

CITY OF EDEN, N. C.

The regular meeting of the City Council, City of Eden, was held on Tuesday, August 17, 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
Administrative Assistant:	Deanna Hunt

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. Wayne Parleir, Pastor of Meadowview United Methodist Church, gave the invocation followed by the Pledge of Allegiance led by Fire Chief Tommy Underwood.

PROCLAMATIONS AND SPECIAL PRESENTATIONS:

- (a) Recognition and plaque honoring WLOE/WMYN General Manager, Mr. Mike Moore – 50 years in broadcasting.

Mayor Grogan noted that the city was honoring Mr. Mike Moore, General Manager of WLOE/WMYN, who was celebrating his 50<sup>th</sup> year in broadcasting. He then asked Mr. Mike Dougherty, Director of Business & Economic Development, to come forward to present Mr. Moore with a plaque which recognized his accomplishments.

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(b) Fall Litter Sweep Proclamation

**FALL LITTER SWEEP  
PROCLAMATION**

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

**WHEREAS**, the fall 2010 LITTERSWEEP roadside cleanup will take place September 18 – October 2, 2010, and encourages local governments and communities, civic and professional groups, businesses, churches, schools, families and individual citizens to participate in the Department of Transportation cleanup by sponsoring and organizing local roadside cleanups; and

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

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

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

**WHEREAS**, the fall 2010 LITTER SWEEP cleanup will celebrate the 22<sup>nd</sup> anniversary of the North Carolina Adopt-A-Highway program and its 5,815 volunteer groups that donate their labor and time year round to keep our roadsides clean; and

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

**NOW, THEREFORE, I, JOHN E. GROGAN**, Mayor of the City of Eden, North Carolina, do hereby proclaim September 18 – October 2, 2010, as “**LITTER SWEEP**” time in the City of Eden and encourage citizens to take an active role in making their community cleaner.

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

John E. Grogan, Mayor

ATTEST:

Sheralene S. Thompson, City Clerk

(c) Liberty Tree Day Proclamation

In response to the request by the Liberty Tree Society I, John E. Grogan, Mayor of the City of Eden issue the following proclamation:

**WHEREAS**, The early settlers of Boston planted an elm on Boston Neck in 1646 which grew tall and stately and subsequently became known as the “Liberty Tree,” and

**WHEREAS**, It was under this tree that colonists, about a century later, had many meetings and spoke out against British tyranny in preparing the groundwork for the independence of this nation, and

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**WHEREAS**, In one such event, on August 14, 1765, the colonists resisted the Stamp Act by hanging in effigy Lord Bute, as the author of the act, and,

**WHEREAS**, The “Liberty Tree” became so well known as a rallying place for the leaders of the country in search of national independence the British authorities, in 1775, ordered it to be cut down, and

**WHEREAS**, The “Liberty Tree” from its original planting in 1646 grew to be a symbol of freedom for people everywhere;

Now, therefore, I, John E. Grogan, Mayor of the City of Eden do hereby proclaim as

**LIBERTY TREE DAY**  
**August 14, 2010**

and urge all citizens of Eden to support the goals of the Liberty Tree Society in its efforts to recognize the significance and role of the “Liberty Tree” in the formation of our country’s independence and to rededicate themselves to the tradition of our ancestors, to the principles of freedom under which our country has grown and prospered. Signed this, this fourteenth day of August, in the year of our Lord, two thousand and ten.

JOHN E. GROGAN

(d) Hunger Action Month

**PROCLAMATION**  
September is Hunger Action Month

WHEREAS, September has been declared “Hunger Action Month” by Feeding America and their nationwide network of more than 200 food banks, including Second Harvest Food Bank of Northwest North Carolina; and

WHEREAS, Throughout this month, food banks such as Second Harvest Food Bank of Northwest North Carolina will engage citizens to fight domestic hunger; and

WHEREAS, 49 million Americans live in food insecure households; and

WHEREAS, 1 in 6 Americans struggle with hunger, and 1 in 4 American children struggle with hunger; and

WHEREAS, 1 in 8 residents of Northwest North Carolina struggle with hunger, and 1 in 4 North Carolina children struggle with hunger; and

WHEREAS, Hunger diminishes the capacity of children to learn, leading to higher drop-out rates; exacerbates the ill health conditions of seniors; and saps the strength of the working poor; and

WHEREAS, Hunger affects even the least likely of victims, including adults who are caring for a family member, the children of hard working parents who have experienced job loss and seniors living on a fixed income who are forced to make choices between medicine and food; and

**THEREFORE BE IT RESOLVED:** that I, John E. Grogan, Mayor of the City of Eden, do hereby “officially designate September as Hunger Action Month in our City.”

John E. Grogan, Mayor

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Mayor Grogan noted that the Eden Fire Department will be selling t-shirts recognizing that September and October was Cancer Awareness Month. He added that the shirts would cost \$10.00 each.

#### SET MEETING AGENDA:

Mayor Grogan stated that he wanted to add a resolution to the Consent Agenda as item (h) "*Resolution for Application Submittal to Apply for Clean Water Funding Programs.*"

A motion was made by Council Member Epps seconded by Council Member Carter to add a resolution to apply for clean water funding programs to Consent Agenda as item (h) and to set the meeting agenda. All Council Members voted in favor of this motion.

#### PUBLIC HEARINGS:

- (a) Consideration of a zoning map amendment request and ordinance to rezone property located at 606 Long Street from Residential-20 to Residential-Suburban. Request submitted by Wendy Howlett. ZONING CASE No. Z-10-06.

The city has received a zoning map amendment request filed by Wendy Howlett. The request is to rezone property at 606 Long Street from Residential-20 to Residential-Suburban.

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

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

Mrs. Stultz explained that the request is to rezone approximately 10.79 acres from Residential-20 (R-20) to Residential Suburban (RS). The R-20 district is established as a district in which the principal use of the land is for single family residences. The regulations of this district are intended to protect existing residential areas with minimum lot sizes of 20,000 square feet and to encourage the subdivision of undeveloped property into lots with a minimum of 20,000 square feet. The RS district is established to provide reasonable safeguards for areas characterized by suburban residential and agricultural uses. The intent of the RS district is: (1) to encourage the continued use of land for low density residential and agricultural purposes; (2) to retain the open characteristics of land areas on the fringe of the city; (3) to provide a transitional zone between higher density residential districts of the city and low density residential and agricultural districts of the county; and (4) to provide interim land use control to land areas until such time as a more intense use of land is warranted.

The subject property is a large parcel containing a single family residence with several outbuildings and a horse pasture. The land is mostly cleared, open area with some tree canopy. The property contains some wooded areas, primarily on the east and south sides, which buffer the adjoining properties on those sides. The majority of the property is located in an AE flood hazard area, which restricts the ability to build in these areas.

The neighborhood is characterized by single family residences on large or very large lots. The subject property is located to the south of a large parcel (6.25 acres) of R-20 residential property containing a

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single family residence. To the east of the subject property is a large parcel (5.33 acres) of R-20 residential property containing a single family residence and an approximately 2 acre parcel of undeveloped R-20 property. The southeast corner of the subject property adjoins Danview cemetery. The south side of the subject property adjoins a parcel of R-20 property containing a single family residence and a large parcel (3.6 acres) of undeveloped R-20 property. The west side of the subject property adjoins two R-20 parcels containing single family residences. Across Long Street to the west of the subject property are several R-20 parcels containing single family residences.

Although there is no Residential-Suburban property in the immediate area, the neighborhood has a somewhat rural feel. There has been no development pressure in the area. The 2007 Land Development Plan recommends Traditional Neighborhood and Rural development for this area. The subject property meets several of the requirements of the RS district, namely: (1) to encourage the continued use of land for low density residential and agricultural purposes; (2) to retain the open characteristics of land areas on the fringe of the city; (3) to provide a transitional zone between higher density residential districts of the city and low density residential and agricultural districts of the county.

Based upon the low density residential uses and the rural character of the area, staff is of the opinion that Residential-Suburban zoning is appropriate for the subject property. Therefore, staff recommends in favor of the request.

Mayor Grogan thanked Mrs. Stultz and asked if anyone wanted to speak in favor or in opposition of this request.

Ms. Wendy Howlett, 606 Long Street:

Ms. Howlett explained that she was the property owner. She stated that her land was basically pretty much useless for anything other than pasture. She pointed out that most of it usually floods when there is any kind of decent rain and she just wanted to request that it be rezoned.

Council Member Ellis questioned her intentions.

Ms. Howlett explained that if she did get it rezoned, she was going to attempt to subdivide one piece of property, right beside her home. She explained that her mother was disabled and lives alone so she was going to purchase a double-wide and place it right beside her own home, facing the road. She added that if she could not put it there, it would not go anywhere else on the property. That was the only place where another dwelling could go. She added that she was not trying to start a trailer park; she just wanted to place it right beside of her house.

Council Member Ellis pointed out that within the past 6 or 7 months they have had a situation just one street over where someone had tried to rezone 18 acres. He asked if she could describe her street and the homes around her. He noted that she had said that she had 10 acres of mostly pasture. He asked, as you go on down the street, were there more trailers there.

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Ms. Howlett replied yes, when you get to the end of the pavement, when you get on the dirt road, the dead-end part, there was nothing but mobile homes.

Mr. Lawrence Johnson, 652 Overby Street:

Mr. Johnson explained that he lived at the very end of the road. One corner of his property would be directly across the street. He knew the property and he and Ms. Howlett were friends. If she wanted to put a place there for her mother, he would not really see a problem with it. He suggested that they subdivide the one lot for the trailer. He stated that the rest of the property needed to be put into a situation where it cannot be developed. He stated that if she did get her property rezoned and she sold the property, then it needed to be stated that the property could not be used for anything but agriculture. They did not want a housing development or a trailer park there and he did not think she wanted that either. He added that his concerns were not with Ms. Howlett, but with who might end up with her property down the road.

He explained that he had concerns because he owned 34 acres, all the way to the river. He explained that when he bought the first piece of property, the gentleman that owned half the property also owned that side of the street and he had assured him that at that time there would only be two trailers on the property. It was located in a flood plain and dirt, logs, shingles and anything else was hauled in and dumped and the trailers were put on top of it. There was one trailer sitting at the creek and he had seen water in it. The other trailer was at a point to where it could not be used. He added that the ones that are there have caused problems and they wanted to make sure it did not happen again.

Ms. Stultz noted that it was impossible to do what Mr. Johnson was asking. She explained that just as he has 34 acres, at some point he could subdivide it. She explained that in R-20, Ms. Howlett has the right to subdivide her property and make another housing spot in the one that she has and the lot would be smaller because it had public sewer.

She explained that the mobile homes were put there before the city's flood maps were reworked. They knew it was a flood area but nothing could be done to stop the development. She added that they do have some ability now to deal with them if they were displaced. She explained that as for taking one tiny spot off of the top of Ms. Howlett's property and turning it into something for a mobile home that would be illegal spot zoning as opposed to spot zoning that was legal. She explained that the reason she recommended R-S instead of R-4 was that she did not think R-4 style small lot development was appropriate in that area. It was the best choice they have and she did have lots of issues but they cannot just take off a little bit. She added that if she wanted to Ms. Howlett could sell off a lot now and build a house on it and the development density would be exactly the same as it will be whether it was a double wide or whatever.

Mr. Johnson stated that was his concern, along with everyone else, they just did not want to have a mess down there like almost ended up on Lake Street.

Mayor Grogan asked if he had some opposition to this rezoning to which Mr. Johnson replied yes, he had some opposition to it.

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Mr. Johnson then presented the Council with a couple of photographs of the mobile homes depicting their conditions. He noted that those trailers were put in around 1994 or 1995, because he had watched them bring the dump trucks in and unload anything you can imagine.

Council Member Hagood asked Mr. Johnson how his property was zoned.

Mr. Johnson replied that he could not tell them right off as part of it was agriculture.

Ms. Stultz commented that most of it was R-20 and it could be subdivided into 20,000 square foot lots.

Mr. Johnson stated that the way it was right there now Ms. Howlett could put a house on it like she said.

Council Member Tuggle asked how many mobile homes were on the paved part of the road.

Mr. Johnson replied that he thought there was only one and it was on the way in on the right.

Council Member Tuggle stated that he went down there today and looked but of course beforehand when you look at stuff you do not really know what the issues are.

Mr. Paul Stophel, 419 Overby Street:

Mr. Stophel explained that the trailers that were down there were below standard. There were trailers right now to be installed, probably 60's models. He explained that he tended a garden in the bottoms down there and there were bottles and trash in it as a result of the trailers. That was never there before. As a community, that was where they lived. He did not have any objections at all in providing that lady a place to live, but this was what happened at the end of Long Street. The people got permission to put one trailer down there and now look at it. So they were just trying to prevent their neighborhood from becoming rundown. As taxpayers he thought they had a right to do that.

Ms. Wanda Barker, 631 Long Street:

Ms. Barker explained that she represented the estate of William Overby. They had the same concerns as Mr. Johnson. The land that Ms. Howlett says cannot be developed was laying exactly like the land that has been developed down the road and as Mr. Johnson said, they all saw it filled in with logs, debris and whatever they could fill it in with in order to put those mobile homes in. She explained that their concern was that it happened at that property and it could happen with Ms. Howlett's property. If her property was rezoned, she was not saying she will ever do it but there could be someone down the road that would. She pointed out that mobile homes do degrade property values and there were 13 down there that looked like the scum of the earth. They did not even look like they could be inhabited but they were. She stated that she did not think it was fair that their neighborhood should be subjected to this. No one objects to her having a home for her mother. Several years ago, across the street, a Mr. and Mrs. Hall lived there and Mr. Hall got a temporary permit to place a mobile home on his property for his mother and once she passed away he had a certain amount of time to remove it.

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Ms. Howlett commented that she was not looking to put a single-wide trailer on the property. She wanted to put a brand new double-wide home there that would be a permanent fixture right beside of her house. She did understand their concerns but she did not want to put any type of trailer there. She was not trying to get it zoned for a single-wide. This home will have vinyl siding, a shingle roof, and underpinning. The one they were talking about that was on that property, it had been bricked in and if you did not know it was a mobile home, you would not know it. It looks like a brick home now.

Ms. Stultz explained that some of those concerns about areas were among the decisions that helped them decide that the city would do inspections in its ETJ. At the time the R-4 districts was applied to that area none of the flood maps for the city showed the area being in a flood plain. So there was nothing they could do to stop the things that happened down there. They do have issues with manufactured housing in this community and often times they bring out thoughts of fear and detriment to neighborhoods. She added that one of her biggest hopes would be that someday they have a really quality manufactured home development that would displace some of that. There had also been a lot of things said about zoning a part of the property and they really could not do that or get her to agree not to do something because that was contract zoning.

Council Member Carter asked if he had heard her say that the way it was zoned now she can still put a modular home there.

Ms. Stultz replied that she could put in a modular home as a use by right, but she could not put a manufactured home there, and they virtually look the same most of the time.

Council Member Burnette asked what the current regulations were about building or filling in a flood plain.

Ms. Stultz replied that the regulations they have always had and the new ones they adopted have always discouraged that. In order to build in a flood plain you have to do all of these things to flood proof it and in a floodway you cannot build at all under any circumstances. The biggest problem they have in this area is the 1978 flood map that was not replaced until 2006. They had the oldest one in the country and it did not show anything of this building being in a flood area at all and everybody that has worked for the city knows that there were numerous areas in the eastern third of their community that routinely flood. She explained that it was an issue they could not get passed and people down there that had floods regularly could not get flood insurance because it was not designated in a flood zone so that was a long hard fight and Senator Richard Burr had a lot to do with them finally getting a flood map. It was very difficult. She noted that Ms. Howlett had the option to apply for R-20 Manufactured Home Overlay and she thought the best thing for the property and for the area was Residential-Suburban.

As no one came forward to speak in favor or in opposition he then declared the public hearing closed.

Council Member Ellis suggested they table the issue until they could go down and take a look at the property and have some more ideas about where they would go.



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A motion was made by Council Member Ellis and seconded by Council Member Tuggle to table until the next regular meeting of the City Council (September 21). All Council Members voted in favor of this motion.

#### REQUESTS AND PETITIONS OF CITIZENS:

Mayor Grogan introduced Mr. Davis Montgomery, District Manager, Duke Energy, who was present to do a presentation of the gas powered plant that was currently under construction.

Mr. Montgomery also recognized the Project Manager, Mr. Wayne Smith, who would be there for two years managing this project. He then proceeded to give a PowerPoint presentation of the project. *A copy of this PowerPoint is located in the Office of the City Clerk.*

#### Duke Energy Carolinas Dan River Combined Cycle Project

##### Why Do We Need New Generation?

- The economic slowdown continues, but we are seeing some improvement.
- Over each of the past five years, Duke Energy Carolinas has added an average of 48,000 customers annually, indicating continued growth and demand for electricity.
- Over the next 20 years, the IRP calls for 3,264 megawatts (MW) of base load generation and 5,704 MW of intermediate/peaking generation. A diverse generation mix of coal, nuclear, renewable, natural gas, and energy efficiency will help us meet this need.
- Duke Energy's Modernization Project calls for:
  - Cliffside Unit 6, an 825 clean-coal unit in service in 2012
  - Buck Combined Cycle Plant in service in 2011
  - Retirement of 1,600 MW of older, less efficient un-scrubbed coal generation
- Dan River Combined Cycle Plant started pre-construction activities in December, 2009 and will be available for intermediate generation in 2012.

##### Dan River Steam Station History

- Dan River units 1,2 and 3 are conventional pulverized coal-fired steam generator units.
- Unit 1 (67 MW) began commercial operation in 1949.
- Unit 2 (67 MW) began commercial operation in 1950.
- Unit 3 (142 MW) began commercial operation in 1955.
- Three simple cycle combustion turbines (85 MW total) were added in the 1968 for additional peaking capacity at the site.
- Duke Energy Carolinas plans to retire units 1 and 2 as part of the Dan River Combined Cycle Project.

##### Background of Project

- Duke Energy Carolinas will build and operate a new 620 MW natural gas fired combined cycle plant at the existing Dan River Steam Station.
- Duke Energy Carolinas is constructing a similar combined cycle plant in Rowan county.

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- Located in the northern region of our service area, new generation at these sites will help better support the transmission network.
- By locating at an existing Duke Energy Carolinas owned generation site, existing site infrastructure can be leveraged to minimize new generation project cost and impacts to the community and environment.

#### Project Details

- The construction workforce will begin with approximately 50 people on site increasing to 400-500 people during peak construction activity.
- The new combined cycle plant will begin commercial operation by December 2012.
- The new combined cycle plant would require approximately 25-30 employees for on-going operations.
- The combined cycle plant represents a substantial long-term investment by Duke Energy in assets at the Dan River Steam Station Site.
- The plant will employ state-of-the-art environmental control technology and with the retirements of coal-fired units 1&2 will result in a net reduction of nitrogen oxide and sulfur dioxide

#### Project Status

- Contract with Shaw and LNTP in Mar 2010
- Continue engineering– leverage Buck design
- Major equipment deliveries,

CTs and HRSG, Mar –July 2010;

STG, Dec 2010-Jan 2011

- Demolition and Utility relocations (water, gas, electric) - Apr-Sep 2010
- Phase II site excavation and grading – Summer 2010
- Preparation for foundations - Fall 2010
- Construction FNTP – Dec 2010
- Foundations – early 2011
- First Fire CTGs – Jun 2012
- Commercial Operation – Dec 2012

#### Community Impact

- The combined cycle plant represents a substantial long-term investment by Duke Energy Carolinas in generation assets at the Dan River Steam Station Site.
- As with any construction project, the local community will see increased traffic, but we will use selected routes; work closely with our suppliers; and provide traffic controls to minimize impacts
- A community meeting to provide information and answer questions is planned for October 2010
- We will be available to speak to civic clubs and other local groups about the project.

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Council Member Burnette mentioned the generators that were brought in and asked if that was for the entire unit or was that just for the CT's and there will be a separate generator the HRSG unit.

Mr. Smith replied that there were three generators. There was one for each combustion turbine and you have separate steam generators.

Council Member Tuggle asked if they would be providing tours as this progresses to which Mr. Smith replied that they could do that.

Council Member Ellis questioned the railroad's future there.

Mr. Smith replied that there were no changes for the railroad associated with the project.

Council Member Ellis pointed out that it would no longer be carrying the coal to which Mr. Smith explained that when Units 1 and 2 retire there will be less coal coming in to those units.

Mr. Montgomery added that they did not have any plans at this time to do anything about the railroad. They were looking at studies about how they might meet some of those renewables mandated by the State by burning some of those biomass and some other things in that third unit down there but that was all speculative right now so they would still need the railroad to bring in woodchips and some other things if they go that route so they would keep that railroad onsite. It would also be good for equipment if something were to break down it would be a good source to bring some heavy equipment in.

Council Member Ellis asked if the woodchips were a key to this to which Mr. Montgomery explained that it could be. Right now it was being studied by the State as to the type of wood that could be used and still be called renewables.

#### UNFINISHED BUSINESS:

There was no Unfinished Business on the agenda.

#### NEW BUSINESS:

There was no New Business on the agenda.

#### REPORTS FROM STAFF:

There were no Reports from Staff on the agenda.

#### CONSENT AGENDA:

- (a) Approval and adoption of minutes: July 20, 2010.
- (b) Request for temporary sign from Cindy Adams, Coordinator of Tourism and Special Events for the Annual Riverfest on September 17 and September 18, 2010.

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The Planning Department has received a request for a temporary sign 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, Coordinator of Tourism and Special Events, for the Annual RiverFest to be held on September 17 and 18, 2010.

(c) Approval to award FY 2010-11 Street Resurfacing Contract.

The Bid Tabulation Schedule for the FY 2010-11 Street Resurfacing Contract. The bids were received on August 3, 2010 at 2:00 p.m. A total of four (4) responsive bids were received on the project. The low bidder was Adams Construction Company in the amount of \$264,744.00.

The Engineering Department is requesting Council’s approval to award the FY 2010-11 Street Resurfacing Contract to Adams Construction Company, Southside Division based on their bid amount shown above.

(d) Approval and adoption of amendment to City Code 16-237(B).

As I was reviewing Code § 16-237, I determined that paragraph (B) needed to be revised. According to City utility billing policy, bills are mailed to customers twenty days prior to a definite due date. The due date is specified on the bill. When a customer has not paid by the due date, a reminder notice is sent out and a cut-off date is specified. This cut-off date is 10 days from the reminder notice. The entire process is at least 30 days from the billing date.

Our current ordinance (paragraph (B)) reads as follows:

“ ...service will be discontinued at the time specified, but in no event until the charges have been *due* and unpaid for at least 30 days.”

The revised ordinance reads as follows:

“ ... service will be discontinued at the time specified, but in no event until the charges have been *billed* and unpaid for at least 30 days.”

Even though our bills currently state that the amount is due upon receipt, I believe the ordinance needs to be revised to clarify that the 30 day period to cut-off starts from the billing date and not the due date. Please consider this recommendation, and contact me if you should have any questions or concerns.

(e) Approval and adoption of Budget Amendment 1.

The Police and Fire departments received a loan for \$283,000 from USDA for the purchase of the 800 MHz radio project on December 15, 2009. The project has been completed and we have closed on this loan. One of the conditions of the loan agreement is to deposit one annual payment amount in a reserve account that is restricted. The attached budget amendment allocates one annual payment (\$34,900) from fund balance into a restricted line item (Reserve for USDA loan). Even though this amount is being appropriated, it will not actually be spent. There is an annual payment already included in the 2010 – 2011 budget. The appropriation of this money is only to meet the conditions of the loan agreement.

Subject: Budget Amendment # 1

	Account #	From	To	Amount
<b>General Fund Revenues</b>				
Fund Balance Appropriated	10-3991-91000	\$	- \$	\$ 34,900.00

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34,900.00

**General Fund  
Expenditures**

Reserve for USDA Loan	10-9920-98000	\$	-	\$	34,900.00	\$ <u>34,900.00</u>
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To allocate one annual payment of USDA loan to a reserve account per loan agreement.

Adopted and effective this 17th day of August, 2010.

Attest:

Sheralene Thompson, City Clerk

John Grogan, Mayor

**(f) Approval and adoption of Budget Amendment 2.**

The Police Department received a grant for \$5,400 from the Reidsville Area Foundation for the purchase of two AEDs for the Electric Mobility Vehicles that are used on the Greenway. The attached budget amendment allocates this grant money to the appropriate revenue and expenditure line items.

	Account #	From		To		Amount
<b>General Fund Revenues</b>						
Police Grant - Reidsville Area Foundation	10-3431-82000	\$	-	\$	5,400.00	\$ <u>5,400.00</u>
<b>General Fund Expenditures</b>						
Police C/O Equip Non-Depreciable	10-4310-57001	\$	-	\$	5,400.00	\$ <u>5,400.00</u>

To allocate grant funds from the Reidsville Area Foundation for the purchase of AEDs.

Adopted and effective this 17th day of August, 2010.

Attest:

Sheralene Thompson, City Clerk

John Grogan, Mayor

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**(g) Approval and adoption of a traffic study to reduce speed limit at Chatham Court and adoption of amendment to the traffic ordinance.**

On August 4, 2010, I received a traffic study request from Council Member Jerry Epps in reference to changing the speed limit on Chatham Court.

Chatham Court is a narrow, winding residential street with steep grades in several locations. The speed limit on Chatham Court is currently 35 MPH. Chatham Court travels from Aiken Road (SR 1714) to Virginia Street (SR 1716). There are two cross streets – Chatham Lane, a short dead end street and Haizlip Street, a one-way street that travels eastward to Chatham Court (see attached). Due to the topography of these streets and the residential nature of them, vision obstructions can cause safety issues for both vehicle operators and pedestrians.

The Police Department's recommendation is that the speed limit for the entire length of Chatham Court, Chatham Lane, and Haizlip Street should be 25 MPH.

**(h) Approval and adoption of Resolution for Application Submittal to Apply for Clean Water Funding Programs.**

W. K. Dickson is submitting an application for loans and grants for our sewer improvement projects at North Smith Phase 2 & 3 and the Dry Creek Outfall. The application deadline for application is September 1. During their QC check of the application today it was found that the application would need the attached resolution from Council to be complete. Attached is the Application Appendix for Clean Water Funding. The following items require the City's immediate attention at Council Meeting tonight:

- > Resolution by Council to apply for a CWSRF loan including principal forgiveness and ' of the current market rate loan
- > Certification of Recording Officer of the above noted resolution

Please note in the application are added value efforts to acquire the City of Eden principal forgiveness loan up to a maximum of \$1,000,000 and low interest loan to finance the remaining costs for the Smith River Phase 2 and 3 and Dry Creek Phase 2 projects. We also have renewed the City's 2009 CWMTF application in hopes of acquiring approximate \$742,000 of grant. These two projects are part of the City's current CIP. The Council should be familiar with their justification and priority. The attached spreadsheet details the estimated remaining costs. If the CWMTF grant along with the maximum principle forgiveness loan is obtained, the City will greatly reduce its commitment to fund these projects. The tables attached reveal the most favorable outcome of these requests.

Minutes of the regular August 17, 2010 meeting of the City Council, City of Eden:

**RESOLUTION BY CITY COUNCIL OF CITY OF EDEN**

**WHEREAS**, The Federal Clean Water Act Amendments of 1987 and the North Carolina the Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of renovation of wastewater collection system and drinking water distribution, and

**WHEREAS**, The City of Eden, NC has need for and intends to renovate a portion of their wastewater collection system described as Northern Smith River Phase II and III and Dry Creek Phase II and

**WHEREAS**, The City of Eden intends to request state (loan or grant) assistance for the project,

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

That City of Eden, the **Applicant**, will arrange financing for all remaining costs of the project, if approved for a State grant award.

That the **Applicant** will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.

That the governing body of the **Applicant** agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the City of Eden to make scheduled repayment of the loan, to withhold from the City of Eden any State funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.

That the **Applicant** will provide for efficient operation and maintenance of the project on completion of construction thereof.

That S. Brad Corcoran, City Manager the **Authorized Official**, and successors so titled, is hereby authorized to execute and file an application on behalf of the **Applicant** with the State of North Carolina for a (loan or grant) to aid in the construction of the project described above.

That the **Authorized Official**, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such

Minutes of the regular August 17, 2010 meeting of the City Council, City of Eden:

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 the **Applicant** 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 grants and loans pertaining thereto.

APPROVED, ADOPTED AND EFFECTIVE this the 17<sup>th</sup> day of August 2010 at Council Chambers in City Hall of Eden, North Carolina.

CITY OF EDEN

By: John E. Grogan  
John E. Grogan, Mayor

ATTEST:

Sheralene Thompson  
Sheralene Thompson, City Clerk

**CERTIFICATION BY RECORDING OFFICER**

The undersigned duly qualified and acting City Clerk of the City of Eden does hereby certify: That the above/attached resolution is a true and correct copy of the resolution authorizing the filing of an application with the State of North Carolina, as regularly adopted at a legally convened meeting of the City Council duly held on the 17<sup>th</sup> day of August, 2010; and, further, that such resolution has been fully recorded in the journal of proceedings and records in my office. IN WITNESS WHEREOF, I have hereunto set my hand this 17 day of , 20 10 .

Sheralene Thompson  
Sheralene Thompson, City Clerk, CMC





Minutes of the regular August 17, 2010 meeting of the City Council, City of Eden:

A motion was made by Council Member Tuggle seconded by Council Member Turner to approve all Consent Agenda items. All Council Members voted in favor of this motion.

CLOSED SESSION:

Closed Session to discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body, including agreement on tentative economic development incentives that may be offered by the public body in negotiations. (G.S. 143-318.11(a)(4)).

A motion was made by Council Member Tuggle seconded by Council Member Hagood to go into closed session according to GS 143-318.11(a)(4) to discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body, including agreement on tentative economic development incentives that may be offered by the public body in negotiations. All Council Members present voted in favor of this motion.

OPEN SESSION:

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

ADJOURNMENT:

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

Respectfully submitted

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Sheralene S. Thompson, CMC  
City Clerk

ATTEST:

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John E. Grogan, Mayor