

CITY OF EDEN, N. C.

The regular meeting of the City Council, City of Eden, was held on Tuesday, September 21, 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. Roy A. Moulden, Pastor, Kings Highway Christian Church, gave the invocation followed by the Pledge of Allegiance led by Fire Chief Tommy Underwood.

PROCLAMATIONS AND SPECIAL PRESENTATIONS:

(a) Loudon Wainwright III Day Proclamation.

Mayor Grogan introduced Mrs. Louise Price, president of Piedmont Folk Legacies, as well as the following: Warwick and Marianne Aiken and Billy and Vivian Phillips. He then presented the plaque to Mrs. Price, recognizing September 25, 2010 as Loudon Wainwright III Day in the City of Eden.

Mrs. Price also noted that the Phillips were instrumental in contacting Mr. Wainwright to ask if he would do this.

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**A PROCLAMATION DESIGNATING SEPTEMBER 25, 2010  
AS LOUDON WAINWRIGHT, III DAY**

**WHEREAS**, Loudon Wainwright, III, native of Chapel Hill, North Carolina, is an American songwriter, folk singer, humorist and actor, and

**WHEREAS**, Wainwright is perhaps best known for the 1972 song, Dead Skunk in the Middle of the Road, and

**WHEREAS**, in January of 2010, Wainwright won a Grammy for Best Traditional Folk Album, “High Wide & Handsome: The Charlie Poole Project”, and

**WHEREAS**, intrigued by stories of Poole’s life, his days as a mill worker and his success as one of country music’s first stars along with the alcoholism that led to an early death, “High Wide & Handsome” is the 20<sup>th</sup> studio album by Wainwright that pays tribute to the legendary singer and banjo picker featuring new versions of songs made popular by Poole from 1925 through 1930, as well as original songs on Poole’s turbulent life by Wainwright and producer, Dick Connette.

**NOW, THEREFORE, BE IT PROCLAIMED** that I, John E. Grogan, Mayor of the City of Eden, hereby designate SEPTEMBER 25, 2010, to be set aside as LOUDON WAINWRIGHT, III DAY in the City of Eden and urge all citizens to attend Mr. Wainwright’s benefit performance at the Governor Morehead Park in Spray, “An Evening with Loudon Wainwright, III”.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal this 21<sup>st</sup> day of September, 2010.

John E. Grogan, Mayor

ATTEST:

Sheralene S. Thompson, City Clerk

**SET MEETING AGENDA:**

Mayor Grogan stated

A motion was made by Council Member Tuggle seconded by Council Members Carter and Ellis to set the meeting agenda. All Council Members voted in favor of this motion.

**CLOSED SESSION:**

- (a) To go into Closed Session to protect the attorney-client privilege, according to G.S. 143-318.11(a)(3).

A motion was made by Council Member Burnette seconded by Council Member Tuggle to go into Closed Session to protect the attorney-client privilege, according to G.S. 143-318.11(a)(3). All Council Members voted in favor of this motion.

**OPEN SESSION:**

A motion was made by Council Member Epps seconded by Council Member Burnette to return to open session. All Council Members voted in favor of this motion.

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**PUBLIC HEARINGS:**

- (a) Consideration of a zoning map amendment request and ordinance to rezone property located at 871 Morgan Road from Residential-4 to Business-Neighborhood. Request submitted by Portia N. Strong. ZONING CASE NO. Z-10-07.

The City has received a zoning map amendment request filed by Portia N. Strong. The request is to rezone property at 871 Morgan Road from Residential-4 to Business-Neighborhood.

The Planning and Inspections Department recommends approval of the map amendment request. At their August 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 0.22 acres from Residential-4 (R-4) to Business Neighborhood (BN). The R-4 district is established as a district to serve the needs of the public for dwelling units including manufactured homes while maintaining a standard of land use to uphold the purpose and integrity of this Ordinance. The BN district is established as a district in which the principal use of land is for commercial and service units to service the surrounding residential districts. (This district is for concentrated business developments on sites less than four (4) acres. Concentrated business development on sites over four (4) acres shall be permitted only in the Business Shopping Center District.)

The subject property contains a single family residence with a detached garage/outbuilding. The building was once a commercial building which has been converted into a single family residence.

The neighborhood is characterized by older, small to medium size single family residences on small lots. To the north of the subject property is a small former commercial building which has been converted into a single family residence. To the south of the subject property is a single family residence. The rear (west side) of the subject property fronts on Holland Street and a portion adjoins another single family residence. Directly across Morgan Road to the east of the subject property is a vacant commercial building. The remaining properties across Morgan Road are primarily single family residences.

The neighborhood is an older one and there has been no development pressure in the area for many years. The 2007 Land Development Plan recommends Traditional Neighborhood development for this area. The Business Neighborhood District allows only very limited commercial uses designed to fit into the surrounding residential neighborhood. Although there is no commercial property in the area, the Business Neighborhood designation would be compatible with the surrounding properties and fit with the "Traditional Neighborhood" development recommendation for this area.

Based upon the character of the area and the surrounding uses, staff is of the opinion that Business Neighborhood zoning is appropriate for the subject property. Therefore, staff recommends in favor of the request.

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

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

A motion was made by Council Member Tuggle and seconded by Council Member Carter to approve the request to rezone property located at 871 Morgan Road from Residential-4 to Business-Neighborhood.

Council Member Burnette questioned the parking requirements and the type of buffer.

Mrs. Stultz replied that they would have to provide a buffer and when they bring a plan in to her for the size and the amount of square footage they will have to meet all the requirements.

Council Member Burnette asked if the parking requirements could be met to which she replied yes.

Council Member Hagood asked if the surrounding area was zoned R all the way around.

Mrs. Stultz replied yes, there was some commercial across the street, there used to be a little commercial area up there and some of the buildings that were now residences were commercial buildings in the past.

Council Member Hagood questioned her definition of spot zoning.

Mrs. Stultz replied that there was legal spot zoning and illegal spot zoning. Illegal spot zoning was when they choose to rezone something for capricious and arbitrary reasons. If this neighborhood by its very definition was designed for small lots, usually similar zoning in an area.

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

#### REQUESTS AND PETITIONS OF CITIZENS:

No one came forward to speak at this time.

#### UNFINISHED BUSINESS:

- (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.

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This case was tabled at the August 17, 2010, meeting of the Eden City Council and scheduled to be taken off the table at the September 21, 2010, meeting.

Mayor Grogan noted that this item had been tabled from last month. He then asked the City Council for questions or a motion.

Council Member Burnette commented that in the R-S definition, one of the criteria was to provide a transitional zone between higher density residential districts of the city and low density residential and agriculture districts of the county. Now there were already high density zonings around this particular property. He asked if that was correct.

Mrs. Stultz replied that Residential-4 district adjoins it.

Council Member Burnette stated that also from the Land Development Plan that was adopted in 2007 it states that the R-S was located primarily in the ETJ. He noted that 151 residential suburban parcels were in the ETJ and only 3 residential suburban parcels were within the city limits. He stated that to him, if they approve this, it would seem to be in contradiction to their Land Development Plan.

Mrs. Stultz replied that for this particular property their Land Development Plan recommends traditional neighborhoods and rural developments. This particular site and the reason she did believe it was a qualified residential suburban site was because it was impaired by topography and a flood area. The district that they were recommending requires a larger lot than R-20. At the time it was applied there was no indication of a flood area and then their flood maps were updated and they do know that the area was subject to floods. There were any number of reasons that they feel it was more appropriate for Residential-Suburban.

Council Member Hagood asked if there were any Residential-Suburban close by or how far.

Mrs. Stultz replied there were none near there but that was not to say that there was not property there that should Residential-Suburban. They did some land use studies of this area in the 90s and early 2000s that were not adopted. There was a tract across the street almost 40 acres and it has a lot of river bottom land and some of these same issues.

Council Member Hagood asked what the surrounding zoning was.

Mrs. Stultz replied that to the north was R-20, to the south was R-20 and R-4 and to the east was R-20.

Council Member Tuggle stated that from the Residential-Suburban he noticed in # 3 that Residential-Suburban refers to a transitional zone between high density residential, low density residential and agriculture density. Also # 4 talks about providing interim land use control areas until such time a more intense use of the land was warranted. He questioned if she saw this as a transitional zone.

Mrs. Stultz replied that for this piece of property no.

Council Member Tuggle asked if she would ever foresee an intense use of the land in this area or was this just a particular area for this transition. He explained that he meant that they were being asked to

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change from an R-20 to an R-S and would they ask that of any other property in this area or was this just a specific instance.

Mrs. Stultz replied that if they decided that there were particular areas of the community that they wanted to do a land use zoning and look at, and they have done that in the past, she did not want to stand there and tell them what she would recommend to the Planning Board or what they would recommend to the Council at that point. The rezoning process was designed so that if someone believes a change should be made, they have the ability to ask for it. The only thing that the Council can decide was if that was appropriate after they have had recommendations from the Planning Board and from their staff.

Council Member Tuggle asked if they did not have to be very careful about when they get to R-20s or R-4s about changing these things and the integrity of the neighborhood.

Mrs. Stultz replied that of course they did and she certainly tried to make recommendations with those in mind. She explained that because of the circumstances of this property she thought a lower density residential was more appropriate than the one they had.

Council Member Turner asked if she could refresh for her the R-4 versus R-20.

Mrs. Stultz explained that R-4 was 6,000 square feet and it permits manufactured homes as a use by right. It has a much smaller setback requirement and a much higher density can be permitted in R-4. She explained that R-20 requires a wider lot width, a wider setback and the Residential-Suburban district requires lower density and more of those than the R-20.

A motion was made by Council Member Tuggle seconded by Council Member Ellis to deny this request. All Council Members voted in favor of this motion. This motion carried.

**NEW BUSINESS:**

- (a) Consideration and adoption of a Resolution of Intent to close a portion of South Edgewood Road. SC-10-02.

The City has received a request from Duke Power Company to close a portion of South Edgewood Road. Attached you will find the petition, resolution of intent to close a portion of South Edgewood Road and a map showing the proposed closing. A motion to adopt a resolution and call a public hearing is in order.

**RESOLUTION OF INTENT  
TO CLOSE A PORTION OF SOUTH EDGEWOOD ROAD**

BE IT HEREBY RESOLVED by the City Council of the City of Eden, North Carolina, that:

Pursuant to the provisions of Chapter 13, Article III, Division 3 and Section 13-88 of the Eden City Code and Section 160A-299 of the North Carolina General Statutes, the City Council of the City of Eden, North Carolina, does hereby declare its intention to close the following described portion of South Edgewood Road:

All of that 2.231 acre tract designed as "Area of R/W Abandoned" as shown on a plat entitled "Final Plat Right-Of-Way Abandonment and Dedication A Portion of S. Edgewood Road" prepared by WSP – Sells Transportation & Infrastructure dated August 26, 2010, to which plat reference is hereby made and to be recorded in the Office of the Register of Deeds for

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Rockingham County, North Carolina, the same being the southernmost portion of South Edgewood Road which is bordered on three sides by Duke Power Company, a copy of said plat being available for review in the Planning and Inspections Department of the City of Eden at 308 E. Stadium Drive, Eden, North Carolina.

BE IT FURTHER RESOLVED that the City Council does hereby call for a public hearing on the said closing to be held on the **19th day of October, 2010, at 7:30 P.M.**

BE IT FURTHER RESOLVED that this Resolution will be published once a week for four successive weeks prior to the said hearing, a copy of said Resolution to be sent registered mail or certified mail to all owners of property adjoining said street as shown on the Rockingham County Tax Records, and prominently posted in at least two places along said street.

BE IT FURTHER RESOLVED, that the Planning Board is hereby requested to submit its recommendation on the proposed closing of said street for consideration of the City Council at the time of said public hearing.

APPROVED, ADOPTED AND EFFECTIVE, this 21st day of September, 2010.

John E. Grogan, Mayor

Sheralene S. Thompson,  
City Clerk

A motion was made by Council Member Burnette seconded by Council Member Hagood to adopt the Resolution of Intent and call for a public hearing for the October regular meeting to close a portion of South Edgewood Road. All Council Members voted in favor of this motion. This motion carried.

(b) Confirm the amount of the indebtedness of demolitions costs to be collected in the same manner as special assessments.

The following properties have been the subject of housing code actions and the structures situated on the properties have been demolished pursuant to an Ordinance adopted by the Eden City Council. The cost of the demolition is noted for each property.

733 Circle Drive	2,550.00
726 Morgan Road	2,750.00
627 NC 700	4,550.00
1233 E. Stadium Drive	3,291.00
800 Thornton Street	2,150.00

These particular liens are collected in the same manner as special assessments. We need for you to formally establish these liens and then to authorize legal action. When we appear in court, your formal action will be proven through the minutes.

A motion was made by Council Member Epps seconded by Council Member Carter to approve. All Council Members voted in favor of this motion. This motion carried.

(c) Adopt Order of Collection for nuisance abatement fees to be collected as delinquent property taxes.

The attached is a list of properties which have had nuisance violations and the costs associated with the abatement of the violation (copies of the invoices have been delivered to the City Clerk with the Order of Collection).

These particular liens are collected in the same manner as delinquent property taxes. We need for you to formally establish these liens and then to authorize legal action. When we appear in court, your formal action will be proven through the minutes and the execution of the attached Order of Collection.

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

- (d) Consideration of recommendation to declare surplus and advertise for bids city owned properties located at 429 Monroe Street and 1001 Sharpe Street.

The City owns the properties listed below:

1. 429 Monroe Street
2. 1001 Sharpe Avenue

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

It is my recommendation that the above properties be declared surplus and advertised for bids.

Please give consideration to these recommendations. If you have any questions, please contact this office.

A motion was made by Council Member Carter seconded by Council Member Epps to approve. All Council Members voted in favor of this motion. This motion carried.

#### REPORTS FROM STAFF:

There were no Reports from Staff on the agenda.

#### CONSENT AGENDA:

- (a) Approval and adoption of minutes: August 17, 2010.
- (b) Request for a temporary sign from First Presbyterian Church for the Annual Fall Festival.

First Presbyterian Church has requested permission to erect a temporary sign in the right-of-way of Van Buren Road and Arbor Lane. This sign will advertise a fall festival event to be held at First Presbyterian Church at 582 Southwood Drive on Saturday, November 6, 2010. This will be a fellowship event open to the community and is a fundraiser for mission projects (local and international) supported by First Presbyterian Church.

The banner will be hung on October 15 and taken down no later than November 8. The banner is 9 feet 10 inches long and 4 feet wide.

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

The Planning and Inspections Department recommends approval of the request.

- (c) Request for a temporary sign from the Rotary Club of Eden for the Annual Masquerade Ball.

The Rotary Club of Eden has requested permission to erect a temporary sign in the right-of-way of Van Buren Road and Arbor Lane. This sign will advertise their annual Masquerade Ball to be held on Friday, October 29, 2010.



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The banner will be hung on October 8 and taken down no later than October 30. The banner is 10 feet long and 3 feet wide.

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

The Planning and Inspections Department recommends approval of the request.

(d) Approval and adoption of Big Sweep Week Resolution.

A RESOLUTION OF CITY COUNCIL OF EDEN  
DECLARING SEPTEMBER 25 – OCTOBER 2, 2010 AS  
ROCKINGHAM COUNTY BIG SWEEP WEEK

WHEREAS, the City of Eden and Rockingham County are rich in natural resources and beauty; and

WHEREAS, water is a basic and essential need for all life; and,

WHEREAS, trash fouls our waterways as well as our landscapes; and,

WHEREAS, every citizen should contribute to keeping our environment clean and healthy by working together to preserve clean water and the natural beauty of our surroundings; and,

WHEREAS, North Carolina Big Sweep is a statewide community effort to retrieve trash from North Carolina's waterways and landscapes; and,

WHEREAS, during the past 21 years thousands of NC Big Sweep volunteers in Rockingham County have removed over 500,000 pounds of debris from our county's environment, including tires, white goods and other solid waste; and,

WHEREAS, this Council wishes to help make this the most successful cleanup yet;

NOW, THEREFORE, BE IT RESOLVED that the City Council of Eden, North Carolina, meeting on September 21, 2010, does hereby declare SEPTEMBER 25 – OCTOBER 2, 2010 as ROCKINGHAM COUNTY BIG SWEEP WEEK in Eden, and does further hereby urge every citizen to do his or her part to restore the beauty and function of our lakes and streams by volunteering to participate in the Big Sweep event.

In witness whereof I have hereunto set my hand and caused the seal of Eden to be affixed.

John E. Grogan, Mayor

ATTEST:

Sheralene Thompson, Clerk

S E A L

(e) Approval and adoption of Traffic Study and Ordinance Amending Speed on Pierce Street from the Roundabout to Arbor Lane.

On August 25, 2010, a traffic study request was received from Council Member Wayne Tuggle in reference to changing the speed limit on the newly opened south end of Pierce Street (SR 1962).

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The south end of Pierce Street (SR 1962) stretches south from the recently constructed roundabout to Arbor Lane. The speed limit is currently 35 MPH. The Arbor Glen Apartments are located in this block of roadway along with several retail shops and a medical facility (Wright Diagnostic Center). First Presbyterian Church is also located nearby (see attached).

Due to the variety of traffic flowing in and out of this block of roadway, the Police Department’s recommendation is that the speed limit on Pierce Street (SR 1962) from the roundabout to Arbor Lane should be 25 MPH.

- (f) Approval and adoption of Resolution recognizing twenty-three (23) self-contained breathing apparatuses (SCBA) as rendered surplus and unused and donating the property in part to the Draper Volunteer Fire Department, in part to the Leaksville Rural Fire Department and in part to Rockingham Community College.

In 2010 our department received a grant to purchase 33 Drager SCBAs, leaving us with 23 old SCBAs that we can no longer use. These 23 SCBAs do not meet today’s standards. We cannot sell them but are allowed to donate them to the Draper or Leaksville Volunteer Fire Departments or to Rockingham Community College for training. We have releases clearing the city of liability pertaining to the donated SCBAs. Our current plan is to donate 8 SCBAs to Leaksville, 8 SCBAs to Draper and 7 to RCC.

**RESOLUTION TO DONATE PERSONAL PROPERTY**

**WHEREAS**, the City of Eden Fire Department owns twenty-three (23) self contained breathing apparatuses, as shown on Exhibit “A”, hereinafter referred to as “the property”; and

**WHEREAS**, the City of Eden Fire Department has received new self contained breathing apparatuses by virtue of a federal grant, and therefore, has no further use for the property; and

**WHEREAS**, the City of Eden recognizes that the property has been rendered surplus and unused; and

**WHEREAS**, the City of Eden desires to donate this aforementioned surplus and unused property in part to the Draper Volunteer Fire Department, in part to the Leaksville Rural Fire Department and in part to Rockingham Community College pursuant to N.C.G.S. §160A-280; and

**WHEREAS**, the City of Eden in no way guarantees the quality, fitness of purpose or effectiveness of this property, and in no way does the City of Eden endorse this type or brand of apparatus, and the City of Eden has made this disclaimer known to the Draper Volunteer Fire Department, the Leaksville Rural Fire Department and to Rockingham Community College, and has obtained a waiver of claims and liabilities from the Draper Volunteer Fire Department, the Leaksville Rural Fire Department and Rockingham Community College and

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council for the City of Eden that the twenty-three (23) self contained breathing apparatuses as shown on Exhibit “A” be deemed surplus and unused and that they be donated in part to the Draper Volunteer Fire Department, in part to the Leaksville Rural Fire Department and in part to Rockingham Community College.

APPROVED, ADOPTED AND EFFECTIVE this 21<sup>st</sup> day of September, 2010.

CITY OF EDEN

By: John E. Grogan, Mayor

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ATTEST:

Sheralene Thompson, City Clerk

(g) Approval and adoption of Resolution declaring surplus items at the Dry Creek Wastewater Plant and sold as scrap metal.

Due to the age and condition of our Dry Creek Wastewater Treatment Plant and the availability of our Mebane Bridge Wastewater Treatment Plant to handle the wastewater load from the city, we chose to close down the Dry Creek Plant and divert all of its flow to the Railroad Pump Station. Changes needed to keep this plant operational and meet new regulations were becoming cost prohibitive and we will actually see a significant annual savings from this closure. In June of this year, we received approval from the state to rescind this plants NPDES permit and make it completely inactive. Following the closure, we have gone through all of the equipment and materials on site and saved any useful items for the city. Anything that is left on site is broken, outdated, or beyond repair. It is my recommendation that the remaining items listed below be deemed as surplus and sold as scrap metal.

- #30748 Dry Creek Improvements
- #30512 Aqua Jet 15Hp Aerator
- 3 Fixed Platform Aerators
- 1 Influent Bar Screen
- 1 Influent Grit Screw
- 1 Secondary Clarifier
- Fencing around aerator, digester and clarifier
- All miscellaneous piping and materials and between structures

This will be the first step in preparing the entire property for a possible future sale.

We also have an old 700 Hp motor located at the Water Treatment plant that is in disrepair and has been replaced by a new unit. We would like to have this deemed surplus and sold as scrap metal as well.

**RESOLUTION AUTHORIZING THE DISPOSAL OF PERSONAL PROPERTY BY PRIVATE SALE AT A NEGOTIATED PRICE**

**WHEREAS**, the City of Eden owns personal property located at Dry Creek Wastewater Treatment Plant, as shown on Exhibit "A", hereinafter referred to as the "property"; and

**WHEREAS**, the City of Eden has determined to close down the Dry Creek Wastewater Plant, and has determined that the aforementioned property is no longer useful or needed items for the City; and

**WHEREAS**, the City of Eden believes that its resources would be better served if the property were sold; and

**WHEREAS**, the City of Eden desires to dispose of the property by private negotiation and sale at a negotiated price as authorized by North Carolina General Statute §160A-266; and

**WHEREAS**, Melinda Ward, Wastewater Superintendent, is an appropriate city official to dispose of the property by private sale at a negotiated price.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council for the City of Eden that the property as described in Exhibit "A" be disposed of by private negotiation and sale at a negotiated price and that Melinda Ward be authorized to dispose of the property by private sale at a negotiated price.

APPROVED, ADOPTED AND EFFECTIVE this 21<sup>st</sup> day of September, 2010.

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By: John E. Grogan, Mayor

ATTEST:

Sheralene Thompson, City Clerk

**EXHIBIT "A"**

Equipment and Materials on site at former Dry Creek Wastewater Treatment Plant

#30748 Dry Creek Improvements

#30512 Aqua Jet 15Hp aerator

3 fixed platform aerators

1 influent barscreen

1 influent grit screw

1 secondary clarifier

Fencing around aerator, digester, and clarifier

All miscellaneous piping and materials within and between structures

700 Hp motor

(h) Approval and adoption of Resolution Approving Financing Terms for Fire Truck Financing for 5 Years.

During a special meeting on June 30, 2010, city council voted to purchase a 1996 Freightliner fire truck from the Town of Summerfield for \$55,000. On August 13, 2010, I requested bids from our local banks for the financing of this purchase. After giving them 2 weeks to respond, we only received one bid. BB&T quoted a 5 year installment purchase with a 2.86% interest rate and annual payment of \$11,961.54.

Our attorney, Erin Gilley, confirmed that for service contracts we are not required to follow any formal rules and can accept this bid. I would respectfully ask that the Council approve BB&T as the successful bid and adopt the attached Resolution Approving Financing Terms.

**Resolution Approving Financing Terms**

**WHEREAS:** The City of Eden ("City") has previously determined to undertake a project for a 1996 Freightliner Fire Truck (the "Project"), and the Finance Officer has now presented a proposal for the financing of such Project.

**BE IT THEREFORE RESOLVED, as follows:**

1. The City hereby determines to finance the Project through Branch Banking and Trust Company ("BB&T"), in accordance with the proposal dated August 20, 2010. The amount financed shall not exceed \$55,000.00, the annual interest rate (in the absence of default or change in tax status) shall not exceed 2.86%, and the financing term shall not exceed five (5) years from closing.

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2. All financing contracts and all related documents for the closing of the financing (the "Financing Documents") shall be consistent with the foregoing terms. All officers and employees of the City are hereby authorized and directed to execute and deliver any Financing Documents, and to take all such further action as they may consider necessary or desirable, to carry out the financing of the Project as contemplated by the proposal and this resolution. The Financing Documents shall include a Financing Agreement and Deed of Trust and a Project Fund Agreement as BB&T may request.

3. The Finance Officer is hereby authorized and directed to hold executed copies of the Financing Documents until the conditions for the delivery of the Financing Documents have been completed to such officer's satisfaction. The Finance Officer is authorized to approve changes to any Financing Documents previously signed by City officers or employees, provided that such changes shall not substantially alter the intent of such documents or certificates from the intent expressed in the forms executed by such officers. The Financing Documents shall be in such final forms as the Finance Officer shall approve, with the Finance Officer's release of any Financing Document for delivery constituting conclusive evidence of such officer's final approval of the Document's final form.

4. The City shall not take or omit to take any action the taking or omission of which shall cause its interest payments on this financing to be includable in the gross income for federal income tax purposes of the registered owners of the interest payment obligations. The City hereby designates its obligations to make principal and interest payments under the Financing Documents as "qualified tax-exempt obligations" for the purpose of Internal Revenue Code Section 265(b)(3).

5. The City intends that the adoption of this resolution will be a declaration of the City's official intent to reimburse expenditures for the project that is to be financed from the proceeds of the BB&T financing described above. The City intends that funds that have been advanced, or that may be advanced, from the City's general fund, or any other City fund related to the project, for project costs may be reimbursed from the financing proceeds.

6. All prior actions of City officers in furtherance of the purposes of this resolution are hereby ratified, approved and confirmed. All other resolutions (or parts thereof) in conflict with this resolution are hereby repealed, to the extent of the conflict. This resolution shall take effect immediately.

Approved this 21<sup>st</sup> day of September, 2010.

By: John E. Grogan, Mayor

ATTEST:

Sheralene Thompson, City Clerk

SEAL

(i) Approval and adoption of Budget Amendment #3.

The attached budget amendment allocates the loan proceeds of \$55,000 for the purchase of a 1996 Freightliner fire truck from the Town of Summerfield. This purchase was approved during a special meeting on June 30, 2010.

	Account #	From	To	Amount
<b>General Fund</b>				
<b>Revenues</b>				
Loan Proceeds - Fire Truck	10-3850-88000	\$ -	\$ 55,000.00	<u>\$ 55,000.00</u>

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**General Fund  
Expenditures**

Fire C/O Vehicles - Depreciated	10-4340-55000	\$	-	\$	55,000.00	\$	<u>55,000.00</u>
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To allocate loan proceeds for the purchase of 1996 Freightliner Fire Truck from the Town of Summerfield.

Adopted and effective this 21st day of September, 2010.

Attest:

Sheralene Thompson, City Clerk

John Grogran,  
Mayor

**(j) Approval of Proposed Veterinary Contract, Approval and Adoption of Proposed Amendment to Chapter 3 City Code and Approval and Adoption of Proposed Budget Amendment.**

A negotiated contract between Jerry Boothe, a duly licensed Doctor of Veterinary Medicine, and the City of Eden has been prepared for your consideration. This contract was prepared to address the City’s need for the boarding and general care of impounded animals. This contract is a ten (10) year contract wherein the City pays a monthly fee to Dr. Boothe for services including impoundment, euthanization, rabies quarantines, and rabies head removals. This contract can be terminated by either party upon ninety (90) days written notice or by the City upon default and failure to cure such default upon 32 day written notice.

In addition, due to the proposed veterinary contract, an amended Chapter 3, Animals, of the Eden City Code has also been drafted for your consideration. All proposed changes are identified in the attached proposed ordinance by current language being stricken through and new language written in red type.

The most significant changes to the ordinance include a change in the adoption policy of unredeemed dogs and cats. If any person desires to adopt a dog from our pound, he or she must first pay to have the dog tested for heartworms, vaccinated for rabies and Da2PPC, and spayed or neutered with pain medications. If any person desires to adopt a cat from our pound, he or she must first pay to have the cat tested for FELV/FIV, vaccinated for rabies and FVRCP, and spayed or neutered with pain medications. The costs associated with such procedures will be paid by the adopter and will be paid to the veterinarian who impounds the animals. In this case, that is Dr. Boothe.

In addition, the proposed ordinance also includes requirements and provisions for cats where the old ordinance only provided for dogs. These include our cruelty provisions and rabies requirements.

Finally, we desired to increase the fees associated with the penalty for impoundment and the cost of capture for our impounded animals. Therefore, there is also a proposed budget amendment included for your review. The proposed amendment is to Schedule of Taxes that is annually enacted with the budget. The changes include an increase in impoundment fees from \$5.00 to \$25.00 and an increase in capture costs from \$3.50 to \$10.00. We also added a disposition fee of \$60.00 in order to off-set the costs of the euthanizing the animals. The proposed ordinance also eliminates the cost of \$3.00 per day for feeding the animals because these services will be included in our monthly fees paid to Dr. Boothe under the proposed contract.

Our recommendation to Council is that you do the following:

Minutes of the regular September 21, 2010 meeting of the City Council, City of Eden:

1. Authorize the City to enter into the proposed veterinary contract with Dr. Jerry Boothe,
2. Adopt the proposed amendment to Chapter 3 of the Eden City Code, and
3. Adopt the proposed amendment to the Schedule of Taxes in Budget Ordinance

Please consider these proposals your September 21, 2010 meeting. Please contact Erin Gilley or Reece Pyrtle if you should have any questions regarding this.

Based on the request presented by Erin Gilley to amend Chapter 3 of the city code, the Police Department would like to request that the service rates for Animal Control be amended as follows:

	<u>Current Rate</u>	<u>Proposed Rate</u>
Impoundment Fees	\$5.00	\$25.00 penalty
Dogs and Cats	\$3.50	\$10.00 for capture
Disposition Fees		\$60.00 per dog or cat

(k) Approval of Firemen's Relief Fund Board re-appointees Mr. William Setliff and Mr. Steve Sherwood.

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

ADJOURNMENT:

A motion was made by Council Member Tuggle 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