

CITY OF EDEN, N. C.

The regular meeting of the City Council, City of Eden, was held on Tuesday, May 19, 2009 at 7:30 p.m. in the Council Chambers, 308 E. Stadium Drive. Those present for the meeting were as follows:

Mayor:	(absent)	John E. Grogan
Mayor Pro Tem:		Wayne Tuggle, Sr.
Council Members:		Donna Turner
		Darryl Carter
		Jerry Epps
	(absent)	Christine Myott
		Jim Burnette
	(absent)	Jerry Ellis
City Manager:		Brad Corcoran
City Clerk:		Sheralene Thompson
City Attorney:		Erin Gilley

Representatives from Departments:

Representatives from News Media: Lisa Doss, Eden's Own Journal

MEETING CONVENED:

Mayor Pro Tem Tuggle 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:

Mr. Lem Hardison, Pastor of North Spray Christian Church, gave the invocation followed by the Pledge of Allegiance led by Fire Chief Bernie Moore.

SET MEETING AGENDA:

There were no deletions or additions to the agenda.

PUBLIC HEARINGS:

(a) Consideration of the FY 2009-2010 Budget.

Mayor Pro Tem Tuggle called for the public hearing and asked the City Manager, Mr. Brad Corcoran, for comments.

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Mr. Corcoran explained that on April 22 they had the work session on the budget for fiscal year 2009-2010. He added that the public hearing had been advertised but the adoption of the actual budget would probably take place in June. The information given to the City Council regarding the budget is below:

On April 17th I provided each of you with an update concerning the April 14th email I received from Mr. Tom Robinson, County Manager. The email was in reference to the tax revaluations for 2009 that the Board of Commissioners previously voted to rescind. You will note from excerpts from his email below that this issue has not been fully resolved.

“Hi folks. I know you are having fun working on your FY 2009-2010 budgets. Things just got more complicated for us. As you know, the Board of Commissioners voted to rescind the 2009 revaluation. Both the NC Department of Revenue and the UNC School of Government have stated that Rockingham County, Stanley County and Caldwell County cannot rescind these revaluations after December 2008. All three counties took action to rescind after this date. Now, the Attorney General’s Office has issued an advisory opinion that also states that it is illegal for these counties to rescind the 2009 revaluations.

At this point I am not sure what Rockingham County is going to do. We will be talking with the Department of Revenue this week and will advise the Board at one of the three budget workshops planned for this week and next week. I have the sense that the Department of Revenue was not going to press the issue of the rescission but several additional counties want to take similar action and this is forcing the Department to take a stand. Also, several counties voted to go forward with revaluations based, in part, on information that they could not legally rescind the revaluation. This also puts pressure on the Department of Revenue to force compliance. I will keep you informed, but want to give you a heads up. Time is pressing for us to make a decision.”

As a result of this development Representative Nelson Cole and others introduced House Bill 1530 which would allow Rockingham County to rescind the revaluations. As of today (May 13th) we are continuing to watch the legislative process. House Bill 1530 was heard favorably by the Local Government II committee on April 29th but has to pass the full House by the May 14th

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crossover deadline and then repeat the process in the Senate. In the meantime, Ms. Karen Carter, Tax Collector – Rockingham County has geared her operations in the Tax Office to complete the County’s intended path of utilizing the 2003 values this year while also running a parallel operation to be as far along as possible in the event the legislation fails. According to Mr. Eugene Russell, County Attorney, they are hopeful that they can stay on course with the 2003 values and not have to reinstitute the 2009 reappraisal.

How does all of this impact Eden? Once the Eden budget ordinance is adopted the tax rate is established for the upcoming year. Once the tax rate has been set for the upcoming year it can’t be changed. As such, if we proceed with adopting our budget ordinance on May 19th with a tax rate of \$ 0.62 per \$ 100 assessed valuation then we will be stuck with that tax rate regardless of whether the County uses the 2003 values or the 2009 values. If the County is forced to use the 2009 values the City Council may not want to maintain a tax rate of \$ 0.62 depending upon the projected increases associated with the new tax values.

Mr. Kelly Almond, Reidsville City Manager and I discussed this matter last week and are recommending the same course of action. The City of Reidsville typically adopts their annual budget during the second week of May each month. On May 12th (yesterday) they conducted their public hearing on the proposed FY 2009-10 budget but delayed any action on the budget ordinance until the tax valuation issue has been resolved.

While we will proceed on May 19th with our public hearing on the proposed FY 2009-10 budget as advertised we will not be considering the FY 2009-10 budget ordinance until the tax valuation issue has been fully resolved. As long as we adopt the FY 2009-10 budget ordinance by June 30, 2009 we will be fine.

Mayor Pro Tem Tuggle asked if anyone would like to speak in favor or in opposition to which no one came forward to speak, he declared the public hearing closed.

(b) Consideration of zoning text amendments and Ordinance to amend the City of Eden Zoning Ordinance to reflect mandated statutory changes adopted by the General Assembly. Request submitted by the Planning and Inspections Department. ZONING CASE Z-09-01.

Mayor Pro Tem Tuggle called for the public hearing and asked Ms. Kelly Stultz, Director of Planning & Inspections, to come forward with her report.

Ms. Stultz explained that the city staff has filed a zoning text amendment to amend the Zoning Ordinance. The request is to amend sections of the Zoning Ordinance to reflect mandated statutory changes adopted by the N.C. General Assembly.

The Planning Department has recommended approval of the text amendment changes. The Planning Board considered this request at their February 24, 2009 meeting and recommended that the request be approved.

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Council Member Burnette stated that under the ordinance to be amended for action by the Planning Board, the notice of a public hearing, it says that the city may elect to either make a mail notice or as an alternative to public notice of the hearing and that was if there were more than 50 people affected. He stated that his only concern there was if they elected to publish only at any time and not mail.

Ms. Stultz replied that she had never chosen to do that or asked the attorney if they could. She explained that with the sophisticated means they have now to obtain addresses it was more prudent to send everyone a letter and it was also cheaper than placing an ad in the newspaper.

Mayor Pro Tem Tuggle stated that he was looking under the tree protection enforcement and he was amazed to even read through this. In section 11.33 they were talking about tree harvesting and denying building permits for up to three years because they cut all the trees out. He asked if she could see anywhere in their city where this would apply.

Ms. Stultz replied that it could to which Mayor Pro Tem Tuggle added that of course sometimes in Eden they see where everything was empty, with no trees, and asked if it would apply to that. Ms. Stultz replied yes and explained that there was a case a couple of years ago that raised a lot of community concern and actually Ms. Galloway (planner) did a lot of research and they prepared revisions to the ordinance that were very much like this. She added that they assumed that by using this same exact language that it required it would be the best way that Ms. Gilley could defend them in court. She also added that yes, they have had that and sometimes with large subdivisions they would stop somebody who was going to do a large subdivision from totally clear cutting and those kinds of things.

Mayor Pro Tem Tuggle stated that it really was a good idea to have that in there.

Mayor Pro Tem Tuggle then asked if anyone would like to speak in favor or in opposition to which no one came forward to speak, he declared the public hearing closed.

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

REQUESTS AND PETITIONS OF CITIZENS:

Ms. Faye Purdue, 1925 Scott Street:

Ms. Purdue explained that she lived at the bottom of a hill at a dead end. She pointed out that she paid almost \$2,000 in taxes, which she thought was a lot for a retired person and she has water problems. She explained that she had not been able to use her dishwasher in her new home for three years and she also did not have enough water pressure and her washing machine has had to be replaced. She stated that she bought a new one and on Saturday the water did not quit running in it and now all the hardwood floor in her kitchen will have to be torn up.

She then presented some photographs to the Council. She explained that this was her home. This was her tub and the city has been good to send somebody out but they would come out and flush it or whatever and they would come around the back of her house and run the water and it looked good so

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she got smart enough to start doing this. She added that she could not even use her whirlpool. She stated that she thought the state was coming out yesterday morning at 10:00 but they called the city and said they would not be coming and the city had said she had been very uncooperative with them. She stated that the only thing she knew of and she had not cussed nobody out yet, was that they came one day to drain the hot water heater and she was ready to go to the doctor...and another day she got ugly, they did not knock on the door and she was getting ready to go the doctor and was in the shower with soap on her hair and she had to wrap a towel around it and run to the door and she had to do that twice. But, anyway the boys have been real nice and she appreciated that. She then presented some jars of water that contained various water samples. She explained that one of the jars contained water that came out of her sink to drink...that was cold water and it had stuff in it...another sample contained water from her whirlpool. She explained that she thought she had been real patient. She then showed them three white \$50 shirts that were ruined.

Mayor Pro Tem Tuggle noted that it was pretty obvious that she had iron rust in there.

Ms. Purdue replied that it did not look like iron rust to her, it looked like river water. She stated that she was on the end of the line, but that was not her fault. She stated that she thought it was a sad day that she could not get anything done.

Mayor Pro Tem Tuggle asked how many times she had contacted Mr. Asbury.

Ms. Purdue replied that she did not know. They sent somebody out numerous times and they came out today and she called the state back and told him what she thought and when he said he was not coming out she called the city. She added that the city manager has been out there and in fact she thought he came out since those pictures were taken as they were kind of old and he came out a year or so ago.

Mayor Pro Tem Tuggle asked if Mr. Asbury could come up and explain what the city has done at this point.

Ms. Purdue commented that she understood that they were going to start on her street but she was saying that there was a lot of the old houses that probably had galvanized (pipes) and they were probably a hundred years old but her house did not and she wanted them to run her a bigger water pipe from the street into her house so that she could use her dishwasher.

Mayor Pro Tem Tuggle stated that he appreciated her coming out. He then asked Mr. Asbury to tell them where they are and then they would get back with her to make sure they get something worked out. He asked Mr. Asbury what had been done so far.

Environmental Services Director, Mr. Dennis Asbury, explained that they have been there many times and have flushed the lines. She does live on the end of the line and it was problematic. It was along Scott Street and if the Council would remember from their budgeting process that was one of the streets that the engineering department has identified as being problematic.

Mayor Pro Tem Tuggle asked how long it had been problematic.

Mr. Asbury replied that he would guess quite some time. He had records for the last six months...he thought, going back to the first of December where they first contacted Ms. Purdue. They advised her

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at that time that a significant part of the problem she was experiencing was related to an accumulation of this material that you see here in her hot water heater. He stated that they had asked her to hire a plumber to flush the hot water heater and they told her that the city would pay for it and she has not done that. Recently, last Friday, he had asked Mr. Bill Harvey, the Collection & Distribution Superintendent, to go to the site and he bled off the line and did not find any red water. Mr. Harvey himself offered, which was contrary to what they usually do because they try to stay out of people's houses for obvious reasons, but Mr. Harvey offered to come back the next day to actually flush her hot water himself and she agreed at the time but by the time he got back to city hall Ms. Purdue had called Blair Barker and said she did not want anybody coming. So, they have been there and they have flushed. He stated that he did know that the state has approved plans that the engineering department has submitted for replacement of the line on Scott Street and they were just waiting to receive those approved plans. The city's engineer, Mr. Bev O'Dell, would be contacting a contractor to do that work. The work should be done as early as the end of June but depending upon the working conditions and the availability of the contractor it may go into July.

Ms. Purdue commented that they keep saying it was the hot water heater but she asked them to look at this (water sample). This came out of the cold water spigot and she pointed out that it had slime in it.

Council Member Carter questioned that when they flush the hot water heater would that not help to which Ms. Purdue interjected that she ran all the water out of it today.

Mr. Asbury replied, in answer to Council Member Carter's question, they thought it would help, otherwise they would not recommend it.

Ms. Purdue stated that she did not let them do it the other day because the state was supposed to come out and she wanted them to see exactly what she had and of course after he called the city they decided not to come.

Mayor Pro Tem Tuggle stated that he thought it would probably be a pretty good idea to try to set up a date where the city can come out and take a look at that again and go from there and certainly with new lines going in that will maybe help with the problem.

Ms. Purdue stated that if this was going to be done in June, she was going out of town and will be gone a couple of weeks and she could not leave her garage open as she had sound systems in there and karaoke...

Mayor Pro Tem Tuggle suggested that when Mr. Asbury knows for certain he can call her and try to make contact and after he makes contact he can tell her what the state was going to do and when they would do it.

Mr. Asbury added that he really thought that Ms. Purdue needed to hire a plumber to do that flushing and let the city pay the plumber as he really did not want their city employees going into someone's home.

Mayor Pro Tem Tuggle commented that was pretty good for the city to do that and he asked Ms. Purdue if she agreed.

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Ms. Purdue replied yes and she added that they needed to start paying for drinking water too.

Mayor Pro Tem Tuggle suggested that she call the plumber and the city could pay for it. He asked if she could do that and that would be the first step and they would try to get her back on track and Mr. Asbury would call as soon as the state can make some reference to her.

Ms. Purdue agreed but added that it was the cold water; you get that stuff out of your drinking water too. She then continued to explain that she washed her clothes with cold water to which Mayor Pro Tem Tuggle noted that was what he was talking about as far as replacing the pipe and he closed by thanking her for coming to the meeting.

UNFINISHED BUSINESS:

(a) Appointment to Tree Board - Ward 7.

Council Member Ellis was unable to attend the meeting; however his nomination to Tree Board for Ward 7 was Ms. Miriam Moore.

A motion was made by Council Member Epps seconded by Council Member Turner to appoint Ms. Miriam Moore to the Tree Board. All Council Members present voted in favor of this motion.

NEW BUSINESS:

(a) Recommendation to Surplus City owned Real Property.

The City has recently obtained ownership of the properties listed below:

1. 131 Greenwood Street
2. 911 McConnell Street

These properties previously had structures located on them which were demolished under the minimum housing standards and were acquired at public auction through our collection process

The recommendation was that the above properties be declared surplus and advertised for bids:

Council Member Epps questioned the money to which Ms. Stultz replied that she really did not know what they would get but bids that come in always have to come before the Council for approval.

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

REPORTS FROM STAFF:

- A. Monthly Financial Report
Financial Report – Tammie McMichael

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A motion was made by Council Member Epps seconded by Council Member Turner 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 - *No Report*
- E. Economic & Tourism Development

Ms. Cindy Adams, Coordinator of Tourism & Special Events presented a demonstration of the city's new tourism website, ExploreEdenNC.com. She then introduced the Mr. Thad Rodgers, Ad Graphics Resource who designed the site. She explained that he has done a lot of great behind the scenes work and she had to say that the site has far exceeded her expectations.

Mayor Pro Tem Tuggle commented that he was on the site last night and it was really impressive and they had an awful lot of information on there.

Mr. Rodgers (*he was not standing at the microphone*), explained that the site has actually been up for 2 weeks and it already ranked in the search engines. He noted that if you were in the top five in Google you were doing well. That was what gets the eyeballs to the website and this ranking in the search engines means there will be traffic.

Mayor Pro Tem Tuggle asked how you get a ranking into the top five.

Mr. Rodgers replied that Google's alpha rhythm consists of maybe 100 elements. The site was only as good as the company it keeps. Associated with it was the city's site which ranks very well because of its age and content.

Council Member Burnette asked if one of those facets have to do with the number of times that the site was visited as well, part of the alpha rhythm.

Mr. Rodgers explained that the popularity and traffic will be measured on a site called Alexa. He explained that you will not really come under that radar unless you were turning 20 to 30,000 visitors a day. He added that they have already gotten an inquiry from the website, a gentleman from Greensboro who was interested in opening a business. Mr. Rodgers then maneuvered around the website demonstrating its contents.

Ms. Adams added that you could see how each event was featured and it was comprehensive of the whole community and there was even a link that contained the Parks and Recreational events as well as the hospital's events. They even left a section there for other events so they thought they had covered everyone.

Mayor Pro Tem Tuggle stated that he thought it was so impressive that a small city would have something with so much on it and a variety.

Mr. Rodgers explained that the investment in this site was only a fraction of what has been done and the model was Salisbury and they have already superseded them. They do have a link that branches

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off to social networks such as Twitter and Facebook and he also demonstrated Facebook and explained how that worked.

Ms. Adams closed by explaining that this was a work in progress that will be constantly updated.

F. Parks, Recreation & Facility Maintenance

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: April 21 and April 22, 2009

(b) Consideration and Approval of FY 2009-10 Street Resurfacing Contract - Request to Award Contract.

Please find attached a copy of the certified Bid Tabulation Schedule for the FY 2009-10 Street Resurfacing Contract. The bids were received on April 21, 2009 at 2:00 p.m. A total of four (4) responsive bids were received on the project. The low bidder was W-L Construction & Paving, Inc. in the amount of \$518,540.28.

The Engineering Department is requesting Council's approval to award the FY 2009-10 Street Resurfacing Contract to W-L Construction & Paving, Inc. based on their bid amount.

(c) Acceptance of Maintenance and Street dedication for a portion of Oleander Drive.

Staff recently discovered that two hundred and ninety eight (298) feet of Oleander Drive from the intersection of Hidden Valley Drive, east to the end of the existing pavement has not been accepted for maintenance by the city. Nor, is the city claiming the mileage on the annual Powell Bill report.

The pavement was extended in 2001. The street specification was met according to city standards and inspected by staff at the time of construction. Since the street has been in existence for more than eight (8) years, staff is not recommending the requirement of a bond or a letter of credit. However, the developer was required to repair three small areas of pavement that had some minor cracking due to the age of the pavement. The pavement repairs have been made in satisfactory condition.

The city has received a request from Mr. Pete Osborne to accept the additional two hundred and ninety eight (298) feet of Oleander Drive for maintenance. Staff recommends we accept the additional mileage for maintenance without exceptions and dedicate the right of way for public use.

(d) Approval and adoption of Budget Amendment #10.

In March 2008, the city received loan proceeds for the 911 system upgrade of \$712,243.00. As of June 30, 2008, \$384,450 of these loan proceeds had not been expended and was moved to the Emergency

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Communications Fund fund balance. We have now completed this project and expended the remaining loan proceeds. The attached budget amendment appropriates the loan proceeds from fund balance to the corresponding expenditure line items.

	Account #	From	To	Amount
Emergency Communications Revenues				
Fund Balance Appropriated	24-3991-99100	\$ -	\$ 382,950.00	\$ 382,950.00
Emergency Communications Expenditures				
Emerg Comm C/O Equipment	24-4330-57000	\$ -	\$ 382,500.00	\$ 382,500.00
Emerg Comm C/O Equip - Non-Depr	24-4330-57001	\$ -	\$ 450.00	\$ 450.00
				<u>\$ 382,950.00</u>

Appropriated loan money for 911 system upgrade that remained in fund balance at June 30, 2008.

Adopted and effective this 19th day of May, 2009.

Attest:

Sheralene Thompson, City Clerk

John Grogran, Mayor

(e) Approval and adoption of Budget Amendment #11.

In fiscal year 2006-2007, the city received a CDBG grant for the Harris Pointe Housing Project in the amount of \$200,000. At that time we set up a special revenue fund to account for the grant's revenues and expenditures. This project is now complete and we need to close out this fund. The attached budget amendment closes this fund and moves the remaining \$1,309 into a Special Appropriation Holding Account in the General Fund. At June 30, 2009, this money will be added to the General Fund's fund balance. The balance remaining in this fund represents the sales tax that was paid on the invoices. We received and expended the entire \$200,000 grant; however, the sales tax portion of the invoices was paid out of the General Fund rather than the CDBG fund.

	Account #	From	To	Amount
CDBG Fund Expenditures				
CDBG Street Improvements	14-5510-40290	\$ -	\$ 57,726.00	\$ 57,726.00
CDBG Administration	14-5510-44000	\$ 200,000.00	\$ 140,965.00	\$ (59,035.00)
CDBG Transfer to General Fund	14-5510-97000	\$ -	\$ 1,309.00	\$ 1,309.00
				<u>\$ -</u>

General Fund Revenues

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Contrib. from CDBG Fund	10-3984-89000	\$	-	\$	1,309.00	\$	1,309.00
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General Fund Expenditures

Special Approp Holding Account	10-9920-99999	\$	12,948.00	\$	14,257.00	\$	1,309.00
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Close out CDBG fund.

Adopted and effective this 19th day of May, 2009.

Attest:

Sheralene Thompson, City Clerk

John Grogran, Mayor

(f) Approval and adoption of Budget Amendment #12.

Now that the Downtown Revitalization projects have been completed, we need to close out this fund. However, in order to do that we need to transfer \$123,300 from the General Fund to cover the final expenditures of this project. \$85,000 of this will be transferred from the Street Department sidewalk line item and the remaining \$38,300 will come from General Fund contingency.

	Account #	From	To	Amount
General Fund Expenditures				
Street M/R Signs	10-4510-24300	\$ 366,100.00	\$ 281,100.00	\$ (85,000.00)
Contigency	10-9990-99100	\$ 100,000.00	\$ 61,700.00	\$ (38,300.00)
Transfer to Downtown Revitalization	10-9920-81000	\$ -	\$ 123,300.00	<u>\$ 123,300.00</u>
				\$ -

Downtown Revitalization Fund Revenues

Contribution from General Fund	10-3984-90000	\$	583,200.00	\$	706,500.00	\$	123,300.00
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Downtown Revitalization Fund Expenditures

Bldg/Utility/Construction	23-4910-29912	\$	100,500.00	\$	23,800.00	\$	23,300.00
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Transfer funds from General Fund to cover final Downtown Revitalization expenditures and close out fund.

Adopted and effective this 19th day of May, 2009.

Attest:

Sheralene Thompson, City Clerk

John Grogran, Mayor

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(g) Approval of Temporary Sign Request - (Annual Pottery Festival)

The Planning Department has received a request for temporary signs to be located in the public right-of-way at NC 14 and Arbor Lane (at BB&T) and in front of Kingsway Plaza shopping center. The request was submitted by Cindy Adams, Coordinator of Tourism and Special Events, for the Annual Pottery Festival to be held on June 6, 2009.

(h) Approval and adoption of American Recovery and Reinvestment Act Funding Resolution Smith River and Dry Creek Sewer Improvements Project.

The attached resolution is provided for the Council's consideration. The \$714,302.80 funding package for the subject project is in the form of a loan. Half of the loan will be forgiven. The other half of the loan will be repaid at zero percent interest over twenty years. The City's first annual payment of \$17,857.57 on the loan is anticipated to occur in November, 2009 or May 2010 depending on when the work is completed.

Following are descriptions of the two project phases as contained in the funding application:

Smith River Phase 1 provides for replacement of a "High Priority Sewer" that is located parallel to the Smith River bank and is in difficult terrain subject to both falling trees and debris and to erosion. It is also considered a "High Priority Sewer" due to its age (50 – 80 years old), inaccessibility, and the fact that it is a significant source of exposure to spills and overflows. The section of the system that crosses the Smith River shows evidence of rusting and weakening. The damaged portion of the system has resulted in line stoppages, collapse and overflows. The improvements recommended under Phase 1 include the replacement of the upper section and the relocation and replacement of the lower section of the sewer between the bridge and trestle.

Dry Creek Phase 1 provides for immediate repairs to the most severe and problematic sewers and manholes found in the inspection of the Dry Creek subsystem. It consists of a combination of replacement and point repairs and is recommended to be completed at the same time as the Smith River Phase 1 to take advantage of economies of scale. Repairs recommended as part of Phase 1 of the Dry Creek subsystem are to repair areas of the aging system (50 – 80 years old) that have experienced significant inflow and infiltration as well as significant structural deficiencies. The pipes in this portion of the system have experienced sewage overflows or will cause overflows in the immediate future. CCTV (closed circuit television) inspection was conducted during periods when the groundwater table was reasonably high. The results indicated as much as 50% of the pipe capacity was occupied by infiltration and inflow.

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RESOLUTION BY GOVERNING BODY OF APPLICANT

WHEREAS, the North Carolina Clean Water Revolving Loan and Grant Act of 1987 and the American Recovery and Reinvestment Act have authorized the making of loans to aid eligible units of government in financing the cost of construction of wastewater treatment works, wastewater collection systems, and water supply systems, water conservation projects, and

WHEREAS, the North Carolina Department of Environment and Natural Resources has offered a State Revolving Loan in the amount of \$714,302.80 for the construction of the Smith River and Dry Creek Phase 1 Sanitary Sewer Improvements Project, and

WHEREAS, the City of Eden intends to construct said project in accordance with the approved plans and specifications,

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF EDEN:

That City of Eden does hereby accept the State Revolving Loan offer of \$714,302.80.

That the City of Eden does hereby give assurance to the North Carolina Department of Environment and Natural Resources that all items specified in the loan offer, Section II - Assurances will be adhered to.

That Brad Corcoran, City Manager, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project; to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That City of Eden has substantially complied or will substantially comply with all Federal, State and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State loans pertaining thereto.

Adopted this the 19th day of May 2009 at Council Chambers in City Hall of Eden, North Carolina.

John E. Grogan, Mayor

Attest:

Sheralene Thompson, CMC
City Clerk

A motion was made by Council Member Turner seconded by Council Member Burnette to approve all consent agenda items. All Council Members present voted in favor of this motion.

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ADJOURNMENT:

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

Sheralene S. Thompson, CMC
City Clerk

ATTEST:

Wayne Tuggle
Mayor Pro Tem