

CITY OF EDEN, N. C.

The regular meeting of the City Council, City of Eden, was held on Tuesday, February 16, 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:	(absent) 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. Malcolm Allen, President of the local Eden Chapter of the NAACP, gave the invocation followed by the Pledge of Allegiance led by Fire Chief Bernie Moore.

PROCLAMATIONS AND SPECIAL PRESENTATIONS:

(a) NC Main Street Awards – Recognition of Cindy Adams.

Ms. Cindy Adams was selected Eden Main Street Champion for 2009 and for RiverFest Promotional Materials and was honored in the Best Promotion: Text and Graphics category at the Annual Main Street Conference that took place in New Bern, NC on January 27-29, 2010. The RiverFest Award was the fourth the city has won since it became a NC Main Street community in 2003.

Mayor Grogan asked Mr. Mike Dougherty, the Director of Business & Economic Development to come forward to present the award to Ms. Cindy Adams.

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He noted that both Mr. Dougherty and Ms. Adams have done a great job of working with the local merchants all over Eden.

Mr. Dougherty explained that there were 61 Main Street Communities in the State and they are involved in downtown revitalization. Each year those Main Street Communities submit projects for awards and it has become very competitive. Riverfest has become Eden’s signature event and the largest events in the county. In 2006 it won an award for Best Downtown Event and last year (2009) it won for Best Printed Promotional Text and Graphics.

He noted that Ms. Adams has taken this to a higher level and she also received this award last week from Keith Crisco, North Carolina Secretary of Commerce in New Bern, NC. He added that they also wanted to give special thanks to Ms. Deanna Hunt who was extremely talented and has done a great job. He noted that both Cindy and Deanna deserved an awful lot of credit for bringing this award home to their community.

Mr. Dougherty closed by also recognizing Ms. Adams for demonstrating the spirit of main street and he stated that this year the Main Street Board voted for her to receive this award as well. He then proceeded thanked her for all of her hard work.

Mayor Grogan presented Ms. Adams with the award and noted that it read as follows: “North Carolina Main Street Center is pleased to recognize Cindy Adams as a Main Street Champion for dedicated support of the downtown revitalization efforts of Eden’s Main Street Program.

(b) Black History Month 2010.

Mayor Grogan asked Mr. Malcolm Allen, President of the local chapter of the NAACP as well as Ms. Elretha Perkins-Neal to come forward. He pointed out that Ms. Perkins-Neal had provided the citizens with a Black History Month display in the Eden History Room at City Hall. He then read the following proclamation:

***BLACK HISTORY MONTH PROCLAMATION***

**WHEREAS**, during Black History Month, we celebrate the many achievements and contributions made by African-Americans to our economic, cultural, spiritual, and political development; and

**WHEREAS**, established by American historian Dr. Carter G. Woodson, the original celebration of Black History Week was observed on February 12, 1926. In 1976, as part of the nation’s bicentennial, the week was expanded to a month; and

**WHEREAS**, it is important to remember civil rights pioneers like Dr. Martin Luther King, Jr. and Rosa Parks, who broke down racial barriers and inspired our nation, as well as leaders here in North Carolina and recognizing the recent 50<sup>th</sup> anniversary of the Greensboro Sit-Ins and the opening of the International Civil Rights Center & Museum located at Greensboro, North Carolina; and

**WHEREAS**, as we celebrate Black History Month, we recognize the many contributions of African-Americans to our country and recommit to being a nation of opportunity and hope for every citizen;

**NOW, THEREFORE**, I, John E. Grogan, Mayor, City of Eden, do hereby proclaim the month of February 2010 to be

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**BLACK HISTORY MONTH**

in the City of Eden and encourage all City of Eden residents to join me in celebrating the collective ingenuity, creativity, cultures and traditions of African-Americans and commit ourselves to raise awareness and appreciation of Black History Month by participating in educational events honoring the contributions of Black Americans.

Presented this 16<sup>th</sup> day of February, 2010.

By: John E. Grogan, Mayor  
City of Eden

ATTEST:

Sheralene S. Thompson, City Clerk

(c) Multiple Sclerosis Awareness Week Proclamation:

*This item was moved to Consent Agenda as item 12(f).*

**RECOGNITION OF BOY SCOUT TROOP 567:**

Mayor Grogan asked Mr. Tommy Fleming, Mr. Larry Parker and Mr. Mark Bishopric to come forward as well as 7 members of Boy Scout Troop 567 of the Leaksville United Methodist Church.

Scoutmaster Fleming explained that tonight was Merit Badge Night and each scout was working to become an Eagle Scout.

**SET MEETING AGENDA:**

Mayor Grogan requested that item 4c be moved to the Consent Agenda as item 12f.

A motion was made by Council Member Ellis seconded by Council Member Carter to move item 4c to Consent Agenda item 12f. All Council Members voted in favor of this motion.

A motion was made by Council Member Tuggle seconded by Council Member Turner to set the agenda. All Council Members voted in favor of this motion. The agenda was set.

**PUBLIC HEARINGS:**

(a) Consideration of zoning map amendment request and ordinance to rezone property located at the NW intersection of Highway 14 and Harrington Highway from Residential-Suburban to Business-General. Request submitted by Sauratown Estates, Inc. ZONING CASE Z-10-02.

The Planning Board considered a zoning map amendment request at their January, 2010 meeting. The request was submitted by Sauratown Estates, Inc., to rezone property at the NW intersection of Harrington Highway and Highway #14 from Residential-Suburban to Business-General.

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

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

Ms. Stultz explained that this request is to rezone approximately 15.173 acres south of the Dan River from Residential Suburban to Business General. At the time the ETJ was expanded in 2008, the City adopted a similar district to the former County Zoning unless special circumstances were present. The County classification for this property was Residential Agriculture which is most similar to our Residential Suburban.

The 2007 Land Use Plan for the City of Eden suggests mixed use for the subject property. At the present time, the only districts that we have that allow mixed uses are Business Central and Business General. The Business Central cannot be used in this case because it is the district that applies to our traditional downtown areas.

The ability to develop this property is limited based upon the fact that 4.09 acres of the parcel are in the Floodway and cannot be used for development, which includes no grading or dirt moving. 5.99 acres are in the AE flood classification which can be developed if engineered plans are approved and base floor elevations are raised sufficiently based upon the established elevations. 0.7 of an acre is in a flood area without the flood areas determined. Only 6.36 acres of the subject property is outside a flood hazard area. Additionally, 3.7 acres of the subject property are covered by a Duke Energy Transmission Line easement and no development can take place under their lines or on the easement. Parking is sometimes allowed. 1 acre of the transmission line is in the 6.36 acres of the property that is outside the flood area.

With the flood limitations and the Duke Energy easement, staff is of the opinion that large lot residential development is not likely to occur on this property. Therefore, based upon the foregoing information and the character of the area, a change from Residential-Suburban to Business-General is determined to be in compliance with our land use plan and is the most appropriate district for the property.

Mayor Grogan asked if anyone was in favor or in opposition of this request.

Mr. Tommy Fleming explained that he was a member of the partnership of the Sauratown Estates. He explained that he was there only to answer any questions.

Council Member Hagood asked that when they mention Sauratown Estates, was this piece part of the development.

Ms. Stultz explained that it was not part of the original subdivision plat. She stated that their understanding from Ms. Madison's research was that it was bought at approximately the same time.

Council Member Hagood asked if they would have to get the property owners all the way through Sauratown to agree.

Ms. Stultz replied no, this was a separate tract to which Council Member Hagood asked if there were no deed restrictions. Ms. Stultz explained that to her knowledge there has never been a subdivision plat for the residential lots on this property. She pointed out that even if it were, she asked him to

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assume that he and his wife decide to rezone their house and it was in a sublease subdivision. They made the application and they were still going to notify the folks within 100 feet. They would not be required to notify everybody in the development.

Council Member Hagood questioned, unless the development had some restrictions.

Ms. Debra Madison, Planning & Inspections Coordinator explained that the restrictions in that subdivision, this was not part of any recorded plats subject to restrictions.

Ms. Stultz added that even if there were restricted covenants the only time the City of Eden was involved at all was in their PUD districts. That district would require there be none. For example, the neighborhood behind them has restrictive covenants but if somebody comes in and wants a storage building they have to let them have it. Discouraging that or stopping it was a private matter, for example, The Oaks does not allow storage buildings but if someone there comes in and applies for a permit they were going to have to give them one like they would anybody else in that zoning district.

Mayor Grogan pointed out that they could sue the person because of the covenants and Ms. Stultz agreed and that was a civil matter.

As no one else came forward or had a comment he then called the public hearing closed.

A motion was made by Council Member Epps seconded by Council Member Tuggle to accept the zoning map amendment request and ordinance to rezone property located at the NW intersection of Highway 14 and Harrington Highway from Residential-Suburban to Business-General. Request submitted by Sauratown Estates, Inc. All Council Members voted in favor of this motion.

#### REQUESTS AND PETITIONS OF CITIZENS:

No one signed up to speak at this time.

#### UNFINISHED BUSINESS:

(a) Planning Organization Appointments and Reappointments.

Council Member Ellis appointed the following for Ward 7:

Historic Preservation – Jerry Meeks (replacement)

Tree Board – Miriam Moore

A motion was made by Council Member Burnette seconded by Council Member Carter to approve the appointments of the following people: Jerry Meeks (Historic Preservation Ward 7) and Miriam Moore (Tree Board Ward 7). All Council Members voted in favor of this motion.

#### NEW BUSINESS:

No new business was scheduled for this month.

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**REPORTS FROM STAFF:**

No reports were scheduled for this month.

**CONSENT AGENDA:**

(a) Approval and adoption of minutes: January 19 and January 25, 2010.

(b) Approval and adoption of capital project budget ordinance – Cargill/Dry Creek Pump Station Project.

Attached is a capital project budget ordinance allocating funds to the Cargill/Dry Creek Pump Station Project. This project is associated with the Clean Water Grant that we received from the Rural Center. The Rural Center requires that the city pass a capital budget ordinance for the project in order to receive the funds.

**CAPITAL PROJECT BUDGET ORDINANCE  
FOR CITY OF EDEN CARGILL/DRY CREEK PUMP STATION**

BE IT ORDAINED by the City Council of the City of Eden, North Carolina, that pursuant to §13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project budget ordinance is hereby adopted:

Section 1. The project authorized is the construction of the Cargill/Dry Creek Pump Station and associated appurtenances to be funded with Clean Water Bond Act appropriations through the North Carolina Rural Economic Development Center and matching funds/in-kind contributions from the City of Eden and Cargill, Inc.

Section 2. The officers of this unit are hereby directed to proceed with the capital project within the terms of the grant documents and the budget contained herein.

Section 3. The following amounts are appropriated for the project:

Professional Services*	\$106,560.00
*(Project Management, Grant Administration, Survey, Base Mapping, Design, Permitting, Bidding, Construction Administration & Easement Platting)	
Permitting Fees	\$795.00
Easement Acquisition	\$8,500.00
Construction Observation	\$28,350.00
Construction	\$212,575.00
<u>Contingency</u>	<u>\$21,257.50</u>
Total	\$378,037.50

Section 4. The following revenues are anticipated to be available to complete this project:

NC Clean Water Bond Funds (NC Rural Center)	\$340,233.75
City of Eden Sewer Construction Fund	\$27,803.75
Cargill, Inc.	\$10,000.00
<u>Cargill, Inc.</u>	<u>Land for Pump Station</u>
Total	\$378,037.50

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Section 5. The Finance Officer is hereby directed to maintain within the Capital Project Fund sufficient specific detailed accounting records to satisfy the requirements of the grantor agency, the grant agreements and state & federal regulations.

Section 6. Funds may be advanced from the General Fund for the purpose of making payments as due. Reimbursement requests should be made to the grantor agency in an orderly and timely manner.

Section 7. The Finance Officer is directed to report, on a quarterly basis, on the financial status of each project element in Section 3 and on the total grant revenues received or claimed.

Section 8. The Budget Officer is directed to include a detailed analysis of past and future costs and revenues on this capital project in every budget submission made to the Board.

Section 9. Copies of this Capital Project Budget Ordinance shall be furnished to the Clerk of the Governing Board, and to the Budget Officer and the Finance Officer for direction in carrying out this project.

Adopted this the 16<sup>th</sup> day of February, 2010 at Council Chambers in City Hall of Eden, North Carolina

Attest:

Sheralene Thompson, City Clerk

John Grogran, Mayor

(c) Approval and adoption of Budget Amendment #6.

The attached budget amendment for \$16,000 records the revenue and expenditures for the Dixie Youth Tournament that was held in July 2009. These amounts were not appropriated in the originally adopted budget.

Subject: Budget Amendment # 6

	Account #	From	To	Amount
<b>General Fund Revenues</b>				
Dixie Youth Tournament	10-3612-41300	\$ -	\$ 16,000.00	<u>\$ 16,000.00</u>
<b>General Fund Expenditures</b>				
Recreation Dixie Youth Tournament	10-6120-29500	\$ -	\$ 16,000.00	<u>\$ 16,000.00</u>

To record revenue and expenditure for the Dixie Youth Tournament that was held in July 2009.

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Adopted and effective this 16th day of February, 2010.

Attest:

Sheralene Thompson, City Clerk

John Grogan,  
Mayor

(d) Approval and adoption of Budget Amendment #7.

In December 2009, the City paid the back taxes on the property at 241 The Boulevard in the amount of \$998.59. When the building was sold in December the City received reimbursement from the buyer of the property for the taxes paid. The attached budget amendment transfers the \$998.59 back into the Planning Department’s miscellaneous line item in which the taxes were charged.

	Account #	From	To	Amount
<b>General Fund Revenues</b>				
Sale of Fixed Assets	10-3836-82000	\$ -	\$ 1,000.00	<u>\$ 1,000.00</u>
<b>General Fund Expenditures</b>				
Planning Miscellaneous	10-4910-29900	\$ 500.00	\$ 1,500.00	<u>\$ 1,000.00</u>

Taxes paid on property at 241 Boulevard by City and reimbursed when property was sold.

Adopted and effective this 16th day of February, 2010.

Attest:

Sheralene Thompson, City Clerk

John Grogan,  
Mayor

(e) Women in Construction Proclamation:

**WOMEN IN CONSTRUCTION WEEK  
PROCLAMATION**

**WHEREAS**, in 1953, sixteen women from Fort Worth, Texas formed a support group for women working in the construction industry and in 1955 the National Association of Women in Construction (NAWIC) was chartered; and

**WHEREAS**, today, NAWIC serves over 184 Chapters across the United States with over 5,500 women participating; and

**WHEREAS**, the NAWIC purpose “to enhance the success of women in the construction industry” has rapidly spread and now has sister organizations in South Africa, the United Kingdom, New Zealand and Australia; and

**WHEREAS**, July 17, 1965 The Greater Greensboro Chapter #109 of North Carolina was chartered. In 2004, due to the vast growth of the Chapter the name was changed to The Piedmont Chapter #109; and

**WHEREAS**, the Piedmont Chapter currently supports two local community colleges through the NAWIC scholarship program which helps local men and women with educational needs and prepares them for careers in the construction industry; and



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**WHEREAS**, NAWIC has set aside March 7-March 13 as WIC Week 2010 to celebrate the women working in the construction industry and to celebrate 44 years of supporting women in the Piedmont Triad Area of North Carolina;

**NOW, THEREFORE, I, John E. Grogan**, Mayor of the City of Eden, do hereby proclaim **March 7 – March 13, 2010** as **"WOMEN IN CONSTRUCTION WEEK"** in the City of Eden and commend this observance to all our citizens.

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John E. Grogan, Mayor

(f) Multiple Sclerosis Awareness Week Proclamation.

Multiple Sclerosis Awareness Week Proclamation

**WHEREAS, MS** is a chronic and disabling disease of the central nervous system in which the progression, severity and specific symptoms cannot be foreseen; and

**WHEREAS**, every hour of every day someone new is diagnosed with MS, a disease that can erode a person’s abilities and hopes, halt a career and unravel the fabric of families; and

**WHEREAS**, the North Carolina Chapters of the National Multiple Sclerosis Society reports that in our state more than 10,000 people are affected by this devastating disease, and multiple sclerosis generally strikes young adults aged 20 through 40, attacking them in the prime of their lives; and

**WHEREAS**, the North Carolina Chapters of the National Multiple Sclerosis Society have been committed throughout the years to heightening public knowledge and insight about this devastating and disabling disease, and raising millions of dollars to find the cure for MS and develop effective treatments for the disease, as well as provide a wide range of client programs; and

**WHEREAS**, research advances have brought us closer to finding the cure, much remains to be done, and services must continue to be provided to those who live with the disease; and

**WHEREAS**, finding the cause and developing a method of prevention for multiple sclerosis is an important task that all Americans and North Carolinians should support;

**NOW, THEREFORE, I, John E. Grogan**, Mayor of the City of Eden, do hereby proclaim **MARCH 8-14, 2010**, as **"MULTIPLE SCLEROSIS AWARENESS WEEK"** in the City of Eden and commend this observance to all our citizens.

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John E. Grogan, Mayor

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

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ADJOURNMENT:

A motion was made by Council Member Tuggle seconded by Council Member Ellis 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