

CITY OF EDEN, N. C.

The regular meeting of the City Council, City of Eden, was held on Tuesday, August 21, 2012 at 7:30 p.m. in the Council Chambers, 308 E. Stadium Drive. Those present for the meeting were as follows:

Mayor:	(absent)	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*, Latala Payne,
Eden News

MEETING CONVENED:

Mayor Pro Tem Tuggle 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. Jerry Epps, Eden City Council, gave the invocation followed by the Pledge of Allegiance.

SPECIAL PRESENTATIONS:

- a. Eden Kiwanis Check Presentation for Amphitheater at Freedom Park (Dressing Room Additions).

The memorandum explained that the Eden Kiwanis Club is making a donation to the City in the amount of \$23,000 for the construction of dressing rooms at the Amphitheater at Freedom Park.

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This donation will bring the Eden Kiwanis Club funding for the Amphitheater to \$48,000.

The Eden Kiwanis donated \$25,000 to the City in September 2006 when the amphitheater was first built, and at that time they began saving funds to add the dressing rooms at a later date.

The Eden Kiwanis would like to present a ceremonial check to the Mayor and City Council to show their support of Freedom Park, and hopefully this will continue to encourage other organizations and businesses to make donations for improvements to Freedom Park.

Mayor Pro Tem Tuggle recognized Mr. Johnny Farmer, Director of Parks, and Recreation & Facility Maintenance.

Mr. Farmer came forward to accept the check from members of the Eden Kiwanis Club on behalf of the city.

- b. Presentation of Plaques Designating Three Properties in the Historic Building Marker Program.

Mayor Pro Tem Tuggle asked Ms. Cindy Adams, Tourism & Events Coordinator and Mrs. Jean Harrington, Eden Preservation Commission, to come forward to present the plaques.

Ms. Harrington explained the Historic Building Marker Program and presented plaques to the following property owners:

Mr. Roger Hair (former Bank of Leaksville building)
Mr. Eddie Barker (former Milner/Belk-Kline building)

Roger and Sylvia Maves were also announced but were not present. Their property was the site of the 1880s Ivie Brothers building which was later moved to Bridge Street and replaced by a building that was built by J.D. Fagge and J.W. Hopper.

SET MEETING AGENDA:

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

PUBLIC HEARINGS:

- a. Consideration of an ordinance annexing property located at 331 Wilshire Drive and 400 Northridge Drive pursuant to a request submitted by Ann Marie Fish and Susan M. Shockley.

The memorandum explained that at the regular July meeting, the Council scheduled this public hearing to hear comments regarding an annexation of property located at 331 Wilshire Drive and 400 Northridge Drive. The Petitions Requesting Annexation were filed by Ann Marie Fish and Susan M. Shockley.

Staff is of the opinion that this property should be annexed.

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Mayor Pro Tem Tuggle asked Ms. Stultz to come forward to give a report.

Ms. Kelly Stultz, Director of Planning & Inspections, explained that Ms. Fish wanted to become a part of the city and they certainly recommended in favor of that.

Mayor Pro Tem Tuggle called for a public hearing and asked if anyone would like to speak in favor or in opposition of this request. As no one came forward to speak, he declared the public hearing closed.

A motion was made by Council Member Epps seconded by Council Member Ellis to approve the request to annex 331 Wilshire Drive. All Council Members voted in favor of this motion.

Mayor Pro Tem Tuggle then called for a public hearing to hear comments regarding the annexation of 400 Northridge Drive.

As no one came forward to speak in favor or in opposition of this request, he declared the public hearing closed.

Council Member Hagood questioned the four remaining properties and if she had gotten a response either pro or con.

Ms. Stultz replied that she had no response at all. They were notified and her best guess was that at some point when they see other people's leaves being picked up and some of the other services then she will probably be contacted.

A motion was made by Council Member Burnette seconded by Council Member Ellis to approve the request to annex 400 Northridge Drive. All Council Members voted in favor of this motion.

- b. Consideration of a request and adoption of the Ordinance for Local Landmark designation for the John M. Morehead, II house, located at 420 Boone Road pursuant to a request from property owner Neil Fair.

The memorandum explained that the Historic Preservation Commission has received a request for Local Landmark designation for the John M. Morehead, II house, located at 420 Boone Road. The Commission will hold a public hearing to consider this request at their regular meeting on August 20, 2012. Staff requests that Council hold a public hearing at the August 21, 2012, meeting to consider this request.

The City has received comments from the State Historic Preservation Office on this property as required by the N.C. General Statutes. These comments indicate that this property satisfies the criteria for Local Landmark designation. Staff recommends in favor of the request.

Mayor Pro Tem Tuggle asked Ms. Stultz to come forward to give a report.

Ms. Kelly Stultz, Director of Planning & Inspections, explained that the request was submitted by Neil Fair as a representative for Fair Funeral Home, Inc.

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The John M. Morehead, II, house, located at 420 Boone Road, was built around the turn of the 20th century for John M. Morehead, II, son of John Lindsay Morehead and grandson of North Carolina Governor John Motley Morehead. The Morehead family lived in the home until around 1918. The home was occupied for a few years by the James D. Taylor family and later by the E.D. Pitcher family. Pitcher was an administrator for the Morehead and Mebane textile mills and later an executive for Marshall Field and Company when they purchased six mills in Spray and Draper. After the Pitchers, the house was occupied by several others until Benjamin Carter Trotter, attorney for Marshall Field and Co., moved in with his family in the mid-1930's. Mr. and Mrs. Charles Fair purchased the property after Mr. Trotter's death and lived in the house until their deaths in 2010. The home remained in the Fair family and is currently owned by Fair Funeral Home, Inc.

The Morehead house is an excellent example of the Queen Anne style with an irregular form and a variety of rooflines and materials. The home features several shed-roofed dormers accenting the gable, clipped gable and gambrel roofline. Materials include splitshake shingles, German siding and grids of decorative trim in the upper elevations.

Ornamental bargeboard appears in the gambrel and one of the gables. The house has a deep wraparound porch with heavy turned posts, a porte-cochere with a spool frieze on the main façade, and a semicircular patio on the northeast elevation. The south end of the porch has been converted into a sunroom which conceals a one-story polygonal bay, still indicated by the polygonal roof above. Several outbuildings which once stood on the property have been torn down, including two small servant dwellings. However, a water tower with a wind-mill powered pump still remains on the southeast corner of the property and a small smokehouse remains to the rear of the property.

The house remains in excellent condition with few alterations from its original appearance. The house is a contributing structure in the Boone Road Historic District, one of the City's four National Register districts. The property has recently been certified as historic for building code purposes by the State Historic Preservation Office due to its status as a contributing building within a National Register district.

Based upon the historical and architectural significance of the property and the above information, staff recommends in favor of the designation of the John M. Morehead, II, house as a local historic landmark.

Mayor Pro Tem Tuggle called for a public hearing and asked if anyone would like to speak in favor or in opposition of this request.

Mr. Neil Fair, property owner, came forward to offer his support for this request.

As no one else came forward to speak, he declared the public hearing closed.

A motion was made by Council Member Epps seconded by Council Member Ellis for approval and adoption of an ordinance designating the John M. Morehead II house a Local Landmark. All Council Members voted in favor of this motion.

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REQUESTS AND PETITIONS OF CITIZENS:

No one came forward to speak at this time.

UNFINISHED BUSINESS:

- (a) Planning Organization Appointments and Reappointments for Board and Commissions.

No motions at this time.

NEW BUSINESS:

- a. Request to adopt an ordinance for the demolition of a structure at 887 Morgan Road under the City of Eden Human Habitation Ordinance.

The memorandum to Council explained that they would find attached to their item a section of the Human Habitation Standards Ordinance relating to the steps to be taken when an owner fails to comply with an order to repair or demolish and a copy of the Complaint and Notice of Hearing Before Housing Inspector Under Housing Code which sets out the violations. The City of Eden Human Habitation Standards Ordinance and the enabling legislation permit the City Council, upon adoption of an Ordinance, to order the repair or demolition of the structure. An estimate for the demolition of the structure on this property is \$2,700.00.

This structure is in the area currently being rehabilitated under the Holland Street Community Development Block Grant and the cost of the demolition will be paid by grant funds. A minimum housing code action was required because the property was owned by the heirs of Elizabeth Hampton and we could not find addresses for all the heirs.

Council Member Burnette questioned if that grant extended on out to which Ms. Stultz explained that there were 2 entrances to Holland Street and anything on Morgan Road that was between those 2 entrances were included.

A motion was made by Council Member Epps seconded by Council Member Burnette to approve and adopt an ordinance for the demolition of structure at 887 Morgan Road. All Council Members voted in favor of this motion.

- b. Request to initiate a Zoning Text Amendment and temporary banner requests for RiverFest and Leaksville United Methodist Church.

The memorandum explained that within the last few years, the Zoning Ordinance was amended to permit banners with no commercial message to be erected within a public right-of-way when approved by the City Council. Since April 2008, the City Council has approved 35 banners. All of these have been erected between the poles at the intersection of Highway #14 and Arbor Lane. The number of requests that we have received is rapidly increasing. On the August Agenda, there are two more requests and we have already approved signs for August and September erection. The ordinance indicates no commercial message. One of the requests presently being considered could be construed as a commercial message even though it comes from a non-profit organization.

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Circumstances have changed enough, that I would like to ask the Council to initiate an amendment to remove this provision from the Zoning Ordinance until such time as staff and the Planning Board can come back to you with a recommendation to better handle this issue. It is important that community events be publicized; however, not at the expense of the appearance of our city.

Mayor Pro Tem Tuggle asked if she knew of any type of electronic board or something along that line that would display activities within the community.

Ms. Stultz replied that you see electronic boards or one like the old fashioned board in front of the high school. She suggested that they get something like that and get an easement from NCDOT that was only granted to the city and that they would make the decision about what goes on the sign.

Mayor Pro Tem Tuggle asked if she could pursue looking into that.

Ms. Stultz replied that they could erect something that the City Council would be in charge of and if a group comes in with an application they would approve or deny it and if they did not like the answer they can come to the City Council and ask. It was really one of those things where you would meet the requirement or you do not. She never anticipated it to become the nightmare it had become.

Council Member Carter asked if this would be city-wide to which Ms. Stultz replied it was city-wide.

Council Member Burnette commented that it sounded fairly complicated to do it but she seemed to think it can be simply done.

Ms. Stultz explained that she and her staff have debated it all summer. It has just escalated and people want them up for longer periods of time. The folks who have the car show have asked to have one up so much a month for 6 months and if city staff have something that they put up and take down then they city staff would have a lot more control over it. She added that she did not know if they could afford one of those LED signs or if there was grant money out there.

Council Member Epps mentioned the sign on Washington Street.

Ms. Stultz explained that sign was put in by the merchants and it was on private property. That piece of private property also has enough room in front of the building to allow them to have their own sign. She added that there were opportunities and options available for them.

Council Member Hagood asked if the only piece of business she had right now was just the request for these two signs.

Ms. Stultz replied yes, the request for those two and also for Council to initiate the text amendment to remove it until the city could do better.

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Council Member Carter questioned how many were waiting. Ms. Stultz replied only one and she had already told them no but if the Council wanted to initiate the text amendment, they could all decide to let her.

Council Member Hagood questioned if the text amendment had gone before the Planning Board to which Ms. Stultz replied no and that was why she was asking them to initiate it.

Council Member Tuggle added that they would have the discussion on what to do and how to do it and Council Member Burnette added that it would then come back to Council.

Council Member Hagood questioned if they were stopping it with this until that was done to which Ms. Stultz replied that the City Council would not meet again until they get that text amendment.

To clarify some of the confusion, City Attorney, Ms. Erin Gilley explained that a church had made a request for a temporary sign to be placed in September but it was not made in time to be on the August City Council agenda.

Ms. Stultz added that they did have two requests that did make the deadline and they have it there. Then they have one that was submitted hoping to be on the September agenda. So if they all decide to allow these two, then she could allow them to go up. If Council decides to initiate the text amendment the Planning Board will take that up next week, removing those words from the ordinance, and it will come back to the Council in order to have a public hearing in September. If the Council still wanted to hear the one request she had already received then she would be honor bound to take any that meets the deadline for next month's meeting and she would do that but it was entirely up to the City Council.

Council Member Carter asked Tourism & Events Coordinator Cindy Adams if this would affect her department. Ms. Adams replied that they only use temporary signs for two events.

Council Member Burnette asked what the specific wording was that she wanted to change.

Ms. Stultz explained that there was a section in the ordinance that simply says that upon approval from the City Council, banners with no commercial message to be erected within a public right of way, based upon how Council decides whether they go up or go down and generally what the city has done was, they come to them (Planning) and they make a recommendation. What she would like to do for the time being was take that completely out, no approval until they have a good plan.

Council Member Burnette asked if they should approve the text amendment after they approve the first two.

Ms. Stultz replied that if the City Council wanted to approve the latest one that the church sent in then they would ask the City Clerk to put that on the agenda before the public

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hearing if Council decided to initiate the text amendment. If they do this, anything else that comes in before the Council deadline she would be honor bound to bring it to them.

A motion was made by Council Member Ellis seconded by Council Member Burnette to approve this request to initiate the text amendment and approve the request for temporary banners for Riverfest and Leaksville United Methodist Church. Action on the motion was as follows: Council Members Ellis, Burnette, Hagood, Turner, Epps and Tuggle voted in favor of this motion. Council Member Carter voted in opposition. This motion carried.

A motion was made by Council Member Hagood seconded by Council Member Ellis that if Planning & Inspections receive any requests to bring them forward to the Council for approval until the text amendment has been adopted. All Council Members voted in favor of this motion.

REPORTS FROM STAFF:

No Reports were scheduled at this time.

CONSENT AGENDA:

- (a) Approval and adoption of minutes: July 17, 2012.
- (b) Approval and adoption of budget amendment #1.

When the City purchases vehicles with installment purchases, it is required to show the loan proceeds as revenue and the payment to the vendor as expenditure in the financial statements. The attached amendment increases the General Fund revenue line item “loan proceeds” and also increases the following Police Department Capital Outlay – Vehicles.

	Account #	From	To	Amount
General Fund Revenues				
Loan Proceeds	10-3850-86000	\$ -	\$ 227,000.00	<u>\$ 227,000.00</u>
General Fund Expenditures				
Police C/O Vehicles	10-4310-55000	\$ -	\$ 227,000.00	<u>\$ 227,000.00</u>

To allocate loan proceeds for (8) police cars.

Adopted and effective this 21st day of August, 2012.

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Attest:

Sheralene Thompson, City Clerk

Wayne Tuggle, Sr. Mayor Pro Tem

(c) Approval and adoption of Resolution supporting the Eden ABC Store’s Travel Policy.

RESOLUTION

WHEREAS, the City of Eden is the appointing authority for the local ABC board; and

WHEREAS, pursuant to N.C.G.S. § 18B-700(g2), the City of Eden, as the appointing authority, shall approve the travel policy adopted by the local board. Such travel policy shall conform and be the policy used by the City of Eden.

NOW, THEREFORE, BE IT RESOLVED, by the City Council for the City of Eden that the local ABC board has adopted a travel policy that is identical to and conforms to the travel policy of the City of Eden, and that the City Council for the City of Eden hereby approves such policy.

APPROVED, ADOPTED AND EFFECTIVE this 21st day of August, 2012.

CITY OF EDEN

By: Wayne Tuggle, Sr., Mayor Pro Tem

(d) Approval and adoption of Resolution creating a City of Eden Youth Council.

RESOLUTION

WHEREAS, the Eden City Council places a high priority on providing activities and opportunities for Eden youth; and

WHEREAS, the City Council has determined that establishing a youth government to advise it on issues and projects important to youth will benefit both the youth in the community and the governing body; and

WHEREAS, the City Council has determined that having a council of youth in the community learning and actively participating in a democratic system supported by the City of Eden will invest significant educational value in the community as a whole; and

WHEREAS, the City Council believes that a youth government will provide an opportunity for our youth to become more involved with their community and will provide a mechanism for conveying information both to and from our youth leaders; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council for the City of Eden, that a Youth Council for the City of Eden is hereby established.

APPROVED, ADOPTED AND EFFECTIVE this 21 day of August, 2012.

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CITY OF EDEN

By: Wayne Tuggle, Sr., Mayor Pro Tem

ATTEST:

Sheralene Thompson, City Clerk

(e) Approval and adoption of Resolution for a State Loan with Principal Forgiveness for the Matrimony Creek Sewer Outfall Rehabilitation Project.

The memorandum to Council explained that we are seeking approval to submit an application to the State Construction Grants and Loans in late September. The application is to request funding for continuing the sewer rehabilitation work on the Matrimony Creek Sewer Outfall as part of our overall effort to improve our sewer collection system. This outfall is in need of rehabilitation. These sewer lines are forty years old and have recently begun to be a source of numerous blockages and some overflows.

The estimate cost of this project will be \$2,750,000 and we will ask for a loan for this amount with principal forgiveness of \$1,000,000. If we were awarded a loan with principal forgiveness, the Council would have to formally accept it at that time.

One obligation the City would have to accept a loan with principal forgiveness 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, we believe that our water rates are just slightly above this threshold and no rate increase would be required to accept the requested loan assistance from the Construction Grants and Loans. We will continue doing research to verify that our current water rate qualifies for accepting this loan before the Council Meeting.

Please contact me if you any questions regarding the Matrimony Creek Outfall Sewer Rehabilitation Project or this Resolution to Request a low interest loan with principle forgiveness.

AUTHORIZING RESOLUTION BY CITY COUNCIL OF THE CITY OF EDEN

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

WHEREAS, The City of Eden has need for and intends to renovate a portion of their wastewater collection system described as the Upper Matrimony Creek Sewer Rehabilitation project, and

WHEREAS, The City of Eden intends to request state loan with grant assistance for the project,

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

That City of Eden, the **Applicant**, will arrange financing for all remaining costs of the project, if approved for a State loan and grant award. That the **Applicant** will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.

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

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

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

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

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

Adopted this the 21st of August, 2012 at Council Chambers in City Hall of Eden, North Carolina.

By: Wayne Tuggle, Sr., Mayor Pro Tem

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

ADJOURNMENT:

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

Respectfully submitted

Sheralene S. Thompson, CMC
City Clerk

ATTEST:

By: Wayne Tuggle, Sr., Mayor Pro Tem