

CITY OF EDEN, N. C.

The regular meeting of the City Council, City of Eden, was held on Tuesday, October 15, 2013 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:		
News Media:		Katie Mann, Eden News
		Roy Sawyers, RCENO

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.

RECOGNITION:

Mayor Pro Tem Tuggle recognized a few first graders from Douglass Elementary School. He welcomed them to the City Council meeting by shaking their hands and presenting them an All-America City ink pen and also a lapel pin.

INVOCATION:

Mr. Peter Smith, Pastor, First Presbyterian Church, gave the invocation followed by the Pledge of Allegiance.

PROCLAMATION:

Mayor Pro Tem Tuggle read the following proclamation:

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VETERANS DAY PROCLAMATION

WHEREAS, our veterans are part of an unbroken chain of men and women who have served our country with honor and distinction; and

WHEREAS, our men and women in uniform have taught us about strength, duty, devotion, resolve—cornerstones of a commitment to protect and defend that has kept our country safe for over 200 years. In war and in peace, their service has been selfless and their accomplishments have been extraordinary; and

WHEREAS, it is our task to honor our veterans by fulfilling our responsibilities to them and upholding the sacred trust we share with all who have served; and

WHEREAS, we are called to reflect on immeasurable burdens that have been borne by so few and we pay tribute to our wounded, our missing, our fallen, and their families; and

WHEREAS, we also remember that our commitments to those who have served are commitments we must honor not only on Veterans Day, but every day; and

WHEREAS, on Veterans Day, we show our veterans our deepest thanks by participating in the many patriotic activities in our community.

NOW, THEREFORE, I, WAYNE R. TUGGLE, SR., Mayor Pro Tem of the City of Eden, do hereby proclaim **November 11, 2013, as Veterans Day**. I encourage all citizens in the City of Eden to recognize the valor and sacrifice of our veterans and I call on all civic and fraternal organizations, places of worship, schools, and communities to support this day with commemorative expressions and programs.

IN WITNESS WHEREOF, I have hereunto set my hand this 15th day of October, in the year of our Lord two thousand thirteen.

Wayne R. Tuggle, Sr.,
Mayor Pro Tem

SET MEETING AGENDA:

Mayor Pro Tem Tuggle noted that there were a few items to add to the meeting agenda and those items included:

- New Business as item 10(b) Resolution Exempting Engineering Services from G.S. 143-64.21
A motion was made by Council Member Carter seconded by Council Member Ellis to approve this request. All Council Members present voted in favor of this motion.
- Move Consent Agenda item from 12(b) to New Business item 10(c) Request for Consideration of Approving a Contract with Hazen and Sawyer PC for Engineering Services (per request of Council Member Hagood).
A motion was made by Council Member Ellis seconded by Council Member Turner to approve this request. All Council Members voted in favor of this motion.

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- Consent Agenda as item 12 (d) Request for Temporary Sign Approval.
A motion was made by Council Member Ellis seconded by Council Member Hagood to approve this request. All Council Members present voted in favor of this motion.

A motion was made by Council Member Hagood seconded by Council Member Epps to set the agenda (*including all the approved changes*). All Council Members present voted in favor of this motion.

PUBLIC HEARINGS:

Mayor Pro Tem Tuggle called for a public hearing and asked Ms. Kelly Stultz, Planning & Inspections Director, to come forward.

Ms. Stultz explained that in September, 2011, a grant agreement was executed with the North Carolina Department of Commerce so that the City of Eden could receive Community Development Block Grant assistance to provide street, curb and guttering, sidewalk and sewer improvements to the Stone Creek Apartments located on East Harris Place in Eden in the amount of \$240,000. All activities served low and/or moderate income persons.

The North Carolina Department of Commerce, Division of Community Assistance, (DCA), requires grantees to hold a public hearing to gather public comment prior to the submission of closeout documentation.

Mayor Pro Tem Tuggle 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 Ellis seconded by Council Member Hagood to approve the closeout of the Community Development Block Grant 2010 Stone Creek Apartments Project (10-C-2210) to the North Carolina Division of Community Assistance. All Council Members voted in favor of this motion.

REQUESTS AND PETITIONS OF CITIZENS:

No one spoke at this time.

UNFINISHED BUSINESS:

There was no unfinished business scheduled.

NEW BUSINESS:

- a. Approval and Adoption of Repeal of Article V Chapter 7, Massage Establishment, Health Salons, and Related Businesses Ordinance.

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Ms. Erin Gilley, City Attorney explained that after a review of our current Massage Therapy License Ordinance, Chapter 7, Article V, and the current requirements of the North Carolina General Statutes on Massage Therapists, Staff recommends a repeal of the City ordinance. I have included a copy of the current ordinance for your review.

Our ordinance requires any state licensed massage therapist desiring to open a business in the City to undergo a background check and application process with the City. In addition, the applicant desiring to open a business in the City must be approved the City Council at a regularly scheduled meeting. The ordinance states that this is an annual business license that must be obtained by all massage therapy businesses each year.

The state statute, N.C.G.S. Chapter 90 Article 36, also requires that any person performing massage therapy must be licensed. Any person desiring to be licensed must first undergo a criminal background check. The types of crimes cited for revocation or refusal of licensure in the state statute are similar to the types of crimes cited in the city ordinance for revocation or refusal of licensure. In addition, the state has created the NC Board of Massage and Bodywork Therapy which has the power to license, renew, deny, suspend revoke, and reprimand North Carolina therapists. Therapists are required to renew their licenses every two years.

Based upon the state statutory requirements and self-governance by its legislative created board, Staff feels City requirements are merely a duplication of state requirements. The City ordinance does require zoning and building regulations and compliance with all fire protection laws. This compliance is still required under those departmental ordinances and can be enforced accordingly. In addition, the City cannot charge a privilege license tax on these businesses because they are taxed by the State.

Council Member Burnette stated that this repeal basically means the city has no requirements to which Ms. Gilley replied that was correct, except for the State. She added that one thing that stood out was that the city required them to apply and be reviewed each year. This had to be brought to the City Council each year for approval and they were not allowed to practice until it was approved.

A motion was made by Council Member Burnette seconded by Council Member Hagood to repeal Article V Chapter 7, Massage Establishment, Health Salons and Related Businesses Ordinance. All Council Members present voted in favor of this motion.

b. Resolution Exempting Engineering Services from GS 143-64.21.

Ms. Gilley explained the proposed Hazen & Sawyer, PC Engineering Agreement for the THM Disinfection/Disinfection Byproducts Rule Compliance. State Statute GS 143-64.21 requires a qualifications based procurement process with later negotiation on the fee, rather than through a competitive bidding process based primarily on the fee. However, the statute also allows cities to exempt themselves from this process by resolution in their discretion.

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Ms. Gilley explained that she had prepared a resolution that exempts the city from this process and the reasons for this are stated in it. She stated that staff feels that exemption is in the best interest of the city for the following reasons:

1. This project requires substantial competence and experience by an engineering firm. Hazen & Sawyers, PC has a proven, significant successful history in this type of work.
2. The city was put under a strict deadline by the state of 10/1/2013 to develop a strategy to deal with this problem and time was of the essence to negotiate services.
3. Hazen & Sawyer, PC handled the first phase of this process and the knowledge acquired there will help reduce costs and give them familiarity with our system.

Mayor Pro Tem Tuggle asked if there were any questions and as there were none he asked for a motion.

A motion was made by Council Member Burnette seconded by Council Member Epps to approve the Resolution Exempting Engineering Services from GS 143-64.21. All Council Members voted in favor of this motion.

RESOLUTION EXEMPTING ENGINEERING SERVICES FOR THE IMPROVEMENTS TO THE
WATER TREATMENT PLANT FOR COMPLIANCE WITH STAGE 2 DISINFECTANTS/DISINFECTION
BYPRODUCTS COMPLIANCE RULE
FROM G.S. 143-64.31

WHEREAS, G.S. 143-64.31 establishes a general public policy that state and local procurement of engineering and architectural services should normally be based upon a merit selection process with later negotiation on the fee, rather than through a competitive bidding process based primarily on the fee; and

WHEREAS, the act allows a governing body to lawfully deviate from the general public policy if the particular services are exempted by the local governing body in the exercise of its discretion to do so; and

WHEREAS, the City Council of the City of Eden has determined that it is desirable and in the best interests of the City of Eden to contract with Hazen & Sawyer, P.C. for this project and to exempt this project, from the general public policy requirements concerning the selection of engineering services.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Eden that:

1. For the following reasons, the City Council of the City of Eden hereby finds that the Engineering Services related to the design, bidding, permitting, and construction of the proposed improvement to the Robert Harris Water Treatment Plant for State 2 Disinfectants/Disinfection By Products Rule Compliance shall be exempt from the general public policy requirements concerning the selection of engineering services:

(a) Substantial competence and experience is required for the performance of the contracted services;

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(b) Hazen and Sawyer, P.C. has demonstrated substantial competence and has a significant history of successful experience in the related field;

(c) Time is of the essence for the completion of this project because of the October 1, 2013 deadline set by the State to develop a strategy to control THMs as part of the Disinfection/Disinfection Byproducts Rule.

(d) Hazen & Sawyer, P.C. handled the preliminary work for the City including the public notification and media campaign, and initial design and technology; therefore familiarity with the City procedures will result in reduced cost for services and more efficient work.

APPROVED, ADOPTED AND EFFECTIVE this 15th day of October, 2013.

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By: Wayne R. Tuggle, Mayor Pro Tempore

ATTEST:

Sheralene Thompson, City Clerk

c. Request for Consideration of Approving a Contract with Hazen & Sawyer, PC for Engineering Services.

Mr. Terry Shelton, Director of Environmental Services, explained that the Eden City Council was updated on efforts to achieve compliance with the new EPA Disinfection/Disinfection Byproduct Rule – Stage 2 during the Council Budget Retreat in February. This rule will be applied to the City of Eden Water System beginning October 1, 2013. This rule has created issues for our water treatment process in our efforts to be compliant with trihalomethanes (THMs). The Stage 2 rule changes the way THMs are calculated for compliance monitoring by having each location as a stand-alone location instead of being able to average all locations. We are more subject to be above the limit for drinking water at 80 parts per billion (ppb) using the new calculation. This would place us in a non-compliant situation.

As the Council learned in the Budget Retreat we have had Hazen and Sawyer working on this issue and a path to ensure compliance after October 1, for the past year. We have thoroughly reviewed the plant operations and implemented numerous low cost and practical applications that have helped control the THMs. Things such as water line flushing, lowering the chlorine dosage rate, increased sample monitoring, and changes in the plant operation schedule, have helped reduce THMs. It is clear though, that we cannot consistently count on these measures alone to keep us fully compliant with the new rules. As was shown at the Retreat, numerous treatment methods were reviewed and testing was done to find the most effective and economical treatment method for our water plant. Changing from free chlorine to chloramines as our residual disinfectant has been selected as the most cost effective option to address our future THM issues.

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City Council voted to approve of changing to chloramines as a residual disinfectant as an effective way to deal with THMs and achieve compliance with the new Disinfection/Disinfection Byproducts Rule in the June 2013 Council Meeting. We have a contract agreement for consideration tonight to have Hazen and Sawyer, our consulting engineers, to provide all engineering services to build a chloramine feeding facilities at the water plant to achieve compliance with the new regulations.

The staff recommends that the Council vote to approve this contract with Hazen and Sawyer tonight. Approval of this contract tonight, will keep us on schedule for design, permitting, construction bidding and operational implementation of the new chloramine facility at the water plant. We have applied for a two year extension to the October 1, 2013, deadline to be in compliance. The construction and placing the new disinfection system in operation is expected to be completed before September 1, 2015. This will be one month prior to the new extended October 1, 2015, compliance deadline.

Council Member Hagood stated that in looking at documentation, he understood the two year duration of the contract, but he expressed concern about mainly task 1, the corrosion study as it entails construction, with lead copper soldered pipes, water quality, pipe loops, which will enable you to evaluate corrosion. He also questioned the test effectiveness of corrosion control including phosphate and 60 to 180 day batches.

Mr. Shelton explained that it was roughly six months to go through the process.

Council Member Hagood stated it was 2-3 months or more with standing water tests and then a six month duration for testing. He asked if this testing was to corroborate what he already knew.

Mr. Shelton explained that they (Hazen & Sawyer) had a lot of experience in this. They had assisted Greensboro and all the regional units such as Greensboro, High Point, and Burlington. They also assisted in the new regional water plant off Randleman Dam Project so they have a lot of experience. He explained that anytime you make any changes by drinking water rules you have to go through this test, regardless of what you are doing. He explained that the State requires you to verify the lead contained in pipes in customer houses to insure no corrosion by making these changes.

Council Member Hagood asked if this report summarized it and if there was a chance it would not come out as expected.

Mr. Shelton replied that it is a possibility that you may have to vary some of the perimeters, there were a lot of things to consider such as ph. and alkalinity and if the report says that some of those perimeters were low or high they may have to adjust. He added that they should have a good feel of how to set this test up.

Council Member Burnette stated that was basically what they were testing and then giving you specifics of what you need to set up.

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Council Member Hagood stated that the pilot plan would enable them to do quality control to which Mr. Shelton replied one time testing. He explained that in the future for this ongoing test, you have metal coupons you insert into the waterlines and pull out in 30-60 day intervals and monitor the weight loss in metals for how much corrosion takes place. Council Member Hagood pointed out that their sister community was going through the same thing and asked if they were sharing in that.

Mr. Shelton replied that they have not other than the engineering firm and the knowledge they have in getting the system set up in Greensboro.

Mayor Pro Tem Tuggle noted the \$303,100 price and then to build a chloramine feeding facility. He asked if this would continually be used or be obsolete after so long.

Mr. Shelton replied that this contract includes construction will have a finished system, once \$1.2 million....

Mayor Pro Tem Tuggle questioned the difference between the location study and now it is stand-alone compliance, he questioned the difference.

Mr. Shelton explained that they make sure every customer receives same quality of water. They selected 4 new sites where they do required testing quarterly and each site has to have its own average score.

A motion was made by Council Member Ellis seconded by Council Member Hagood for approval of a contract with Hazen & Sawyer, PC for Engineering Services. All Council Members voted in favor of this motion.

REPORTS FROM STAFF:

There were no Monthly Reports at this time.

CONSENT AGENDA:

- (a) Approval and adoption of minutes: September 17, 2013.
- (b) Request for Consideration of a Contract with Hazen and Sawyer PC for Engineering Services. (*Pulled and placed under New Business as Item 10c.*)
- (c) Consideration and Approval of a Traffic Study Recommendation in Reference to Bus Parking Near the Intersection of Washington Street and Henry Street and Approval and Adoption of Ordinance.

I received a traffic study request from Council Member Jim Burnette in reference to improving the bus parking near the intersection of Washington Street and Henry Street.

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The intersection of Washington Street and Henry Street is located in a busy commercial section of the city. There is currently a bus stop located near this intersection on the southern side of Washington Street, east of Henry Street. There is one automobile sized space allocated for the Bus Stop with a sign marking the location. The sign is actually located closer to the intersection than the allocated parking area. The parking area is not marked for bus parking. The small size of the current parking spot also makes it difficult for buses to merge safely into traffic.

The Police Department's recommendation would be to increase the area allocated for bus parking and to mark the pavement with yellow striping and the words "BUS PARKING ONLY".

(d) Request for temporary sign approval.

A motion was made by Council Member Burnette seconded by Council Member Carter to approve the Consent Agenda items a, c, and d. All Council Members present voted in favor of this motion.

ANNOUNCEMENTS:

a. Upcoming Monthly Activities – October & November 2013.

Mr. Johnny Farmer, Director of Parks & Recreation gave the following announcements:

The Parks and Recreation Department will be offering several events at Freedom Park during the month of October and November 2013.

There will be a NSA Softball Tournament held at Freedom Park during the weekend of October 19 -20, 2013, there will be a Got Game Softball Tournament the weekend of October 26 – 27, 2013, there will be a Nations Baseball Tournament November 2 – 3, 2013, there will be a NSA Softball Tournament November 9-10, 2013 and the Monster Mash will take place on Saturday, October 26, 2013 from 4:00 p.m. – 7:00 p.m. at the Eden Kiwanis Amphitheater.

The Haunted Trail at Freedom Park will take place on October 4, 5, 11, 12, 18, 19, 25, 26, 31, and November 1 and 2, 2013. The cost will be \$5.00 for children and \$7.00 for adults.

The City's Fall Softball Leagues continues on Monday and Tuesday nights at Freedom Park through mid-November, and its Youth Football Program continues playing its games Monday – Thursday thru mid-October.

b. Deputy Chief Greg Light

Mayor Pro Tem Tuggle recognized Deputy Chief Greg Light for his recent training at the FBI Academy in Quantico, Virginia.

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CLOSED SESSION:

Closed session according to G.S. 143-318.11(a) to discuss legal matters and consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body which privilege is hereby acknowledged and also to discuss matters relating to the location or expansion of industries or other businesses according to G.S. 143-318.11(a)(4).

A motion was made by Council Member Turner seconded by Council Member Ellis to go in to Closed Session according to G.S. 143-318.11(a) to discuss legal matters and consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body which privilege is hereby acknowledged and also to discuss matters relating to the location or expansion of industries or other businesses according to G.S. 143-318.11(a)(4). All Council Members present voted in favor of this motion.

OPEN SESSION:

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

CONSIDERATION:

- a. Request for Consideration of Approval and Ratification of Agreement.

A motion was made by Council Member Burnette seconded by Council Member Ellis for approval and ratification of a contract between Duke Energy and the City of Eden for financial assistance with compliance with Stage 2 Disinfection/Disinfection ByProduct Rules. All Council Members present 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:

Wayne Tuggle, Sr., Mayor Pro Tem