

CITY OF EDEN, N. C.

The regular meeting of the City Council, City of Eden, was held on Tuesday, April 18, 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
		Jerry Epps
		Darryl Carter
		Neville Hall
		Jerry Ellis
City Manager:		Brad Corcoran
City Clerk:	(absent)	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. Darryl Law, Pastor, Eden Baptist Church, gave the invocation followed by the Pledge of Allegiance.

RECOGNITIONS AND PROCLAMATIONS:

- a. Proclamation: Arbor Day 2017

**ARBOR DAY 2017**

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

April 18, 2017

City of Eden, N. C.

Minutes of the regular April 18, 2017 meeting of the City Council, City of Eden:

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 23rd year, and

NOW, THEREFORE, I, Wayne Tuggle, Mayor of the City of Eden, do hereby proclaim Friday, April 21, 2017 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 18th day of April, 2017.

BY: Wayne R. Tuggle, Sr., Mayor

ATTEST: Sheralene Thompson, City Clerk

b. Proclamation: Litter Sweep 2017

**LITTER SWEEP 2017**

WHEREAS, the North Carolina Department of Transportation organizes an annual spring statewide roadside cleanup to ensure clean and beautiful roads in North Carolina; and

WHEREAS, the spring 2017 LITTER SWEEP roadside cleanup will take place April 15 – April 29, 2017 and encourages local governments and communities, civic and professional groups, businesses, churches, schools, families and individual citizens to participate in the Department of Transportation cleanup by sponsoring and organizing local roadside cleanups; and

WHEREAS, Adopt-A-Highway volunteers, Department of Transportation employees, Department of Correction inmates and community service workers, local government agencies, community leaders, civic and community organizations, businesses, churches, schools, and environmentally concerned citizens conduct annual local cleanups during LITTER SWEEP and may receive certificates of appreciation for their participation; and

WHEREAS, the great natural beauty of our state and a clean environment are sources of great pride for all North Carolinians, attracting tourists and aiding in recruiting new industries; and

WHEREAS, the cleanup will increase awareness of the need for cleaner roadsides, emphasize the importance of not littering, and encourage recycling of solid wastes; and

WHEREAS, the spring 2017 LITTER SWEEP cleanup will celebrate the 30th anniversary of the North Carolina Adopt-A-Highway program and its 4,400 volunteer groups that donate their labor and time year round to keep our roadsides clean; and

WHEREAS, the LITTER SWEEP cleanup will be a part of educating the children of this great state regarding the importance of a clean environment to the quality of life in North Carolina;

April 18, 2017

City of Eden, N. C.

Minutes of the regular April 18, 2017 meeting of the City Council, City of Eden:

NOW, THEREFORE, I, WAYNE R. TUGGLE, SR., Mayor of the City of Eden, do hereby proclaim April 15 – April 29, 2017, as “SPRING LITTER SWEEP” time in the City of Eden and encourage citizens to take an active role in making our community cleaner.

BY: Wayne R. Tuggle, Sr., Mayor

ATTEST: Sheralene Thompson, City Clerk

c. Proclamation: Scots, Scots-Irish Heritage Month

Mayor Tuggle called James Murray, Reidsville, to the podium. Mayor Tuggle read the proclamation.

Mr. Murray thanked Mayor Tuggle and the City Council for recognizing the contributions of Scottish Americans. He encouraged everyone in attendance to learn as much as they could about their ancestry regardless of what their ethnicity was.

**SCOTS , SCOTS-IRISH HERITAGE MONTH**

WHEREAS, April 6 has a special significance for all Americans and especially those Americans of Scottish descent; and on that date in 1320, the Declaration of Arbroath, the Scottish Declaration of Independence, was signed; and

WHEREAS, the American Declaration of Independence was modeled on this inspirational document and almost half of the signers of the United States Declaration of Independence were of Scottish descent as were the governors of nine of the original 13 colonies; and

WHEREAS, more than 27 million Americans can trace their roots back to Scotland and the Scottish plantations of Northern Ireland, and the State of North Carolina was the primary destination of Scots and Scots-Irish immigrants, some of whom became leaders of the State such as Colonial Governors Thomas Pollock and Gabriel Johnston and Governor Samuel Johnston; and

WHEREAS, North Carolina is home to various festivals and games featuring Scottish culture that are held across the State; and

WHEREAS, the Carolina Tartan was adopted as the official tartan of the State of North Carolina in 1991; and

WHEREAS, it is fitting that the General Assembly honored the role that the Scots and Scots-Irish played in the founding of this nation by recognizing the month of April of each year as National Scots, Scots-Irish Heritage Month in the State of North Carolina;

NOW, THEREFORE, I, WAYNE R. TUGGLE, SR., Mayor of the City of Eden, do hereby proclaim the month of April, as “NATIONAL SCOTS, SCOTS-IRISH HERITAGE MONTH” in the City of Eden and encourage every citizen to participate in the activities pertaining to this event.

BY: Wayne R. Tuggle, Sr., Mayor

ATTEST: Sheralene Thompson, City Clerk

**SET MEETING AGENDA:**

Minutes of the regular April 18, 2017 meeting of the City Council, City of Eden:

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

PUBLIC HEARINGS:

- a. 1. Consideration of a zoning text amendment request and adoption of an ordinance to amend Section 11.24(k) of the City of Eden Zoning Ordinance to allow Dog and Cat Boarding as a Permitted Use in the Business-Highway #1 District. Request submitted by Jerry Haymore. ZONING CASE Z-17-01.
  
2. Consideration of a Resolution adopting a statement of consistency regarding the amendment of Section 11.24(k) of the City of Eden Zoning Ordinance to all Dog and Cat Boarding as a Permitted Use in the Business-Highway #1 District.

The City received a zoning text amendment request filed by Jerry Haymore to amend Section 11.24(k) of the City of Eden Zoning Ordinance to allow Dog and Cat Boarding as a Permitted Use in the Business-Highway #1 District. The Planning and Inspections Department recommends approval of the text amendment requests. At their March 28, 2017, 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 this amendment was initiated after a request to allow dog boarding as a permitted use in the BH-1 district. One of the businesses in Eden that had grown was dog grooming. Currently pet grooming was allowed in the BH-1 district. The people who submitted this text amendment have asked that they also be allowed to do dog boarding in that district. Staff is of the opinion that allowing boarding of dogs and cats would be an appropriate use in the BH-1 district, with the provisions that the animals are kept primarily inside, and that outside exercise areas are completely fenced and kept clean and free of animal waste. This use will be subject to the noise ordinance and any other violations should something go awry with the business. As the industry has grown, the city's need to provide for it also has grown. Therefore, staff recommends that dog and cat boarding be allowed as a permitted use in the BH-1 districts, with the provisions listed.

Council Member Burnette asked what the corridor along Highway 14 was zoned.

Ms. Stultz answered that most was Business Highway 1 or Business Highway 2, and so was Kings Highway.

Council Member Ellis questioned if the business would affect neighbors.

Ms. Stultz said there were some residential uses to the rear of the property in the Highland Park Drive area. Appropriate buffers would have to be put up.

Minutes of the regular April 18, 2017 meeting of the City Council, City of Eden:

Council Member Moore asked how the noise would be controlled.

Ms. Stultz replied that the city code provided for enforcement if there was excessive noise or noise became a nuisance. The police department generally enforced the noise ordinance. Violations could receive civil penalties and other enforcement issues that generally would deter people from continuing to make noise.

City Attorney Gilley said if there was an appropriate zoned use, it would be a hard case to prove that it was a violation of the noise ordinance.

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

Jerry Haymore, 140 Thomas Estates Road, Eden, said his wife had been grooming for the past ten years. They were moving to a new building and would like the opportunity to add boarding to their business.

Council Member Hampton asked Mr. Haymore where his existing business was and he replied at 711 Washington Street.

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

Council Member Ellis made a motion, seconded by Council Member Hampton, to approve the zoning text amendment and adopt an ordinance to amend Section 11.24(k) of the City of Eden Zoning Ordinance to allow dog and cat boarding as a permitted use in the Business-Highway #1 District and to approve a resolution adopting a statement of consistency regarding the amendment of Section 11.24(k) of the City of Eden Zoning Ordinance to all dog and cat boarding as a permitted use in the Business-Highway #1 District. All members voted in favor of the motion.

**A RESOLUTION ADOPTING A STATEMENT OF CONSISTENCY REGARDING  
A PROPOSED AMENDMENT TO THE  
CITY OF EDEN ZONING ORDINANCE  
CASE NUMBER Z-17-01  
TEXT 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 allow dog and cat boarding as a permitted use in the Business-Highway #1 District;

WHEREAS, on March 28, 2017, the City of Eden Planning Board voted to recommend changes to the

Minutes of the regular April 18, 2017 meeting of the City Council, City of Eden:

Zoning Ordinance as follows: To amend Section 11.24(k)(1) to allow dog and cat boarding as a permitted use in the Business-Highway #1 District.

STATEMENT OF NEED: Staff is of the opinion that allowing boarding of dogs and cats would be an appropriate use in the BH-1 District with the provisions that the animals are kept primarily inside and that outside exercise areas are completely fenced and kept clean and free of animal waste.

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, as amended, 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 Zoning Ordinance 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 Zoning Ordinance is reasonable and in the public interest.
- Approved and adopted and effective this 18th day of April, 2017.

CITY OF EDEN

BY: Wayne R. Tuggle, Sr., Mayor

ATTEST: Sheralene S. Thompson, City Clerk

- b. 1. Consideration of a zoning text amendment request and adoption of an ordinance to amend Section 11.24(g) of the City of Eden Zoning Ordinance to allow Food Service to the general public as an accessory use to a church as a Permitted Use in the Office and Institutional District. Request submitted by Osborne Baptist Church. ZONING CASE Z-17-02.

- 2. Consideration of a Resolution adopting a statement of consistency regarding the amendment of Section 11.24(g) of the City of Eden Zoning Ordinance to allow Food Service to the general public as an accessory use to a church as a Permitted Use in the Office and Institutional District.

Minutes of the regular April 18, 2017 meeting of the City Council, City of Eden:

The City has received a zoning text amendment request filed by Osborne Baptist Church to amend Section 11.24(g) of the City of Eden Zoning Ordinance to allow Food Service to the General Public (as an accessory use to a church) in the Office & Institutional District.

The Planning and Inspections Department recommends approval of the text amendment request.

At their March 28, 2017, 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. Kelly Stultz, Director of Planning & Inspections, to come forward.

Ms. Stultz explained as is spoken of often, no land use regulation or any other ordinance of the City of Eden is designed or meant to be static. Sometimes those things have to change based on the community standards. This amendment was initiated after a request to allow food service to the general public as an accessory use to a church only in the O&I district. Ms. Stultz had been asked a couple of times why she chose that language – food service to the public – and she chose that because it was similar language to what they have put in other parts of the zoning ordinance in order to remain consistent so the intent would be clear. The existence of The One Way Café had evolved over time and had been in place approximately nine years. Santana's in the former country club building next door was also in O&I. They received, at long last, a special use permit to make their food service to the public legitimate as did a case that went before the Board of Adjustment for 912 Bethlehem. The City had worked hard to get these businesses and churches and whatever they were in compliance with the zoning ordinance. Based on the information that she knew, and that there seemed to be no negative impact for the use as an accessory to the church, both Ms. Stultz and the Planning Board recommended in favor of it. This would apply to any other church in O&I. It provided for the way the land was currently used.

Mr. Hall questioned if the text amendment was consistent with the other two uses that she got into compliance with the zoning ordinance.

Ms. Stultz replied yes.

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

Steve Griffith, pastor at Osborne Baptist Church, said the vision of the church was to help people love Jesus and everyone else. They wanted to be good citizens and good neighbors. A few years ago they decided that to be an everyday church, to help people love Jesus and everyone else, it would be a great opportunity to reach families by adding an indoor play area and café. Their intent was to have a safe, clean place for parents to bring their kids and have a meal. He thought they had been a blessing to the community in that way. It had been their goal to be in compliance with the law. When they opened the café and knew that it would be an everyday place, they did not know if it would work. It turned out it was a very successful thing. People came a lot for lunch and they had a good, clean, safe place for a lot of people. Of course they wanted to be in compliance with zoning regulations and

Minutes of the regular April 18, 2017 meeting of the City Council, City of Eden:

that is why they had submitted the request.

Mike Neal, 2389 Third St., Eden, said he had been a customer of the café for seven or eight years. It was a light lunch, with canteen-type food. A lot of people went on their lunch hour. No tipping was required. He had met people from all over the city. A lot of highway patrolmen and law enforcement officers ate there. Mayor John Grogan had eaten there. He invited everyone to come eat. He thought they would enjoy it.

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

Council Member Hall made a motion, seconded by Council Member Ellis, to approve the zoning text amendment and adopt the ordinance to amend Section 11.24(g) of the City of Eden Zoning Ordinance to allow food service to the general public as an accessory use to a church as a permitted use in the Office and Institutional District and consideration of a resolution adopting a statement of consistency regarding the amendment of Section 11.24(g) of the City of Eden Zoning Ordinance to allow food service to the general public as an accessory use to a church as a permitted use in the Office and Institutional District. All members voted in favor of the motion.

A RESOLUTION ADOPTING A  
STATEMENT OF CONSISTENCY REGARDING  
A PROPOSED AMENDMENT TO THE  
CITY OF EDEN ZONING ORDINANCE  
CASE NUMBER Z-17-02  
TEXT 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 allow food service to the general public as an accessory use to a church in the Office & Institutional District;

WHEREAS, on March 28, 2017, the City of Eden Planning Board voted to recommend changes to the Zoning Ordinance as follows:

To amend Section 11.24(g)(1) to allow food service to the general public as an accessory use to a church in the Office & Institutional District.

STATEMENT OF NEED:

Staff is of the opinion that allowing churches to provide food service to the general public would be compatible with the intent of the Office & Institutional District due to the other similar uses allowed in the district, so long as the use is secondary to an active church congregation.



Minutes of the regular April 18, 2017 meeting of the City Council, City of Eden:

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, as amended, 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 Zoning Ordinance 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 Zoning Ordinance is reasonable and in the public interest.

Approved and adopted and effective this 18th day of April, 2017.

CITY OF EDEN

BY: Wayne R. Tuggle, Sr., Mayor

Attest: Sheralene S. Thompson, Clerk

- c. 1. Consideration of a zoning text amendment request and adoption of an ordinance to amend Section 11.22(q) (1) & (2) of the City of Eden Zoning Ordinance to regulate the type of buildings that can be used as accessory structures. Request submitted by the Planning Board. ZONING CASE Z-17-03.
- 2. Consideration of a Resolution adopting a statement of consistency regarding the amendment of Section 11.22(q) (1) & (2) of the City of Eden Zoning Ordinance to regulate the type of buildings that can be used as accessory structures.

The City has received a zoning text amendment request filed by the Planning Board to amend Section 11.22(q) of the City of Eden Zoning Ordinance to regulate the type of buildings that can be used as accessory structures.

The Planning and Inspections Department recommends approval of the text amendment request.

At their March 28, 2017, 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.

Minutes of the regular April 18, 2017 meeting of the City Council, City of Eden:

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

Ms. Stultz explained that one of the things that had occurred in recent years was the use of road trailers for accessory structures. They had wheels, they were not permanent, they were not designed to be accessory structures and they were often too big to be accessory structures at the houses where they were being used. They were also being used at businesses. She had started to bring fifty slides of them to present at the meeting. There was a new one on her way home from work that she saw every day. The Planning Board agreed this was an issue that deserved attention. The city should be careful what it allowed as accessory structures because they could easily become businesses or residences or lots of others things. For aesthetic and other code issues, these things should not be allowed to be used. Only a structure that is designed for storage should be allowed as an accessory structure in the community.

Mayor Tuggle asked if they had dealt with the issue in the past.

Ms. Stultz replied they had not. She said she had tried. She brought it up at a couple of retreats. She decided to bring it up again and see what the Council's concerns might be.

Mayor Tuggle asked how many of the structures there were. He had seen them around the city in different places. He questioned if the people who had them now would have to quit using theirs if the Council passed this. He knew they had been using them for years.

Ms. Stultz said most of them were placed there without any permit. Technically, some of them could be removed. What she would like to do would be prevent them from being placed in the future.

Council Member Ellis asked if she had said there were fifty in the city.

Ms. Stultz replied that yes, she probably could find that many. There was one business on Highway 14 that had two in the right-of-way. They are in yards. There was one in Smith Acres. There were several on Riverside. They were everywhere.

Council Member Epps asked if she was suggesting grandfathering those in

Ms. Stultz said she would love to get rid of them, but she wanted to prevent more of them from being used.

Council Member Ellis asked her to bring it back. He thought the idea she was presenting was too broad.

Mayor Tuggle said he wanted to make sure they used good judgment when they passed something like this.

Minutes of the regular April 18, 2017 meeting of the City Council, City of Eden:

Ms. Stultz said if something was there and had established its residency, there was not much they could do about it but since she had begun talking to the Council about this issue, it continued to get worse.

Mayor Tuggle said so she wanted to put a stop to it now and not allow it from here on out.

Ms. Stultz replied yes.

Council Member Ellis asked if they would include Council Member Epps' suggestion to grandfather the existing structures.

Ms. Stultz replied that was inherent anyway.

Council Member Epps said the only concern he had was safety. Some of the structures seemed unsafe.

Council Member Hall stated the structures in the right-of-way should be easy to fix. Those were safety issues and needed to be removed.

Council Member Burnette asked Ms. Stultz to explain what she meant when she said it was inherent that the existing structures were grandfathered in.

Ms. Stultz said to suppose the Council decided they were not going to allow drive-in restaurants anymore. Even if they did, all the restaurants currently in existence could stay in existence. The general provisions of the zoning ordinance provided for non-conforming uses and there were legal non-conforming uses that were there and could be.

City Attorney Gilley said there was a provision for non-conforming use. If a person did not use it for six months, they lose their status.

Ms. Stultz said if someone had one and they moved it out of their yard and a year from now they wanted to put another one back, the city would stop them. Except for single-family residences, they could not be extended, meaning they could not get a second one if they already had one.

Council Member Epps asked if what was existing would be OK unless there was a violation of some sort that had to be addressed.

Ms. Stultz said that would be addressed in a completely different way. As a land-use issue if they were there, as a community we have them.

Council Member Burnette said it would be like mobile homes.

Ms. Stultz said it would be like motor homes and transfer trailers that remain on wheels if they were used for storage.

Minutes of the regular April 18, 2017 meeting of the City Council, City of Eden:

Council Member Burnette said he meant that it would be applied like mobile homes – once they were gone, they were gone.

Ms. Stultz replied that was correct. If it was there, it could be there ad nauseum.

Mr. Hall told Ms. Stultz that she said she had been working on it for a while and he knew she had and she had said she had the opportunity to bring in some pictures. It sounded like there was some confusion about the exact type of trailer she was talking about. He questioned if it would be an issue if someone actually owned a storage trailer or moving trailer and that's what it was designed for, and they parked it behind their house. He was referring to something like a u-haul trailer that a person privately owned but did not use daily.

Mayor Tuggle suggested that the matter be tabled, and that Ms. Stultz bring pictures to give everyone a chance to think about it for a month.

Council Member Ellis made a motion to table the issue to the next regular meeting. The motion was seconded by Council Member Hall. All members voted in favor of the motion.

- d. Consideration of an amendment request and adoption of an Ordinance to amend Chapter 4, Article IV, Division 5, Section 4-90 of the Eden City Code by adding a new subsection (D) to add a provision from the North Carolina General Statutes that the owner(s) has abandoned the intent and purpose to repair, alter or improve the dwelling and then renumbering the existing (D) to (E). CITY CODE AMENDMENT CCA-17-01.

Due to legislation that was passed in the North Carolina General Assembly, the Planning Board initiated a text amendment that Chapter 4, Article IV, Section 4-90 of the Eden City Code be amended by adding a provision dealing with owners that have abandoned their intent to repair dilapidated buildings.

The Planning and Inspections Department recommends approval of the amendment request. At their March 28, 2017, regular meeting, the Planning Board voted to recommend that the City Council approve this amendment to the Eden City Code.

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

Ms. Stultz explained that this amendment was initiated in response to changes in the N.C. General Statutes that provided communities with a population of 90,000 and above to use the provision to declare that someone has abandoned their intent to repair a building after one year. The City of Eden received special legislation in order to do that as well. To make that work and to keep the City legal, provisions needed to be added to the zoning ordinance. The City would send a letter and tell the recipient “as of this day your one-year time is running.” If they have done nothing in that year to begin improvements or to remove it, then Ms. Stultz would be back to the Council about doing so.

Minutes of the regular April 18, 2017 meeting of the City Council, City of Eden:

Mayor Tuggle said this would be a big help. Every month, there were issues with dilapidated houses around the city and the slumlords and the others things Ms. Stultz dealt with all the time.

Ms. Stultz agreed.

Council Member Burnette asked if that was the legislation that was just passed.

Ms. Stultz said it was not. It was a special bill for them.

Council Member Burnette asked if it was still required by the State.

Ms. Stultz said if she was going to use that, even though they had a local bill that said it, it had to be in the nuisance ordinance as per the attorney.

Council Member Epps said there was a house on Morgan Road. It appeared someone was working on it, but the door was always standing open. No one was ever around it when he went by it. He said he thought it would be unsafe.

Ms. Stultz said she would check on it, and what happened was just that. They were ordered to vacate and close, and they did not vacate and close, so the City did, and then people tore the plywood down and went back in.

Mayor Tuggle asked how many absentee landlords the City dealt with.

Ms. Stultz said it was not just absentee landlords. She said some of the worst ones lived locally.

Council Member Hampton asked if it was just houses or all buildings.

Ms. Stultz said this particular provision was for houses, residential structuring.

Council Member Carter said this would give them permission to go ahead and tear the house down

Ms. Stultz said they would have to come back before the Council before doing that but what it would do was declare a length of time they could just leave it sitting in the neighborhood boarded up before the City had the opportunity to do something about it so that they were not left like that. She could think of a few that have been like that for a decade.

Council Member Epps said normally they gave them 30 days and this way they had a year.

Ms. Stultz said they would not have much to complain about when she came to the Council asking to demolish.

Minutes of the regular April 18, 2017 meeting of the City Council, City of Eden:

Mayor Tuggle said month after month after month they dealt with people for years

Ms. Stultz said one of the things they were trying to do currently was find a house they had an action on that she could bring to the Council and recommend they repair rather than some other activity. If they did that, they would have something to sell and recoup funds easier.

Mayor Tuggle asked if there was anyone who would like to speak in favor or in opposition.

Mike Hensley, 742 Church Street, said Eden had some good landlords and no one ever talked about them.

Mayor Tuggle agreed and said Council dealt with the worst of the worst.

Mr. Hensley then addressed the issue about the storage trailers. He said he had one beside his building and it had been there 18 or 19 years. He kept it neat. They were welcome to come out and take a look at it if they liked.

Mayor Tuggle said that was an issue the Council was going to talk about the next month and Mr. Hensley was welcome to come back then and talk about it if he wanted to.

Mr. Hensley said the city did rehab a building on The Boulevard several years ago, and spent a lot of money, he did not know how much. It was vacant. Someone had moved in it but it was vacant again.

Ms. Stultz said that the city sold the building.

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

Council Member Burnette made a motion, seconded by Council Member Moore, to approve the amendment request and adopt an ordinance to amend Chapter 4, Article IV, Division 5, Section 4-90 of the Eden City Code by adding a new subsection (D) to add a provision from the North Carolina General Statutes that the owner(s) has abandoned the intent and purpose to repair, alter or improve the dwelling and then renumbering the existing (D) to (E).

- e. Consideration of a Petition and adoption of an Ordinance to close a portion of Gilley Road. Request submitted by Triple N Lumber Co., LLC and Bobby W. Boone and wife, Melvine Boone. STREET CLOSING SC-17-01.

At the March 2017 regular meeting, the Council adopted a Resolution of Intent to Close a Portion of Gilley Road. The Council also scheduled this public hearing to hear comments on the street closing request filed by Triple N Lumber Co., LLC and Bobby W. Boone and wife, Melvine Boone.

The Planning and Inspections Department recommends approval of the street closing and requests that the City Attorney prepare the ordinance for adoption. At their March 28, 2017, regular meeting, the Planning Board voted to recommend approval of the street closing.

Minutes of the regular April 18, 2017 meeting of the City Council, City of Eden:

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

Ms. Stultz explained that over the last 20 years, she had taken all of the Council members by this site at some point. They had agreed to rezone the property across the road to Industrial 3 to allow a sawmill and all that had happened. The new owners had seen to it that the whole property had been cleaned and cleared. It was good for the community that the property had been cleared. The North Carolina General Statutes were very specific about the steps they had to take in order to close a street. Both the Boones, and Mr. Nance, who was the owner of the company, requested that the City close a section of Gilley Road. The reason they wanted to close it was there was such an opportunity for people to come in and out, it was public, they could not gate it. Both of them would still have access to their property from a public street, which was a requirement. They had no objections from any utilities or anyone else. The staff recommends, based upon these stated findings, that the street be closed as requested.

Mayor Tuggle said that he had been there years ago and the area now was such an improvement.

Mayor Tuggle asked if there was anyone who would like to speak in favor or in opposition.

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

Council Member Ellis made a motion to adopt the ordinance to close a portion of Gilley Road.

Council Member Moore asked Ms. Stultz how many feet were going to be closed.

Ms. Stultz replied that it was 680 feet from the intersection of the center line of Gilley to East Stadium.

Council Member Hall seconded the motion. All members voted in favor of the motion.

AN ORDINANCE AND ORDER  
TO CLOSE A PORTION OF GILLEY ROAD

WHEREAS, on the 22nd day of February, 2017, Triple N Lumber Co., LLC and Bobby W. Boone and wife, Melvine Boone filed a petition, by the terms of which they requested that a portion of Gilley Road be closed pursuant to the provisions of Chapter 13, Division 3 of the Eden City Code and North Carolina General Statutes §160A-299; and

WHEREAS, the City Council of the City of Eden, did on the 21st day of March, 2017, at its regular monthly meeting adopt a Resolution of Intent to Close A Portion of Gilley Road calling for a public hearing to be held; and

April 18, 2017

City of Eden, N. C.

Minutes of the regular April 18, 2017 meeting of the City Council, City of Eden:

WHEREAS, the City Council of the City of Eden, did on the 21st day of March, 2017, at its regular monthly meeting, schedule a public hearing to be held on the 18th day of April, 2017, and requested a recommendation of the Planning Board on said closing; and

WHEREAS, the required legal notice was published in the Eden News on the 26th day of March, 2017, and on the 2nd, 9th and 16th day of April, 2017, and copies were sent to the property owners as required by law on the 29th day of March, 2017, and a copy was posted on the 29th day of March, 2017, as required by law; and

WHEREAS, the Planning Board in its regular meeting on March 28, 2017, recommended to the City Council that said portion of Gilley Road be closed; and

WHEREAS, the public hearing was held at the regular monthly meeting of the City Council on the 18th day of April, 2017; and

WHEREAS, the evidence offered at the public hearing did not establish that the closing would be detrimental to the public interest or would deprive an individual or entity owning property in the vicinity thereof of reasonable means of ingress and regress to and from his property; and

WHEREAS, it appears to the satisfaction of and it is determined by the City Council of the City of Eden from the Petition and other evidence submitted at said hearing that: Triple N Lumber Co., LLC and Bobby W. Boone and wife, Melvine Boone, are the owners of the property on each side of the portion of Gilley Road which is to be closed. That said Gilley Road is not under the control or supervision of the Department of Transportation. That the closing of a portion of Gilley Road is not contrary to the public interest and that no individual or entity owning property in the vicinity thereof will thereby be deprived of reasonable means of ingress and regress to or from his property. That upon the closing of a portion of Gilley Road, all right, title and interest therein shall be conclusively presumed to be vested in Triple N Lumber Co., LLC and Bobby W. Boone and wife, Melvine Boone, the owners of the lots or parcels of land adjacent thereto. That it appears that the provisions of the Eden City Code and the North Carolina General Statutes have been complied with fully in this matter. That said portion of Gilley Road should be closed as requested.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Eden, that the following described portion of Gilley Road in the City of Eden be and the same is hereby closed, said portion of Gilley Road being more particularly described as follows: All of the right of way of Gilley Road from 680 feet from the intersection of the center line of Gilley Road by the center line of East Stadium Drive to the southern termini of Gilley Road at the unopened portion of Knott Street. The above described portion of Gilley Road being the identical portion of Gilley Road described in the Resolution of Intent adopted the 21st day of March, 2017.

IT IS FURTHER ORDERED that in the event there is no appeal from the adoption of this Ordinance and Order within thirty (30) days of the date hereof as provided by law, a certified copy of this Ordinance and Order shall be recorded in the Office of the Register of Deeds of Rockingham County, North Carolina.

APPROVED, ADOPTED AND EFFECTIVE, this 18th day of April, 2017.  
CITY OF EDEN

BY: Wayne R. Tuggle, Sr., Mayor

ATTEST: Sheralene Thompson, City Clerk

STATE OF NORTH CAROLINA  
ROCKINGHAM COUNTY

I, Sheralene Thompson, Clerk of the City of Eden, North Carolina, do hereby certify that the foregoing instrument is a true, correct and complete copy of an Ordinance and Order To Close A Portion of Gilley



Minutes of the regular April 18, 2017 meeting of the City Council, City of Eden:

Road that was duly adopted by the City Council of the City of Eden, at a regular meeting of said City Council duly convened and held on the 18th day of April, 2017, as appears upon the minutes of said meeting. I do further certify that due notice of said meeting was given pursuant to the provisions of Section 160A-299 of the General Statutes of North Carolina, and further that due notice was given that any person aggrieved by such Resolution and Order had the right to appeal therefrom within thirty (30) days to the Superior Court of Rockingham County, and that no such appeal was filed within the time specified.

WITNESS my hand and the corporate seal of the said City of Eden, North Carolina, this the 18 day of April, 2017.

Sheralene Thompson  
Clerk of the City of Eden, North Carolina

REQUESTS AND PETITIONS OF CITIZENS:

*No one came forward to speak at this time.*

UNFINISHED BUSINESS:

*There was no unfinished business to discuss.*

NEW BUSINESS:

*There was no new business to discuss.*

REPORTS FROM STAFF:

*There were no reports from staff.*

CONSENT AGENDA:

- a. Approval and Adoption of Minutes: March 21, 2017.
- b. 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 Fire Department Capital Outlay – Vehicles for the purchase of an aerial ladder truck.

Minutes of the regular April 18, 2017 meeting of the City Council, City of Eden:

Subject: Budget Amendment # 12					
	Account #	From	To	Amount	
<b>General Fund Revenues</b>					
Loan Proceeds	10-3850-86000	\$ 134,600.00	\$ 824,600.00	<u>\$ 690,000.00</u>	
<b>General Fund Expenditures</b>					
Fire C/O Vehicles	10-4710-55000	\$ -	\$ 690,000.00	<u>\$ 690,000.00</u>	
Appropriates loan proceeds for aerial ladder fire truck.					
Adopted and effective this 18th day of April, 2017.					
Attest:					
Sheralene Thompson, City Clerk			Wayne Tuggle, Mayor		

c. Consideration and Approval of 2017 Marathon Trash Compactor Financing for 5 Years.

On March 15, 2017, City Council approved to purchase a new trash compactor for the Solid Waste department. I requested bids from our local banks for the financing and received the following quotes:

BB&T 2.18%

Carter Bank & Trust 2.10%

First National Bank 2.93% (formerly NewBridge)

United Financial 1.95% (division of Home Trust)

The lowest quote is from United Financial (Home Trust) at 1.95% with annual payments of \$35,911.91. I respectfully ask that Council approve United Financial (Home Trust) as the successful bid.

d. Approval and Adoption of Authorizing Resolution Regarding Mini-Brooks Act Exemptions.

AUTHORIZING RESOLUTION REGARDING MINI-BROOKS ACT EXEMPTIONS

WHEREAS, G.S. 143-64.31 requires the initial solicitation and evaluation of firms to perform architectural, engineering, surveying, construction management-at-risk services, and design-build services (collectively “design services”) to be based on qualifications and without regard to fee; and

WHEREAS, The City of Eden proposes to enter into one or more contracts for design services for work on an Engineering Report for the Berry Hill Water Improvement Project;

WHEREAS, G.S. 143-64.32 authorizes units of local government to exempt contracts for design services from qualifications-based selection requirements of G.S. 143-64.32 if the estimated fee is less than \$50,000; and

Minutes of the regular April 18, 2017 meeting of the City Council, City of Eden:

WHEREAS, the estimated fee for design services for work on an Engineering Report for the Berry Hill Water Improvement Project is less than \$50,000; and

WHEREAS, in addition to the design work on the above-described project, the City of Eden desires to adopt a resolution to exempt from the procurement requirements of G.S. 143-.64.31 any architectural, engineering, surveying, construction managers at risk, design-build services and public-private partnership construction services when the estimated professional fee for these services is less than \$50,000.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EDEN HEREBY RESOLVES:

Section 1. The above-described project, design services for work on an Engineering Report for the Berry Hill Water Improvement Project, is hereby made exempt from the provisions of N.C.G.S. 143-64.32 (Mini Brooks Act exemption; Written exemption of particular contracts less than \$50,000).

Section 2. The City Manager is hereby authorized to negotiate and sign contracts for architectural, engineering, surveying, construction managers at risk, design-build services and public private partnership services when the estimated professional fee on any project is in an amount less than fifty thousand dollars (\$50,000) and the funds to pay for the contracted services are properly appropriated.

APPROVED, ADOPTED AND EFFECTIVE this 18 day of April, 2017.

CITY OF EDEN

BY: Wayne R. Tuggle, Sr., Mayor

ATTEST: Sheralene Thompson, City Clerk

e. Consideration of Approval to Award Construction Bid for the Meadow Greens and Covenant Branch Pump Station Force Main Relief Project.

Bids for the Meadow Greens and Covenant Branch Pump Station Force Main Relief Project were received the second time on March 28, 2017, following a bid opening on February 28 in which only one bid was received and protocol was that we could not open the bids. Two bids were received on the second bid day and we were able to open bids. The bids were evaluated by W. K. Dickson and their recommendation is attached. W. K. Dickson recommends awarding the bid to the low bidder, was Sam W. Smith, Inc., for this project with the base bid and selected alternates totals as shown below.

Contractors	Total Bid with allowances and selected Alternates Selected 2, 3,and 4
Sam W. Smith, Inc.	\$362,220.00
Gilbert Engineering Company	\$386,565.00

The total cost project is now projected to be \$537,420.00, which includes the construction bid of \$362,220.00 and the \$175,220.00 for engineering design, grant assistance, construction administration, and construction observation. We have grant funding for this project of \$534,811.00. At this point, the out of pocket cost to the City is expected to be \$2,609.00 plus \$8,022.17 for origination fee for the grants, making the total cost to the City \$10,631.16.

The staff concurs with W. K. Dickson and recommends that the Council approve awarding the project to Sam W. Smith, Inc.

f. Approval to Call a Public Hearing to Consider the FY 2017-2018 Budget on May 16, 2017.

Minutes of the regular April 18, 2017 meeting of the City Council, City of Eden:

**g. Approval of Traffic Study Recommendation and Adoption of Ordinance Regulating Parking on Oak Street from The Boulevard to Carroll Street.**

Eden City Council Member Angela Hampton requested that a traffic study be conducted in reference to making it illegal to park on both sides of Oak Street eastward from The Boulevard to Carroll Street.

Current ordinance makes it an infraction to park along the south side of Oak Street eastward from The Boulevard to Carroll Street.

Oak Street is a narrow street, residential in nature. Both residents and School Bus drivers have reported difficulty navigating safely upon Oak Street when vehicles are parked along the north side as well.

A survey of all households on Oak Street eastward from The Boulevard to Carroll Street shows that every household has access to off street parking.

The Police Department’s recommendation is to make it an infraction to park along both sides of Oak Street eastward from The Boulevard to Carroll Street.

**AN ORDINANCE DECLARING NO PARKING ZONE ON OAK STREET**

BE IT ORDAINED BY THE CITY COUNCIL of the City of Eden, North Carolina, pursuant to authority granted by N.C.G.S. § 160A-301 that:

Section 1 – The City Council of the City of Eden has determined that in order to ensure pedestrian and motor vehicle traffic safety, parking along each side of Oak Street eastward from the intersection of The Boulevard to the intersection of Carroll Street should be prohibited.

Section 2 – It shall be an infraction to park a motor vehicle on each side of Oak Street eastward from the intersection of The Boulevard to the intersection of Carroll Street.

Section 3 – Signs shall be placed, erected or installed on each side of Oak Street eastward from the intersection of The Boulevard to the intersection of Carroll Street giving notice of the parking prohibition on said Oak Street.

Section 5 – The OFFICIAL TRAFFIC MAP of the City of Eden is hereby amended to conform with this Ordinance.

Section 6 – All ordinances in conflict with this Ordinance are hereby repealed.

APPROVED, ADOPTED AND EFFECTIVE, this 18th day of April, 2017.

CITY OF EDEN

BY: Wayne R. Tuggle, Sr., Mayor

ATTEST: Sheralene Thompson, City Clerk

**i. Approval and Adoption of Ordinance Amending Chapter 12 of the City Code (Solid Waste).**

The City of Eden is not a permitted tire collection facility; we do not have the enclosed storage area required to handle tires. The residents should take their tires to the Rockingham County landfill. The county landfill is permitted and required to accept tires from Rockingham County residents. If the City of Eden continues to collect tires when the State funding for tire disposal diminishes the City of Eden will be required to pay for tire disposal.

Staff feels it is necessary to discontinue collecting scrap tires in the City of Eden because of potential fines from not being permitted by the state of North Carolina and not having a proper storage facility per North Carolina General Statute § 130A-309.51.

Minutes of the regular April 18, 2017 meeting of the City Council, City of Eden:

The City of Eden will issue a Code Red Alert and an article will be run in Eden Daily News and Eden’s Own Journal notifying citizens of the ordinance change. Also, as we pick tires up from residents they will be notified not to put out any more for collection. Staff will maintain a list of addresses as tires are collected and will not pick up any future tires from those addresses.

AN ORDINANCE AMENDING THE CITY CODE OF THE CITY OF EDEN

BE IT ORDAINED BY THE CITY COUNCIL of the City of Eden, North Carolina, that Article IV of Chapter 12 of the Eden City Code is amended as follows:

ARTICLE IV: YARD RUBBISH, TIRES AND TRASH

Section

- 12-56 Material not collected by the city
- 12-57 Preparation for collection
- 12-58 Contractor to remove upon completion or termination of work; corrective action

§ 12-56 MATERIAL NOT COLLECTED BY THE CITY.

- (A) Trees, sections of tree trunks, tree stumps and tree limbs larger than those described in § 12-57(C) will not be collected by the city, and shall be removed from the premises by the owner.
- (B) The city will not remove yard rubbish or trash from a vacant lot without the payment of appropriate fees.
- (C) Tires will not be collected by the city, and shall be removed from the premises by the owner. (Ord. passed 8-30-94; Am. Ord. passed 6-21-05; Am. Ord. passed 4-18-17)

§ 12-57 PREPARATION FOR COLLECTION.

- (A) Fine accumulations shall be placed for pickup at the curb but not in the street, and shall contain no rocks, masonry, and the like.
- (B) Yard rubbish and trash, other than that described in subsection (C) and § 12-58, shall be removed by the owner by placing it at curbside for pickup on established days. The collection schedule shall be kept on file in the Office of the City Clerk.
- (C) Trees, sections of tree trunk, tree and shrubbery limbs placed at curbside for collection shall not be larger than the following:
  - (1) Zero to four inches in diameter, maximum six feet long;
  - (2) Four to eight inches in diameter, maximum two feet long.
- (D) Loose leaf collection shall be provided throughout the year. In order to be collected, leaves shall be raked to a point behind the curb where pickup will be made. Leaves and yard waste placed in plastic bags or other containers will not be picked up. (Ord. passed 8-30-94; Am. Ord. passed 3-18-03; Am. Ord. passed 6-21-05) (Am. Ord. passed 8-19-08) Penalty, see § 12-90 et seq.

APPROVED, ADOPTED AND EFFECTIVE, this 18 day of April, 2017.

Minutes of the regular April 18, 2017 meeting of the City Council, City of Eden:

CITY OF EDEN

By: Wayne R. Tuggle, Sr., Mayor

ATTEST: Sheralene Thompson, City Clerk

A motion was made by unanimous consent to approve the consent agenda.

ANNOUNCEMENTS:

Council Member Ellis asked Mike Hensley to stand up. He had heard through the grapevine that Mr. Hensley had been at Church Street Station recently and he had saved the life of a woman who was choking. He thanked Mr. Hensley.

Council Member Ellis introduced Parker Ellis who was in the audience. Mr. Parker Ellis was the head of the Young Republicans of Rockingham County and he was Council Member Ellis' nephew.

BRIEF RECESS:

At this point, Council Member Ellis left the meeting.

WORK SESSION:

City Manager Brad Corcoran presented a brief summary of the 2017-2018 budget message. He said the combined budgets for next year equal \$33,253,800. This is an increase of \$1,857,200 or approximately 5.92 % when compared to the current combined budgets of \$31,396,600. The main reasons for this increase: first, there was an increase of \$1,055,300 for additional street resurfacing projects; and second, there was a contribution of \$1,100,000 from the water and sewer fund to the Mega Park capital project fund.

On February 25, the City Council met for its annual budget planning retreat. The top 15 funding priorities included:

1. Additional street resurfacing needs
2. First phase of "Positively Eden" strategic plan initiatives and recommendations
3. Replacement of Ladder 2 fire truck
4. Replacement of 8 police vehicles
5. Replacement of 36 heating/air conditioning control boxes at City Hall
6. Replacement of compactor unit at solid waste transfer station
7. Incentive grant program for building upgrades in downtown areas
8. Replacement of automated side arm garbage collection truck
9. Replacement of 12 sets of fire department turnout gear
10. Repairs and improvements to Mill Avenue swimming pool
11. Replace entrance signs at City Hall, includes new electronic messaging board at corner of Pierce Street and Stadium Drive
12. Installation of heating and air conditioning system at Facilities and Grounds Shop

Minutes of the regular April 18, 2017 meeting of the City Council, City of Eden:

13. Construction of new sidewalk from Hidden Valley to Food Lion Shopping Center
14. Freedom Park Nature and Education Trail improvements
15. Development of Matrimony Creek Nature Trail

City Manager Corcoran was pleased to report that funding to some degree or another for each of these priorities has already been approved and/or included in the budget as submitted. The budget as submitted did not increase the current tax rate of \$0.609 per \$100 of assessed property valuation and it did not increase the water rates, sewer rates or monthly residential solid waste fee. It did increase the motor vehicle license fee from \$5 per licensed vehicle to \$15 per licensed vehicle. The additional \$99,000 generated will pay the debt service on a new \$1,100,000 loan for additional street resurfacing projects to address street sections currently rated as poor or very poor (15.16 % of our system). A total of \$1,677,300 is allocated for street resurfacing projects during the upcoming year.

Mayor Tuggle asked City Manager Corcoran to emphasize that all of the money from the motor vehicle license fee tax did go to resurfacing streets.

City Manager Corcoran said yes, it was law. Anything over \$5 had to go to street resurfacing needs. Again, the \$99,000 generated will pay the debt service on the loan and then the thought is when this is paid off in 15 years, he was sure the City would need to borrow another \$1.1 million to catch up the streets. One of the reasons this is needed, as we noted during the retreat, the State has reduced the amount of Powell Bill funds that are sent to the municipalities. That reduction has resulted in the annual loss of over \$100,000. Every 10 years now, the City is receiving a million dollars less. Obviously, if the Powell Bill money had not been reduced by the State Legislature, this would not have been needed. With 15.16 % of total street sections currently rated as poor or very poor, it's time to do something.

Mayor Tuggle said if they went too many years and did not put any money into it, it could become prohibitive and they would not be able to pay for it.

City Manager Corcoran agreed, and said at the retreat he had noted that in the '70s, '80s and '90s, little was done to the water and sewer system. Had something been done during that time, there would not be such a drastic need as the City entered the 2000s and several rate increases. Twenty or 30 years from now, we did not want that Council to look back and ask why the present Council did not do what they needed to to take care of the streets. The City was taking care of some streets in the spring resurfacing program. There was additional money, \$192,000, in the water and sewer fund to repair streets that were damaged as a result of sewer construction projects, so that combined with this will get us where we need to be. When you factor in the \$1.1 million loan that is proposed, along with the Powell Bill money, a total of \$1,677,300 was allocated for street resurfacing projects for the upcoming year.

The budget includes a flat \$700 pay increase for all full-time employees. The City currently has 174 full-time employees. This is a reduction of 8 full-time positions since October 2015. Drastic times, drastic measures. In 1995-96, the City, which was smaller,

Minutes of the regular April 18, 2017 meeting of the City Council, City of Eden:

had 203 full-time employees. The services that were provided then are still provided today, plus there are now two IT employees, an attorney and economic and tourism development.

The budget submitted does not include the allocation of any fund balance from any fund. He couldn't remember the last time he had been able to submit a budget that did not rely on the use of fund balance so he was very proud of that. It was important to mention that a staggering \$52,215,200 in water and sewer infrastructure work for the EPA Administrative Order (\$33,725,600) to eliminate sanitary sewer overflows and the Berry Hill Mega Park Project (\$18,489,600) to extend waterlines to the NC/VA state line would dominate time and resources over the next five years. In a staff meeting the other day, he mentioned they have done \$56 million of work on the water and sewer system in the last 15 years. To put that in perspective, 15 years, \$56 million, and now they were embarking on \$52 million in just 5 years. You can see the next 5 years are going to be very busy times in terms of these two projects.

The budget includes \$1,000,000 in contingency funds, \$500,000 in the general fund and \$500,000 in the water and sewer fund, for unanticipated expenditures and/or declines in revenue. It includes \$425,000 for the initial phase of the "Positively Eden" Strategic Plan recommendations. This includes funding for a new full-time main street manager, an incentives grant program for downtown building renovation projects, an electronic messaging board for the corner of Stadium Drive and Pierce Street, and a lump sum allocation of \$300,000 for additional recommendations that will be forthcoming. The \$300,000 is being set aside for future projects. The Positively Eden plan has not been finalized yet. It is in that process. He anticipated a special council meeting being called on May 2 for it to be presented. Once it was presented, any additional recommendations would be brought back to Council for discussion and consideration before any of the \$300,000 was spent.

The budget includes \$2,598,100 in funding for debt service payments with \$641,200 of that earmarked within the General Fund and \$1,956,900 in the Water and Sewer Fund. It also includes \$4,334,900 in funding for capital outlay items: \$1,273,800 in the General Fund; \$1,677,300 in Powell Bill/Street Resurfacing and \$1,383,800 in Water and Sewer, excluding the EPA administration order and the mega park.

The budget includes \$2,189,900 in new loan and installment-purchase proceeds for six items, including a \$1,100,000 loan for additional street resurfacing needs that we anticipate paying back over 15 years. The other 5 items are installment items and that's the way we have done things for many years because it allows us to leverage money: replace 8 police vehicles; replace heating/ac control boxes; replace automated garbage truck; purchase hydro vacuum excavator, and replace 3 commercial mowers. It's anticipated we will go out for bids and we will finance those different needs over a period of five years.

The budget includes a \$1,100,000 contribution from the water and sewer fund to the Mega Park Capital Project Fund. This will bring a close hopefully to the amount needed for these two projects. You may remember in March we created two capital project funds – one the EPA Administrative Order. We essentially took \$2 million out of our water and sewer fund



Minutes of the regular April 18, 2017 meeting of the City Council, City of Eden:

balance and put it in that fund to cover the local match that would be needed for that project. We also took \$500,000 of that fund balance and sent it to the capital project fund for the Mega Park Water Line Project, leaving a balance due of this \$1.1 million. Essentially in the period of March to May, we will deplete the fund balance to the tune of \$3.6 million for these two projects, which again is another reason why it is an important reason to maintain a healthy fund balance when things like this come up.

In addition, the budget includes \$614,400 in revenue from grants. Rockingham County Aging, Disability & Transit Services (RCATS) Grant is \$127,800. The City will contribute the difference, which is \$14,200 to fund that service. That amount to offer that service to our citizens is a great deal.

City Manager Corcoran said the City would receive a Duke Energy Water Resources Fund Grant for the Matrimony Creek Nature Trail for \$100,000; a Rockingham Community Foundation Grant for improvements to the Freedom Park Nature and Education Trail for \$25,000; a High Unit Cost (HUC) Grant for the Covenant Branch/Meadow Greens Force Main for \$17,000; and the Special Legislative Grant for the Covenant Branch/Meadow Greens Force Main for \$344,600. Again, the staff is to be commended for the work that they do each year. If you go back and you look at the audit year after year, you will see the City has been successful in acquiring a variety of grants for a variety of different needs. Obviously this is money that does not have to be paid back. It is money that does not come out of the pockets, per say, of the citizens here in Eden.

The budget document includes a 5 Year Capital Improvement Plan that includes the EPA AO Capital Project Fund (\$33,725,600), Mega Park Capital Project Fund (\$18,489,600), General Fund (\$20,354,300) and Water & Sewer Fund (\$10,003,500) that equals \$82,573,000.

The budget message as submitted includes a two-page executive summary (highlighted in this presentation) as well as a comprehensive presentation of information concerning the proposed budget for those interested in a more detailed analysis of what was being presented. The tax and service rates section of the budget outlines all of the tax and service rates for the upcoming year. The budget message and personnel sections of the budget outline all of the pertinent information concerning personnel. The large and small capital outlay section of the budget provides an itemized listing of the large and small capital outlay items for the upcoming year.

City Manager Corcoran said he would like to conclude by expressing his sincere thanks and appreciation again to each of the department and division heads, and their staffs for the excellent work they continue to do for the community on a daily basis. As he has stated many times previously, each of them understood that citizens are the central focus and they remain committed to the provision and delivery of the highest level of public service. Despite staffing cutbacks and tough economic times, no city services have been eliminated. A special thanks to the staff for their excellent service.

April 18, 2017

City of Eden, N. C.

Minutes of the regular April 18, 2017 meeting of the City Council, City of Eden:

Council Member Epps stated that as usual, the city manager had done a wonderful job. He congratulated him.

Council Member Hall referenced the Connect NC Bond money that would be directed toward the water and sewer project.

City Manager Corcoran said obviously it was a tremendous blessing. The Connect NC Bond was paying close to \$31.66 million to help with the EPA administrative order and an additional \$16,889,600 for the Mega Park Water Line Project (\$1,886,700 grant and \$15,002,900 in zero percent and low-interest loans).

Council Member Hall asked if there was the possibility of getting additional grants to help cover the costs for the Mega Park Water Line Project.

City Manager Corcoran replied yes, grant applications had been submitted.

Several council members congratulated the city manager and staff on the presented material.

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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Deanna F. Hunt,  
CMC  
Deputy City Clerk

ATTEST:

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Wayne R. Tuggle, Sr., Mayor