

CITY OF EDEN, N. C.

The regular meeting of the City Council, City of Eden, was held on Tuesday, October 21, 2008 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
	Christine Myott
	Jim Burnette
	Jerry Ellis
City Manager:	Brad Corcoran
City Clerk:	Sheralene Thompson
City Attorney:	Tom Medlin

Representatives from Departments:	
Representatives from News Media:	Miranda Baines, <u>Eden Daily News</u> , Robert Doss, <u>Edens Own Journal</u>

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.

He then announced that the Residential Solid Waste Committee would be having an information meeting on October 27<sup>th</sup> at 5:00 p.m. at City Hall. He invited everyone to come out. He also announced that a Drop In Session was planned for the public review of the proposed Transportation Plan to be held on November 3<sup>rd</sup> at 5:00 at City Hall.

INVOCATION:

Pastor Wayne Parlier, Meadowview Methodist Church, gave the invocation followed by the Pledge of Allegiance led by Interim Fire Chief Bernie Moore.

PRESENTATIONS & RECOGNITIONS:

Presentation to Mr. Raymond Uden in honor of the 50<sup>th</sup> Anniversary of Uden's Shoe Center.

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Mayor Grogan asked Mr. Raymond Uden and Mr. Mike Dougherty, the Director of Business Development, to come forward. He stated that he did not think he had ever had a pair of shoes that did not come from Uden's except for when he was in service. He stated that most of them out in the audience experienced the same situation. He stated that this was a special evening and he remembered Raymond and his family, [especially] Raymond's dad, and there was just a great time on The Boulevard.

Mr. Dougherty thanked Mr. Uden for his customer service and dedication to this community. He added that he was known as one if not the nicest gentleman in this community. He then presented him with a plaque in recognition of his fifty years in business.

Mr. Uden thanked everybody. He stated that he was overwhelmed and he did not expect this crowd and he was almost speechless. He noted that a few changes he had seen in his fifty years was when he went into business, to get shoes you went to the shoe store, a department store, sometimes a men's store or a children's store, but that has changed. Today, you can go to a drug store, sometimes a convenience store or sometimes a grocery store. The other night he was in a grocery store and next to the frozen foods there was a shoe display. So you know you can go in there to pick up a package of broccoli and end up with a pair of flip flops. He asked if they had ever tried boiled flip flops. Another change, when he first went into business, you went into a store and you get feet fitted, properly. Now days, you go in and you pick them off of a shelf and you go home and have foot trouble. Another thing, when he first went into business, almost all shoes were made in the United States of America and today, almost all are made overseas. Also, one of the shoe styles for women had real pointed toes and spiked heels. You squeeze all your toes into the corner of that shoe and the foot doctors cheered. Then, the spiked heels would cut up everybody's linoleum and the flooring people cheered, so everybody was happy. Well time went on and it changed a little. Now it has come back and today it is pointed toes and spiked heels, so that is the way things are, they stay the same and they change. He noted that these fifty years may have never happened, it has been real tough, for reasons most of them know, and without some of his real good friends he could not have made it to the fiftieth year. He added that also the accomplishment of being in business for fifty years; he could tell them how to do it. There were two ways. First and he thought this was more important, you have to live that long and second, you have to lack the good sense to know when to quit. He closed by thanking the City Council and the Mayor, Mr. Dougherty and Ella Chatham, who brought it to his attention.

#### Recognition of Streetscape Project – Olde Leaksville Merchant's Association.

Mr. Dougherty noted that many of them had seen the changes that had taken place on Washington Street and also in Draper Village, and one of their merchants, speaking for the entire group, wanted to come up and express some appreciation for all the hard work that went into that. He then asked Mr. Tom Barbour, Picture This Photography, to come forward.

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Mr. Barbour explained that he wanted to say a few words about some very special people who take a lot of criticism over many years, but especially during the process of their project in their downtown area. He explained that they thought it was a tremendous accomplishment, what the city had done. They have had meetings over the years, wanting the city to have more progress and one of the things that had happened as a result was the revitalization of downtown. He added that this project is expanding out to other parts of the city and they were so happy that the city has taken this on, especially during such a particularly bad economic time. He explained that they thought it was so important that it had been done and the achievements that have been made were very well deserved by the community and in the end the city will benefit by getting more business in the downtown community. He closed by stating that he would like to thank Debra Madison, Kelly Stultz, Brad Corcoran and Mike Dougherty as well for making this project so successful. The merchants are so proud of the way that their downtown looks. He then presented a framed photograph of the downtown area to Mrs. Stultz.

SET MEETING AGENDA:

Mayor Grogan stated that item “b” would be pulled from the Consent Agenda.

A motion was made by Council Member Tuggle seconded by Council Member Ellis that agenda item “b” would be pulled from the Consent Agenda and the agenda be set. All Council Members voted in favor of this motion. This motion carried.

PUBLIC HEARINGS:

Consideration of an amendment and adoption of an Ordinance to amend Chapter 4, Article VI, Non-Residential Building Maintenance Standards of the Eden City Code to conform to the North Carolina General Statutes’ enabling legislation. Request submitted by the Planning Board. CITY CODE CASE CCA-08-01.

The City of Eden has had a Non-Residential Maintenance Code for a number of years. Our existing ordinance was adopted without the benefit of specific enabling legislation that the General Assembly has provided for other types of codes such as the Human Habitation Standards Ordinance. During the latest session of the General Assembly, they did adopt legislation for non-residential maintenance and we must amend our code to comply with those statutes.

Attached is a revised version of the Non-Residential Maintenance Code. The changes to the ordinance add protection for historic buildings and manufacturing facilities and outline a clear process for enforcement.

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

We respectfully request that you hold a public hearing to consider the revision of this Ordinance at the regular City Council meeting on **October 21, 2008**.

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Mayor Grogan asked Mrs. Kelly Stultz, Planning & Inspections Director, to present her report.

Mrs. Stultz explained that in the early 1990s the Eden City Council began to be concerned about the conditions of commercial structures in their community. At that time there was no enabling legislation similar to housing code standards for commercial and industrial properties and institutions. At that point they did what many cities did and created an ordinance making power in the nuisance statutes to try and address those problems. In the last session of the General Assembly, they finally decided to create enabling legislation that would allow them to have an ordinance of this variety with some very specific standards. It would provide a framework for the ordinance which would be the establishment of the ability to do the work and the process for which you would go through to enforce improvements on property or demolish it and how they would collect their money if the city expended funds. She explained that what they did not do was put the specific standards in. So, in order to put themselves in the very best position that they could manage with this particular code was to move the standards that they were already using into the new code. Those were not going to change. There were a couple of small places where they read an ordinance that an attorney had done in the eastern part of the State that she thought was better than what they had, (two small places), but for the 99.9%, and it was just wording not standards, in how they were handling it, the standards were the same. She explained that what this would do, with the legislation and if the Council chose to adopt it and amend the ordinance to this way, it will give them better precision should they have to go to court to enforce an action that they would take on of this variety.

Mayor Grogan called for a public hearing and asked if anyone was present who wished to make comments in favor or in opposition of the requests. As no one came forward, Mayor Grogan called the public hearings closed.

Council Member Tuggle stated that he had read through this thing and it takes a couple of hours to read through it in detail. He stated that he felt that since it was so detailed, it would be really good for them to have a PowerPoint presentation to give them all a better understanding. He added that he was not really sure that they could all go through here and comprehend all of it, because it gets to the point where there was a lot of litigation involved and from what he read in there some of these things could go on from 2 to 5 years or longer.

Mrs. Stultz replied that one of the things that the enabling legislation does is to create special protections for historic properties and additional protections for the length of time it takes to actually demolish a former industrial structure and some different rules and regulations for them. She stated that she thought that was a really good idea, first off to protect their historic resources where before they did not have the ability to weigh those issues in commercial and industrial buildings that were historic, that was a great thing that they put in there and the second one, even if it was not historic, the additional time that it would take to demolish a manufacturing facility and if they were to order

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repairs, they would not necessarily have to require that it be repaired to the point of being able to use for a manufacturing facility again as it does provide some protections and flexibility. She noted that it did a couple of things, it gives the owners the opportunity to protect their investment and it prolongs the city's need to have to spend a lot of the public's dollars taking those buildings down and in the mean time they could work with owners to get it done and they do protect their historic resources. The ordinance they have now was basically modeled after the housing code and being historic or industrial there was no differences made for that. So she thought the changes that the legislature put in were good ones. The standards of what they consider when it reaches the point of being impacted by this ordinance was the same, but they would be glad to do whatever the Council wishes.

Council Member Tuggle stated that he could ask 50 questions from this and he expected all the other Council could do the same. He stated that he would like to see them do a PowerPoint presentation to give them a little more detail as to what process you go through to get to the very end because they have dealt with this type of stuff before.

Mrs. Stultz replied that they have and should this be adopted it makes it a much safer proposition for them as a community to move through, there were more legal protections for them with there being specific enabling legislation than there was in the past.

Council Member Burnette stated that he agreed with Council Member Tuggle. He had also read this with great interest and he thought the way he interpreted it was that quite a few vacant non-residential buildings in this area in town would not stand up to this code.

Mrs. Stultz explained that one of the things it was designed to do was to give them the ability to step in and require maintenance before it was time to demolish.

Council Member Burnette questioned what it would take to enforce.

Mrs. Stultz replied that for now, they have a similar ordinance that they have been using so she did not foresee there being a need for additional staff simply because they made this amendment. There was a lot of legal work required in this particular ordinance and in all of the code enforcement that they did. The more involvement from the attorney the faster those things move along and she thought that Mr. Medlin could tell them that much of what they do was attorney intensive. She pointed out that this ordinance was no exception. She explained that with the way the legislature has written it now it was more intense than perhaps the one they had before but it was also more flexible and she thought it was a good opportunity for their community. But, she added, this and all of their code enforcement actions requires a balancing act, some pick and choose, some Council determinations of how far they can go in a given year, resources were limited, they try their best to be as proactive as they could manage but they also rely a lot on citizen complaints.

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Mayor Grogan stated that what he was hearing was that they should possibly table this tonight to have a PowerPoint presentation prior to next month's meeting and this be brought back up at that time.

Mrs. Stultz replied certainly and stated that with their permission there were some other things with some of their other local code ordinances that she would like to talk about at that time if that was possible.

A motion was made by Council Member Tuggle seconded by Council Member Carter to table this presentation to approve the request and adopt the ordinance amending Chapter 4, Article VI, Non-Residential Building Maintenance Standards of the Eden City Code to conform to the North Carolina General Statutes' enabling legislation until the November meeting to allow for a PowerPoint presentation. All Council Members voted in favor of this motion. This motion carried.

Consideration of a request and adoption of an Ordinance to close Holly Hill Drive.  
STREET CLOSING SC-08-03.

At the September 2008 regular meeting, the Council adopted a Resolution of Intent to Close Holly Hill Drive. The Council also scheduled this public hearing to hear comments on this street closing request filed by William F. Pace, Sr., Susan C. Pace and John T. Pace.

The Planning and Inspections Department recommends approval of the street closing and requests that the Council authorize the City Attorney to prepare the ordinance for consideration at the October 21, 2008 meeting. At their September 23, 2008 regular meeting, the Planning Board voted to recommend approval of the street closing.

Mayor Grogan asked Mrs. Stultz to present her report.

Mrs. Stultz explained that the City has received a petition signed by the owner of 100 percent of the abutting property requesting that Holly Hill Drive be closed. She explained that this drive was a part of the original subdivision of Bear Slide and the Pace family bought a large portion of that. The Pace's driveway was actually Holly Hill Drive and there have been some issues with that. At this point it was a street that was causing more problems, the Pace family owns everything on both sides of it and the only reservation that she would ask that they make was that something needed to be worked out between the Pace family and Time Warner and as of today they have a line running through there to get to Ty Pace's house.

The Eden City Code, Chapter 13, Article 3, Division 3, and N.C.G.S. 160A-299 authorizes the City Council, upon recommendation of the Planning Board, to consider closing or vacating of a street in accordance with the rules and procedures set forth therein. Furthermore, it permits the City Council to close a street provided that after a public hearing has been held, it appears to the satisfaction of the Council that closing the street or alley is not contrary to the public interest, and that the city has no interest in preserving the dedication of such street or alley for municipal purposes, and that no

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individual owning property in the vicinity of the street or alley would thereby be deprived of reasonable means of ingress and egress to his property.

The following public utilities and public service corporations have been contacted in response to this street closing and have issued the following comments in regards to their utility lines and future utility plans for the area:

City of Eden Engineering – No objections to the closing.

The following companies have yet to respond to inquiries regarding locations of utilities in this area or their future plans:

Piedmont Natural Gas

Sprint

Duke Power Co.

Time Warner Cable

Dan River Water

In regards to the required findings, the Planning and Inspections Department issues the following comments:

Contingent upon comments from the public service corporations, the staff is of the opinion that the street is not required for public utility service for the area.

Since Holly Hill Drive is not a through street, and is only used by the adjoining property owners, staff is of the opinion that the sections of the streets to be closed are no longer necessary to the general public for travel and traffic circulation in the area.

Based upon the fact that all properties in this area have their primary access off of West Harris Place, staff is of the opinion that no one would be denied reasonable means of ingress and egress because of the closing.

In conclusion, the staff recommends, based upon these stated findings, that the street be closed as requested.

Mayor Grogan called for a public hearing and asked if anyone was present who wished to make comments in favor or in opposition of the request. As no one came forward, Mayor Grogan called the public hearing closed.

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Council Member Epps asked if this would affect emergency vehicles to which Mrs. Stultz replied no they still have ability to get in and they know they have to bring their trash out to Harris Place. She explained that nothing will change except they will be able to keep people from hanging out in their driveway.

A motion was made by Council Member Ellis seconded by Council Member Carter to approve the request with the reservation that there is a provision made for the Time Warner Cable line. All Council Members voted in favor of this motion. This motion carried.

REQUESTS AND PETITIONS OF CITIZENS:

Mr. Ben Adams, 1309 Forest Road, addressed Council:

Mr. Adams explained that he had a house at 1229 E. Stadium Drive. He got started on it and did a lot of work, but he needed more time to finish it. When he started on it he did not know the house was as old as it was and he was demolishing everything down to the existing wood, to really get it fixed right. So he was asking for more time.

Mayor Grogan asked if there was anything on this agenda tonight concerning this to which Mrs. Stultz explained that the time on that was not up in time for the staff to get it on this agenda, so they were planning to bring it to the November meeting.

Council Member Ellis asked Mr. Adams how much more time he would need to which Mr. Adams replied that with demolition and cleaning up he would need at least 6 months.

Mrs. Stultz pointed out that they sent out the first notice in July, the order was sent in on August 13<sup>th</sup> and extended until October 14<sup>th</sup> so Mr. Adams has already had a number of months and he has not requested any more time or come in to meet with the inspections staff to share what he has done so that they would know what kind of progress he has made. She explained that she was checking on what was happening in Draper Village today and did see that there was stuff put out by the road to be picked up that he had taken out of the house.

Council Member Ellis asked Mr. Adams what all he had done to the house.

Mr. Adams replied that he had put floor joists in, new vinyl siding and new windows.

Mayor Grogan asked if that was already in place now to which Mr. Adams replied yes.

Council Member Carter asked if this was going to come up at the next meeting to which Mrs. Stultz replied that it would and she recommended that they wait and see where they were at the November agenda and they could make a recommendation at that time and Mr. Adams could come and present his case then.

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Council Member Carter noted that it looked like Mr. Adams had 30 days to come back and he suggested that he try to do all the work he could in that 30 days and bring some photographs showing them what he had done at the next meeting.

Council Member Burnette questioned if nothing had changed at this point.

Mrs. Stultz replied that they have not been in to do an inspection, but they would try to make arrangements to go out and inspect it and give them a report at the November Council meeting.

Mr. Adams added that he worked a full time job and only had so much time to work on this house to which Mayor Grogan asked if he was trying to do all the work himself. Mr. Adams replied that he had some people there to help.

Mayor Grogan questioned if he had licensed electricians and plumbers and so forth to which Mr. Adams replied that he did. Mayor Grogan suggested that he should certainly get in touch with Mrs. Stultz and her people and let them come out and see what was happening so she could report it to the Council next month.

Mr. Adams agreed that he would.

Mr. Barry Graves, 511 Dumaine Street, addressed Council:

Mr. Graves spoke regarding the next item, 9(a) under Unfinished Business. He explained that he had been working on 826 Bridge Street and had done a lot of work to the house. He was asking for about 3 or 4 days for completion. He stated that Mr. Vincent, Codes Inspector, came out today to do an inspection and he found some minor things. He needed 3 or 4 days, a week at the most, to finish what he needed to do. He stated that the house was in bad shape and they thought they would have everything finished today, but it was obvious according to the inspection that they had not. He stated that the inspector pretty much told him what they need to do.

*See the item Mr. Graves was referring to below under Unfinished Business.*

UNFINISHED BUSINESS:

Request to adopt an ordinance for the demolition of a structure at 826 Bridge Street under the City of Eden Human Habitation Ordinance.

The City of Eden Human Habitation Standards Ordinance and the enabling legislation permit the City Council, upon adoption of an Ordinance, to order the repair or demolition of the structure. An estimate for the demolition of the structure on this property is \$2,400.00. 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.

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As the Ordinance sets out, this action was started in March, 2006 and Mr. and Mrs. Graves have made only cosmetic improvements to the house. They have not made any structural or electrical repairs. Mr. Graves promised staff that he would complete the repairs and have the house livable prior to September, 2008.

The owner appeared at the September regular City Council meeting and requested a 2 week extension to make the necessary repairs. The City Council granted the owner an extension (until the October meeting) to make repairs on this property. As of this date, the owner has not applied for a building permit to make the structural repairs and has not made repairs as instructed by the City inspectors; however, the electrician has called in for an inspection of his work.

Mrs. Stultz explained that this case was brought forward and the motion was made to allow Mr. Graves until the next regular meeting of the City Council to comply with all requirements of the housing codes. She then presented the Council with some photographs of the house and the shape it was in then. She noted that he did have an electrical permit and his contractor came in. They did the work but the siding was covering up the electrical and they had to ask them to take it down for an inspection. She stated that so far it was good but not completed.

She then showed them a photograph of the toilet and noted that there was a hole down into the crawlspace. She noted that Mr. Graves had put new linoleum in there but the toilet rocks back and forth. She then showed a photograph under the kitchen sink with linoleum under the sink that the inspector rolled back and you can see another hole down into the crawlspace.

She also showed them photographs of the new siding but noted that there were still issues with the foundation problems. She noted that when the inspector went out there after the September meeting, some of that was covered up. She pointed out that they did know that the windows in the house were still rotted. She explained that in order for a house to pass the minimum housing code you have to get the system to heat the house at freezing, to 68 degrees, 3 feet off of the floor and there was no heating system in it as of yet that Mr. Vincent or Mr. Mabe deemed could do that at this point.

She pointed out that the plumbing needs to be completed. They called Mr. Graves this morning to make arrangements to go out and look and at that point no building permit had been applied for and at the last Council Meeting they instructed him to come in the next day and get a building permit. She noted that he did some plumbing work himself and this morning they received a permit through the Internet system from Dyer's Plumbing and they have made some corrections to some plumbing work that Mr. Graves did.

Mrs. Stultz explained that when you own a piece of rental property, State law does not allow you to do trade type work or anything over \$30,000 in building work in a house you are going to rent. You can do it in your personal residence but you cannot do it in a rental. So you have to be very careful when someone is going to rent a property that it is done absolutely to code for the protection of renters.

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She stated that there have been lots of discussions in her department today about this particular structure. She noted that it had been a nuisance for a very long time. Mr. Graves says that he needs just a few days to finish but the Council gave him 30 days last month and he really did not do a lot until today. She explained that the point behind the Minimum Housing Codes, Human Habitation Standards Ordinance was to preserve housing stock in this community. Of course the best alternative was always for them to encourage someone to provide a good quality place for someone to live. This house still has some issues and they have taken it this far. As a Council they have some options. They can go ahead and consider an ordinance to demolish now because he did not do what they had asked him to do 30 days ago, or they can change the ordinance as it was presented it, to repair it, and at the end of the time he says he was going to repair it, whatever time they allow him, if it was not up to standard where they can issue a certificate of occupancy if they make the ordinance to repair, then they can step in and repair it and send him a bill for what is left. And that would include making it totally safe and livable if the city steps in.

Mr. Graves commented that they had the electrical updated and Dyers did the plumbing. He agreed that the toilet did shake and he was not aware of it, but they did fix under the kitchen sink. He stated that he had talked with the inspector who had told him several things he needed to do to bring the house up to code. He also talked with Council Member Burnette who had toured the house and it was not as bad as they may think.

He explained that the inspector told him the things to do, there was no structure damage as they had fixed that, they fixed a rail down the stair case, tightened the toilet up and all the simple things that the inspector wanted done. He pointed out that they have electric baseboard heat and also gas and the house was insulated.

He stated that they have done a lot and he has had two or three guys working over there every day. As for the windows, they were old windows but they were not rotten, [only] one was rotten and they fixed that. They tried to bring it up to code and provide a decent and safe house for someone. This house was not rented and has not been rented for years and he was not making any money on this house. He stated that he was going to make sure that this house was correct and feasible for someone to live in it and they have really been working on this house to get it up to code.

Council Member Burnette commented that Mr. Graves was correct, he did come by the house and he had talked with Mr. Graves and also with Mr. Vincent after talking with Mr. Graves. He stated that the inspector had told him that Mr. Graves had done approximately 75% in his estimation of the work that needed to be done. He stated that he had asked him how long it would take to get the rest of the work done and the inspector told him probably 2 to 3 days, but the problem had been that he had not, in the past, done it. He stated that he was inclined to another 3 or 4 days but he was concerned that they were put something in place and then allotting a certain amount of time and [then] they did not enforce it. He pointed out that they were almost encouraging people not to meet the deadlines so therefore he thought Mrs. Stultz had an

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excellent suggestion to give Mr. Graves another week and if it was not in compliance after that then they could put a contractor in place to bring it up to that standard. He added that he thought that would be the incentive to get it done.

A motion was made by Council Member Ellis seconded by Council Member Burnette to allow Mr. Graves 10 days to finish the work and at the end of that time if he is not in compliance then the city would get it to the point to where they could get a certificate of occupancy and Mr. Graves would be sent a bill.

Mr. Medlin explained that he would modify the ordinance. Where now it reads page 2, to demolish the structure located there on that was to be modified so that it is to effectuate the purpose of the standards by repair or whatever that wording is in the Statue. He clarified by stating that they would take out the word demolish.

Council Member Burnette asked if they could do this motion now to which Mr. Medlin replied yes.

Council Member Myott asked if he would have a certain amount of time to pay that debt to which Mr. Medlin replied that it would be collected as a special assessment which can be foreclosed upon.

Mayor Grogan asked that if they wind up foreclosing it, did it have enough value that you get your money back out of it.

Mrs. Stultz replied that she would assume that Mr. Vincent did not think that it would cost an inordinate amount of money.

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

NEW BUSINESS:

Resolution Supporting Urban Progress Zone Designation.

**RESOLUTION SUPPORTING URBAN PROGRESS ZONE DESIGNATION**

**WHEREAS**, the City of Eden strives to promote economic development opportunities and improve quality of life for all of its citizens; and

**WHEREAS**, the purpose of the State of North Carolina Urban Progress Zones is to provide economic incentives to stimulate new investment and job creation in economically distressed urban areas; and

**WHEREAS**, two areas within the City of Eden meet the criteria for designation as Urban Progress Zones; and

**WHEREAS**, more than twenty percent of the population in these areas is below the poverty level according to the most recent federal decennial census;

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**NOW, THEREFORE, BE IT RESOLVED** that the Eden City Council does hereby request a written determination from the Secretary of Commerce of the State of North Carolina declaring that these areas satisfy the criteria and qualify as Urban Progress Zones under G.S. 143B-437.09.

Adopted this 21<sup>st</sup> day of October, 2008.

John E. Grogan, Mayor, City of Eden

Attest, Sheralene Thompson, City Clerk

Mrs. Stultz explained that the State of North Carolina created an economic development program called Urban Progress Zones. Every time they have a cycle the City of Eden was fortunate enough to have some areas that could be included. They require the standards and twice they have allowed them to identify the areas outside the city and this year that is not an option.

Mayor Grogan noted that everyone had a copy of the resolution.

A motion was made by Council Member Tuggle seconded by Council Member Turner to adopt the resolution. All Council Members voted in favor of this motion. This motion carried.

Approval and adoption of an ordinance allowing alcoholic beverages allowed on city property.

A request is being made to amend the current city ordinance prohibiting alcoholic beverages on city property for the following reasons:

Mr. Dougherty explained that for 18 years beer gardens have been part of the Eden Apple Festival and later Riverfest. Miller Brewing Company has accounted for as much as one-third of the funding of these events. To his knowledge, there has never been an alcohol-related incident resulting from the beer gardens at either festival.

An Olde Leaksville property owner has hosted the beer garden at Riverfest for the last two years. They may not always have the benefit of a downtown property owner hosting the beer garden, something that would seriously inhibit their ability to facilitate this festival.

The Miller Brewing Company, now MillerCoors, sponsorship enables them to book high quality bands that many in the community would not otherwise be able to enjoy. Without their generous sponsorships, their festivals would be significantly downgraded.

He added that he should mention that the Leaksville Merchants at this year's event spent \$3500 on security so everything was secure for the festival and the beer garden coexisted with the tent at stage one everyone existed quite well and on that day, there were no incidents.

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He stated that one of the benefits of downtown revitalization is the new businesses that such efforts attract and encourage. In 2006, The Front Porch opened a wine shop as part of their Washington Street business. They often hold wine tastings in their store, but attendees cannot leave the premises of the business because the sidewalk, road and municipal parking lot adjacent to their building are city property. If allowed, the wine tastings could be expanded to the portion of Henry Street adjacent to this store. This would allow for a larger entertainment venue and would draw more attendees. The result of this would be more business for this downtown shop. Again, the current ordinance prohibits alcohol on city property so this option is not currently possible.

Restaurants were always needed to attract residents and shoppers to downtown and in fact they were happy to say one will open up this Friday filling a building that has been vacant for over 15 years. If a restaurant opened in any of their downtown areas and wanted to place tables outside, they could only do so if they did not serve alcohol. Serving a glass of wine with a meal on a sidewalk area outside a restaurant is currently prohibited. Serving alcohol is almost a necessity to attract upscale customers.

The City of Eden Coordinator of Tourism and Special Events is charged with initiating and coordinating smaller events to draw shoppers to the downtown areas. Many, but not all, of these events may involve alcohol. Such events accomplish the goal of drawing people to these areas of the city. An example of a successful downtown event strategy is found in Morganton, NC which hosts sixteen downtown events at its courthouse every spring and summer without incident each year.

The Eden Chamber of Commerce has held "Downtown at Dusk" events in the Olde Leaksville Shopping District. Unlike its normal Friday at 5 events that include alcohol, those that are held downtown have not been able to include such beverages.

While not all events must involve alcohol and many may not in the future, the current restrictions limit the ability of event coordinators to offer this option to attendees. He stated that he had attended or facilitated numerous Friday at 5 functions and the last seven large Eden fall festivals. He had not witnessed anyone become inebriated or out of control at any of these events. To allow alcohol is not to condone it or make it mandatory for all events. It simply provides an option that may make an event more attractive to attendees.

A request is being made to allow alcoholic beverages on city property for special events and under the following circumstances:

- Beer/wine gardens will be cordoned off in a specific area of city property, whether it is a section of a street or municipal parking lot.
- There will only be one way into and out of the garden to ensure no one can leave its premises with alcoholic beverages.

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- Identification checks will be conducted on anyone entering the gardens. Those consuming alcohol will wear wristbands identifying them as alcohol consumers.
- The organizers of the event shall show proof of insurance for the event that will cover any and all incidents involving the event and the alcohol. It will be necessary for the City of Eden to be named as an Additional Insured from the individuals seeking the permit. General and Liquor Liability coverage in an amount not less than \$1,000,000, and a preference of a \$2,000,000 limit will be required.
- Those serving wine/beer will undergo the mandatory training that is required of those who serve alcohol in public areas.
- Permits to allow beer/wine gardens will be subject to approval of the Eden City Manager and recipients of the authorization to establish beer/wine gardens will have to present proper ABC permits.
- Downtown restaurants will be allowed to serve beer, wine or mixed beverages on tables placed outside of their establishments. The patrons will be subject to the normal ABC regulations.

Currently, the Main Street communities of Salisbury, Roxboro, Rutherfordton, Rocky Mount, Hickory, Elkin, Sanford, Brevard, Mocksville, Lincolnton, Clayton, Morganton, N. Wilkesboro, Sparta and Gastonia have similar ordinances to the one proposed for Eden.

Mr. Dougherty stated that the downtown businesses, Chamber of Commerce, and restaurants would like the option of doing this, but they have a vested interest being sure that no one leaves their businesses in a compromised state. The ordinance change would help promote downtown events and business owners who invest their money and time to improve their downtown and provide much needed jobs.

Council Member Tuggle commented that this thing was very narrowly defined from what they had received before, it was closely scrutinized and they have really tried to find the right mix to protect the community and the kids and doing what they could to make sure this has safeguards in it and it was what it should be to promote the businesses downtown as well as supporting their largest contributor as they probably could not have a festival without Miller.

Mr. Dougherty replied that he could tell them that Riverfest was still a work in progress. They were very pleased that the Media General Newspapers called it the premier festival in the county and it was great to have a festival that was good. But what it also does, it brings a captive audience to those business owners. For a lot of them it was their best day of the year. That enables them to hire more people and have more jobs. So as he had said, for Riverfest, the merchants' spent \$3,500 for security so they want to ensure that everything was safe.

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Council Member Tuggle stated that he wanted to point out that this was not taken lightly and was closely scrutinized by some of the members of the Council and looked at very closely to try to find a balance that would work.

Mr. Dougherty agreed and there was no other facility, really it affected certain streets, and he would say that in any given year, if you use this ordinance 5 to 6 times you would be lucky, so it would be very rare and very restrictive and it was a misconception if anyone thinks someone can just go and open a can of beer on the street because this was just not that way at all, they can be arrested.

Council Member Myott questioned if it included City Hall to which Mr. Dougherty replied no, none the facilities, Freedom Park, Bridge Street Center, none of those, this was really strictly for downtown.

Council Member Tuggle added that was why he said it was very different from when it was presented before and very narrowly defined and actually it was very little difference over what they had before but it does allow a little bit of latitude for simply just the downtown area.

A motion was made by Council Member Tuggle seconded by Council Member Ellis to approve this request.

A citizen asked if a business really needed to take and sell alcohol on the public street in view of little kids and everybody to make a profit.

Mayor Grogan replied that he could not answer that question but this item had been on the City Council and they have been dealing with this for a number of years. It has reached a point tonight to where a motion and a second had been made that it be approved. [So] he could not answer his question.

The citizen stated that personally he did not like, especially at Riverfest, he did not like the idea at an event somebody walking around with an alcoholic beverage. He stated that he went to Georgia and attended an event down in Georgia and there were people that were carrying around alcoholic beverages in cans or bottles or whatever.

Council Member Ellis asked what his name was to which the citizen replied Scott Fain. Council Member Ellis questioned where he lived. Mr. Fain replied that he lived there in the city. Council Member Ellis stated that he was at Riverfest for probably about 5.5 hours. From about 1:00 to 7:00 and up there they have a large area petitioned off at the old gas station with a company that was able to give them enough money to have this Riverfest. He added that a good friend, Mr. Booth who works for them, told him they were lucky enough to have that. He pointed out that he was looking at probably a 40 to 50 feet section that was sectioned off there and no one left there. No one was walking the street. He stated that he attended church weekly and in fact he served on the deacon board at his church.

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Mr. Fain asked what church he attended to which Council Member Ellis replied Hampton Heights Baptist.

Mayor Grogan noticed and asked Mr. Fain if he had a tape recorder to which Mr. Fain replied that he did as he was not told he could not bring it in.

Council Member Ellis stated that to get back to it, no one was walking the street...to which Mr. Fain replied that he did not say they were, they were at an event that he had attended in Georgia...Council Member Ellis pointed out that was in Georgia and this was in Eden, North Carolina.

Mayor Grogan interjected that Mr. Fain did not sign up to speak and he was going to ask him to sit down so that they could finish the business.

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

Another citizen stated that he would like to speak too and he did not know you would have to sign up.

Mayor Grogan explained that the sign was outside that if you want to speak as citizens you have an opportunity to speak. Personally, he added, they could come at the next meeting and sign up and speak all they wanted.

The citizen stated that they just wanted to ask a question about it. They can rope off city streets and drink, the wine thing and some of those people who serve alcohol and set tables up on a public street...

Mr. Medlin stated that this may shorten everybody's conversation...but this was the first time this matter has been on the agenda. For it to pass as an ordinance it has to carry a 5 to 2 vote rather than a 4 to 3 so it will have to come up again for another vote at the next meeting so for that reason they can sign up at the next meeting and address it.

Mayor Grogan stated that anyone who would like to speak should come on back next month.

Mr. Fain questioned if he could bring the tape recorder to which Mayor Grogan replied that he could do with it whatever he would like.

Approval and adoption of an ordinance to establish No Parking signs on Preston Street and Davis Street.

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On August 5, 2008, I received a traffic study request from Council Member Jerry Epps in reference to placing No Parking signs on Preston Street and Davis Street.

Preston Street and Davis Street are residential streets that intersect at approximately 70 degrees. The roadway at the intersection is curved (see attached). The width of these roadways is approximately 22 feet. When vehicles park in the curve of the intersection or near the curve of the intersection, it makes it difficult for other vehicles to travel through the intersection due to congestion and vision obstruction.

The Pentecostal Church of Jesus Christ is located just east of the intersection on Davis St. The church has a small parking area but also utilizes both sides of Davis Street for parking, causing congestion and vision obstruction.

There is a steep hillcrest on Davis Street near the intersection of Davis Street and Tolbert Street that limits vehicular perception in the area near the intersection.

The Police Department's recommendation would be to:

1. Establish a no parking zone on both sides of the street at the intersection of Preston Street and Davis Street starting from 15 feet south of Jefferson Street on Preston Street to 162 feet east of the centerline intersection of the two streets on Davis Street.
2. Establish a no parking zone for the entire length of Davis Street on the south side of the street.
3. Establish a no parking zone for both sides of Davis Street from 30 feet west of Tolbert Street to the intersection of Davis Street with Park Road.

Council Member Epps stated that the church located there has a very small parking lot and he wanted to know if would be possible if they could use some of it.

Chief Benthin replied that was taken into consideration and he believed that they have reserved two parking spaces, however any more than that would be unsafe.

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

Approval and adoption of an ordinance authorizing criminal history checks.

The Division of Criminal Information Network (DCIN) will allow us to conduct criminal history checks for non-criminal purposes such as hiring and licensing. To do so, we must have an ordinance in place that fits their criteria. This ordinance has been approved to fit their criteria and after it is passed the SBI (who oversees the DCIN) will send us the paperwork to allow us to conduct criminal history checks for non-criminal purposes through DCIN.

A motion was made by Council Member Epps seconded by Council Member Tuggle to approve and adopt the ordinance. All Council Members voted in favor of this motion. This motion carried.

REPORTS FROM STAFF:

- A. Monthly Financial Report  
**Financial Report**

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A motion was made by Council Member Tuggle seconded by Council Member Burnette to accept the financial statements. All Council Members voted in favor of this motion.

- B. Finance & Human Resources - *No Report*
- C. Environmental Services

Bill Harvey gave the following report.

**Special Order of Consent – EMC SOC WQ S04-009 – Bill Harvey**

**Attachment 1: Summary of Major Line Replacement Completed**

Description	Total Linear Footage
Meadow Greens South of Maplewood (8-inch sewer replacement)	850
Meadow Greens Eden Morehead High School (8-inch sewer relocation)	1,410
Meadow Greens North (8-inch sewer replacement, relocation and pipe bursting)	3,405
Meadow Greens North Weaver St. \ Pierce St. (8-inch sewer replacement)	1,520
Meadow Greens Linden Street (8-inch sewer replacement)	245
Meadow Greens West \ Pierce St.\ Southwood (8-inch sewer replacement and 12-inch sewer upsized)	3,335
Dan River Western (8-inch sewer replacement)	3,945
Dan River Eastern (8-inch sewer replacement)	3,425
Dan River Central (8-inch sewer replacement and relocation)	1,535
Covenant Branch Western (8-inch sewer replacement and relocation)	3,025
Covenant Branch Eastern (8-inch sewer replacement)	3,335
Mebane Street Water Line (Replacement to eliminate conflict with sewer and upsized 2-inch water line to standard 6-inch water line)	635

**Attachment 2: Summary of Pump Station Improvements Under Construction**

Major Improvements	Meadow Greens	Covenant Branch	Dan River	Kuder Street

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Replacement of existing dry pit wet pit pump arrangement with submersible pump station	✓		✓	
Rehabilitation of dry pit including replacement of vertical frame-mounted centrifugal pumps with long shafts with submersible dry pit pumps; piping modifications to place check valves in horizontal alignment; hoist improvements to provide easier pump removal; placement of two peak capacity pumps to meet standby and duty requirements		✓		✓
Variable Frequency Drive (VFD) operation to provide greater pumping (flow) variability and eliminate old non-standard controls	✓	✓	✓	✓
Replacement of float type switches with pressure transducers to control pump activity	✓	✓	✓	✓
Permanent power generation unit with automatic transfer switch	✓	✓	✓	✓
Ultra-sonic flow meter vault	✓	✓	✓	✓
Mechanical step screen to remove debris and provide protection of pumps, valves and downstream appurtenances ** Bid Alternate (submersible grinder unit)	✓	✓	**	
Emergency bypass connection and pigging (force main cleaning) station	✓	✓	✓	✓
** Odor and Corrosion Control via liquid phase system to oxidize sulfur compounds in waste stream (Pending results of hydrogen sulfide concentrations during hot weather, low flow) Bid Alternate (To be placed at Dan River and protects both Dan River and Covenant Branch since Dan River pumps to Covenant Branch)			**	
Non-potable water well to enhance housekeeping and maintenance		✓		
Enhanced access to dry pit operating level				✓

**Attachment 3: Status of Schedule of Compliance**

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- **i)** Complete baseline flow monitoring studies within the Meadow Greens, Covenant Branch, and Dan River sub basins by December 31, 2004. **ACHIEVED**
- **ii)** Submit permit applications and all supporting materials for any necessary regulatory permits required for outfall repairs\replacements within the Meadow Greens, Covenant Branch, and Dan River sub basins by January 31, 2005. **ACHIEVED**
- **iii)** Begin construction of outfall repairs\replacements within 120 days of receipt of all necessary permits. **ACHIEVED**
- **iv)** Complete construction of outfall repairs\replacements within 365 days of giving contractor "Notice to Proceed". **ACHIEVED – 1 month ahead of schedule**
- **v)** Complete analyses of cleaning needs\benefits for each of the three relevant force mains by May 31, 2005. Should the analyses indicate that cleaning of any sections of force main would be of substantial benefit, those sections shall be cleaned by January 31, 2006. **ACHIEVED**
- **vi)** Elimination of major and previously identified sources of inflow in each of the three relevant collection sub basins by June 30, 2005. **ACHIEVED**
- **vii)** Submit permit applications and all supporting materials for any necessary regulatory permits required for additional outfall repairs\replacements within the Meadow Greens, Covenant Branch and Dan River sub basins by March 9, 2007. **ACHIEVED**
- **viii)** Complete construction of outfall repairs\replacements within 180 days of receipt of all necessary permits. **ACHIEVED**
- **ix)** Complete post construction flow monitoring of the Meadow Greens, Covenant Branch and Dan River sub basins within 45 days of acceptance of outfall repairs\replacements. **ACHIEVED**
- **x)** Submit permit applications for any necessary regulatory permits required for pump station improvements at the Meadow Greens, Covenant Branch and Dan River pump stations within 180 days of completion of gravity sewer line repairs\replacements. **ACHIEVED – Approximately 1 ½ months ahead of schedule**
- **xi)** Begin construction of pump station improvements within 120 days of receipt of all necessary permits. All permits received by April 4, 2008. Construction, therefore, must be initiated by August 6, 2008. Contractors were issued Notice to Proceed to immediately begin work on July 28, 2008. **ACHIEVED – Approximately 8 days ahead of schedule.**
- **xii)** Complete construction of pump station improvements within 365 days of giving contractor "Notice to Proceed". **ON OR AHEAD OF SCHEDULE – Construction is anticipated to be completed by June 23, 2008. Schedule of compliance date is July 28, 2009.**

Council Member Burnette commented that they did a great job. He stated that he had mentioned the ultra sonic flow monitors and he understood if you see those change, but was there anything or an alarm if there was a sudden change and you were not there. He asked what they did.

Mr. Harvey replied yes it had an alarm.

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Council Member Burnette asked if they actually had to clean any emissions from force mains.

Mr. Harvey replied they did not. He explained that the studies they made this time did not, but that was where they put the peaking stations. If it did come up in the future they have a place to launch.

Council Member Tuggle asked how many more benchmarks they had to meet to be out from under the SOC

Mr. Harvey replied that when they finish this part of it then the SOC could actually be accomplished, but he added, they needed to understand how it really worked. He explained that you have a list of a dozen problem areas. Those were their top 2 or 3 or 4 that was in there. They resolve it but now number 4, number 1, number 5, number 2, and, he assured them, the State, to overflows and stuff, those keep going. When you are checking out of these substations and smoke tests, flow monitoring late at night, the camera that they are doing, prior to construction, dye testing, all of this, to try to remove the I&I that was in there, if they did not, then these other pump stations...right now they have had, at Bridge Street right now there was a pump station that was beginning to surface to the top that they have been having problems with. They did some flow monitoring and were able to find a lot of things, over half a million gallons where there were broke water lines, close to the sewer line and it was not all at one location, that was making its way into the system. Now, that was potable drinking water that did not get any use to a house that was making its way to the wastewater treatment plant, overcoming pump stations downstream. As they find these, they do them.

He noted that he was proud of the city forces right now. They have 2 crews that do construction. They have one I&I crew. There were three 3 man crews. They were out there taking care of water leaks, unstopping sewers, making taps, checking low or high pressure problems, muddy water, and yet they have gone out there and worked I&I.

Mayor Grogan expressed thanks to Mr. Harvey for what he and his department does.

- D. Engineering - *No Report*
- E. Economic & Tourism Development

**Economic & Tourism Department Report**

Mrs. Cindy Adams, Economic & Tourism Coordinator, gave the following report:

**RIVERFEST**

By all accounts RiverFest 2008 was a huge success! Attendance has been estimated at 15,000 people. We believe two of the best additions this year was the River Village and the Antique Engine Exhibit. Visitors seemed to really enjoy both of these as well as all the other many elements of the festival.

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The entertainment for both days was top notch with Envision headlining on Friday night and Trent Tomlinson on Saturday night. The crowd for these concerts was incredible. MillerCoors representatives from Milwaukee and Colorado were here for the Friday night festivities and were very pleased at what they saw and heard and had a great time.

Mike Dougherty and I hosted a lunch for the many city employees that helped make the festival run smoothly and stay a clean and safe environment. We had 26 who attended and the response was very positive.

We conducted a recap meeting with the merchants and volunteers and received some great feedback on how to grow and improve in 2009. Again, the merchants really stepped up their involvement this year and I believe this will continue to be the trend.

I want to thank Mike Dougherty and Peggy Good for walking me through this incredible process. They have been very forthcoming with information and very patient while I learn all the “ins and outs” of RiverFest. It is growing and I truly believe that in the near future it will become one of the top rated festivals in the State of North Carolina. I want us to continue to grow the river aspect of the festival (which makes it so unique).

### **QUALITY OF LIFE PIECE**

We have a meeting set for Monday, October 13 to meet with Piedmont Magazine representatives along with representatives from the business community to see if a “Quality of Life” piece for the City of Eden is needed and will they support it. The attendees include the following:

- Susan Webb, MillerCoors
- Jodi Stegall & Jeff Alts, Weil McLain
- Sharon Tongbua, Morehead Memorial Hospital
- Angel Duncan, Hampton Inn
- Robin Yount, Rockingham County Tourism Development
- Kaye Bryan, Embarq
- Jo Sherwood, Eden Chamber of Commerce
- Mike Dougherty and Myself

### **QUILTING FESTIVAL & SALE**

This event is slated for October 17 & 18 here in the Eden Room at City Hall. Joan Garrison and Sheila Stewart have worked very hard getting fellow quilters to display as well as delivering flyers and brochures to various fabric shops and quilters shops in the region. Joan has recorded twice on WLOE/WMYN and has talked with various clubs in town. Deanna Hunt helped us develop the flyer and brochure and did a remarkable job.

### **1<sup>st</sup> Annual Draper Rural Fire Department Fall Festival**

This festival is slated for Saturday October 18 at the Eden Mall. The festival consists of a musical line-up, food and crafters, car & bike show, rides, Bossy Bingo, a firefighter

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competition and the night will end with fireworks. Darryl Carter and Tammie Easter have done a great job of organization and promotion.

### **HALLOWEEN**

On Friday, October 31 Washington Street will become "TREAT STREET". Downtown merchants will be giving out candy to costumed children from 10:00 a.m. until 6:00 p.m. This will be followed by a costume contest beginning at 6:00 p.m. in the Washington Street Park. Merchants are donating prizes for the winners. This should be a fun night out on Washington Street!

Because of the sidewalk demolition and construction in Draper Village we are working to come up with an alternate plan for trick-or-treating in Draper Village. The Draper Elementary school children are heavily involved so therefore we are calling it "Munchkin Masquerade".

### **[www.exploredennc.com](http://www.exploredennc.com)**

Mike Hill of Biznet Plus and I had our initial meeting to discuss the new tourism website. We drew out a rough draft of headings along with content. We are meeting again on the 16<sup>th</sup> to talk even more about more detailed content. Many websites have been looked at to see what styles, coloring and formats look and function the best. We believe the coloring and overall feel should reflect our natural landscape, rivers and the act of "exploring". Preliminary subjects that will be featured will be river recreation, historic downtowns, dining & shopping, lodging, maps, Land of Two Rivers video, event descriptions and an events calendar. Some specific points of interest will be the Eden Drive In, Freedom Park, access points, Civil War Trail, Birding Trail and so much more. We want the site to be inviting, exciting and very functional. We want it to cover all the elements of tourism that we have from shopping to heritage to recreation. I am very excited about this project because so many visitors are getting all their travel information via the internet and I want ours to be the best!

### **Tourism Logo**

Sharon Tongbua is working on this and we should have a rendering in the next couple of weeks.

### **STRATEGIC PLANNING SESSION**

In my opinion this is the most important thing that we will do and that is to give the Tourism Development Department for the City of Eden a solid foundation. Chuck Ewart will be coming from Spartanburg, South Carolina to facilitate our two half-day sessions on October 22 & 23.

We want to come out of this experience with a real working document that will include short and long term goals as well as some dreams. I have ask all the attendees to bring their ideas to the table and be ready to share. I personally have quite a lengthy list of things I want to share with the group. I believe the attendees are a good cross section of

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the community and represent the many aspects of tourism in our community. The invitees are the following:

- Robin Yount, Rockingham County Tourism Authority
- Jo Sherwood, Eden Chamber of Commerce
- Johnny Farmer, City of Eden Recreation
- Mayor John Grogan
- Brad Corcoran, City Manager
- Mike Dougherty, City of Eden Economic Development
- Tammy McMichael, City of Eden Finance
- Angel Duncan, Tourism Board Member – Hampton Inn
- Kenneth White, Tourism Board Member – Small Business Owner
- Darlene Ryland, Tourism Board Member – The Daly Seven
- Katherine Mull, Tourism Board Member – Dan River Basin Association
- Vicki Longhoffer, Rockingham County Arts Council
- Louise Price, Eden Preservation Society/Piedmont Folk Legacies
- Jennifer Griffin, Chairman – Twin Rivers Downtown Development Corp.
- Chris Myott, Tourism Board Member/Eden City Council
- Pragnesh Desai, Tourism Board Member/Econolodge

I also want to invite any of the council members that wish to be a part of this to attend.

#### **VETERANS DAY PARADE**

This award winning event is slated for Monday, November 10<sup>th</sup>. The parade will start at Draper Elementary at approximately 8:30 a.m. and will end in the Veteran's Park where Rep. Nelson Cole will be the featured speaker. The children at Draper Elementary are working hard on gathering information on local veterans and making their posters. The morning will include recognition of veterans, a presentation by the ROTC and patriotic music. This event gives the community and especially the veterans a great sense of pride. I would highly encourage everyone to come and be a part on the morning of the 10<sup>th</sup>. Linda Wyatt should be commended for starting this and doing such a good job with it. I have some very big shoes to fill on this one.

#### **CANDLELIGHT DOWNTOWN**

I am working with the Leaksville merchants on developing an exciting and inviting Candlelight Downtown slated for Tuesday, December 9. The hours will be 6:00 p.m. until 8:00 p.m. Some of the things we are working on are a classical guitar concert, bell ringers, carolers, carriage or wagon tours of the historical district and so much more. The merchants of course will be open late and some will be offering cider, cookies and other treats for customers. Back by popular demand this year will be the "Doggie Costume Contest".

In addition to Candlelight Downtown there will be the Olde Leaksville Night-Time Christmas Parade on November 28th, Draper Children's Parade on December 6<sup>th</sup> & a

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Tree Lighting at the Draper Children's Park on December 2nd. These should all be great community holiday events.

### **Business Development Report**

Mr. Mike Dougherty, Director of Business Development, gave the following report:

#### Industrial Recruitment/Retention

#### **Strategic Planning Sub-Committee/NC Department of Commerce/Piedmont Triad Partnership Meeting**

As you know, we met at the Governmental Center to discuss the current state of the county and what we could do to aggressively market our cities and county. In attendance from the NCDOC were Gene Byrd, Director of Business Retention and Expansion, Richard Wiley, Director of Business Recruitment, Melissa Smith, Piedmont Triad Office representative and Bill Shore, also of the Piedmont Triad Office. From the Piedmont Triad Partnership were President and CEO Don Kirkman and Crystal Morphis, Managing Partner, the Stanford Holshouser Business Development Group.

We discussed the current state of the county economy and a strategic plan to recover from the recent job losses. The NCDOC people did not offer many recommendations but they did tell us that Rockingham County is considered a progressive county in the opinion of their organization. They have no trepidations about sending prospective clients here. Don Kirkman of the Piedmont Triad Partnership circulated a sheet showing how other counties are experiencing the same manufacturing losses. He encouraged us to promote small business development and entrepreneurship in the future because traditional industrial recruitment was only one aspect of economic development. Crystal Morphis reiterated this and noted that in addition to industrial development tourism, retail development and entrepreneurship should be considered vital to job creation efforts.

We discussed the situation with the Golden Leaf Foundation, specifically its rigid policies and perceived preference to assisting counties east of Raleigh. State Representative Nelson Cole advised us of a new director who will assume control of Golden Leaf. This person is aware of the problems with the organization and will be addressing them in the near future.

#### **Hanesbrands**

We met with Hanesbrands Vice-President of Governmental and Trade Relations Jerry Cook, Eden Plant Manager Mike Cothran and another individual who did not have a business card. Mr. Cook reiterated Hanesbrands commitment to the take or pay contract during their transition period, but he was reminded that the contract extends further into the future than their projected closure.

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I have had inquiries from two individuals who want to help Hanesbrands employees with potential businesses. Human Resources Manager Sherri Hart surveyed these employees and found that several are interested in pursuing their own businesses. We will advise Ms. Hart of the business development resources available to them via my office, the Rockingham County Business and Technology Center and the SCORE chapter.

**Mc Callum –Sweeney Consulting**

As you know, this consultant group made its presentation of the Hopkins/Buist site on Friday of this week. They stressed the importance of having as much preliminary work done on any site in advance—the more work you can accomplish, the easier it is to be attractive to a potential industry. They emphasized the need to market the site first, then the community. For the Hopkins/Buist site, they believe we should target construction materials, fabricated metals, general machinery as well as food and beverages, paper products, plastics and printing companies. Mr. Mc Callum also confirmed that the site would be good for data centers provided the infrastructure can be placed on the site. They provided us with important information to help us become more attractive to potential industry. John Gieb of Duke Energy noted that they will be looking for a site for next year to research and we will be considering another Eden property to present to Duke.

**MORH Partners**

We are awaiting a proposal from this firm to determine the cost of evaluating if Eden has the appropriate workforce for call centers. Eden had been on the list of potential locations for one of the MOHR projects. We would like to pursue this further to see if Eden should actively promote itself for call centers. A proposal will be forthcoming shortly.

Main Street Update

**Environmental Systems Research Institute (ESRI)**

I ordered a Retail Marketplace Report from this organization to measure the areas where we were filling the needed demand for goods and services and the areas where there is “leakage”—where consumers are filling the demand for their services by shopping elsewhere. This type of analysis reveals what types of businesses can be supported in your community based on the consumer sales demand. The 5-mile ring around Eden shows the following estimated annual sales that we are losing to outside areas:

Retail Gap

Furniture & Home Furnishings:	\$ 1,418,957
Electronics:	\$ 2,932,448
Building materials/lawn-garden:	\$ 4,901,227
Grocery stores:	\$ 16,564,465
Clothing stores:	\$ 3,934,085

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Shoe stores:	\$ 438,598
Jewelry stores:	\$ 315,710
Sporting goods/hobby/book:	\$ 1,337,514
Florists:	\$ 489,058
Office Supplies:	\$ 461,606
Used Merchandise:	\$ 48,600
Limited service eating places:	\$ 1,592,066
Special food services:	\$ 1,843,097
Drinking places:	\$ 808,315

I am going to use this data in downtown recruitment as well as commercial recruitment in the central area. Based on the grocery store and sporting goods figures, I sent emails detailing this information to the commercial prospects I have been recruiting.

**Zanetti’s Italian Ice**

Joey Zanetti has again expanded his menu by adding Fuzzy’s Barbeque platters.

**Golden Apple**

The owner of this restaurant tells us that he will be opening on October 24<sup>th</sup>. They have a series of bands ready to play in the near future, including The Worx, Chairmen of the Board, Mustang Sally and Seven Miles Ford. The owners of this business had an excellent reputation when they were located in Danville, VA.

Commercial Recruitment

**Kingsway Cinema**

I am working with The Rosen Group in soliciting a tenant for the closed Kingsway Plaza. We have contacted ten cinema companies thus far. Recently, we had the opportunity to survey the facility to see what would be needed to upfit it to required standards. Bill Moore of GREYStone International, Inc, who used to run the theater, has been very helpful in this process.

**Restaurant**

One of our commercial projects, located between Papa John’s and Wachovia Bank, is about five weeks from completion.

**Wall Floor Covering**

This business closed suddenly in September. The Chamber of Commerce and city have had numerous inquiries from its former owners about incomplete projects. We have advised these people on how to remedy their individual issues.

**King’s Chandelier Company**

This long-time Eden business will hold a Grand-Re-opening and open house in November. They have evolved from a strictly chandelier business to one that carries

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outdoor lighting, lamps and other lighting accessories. As I have done for many Eden businesses, I met with owner Nancy Daniel to help her create a press release and made recommendations on how to effectively orchestrate this celebration.

F. Parks, Recreation & Facility Maintenance

Mr. Johnny Farmer, Director of Parks, Recreation & Facility Maintenance, gave the following report:

The Parks and Recreation Department will be offering several events at Freedom Park during the month of October and the first part of November.

There will be a NSA Softball Tournament held at Freedom Park during the weekend of October 25-26, 2008, there will be a USSSA Baseball Tournament the weekend of November 1-2, 2008, there will be a NSA Softball Tournament the weekend of November 8-9, 2008 and a Nations Baseball Tournament the weekend of November 15-16, 2008.

The City of Eden and the Pine State Group will sponsor the 4<sup>th</sup> Annual Fall Festival on Saturday, October 25, 2008 from 10:30 a.m. – 7:00 p.m. at Freedom Park. There will be a pet show from 10:30 – 12:00 noon, followed by performances by Veronica Jones, Boone River and Paradox. There will be Halloween Costume Contest for all ages from 6:00 – 7:00 p.m. There will be food vendors, arts and crafts booths, along with children’s inflatable rides and games throughout the day. This event is free to the public and we would like everyone to come out and celebrate the fall season with the City and the Pine State Group.

The City’s Fall Softball Leagues continues on Monday, Tuesday and Thursday nights at Freedom Park through October.

The City’s Youth Football Program continues through the month of October, with games being played at Freedom Park, Eden Boys and Girls Club, Reidsville High School Football Stadium and Morehead High School Football Stadium.

- G. Police – *No Report*
- H. Fire – *No Report*
- I. Planning & Inspections - *No Report*
- J. City Attorney - *No Report*
- K. City Manager- *No Report*

CONSENT AGENDA:

- (a) Approval and adoption of minutes: September 16 and September 22, 2008.
- (b) Consideration and approval to apply for PARTF Grant – 2009. PULLED

Minutes of the regular October 21, 2008 meeting of the City Council, City of Eden:

(c) Approval and adoption of the Identity Theft Prevention Policy.

(d) Consideration and adoption of Resolution imposing a Gross Receipts Tax on Heavy Equipment in Lieu of Property Tax.

Senate Bill 1852 entitled “An Act to Resolve Problems with Applying Property Tax Heavy Equipment Rented on A Short-Term Basis by Replacing the Property Tax on this Equipment with a Tax on the Gross Receipts from Renting the Equipment” was signed into law on August 2, 2008. This legislation removes heavy equipment that is rented on a short-term basis from the property tax base, but provides a means for replacing the lost revenue through a gross receipts tax. G.S. 160A-215.2 authorizes a municipality to levy a gross receipts tax on the gross receipts from the short-term lease or rental of heavy equipment at retail.

Attached is a resolution authorizing the City to impose a gross receipts tax on heavy equipment that is rented on a short-term basis in lieu of property tax. Rockingham County adopted a similar resolution on Monday, October 6, 2008.

(e) Selection of Congress of Cities Voting Delegate and Alternate.

(f) Approval and adoption of Ordinance amendments Chapter 2 Section 2-196(A) and Chapter 16 Section 7-233.

Section 2-196(A) Processing Fee for Returned Checks was amended as a result of an increase from \$20.00 to \$25.00. This was done when the budget ordinance was approved in 2003.

Section 16-233 Services Outside Corporate Limits was amended as a result of an increase of rates from 175% to 200%. This was done on February 26, 2002, effective May 2, 2002.

(g) Consideration and approval of new Safety Committee members.

The following employees are recommended for approval to serve on the safety committee. Please feel free to advise me if you have any questions concerning these appointments.

- William East (Police)
- Neil Chaney (Fire)
- Kevin London (Engineering)
- Melinda Ward (Wastewater Treatment Plant)
- Cindy Adams (Administration)
- George Mabes (Planning/Inspections)
- David Cabiness (Collections & Distribution)
- Paul Dishmon (Recreation/Facility)

A motion was made by Council Member Tuggle seconded by Council Member Burnette to approve the Consent Agenda items a, c, d, e, f, and g. All Council Members voted in favor of this motion. This motion carried.

CLOSED SESSION:

Closed Session to discuss matters relating to the location or expansion of business in the area served by this body according to NCGS 143-318.11(a)(4).

October 21, 2008

City of Eden, N. C.

Minutes of the regular October 21, 2008 meeting of the City Council, City of Eden:

A motion was made by Council Member Epps seconded by Council Member Turner to go into Closed Session to discuss matters relating to the location or expansion of business in the area served by this body according to NCGS 143-318.11(a)(4). All Council Members voted in favor of this motion. This motion carried.

OPEN SESSION:

A motion was made by Council Member Ellis seconded by Council Member Tuggle to return to Open Session. All Council Members voted in favor of this motion. This motion carried.

ADJOURNMENT:

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

Respectfully submitted

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Sheralene S. Thompson, CMC  
City Clerk

ATTEST:

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John E. Grogan, Mayor