

CITY OF EDEN, N. C.

The regular meeting of the City Council, City of Eden, was held on Tuesday, October 16 18, 2012 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: Latala Payne, *Eden News*

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. Lemuel Hardison, Pastor, North Spray Christian Church, gave the invocation followed by the Pledge of Allegiance.

PROCLAMATIONS & SPECIAL PRESENTATIONS:

- a. Goodwill Industries of Central North Carolina Cornerstone Award presentation by Debbie Mitchell, Vice-President of Career Development Services.

The memorandum explained that on Thursday, September 27, 2012, the City of Eden was honored with the Goodwill Industries of Central North Carolina Cornerstone Award for its partnership in the creation of the Eden Community Resource Center. This took place at the Goodwill annual meeting in Greensboro, NC.

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Mayor Grogan asked Ms. Debbie Mitchell, Vice President of Career Development Services, Goodwill Industries, Central North Carolina, to come forward. He also asked Councilmen Jim Burnette and Wayne Tuggle to join her.

Ms. Mitchell introduced Mr. Darrell Womble, Eden Community Resource Coordinator. She then presented Councilmen Burnette and Tuggle with a Cornerstone Award and explained why it was presented to the city.

Mr. Womble then proceeded to present a PowerPoint presentation providing an update on the resource center.

b. Recognition of Travel Consultant's 30th Anniversary.

The memorandum explained that Travel Consultants is celebrating their 30th Anniversary this month.

Mayor Grogan asked Mr. Mike Dougherty, Director of Business & Economic Development and Ms. Pam Cundiff and her family to come forward.

Mr. Dougherty presented Ms. Cundiff a plaque honoring her on the 30th Anniversary of her business.

c. Red Ribbon Week Proclamation

Mayor Grogan read the following proclamation recognizing Red Ribbon Week.

Proclamation

WHEREAS, the City of Eden values the health and safety of all our citizens; and

WHEREAS, substance abuse is particularly damaging to one of our most valuable resources, our children, and a contributing factor in the three leading causes of death for teenagers – accidents, homicides and suicides; and

WHEREAS, it is the goal of Red Ribbon Week and the City of Eden to involve families, schools, businesses, churches, law enforcement agencies and service organizations in all aspects of this campaign and establish an atmosphere that supports awareness, education and on-going initiatives to prevent illegal drug use; and

WHEREAS, the Red Ribbon Week Campaign provides an excellent opportunity for the City of Eden to demonstrate its support in fighting the battle against illegal drugs, to keep our country and children safe, and to support the numerous victims who are among us.

WHEREAS, the City of Eden joins the General Nathaniel Greene Young Marines by sponsoring this proclamation.

NOW, THEREFORE, BE IT RESOLVED, that I, John E. Grogan, by virtue of the authority vested in me as Mayor of the City of Eden, do hereby proclaim October 23rd – 31st, 2012, as

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RED RIBBON WEEK

in the City of Eden and urge our citizens to recognize the sacrifice made by fallen DEA Agent and former Marine Enrique "Kiki" Camarena and his fight against drugs and the crimes of the drug cartels.

This the 16th day of October, 2012.

John E. Grogan, Mayor

SET MEETING AGENDA:

Mayor Grogan asked that a request for consideration of a resolution for Council approval and acceptance of a preliminary engineering report for Matrimony Creek Sewer Outfall evaluation be added to the Consent Agenda as item g. Council Member Hagood requested that Consent Agenda item d be pulled for discussion.

A motion was made by Council Member Carter seconded by Council Member Ellis to add a request for consideration of a resolution for Council approval and acceptance of a preliminary engineering report for Matrimony Creek Sewer Outfall evaluation be added to the Consent Agenda as item g and to also pull Consent Agenda item d for discussion. All Council Members voted in favor of this motion.

PUBLIC HEARINGS:

There were no public hearings scheduled.

REQUESTS AND PETITIONS OF CITIZENS:

No one came forward to speak at this time.

UNFINISHED BUSINESS:

There was no unfinished business scheduled.

NEW BUSINESS:

- a. Consideration for adoption of an Order of Collection for nuisance abatement fees to be collected as delinquent property taxes.

The memorandum included an attachment of 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. The City Council needed to formally establish these liens and then to authorize legal action. When staff appears in court, the Council's formal action will be proven through the minutes and the execution of the attached Order of Collection.

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A copy of this list of properties and the invoices are located in the office of the City Clerk along with the Order of Collection.

Council Member Tuggle questioned the several thousands of dollars of mowing fees and he asked how much success they had on that.

Ms. Stultz replied that so far this year they had been very successful. They have collected as much as they have expended and they have gotten reimbursements from the State on grants. They have pushed this as hard as they can, first of all because of the public money expended and secondly because the people who get the benefit of this being done need to pay for it.

Council Member Tuggle asked what percentage of this did they receive to which Ms. Stultz explained that she did not know exactly but that she could find out for him. He explained that he recently read about a guy who owned a lot of property in Greensboro and had violations of \$1,718.29. He questioned the city's successes with habitual code enforcement violators.

Ms. Stultz replied that for a while there was some progress being made on these kinds of things.

A motion was made by Council Member Burnette seconded by Council Member Hagood to adopt an Order of Collection for nuisance abatement fees to be collected as delinquent property taxes. All Council Members voted in favor of this motion.

REPORTS FROM STAFF:

There were no reports from staff.

CONSENT AGENDA DISCUSSION:

Mayor Grogan noted that item 12 (d) was pulled for discussion:

- d. Consideration of Designation of Voting Delegate for 2012 Annual League Business Meeting.

Council Member Hagood questioned the letter and the detail of the requirements there. He explained that it says you have to be present to vote. He asked if he had planned to go to Boston for five or six days.

Mayor Grogan replied yes he did.

Council Member Hagood questioned the purpose and what would be voted on. He was completely unaware of this with just one page coming through.

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Mayor Grogan explained that the city has been a member of the National League of Cities for over 30 years. He has attended the meetings for ever how many years he had been on City Council. The National League is the representative for all local governments, the lobbyist and lobbying in Washington. Of course in meeting with the delegates there, from Florida, Washington, wherever, over a cup of coffee and discussions you have, you learn a great deal and you bring it back to your town. He thought it was similar to the thing they just did with the Youth Council. A lot of cities will send young people to that meeting.

Council Member Hagood questioned if it was included in the budget to which Mr. Corcoran indicated that it was.

A motion was made by Council Member Epps seconded by Council Member Turner to approve the request to designate John E. Grogan as Voting Delegate for 2012 annual National League of Cities Meeting. All Council Members voted in favor of this motion.

CONSENT AGENDA:

- (a) Approval and adoption of minutes September 18, 2012.
- (b) Consideration and approval of awarding contract - Edgewood Road – Roadway Upgrade.

The pavement on the north end of Edgewood Road south of Fieldcrest Road has failed and is in very poor condition. The Gildan Distribution Center has graciously volunteered to pay 50% of the cost to upgrade the section of Edgewood Road from Fieldcrest Road to the Gildan truck entrance since they are using this section of road on a daily basis and would like to see it repaired sooner rather than later. The city will be responsible for the other 50% of the cost. As each of you is aware, the City Council has already allocated an additional \$524,000 in the current budget for street repairs and resurfacing so ***the funding for making these repairs is already in place***. The work is scheduled to be completed during the first part of November.

A contract was let out for bid on September 21, 2012. The bids were received on October 4, 2012 at 2:00 p.m. A total of three (3) responsive bids were received on the project. The low bidder was Adams Construction Company in the amount of \$133,179.10. The date of availability for the contract is November 3, 2012. Please find attached a copy of the Bid Tabulation Schedule for the Edgewood Road – Roadway Upgrade for your review.

I am requesting Council's approval to award the contract to Adams Construction Company based on their bid amount shown above. ***Again, the funding for this project is already in place and will not require the allocation of any additional funds.*** If you have any questions, comments or need any additional information prior to the Council meeting on this matter, please feel free to call me.

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EDGEWOOD ROAD – ROADWAY UPGRADE
CITY OF EDEN, NORTH CAROLINA
BID TABULATION SCHEDULE
OCTOBER 4, 2012 2:00 P.M.

Bid Item No.	Description	Unit	Est. Qty	Adams Construction NC License #20677		APAC- Atlantic, Inc. NC License #12459		Larco Construction NC License #69186	
				Unit Price	Extended Total	Unit Price	Extended Total	Unit Price	Extended Total
1	Mobilization	LS	1	2,000.00	2,000.00	3,000.00	3,000.00	18,000.00	18,000.00
2	Asphalt Pavement Milling 12" depth	SY	1,956	7.70	15,061.20	7.50	14,670.00	5.50	10,758.00
3	Asphalt Concrete Base Course, 5.5" depth, Type B25.0B	TON	591	86.35	51,032.85	82.50	48,757.50	103.00	60,873.00
4	Asphalt Concrete Intermediate Course, 3.5" depth, Type 119.0B	TON	377	84.05	31,686.85	89.00	33,553.00	114.00	42,978.00
5	Asphalt Concrete Surface Course, 3" depth, Type S9.5B	TON	323	94.40	30,491.20	102.00	32,946.00	139.00	44,897.00
6	Incidental Stone	TON	60	48.45	2,907.00	65.00	3,900.00	80.00	4,800.00
Total Bid Price (Items 1-6)					133,179.10		136,826.50		182,306.00

The Lump Sum and Unit Prices in This Tabulation dated October 4, 2012 Are As given in the Bidder's
Respective Bid Proposals And the Totals Are Arithmetically Correct
Tammy Amos, Engineering Projects Manager, City of Eden

- (c) Approval and Adoption of amendment to City Ordinance Chapter 16 Utilities Article V: Rates and Charges.

In City Ordinance 16-231 Charges for Connections doesn't reflect the connection charges that were approved in the 12-13 Budget. Due to the fact that our Schedule of Tax and Service Rates are reviewed and adopted in the annual budget process, I recommend the specific charges for connections be eliminated from the City Ordinance, and it should include such charges shall be set forth in the Schedule of Tax and Service Rates adopted annually by the City Council, and all current charges for connections and service shall be filed with the City Clerk. This is the language we have used in the other parts of the Code when we have eliminated specific charges. It prevents us from having to amend the City Ordinance annually if the charges change and it keeps it consistent.

- (d) Consideration of Designation of Voting Delegate for 2012 Annual League Business Meeting.
- (e) Approval and adoption of amendment to City Ordinance Chapter 10 3.12: Call Back and Stand By Pay.

In an effort to clarify ambiguities in the existing **Code § 10-3.12: CALL-BACK AND STANDY PAY**, an amended section has been drafted for your consideration. These proposed changes are to ensure that the

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benefits enumerated in the Call-back and On-call sections are only allowed for full-time city employees. No problems have arisen to date, but the purpose of the amendment is to clarify this before confusion does arise. All proposed changes are identified in the attached document entitled "ordinance with edits" by new language written in red type. The only proposed change is to clarify and add "full-time" to both of these sections.

Staff recommendation to Council is that you adopt the proposed amendment to this Chapter of the City of Eden Code. Please consider this ordinance at your October 16, 2012 meeting and please do not hesitate to contact me if you have any questions or concerns.

- (f) Approval and adoption of amendment to City Ordinance Chapter 2 Article IX: Criminal Background Checks.

City Ordinance Chapter 2 Article IX: CRIMINAL BACKGROUND CHECKS is an ordinance that allows the Eden Police Department to conduct in State Criminal History Record Inquiries (CHRI) for non-criminal purposes on the SBI's Division of Criminal Information System (DCI) in a manner consistent with SBI protocol. Each purpose that we would need to use must be listed in the ordinance. The SBI then gives us an agreement that allows the specific checks.

The police department recommends amending the ordinance to allow checking for ABC (local opinion forms). Part of the process of requesting a State alcohol sales permit involves a local opinion based on investigation. This check would aid us in that investigation. The police department also recommends striking the section on precious metal business as State Law now states that a Federal check must be made instead of the State check and an agreement is no longer needed for that purpose.

- (g) Request for consideration of a resolution for Council approval and acceptance of a preliminary engineering report for Matrimony Creek Sewer Outfall evaluation

The Eden City Council is requested to consider a resolution to formally accept the Preliminary Engineering Report prepared by W. K. Dickson, our consulting engineers. The Upper Matrimony Creek Sewer Outfall was cleaned and evaluated during the summer using a grant of \$40,000 and a City match of \$50,000 to do this work. We received a \$40,000 grant from the Rural Center to perform this work. The results of this evaluation were consolidated into a Preliminary Engineering Report (PER). The Rural Center requires that the City Council formally approve and accept the PER before we can request reimbursement for the project.

The reason this resolution is submitted to you tonight is that the Rural Center did not give the City approval to submit this resolution to the Council until noon today. The Rural center had to pre-approve the PER before we could submit to the Council for consideration and approval. If the Council will approve this resolution tonight, we will be able to submit our reimbursement request to the Rural Center to get the \$40,000 they are holding and complete this grant project.

**RESOLUTION OF THE EDEN CITY COUNCIL
 APPROVING A PRELIMINARY ENGINEERING REPORT AND EVALUATION FOR
 THE UPPER MATRIMONY CREEK SEWER OUTFALL**

WHEREAS, the City of Eden has determined that a comprehensive wastewater rehabilitation project is necessary to adequately and properly maintain the city's Upper Matrimony Creek Sewer Outfall, ensure compliance with applicable State wastewater permits, and provide for suitable growth; and

WHEREAS, this project consists of the evaluation of the Upper Matrimony Creek Sewer Outfall for replacement or rehabilitation of gravity sewer line, and the rehabilitation of sewer outfall manholes, at a total estimated cost of \$2,718,636; and

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WHEREAS, the City of Eden will be accepting financial assistance in the form of a grant from North Carolina Rural Economic Development Center, Inc., (Rural center); and

WHEREAS, with input from city staff, W.K. Dickson, Consultants, has prepared a Preliminary Engineering Report for this comprehensive wastewater improvement planning project and submitted to Rural Center for approval; and

WHEREAS, Rural Center requires the City of Eden to formally approve and accept this Preliminary Engineering Report.

NOW, THEREFORE, BE IT RESOLVED, by the Eden City Council that the Preliminary Engineering Report prepared by W.K. Dickson, Consultants, for the Upper Matrimony Creek Sewer Outfall Evaluation are approved in matter and form, knowing that minor changes in these documents may occur as necessary in the construction of the project.

Duly Adopted this 16th day of October, 2012.

By: John E. Grogan, Mayor

ATTEST:

Sheralene Thompson, City Clerk

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

Respectfully submitted

Sheralene S. Thompson, CMC
City Clerk

ATTEST:

John E. Grogan, Mayor