

CITY OF EDEN, N. C.

The regular meeting of the City Council, City of Eden, was held on Tuesday, August 19, 2014 at 7:30 p.m. in the Council Chambers, 308 E. Stadium Drive. Those present for the meeting were as follows:

Mayor:	Wayne Tuggle, Sr.
Council Members:	Donna Turner
	Jim Burnette
	Angela Hampton
	Jerry Epps
	Darryl Carter
	Neville Hall
	Jerry Ellis
City Manager:	Brad Corcoran
City Clerk:	Sheralene Thompson
City Attorney:	Erin Gilley
Deputy City Clerk:	Deanna Hunt
Representatives from Departments:	
News Media:	Roy Sawyers, RCENO
	Katie Mann, 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 7:30 p.m. and works from a prepared agenda; however, time would be set aside for business not on the printed agenda.

INVOCATION:

Council Member Jerry Ellis gave the invocation followed by the Pledge of Allegiance.

SET MEETING AGENDA:

Mayor Tuggle stated that there was a need to add an item to the Consent Agenda.

A motion was made by Council Member Hall seconded by Council Member Burnette to add a request for approving a resolution accepting a State loan with principal forgiveness for the Tanyard Branch Outfall Rehabilitation Project to the Consent Agenda as item 12g and also to set the meeting agenda.

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

PUBLIC HEARINGS:

There were no public hearings scheduled at this time.

REQUESTS AND PETITIONS OF CITIZENS:

Mr. Nash Milner, 1114 Irving Avenue, addressed the City Council:

Mr. Milner explained that he had six larcenies within the last 3 or 4 years and the last one was within the last 30 days. He stated that it was a riding lawnmower and he did not feel that they were doing an adequate investigation into these crimes.

Mayor Tuggle asked Mr. Milner to meet with Deputy Chief Greg Light of Eden Police Department.

UNFINISHED BUSINESS:

There was no unfinished business at this time.

NEW BUSINESS:

- a. Authorization of legal action to abate zoning violation at 201 E. Meadow Road.

Mayor Tuggle asked Ms. Kelly Stultz, Director of Planning & Inspections, to come forward with a report.

Ms. Stultz explained that in September of 2013, Mr. Jonathan Wise made an application to amend the City of Eden Zoning Ordinance to permit the operation of several businesses including flea markets in the Business Shopping Center District. All of the proposed uses except the flea markets were approved. The City Council asked that a special use permit process be considered for such uses.

Mr. Wise was asked at that time to refrain from operating the flea market he proposed until the Council's decision was finalized. The flea market at Eden Mall began operation anyway. As was customary, staff did not pursue enforcement action on the violation until after Council's decision.

Mr. Wise was notified that the Planning Board was going to hear the special use permit amendment at their February 25, 2014 regular meeting. The Planning Board recommended approval of the amendment and it was adopted by the City Council on March 18, 2014.

On May 5, 2014 the ten day letter indicating the violation was sent to Mr. Wise, the Eden Mall and to Mr. Robert Swofford, Registered Agent of Swofford, Inc., the legal owner of the Eden Mall.

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She explained that they received no response and on May 16, 2014, the Notice of Zoning Ordinance Violation was sent to Mr. Wise, the Eden Mall and Mr. Swofford. This letter gave them 30 days to come into compliance. Mr. Wise came into the office to meet with her and took a copy of the special use permit application and declared his intention to file the special use permit application.

The application was not received and on July 14, 2014 the final Notice of Violation was sent to Mr. Wise, the Eden Mall and Mr. Swofford. Last week Mr. Wise came into the office and asked for another special use permit application. They have not received the application. The letter sent on July 14, 2014 stated that the parties have a right to appeal and the appeal process was explained. To date they have not received such appeal.

Ms. Stultz explained that Mr. Wise has a ten year lease on the property and she stated that she had spoken with Mr. Swofford yesterday at length and told him where they were.

She explained that the letter also indicated that the City Council would be asked to initiate legal action at their August 19, 2014 regular meeting. She asked that the City Council permit the pursuit of any and all legal remedies available to achieve the abatement of the violation.

Mayor Tuggle stated that it appears that Mr. Wise was not really serious about following the city ordinance and he really looks to circumvent the law and do what he wants to do.

Ms. Stultz replied that was the impression that she had.

Council Member Burnette asked what the abatement was in this case.

Ms. Stultz explained that it would be an action that would require him to stop. At this point an application received for special permission to have a flea market was going to be very difficult for the Board of Adjustment to consider because it was an application for special permission to do something that you would otherwise not be allowed to do. She explained as she had described to Mr. Swofford, there was a certain set of rules and regulations that go along with that. In all her years they have only ever revoked one special use permit. People generally when they agree to what they are going to do they do it but there has also been a number that they have recommended denial of. At this point, it appears that he was going to continue to operate it without benefit of permission.

Mayor Tuggle questioned how long ago it was that this was discussed.

Ms. Stultz replied that it started last fall and initially a text amendment was presented to Council that would allow them as a use by right and so they permitted some of the things he wanted and said no to some others and decided to make a special use process for this one.

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Mayor Tuggle stated that they had been working with him on this since that particular time and he certainly knew the guidelines and what he was supposed to follow as far as the law goes.

Council Member Burnette noted that he had the signs up before Council had even approved it.

Ms. Stultz replied that he did and city staff removed them a couple of times.

Council Member Burnette stated that his feeling was that he had been defiant through this whole process and he thought they should certainly not reward him by giving any kind of approval to do this.

Council Member Carter questioned that if he comes in and files this special use permit or an application for that then what happens.

Ms. Stultz replied that at that point the Zoning Administrator (Stultz) would take all the facts into consideration based on what he presents and the evidence the staff had also gathered through this whole process and at that point she would make a report to the Board of Adjustment. At that point they decide whether or not to approve a special use permit.

Mayor Tuggle commented that of course this will be another thing where someone gets mad at the city because they were going to close something down, but neglects the fact that the person responsible for it has neglected to do what they were supposed to do.

Council Member Carter stated that he knew that some of them had made several trips down there.

Mayor Tuggle stated that actually he had been there right off the bat trying to work with him from day one to make it work and to make it a good place for citizens to go but when you have somebody who just defies you or tries to circumvent what the ordinance says he just did not have a lot of sympathy for them.

Ms. Stultz agreed and stated that she would reiterate that she still thought that it was a fabulous adaptive reuse of their big box retail spots in shopping centers and she still thought it was a good idea but it has to be under prescribed circumstances.

Council Member Burnette asked what legal action they had.

The City Attorney, Ms. Erin Gilley, explained that they would apply to get an injunction to stop operating.

Council Member Ellis questioned how long that would take.

Ms. Gilley replied that it was a legal process so you would have to file your complaint to get on the docket, it could be 2 to 3 months before you get heard.

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Ms. Stultz added that they could also consider civil penalties and that was a \$100 a day fine. She agreed with the City Attorney that the injunction was the best option, but it was very unfortunate.

Council Member Hall stated that she had been dealing with Mr. Swofford and he was the owner of the real estate and the tenant, Mr. Wise would be the one they would need to give permission to operate his business. He asked if that was correct.

Ms. Stultz explained that Mr. Swofford, as owner of the property, has to sign the application but at this point based on the description that she had of the lease agreement that Mr. Swofford and Mr. Wise has, Mr. Wise has control of the property for 10 years.

Council Member Hall asked who she needed to come in to which Ms. Stultz replied Mr. Wise. Council Member Hall pointed out that she had been having legal discussions with Mr. Swofford.

Ms. Stultz explained that she had talked to Mr. Wise several times and Mr. Swofford called yesterday due to the risk to his property.

Mayor Tuggle added that this was also not the first time there has been problems with this particular person.

A motion was made by Council Member Ellis seconded by Council Member Burnette to approve the request authorizing legal action to abate a zoning violation at 201 E. Meadow Road. All Council Members voted in favor of this motion.

- b. Authorization to proceed with Stadium Drive Sidewalk Project.

Mayor Tuggle asked Ms. Stultz to come forward for a report.

Ms. Stultz explained that it has been a goal of the City Council to improve the walkability of the city. As a part of that they have asked NCDOT to consider a sidewalk project that would connect Morehead High School, Holmes Middle School and Central Elementary to Freedom Park.

This project is being considered as an NCDOT Transportation Improvement Plan (TIP) project. They received an email from Jesse Day of the Piedmont Triad Regional Council concerning potential funding for the project. For this project to continue to be considered and to improve scoring, the City of Eden was asked to commit to contributing \$60,000 to the project. The soonest that they would have to expend these funds would be 2016 and likely later.

She explained that oddly the sidewalk was not exactly where they want it but they hope they can get it moved. What they had asked for was a sidewalk that would start at the intersection of Pierce and Stadium, follow along the school property with a crosswalk on

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Country Club and at that point you step onto property that is owned by the City of Eden, then you would have a natural trail to go through to get to Freedom Park. She still hoped that eventually that would happen.

Council Member Burnette pointed out that as she had said, this was part of what they have identified as part of their connectivity project.

Ms. Stultz added that it was a part of their pedestrian plan.

Council Member Burnette stated that he knew \$60,000 was a lot of money but if you look at what they were getting for that with only 20% of the cost, plus the fact that it was not in this year's budget but here she was asking them to commit to the future to put this in the budget for the future and he thought that it was a very wise thing to do.

Ms. Stultz added that they could make that commitment and as they all know nothing they decide today can absolutely commit another Council so if they decide they want to build it at a time that they did not have \$60,000 they could politely thank them. She explained that one of the best things about keeping it out front was sometimes and they have had this happen before, there will be pockets of money that they have that these kind of projects can be done and they do not have enough to do the next one in Greensboro but they might have enough to do one in Eden. They also try to stay in contact with them all that they can as that sometimes helps them get to the top of the list. She pointed out that was how they got Kings Highway and the Council put \$30,000 in that for that whole length of sidewalk. She stated that she did recommend that they make this commitment.

Council Member Turner asked, so this was starting at Country Club and going to Edgewood.

Ms. Stultz replied that was what it was, this was why it was going to be so expensive. She had a meeting tomorrow with Jesse (Day) to hopefully begin the process of getting it slid back but she did not want to lose their spot on the TIP. If they could get it done where they want it done it will not be nearly as expensive because it was all public property and then you get to the city's property (Freedom Park) and they could do a granite dust trail to get into the park from there.

A motion was made by Council Member Burnette seconded by Council Member Turner to approve the authorization to proceed with Stadium Drive Sidewalk Project. All Council Members voted in favor of this motion.

c. Approval of Highland Park Drive and D Street Sidewalk Project.

Mayor Tuggle asked Ms. Stultz for a report.

Ms. Stultz explained that in their continued effort to increase the walkability of their community, they have looked at installing a sidewalk on D Street, from Highland Drive to

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Kings Highway. This sidewalk will provide connectivity to their greenway trail and will increase their urban trail system.

They have asked that the NCDOT look at assisting the City of Eden by installing a signalized pedestrian crossing at the intersection of Highland Park Drive across Kings Highway.

They have received an email from Dawn McPherson, Division Traffic Engineer, approving their request. The NCDOT has committed to fund and install the signalized crossing. The City of Eden will need to commit an estimated \$20,000 to the installation of the sidewalk and truncated domes.

She then introduced Mr. Josh Woodall, Codes Inspector, to explain more.

Mr. Woodall explained that NCDOT has committed to traffic signals and crosswalks and the city would be responsible for truncated domes and for the sidewalk portion itself. He explained that it was approximately 600' long. He had gone out there with Engineering and there were a few issues with drainage so they decided to step that off a little further in the grassy area. Probably two thirds of that property was owned by NCDOT so an encroachment agreement should not be a problem with them. There was one private property owner and they have not approached them about getting an encroachment at this time.

Ms. Stultz added there was really no need to do that until they knew that the City Council was going to support it.

Mr. Woodall continued that this section of sidewalk serves quite a few purposes. It would provide Leaksville-Spray Elementary School access to the urban trail system, Kings Highway, the long trail there and access to the Greenway. He thought this was a very valuable sidewalk connection.

Council Member Burnette added that it was actually a cheaper fix than what they looked at during the budget retreat.

Ms. Stultz agreed that was correct. The number they have given the City Council at this point was the worst case scenario and they did not think it will be quite that much. There were some funds set aside in the Planning Department budget for projects like these but it was like anything else if they use those monies for one thing they cannot be used for their originally intended purpose. She stated that they really did believe they should take this opportunity with NCDOT willing to participate in the signals and the crosswalks.

Council Member Burnette pointed out that they did not approve that project in the budget but she did have money.

Ms. Stultz replied yes, she had some money and explained that they have projects planned in a couple of other places where they have about \$16,000, but if they use that \$16,000

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plus some others then those projects will not get done. It was simply a decision that the Council needed to make as to how they want to proceed or not.

A motion was made by Council Member Ellis seconded by Council Member Burnette to approve the Highland Park Drive and D Street Sidewalk Project. All Council Members voted in favor of this motion.

d. Consideration of Eden Fire Department New Apparatus Comparison.

Mayor Tuggle asked Mr. Tommy Underwood, Fire Chief, to come forward to give a presentation on the Eden Fire Department's New Apparatus Comparison Proposal.

Mayor Tuggle recommended that since they would be talking about something that is so very expensive and they have such limited information at this point, it would be good to use this as a question and answer period and vote on it at the next City Council meeting just so they could think through every scenario possible.

Chief Underwood presented a PowerPoint at this time.

KME's Fire Apparatus Proposal

- KME's apparatus proposal consists of a 79' Aerial Device with a Hale QMAX-2000 GPM pump, and a 500 gallon tank all mounted on a Panther MFD chassis cab per the specifications.
- KME's timeframe for delivery on this apparatus would take ten months to a year to build once the contract was completed.
- The cost of this KME apparatus would be \$650,000.00

HME's Fire Apparatus Proposal

- HME's apparatus proposal consists of a Commercial Traditional Engine with 1250 GPM pump and 1200 tank. Also a 78' Single Aerial with 2000 GPM pump and 400 gallon tank.
- HME's time frame on delivery is now with both apparatus due to being DEMO models unknown year of the Engine and the 78' Aerial is a 2011 year model. The Demo Ladder purchased by itself would be \$499,000.
- The cost for both HME apparatus are \$ 684,985.00 delivered.

Chief Underwood explained that HME also had a 2012 ladder truck demo that was \$524,486. He added that he was told this one had 9800 miles on it.

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Mayor Tuggle questioned the kind of engine it had in it since they were spending that kind of money.

Chief Underwood replied that it was a 2011.

Mayor Tuggle stated that was assuming it was all rebuilt to which Chief Underwood replied that they were demos and have been shown to different fire departments.

Rosenbauer America Fire Apparatus Proposal

- Rosenbauer's apparatus proposal consists of 78' Viper FX Aerial with a 1500 GPM pump and a 500 gallon tank.
- Rosenbauer's timeframe on delivery for this apparatus would be approximately 6 months. It is already being built for the company.
- The cost of this Rosenbauer apparatus is \$ 568,986.00 delivered.

Chief Underwood noted that this was a new unit and would be used as a demo.

Replacement of Ladder 4

Since 1987 purchase of Ladder 4

Reasons for replacing apparatus:

- Ladder 1 is good for Commercial buildings, hospital, and large buildings.
- Ladder 4 had a much better capability in getting into a large portion of the City's Streets that Ladder 1 cannot due to the fact of shorter mobile unit with a single axle
- The City would have ladder coverage throughout the whole city.
- A new ladder would be more reliable than Ladder 1 which is a 1992 platform
- Mutual Aid request would have a significant response time.
- The safety features of today's standards for new apparatus has greatly improved since the time of Ladder 4 being built.
- These smaller aerial apparatus allows for quick attack operations even when faced with reduced manpower on scene.

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- A smaller ladder would have the ability to help in situations where structures become unsafe for offensive fire attack and when conditions prevent firefighters from being able to get close enough for a defensive attack due to the collapse zone area and this has been done for numerous times over the years. Safety of our firefighters and community property conservation are of utmost importance.

Chief Underwood recommended that they purchase the KME and asked if there were any questions.

Mayor Tuggle stated that he had several questions and he suggested that he get all their answers together and give it to the City Manager so that he can give it to the City Council members. Those questions were as follows:

1. How many structure fires have you had in the last 12 months where the ladder was actually used and provide a breakdown of when and where.
Chief Underwood replied that they did not have the small one to use but there has been several.
2. How long has the small ladder truck been out of service.
Chief Underwood replied that it was probably last year at this time.
3. How many structure fires have they had where they had to call an outside company for a ladder truck while this one has been out of service.
Chief Underwood replied there were none that he was aware of.
4. What is the life of a fire engine.
Mayor Tuggle stated that he had been on Council a decade and it just seemed like they were always fixing one or working on one and when you are thinking about spending \$500,000 to \$600,000 on just one item that is a tremendous amount of money.
Chief Underwood replied that he would like to see them get on a 5-year purchase plan and if you did that it would turn out to be 30 years. As long as it passes a service test there is no age limit on it.
5. Is there any number of miles that you look at as far as what is the life of a fire truck as far as the number of hours. He stated that he noticed that one had 9,800 miles on it and obviously a fire truck is heavy and cumbersome so it was a lot of wear and tear every time you drive those things as opposed to a car. How many miles would you normally get on a fire truck.
Chief Underwood replied that going on memory, and the 50' ladder truck they are looking at replacing, he thought it had 72,000 miles on it.

Council Member Burnette asked if they go by miles or hours to which Chief Underwood replied you would have to go by both.

Mayor Tuggle stated that he would like for Council Member Carter to give them an opinion since he was in the fire department. He asked if this was something they need or which truck would be best if they decided to go that way.

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Council Member Carter replied that they have a couple of issues. One was what the need was and was there a need and secondly if one of the trucks broke down, was it a hardship and did they need one truck or two trucks. He also added that one of the biggest issues was representing the taxpayer and what could they get the best for their money without over spending. He agreed as the Fire Chief had said, generally a fire engine was set up to last 20 years and a lot of it was based on pumping hours.

Mayor Tuggle asked if that was for a new fire engine.

Council Member Carter explained that if it was a new fire engine, it did not matter if it was a demo. He stated that he thought that the issue they were looking at was need and if there was a need was there a need for two or one and how much money were they willing to spend on taxpayer money.

Chief Underwood stated that he wanted to clarify that when Council Member Carter was talking about 20 years he was talking about first out truck and then they would go according to his plan, 10 years into reserve.

Mayor Tuggle asked if that was what you he was talking about having a plan.

Chief Underwood replied yes, 5 years and with 4 stations that would give you 20 years first out and then 10 years as a reserve.

Council Member Ellis pointed out that they could also go back to this where you are talking about buying two trucks compared to one truck. He asked Council Member Carter if that was correct to which he agreed. Council Member Ellis added that they were also looking at the KME's already in his fleet to which Council Member Carter stated that it depends on the pump.

Council Member Ellis stated that he understood all of that as he was in fire service 20 years also. He stated that if they did that and see where they have an out first and he had asked about the importance of an aerial that was a big importance. The one that they have now they paid \$250,000 not less than 10 years ago and they had to put another \$150,000 into it to almost make a \$500,000 truck and it was now one of their first outs, he asked if that was not correct.

Chief Underwood replied yes, if they run it on commercial fire calls and industry.

Council Member Carter asked who recommended spending that money on that truck.

Council Member Ellis replied that he assumed that they did, it had to get redone. He added that some of it was worn out, was that not correct.

Chief Underwood explained that KME refurbished both trucks and maintenance cost on both trucks has gone down tremendously since. The ladder truck was big dollars and when

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something goes wrong on that truck it was a large repair bill. Since it has been refurbished the cost has also gone down tremendously.

Council Member Carter questioned the types of pumps on their apparatus and what was the majority.

Chief Underwood replied that they had Waterous and some Hales but Waterous was the majority.

Mr. Hayes Wagoner, explained that he was a salesman for First Class Emergency Vehicles and they sell HME trucks and they did price Chief Underwood 2 different trucks. He added that they have been talking about 2 trucks all along since February. He explained that one was a demonstrator and it has 9,000 plus miles on it but when you purchase a truck you get the warranty from the day you purchase it that day until it runs out. They priced him 2 trucks for \$684,985. He stated that one of them was an International Chassis with a 1250 pump.

Council Member Carter asked what kind of pump was in it to which Mr. Wagoner replied that it was a Hale on both of them, 2,000 gallons on the ladder and 1,250 on the International.

Council Member Carter stated that both of these trucks were new trucks, correct to which Mr. Wagoner replied that they were new trucks, they were just shown to other fire departments. Council Member Carter asked if he would like to say anything special about his trucks.

Mr. Wagoner replied that they were stainless steel and they had a good warranty on it to which Council Member Carter asked what the warranty was. Mr. Wagoner explained that the warranty on the body and all was 10 years and the pump was 5 years and they do have a service center within an hour of this place because he lived in Person County and had been working on fire trucks for 49 years. So as far as warranty issues or anything there would not be any problem.

Council Member Ellis asked if he had sold any other trucks in Eden in the past 10 years.

Mr. Wagoner replied no but he had sold trucks to Monroeton and Wentworth Fire Departments however he was selling for a different company at the time, but they were good trucks and he took care of the warranties and all on them too just like he would these.

Council Member Burnette stated that Chief Underwood said a couple of things in the presentation that sort of concerned him. He explained that he had basically said with this small ladder truck they would have ladder coverage throughout the city.

Chief Underwood replied that they would have the big ladder on the west side and the small one on the east side.

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Council Member Burnette stated that his concern was would they have ladder coverage throughout the city with this new truck as it implies that they do not have coverage now. He asked if that was correct and that they do not have proper fire coverage now.

Chief Underwood replied that they do not have full coverage because the small ladder truck was out of service.

Council Member Burnette asked that he define full coverage.

Chief Underwood explained that it meant one on the east side and one on the west side. Council Member Burnette stated, but that does not mean they cannot cross the line to which Chief Underwood replied no.

Council Member Burnette asked if they had any instances where ladder one could not get to a fire.

Chief Underwood replied that he could not think of any right now. He would have to go back and research it but there was the maneuverability.

Council Member Burnette replied that he understood that but he thought that Council Member Carter had put it very well, they have 2 things they are looking at, (1) was there a need and then if there was a need (2) one truck or two so he agreed with Mayor Tuggle. He was not ready to make a decision on this.

Chief Underwood replied that they could do some research and get more information.

Mayor Tuggle pointed out that to buy a truck, that was a lot of money. This did not mean that the tax rate would go up but to give an example, if they bought a truck, the amount of money they get for one penny would be the equivalent of an 8 cent tax increase so they really had to be careful about what they spend money on and make sure it was needed.

Chief Underwood added that if they replaced the big ladder truck today it would cost over one million dollars.

A motion was made by Council Member Burnette seconded by Council Member Ellis to table this request until the next scheduled Council Meeting. All Council Members voted in favor of this motion.

REPORTS FROM STAFF:

There were no reports at this time.

EDEN YOUTH COUNCIL OATHS:

- a. Swearing In – New Members of the Eden Youth Council

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Libby Blair
Morgan Corum
John Mark Daniel
Tabitha Dean
Destiny Fish
Kyra Gilley
Hannah Johnson
Angelica Lynn
Bennet Nooe
Sarah Shumate
Garth Swartzlander
J'Rhan Tinsley
Damaris Watkins

Mayor Tuggle asked Council Member Burnette to come forward as well as Youth Council Chairman Laura Shumate.

Council Member Burnette explained that about three years ago they started the youth council to provide a voice from the youth to the City Council as that was a valuable asset they had not tapped into at this point.

As an example, they have shown growth and personal leadership. They have carried out many helpful projects within the community. Two major projects included teen and adult driving. They saw a need to provide information about impaired driving whether it be drunk driving, texting and driving, anything that hindered safe driving. A city employee, Mr. Kevin London, worked with them, they brought in a car that a teenager had lost their life in, they set up an impaired driving course and used a golf cart and beer goggles. They also had a large tractor trailer truck come in to show the people the hazards of driving around a large truck. The second thing they looked at was a basketball court. They polled students and found a need for basketball courts at Freedom Park. So with that they worked with Parks & Recreation Director Johnny Farmer, got together cost prices, made a presentation to the City Council during the budget retreat to which the Council did approve the request in the final budget and this will be completed this year. Again he stated that they were pleased with the progress and leadership they have made. He closed by welcoming the new Youth Council Members and asked them to come forward.

Mayor Tuggle then administered the oath to the following new members: Libby Blair, Morgan Corum, John Mark Daniel, Tabitha Dean, Destiny Fish, Kyra Gilley, Hannah Johnson, Angelica Lynn, Bennet Nooe, Sarah Shumate, Garth Swartzlander, J'Rhan Tinsley and Damaris Watkins.

CONSENT AGENDA:

- a. Approval and Adoption of Minutes: July 15, 2014.
- b. Consideration and approval of 2014-2015 Police Vehicles – Financing for 5 years.

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The memorandum explained that in the 2014-2015 Budget, City Council approved to purchase eleven (11) Dodge Chargers and two (2) Chevrolet Tahoes for the police department and it has been set up in the budget to be financed with the first payment due in FY 15-16. On July 25, 2014, bids were requested from local banks for the financing and received the following quotes:

BB&T 1.69%
Carter Bank & Trust 1.50%
Home Savings Bank 2.23%
NewBridge Bank 2.65%

The lowest quote is from Carter Bank & Trust at 1.50%. The annual payments will be approximately \$97,435. I respectfully ask that Council approve Carter Bank & Trust as the successful bid.

- c. Consideration and approval of a contract for the Bouvier-Kelly public relations campaign for 2014-2015.

It is requested for this contract to be considered as part of the consent agenda.

- d. Approval and adoption of Resolution supporting nomination of the Chinqua-Penn Walking Trail as a National Recreation Trail.

**Resolution
Supporting Nomination of the Chinqua-Penn Walking Trail as a
National Recreation Trail**

WHEREAS the Chinqua-Penn Walking Trail was created in 1997 by the North Carolina Upper Piedmont Research Station on the former Chinqua-Penn Plantation of Jeff and Betsy Penn; and,

WHEREAS the 1.7-mile loop trail passes through old-growth woodlands and alongside streams, ponds, and pastures for a historic Black Angus herd, providing varied habitat for wildlife and for users' enjoyment; and, WHEREAS along the trail are unique structures built of locally quarried stone where the Penns entertained guests, including the Stew Site, Spring House, Pump House, Summer House, and Rock Dam; and,

WHEREAS because of the varied habitat along the trail, the Chinqua-Penn Walking Trail has been named a North Carolina Birding Trail, with over 150 species of birds identified along the trail; and,

WHEREAS the National Wildlife Federation has named the Chinqua-Penn Walking Trail a Certified Wildlife Habitat, which provides food, water, cover, and places for wildlife to raise young; and,

WHEREAS each year thousands of Rockingham County citizens and visitors from other North Carolina counties and other states and nations utilize the trail for recreation, outdoor exercise, birding, geocaching, and nature study; and,

WHEREAS the trail is improved and maintained by the Upper Piedmont Research Station and the Friends of Chinqua-Penn Walking Trail, with generous support from the Reidsville Area Foundation, the Dan River Basin Association, the Rockingham County Naturalist Club, and trail users; and, WHEREAS designation of the Chinqua-Penn Walking Trail as a National Recreation Trail will recognize it as an exemplary trail of local and regional significance that contributes to health, conservation, and recreation goals in the United States; and,

WHEREAS as the first National Recreation Trail in Rockingham County, the Chinqua-Penn Walking Trail will join over 1200 other National Recreation Trails in all 50 states that receive the benefits of promotion,

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technical assistance, access to funding opportunities, and networking to achieve the vision of “Trails for All Americans”;

NOW THEREFORE BE IT RESOLVED that the **CITY OF EDEN** does hereby endorse the application of the Chinqua-Penn Walking Trail to become a National Recreation Trail.

This, the 19th day of August, 2014.

Wayne Tuggle, Mayor

Sheralene Thompson, City Clerk

e. Consideration of Update to Reconnect Policy.

The City’s Reconnect Policy was last updated in January 2009. Included in this policy is Section III – Water and Sewer Adjustments. Currently, we allow leak adjustments when warranted that are equal to one-half of the variable charge on the excess of consumption above normal. Unfortunately, due to the substantial increases that have been necessary in our variable water and sewer rates this still places a severe financial hardship on the individual and or business. The current variable residential charges for inside city limits water is \$4.25 per 1,000 gallons and \$6.01 per 1,000 gallons for sewer.

It is my opinion that when a leak adjustment is warranted (“cause of an excessive water/sewer bill is the result of a leak in the customers plumbing system that was of such nature and at such a location to have been detected with the customer’s reasonable diligence”) an adjustment equal to the average water/sewer bill for the previous six months is fair.

The final recommended change to this policy is to allow customers the one time sewer adjustment for the initial filling of a pool with a capacity of 10,000 gallons or greater as opposed to the current policy that stipulates 12,000 gallons or greater. I recently received a request from a citizen for a pool that was 10,400 gallons and I have found that smaller pools are now being built due often to economic reasons so I believe 10,000 gallons or greater is fair.

f. Request for Consideration of Resolutions Authorizing Four Applications for an Assistance Grant for Various City Sewer Rehab Projects.

The Resolutions attached are for Council consideration for grants, principal forgiveness, and zero and low interest loans for The Covenant Branch and Meadow Greens Force Main Relief Projects and the Junction and Bridge Street Pump Station Rehabilitation Projects. We apologize for presenting these resolution for consideration on the consent agenda late, but new legislation signed by the Governor McCrory on August 7, puts our City in a more favorable position for receiving grants, principal forgiveness, and zero/low interest loans. The new legislation gives special priority consideration to local governments in tier one counties with EPA Administrative Orders.

We have been working on this since the legislation was signed to find projects that will be viable to receive high scoring in the next application round in September. The size of grant/principal forgiveness is declining each round and it is now requiring that multiple applications from different funding sources be used to more fully fund a large project. We think we have an excellent package of projects to submit in the coming September round of funding.

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**RESOLUTION AUTHORIZING CDBG FUNDING APPLICATION
TO NCDENR FOR THE CITY OF EDEN FOR THE
COVENANT BRANCH FORCE MAIN RELIEF PROJECT**

WHEREAS, Title I of the Federal Fair Housing and Community Development Act of 1974, as amended, has established the US Housing and Urban Development (HUD) Community Development Block Grant (CDBG) Program, and has authorized the making of grants to aid eligible units of government in funding the cost of construction, replacement, or rehabilitation of water and wastewater infrastructure, and that the North Carolina Department of Environment and Natural Resources (NCDENR) Division of Water Infrastructure (DWI) was delegated the authority by the state legislature to administer the water and wastewater infrastructure program portion of the state grant monies received from the US HUD CDBG program by Session Law 2013-360, Section 15.15(a), as amended by Section 5.3 of Session Law 2013-363, and

WHEREAS, The **City of Eden** has need for and intends to construct a **wastewater collection system** project described as **The Covenant Branch Force Main Relief Project** and

WHEREAS, The **City of Eden** intends to request state loan and/or assistance for the project,

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

That **The City of Eden**, the **Applicant**, will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the systems.

That the Applicant will provide for efficient operation and maintenance of the project on completion of construction thereof.

That **S. Brad Corcoran, City Manager**, the **Authorized Official**, and successors so titled, is hereby authorized to execute and file an application on behalf of the **City of Eden** with the State of North Carolina for a grant to aid in the construction of the project described above.

That **Wayne R. Tuggle, Sr., Mayor**, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the **City of Eden** has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted this the **19th day of August, 2014** at **Eden**, North Carolina.

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**RESOLUTION AUTHORIZING NCDENR DIVISION OF WATER INFRASTRUCTURE FUNDING
APPLICATION FOR THE CITY OF EDEN FOR THE
COVENANT BRANCH AND MEADOW GREENS FORCE MAIN RELIEF PROJECT**

WHEREAS, The Federal Clean Water Act Amendments of 1987 and the North Carolina the Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of wastewater collection system project, and

WHEREAS, The **City of Eden** has need for and intends to construct a wastewater collection system project described as the **Covenant Branch and Meadow Greens Force Main Relief** project, and

WHEREAS, The **City of Eden** intends to request state loan with grant assistance for the project,

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

That **City of Eden**, the **Applicant**, will arrange financing for all remaining costs of the project, if approved for a State loan with grant assistance award.

That the **City of Eden** will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.

That the governing body of the **City of Eden** agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the City of Eden to make scheduled repayment of the loan, to withhold from the City of Eden any State funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.

That the **City of Eden** will provide for efficient operation and maintenance of the project on completion of construction thereof.

That **S. Brad Corcoran, City Manager**, the **Authorized Official**, and successors so titled, is hereby authorized to execute and file an application on behalf of the **City of Eden** with the State of North Carolina for a loan with grant assistance to aid in the construction of the project described above.

That **Wayne R. Tuggle, Sr., Mayor**, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the **City of Eden** has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted this the **19th day of August, 2014** at Eden, North Carolina.

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**RESOLUTION AUTHORIZING NCDENR CLEANWATER STATE REVOLVING FUND
APPLICATION FOR THE CITY OF EDEN FOR THE
JUNCTION AND BRIDGE STREET PUMP STATION REHABILITATION PROJECT**

- WHEREAS, The Federal Clean Water Act Amendments of 1987 and the North Carolina the Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of wastewater collection system project, and
- WHEREAS, The **City of Eden** has need for and intends to construct a wastewater collection system project described as the **Junction and Bridge Street Pump Station Rehabilitation** project, and
- WHEREAS, The **City of Eden** intends to request state loan with grant assistance for the project,

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

That **City of Eden**, the **Applicant**, will arrange financing for all remaining costs of the project, if approved for a State loan with grant assistance award.

That the **City of Eden** will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.

That the governing body of the **City of Eden** agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the City of Eden to make scheduled repayment of the loan, to withhold from the City of Eden any State funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.

That the **City of Eden** will provide for efficient operation and maintenance of the project on completion of construction thereof.

That **S. Brad Corcoran, City Manager**, the **Authorized Official**, and successors so titled, is hereby authorized to execute and file an application on behalf of the **City of Eden** with the State of North Carolina for a loan with grant assistance to aid in the construction of the project described above.

That **Wayne R. Tuggle, Sr., Mayor**, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the **City of Eden** has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted this the **19th day of August, 2014** at Eden, North Carolina.

Minutes of the regular August 19, 2014 meeting of the City Council, City of Eden:

**RESOLUTION AUTHORIZING NCDENR DIVISION OF WATER INFRASTRUCTURE FUNDING
APPLICATION FOR THE CITY OF EDEN FOR THE
JUNCTION AND BRIDGE STREET PUMP STATION REHABILITATION PROJECT**

- WHEREAS, The Federal Clean Water Act Amendments of 1987 and the North Carolina the Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of wastewater collection system project, and
- WHEREAS, The **City of Eden** has need for and intends to construct a wastewater collection system project described as the **Junction and Bridge Street Pump Station Rehabilitation** project, and
- WHEREAS, The **City of Eden** intends to request state loan with grant assistance for the project,

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

That **City of Eden**, the **Applicant**, will arrange financing for all remaining costs of the project, if approved for a State loan with grant assistance award.

That the **City of Eden** will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.

That the governing body of the **City of Eden** agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the City of Eden to make scheduled repayment of the loan, to withhold from the City of Eden any State funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.

That the **City of Eden** will provide for efficient operation and maintenance of the project on completion of construction thereof.

That **S. Brad Corcoran, City Manager**, the **Authorized Official**, and successors so titled, is hereby authorized to execute and file an application on behalf of the **City of Eden** with the State of North Carolina for a loan with grant assistance to aid in the construction of the project described above.

That **Wayne R. Tuggle, Sr., Mayor**, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the **City of Eden** has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted this the 19th day of August, 2014 at Eden, North Carolina.

The Consent Agenda was approved by unanimous consent of Council.

ANNOUNCEMENTS:

Mayor Tuggle asked Ms. Cindy Adams, Tourism & Events Coordinator to come forward.

Ms. Adams informed the City Council about the success of Shagging on Fieldcrest where they had an attendance of over 2,000 people. She noted that it had tripled from last year. She wanted to thank Miller Coors and the Eden Rotary Club as well as the Draper Village Committee and city staff.

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She also mentioned the upcoming Riverfest that will be held September 19 from 5 to 10 and September 20 from 10 to 10. Riverfest will include 11 bands and 2 stages. There will also be 27 food/beverage vendors, a Miller Coors tasting room, the Eden Rotary beer garden, 100 plus artists, crafters and civic groups, amusements and lots of demonstrations.

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

Mr. Farmer began by mentioning the Dixie Youth AAA tournament for 9 to 10 year old boys that was held on July 18 – 25. There were 16 teams and 14 teams stayed in Eden and the county and also hotels in Martinsville, Danville and Burlington.

He noted that the economic impact was \$500,000 plus on the low end. He explained that this has been the 5th tournament since 2007 and the city was awarded another tournament for 2015.

Mr. Farmer then mentioned the recent Kaboom Playground project which was a big thing and the whole city came together with over 250 volunteers.

This event took place on Saturday, August 16, with 211 registered that day plus others who were registered on prep day. He explained that this was an initiative with City of Eden, Chamber of Commerce, Kate B. Reynolds Foundation, and Kaboom where they built a playground in one day.

This was a \$250,000 investment by Kate B. Reynolds Foundation and they plan to have the volunteers attend the September City Council Meeting for recognition.

ADJOURNMENT:

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

Respectfully submitted,

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

ATTEST:

Wayne Tuggle, Sr., Mayor