

CITY OF EDEN, N. C.

The regular meeting of the City Council, City of Eden, was held on Tuesday, May 19, 2015 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:	Dallas Britt, Eden News, Roy Sawyers, RCENO WFMY-2

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. Gary Cobb, Pastor, Sunny Home Baptist Church, gave the invocation followed by the Pledge of Allegiance.

RECOGNITIONS & PROCLAMATIONS:

- a. Recognition: Eden Youth Council and Presentation of Color Me Carefree Color Run Fundraiser Check to Camp Carefree.

Mayor Tuggle asked Council Member Jim Burnette to come forward to introduce the following members of the Eden Youth Council to come forward: Laura Shumate, Chairman of EYC, Sheridan Hodges, Vice Chairman of EYC, Hannah Johnson, and

Jacob Scales. The members of the EYC then presented a check in the amount of \$4,100 to Lynn Tuttle.

b. Recognition: 2014 NC AWOP Awards.

Mayor Tuggle asked the following employees to come forward: Mr. Terry Shelton, Director of Public Utilities and Ms. Dena Reid, Superintendent of Water Treatment.

He then recognized them for their accomplishments by reading the following framed letter:

During the upcoming Public Works Week, the Eden City Council wishes to acknowledge the superior efforts of the City's water plant to provide good, safe drinking water for the Citizens of Eden. For customers of the City of Eden's Water System, their water is among the cleanest in the state.

The Robert A. Harris Water Filtration Plant recently received the state's highest honor in water treatment, The Area Wide Optimization Award for 2014. Of the 150 surface water treatment systems in the state, only 42 received the award.

The award means that the water's turbidity levels were less than one third of the allowable limits 95 percent of the time. Turbidity is a measure of the cloudiness or haziness of water caused by individual particles that can interfere with disinfection and provide a medium for microbial growth. Microbes are microscopic particles that occur naturally, but can potentially include harmful bacteria and viruses. Target turbidity levels are 0.1 ntu (nephelometric turbidity unit), well below the regulatory limit of 0.3 ntu. Water treatment plants that consistently attain such a low level of turbidity achieve significant water quality benefits by removing particles that may harbor microbial contaminants. Awards are given each year to water systems that demonstrate outstanding turbidity removal, a key test of drinking water quality. While all drinking water systems have to meet strict state and federal drinking water standards, the systems that achieve this award met performance goals that are significantly more stringent.

Superintendent Dena Reid and her staff do an outstanding job year after year. I, as Mayor, and the City Council congratulate them on receiving this Area Wide Optimization Award six times in the last eight years.

Dated this 19th Day of May, 2015

By: Wayne R. Tuggle, Sr.

c. Proclamation: Mental Health Awareness Proclamation.

Mayor Tuggle read the following proclamation in recognition of Mental Health Awareness:

CHILDREN'S MENTAL HEALTH AWARENESS MONTH

PROCLAMATION

WHEREAS, addressing the complex mental health needs of children, youth and families today is fundamental to building the health, resilience and future of the City of Eden;

WHEREAS, the need for comprehensive, coordinated mental health services for children, youth and families places upon our community a critical responsibility;

WHEREAS, effective mental health treatment services to strengthen families and support children and youth in overcoming trauma results in safer environments in homes, schools and communities;

WHEREAS, the City of Eden supports effectively caring for the mental health needs of children, youth and families in our community;

THEREFORE, the Eden City Council does hereby proclaim the month of May as Children's Mental Health Awareness Month and urges all citizens, agencies and organizations interested in meeting children's mental health needs to unite in observance of such exercises as will acquaint the people of the City of Eden with the fundamental necessity of nurturing the social and emotional well-being of children and providing services and supports for children and youth with mental health needs and their families.

This the 19th day of May, 2015.

Wayne R. Tuggle, Sr.
Mayor

d. Proclamation: Charlie Poole Festival Proclamation.

Mayor Tuggle asked the following people to come forward: Ms. Louise Price, Gloria & Duane Best and others. He then read the following proclamation in honor and recognition of the late Charlie Poole:

PROCLAMATION HONORING CHARLIE C POOLE

Whereas, Charles Cleveland "Charlie" Poole was born in Randolph County, North Carolina, on March 22, 1892; and

Whereas, like so many of his contemporaries during the early 20th century in the South, Charlie Poole followed the jobs available in the textile industry, and moved to the important textile complex at Spray, North Carolina, now known as Eden, around 1918; and

Whereas, in the mill towns of Spray, Leaksville, and Draper, Charlie Poole discovered a rich musical community, fed in part by the provision of professional music teachers for workers by mill management; and

Whereas, upon arrival in Spray, Charlie Poole met Posey Rorer, an accomplished fiddler, and later, Norman Woodlieff, a guitarist; and

Whereas, this trio of musicians formed an historic musical group named the North Carolina Ramblers; and

Whereas, the North Carolina Ramblers, led by Charlie Poole, journeyed to New York City to make a recording for Columbia Records in June, 1925; and

Whereas, the band's first recording, "Don't Let Your Deal Go Down" sold an astonishing 102,000 copies during the beginnings of the country music record industry, and this recording is now listed in the Grammy Hall of Fame; and

Whereas, the North Carolina Ramblers, with later replacement artists Roy Harvey and Lonnie Austin, among others, but always led by Charlie Poole, continued to produce hit recordings until 1930 when the Great Depression began; and

Whereas, Charlie Poole, by developing a unique style of banjo playing, and by producing a cohesive band sound that influenced generations of later musicians, became the father of country music, paving the way with his success for later influential artists such as the Carter Family and Jimmie Rodgers; and

Whereas, Charlie Poole's music continues to be enjoyed today by a worldwide audience; and

Whereas, the annual celebration of his music in his adopted hometown, the Charlie Poole Music Festival, is celebrating its twentieth year; and

Whereas, as fellow citizens of Eden, North Carolina, we recognize and salute the far-reaching musical influence and genius reflected in the life of Charlie Poole; Now, therefore,

Now, therefore, I, Wayne R. Tuggle, Sr., by virtue of the authority vested in me as Mayor of the City of Eden, do hereby deem it a pleasure to extend this proclamation honoring the late Charlie Poole.

In witness whereof, I do hereby set my hand and caused the Seal of the City of Eden to be affixed this 19th day of May in the year of our Lord two thousand and fifteen.

Wayne R. Tuggle, Sr.
Mayor

e. Proclamation: Public Works Week Proclamation

Recognized Mr. Paul Dishmon, Director of Public Works. He then read the following proclamation in recognition of Public Works Week:

Public Works Week

Whereas, Public Works infrastructure, facilities and services are of vital importance to sustainable communities and to the health, safety and well-being of the people of Eden, North Carolina; and

Whereas, such facilities and services could not be provided without the dedicated efforts of public works professionals, engineers, managers and employees from state and local government, as well as the private sector, who are responsible for and must plan, design, build, operate and maintain transportation, water supply, sewage and refuse disposal systems, public buildings, and other structures and facilities essential to serving our citizens; and

Whereas, it is in the public interest for citizens to understand the importance of public works and public works programs in their respective communities; and

Whereas, the City of Eden joins the American Public Works Association, the American Water Works Association, the Water Environment Association, and other interested organizations in recognizing the contributions of public works professionals to the health, safety and welfare of North Carolina and our nation; and

Now Therefore I, Wayne R. Tuggle, Sr., Mayor of the City of Eden, North Carolina, do hereby proclaim May 17-23, 2015 as "PUBLIC WORKS WEEK" in the City of Eden, and commend its observance to all citizens.

Dated this 19th day of May, 2015

By: Wayne R. Tuggle, Sr.
Mayor

f. Proclamation: Arbor Day Proclamation

Mayor Tuggle read the following proclamation in recognition of Arbor Day:

2015 ARBOR DAY PROCLAMATION

WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and

WHEREAS, Arbor Day is now observed throughout the nation and the world, and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife, and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products, and

WHEREAS, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, and

WHEREAS, the City of Eden has been named a Tree City USA community by the National Arbor Day Foundation for the 19th year, and

NOW, THEREFORE, I, Wayne R. Tuggle, Sr., Mayor of the City of Eden, do hereby proclaim Friday, May 22, 2015 as Arbor Day in the City of Eden, and I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and to plant trees to promote the well-being of this and future generations.

Dated this 19th day of May, 2015.

Wayne R. Tuggle, Sr., Mayor

SET MEETING AGENDA:

Mayor Tuggle noted that Public Hearing items 7b and 7c were pulled from the agenda.

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

PUBLIC HEARINGS:

- a. Consideration and adoption of the FY 2015-2016 Budget Ordinance.

Mayor Tuggle declared the public hearing open and asked Mr. Corcoran for comments.

Mr. Corcoran explained that the budget work session was held on April 23, 2015. He noted that since that point in time he had received no comments concerning the budget. He explained that the combined budgets for next year equal \$34,566,100. This is a decrease of \$927,900 or approximately 2.61% when compared to the current combined budgets of \$35,494,000. He also noticed that the tax rate of \$0.609 has remained unchanged.

**CITY OF EDEN, NORTH CAROLINA
2015-2016 BUDGET ORDINANCE**

BE IT ORDAINED by the City Council of the City of Eden, North Carolina in regular session assembled:

Section 1: The following amounts are hereby appropriated for the operation of the City of Eden government and its activities for the fiscal year beginning July 1, 2015, and ending June 30, 2016, according to the following summary and schedules.

Summary (Funds)	Estimated Revenues	Total Budget Appropriation
General	\$14,600,000	\$14,600,000
Self Insured Insurance	\$2,490,600	\$2,490,600
Water and Sewer	\$17,358,800	\$17,358,800
Police Pension	\$92,500	\$92,500
Runabout Travel	\$15,000	\$15,000
Municipal Service Tax District	\$9,200	\$9,200
 (Less inter-fund transfers)	 <u>\$2,202,400</u>	 <u>\$2,202,400</u>
 (Less Appropriated Fund Balances)	 <u>\$1,281,700</u>	 <u>\$1,281,700</u>
 (Less Grants/Principal Forgiveness Loans)	 <u>\$1,661,500</u>	 <u>\$1,661,500</u>
 (Less Loans)	 <u>\$4,684,400</u>	 <u>\$4,684,400</u>
 (Less Pass Thru Funds – Ex. Runabout Travel)	 <u>\$414,200</u>	 <u>\$414,200</u>
 TOTAL	 <u>\$24,321,900</u>	 <u>\$24,321,900</u>

Section 2: That for said fiscal year there is hereby appropriated out of the General Fund the following:

<u>Code</u>	<u>Department</u>	<u>Appropriation</u>
10-4110	City Council	\$47,400
10-4120	Administration	\$219,700
10-4130	Finance/Human Resources	\$246,900
10-4135	Economic & Tourism Development	\$379,600
10-4145	Information Technology	\$243,100
10-4150	Legal	\$57,400
10-4150	Facilities & Grounds	\$794,600
10-4310	Police	\$4,321,700
10-4340	Fire	\$1,629,400
10-4350	Engineering	\$26,100
10-4510	Streets	\$1,502,400
10-4515	Powell Bill	\$489,400
10-4710	Solid Waste	\$1,975,500
10-4910	Planning & Code Enforcement	\$447,700
10-6120	Recreation/Facility Maintenance	\$1,179,400
10-6920	Fleet Maintenance	\$327,500
10-9100	Special Appropriations	\$357,800
10-9990	Contingency	<u>\$354,400</u>
 TOTAL		 <u>\$14,600,000</u>

Section 3: It is estimated that the following General Fund Revenues will be available during the fiscal year beginning July 1, 2015, to meet the foregoing General Appropriations:

<u>Code</u>	<u>Revenue Source</u>	<u>Appropriation</u>
3189-11092	Ad Valorem: Prior Years – Rock Co.	\$97,200
3189-18000	Interest on Delinquent	\$25,300
3190-11000	Ad Valorem: Current Year	\$4,993,500
3190-12093	DMV-Vehicle Tax – Current Year	\$521,200
3190-12093	DMV-Vehicle Tax – Prior Year	\$25,300
3190-12094	Short Term Rental Vehicle Tax	\$13,800
3190-12095	Municipal Vehicle Tax	\$59,800
3190-15000	Dog License	\$1,400
3190-18000	Interest on Current Taxes	\$18,700
3190-19097	Payment in Lieu of Annexation	\$703,000
3190-19099	Prepaid Tax Discounts	(\$18,800)
3190-19100	Occupancy Tax	<u>\$73,700</u>
Tax Revenue Total		<u>\$6,514,100</u>

<u>Code</u>	<u>Revenue Source</u>	<u>Appropriation</u>
3260-18000	Business Registration Fees	\$6,200
3270-11000	Franchise Fees/Time Warner	\$31,200
3270-12000	Franchise Fees – State	\$137,000
3343-41000	Building Permits	\$31,000
3343-41100	Plumbing Permits	\$7,100
3343-41300	Mechanical Permits	\$14,200
3343-41400	Sign Permits	\$500
3343-41500	Electrical Permits	\$21,500
3434-48000	Fire Department Permits	\$2,100
3491-41100	Planning Zoning Permits	<u>\$200</u>
Licenses & Permits Total		<u>\$251,000</u>

<u>Code</u>	<u>Revenue Source</u>	<u>Appropriation</u>
3350-00200	Donations & Fees – Pottery Festival	\$6,000
3350-00900	Grogan Park Donations	\$10,000
3431-41800	Police Controlled Sub State Excise Tax	\$300
3434-49000	Fire on Behalf Payments	\$22,000
3434-50000	Fire Dept Rental – Draper Rural	\$1,200
3612-48000	Freedom Park Concessions	\$27,800
3612-48100	Bridge Street Center Concessions	\$700
3612-48200	East Eden Center Concessions	\$2,000
3612-48300	East Eden Pool Concessions	\$4,600
3612-86000	Pool Admissions	\$14,300
3612-86100	Building Use	\$17,000
3612-86200	Field Use & Lights	\$7,100
3711-58000	G/F Return Check Fee	\$100
3831-49000	Interest: Checking	\$4,300
3831-49100	Interest: Temporary Investments	\$23,700
3831-49500	Interest: NC Cash Mgt. Trust	\$100
3831-49700	Interest: Powell Bill Funds	\$100
3831-49900	Eden PD/Forfeiture Interest	\$100
3839-89000	Miscellaneous Revenue	\$3,500

3850-85000	Insurance Proceeds	\$20,000
3991-99100	Fund Balance Appropriated	\$500,000
3991-99600	Fund Balance Appropriated – Bouvier-Kelly	\$94,800
3991-99500	Fund Balance Appropriated – Grogan Park	<u>\$261,900</u>

Use of Money & Property Total \$1,021,600

<u>Code</u>	<u>Revenue Source</u>	<u>Appropriation</u>
3231-31000	Local Option Sales Taxes	\$1,012,700
3232-31000	½ Cent Sales Taxes	\$738,400
3233-31000	½ Cent Sales Taxes	\$506,300
3234-31001	State Hold Harmless Payment	\$782,200
3234-31002	Solid Waste Disposal Tax Distribution	\$10,100
3322-31000	Wine & Beer Taxes	\$73,000
3324-31000	Utilities Franchise Taxes	\$845,100
3325-33000	Powell Bill: State Street Aid	\$489,400
3335-32000	County Grants: Fire Department	\$2,400
3336-33000	County Grants: School Resource Officer	\$93,500
3431-73000	Project Safe Rockingham County	\$18,200
3612-48400	Recreation Grant-Sr. Center	\$4,000
3612-86600	Get Fit Eden Grant	\$9,900
3837-89000	ABC Revenues	\$102,100
3837-89100	ABC Revenues: Law Enforcement	<u>\$2,200</u>

Other Agencies Revenues Total \$4,689,500

<u>Code</u>	<u>Revenue Source</u>	<u>Appropriation</u>
3350-00100	Historic Preservation Book Sales	\$500
3412-41000	Other Departmental Revenues	\$3,000
3431-41000	Police Revenue: Dog Fines	\$1,600
3431-41100	Police Security Charges	\$40,000
3431-41200	Police Security Fringe Benefit Charges	\$8,000
3431-41300	Court Costs	\$4,500
3431-41400	Parking Violations	\$700
3431-41500	Police Fingerprinting Supplies	\$1,000
3431-41600	Police Department: Sale of Materials	\$200
3431-41700	Police Revenue	\$4,000
3431-84000	Police Department Restitution	\$1,500
3434-41000	Outside Fire Protection Charges	\$5,500
3435-82000	Engineering Testing Fees	\$5,600
3451-41100	Street Dept. Revenue: Driveways	\$5,500
3451-81000	Street Mowing	\$10,400
3491-40000	Planning Dept. Nuisance Fees	\$20,000
3491-41000	Planning Department Applications	\$1,500
3491-41600	Planning: Code Compliance Ins.	\$600
3491-81000	Planning Department Sale of Materials	\$200
3491-84400	Comm. Appearance Projects Revenue	\$400
3612-41000	Non-city User's Fees	\$4,500
3612-41100	League Entrance Fees	\$9,800
3612-41200	Recreation Dept. Revenue: Lesson	\$700
3612-41300	Dixie Youth Tournament	\$32,000
3612-86400	Recreation Dept. Miscellaneous	\$26,900
3612-87000	Fuel Purchases – County Agencies	\$38,500
3839-49900	Cash Discounts Earned	<u>\$100</u>

Charges for Current Services \$227,200

<u>Code</u>	<u>Revenue Source</u>	<u>Appropriation</u>
3471-41100	Residential Fees – Solid Waste	\$1,381,400
3471-41101	Commercial Fees – Solid Waste	\$489,000
3471-81100	Recycling Income – Solid Waste	\$15,000
3471-81200	Sale of Compost/Mulch–Solid Waste	\$6,000
3471-81400	Demolition – Abatement	\$2,700
3714-52000	Dumpster Late Fee	<u>\$2,500</u>
Total Solid Waste Revenue		<u>\$1,896,600</u>

General Fund Revenue Total \$14,600,000

Section 4: That for said fiscal year there is hereby appropriated out of the Self Insured Insurance Fund the following:

<u>Code</u>	<u>Department</u>	<u>Appropriation</u>
4145-18300	Group Insurance Fixed Cost	\$528,600
4145-30000	Claims	<u>\$1,962,000</u>

Self Insured Insurance Fund Total \$2,490,600

Section 5: It is estimated that the following Self Insured Insurance Fund Revenues will be available during the fiscal year beginning July 1, 2015 and ending June 30, 2016, to meet the foregoing Self Insured Insurance Fund Appropriations:

<u>Code</u>	<u>Revenue Source</u>	<u>Appropriation</u>
3351-01000	Charges to other Funds/GF	\$1,891,400
3351-03000	Charges to Other Funds/W/S	\$558,600
3351-07700	Charges to Other Funds/Pension	\$20,300
3839-83000	Refunds	<u>\$20,300</u>

Self Insured Insurance Fund Total \$2,490,600

Section 6: That for said fiscal year there is hereby appropriated out of the Water & Sewer Fund the following:

<u>Code</u>	<u>Department</u>	<u>Appropriation</u>
7110	Water Resources	\$358,300
7115	Billing & Collections	\$361,000
7120	Water Filtration	\$1,841,700
7125	Collection & Distribution	\$2,040,100
7130	Water Reclamation	\$1,223,600
8120	Water Construction	\$352,000
8130	Sewer Construction	\$7,571,100
9920	Special Appropriations	\$3,111,000
9990	Contingency	<u>\$500,000</u>

Water & Sewer Fund Total \$17,358,800

Section 7: It is estimated that the following Water & Sewer Fund Revenues will be available during the fiscal year beginning July 1, 2015 and ending June 30, 2016 to meet the foregoing Water & Sewer Fund Appropriations:

<u>Code</u>	<u>Revenue Source</u>	<u>Appropriation</u>
3362-51200	Sale of Water	\$4,539,500

3362-53000	Leak Adjustments/Water	(\$40,000)
3363-51300	Sewer Service Charges	\$4,328,200
3363-53000	Leak Adjustments/Sewer	(\$60,000)
3363-53900	One-Time Pool Adj.	(\$1,000)
3711-58000	Miscellaneous Returned Checks	\$3,000
3713-53000	Pre-Treatment Charges	\$26,900
3714-42000	Water Service Application Fees	\$19,500
3714-51000	W/S Meter Tampering Fees	\$100
3714-52000	Reconnection Charges	\$182,000
3714-52200	Water Taps	\$7,400
3714-52300	Sewer Taps	\$4,500
3831-49000	Interest: Checking	\$500
3831-49100	Interest: Temp. Investments	\$30,200
3831-49402	CWSRF Tanyard Branch/Loan	\$2,159,900
3831-49440	CWMTF Tanyard Branch/ Princ Forgiveness	\$500,000
3831-49420	CWSRF Matrimony Creek/Loan	\$2,524,500
3831-49430	CWSRF Matrimony Creek/Princ Forgiveness	\$761,500
3831-60000	Duke Energy Reimb – Bromide Issue	\$400,000
3834-86000	Rent of Equipment	\$45,000
3835-81000	Sales of Materials	\$1,000
3839-49900	Cash Discount Earned	\$100
3839-89000	Miscellaneous Revenues	\$1,000
3850-86000	Loan Proceeds	\$1,500,000
3991-99100	Fund Balance Appropriated	<u>\$425,000</u>

Water & Sewer Fund Total \$17,358,800

Section 8: That for said fiscal year it is hereby appropriated out of the Police Pension Fund the following:

<u>Code</u>	<u>Department</u>	<u>Appropriation</u>
4310-12900	Separation Payments	\$85,400
4310-18100	FICA	\$6,600
4310-19300	Professional Services	<u>\$500</u>

Police Pension Fund Total \$92,500

Section 9: It is estimated that the following Police Pension Fund Revenues will be available during the fiscal year beginning July 1, 2015 and ending June 30, 2016 to meet the foregoing Police Pension Fund Appropriations:

<u>Code</u>	<u>Revenue Source</u>	<u>Appropriation</u>
3831-49000	Pension Fund Interest Earned	\$100
3981-98000	Pension Fund – Contribution from G/F	<u>\$92,400</u>

Police Pension Fund Total \$92,500

Section 10: That for said fiscal year there is hereby appropriated out of the Runabout Travel Fund the following:

<u>Code</u>	<u>Department</u>	<u>Appropriation</u>
9100-31200	Runabout Travel Expense	<u>\$15,000</u>

Runabout Travel Fund Total \$15,000

Section 11: It is estimated that the following Runabout Travel Fund Revenues will be available during the fiscal year beginning July 1, 2015 and ending June 30, 2016 to meet the foregoing appropriations:

<u>Code</u>	<u>Revenue Source</u>	<u>Appropriation</u>
3612-84000	Runabout Travel Fees	<u>\$15,000</u>
Runabout Travel Fund Total		<u>\$15,000</u>

Section 12: That for said fiscal year there is hereby appropriated out of the Municipal Services Tax District Fund the following:

<u>Code</u>	<u>Department</u>	<u>Appropriation</u>
4135-29900	MSD Tax – Leaksville	\$7,600
4135-29901	MSD Tax – Draper	<u>\$1,600</u>
Municipal Service Tax District Fund Total		<u>\$9,200</u>

Section 13: It is estimated that the following Municipal Services Tax District Fund Revenues will be available during the fiscal year beginning July 1, 2015 and ending June 30, 2016 to meet the foregoing appropriations:

<u>Code</u>	<u>Revenue Source</u>	<u>Appropriation</u>
3190-19200	MSD Tax – Leaksville	\$7,600
3190-19300	MSD Tax – Draper	<u>\$1,600</u>
Municipal Service Tax District Fund Total		<u>\$9,200</u>

Section 14: There is hereby levied for the fiscal year ending June 30, 2016 the following rate of taxes on each one hundred dollars (\$100) assessed valuation of taxable property as listed as of January 2015 for the purpose of revenue, and in order to finance foregoing appropriations:

A GENERAL FUND (for the general expense incident to the proper government of City of Eden, North Carolina) TAX RATE of \$0.609 per hundred dollars (\$100) of assessed valuation.

Such rates are based on an estimated total appraised value of property for the purpose of taxation of approximately \$835,173,100 with an assessment ratio of 100% of appraised value. Estimated collection rate of 98.17%.

Section 15: The Tax and Service Rates section of the FY 2015-2016 budget sets forth the applicable fees for the fiscal year beginning July 1, 2015 and ending June 30, 2016.

Section 16: The Personnel section of the FY 2015-2016 budget sets forth the grade and positions classification plan for the fiscal year beginning July 1, 2015 and ending June 30, 2016.

Section 17: Copies of this Budget Ordinance shall be furnished to the Director of Finance & Personnel and City Manager of the City of Eden, to be kept on file by them for their direction in the collection of revenues and expenditures of amounts appropriated.

Section 18: The City Manager, by authority of this ordinance, may transfer/reallocate between & within departments up to a maximum of ten percent (10%) of the moneys appropriated within any of the above stated funds including transfers/reallocations between funds.

Adopted this the 19th day of May, 2015.

Wayne Tuggle
Mayor

ATTEST:

Sheralene Thompson
City Clerk

Mayor Tuggle asked if anyone would like 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 Burnette to approve and adopt the FY 2015-2016 Budget Ordinance. All Council Members voted in favor of this motion.

- b. Consideration of a zoning text amendment request and adoption of an Ordinance to amend Section 11.24(o)(1) of the City of Eden Zoning Ordinance to allow permanent storage of coal combustion residuals in the Industrial-2 district. Request submitted by the Eden City Council. ZONING CASE Z-15-02.

Consideration of a Resolution adopting a statement of consistency regarding the amendment of Section 11.24(o)(1) of the City of Eden Zoning Ordinance to allow permanent storage of coal combustion residuals in the Industrial-2 district.

The City has received a zoning text amendment request filed by the City Council to amend Section 11.24(o)(1) of the City of Eden Zoning Ordinance to allow permanent storage of coal combustion residuals as a permitted use in the Industrial-2 zoning district.

The Planning and Inspections Department recommends approval of the text amendment request. At their May 5, 2015 special meeting, the Planning Board voted to recommend that the City Council approve this request and adopted a Resolution Adopting A Statement of Consistency Regarding the Proposed Amendment.

This item was removed from the agenda.

- c. Consideration of a zoning text amendment request and adoption of an Ordinance to amend Section 11.24(i)(1) of the City of Eden Zoning Ordinance to allow kennels as a permitted use in the Business-General district. Request submitted by William F. Pace, Sr. ZONING CASE Z-15-04.

Consideration of a Resolution adopting a statement of consistency regarding the amendment of Section 11.24(i)(1) of the City of Eden Zoning Ordinance to allow kennels as a permitted use in the Business-General district.

The City has received a zoning text amendment request filed by William F. Pace, Sr. to amend Section 11.24(i) (1) of the City of Eden Zoning Ordinance to allow kennels in the Business-General zoning district. The Planning and Inspections Department recommends approval of the text amendment request.

At their May 5, 2015 special meeting, the Planning Board voted to recommend that City Council approve this request and adopted a Resolution Adopting A Statement of Consistency Regarding the Proposed Amendment.

This item was removed from the agenda.

- d. Consideration of a request to amend the Land Development Plan and the Future Land Use Map to change the area along Gilley Road, Jarrett Road, New Street and Stadium Drive from Town Center to Employment Center. Request submitted by the Planning Board. LAND DEVELOPMENT PLAN LDP-15-01.

Consideration of a Resolution adopting a statement of consistency regarding the amendment of the Land Development Plan.

The Land Development Plan and the Future Land Use Map need to be amended to change the area along Gilley Road, Jarrett Road, New Street and Stadium Drive from Town Center to Employment Center to more accurately reflect the current and potential use of the property in this area.

The Planning and Inspections Department recommends approval of the Land Development Plan amendment and the map amendment request.

At their May 5, 2015 special meeting, the Planning Board voted to recommend that the City Council approve this request and adopted a Resolution Adopting A Statement of Consistency Regarding the Proposed Amendment.

Mayor Tuggle declared the public hearing open and asked Ms. Stultz to come forward.

Ms. Stultz explained that this amendment was initiated by the Planning Board after a request to rezone three parcels on Gilley Road and Jarrett Road from Industrial-2 (I2) to Industrial-3 (I3). The Land Development Plan currently designates this area as Town Center in Section 4.5 Future Land Use Recommendations. The proposed amendment would change this designation to Employment Center.

The Town Center land use category is designed as a medium- to large-scale mixed-use, pedestrian-oriented activity center located in the historic downtown areas and in other strategic locations to serve surrounding neighborhoods, the community and visitors. The Employment Center land use category is designed as an area accommodating a wide variety of existing and new heavy and light industrial, commercial, office and public works facilities, in which most employees work on-site.

The area along Gilley Road and Jarrett Road, to the south of Stadium Drive, currently contains a mixture of commercial and light industrial uses. To the west and south are areas designated as Employment Centers by the Land Development Plan. To the east is a residential neighborhood designated as a Traditional Neighborhood. The area to the north of Stadium Drive and along New Street contains vacant property which is currently zoned for industrial use. To the west of this property is the Eden Industrial Park, which is designated as an Employment Center, and to the east is a residential neighborhood designated as a Traditional Neighborhood. There has been no development pressure of any kind in the area for many years. Due to the existing commercial and industrial uses in the area, and the proximity of other designated Employment Center areas, staff is of the

opinion that revising the plan to designate this area as an Employment Center would be appropriate.

Therefore, staff recommends that the Land Development Plan and the Future Land Use Map be amended to designate this area as an Employment Center for future land use planning.

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

Mr. Malcolm Allen, Highway 770, addressed the City Council:

Mr. Allen stated that he had concerns as to how close this would be to the residences. They knew that the property runs right directly behind the resident's homes, but he questioned where the mill would be located.

Ms. Stultz explained that what they were doing right now did not discuss the particulars of the case. That comes after this. She explained that all they were considering right now is whether they change the land development plan. Ms. Stultz explained that there were two more public hearings. The legislative one and then the quasi-judicial one.

Mr. Allen asked that if it was rezoned then after the other hearings, could it be rescinded.

Ms. Stultz explained that the Land Use Plan needs to be amended regardless of whether they approve anything that comes before it.

Mayor Tuggle asked if that was really a separate item to which Ms. Stultz replied that it was.

Mr. Bob Boone, 123 Gilley Road addressed the City Council:

Mr. Boone stated that he would like to know as the major property owner on Gilley Road, this was the first they have heard anything about this. He stated that if you own the property you should at least be advised if somebody was going to make some changes before it comes up for a vote. They would be prepared or have some questions or some problems presented and know something about it.

Ms. Stultz explained that Land Use Plan amendments were purely legislative so the rules were different. She added that they had notified Mr. Boone and his wife.

Mr. Boone replied that he was notified on the rezoning but not on this.

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

A motion was made by Council Member Burnette seconded by Council Member Hall to approve the request to amend the Land Development Plan and the Future Land Use Map to change the area along Gilley Road, Jarrett Road, New Street and Stadium Drive from

Town Center to Employment Center. Request submitted by the Planning Board. LAND DEVELOPMENT PLAN LDP-15-01 and to approve the Resolution adopting a statement of consistency regarding the amendment of the Land Development Plan. All Council Members voted in favor of this motion.

A RESOLUTION ADOPTING A
STATEMENT OF CONSISTENCY REGARDING
A PROPOSED AMENDMENT TO THE
CITY OF EDEN LAND DEVELOPMENT PLAN
CASE NUMBER LDP-15-01

WHEREAS, pursuant to North Carolina General Statutes Chapter 160A-383, prior to adoption or rejection of any zoning amendment, the Eden City Council is required to adopt a statement as to whether the amendment is consistent with the Land Development Plan and why the City Council considers the action taken to be reasonable and in the public interest;

WHEREAS, on August 21, 2007, the Eden City Council adopted the Land Development Plan. Plans such as the City of Eden Land Development Plan are not designed to be static but are meant to reflect the City of Eden's needs, plans for future development and to remain in compliance with North Carolina State Law and the City of Eden's ordinances;

WHEREAS, the City of Eden Planning Board received a request to rezone two parcels on Gilley Road from Industrial-2 to Industrial-3 and one parcel on Jarrett Road from Business General to Industrial-3.

WHEREAS, On May 5, 2015, the City of Eden Planning Board voted to recommend changes to the Land Development Plan as follows:

To amend the Land Development Plan and the Future Land Use Map to change the area along Gilley Road, Jarrett Road, New Street and Stadium Drive from Town Center to Employment Center.

STATEMENT OF NEED:

Due to the existing commercial and industrial uses in the area of Gilley Road, Jarrett Road, New Street and Stadium Drive, and the proximity of other designated Employment Center areas, revising the plan to designate this area as an Employment Center would be appropriate.

STATEMENT OF CONSISTENCY:

The goals of the 2007 City of Eden Land Development Plan, as amended, are to make smart growth decisions by carefully managing growth to:

- A. Strategically locate new land development in the most appropriate places.
- B. Maintain and enhance Eden's community character and heritage.
- C. Use infrastructure investments as effectively as possible.
- D. Attract new jobs and a more diverse tax base.
- E. Protect natural, cultural and historic resources and open space as we grow.

WHEREAS, The Eden City Council has considered the written recommendation of the City of Eden Planning Board and has held a public hearing on the proposed amendment, and the Council desires to adopt a statement describing why the adoption of the proposed amendment is consistent with the City of Eden Land Development Plan, and why the City Council considers the proposed amendment to be reasonable and in the public interest;

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

1. The Eden City Council finds that the proposed amendment to the City of Eden Land Development Plan is consistent with the goals and recommendations of the 2007 City of Eden Land Development Plan, as amended.
2. At no time are land use regulations or plans of the City of Eden or any jurisdiction in the State of North Carolina permitted to be in violation of the North Carolina General Statutes.
3. Therefore, based upon the foregoing information, the amendment to the Land Development Plan are reasonable and in the public interest.

Approved and adopted and effective this 19th day of May, 2015

CITY OF EDEN

BY: Wayne R. Tuggle, Sr., Mayor

ATTEST

Sheralene Thompson, CMC
City Clerk

- e. Consideration of a zoning map amendment request and adoption of an Ordinance to rezone two parcels of land on Gilley Road from Industrial-2 to Industrial-3 and one parcel of land on Jarrett Road from Business-General to Industrial-3. Request submitted by Pine State Group, Inc., / Norman Nance, potential property owner and buyer. ZONING CASE Z-15-03.

Consideration of a Resolution adopting a statement of consistency regarding the rezoning of two parcels located on Gilley Road from Industrial-2 to Industrial-3 and one parcel of land on Jarrett Road from Business-General to Industrial-3.

The City has received a zoning map amendment request filed by Pine State Group, Inc./Norman Nance, potential owner and buyer to rezone two parcels of land on Gilley Road from Industrial-2 to Industrial-3 and one parcel of land on Jarrett Road from Business-General to Industrial-3.

The Planning and Inspections Department recommends approval of the map amendment request. At their May 5, 2015 special meeting, the Planning Board voted to recommend that the City Council approve this request and adopted a Resolution Adopting A Statement of Consistency Regarding the Proposed Amendment.

Mayor Tuggle declared the public hearing open and asked Ms. Stultz to come forward.

Ms. Stultz explained that the request is to zone two tracts from Industrial-2 (I-2) to Industrial-3 (I-3) and one tract from BG to I-3. The I-2 Industrial District is established as a district in which the principal use of land is for industries that by their nature may create some nuisance and which are not properly associated with nor compatible with uses in other zoning districts. The BG Business Districts are generally located on the fringe of the central business district and along major radial highways leading out of the city. The principal use of land is for dispensing retail goods and services to the community and to provide space for wholesaling and warehousing activities. Because these commercial areas are subject to public view and are important to the economy of the area, they shall have ample parking, controlled traffic movement, and suitable landscaping. The I-3 Industrial District was created for high impact industrial uses which, by their nature, produce objectionable levels of noise, odors, vibrations, fumes, light, smoke, traffic and/or other

impacts upon the lands adjacent to them. High impact uses are required to be connected to City of Eden water and sewer services. Any discharge, leachate or other industrial waste shall be treated by the City of Eden. Uses listed in the I-3 Industrial District shall be allowed only upon approval of a Special Use Permit. Special Use Permits in the I-3 Industrial District shall be heard and decided by the City Council according to the procedures established in Section 11.26 of the Zoning Ordinance.

The subject parcels are located along Gilley Road and Jarrett Road in an area surrounded primarily by wooded, undeveloped industrial property. There is a single-family residential neighborhood to the east of the largest parcel. There has been no development pressure in the area for many years. Staff is of the opinion that while the I-3 district allows high intensity industrial uses, as does the existing I-2 district, rezoning the property to I-3 would allow more control over what uses are appropriate for the property, especially considering the proximity of the residential neighborhood. Currently no such controls exist in the I-2 or the BG district.

Based upon the character of the area and the current uses in the area, staff recommends in favor of the request.

Mayor Tuggle asked that if this did pass, when would they set the standards or what considerations would be given for making sure that they live up to this Special Use Permit.

Ms. Stultz replied that the Planning Board really did not have a role in the special use process. They review the applications but what would happen, if one of the property owners were to call and say they are doing "x" and that is not allowed under their special use permit, then staff would go down and investigate and send them a violation letter. If they did not stop or repair it, then they could revoke the permit. As it is now, it was really hard for everybody that was not really crazy about Land Use Permits to understand, they really have three (3) separate issues here and whether this property would be appropriate to be I-3. Then, they go to the quasi-judicial hearing to deal with a Special Use Permit application and they will see that there was a long list of things that they are required to do and those would be stipulated by the City Council and a copy of the Special Use Permit was recorded in the Register of Deeds office. It was an important legal document and she thought it provides the best safeguard available.

City Attorney, Ms. Erin Gilley added that their decision right now was legislative. Once they get to a Special Use Permit process they must look at the conditions in the ordinance.

Mayor Tuggle clarified that they would look at all the details and make sure it was all followed the way it should be and if there were any questions they could add whatever needs to be added.

Ms. Gilley replied that was correct and if it met the conditions in the Special Use Permit ordinance then it would be approved and if it did not meet the conditions that was the reason it would not be approved. So right now they have a legislative decision in front of them.

Council Member Turner questioned that currently these two parcels of land were Industrial-2.

Ms. Stultz replied that two of them were Industrial-2 and part of them were Business-General. Business-General was actually a more liberal zoning district than I-2 so lots of negative things can go in Business-General.

Council Member Turner questioned that in Industrial-2 if you did not move to Industrial-3 then you were not going to have these other safeguards in place and was that correct to which Ms. Stultz replied that was exactly right.

Council Member Hall asked if that actually protects the residents now than before to which Ms. Stultz replied that in her opinion she believed the decisions that they all made to do this amendment and all the work that went into it has done a great deal to protect the integrity of the community and safety of their neighborhoods.

Mayor Tuggle added that really if you did not have a Special Use Permit it would be open to put anything anywhere as long as it followed those guidelines. With the Special Use Permit you can put additional guidelines and make sure they have to follow those otherwise it can be revoked.

Ms. Stultz also pointed out that a year ago Mr. Nance could have come in and told her that he wanted to put a saw mill on that property and she would have asked him to tell her what he was going to do and they would have issued a permit. That was how it would have been done and it would have been legal.

Mayor Tuggle added that a special use simply adds a lot of guidelines that you would not have the opportunity to do before.

Ms. Stultz explained that they need a motion to change the properties from Business-General and I-2 to I-3 and a motion that includes the adoption of the resolution that declares this decision consistent with the land use plan.

Mayor Tuggle asked if anyone would like 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 Burnette to approve a zoning map amendment request and adoption of an Ordinance to rezone two parcels of land on Gilley Road from Industrial-2 to Industrial-3 and one parcel of land on Jarrett Road from Business-General to Industrial-3. Request submitted by Pine State Group, Inc., / Norman Nance, potential property owner and buyer. ZONING CASE Z-15-03 and also to approve a Resolution adopting a statement of consistency regarding the rezoning of two parcels located on Gilley Road from Industrial-2 to Industrial-3 and one parcel of land on Jarrett Road from Business-General to Industrial-3. All Council Members voted in favor of this motion.

A RESOLUTION ADOPTING A
STATEMENT OF CONSISTENCY REGARDING
A PROPOSED AMENDMENT TO THE
CITY OF EDEN ZONING ORDINANCE
CASE NUMBER Z-15-03
MAP AMENDMENT

WHEREAS, pursuant to North Carolina General Statutes Chapter 160A-383, prior to adoption or rejection of any zoning amendment, the Eden City Council is required to adopt a statement as to whether the amendment is consistent with the Land Development Plan and why the City Council considers the action taken to be reasonable and in the public interest;

WHEREAS, on August 21, 2007, the Eden City Council adopted the Land Development Plan. Plans such as the City of Eden Land Development Plan are not designed to be static but are meant to reflect the City of Eden's needs, plans for future development and to remain in compliance with North Carolina State Law and the City of Eden's ordinances;

WHEREAS, the City of Eden Planning Board received a request to rezone two parcels on Gilley Road from Industrial-2 to Industrial-3 and one parcel on Jarrett Road from Business General to Industrial-3.

WHEREAS, On May 5, 2015, the City of Eden Planning Board voted to recommend changes to the Zoning Ordinance as follows:

To amend the zoning map to rezone two parcels on Gilley Road (PIN# 7080-1693-6208 and 7090-1303-6974) from I-2 to I-3 and one parcel on Jarrett Road (PIN#7090-1304-5490) from B-G to I-3.

STATEMENT OF NEED:

The current zoning of the three (3) parcels on Gilley Road and Jarrett Road is not consistent with the 2007 Land Development Plan, as amended.

STATEMENT OF CONSISTENCY:

The goals of the 2007 City of Eden Land Development Plan, as amended, are to make smart growth decisions by carefully managing growth to:

- A. Strategically locate new land development in the most appropriate places.
- B. Maintain and enhance Eden's community character and heritage.
- C. Use infrastructure investments as effectively as possible.
- D. Attract new jobs and a more diverse tax base.
- E. Protect natural, cultural and historic resources and open space as we grow.

WHEREAS, The Eden City Council has considered the written recommendation of the City of Eden Planning Board and has held a public hearing on the proposed amendment, and the Council desires to adopt a statement describing why the adoption of the proposed amendment is consistent with the City of Eden Land Development Plan, and why the City Council considers the proposed amendment to be reasonable and in the public interest;

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

1. The Eden City Council finds that the proposed amendments to the City of Eden Zoning Ordinance are consistent with the goals and recommendations of the 2007 City of Eden Land Development Plan, as amended.
2. At no time are land use regulations or plans of the City of Eden or any jurisdiction in the State of North Carolina permitted to be in violation of the North Carolina General Statutes.

3. Therefore, based upon the foregoing information, the amendments to the Zoning Ordinance are reasonable and in the public interest.

Approved and adopted and effective this 19th day of May, 2015

CITY OF EDEN

BY: Wayne R. Tuggle, Sr., Mayor

ATTEST:

Sheralene Thompson, CMC
City Clerk

- f. Consideration of a Special Use Permit application to allow a Saw Mill in the Industrial-3 district on two parcels of land on Gilley Road (PIN# 7080-1693-6208 and 7090-1303-6974) and one parcel of land on Jarrett Road (PIN# 7090-1304-5490). Request submitted by Pine State Group, Inc., / Norman Nance, potential property owner and buyer. ZONING CASE SU-15-02.

The City has received a special use permit application filed by Pine State Group, Inc./Norman Nance, potential owner and buyer of two parcels of land on Gilley Road and Jarrett Road and current owner of one parcel on Gilley Road.

The Zoning Officer recommends approval of the special use permit request with the following conditions in addition to the ones stated in the case report:

1. That variances be granted to allow the use of the existing masonry structure on the site as an office and to allow the use of an existing concrete pad, both of these preexisting structures would be in violation of setbacks in the Industrial-3 District.
2. That the Special Use Permit be granted only on the condition that Norman L. Nance or Pine State Group, Inc. becomes the property owner and we will not issue any permits until a deed is recorded.

Mayor Tuggle explained that the City Council was about to review a special use permit application of Norman Nance a potential property owner and buyer. This proceeding will become a quasi-judicial hearing. Anyone including any staff members who wish to submit evidence has to be sworn in.

He explained that this was the consideration of a Special Use Permit application to allow a Saw Mill in the Industrial-3 district on two parcels of land on Gilley Road (PIN# 7080-1693-6208 and 7090-1303-6974) and one parcel of land on Jarrett Road (PIN# 7090-1304-5490). Request submitted by Pine State Group, Inc., / Norman Nance, potential property owner and buyer. ZONING CASE SU-15-02.

Mayor Tuggle asked if anyone wanted to submit evidence in this hearing to come forward and be sworn in at the same time.

The following were sworn in by Mayor Tuggle: Ms. Kelly Casten Stultz, Zoning Officer; Norman Lee Nance, owner Pine State Group; Bob Boone, 123 Gilley Road and Gwendolyn S. Brown, 207 Gracie Street.

Mayor Tuggle read the following statement: “A quasi-judicial hearing is an evidentiary hearing before the City Council with the Mayor presiding over the hearing. A quasi-judicial decision must be based solely on the evidence presented. The Council will find facts and base its decision on the application of the ordinance standards. A decision shall be based upon competent substantial and material evidence received during the hearing. All testimony must be competent and not repetitious. Speculative opinions and general expressions of fear or potential increases in crime or traffic impacts on property values do not constitute competent evidence. As presider I will recognize the speakers before they may be heard. I will rule on any objections or requests from participants at the hearing regarding the procedure of the hearing or evidence presented. All parties will have a chance to present competent evidence. Parties and Council Members will have a chance to cross examine and question witnesses. I declare this quasi-judicial hearing open.” He then asked Ms. Stultz to come forward.

Ms. Kelly Casten Stultz explained that she was the Planning & Inspections Director and also a sworn zoning officer.

She explained that she would like to begin by sharing some information that they all have seen and their audience had seen of the subject property. She stated that a large parcel there was what was now known as the Wilson property. The property to the west was formerly owned by a gentleman named Delgada and it was sold at tax foreclosure to Mr. Nance. Mr. Nance has a contract to purchase this one and the ones to the north. There have been several questions so far about the intended location of the actual saw mill. Anyone familiar with the site knows that there is a concrete pad existing all the way at the southwest portions of this property. That is where the saw mill itself will be should it be approved.

The existing structure will be used for office purposes for the business. Any of this property that is now cleared will have to be cleaned and all zoning violations be abated that currently exists on the property. And all of the terms of the special use permit would have to be in place.

She then presented a map of a larger area where they could see where the railroad comes up through this property and splits. Clark Avenue was a paper street that separates Hopkins west. That was a familiar tract to the City Council as it was the former Fieldcrest property. She then showed a portion of the concrete pad and what the property looks like right now. She noted that what was going on right there at the moment was an environmental mess. She also pointed out other portions of the property as well as other residences in the area.

She explained that the applicant has petitioned to build a saw mill on Tract 2 of the subject properties, with a proposed log storage yard on Tract 1 of the subject properties.

The proposed special use meets all required conditions and specifications. This statement is based on the following specific findings:

- (1) The applicant has submitted a boundary survey and vicinity map showing:

- (a) The property's total acreage, its zoning classification, the general location in relation to all major streets, railroads, and/or waterways, the date and the north arrow.
- (b) All existing easements, reservations and rights-of-way.
- (c) The approximate dimension, including height, of proposed buildings, structures or appurtenances.
- (d) All required setbacks, buffers, screening, and landscaping required by this ordinance or proposed by the applicant; the landscape plan may be a part of the site plan or shown as a separate drawing.
- (e) All existing and proposed points of access on public streets.
- (f) Delineation of areas within the floodplain as shown on the official flood boundary maps.
- (g) Proposed phasing, if any.
- (h) The location of existing and proposed storm drainage patterns and facilities intended to serve the proposed development
- (i) Approximate location of all existing and proposed infrastructure on the site including water, sewer, roads, pedestrian ways.
- (j) Generalized traffic, parking and circulation plans.

Our ordinance requires that a lighting proposal be made and in this case the recommendation is that all lighting shall be pointed downward with the primary cone of illumination being entirely contained on the subject property. Exterior lighting fixtures shall be overhead full cut-off fixtures. Lighting shall be designed so that light straying to residential properties does not exceed one foot candle at the property boundary.

Noise. Electric Motors were determined to be the best option for use to decrease noise impact. All equipment will be required to meet NC Muffler Laws and Vehicle Manufacturer Specifications. The physical location of the mill will be on the southernmost portion of the property and will be placed as far away from residential uses as is practical. The topography of the property fall to the south. The operation hours of the mill will be limited to 6:00 A.M. and 8:00 P.M.

The permit request includes a variance for the setbacks in order that existing buildings and concrete pads can be used. They encroach into the setbacks for I-3 but will make no part of the buildings any closer to residential property.

Evidence presented: There has been none that says that the user will substantially injure the value of adjoining or abutting properties due to the fact that no evidence to the property contrary has been found.

Staff was of the opinion that the location and character of the use, if developed according to the plan as submitted, will be in harmony with the area in which it is to be located and in general conformity with the plan of development for the City of Eden and its environs. The 2007 Land Development Plan, as amended, recommends Employment Center uses for the subject property. Staff has recommended in favor of a variance for setbacks of existing

buildings on the property. Staff finds that the proposed use would be in harmony with the area and in general conformity with the City's amended plan of development.

Ms. Stultz stated that they request that the City Council issue this permit with the following additional conditions.

That the variances be granted for the use of the existing structures. That the Special Use Permit be approved subject to the ownership of the entire project area is in the name of Norman Nance and or Pine State Group, Inc. That the final landscape plan shall be submitted and approved before any development permits are issued. This will include the re-seeding of any disturbed areas during and after construction. Gravel surfaces shall be maintained and any resulting dust managed according to best management practices and lastly, all traffic will be directed to use the established Truck Routes.

Based upon the facts submitted and discovered at the time of this report, staff finds that sufficient facts are proven to recommend approval of the special use permit with the aforementioned conditions.

Mayor Tuggle stated that while looking from where the saw mill was going to be located, he questioned how far away it was from the residential district. He was always concerned because you always hear about light and noise, if you are the ones living in the neighborhood you are the ones having to deal with it. It was not exactly like they think it might be.

Ms. Stultz agreed that was absolutely true, it was very close to the railroad tracks.

Council Member Burnette asked for clarification if this was west of the existing railroad tracks.

Ms. Stultz explained that it was east, it was on the southwest corner of the current Wilson property, at the corner of Gilley and Clark. There was an existing concrete pad that was now covered by a bunch of truck beds.

Council Member Turner mentioned an aerial photograph to which Ms. Gilley explained that what the City Council was looking at now was actually a map of what was submitted in the agenda. She wanted to clarify that as it was an aerial map.

Ms. Stultz added that it should have been a part of this presentation and apologized that it was not included.

Ms. Gilley also pointed out that they would deem that Exhibit A.

Ms. Stultz noted that by requiring the saw mill at the site of this current concrete pad that says where it has to be and where it has to stay. The only way it could go any closer to anything that surrounds it was to come back and ask the City Council for the permit to be amended.

Mayor Tuggle moved back to his question about how far away the pad was from where the houses were located. He questioned the property width.

Ms. Stultz replied that in looking at map there it was 415 feet.

Mr. Burnette stated that she had mentioned buffers and the equipment. He was also concerned about the noise generating from the process itself and what could be done to mitigate that.

Ms. Stultz replied that she thought by allowing operation under limited hours and the special use permit designates the use of electric motors. She added that 85% of the operation would be inside the building in an enclosure.

Council Member Hampton asked if she was saying that the saw dust would not be exposed outside.

Ms. Stultz replied that she did not believe there was any way to have a saw mill and there never be any dust on the outside. However if they looked, part of the recommendation they have made was that they have a management plan and they do that to keep it from leaving the property. She added that there was no way there was not going to be some on the site.

Council Member Burnette questioned if within that was the fire suppression exposure required.

Ms. Stultz replied that all of those requirements but the state building, fire, electrical and mechanical codes apply whether they are expressed in this permit or not.

Council Member Ellis stated that 415' would be 135 yards to which Ms. Stultz replied yes.

Mayor Tuggle added that was pretty much a little more than a football field.

Ms. Stultz asked them to remember when Mr. Wilson used to bring in beer bottles and put them in that corner because that was where the concrete pad was located.

Council Member Ellis asked if they were still looking at buffers.

Ms. Stultz replied absolutely and they will be required to be installed between any residential use and residential zoned property that meet their current standards. They will have to be installed if they cut any trees and they will have to follow the rules of their tree protection plan. They will have to install the buffers and fencing depending.

Mayor Tuggle stated that east of where the saw mill was located it looks like all forest in that area. It was all a wooded area between that and where the houses were. He stated that he just had a problem with where the houses and the neighborhoods were and cutting wood

can be a very loud process. He stated that he did not know about new technology but he did know it used to be deafening.

Ms. Stultz stated that much of this area has its original pine forest. They would still require that buffers be installed in addition to that.

Mayor Tuggle asked her to talk about the buffers.

Ms. Stultz explained that was what was in their normal buffers which would be 6' centers and a certain number of plants. All creeks have to be buffered by 50' as those are a part of some of their other land use regulations.

Council Member Burnette asked if she knew if the existing wooded area would not be cleared.

Ms. Stultz replied that if it was it would have to be replanted seeded and buffered.

Mayor Tuggle pointed out that he noticed there were two more properties on the west of where she had given them and he asked if there was any way that saw mill can be moved over,

Ms. Stultz explained that this was not a question they could ask her as this was where he proposed to put it. She was telling them her opinion about that. This property over here to the west was going to be a holding area. She added that she knew they were all well aware of the railroad spur going in for Duke Energy to put the coal ash trains. It will go right through the center of this property and they will be running up through there and the railroad splits it. She did not anticipate anything going further east.

Mayor Tuggle explained that he was just asking this as a possibility to try to mitigate the circumstances and certainly give relief to somebody having concerns about it being within 400' from where they live. Even if it was 100 yards away you could still get those loud sounds and he would not want to lay awake at night and listen to a saw.

Ms. Stultz asked him to remember that what they were dealing with right this minute was a quasi-judicial decision and not a legislative one like they were all used to making. The only way they can make that decision was if somebody presents credible evidence that that was what it would be.

Council Member Hall asked if the hours of operation were set.

Mayor Tuggle stated that it was 6:00 a.m. until 8:00 p.m. right now and 8:00 p.m. was max. Everything shuts down no matter what.

Mayor Tuggle then called upon the next person sworn to speak.

Mr. Norman Lee Nance, owner of Pine State Group, explained that there were a few things he would like to add. He explained that the mill probably would not be running from 7:00 a.m. to 3:00 or 3:30 p.m. max.

He knew they all knew Home Lumber as they have been there for centuries. That mill was probably 60% enclosed. Their chipper was sitting outside and the back was open to dust and stuff going out into their bins.

This mill would be about 85% enclosed and the saw dust and the chips will be contained as it leaves the conveyers and etc., and hardly any dust will be accrued in the act, very little.

He explained that the way they were going to set this mill up was a little more modernized than Home Lumber. That mill was put in years ago. This mill will have more electric motors unloading logs. The equipment will be tier 4 engines. He explained that they made them now to be muffled for noise and pollution so they were a lot quieter. Home Lumber has some of those loaders there also in place.

Mr. Nance stated that he wanted to be a good neighbor and he had gone to see Mr. Boone. They just purchased the Pete Dickerson property and were going to clean up that area and make a parts store there for the business.

He stated that he and Ms. Stultz have talked about the city and there were a lot of areas that need cleaning up in the city. He pointed out that his property would not be junky, it would be done professionally. He explained that when he bought the old Penske building he started renovating it. He painted it, fixed the fences and he was now doing a parking lot over there to make room for his trucks. He stated that he was spending money to make his place look nice and that was what he wanted.

He explained that he and his son bought the old Eden City Park and he was going to build up there. There would be no timber cut. He stated that he also liked woods and he was not rapist of the forest but it was just a job he had to do, they all need paper products and wood for building. He was very self-conscious about the environment and stewardship of the land but rest assure if this passes he would do his best to please every neighbor there.

He pointed out that they were setting it in the corner that was farthest away from any neighbor there and he would be a good neighbor to them. Also, if they have some complaints there he would address it and do everything humanly possible to make sure that they abide by their wishes.

He explained that he had been in business for 47 years, third generation and his grandson Will Nance was in college on a baseball scholarship and if he does not make it to Majors he wanted him to take over the business.

Mr. Nance explained that he wanted Eden to be his home. He was going to start a house in about another month and it will be built at the park and that was where he would reside until he passed on. He explained that he just wanted them all to know who he was and

when they come to his shop and enter into his buildings there he wanted them to see him. He wanted everything to be nice and everything will be professional.

Mayor Tuggle stated that it was a mess over there now. It has been for years it was awful looking down there. He had no doubt he would clean it up and do the right thing as far as that goes but still they have to ask the question because they do have neighbors there and he was sure modern sawing process was very different than what it was when he was growing up. He asked him to tell them about the noise and how much noise it was and was it enclosed where the sawing takes place or was it outside.

Mr. Nance explained that all the mill will be underneath a building. He used as an example Home Lumber's mill. He explained that they had one opening there where the logs go into the mill and where they have the chip trailers setting there that would be the loudest noise they would hear. With his being contained inside...Mayor Tuggle commented that it would certainly muffle the noise.

Mr. Nance agreed that it would deflect a lot of sound.

Council Member Burnette asked if he had any idea of the decimal level that would be right outside the mill versus the edge of the property to which Mr. Nance replied he had a guy to look that up but he did not get that information from him.

Mayor Tuggle stated that it would be a good idea to have that.

Mr. Nance added that if you stand beside of a mill you have 90.7 decibels so every 10' you go it reduces it 6 decibels. He also added that this was a mill that was not enclosed. So if it was enclosed then it would probably reduce it more so.

Council Member Burnette stated that if he was calculating correctly then at the edge of the property there would be no noise coming from that saw mill.

Mr. Nance agreed that there would be hardly any at all, but naturally there will be some noise. He pointed out that if you look at what was there Bob had probably 12 to 15 trucks there at one time. They left from there at 2 or 3:00 in the morning. They were not going to do that. The mill will run from 7:00 to 3:30 and then shut down. He knew that Ms. Stultz had mentioned 8:00 but the mill will not be running at 8:00 p.m.

Mayor Tuggle pointed out that the information they got was 6:00 a.m. to 8:00 p.m. at night.

Mr. Nance explained that the saw mill itself will not be running but of course you will have a truck leave or something. He noted that if they look at what was there now and what was going in, compared to what Bob had with 11 or 12 trucks, the noise will be reduced, he promised.

Council Member Burnette questioned what kind of truck traffic.

Mr. Nance replied that they would be hauling their own logs in and if he had to give them a figure probably 5 trucks in and out in a day maybe 6 one day or 7 but that would be the scenario.

Council Member Burnette asked Ms. Stultz how far the city road went and what kind of damage could there be.

Ms. Stultz replied that the publicly maintained portion stops near the property.

Council Member Burnette stated that he went down there the other day and could not get through.

Ms. Stultz explained that was because the current owner blocks it and generally they have to call the police to get through. She explained that the gravel portion was public but the city does not maintain it.

Council Member Burnette questioned how that would be in the future.

Ms. Stultz replied that it would be the same. They would not maintain the gravel portion unless Mr. Nance paid for it and brought it up to city standard to handle the trucks. That would have to happen before the city would ever take over maintenance.

Mr. Nance added that they would add additional gravel in there for protection of mud that may be brought out onto city streets. He explained that they were going to have to spend a lot of money on gravel and that has to be done before they get started. He stated that looking at a timeframe, it might be 8 to 10 months as they had a lot of cleaning up as they well know.

He added that he also wanted to bring to their attention that he was born and raised in Stokes County but his son and daughter moved to Eden so he wanted to move to Eden. He stated to bring in good folks you have to have a clean nice city and that means if you have somebody who wants to move in here with a job they look at the surrounding environment. He wanted to keep things nice and he knew that sometimes things like this occur. He wanted to be a good neighbor and he wanted to be a good neighbor to all the people in that area and so far he had been a good neighbor.

Mayor Tuggle asked if there was another operation similar to what he was doing to which Mr. Nance explained there was Home Lumber Company on Meadow Road. They have been there for years. He added that there were probably homes as close to that mill as it was to this mill.

Mayor Tuggle asked if he could take him there to see it to which Mr. Nance replied that he could.

Ms. Stultz pointed out that this was a different operation because the one Mr. Nance was proposing will be 85% inside.

Mayor Tuggle stated his concern was the noise.

Mr. Nance noted that probably the closest residents to him (Home Lumber) if he had to guess was probably 200 yards.

Council Member Ellis clarified that Mayor Tuggle was asking if he knew of any other mills that were already set up like he was proposing.

Mr. Nance replied that honestly he did not know of one because most have their chipper outside with more open areas. He knew the noise would be a factor so he wanted to go a step beyond and in house as much as he could to create a less decimal of noise. So he was going a step other mills probably would not go. He just wanted to let them all know who he was and that he wanted to be a good neighbor and get down there and clean some of that mess up. He bought Mr. Dickerson's place and they were in the process of cleaning that up there at the corner of New Street and Stadium.

Mayor Tuggle stated that he read there would be about 20 full time employees to which Mr. Nance replied that was correct.

Council Member Ellis asked if that number would increase.

Mr. Nance replied that it might later on. He explained that they just want to start out small and see how it goes. He and his son runs two big chipping operations and they develop a lot of logs and so he wanted to capture the other market. They bought the old American Legion building and he used that building for storage. They have spent a lot of money on it but he liked his place looking nice and that building was used like a warehouse.

He explained that they own the other property all the way down joining Jarrett Street so when he bought the American Legion it joined Bob on Jarrett Street so all of the woods would be left there as a buffer and all of the woods on the east side of the property he just purchased where the railroad track was, all of that wood will be a buffer. He pointed out that he was willing to go beyond what Ms. Stultz told him he had to do as far as buffers.

Mayor Tuggle asked so according to what he had said, as far as the decimal level being reduced and a lot of trees there, there should not be any noise.

Mr. Nance replied that there would be very little rest assured. He added that most people use Leland Cypress but they have a new type of cypress now that Lewis Nursery was telling him about.

As there were no other questions for Mr. Nance, Mayor Tuggle asked the next person sworn in to come forward.

Mr. Bob Boone of 123 Gilley Road, stated that he and his wife own a portion of Gilley Road that Mr. Nance will be surrounding. They got a letter a couple of weeks ago about this and he had to admit his surprise. He asked what in the world Eden needed with another saw mill, but after listening to what has been said tonight and listening to Mr. Nance and Ms. Stultz and living on Gilley Road and putting up with what they have had for the last 30 years, he would like to go on record on thinking that a saw mill might be the best thing that could ever happen right there and he and his wife heartedly approve it and were in favor of it.

Mayor Tuggle asked the next person sworn in to come forward.

Ms. Gwendolyn S. Brown, 207 Gracie Street, explained that she was there to speak in opposition of the saw mill. She stated that she wanted each of them to envision in their mind, living in their home, being in their backyard and looking at a saw mill. She did not think any of them would like to see that and neither would she so that was why she was speaking in opposition and asking them not to approve this.

She stated that she had heard Mr. Nance say he was going to build a home but she did not think he wanted to build a home near his saw mill and as they have mentioned, the saw mill would be 400' from her home so they did not want them to approve this.

Mayor Tuggle asked if there were any other questions and he then thanked her for speaking.

As no one else came forward to speak he then asked for any other additional relevant information that had not been presented.

Council Member Burnette questioned the visibility of this saw mill.

Ms. Stultz replied the building, the structure itself would have the same site height limitations that would be in existence if something for I-2 went in there. They can buffer it and do a fine job of mitigating all of the issues. She did not believe it was credible to say that no one would be able to see any part of the building.

Mayor Tuggle stated that when he looked on the map at those houses, on that same row of houses, it looked like woods behind those houses. He asked if that was correct.

Ms. Stultz replied that it was.

Mayor Tuggle asked if it was possible to verify but obviously there has to be buffers there. He asked if you could see all the stuff there now from those houses to which Ms. Stultz replied absolutely and that has been a problem for the last 19 years.

Ms. Brown added that when the trees have the leaves on it you cannot see anything but as soon as the leaves fall you have a clear view.

Mayor Tuggle asked if there were any additional relevant information that has not been presented.

Ms. Gilley advised that they were in a special use permit quasi-judicial and the Council should consider relevant evidence and not opinions.

Council Member Ellis asked Mr. Nance what size mill he was thinking of putting on that property.

Mr. Nance replied that the building would be about 60' wide and 150' long.

Council Member Ellis asked him about the electric motors.

Mr. Nance replied that 85% to 90% of everything outside and inside the mill will be electric motors.

Council Member Ellis asked that undoubtedly he had seen one of these mills before.

Mr. Nance replied yes but most of them leave the chipper outside, this mill will have the chipper inside. He explained that was to keep the noise level down.

Council Member Ellis asked if he was also thinking about the buffer. Would he be willing to put any other solid buffer there.

Mr. Nance replied that he would do anything that he and Ms. Stultz could agree on to cut down on noise, that would be what he would do, on all surrounding sides toward the residences.

Mayor Tuggle added that a buffer could even include trees that did not lose their leaves.

Ms. Stultz commented that their buffer requirements only allow evergreen trees.

Mr. Nance explained that he would plant Leyland trees that would grow about 3' a year. He added that the saw mill would be about the same size as Home Lumber but it would be enclosed a lot more and all of that is going to cut down noise. He stated that Ms. Brown mentioned that he was building a home but if it had anything to do with that saw mill he was not going to respect her as long as he was there or any of the neighbors in any way.

Mayor Tuggle asked the City Council if there were any other questions or relevant information. If not, then the evidence phase is closed.

Mayor Tuggle explained that the City Council would now deliberate.

Council Member Burnette stated that he did not see anything that did not meet the conditions and Council Member Carter stated that he thought it would be an improvement.

Mayor Tuggle agreed that it could not get any worse than what it was right now, there was no question about that.

Ms. Stultz also pointed out that clearing the site of all of those derelict vehicles and the liquids that they allow to go out, and with a creek at the back of the property, she thought that was an environmental issue.

Council Member Ellis stated that this would be positive for the community.

Council Member Hampton agreed. She had a concern when she first heard about this but he has laid everything out and was trying to make everything look better. They would have a special use in place and anything that does not fall in line, it can come back. She asked the neighborhood to give him a chance. They have an eyesore now. This would be a building that he will have to keep up so it has to be better. If things fall out of order, he can be shut down.

A motion was made by Council Member Epps seconded by Council Member Burnette to approve the Special Use Permit application to allow a Saw Mill in the Industrial-3 district on two parcels of land on Gilley Road (PIN# 7080-1693-6208 and 7090-1303-6974) and one parcel of land on Jarrett Road (PIN# 7090-1304-5490). Request submitted by Pine State Group, Inc., / Norman Nance, potential property owner and buyer. ZONING CASE SU-15-02 and to also approve the Resolution adopting a statement of consistency regarding a proposed special use case number SU-15-02. All Council Members voted in favor of this motion.

A RESOLUTION ADOPTING A
STATEMENT OF CONSISTENCY REGARDING
A PROPOSED SPECIAL USE
CASE NUMBER SU-15-02

WHEREAS, pursuant to North Carolina General Statutes Chapter 160A-383, prior to adoption or rejection of any special use request, the Eden City Council is required to adopt a statement as to whether the special use is consistent with the Land Development Plan and why the City Council considers the action taken to be reasonable and in the public interest;

WHEREAS, on August 21, 2007, the Eden City Council adopted the Land Development Plan. Plans such as the City of Eden Land Development Plan are not designed to be static but are meant to reflect the City of Eden's needs, plans for future development and to remain in compliance with North Carolina State Law and the City of Eden's ordinances;

WHEREAS, the City of Eden Planning Board received a special use request for a saw mill on two parcels on Gilley Road (PIN# 7080-1693-6208 and 7090-1303-6974) and one parcel on Jarrett Road (PIN# 7090-1304-5490).

WHEREAS, On May 5, 2015, the City of Eden Planning Board voted to recommend in favor of a special use permit as follows:

To allow a saw mill as a special use on two parcels on Gilley Road (PIN# 7080-1693-6208 and 7090-1303-6974) and one parcel on Jarrett Road (PIN#7090-1304-5490).

STATEMENT OF NEED:

A saw mill is allowed as a special use on two parcels on Gilley Road (PIN# 7080-1693-6208 and 7090-1303-6974) and one parcel on Jarrett Road (PIN#7090-1304-5490).

STATEMENT OF CONSISTENCY:

The goals of the 2007 City of Eden Land Development Plan are to make smart growth decisions by carefully managing growth to:

- A. Strategically locate new land development in the most appropriate places.
- B. Maintain and enhance Eden's community character and heritage.
- C. Use infrastructure investments as effectively as possible.
- D. Attract new jobs and a more diverse tax base.
- E. Protect natural, cultural and historic resources and open space as we grow.

WHEREAS, The Eden City Council has considered the written recommendation of the City of Eden Planning Board and has held a public hearing on the proposed special use, and the Council desires to adopt a statement describing why the adoption of the proposed special use is consistent with the City of Eden Land Development Plan, and why the City Council considers the proposed special use to be reasonable and in the public interest;

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

1. The Eden City Council finds that the proposed special use is consistent with the goals and recommendations of the 2007 City of Eden Land Development Plan, as amended.
2. At no time are land use regulations or plans of the City of Eden or any jurisdiction in the State of North Carolina permitted to be in violation of the North Carolina General Statutes.
3. Therefore, based upon the foregoing information, the special use is reasonable and in the public interest.

Approved and adopted and effective this 19th day of May, 2015

CITY OF EDEN

BY: Wayne R. Tuggle, Sr., Mayor

ATTEST:

Sheralene Thompson, CMC
City Clerk

REQUESTS AND PETITIONS OF CITIZENS:

Mr. Nelson Hairston, 911 Georgia Avenue, addressed the City Council.

Mr. Hairston explained that he had received a call a few weeks ago that the coal ash would not be placed in his neighborhood. He then thanked Council Member Burnette who had explained it very well and also gave him a copy of the petition that Duke Energy had given. He also wanted to thank the City Council for what they did.

Mayor Tuggle stated that it was nice of him to come in and say that because at the last meeting he had felt a little offended that they would think that anyone on the City Council would throw a community under the bus.

UNFINISHED BUSINESS:

There was no unfinished business at this time.

NEW BUSINESS:

- a. Request to adopt an ordinance for the demolition of a structure at 209 Moir Street under the City of Eden Human Habitation Ordinance.

A motion was made by Council Member Ellis seconded by Council Member Carter to approve the ordinance for demolition of a structure at 209 Moir Street. All Council Members voted in favor of this motion.

- b. Request to adopt an ordinance for the demolition of a structure at 1006 Sharpe Avenue under the City of Eden Human Habitation Ordinance.

A motion was made by Council Member Burnette seconded by Council Member Hampton to approve the ordinance for demolition of a structure at 1006 Sharpe Avenue. All Council Members voted in favor of this motion.

REPORTS FROM STAFF:

No reports were scheduled at this time.

CONSENT AGENDA:

- a. Approval and Adoption of Minutes: April 21, 2015.
- b. Approval and Adoption of Budget Amendment #10.

The attached budget amendment allocates funds raised by the Youth Council for their 5K Charity Run. This amendment increases the Youth Council expenditure line item and the proceeds will be donated to Camp Carefree.

Subject: Budget Amendment # 10

	Account #	From	To	Amount
General Fund Revenues				
Youth Council Charity Run	10-3350-00910	\$ -	\$ 4,200.00	<u>\$ 4,200.00</u>
General Fund Expenditures				
Governing Board Youth Council	10-4110-29600	\$ 5,000.00	\$ 9,200.00	<u>\$ 4,200.00</u>

Appropriates fund collected for the Youth Council Charity Run.

Adopted and effective this 19th day of May, 2015.

Attest:

Sheralene Thompson, City Clerk

Wayne Tuggle, Mayor

c. Approval and Adoption of Budget Amendment #11.

The attached budget amendment allocates grant proceeds from K B Reynolds Charity Trust for the Get Fit Eden Program. This amendment increases the Get Fit Eden expenditure line item in General Fund Special Appropriations.

	Subject:	Budget Amendment # 11			
		Account #	From	To	Amount
General Fund Revenues					
Get Fit Eden Grant		10-3612-86600	\$ -	\$ 9,900.00	<u>\$ 9,900.00</u>
General Fund Expenditures					
Get Fit Eden		10-9920-69983	\$ -	\$ 9,900.00	<u>\$ 9,900.00</u>

Appropriates grant funds received for the Get Fit Eden program.

Adopted and effective this 19th day of May, 2015.

Sheralene Thompson, City Clerk

Wayne Tuggle, Mayor

d. Approval and Adoption of Budget Amendment #12.

When the City purchases vehicles with installment purchases, it is required to show the loan proceeds as revenue and the payment to the vendor as an expenditure in the financial statements. The attached amendment increases the General Fund revenue line item "loan proceeds" and also increases the Solid Waste Capital Outlay – Vehicles for the purchase of a compactor trailer.

	Subject:	Budget Amendment # 12			
		Account #	From	To	Amount
General Fund Revenues					
Loan Proceeds		10-3850-86000	\$ 466,000.00	\$ 522,600.00	<u>\$ 56,600.00</u>
General Fund Expenditures					

Solid Waste C/O Vehicles	10-4710-55000	\$	-	\$	56,600.00	<u>\$ 56,600.00</u>
--------------------------	---------------	----	---	----	-----------	---------------------

Appropriates loan proceeds for Solid Waste compactor trailer.

Adopted and effective this 19th day of May, 2015.

Sheralene Thompson, City Clerk

Wayne Tuggle, Mayor

e. Approval and Adoption of Budget Amendment #13.

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

Subject: Budget Amendment # 13

	Account #	From	To	Amount
General Fund Revenues				
Loan Proceeds	10-3850-86000	\$ 522,600.00	\$ 547,200.00	<u>\$ 24,600.00</u>
General Fund Expenditures				
Planning C/O Vehicles	10-4910-55000	\$ -	\$ 24,600.00	<u>\$ 24,600.00</u>

Appropriates loan proceeds for Planning Department truck.

Adopted and effective this 19th day of May, 2015.

Sheralene Thompson, City Clerk

Wayne Tuggle, Mayor

f. Consideration and Approval of 2016 Hino Knuckleboom Financing – 5 years.

In the 2014-2015 Budget, City Council approved to purchase a new knuckleboom for the Solid Waste department and it has been set up in the budget to be financed. On May 5, 2015, I requested bids from our local banks for the financing and received the following quotes:

BB&T	1.88%
Carter Bank & Trust	1.50%

The lowest quote is from Carter Bank & Trust at 1.50%. The annual payments will be approximately \$27,700 which is within the budgeted amount of \$30,000. The request was to ask that Council approve Carter Bank & Trust as the successful bid.

g. Consideration and Approval of 2015 Chevrolet Truck Financing – 4 years.

In the 2014-2015 Budget, City Council approved to purchase a new truck for the Collections & Distribution department and it has been set up in the budget to be financed. We will be paying \$12,600 down in FY 14-15 and financing the truck for 4 years. On May 5, 2015, I requested bids from our local banks for the financing and received the following quotes:

BB&T 1.88%
Carter Bank & Trust 1.50%

The lowest quote is from Carter Bank & Trust at 1.50%. The annual payments will be approximately \$11,400 which is within the budgeted amount of \$12,600. The request was to ask that Council approve Carter Bank & Trust as the successful bid.

h. Consideration of uncollectible code enforcement fees.

After review of the following accounts, it is evident that these are legally uncollectible. Based upon this and upon recommendation of our accountant Judy Rouse, we request that the following amounts be written off so they will no longer show as delinquent accounts receivable. Continuing to include such amounts in the financial records of the City could result in a distorted age trial balance.

1. The properties at 165 Plantation Road and 155 Roberts Road were the subject of foreclosure proceedings by the Rockingham County Tax Department. The proceeds were less than the taxes due; therefore, the City of Eden did not receive payment for the code enforcement fees due. Foreclosure is the sole remedy for debt owed and must be removed.

Account Number	Name	Amount	Date Billed
21711	Harold Daniel Hayden	115.25	05/30/12
21711	Harold Daniel Hayden	2,350.00	11/30/12
21593	Eldee Howell Heirs	279.25	06/10/11
21593	Eldee Howell Heirs	158.75	06/07/12

TOTAL 2,903.25

The removal of these line items will more accurately reflect the amounts that are actually due and collectible by the City of Eden

i. Approval and Adoption of Resolution Authorizing the Sale of Surplus Vehicles and Equipment at Public Auction.

The listed items have reached end of life and /or are in need of parts that exceeded the cost of replacement of the item. I respectfully request that they be declared surplus and sold at public auction at the Public Works Facility on Saturday, June 6, 2015. All items won are “as is/where is”.

2015 Surplus Vehicles/Equipment						
MAKE	MODEL	YEAR	VIN	NO.	COND	MILE
GMC	Top Kick Tandem Dump	1989	1CDT7D44KV520605 Hasn't run in 2 years	S90	POOR	111816
GMC	Brigadier Tandem Dump	1985	1GDT8C4Y4FV622616 Hasn't run in 2 years & has bad lift cylinder	G58	POOR	101455

ACCURATE	Trash TL	1999	1A9904426X4194485 Walking Floor Trailer	G49	Fair	
CHEVROLET	C10 Pickup Truck	1984	2GCCC14D6E1166588	FM150	Fair	
SCAG	Tiger Mower	2002	6761603	FM32	Poor	
SCAG	Tiger Mower	2002	6761601	FM33	Poor	
VOLVO	Auto Garbage Truck	2001	4V2D36UE01N318431	G16	Will not run	65,943
VOLVO	Auto Garbage Truck	2002	4V2D36UE02N331505	G13	Was running 1 year ago	
STEMCO	Thrash TL	1991	1S9ESN2TOM1252620	G33	Fair	
CHEVROLET	Caprice	1995	1G1BL52P2SR176885		Poor	135076
Misc. Items:						
Auto Parts						NEW
Truck Parts						NEW
BOLENS	42"Riding Mower	Unknown	13AN683G163		Poor	
(2)Alcota	Pressure Washers				N/A	
CASE	4 in 1 bucket				N/A	
(3) Barrels						
Push Mower					Yazoo	Poor
Worthington	Air Compressor (3 Phase)	1977	EV6479		Poor	
Worthington	Air Compressor		6633		Poor	
					Generator	Poor
TORO	42" Riding Mower		Serial #310000559 and Model # 74360		Fair	
TIN	17 pcs. – 30"x3'				Fair	
TIN	15 to 20 pieces – 12' to 14'				Fair	
ORDER OF Forfeiture Vehicles						
FORD	Roll Back Tow Truck	1988	ZFDJF37M9JCA03854		N/A	N/A
CHEVROLET	Step Side Pickup 4X2	1988	1GCDC14KJZ306466		N/A	N/A
CHEVROLET	Suburban	2001	3GNF16T41G118049		N/A	N/A
LEXUS	GS400	1998	JT8BH68X0W0002442		N/A	N/A

**RESOLUTION AUTHORIZING THE SALE OF CERTAIN
PERSONAL PROPERTY AT PUBLIC AUCTION**

WHEREAS, the City Council of the City of Eden desires to dispose of certain surplus property of the city by public auction:

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

1. The following property is hereby declared surplus to the needs of the city:

2015 Surplus Vehicles/Equipment						
MAKE	MODEL	YEAR	VIN	NO.	COND	MILE
GMC	Top Kick Tandem Dump	1989	1CDT7D44KV520605 Hasn't run in 2 years	S90	POOR	111816
GMC	Brigadier Tandem Dump	1985	1GDT8C4Y4FV622616 Hasn't run in 2 years & has bad lift cylinder	G58	POOR	101455
ACCURATE	Trash TL	1999	1A9904426X4194485 Walking Floor Trailer	G49	Fair	
CHEVROLET	C10 Pickup Truck	1984	2GCCC14D6E1166588	FM150	Fair	
SCAG	Tiger Mower	2002	6761603	FM32	Poor	
SCAG	Tiger Mower	2002	6761601	FM33	Poor	
VOLVO	Auto Garbage Truck	2001	4V2D36UE01N318431	G16	Will not run	65,943
VOLVO	Auto Garbage Truck	2002	4V2D36UE02N331505	G13	Was running 1 year ago	
STEMCO	Thrash TL	1991	1S9ESN2TOM1252620	G33	Fair	
CHEVROLET	Caprice	1995	1G1BL52P2SR176885		Poor	135076
Misc. Items:						
Auto Parts						NEW
Truck Parts						NEW
BOLENS	42"Riding Mower	Unknown	13AN683G163		Poor	
(2)Alcota	Pressure Washers				N/A	
CASE	4in1bucket				N/A	
(3) Barrels						
Push Mower	Yazoo				Poor	
Worthington	Air Compressor (3 Phase)	1977	EV6479		Poor	
Worthington	Air Compressor		6633		Poor	
	Generator				Poor	
TORO	42" Riding Mower		Serial #310000559 and Model # 74360		Fair	
TIN	17 pcs. – 30'x3'				Fair	
TIN	15 to 20 pieces – 12' to 14'				Fair	
ORDER OF Forfeiture Vehicles						
FORD	Roll Back Tow Truck	1988	ZFDJF37M9JCA03854		N/A	N/A
CHEVROLET	Step Side Pickup 4X2	1988	1GCDC14KJZ306466		N/A	N/A
CHEVROLET	Suburban	2001	3GNF16T41G118049		N/A	N/A
LEXUS	GS400	1998	JT8BH68X0W0002442		N/A	N/A

- The City Council shall cause a notice of setting forth the details of this resolution to be published in accordance with NCGS 160A-270.

3. A public auction shall be conducted on June 6, 2015 at 10:00 am at the City of Eden Public Works Facility located at 1050 Klyce Street, Eden, NC and all items are "as is/where is".
4. The highest bid shall be accepted and the sale consummated.
5. Paul Dishmon, Municipal Service Director is authorized to sell said surplus property and complete the sale at the auction.

Adopted this the 19th day of May 2015.

CITY OF EDEN
Wayne R. Tuggle, Sr.
Mayor

ATTEST:

Sheralene Thompson
City Clerk

j. Approval and Adoption of Amendment to City Ordinance Chapter 9 Motor Vehicles and Traffic and Adoption of Resolution to Implement a Municipal Vehicle Tax.

The proposed 15-16 Budget recommends a municipal vehicle tax of \$5.00 per vehicle be established in effort to replace some of the revenue being lost. The \$5.00 will be collected by the NC Division of Motor Vehicles at the same time and on the same bill as the current state registration and personal property tax bill. It is projected that the municipal vehicle tax will generate an additional \$59,800 in revenue. It is staff's recommendation that you approve the attached ordinance amendment to Chapter 9 and resolution for the municipal vehicle tax.

k. Consideration and approval of Leaf Removal Contract with Lewis Nursery, Inc.

The City currently disposes most of the leaves it collects behind the City sewer plant. There is limited room at this site and therefore, the City has looked at options of how to deal with this disposal. Lewis Nursery, Inc. has offered to haul these leaves from the site where the City disposes of them and take them to its nursery to use there. It is requesting that the City provide a loader (14G) with a two yard bucket on site to be used to load the leaves on to Lewis Nursery trailers. Because Lewis Nursery would have to invest in equipment and a loading zone to accomplish this, it is also requesting that the City agree to a contract with an initial 10 year term and two automatic 10 year renewals. Lewis Nursery will cover the liability insurance on the loader being used to load the leaves at the rifle range. Staff believes having the leaves removed will be a huge benefit to the City with very little public funds required. Staff recommends that you approve this contract.

l. Consideration and approval of Capital Project Ordinance for Upper Matrimony Creek Outfall.

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

ANNOUNCEMENTS:

Ms. Cindy Adams, Tourism & Events Coordinator noted the upcoming events scheduled to take place in the city. Those events included: Oink & Ale on May 30 from 12 to 6;

Pottery Festival on June 6 and also in June the City of Eden will host the Chamber Coffee at Leaksville Landing on June 9.

Council Member Hampton commented that she would like to see a Zoning Text Amendment for a permanent homeless shelter.

CLOSED SESSION:

Closed Session according to NCGS 143-318.11(a)(4) to discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body, including agreement on a tentative list of economic development incentives that may be offered by the public body in negotiations, or to discuss matters relating to military installation closure or realignment. Any action approving the signing of an economic development contract or commitment, or the action authorizing the payment of economic development expenditures, shall be taken in an open session.

A motion was made by Council Member Ellis seconded by Council Member Hall to go into closed session according to NCGS 143-318.11(a)(4) to discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body, including agreement on a tentative list of economic development incentives that may be offered by the public body in negotiations, or to discuss matters relating to military installation closure or realignment. Any action approving the signing of an economic development contract or commitment, or the action authorizing the payment of economic development expenditures, shall be taken in an open session. All Council Members voted in favor of this motion.

OPEN SESSION:

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

ADJOURNMENT:

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

Respectfully submitted,

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

ATTEST:

Wayne Tuggle, Sr., Mayor