

CITY OF EDEN, N. C.

The regular meeting of the City Council, City of Eden, was held on Tuesday, October 20, 2009 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         |
| (absent)         | Christine Myott    |
|                  | Jim Burnette       |
|                  | Jerry Ellis        |
| City Manager:    | Brad Corcoran      |
| City Clerk:      | Sheralene Thompson |
| City Attorney:   | Erin Gilley        |

Representatives from Departments:

Representatives from News Media: Roy Sawyers, RECNO

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:

Craig Bowman, Pastor of the First Baptist Church, gave the invocation followed by the Pledge of Allegiance led by Mayor Grogan.

PROCLAMATIONS AND SPECIAL PRESENTATIONS:

(a) Historic Building Marker presentation to property owners.

The Historic Preservation Commission, in conjunction with Eden Tourism Development, has begun a program which would place markers on historic buildings throughout the City. This project was designed to recognize the history of the community and to promote historic tourism in the community. The markers will be placed primarily on commercial structures, mostly in the downtown areas. The Preservation Commission developed criteria for the program and Eden Tourism Development provides half the cost of the marker while the property owner pays the other half (total cost of marker is \$200). The plan is to place several markers each year as funding is available.

The first five properties to be recognized in this program are as follows:

Superintendent's House, 141 Main Street  
Imperial Bank, 414 Church Street  
Spray Mercantile Building 413 Church Street  
Carter-Moir Hardware, 624 Washington Street (former House of Health)

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Robert's Café and G.J. Grill, 656 Washington Street (Eden History Museum)

Mayor Grogan asked Ms. Debbie Galloway, the City's Planner, to come forward for the presentations.

Ms. Galloway explained that this project was a joint project between the Historic Preservation Commission and the Tourism Development Department. She then introduced Mrs. Jean Harrington and Mr. Ed Holbrook, representatives of the Historic Preservation Society and Ms. Cindy Adams, Director of the Tourism Development Commission to come forward and present the historic building markers to the property owners who were present.

Mrs. Harrington explained that they have produced what she thought was something they could all be proud of. She noted that they wanted to be very careful and deliberate because these historic markers were made of bronze and of course as such could not be changed. She explained that they have done a great deal of research so that all of the information on the markers would be exact in so far as they can discover.

To explain the criteria that they used, Ms. Harrington stated that the program was to make the public aware that a building was an important element of the city's environment and it may be of historic importance and a local example of a particular architect and style. The marker program also awards good stewardship. She explained that they want to be sure that a building was well maintained and was qualified for a marker. The buildings must be a contributing building in a National Registered District and if not a contributing building it must be individually listed in the National Register of Historic Places. The building must also be at least 75 years old but could be 50 if recognized by the National Register. The building must be researched and the original owner and construction date must be documented by the Eden Historic Preservation Commission staff and the building exterior must also be restored and properly maintained.

She also noted that the markers were being put up in accordance with the age of the building. They started with the oldest building and as money becomes available they would be including more buildings. She also pointed out that one of them was out of order and explained that the Superintendent's House in the Draper area was a little bit younger but they wanted to be sure to represent each section of town. Ms. Harrington then introduced Ms. Adams to give them information about all of the buildings.

Ms. Adams stated that she wanted to thank Ms. Galloway for the PowerPoint presentation and she noted that she had put up a picture of yesteryear and then a current picture of the structure. They were as follows:

(1) Superintendent's House – 141 Main Street

Built by Marshall Field and Company around 1916 as part of the expansion of the German-American Mill complex and the mill village. Built for then superintendent Luther Knowles. The current owners are Chip and Toni Reynolds. They were not present as their son was arriving from Afghanistan.

(2) Imperial Trust and Savings Bank – 414 Church Street

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Built in 1912 when the bank moved from the Spray Mercantile Building. B. Frank Mebane was the bank's first president. The current owners are Louise and Phil Price.

(3) Spray Mercantile Building - 413 Church Street

Originally built in 1890 and expanded in 1904. Served as the "company store" for the Morehead mills. Contained a variety of businesses, professional offices, social and recreational facilities, a bank, a post office, and a community center. (Original 2-story building remains.) The current owner is Mr. Mark Bishopric, who was present to accept the marker.

(4) Roberts Café - 656 Washington Street

Built as a commercial building around 1885. Served as a Coca-cola distributorship around 1909 before becoming the Roberts Café from 1919-1950, then the G.J. Grill for 3 decades. Currently houses the Eden Historical Museum. The current owners are Mr. and Mrs. Tommy Harrington.

(5) Carter-Moir Hardware - 624 Washington Street

Built in the 1880's, this is the oldest brick commercial structure in Leaksville. Earliest known occupant was a hardware store and possibly the Bank of Leaksville. Original ornate brickwork remains intact. The current owners are Mr. Bill Pace and Mr. Richard Dyer.

She then thanked Ms. Harrington and the Eden Historic Preservation Commission and explained that they were going to do a minimum of six per year until they get enough. To explain how tourism came into play, they really wanted to develop a historic walking tour.

Mr. Holbrook also added that they wanted to thank the City Council for their support for historic preservation. There have been many studies done that show the positive economic impact that preserving your heritage has in the community and we definitely appreciate the support.

SET MEETING AGENDA:

Mayor Grogan noted that item 12 (c) Consideration and approval of Highway 14 Tree Replacement needed to be pulled from the Consent Agenda and that they also needed to add a Request for a Temporary Sign as item 12 (g). Council Member Epps also requested that they add an item of discussion regarding the traffic circle.

A motion was made by Council Member Ellis seconded by Council Member Turner to remove item 12(c) and add item 12(g) to the Consent Agenda and also to add an item of discussion regarding the traffic circle to the agenda. All Council Members present voted in favor of this motion. The agenda was set.

PUBLIC HEARINGS:

(a) To receive public comments concerning the closeout of the CDBG 2006 Harris Pointe Housing Development Project to the North Carolina Division of Community Assistance.

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The City of Eden received a \$200,000 grant for infrastructure for the Harris Pointe Elderly Apartments located just beyond First Presbyterian Church at 345 E. Harris Place. All work has been completed and the close-out process should be finished in November.

Mayor Grogan called for a public hearing and asked Ms. Kelly Stultz, Director of Planning & Inspections for a report.

Ms. Stultz explained that they did receive a \$200,000 grant for the Harris Pointe facility. What they need to do tonight is to hold a public hearing simply because everything about this grant was done and the money was all spent and the project was complete.

Mayor Grogan asked if anyone was in favor or opposition of this request. As no one came forward she then called the public hearing closed.

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

REQUESTS AND PETITIONS OF CITIZENS:

No one came forward to speak at this time.

UNFINISHED BUSINESS:

(a) Presentation by Mark Fisher of WK Dickson summarizing the work done under the Special Order by Consent.

Mr. Mark Fisher gave a PowerPoint presentation that included the following:

SOC Project –Linework and Pump Station (Phase 1 through 4)

SOC Linework - Phase 1

- Consisted of Pierce Street Sewer Collector and portion of Meadow Greens Western Outfall
- Separated from larger portion of work to prevent conflict with NCDOT widening and improvements of Pierce Street
- Provided cost savings since open cuts to install sewer in Pierce Street were overlaid by NCDOT
- Completed – October 2005

SOC Linework Phase 2

- Consisted of 27,000 linear feet of sewer replacement (8 to 12 inches) – See Handout 1
- Included numerous point repairs
- Provided new and up to date flow monitoring equipment to the City which have been critical in the assessing the performance of the repairs
- Completed – December 2006

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SOC Linework - Phase 3

- Elevated manholes adjacent to tributaries that are subject to flooding and submergence
- Replaced several small sections of deteriorated sewer including the replacement and relocation of the upper section of sewer on Mebane Street (Phase 2 involved the “lower” section on Mebane Street)
- Relocated and replaced the sewer crossing of Fairway 1 and Fairway 9 of the Meadow Greens Golf Club (existing sewer was routed through a large storm drain)
- Relocated a small portion of the Long Street outfall.
- Replaced vented manhole lids with solid covers in multiple street locations that were exposed to medium to heavy runoff.
- Completed January 2008

Project Objectives

(Phase 1 – Phase 3)

- Reduced inflow and infiltration (I&I)
- Reduced sanitary sewer overflows (SSOs)
- Secured sanitary sewer easements of approximately 125 affected parcels or properties. Prior to construction, the City did not possess recorded easements. The description of such an easement is prescriptive in nature and is not ideal for long term operation and maintenance.
- Removed several sewer conflicts with improved and or habitable structures.
- Bolstered water pressure and fire flow along Mebane Street with the 6-inch water main extension.
- Procured flow monitoring equipment that will be critical in identifying locations and extent of inflow and infiltration in other subsystems

Project Performance

(Phase 1 – Phase 3)

Flow Monitoring Results

| Representative Rainfall                            | Rainfall Amount (inches) | Meadow Greens Peak Wet Weather Flow (MGD) | Covenant Branch Peak Wet Weather Flow (MGD) | Dan River Peak Wet Weather Flow (MGD) |
|--|--------------------------|---|---|---------------------------------------|
| <i>Pre-construction (September 6-8, 2004)</i>      | 3.35                     | >1.80                                     |   | 2.73                                  |
| <i>Pre-construction (June 14-15, 2004)</i>         | 2.34                     |   | 0.93  |                                       |
| Post-construction (March 15-17 and June 3-4, 2007) | 2.11                     | 1.15                                      |   |                                       |

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| Post-construction (October 24-27, 2007)       | 3.52 |     | 0.61 | 0.87 |
| Estimated Reduction (average 2-inch rainfall) |      | 36% | 34%  | 68%  |

Project Performance  
(Phase 1 – Phase 3)

Summary of Overflow History

| Year | Total Annual Rainfall (inches) | Meadow Greens  |                                | Covenant Branch |                                | Dan River      |                                |
|------|--------------------------------|----------------|--------------------------------|-----------------|--------------------------------|----------------|--------------------------------|
|      |                                | Number of SSOs | Largest Single Event (gallons) | Number of SSOs  | Largest Single Event (gallons) | Number of SSOs | Largest Single Event (gallons) |
| 2003 | 60.22                          | 16             | 1,421,040                      | 16              | 398,860                        | 7              | 280,488                        |
| 2004 | 43.79                          | 10             | 31,497                         | 6               | 6,375                          | 8              | 53,243                         |
| 2005 | 38.11                          | 5              | 25,647                         | 8               | 34,850                         | 0              | -                              |
| 2006 | 43.17                          | 4              | 16,513                         | 10              | 34,440                         | 0              | -                              |
| 2007 | 37.02                          | 3              | 50,300                         | 3               | 280,488                        | 1              | 29,971                         |

Estimated 2.85 MGD of I&I reduced

Project Status

(Phase 1 – Phase 3)

- All improvements are complete and operational.
- The City and WK Dickson dealt with the usual restoration complaints and warranty issues. All known warranty issues are resolved.
- Project was closed out in May 2009 including record drawings and final payment to Contractor.
- Total Project Cost - \$6,091,400 (Does not include land acquisition and legal costs)
- Rural Center Grant Reimbursement Received - \$500,000

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SOC Pump Station - Phase 4

- Upgrades to Meadow Greens, Covenant Branch and Dan River Pump Stations (Kuder Street Pump Station was included to take advantage of economies of scale)
- Reliability and performance based improvements Increase to flow capacity at Meadow Greens and Covenant Branch to match peak wet weather flow (See Handout 2)

Project Performance

(Phase 4)

Summary of Pump Station Firm Capacities

| Peak Pumping Capacity | Meadow Greens | Covenant Branch | Dan River | Kuder Street |
|-----------------------|---------------|-----------------|-----------|--------------|
| Existing (MGD)        | 0.50          | 1.35            | 0.835     | 2.520 to 3.6 |
| Proposed (MGD)        | 1.00          | 1.5 to 1.7      | 0.835     | 3.312        |
| Confirmed (MGD)       | 0.937         | 1.6             | 0.896     | 3.638        |

- Meadow Greens (Phase 4)
- Covenant Branch (Phase 4)
- Dan River (Phase 4)
- Dan River (Phase 4)
- Kuder Street (Phase 4)

Project Status

(Phase 4)

- All improvements are complete and operational.
- The project is under the One-Year Warranty. 11<sup>th</sup> Month Warranty Inspection will conducted in July 2010.
- Project will be closed out in October 2009 including record drawings and final payment to Contractors.
- Total Project Cost - \$3,882,900

Where Are We and What's Next

- SOC has been completed and has been terminated.
- Sanitary Sewer Evaluation Study (SSES) needs to be completed in Bridge Street and Junction subsystems to complete sanitary sewer improvements prioritization.

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- Continued improvements to rehabilitate and renew your system in a prioritized and proactive manner are recommended to mitigate another SOC.
- Priorities include:
  - Dry Creek Outfall Phase 2
  - Smith River Outfall Phase 2 and 3
  - Kuder Street Subsystem Improvements - Phase 1 through 3
  - Bridge Street and Junction Pump Station Upgrades  
(Prioritized Improvements yet to be identified in Bridge Street and Junction)

Council Member Tuggle stated that he had said the study was 80% complete and he could remember when the study was done and they had \$93 million dollars worth of water and sewer problems in the city. Of course that goes from a lot of years back and there was no telling how old the piping systems were in the ground. He asked that when he said 80% complete was that 80% complete of what.

Mr. Fisher explained that it was 80% of doing the hands on detailed street level evaluation of the system where you are inspecting manholes, smoke testing, doing the field work that will determine where your service defects are and your problematic sewer mains are and to figure out the most economical way to correct those problems. He added that you could not correct every problem but there were problems that were going to be more pressing or had a higher priority than others.

Council Member Tuggle stated that he remembered quite a few years ago seeing the headlines that they were dumping like 400,000 gallons of raw sewer in the river at one time and hopefully that will never happen again as long as they maintain and continue. They certainly did not ever want to get back into that again, so this was sort of an ongoing process for the life of the city.

Council Member Burnette stated that first of all he wanted to comment on the work that has been done as it was fantastic. He was not only impressed with the technology and the diligence that was put out there to make sure this was done correctly, but also the safety. He noted that when you can do away with the confined space entries, not only does that decrease the manpower that was needed, but it also was a tremendous safety aspect that you do not have to deal with anymore especially the gases and things that exist in these pits.

He stated that he did have one question. He agreed that 2010 was the right time to look and see what their overflows look like. He asked if there was any way or would it even be accurate if they normalize the overflows with the rainfall.

Mr. Fisher replied yes and the table contained rainfall information and that was a factor to consider when you were looking at past years and once you get through a time period that you have to evaluate.

Council Member Burnette agreed but he questioned if they could normalize the overflows to a standard rainfall.

Mr. Fisher replied that they could and explained that most of the time what they typically saw in these cases was that anything under a 2-inch rainfall, those problems were not severe but once the magnitude reached a 2-inch or larger rainfall, that was generally the trend and for Eden it was very telling.



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Mayor Grogan commented that he really appreciated the personal service that Mr. Fisher's staff and other people did with the citizens, making them aware and communicating with them as to what was taking place and that was extremely helpful.

NEW BUSINESS:

(a) Approval and adoption of ordinance for the demolition of a structure at 1233 E. Stadium Drive 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 \$4,800.00. 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.

Ms. Stultz explained that this property was located at the corner of Hundley and Stadium and there used to be a little antique store at the back of the lot. She noted that it appears to be overgrown and significantly damaged. She stated that the current conversations with the property owner there was no way she can repair it and she has no money to take it down. She explained that the best thing they could do for the neighborhood was to take it down so she recommended that the City Council adopt the ordinance allowing them to demolish the structure.

Council Member Tuggle stated that he had a question for the attorney. He stated that he brought this up before and he knew that it was awful to have structures that need to be demolished but their nuisance abatement started the year at \$127,814.02 uncollected. He added that he knew that it had accumulated over the years and they did not have an attorney on staff to research and do all these things, but through September it was \$116,493 with about \$11,552.20 collected in October and even with that they have a tremendous amount of money that was uncollected. He questioned why they would spend \$4,800 to add to the large number they already have uncollected and why would they spend money in this ultra tight fiscal year when they did not have to. He stated that the question for the attorney was could this money be recouped within a reasonable amount of time and should this be something that was done on a case by case basis rather than continuing to add to this large amount until the economy gets a little better.

The City Attorney, Ms. Erin Gilley, explained that the property was owned by one individual female and the process of foreclosure on that property and actually owning that property was not going to be the sum that they see. There was going to be a cost of filing that action which was approximately \$92. Once they decide to foreclose, that was after they bill the owner and the owner does not pay, that will be the next step in collection. That will take approximately five months in legal actions trying to recoup that. She added that she did know that on this property there was a significant amount of delinquent taxes. However, they have had several with delinquent taxes but it has not deterred buyers from purchasing those properties so there was about an excess of \$5,000 on this property. Of course a big portion of those taxes was city owed money so in having someone take over that property and pay those taxes they would be getting a portion of those taxes as well and so that was a bonus in taking the property. She added that what they would get for the property once it was sold, she thought they could look at the vacant lots they have recently sold and they have not gone for very much.

Ms. Stultz added that it depended upon where they were and she could tell them that as a staff they were very passionate about this. The most complaints that the City Council gets generally has to do

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with local code enforcement. She stated that she thought that a piece of property like this in this neighborhood was detrimental to the quality of life around there. It was open and people were going in it.

Council Member Tuggle stated that he perfectly understood and agreed but there was a limit on how much money they have and how much they can spread around to continue to follow through with this program. He pointed out to already have over \$100,000 of uncollected money and continue to add to it, he could not see it.

Ms. Stultz explained that she could tell them that it was very difficult to start a process and deal with people and get all the way to the end and then nothing happens.

Council Member Tuggle pointed out that they (as a Council) were the ones who have to vote to raise taxes. He added that he understood where she was coming from and if they had a different economy and the budget was a little bit different he would be by them 100%. He added that he thought there comes a time when you need to say no to these things.

Council Member Burnette questioned if they could look at how much money they were bringing back in from the sale of the properties or whatever to look at that balance and if there was legally any way they could operate it almost like an enterprise fund. In other words it would have to pay for itself.

Ms. Stultz replied that it never would and Council Member Tuggle added that it was always a loss and it always has been. Ms. Stultz also added that properties that were worth a lot of money were not going to be abandoned.

Council Member Ellis commented that this house only became vacant about 18 months ago.

Ms. Stultz replied that she was not sure but it has not been that long. It was of course the Council's decision but there was no way that they could pick and choose and say that they were only going to do the ones that would cost just a little bit. They have to deal with the issues as they come in or not, depending upon how the Council chooses.

Ms. Gilley added that as far as operating as an enterprise fund, this was a city ordinance. They also have to look at the liability of enforcing some uses and not other ordinances. She also did not know if you have to look at possible injury that would occur if someone were to go on the property and get hurt. She just did not know if she would recommend operating as an enterprise fund as it was a city ordinance that should be enforced.

Council Member Epps questioned the fact that if they were to turn this one down could someone else use that as evidence and Council Member Burnette clarified that they did not enforce it on this one but enforced it on another one next time to which Ms. Gilley replied that she did not think that would really be an issue.

Ms. Stultz pointed out that it would have an impact on the integrity of their program but she thought the city would be safe in making those decisions.

Council Member Epps questioned the property's worth.

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Ms. Gilley replied that of course the tax values were done when the house was in good shape and Ms. Stultz replied that it was \$72,500 but that was done 8 years ago when the house was viable and lived in. She explained that this happens very quickly when someone has to walk away from a property and it was not lived in.

Ms. Debra Madison, Planning Coordinator & Legal Assistant, commented that this lady has called several times and she was not going to live there and was not going to do anything to it as she did not want it. What was there will only get worse because she will not do anything to it.

Council Member Tuggle explained that he understood but the bottom line was there was only so much money to go around and in a year that we have had to raise water and sewer rates; it has been a tough year.

Council Member Carter stated that he agreed with Council Member Tuggle. He asked if there was any legal means or what could they do as a city to make this thing safe and not so much fix the house but board it up so no vagrants or anybody else can get in there.

Ms. Stultz replied that they could do that. She explained that the city would keep paying for that too. The whole idea of this program was to try to preserve the houses and not to tear them down. They could have it boarded up and continue to pay for that. She added that it had no heating system, no wiring, the plumbing was gone and people have gone in and stolen what there was of value.

Council Member Carter asked if they could legally make them do something to which Ms. Stultz replied that they could sue her but if she does not have anything there was nothing to get.

Ms. Gilley added that what they do, they take what the city puts into the house and when they take the house they bill the cost of the house to the owner.

Ms. Stultz also added that generally that just means that the city ends up selling the property at an auction, etc. What they have seen in recent times, people will make bids, because they sell them subject to city taxes, those funds come back in when they do sell them.

Council Member Burnette stated that would probably be about \$5,000 to demolish and \$5,000 in taxes to which Ms. Stultz replied yes but they would not pay those. Council Burnette stated that he knew that but the sale prices, if they get their money back, the taxes were going to be paid first.

Ms. Stultz agreed but they sell it and they bid on it subject to the taxes.

A motion was made by Council Member Burnette seconded by Council Member Ellis to approve this request, for this time.

Council Member Burnette commented that he did agree with Council Member Tuggle and he thought they would have to look at things a little bit differently in the future so his motion was that they do it this time but he was concerned about the money they continue to put in.

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Council Member Ellis added that it was an eyesore to the community and they often get this every 60 to 90 days or almost every third meeting.

Ms. Stultz replied that if they pushed it they could have a handful at every meeting but they try to be as conservative as they can and only bring the really bad ones.

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

(b) Consideration and approval of proposed easement acquisition – Willow Oaks Plantation, L.L.C.

The Engineering Department requests that Council review and grant approval for a proposed deed of easement for existing utility infrastructure that is located on and transports sanitary sewer across property owned by Willow Oaks Plantation, LLC. The easement document will also include access rights to and from the property, and cover the existing water line that serves the Railroad Pump Station.

Easement plats have been prepared and revised by C.E. Robertson & Associates over the past few years, with the latest revisions being used for the easement document preparation. The plats have been scanned and the digital files attached. The Engineering Department has checked the plats for errors, and having found none, also requests that Council review and approve the easement plats for recording.

The easement document is in the final stage of preparation and is expected to be available for review by October 12<sup>th</sup>. The proposed easement document will be made available as soon as possible.

Mayor Grogan stated that he was concerned as to what the “other considerations” might be.

Mr. O’Dell explained that he did know that they had a request for storm drainage in some of the ditches where easements could cross branches and stuff. That was something in general that they agreed to do. He thought that probably 4 or 5 years ago the property owner wanted them to do it then but the staff did not want to do it at that time.

Ms. Gilley added that the language was standard language to which Mayor Grogan replied that he understood but it still concerned him. Ms. Gilley added that there was no fee with the property owner for the conveyance of this easement.

A motion was made by Council Member Burnette seconded by Council Member Tuggle to approve the “general approval of easement document” (unless a drastic change occurs). All Council Members present voted in favor of this motion. This motion carried.

(c) Approval and adoption of proposed amendment to the Peddlers, Itinerant Merchants and Charitable Solicitors Ordinance.

Due to requests of citizens and persons who enforce this ordinance and in an effort to provide protection for the citizens of the City, a revised Peddler’s, Itinerant Merchant’s and Charitable Solicitor’s Ordinance has been drafted for consideration.

An amended ordinance has been prepared for review. It contains all existing text to be replaced red and stricken. Replacement text has been highlighted.

Significant changes to the ordinance include a more specific detailed definition of Itinerant Merchant and a definition of peddler that includes any solicitor of magazines. These changes also include a limit on the time of operation for peddlers.

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Peddlers will be prohibited from operating 6:00 p.m. to 9:00 a.m. Monday through Saturdays and all day on Sundays. More information will also be required for on applications for these licenses.

Council Member Tuggle commented that he really liked the changes in the language. He knew that this last weekend there were people going door to door in his neighborhood. He asked if at any time they were doing that they were supposed to have something from the city saying that was okay to do that and they can only do it, prohibited operating 6 to 9 Monday through Saturday and not on Sunday at all.

Ms. Gilley replied that was correct and they should have that license with them when asked.

Council Member Tuggle asked who they should call if they could not show it to which Ms. Gilley replied the police.

Council Member Ellis stated that he did a lot of fundraising for the schools and all that and asked if he was considered a peddler.

Ms. Gilley explained that he would be a charitable solicitor and as defined it says “for educational purposes”.

Council Member Burnette added that if he was correct in saying that this was nothing new to which Ms. Gilley replied that was correct and that was the way it has always been.

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

(d) Approval and adoption of amendment to the Sewer Use Ordinance.

The NCDWQ Pretreatment, Emergency Response, and Collection Systems (PERCS) Unit has updated the model Sewer Use Ordinance (SUO) required for use by local governments with pretreatment programs. The City of Eden is required to update its SUO to assure that it meets the requirements of 40 CFR 403 and NC State Statute 15A NCAC 2H .0900.

Areas that have been marked through are to be replaced with the red highlighted sections. Red sections that do not follow marked through areas are to be added to our current ordinance. All other red sections are to be included within the wording of that particular section.

Ms. Melinda Ward, Superintendent of Wastewater Treatment, explained that this ordinance was prepared by the NC Department of Environment and Natural Resources and they mandate how the sewer use ordinance was supposed to be worded. This made it to the State for final approval and these are the revisions that they mandated. She also noted that a majority of the changes were grammatical errors or the way it was worded to make it clearer.

Council Member Tuggle stated that he saw all of the different changes and asked if that was something that came from the State to which Ms. Ward explained that the State mandated it and the staff had to go through and actually delete everything and make the changes.

Council Member Burnette asked if this was all for industrial waste being conveyed to the city.

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Ms. Ward replied that the sewer use ordinance covers industrial waste as well as anything else from any other business.

Council Member Burnette questioned how it would affect them. He pointed to Section 16-128. It stated that “an industrial waste survey is required prior to a user discharging wastewater containing an excess of the following” and the change was from “instantaneous maximum allowable discharge limits” to “daily average discharge limits”. He asked how that would affect them.

Ms. Ward explained that most of the things anywhere were done on an average and as far as taking composite samples that was really an average thing.

Council Member Burnette questioned the grab sample to which Ms. Ward replied that the composite it was just the way they had re-worded it to make it comply with what it really was. Council Member Burnette asked if this was an average 24 hours to which Ms. Ward replied yes, there were certain tests that were done as grabs and certain that were done as composites but it was the standard and it was just a one-time grab anyway.

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

(e) Approval of recommendation to accept bid on 306 Henry Street.

The City has received a bid on the house and lot at 306 Henry Street in the amount of \$2,000 from Shane Hensley. The tax value of the property is \$27,738.00. The original advertisement for bids was run in the Eden Daily News on August 30, 2009. The bid was received from Mr. Hensley and the advertisement for upset bids was run in the Eden Daily News on September 16 and 23, 2009. No upset bids were received.

The owner of the house moved to Texas to live with her son in late 2005 or early 2006. She abandoned the house, as confirmed by a telephone call with the owner by a Planning Department staff member and the City has been mowing the yard since that time. The house and lot was purchased by the City at public auction through the collection process. The cost of the nuisance abatement was \$1,125.00. The property is being sold subject to unpaid property taxes. The amount due as of October 12, 2009 is \$3,107.85. It was recommended that the City Council accept Mr. Hensley's bid.

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

(f) Discussion on Spray Traffic Circle:

Council Member Epps expressed concerns with the condition of the plants in the traffic circle. He stated that he would like to see some flowers put in there as the bushes there looked dead.

Ms. Stultz explained that the NCDOT paid for the plants inside the circle and they were a part of that whole project. They had no plans to put anything in the circle except put the sod out. From citizen's complaints they took some leftover plants and placed them in there. The plants were not dead but they certainly looked pitiful. She stated that she was certain that if the Council wanted they could get some prices. Part of the process that happens was when the DOT plants things in the right-of-way the City of Eden becomes responsible for maintaining it.

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Mayor Grogan commented that he recalled that when it first came up about the traffic circle, Mrs. Harrington came and made a request and he had told her that they could do anything they want in the Spray Circle as long as they did not spend his tax dollar and he felt the same way today, but that was history and they could all do what they want.

Council Member Epps stated that he thought some pansies would make it look better as it was pretty heavy in traffic and Council Member Turner suggested that maybe somebody could adopt that spot.

Ms. Galloway explained that adopt the street and spot program was for clean up and someone has actually adopted that area for cleanup but not for beautification, however it could become an Appearance Commission project.

Council Member Burnette agreed and stated that he was going to ask if that would fall under Community Appearance or Tree Board.

Ms. Madison added that it did not under their regular landscaping agreement and Ms. Stultz pointed out that Mr. Farmer (Director of Parks, Recreation & Facilities Maintenance) handles that area now and they may want to ask him but that was the landscape maintenance agreement.

Council Member Burnette asked if the Community Appearance Commission could look at this and make a recommendation to which Ms. Stultz replied that they could.

#### REPORTS FROM STAFF:

##### A. Monthly Financial Report

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

##### B. Finance & Human Resources - *No Report*

##### C. Environmental Services - *No Report*

##### D. Engineering

The FY 2009-10 Street Resurfacing Contract was released in two parts this year due to funding concerns. The fall schedule, being Part 1 of the contract, has been completed. Nine street sections were resurfaced including portions of: Haled/Lawson Street, Warehouse Street, Kennedy Avenue, Cox Street, Pierce Street, Edgewood Road, Greenway Drive and the intersection of E. Harris Place and Linden Drive. The total expenditures to date are \$162,728. 13.

There are thirty additional street sections, being Part 2 of the contract, scheduled to be resurfaced in the spring of 2010. However, due to a reduction in our annual Powell Bill Allocation and the lack of funding eight of these streets will have to be postponed until 2011. The Engineering Department has reevaluated the condition of the remaining streets and intends to postpone the following street sections as needed: Elm Street, Hillside Drive, Highland Drive, Walnut Street, Gresham Street, Pitcher Avenue, Farrell Street and Von Ruck Road.

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Construction on this project is scheduled to resume in April 2010.

Council Member Burnette asked if they were roughly on a 10 year cycle for paving to which Ms. Amos replied it was a 15 year cycle. Council Member Burnette stated that he knew they had delay some last year.

Ms. Amos replied that they have almost 700 sections of streets that were maintained and up until two (2) years ago she had just about had it caught up with only about 15 streets behind on cycle and with what they have had to postpone last year because of the liquid increase of \$150,000 and with what she was having to pull this year it looks like they will be falling behind about 40 to 45 streets again.

Council Member Tuggle pointed out that he was sure that it was a continuous economic cycle.

Ms. Amos agreed and also asked them to remember that two (2) years ago they received \$583,000 from the Powell Bill allocation and this year they only got \$459,000. She also noted that the price per ton now has gone up about \$72.00 per ton when about five (5) years ago she was paying about \$40.

Council Member Burnette questioned if they needed to look at a 16 or 17 year cycle or was that too long.

Ms. Amos replied that she was pushing it at 15. She explained that all she had been doing this week was evaluating the streets for the next contract and 15 years was really too long. She stated that she needed to catch them at about 13 years to keep them from getting so bad that it was costing extra to repair them before she could even overlay them. It was getting to the point to where the Powell Bill allocations were not enough to do what was needed to do every year to stay on track with it and it will end up like the sewer rehab, they were going to end up falling so far behind that they would get to a point one day where they would wonder how they were going to fix it.

Council Member Burnette asked if asphalt was the only answer to which Ms. Amos replied that it was pretty much when they get to that point. Council Member Burnette stated that he knew that she did some temporary gravel on Cox last year.

Ms. Amos replied yes and they had talked a little bit about tar and gravel. They do that in the county but inside the city it was so nasty and you get so many complaints. She also added that the light weight stone was not something you normally see inside the city limits.

Council Member Ellis also pointed out that he thought safety was an issue on it.

Mr. Corcoran commented that they should keep in perspective that in 2007-08 they received approximately \$583,000 in Powell Bill funds and here they were in 2009-10 and they have received approximately \$459,000.

Mayor Grogan added that the Governor and State legislature were looking to give all the streets back to the cities.

Ms. Amos stated that they may get to a point where they have to start budgeting some in the General Fund each year to keep from getting so far behind again that it takes ten years to catch up like it did the



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last time. She added that they were lucky when they started trying to catch up before because the price of asphalt was still fairly low and now they were doing 25 to 30 streets when they were doing 60 streets a year.

E. Economic & Tourism Development - *No Report*

F. Police

Over the course of the last six months we have been very busy in the field and in the office. Listed below are just a few of the events going on around the office.

- In May, the Eden Police Department implemented protocol for Domestic Violence and Victim's Rights Crimes as required by statute. Our investigators researched and formulated the protocol for our department that we have shared with other departments throughout the county.
- In June, the Eden Police Department hosted the Chamber Coffee.
- In June, the Eden Police Department in partnership with all the other law enforcement agencies in Rockingham County and our District Attorney's Office received a grant for \$525,000. The grant addressed the needs associated with Crime Scene Investigation and Gang Reduction.
- In July, the Eden Police Department hosted a multi-agency Driving While Impaired checking station on NC 14 near the intersection of Cox Street. The event was very successful and resulted in numerous arrests of impaired drivers as well as an assortment of other charges.
- In August, we completed our first G.R.E.A.T. Summer Program. We offered the program to kids through the Eden Boys and Girls Club, Eden YMCA, and the City of Eden Parks and Recreation Department.
- In August, Officer Elizabeth Tilley took over the duties as the new School Resource Officer at Holmes Middle School. SRO Tilley brings experience, education, and a tremendous amount of energy to the new assignment. We anticipate that she will be very successful in her new assignment.
- In August, we made a slight adjustment to our uniforms. We started an insignia program that recognizes officers as they advance in job classification and years of service. This minor adjustment has been very well received by officers.
- In August, we designated Detective Paul Moore as our primary Crime Scene Investigator. Detective Moore has received extensive training in the area of evidence recognition, collection, and preservation. Detective Moore is the only certified Crime Scene Investigator in Rockingham County. Detective Moore works closely with the Crime Scene Investigator for the Rockingham County Sheriff's Department. In addition to his duties with our department, Detective Moore has been called upon to assist the Rockingham County Sheriff's Department, North Carolina Highway Patrol, and various other agencies in the county. We have established a protocol for our department and requesting agencies that must be followed in order to activate an after hour response by our Crime Scene Investigator.

Listed below are just a few of the major cases that our department has investigated within the last six months

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- In March, four individuals were identified and arrested for the robbery of Consumer Finance located on NC 14. These individuals are responsible for other armed robberies in Alamance County and the State of Virginia. All are awaiting trial in Federal Court.
- Between the months of May and June, we investigated three separate home invasions that involved two separate groups of perpetrators. At the conclusion of these investigations, we arrested seven individuals. Two individuals are awaiting trial in state court and five are awaiting trial federal court.
- In July, the third phase of Operation Nut Cracker resulted in the arrest of 20 individuals involved in mid and street level drug deals. Since the first phase of this operation, over 70 individuals have been targeted and arrested in this investigation.
- During the past six months our Narcotics Division has seized approximately \$40,000 in cash, numerous firearms, and has several ongoing investigations.
- In June our Narcotics Division conducted an ABC Compliance Campaign in the city. During the investigation 18 convenience stores were checked to see if they would sell alcohol to a minor. Unfortunately, clerks at 14 of the stores sold alcohol to the underage person. Narcotics Detectives charged all of the clerks with selling alcohol to a person less than 21 years of age.
- In July our Narcotics Division conducted another ABC Compliance Campaign in the city. As a result of the investigation, seven clerks were charged with selling alcohol to a person less than 21 years of age.
- In September Morehead High School was the victim of two separate bomb threats during homecoming week. On each occasion, officers responded to the high school and assisted with lockdown of the buildings and evacuation of students. On each occasion the buildings were searched and cleared by emergency personnel with assistance from school faculty. At the conclusion of the investigation, detectives arrested two 18-year-old students for making the threats. The two young men were each charged with a felony and placed in the Rockingham County Jail under \$100,000 secure bond.

We are in the process of completing a couple of projects that we feel will enable us to improve the quality of the services that we provide to our citizens.

- We continue to explore financing/grant opportunities to purchase the equipment necessary to complete our 800 MHz radio project. We are currently pursuing the United States Department of Agriculture as a financing option.
- We continue to work closely with other law enforcement agencies and mental health service providers within the county to address the issues surrounding the involuntary commitment process. This continues to be an issue that taxes law enforcement resources throughout the state. Craig Cardwell, Executive Director of Reidsville Area Trust, has been instrumental in getting all the players to the table to address the needs within Rockingham County.

Below is a list of grants that we have been fortunate to receive over the course of the last six months.

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| COPS | \$291,672.00 | The COPS Hiring Recovery Program funds salaries for two officers over a three-year period. |
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| Annie Penn Community Trust<br>(now known as the Reidsville Area Foundation)              | \$4,225.00   | Monies to update the software for our Computer Forensics Lab. The software has been purchased and installed.   |
| JAG  | \$37,977.00  | Monies to be used to purchase eight in-car cameras.  |
| CEDAP  | \$20,000.00  | The Grant is for the software, hardware, and training needed to implement the dTective video enhancement system (from Ocean Systems). The dTective system is considered the state of the art. On Tuesday October 6 <sup>th</sup> , we were informed that a training session is scheduled for November 3 <sup>rd</sup> through November 6 <sup>th</sup> in Laurel, Maryland. Detective David Lamberth is slated to go to that training. |
| NCLM   | \$2,500.00   | North Carolina League of Municipalities Body Armor Reimbursement Program was established in July, 1994 and reimburses members up to 50% of the cost of police body armor, subject to a maximum of \$250.00 per garment.  |
| Bulletproof Vest Partnership (BVP)   | \$12,350.00  | The Bulletproof Vest Partnership (BVP) Program helps protect the lives of law enforcement officers by assisting state, local, and tribal governments to equip their officers with armor vests. The program pays up to 50% of the cost of vests purchased by jurisdictions with approved applications.  |
| North Carolina Governor's Highway Safety Program (GHSP) Traffic Safety Equipment Project | \$17,275.00  | The North Carolina Governor's Highway Safety Program (GHSP) Traffic Safety Equipment Project funds the purchase of signs, lighting, generators, reflective vests and other safety equipment used to conduct Driver's License Checkpoints.  |
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| TOTAL  | \$385,999.00 |  |

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| COPS Equipment Grant | \$8,000.00 | We have applied with the Governor's Crime Commission for a COPS Equipment Grant that would help pay for equipment for the two new COPS officers. The Governor's Crime Commission advises that we should receive word about this grant within the next 60 days. |
|----------------------|------------|--|

Council Member Tuggle asked who applied for those grants to which Chief Pyrtle replied that (Sgt.) Sam Shelton has been instrumental in it and has worked hard on it.

Council Member Burnette questioned how many of the children went through the GREAT program this summer.

Chief Pyrtle replied that it was approximately 50 between the Boys & Girls Clubs, the Recreation Department and the YMCA. He thought they were satisfied with it and hoped to get more involvement next year by advertising a more.

Council Member Burnette noted that he had said they were done interviewing and asked how close they were to having officers in place or when did he expect to have them on the street.

Chief Pyrtle replied that they hoped to have an Oath of Office ceremony within the next 2 or 3 weeks.

Council Member Ellis asked about the retirement of the police dog and had they applied for a new one to which Chief Pyrtle replied that they were working on it and had a couple of ideas.

Council Member Tuggle stated that he thanked them for the information as it was the most information he had ever seen coming out of the Police Department and Mayor Grogan agreed and was also pleased with the presentation.

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

CONSENT AGENDA:

- (a) Approval and adoption of minutes: September 15 and September 22, 2009.
- (b) Planning Department and Boards and Commissions Annual Activity Report.
- (c) Consideration and approval of Highway 14 Tree Replacement.  
*This item was pulled.*
- (d) Consideration and approval of request for temporary signs from First Presbyterian Church for the Annual Fall Festival.

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First Presbyterian Church has requested permission to erect a temporary sign in the right-of-way of Van Buren Road and Arbor Lane. This sign will advertise a fall festival event to be held at First Presbyterian Church at 582 Southwood Drive on Saturday, November 7, 2009. This will be a fellowship event open to the community and is a fundraiser for mission projects (local and international) supported by First Presbyterian Church.

The banner will be hung on October 21 and taken down no later than November 10. The banner is 9 feet 10 inches long and 4 feet wide.

The sign ordinance allows temporary signs in the street right-of-ways upon approval by the City Council.

The Planning and Inspections Department recommends approval of the request.

(e) Designation of a voting delegate and alternate for the 2009 National League of Cities Annual Business Meeting. (National League of Cities). *Mayor John E. Grogan*

(f) Consideration of General Purpose Funding: Senior Center.

The State of North Carolina allocates these funds each year and the allocation this year is \$4,218. The total match the City will be responsible for in fiscal year 2009-2010 will be \$1,406 for a total grant of \$5,624. The funds to match this grant will be derived from the Senior Center account in the Parks and Recreation Department budget.

The funds will be used to help pay the salary of the temporary employee at this site and help cover the cost of office supplies.

The City of Eden has applied and received this grant for several years. The Parks and Recreation Department would like permission to apply and receive this grant for the Garden of Eden Senior Center for the 2009-2010 fiscal year.

(g) Consideration of approval of request for temporary sign.

The Rotary Club of Eden has requested permission to erect a temporary sign in the right of way of Van Buren Road and Arbor Lane. This sign will advertise a Masquerade Ball to be held at the Meadow Greens Country Club on Friday, October 30, 2009. This will be a fundraiser open to the public. The banner will be hung on October 21 and taken down no later than October 31. The banner is 10 feet long and 3 feet wide.

A motion was made by Council Member Tuggle seconded by Council Member Ellis to approve consent agenda items a, b, d, e, f, and g. All Council Members present voted in favor of this motion.

CLOSED SESSION:

Closed Session to consult with the City Attorney in order to preserve the attorney-client privilege according to GS 143-318.11(a)(3).

A motion was made by Council Member Burnette seconded by Council Member Tuggle to go into Closed Session to consult with the City Attorney in order to preserve the attorney-client privilege according to GS 143-318.11(a)(3). All Council Members present voted in favor of this motion.

OPEN SESSION:

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

ADJOURNMENT:

October 20, 2009

City of Eden, N. C.

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A motion was made by Council Member Carter seconded by Council Member Burnette to adjourn. All Council Members present 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