would respond to it, a certain area...

Mayor Grogan replied he thought all of that would be stated before anything is done.

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A motion was made by Council Member Epps seconded by Council Member Tuggle to approve the ordinance as proposed.

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

(b) Adoption of Community Development Block Grant for Harris Pointe Consultant and Policy Documents.

The memorandum explained that the City received a CDBG Grant for infrastructure for the Harris Pointe elderly facility. The City advertised for consultants for the administrative and engineering services. We received the required number of bids. Based upon the regulations for selection as set by the grant agency, staff recommends that the Council agree to contract with Hobbs, Upchurch & Associates, PA for both engineering and administrative services.

Additionally, the State requires that the following policy documents be adopted by the City before any activity can begin. These same policies were adopted for the Single Family Rehabilitation and CDBG grants received by the City in the past.

FAIR HOUSING RESOLUTION OF THE CITY OF EDEN, NORTH CAROLINA

WHEREAS, the City of Eden seeks to protect the health, safety and welfare of its residents; and

WHEREAS, citizens seek safe, sanitary, and habitable dwellings in all areas of the City; and,

WHEREAS, the City of Eden finds the denial of equal housing opportunities because of religion, race, color, sex, familial or handicap status, or national origin legally wrong and socially unjust; and,

WHEREAS, the denial of equal housing opportunities in housing accommodations is detrimental to public welfare and public order; and,

WHEREAS, the City of Eden finds the practice of discrimination against a citizen in housing a denial of his equal rights and his equal opportunity to seek a better living and develop community pride;

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

Section 1. The City of Eden has declared it an official policy of the City of Eden that there shall not be discrimination in the terms or conditions for buying or renting housing in the City of Eden.

Section 2. All business groups and individual citizens of the City are urged to respect and implement this policy.

Section 3. The Director of Planning & Inspections, or his designate, of the City of Eden is the official authorized by the City to (1) receive and document complaints regarding housing discrimination by the City; and (2) refer such complaints to the North Carolina Human Relations Board of Commissioners for investigation, conciliation, and resolution.

CITY OF EDEN RESOLUTION FOR SIGNATORY FORM AND CHECK SIGNATURES FOR CDBG HOUSING DEVELOPMENT PROJECT

WHEREAS, in order to receive CDBG Housing Development Grant funds the City of Eden must authorize persons to sign the requisition forms for CDBG Housing Development Project Grant funds and checks for the City of Eden Housing Development Program

BE IT RESOLVED that the Mayor, City Manager, Finance Director and City Clerk be authorized to execute the signature requirements for requisition of CDBG Infrastructure Project Grant funds and checks for disbursement.

Adopted this the 19th day of September, 2006.

John E. Grogan,
Mayor

ATTEST:
Sheralene Thompson,
Deputy City Clerk

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Mayor Grogan stated he thought the City Council was aware of this development that would be going in his back yard.

Mrs. Stultz explained that the documents are similar or identical to the documents that have been adopted each time they have had community development block grant funds. The only one she asked the Council to pay special attention to is the one at the bottom which was the Resolution to be able to sign the forms for requisitions and what not; traditionally Kim Scott, City Clerk and she had been two of signatures, and the last time it was the City Manager and Mayor. This particular grant they do not anticipate but one check in and one check out so it should not be a big thing.

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

NEW BUSINESS:

(a) Consideration of Traffic Calming.

Council Member Nooe stated that he had received several calls about speeding in residential areas and there has been quite a bit of discussion. He had spoken with Reece Pyrtle about putting in speed bumps. They painted stripes on his street and he thought that may have slowed people down until they had been up and down it once or twice and realized it didn't make a bit of difference to them to go up through, but he thought there had been concerns about speeding in our residential areas from quite a few difference people in his ward and across the city. He stated he was wondering what could be done as a City Council to help this situation.

Council Member Epps replied he has received the same kind of calls especially Park Avenue because they are cutting from Church Street over to Morgan Road and making a race track. Chief Benthin did put an officer out there last Saturday, stationed there for awhile, but he did not know if they wrote any tickets or not. He added this had been going on since he came on the Council... he added it was happening in several places.

Council Member Nooe added that he had done some things on speed bumps and they say they work from 50 ft to 100 ft. on either side and then everyone is back up to speed. So, it seems like a waste of effort on that. He asked what they could do, education program, more signs, children at play. He added he had a section of Highland Drive where a lot of people walk and there are no sidewalks there and people come around the curve doing 40-45 mph and it is a fairly sharp curve so they don't see them coming and they (drivers) can't see people walking so it is a dangerous situation.

It was the consensus of Council to have the City Manager and the Police Department come back to the Council with a recommendation.

(b) Consideration of a final development plan for Phase 2 of the Meadows and a request that the streets be accepted.

Kenan C. Wright has presented a final development plan for The Meadows, Phase 2, located off of Meadow Road.

The Planning & Inspections Department recommends approval of the plan subject to conditions. The Planning Board considered the final development plan at their regular meeting on July 25. After consideration the board recommends that the request be approved subject to conditions.

Mr. Wright has also requested that the city accept the streets in Phase 2 of The Meadows for street maintenance. The Planning & Inspections Department and the Engineering Department agree that the streets be accepted subject to the conditions listed on their memorandum.

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Mayor Grogan asked about those things that the Engineering Department, said they would recommend approval subject to (those things) being done. He asked if they had been done.

Mrs. Stultz replied they want them to approve this tonight based on all of the things that Bev O'Dell said and the ones that she did in the letter.

A motion was made by Council Member Tuggle seconded by Council Member Gover to approve the request with the conditions addressed. All Council Members voted in favor of this motion. The motion carried.

(c) Consideration of Amending the Licenses, Permit and Business Regulations.

There have been some concerns in regards to itinerant merchants not obtaining a privilege license. The city needs an ordinance in place that will regulate and restrict itinerant merchants according to the general statutes. We need for officers to be allowed to make these individuals move if they do not have the proper identification and if they do not move they will be prosecuted accordingly.

Mr. Medlin explained that this is a proposed amendment to the ordinance dealing with itinerant merchants so that, as far as (that) section of the (city) code, they just added the definition of an itinerant merchant to go with solicitors, and they have the proposed ordinance before them. The one thing they did do in the original proposal that was given to the Council, in the last section under Enforcement, they had that it be a class three misdemeanor with a \$500 fine, but he looked up Class 3 Misdemeanor and the maximum criminal fine that you can impose was only \$200. He noted that also in front of the Council tonight was an ordinance which changes that from \$500 to \$200. If this goes before a judge, then they could not impose greater than a \$200 criminal penalty.

Mayor Grogan explained that this request came from him. He added they have had the same calls from merchants, people pulling up with a truck, unloading it and selling furniture.

Council Member Tuggle stated he actually ran one out of town and he told him if he saw him on the street again, he would call the police and have him arrested.

Mayor Grogan added he thought this would give them something they could stick their teeth into and they can tell the merchants that they do have an ordinance prohibiting people from coming in here and selling things. He added they want the people who pay taxes and are permanent residents the ones to make those sells.

Council Member Epps asked if they have to publish this in the paper to make people aware of this ordinance to which Mayor Grogan replied he was sure they do.

Council Member Tuggle stated as an example, he was at McDonalds one day and there were guys out in the parking lot hawking this stuff all over the place. A guy came up to him and he asked for his license and he showed Council Member Tuggle something but he did not know whether it was real or not. He asked if this was something they should have with them whenever they are out in the parking lot hawking these things. He also asked whose name would be on it.

Mr. Medlin replied it would have something from the City and that would be something from the Finance Department.

Mayor Grogan also explained that the Police Department would be stopping and asking those people for their permits.

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

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(d) Consideration of Designation of Voting Delegate for 2006 Annual League Business Meeting.

Mayor Grogan noted he would be attending so he would like to nominate himself.

A motion was made by Council Member Tuggle seconded by Council Member Epps to designate Mayor Grogan as the voting delegate. All Council Members voted in favor of this motion. The motion carried.

CONSENT AGENDA:

- (a) Approval and adoption of minutes: August 15, 2006.
- (b) Approval to hold a public hearing and to consider an ordinance for Local Historic Landmark Designations as follows:

- (a) Sunshine School: Hairston Street; HPCL-05-06.
- (b) Little Red Schoolhouse: 300 Reservoir Street; HPCL-05-07.

At their September meeting the Historic Preservation Commission will consider local landmark designation for two properties, the Sunshine School on Hairston Street and the Little Red Schoolhouse at 300 Reservoir Street. The Commission respectfully requests that the City Council call a public hearing for each of these cases at the September Council Meeting.

(c) Approval of Banking Services Contract.

In early August we sent out banking request for proposals to eight local banks. Our banking service contract is up in October of 2006. The new contract will run from October 2006 until September 2009. Among the many things we were looking for in addition to cost were electronic banking services allowing us to do many more transactions with our bank electronically. The electronic ability will give us a quicker response time when looking at specific transactions such as stop payment on our checks and return checks on the part of the customers.

A comparison of the banks that responded to our request for proposals is as follows:

	Wachovia	Bank of America	First National	First Citizens
Free Checks	Up to \$500 annually	All Checks Free	All Checks Free	All Checks Free
Compensating Balances	\$0	\$0	\$118,000	\$0
Average Service Charge Per month	\$483	\$1,193	\$0	\$973
Credit Card	Offered by Bank; no additional fee	Offered by Bank; \$25 per card annually	Offered by Bank; no annual fee	Offered by Bank; no additional fee
Local Office Location	Yes	Yes	Yes	Yes
Full Electronic Banking	Yes- Included	Yes - Included in Avg. Monthly Service Charge	Yes -Included	Yes - Included in Avg. Monthly Service Charge
Delivery of Reconciliation items in (x) days	5 days	5 days	5 days	5 days
Interest Rate *	5.15%	4.51%	4.00%	5.22%

* This is the current interest rate that was quoted by each bank. This is a variable interest rate.

Given all the different criteria, it is the recommendation of the finance department that the City of Eden remain with First Citizen's for it banking services. We have had a good working relationship with First Citizens over the past few years and they have always been eager to meet our needs and request.

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(d) Approval of Reimbursement Resolution for Water & Sewer Capital Projects.

Please find attached the Reimbursement Resolution for Water & Sewer Capital Projects. The FY 2006-07 budget as submitted includes a new loan in the amount of \$7,500,000 within the Water & Sewer Fund for a variety of capital outlay initiatives including: Water Pressure Improvements Project, Bio-Solids Treatment Improvements Project, Waterline Upgrade Improvements Project, and Sewer Rehabilitation Improvements Project. We will not borrow the money until it is actually needed to pay for these projects. However, in the mean time we need the reimbursement resolution in place so that if we use any Water & Sewer Fund Balance to pay for preliminary expenditures for any of these projects we will be able to reimburse the Water & Sewer Fund Balance with the loan proceeds.

**RESOLUTION OF THE CITY OF EDEN, NORTH CAROLINA
DECLARING THE INTENT OF THE CITY TO REIMBURSE ITSELF FOR CAPITAL
EXPENDITURES INCURRED IN CONNECTION WITH THE WATER PRESSURE
IMPROVEMENTS PROJECT, THE BIO-SOLIDS TREATMENT IMPROVEMENTS
PROJECT, THE WATERLINE
UPGRADE IMPROVEMENTS PROJECT, AND THE SEWER REHABILITATION
IMPROVEMENTS PROJECT FROM THE PROCEEDS
OF CERTAIN TAX-EXEMPT OBLIGATIONS TO BE EXECUTED AND DELIVERED IN
THE FISCAL YEAR 2006-2007.**

WHEREAS, the Eden City Council (the "Council") has determined that it is in the best interests of the City to finance the construction, renovation, and improvements of certain projects within the City known as the (1) Water Pressure Improvements Project, (2) the Bio-Solids Treatment Improvements Project, (3) the Waterline Upgrade Improvements Project, and (4) the Sewer Rehabilitation Improvements Project (the "Projects"); and

WHEREAS, the City presently intends, at one time or from time to time, to finance all of a portion of the costs of the Projects with proceeds of tax-exempt obligations and reasonably expects to execute and deliver its tax-exempt obligations (the "Obligations") to finance, or to reimburse itself for, all or a portion of the costs of the Projects; and

WHEREAS, the City desires to proceed with the Projects and will incur and pay certain expenditures in connection with the Projects prior to the date of execution and delivery of the Obligations (the "Original Expenditures"), such Original Expenditures to be paid for originally from a source other than the proceeds of the Obligations, and the City intends, and reasonably expects, to reimburse its Water & Sewer Fund for such Original Expenditures from a portion of the proceeds of the Obligations to be executed and delivered at a date occurring after the dates of such Original Expenditures.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Eden City Council as follows:

Section 1. **Official Declaration of Intent.** The City presently intends, and reasonably expects, to reimburse its Water & Sewer Fund for the Original Expenditures incurred and paid on or after the date occurring 60 days prior to the date of adoption of this resolution from a portion of the proceeds of the Obligations. The City reasonably expects to execute and deliver the Obligations in the Fiscal Year 2006-2007 to finance all of a portion of the costs of the Project and the maximum principal amount of Obligations expected to be executed and delivered by the City to pay for all or a portion of the costs of the Projects, which amount is subject to change, is expected to be \$7,500,000.

Section 2. **Compliance with Regulations.** The City adopts this Resolution as a declaration of official intent under Section 1.150-2 of the Treasury Regulation promulgated under Section 103 of the Internal Revenue Code of 1986, as amended, to evidence the City's intent to reimburse its Water & Sewer Fund for the Original Expenditures from proceeds of the Obligations.

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Section 3. **Itemization of Capital Expenditures.** The Director of Finance for the City, with advice from the City Attorney, is hereby authorized, directed and designated to act on behalf of the City in determining and itemizing all of the Original Expenditures incurred and paid by the City in connection with the Projects during the period commencing on the date occurring 60 days prior to the date of adoption of this Resolution and ending on the date of execution and delivery of the Obligations.

Section 4. **Effective Date.** This Resolution is effective immediately on the date of its adoption.

Adopted and Approved this 19th day of September, 2006.

John E. Grogan, Mayor

Attest:

Sheralene Thompson, Deputy City Clerk

Minutes of the regular September 19, 2006, meeting of the City Council, City of Eden:

CERTIFICATE

I, Kim J. Scott, the duly appointed Clerk to the City Council of the City of Eden, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and correct copy of a resolution entitled **"RESOLUTION OF THE CITY OF EDEN, NORTH CAROLINA DECLARING THE INTENT OF THE CITY OF EDEN TO REIMBURSE ITSELF FOR CAPITAL EXPENDITURES INCURRED IN CONNECTION WITH THE WATER PRESSURE IMPROVEMENTS PROJECT, THE BIO-SOLIDS TREATMENT IMPROVEMENTS PROJECT, THE WATERLINE UPGRADE IMPROVEMENTS PROJECT, AND THE SEWER REHABILITATION IMPROVEMENTS PROJECT FROM THE PROCEEDS OF CERTAIN TAX EXEMPT OBLIGATIONS TO BE EXECUTED AND DELIVERED IN THE FISCAL YEAR 2006-2007"** which was adopted by the City Council at its regular meeting held on the 19th day of September, 2006.

Sheralene Thompson,
Deputy City Clerk

(e) Approval and adoption of Eden River Development Committee.

The Eden City Council is being asked to approve the following people for the Eden River Development Committee:

Staff

Kelly Stultz
Mike Dougherty
Debbie Galloway
Brad Corcoran: Ex-Officio member

Members Amanda Currin

Jon Mason
Tom Barbour
Lindley Butler
T. Butler
Katherine Mull
Robin Yount
Eric Barker

City Council

Mayor John Grogan has appointed the following City Council members to be part of this committee:
Donna Turner
Wayne Tuggle
John Grogan: Ex-Officio member

(f) Approval and adoption of request for approval of bids for the High Service Pump Improvements (Installation of Variable Frequency Drives).

The adopted Budget for 2006-07 contained funding to begin a series of water pressure enhancement projects that will upgrade water delivery to our customers throughout the City. Bids for the mechanical and electrical portions of the Water Plant High Service Pump Improvements were received on August 22 and August 31.

Arcadis Engineering has reviewed the submitted bids and their recommendations are attached. David Hamilton, P.E., Arcadis Project Manager for this project will be present at the September 19 City Council Meeting to answer questions about the bidding process and the technical aspects of the project itself.

Following are summary tables of the bid results. Dennis Asbury, Director of Environmental Services; and Terry Shelton, Water Filtration Plant Superintendent recommend that the City Council approve the award of contracts to the low bidders Associated Industrial Contractors (General & Mechanical \$183,400.00) and Elliott Electric Service, Inc. (Electrical \$577,000.00). The total award for these two contracts will be \$760,400.00 using the Robicon Variable Frequency Drives provided in Elliott's base bid.

General & Mechanical Contract Bidding Contractors	August 22, 2006 Bid Amount
Associated Industrial Contractors, Inc.	\$183,400.00
TOP Construction Company, Inc.	\$213,539.00
Cirrus Construction, Inc.	\$253,125.00

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Electrical Contract Bidding Contractors	August 31, 2006 Bid Amount
Elliott Electric Service, Inc.	\$577,000.00
Electrical Construction, Inc.	\$634,000.00
Via Electric Company	\$755,000.00
Morgan Mechanical Contractors, Inc.	Non-Responsive

(g) Approval and adoption of Fire Truck Financing for 5 years.

The following quotes have come in on the financing of the 2006 fire truck that Council approved to purchase at the August 15, 2006 meeting.

- Bank of America 3.89%
- BB&T 3.89%
- First Citizens 3.88%
- First National Bank 4.86%
- Home Savings 3.90%
- Wachovia 5.08%

As you can see the lowest quote is from First Citizens at 3.88%. We will be making an annual payment in the amount of \$42,131.07. There is a prepayment penalty but the City should not incur that penalty as we will pay on schedule.

(h) Approval and adoption of Budget Amendment No. 2.

If the financing for the 2006 Pierce Fire Pumper is approved, the City is required to show the loan monies coming in from the bank and the monies going out to pay the vendor in the financial statements. This amendment increases the revenue line item "loan proceeds" and also increases the expenditure line item "Fire Department Capital Outlay – Vehicles" for the loan amount of \$188,194.00.

Budget Amendment #2 Amount	Account#	From	To
General Fund Revenue			
Loan Proceeds \$188,194.00	10-3850-88000	\$	\$188,194.00
General Fund Expenditures			
Fire Department C/O Vehicles <u>\$188,194.00</u>	10-4340-55000	\$	\$188,194.00
<u>\$188,194.00</u>			

Funds to finance 2006 Pierce Fire Pumper for the Fire Department

Adopted and effective this 19th day of September 2006.

Attest:

Sheralene Thompson, Deputy City Clerk
Grogan, Mayor

John E.

(i) Approval and adoption of Proposed Dedication and Acceptance for Maintenance, The Meadows, Phase II.

The Engineering Department recommends that the streets recently paved in The Meadows subdivision, Phase II be accepted for maintenance, provided that the following items are addressed by the developer.

1. A defects bond, or other instrument of credit acceptable to the city in the amount of \$10,000 should be submitted to the Director of Finance & Human Resources, Tammie McMichael. This bond or other instrument shall guarantee infrastructure improvements against defects for a period of one (1) year from the date of City Council acceptance.
2. A letter indicating that maintenance and repair of the street construction improvements, and all associated appurtenances will be performed for the same one (1) year period indicated above.

(j) Approval and adoption of Firemen's Relief Fund.

(k) Approval and adoption Eden Tourism Development Board.

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The Eden City Council is being asked to approve the following individuals for the Eden Tourism Development Board:

City Staff

Mike Dougherty, Chairman
Brad Corcoran
Johnny Farmer

Chamber of Commerce Representative

Cindy Adams, Vice-Chairman

Hotel Representatives

Darlene Ryland-Daly Seven
Angel Duncan-Daly Seven
Lou Ann Clark-Jameson Inn

At Large members

Kenneth White, Local Businessman and current Eden Chamber of Commerce Chairman
Katherine Mull-Executive Director, Dan River Basin Association

City Council

Mayor John Grogan has appointed Chris Myott to serve on this board.

(l) Approval and adoption of Resolution to surplus 1976 American LaFrance Fire Apparatus.

**RESOLUTION AUTHORIZING THE
SALE OF CERTAIN PERSONAL PROPERTY AT SEALED BIDS**

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

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

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

(1) 1976 American Lafrance Fire Truck, Serial Number CE12-4758

2. The Fleet Maintenance Superintendent is authorized to receive on behalf of the City Council sealed bids for the purchase of the described property.

3. All bids must be received no later than 10:00 am October 24th. At which time all bids will be opened and read aloud. The terms of the sale shall be cash or certified funds and all terms are final.

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

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

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

Adopted this the 19th day of September 2006

CITY OF EDEN
John E. Grogan Mayor

ATTEST:

Sheralene Thompson, Deputy City Clerk

(m) Approval to call a public hearing for Zoning Case Z-06-06 for property located at the corner of S. Hale and Stadium Drive.

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

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VOUCHERS:

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

CLOSED SESSION:

Closed Session in accordance with G.S. 143-318-11(4) to discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body. And, G.S. 143-318.11(5) to establish, or to instruct the public body's staff or 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.

And (*added in the beginning of this meeting*) in accordance with G. S. 143-318.11(a)(3) to consult with the City Attorney in order to preserve the attorney-client privilege.

A motion was made by Council Member Myott seconded by Council Member Turner for the above closed sessions. All Council Members voted in favor of this motion. The motion carried.

OPEN SESSION:

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

Respectfully submitted,

Sheralene Thompson
Deputy City Clerk

ATTEST:

John E. Grogan
Mayor