

CITY OF EDEN, N. C.

The regular meeting of the City Council, City of Eden, was held on Tuesday, October 21, 2014 at 7:30 p.m. in the Council Chambers, 308 E. Stadium Drive. Those present for the meeting were as follows:

Mayor:	Wayne Tuggle, Sr.
Council Members:	Donna Turner
	Jim Burnette
	Angela Hampton
	Jerry Epps
	Darryl Carter
	Neville Hall
	Jerry Ellis
City Manager:	Brad Corcoran
City Clerk:	Sheralene Thompson
City Attorney:	Erin Gilley
Representatives from Departments:	
News Media:	Roy Sawyers, RCENO

MEETING CONVENED:

Mayor 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. Les Herod, Pastor, Eden Church of God of Prophecy, gave the invocation followed by the Pledge of Allegiance.

PROCLAMATIONS:

a. Veteran's Proclamation:

Mayor Tuggle read the following proclamation:

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

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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 of the City of Eden, do hereby proclaim **November 11, 2014, 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 21st day of October, in the year of our Lord two thousand fourteen.

Wayne R. Tuggle, Sr.
Mayor

b. Red Ribbon Week Proclamation

Mayor Tuggle read the following proclamation:

RED RIBBON WEEK PROCLAMATION

WHEREAS, communities across America have been plagued by the numerous problems associated with illicit drug use and those that traffic in them; and

WHEREAS, there is hope in winning the war on drugs, and that hope lies in education and drug demand reduction, coupled with the hard work and determination of organizations such as the General Nathaniel Greene Young Marines of the Marine Corps League to foster a healthy, drug-free lifestyle; and

WHEREAS, governments and community leaders know that citizen support is one of the most effective tools in the effort to reduce the use of illicit drugs in our communities; and

WHEREAS, the red ribbon has been chosen as a symbol commemorating the work of Enrique “Kiki” Camarena, a Drug Enforcement Administration Special Agent who was murdered in the line of duty, and represents the belief that one person can make a difference; and

WHEREAS, the Red Ribbon Campaign was established by Congress in 1988 to encourage a drug-free lifestyle and involvement in drug prevention and reduction efforts; and

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WHEREAS, October 23-31 has been designated National Red Ribbon Week, which encourages Americans to wear a red ribbon to show their support for a drug-free environment;

NOW, THEREFORE, I, WAYNE R. TUGGLE, SR., Mayor of the City of Eden, do hereby proclaim **October 23-31 as Red Ribbon Week** in the City of Eden and urge all citizens to join me in this special observation.

IN WITNESS WHEREOF, I have hereunto set my hand this 21st day of October, in the year of our Lord two thousand fourteen.

Wayne R. Tuggle, Sr.
Mayor

c. Riverfest Volunteers

Mayor Tuggle asked Ms. Cindy Adams to come forward to recognize all those who volunteered to help with Riverfest.

Ms. Adams recognized the following people: Deanna Hunt, Carl Booth, Melinda Ward, Mark Bullins, Kathy “Tank” Overby, Crystal Clowers, Terry Vernon, Georgette Spence, Clarence Terry, Jacob Wilson, Johnny Farmer, Carla & Kevin Huffman, Rodney Carter, Jerry Wells, Roy Thompson, Dusty Curry, Herman Wilson, Mitch Easley, Kris Long, Jason Terry, William Leake, Darren Gatewood, Ray Thomas, Shawn Carter, Stephen Corcoran, Travis Hutchens, Patrick Willard, Isaac Paschal, Shaun Oliver, Jamie Campbell, Don Hayes, Gary Doyer, Danny Oneal, Chris Evans, Sarah McGuire, Todd Harden, Tommy Underwood, Mike Farmer, Bob Vincent, Sam Shelton, Clint Simpson, Greg Light, John Edwards and 10 Officers, Noel Hill, Nathan Dougherty, Jean Light Kinyon, Robin Lindsey, Glenn Denny, Tom Barbour, Heather Hanks, Mike Smith (Ice), other Leaksville Merchants who were open and sponsored, Andrew Meeks, Jimmy Dillon, Drew Chilton, Kevin Alexander, Chris Mabes and Pete Perez.

CERTIFICATES AWARDED TO:

Ms. Adams then presented certificates to the following people: Paul Dishmon, Mike Dougherty, Peggy Good, Rhonda Price and Jean Ann Wood. (*Peggy Good and Jean Ann Wood were not present*).

SET MEETING AGENDA:

A motion was made by Council Member Epps seconded by Council Member Hall to set the meeting agenda.

All Council Members voted in favor of this motion. This motion carried.

PUBLIC HEARINGS:

- a. Consideration of a zoning text amendment request to amend Section 11.24(f)(2) to allow automobile sales as a conditional use in the B-C zoning districts. Request

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submitted by the David Price. ZONING CASE Z-14-05.

The City has received a zoning text amendment request from David Price to amend Section 11.24(f)(2) to include automobile sales as a conditional use in the Business-Central zoning district. Staff recommended that the text amendment be approved as amended. The Planning Board considered this request at a regular meeting on September 24, 2014 and recommended that the amendment be approved as amended.

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

Ms. Stultz explained that the Business Central (B-C) zoning district is a district that is designed to permit the concentrated development of retail establishments. Business Central does not require off street parking for the conduction of business and setbacks where provided are minimal.

Automobile sales are allowed as a conditional use in Business-General (B-G), Business Highway #1 (BH#1) and Business Highway #2 (BH#2). In these districts, lot sizes are generally larger and parking is required. By design automobile sales as permitted in the Zoning Ordinance have been located on major radial thoroughfares in our jurisdiction. BC is specifically designed for our traditional downtowns and in areas that are more pedestrian in scale.

Automobile repair and automobile towing and temporary storage are allowed in B-C. Limited automobile sales can naturally result from the repair business and the towing and storage business. Therefore, the staff is of the opinion that automobiles sales should be allowed only as an accessory to automobile repair or automobile towing and temporary storage uses. The automobiles sold can only be as a result of the above mentioned principal uses.

She explained that based upon the foregoing information, staff recommends in approval of the text amendment as amended.

Council Member Burnette asked if this was basically a result of DMV requirements, correct to which she replied yes.

Mayor Tuggle asked if anyone was present who wanted to speak in favor or in opposition of this request. As no one came forward to speak, he then declared the public hearing closed.

A motion was made by Council Member Ellis seconded by Council Member Hampton to amend Section 11.24(f)(2) to allow automobile sales as a conditional use in the B-C zoning districts. ZONING CASE Z-14-05. All Council Members voted in favor of this motion. This motion carried.

- b. Consideration of a zoning text amendment request to amend Section 11.24(i)(1) to allow pet grooming as a permitted use in the Business Highway #1 zoning district. Request submitted by Tanya B. Ferguson. ZONING CASE Z-14-06.

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The City has received a zoning text amendment request from Tanya B. Ferguson to amend Section 11.24(i)(1) to allow pet grooming as a permitted use in the Business-Highway #1 zoning district. Staff recommended that the text amendment be approved. The Planning Board considered this request at a regular meeting on September 24, 2014 and recommended that the amendment be approved.

Mayor Tuggle called for a public hearing and asked Ms. Stultz, to come forward.

Ms. Stultz explained that the Business Highway-1 (BH-1) district is established solely for the developing business area along NC 14 and the intersecting streets in the general vicinity of Morehead Memorial Hospital. These districts are designed to serve the special needs of the traveling public and the local citizens. The district provisions are designed to encourage low density development on large lots in the strategically urbanized areas. It is very important that the district(s) be developed in accordance with high standards. In working toward this objective, permitted uses in this district are limited to those uses compatible to existing uses and that would not be offensive to the contiguous residential and institutional districts.

Currently, pet grooming is listed as a permitted use only in the Business Central (BC) and Business General (BG) districts. Only grooming of dogs and cats is permitted. Because the BC and BG districts tend to have smaller lot sizes, often with contiguous buildings, staff is of the opinion that this use would also be suitable in the BH-1 district where lot sizes are usually larger, and there is generally more buffer area between other properties and other districts.

Therefore, staff recommends that pet grooming (dogs and cats) be allowed as a permitted use in the BH-1 districts.

Mayor Tuggle asked her where it was located, even though it did not matter, he was just curious.

Ms. Stultz replied that it would be next to Robin's Florist on King's Highway.

Council Member Burnette stated that she had said it had not been allowed before but the reason was that these types of businesses were really beginning to come about.

Ms. Stultz replied yes they were fairly new. She added that they have allowed them in Business-Central and some districts and she had just sort of waited for the development pressure as sometimes that helps them make those decisions.

Mayor Tuggle asked if anyone was present who wanted to speak in favor or in opposition of this request. As no one came forward to speak, he then declared the public hearing closed.

A motion was made by Council Member Burnette seconded by Council Member Epps to amend Section 11.24(i)(1) to allow pet grooming as a permitted use in the Business Highway #1 zoning district. ZONING CASE Z-14-06. All Council Members voted in favor of this motion. This motion carried.

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- c. Public comments concerning the closeout of the Community Development Block Grant 2010 Stone Creek Apartments Project (10-C-2210) to the North Carolina Division of Community Assistance.

Mayor Tuggle called for a public hearing and asked Ms. Stultz, to come forward.

Ms. Stultz explained that in October of 2013, a public hearing was held to hear comments from citizens concerning the closeout of the Community Development Block Grant 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.

The advertisement for that public hearing was published in the classified section of the News & Record on October 3, 2013.

The North Carolina Department of Commerce, Division of Community Assistance, (DCA), is requiring that the City hold another public hearing for the closeout of the grant and publish the advertisement as a block ad in the non-legal section of the newspaper. The ad for this hearing was published on October 8, 2014, in the non-legal section of the Eden News.

Mayor Tuggle questioned how far down the curb and guttering went.

Ms. Stultz replied that it goes down the length of their property but it stops, however they do have another development that will be picking it up. She added that they would have two going in, one on the parcel behind Walmart and one on the parcel just beyond Stone Creek.

Mayor Tuggle asked if anyone was present who wanted to speak in favor or in opposition of this request. As no one came forward to speak, he then declared the public hearing closed.

A motion was made by Council Member Burnette seconded by Council Member Carter to approve the close out 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. This motion carried.

- d. Public comments concerning the closeout of the Community Development Block Grant 2010 Nantucket Mill Project (10-C-2229) to the North Carolina Division of Community Assistance.

Mayor Tuggle called for a public hearing and asked Ms. Stultz, to come forward.

Ms. Stultz explained that in November of 2013, a public hearing was held to hear comments from citizens concerning the closeout of the Community Development Block Grant in the amount of \$600,000 to acquire, secure and address health and safety issues of

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the Nantucket Mill located at 104 Morgan Road. The Nantucket Mill building and the surrounding mill buildings meet the definition of blight.

The advertisement for that public hearing was published in the classified section of the News & Record on November 6, 2013.

The North Carolina Department of Commerce, Division of Community Assistance, (DCA), is requiring that the City hold another public hearing for the closeout of the grant and publish the advertisement as a block ad in the non-legal section of the newspaper. The ad for this hearing was published on October 8, 2014, in the non-legal section of the Eden News.

Mayor Tuggle asked Ms. Stultz if she could give an overview of what was done there.

Ms. Stultz explained that they did some appraisals and some advertisements. Originally there were six (6) owners and four (4) of them have died before they could get a price negotiated. They have continued to negotiate with the two remaining owners and there was a fairly large mortgage and once they got the grant they were unwilling to accept the appraisal price which was all they could offer them based on the State's rules. She added that they were still trying to sell it and it was under tax foreclosure now.

Council Member Carter asked if there was anything more they could do as far as cleaning up around that building.

Ms. Stultz replied that the last estimate was \$30,000. They already owe money that the city was hoping to recoup from the tax foreclosure. She explained that she only had \$25,000 budgeted for this year. She added that there may be some small parts that city staff can do but they certainly did not want to do any of that until after the frost. She also added that it was a huge undertaking and then they would have \$30,000 more dollars in it. She did not think that was a property that they would be all that anxious for the city to own because then they would have to maintain it and do all those things.

Mayor Tuggle commented that was a typical dilemma, people calling all the time about cleaning this up or that and \$30,000 was a huge chunk out of their budget.

Ms. Stultz agreed that it was a serious issue in the community.

Council Member Carter stated that \$30,000 was a lot of money, yet they sit up there and enforce it on a lot smaller, and he just thought they could look at some other options or something they could do to clean it up some.

Ms. Stultz replied that staff could meet to talk about that and they could certainly put it back out for bid as this was just the bids they got the last time.

Council Member Ellis asked if they still had community service workers to which Ms. Stultz replied no.

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Council Member Hall asked when the tax foreclosure auction would be.

Ms. Stultz explained that the county waits until they have a buyer in hand before they actually set the auction. She added that there was someone who was talking about trying to buy it. She stated that her staff, along with Piedmont Folk Legacies, was working toward trying to preserve the Mill Tax Credits. They were going to expire December 31st and they hoped they could make the building a little more attractive to people who might want to do this kind of redevelopment. She stated that losing that money was an affair that made her really sad and it was a shame.

The City Attorney, Ms. Erin Gilley, pointed out that there were some environmental issues that they would want to think twice about before they spent any money on it and that the only way they would recoup it would be to foreclose on it and own it. She added that she thought that was probably the reason the county does it that way. They do not actually take ownership so they are not actually liable.

Ms. Stultz explained that it was designated as a brownfield and there were ten (10) monitoring wells along the site, there are also some serious issues with it and the cost to potentially have to demolish it. She added that the City Manager would not like for her to ask for that in her budget.

Mayor Tuggle asked if anyone was present who wanted to speak in favor or in opposition of this request. As no one came forward to speak, he then declared the public hearing closed.

A motion was made by Council Member Epps seconded by Council Member Turner to accept the closeout of the Community Development Block Grant 2010 Nantucket Mill Project (10-C-2229) to the North Carolina Division of Community Assistance. All Council Members voted in favor of this motion. This motion carried.

- e. Consideration of a Community Development Block Grant not to exceed \$500,000 to be used to connect the Covenant Branch Force Main to the existing underutilized Railroad Pump Station Force Main.

Mayor Tuggle called for a public hearing and asked Ms. Stultz and Mr. Terry Shelton, Director of Environmental Services, to come forward.

Mr. Shelton explained that the City of Eden has applied to the North Carolina Department of Environment and Natural Resources for a grant not to exceed \$500,000 to be used to connect the Covenant Branch Force Main to the existing underutilized Railroad Pump Station Force Main.

Ms. Stultz then explained the process of completing and filing the application, the requirements for holding public hearings changed. The North Carolina Department of

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Environment and Natural Resources is requiring that the City hold an additional public hearing to discuss the following specific items:

- (1) The amount of funding available,
For the two year cycle, two cycles per year, they have yet to spend any 2014 money. They have \$13 million in each cycle. That is the amount that is available state-wide to small cities.
- (2) The range of activities that may be undertaken,
The range of activities was now limited for small cities and included water, sewer, storm water or streets, those kinds of infrastructure with the main focus on water and wastewater.
- (3) The estimated amount of funding that will primarily benefit persons having a low-to-moderate income; and
Then they have to tell how many of these persons in the area that this was going to serve that was going to low and moderate income and the percentage of people in that pump station basin that are considered low and moderate income based on the American Communities Survey and the census data was 60.61%. She noted that low income was below median and moderate was 80% of the median family income.
- (4) The plans of the City of Eden to minimize displacement of persons as a result of the activities assisted with the funds and to assist persons actually displaced as a result of the activities in the project.
She explained that there was a policy that has to do with displacement of persons and they have done this before when they have had to tear a house down and they have had to displace somebody. The Council will adopt a policy and there was one in place that describes how to do that fairly and equitably to make those things happen. In this particular case, with a grant of this type of infrastructure, nobody will be displaced but they still have to make that as a part of the motion.

Mayor Tuggle asked that just out of curiosity, how many people have ever been displaced by connecting two force mains.

Mr. Shelton replied that it would not apply in this particular case but it was a requirement that these things be read into the minutes.

Ms. Stultz explained that the way CDBG money works, the federal government sends it to the state and the state has their reasons for changing how the bids say it can be spent but they still have to meet all the federal rules.

Council Member Burnette stated that they were applying for up to a \$500,000 grant and they have a lot of work that was going to be going on over the next few years. He asked what the total cost of this part of the project was to which Mr. Shelton replied it was \$280,000 for this particular project.

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Ms. Stultz further explained that the reason for that was, in order to do these projects you have to find projects that you can do that can be attributable to low and moderate income neighborhoods even though they would not let them do housing anymore and so that was why they were unable to get to the \$500,000.

Mr. Shelton added that originally this project had two pieces, the Meadow Greens force main was a part of it and if you look back in the budget material it will show up as Covenant Branch and Meadow Greens. He explained that the Meadow Greens area did not qualify for this type of grant so they had to separate the two.

Mayor Tuggle asked if anyone was present who wanted to speak in favor or in opposition of this request. As no one came forward to speak, he then declared the public hearing closed.

A motion was made by Council Member Ellis seconded by Council Member Hall to approve the Community Development Block Grant not to exceed \$500,000 to be used to connect the Covenant Branch Force Main to the existing underutilized Railroad Pump Station Force Main and also to include (1) the amount of funding available, (2) the range of activities that may be undertaken, (3) the estimated amount of funding that will primarily benefit persons having a low-to-moderate income; and (4) the plans of the City of Eden to minimize displacement of persons as a result of the activities assisted with the funds and to assist persons actually displaced as a result of the activities in the project. All Council Members voted in favor of this motion. This motion carried.

f. Consideration of a request for Local Landmark designation for the Spray Mercantile Building located at 413 Church Street. HPCL-14-02.

Staff has received a request from Mark Bishopric, property owner, for Local Landmark Designation of the Spray Mercantile Building located at 413 Church Street. The Historic Preservation Commission held a public hearing to consider this request at their September meeting. The Commission recommended in favor of the request. Comments (attached) have also been received from the State Historic Preservation Office, as required by the N.C. General Statutes. Staff recommends in favor of the request. We respectfully request that you hold a public hearing to consider this request at the October City Council meeting.

Mayor Tuggle called for a public hearing and asked Ms. Stultz to come forward.

Ms. Stultz explained that the request was submitted by Mark W. Bishopric, property owner.

The property is a contributing structure in the Spray Industrial Historic District, a National Register district. Located on the Spray Power Canal, the two-story brick building is the oldest surviving commercial building in Spray and the original portion of a commercial block that eventually consisted of five three-story units.

The Spray Mercantile Building was built by the Spray Mercantile Company in 1890 as a replacement for the original Morehead mills' company store. The Mercantile Company

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occupied the first floor of the original unit. The store carried all kinds of merchandise, including groceries, clothing, household goods, hardware, feed and seed. The two-story building was expanded prior to 1900 and again in 1904 to include a third story and two additional units. A variety of businesses and professional offices occupied the building, including a post office, the Bank of Spray, a barber shop, drug store, furniture store, jewelry store, doctors' and dentist offices, and the local court. Also several social, civic and recreational facilities were located in the building including the Girls' Club, the Red Cross, a community center and a roller rink.

The building is of standard mill construction with thick exterior brick walls, large timber interior supports and thick wooden floors. The building has a corbeled pendant cornice and large round-arched windows across a five-bay main façade. The sides feature arched windows on the upper story (some bricked in on the north side) over smaller round arched windows on the main story, and the rear also features arched windows and a door over three levels.

Prior to 1900, a three-story Italianate Revival style brick building consisting of two units was constructed to the north of the original building. This building featured a four-stage tower with an open belfry and pyramidal roof at the northwest corner, which contained a stairway to the upper floors. This building was similar in style to the original building. In 1904, the original building was expanded to include a third story, and the two structures were joined by a connecting unit very similar to the original construction. When the entire construction was complete, the 50,000 square foot building was the second largest of its kind in the state, surpassed only by the Belk Building in Charlotte.

The Spray Mercantile Building was the commercial and professional center of Spray until the 1950's when shopping patterns began to shift to modern shopping centers. Businesses began to decline and the building was vacant by 1978 when Spray Cotton Mills purchased the building. They demolished all but the original portion of the building in 1983, leaving the original two-story unit, which was renovated as mill offices. This portion of the building remains today, and the original architectural features have been preserved.

Based upon the historical and architectural significance of the property and the above information, staff recommends in favor of the designation of the Spray Mercantile Building as a local historic landmark.

Council Member Turner asked if this would keep it from being torn down.

Ms. Stultz explained that it gives them more ability to protect it and they can step in sooner, and if it was allowed to suffer demolition by neglect then there was some money they have to pay.

Council Member Burnette questioned other benefits.

Ms. Stultz explained that it was a great marketing tool. Mr. Bishopric has it listed in Preservation North Carolina. She noted that if one was going to develop an old property like that it helps if it was already in a National Registered District and if it already has local

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status those things help get it developed and get the attention. So she thought it was certainly a means of hoping that if the Bishopric family does not own it anymore that the next owners will buy it subject to these restrictions and have to keep it up.

Council Member Hampton asked if she had said that the building was well kept up now to which Ms. Stultz replied that it was.

Council Member Hall asked if this was just the mercantile and not any of the plants behind the mercantile.

Ms. Stultz replied no, however Mr. Bishopric made some requests about the plants behind and some of them were not extremely old and they were warehouses and there has to be some real significance to them and at this point the state has not helped them along with finding a way to make those historic and Mr. Bishopric was aware of that.

Mayor Tuggle asked if anyone was present who wanted to speak in favor or in opposition of this request. As no one came forward to speak, he then declared the public hearing closed.

A motion was made by Council Member Burnette seconded by Council Member Turner to approve the request for Local Landmark designation for the Spray Mercantile Building located at 413 Church Street. HPCL-14-02. All Council Members voted in favor of this motion. This motion carried.

REQUESTS AND PETITIONS OF CITIZENS:

No one came forward to speak at this time.

UNFINISHED BUSINESS:

There was no Unfinished Business scheduled at this time.

NEW BUSINESS:

- a. Consideration of request to approve conceptual site plan for John E. Grogan Park and naming of the park.

Mayor Tuggle asked Mr. Johnny Farmer, Director of Parks & Recreation to come forward with a report.

Mr. Farmer explained that at the August 20, 2013 City Council Meeting, Mrs. Donna L. Turner, a longtime resident, and current City-Council member, submitted a Public Recreational Facility Naming Application for the development and naming of a new public park area on the grounds of the Eden Municipal Building Complex, in honor of former Mayor John E. Grogan, which was approved by the City Council.

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Mrs. Turner and a group of citizens have been raising funds for the development of the park and a conceptual plan has been developed.

As discussed at the August 20, 2013 City Council Meeting, no construction would take place on the park, until a conceptual site plan and projected costs were submitted to the City Council for final review and approval.

A conceptual plan has been developed and cost estimates have been obtained for the plan, and staff would like to recommend that the conceptual plan be approved, and allow staff to have construction documents prepared and put out to bid.

Staff would also like to recommend that the park be named the John E. Grogan Park.

Mr. Farmer recognized Mayor Grogan's wife Sylvia, daughter Meredith and his two granddaughters, as well as Cindy Adams and everyone in the audience who had played a key role in the planning of the park.

Mayor Tuggle asked if that was correct that the projected start was March and in the summer of 2015 was completion.

Mr. Farmer replied yes and they were going to bid out the whole project and when they do the bids they were going to ask them to bid each individual line item so that they can see what those costs are so if the price comes in at \$400,000 and they only have \$266,000 then they may have to pick and choose exactly what they were able to do. One of the things they have tried to do was to not use any city taxpayer money so the money that has been raised so far has all been private money and that was the wish of the family.

Council Member Burnette asked, so again this was an overall conceptual design but bids will really determine what was going to be done.

Mr. Farmer replied yes and you would have to have some idea of what you were working toward.

Mayor Tuggle asked if it could be added to if somebody wants to donate at a later date.

Mr. Farmer replied that they hoped that this will be a project that will remain in motion for years to come. The City Manager and the committee have discussed having a wall of honor to recognize additional individuals in the community who have made contributions.

A motion was made by Council Member Carter seconded by Council Member Turner to approve the conceptual site plan for John E. Grogan Park. All Council Members voted in favor of this motion. This motion carried.

A motion was made by Council Member Turner seconded by Council Member Hampton to

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Name the park the John E. Grogan Park. All Council Members voted in favor of this motion. This motion carried.

Mayor Tuggle recognized Mrs. Grogan and family.

Mrs. Sylvia Grogan expressed her sincere appreciation for everything everyone has done as well as her appreciation to Myla Barnhardt and Karen Tucker.

b. Consideration of request to accept gift of real property from James M. Norman.

Mayor Tuggle asked Ms. Stultz to come forward.

Ms. Stultz explained that Mr. James M. Norman owned a tract of land located at the intersection of Kings Highway, Highland Park Drive and D Street.

The City of Eden has requested that Mr. Norman grant an easement for the construction of a sidewalk along the southern edge of his property from Highland Park Drive to Highland Drive.

Mr. Norman has offered to donate this tract of land to the City. We recommend that you accept this gift as offered by James M. Norman.

A motion was made by Council Member Hampton seconded by Council Member Ellis to accept a gift of real property from James M. Norman. All Council Members voted in favor of this motion. This motion carried.

c. Consideration of request for bids for the water plant chloramine.

Mayor Tuggle asked Mr. Terry Shelton to come forward.

Mr. Shelton explained that sealed bids were received and opened by the City of Eden on October 7, 2014 at 10 AM, for the Chloramine Project for the Water Plant. Four contractors were responsive and submitted sealed bids for the contract.

The Chloramine Project bid came in over the engineer's estimate of \$1,440,000. Gilbert Engineering was the lowest responsible bidder. Our engineering firm Hazen and Sawyer has recommended awarding the contract for this project to Gilbert Engineering. Gilbert Engineering is an experienced utility contractor and they completed contracts on two of our sewer improvement pump station projects. The City has been very satisfied with the work completed by Gilbert Engineering. The bids received are shown in the following table.

Contractors	Bid	Engineer's Estimate	Different
Gilbert Engineering	\$1,684,800.00	\$1,440,000.00	+\$244,800.00
Ulliman Schutte Construction,	\$1,790,000.00	\$1,440,000.00	+\$350,000.00

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LLC.			
T. A. Loving Co.	\$1,825,000.00	\$1,440,000.00	+\$385,000.00
Jimmy R. Lynch & Sons, Inc.	\$2,984,519.00	\$1,440,000.00	+\$1,544,519.00

The staff recommends that the City Council accept the bid submitted by Gilbert Engineering for the Water Plant Chloramine Project based on their low bid, ability to do the work, their good working relationship with the City and the our engineer's recommendation. There is an attached letter from Hazen & Sawyer recommending that the City accept the bid from Gilbert Engineering.

Mayor Tuggle stated that he was just looking at some of the notes that he and Mr. Corcoran had sent to the City Council and even going back to 2008, he thought that Arcadis did a study in 2011 and talked about how the bromide level had increased just over those three years. He explained that he was looking back to see how long this stuff had been going on. He asked if he had heard anything from Duke (Energy) with respect to financing this entire project. He pointed out that the price has dramatically increased since they first talked about it, and knowing that this was something that they (Duke) did. He explained that it came from the Blues Creek Steam Station actually as a result of the environmental rules that caused them to have to put air filters in and as a result that caused the bromide issue. He asked if that was correct.

Mr. Shelton replied yes that was one of the bi-products of putting in a wet sulfur desulfurization system, better known as a bag system on their smokestacks. He explained that it was the part of the process that takes things out of the air and discharging it into a receiving pond and then that discharge goes to the river, although Duke was in compliance with all the permits and regulations. He explained that bromine, when you chlorinate it, it produces higher levels of trihalomethanes which was one of the things that the EPA was aiming at with the Stage II Disinfection/Disinfection Bi-Product Rules and though they have noticed that those levels had gradually gone up since around 2008 it began with that study that Arcadis did. That was when they first discovered it but that was also about the same time that the Duke process went online and began operating. At present they have offered to provide financial help to cover the cost of this project.

Mayor Tuggle pointed out that it has continually increased and asked if there was a point where Duke will say that they do not want to do anymore.

Mr. Corcoran explained that as soon as they got the bid they contacted Duke. He stated that this morning he received a call. As they were aware, they currently had a contract with Duke that basically says they were going to reimburse them for \$1 million. He stated that he was advised this morning that they were sending a new contract in the amount of \$2 million. Now having said that, the Gilbert bid does not include the engineering costs so when you take those costs, the total projected cost right now was \$1,987,800 so obviously they still have some things that they need to discuss because once this was completed there will be some annual operations and maintenance costs depending upon the flow at the plant and he thought the projections on that were anywhere from \$15,000 a year up to

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potentially \$30,000 a year. If you said that basically you thought it was going to be \$20,000 a year and you thought you would have to be on the chloramines for five (5) years that was another \$100,000. So the good news was the commitment had been increased and at that price that should be sufficient to cover the bid and it did include a 15% contingency.

Council Member Burnette stated that the chloramine treatment was not new, it was not something that was unknown at this point and they have some initial costs. He questioned why the costs have continued to escalate.

Mr. Shelton replied that had also puzzled him. He explained that he had spoken with the engineer about it and if they would recall some of the first presentations he had made at the Council's retreat two years ago was about \$770,000. If they would look at that timeframe that was kind of at the low end of real estate construction and everything due to the recession and contractors were very hungry at that point and they were apparently bidding low to keep their crews and resources in place, waiting for things to get better. He explained that he thought that as time has moved on they have seen the prices for construction projects have increased in a steady pace as the economy has started to recover. He added that he did not know if you can explain it all by that scenario but they also gave him an example that projects a year ago may have had 8 to 9 bidders because the firms were looking for work and they would bid multiple projects just hoping to get one and now for this particular project there were only 4 bids. He stated that he thought that was somewhat of an indication that it was not totally unusual for it to be that low but in a lot of cases they have seen as many as 5 or 6 bids for projects that they do.

Council Member Epps asked if he was suggesting that they should maybe hold off.

Mr. Corcoran replied no, they were hopeful that the Council would approve this tonight because they were ready to roll.

Mr. Shelton added that they were also working against a deadline of October 1st, 2015. It will probably take until August to complete this work on the schedule that they were at now.

Mr. Corcoran explained that each step of the way when they have been able to go back to them and show real numbers and substantiate why the dollars were needed they have been there so he felt pretty good about the fact, and again they would see when it comes in as they do not know how much of that 15% contingency will have to be used but he was optimistic that if they need additional money to help cover the O&M costs that it will be there.

Mayor Tuggle stated that when it has engineer's estimate on there, he asked who was that referring to as that was almost a \$300,000 difference than the original estimate of what the lowest bid was; of course he thought it was also amazing to look at the \$3 million, double what the lowest bid was.

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Mr. Shelton explained that the bid was put together by the engineering firm Hazen & Sawyers and they were a large company that deals with this, it was one of their specialty type projects. He noted that when Greensboro converted to chloramines Hazen & Sawyers did the engineering work for them. Also, a lot of their neighbors in the triad area, Burlington, Greensboro, High Point and Reidsville, or all the new regional water facilities that were on Randleman dam were all on chloramines at this time for the very same reason that they were looking at it. As Councilman Burnette referred to, it was not a new technology. It was first used back in the early 1900s and it was used some up until World War II and then it kind of slacked off until sometime in the 70's or 80's and it picked up again. He noted that the City of Milwaukee has been on chloramine since 1962 and he had actually called and spoke with the Water Superintendent there and they absolutely love this system. They have had no problems with it and they have no intent to change it.

Mayor Tuggle asked that once this was built and in place, it would just be routine maintenance from year to year.

Mr. Shelton replied that it can be but personally he thought that bromide will have limits, probably some fixed period of time. He explained that it was a by-product of fracking and other activities and now it has become known that it impacts surface water treatment plants. They were seeing it down towards the coast at treatment plants and also he thought at Lake Jordan, down around Chapel Hill and Carrboro, they were also seeing issues with it. He added that he knew that his water plant staff has been participating with a state-wide committee that was looking into the issue and what can be done about it. He also added that he thought that NCDENR has started monitoring wastewater discharges that goes into the rivers, monitoring the levels of bromine to get ideas of where to set limits in the future.

Mr. Corcoran added that just for their information, at the January City Council meeting they will be rolling out a public information campaign and their Water Plant Superintendent will be giving a PowerPoint presentation that night designed to educate the public about the chloramines and as soon as that meeting concludes it will be on the website, they will be setting up brochures, mailers, things like that but it was still going to be about 9 months probably before everything was fully completed.

Council Member Burnette stated that he mentioned they have until October of 2015 and construction was supposed to be complete by August. He asked if they start when.

Mr. Shelton replied that was assuming that they get approval they would issue a notice to proceed. They may get the project finished sooner but going into the middle of winter like this they would have to assume that it could get bogged down some. They have to dig the side of their clear wells to put in a deep concrete vault that will be 25 feet in the ground and so there will be some challenges there.

Council Member Hall stated that Mr. Corcoran had said he got the call this morning. Without too much history, he questioned the original agreement.

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Mr. Corcoran explained that the original agreement that was currently in place was \$1 million but again that was based on a couple of years ago when it was about \$700,000 and then as Hazen & Sawyer moved through this process they continued to give them updates. He asked them to recall that he had sent something out and thought it was going to be about \$1.2 million and then \$1.4 million and then finally it came in at \$1.6 and again that was the low bid and as Mayor Tuggle noted, the high bid was actually \$1.3 million more at \$2.9 million so once they get a concrete price, Mr. Shelton has contacted Duke and they held a series of meetings and they called this morning and said they were basically going to rip up the other contract and they will be mailing him a new contract that would show a commitment level of \$2 million.

Council Member Hall questioned how firm this commitment was to which Mr. Corcoran replied that every time they have said they were going to do something they have done it.

Council Member Hall suggested that just out of pure caution, if they should have the motion made contingent on them sending that agreement.

Ms. Erin Gilley, City Attorney, pointed out that their compliance did not change; it would have to be done regardless.

Mr. Corcoran agreed and added that if they were not going to pay it the city would still have to come in compliance.

A motion was made by Council Member Epps seconded by Council Member Burnette to accept the low bid submitted by Gilbert Engineering in the amount of \$1,684,800.00 for the water plant chloramine project. All Council Members voted in favor of this motion. This motion carried.

Mayor Tuggle asked if they could give them a short overview of this Administrative Order that was \$48 million that the City of Eden had to deal with.

Council Member Epps asked if they have had any relaxation on that.

Mr. Corcoran replied no, they were still at the process of doing all the required engineering work, what will happen, they will eventually submit the remediation plan and that plan will outline a timeline that the city would propose to do all the work and as they have said before, they will respond to that and then the discussions or negotiations would begin.

Council Member Burnette asked when that remediation date was.

Mr. Corcoran replied that WK Dickson plans to submit things far in advance of it but he believed it was sometime this fall.

Mr. Shelton added that it was and they were starting to pull things together and he had been getting a lot of updates lately where they were finishing documents. He noted that they have submitted a two hundred and sixty some page document that was one of the first

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ones that have to go in as part of the capacity management and operation plan just the other day, but to show them how that stuff moves, every time you submit something the dates move back depending upon how fast they get to it. He explained that the portion of it that the staff helped him complete that was submitted during the first six months, the order started on January 3rd of 2011 and he just got approval Monday for three programs that they had submitted and then they came back but, they went well over 15 months from the time they were submitted before they ever reviewed them the first time and then two of them had to be revised and submitted again. They have finally completed three of the documents they have requested in that order and it took nearly three (3) years to complete.

Mayor Tuggle pointed out that in other words all of them could be at Fair Funeral Home before they get this thing completed.

Mr. Corcoran explained that was what they noted before. In the end the City of Eden controls its end but did not control the EPA end. He explained that the city's strategy has been that they know the Administrative Order was not going to go away, if there were grant funds out there that were available through whatever source then they try to go ahead and get those grant funds now because they know eventually they are going to have to do the work so they have been very proactive and their submittals have been in advance of all the deadlines but as far as the remediation order once that was submitted then it was just the matter of how long it takes for them (EPA) to respond to that.

Council Member Epps stated that he wondered because he knew that the work was taking place already.

Mr. Corcoran stated that the other thing which he thought was always important to remind to the citizens was that despite the number of sanitary sewer overflows that exist throughout the entire State of North Carolina and the multitude of cities and municipalities it was only the City of Eden in the entire state that was singled out by the EPA for this Administrative Order, along with an Indian tribe on the east coast. So if you turn on the news and you hear about this community or that community and the sanitary sewer overflows that they were experiencing, no community in the State of North Carolina has been targeted and has been put under an Administrative Order with the exception of the City of Eden.

Mayor Tuggle noted that just for everyone's information the city has reduced sanitary sewer overflows by 91% and they have less than 100,000 a year sanitary sewer overflows, but there was a city not too far from here that was doing 4 million a year and they were not put under an Administrative Order so he really did not understand why it was just on the City of Eden. He explained that the reason he mentioned it was so that Mr. Shelton would periodically come in and give an update of what was going on with this Administrative Order.

Council Member Burnette stated that he had one last question. He asked if they did not have any approval from the Council for that final submittal to the EPA.

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Mr. Corcoran replied no and explained that basically they were at their mercy and he thought that as they have discussed before, if they (city) say that they want to do everything over a fifteen year time span and they (EPA) come in and say no you have to do it over a three year time span then they could try to go see their federally elected officials and try to negotiate with them (EPA) but in the end the EPA has the final say. Now, there was some legal action that can be taken and you bring in an arbitrator but basically, the EPA dictates what. He added that so far what they have seen was huge time gaps between each submittal.

REPORTS FROM STAFF:

a. Business & Economic Development Report.

Mr. Mike Dougherty, Director of Business & Economic Development gave a presentation on some of the current projects. *A copy of this PowerPoint is located in the office of the City Clerk.*

Hundley Street Update:

Mayor Tuggle asked Mr. Shelton to provide an update on Hundley Street.

Mr. Shelton explained that they were all aware that north Hundley Drive was closed last October due to the pavement having dropped around the culvert that goes across the road or underneath the road and the creek that flows through it and they were concerned because the pavement was dropping in. He explained that after checking the culvert underneath they realized that they had significant corrosion and that it may have lost structural integrity so they closed the street as a safety precaution. It was not something that they could just go in and change the culvert under the road because there was an adjacent source sewer line and also a waterline that was parallel to the culvert. He explained that the first thing they had to do was have an engineer do a feasibility study to see if they could get the sewer lines moved and maintain the gravity flow that goes through it and keep it on grade. Once that was done then the same engineer began working on plans and specs to be able to move the sewer and water lines to accommodate replacing the culvert that was under the road. He explained that they have gotten up to the point now where the plans and specifications have been approved by the State and they have submitted them in the last few days to get the permits for the water and sewer line to be taken up and put back in. He noted that they have to have NCDENR approval for that plus they had to approve the plans and specs to start with. He explained that once those were approved they were anticipating 2 to 3 weeks.

Mayor Tuggle asked if that was what they were waiting on now.

Mr. Shelton replied yes and once they get that back they will hopefully be in a position to bid the project out to have the culvert, water and sewer line put back in as they need to be. He explained that they will be bidding it around November 7 and hopefully the actual construction work, weather permitting can move along fast enough. They were still hoping

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for a December 1 completion date but it may be 4 to 6 weeks for the construction to be complete.

Council Member Burnette questioned that if they do not get bids out until November 7, the Council would have to approve the acceptance. He asked if that was correct.

Mr. Shelton replied that he thought that would probably be appropriate because at first they had anticipated it would be about \$90,000 to do the work but the City Engineer, Bev O'Dell had given his estimate and it was between \$120,000 and \$200,000. He added that it would just depend on what the contractors bid on it. He also added that they could tell from the other project there were some serious variations between contractors on construction work.

Council Member Burnette questioned if that would give them the time to get that done.

Mr. Shelton replied that it would probably be tight to get it done by December 1. He stated that he had spoken with Bruce Nooe (engineer) the other day and if you have everything ready to go he was thinking a week to a week and a half, if weather cooperated to get the work actually done.

Mayor Tuggle asked if there was anything they could do to expedite that as far as getting approval from Council to which Mr. Shelton replied yes if the Council was willing to have a special meeting it would be better.

Council Member Ellis questioned the difference between this and Early Avenue.

Mr. Shelton explained that Early Avenue had the same sort of problem. There was a sewer line that was in the way of the work and also a water line but the water line crossed at a 90 degree angle basically and they were able to leave it intact just support it when they were digging around it and the sewer line was also part of the Tanyard Branch project which meant it was already pretty much in motion to get the permits and everything so it was a lot easier to do that part of that project. He added that the same contractor was actually the low bidder so he was willing to start on it before they gave him the notice to proceed on Tanyard Branch and get as far over as he could get without disturbing the sewer line at the time. They were able to get the sewer line partially reopened and just this past week he had gone back in and changed the sewer line to where it met up with the main sewer line at a different angle and they set a new manhole in a line there adjacent to the little stream at the church parking lot there.

CONSENT AGENDA:

- a. Approval and Adoption of Minutes: September 16, 2014.
- b. Consideration of Budget Amendment #1.

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The attached budget amendment is to allocate the payment received from Duke Energy for the Public Relations campaign related to the coal ash spill. A separate line item has been created to account for this revenue and the Economic Development Professional Services line item has been increased to account for the expenditures.

Subject:		Budget Amendment # 1		
	Account #	From	To	Amount
General Fund				
Revenues				
Incentive Agreement - Duke Energy	10-3412-42000	\$ -	\$ 209,900.00	<u>\$ 209,900.00</u>
General Fund				
Expenditures				
Econ Dev Professional Services	10-4135-19400	\$ 200.00	\$ 210,100.00	<u>\$ 209,900.00</u>

Appropriate Incentive Agreement payment from Duke Energy.

Adopted and effective this 21st day of October, 2014.

Attest:

Sheralene Thompson, City Clerk

Wayne Tuggle, Mayor

c. Approval and adoption of Capital Project Ordinance – Tanyard Branch.

d. Consideration of RCC Center for Brewing Sciences Expansion.

In August of 2013, the RCC Center for Brewing Sciences opened at 649 Washington Street. This was a joint venture between the city and the community college. The city paid for part of the upfit costs and the on-going lease of the building. After one year in operation, the Center expanded from eight initial students to twenty four in the associate’s degree program and one hundred and twenty five enrolled in the continuing education program.

Most notable is that a Greensboro developer is considering opening a microbrewery in the Historic Leaksville area and pursuing other downtown properties. A local attorney is considering partnering with this developer. The Greensboro developer claims that the college program is the main reason they want to locate a business in Eden. A microbrewery and the patrons it will draw could be a game changer for Eden.

The success of the program has necessitated its expansion. The adjacent building at 651 Washington Street has become available. It could serve as a classroom for the brewing program and potentially for other programs in the future. The college has asked for a similar arrangement with the city that we have with the 649 building. For the new building, there would be no upfit costs and the city would only be liable for its annual lease which is \$5,400.

For the 2014-15 fiscal year, a request is being made to allocate \$3,600 to cover the lease from November 1, 2014 to June 30th 2015. The remainder of the first-year lease would be included in the 2015-16 budget.

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e. Approval of traffic study request in reference to changing the speed limit on Carolina Avenue, Hundley Drive and Hale Street and adoption of ordinance.

I received a traffic study request from Council Member Jerry Ellis in reference to changing the speed limit on Carolina Avenue, Hundley Drive, and Hale Street. The speed limit on Carolina Avenue, Hundley Drive, and Hale Street is currently 35 MPH. The area of Carolina Avenue, Hundley Drive, and Hale Street is primarily residential in nature, with a business section nearby.

End to end, Carolina Avenue is intersected four times, Hundley Drive is intersected nine times, and Hale Street is intersected eight times.

Due to the size of Carolina Avenue, Hundley Drive, and Hale Street, it was determined that a survey in reference to the proposed speed limit change should be sent to each of the property owners along Carolina Avenue, Hundley Drive, and Hale Street. A survey was prepared and sent to each of the property owners.

For Carolina Avenue, 26.09% (18 of 69) responded. 88.89% (16 of 18) of the respondents were in favor of reducing the speed limit to 25 MPH. Only 11.1% (2 of 18) of the respondents were in favor of keeping the current 35 MPH speed limit. Of the respondents in favor of reducing the speed limit to 25 MPH, six mentioned a concern for the safety of children living in the area, one mentioned a concern for the pedestrians in the area, and seven mentioned general concerns dealing with speeding and safety.

For Hundley Drive, 22.22% (12 of 54) responded. 83.33% (10 of 12) of the respondents were in favor of reducing the speed limit to 25 MPH. Only 16.67% (2 of 12) of the respondents were in favor of keeping the current 35 MPH speed limit. Of the respondents in favor of reducing the speed limit to 25 MPH, one mentioned a concern for the safety of children living in the area, one mentioned a concern with visibility in the area, and one mentioned general concerns dealing with speeding and safety.

For Hale Street, 17.50% (7 of 40) responded. 85.71% (6 of 7) of the respondents were in favor of reducing the speed limit to 25 MPH. Only 14.29% (1 of 7) of the respondents were in favor of keeping the current 35 MPH speed limit. Of the respondents in favor of reducing the speed limit to 25 MPH, one mentioned a concern for the safety of children living in the area, and one mentioned general concerns dealing with speeding and safety.

A visual survey of posted speed limits in the area shows that Ridge Avenue, Front Street, and a portion of Maryland Avenue are posted 25 MPH and that a portion of Fieldcrest Road nearby this area is posted 20 MPH.

The Police Department's recommendation is that the speed limit for the entire length of Carolina Avenue, Hundley Drive, and Hale Street be reduced to 25 MPH.

f. Approval and adoption of amendment to Drainage Policy – City Rights of Way – Policy STR-1.

City Council has an existing policy that deals with the maintenance and installation of drainage ditches and storm drainage improvements located in the City rights-of-way. This policy, STR-1, allows a residential property owner to request and apply to the City to have a drainage pipe installed in the right of way if the City deems that this would be in the best interest of the City. The property owner must pay for the materials and current fees for the job, plus a one-time fee of 10% of the total cost estimate as perpetual maintenance fee. The policy also gives the responsibility of maintenance of these drainage improvements to the City.

The property owner must execute an agreement for this installation. The agreement and policy clearly indicate that this pipe becomes the property of the City and the City has the responsibility to maintain and keep clear these drainage ways. There have been questions on whether this policy and agreement would obligate the City to replace this pipe at the City's expense upon damage or failure of the pipe. Based upon

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the plain language of these documents, the answer to that question is no. Staff feels, however, that it would be wise to clearly indicate on the agreement that no obligation is created for the City to bear the cost of replacing this pipe in the future when it does deteriorate.

As a result, we have amended the agreement to include a statement indicating this. I have included the policy and agreement for your review. Section (5) of the **Agreement for the Installation of Drainpipe or Culverts within City Right of Way** has been amended and the addition is highlighted in red text. The addition of this term does not change the policy or the agreement in any way. It is just a way to inform property owners from the outset that upon damage or deterioration to the pipe, the City will not bear the cost of replacing it.

In addition, Section (3) and Section (8) of the Agreement, refer to driveway culverts or pipes that are in the City rights-of-way and also in property owners' driveways. These sections state that these drainage pipes will be maintained by the property owner. City staff has always treated driveway pipes in the rights-of-way the same way it treats any drainpipe in the right-of-way. Maintenance of this pipe, keeping the pipe clear of obstructions, is handled by the City. Therefore, I have removed the references in the agreement that give that responsibility to the property owner. The policy, itself, does not distinguish driveway culverts/pipe from other types of drainpipes in the rights-of-way.

Our recommendation to Council is that you approve this amendment. The proposed amendment is only to the agreement; however, the agreement is a part of the policy, so the policy will have to be updated to include the amended agreement. Please consider this amendment at your October 21, 2014 meeting, and do not hesitate to contact me if you should have any questions or concerns.

g. Approval and adoption of amendment to Drug Free Workplace and Substance Abuse Policy (HR-6).

The current policy was adopted in November 2002 and amended in June 2011. After a review of relevant case law and regulations regarding drug and alcohol testing, it was determined that the policy needed updating. Changes have been made by virtue of this amendment so that this policy will comply with current case law. Significant changes in the policy include the following:

- An "across the board" limit of .02 or greater for a positive alcohol test
- Random alcohol testing only allowed for employees with commercial driver's license. Random drug testing is still allowed for all safety-sensitive employees
- Clarification for mandatory post-accident testing for safety-sensitive employees at fault or contributing to the accidents
- The addition of fatality triggering a mandatory post-accident test for safety sensitive employees, regardless of fault
- The addition of a medical review officer employed by Morehead Memorial Hospital/Occupational Health to review all drug tests performed on employees with commercial drivers' licenses
- Clarification and definition of drug testing and alcohol testing

The Consent Agenda was approved by unanimous consent of Council.

ANNOUNCEMENTS:

Mayor Tuggle recognized Council Member Donna Turner.

October 21, 2014

City of Eden, N. C.

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Council Member Turner took the time to discuss letting people know about what was available in Eden as far as job skills and to mentor high school students on what is available. She closed by asking if anyone was interested in mentoring these students to let them know.

Council Member Ellis also took the time to introduce local student Tommy Cuozzi who was currently serving as an intern with Mr. Josh Woodall.

Mayor Tuggle also noted that early voting begins October 23 at 9:00 a.m.

ADJOURNMENT:

A motion was made by unanimous consent to adjourn.

Respectfully submitted,

Sheralene S. Thompson,
CMC, MMC, NCCMC
City Clerk

ATTEST:

Wayne Tuggle, Sr., Mayor