

CITY OF EDEN, N. C.

The regular meeting of the City Council, City of Eden, was held on Tuesday, September 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:	(absent)	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
Lisa Doss, Eden's Own Journal

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:

Roy Moulden, Pastor of the Kings Highway Christian Church, gave the invocation followed by the Pledge of Allegiance.

ADDITIONS AND DELETIONS:

Mayor Grogan stated that he would like to add to the agenda the authorization of a couple of delegates for the North Carolina League of Municipalities meeting. That meeting would be held in October in Fayetteville.

A motion was made by Council Member Tuggle seconded by Council Member Gover to add this item to the agenda. All Council Members present voted in favor of this motion. This motion carried.

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PROCLAMATION:

Fall Litter Sweep

WHEREAS, the North Carolina Department of Transportation organizes an annual Fall statewide roadside cleanup to ensure clean and beautiful roads in North Carolina; and

WHEREAS, the fall 2007 LITTERSWEEP cleanup will take place September 15 – 29, 2007 and encourages local governments and communities, civic and professional groups, businesses, churches, schools, families and individual citizens to participate by sponsoring and organizing local roadside cleanups; and

WHEREAS, Adopt-A-Highway volunteers, Department of Transportation employees, Department of Correction inmates and community service workers, local government agencies, community leaders, civic and community organizations, businesses, churches, schools, and environmentally concerned citizens conduct annual local cleanups during “LITTER SWEEP” and may receive certificates of appreciation for their participation; and

WHEREAS, the cleanup will celebrate the 19th Anniversary of the North Carolina Adopt-A-Highway program and its 6,000 volunteer groups that donate their labor and time year round to keep our roadsides clean; and

WHEREAS, the great natural beauty of our state and a clean environment are sources of great pride for all North Carolinians, attracting tourists and aiding in recruiting new industries; and

WHEREAS, the cleanup will increase awareness of the need for cleaner roadsides, emphasize the importance of not littering, and encourage recycling of solid wastes; and

WHEREAS, the cleanup will be a part of educating the children of this great State regarding the importance of a clean environment to the quality of life in North Carolina;

NOW, THEREFORE, I, JOHN E. GROGAN, Mayor of the City of Eden, North Carolina, do hereby proclaim September 15 – September 29, 2007, as “**FALL LITTER SWEEP**” time in the City of Eden and encourage citizens to take an active role in making their community cleaner.

JOHN E. GROGAN IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the City of Eden this eighteenth day of September in the year of our Lord two thousand and seven.

John E. Grogan, Mayor

ATTEST:

Kim J. Scott, City Clerk

Mayor Grogan explained that the city staff was holding an anti-litter campaign. He then asked Captain Reece Pyrtle of the Eden Police Department to come forward as he read the following proclamation.

A PROCLAMATION BY THE MAYOR AND CITY COUNCIL OF THE CITY OF EDEN

WHEREAS, the City of Eden has been blessed with beautiful natural surroundings and two beautiful rivers; and

WHEREAS, the great natural beauty of our city and a clean environment are sources of pride for all citizens of Eden; and

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WHEREAS this natural beauty is a great asset to the City of Eden as we seek to develop our rivers as economic and recreational attractions; and

WHEREAS, beautiful surroundings and a clean environment are important factors in the economic development of our community, providing a better quality of life for our citizens and helping to attract tourists and new business to our community; and

WHEREAS, littering is a crime which is detrimental to the environment and to the natural beauty of the community; and

WHEREAS, the City of Eden seeks to raise awareness about the harmful effects of littering and to inform all citizens and educate our children about the importance of not littering and the importance of recycling; and

WHEREAS, all City employees and citizens of Eden can and should do their part to prevent littering;

NOW, THEREFORE, I, JOHN E. GROGAN, Mayor of the City of Eden, do hereby proclaim that the City of Eden is a **LITTER FREE ZONE** and encourage all citizens to take an active role in keeping their community clean and in making Eden a better place to live, work and play.

John E. Grogan, Mayor

Attest: Kim J. Scott, City Clerk

Mayor Grogan explained that Captain Pyrtle was the chairman of the group that was formed by city employees, Kelly Stultz (Director of Planning & Inspections), Debbie Galloway (City Planner), Dennis Asbury (Director of Environmental Services), and Mike Dougherty (Director of Business Development). Mayor Grogan then asked Ms. Debbie Galloway to come forward.

Captain Pyrtle explained that with the support of the City Manager, this initially started after a staff meeting. They got together to start an anti-littering campaign to get as many people out in the community involved and have a sense of ownership into this cause. It was not a Police Department issue it was a citizens of the City of Eden issue. To begin with they decided to offer a bumper sticker contest for the city employees, and to start it off with a bumper sticker, maybe some posters and a billboard in the future. They passed out some ideas to get the ball rolling and a couple of employees presented a good idea that the committee selected as the winner of the bumper stickers.

The first one they decided upon was "Eden, Clean and Green". They plan to place this on all city vehicles and they would also receive support from the Chamber of Commerce. He then asked Ms. Vickie Carter to come forward as she came up with the theme. Captain Pyrtle noted that another saying included "Don't Trash the Garden of Eden", which was a combination of Mr. Dougherty and Mr. Dennis Asbury (Director of Environmental Services).

Captain Pyrtle also asked Mr. Paul Amos to come forward. He explained that Mr. Amos came up with "Litter is for cats, what's your excuse?" He noted that they have contacted the school systems so that they may place these in the schools. He also noted that beginning tomorrow directives would be given out to the police officers to increase their enforcement.

SET AGENDA:

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Mayor Grogan noted that the Council had voted to add an item to the agenda (*The authorization of a couple of delegates for the North Carolina League of Municipalities meeting*). He explained that they also needed to vote to set the agenda.

A motion was made by Council Member Carter seconded by Council Member Tuggle to set the agenda. All Council Members present voted in favor of this motion. This motion carried.

PUBLIC HEARINGS:

(a) Consideration of a Local Historic Landmark Designation for the Nantucket Mill and an ordinance for property located at Church Street and Morgan Road. The request was submitted by the Historic Preservation Commission. HPCL-07-02.

The Planning and Inspections Department has received a request for Local Historic Landmark Designation for the Nantucket Mill, located at Church Street and Morgan Road. The Historic Preservation Commission held a public hearing to consider this request at their August 27 meeting. The Commission recommended in favor of the local landmark request. Two of the property owners were present at the meeting and they indicated that they were also in favor of the local landmark designation. We respectfully request that you hold a public hearing to consider this matter at your September meeting.

Mayor Grogan asked Ms. Debbie Galloway, Planner, to come forward for a report.

Ms. Galloway explained the request was submitted by the Eden Historic Preservation Commission. The Nantucket Mill is the most prominent structure in the Spray Industrial Historic District. The mill was built in 1898 for the Spray Water, Power and Land Company according to a design by R.C. Biberstein, one of the most prolific mill designers in the piedmont region. The mill was originally built for the manufacture of colored cloth and was powered exclusively by the Spray (Barnett) Canal which runs near the east elevation of the mill. The Nantucket is visually the most striking of all the textile mills built in Eden in the late 19th and early 20th century. The original mill was typical of turn of the century mill architecture. It was a long, narrow, three story structure with dozens of large segmental arched windows along most of the elevations. The mill was expanded in 1900 with a large addition to the north end which featured a monitor running along the crest of a low pitched gable roof. The most prominent feature of the mill is a five story tower near the south end, featuring round arched windows or various heights and a flared pyramidal roof. Four other plain three story towers project from the long elevations of the main mill. The two story dye house extends from the south end of the mill. A brick block consisting of a three story carpenter shop, one story boiler house and two story machine shop is detached from the mill, immediately west of the dye house. Although the mill shows some signs of deterioration, the building remains remarkably intact both inside and out.

The Nantucket Mill was built by the Morehead family, but was acquired by Marshall Field and Company (later Fieldcrest Mills) in 1912. At that time the mill employed approximately 475 workers operating 14,736 spindles and 742 looms. The mill produced over 9 million yards of ginghams and outings annually. The mill was closed in 1997 as Fieldcrest and the textile industry declined in Eden and nationally. More recently the building has been used as a warehouse. The facility is currently vacant. Based upon the above information, staff recommends in favor of the request.

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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.

Ms. Marianne Aiken explained that she did want to indicate that the Nantucket Mill was the premiere mill property in their area, a picturesque symbol and logo for the textile industry and the whole preservation effort in Eden. She noted this was evidenced by the picture on their book "A Tale of Three Cities", that was currently on sale by the Historic Preservation Commission. She noted that Myrick Howard, who was president of Preservation North Carolina, came and took a look at it and said it was an absolutely magnificently example of mill architecture and at that time he was willing to take it on and promote its development but the arrangements could not be worked out, it was not really available at that time so that did not happen. The Nantucket was worthy of local designation. The Eden Commission and the Preservation Society has kept an eye on it these many years watching with apprehension as it changed hands and following every lead in the hope that it could be rehabbed and developed. They have high hopes that development will soon be possible. She added that she presented them with a brochure that indicates something of what might happen, but meanwhile they needed to protect it against damage and destruction while giving some tax relief to the owners.

As no one else 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 recommendation for Historic Landmark Designation. 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 Tuggle seconded by Council Member Nooe to accept the Financial Report. All Council Members present voted in favor of this motion. This motion carried.

REQUESTS AND PETITIONS OF CITIZENS:

Mr. Walter Tinsley, 608 North Street, explained that Mr. Frederick Hairston and Ms. Ernestine Hampton were also present, as they live in the same vicinity. They were there to seek help from the City of Eden. He explained that he was a member of the BC (Blue Creek) Action Committee which had been in existence for the last eleven (11) years, endeavoring to rid their area of drugs and to enhance the appearance of their community. He noted that a lot of work had been done and yet they stand in need of the city's help. They have a great problem with abandoned cars which is very unsightly. There is also a problem with litter and they did clean up the streets in their community. There was also help needed on the noise ordinance.

He explained that he lived at 608 North Street and he was faced with a junk yard below him, behind him and junk cars all around him. He explained that he was not talking one or two cars, but 50 to 100 cars. He stated that he would like to see the city to endeavor to enforce the code

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and possibly help them out in that area. He knew some work had been done in the past, some of the lawns have been mowed and some of the cars have been removed but they still have a great problem with that.

Mr. Tinsley stated that he thought some people from the city had been out today. He also asked that they help them with the police presence in their community. They did not have the drug problem they once had, but if they did not have their presence in their community, they could easily slip back.

He explained that they were proud of their city, and they wanted to make it a better city, and work with the Mayor and Council to do that, but they just needed help in that area. He stated that if they ride through their community they would see that BC action has spent money and placed soil, beautifying that portion of the highway, and they just come to say "help us to help you", because if their community is clean, it was an asset to the city.

Mayor Grogan thanked Mr. Tinsley for his comments and he certainly concurred with everything he had said.

Council Member Gover asked Mrs. Stultz if this description she gave them on what they have already done in that section, did that have anything to do with the junk cars.

Mrs. Stultz first reply was not picked up as she was away from the microphone. She placed a map of the Blue Creek neighborhood up for Council to see and explained that eleven years ago she was involved with those folks when they started the Blue Creek Action Committee. She pointed out 2 junk yards that had been there for a long time. When they started the Blue Creek Action plan, one of the things they looked at was doing some wholesale rezoning of this neighborhood and much of it they did. There were 2 spots that the Council at that time did not want to do.

She noted that a lot of this (pointing at the map) where the corner was now, was zoned industrial. It backed right up to this neighborhood and Creekridge, there was some industrial zoned property in there and it was really not suitable for that. In her conversations with these folks today led her to believe that they were interested in the city considering some of those places again.

She noted that the pink lines were properties of which, for the last five years that they have touched. They could see the ones that say 2007, since January 1, of this year; they have done 55 inspections out in this neighborhood.

The ones in blue were some of the ones they were still trying to collect money from past enforcements. One of the problems that they would see, on those streets there, the two gentlemen who own the junk yard, habitually put cars along the shoulder of the road along the right of way. The junk cars that were along North Street her staff could address and the ones that were on the public right of way would be up to the Police Department.

Council Member Gover asked if they were pursuing that, to get the cars off of that to which Mrs. Stultz replied that they were. He also questioned if it would benefit Mr. Tinsley to have a copy of this map to which Mrs. Stultz replied that she had given him a copy.

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Council Member Epps asked if there were fences around the junk yard to which Mrs. Stultz replied no, they were there in the past and one of them was doing car repairs, there were some discontent with some of this in years past. They would do everything they could but the best thing to do would be to get the cars out of there and to stop it from being zoned industrial. One of the things they know was that if they ever leave they want to be able to keep another one from coming back in there.

Council Member Gover stated that he would like to see them being kept informed of the actions that were taken out there so that they would know the city was out there working.

Council Member Myott asked if they would rezone it all residential.

Mrs. Stultz replied that she did not know what she would recommend at this point. She noted that some of it was zoned industrial and they should probably take a look at some of that. She added that she assumed that they would after they begin readopting the zoning ordinance after the Land Use Plan was done because that Plan recommended all of this for residential.

Council Member Myott asked that if it was zoned business, could the junk yard operate there.

Mrs. Stultz replied that it was grandfathered and they could not force them out, but they could contain them.

Council Member Carter stated that this past weekend he had attended a meeting that referenced some playground equipment at Peter Hill Park. He asked if the City Manager he could give him an update on that.

Mr. Brad Corcoran, the City Manager, replied that it was in the budget.

Mr. Johnny Farmer, the Director of Parks and Recreation, added that they met with Ms. Hampton and the playground equipment has been ordered and delivered and they were waiting for it to be installed. They hoped it would be installed within the next thirty days.

UNFINISHED BUSINESS:

(a) Authorization to execute contract for parking lot on Monroe Street.

Mayor Grogan asked the City Attorney, Mr. Tom Medlin, if he had any information to add.

Mr. Medlin replied, no that it was pretty straight forward; there were no other conditions or stipulations. They just need authorization from the Council to execute the contract.

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

Council Member Gover commented that he would certainly like the Mayor and Council to consider the red flag that was in their weekly report from the City Manager on a situation that he

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had to show them a red flag that they needed to start tightening their belt to get ready for that red flag. Now was a good time to only spend on what was necessary.

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

NEW BUSINESS:

(a) Consideration of a lease agreement for Hwy 700 Bridge site for River Access Area.

City Staff has been in contact with Ted Johnson, property owner of the area next to the Hwy 700 Bridge concerning the possibility of installing a River Access Point in this area. The River Development Committee has identified this area as one of the top sites for an additional River Access Point in the City.

At the September 5, 2007 River Development Committee Meeting, a recommendation was approved to ask the Mayor and City Council to consider to enter into an agreement with the property owner to lease the site for the River Access Point for a \$1000 per year for 10 years, with three additional 10 year options for a total of 40 years.

The River Development Committee believes that this is a very good option for the City and the site is a very good area to develop. This site would allow individuals to access the river in the Draper section of Eden and navigate the river into Danville, Virginia.

City Staff and the River Development Committee have inspected a large number of potential river access sites in the City, and the 700 Bridge site is the most appealing site to develop, due to the willingness of the property owner granting access. There were other sites that were visited, but after speaking with the property owners, they were not considered due to the property owners not willing to grant access.

City Staff and the River Development Committee would like to recommend that the Mayor and City Council enter into the lease agreement with Ted Johnson concerning this site for a River Access Point.

Mr. (Johnny) Farmer explained that as indicated in the memorandum, the River Access Committee had been meeting for a little over a year and a half, and they really wanted to promote their rivers. They were trying to come up with access points within the city so that people could put in and take out so that it could have a direct impact on the local economy.

They have done research within the last year looking for available sites and at their last meeting they had been talking with the property owner, and he was willing to lease this property to them for \$1,000 a year for 10 years with three additional 10 year options so that they could lease this for a period of 40 years. This would allow them to develop access points throughout the city.

They were very optimistic when they first started and they had hoped that they could develop 3 or 4 within 6 or 8 months, but a lot of the property owners had not been as available or willing to lease or sell property to gain access to the rivers. This particular land owner was very good and he was willing to lease and allow access to that area.

He noted that this was a good site because of the terrain. They would have to go in and do some work on the road there, put some stone in there, clear an area for parking and then put some steps in for people to get down in so it should be something that most of the expense and developing of the site could be done by city staff and contracted with prison labor crews.

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Mayor Grogan suggested that the tourism committee might chip in some money for that to which Mr. Farmer agreed.

Council Member Gover thanked Mr. Farmer and the committee because the Eden Rescue Squad had had problems getting in and out of the river trying to save lives so this would be a very vital site for their rescue operations.

The City Attorney asked if any consideration was given to seeing if the owner would sell the property as opposed to leasing.

Mr. Farmer replied that they were looking at leasing because it was the most financial availability for the city. He also noted that the property owner was more willing to lease the property rather than sell the property.

Council Member Tuggle asked if he expected to do this very much like the Leaksville Landing site.

Mr. Farmer replied that the terrain at this site was more level. They would be able to park there and go right to the river; they would not have that steep hill to get down to the river.

Council Member Tuggle asked if there would be a picnic area there.

Mr. Farmer replied that it was only an acre or an acre and a half land, so they would more or less concentrate on the river access and place some picnic tables and trash cans there.

Council Member Myott questioned flooding in that area.

Mr. Farmer replied that he thought every area along the rivers flood, but they would do something very similar to what they have at the Leaksville Landing. They would put stuff down, chain it down, and make sure they use the most acceptable materials that they can to get the longest use out of it.

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

CONSENT AGENDA:

(a) Approval and adoption of minutes: August 21, 2007.

(b) Approval to hold a public hearing and to consider an ordinance for a text amendment request to amend the Zoning Ordinance to delete the exception for drive-in facilities in the Business-Highway #1 zoning district.

The Planning and Inspections Department request that you initiate a text amendment to delete the exception for drive-in facilities in the Business-Highway 1 District. We also request that you call for a public hearing to consider this matter at the October Council Meeting.

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(c) Approval to hold a public hearing and to consider two text amendments to the Eden City Code to change the definition of junk vehicles in both the Zoning and Junk Car ordinances.

Due to recent legislation that was passed in the North Carolina General Assembly, the Planning and Inspections Department requests that you initiate two text amendments to change the definition of junk vehicles in both the Zoning Ordinance and the City Code. We also request that you call for a public hearing to discuss these matters at the October Council Meeting.

(d) Approval and adoption of a traffic study request in reference to review of the placement of stop signs on Park Avenue.

Recently, a request was made to survey the residents in the block of Park Avenue between the stop signs at Victor Street and Ayden Street. There are currently 13 occupied residences on the block. I was able to make contact with adult residents from nine of the residences.

66% (5 residents) stated that the stop signs made a difference. 22% (2 residents) stated that the stop signs made no difference and should be removed.

11 %(1 resident) stated that the sign at Ayden Street should stay and the signs at Victor Street should be removed. 11 %(1 resident) stated that the signs at Victor Street should stay and the sign at Ayden Street should be removed.

44% (4 residents) would make up the total of the above residents that believe at least one stop sign should be removed.

Although the number of residents wanting to keep the stop signs is greater than the number wanting to remove them from one or both intersections and the speed of vehicles appears to have decreased, the numbers are not statistically significant. The Police Department and The Traffic Calming Committee recommend that the stop signs remain and that enforcement of the stop signs and speed limit is increased on Park Avenue.

(e) Approval and adoption of a traffic study request in reference to changing the speed limit on Hampton Street.

On August 1, 2007, I received a traffic study request from Council Member Donna Turner in reference to changing the speed limit on Hampton Street.

Hampton Street inclines from Washington Street as it approaches Manning Street and then travels downhill at a steep grade, traveling back uphill as it approaches Harris Street (see attached). Motorists do not have a clear view of approaching traffic (see attached). Klyce Street, the next street over from Hampton Street (traveling eastward), has similar topography and a speed limit of 25 MPH.

The Police Department's recommendation would be to change the speed limit on Hampton Street from 35 MPH to 25 MPH.

(f) Approval and adoption Budget Amendment #2.

The fire department received a \$4,000 grant from JP Morgan for the purchase of fire prevention supplies. The attached budget amendment increases the Fire Grant revenue line item \$4,000 and the Fire Prevention Supplies expenditure line item \$4,000.

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Budget Amendment # 2

	Account #	From	To	Amount
General Fund				
Revenue				
Fire Grant	10-3434-42000	\$ -	\$4,000.00	\$4,000.00
General Fund				
Expenditures				
Fire Prevention Supplies	10-4340-29600	\$3,500.00	\$7,500.00	\$4,000.00
Grant from JP Morgan for the purchase of fire prevention supplies.				

Adopted and effective this 18th day of September, 2007.

Attest:

Kim J. Scott, City Clerk

John Grogan, Mayor

9(g) Approval and adoption of request to Award Contract – Caleb Street BPS and Water Main Improvements.

Please find enclosed a copy of the Bid Tabulation for the Caleb Street BPS and Water Main Improvements project, as well as a cover letter prepared by David Hamilton, PE, of ARCADIS G&M of North Carolina. The bid opening was held Thursday, August 30th at 2:00 PM local time. A total of five (5) bids were received for this project.

The lowest bid submitted was from Yates Construction Co., Inc. of Stokesdale, NC, with a total bid amount of \$459,592.00.

Funds in the amount of \$515,000 for this project were included in the FY 07-08 budget.

The Engineering Department asks that you consider awarding the project to Yates Construction Co., Inc. based on the bid price of \$459,592.00 and adjustment unit prices shown as acceptable.

9(h) Approval and adoption of request to hold a public hearing regarding a Performance Agreement for Innofa PA.

9(i) Approval and adoption of outside fire protection agreement – Thoroughbred Resources, LLC.

We currently have an outside fire protection agreement for the property owner located at 505 N. Oakland Avenue (formerly Parkdale America LLC). According to the records in the Register of Deeds Office the property was sold to Thoroughbred Resources, LLC in February 2006. Thoroughbred Resources, LLC would like to contract with the City of Eden for Outside Fire Protection. The City will continue the agreed upon services that are stated in the attached agreement and the annual fee will be based on property valuations.

Mayor Grogan mentioned that they had added the NCLM voting delegates to the Consent Agenda. He explained that he knew of two Council people who had signed up to go. He recommended that Council Member Tuggle be the voting delegate and Council Member Carter be the alternate.

A motion was made by Council Member Myott seconded by Council Member Nooe that Council Member Tuggle be the voting delegate and Council Member Carter be the alternate for the NCLM. All Council Members present voted in favor of this motion. This motion carried.

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A motion was made by Council Member Tuggle seconded by Council Member Nooe to accept the Consent Agenda. 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 Gover 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