

CITY OF EDEN, N. C.

The regular meeting of the City Council, City of Eden, was held on Tuesday, May 18, 2010 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
	Gene Hagood
	Jim Burnette
	Jerry Ellis
City Manager:	Brad Corcoran
City Clerk:	Sheralene Thompson
City Attorney:	Erin Gilley

Representatives from Departments:

Representatives from News Media: Latala Payne, Eden News; Roy Sawyers, RCENO

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:

Mr. Craig Bowman, Pastor of the First Baptist Church, gave the invocation followed by the Pledge of Allegiance led by Fire Chief Bernie Moore.

PROCLAMATIONS AND SPECIAL PRESENTATIONS:

Mayor Grogan asked Coach Greg Frey to come forward, presented a plaque to him and read the following proclamation:

PROCLAMATION
Of the City of Eden, North Carolina
Hereby Proclaiming Friday, May 21, 2010

GREG FREY DAY

WHEREAS, since arriving at Morehead High School in 1982 Coach Greg Frey has made a tremendous impact during his tenure as wrestling coach; and

WHEREAS, his career record stands 576-124-5 (Overall) for 1976-2010 and 420-111-3 (Morehead) for 1983-2010; and

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WHEREAS, the Morehead Wrestling Team were State Dual Team Champions in 1998, 1999, 2002, 2003, and 2006 and State Individual Team Champions in 1998, 1999 and 2006; and

WHEREAS, Coach Greg Frey was selected NCMAT NEWS Coach of the Year in 1998, 1999, 2002, and 2006, NWCA North Carolina Coach of the Year for 1999, 2002, 2006 and 14X Conference Coach of the Year; and

WHEREAS, Coach Greg Frey was inducted in the National Wrestling Hall of Fame and under his direction the wrestling team won 17 Conference Championships; and

WHEREAS, Coach Frey and the Morehead High School Wrestling Team have hosted many wrestling tournaments. The East Coast Classic has brought many wrestling fans to our city and the Super 32 has been held in Eden for four years and in 2004 the Super 32 brought in an estimated \$1.3 million.

NOW, THEREFORE, BE IT PROCLAIMED, by the authority vested in me as Mayor of the City of Eden that Friday, May 21st, 2010 shall be observed in celebration and **Proclaiming Greg Frey Day** throughout the city recognizing all the contributions that Coach Frey has made to our city and the Morehead High School Wrestling Team.

Proclaimed this the 18th day of May, 2010.

John E. Grogan, Mayor
City of Eden

SET MEETING AGENDA:

A motion was made by Council Member Epps seconded by Council Member Carter to set the meeting agenda (including the addition of a resolution to the Consent Agenda as item 12(h) and removal of New Business item 10(c). All Council Members voted in favor of this motion.

PUBLIC HEARINGS:

(a) Consideration and adoption of the FY2010-2011 Budget Ordinance.

2010-2011 BUDGET ORDINANCE

BE IT ORDAINED by the City Council of the City of Eden, North Carolina in regular session assembled:

Section 1: The following amounts are hereby appropriated for the operation of the City of Eden government and its activities for the fiscal year beginning July 1, 2010, and ending June 30, 2011, according to the following summary and schedules.

Summary (Funds)	Estimated Revenues	Total Budget Appropriation
General	\$12,449,800	\$12,449,800
Self Insured Insurance	\$1,919,900	\$1,919,900
Emergency Communications	\$171,400	\$171,400
Water and Sewer	\$10,041,500	\$10,041,500
Police Pension	\$225,400	\$225,400
Runabout Travel	\$24,400	\$24,400

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Municipal Service Tax District	\$8,200	\$8,200
(Less inter-fund transfers)	<u>\$1,804,300</u>	<u>\$1,804,300</u>
(Less Pass Thru Funds – Ex. Runabout Travel)	<u>\$32,600</u>	<u>\$32,600</u>
TOTAL	<u>\$23,003,700</u>	<u>\$23,003,700</u>

Section 2: That for said fiscal year there is hereby appropriated out of the General Fund the following:

Code	Department	Appropriation
10-4110	City Council	\$37,500
10-4120	Administration	\$135,000
10-4125	Environmental Services	\$64,400
10-4130	Finance/Human Resources	\$205,600
10-4135	Economic & Tourism Development	\$266,700
10-4145	Information Technology	\$87,800
10-4150	Legal	\$56,400
10-4310	Police	\$4,026,900
10-4340	Fire	\$1,454,600
10-4350	Engineering	\$60,700
10-4510	Streets	\$1,306,200
10-4515	Powell Bill	\$447,100
10-4710	Solid Waste	\$1,742,400
10-4910	Planning & Code Enforcement	\$549,900
10-6120	Recreation/Facility Maintenance	\$1,167,300
10-6220	Public Building Services	\$71,200
10-6920	Fleet Maintenance	\$234,900
10-9100	Special Appropriations	\$285,200
10-9990	Contingency	<u>\$250,000</u>
TOTAL		<u>\$12,449,800</u>

Section 3: It is estimated that the following General Fund Revenues will be available during the fiscal year beginning July 1, 2010, to meet the foregoing General Appropriations:

Code	Revenue Source	Amount
3189-11092	Ad Valorem: Prior Years – Rock Co.	\$85,800
3189-18000	Interest on Delinquent	\$21,000
3190-11000	Ad Valorem: Current Year	\$4,584,500
3190-12093	DMV-Vehicle Tax – Current Year	\$423,000
3190-12093	DMV-Vehicle Tax – Prior Year	\$77,000
3190-12094	Short Term Rental Vehicle Tax	\$10,000
3190-15000	Dog License	\$1,500
3190-18000	Interest on Current Taxes	\$14,300
3190-19097	Payment in Lieu of Annexation	\$586,000
3190-19098	Rockingham Co. DMV Collection Fee	(\$8,000)
3190-19099	Prepaid Tax Discounts	(\$20,000)
3190-19100	Occupancy Tax	<u>\$59,000</u>
Tax Revenue Total		<u>\$5,834,100</u>

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Code	Revenue Source	Amount
3260-11000	Privilege Licenses	\$41,500
3260-17000	Privilege License Penalties	\$100
3270-11000	Franchise Fees/Time Warner	\$25,000
3270-12000	Franchise Fees – State	\$157,000
3343-41000	Building Permits	\$37,000
3343-41100	Plumbing Permits	\$8,200
3343-41300	Mechanical Permits	\$15,000
3343-41400	Sign Permits	\$600
3343-41500	Electrical Permits	\$22,000
3434-48000	Fire Department Permits	\$1,300
3491-41100	Planning Zoning Permits	<u>\$300</u>
Licenses & Permits Total		<u>\$308,000</u>

Code	Revenue Source	Amount
3350-00200	Donations & Fees – Pottery Festival	\$3,700
3350-00300	Farmer’s Market Fees	\$900
3413-58000	Misc/Returned Checks	\$100
3431-41800	Police Controlled Sub State Excise Tax	\$1,000
3434-49000	Fire on Behalf Payments	\$15,200
3612-48000	Freedom Park Concessions	\$30,500
3612-48100	Bridge Street Center Concessions	\$2,000
3612-48200	East Eden Center Concessions	\$6,300
3612-48300	East Eden Pool Concessions	\$6,500
3612-86000	Pool Admissions	\$14,700
3612-86100	Building Use	\$32,000
3612-86200	Field Use & Lights	\$7,000
3711-58000	G/F Return Check Fee	\$100
3831-49000	Interest: Checking	\$2,000
3831-49100	Interest: Temporary Investments	\$120,000
3831-49500	Interest: NC Cash Mgt. Trust	\$4,000
3831-49700	Interest: Powell Bill Funds	\$800
3831-49900	Eden PD/Forfeiture Interest	\$600
3839-89000	Miscellaneous Revenue	\$4,500
3850-85000	Insurance Proceeds	\$17,100
3984-95000	Contribution to Emergency Communications	<u>\$10,100</u>
Use of Money & Property Total		<u>\$279,100</u>

Code	Revenue Source	Amount
3231-31000	Local Option Sales Taxes	\$845,200
3232-31000	½ Cent Sales Taxes	\$604,200
3233-31000	½ Cent Sales Taxes	\$599,900
3234-31001	State Hold Harmless Payment	\$432,000
3234-31002	Solid Waste Disposal Tax Distribution	\$8,600
3322-31000	Wine & Beer Taxes	\$71,000
3324-31000	Utilities Franchise Taxes	\$714,400
3325-33000	Powell Bill: State Street Aid	\$447,100
3335-32000	County Grants: Fire Department	\$2,400
3336-33000	County Grants: School Resource Officer	\$84,800
3431-86000	Federal Grants: COPS Program	\$95,300
3612-48400	Recreation Grant-Sr. Center	\$4,900
3837-89000	ABC Revenues	\$109,000
3837-89100	ABC Revenues: Law Enforcement	<u>\$2,400</u>

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Other Agencies Revenues Total \$4,021,200

Code	Revenue Source	Amount
3350-00100	Historic Preservation Book Sales	\$600
3412-41000	Other Departmental Revenues	\$2,500
3431-41000	Police Revenue: Dog Fines	\$300
3431-41100	Police Security Charges	\$42,000
3431-41200	Police Security Fringe Benefit Charges	\$8,000
3431-41300	Court Costs	\$7,200
3431-41400	Parking Violations	\$1,300
3431-41500	Police Fingerprinting Supplies	\$700
3431-41600	Police Department: Sale of Materials	\$200
3431-41700	Police Revenue	\$600
3431-84000	Police Department Restitution	\$500
3434-41000	Outside Fire Protection Charges	\$5,200
3435-82000	Engineering Testing Fees	\$3,000
3451-41100	Street Dept. Revenue: Driveways	\$3,000
3451-81000	Street Mowing	\$7,400
3491-40000	Planning Dept. Nuisance Fees	\$35,000
3491-41000	Planning Department Applications	\$700
3491-41600	Planning: Code Compliance Ins.	\$1,100
3491-81000	Planning Department Sale of Materials	\$200
3491-84400	Comm. Appearance Projects Revenue	\$1,400
3612-41000	Non-city User's Fees	\$5,600
3612-41100	League Entrance Fees	\$7,800
3612-41200	Recreation Dept. Revenue: Lesson	\$1,200
3612-86400	Recreation Dept. Miscellaneous	\$10,000
3612-87000	Fuel Purchases – County Agencies	\$24,000
3839-49900	Cash Discounts Earned	<u>\$300</u>

Charges for Current Services \$169,800

Code	Revenue Source	Amount
3471-41100	Residential Fees – Solid Waste	\$1,348,400
3471-41101	Commercial Fees – Solid Waste	\$463,000
3471-81000	Sale of Material/Scrap – Solid Waste	\$3,300
3471-81100	Recycling Income – Solid Waste	\$10,600
3471-81200	Sale of Compost/Mulch–Solid Waste	\$4,000
3471-81400	Demolition – Abatement	\$5,700
3714-52000	Dumpster Late Fee	<u>\$2,600</u>

Total Solid Waste Revenue \$1,837,600

General Fund Revenue Total \$12,449,800

Section 4: That for said fiscal year there is hereby appropriated out of the Self Insured Insurance Fund the following:

Code	Department	Appropriation
4145-18300	Group Insurance Fixed Cost	\$477,500
4145-30000	Claims	<u>\$1,442,400</u>

Self Insured Insurance Fund Total \$1,919,900

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Section 5: It is estimated that the following Self Insured Insurance Fund Revenues will be available during the fiscal year beginning July 1, 2010 and ending June 30, 2011, to meet the foregoing Self Insured Insurance Fund Appropriations:

Code	Revenue Source	Amount
3351-01000	Charges to other Funds/GF	\$1,481,300
3351-03000	Charges to Other Funds/W/S	\$382,200
3351-07700	Charges to Other Funds/Pension	\$35,900
3831-49000	Interest: Checking Acct.	\$500
3839-83000	Refunds	<u>\$20,000</u>
Self Insured Insurance Fund Total		<u>\$1,919,900</u>

Section 6: That for said fiscal year there is hereby appropriated out of the Emergency Communications Fund the following:

Code	Department	Appropriation
4330-19200	Professional Services	\$10,100
4330-32100	Telephone M/R	\$28,200
4330-76000	Lease Payments	\$122,100
4330-76100	Lease Payments – Interest	<u>\$11,000</u>
Emergency Comm. Fund Total		<u>\$171,400</u>

Section 7: It is estimated that the following Emergency Communications Revenues will be available during the fiscal year beginning July 1, 2010 and ending June 30, 2011, to meet the foregoing Emergency Communications Fund Appropriations:

Code	Revenue Source	Amount
3255-34000	NC 911 PSAP	\$171,200
3831-49000	Interest Checking	\$200
Emergency Comm. Fund Total		<u>\$171,400</u>

Section 8: That for said fiscal year there is hereby appropriated out of the Water & Sewer Fund the following:

Code	Department	Appropriation
7110	Water Resources	\$345,400
7115	Billing & Collections	\$566,300
7120	Water Filtration	\$1,233,900
7125	Collection & Distribution	\$1,522,100
7130	Water Reclamation	\$1,708,400
8120	Water Construction	\$305,000
8130	Sewer Construction	\$1,625,100
9920	Special Appropriations	\$2,485,300
9990	Contingency	<u>\$250,000</u>
Water & Sewer Fund Total		<u>\$10,041,500</u>

Section 9: It is estimated that the following Water & Sewer Fund Revenues will be available during the fiscal year beginning July 1, 2010 and ending June 30, 2011 to meet the foregoing Water & Sewer Fund Appropriations:

Code	Revenue Source	Amount
3362-51200	Sale of Water	\$4,182,800
3362-53000	Leak Adjustments/Water	(\$15,000)
3363-51300	Sewer Service Charges	\$3,071,700

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3363-53000	Leak Adjustments/Sewer	(\$27,700)
3363-53900	One-Time Pool Adj.	(\$1,500)
3711-58000	Miscellaneous Returned Checks	\$4,000
3713-53000	Pre-Treatment Charges	\$16,700
3714-42000	Water Service Application Fees	\$16,400
3714-51000	W/S Meter Tampering Fees	\$400
3714-52000	Reconnection Charges	\$170,000
3714-52200	Water Taps	\$7,700
3714-52300	Sewer Taps	\$4,800
3831-49000	Interest: Checking	\$2,500
3831-49100	Interest: Temp. Investments	\$80,000
3832-63000	W/S Take or Pay Payment – HBI	\$2,500,000
3834-86000	Rent of Equipment	\$25,000
3835-81000	Sales of Materials	\$1,500
3839-49900	Cash Discount Earned	\$200
3839-89000	Miscellaneous Revenues	<u>\$2,000</u>
Water & Sewer Fund Total		<u>\$10,041,500</u>

Section 10: That for said fiscal year it is hereby appropriated out of the Police Pension Fund the following:

Code	Department	Appropriation
4310-12900	Separation Payments	\$208,900
4310-18100	FICA	\$16,000
4310-19300	Professional Services	<u>\$500</u>
Police Pension Fund Total		<u>\$225,400</u>

Section 11: It is estimated that the following Police Pension Fund Revenues will be available during the fiscal year beginning July 1, 2010 and ending June 30, 2011 to meet the foregoing Police Pension Fund Appropriations:

Code	Revenue Source	Amount
3831-49000	Interest: Checking	\$200
3981-99000	Pension Fund – Fund Balance	<u>\$225,200</u>
Police Pension Fund Total		<u>\$225,400</u>

Section 12: That for said fiscal year there is hereby appropriated out of the Runabout Travel Fund the following:

Code	Department	Appropriation
9100-31200	Runabout Travel Expense	<u>\$24,400</u>
Runabout Travel Fund Total		<u>\$24,400</u>

Section 13: It is estimated that the following Runabout Travel Fund Revenues will be available during the fiscal year beginning July 1, 2010 and ending June 30, 2011 to meet the foregoing appropriations:

Code	Revenue Source	Amount
3612-84000	Runabout Travel Fees	<u>\$24,400</u>
Runabout Travel Fund Total		<u>\$24,400</u>

Section 14: That for said fiscal year there is hereby appropriated out of the Municipal Services Tax District Fund the following:

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Code	Department	Appropriation
4135-29900	MSD Tax – Leaksville	\$6,800
4135-29901	MSD Tax – Draper	<u>\$1,400</u>
Municipal Service Tax District Fund		<u>\$8,200</u>
Total		

Section 15: It is estimated that the following Municipal Services Tax District Fund Revenues will be available during the fiscal year beginning July 1, 2010 and ending June 30, 2011 to meet the foregoing appropriations:

Code	Revenue Source	Amount
3190-19200	MSD Tax – Leaksville	\$6,800
3190-19300	MSD Tax – Draper	<u>\$1,400</u>
Municipal Service Tax District Fund		<u>\$8,200</u>
Total		

Section 16: There is hereby levied for the fiscal year ending June 30, 2011 the following rate of taxes on each one hundred dollars (\$100) assessed valuation of taxable property as listed as of January 2010 for the purpose of revenue, and in order to finance foregoing appropriations:

A GENERAL FUND (for the general expense incident to the proper government of City of Eden, North Carolina) TAX RATE of \$0.620000 per hundred dollars (\$100) of assessed valuation.

Such rates are based on an estimated total appraised value of property for the purpose of taxation of approximately \$841,345,461 with an assessment ratio of 100% of appraised value. Estimated collection rate of 97.68%.

Section 21: The Tax and Service Rates section of the FY 2010-2011 budget sets forth the applicable fees for the fiscal year beginning July 1, 2010 and ending July 30, 2011.

Section 22: Copies of this Budget Ordinance shall be furnished to the Director of Finance & Personnel and City Manager of the City of Eden, to be kept on file by them for their direction in the collection of revenues and expenditures of amounts appropriated.

Section 23: The City Manager, by authority of this ordinance, may transfer/reallocate between & within departments up to a maximum of ten percent (10%) of the moneys appropriated within any of the above stated funds, not including any transfers between funds.

Adopted this the 18th day of May, 2010

John E. Grogan
Mayor

ATTEST:
Sheralene Thompson
City Clerk

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Mayor Grogan called for a public hearing and asked Mr. Brad Corcoran, City Manager for comments.

Mr. Corcoran explained that each of them should have a copy of the budget ordinance. It was essentially unchanged since their budget work session. The combined budgets for FY 2010-2011 equal \$24,840,600 and once you subtract Inter-fund Transfers and Pass-Through Funds that gives you a total of \$23,300,700.

Mayor Grogan asked if anyone would like to speak in favor or in opposition of this budget ordinance. As no came forward or had a comment he then called the public hearing closed.

A motion was made by Council Member Epps and seconded by Council Member Ellis to approve and adopt the FY 2010-2011 Budget Ordinance. Council Members Ellis, Epps, Turner, Carter, Burnette and Tuggle voted in favor of this motion. Council Member Hagood voted in opposition. This motion carried.

(b) Consideration and adoption of the Revised New Water Conservation.

Mayor Grogan called for a public hearing and asked Mr. Terry Shelton, Superintendent of Treatment Plants to come forward for a report.

Mr. Shelton explained that the revised amendment was presented at last month's meeting and asked if there were any questions.

Mayor Grogan explained that this item was presented in detail last month. He then asked if anyone would like to speak in favor or in opposition of this ordinance. As no came forward or had a comment he then called the public hearing closed.

A motion was made by Council Member Burnette seconded by Council Member Hagood to approve and adopt the new Water Conservation Ordinance. All Council Members voted in favor of this motion.

(c) Public hearing to consider a request and ordinance from Lakeside Properties of Eden, LLC to repeal the Local Landmark Ordinance that designated the Lakeside School as a Local Historic Landmark.

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

The Historic Preservation Commission has approved a Certificate of Appropriateness request from the property owner which would allow the demolition of Lakeside School. The school was designated a Local Historic Landmark in 2006 in hopes that the then property owner could rehab and reuse the building. However since that time the building has continued to deteriorate and has become an eyesore and a nuisance to the neighborhood. Staff recommended in favor of the request and the Preservation Commission agreed and approved the request at their March 2010 meeting.

Since this request was approved and the intent is to demolish the building, the historic integrity of the property will be destroyed and it can no longer be considered "historic". Therefore staff requests that Council repeal the Local Landmark Ordinance for Lakeside School at your May 18, 2010 meeting.

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Ms. Stultz explained that 3 different owners have owned it in the last decade and they have not been successful in rehabilitating it.

Mayor Grogan asked if anyone would like to speak in favor or in opposition of this ordinance. As no came forward or had a comment he then called the public hearing closed.

Mr. Stephen Koontz, 421 Beech Street, addressed the Council:

Mr. Koontz explained that he lived catty-cornered across from Lakeside School. He had spent a lot of sleepless nights and had called the police a time or two and so have some of the other neighbors. He went to the meeting about tearing the school down and he approved of tearing it down because it was an eyesore. He stated that there was an article that was in the paper and he was concerned about what was going up there. The property owner came over to visit him and he said to it would not be what was in the paper which was low-income houses. He stated that if the school comes down and the owner makes an offer as to what he wants to build, he wanted to see it in writing as to what he was going to do and how much money he would spend.

A motion was made by Council Member Carter seconded by Council Member Ellis to approve and adopt the ordinance repealing the local landmark ordinance that designated Lakeside School as a local historic landmark. All Council Members voted in favor of this motion.

REQUESTS AND PETITIONS OF CITIZENS:

Mr. Stephen Koontz, 421 Beech Street, addressed the Council:

Mr. Koontz explained that he wanted to comment about a waterline. The city had been out working on the waterlines in his area and there was a lot of mud in the water. He explained that he had drained his new hot water heater about 6 times in 2 years. He found out that when the line comes up Beech Street from Park it dead-ends around by the school. Some of the city workers have been over there and put a big pipe in and shot water in and took the meter out, they have been nice about helping but that was not solving the problem since he found out that he was on a dead-end line. He stated that he was getting stale water and he had washed his washing machine out with Clorox several times and he would just like to see if they could go under the road and tie in where the water main was.

Mayor Grogan asked if he thought that would solve the problem.

Mr. Koontz replied that it would not be at a dead-end line. It comes up and butts in and backs up and every time they do fire hydrant drainage he ended up with mud everywhere because it flushes that end out and pushes it back.

UNFINISHED BUSINESS:

There was no Unfinished Business on the agenda.

NEW BUSINESS:

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(a) Request to adopt an ordinance for the demolition of a structure at 627 NC700 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 \$4,500.00. 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 presented a PowerPoint presentation to Council showing the condition of the property. She added that they did have funds budgeted for this demolition.

A motion was made by Council Member Epps seconded by Council Member Ellis to adopt an ordinance for the demolition of a structure at 627 NC700. All Council Members voted in favor of this motion.

(b) Request to adopt an ordinance for the demolition of a structure at 726 Morgan Road 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 \$2,900.00. Once the demolition is done at the City's expense, actions can be taken to recoup the funds in the same manner as the collection of special assessments.

Ms. Stultz also presented a PowerPoint presentation of this property. She explained that the inside was totally filled with stuff, there were animals living in it and trees were growing out of it. This property was owned by Mr. J.T. Hale and she had discussed the property with him several times. He asked for additional time and she really did not think they should allow him more than 30 days. He would like to try to demolish it himself and remove the debris. She recommended that City Council adopt the ordinance but instruct the staff not to do any enforcement until 30 days from today. Whatever was left to do at that time, they would like permission to do. She added that there was so much stuff inside this house that if at the end of 30 days Mr. Hale did not have it all removed then there may be some funds needed in excess of the \$2,900.00 for landfill costs and things.

Council Member Carter asked what the probability would be that they could consume the costs on this thing.

Ms. Stultz explained that they have had a good week. They finally sold the Hickory Square property and at least they do not have to pay to mow that anymore and they have also been doing some steady collections and the City Attorney sent out a number of letters threatening legal action and there has been some success with that. So, they were making progress, however she would tell them that these kinds of conditions in a neighborhood was so detrimental to everything going around it, that it was as much a public service, in her opinion, than a lot of other things. The Council did budget for them to do some of this every year and they were working very hard to recoup the funds. She pointed out that it was only fair because these people get a service having the city clean up their stuff that other citizens did not get.

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A motion was made by Council Member Epps seconded by Council Member Burnette to allow the property owner 30 days from May 18, 2010 to clean up the property or the city would proceed with the demolition. All Council Members voted in favor of this motion.

(c) Authorization of legal action for zoning violation at 1423 Ridge Avenue.

This item was removed from the agenda.

(d) Amendment of the Water and Sewer Extension Request on Harris Pointe requested by Peter Osborne.

At the April 2008 regular meeting of the City Council, a request was approved under our water and sewer extension policy for the Harris Pointe Elderly Apartments on E. Harris Place. At that time, the request was for the full 75% allowable by the policy. These payments are made after the ad valorem taxes are paid in January of each year. The owner would receive five annual payments.

The first payment should have been made to Mr. Osborne in January 2009. At this point, the tax value as assessed by Rockingham County did not meet expected levels.

Therefore, no payments were made in January 2009 or January 2010. This was because the amount of the taxes paid did not reach the full amount of the requested reimbursement. Therefore, to date he has not received any payment on this project.

The building permit issued reflected an appropriate value that would have supported the original application. She spoke with the County Tax Office over the course of the last year and the manner in which they appraise properties such as this one's negatively impacts the value.

Mr. Osborne has proposed that his application be reduced from 75% of the value of the cost of the improvements to 70%. Much of the new commercial development we have experienced in the past several years has been in this area. Therefore, based upon the information presented, it was recommended that Council amend his request as submitted.

The amount originally to be paid to Mr. Osborne for five years was \$20,667 per year. The amount of the amended request is \$14,466 per year for five years.

Council Member Hagood stated that he thought that the way that was written up and you prepared a worksheet and it either was appraised at such value and it does not meet that now to which he asked if that was correct.

Ms. Stultz explained that unfortunately they can make assumptions based on the permit amount. So they have to use that because obviously the building was not complete when they do the applications. So then in January of every year for the ones that have been approved by the City Council the staff ensures two things; (1) that they meet the requirements and (2) that all of their taxes have been paid. If they have not been paid then obviously they did not write any checks. So on this one their permit program said it was well worth what they know what the construction cost was, however the tax office valued it less.

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Council Member Hagood asked, so it did not meet the requirements.

Ms. Stultz replied, no and explained that was why they were requesting to reduce his request by 5% to 70% rather than 75% and the ordinance allows the Council to either refuse to do it or to if they request 75% to limit it based on funds available. She added that the money was budgeted this year.

A motion was made by Council Member Tuggle seconded by Council Member Carter to amend the Water & Sewer Extension request as recommended. All Council Members voted in favor of this motion.

(d) Approval and adoption of a Resolution Establishing a Smoke Free Policy at Parks & Recreation Facilities in the City of Eden.

As discussed, the Parks and Recreation Department has received several inquiries concerning a smoke free environment at the City’s outdoor parks and recreation facilities.

Staff has done research on smoke free parks and recreation facilities across North Carolina and the United States. There is an enormous push for smoke free parks and recreation facilities across the country.

Many state governments have already established smoke free environments in government buildings, schools, and public transit.

The rationale for smoke free parks and recreation facilities in the City of Eden is as follows:

1. Second hand smoke can affect non-smokers and cause death.
2. It would provide healthier public park areas for our citizens
3. It will compliment the current city smoke-free policy in City-owned buildings.
4. It allows the City’s parks and recreation facilities to provide a healthy, active and positive recreational experience for our residents and visitors.
5. Adult actions influence youth, and the coaches, parents, officials and leaders involved in recreation are role models for youth and have a positive effect on the lifestyle choices they make.
6. Cigarette butts are the most common litter in parks
7. Tobacco use is detrimental to good health and can be offensive to those using the parks and recreation facilities
8. Prohibition of tobacco use at the City’s parks and recreational facilities serves to protect the health, safety and welfare of the citizens of our city and shows leadership in helping make Eden a healthier community

**RESOLUTION ESTABLISHING SMOKE-FREE POLICY
AT THE CITY’S PARKS AND RECREATION FACILITIES**

WHEREAS, the City of Eden believes that smoking of tobacco in the proximity of children and adults engaging in or watching outdoor recreational activities at City-owned or operated facilities is detrimental to their health and can be offensive to those using such facilities; and

WHEREAS, the City of Eden has a unique opportunity to create and sustain an environment that supports a smoke free norm through a smoke free policy, rule enforcement, and adult –peer role modeling on City-owned outdoor recreational facilities; and

WHEREAS, the City of Eden believes parents, leaders, and officials involved in recreation are role models for youth and can have a positive effect on the lifestyle choices they make; and

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WHEREAS cigarettes, once consumed in public places, are discarded on the ground requiring additional maintenance expenses, diminish the beauty of the City's recreational facilities, and pose a risk to toddlers due to ingestion; and

WHEREAS, the City of Eden determines that the prohibition of smoking at the City's recreational facilities serves to protect the health, safety and welfare of the citizens of our City.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL of the City of Eden adopt the following smoke free policy.

Section 1: Smoke Free Environment at outdoor recreational facilities

No person shall smoke on any City-owned or operated outdoor recreational facility, including the restrooms, spectator and concession areas. These facilities also include all City-owned parks, playgrounds, athletic fields, and walking/biking trails.

Section 2: Enforcement

1. Appropriate signs shall be posted in the above specified areas.
2. The community, especially facility users and staff, will be notified about this policy.
3. Staff will make periodic observations of recreational facilities to monitor for compliance. City officials, parents, and coaches will be asked to help enforce the compliance of the policy.
4. Any person found in violation of the policy will be given a warning, and if they do not comply, they will be subject to immediate removal from the recreation facility, and may face suspension of their privileges to visit city-owned or operated outdoor recreational facilities.

Adopted by the City Council of the City of Eden this 18th day of May, 2010.

John E. Grogan
Mayor

ATTEST:
Sheralene Thompson
City Clerk

Council Member Tuggle questioned how much time was spent cleaning up cigarette butts at the park as he had seen thousands of them.

Mr. Farmer replied that he would say that it was on a daily basis. He noted that when they did the Dixie Youth in 2007 and again last year they spent a couple of days getting up cigarette butts. You get them up one day and when you allow smoking it was almost like that again in a few days. Staff does the best it can to keep them up and this will help control that situation also.

Council Member Epps asked if he thought they would have any decline in people coming because they cannot smoke.

Mr. Farmer replied that he could not answer that but he could say that they do not allow smoking on school grounds and the outdoor facility at the Boys and Girls Club and at the YMCA and all of their youth baseball teams participate at all those facilities. So, the parents and adults know that if they go there they cannot smoke. Also, Morehead Hospital recently established the same type policy. This

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policy goes in line with the indoor facilities because there has been State Statutes for many years that prohibit smoking in public buildings and this just allows it to go throughout the city's park facilities.

Council Member Tuggle pointed out that if you have children or grandchildren playing ball he could assure you that you will go watch them whether you smoke or not.

Mr. Farmer agreed and stated that they would be very nice and ask people not to smoke. What they do in their cars once they get in their cars, the city could not control that. He added that it was like anything else, some people will probably not be very happy, but once they learn the process he thought that everyone would see that they were trying to do something that was very positive for their youth as well as adults.

Council Member Hagood asked if when he said "facility" that included the greenway and walkways, wherever that goes.

Mr. Farmer replied that it would, all Parks & Recreation...the greenways...to which Council Member Hagood questioned sidewalks. Mr. Farmer replied that the greenway would be considered a Parks & Recreation facility but the sidewalks were not necessarily a facility.

Council Member Hagood asked if the route of the greenway was not on the sidewalk.

Mr. Farmer replied that as it was established now it was the Smith River Greenway. He added that they did not control the sidewalks right now.

Council Member Hagood pointed out that it was proposed.

Mr. Farmer agreed that there were some proposed issues with that.

Council Member Hagood explained that that the open air versus a closed environment, you were going a long way with that when you say that the facility includes a greenway and an open area park bench a mile down in the woods, you know that was a nice place to take a smoke.

Mr. Farmer replied that one of the things that he had discussed with the City Manager and the City Attorney was that if he saw someone by themselves and they were out walking on the greenway, he would probably tell them it was a smoke-free facility. He added that he would not just go up and make a big deal out of it but would just ask them to work with them. But, if there were 50 or more people around then they were obligated to do something. If this was passed then they would put up some signage at the facilities just like they did for sexual predators.

Council Member Ellis asked if they would not be able to have an area designated for smoking.

Mr. Farmer replied that when they say smoke free that will be exactly what it will be.

Mayor Grogan asked about considering the greenway, outside of the other parks and so forth.

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Mr. Farmer began to say that they had the ability to....to which Council Member Ellis commented that he thought that if they own the greenway then it was a part of Parks & Recreation and it needed to be a smoke free environment. Council Member Turner agreed.

Council Member Ellis stated that they had ballgames last week and the North Carolina Athletics Association said no smoking whatsoever. They had to stop a ballgame because of that. He added that he knew it was a big to do because they were in the tobacco belt but they were getting used to, and he was not tobacco free, but he believed in others being comfortable around it and if they, by knowing that it was smoke free, people feel a lot more at ease by not smoking and by enjoying the exercise and things that they need to be doing at the parks.

Mr. Farmer added that also, they have a lot of folks who do their little 5K run and so there could be anywhere from 50 to 150 people there at the greenway at one time. He thought that they need to either do it or not do it. That way they can let people know up front that it was a smoke free facility and they were not really saying that you can do it sometimes and sometimes you cannot.

Council Member Turner also added that again it was a recreational facility and people were out there for exercise. If you are a runner, you certainly did not want to be coming up behind somebody who was smoking cigarettes. It was frustrating to those people who are out running and walking on that greenway area or any other place at their park.

Ms. Gilley pointed out that she would encourage from a legal standpoint that if you have a policy you need to enforce it.

Mayor Grogan asked if they were going to put some spittoons out there for people to spit and Council Member Ellis added that had been brought up before.

Ms. Gilley explained that they were not legally authorized to prohibit that by State Statues. It was only the smoking.

A motion was made by Council Member Ellis seconded by Council Member Tuggle to adopt a Resolution Establishing a Smoke Free Policy at Parks & Recreation Facilities in the City of Eden.

A citizen in the audience commented that he was a non-smoker and with all respect to Mr. Farmer, tobacco built this state. He stated that it sounded like they were all together here on getting ready to change that \$1.2 that somebody was talking about that came here to Eden with the parents and the people who came here supporting and following their children for wrestling and everything else. He added that he did not like to be behind people that smoke either but perhaps the Council should consider ashtrays out there or a designated smoking area instead of just banning it. He pointed out that the first thing that comes to his mind was what would be next.

Council Member Ellis explained that the North Carolina High School Athletics Association already had those regulations in place.

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

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REPORTS FROM STAFF:

There were no reports at this time.

CONSENT AGENDA:

- (a) Approval and adoption of minutes: April 20 and April 21, 2010.
- (b) Request for a temporary sign from the Three Rivers Car Club for the monthly cruise events.

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). The request was submitted by Cindy Adams on behalf of the Three Rivers Car Club for the monthly Eden Cruise events to be held on May 8, June 12, July 10, August 14, September 11, and October 9.

- (c) Adoption of an Ordinance to rezone property behind Turner Furniture located at 111 E. Meadow Road from Business-Shopping Center to Business-Highway #2. ZONING CASE Z-10-01.

At the January 19, 2010, regular meeting of the City Council, the zoning request submitted by Jerry Wayne Robertson was approved. This case was to rezone a portion of the property behind Turner Furniture at 111 E. Meadow Road from Business-Shopping Center to Business-Highway #2.

The owner of the property elected to wait until after the public hearing and council consideration of the rezoning to have the property surveyed. The property has been surveyed and staff requests that Council adopt the attached Ordinance to rezone the subject property.

- (d) Approval and adoption of Budget Amendment 12.

The budget amendment records the revenue and expenditure appropriations for the State DOT grant that reimburses the City of Eden for the Pedestrian Plan.

	Account #	From	To	Amount
General Fund Revenues				
State Grants - DOT	10-3451-36000	\$ -	\$ 24,500.00	<u>\$ 24,500.00</u>
General Fund Expenditures				
Planning Professional Services	10-4910-19100	\$ 10,000.00	\$ 34,500.00	<u>\$ 24,500.00</u>

To record the State grant from DOT for the Pedestrian Plan.

Adopted and effective this 18th day of May, 2010.

Attest:

May 18, 2010

City of Eden, N. C.

Minutes of the regular May 18, 2010 meeting of the City Council, City of Eden:

Sheralene Thompson, City Clerk

John Grogan, Mayor

(e) Approval and adoption of Budget Amendment 13.

The budget amendment allocates an additional \$2,000 from the Police Department in the General Fund to the Police Pension Fund. This is money is budgeted every year for the Special Separation Allowance paid to retired police officers that meet the required criteria. The Police Department had an officer retire in November 2009 that was not included in the budget amount for the FY 09-10 budget.

	Account #	From	To	Amount
General Fund Expenditures				
Police Separation Allowance	10-4310-12900	\$ 87,300.00	\$ 89,300.00	\$ 2,000.00
Police Unemployment Insurance	10-4310-18500	\$ 2,000.00	\$ -	\$ (2,000.00)
				<u>\$ -</u>
Police Pension Fund Revenues				
Pension Fund Contribution from GF	77-3981-98000	\$ 87,300.00	\$ 89,300.00	<u>\$ 2,000.00</u>
Police Pension Fund Expenditures				
Pension Fund Separation Payments	77-4310-12900	\$ 202,600.00	\$ 204,600.00	<u>\$ 2,000.00</u>

To allocate Police Separation Allowance to Police Pension Fund.

Adopted and effective this 18th day of May, 2010.

Attest:

Sheralene Thompson, City Clerk

John Grogan,
Mayor

(f) Approval and adoption of Budget Amendment 14.

The budget amendment allocates \$1,500 to the Pottery Festival revenue and expenditure line items. This is a donation from Rockingham County Tourism for the Pottery Festival and was not included in the original budgeted items.

	Account #	From	To	Amount
General Fund Revenues				
Donations & Fees - Pottery Festival	10-3350-00200	\$ 3,700.00	\$ 5,200.00	<u>\$ 1,500.00</u>

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City of Eden, N. C.

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**General Fund
Expenditures**

Pottery Festival	10-4135-29600	\$	8,000.00	\$	9,500.00	\$	<u>1,500.00</u>
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To allocate a donation from Rockingham County Tourism to the Pottery Festival.

Adopted and effective this 18th day of May, 2010.

Attest:

Sheralene Thompson, City Clerk

John Grogan, Mayor

(g) Approval and adoption of NC Rural Center Building Reuse Development Grant Resolution of Support.

Sav-A-Lot Foods is considering opening a store into the former Winn Dixie and Southern Family Foods store in Meadow Greens Shopping Center on Van Buren Road in Eden. They have requested that the City of Eden apply for a NC Rural Center Building Reuse Development Grant. This grant was established in 2005 by the NC Rural Center to stimulate economic growth and job creation. It allows a landlord to be reimbursed \$12,000 per job created. In the case of the Eden project, there will be 10 jobs, resulting in \$120,000 of potential grant funding.

The Rural Center requires the local municipality to initiate and administer the grant as part of its in-kind contribution to the project. The grant application's probability of success is based on its achieving certain criteria, such as the tenant having signed a lease at the designated property. This will ensure that the tenant will comply with the requirements that the jobs created will remain for at least a 6 month period. The tenant will sign a multi-year lease, indicating that the jobs will remain beyond the 6 month requirement.

City of Eden Resolution
Authority to Apply
The Rural Center
Building Reuse and Restoration Grants Program
Development Grant
Meadow Greens Shopping Center

WHEREAS, the North Carolina General Assembly authorized in 2005 funds to the North Carolina Rural Economic Development Center (The Rural Center) to stimulate economic development and job creation. A portion of the funding authorized the making of grants to aid eligible units of government to stimulate the reuse of vacant buildings that will spur economic activity and job creation; and

WHEREAS, the City of Eden desires to assist through grant funding the economic reuse of the former Winn Dixie store in Meadow Greens Shopping Center, and

WHEREAS, the City of Eden intends to request from the NC Rural Center grant assistance for the project from the Development Grant category of the Building Reuse and Restoration Grant Program for the renovation of the facility:

NOW THEREFORE BE IT RESOLVED BY THE EDEN CITY COUNCIL:

That the City of Eden will provide a minimum 3% match for an estimated \$120,000 grant request if approved for a grant.

May 18, 2010

City of Eden, N. C.

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That Mike Dougherty, Director of Economic Development and successors so titled, is hereby authorized to execute and file an application on behalf of the City of Eden and The Rural Center for a grant to assist in the predevelopment of the project described above.

That Mike Dougherty, Director of Economic Development and successors so titled, is hereby authorized and directed to furnish such information as The Rural Center may request in connection with such application or the project; to make the assurances as contained above; to execute such documents as may be required in connection with the application.

That the 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 the grants pertaining, thereto.

Adopted this 18th day of May 2010 in Eden, NC

John. E. Grogan, Mayor

(h) Approval and adoption of a Resolution in Support for a Chick-Fil-A restaurant in Eden.

RESOLUTION FOR CHICK-FIL-A STORE FOR EDEN

WHEREAS, the City of Eden currently has thousands of Chick-fil-A “Raving Fans”, and

WHEREAS, the entire community has a very high regard for Chick-fil-A stores and the values of the Chick-fil-A organization as a whole, and

WHEREAS, the Eden City Council supports the recruitment of family-oriented businesses to Rockingham County;

IT IS THEREFORE RESOLVED on this 18th day of May, 2010 that the Mayor and Eden City Council will endeavor to provide Chick-fil-A all reasonable assistance in the form of human resources, information and general support; and

BE IT FURTHER RESOLVED on this 18th day of May, 2010 that the Mayor and Eden City Council will assist Chick-fil-A to expedite smoothly the purchase and construction of a new store in Eden, Rockingham County, North Carolina, in a timely manner; and

IT IS FURTHER RESOLVED that the City of Eden will work with Chick-fil-A to explore our great city and encourage a successful venture by Chick-fil-A into the Land of Eden.

CITY OF EDEN

BY: John E. Grogan, Mayor

ATTEST:

Sheralene S. Thompson, CMC
City Clerk

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

ADJOURNMENT:

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

May 18, 2010

City of Eden, N. C.

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Respectfully submitted

Sheralene S. Thompson, CMC
City Clerk

ATTEST:

John E. Grogan, Mayor