

CITY OF EDEN, N. C.

The regular meeting of the City Council, City of Eden, was held on Tuesday, October 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: Brian Ewing, 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:

Glenda Bennett, Pastor of Spray United Methodist Church, gave the invocation followed by the Pledge of Allegiance.

AWARD PRESENTATION:

(a) Presentation of Marvin Collins Leadership Award to the Mayor and City Council.

Mrs. Kelly Stultz, Director of Planning & Inspections presented a PowerPoint presentation and also recognized and presented the City Council and Mayor Grogan with the Marvin Collins Leadership Award.

A copy of this presentation is located in the office of the City Clerk and also the City of Eden Planning and Inspections Department.

ADDITIONS AND DELETIONS:

Mayor Grogan explained that he wanted to set the agenda and pull item 9(e) from the Consent Agenda for discussion to be discussed at the beginning of the meeting.

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A motion was made by Council Member Tuggle seconded by Council Member Nooe to pull item 9(e) *Approval and adoption of a Resolution Supporting Designation of New "NC Highway 87 By-Pass" Running Along US29 By-Pass and NC Highway 14 between Reidsville and Eden* from the Consent Agenda. All Council Members voted in favor of this motion.

Council Member Gover also requested that they pull item 9(d) from the Consent Agenda as well, for later discussion.

Item 9(e) Approval and adoption of a Resolution Supporting Designation of New "NC Highway 87 By-Pass" Running Along US29 By-Pass and NC Highway 14 between Reidsville and Eden was transcribed verbatim at the request of the City Manager.

Mayor Grogan – So, item 9(e) which we have just pulled from the agenda is the adoption of a resolution supporting the designation of new North Carolina Highway 87 By-Pass running along US 29 By-Pass and North Carolina Highway 14, here in Rockingham County. *(The Resolution is listed below)*

RESOLUTION SUPPORTING DESIGNATION OF NEW "NC HIGHWAY 87 BY-PASS" RUNNING ALONG US 29 AND NC HIGHWAY 14 BETWEEN REIDSVILLE AND EDEN

WHEREAS, the current route for NC Highway 87 carries traffic from Burlington North through Reidsville along Freeway Drive, then West through Wentworth and then North again to Eden; and

WHEREAS, this current route often brings heavy trucks headed to Miller Brewery into conflict with local traffic entering and exiting commercial establishments as well as local schools; and,

WHEREAS, this current route is time-consuming and wasteful of fuel and results in needless congestion and delays for both through traffic and competing local traffic; and

WHEREAS, a proposed new designation of NC Highway 87 By-Pass would route truck and through traffic from Burlington from the Eastern end of Freeway Drive North along Barnes Street to US 29 By-Pass, then along US 29 By-Pass to NC 14, and then North along 14 into Eden; and

WHEREAS, this proposed route would reduce confusion for inexperienced truckers and other visitors to Eden, save fuel, reduce pollution, improve safety and avoid unnecessary traffic through Reidsville and Wentworth as well as stimulate commerce by providing a more convenient and safer route through the County along NC Highway 87, US 29 By-Pass and NC Highway 14 to the City of Eden.

NOW, THEREFORE, BE IT RESOLVED by the Eden City Council that a proposed new designation of NC Highway 87 By-Pass routing truck and through traffic from Burlington from the Eastern end of Freeway Drive North along Barnes Street to US 29 By-Pass to NC 14, and then North along 14 into Eden be implemented by the North Carolina Department of Transportation and appropriate signage put in place at the earliest practical date.

This the 16th day of October, 2007.

John E. Grogan
Mayor

Kim J. Scott, City Clerk

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Mayor Grogan – I was at a meeting in Raleigh today, heard the Secretary of Transportation, and in his comments he was talking about the revitalizing the DOT and that their main purpose was public convenience and moving traffic from one destination to another and it was so....it's so simple it is right scary, but anyway, we are going pull that, we have a couple of people who are here tonight who have signed up to speak about this and at this time, Mr. Goldston, Mr. Goldston came up with this idea, Senator Goldston, he has been, lets see, Chairman of the Ports, I think at that time we called him the Admiral, but he has been a senator also, would you like to speak to this issue sir?

Mr. Bill Goldston – Thank you Mr. Mayor and members of the Council for giving us this time, this ah, seems like you just said, a very simple project, but maybe it hasn't turned out quite as simple as we thought. For some time now this has been going on and I just wondered if anybody was going to bring it up, whether we were still going to come in on the 87 through the Reidsville, through the Freeway Drive and through Wentworth on a two lane road into Eden and that is the primary designation now on all maps. If you get maps at the airport, at the airport rent a car coming in or people coming in to visit, this is the general way they generally instruct 87.

But I had a chance to not long ago visit with Nelson Cole, Representative Cole, who has my old job as head of the, the House Chairman of the Highway Oversight Committee. And since it came in it was his idea, part of his idea to connect the Burlington 87, the road there in to the Freeway Drive and then they changed it, the designation, I don't know why they did that, but they did, I assumed it was because he had requested it. But we talked about it and I told him about the difficulty of people coming to Eden. He said, I haven't even thought about that. I said, well do you have any problem with, if we propose a by-pass where we would come into 29 at Barnes Street like it used to, where the three (3) motels and the two gas stations are, turn right on 29, go up one intersection and come in on 14. Well the gentleman over here (*nodding to the news media representative*) he asked me well maybe you want that because it's your highway, the highway is named after you, no that is not it, I did not want the highway named after me, for your information, but when the Governor decides to do something he does it and you can't stop it, I suggested it be named Eden-Reidsville Freeway, or expressway, whichever and they chose not to do that.

So then I had, when I saw that Nelson did not object to it, I called Senator Berger and asked him if he thought about it and would he have any objections to it and he said he had no objections to it and thought it was a good idea. I had other calls from Doug Galyon who was chairman of the DOT board not long after that and I talked about something else and wanted to know if he could come to see me and I said, yes, if you will do one thing for me. When you see the 87 sign, I want you to come into Eden on 87 and that will bring you right by my house. Well he came in and he said, "what in the world did you want me to come in on 87 for"? I said, I want you to see 87, Reidsville, Freeway, Wentworth, 2 schools, the fire station, and all that, and a two lane road all the way in. He said, that's sort of ridiculous, and I said yes sir, that is what I've been saying. I said would you support it if we propose a by-pass there. And he said he would, so I called Mike Mills, the District Engineer and he didn't think it was a bad idea, so that is when I decided to take it to the County Commissioners to see what they thought, of course, they tabled it for the time being, but if you will look at your own Eden map, it would demonstrate clearly why this is the easy way to tell people to come into Eden. Now it don't make any, like I told, who is it, Reidsville City Manager, it's Kelly, oh he called me and just got all over me on this thing, and I

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said, Kelly this is primarily for transients, coming in, all of the people around here know how to get to Eden. I said I know the way to Greensboro and it's sure not up Freeway Drive. Well, he got all over it and I understand that they did pass a resolution against this motion. But for the people in Eden and I have had some visitors come to me and ask why it is so hard to get here, the people that do serve some of the transient traffic it would mean a great deal to them and I think it would open up coming into Eden on a four-lane road...and I'll give up the name if they will put 87 over there. I'd rather see 87 on it than my name; it's sort of like seeing your name on a tombstone.

Mayor Grogan – Thank you Mr. Goldston.

Goldston – Oh by the way, one thing I would like to mention, I don't know how many people know here that Senator Berger was very instrumental in getting US Route 311 from Madison to Eden. How many people know that in this room? I didn't until recently, but it is on the map, on the latest maps, it has not been signed yet, the signs are not up, but 87 comes into Eden on 135, I mean 311 comes in on 135 around the Harrington Highway and ends at NC14. He should be thanked for this. Thank you very much Mr. Grogan.

Mayor Grogan – Thank you, ah, we have a couple of other people and if you would come and I'll give you three minutes each. Mr. Neil Fair.

Mr. Neil Fair – Thank you Mayor and City Council and City Manager, I appreciate this time. I wrote a letter to the County Commissioners when Bill brought this up and it was in the papers, and I would like to read this to you and I'll be sort of quick with it...get my eyes on (*putting on eyeglasses*).

Dear Commissioners, we at Fair Funeral Home are constantly approached from people from out of town about the fact that Eden is a hard town to get to, we get this at least once or twice a week, not by phone but sometimes also by a person. They come here because they may be friends of family or coworkers of the deceased person and wish to pay their respects at the visitation or the funeral. Most people today use the Internet – MapQuest, Yahoo, Rand-McNally, etc., or they have GPS systems that are built into their vehicle and rely on these to get them to their destination in a timely and efficient manner. It is sad to say that both of these systems in our area are not up to date. I first presented this problem to our city leaders back in early 2000 and Bill Goldston, met in his office, and we went and met with the DOT in several occasions. We were able to get a sign up on Highway 29, and it has been changed 2 times and I think it is going to get a third time change at the Guilford County line. We thought that this would take care of the problem and have people coming... keep them from coming down Freeway Drive and then Wentworth, 87 and Eden but it has not. The only way to solve this problem is to make Highway 158 and NC 14 become Highway 87 By-Pass. The purpose of a by-pass is to get travelers to their destination in a timely and efficient manner. Highway 87 starts in Southport and goes to the Virginia line just north of Eden. It already has bypasses around several cities on its route, adding another bypass on Highway 158-NC 14 would only make sense. I do not understand the comments in the paper about the loss of revenue on Freeway Drive if a bypass is put in place. If travelers are headed to Reidsville for business or to shop, they will know to use Highway 87 Business. And if they are headed to Eden or Martinsville, they will know to take the Highway 87 By-Pass to make their trip faster and safer on a four lane road instead of a two

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lane road. The addresses of the people on the 87 By-Pass would not change and the sign would just be added to the existing signs that are already there at a minimal cost. I've asked him to look at the big picture and take this proposal. Today I drove from Greensboro along 85-40 back to Eden on 29 North. Bill Pace took the trip from 87 to Eden. On my trip from 85-40 on 29 to Eden I encountered 5 signs in Guilford County directing travelers to Reidsville. After crossing into Rockingham County there were 6 signs for Reidsville with 4 exits included. For Eden there were none in Guilford County but there were 3 in Rockingham County with 2 of these ½ a mile from the exit on 158/14. Even in the small community of Brown Summit they have 3 signs with one at the one mile and one at the ½ mile and one at the exit. The trip from the present 87 exit along Highway 14 route is 13.5 miles. It took me exactly 13 minutes and I encountered 6 stoplights. The trip along 87 route is 18.5 miles down Freeway Drive and through Wentworth. It took Bill Pace 26 minutes. He encountered 9 stoplights. That is half the time to get here in a safe manner. Reidsville mayor was concerned about the loss of revenue for business along Freeway Drive – 87 Route. It is funny to me that he was not concerned when 87 was moved from its original route to 29 along 87. There are 3 motels, 2 gas stations and countless other businesses, including the Cadillac-Chrysler Jeep Dealerships that were on that route on Barnes Street. You know, he is real concerned about the economy I guess. Reidsville needs to realize that they have a much better advantage over Eden because of their location along Highway 29, soon to become a major interstate I-785. Eden needs to fight hard for this change if we are to survive. Thanks for your time.

Mayor Grogan – Thank you. Mr. Pace I have you down, but do you want to just ditto that.

Mr. Bill Pace – I believe everybody has summed everything up. We do need a change I have fought it for years.

Mayor Grogan – Thank you for being here. And we have a representative from the Chamber of Commerce...do you want to ditto that and just....

Mr. Jim Burnette – Absolutely.

Mayor Grogan – I talked to Cindy Adams today and she said that people on their first visit to Eden, they wind up at the Chamber of Commerce after going through the areas we have just discussed. And they said you know how in the world there has got to be an easier way to get here or get out...and ah, so it is an inconvenience of moving the public. It seems our friends from the South, are thinking about business and it is really not about business or making a dollar. It is about convenience, people coming to funerals, people coming to the hospital, people going to the races, where they can save themselves, what did he figure, 20 minutes....and that is moving traffic. So City Council people can I have a motion that this resolution be adopted.

Council Member Gover – So moved.

Council Member Nooe – second.

Mayor Grogan – all in favor say “I”. Opposed like sign....motion carries. Thank you for your support and ah, it is not new, we have been working on this for years.

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PUBLIC HEARINGS:

Consideration of a zoning text amendment and an ordinance to amend Section 11.29(a) - Definitions - of the City of Eden Zoning Ordinance to modify the definition of junked motor vehicle. Request submitted by the Eden City Council. ZONING CASE Z-07-07

At a regular meeting in September the Council scheduled this public hearing to hear comments regarding a zoning text amendment request filed by the Eden City Council. The request is to amend Section 11.29(a) – Definitions – of the City of Eden Zoning Ordinance to modify the definition of junked motor vehicle.

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

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

Mrs. Stultz explained that the request was initiated by the Eden City Council. Local legislation was recently passed in the North Carolina General Assembly which allows certain municipalities, including the City of Eden, to revise the definition of a junked motor vehicle. This local legislation changes one of the criteria for junked motor vehicles from a value of less than one hundred dollars (\$100) to a value of less than five hundred dollars (\$500). This change will help in determining the status of junk vehicles so that we can handle these cases more effectively.

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 Tuggle seconded by Council Member Epps to accept the recommendation to make the text change. All Council Members voted in favor of this motion. This motion carried.

(b) Consideration of a text amendment and an ordinance to amend Chapter 6, Division 4, Sections 6-67.2 and 6-68.2 of the Eden City Code to amend the definition of Nuisance Vehicle, Abandoned Vehicle, and Junked Motor Vehicle. Request submitted by the Eden City Council. CASE CCA-07-01.

At a regular meeting in September the Council scheduled this public hearing to hear comments regarding an amendment request filed by the Eden City Council. The request is to amend Chapter 6 Division 4, Sections 6-67.2 and 6-68.2 of the Eden City Code dealing with the definition of Nuisance Vehicle, Abandoned Motor Vehicle and Junked Motor Vehicle.

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

Mayor Grogan asked Mrs. Stultz to come forward for a report.

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Mrs. Stultz explained that the request was initiated by the Eden City Council. Local legislation was recently passed in the North Carolina General Assembly which allows certain municipalities, including the City of Eden, to revise the definition of a junked motor vehicle. This local legislation changes one of the criteria for junked motor vehicles from a value of less than one hundred dollars (\$100) to a value of less than five hundred dollars (\$500). This change will help in determining the status of junk vehicles so that we can handle these cases more effectively.

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 Myott to accept the recommendation. All Council Members voted in favor of this motion. This motion carried.

(c) Consideration of a zoning text amendment and an ordinance to amend Section 11.24(i)(1) Definitions - of the City of Eden Zoning Ordinance to delete the exception for drive-in facilities in the Business-Highway #1 zoning district. Request submitted by the Eden City Council. ZONING CASE Z-07-08.

At a regular meeting in September the Council scheduled this public hearing to hear comments regarding a zoning text amendment request filed by the Eden City Council. The request is to amend Chapter Section 11.24(i)(1) of the City of Eden Zoning Ordinance to delete the exception for drive-in facilities in the Business-Highway #1 zoning district.

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

Mayor Grogan asked Mrs. Stultz to come forward for a report.

Mrs. Stultz explained the request was initiated by the Eden City Council. At the time the Business-Highway zones were developed, the concept of “fast food” restaurants with drive-in windows was a relatively unknown concept. There were several local drive-in type restaurants where patrons were served in their cars, but none of these were located along Highway 14 in what was to become the Business-Highway district. Over the years almost all fast food restaurant chains have built drive-in windows in addition to their indoor dining, and now some newer chains have only drive-ins with no indoor seating. In order to attract new business and encourage continued economic development along the Business-Highway corridor, staff is of the opinion that the B-H 1 district needs to be amended to allow this type of business.

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.

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

(d) Consideration of approval of an appropriation from the general fund in an amount not to exceed \$136,245.96 for the costs of building renovations, machinery, acquisition, and building and site improvements. (Innofa, LLC Performance Agreement).

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 Epps seconded by Council Member Carter to accept the request.

Council Member Tuggle questioned page 3. He noted Phase I and Phase II, if these clauses were running concurrent to which it was replied in the affirmative. He also noted page 6, just for the sake of the public. He thought it was pretty interesting that it mentioned the possibility of 95 new positions with wages of \$16.00 per hour.

Action on the motion was as follows: All Council Members 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 Tuggle seconded by Council Member Carter to accept the Financial Report. All Council Members present voted in favor of this motion. This motion carried.

REQUESTS AND PETITIONS OF CITIZENS:

Pastor Joel Long addressed the City Council:

Pastor Joel Long, First Presbyterian Church, explained that he wanted to request additional consideration to opening up another access way into the Arbor Lane – Southwood Drive area. Two events have brought to his attention their need for safety purposes to get more ways in and out of that area. He stated that he was simply registering a concern related to safety matters and the recent bomb threat at Wal-Mart and then not too many days ago, the gas leak on (Hwy) 14, caused them problems. This reminded him that if he was having trouble getting in and out of there with only one major way in and out, that the folks at the apartment complex, the folks at Wal-Mart, Goodwill, the strip mall and also their new diagnostic center related to the hospital, that was a major problem and he was concerned about the liabilities that was attached to that, especially for all those folks when we can't get in and out of there.

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He explained that he was respectfully asking them to do something about that. He knew that they have been working on it and m-o-n-e-y was a big issue, but liabilities associated with life was certainly going to be a whole lot greater problem than the cost of getting that ready for entrance and exit ways out of there. He added that he was not asking for one way in or the other, but he did talk with Bob Twilla of the hospital and they really needed to get that exit coming in by the library going.

Council Member Nooe asked if the opening of Pierce Street would satisfy most of his concerns.

Pastor Long replied that he thought for the safety issues that was a matter, they need another way in there. If he thought it was the only way, no, but would it serve to meet the needs he was raising with them, most definitely.

Mayor Grogan stated that they have been working on this long and hard. Council Member Gover suggested that the curve at South Dogwood just needed some pavement, that would give them another outlet for their church, so if they had that paved down there, whomever was developing that, and dedicate it to the city, that would give them the Harris Place as well as Arbor Lane, and of course they were working on Pierce Street.

Pastor Long replied that his point was absolutely wonderful, but he was not for one place over another, he was concerned that they were the biggest cul-de-sac anywhere and they had to do something about it, the liabilities were too great.

Mayor Grogan noted that it was under study, they would be back to him, but in the mean time he asked him to pray for money and the DOT.

Council Member Nooe questioned if there was a way the Council could get together and discuss the way development was done in the city so that they were not fixing it after the fact, that they could look at these things, the traffic impact, he knew they probably did that, but what could they do to help improve things...

Mrs. Stultz replied that at the present time, their subdivision and land use regulations did not provide any means for the city to require that Pierce Street be opened all the way through in that instance. I certainly plan during next year's budget to ask the Council to fund some amendments and revamping all of those regulations.

Council Member Nooe added that he did not want to make things tougher for developers, but they could also plan ahead with a product that was going to be safe and user friendly and be able to be used by the community and look at the residential districts and not impacting them with commercial traffic and doing the best they could. He thought it would be good for the Council to get together with the Planning Department and set down, and maybe get some developers in too, and work on that particular issue.

UNFINISHED BUSINESS:

No items.

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NEW BUSINESS:

- (a) Request to adopt an ordinance for the demolition of a structure at 631 Grove Street under the City of Eden Human Habitation Ordinance.

An estimate for the demolition of the structure on this property is \$4,900.00. 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.

Mrs. Stultz explained that this house had burned in April of 2007. It was substantially damaged and not livable.

A motion was made by Council Member Tuggle seconded by Council Member Epps to approve.

Council Member Nooe thanked the City Manager and the staff for keeping them updated on collections and he appreciated their time.

All Council Members voted in favor of this motion.

- (b) Consideration of an appeal on a nuisance violation for 611 Prospect Street.

Based upon a citizen complaint and staff inspection, a nuisance was sent to the property owner of 611 Prospect Street owned by Margie Ann Younker. Ms. Younker appealed the determination that there was a nuisance on her property.

Mrs. Stultz provided a slide presentation of the property and explained that they have had nuisances over the last decade at various times. The owner has appealed and the staff was strongly of the opinion that nuisance certainly existed on this site.

The City Attorney asked Mrs. Stultz to provide more specifics as to what she has found to constitute a nuisance and what the order was.

Mrs. Stultz explained that there was the uncontrolled growth of noxious weeds, grass, etc., in height excess of 12 inches. There was open storage of junk and debris on the site and accumulation of garbage, animal waste, or other putrid matter of any kind. There were rubbish, trash, junk and combustible items. There were also conditions that injure or cause discomfort in the community at large and the accumulation of animal or vegetable matter that is offensive by virtually odors or vapors and a risk by burning. They believed that this site was a nuisance to this area and it should be cleaned up.

Mayor Grogan asked if that was it to which Mr. Medlin replied yes that it was City Code 6-37 a, b, d, and i.

Mayor Grogan asked if Ms. Younkers was present.

Council Member Myott questioned to which board she appealed it to. Mrs. Stultz replied that it came straight to the Council.

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Mr. Medlin added that 6-41 states that she is supposed to clean it up within 15 days from the order and in that same period of time she has the right to request an appeal to the City Council, so that they could then review, rather than have the Planning Department make the decision of whether or not a nuisance exists, the City Council makes that decision and then would enter that order.

It was determined that Ms. Younkers was not present and Mayor Grogan asked for a decision.

Mr. Medlin explained that the Council would be proceeding with a finding that this is in fact a nuisance and adopting the order from the Planning Department.

A motion was made by Council Member Tuggle seconded by Council Member Nooe to deny the appeal. All Council Members voted in favor of this motion.

(c) Adopt Order of Collection for nuisance abatement fees to be collected as delinquent property taxes.

The memorandum contained a list of properties which have had nuisance violations and the costs associated with the abatement of the violation. These particular liens are collected in the same manner as delinquent property taxes.

Mrs. Stultz explained that they have been working harder on the collection of the local code enforcement program. She stated that she, along with Ms. Debra Madison and the City Attorney had been trying to streamline their procedures and get them in line so that they know exactly what they needed to be given to get these monies collected. With their nuisance abatement ordinances they can collect those things like delinquent taxes which give them some additional options. In order to do that the City Council needed to adopt an order to collect.

Mr. Medlin added that as he read the code and statutes the City Council could collect this like a tax. The city used to collect its own taxes and the tax bill would be presented to the City Council who would then go through the steps approving it and publishing it and then you could start to collect it. The County now takes care of that, so this is the same kind of procedure. Once that money is spent they needed to approve it and tax it as a lien and then they can proceed to collect.

A motion was made by Council Member Carter seconded by Council Member Myott to approve this order.

Council Member Gover asked how far they would go with this.

Mrs. Stultz replied there were lots of options available. Personal property could be attached or wages could be garnished. It was possible for property to be foreclosed to recoup that money.

Council Member Gover asked if they had worked every avenue that they could with this situation.

Mrs. Stultz replied that their staff at this point was sending out monthly bills. The folks were contacted. They were doing the best they could.

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Council Member Tuggle asked if that would still be acceptable as long as they work out an agreement with that.

Mayor Grogan asked if everything was looked at on a case by case basis to which she replied in the affirmative.

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

CONSENT AGENDA:

(a) Approval and adoption of minutes: September 18, 2007.

(b) Approval and adoption of Budget Amendments #3 and #4.

Budget Amendment #3

At the August Council Meeting, the Council approved the financing of a 2008 International 4400 automated leaf truck for the Solid Waste Department. 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 “Solid Waste Capital Outlay – Vehicles” for the loan amount of \$125,020.00.

Budget Amendment #4

	Account#	From	To	Amount
General Fund Revenue				
Police Grant – Hwy Safety Grant	10-3431-87000		\$ 6,645.00	\$ 6,645.00
General Fund Expenditures				
Police C/O Equip Depreciated	10-4310-57000	\$ 43,600.00	\$ 50,245.00	\$ 6,645.00

To record revenue for Highway Safety Grant that reimburses Police Department for 50% of the costs of two Mobile Data Terminals.

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

Attest:

Kim J. Scott, City Clerk

John E. Grogan, Mayor

(c) Approval and adoption of General Purpose Funding, Senior Center.

The State of North Carolina allocates funds each year and the allocation this year is \$5,467. The total match the city will be responsible for in fiscal year 2007-2008 will be \$1,822.34 for a total grant of \$7,289.34. The funds to match this grant will be derived from the Senior Center account in the Parks and Recreation Department budget.

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(d) Approval of landscape maintenance contract for various projects on City property and in the public right of way.

The city advertised for bids and sent a notice to every potentially eligible contractor with a related privilege license and it ran an advertisement in the local newspaper. Three bids were received. One of them did not have the appropriate licenses and was therefore ineligible. The other two bidders were Depriest Land Management and Irving Farms.

Irving Farms has over 15 years of experience working on projects in the public right of way and they have been in business for over 17 years. The principal in this firm has credentials as a designer as well as the educational background for the maintenance work. They are a fully equipped and well staffed firm.

It is recommended that Irving Farms be given the contract for the months from November 2007 through June 2008. They are not the lowest bidder. The amount of their bid is \$4995 per month.

(e) Approval and adoption of a Resolution Supporting Designation of New "NC Highway 87 By-Pass" Running Along US29 By-Pass and NC Highway 14 between Reidsville and Eden.

RESOLUTION SUPPORTING DESIGNATION OF NEW "NC HIGHWAY 87 BY-PASS" RUNNING ALONG US 29 AND NC HIGHWAY 14 BETWEEN REIDSVILLE AND EDEN

WHEREAS, the current route for NC Highway 87 carries traffic from Burlington North through Reidsville along Freeway Drive, then West through Wentworth and then North again to Eden; and

WHEREAS, this current route often brings heavy trucks headed to Miller Brewery into conflict with local traffic entering and exiting commercial establishments as well as local schools; and,

WHEREAS, this current route is time-consuming and wasteful of fuel and results in needless congestion and delays for both through traffic and competing local traffic; and

WHEREAS, a proposed new designation of NC Highway 87 By-Pass would route truck and through traffic from Burlington from the Eastern end of Freeway Drive North along Barnes Street to US 29 By-Pass, then along US 29 By-Pass to NC 14, and then North along 14 into Eden; and

WHEREAS, this proposed route would reduce confusion for inexperienced truckers and other visitors to Eden, save fuel, reduce pollution, improve safety and avoid unnecessary traffic through Reidsville and Wentworth as well as stimulate commerce by providing a more convenient and safer route through the County along NC Highway 87, US 29 By-Pass and NC Highway 14 to the City of Eden.

NOW, THEREFORE, BE IT RESOLVED by the Eden City Council that a proposed new designation of NC Highway 87 By-Pass routing truck and through traffic from Burlington from the Eastern end of Freeway Drive North along Barnes Street to US 29 By-Pass to NC 14, and then North along 14 into Eden be implemented by the North Carolina Department of Transportation and appropriate signage put in place at the earliest practical date.

This the 16th day of October, 2007.

John E. Grogan
Mayor

Kim J. Scott, City Clerk

(f) Approval and adoption of Congress of Cities Voting Delegates.

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(g) Approval of NCDOT Bridge Inspection agreement and adoption of resolution.

RESOLUTION

WHEREAS, the City of Eden has requested the Department of Transportation to perform certain work under the Federal-Aid Highway Bridge Replacement and Rehabilitation Program, said work to consist of the inspection and analysis of all public bridges on the Municipal Street System in the City of Eden; and

WHEREAS, The City of Eden proposes to enter into an agreement wit the North Carolina Department of Transportation for said work wherein the Department of Transportation or a Consulting Engineering firm retained by the Department of Transportation will inspect and prepare the necessary reports for all public bridges on the Municipal Street System in accordance with the National Bridge Inspection Standards; and,

WHEREAS, under the proposed agreement the Federal Highway Administration shall reimburse the Department of Transportation for eighty (80) percent of the cost of the work subject to compliance with all applicable federal policy and procedural rules and regulations; and

WHEREAS, under the proposed agreement the City of Eden shall reimburse the Department of Transportation for all costs of the work incurred by the Department of Transportation not paid by the Federal Highway Administration.

NOW, THEREFORE, BE IT RESOLVED that the agreement for the herein above referenced bridge inspection work is hereby formally approved by the City of Eden and the Mayor and Clerk (or Manager) of this Municipality are hereby empowered to sign and execute the required agreement between the City of Eden and the Department of Transportation.

This Resolution was passed and adopted the 16th day of October, 2007.

I, Kim J. Scott, Clerk (or Manager) of the City of Eden, North Carolina, do hereby certify that the foregoing is a true and correct copy of excerpts from the minutes of the City of Eden of this Municipality;

WITNESS, my hand and the official seal of the City of Eden on this the 16th day of October, 2007.

City of Eden
Seal

Kim J. Scott, City Clerk

(h) Approval and authorization to negotiate a contract with Synergem for the purchase and maintenance of RMS-CAD.

A motion was made by Council Member Tuggle seconded by Council Member Epps to approve Consent Agenda items a,b,c,f,g, and h. All Council Members voted in favor of this motion.

Discussion of Consent Agenda Item 9(d) – Request by Council Member Gover:

(d) Approval of landscape maintenance contract for various projects on City property and in the public right of way.

Council Member Gover stated that he knew they were suggesting that this be approved according to the highest bidder’s experience. He asked if he did this job last year to which Mrs. Stultz replied he did not. Council Member Gover stated that the person who did the job last year was the low bidder to which Mrs. Stultz replied they were.

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She explained that the bid documents said that they would not be obligated to choose the lowest bidder this year. She stated that over the course of the last 12 months the DePriest firm has handled it and for most of her career here, they have done a lot of cleanups, mowing, and those types of code enforcement things, however they have experienced some problems this year and she felt that Irving Farms had more staff, more equipment and a little different expertise could better care for their landscape projects.

Council Member Gover questioned what the lowest bid was to which he then pointed out it was \$3,800.00 to which Mrs. Stultz agreed. He asked if she was suggesting that the Council pay \$1,195.00 a month for the experience of this man, instead of taking the low bid of \$3,800.00 over the \$4,995.00.

She replied, yes, that she was due to the experiences that they have had for the last year, complaints or problems.

Council Member Gover asked if she had \$1,195.00 a month worth of complaints on this man. He was looking to save the city money, which was what he was getting at.

Mrs. Stultz replied that it was certainly the City Council's choice. She explained that her recommendation based on issues that they have, was that by having a firm with a larger staff and more equipment, would better serve their citizens and keep these various projects up to date. Part of the increase in funds this year have to do with maintaining the greenway when it was completed.

Council Member Nooe asked if there were any other bids available.

Mrs. Stultz replied that they sent out a bid notification to everybody who had a landscape license of any variety, and they also sent out a notice to everybody who had a North Carolina Registered Landscaper's license based on the web site from the state. In order to do landscape maintenance within DOT rights-of-way, you have to have those licenses. They received three (3) bids with one firm not having the appropriate qualification. The DePriest firm has done good work for the city over the years but she did think at this point that this was better (*to recommend Irving Farms*).

Council Member Gover stated that she had the right to deny the contract if he was not doing the job to which Mrs. Stultz replied that their attorney would have to explain how all of that would work.

A motion was made by Council Member Gover to accept the \$3,800.00 bid (*monthly*).

Council Member Myott asked how much work this actually entails.

Mrs. Stultz noted that it would include the municipal parking lots on Bridge Street and High Street; the traffic island at the intersection of Center Church Road and Patterson Street; the traffic island at the intersection of McConnell Street, Harris Street and Overlook; the traffic island at the intersection of Main Street and Fieldcrest Road to be constructed this year; the

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Veteran's Memorial Park at Main Street and Fieldcrest; Washington Street Park at Henry and Washington; the plant beds at the intersection of Kings Highway and North Carolina Highway 14; all of the trees along North Carolina 14 from the Dan River north to the Meadow Road interchange; Meadow Road and Highway 14 interchange; mowing of city owned property on Rivercrest Drive; right-of-way plantings and mowing in the industrial park on Fieldcrest Road; mowing and maintenance of the city easement between Fairway Drive and Gildan; City Hall sign planting area at Pierce Street and Stadium; the entrance signs at 14 North, 14 South, 770 West, 770 East, Highway 135 and 700 South; maintenance of landscaping and mowing along the Smith River Greenway and the Hamilton Street access.

The work is extensive and requires a lot of detailed work. They have consistently received a number of complaints over the past year. There was a lot of public money involved in these projects and it was extremely important that they be maintained.

Council Member Tuggle stated that he knew she had talked to the company about this, but asked if they tried to rectify the complaints or try to do a better job.

Mrs. Stultz replied that she thought they had, but the city's own Recreation Department's staff had done a lot of maintenance work at the Hamilton Street access when they have had public events, but it had not been an easy time.

Mayor Grogan asked if there was a second to the motion. As there were none, the motion failed.

A motion was made by Council Member Tuggle seconded by Council Member Turner to approve the recommendation.

Council Member Turner questioned if there was a way to divide this up, make the jobs more suitable for other companies and that the specialized work could be bid out separately.

Mrs. Stultz replied that she thought it would be both hard to bid and get somebody to take on the work for that amount, and hard for the staff to manage. At the present time, the city staff does not have the ability to maintain these areas so they needed to hire somebody who could be held responsible for them.

Council Member Myott asked if they had any jobs that smaller landscaping companies could do.

Mrs. Stultz replied that Mr. Asbury's folks (Environmental Services) hire companies to do outfalls at times. The Recreation Department did a lot of work on city-owned property. This particular contract began when Senator Goldston assisted them in getting the landscaping on Highway 14. They realized that they did not get the expertise or the equipment to do it and it has not gotten to the point where they could afford...it was not washed over about equipment and people. She had discussed it with the Recreation Director, Mr. Farmer, however they have not discussed it with the City Manager but at this time they did not have the ability to do it.

Council Member Myott commented that was not what she had asked. She clarified that she had asked if there were things that smaller companies could do.

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Mrs. Stultz replied yes, that they have hired a lot of contractors and they have hired the DePriest firm over a number of times to do nuisance cleanups and those kinds of things and they do a very good job. They have a rotating list similar to towing operators and they engage a lot of people to do that work.

Action on the motion was as follows: Council Members Myott, Turner, Tuggle, Carter, Nooe and Epps voted in favor of this motion. Council Member Gover voted in opposition.

VOUCHERS:

No questions.

CLOSED SESSION:

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

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

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.

ADJOURNMENT:

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

Respectfully submitted,

Kim J. Scott, CMC
City Clerk

ATTEST:

John E. Grogan, Mayor