

CITY OF EDEN, N. C.

The regular meeting of the City Council, City of Eden, was held on Tuesday, July 17, 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.
(Absent)	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:

Mr. Lemuel Hardison, Pastor of North Spray Christian Church, gave the invocation followed by the Pledge of Allegiance.

RECOGNITION OF JOHN BARBOUR:

Mayor Grogan announced that tonight was the last Eden City Council meeting for Reporter John Barbour of the Eden Daily News as he would be leaving to go back to school (Clemson) to obtain his Master's Degree. He thanked Mr. Barbour for his outstanding job in reporting for the City of Eden, especially this week for the reporting of the Dixie Youth Baseball. The audience applauded him and wished him well.

ADDITIONS AND DELETIONS:

Mayor Grogan noted that he had two consent agenda items to be added. One was for a temporary banner for Rev. Benny Wood with Tri-City Baptist Church, Hwy 135, at the corner of Stadium Drive and Highway 14 (Home Savings Bank) for a revival to be held August 1-5. The

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request was that the banner be up from July 20th – August 5th. It was noted that Jim Good is doing the banner and will get the temporary sign permit.

The second banner was for a Hands and Feet of Christ Community Outreach at Freedom Park, Sunday July 22 and the banner would be placed on the corner at BB&T from Thursday July 10th thru Monday, July 23rd.

A motion was made by Council Member Tuggle seconded by Council Member Gover for approval to add both banner requests to the consent agenda. All Council Members present voted in favor of this motion.

PROCLAMATION:

Mayor Grogan called Recreation Director, Johnny Farmer and Mr. Cary Rand, Director of the Dixie Youth Baseball AAA State Tournament forward for the reading of the proclamation, recognizing the Dixie Youth Baseball AAA State Tournament, currently being held at Freedom Park.

PROCLAMATION

WHEREAS, the North Carolina Dixie Youth Baseball AAA State Tournament is being held in the City of Eden from July 13-21, 2007; and

WHEREAS, this tournament will bring in 16 teams from across the state of North Carolina, and there will be hundreds of players, coaches, parents and other relatives at Freedom Park; and

WHEREAS, Dixie Youth Baseball provides a positive outlet for the youth in our communities, and this tournament will allow for many kids to make friends and provide them with an experience they will remember the rest of their lives;

NOW, THEREFORE, BE IT PROCLAIMED that I, John E. Grogan, Mayor of the City of Eden, hereby set aside July 13-21,2007 as Dixie Youth Baseball Week in the City of Eden and urge all citizens to come out and support the youth in this tournament.

In witness whereof, I have hereunto set my hand and caused the seal of the City of Eden to be fixed this 17th day of July in the year of our Lord two thousand and seven.

By: John E. Grogan,
Mayor City of Eden

Attest:

Kim J. Scott City Clerk

PUBLIC HEARINGS:

- (a) Consideration of a zoning map amendment and ordinance to rezone property at 551 Monroe Street from Residential-6 to Business-Central. Request submitted by Jon

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Brumbaugh and Samantha Ferguson, Authorized Representatives for Ronald and Kena Lenard. ZONING CASE Z-07-04.

At a regular meeting in June, the Council scheduled this public hearing to hear comments regarding a zoning map amendment request filed by Jon Brumbaugh and Samantha Ferguson, authorized representatives for Ronald and Kena Lenard. The request is to rezone property at 551 Monroe Street from Residential-6 to Business-Central. The Planning and Inspections Department recommends approval of the map amendment request. At their June 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, for a report.

Mrs. Stultz explained that the request was to zone approximately .514 acres from Residential-6 to Business-Central. The R-6 district is established as a district in which the principal use of land is for single family, two family and multi-family residences. The Business-Central district is designed to permit a concentrated development of retailing establishments.

The subject parcel lies in one of our older established neighborhoods. The property adjoins the Old Leaksville downtown area. As was the trend at the time of original development of this area, uses were mixed and one could walk to dine, shop and work. The property in question was the site of a boarding house and is rather large and unusual in configuration.

The property has had several owners in the last few years and the residential uses surrounding it are in a transitional state. Staff was asked if a law office could go into this structure on this property. We have had instances in recent times where legal offices and other low intensity uses have adaptively reused a single family residence. Under current conditions, there can be no lounge or bar and no adult uses due to the proximity of residential uses. After much consideration, the decision was made to consider the Business-Central district application.

The impact to the neighborhood if the house is unoccupied and becomes a nuisance could be worse than the potential impact of the business zoning. Since the City is currently considering a land use plan and a revamping of our land use regulations the request can be seen in a slightly different light. Based upon all of these considerations, staff recommends in favor of the request. The Planning Board discussed this request at length and they also recommend in favor of the request.

Mayor Grogan called the public hearing and asked for those speaking in favor of the request.

Ms. Samantha Ferguson stated she was one of the parties that made this request. Her address is 222 South Treemount Drive in Greensboro. She added that the other party making this request is Jon Brumbaugh. She explained that she and the two ladies seated in the audience, Jill Cairo and Kathy Stroupe are two of her law partners, and they are members of the law firm Cairo, Ferguson and Stroupe currently located at 813 Washington Street. This was their request to have this property located at 551 Monroe Street rezoned to Business-Central. Their intentions are to move their law offices in that building. She stated that they had thought long and hard about this and have looked at the property on numerous occasions and think it would be a great fit for their business. They do wish to become a bigger firm and they are outgrowing the property where they currently are located. They are also currently renting the space they are located in now and

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they hope to purchase the property at 551 Monroe Street. She understood there had been some opposition voiced regarding parking issues. The property is located at the corner of Jay and Monroe Street which is one block behind Washington Street. It is their intention to have all parking on property, she understood there is no on-street parking available at this time. She explained that they do not intend for any of their clients or themselves to use the street as parking. She stated for those familiar with the property, there is a concrete (pad) on the Jay Street side of that property and they intend to extend that to the property line left, if you are looking at that property line, left of that property line, and that would give them sufficient space for all parking. They have looked at that and have measured, and they can get approximately 10 to 12 spaces in that area.

Ms. Ferguson stated she could understand the concerns that residents would have regarding the parking, but she could assure them that there would be nothing on the Monroe Street side, it would all be on Jay Street; all foot traffic would also be coming from Jay Street, nothing from the Monroe Street side. She added she was sure there were issues about what they were going to do, were they going to change the historical nature and aspect of that property because it is an old piece of property. She stated they intend to keep it exactly as it is, she added she did not want to use the word renovate, but they would do quite a bit of upkeep, eventually a new roof, some landscaping to bring that property value up. In speaking with her realtor, Mr. (Eddie) Barker, and the seller's realtor, this property has been on the market for quite a long time, approximately 28 months. She stated that she believed that Mrs. Stultz had indicated that their position was basically, if it sits on the market longer, it's essentially going to become more of a nuisance than if they have a law firm in there. She added she just wanted to reiterate that they do plan to keep that up. That would be their business, and something that they were quite vested in and would continue to be vested in. She stated they appreciated the Council's consideration on the request and would be glad to answer questions.

Council Member Myott asked if her residence was in Eden to which Ms. Ferguson replied, no it was actually in Guilford County. Ms. Cairo was a resident of Rockingham County; she was born and raised here. She stated she did not have any plans to practice in Guilford County as she liked being a member of the board in Rockingham County and this is where she plans to stay. She added that she and her fiancé both live there and he works in the county so that is just where they have chosen to reside.

Mr. Jim Matthews stated that he and his wife Carol live at 550 Monroe Street, across the street from the property. He explained that they had sent a letter to the City of Eden and wanted to read part of that letter concerning the cons of having that property rezoned.

Mayor Grogan noted that every Council Member received that letter in their Council packet.

Mr. Matthews read: "We would like to plead with the Council, and Planning Board to deny the request to rezone the property on Monroe Street. As you probably know, the block of Monroe Street in question is in the Historical area of Eden, and we fear rezoning would cause a landslide of problems, with no one benefiting, other than the present owners of the property in question, and who at the present time has the property up for sale."

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“Also, the owner has voiced to me that a law office is interested in the property, and by having the property rezoned, may help sale the property.”

“One of our concerns, besides the fact that we feel a business in this area will sharply restrict the desirability of the remaining homes, as a quality neighborhood; we also would like you to consider the problem of parking. At the present time, Monroe Street being a narrow thruway has parking restricted to one side of the street only. If a business moves in, parking will be a major problem, as the side of the street where parking is allowed is alongside my home.”

“Consider if you will, an example of this problem; our daughter, and her husband, Tammie and Eddie Crouch, who live at 611 Henry Street. Their home is directly across from Maddrey’s law office, and even though parking is allowed on both sides of that, much wider street, whenever Tammie backs her car out of the driveway, her view of oncoming traffic is restricted by parked cars, immediately on both sides of her driveway. She is forced to risk being hit, as she must blindly back her car out into the street until she is able to see around the parked cars.”

“On one occasion, they spoke with someone at City Hall, concerning the problem, asking that one of the parking spaces be eliminated. So, a police officer was dispatched to check on the situation, and as he was taking measurements, Mr. Maddrey, from the law office, made it his business to come out of his office, and tell the officer not to block the parking space, as he needed those spaces for his clients. So nothing was ever done about the problem. Also, I might add; Mr. Maddrey told the police officer that if Tammie and Eddie’s house ever caught fire, they would not be able to rebuild on their property, because the street was zoned Business. That I do not understand.”

“We have lived in our home for 12 years, moving here from Reidsville, not because we loved Eden, but rather, because we loved the house. Built in 1850, our home is truly “one-of-a-kind”, and we were proud when the sign recently went up at the corner, designating our block as an historical area.”

“Please consider our plea, and deny the rezoning request. Not just for us, but also to keep Eden’s historical area something we can all be proud of.”

Council Member Tuggle stated he went there today and went up and down the neighborhood, knocked on doors, he went to his house, talked to neighbors. He stated, let’s just say that the property is not developed and nothing happens to it and it becomes run down property and you end up with renters there, would it be better to have a law office that was well kept, yard kept in good shape or would it be better to possibly deal with someone that was an out-of-town owner that would end up renting it, and end up with renters that wouldn’t be good neighbors. Going up the street, he did notice that there were two empty houses in addition to this property and there was a rental house just up the street, out of seven properties there, there are rental and three empty houses. He stated he thought that was a legitimate question that he would have to answer, is it better to have the law office there, for a house that has not been occupied for 28 months, and if they end up with bad renters, that could cause a lot of problems.

Mr. Matthews replied that the thing that really concerned him and his wife was the parking situation as Monroe Street only has parking on one side and it was his side of the street, if

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anyone were to park, they would have to park there. Monroe Street is a narrow street so he didn't think that would be feasible for any of the customers of the law office to park there.

Council Member Tuggle replied he felt uncomfortable parking on the street to which Mr. Matthews replied that was the only concern they had.

Council Member Tuggle replied that the lady that just spoke (Samantha Ferguson) had just said there would be no parking there; the parking would be on the other side of the house. He stated he noticed there was not a driveway on the Monroe Street side of the house. He asked Mr. Matthews if that bothered him if the parking were on the other side.

Mr. Matthews replied if it were restricted to the other side of the house that would be a different story as they were concerned about the parking and the congestion that might occur on Monroe Street.

Council Member Tuggle replied he noticed a sign that said "No Parking at Anytime" on that street right in that area, too.

Mr. Matthews replied, on the other side of the street, sometimes they have had people park on the other side of the street. If someone parks on his side of the street, it creates problems, even though that "No Parking" sign is up there. If they have their own parking area on the other side and could restrict the parking on Monroe Street, that would help tremendously.

Council Member Tuggle replied that if this does come to fruition, they would be good enough neighbors that, if there happened to be anybody that was in there, they would work with them, ... as well as the police department.

Mr. Eddie Barker, Realtor, stated he was representing the buyers of this property and he also sat on the land development committee that they have been in for about a year now. This property has been listed for two years and cannot sell as residential property; the house across the street in question also had business in it for several years in the past. Also, on the land development committee, from what he has been studying for the past year, this is ideal property to fall into what they have been planning... which all of you have information on that, keeping it as a friendly neighborhood business center, he thought it would fall into that perfectly. He added he appreciated the dilemma on Henry Street, as a real estate agent, he had been up there himself and unable to find a parking spot, but on Monroe and Jay Street, there is not designated on-street parking, all of the parking would be on their property.

Mayor Grogan declared the public hearing closed and asked Council for comments/motion.

Council Member Gover replied since it dwelled down to parking, he thought our police department could take care of the parking and work together on that.

A motion was made by Council Member Gover seconded by Council Member Carter for approval of the request as presented. All Council Members present voted in favor of this motion.

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(b) Consideration of a zoning text amendment and ordinance to amend Section 11.30 - Flood Damage Prevention - of the City of Eden Zoning Ordinance. Request submitted by the City Council. ZONING CASE Z-07-05.

At a regular meeting in June, the Council scheduled this public hearing to hear comments regarding a zoning text amendment request filed the City Council. The request is to amend Section 11.30 - Flood Damage Prevention of the City of Eden Zoning Ordinance. The Planning and Inspections Department recommends approval of the text amendment request. At their June regular meeting, the Planning Board voted to recommend that the City Council approve this request.

Mayor Grogan declared this public hearing open and called on Mrs. Stultz for comments.

Mrs. Stultz explained that the Council has before them a request for adoption for an amendment, actually a total amendment to the Flood Damage Prevention Ordinance and a completely new flood map. The Federal Emergency Management Association determines exactly how we administer a program for flood damage prevention. They tell us exactly what the ordinance has to say and they tell us exactly what the map has to look like, they prepare it and send it to us. She added that it is not very often that she brings the Council anything that they don't have subjective ability over to make decisions, but this is one of those times that they truly do not. The ramifications for what happens in our community if it is not adopted are that people will not be able to buy flood insurance in our community and the current policy would be withdrawn by FEMA. We have to administer this program. There are some things in it that will concern the kinds of development that can go in various places, the ordinance is not that different, the real issue is the map. We all know that over the last number of years, currently during her career here, there have been lots of areas in our community that have flash flooding issues, most of them are not included on the map. We have the oldest map in the United States of America, we've made five attempts to get it updated, and when GIS came to be, the technology made it much easier to do, and FEMA is in the process, they have nearly done all of North Carolina and are preparing to do other states as it's a nationwide thing.

Mayor Grogan stated that everyone had received this and are familiar with the flood map and it is really nothing that the City Council does except adopt them and approve them.

Mr. Ray Dalton of 422 John Street passed around pictures of his yard and explained that they have lived there since 1999. He explained that water gets up to their porch and all of the way around their house and they can't get out sometime. The police department always sends someone out to make sure they are okay, but this happens at least five or six times per year. They cannot even get in and out of their house. They cannot do anything to their yard as far as trying to beautify or anything of that nature. They cannot add anything because there is just no room. The house is totally surrounded by water. And sometimes, there is an area where you come across the train track, off of Walter Chambers, there is a curve there, he would imagine that water probably gets anywhere from seven to nine feet deep. So the police department will block it off, because they are concerned about someone coming around the curve and not pay attention and run upon it too fast and end up in their yard or bedroom. He added that they had to evacuate sometimes and he had pictures of the central air unit, sometimes it gets half way in the back of the house, it is half way covered in water sometimes. He added he also had pictures where it also gets in their vehicles.

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Mayor Grogan stated he would take the pictures and give them to the City Manager, have him or someone in his office get in touch with him, adding that he could talk with the Chief of Police and try to come to some resolution to see if they can help his situation. He explained that the maps they were talking about in this public hearing really do not have anything to do about that (Mr. Dalton's situation), adding he wished they did. He stated if he was really concerned he guessed he could buy flood insurance, but he hoped that would not have to be done. He stated he would turn them over to the City Manager and then someone from his office will get in touch with him tomorrow. He asked that he leave his name, address, and phone number with Mrs. (Kelly) Stultz.

Mayor Grogan declared the public hearing closed and asked Council for comments/motion.

A motion was made by Council Member Epps seconded by Council Member Myott for approval of the request. All Council Members present voted in favor of the request.

(c) Consideration of a zoning map amendment request and ordinance to amend the areas for Flood Damage Prevention. Request submitted by the City Council. ZONING CASE Z-07-05.

At a regular meeting in June, the Council scheduled this public hearing to hear comments regarding a zoning map amendment request filed the City Council. The request is to amend the map to reflect the areas for flood damage prevention. The Planning and Inspections Department recommends approval of the map amendment request. At their June regular meeting, the Planning Board voted to recommend that the City Council approve this request.

Mayor Grogan declared this public hearing open and called on Mrs. Stultz for comments.

Mrs. Stultz explained that the Federal government did the work and decided based upon all of the available data exactly what areas in their community flood or are subject to flood and they are identified on the maps.

As there was no one to speak in favor or in opposition, Mayor Grogan declared the public hearing closed.

Council Member Gover asked that this be clarified that it is updating and has absolutely nothing to do with people's property.

Mayor Grogan added that about 15 years ago or longer, the Federal Government came out with these things, the flood map... He added that he wished it would help the gentleman on John Street...

A motion was made by Council Member Tuggle seconded by Council Member Gover for approval of the request. All Council Members present voted in favor of this motion.

MONTHLY FINANCIAL REPORT:

The memorandum contained the preliminary Finance Report for June 30, 2007. This report is strictly a snapshot of a particular day. There are adjustments that still need to be made in order to close the year; so to say that these numbers are final would be inaccurate.

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Some adjustments will be made when recognizing revenues and payables that have come in after June 30, 2007 that must be placed in the prior year, which according to the auditor standards will happen through July 31, 2007.

The water and sewer fund will have an adjustment after the take or pay calculation and the billings that happen in July (which are really for June - all revenue numbers) will be carried back into the previous year so the fund balance will increase.

There were no questions concerning the Monthly Financial Report.

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

REQUESTS AND PETITIONS OF CITIZENS:

Randy Cresenzo stated that about a year ago after Coach Fry's Morehead Panthers won their 8th state championship, he called the city offices and asked about having some of those nice green signs that you see about how many state championships teams have been won. He had noticed that there were none on any of the entrances of the City of Eden. He explained that he really had not heard anything and it had been a year and four months. He noted that Mrs. Stultz had said that they were on order from the state, adding he was inquiring about the status of them.

Mayor Grogan replied, they are in the mail to which Mr. Cresenzo replied, he did not know...

Council Member Gover asked who was supposed to be heading this up.

Mr. Corcoran replied that the problem was that a letter was sent to Coach Harter. He stated he thought this had been discussed in the past and the sentiment, at that time, of the Council was that if we erect any sign, to recognize all of the state championships, not just the wrestling state championships, and when Coach Harter sent that list back, it was rather extensive. And in addition to putting the signs where they want to, they would have to go through NCDOT. So that is actually where it is really at. It is with NCDOT and it will have to be a much larger sign than what they were thinking of, you know, "home of whatever state champions, 2005 wrestling". He stated he had that list and he knew they had discussed that before and he would be happy to send that memo back out to everybody, and send a copy to Mr. Cresenzo as well. But, the signs are not on order.

Mr. Cresenzo replied, so the problem is that we just have too many terrific athletes in this town.

Mayor Grogan replied that in 1953-1954 they had championships. Mr. Corcoran replied that was the sentiment that the Council expressed, was that if we do signs, they recognize all of the state champions that have been through the city as well as from the schools before it became a consolidated school district. And, when you put all of that together, then you are talking about recognizing an awful lot of teams and you're talking about an awful big sign. He added that it even goes further because you are talking about the cheerleading squads that have won state championships, and then you have other organizations. Mr. Corcoran noted that his daughter was a cheerleader, others are cheerleaders and they feel like those state championships are state championships as well, so where do you draw the line? All of a sudden you are talking about a very big sign and you are talking about getting DOT approval which everyone knows is not an

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easy thing to do. So, it is not as easy as it sounds to put up one sign, because he thought again, as they discussed before, the minute you do, the people whether they were on the football team that went undefeated and won, and this team or that team want to know where their sign is as well.

Council Member Gover asked if there was a way they could recognize their young people for doing all of this, adding there has to be a way of recognizing them publicly someday.

Council Member Epps asked if they had the ability to put this on their website.

Mr. Corcoran replied they could put it on the website, but that's obviously not getting the visibility and what everyone wants is that visibility when visitors come to the community where it says, "Home of the following state champions".

Council Member Epps asked if DOT was the hold-up right now to which Mr. Corcoran replied that DOT has to approve the sign, but again, you are talking about a large sign. He stated he would send out the information that Coach Harter sent so they could see exactly what they were talking about.

Council Member Turner asked if we had any entrance to the City that did not require DOT approval.

Mr. Corcoran replied they could do that, but they would be talking about the cost of the sign and at what entrances. He added he thought if they did it, they would want to design it so that there is space on there as future state champions were crowned that those could be recognized as well.

Mr. Cresenzo asked if he could make an observation. He stated that we live in a terrific town. A year ago, there was a non-profit corporation formed by the citizens here called the Eden Twisters. The purpose was two-fold, to promote wrestling, and part of their vow was to make sure that any kid that wanted to engage in the sport of wrestling could do that regardless of financial standing or whatever. In the past year, citizens here in this town, merchants, individuals, businesses, banks, and he could go on, have contributed monies to this non-profit organization. The Ecklers called him and gave them a piece of land over near the high school, about brought them to tears, Coach Fry was so touched by this. He stated he just wanted them to know that the citizens of this town have successfully been able to assure that the teams, both the middle school and the high school have new equipment. It has been able to assure that young children who want to go to AAU Tournaments, you have to have an AAU Card, it costs \$20 that any kid, regardless of financial standing had been able to get that card, to enter a tournament, it costs \$15 each. They have been able to buy uniforms. This summer, in the last few weeks they have been taking kids to Maryland, they have taken them to state college, Pennsylvania, and Chapel Hill to camps; this town is doing that right now. He added that it was 7:15 p.m. when he left, July 17th, wrestling season starts in November. Every Tuesday and Thursday night, they have 20 to 25 kids there trying to become state champions, the very, very best, the elite in this state, in this particular sport. He added he was not talking about high school kids, from 27 pounds up to Mike Stanfield who weighs 270-280 pounds; they are working their buns off all year around. It is not the high school coaches just doing this because... but these are citizens donating their time for our young people, Mr. Corcoran's son is down there, just as wet as can

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be, looked like he just got out of a shower, from sweat, busting his buns to become a state champion. None of this would be possible without community effort. It is not just coaches, it's the community and he is amazed and his heart is filled with gratitude. It is a wonderful, wonderful community to live in to be so interested in young people to support this group as they have. He ended by saying he just wanted to make that observation, and he thanked everyone for listening.

UNFINISHED BUSINESS:

(a) Boards and Commissions appointments.

The following seats on the Board of Adjustment, the Historic Preservation Commission and the Community Appearance Commission are vacant. These members need to be replaced. We respectfully request that you consider these appointments at the July Council meeting.

Board of Adjustment
Sam Gilbert - ET J (deceased)

Community Appearance Commission

Marie Dean - Ward 5 (resigned)

Historic Preservation Commission
Ward 7 - Vacant

Council Member Gover stated he had someone for the Preservation Board, Mr. Paul Robertson, 611 Park Avenue.

A motion was made by Council Member Gover seconded by Council Member Myott to appoint Paul Robertson to the (Historic) Preservation Commission. All Council Members present voted in favor of this motion.

Council Member Carter stated he had one that would be available, but would need to refer it to the next meeting.

(b) Approval of Municipal Agreement and Resolution for NCDOT Sidewalk Master Planning grant.

The memorandum explained the grant agreement and resolution for the Sidewalk Master Planning grant that was received from NCDOT. It sets out the requirements for us to adhere to as we go through the process. Once these documents are approved, we will engage a consultant to assist us with the plan.

RESOLUTION PASSED BY THE CITY/TOWN COUNCIL
OF THE CITY OF EDEN, NORTH CAROLINA

A motion was made by Council Member Jerry Epps and seconded by Council Member Wayne Tuggle for the adoption of the following Resolution and upon being put to a vote was duly adopted:

WITNESSETH:

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WHEREAS, in accordance with G. S. 136-66.2.1, the NC General Assembly requires each Municipality, with the cooperation of the North Carolina Department of Transportation (the "Department") to develop a comprehensive transportation plan that will serve present and anticipated travel demand, and,

WHEREAS, the Department has initiated a program to encourage the development of comprehensive municipal bicycle plans and pedestrian plans, and,

WHEREAS, to encourage the development of comprehensive local bicycle plans and pedestrian plans, the Department's Division of Bicycle and Pedestrian Transportation (DBPT) and the Transportation Planning Branch (TPB) have created a matching grant program to fund plan development, and,

WHEREAS, the Department and the Municipality have agreed that a comprehensive plan is needed to evaluate and identify critical municipal needs for planning and/or implementation of pedestrian improvements, and,

WHEREAS, the Department and the Municipality have agreed to participate in the cost of this comprehensive plan with the Municipality agreeing to coordinate and oversee the plan development process (the "Project") in accordance with the provisions hereinafter set forth, and

WHEREAS, the City of Eden desires to enter into a municipal agreement with the Department whereby the Municipality shall develop a Pedestrian Comprehensive Plan (Estimated cost of the Project is \$35,000), and,

WHEREAS, the Department shall reimburse the Municipality for seventy percent (70%) of the actual Project costs, in an amount not to exceed \$24,500 as approved by the Department's Board of Transportation.

NOW, THEREFORE, BE IT RESOLVED that this Project is hereby formally approved by the City/Town Council of the City of Eden and that the Mayor and Clerk of this Municipality are hereby empowered to sign and execute the Agreement with the Department.

I, Kim J. Scott, Clerk of the City of Eden, do hereby certify that the foregoing is a true and correct copy of excerpts from the Minutes of the meeting of the City Council duly held on the 17th day of July, 2007.

WITNESS, my hand and the official seal of said Municipality on this the 18th day of July, 2007.

(SEAL) s/Kim J. Scott
Clerk
City of Eden
North Carolina

A motion was made by Council Member Epps seconded by Council Member Tuggle for approval. All Council Members present voted in favor of this motion.

NEW BUSINESS:

(a) Consideration of a final subdivision plat for Phase Two of The Gallery.

The city has received a final subdivision plat for property located on Gallagher's Way off of Bermuda Drive. The plat is for The Gallery, Phase Two. The property is platted into 33 lots and is approximately 15.96 acres in size. The Planning and Inspections Department recommends approval of the final plat contingent upon certain requirements being met.

At their regular meeting in June, the Planning Board approved the final plat and voted unanimously to recommend to City Council that the plat be approved contingent upon the requirements being met.

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Mrs. Stultz explained that this was the subdivision that the preliminary plat was approved some time ago and the Council had already approved Phase one. It is tucked in between the Meadow Greens Country Club and The Fairways and Knollwood. It meets all of the requirements and the Planning Board recommended the City Council's approval.

Council Member Gover stated he was hoping that we have covered all bases on drainage and these catch basins, etc. they are suppose to install; he hoped they are up to par to handle the drainage situations instead of having what is coming on them every time we have a rain.

Mrs. Stultz replied, yes sir.

Council Member Turner asked for an update of Phase One, to which Mrs. Stultz replied there was an infrastructure and they plan to start houses shortly.

A motion was made by Council Member Tuggle seconded by Council Member Gover for approval of the final plat contingent upon the above listed requirements. All Council Members present voted in favor of this motion.

(b) Consideration of a final subdivision plat for Phase Three of The Gallery.

The city has received a final subdivision plat for property located on Gallagher's Way north of Bermuda Drive. The plat is for The Gallery, Phase Three. The property is platted into 13 lots and is approximately 5.53 acres in size. The Planning and Inspections Department recommends approval of the final plat contingent upon certain requirements being met.

At their regular meeting in June, the Planning Board approved the final plat and voted unanimously to recommend to City Council that the plat be approved contingent upon the requirements being met.

A motion was made by Council Member Tuggle seconded by Council Member Epps for approval of the final plat contingent upon the above listed requirement. All Council Members present voted in favor of this motion.

CONSENT AGENDA:

(a) Approval and adoption of minutes: June 19, 2007.

(b) Approval and adoption of payment in lieu of annexation agreement with AC Furniture.

We currently have a payment in lieu of annexation agreement with Parkdale America LLC. The agreement requires them to pay 50% of the computed taxes they would incur if they were inside the city limits. The agreement does allow Parkdale LLC to assign the agreement to new owners/possessor's of the real property. According to the records in the Register of Deeds Office the property was sold to Thoroughbred Resources, LLC in February 2006. The attached agreement allows Thoroughbred Resources, LLC to assume Parkdale America LLC's payment in lieu of annexation agreement with the City of Eden.

(c) Approval and adoption to call for a Public Hearing on the City of Eden Land Use Plan.

(d) Approval and adoption of Amendment to 5-27 (Organization: Volunteer Department) of the City Code of Ordinances.

Minutes of the regular June 17, 2007 meeting of the City Council, City of Eden:

The Fire Chief was requesting that the City Council amend the City Code of Ordinances Chapter 5 section 5-27 (A). This change will reflect the request made in the budget to increase the number of volunteer firefighters from 40 to 60. Since 2003 our call volume has increased 32% from 349 responses to 508 responses in 2006. Currently in the year 2007 we have responded to 332 calls. As you can see we are on target to double our call volume in just 4 years. The number of times we are asking our volunteers to respond has also doubled. With these rising numbers we believe it is necessary to increase our volunteer staff to help adequately and economically respond personnel to these calls. Below is the proposed change in the ordinance.

5-27 Organization; Volunteer Department

(A) The Fire Department shall consist of a Fire Chief and other officers and personnel as allowed in the personnel ordinance, position classification pay plan. The City council may authorize additional positions and personnel as they are needed by establishing positions according to provisions of the position classification plan. The Fire Chief shall serve as head of the Fire Department and shall be responsible for the administration of the department. In addition to the full-time personnel, the Department shall have a volunteer department consisting of up to 60 volunteer firefighters.

(e) Approval and adoption of a temporary banner request at the corner of Stadium Drive and Highway 14 (Home Savings bank property). This request was from Rev. Benny Wood, Tri-City Baptist Church, Hwy 135, for a revival to be held August 1-5 and the request was that the banner be up from July 20 – August 5th. It was noted that Jim Good was doing the banner.

(f) Approval and adoption of a banner at the corner of BB&T and permission to put the banner up Thursday, July 19th through Monday, July 23rd. This request was for the 1st Annual Hands and Feet of Christ Community Outreach at Freedom Park, Sunday, July 22.

A motion was made by Council Member Turner seconded by Council Member Tuggle for approval. All Council Members present voted in favor of this motion.

VOUCHERS:

No questions.

ADJOURNMENT:

A motion was made by Council Member Carter seconded by Council Member Tuggle to adjourn. All Council Members present voted in favor of this motion.

Respectfully submitted,

Kim J. Scott, CMC
City Clerk

ATTEST:

John E. Grogan, Mayor

July 17, 2007

City of Eden, N. C.

Minutes of the regular June 17, 2007 meeting of the City Council, City of Eden: