

CITY OF EDEN, N. C.

The regular meeting of the City Council, City of Eden, was held on Tuesday, January 17, 2017 at 6:00 p.m. in the Council Chambers, 308 E. Stadium Drive. Those present for the meeting were as follows:

Mayor:	Wayne Tuggle, Sr.
Council Members:	Bernie Moore
	Jim Burnette
	Angela Hampton
(absent)	Jerry Epps
	Darryl Carter
	Neville Hall
	Jerry Ellis
City Manager	Brad Corcoran
City Clerk:	Sheralene Thompson
City Attorney:	Erin Gilley
Deputy City Clerk:	Deanna Hunt
Representatives from Departments:	
News Media:	Gerri Hunt, Eden News

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 6:00 p.m. and works from a prepared agenda; however, time would be set aside for business not on the printed agenda.

INVOCATION:

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

RECOGNITIONS AND PROCLAMATIONS:

- a. Proclamation: Dr. Martin Luther King, Jr.

Mayor Tuggle read the following proclamation in recognition of Dr. Martin Luther King, Jr., day.

**A PROCLAMATION  
DESIGNATING JANUARY 16th  
TO HONOR DR. MARTIN LUTHER KING, JR.**

**WHEREAS**, January 16, 2017, marks the observance of the Federal legal holiday, established by Public Law No. 98-144, to honor the birthday of Dr. Martin Luther King, Jr., and

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**WHEREAS**, this holiday should serve as a time to remind all Americans of what Dr. King did for our country and to continue his dream of peace, love and justice through service to others, and

**WHEREAS**, Dr. Martin Luther King Jr. Day is not only for remembrance and celebration but for a Day of Service to strengthen communities, empower individuals and bridge barriers, and

**WHEREAS**, it is appropriate for the City of Eden to support and contribute to community efforts in the observance of the Federal holiday honoring Dr. Martin Luther King, Jr.

**NOW, THEREFORE, BE IT PROCLAIMED** that I, Wayne R. Tuggle, Sr., Mayor of the City of Eden, hereby designate January 16, 2017 be set aside as

**Dr. Martin Luther King, Jr., Day**

in Eden, North Carolina, and to recognize this day as “A Day On, Not A Day Off” and apply Dr. Martin Luther King Jr.’s life and teachings of community service to inspire others to serve.

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal this 17<sup>th</sup> day of January, 2017.

By: Wayne R. Tuggle, Sr., Mayor  
City of Eden

ATTEST:

Sheralene S. Thompson, CMC, MMC  
City Clerk

**SET MEETING AGENDA:**

A motion was made by Council Member Hampton seconded by Council Member Carter to set the meeting agenda. All Council Members present voted in favor of this motion. This motion carried.

**PUBLIC HEARINGS:**

- a. (1) Consideration of a zoning text amendment request and adoption of ordinances to amend Section 11.24 of the City of Eden Zoning Ordinance to create a Planned Unit Development-Mixed Use (PUD-MU) District to allow for mixed uses including residential, commercial and light industrial uses and to amend Section 11.26(c)(3)(b)(1) to include the PUD-MU District in the exceptions of special use permits issued by the Board of Adjustment. Request submitted by the Planning Board. ZONING CASE Z-16-03.
- (2) Consideration of a Resolution adopting a statement of consistency regarding the amendment of Section 11.24 of the City of Eden Zoning Ordinance to create a Planned Unit Development-Mixed Use (PUD-MU) District to allow for mixed uses including residential, commercial and light industrial uses and to amend Section 11.26(c)(3)(b)(1) to include the PUD-MU District in the exceptions of special use permits issued by the Board of Adjustment.

The City has received a zoning text amendment request filed by the Planning Board to create a Planned Unit Development-Mixed Use (PUD-MU) District to allow for mixed uses including residential, commercial and light industrial uses and to amend Section

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11.26(c)(3)(b)(1) to include the PUD-MU District in the exceptions of special use permits issued by the Board of Adjustment.

The Planning and Inspections Department recommends approval of the text amendment requests. At their November 22, 2016 regular meeting, the Planning Board voted to recommend that the City Council approve this request and adopt a Resolution Adopting A Statement of Consistency Regarding the Proposed Amendments.

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

Ms. Stultz explained that this request was submitted by the Planning Board. The PUD-Mixed Use District (PUD-MU) is intended to allow for the adaptive reuse of existing commercial and industrial properties and for the development of new properties. The mixed used development concept is a way to allow multiple uses on properties and to concentrate development in these areas in a way that encourages reuse and redevelopment of existing properties, utilization of existing infrastructure, and more pedestrian friendly development.

There are numerous areas in the City were large structures and parcels of former industrial and commercial property sit vacant and declining, due to changes in the economy and loss of industry. This is also true in the downtown areas. Mixed use development and adaptive reuse is a way to reuse these properties, preserving existing and historic structures in new and innovative ways, and also to encourage new development on property that might otherwise sit vacant. The PUD-MU District would allow this development in certain areas, while providing safeguards so that the development is an asset rather than a detriment to surrounding properties.

Based on this information, staff recommends in favor of the text amendment creating the PUDMU District.

Mayor Tuggle asked if there was anyone present who wanted to speak in favor or in opposition

He then declared the public hearing closed.

A motion was made by Council Member Burnette seconded by Council Member Ellis to approve a zoning text amendment and adopt an ordinance amending Section 11.24 of the City of Eden Zoning Ordinance to create a Planned Unit Development-Mixed Use (PUD-MU) District to allow for mixed uses including residential, commercial and light industrial uses and to amend Section 11.26(c)(3)(b)(1) to include the PUD-MU District in the exceptions of special use permits issued by the Board of Adjustment and to also approve a Resolution adopting a statement of consistency regarding the amendment of Section 11.24 of the City of Eden Zoning Ordinance to create a Planned Unit Development-Mixed Use (PUD-MU) District to allow for mixed uses including residential, commercial and light industrial uses and to amend Section 11.26(c)(3)(b)(1) to include the PUD-MU District in the exceptions of special use permits issued by the Board of Adjustment. All Council

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Members present voted in favor of this motion. This motion carried.

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- b. (1) Consideration of a zoning map amendment request and adoption of an Ordinance to rezone property located at the southwest intersection of Reynolds Street and Manning Street from Residential-12 to Office & Institutional. Request submitted by Matthew W. Smith, Legal Representative for the Property Owner, Boys' and Girls' Club of Eden, Inc. ZONING CASE Z-16-04.

(2) Consideration of a Resolution adopting a statement of consistency regarding the rezoning of property located at the southwest intersection of Reynolds Street and Manning Street from Residential-12 to Office & Institutional. Request submitted by Matthew W. Smith, Legal Representative for the Property Owner, Boys' and Girls' Club of Eden, Inc.

The City has received a zoning map amendment request filed by Matthew W. Smith, Legal Representative for Property Owner, Boys' and Girls' Club of Eden, Inc. to rezone property at the southwest corner of Reynolds Street and Manning Street from Residential-12 to Office & Institutional.

The Planning and Inspections Department recommends approval of the map amendment request. At their November 22, 2016, regular meeting, the Planning Board voted to recommend that the City Council approve this request and adopt a Resolution Adopting A Statement of Consistency Regarding the Proposed Amendment.

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

Ms. Stultz explained that the request is to zone approximately 1.08 acres from Residential-12 to Office and Institutional. The R-12 Residential District is established as a district in which the principal use of the land is single-family residences. The regulations of this district are intended to discourage any use which because of its character, would substantially interfere with the development of single-family residences in the district and which would be detrimental to the quiet residential nature of the areas included within the district. The Office and Institutional district is established primarily for office and institutional uses which have only limited contact with the general public and have no offensive noises, odors, smoke, fumes or other objectionable conditions. As residences are permitted in this district and as this district is usually adjacent to residential districts, provisions are made for yards, off-street parking and off-street loading areas.

The subject parcel is located in an established medium density residential neighborhood containing primarily single-family homes. The Boys' and Girls' Club property (zoned O&I) is located on Harris Street, one-half block to the south of the subject property. Based on the character of the neighborhood, the uses allowed in the O&I district, and the proximity of other O&I property, staff is of the opinion that rezoning the property to O&I

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would not be detrimental to the character of the residential neighborhood and the surrounding residential property.

Based upon the character of the area and the residential and office and institutional uses in the area, staff recommends in favor of the request.

Council Member Moore asked if the street there at those apartments behind Dick's Drive In, Manning Street, was supposed to come all the way through there.

Ms. Stultz replied that it was but it was unopened.

Council Member Burnette stated that the street did not come all the way through even though it was on the map. So, there were some restrictions on corner lots for O&I. He asked if that would still apply to which Ms. Stultz replied that it would.

Mayor Tuggle stated that he would have some concern if he was a neighbor in that area and a building came up there with that much activity.

Ms. Stultz explained that the lot was so small that it would never have the kind of activity that the Boys & Girls Club has.

Council Member Burnette pointed out that he lived in an O&I district and had not had a problem where he lived.

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

Matthew Smith, Attorney for Boys & Girls Club, 177 Landfall Drive addressed the City Council:

Mr. Smith explained that the property was a donation from the family of Odessa Johnson that was made in October of last year. They have not made any plans but they have determined that they want to be a good neighbor and be in compliance. They also needed to be O&I to be able to do any of the things they have thought about doing. He stated that some of the allowable uses would be barber and beauty shops, and he did not think they had any plans for that right now, they may in the future, cemeteries, golf courses, the lot was not big enough, a funeral home, a garden and lawn shop, libraries, offices and parking lots. One of the ideas that they have floated around was a parking lot. He could not tell them right now exactly what they would do but any use they would have would be in conformity of the uses of the Boys & Girls Club as it is now. So, they just asked the City Council to approve this so that they could move forward.

Mayor Tuggle thanked Mr. Smith for his comments. He then asked Ms. Sarah Sizemore Talley to come forward.

Ms. Sarah Sizemore Talley, 4141 Greenmead Road, Winston-Salem, NC, addressed the City Council:

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Ms. Talley explained that she feared that it would impact the negativity of the neighborhood and she asked that they would consider a buffer. She was also concerned about the water flow on adjacent property.

Mayor Tuggle asked Ms. Stultz if she could address any of Ms. Talley's comments.

Ms. Stultz explained that because this district was also a residential district, they would have to meet the standard setbacks for R-20 but as far as being able to force them to build a fence, she did not have the ability to do that. Currently they already own this property so if they wanted to use it to play softball on they could do that. She added that if it were to be a parking lot they would need to provide landscaping and a certain number of trees planted based on the number of spaces.

Ms. Sharon Hairston, 202 McConnell Avenue, addressed the City Council:

Ms. Hairston explained that she was a property owner at Reynolds Street, concerned about the effect on wildlife in the area. She stated that it was a sad thing that they use up all the land to push the animals out. She could understand if it was a great big piece of land, but this was just a small piece. She also had a concern about the road. Reynolds Street was a small road. Two cars can barely get down that road and she questioned the impact that would have. There would be kids walking up and down the streets, so they would have to build sidewalks for the, which meant they would be using up more land.

Ms. Stultz explained that as sympathetic as she was over the concern for wildlife, if the Boys Club wanted to sell it to someone today, to build a house on or maybe go in and clear it. They could not prohibit them from being able to use their land at all. The decision to rezone it to O&I was the City Council's decision but they did need to remember that it could be used as it was now and potentially subdivided.

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

A motion was made by Council Member Ellis seconded by Council Member Burnette to approve the zoning map amendment request and adopt an Ordinance to rezone property located at the southwest intersection of Reynolds Street and Manning Street from Residential-12 to Office & Institutional. And to also approve the Resolution adopting a statement of consistency regarding the rezoning of property located at the southwest intersection of Reynolds Street and Manning Street from Residential-12 to Office & Institutional. All Council Members present voted in favor of this motion. This motion carried.

#### REQUESTS AND PETITIONS OF CITIZENS:

Ms. Ernestine Hampton addressed the City Council:

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Ms. Hampton stated that she wanted to thank the city for holding an Ernestine Hampton Day. She explained that it was a complete surprise. She appreciated it and enjoyed it. She explained that she had a lot of help from the city council, Ms. Stultz and Ms. Cundiff, Eden Kiwanis and so many others who helped her to get all of that done. She really appreciated it.

UNFINISHED BUSINESS:

a. 2016 Boards and Commissions Appointments

Community Appearance Commission:

Council Member Hampton nominated Mr. Frank Reid – Ward 3.

Planning Board:

Council Member Moore nominated Mr. Eddie Barker – Ward 1, Council Member Hampton nominated Ms. Tamyra Caple – Ward 3 and Council Member Burnette nominated Gwen Taylor – Ward 2

Tree Board:

Council Member Hall nominated Mr. Mike Ayers – Ward 6.

A motion was made by Council Member Carter seconded by Council Member Hall to approve the Board and Commission appointments. All Council Members present voted in favor of this motion. This motion carried.

NEW BUSINESS:

- c. Request for the City Council to ask the City Clerk to investigate the sufficiency of annexation petitions for properties located at 711 Franklin Drive, 505 Franklin Drive, 509 Franklin Drive, 885 Morgan Road, 891 Morgan Road and 1003 Virginia Street.

As a result of the letters mailed to property owners paying outside city water rates because their properties were split by the Eden City Limits line, the City has received voluntary annexation requests for properties located at:

711 Franklin Drive  
505 Franklin Drive  
509 Franklin Drive  
885 Morgan Road  
891 Morgan Road  
1003 Virginia Street

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A motion to adopt a “Resolution Directing the Clerk to Investigate Petitions Received under G.S. 160A-58.1” is in order.

**RESOLUTION DIRECTING THE CLERK TO INVESTIGATE  
A PETITION RECEIVED UNDER N.C.G.S. 160A-58.1**

WHEREAS, Petitions requesting annexation of areas described in said Petitions were received on January 17, 2017, by the City Council of the City of Eden; and

WHEREAS, N.C.G.S. 160A-58.2 provides that the sufficiency of the Petitions shall be investigated by the City Clerk before further annexation proceedings may take place; and

WHEREAS, the City Council of the City of Eden deems it advisable to proceed in response to these requests for annexation:

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

The City Clerk is hereby directed to investigate the sufficiency of the above described Petitions and to certify as soon as possible to the City Council the result of her investigation.

CITY OF EDEN

BY: Wayne R. Tuggle, Sr., Mayor

ATTEST:

Sheralene Thompson, CMC  
City Clerk

A motion was made by Council Member Moore seconded by Council Member Carter to approve and adopt the Resolution Directing the Clerk to Investigate Petitions Received under G.S. 160A-58.1. All Council Members present voted in favor of this motion. This motion carried.

REPORTS FROM STAFF:

- a. Report on City of Eden’s 50<sup>th</sup> Birthday Celebration.

Ms. Cindy Adams presented a report on the upcoming 50<sup>th</sup> anniversary of the City of Eden.

CONSENT AGENDA:

- a. Appointment/Reappointment to ABC Board Chair.

It is time to appoint or reappoint the position of Chairman to the ABC Board. This position is appointed annually by the Mayor and Mr. Tommy Flynt is currently the Chair.



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The Mayor's recommendation was to reappoint Mr. Tommy Flynt to serve as ABC Chairman in 2017.

b. Appointment/Reappointment to ABC Board.

It is time to appoint or reappoint a position to the ABC Board. This position is appointed for a three-year term by the Mayor. It was the Mayor's recommendation to reappoint Mr. Tom Barbour to serve another three year term.

c. Consideration of Uncollectable W&S and Miscellaneous Billing.

After review of the attached 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 aged trial balance:

The attached list includes \$7,641.00 Miscellaneous Billing, and \$4,843.98 W&S Accounts older than 10 Years, no Social Security Numbers or less than \$50.00 for a total of \$12,484.98. These accounts do not have sufficient evidence for filing a legal claim. If we have social security numbers on accounts and the amount owed is \$50.00 or more, we submit the delinquent debt to the North Carolina Local Government Debt Setoff Clearinghouse. It is staff's recommendation that the removal of these accounts will more accurately reflect the amounts that are actually due and collectible by the City of Eden.

Please note there are still delinquent accounts on the books that are 10 years old or less that staff feels that there is a possibility of collecting from Bankruptcy Courts or from individuals coming in to sign up for new services. We will continue to monitor these accounts on an annual basis and make annual recommendations to remove accounts that are uncollectable.

d. Approval and Adoption of Resolution Donating Turnout Gear.

In the past the Eden Fire Department has donated expired Turnout Gear to the Rockingham County Fire Academy in which is taught through the Rockingham County School System. This helps out this program and is greatly appreciated by Mr. Josh Evans the Instructor. At this time I have 3 coats, 3 bunker pants, 1 helmet, 1 hood, 2 pair of gloves and 2 pair of boots that have ran out of their 10 year life expectancy that can be used by the fire service. I requesting permission to proceed in donating these items to the Academy. They have been pulled from service and are of no longer use to the Eden Fire Department.

**RESOLUTION TO DONATE PERSONAL PROPERTY**

WHEREAS, the City of Eden Fire Department owns Turnout Gear that that has aged out of use for the Department consisting of 3 coats, 3 bunker pants, 1 helmet, 1 hood, 2 pair of gloves and 2 pair of boots, hereinafter referred to as "the property"; and

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WHEREAS, the City of Eden Fire Department has purchased new gear and has no further use for the property; and

WHEREAS, the City of Eden recognizes that the property has been rendered surplus and unused; and

WHEREAS, the City of Eden desires to donate this aforementioned surplus and unused property to Rockingham County School System's Rockingham County Fire Academy pursuant to N.C.G.S. §160A-280; and

WHEREAS, the City of Eden in no way guarantees the quality, fitness of purpose or effectiveness of this property, and in no way does the City of Eden endorse this type or brand of apparatus, and the City of Eden has made this disclaimer known to the Rockingham County School System and has obtained a waiver of claims and liabilities from each institution; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council for the City of Eden that the used Turnout Gear consisting of 3 coats, 3 bunker pants, 1 helmet, 1 hood, 2 pair of gloves and 2 pair of boots, be deemed surplus and unused and that they be donated to Rockingham County School System for its Rockingham County Fire Academy.

APPROVED, ADOPTED AND EFFECTIVE this 17th day of January, 2017.

CITY OF EDEN

By: Wayne R. Tuggle, Sr., Mayor

ATTEST:

Sheralene Thompson, City Clerk

- e. Consideration and Approval of Amendment to Recycling Agreement with Waste Management and Rockingham County.

The City Council had before them a proposed amendment to the Recycling Agreement with Waste Management and Rockingham County. This Agreement was enacted last January. It allowed for Waste Management to provide recycling services to any citizen that desired such service. The agreement also contained a provision that required the City to enact a provision to grant Waste Management the exclusive right to provide recycling services by December 31, 2016. This provision will likely take additional time; therefore the parties have agreed to extend this timeline through June 30, 2017. This amendment allows for that extension. Staff recommended that the City Council adopt and approve this Amendment.

A motion was made by unanimous consent to approve Consent Agenda items a through e. All Council Members voted in favor of this motion.

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ANNOUNCEMENTS:

Mayor Tuggle asked Council Member Burnette to give an overview of the visioning committee and what was going on with that.

Council Member Burnette explained that they kicked off with a steering committee on August 19<sup>th</sup> and their consultants met with about 13 or 14 members who were designated as a steering committee and they heard the beginnings and have their input. That committee suggested quite a few people and different groups for input. They posted quite a few, over 30 individual interviews, most in person. They have had 8 or 9 different focus meetings and had an interactive community meeting in October.

They scheduled a steering committee meeting for January 20<sup>th</sup>. So the intent at that point was for the consultant to have some preliminary recommendations to present the committee. Actually they have now said that there has been so much information they were not quite ready to present those recommendations, so they will give the steering committee the information they have assembled but also have more interviews. They will be meeting January 20<sup>th</sup> and discuss at that point to be able to come back and put it in presentation form to present back to the steering committee. So they will be setting that meeting tentatively for February 16<sup>th</sup>. Then, on February 24<sup>th</sup> they were going to present an economic assessment and they were looking at individuals be invited to that and they said they would like all of the City Council to attend.

Council Member Moore thanked all the city workers for all the snow removal.

Council Member Hampton also mentioned that the showers were installed at the homeless shelter.

ADJOURNMENT:

A motion was made by unanimous consent to adjourn. All Council Members voted in favor of this motion.

Respectfully submitted,

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

ATTEST:

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Wayne R. Tuggle, Sr., Mayor