

CITY OF EDEN, N. C.

The regular meeting of the City Council, City of Eden, was held on Tuesday, July 16, 2013 at 7:30 p.m. in the Council Chambers, 308 E. Stadium Drive. Those present for the meeting were as follows:

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

MEETING CONVENED:

Mayor Pro Tem 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.

Before conducting the meeting Mayor Pro Tem Tuggle explained that the bow and photo was in honor of Mayor Grogan who had recently passed away. He noted that Mayor Grogan served the City of Eden for 20 years as a councilman and 8 years as Mayor. He was the longest serving elected official in the history of Eden. He thanked Mayor Grogan for his many years of leadership, caring and loyalty to the city employees and citizens of Eden. He pointed out that they would all miss his one liners, or what he called "Johnnyisms", and his great sense of humor could always bring a light moment in a difficult situation. He was one of a kind and he thought they would all agree. In closing he stated that their prayers and thoughts go out to Sylvia, Meredith and Michael and their family members and he then asked for a moment of silence before beginning the meeting.

INVOCATION:

Council Member Jerry Ellis, Ward 7, gave the invocation followed by the Pledge of Allegiance.

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PROCLAMATIONS AND RECOGNITIONS:

There were no special proclamations or recognitions at this time.

SET MEETING AGENDA:

Mayor Pro Tem Tuggle noted that there was a request to remove item 7(c) from the agenda.

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

PUBLIC HEARINGS:

- (a) Approval and adoption of NC Rural Center Building Reuse Grant Resolution.

The memorandum explained that a public hearing would be held at the July 16, 2013 City Council meeting a for the City of Eden resolution of support of the NC Rural Center Building Reuse Grant for Loparex that includes the city financial contribution to this project.

Resolution of the Eden City Council
Application for NC Rural Center 2013 Building Reuse Funding for Loparex

WHEREAS, the Eden City Council has previously indicated its desire to assist in economic development efforts within the City of Eden; and,

WHEREAS, the Eden City Council wishes the City to pursue a formal application for N.C. Rural Center Building Reuse funding to benefit "Loparex" and will invest monies in the amount of 5% of the grant amount toward the proposed renovations as committed to in the application.

WHEREAS, the Eden City Council certifies it will meet all statutory requirements of the Program,

NOW THEREFORE, be it resolved by the Eden City Council that:

Upon receipt of the Grant Agreement for the 2013 Building Reuse project by the N.C. Rural Center, the Mayor and the City Manager are hereby authorized to proceed with the execution of documents and return them to the funding agencies in the interest of proceeding with grant execution.

The Mayor and the City Manager are hereby authorized to execute daily grant related documentation which includes documentation such as the grant agreement, general correspondence between the City and the proposed business and/or the funding agency (as necessary). Any documentation, which reflects a change in the original scope of work and/or amendment related activities, must be brought before the Eden City Council for approval.

NOW, THEREFORE BE IT RESOLVED, by the Eden City Council that the City of Eden is authorized to submit a formal application to the N.C. Rural Center for approval of a Building Reuse Grant to benefit "Loparex".

Adopted this the 16th day of July, 2013 in Eden, North Carolina.

Wayne Tuggle, Sr.
Mayor Pro-Tem

Sheralene S. Thompson
City Clerk

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Mayor Pro Tem Tuggle called for a public hearing and asked Mr. Mike Dougherty, Director of Business & Economic Development, to come forward.

Mr. Dougherty explained that Loparex has been in the city for many years. They make release liners for a variety of industries, including release papers for the back of band aids. They expanded in 2009 and are considering another expansion in the city. He noted that it will include 12 new jobs and an investment of over \$700,000. He added that the company is seeking no Eden, Rockingham County, or State incentives. It was seeking a North Carolina Rural Center Building Re-Use Grant of \$120,000. He explained that the City of Eden was the applicant for the Rural Center Grant and this required a match of 5% or \$6,000 (but) because of other contributions it will most likely be closer to \$2,000. He stated that the city should gain from the taxes on the building upgrades, machinery, and equipment. Therefore, he was asking the Council to approve the resolution in support for this grant.

Mayor Pro Tem Tuggle asked if there was anyone who wished to speak in favor or in opposition of this request. As no one came forward to speak, he declared the public hearing closed.

A motion was made by Council Member Burnette seconded by Council Member Carter to approve and adopt the resolution of support of the NC Rural Center Building Reuse Grant application for Loparex. All Council Members voted in favor of this motion.

(b) Consideration of a request and adoption of an ordinance to close a portion of Deshazo Street. (SC-13-01).

At the June 16, 2013 regular meeting, the Council adopted a Resolution of Intent to Close a portion of Deshazo Street. The Council also scheduled this public hearing to hear comments on the street closing request filed by Shane Hensley, Abby Hensley, Henry Ray Kelly, Norma Meeks Kelly, Ryan P. Hill, Brent Carter, Sylvia Smith and Rent-A-House.

The Planning and Inspections Department recommends approval of the street closing. At their June 25, 2013 regular meeting, the Planning Board voted to recommend approval of the street closing.

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

Ms. Kelly Stultz, Director of Planning & Inspections, explained that the City has received a petition signed by the owners of 100 percent of the abutting properties requesting that a section of Deshazo Street be closed. She explained that the Eden City Code, Chapter 13, Article 3, Division 3, and N.C.G.S. 160A-299 authorizes the City Council, upon recommendation of the Planning Board, to consider closing or vacating of a street in accordance with the rules and procedures set forth therein.

Furthermore, it permits the City Council to close a street provided that after a public hearing has been held, it appears to the satisfaction of the Council that closing the street or

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alley is not contrary to the public interest, and that the city has no interest in preserving the dedication of such street or alley for municipal purposes, and that no individual owning property in the vicinity of the street or alley would thereby be deprived of reasonable means of ingress and egress to his property.

The following public utilities and public service corporations have been contacted in response to this street closing and have issued the following comments in regards to their utility lines and future utility plans for the area:

City of Eden Engineering – No objections to the closing.

Duke Energy – No objections to the closing.

Piedmont Natural Gas – No objections to the closing, with the exception that they need to maintain an easement for a 2 inch main line which goes to a ¾ inch service for 141 Deshazo Street.

Century Link

Time Warner Cable

Dan River Water

According to the N.C. General Statutes and the Eden City Code, before the city can close a street, the City Council must be satisfied of two matters:

1. That the street closing is not contrary to the public interest.
2. That no individual who owns property in the vicinity of the street is deprived of reasonable means of ingress and egress to that property because of the street closing.

In regards to the required findings, the Planning and Inspections Department issues the following comments:

Contingent upon comments from the public service corporations, the staff is of the opinion that the street is not required for public utility service for the area.

The section of the street to be closed is not necessary to the general public for travel and traffic circulation in the area. All adjoining property owners have their primary access off of NC 87 North or off of the portion of Deshazo Street that will remain open. Therefore, staff is of the opinion that no property owner will be denied reasonable means of ingress and egress because of the closing.

In conclusion, the staff recommends, based upon these stated findings, that the street be closed as requested, contingent upon the easement being reserved.

Council Member Burnette asked if it was correct that the easement was across the paper street to which Ms. Stultz replied that was correct.

Mayor Pro Tem Tuggle asked if there was anyone who wished to speak in favor or in opposition of this request. As no one came forward to speak, Mayor Pro Tem Tuggle declared the public hearing closed.

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A motion was made by Council Member Hagood seconded by Council Member Carter to approve and adopt the ordinance to close portion of street as requested contingent upon necessary easements being granted. All Council Members voted in favor of this motion.

(c) Consideration of an amendment and an ordinance to amend Section 6-37 of the Eden City Code to modify a section dealing with conditions constituting a public nuisance. CCA-13-01.

The Community Appearance Commission initiated an action that Section 6-37 of the Eden City Code be amended to add sofas and other upholstered furniture being used as yard furniture to the Conditions Constituting Public Nuisances.

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

This item was pulled.

(d) Consideration of a zoning map amendment request and ordinance to rezone property located at 13912 NC 87 from Business-Highway #2 to Residential-20. Request submitted by Steven Radloff. ZONING CASE NO. Z-13-01.

The City has received a zoning map amendment request filed by Steven Radloff for property at 13912 NC 87 North. The request is to rezone the property from Business-Highway #2 to Residential-20.

The Planning and Inspections Department recommends approval of the map amendment request. At their June 25, 2013 regular meeting, the Planning Board voted to recommend that the City Council approve this request.

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

Ms. Stultz explained that the request is to rezone approximately .39 acres from Business Highway 2 (BH-2) to Residential 20 (R-20). The BH-2 district is established primarily for selected existing business areas along the major thoroughfares in Eden. As the businesses in this district have inadequate front and side yards, this district was created primarily for such uses so that they could be classified as conforming uses.

The R-20 district is established as a district in which the principal use of the land is for single family residences. The regulations of this district are intended to protect existing residential areas with minimum lot sizes of 20,000 square feet and to encourage, in selected portions of the incorporated area, the subdivision of undeveloped property into lots with a minimum of 20,000 square feet.

The subject property is located at the intersection of NC 87 North and Rhodes. The property is bordered on the west, south and east (across NC 87) by residential property. To the north, across Rhodes Road, is a commercial property. The property contains a residential dwelling which was formerly used as a church. The building has been vacant for some time, but has recently been sold. Because of the BH-1 zoning, the property cannot be used as a residence without rezoning. The property was zoned BH-1 at the time of the

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original zoning of the ETJ, most likely because there were several commercial uses in this area. There has been no recent development pressure in the area. Staff is of the opinion that rezoning the property to R-20 would be appropriate, due to the other R-20 residential uses in the area.

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

Council Member Burnette asked if there were actually two living residences there to which Ms. Stultz replied, no, just one.

Council Member Ellis asked if they could not move in unless they change it to which Ms. Stultz replied no.

Mayor Pro Tem Tuggle asked if there was anyone who wished to speak in favor or in opposition of this request. As no one came forward to speak, Mayor Pro Tem Tuggle declared the public hearing closed.

A motion was made by Council Member Burnette seconded by Council Member Turner to approve and adopt the ordinance to rezone property from Business Highway 2 to Residential 20. All Council Members voted in favor of this motion.

REQUESTS AND PETITIONS OF CITIZENS:

No one came forward to speak at this time.

UNFINISHED BUSINESS:

No Unfinished Business was scheduled.

NEW BUSINESS:

No New Business was scheduled.

REPORTS FROM STAFF:

There were no reports scheduled.

CONSENT AGENDA:

- (a) Approval and adoption of minutes: June 18 and June 25, 2013.
- (b) Consideration and approval of the final development plan for Summit Place – Phase 2, a planned unit development, located on Northridge Drive. ZONING CASE Z-12-01.

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Northridge Development Corporation has presented a final development plan for Summit Place, Phase 2 located on Northridge Drive.

The Planning and Inspections Department recommends approval of the plan subject to conditions. The Planning Board considered the final development plan at their regular meeting on June 25, 2013. After consideration, the Board recommended that the request be approved subject to conditions.

(c) Request for consideration of bids for East Kuder Street Basin Sanitary Sewer Improvements.

Sealed bids were received and opened by the City of Eden on June 18, 2013 at 2 PM, for the East Kuder Street Basin Sanitary Sewer Improvements. Four contractors were responsive and submitted sealed bids for the contract.

The East Kuder Street Basin Sanitary Sewer Improvements bid came in under the engineer’s estimate of \$1,971,376.00. Yates Construction Company was the lowest responsible bidder. Yates Construction is an experienced utility contractor and they have just finished our Northern Smith River Outfall Improvement successfully. The City has been very satisfied with the work completed by Yates Construction.

| Contractors | Bid | Engineer’s Estimate | Different |
|----------------------------------|----------------|---------------------|----------------|
| Yates Construction Company | \$1,933,957.25 | \$1,971,376.00 | - \$37,418.75 |
| P. F. Plumbing Contractors, Inc. | \$2,010,747.75 | \$1,971,376.00 | + \$39,371.75 |
| Pipeline Utilities, Inc. | \$2,483,000.00 | \$1,971,376.00 | + \$511,624.00 |
| Layne Inliner, LLC | \$2,730,132.57 | \$1,971,376.00 | + \$758,756.57 |

All the bids had an adder for rock, should it be encountered during construction. The Yates’ bid does have a rock adder as Alternate 1 should rock be encountered during boring and jack installations of the pipe laying. Alternate 1 was bid as an additional \$166,600 should rock be encountered with a unit price of \$660 per foot.

The staff recommends that the City Council accept the bid submitted by Yates Construction for the East Kuder Street Basin Sanitary Sewer Improvements based on their low bid, ability to do the work and their good working relationship with the City. There is an attached letter from W. K. Dickson recommending that the City accept the bid from Yates Construction. If City Council approves of this bid, the bid award must also be approved by the Infrastructure Finance Section of the Department of Environment and Natural Resources.

(d) Consideration of Financing – 5 years – 2012 Thomas Built SRW Child Care Bus.

In the 2013-2014 Budget, City Council approved to purchase a new passenger van/bus for the recreation department and it has been set up in the budget to be financed. On July 3, 2013, I requested bids from our local banks for the financing and received the following quotes:

| | |
|---------------------|-------|
| BB&T | 2.39% |
| Carter Bank & Trust | 1.85% |
| NewBridge Bank | 4.05% |

The lowest quote is from Carter Bank & Trust at 1.85%. The annual payments will be approximately \$9,489.18 which is within the budgeted amount . I respectfully ask that Council approve Carter Bank & Trust as the successful bid.

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

ADJOURNMENT:

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

Respectfully submitted

Sheralene S. Thompson, CMC
City Clerk

ATTEST:

Wayne Tuggle, Sr., Mayor Pro Tem