

CITY OF EDEN, N. C.

The regular meeting of the City Council, City of Eden, was held on Tuesday, January 16, 2007 at 7:30 p.m. in the Council Chambers, 308 E. Stadium Drive. Those present for the meeting were as follows:

Mayor:	John E. Grogan
Mayor Pro Tem:	Wayne Tuggle, Sr.
Council Members:	Donna Turner
	Darryl Carter
	Jerry Epps
	C.H. Gover, Sr.
	Bruce Nooe
	Christine Myott
City Manager:	Brad Corcoran
City Clerk:	Kim J. Scott
Deputy City Clerk:	Sheralene Thompson
City Attorney:	Tom Medlin

Representatives from Departments:

Representatives from News Media: John Barbour, Eden Daily News

MEETING CONVENED:

Mayor Grogan called the regular meeting of the Eden City Council to order and welcomed those in attendance. He explained that the Council meets the third Tuesday of each month at 7:30 p.m. and works from a prepared agenda; however, time would be set aside for business not on the printed agenda.

INVOCATION:

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

PROCLAMATION:

Mayor Grogan asked Mr. Roger Brown, member of the local branch of the NAACP to come forward as he read the following proclamation in observance of Dr. Martin Luther King, Jr., day.

**A PROCLAMATION TO
DESIGNATE JANUARY 15th
TO HONOR DR. MARTIN LUTHER KING, JR.**

WHEREAS, Dr. Martin Luther King, Jr. believed that nothing could replace a kindness rendered by one human being to another and that a good society is a result of millions of such good small acts; and

WHEREAS, Dr. Martin Luther King, Jr., through his life and his work taught that freedom of choice and respect for fellow human beings are to be sought; and

WHEREAS, Dr. Martin Luther King Jr., was tragically killed on April 4, 1968 in Memphis, Tennessee while leading sanitation workers in a protest against low wages and intolerable working conditions; and

WHEREAS, the King Holiday is intended as a time for all Americans to reaffirm their commitment to the basic principles that underlie our Constitution – equality and justice for all; and

NOW, THEREFORE, BE IT PROCLAIMED that I, John E. Grogan, Mayor of the City of Eden, hereby recognize JANUARY 15, 2007 as **Dr. Martin Luther King, Jr. Day** in the City of Eden and urge all citizens to join with me this day in recognizing the importance Dr. King has made toward peace, civil unity, and nonviolence in our lives.

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IN WITNESS WHEREOF, I have hereunto set my hand and seal this 16th day of January, 2007.

By: John E Grogan, Mayor
City of Eden

ATTEST:

Kim J. Scott
City Clerk

Mayor Grogan asked the City Clerk to make a note to add the Dr. Martin Luther King proclamation to the December calendar for next year to observe the holiday because they were not sure when the January 2008 Council meeting would be held.

Mr. Brown thanked the City of Eden for recognizing Dr. King's birthday each year and for proclaiming it as a holiday. He also suggested that they should attend the annual NAACP banquet. He stated that this year the attendance was well over 300 and the tickets were \$15.00. He noted that this money was used as funds to help unfortunate children go to college.

ADDITIONS OR DELETIONS TO AGENDA:

Mayor Grogan asked that they add to the Consent Agenda item 9(g) the resurfacing contract and approval to solicit bids.

A motion was made by Council Member Gover seconded by Council Member Nooe to approve the addition of item 9(g) to the Consent Agenda. All Council Members voted in favor of this motion. This motion carried.

PUBLIC HEARINGS:

There were no public hearings scheduled for this month.

MONTHLY FINANCIAL REPORT:

There were no questions concerning the Monthly Financial Report.

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

REQUESTS AND PETITIONS OF CITIZENS:

No one came forward to speak at this time.

UNFINISHED BUSINESS:

(a) Planning Organization Appointments and Reappointments.

The memorandum contained a list of board and commission members whose terms have expired, those who have missed in excess of 30% of regular meetings, and those seats that were vacant for other reasons. These members need to be reappointed or replaced.

Mayor Grogan asked that they reappoint Ms. Carol Helms to the Planning Board, Mr. Eric Barker to the Planning Board and Ms. Rachel Wright to the Historic Preservation Commission.

Council Member Epps asked that they appoint Ms. Janet Holliman to the Community Appearance Commission.

Council Member Gover asked that they appoint Mr. Wyatt Jarrett to the Historic Preservation Commission.

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A motion was made by Council Member Tuggle seconded by Council Member Gover to accept the appointments to the following Boards and Commissions: Planning Board – Carol Helms and Eric Barker; Community Appearance – Janet Holliman; and Historic Preservation – Wyatt Jarrett and Rachel Wright. All Council Members voted in favor of this motion. This motion carried.

NEW BUSINESS:

(a) Request to adopt an ordinance for the demolition of a structure at 951 Harris Street under the City of Eden Human Habitation Ordinance.

The memorandum contained a section of the Human Habitation Standards Ordinance relating to the steps to be taken when an owner fails to comply with an order to repair or demolish and a report from staff on the subject action. The City of Eden Human Habitation Standards Ordinance and the enabling legislation permit the City Council, upon adoption of an Ordinance, to order the repair or demolition of the structure. An estimate for the demolition of the structure on this property is \$5,800.00. Once the demolition is done at the City's expense, actions can be taken to recoup the funds in the same manner as the collection of special assessments.

A motion was made by Council Member Myott seconded by Council Member Gover to approve this request.

Council Member Nooe questioned if they were going to pursue the current owners for cost and what was the likelihood of collecting.

Mrs. Stultz replied that the City Attorney could give them a better idea, but in this particular case, the lot itself was worth as much as the demolition cost because it was in town and has water and sewer.

Mr. Medlin explained that he did not know as far as any other assets, but obviously the Statutes say that if you have a lien against the property you could collect it as you would a foreclosure so you bring an action and ask the court to sell the property to get your money back and if that was not sufficient he believed the Statutes say that you would have a lien of any other real property that that person owns in the city limits so if that was the case you would have that as well

Mrs. Stultz added that this was a single ownership and they lived in Eden.

Council Member Gover questioned the method of demolition.

Mrs. Stultz explained that when it was as badly burned as this one was the State would not authorize the chief to burn it so they have to have it demolished.

Council Member Turner commented that this has been sitting there a long time and it was frustrating for the neighbors. She asked why it had taken so long, she knew there was a lot of paperwork, but it just takes so long.

Mrs. Stultz agreed and explained that they have amended their ordinance over the years to try to speed it up as much as they could but the due process that was required to notify everybody and to jump through all of the hoops and follow the steps sometimes just takes a while.

Council Member Turner asked so there was no possibility they could amend some of the ordinances to move things along quicker.

Mr. Medlin replied no and explained that there has even been a fairly recent case that came out in the Supreme Court that says due process was more than just doing certified mail. If you do certified mail and they don't receive it then you have to do something more and the city did require posting on the property but if you ever get any information along the way that leads you to where the person might be you have to make the effort to try to locate them and that does take a while. He added that in this case they got some additional information along the

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way and he requested personal service on the individual, they did locate them and did get them personally served and they still had not taken care of the house.

Mrs. Stultz added that in this particular case there was a death as a result of the fire and there was an investigation and sometimes the arson or fire folks have a period of time before the city could begin the process so at times it could be lengthy and frustrating.

Council Member Epps questioned the city's liability, once they start serving papers.

Mr. Medlin stated that he did not understand to which Council Member Myott clarified, if someone got hurt on the property.

Mr. Medlin explained that the city was not liable, but the property owner might be. The city was doing a municipal service and taking the steps that were required to take.

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

(b) Request to adopt an ordinance for the demolition of a structure at 107 Park Road under the City of Eden Human Habitation Ordinance.

The memorandum contained a section of the Human Habitation Standards Ordinance relating to the steps to be taken when an owner fails to comply with an order to repair or demolish and a copy of the Complaint and Notice of Hearing Before Housing Inspector Under Housing Code which sets out the violations. The City of Eden Human Habitation Standards Ordinance and the enabling legislation permit the City Council, upon adoption of an Ordinance, to order the repair or demolition of the structure. An estimate for the demolition of the structure on this property is \$3,600.00. Once the demolition is done at the City's expense, actions can be taken to recoup the funds in the same manner as the collection of special assessments.

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

CONSENT AGENDA:

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

(b) Approval to hold a public hearing and to consider an ordinance for a zoning text amendment to amend Section 11.24(k) (5), the Business-Shopping Center district of the Eden Zoning Ordinance to add "Day Care Centers" as a permitted use. ZONING CASE Z-07-01.

The city has received a request to amend the zoning ordinance. The request is to amend Section 11.24(k)(5), the Business-Shopping Center district of the City of Eden Zoning Ordinance to permit "day care centers" as a permitted use. The request was submitted by Swofford, Inc. DBA Eden Mall. The Planning Board will consider this request at their January 23, 2007 meeting.

(c) Acceptance of Harris Place from Station 19+00 to Station 31+00 and E. Harris Place for Harris Pointe with recommended repairs as per City Engineering Department.

The city has received at request for street acceptance of E. Harris Place street extension from Station 19+00 to Station 31+00. Staff recommends acceptance of the street subject to corrections being made as suggested by Tammy Amos, Engineering Project Manager of the City of Eden Engineering Department.

(d) Approval and adoption of rental rates for Amphitheater at Freedom Park.

The Amphitheater at Freedom Park is now complete. With the Spring and Summer approaching, there are groups inquiring about renting this facility. Parks and Recreation Staff has contacted several local cities who have amphitheatres, along with reviewing the survey done by North

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Carolina State Recreation Resources Service concerning the rental of Parks and Recreation facilities across the state, and has come up with the following recommendation.

Staff would like to recommend that City Residents be charged \$150.00 for a 4 hour time slot and \$25.00 for each additional hour, and non-residents be charged \$250.00 for a 4 hour time slot and \$50.00 for each additional hour.

This recommendation is consistent with the rental rates of similar facilities in the survey conducted by Recreation Resources Services at North Carolina State University.

(e) Approval and adoption of John Deere Tractor financing for 5 years.

The following quotes have come in on the financing of a John Deere tractor for the Collection & Distribution department in the Water & Sewer Fund:

First Citizens 3.69%	First National Bank 4.60%	Home Savings 3.99%
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As you can see the lowest quote is from First Citizens at 3.69%. We will be making an annual payment in the amount of \$19,735.64. There is a prepayment penalty but the City should not incur that penalty as we will pay on schedule.

I would respectfully ask that the Council approve First Citizens as the successful bid on the John Deere tractor so that we could begin the financing process.

(f) Approval and adoption of Budget Amendment No. 7.

The Police and Fire Departments each received a \$1,000 grant from the Wal-Mart Foundation. This amendment is to include these grants in the budget. Both departments would like to use this money to cover travel expenses for training conferences.

	Account #	From	To	Amount
General Fund Revenue				
Police Revenue	10-3431-41700	\$ 1,576.00	\$ 2,576.00	\$ 1,000.00
Fire Grant	10-3434-42000	\$ -	\$ 1,000.00	\$ 1,000.00
General Fund Expenditures				
Police Department Travel	10-4310-31200	\$ 7,205.00	\$ 8,205.00	\$ 1,000.00
Fire Department Travel	10-4340-31200	\$ 4,000.00	\$ 5,000.00	\$ 1,000.00
				\$ 1,000.00

Grants received from Wal-Mart for the Police and Fire Departments.

Adopted and effective this 16th day of January, 2007.

Attest:

Kim J. Scott, City Clerk

John E. Grogan, Mayor

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

VOUCHERS:

No discussion.

CLOSED SESSION:

Closed Session according to GS 143-318.11(a)(4) To discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body, including agreement on a tentative list of economic development incentives that may be offered by the public body in negotiations; and,

Closed Session according to GS 143-318.11(a)(6) for discussion of Personnel.

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

OPEN SESSION:

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

ADJOURNMENT:

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

Respectfully submitted,

Kim J. Scott
City Clerk

ATTEST:

John E. Grogan
Mayor