

CITY OF EDEN, N. C.

The regular meeting of the City Council, City of Eden, was held on Tuesday, July 19, 2011 at 7:30 p.m. in the Council Chambers, 308 E. Stadium Drive. Those present for the meeting were as follows:

Mayor:	John E. Grogan
Mayor Pro Tem:	Wayne Tuggle, Sr.
Council Members:	Donna Turner
	Darryl Carter
	Jerry Epps
	Gene Hagood
	Jim Burnette
	Jerry Ellis
City Manager:	Brad Corcoran
City Clerk:	Sheralene Thompson
City Attorney:	Erin Gilley
Representatives from Departments:	
Representatives from News Media:	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. Steve Griffith, Pastor of Osborne Baptist Church, gave the invocation followed by the Pledge of Allegiance led by Fire Chief Tommy Underwood.

SET MEETING AGENDA:

Mayor Grogan stated that he would like to move the Closed Session to the beginning of the meeting before the proclamation and All-America City recognitions were held. He then asked for a motion to set the agenda.

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

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CLOSED SESSION:

To discuss legal matters according to (NCGS 143-318.11(a)(3) and also to discuss matters relating to the location or expansion of industries or other businesses according to (NCGS 143-318.11(a)(4).

A motion was made by Council Member Turner seconded by Council Member Tuggle to go into Closed Session to discuss legal matters according to (NCGS 143-318.11(a)(3) and also to discuss matters relating to the location or expansion of industries or other businesses according to (NCGS 143-318.11(a)(4). All Council Members voted in favor of this motion.

OPEN SESSION:

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

PROCLAMATION:

- (a) All-America City Award Month.

Mayor Grogan read the following proclamation:

PROCLAMATION

WHEREAS, the National Civic League has celebrated those communities that address their most pressing needs in a collaborative and inclusive way with the All-America City Awards for over sixty years and,

WHEREAS, George Gallup, the Chairman of the National Civic League, characterized the All-America City Award as the “Nobel Prize for Constructive Citizenship” contributing to the award becoming the nation's oldest community recognition effort and,

WHEREAS, a group of 34 Eden and surrounding area citizens ventured to Kansas City, MO in June of 2011 to present the three Eden projects as part of its All-America City Award team and,

WHEREAS, Eden was one of ten winning communities out of 23 finalists and presented one of the most moving and effective presentations of all those given and,

WHEREAS, the Eden All-America City Team illustrated how a prestigious and significant goal can be achieved when members of all races and socio-economic groups come together for a common purpose and,

WHEREAS, the residents and businesses of Eden have responded with continuing congratulations on the Eden All-America City Team winning this award,

THEREFORE, I John E. Grogan, Mayor of Eden, proclaim September of 2011 to be All-America City Award Month in the City of Eden and encourage all citizens to attend the community celebration that will take place at the September 17th Eden RiverFest.

John E. Grogan, Mayor

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Mayor Grogan recognized Mr. Dwight Lake, the Mayor of Mayodan.

Mayor Lake commented that several years ago another city in this county won a similar award and at that time the Town of Mayodan presented them (Reidsville) with a resolution. He then read the following resolution:

Resolution Honoring the City of Eden on Being Named an All-America City

Whereas, the All-America City Award is America's most prestigious civic recognition program; and

Whereas, this award recognizes civic excellence honoring those communities which demonstrates successful resolution of critical community issues, in short those communities which serves as models for all others; and

Whereas, the City of Eden staff, a visionary All-America Award committee, and a region of supporters have dedicated countless hours to preparing an application which showcases their abundant resources, conveys the charm and vitality of the community, and captures the spirit of the citizens of the City of Eden; and

Whereas, this application has resulted in one of our sister cities being named All-America City,

Now, Therefore be it resolved that the Mayodan Town Council heartedly congratulations the City of Eden, citizens and staff, and all those who played a role in this achievement. Your efforts have not only engendered civic pride and community collaboration that may reap long term economic benefits as well.

Mayodan Town Council and its citizens applaud your tireless efforts to bring the All-America City Award and the nation's recognition to Eden and Rockingham County.

Adopted the 11th day of July, 2011.

Mayor Lake also presented Mayor Grogan with another resolution that they had passed which was a resolution in opposition of the landfill.

Mayor Grogan stated that was one of the first things that they faced upon coming back from the All-America City Award was the landfill situation.

Recognition of All-America City participants:

Mayor Grogan asked the following participants to come forward and presented each of them with a T-Shirt and an All-America City pin:

Mr. Jesse Carter
Mr. Thomas Edwards

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Mr. Dezbee McDaniel
Ms. Natalie Robinson
Mr. James Carter
Mr. Edgar Zuniga
Mr. Brian Woodard
Dr. Bill McLeod
Councilman Wayne Tuggle
Mr. Malcolm Allen
Mr. Drew Lucas
Ms. Cindy Adams
Ms. Tiffany Haworth
Mr. Brad Corcoran
Councilman Jim Burnette
Ms. Sylvia Grogan
Ms. Myla Barnhardt
Ms. Deidra Moyer
Ms. Jean Ann Wood
Ms. Carlisa Wall
Mr. Mike Dougherty

Also mentioned were those unable to come: Ms. Annie Kate Smith, Ms. Wendy Rivera, Ms. Emily Adams, Ms. Kaysha Lampkins, Ms. Chelsea Yeatts, Ms. Kathy DeMason, Ms. Joy Toms, Ms. Kia Williams, Ms. Lynn Flanagan, Mr. Scott Flanagan, Mr. Charlie Williams, and Ms. Stephanie Austin.

Recognition of All-America City sponsors:

Mayor Grogan then asked the following All-America City sponsors to come forward and presented each of them with a plaque, a pin and a T-shirt.

Platinum

Homer Wright (*who was not present to accept award*)
Home Savings Bank, represented by Mr. Jonathan Jobe and Ms. Jane Lloyd

Gold

MillerCoors, represented by Mr. Drew Lucas and Mr. Del Boothe
Osborne Company, represented by Mr. Gerald Harris
Fair Funeral Home, represented by Mr. Neil Fair
Kenan and Molly Wright
Osborne Baptist Church, represented by Pastor Steve Griffith
Bill and Bev Goldston
W.K. Dickson (*who was not present to accept award*)

Silver

Eden Drug, represented by Mr. Pete Crouch
Duke Energy, represented by Mr. Davis Montgomery
Morehead Hospital, represented by Mr. Carl Martin

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Martha and Dwight Hopkins

BB & T Bank, represented by Mr. Mark Collins

Mohawk Industries, represented by Mr. Darren Quesinberry

Wells-Fargo (Wachovia), represented by Mr. Jerry Bailey and Ms. Beth Waddell

Gildan Activewear, represented by Mr. Bill Griffin and Ms. Stephanie Boothe.

Rush Properties, represented by Mr. Tinker Rush

Tri-City Automotive (*who was not present to accept award*)

Arcadis (*who was not present to accept award*)

Sheetz (*who was not present to accept award*)

Mr. Mitchell Wilson (*who was not present to accept award*)

Bronze

Wal-Mart, represented by Ms. Vickie Woodall

Dr. Burleson and Dr. Eggleston

Innofa, represented by Lew Wall

Jean and Tommy Harrington

Rockingham County Partnership, represented by Mr. Graham Pervier

Pete Simpson and Phyllis Simpson

Centurylink, represented by Mr. Steve Williams

Maddrey, Etringer Smith Hollowell and Toney (*who was not present to accept award*)

Fleetmaster Express (*who was not present to accept award*)

Tommy Fleming (*who was not present to accept award*)

Piedmont Surfaces (*who was not present to accept award*)

News & Record (*who was not present to accept award*)

Arthur Dick (*who was not present to accept award*)

Carole Roberts (*who was not present to accept award*)

Mayor Grogan then presented a small plaque, pin and T-shirt to the following Friends of All-America City:

Ed Jones, represented by Ms. Kathy Hale

Rockingham Eye Associates, represented by Dr. Mike Haines

Tri-City Glass, represented by Mr. Dana Hussey

Olde Leaksville MSD Board represented by Ms. Jean Harrington

Ms. Mary Tulloch

Duane and Gloria Best

Martha Holland of Holland & Associates

Morehead Hospital Medical Staff, represented by Mr. Ed Holbrook

Millis Transfer (*who was not present to accept award*)

Consumer Financial Services (*who was not present to accept award*)

First Citizens Bank (*who was not present to accept award*)

Layne's Pharmacy (*who was not present to accept award*)

Edwina Webster, CPA (*who was not present to accept award*)

Tom and Brenda Harger (*who was not present to accept award*)

Charles and Suzanne Barton (*who was not present to accept award*)

Rio Grande (*who was not present to accept award*)

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Mabe Trucking (*who was not present to accept award*)
Melissa and Jessica Whitten (*who was not present to accept award*)
McDonald's (*who was not present to accept award*)
Will and Hillary Flynt (*who was not present to accept award*)
Davis Appraisal (*who was not present to accept award*)
Jim Pyron (*who was not present to accept award*)
El Parral (*who was not present to accept award*)
Pat and Brenda Pittman (*who was not present to accept award*)
Chaney's Restaurant (*who was not present to accept award*)
Eden Noon Lion's Club (*who was not present to accept award*)

PUBLIC HEARINGS:

(a) Consideration of a zoning text amendment request and ordinance to (1) amend Section 11.24(a-1) Residential – 20 to allow family cemeteries as amended by the Planning Board to create such cemeteries as a special use rather than a use by right; (2) amend Section 11.26(c)(3)(c) Board of Adjustment to create a special use for private cemeteries in residential districts; and (3) amend Section 11.29(a) Definitions to create a definition for private cemeteries. Original request submitted by Jim Eggleston. ZONING CASE Z-11-07.

The City has received a zoning text amendment request from Jim Eggleston to amend Section 11.24(a-1) of the City of Eden Zoning Ordinance to allow family cemeteries (12-16 spaces) in the Residential-20 zoning district.

The Planning & Inspection staff recommends that Section 11.26(c)(3)(c) – the Board of Adjustment section of the City of Eden Zoning Ordinance be amended to create a special use for private cemeteries in residential districts. Staff also recommends that Section 11.29(a) – the Definition section of the City of Eden Zoning Ordinance to create a definition for private cemeteries.

The Planning Board considered this request at their regular meeting in June, 2011 and recommended that the amended text amendment be approved.

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

Ms. Stultz explained that the request is to allow cemeteries as a permitted use in the R-20 residential district. The R-20 residential 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 the existing residential areas with minimum lot sizes of 20,000 square feet and to encourage, in selected portions of the incorporated area, the subdivision of undeveloped property into lots with a minimum of 20,000 square feet.

Currently the Zoning Ordinance allows cemeteries only in the RS (Residential-Suburban) district and the O&I (Office and Institutional) district. The RS district is established to provide reasonable safeguards for areas characterized by suburban residential and agricultural uses. The RS districts provide a transitional zone between higher density residential districts of the city and low density residential and agricultural districts of the county. The O&I district is established primarily for office and institutional uses which have only limited contact with the general public and which have no

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offensive noises, odors, smoke, fumes, and other objectionable conditions. Residences are permitted in the O&I district.

There are several larger cemeteries located within the City's planning jurisdiction: Ridgeview Cemetery located on NC 135, Lawson Cemetery located on Patterson Street, Overlook Cemetery located on Bryant Street and NC 700, Danview Cemetery located on Fieldcrest Road, Eden Garden Cemetery located on Shady Grove Road, and a cemetery located on Pervie Bolick Street (off of Friendly Road). All of these are located in O&I districts. The old Spray cemetery, an inactive cemetery located on Church Street, is also located in an O&I district. Several churches have cemeteries on their property including the Church of the Epiphany, located in an R-6 residential district and First Baptist Church, whose cemetery is located in a BG (Business-General) district. Both of these cemeteries pre-date City zoning. There are several small private family cemeteries located in residential districts, including one on Bedford Drive (Grand Oaks) in an R-12S district and one on Grogan Street in an R-12 district. All of these smaller family cemeteries pre-date City Zoning.

The R-20 district is designed primarily for single family residences with very few other permitted uses. To amend the district regulations to allow cemeteries would allow this as a use-by-right in any of the R-20 districts as well as the R-12 and R-6 districts, since these districts allow any use permitted in the R-20 district. Staff is of the opinion that cemeteries would not be an appropriate use for these areas unless specific requirements and safeguards are in place. Therefore staff does not recommend in favor of the request as presented; however, staff does believe that a special use permit process can be an effective way to allow cemeteries in residential districts under certain very specific conditions. Staff recommends that Section 11.26(c)(3)(c) be amended to create a special use for private cemeteries in residential districts and that Section 11.29(a) be amended to create a definition for private cemeteries.

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

A motion was made by Council Member Ellis and seconded by Council Member Hagood to approve the recommendation to (1) amend Section 11.24(a-1) Residential – 20 to allow family cemeteries as amended by the Planning Board to create such cemeteries as a special use rather than a use by right; (2) amend Section 11.26(c)(3)(c) Board of Adjustment to create a special use for private cemeteries in residential districts; and (3) amend Section 11.29(a) Definitions to create a definition for private cemeteries. All Council Members voted in favor of this motion.

(b) Consideration of a zoning map amendment request and ordinance to rezone property located at the 361 Round Hill Road and amended to include 183 Round Hill Road, 11948 NC 87 and 365 Longhook Road further identified as Rockingham County Parcel Numbers 136545, 136548, 136547, and 136543 from Residential – 20 to Residential-Suburban. Request submitted by James Walker. ZONING CASE NO. Z-10-09.

The City has received a zoning map amendment request from John Walker to rezone property at 361 Round Hill Road from Residential-20 to Residential-Suburban.

The Planning and Inspections Department recommends that the request be approved and amended to include additional properties. At their June regular meeting, the Planning Board voted to recommend that the City Council approve this request as amended.

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Attached to this Memo are two Ordinances. The first Ordinance was prepared to rezone the lot owned by John Walker which is the subject of the initial request. The second Ordinance includes Mr. Walker's lot and the additional lots recommended by the Planning and Inspections Department for rezoning.

Mayor Grogan called for a public hearing and asked Ms. Kelly Stultz to come forward for a report.

Ms. Stultz explained that the initial request is to rezone approximately 24 acres located at 361 Round Hill Road from Residential-20 to Residential-Suburban. The R-20 residential 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 the existing residential areas with minimum lot sizes of 20,000 square feet and to encourage, in selected portions of the incorporated area, 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 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 a more intense use of land is warranted. Provision is made for reduction of the minimum lot size where public or community sewerage and water systems are available.

The subject property in the initial request (Property #1 – see zoning map) contains a single family residence on 24 acres of open agricultural land (approximately 50%) and wooded undeveloped land (approximately 50%). The surrounding properties are very similar in nature to the subject property, and therefore staff recommends that the request be amended to include the surrounding properties in the rezoning request. The amended request would include four parcels located along Round Hill Road, NC 87 and Longhook Road. The area is bordered on the north by the Dan River. The property to the east of the subject area contains low density residential neighborhoods along and across NC 87. To the south of the subject area is an area of low density residential and agricultural property. To the west of the subject property is an area of low density residential/agricultural property on large parcels in a Manufactured Home Overlay district. The 2007 Land Development Plan recommends Traditional Neighborhood development for this area.

The subject area contains four very large parcels of residential/agricultural land. Property #2 contains primarily wooded undeveloped land with an area of cleared agricultural land on approximately 79 acres. Property #3 contains a single family residence with some cleared agricultural areas and primarily wooded undeveloped land on approximately 166.54 acres. Property #4 contains two single family residences on approximately 20.92 acres of primarily cleared agricultural land. Due to the nature and characteristics of the subject properties, staff is of the opinion that it makes sense to consider not only the initial request, but also the surrounding properties for rezoning.

The RS district definition accurately describes all of the subject properties: (1) low density residential and agricultural; (2) open characteristics of land on the fringe of the city; (3) transitional zone between higher residential districts of the city and low density residential and agricultural districts of the county; and (4) interim land use until more intense land use is warranted. The 2007 Land Development Plan recommends Traditional Neighborhood development for this area; however, since there has been no development pressure in the area, staff is of the opinion that Residential-Suburban

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zoning is appropriate for this area. A portion of the subject property is located in a flood hazard area and could likely not be developed. In addition, the subject properties lie entirely in a watershed area, which also limits the amount of development that could occur.

Based upon the character of the area and the low density residential and agricultural uses in the area, staff recommends in favor of the request.

Mayor Grogan asked if anyone would like to speak in favor or in opposition of this request.

Council Member Hagood stated that he noticed a James Walker and then on another piece of documentation a John Walker. He questioned if that was two different people to which Ms. Stultz replied yes and Mayor Grogan added that he thought Mr. James Walker was the original one that put his in and then some neighbors called and wanted to be included and John Walker was one.

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 Ellis to approve the request as amended. All Council Members voted in favor of this motion.

REQUESTS AND PETITIONS OF CITIZENS:

Ms. Jean Ann Wood, President, Eden Chamber of Commerce:

Ms. Wood explained that she had two resolutions to present to the Eden City Council.

EDEN CHAMBER OF COMMERCE RESOLUTION IN OPPOSITION OF PROPOSED LANDFILL

WHEREAS, the Whitt Family Farms LLC owns a 1,750-acre tract of land located immediately adjacent to the extraterritorial jurisdiction of the City of Eden, said tract of land containing four miles of frontage on the Dan River, and including numerous wetland areas and intermittent streams that drain into the Dan River; and,

WHEREAS, said tract of land is also located 11,074 feet from the City of Eden raw water intake site, this being the intake for the public drinking water supply site, located on the Dan River; and,

WHEREAS, the NC Wildlife Resources Commission has identified several Federal and State endangered, threatened, and rare species in the Dan River and has stated that the Dan River Aquatic Habitat, a Significant Natural Heritage Area, is within Dan River adjacent to and downstream of the property; and,

WHEREAS, PBK Holdings, LLC has applied to the County of Rockingham for a Special Use Permit for the purpose of constructing and operating a private Modern Regional Landfill and Recycling Center on a maximum of 350 acres of the 1,750-acre tract owned by Whitt Family Farms, LLC; and,

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WHEREAS, Mr. Kevin Combs, spokesman for PBK Holdings, LLC, has stated in a public meeting that the proposed landfill will accept waste from out of state, with up to 500 trucks coming in daily to carry waste that includes the products of coal combustion, including coal ash, and will be a potential customer for out-of-state waste from energy drilling, including waste from beneath bedrock; and,

WHEREAS, the maps provided by PBK Holdings, LLC, with the Application for Special Use Permit show road access to the landfill crossing the floodplain and indicate that landfill cells would be built within approximately 200 feet of the floodplain and within approximately 600 feet of the Dan River and less than two miles from the Shiloh airport; and,

WHEREAS, the proposed landfill's proximity to the Dan River means that a single accident, storm event, failure of a landfill liner, or instance of human error has extremely high potential to cause toxic waste from the landfill to contaminate the Dan River; and according to the NC DOT Aviation Division and Capt. Chesley "Sully" Sullenberger, a renowned aviation expert, the proposed landfill's proximity to the Shiloh Airport would pose danger to aircraft by increased bird activity; and,

WHEREAS, the presence of a riverside landfill that accepts industrial waste would cause harm to the economy of the City of Eden and Rockingham County by deterring businesses and industries from choosing to locate near such a site and would attract additional bird activity; and,

WHEREAS, contamination of the Dan River from a landfill on the Whitt Family Farms would jeopardize members' businesses economically, public health, safety, and welfare for downstream users, including the City of Eden and Rockingham County, by polluting the drinking water supply, making the water unsafe for recreation, and causing costly shutdown of residential and industrial users of the river and the increase in bird activity would cause risk to aviators accessing the Shiloh Airport;

NOW THEREFORE BE IT RESOLVED that the Board of Directors of the Eden Chamber of Commerce, meeting on July 19, 2011, does hereby declare its opposition to the proposed Modern Regional Landfill and Recycling Center because of the potential harm to the Dan River, including public drinking water supply, the location of the landfill being in a protected watershed and its proximity to the flood plain, the negative effect on the quality of life of our citizens and members' businesses, the potential harm of Shiloh Airport aviators, the negative effect on the economy and the ability of the City to attract new industry and maintain its current industrial base, and for the potential addition of 500 trucks along Harrington Highway and other highways in our City.

APPROVED, ADOPTED AND EFFECTIVE this 19th day of July, 2011.

Neil Fair, Chairman of the Board
June Lloyd, Treasurer/Secretary
Pete Crouch, Community and Economic Development

EDEN CHAMBER OF COMMERCE
RESOLUTION OPPOSING MERGER OF ROCKINGHAM COMMUNITY COLLEGE
WITH ANOTHER COMMUNITY COLLEGE

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WHEREAS, it is incumbent upon the citizens of a democratic and free society to provide educational opportunities for its populace; and

WHEREAS, the lawmakers of this State and the citizens of Rockingham County jointly recognized these responsibilities in 1963 in the creation of Rockingham Community College; and

WHEREAS, community colleges are governed by local boards of trustees and maintain strong relationships with the areas they serve so they can be responsive to the needs of their areas; and

WHEREAS, Rockingham Community College has served the needs of the citizens of this county and surrounding area for more than 45 years by providing educational, economic development, and cultural opportunities; and

WHEREAS, a report to the North Carolina General Assembly's Joint Legislative Program Evaluation Oversight Committee has called for merger of community college campuses with 3,000 or less budgeted full-time equivalent enrollment and consolidation of up to 15 smaller community colleges within a 30-mile radius of a larger community college; and

WHEREAS, such a merger would have devastating effects upon Rockingham Community College and the people it serves, with such effects including but not limited to a loss of identify for the institution, reductions in the number of new and existing programs offered, a reduction in response time to local programming needs, a hampering of economic development, and a reduction in financial contributions to the RCC Foundation; and

WHEREAS, such mergers among community colleges are expected to save only \$5.1 million, an amount hardly comparable to the loss of financial support and other assistance from the community; and

WHEREAS, despite limited funding, North Carolina's community colleges are efficient and effective institutions and continually strive to become more efficient in providing an educated workforce in this state.

BE IT THEREFORE RESOLVED that the Eden Chamber of Commerce hereby joins in efforts to oppose any merger or consolidation of Rockingham Community College with any other community college.

APPROVED, ADOPTED AND EFFECTIVE this 19th day of July, 2011

Neil Fair, Chairman of the Board
June Lloyd, Treasurer/Secretary
Pete Crouch, Community and Economic Development

UNFINISHED BUSINESS:

- (a) Consideration of an appeal on a nuisance violation for 1006 Manning Street.

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Based upon a citizen complaint and staff inspection, a nuisance was sent to the property owners of 1006 Manning Street owned by Christopher Wayne Allen Cox and wife, Kelly Young Cox. Mr. and Mrs. Cox appealed the determination that there was a nuisance on his property.

Staff recommends that this appeal be denied.

Council Member Burnette questioned the violation to which Ms. Stultz replied there was a rat infestation.

Mayor Grogan added that they have not paid the fees.

Ms. Stultz stated that it was the worst case she had ever seen to which Council Member Hagood stated that he had maybe looked at the wrong house. Ms. Stultz explained that it was the last house on the right and they had pictures but she just did not want to share them. She added that she had seen many rats run through there since they started the process.

Ms. Erin Gilley, City Attorney, questioned how many properties and had she received complaints from others.

Ms. Stultz replied that she had had complaints from nearly everyone surrounding them. One complaint was that they go about into their yard and then go back to their home. It was the largest rat mound she had ever encountered.

Council Member Turner added that she had seen it a number of times.

Council Member Hagood stated that there had been a problem less than a block away behind the Dicks area to which Ms. Stultz replied, that was it, right behind Dicks Drive In. Council Member Hagood questioned they were singling out homes and there was another one out there also.

Ms. Stultz replied that they were only singling them out because the habitat, the food source was there. They could easily identify that this particular site has ignited this particular rat problem. They had other complaints in this neighborhood and one had been investigated earlier this week but they could not find a way to identify that they know where they were coming from but this one was really easy.

Mayor Grogan added that the question certainly could come up as far as a precedent, but you have to remember that this request was really where they had not paid the fees for the work that was done last year and what would be done this year.

Council Member Burnette asked how they would agree that there were rats and appeal the fact that it was a nuisance.

Ms. Stultz replied that in her opinion you really could not. It was not a bonafide appeal it was a measure in hopes of stopping them (City) from spending any more money at the site. It was a sad situation that the family was in and the rest of the neighborhood.

Council Member Burnette asked if this was not about the collection of money this was about the extermination of rats to which Ms. Stultz replied in the affirmative.

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A motion was made by Council Member Tuggle seconded by Council Member Hagood to deny the appeal.

NEW BUSINESS:

There were no New Business items at this time.

REPORTS FROM STAFF:

There were no reports at this time.

CONSENT AGENDA:

- (a) Approval and adoption of minutes: June 21, 2011.
- (b) Consideration and approval of FY 2011-12 Street Resurfacing Contract – Request to Award Contract.

Bid Tabulation Schedule and the Summary of Quantities spreadsheet for the FY 2011-12 Street Resurfacing Contract. The bids were received on June 21, 2011 at 11:00 a.m. A total of three (3) responsive bids were received on the project. The low bidder was APAC-Atlantic, Inc., Thompson Arthur Division in the amount of \$487,941.70. The low bid amount is greater than the amount budgeted for the contract so E. Moore Street and Creekridge Drive have been pulled from the schedule.

The Engineering Department is requesting Council’s approval to award the FY 2011-12 Street Resurfacing Contract to APAC-Atlantic, Inc., Thompson Arthur Division based on their bid amount shown above.

- (c) Approval and adoption of a resolution opposing merger of Rockingham Community College with another community college.

A RESOLUTION OPPOSING MERGER OF ROCKINGHAM COMMUNITY COLLEGE WITH ANOTHER COMMUNITY COLLEGE

WHEREAS, it is incumbent upon the citizens of a democratic and free society to provide educational opportunities for its populace; and

WHEREAS, the lawmakers of this State and the citizens of Rockingham County jointly recognized these responsibilities in 1963 in the creation of Rockingham Community College; and

WHEREAS, community colleges are governed by local boards of trustees and maintain strong relationships with the areas they serve so they can be responsive to the needs of their areas; and

WHEREAS, Rockingham Community College has served the needs of the citizens of this county and surrounding area for more than 45 years by providing educational, economic development, and cultural opportunities; and

WHEREAS, a report to the North Carolina General Assembly's Joint Legislative Program Evaluation Oversight Committee has called for merger of community college campuses with 3,000 or less budgeted full-time equivalent enrollment and consolidation of up to 15 smaller community colleges within a 30-mile radius of a larger community college; and

WHEREAS, such a merger would have devastating effects upon Rockingham Community College and the people it serves, with such effects including but not limited to a loss of identify for the institution, reductions in the number of new and existing programs offered, a reduction in response time to local programming needs, a hampering of economic development, and a reduction in financial contributions to the RCC Foundation; and

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City of Eden, N. C.

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WHEREAS, such mergers among community colleges are expected to save only \$5.1 million, an amount hardly comparable to the loss of financial support and other assistance from the community; and

WHEREAS, despite limited funding, North Carolina's community colleges are efficient and effective institutions and continually strive to become more efficient in providing an educated workforce in this state.

BE IT THEREFORE RESOLVED that the Eden City Council hereby joins in efforts to oppose any merger or consolidation of Rockingham Community College with any other community college.

This the 19th day of July, 2011.

John E. Grogan, Mayor

ATTEST:

Sheralene Thompson, CMC
City Clerk

(d) Request for consideration of approving a resolution for accepting the Technical Assistance Grant for the Tanyard Branch Sewer Outfall.

We applied for and received the award of a Technical Assistance Grant for the Tanyard Branch Sewer Outfall this spring. The Technical Assistance Grant is for cleaning and inspecting of 8000 feet of sewer line, survey work on the sewer line, and an engineering evaluation of the condition of this sewer line. This is the preliminary work required prior to requesting funding from the State for loans and/or grants for large sewer rehab projects. This Technical Assistance Grant is for \$50,000 with no matching City funds required.

We were awarded this Technical Assistance Grant from the Water Infrastructure Fund. The City Council is required to formally accept the grant by resolution to be eligible to begin receiving reimbursement from the grant funds for the work the grant is to provide for.

One obligation the City would have to accept this Technical Assistance Grant is to continue to keep water/sewer rates so that they are equal to one and one half times the median household income for City of Eden. This is defined as High Unit Cost (HUC) and our water rates must be above this calculation. Based on data available today, our water rates are just slightly above this threshold and no rate increase would be required to accept the requested loan assistance from the Clean Water State Revolving Fund.

We request that Council consider adopting this Resolution in order that we may receive funding from the Technical Assistance Grant that has been awarded for the Tanyard Branch Outfall. Please contact Terry Shelton if you any questions regarding this Resolution to accept for this Grant.

RESOLUTION BY GOVERNING BODY OF THE CITY OF EDEN, NC

Whereas, The North Carolina Clean Water Revolving Loan and Grant Act of 1987 has authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of wastewater treatment works, wastewater collection systems, and water supply systems, water conservation projects, and

Whereas, the North Carolina Department of Environment and Natural Resources has offered a Technical Assistance State Grant from the Water Infrastructure Fund in the amount of \$50,000 for the evaluation of the Tanyard Branch Sewer Outfall, and that the final report evaluation will be suitable for submission to funding agencies for construction funding, and

Whereas, the City of Eden intends to use the evaluation final report to apply for grant or loans for construction improvements to the Tanyard Branch Sewer Outfall for rehabilitation/replacement or a construction of the two.

Minutes of the regular July 19, 2011 meeting of the City Council, City of Eden:

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

That City of Eden does hereby accept the Technical Assistance State Grant offer of \$50,000.00.

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

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

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

Adopted this the 19th day of July, 2011, at City Council Chambers in City Hall, Eden, North Carolina.

John E. Grogan, Mayor

(e) Approval of the amendment of the tax rate to revenue neutral according to the requirements of NCGS 159-15.

(f) Request for consideration of approving bid for annual wood grinding project for Solid Waste.

The City's Solid Waste Division typically solicits for the annual Wood Grinding Contract to grind all the wood debris that is collected from around the City. This bid is typically for three annual events where the contractor will move in on site and grind the collected wood debris once per year. The event will typically last for five to seven work days to grind the collected debris. The volume of the collected wood debris is estimated this year to be 16,000 cubic yards. Bids were solicited from three vendors who have previously expressed interest in our grinding project. Only two vendors submitted quotes for this work.

The project is estimated to have a volume of 16,000 cubic yards. The bids are based on the cost of the grinding operation and the operation of moving the grind mulch to storage piles on the Public Works yard. The cost numbers given were used assuming that the product would be moved on site to piles and the operation would run 10 hours per day for five days. Five days is based on previous grinding events.

John Wilson and Sons \$2.77 per cubic yard to grind and \$190 per hour to move product on site

Shavender Trucking \$2.80 per cubic yard to grind and \$103.50 per hour to move product on site

Based on these prices John Wilson would be the low bidder for the grinding, but their product moving operation would cost \$86.50 more per hour of operation. After six hours of operation Shavender's lower cost of moving product would make their bid the overall lower total cost to grind the wood. Assuming the annual event takes 5 days at 10 hours per day venter's bid would be \$49,975.00. With the same assumption, John Wilson and Sons' Bid would be \$53,820.00.

We, therefore, recommend to Council to approve the bid from Shavender Trucking Inc., to grind our wood debris collected for the next three years.

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

July 19, 2011

City of Eden, N. C.

Minutes of the regular July 19, 2011 meeting of the City Council, City of Eden:

ADJOURNMENT:

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

Respectfully submitted

Sheralene S. Thompson, CMC
City Clerk

ATTEST:

John E. Grogan, Mayor