

## CITY OF EDEN, N. C.

The regular meeting of the City Council, City of Eden, was held on Tuesday, November 18, 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
(Deceased)	C.H. Gover
	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:

Brian Ewing, Eden Daily News

Lisa Doss, Eden's Own Journal

### MEETING CONVENED:

Mayor Grogan asked for a brief moment of silence in memory of Council Member C.H. Gover.

### INVOCATION:

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

### RECOGNITIONS:

Mayor Grogan stated that this past month they have lost two outstanding citizens in their community. Mrs. Marguerite Walker, who had "helped raise everybody on The Boulevard" and he had never heard a bad word spoken about her. He noted that she had done a lot of work in this community and in the First Christian Church, and she touched most everyone in this town.

He then noted that they would miss seeing the smile over there to the right as he always had a smile on his face. He pointed out that C.H. was an interesting individual. An individual who, as Council Member Myott had mentioned was "from the heart", and he thought most everything (he did) was from the heart. He will certainly be missed all over town, especially in the eastern part of Eden. He noted that at the funeral service, C.H. did everything that everyone talked about. He did a lot in his service to the City Council and the City of Eden.

Mayor Grogan explained that he wanted to mention these two individuals before they began the meeting because those types of people were needed to serve in their community. They could all be thankful for the long, long life of Marguerite Walker, and the relatively short life (speaking about C.H.), here again it depends on your age, 72 was young.

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He explained that he visited with C.H.'s wife. The family got to spend some time with him while he was in the hospital. He was still joking and they felt very good when they left the hospital room that he was going to be fine. He was moving and lucid, but as she said, time went down hill and when he died, the doctor informed her that had her husband lived, he would probably have been paralyzed on the left side. We both thought and talked that C.H. was probably happy, real happy, because he would not have wanted to be someone that was tied up, and could not be active and had to be waited on.

Mayor Grogan asked that they remember these people and their families.

ADDITIONS AND DELETIONS:

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.

He explained that the following items were added to Consent Agenda: (j) Approval and adoption to hold a public hearing for consideration of a performance agreement with Weil-Mclain; (k) Approval and adoption to hold a public hearing for consideration of a performance agreement with Gildan; (l) Approval and adoption to hold a public hearing for consideration of a performance agreement with Loparex.

A motion was made by Council Member Tuggle seconded by Council Member Carter to add those three items (j), (k), and (l) to the Consent Agenda. All Council Members present voted in favor of this motion. This motion carried.

PUBLIC HEARINGS:

Community Development Block Grant Application for Water and Sewer.

The City of Eden has filed a preliminary application and made it through to the last round for a Community Development Block Grant (CDBG). The project area includes a section of NC 135 from the Brammer Road area to Harrington Highway, a section of Harrington Highway from NC 770 to NC 135, the dead end section of Beddingfield Road and the Brammer Road areas. There are thirty-seven (37) residential units in this area. Thirty-three (33) are occupied, (two mobile homes and thirty-one (31) stick built homes). There are four (4) vacant occupiable housing. Of these units thirty-four (34) or 92% have severe sewer needs with failed septic tank systems. Surveys which have been conducted in this area show that thirty-four (34) homes or 92% are low to moderate income homes.

A Preliminary Engineering Report has been prepared which indicates that it will take approximately 7,900 linear feet of 8" sanitary sewer lines to serve this area. All thirty-seven (37) property owners have agreed to connect to sewer lines to serve this area. All thirty-seven (37) property owners have agreed to connect to sewer therefore, service connections will be provided to all homes. The total cost of the project is estimated to be \$1,152,600. Once the funds are committed the City will be required to provide a 35% match of \$402,600 with the grant being \$750,000 which would represent the 65% difference.

The City is not obligated to expend these funds unless a formal decision is made to proceed after the grant has been awarded. Based upon the poor conditions of septic systems in this area, staff recommends approval of this application and requests permission to submit this final application by December 10, 2007.

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

Mrs. Stultz explained that there were several different pockets of Community Development Block money available to cities across the state. The particular one for which they have already been through the first two rounds of application process was one that was just for infrastructure only. The people in the area for which they were asking the Council to make the application have serious septic issues and really need the assistance to improve their property and to install sewer lines.

Mayor Grogan called for a public hearing and asked those who wished to speak in favor or in opposition to this request to come forward.

As no one came forward, Mayor Grogan declared the public hearing closed and asked Council for comments/motion.

A motion was made by Council Member Carter seconded by Council Member Nooe to approve. All Council Members present voted in favor of this motion. This motion carried.

MONTHLY FINANCIAL REPORT:

There were no questions concerning the Monthly Financial Report.

A motion was made by Council Member Turner seconded by Council Member Tuggle to accept the Financial Report. All Council Members present voted in favor of this motion. This motion carried.

REQUESTS AND PETITIONS OF CITIZENS:

No one came forward to speak.

UNFINISHED BUSINESS:

No items.

NEW BUSINESS:

(a) Planning Organization Appointments and Reappointments.

The following seats on the City boards and commissions are up for appointment or reappointment for the 2008-2010 terms. In addition, members who have missed 3 consecutive meetings or more than 33% of the meetings are automatically suspended and must be replaced or reappointed regardless of whether their term has expired. These appointments are generally made at the December Council meeting.

Listed below are the members whose terms are expiring as well as those with numerous absences. Please consider whether these members should be reappointed or replaced.

Ward 1: Bud Stickels (Historic Preservation Commission – term expires 2007); Vacant (Community Appearance Commission); Eddie Barker (Planning Board – term expires 2007).

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Ward 2: Jean Harrington (Historic Preservation Commission – term expires 2007); Franklin Galloway (Board of Adjustment – term expires 2007).

Ward 3: Betty Turner (Community Appearance Commission – term expires 2007 – has missed 5 out of 8 meetings (63%) due to health issues); Mary Ruth Martin (Tree Board – has missed 4 out of 9 meetings (44%) – 3 excused and 1 unexcused; Angie Hampton (Planning Board – term expires 2007).

Ward 4: Janet Holliman (Community Appearance Commission – term expires 2007); Frances Craddock (Board of Adjustment – term expires 2007); Kenny Kirkman (Planning Board – has missed 3 out of 7 meetings (43) all unexcused absences).

Ward 5: Betty Martin (Community Appearance Commission – term expires 2007); Max Kirks (Tree Board – term expires 2007); Charles Johnson (Board of Adjustment – term expires 2007); Pat Roland (Planning Board – term expires 2007).

Ward 6: James Cherry (Community Appearance Commission – term expires 2007); Larry Turner (Tree Board – term expires 2007 – has missed 6 out of 9 meetings (66%) all unexcused absences).

Ward 7: Jeanette Bowling (Tree Board – term expires 2007); Linda Wyatt (Planning Board – term expires 2007).

Mayor: Jane Lloyd (Tree Board – term expires 2007 – has missed 4 out of 9 meetings (44%) all unexcused absences).

ETJ: Steve Underwood (Board of Adjustment – term expires 2007); Becky Shomali (Planning Board – has missed 3 out of 7 meetings (43%) all unexcused absences).

Mayor Grogan explained that this item was placed on the agenda to remind the Council that as they look forward to the beginning of the next year to be thinking about their appointments to the different boards.

**CONSENT AGENDA:**

(a) Approval and adoption of minutes: October 16, 2007.

(b) Approval and adoption of a Resolution for the Extension of the City of Eden Extraterritorial Jurisdiction.

**RESOLUTION FOR THE EXTENSION OF THE  
CITY OF EDEN EXTRATERRITORIAL JURISDICTION  
NOVEMBER, 20 2007**

WHEREAS, in North Carolina as in many other states, a city may exercise its jurisdiction in various planning related matters over areas located outside its boundaries, these areas are known as the extra-territorial jurisdiction, and:

WHEREAS, The extra-territorial jurisdiction (hereafter ETJ) is vital to a city on several grounds and;

WHEREAS, over the course of the last century North Carolina has seen substantial growth in population and a transition from a primarily rural agricultural state to a predominantly urbanized one. Even in Rockingham County with the economic downturns that we have seen over the past decade we are becoming more and more urbanized and development pressure is increasing, and;.

WHEREAS, A large part of our State's growth has occurred in the urban fringes around cities both large and small. Subdivisions, shopping centers, commercial uses and industries have continued to locate outside city limits. Eden has many examples of these type uses just outside the city limits. According to David Owens of the North Carolina School of Government in his report on ETJ's in North Carolina this type of growth in the fringe areas has a number of impacts including:

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- Increased demand for roads, water, sewer, utilities, schools and various other services necessary to support development.
- Fiscal implications for cities, counties and landowners.
- Environmental impacts ranging from the effects of stormwater runoff on water quality to changes in air quality due to increased automobile use.
- Implications for farmland preservation.
- Dramatic changes in the social and cultural character of affected areas.

WHEREAS, the potential for the dramatic impact from this type of development raises the question of which governmental body should be responsible for planning and growth in these fragile areas. The transition from more rural county style development to more urbanized development can create situations where a city has no authority to regulate development in an urbanizing area until after the development has occurred. Likewise, a more rural county style perspective on such development may not provide the protections needed for the environment and potential future costs.

WHEREAS, in 1979, before Rockingham County adopted its first zoning and subdivision regulations in March of 1988, the City of Eden extended its jurisdiction to include an ETJ.

WHEREAS, since that time, more of the area surrounding the City of Eden has urbanized and the need for extension of the ETJ increases, and;

WHEREAS, as these areas change in nature and as development pressure increases, the need for more urban regulations increases. These areas are the entrance corridors to Eden and the protection of them is vital to both the City's and County's fiscal health and livability, and;.

WHEREAS, the current population of the City of Eden would permit the City to extend the boundaries of its ETJ to not more than two (2) miles from the city limits, and;

WHEREAS, the areas that the City is proposing to include in the ETJ are either highly urbanized, on entrance corridors into the City or would correct problems with the current legal description of our ETJ all as shown on the attached map, highlighted in pink, and;

WHEREAS, urban boundaries and the needs of the citizens that live in those areas continue to change and intensify. Since 1979, development patterns in our area have changed. . Residential development continues to extend to the south and west of the City and commercial and industrial development has primarily occurred from the center of the city and to the east. At the present Harrington Highway, which is Eden's outer loop, is predominantly under the land use control of Rockingham County which is a concern for the City as development pressure continues in this area. The extension of the ETJ in areas whose urban character has intensified or in areas that have long been urbanized would promote compatible development, provide these residents with land use controls in keeping with the character of their area and give the City improved ability to plan for its future, and:

NOW THEREFORE BE IT HEREBY RESOLVED that the City Council of the City of Eden respectfully requests that the Rockingham County Commissioner's grant permission for the City of Eden ETJ to be extended as submitted.

This 20th day of November, 2007.

EDEN CITY COUNCIL  
John E. Grogan, Mayor

ATTEST:

Kim J. Scott, CMC City Clerk

(c) Approval and adoption of a motion to initiate a street closing for a portion of River Road, near the Meadow Road Trailhead of the Smith River Greenway and dedication of Right-of-Way to re-route River Road along the Dyer/Pace property.

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**(d) Approval and adoption of Commercial Solid Waste Contract and consideration of rate adjustment recommendation.**

The City of Eden received proposals from Two (2) prospective service providers that can provide commercial waste services for the commercial community of Eden. Waste Industries and Waste Management are the companies that submitted proposals.

After evaluating each proposal it was recommended that the Commercial Solid Waste Contract be awarded to Waste Management who currently provides this service for Eden. The contractual agreement will consist of collection, container rental and direct transport of waste to the landfill designated by the City of Eden and shall include all disposal fees associated with the commercial waste services to be provided by Waste Management under the attached contract. The contract will continue to be administered by the City of Eden. The new Commercial Solid Waste Contract contains increases in the rates charged by the City of Eden by Waste Management.

**(e) Approval and adoption of Appointment of Members to Eden Safety and Loss Control Committee.**

The following employees are recommended for approval to serve on the safety committee.

- Chris Evans – Streets
- Rodney Carter – Solid Waste
- Angie Thomas – Finance/Billing/HR
- Stephen Yow – Water Filtration Plant
- Bradley Mabe – Fleet Maintenance

**(f) Approval and adoption of an ordinance for a traffic study request in reference to changing the speed limit on Harris Street to 25 mph.**

On September 18, 2007 a traffic study request was received from Council Member Donna Turner in reference to changing the speed limit on Harris Street. Harris Street from Oakwood Drive to Hamilton Street is a narrow, winding residential street with many side streets crossing it. Many of the residences Harris Street do not have driveways and residents must park on the edge of the roadway. To help control parking, there are many no parking areas on Harris Street so that parking does not take place on both sides of the street in the same area. Due to the topography and the parking issues there, traffic can become congested.

Harris Street from West Avenue to Brentwood Road is also residential in nature with several cross streets that currently have a 25 MPH speed limit. The speed limit is currently 25 mph on Harris Street near The Boys and Girls Club (from West Avenue to Barnett Street).

The Police Department's recommendation is that the speed limit for the entire length of Harris Street be 25 mph.

**(g) Approval and adoption of Aerator Sale.**

**(h) Approval to apply for a PARTF Grant.**

In fiscal year 2006-2007, approximately \$17 million was awarded to 54 local governments to construct and renovate outdoor recreation facilities in North Carolina. In 2001, the City of Eden applied and received a \$300,000 grant to build the 1<sup>st</sup> Phase of Freedom Park and in 2004 the City applied and received \$250,000 to help fund the development of Phase III at Freedom Park.

The Parks and Recreation Department and the Park Committee would like to apply for another PARTF grant in 2008. The amount of the grant would be \$500,000.

If the City is awarded the grant, it would be responsible for matching the \$500,000 dollar for dollar. The City would have 3 years to complete the grant project.

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The purpose of this memo is to receive permission from the City Council to apply for a PARTF Grant for \$500,000. The facilities requested for the grant would be an Aquatic Complex at Freedom Park, which would include a 25 meter swimming pool, a splash play area, small pavilion, and shower and restroom facilities. The estimated cost of this facility would be \$1,300,000. For this facility to be completed, the city would have to contribute \$800,000 to the project, and if awarded, the PARTF Grant for \$500,000 would fund the remaining portion of the cost.

- (i) Approval and adoption of An Ordinance Amending the City Code of the City of Eden.
- (j) Approval and adoption to hold a public hearing for consideration of a performance agreement with Weil-McLain.
- (k) Approval and adoption to hold a public hearing for consideration of a performance agreement with Gildan.
- (l) Approval and adoption to hold a public hearing for consideration of a performance agreement with Loparex.

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

VOUCHERS:

No questions.

ADJOURNMENT:

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

Respectfully submitted,

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Kim J. Scott, CMC  
City Clerk

ATTEST:

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John E. Grogan, Mayor