

CITY OF EDEN, N. C.

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

Mayor:		John E. Grogan
Mayor Pro Tem:		Wayne Tuggle, Sr.
Council Members:		Donna Turner
		Darryl Carter
		Jerry Epps
		Gene Hagood
		Jim Burnette
	(absent)	Jerry Ellis
City Manager:		Brad Corcoran
City Clerk:		Sheralene Thompson
City Attorney:		Erin Gilley
Representatives from Departments:		
News Media:		Roy Sawyers, RCENO, Latala Payne, Eden News

MEETING CONVENED:

Mayor Grogan 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:

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

PROCLAMATIONS:

(a) Multiple Sclerosis Awareness Week Proclamation

Mayor Grogan noted that the week of March 11 through March 17 (last week) was Multiple Sclerosis Awareness Week.

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MULTIPLE SCLEROSIS AWARENESS WEEK

2013

A PROCLAMATION

WHEREAS, MS is a chronic and disabling disease of the central nervous system in which the progression, severity and specific symptoms cannot be foreseen; and

WHEREAS, every hour of every day someone new is diagnosed with MS, a disease that can erode a person's abilities and hopes, halt a career and unravel the fabric of families; and

WHEREAS, the Central North Carolina Chapter of the National Multiple Sclerosis Society reports that in our state, more than 10,000 people are affected by this devastating disease, and multiple sclerosis generally strikes young adults aged 20 through 40, attacking them in the prime of their lives; and

WHEREAS, the Central North Carolina Chapter of the National Multiple Sclerosis Society has been committed throughout the years to heightening public knowledge and insight about this devastating and disabling disease, and raising millions of dollars to find the cure for MS and develop effective treatments for the disease, as well as provide a wide range of client programs; and

WHEREAS, research advances have brought us closer to finding the cure, much remains to be done, and services must continue to be provided to those who live with the disease; and

WHEREAS, finding the cause and developing a method of prevention for multiple sclerosis is an important task that all Americans and North Carolinians should support;

NOW, THEREFORE, I, John E. Grogan, Mayor of the City of Eden, do hereby proclaim March 11-17, 2013, as "MULTIPLE SCLEROSIS AWARENESS WEEK" in the City of Eden and commend this observance to all our citizens.

John E. Grogan
Mayor

(b) Recognition of Local Businesses:

Mr. Mike Dougherty, Director of Business & Economic Development introduced the following businesses:

- Dick's Drive-In Restaurant 50th Anniversary

Mr. David Wood and Mr. Terry Wood, owners of Dick's Drive In, came forward to receive a recognition plaque in honor of their 50th anniversary.

- Home Savings Bank 2012 Main Street Champion

Mr. Dougherty also introduced Ms. Peggy Gammon, Vice President of Home Savings Bank and recognized Home Savings Bank as the 2012 Main Street Champion.

(c) SHARP Award and Recognitions

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Mayor Grogan introduced Mr. John Bogner, Consultative Services Bureau Chief, North Carolina Department of Labor along with Ms. Roseanne Morgan, Health Consultant and Grady Bebbler, Safety Consultant Supervisor. He noted that Mr. Barry Bailey, Safety Consultant was absent due to an illness.

He then asked all employees who were on the city's safety committee to stand in recognition for their participation on the committee.

Mr. Bogner then explained the process and the city's participation in the SHARP (Safety, Health, Achievement, Recognition Program) Public Sector Program and Eden's efforts toward safety.

Mayor Grogan asked Mr. Tommy Underwood, Fire Chief, to come forward and Mr. Bogner then recognized the four (4) Eden Fire Stations by presenting them with certificates. He then recognized Ms. Melinda Ward, Ms. Dena Spencer-Reid and Mr. Mark Bullins of the city's three (3) additional facilities, Wastewater, Water and Collection & Distribution, who also received certificates. Lastly, Mr. Bogner presented Mayor Grogan with a SHARP flag.

SET MEETING AGENDA:

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

PUBLIC HEARINGS:

There were no public hearings scheduled at this time.

REQUESTS AND PETITIONS OF CITIZENS:

- (a) Judy Kendrick – Request to Address City Council Regarding a Sign Issue.

Ms. Judy Kendrick, 127 Beaver Run, came forward to address the Council about concerns she had regarding an issue she had about signs. She explained that she had written a letter to the City Council and she thanked Council Members Tuggle and Hagood for taking the time to phone her about this issue. She pointed out that there were homeless in this community and she wanted to personally invite them to Unity Baptist Church to see the people who are fed as it was an eye opening experience. She also pointed out that they were worried about neighborhood signs when there were issues of more importance going on in the community such as this and they should reset their priorities.

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Her last comment was regarding a phone call to the City Manager who had not returned her call. She asked if she was on a “Do Not Call” list.

The City Manager replied that he had received her message about her concerns however he was out of the office at a meeting and the phone system records the message and sends an email. He had asked the City Clerk to return the call (on Friday). He explained that the City Clerk then informed him of the situation but he had never been told to return the call.

Ms. Kendrick replied that she did ask for a return call in her voice mail however during the phone conversation about the right of way with the City Clerk she did say that she realized it was the weekend and that she knew how busy the City Manager was and if he wanted to call her on the weekend that was fine or next week was fine so that was kind of how...to which Mr. Corcoran replied that he had asked and was never told he had to return her call and then as soon as he received her letter on Sunday night he contacted Ms. Stultz and he asked her to respond first thing Monday morning. He added that he would be glad to meet with her any time and discuss it further if she would like.

Mr. Agustin Aguirre, 122 E. Meadow Road, addressed Council.

Mr. Aguirre explained that he was the owner of Rio Grande Restaurant. He also had concerns about the city moving his sign. He explained that he had been in business for 20 years and had never had this problem before.

Mayor Grogan noted that they would be able to retrieve their signs as he knew that Ms. Kendrick had retrieved her sign.

UNFINISHED BUSINESS:

- (a) 2013 Board and Commission Appointments.

The following seats need to be filled on the City boards and commissions.

Ward 3 – Community Appearance Commission

Ward 4 – Planning Board

ETJ – Board of Adjustment

Council Member Hagood nominated Mr. Frank Reid for Community Appearance.

A motion was made by Council Member Burnette seconded by Council Member Tuggle to appoint Mr. Frank Reid to Community Appearance Commission. All Council Members voted in favor of this motion.

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NEW BUSINESS:

(a) Approval of Amendment to City Code Chapter 8-1 Discharging of Weapons.

Ms. Gilley explained that based upon citizen complaints regarding excessive wildlife causing injury to property and agriculture, they formulated an exemption to City Code Chapter 8-1. This is the City's prohibition of "Discharging of Weapons within the City." This amendment to this section was drafted in an effort to provide a resolution and relief to property owners within the City.

She explained that this code amendment creates a depredation application and permit process handled within the Police Department. This permit would be specific to an individual, a location and a particular wildlife. This permit would require an individual to comply with all state and federal hunting and wildlife regulations. It is also only allowed to properties at least 10 acres in size.

She explained that they have discussed this with state and federal wildlife agents to ensure that this ordinance would be in compliance with these regulations. The City Attorney recommended approval.

Mr. Reece Pyrtle, Chief of Police, added that it especially affected golf courses and it was a health issue. However he did understand that this was a safety issue.

Ms. Gilley also pointed out that if enacted they also needed to revise the section F (1)(g) from 5:00 a.m. to 5:00 p.m. to 8:00 a.m. to 5:00 p.m.

Council Member Tuggle referenced section A: "It shall be unlawful for any person to discharge an air rifle, air pistol, air gun, slingshot or any like instrument used to eject a pellet or projectile or to discharge a pistol, rifle, shotgun or other gun within the corporate limits except a police officer in the performance of his duty." He stated that to him this was almost the same as discharging a 9mm in the city to which Chief Pyrtle agreed.

He continued in that it just did not fit right with him, but he was sure it was there for a reason. He added that in reading it, if anyone was ever cited for even a concealed air pistol they may have a Class 2 Misdemeanor on their record and to try to explain a record from what he could tell it certainly seemed that even though somebody was found not guilty these charges may still show on their record. He had some concern about somebody getting something on their record. This could hurt your employment just trying to explain over and over that you were cited for discharging a weapon in the city when it may have been a sling shot. He added that he was not saying they delete it, he would just like to hear an explanation of it or either spend some time going over all the different scenarios and let the Council know his opinion.

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Chief Pyrtle replied that he would be glad to look at it and talk to the Council about it. He added that he could tell them that in his 23 years with this agency they have never charged anybody for discharging a slingshot or air rifle but he would be glad to talk with them and Ms. Gilley about it.

Council Member Tuggle stated that was all he asked.

Council Member Burnette commented that regarding the amendment, he was going to vote for it, it was certainly the right thing to do and he had dealt with the same issues that these folks have dealt with. He was correct in that it was a health issue with disease and also damage to property. He added that the concern that he had was the safety aspect. He thought that the Council and those who are involved in this have done a very good job trying to make the perimeters that it was as safe as possible. He asked if he understood correctly that it was only a shot gun to which Chief Pyrtle replied that was correct.

Council Member Burnette stated that the ordinance said it had to only be within 10 acres, but it still did not and no one can really do anything about personal safety except the individual.

Chief Pyrtle agreed and that was one of the things that they tried to address with the hunting license. In order to get a hunting license you have to go through a hunting safety course or you have to be a long standing hunter.

Council Member Burnette agreed and it was a good thing as well but they all know that without 100% focus on what you are doing in terms of safety, bad things can happen. He did not think you can have 100% focus on safety and be trying to carry this out. All he asked was that the people involved in this and when they come to get this permit please remind them about the need for safety and he would even go further to say that if you cannot and he did not think you could have 100% focus on safety when you are actually looking at a target. The only thing he would suggest is to have another pair of eyes. That way you can have, just like you do at the firing range, a safety officer. He was not saying they had to do that, it was just a recommendation.

Council Member Tuggle pointed out that it was a problem throughout the city. If you go down to the walking trail, it has become a hop, skip and a jump track. If you go down and look it is all over the place.

Chief Pyrtle agreed and that was one of the by-products of having 2 rivers. It provides a nice opportunity for those geese to migrate.

Council Member Hagood commented that he appreciated the effort that they took to do this and he liked the way it was handled. He also looked forward to Chief Pyrtle

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supervising the permit process as that was in good hands. He also wanted to add that if there was something they wanted to change after they go through some period here he could bring it back.

Chief Pyrtle agreed that they had talked about that.

A motion was made by Council Member Hagood seconded by Council Member Tuggle to approve the amendment to City Code Chapter 8-1 Discharging of Weapons with the stipulation that F(1)(g) be changed from 5 a.m. to 5 p.m. to 8 a.m. to 5 p.m. All Council Members voted in favor of this motion.

(b) Approval of Amendment to City Code Chapter 10-9.3 Personnel.

Ms. Gilley explained that after a review of the personnel statutes, she determined that City Code § 10-9.3 needed amending. §10-9.3 (E) allows a written warning to be pulled and removed from an employee's personnel file after 24 months unless it has been marked "permanent record" by the City Manager. Her interpretation of the statutory definition of a personnel file is that it includes everything in an employee's record from application to separation with the City. She did not believe that the City is authorized in removing anything unless specifically authorized in the General Statutes. She was therefore, recommending that they delete paragraph (E) in its entirety by enacting this amendment.

Council Member Burnette asked what the protocol was when an employee receives a verbal warning and three years passes and then there is another verbal warning, does it go to step 2 or remain at step one.

Ms. Gilley replied that she thought that it basically states when you can have a pre-disciplinary hearing and then that is only when you have had a verbal warning and then a written warning and then your next action would be a pre-disciplinary conference.

Mr. Corcoran added that it also depended upon the infraction. He explained that there have been instances where the verbal and written warning has been skipped because of the severity of the situation and it has gone right to a pre-disciplinary conference. There have been instances where maybe an individual has gone through a pre-disciplinary conference because something was more severe and then something relatively minor occurred but still needed to be documented so they ended up getting a verbal warning so it really depends on a case by case basis.

A motion was made by Council Member Tuggle seconded by Council Member Hagood to approve the amendment of City Code Chapter 10-9.3 Personnel. Action on the motion was as follows: Council Members Tuggle, Epps, Hagood, Turner and Burnette voted in favor of this motion. Council Member Carter voted in opposition. Motion carried.

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(c) Recommendation to accept bid on 812 Church Street.

Ms. Stultz explained that the City has received a bid on the vacant lot located at 812 Church Street in the amount of \$2,650 from David Cook, Jr. The tax value of the property is \$7,076.

The advertisement for bids was run in the News & Record on January 27 and 30, 2013. The advertisement for upset bids was run in the Eden Daily news on February 17, 2013. No upset bids were received.

The house situated on the lot was demolished by the City of Eden as a result of a housing code violation and the lot was purchased by the City at public auction through the collection process. The amounts paid out for the demolition and court proceedings are as follows:

Demolition \$ 3,700.00
Civil costs 927.00
Total \$ 4,627.00

In addition to the above fees, we advertised for upset bids. The property is being sold subject to unpaid property taxes. The amount due as of March 14, 2013, is \$100.65.

In my opinion, our best outcome is to sell the property, regain what we can and encourage new development on the site.

A motion was made by Council Member Epps seconded by Council Member Carter to approve this recommendation. All Council Members voted in favor of this motion.

REPORTS FROM STAFF:

There were no reports scheduled.

CONSENT AGENDA:

- (a) Approval and adoption of minutes: February 19 and 23, 2013.
- (b) Approval and adoption of Budget Amendment #10.

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

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amendment increases the General Fund revenue line item "loan proceeds" and also increases the Solid Waste Capital Outlay – Vehicles for the purchase of a new 2013 Knuckleboom truck.

Subject: Budget Amendment # 10

	Account #	From	To	Amount
General Fund Revenues				
Loan Proceeds	10-3850-86000	\$ 485,300.00	\$ 610,500.00	<u>\$ 125,200.00</u>
General Fund Expenditures				
Solid Waste C/O Vehicles	10-4710-55000	\$ -	\$ 125,200.00	<u>\$ 125,200.00</u>

To allocate loan proceeds for Solid Waste Knuckleboom.

Adopted and effective this 19th day of March, 2013.

Attest:

Sheralene Thompson, City Clerk

John Grogran, Mayor

(c) Consideration and appointment to the Eden Downtown Development Corporation (EDDC).

The by-laws of the Eden Downtown Development Corporation require that an Eden City Council member be appointed to this Board. The Eden Downtown Development Corporation is responsible for overseeing the downtown revitalization efforts in the City of Eden. Eden City Councilman Jim Burnette has expressed interest in continuing his appointment to this Board.

The EDDC Board requests that Mayor Grogran reappoint Mr. Burnette to the Board at the March 2013 Eden City Council meeting.

(d) Request for a temporary sign from Eden Chamber of Commerce.

Staff has received a request from the Eden Chamber of Commerce to place a banner in the public right-of-way at the corner of Van Buren Road and E. Arbor Lane (at BB&T) to promote the annual Business Expo. The request is to allow the banner to remain up from April 1, 2013 to May 3, 2013. Staff recommends in favor of the request.

A motion was made by Council Member Tuggle seconded by Council Member Burnette to approve all Consent Agenda items. All Council Members voted in favor of this motion.

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ADJOURNMENT:

A motion was made by Council Member Tuggle seconded by Council Member Hagood to adjourn. All Council Members voted in favor of this motion.

Respectfully submitted

Sheralene S. Thompson, CMC
City Clerk

ATTEST:

John E. Grogan, Mayor