

CITY OF EDEN, N.C.

A special meeting of the City Council, City of Eden, was held on Tuesday, April 11, 2000 at 5:00 p.m. in the Council Chambers at 338 W. Stadium Drive. Those present for the meeting were as follows:

Mayor:	Philip K. Price
Mayor Pro Tem:	John E. Grogan
Council Members:	Ronald H. Reynolds
	Ronald L. Janney
	Christine H. Myott
	Garry W. Tudor
	William W. Rorrer
	C. H. Gover
	Radford L. Thomas
City Manager:	Charles J. Nooe
City Attorney:	Kim J. Scott
City Clerk:	
Representative from County:	Don Moss, Rockingham County EDC Director
Representative from New Media:	Reid Baer, <u>The Daily News</u> , Leslie Brown, <u>Greensboro News & Record</u>

MEETING CONVENED:

Mayor Price called the meeting to order and welcomed those in attendance.

PUBLIC HEARINGS:

A public hearing to receive public input on the preliminary assessment resolution for a sewer construction project on NC Highway No. 14 and Mebane Bridge Road Outfall according to NCGS 160A-223.

Mayor Price called the public hearing and asked the City Manager for his comments.

Mr. Thomas explained that the public hearing was for a sewer line that will be constructed along the west side of Highway 14 extending down to Mebane Bridge Road and turning back to the east across Highway 14 and finishing out into a pump station located in the Oaks. He stated that the purpose of the hearing was to consider the preliminary assessment roll and to set forth the means by which the assessment will take place.

He explained the proposal and read from the resolution, "50 percent of the total cost of said extension crossing or abutting the lots described in Section 1 (of the resolution) shall hereafter be assessed upon the benefited properties on the basis of the lineal footage of the line crossing a lot or the rear or front footage of each lot abutting said line at an equal rate per lineal, rear or front footage." He explained that the assessment would be paid for in cash or if any property owner would elect, they would have the option of paying an assessment in five equal annual installments at an interest rate of 8 percent per annum.

He explained that they were holding the public hearing today for the consideration of the preliminary assessment resolution. Mr. Thomas noted that the City Engineer had a map that would show the location of the proposed line. He also noted that attached to the back of the resolution was a certificate showing where it was mailed to the property owners.

Mayor Price asked the City Engineer, Joe Stanley, if he would show where the lines were going to run.

Mr. Stanley explained that essentially, if they (property owners) were mailed out for an easement, one was (map) attached with a form letter. He explained that the new sewer would tie in on the property of D R Development on the opposite side of (Highway) 14. He stated that essentially the sewer would begin at the existing dead head manhole starting at D R Development on that side boring under (Highway) 14, then going along under Michael J. Foley, (Rollabout Skating Rink) approximately 228' and then going in between Dr. Glasscock and

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Foley at a diagonal across to the back on the KEM property which follows along solely on their property adjoining John Atkinson Company, Glasscock, and then from that point it follows along splitting KEM's property, boring under Mebane Bridge Road and then the sewer follows along behind (and this was all on the City of Eden's property) the Eden Chopper Shop, Carl W. Nash and Pete Osborne, N.C. Petroleum Tank Service, and Jimmy Dean Chilton, and also Bobby and Brenda Edwards. He explained that it then makes a turn down on the city's property and goes along the common property line between Charles Rumley and William F. Pace, Jr., for approximately 600'.

Mr. Thomas asked if he would tell them what their estimate was, as far as per foot cost of this line.

Mr. Stanley replied that this was based off the Engineering Consultant's cost estimate, which was \$260,055 and a total estimated footage of 3,979', which comes into cost per foot of sewer line at about \$65.36. He asked that they remember this was preliminary based on estimated cost and footage and then of course once the project was completed they would know the actual footage and cost of the project. That was the total cost and their property may be assessed at the total 50% or 25% depending if they were on both sides of the line.

Mayor Price asked if anyone on the Council had comments.

Council Member Gover asked if there were only two that was back to back there that would be assessed one fourth or 25%.

Mr. Stanley replied yes, those were considered 25% assessments since they were only one side of the line. He then pointed out the 50% assessment properties.

Mayor Price explained the purpose of the hearing and asked if anyone would like to come forward to make comments or ask questions.

Mr. Pete Osborne, PO Box 1107, stated that he did not really have any comments, but he did have some questions. He stated that he had received a letter that said a proposed extension, if undertaken, could result in, and he assumed this line was going to be built...to which Council Member Grogan pointed out there were no guarantees and Mayor Price added that it could be turned down.

Mr. Osborne asked and added that he may have missed it as he was late coming in, but he asked what was the planned assessment or what was the percentage he was talking about.

Council Member Grogan replied \$65 a foot.

Mr. Stanley added that essentially, for this property it would be a 25% assessment.

Mr. Osborne asked if that was 25% of the total project divided by the number of feet.

Mr. Stanley replied that was right, the total cost by the total number of feet and then whatever the footage was across his property, at that per foot cost times 25%.

Mr. Osborne asked if that per foot cost was assuming free right of ways to which Mr. Stanley stated he was not sure what he was saying. Mr. Osborne explained that he did not have all of his right of ways acquired.

Mr. Stanley replied that it was the total footage of the project from beginning to end.

Mr. Osborne asked if it was assumed that he was not going to have a cost in the acquisition of right of ways.

Mr. Thomas replied that this would be construction costs, pipe and digging ditches, not necessarily right of ways and Mr. Stanley added that they did not take that into account at that...

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Mr. Osborne stated that was fine as he was just asking. He asked if he was saying that through the property that Carl Nash and he (Osborne) owned, they would pay 25% of whatever the per foot assessment was.

Mr. Stanley replied that was right, for the amount that crossed adjacent to his property.

Mr. Thomas asked again what was per foot cost and Mr. Osborne asked where did he get into it being more than 25%.

Mr. Stanley explained that for example, KEM, they own all this and they were splitting their property, so they were providing service to each side of the property therefore it would be the full 50% and he (Osborne) was only on one side so it would be 25%.

Mr. Osborne asked if it was his assumption that KEM was going to give him the right of way to which Mr. Stanley replied, at this point, yes.

Mr. Osborne questioned taps to which Mr. Stanley replied that if they did grant the easement he would be allowed a free sewer tap.

Mr. Osborne asked if he was going to make them as they go.

Mr. Stanley replied that they could work that in. He stated that they did not include it in the contract, but that could be changed, if he let them know where he wanted it. He stated that was one of the concerns with a lot of the vacant land, they did not want to put it in and it be subdivided.

Mr. Osborne asked, so he would get three per what to which Mr. Stanley replied that he would get one free sewer tap per easement.

Mr. Osborne asked that for those four lots he would get one tap or four.

Mr. Stanley replied that it would be one easement and his understanding was one easement, one tap.

Mr. Osborne explained that his reason for asking was that he had gone to City Hall and looked at the drawings and that line was very deep and it was going to be very expensive to go back and tap later.

Mr. Stanley explained that Mr. Osborne had four individual lots and Mr. Thomas questioned that would be four easements.

The City Attorney, Mr. Charles Nooe, replied that was for the city to decide to which Mayor Price clarified that it was whatever Council would decide.

Mr. Osborne replied that was fine, as that was why he was asking.

Mr. Nooe explained that it could be one easement covering four lots, the policy could be one tap per lot according to the existing subdivision plat.

Mr. Osborne stated that there was an existing policy or just an old custom that there were so many taps per so many 100' of easement. He asked if he knew of anything like that on record.

Mr. Nooe replied that when the last outfalls were put in, at that time the City Council decided how many taps it would give in exchange for the easements. Now as far as there being a policy for all future outfalls or collection lines, he did not recall it being put into that type of policy. That was something that the Council decided for those projects when the outfalls and all of the collection lines were put in, up to North Spray and down through Rhoulac Knolls.

Mr. Osborne asked if they were actually not really setting a policy there either, as this would be for this project and the next policy could be different.

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Mr. Nooe replied that it was unless the Council decided to have one for all future projects.

Mr. Osborne explained that again, he just had questions. He stated that he did not understand why it stopped at Knight Street and did not go on up. He asked if there was not an unopened street behind King's Chandelier up to what used to be the Ford place.

Mr. Stanley replied that was a separate phase of the project.

Mr. Osborne stated that it did not have anything to do with this one to which Mr. Stanley replied, no a separate line that ties into another existing sewer was serving them.

Mr. Osborne asked if he was talking about their existing pressure line.

Mr. Thomas replied no, there was a gravity line that was part of this project, but it was a separate leg.

Mr. Osborne explained that his only comment was that there was something in there that did not seem quite fair to him. He stated that he and Homer Wright, and Homer or either his family owned part of this land, were in essence going to be paying a portion of that line which goes from the east side of (Highway) 14 back into the Oaks to put it into a line that they (Osborne & Wright) had to pay 100% of, and which served nobody and that was the reason they stopped it where they did in the river bottoms there, there was no point in bringing it further. Mr. Osborne stated that it would appear to him that that formula was in essence making them pay to get to that line again and he just questioned if that was really a fair way of doing it.

Mr. Nooe pointed out that was not the way it works out, they were not paying for the line in the footage on that side.

Mr. Stanley replied, on that side no, this property, even though they were crossing the property and needed an easement, an existing sewer currently served it and he would gain no value so there was no assessment on it, it was just for this property.

Mr. Osborne stated that they were paying for it when they pay a per foot portion of the entire cost of it to put it back into a line that they built several miles of sewer line in there that they paid 100% of the cost of. He stated that he just put that out there for whatever. He explained that he just really did not have enough information and was concerned about those taps. He stated that those taps were very deep and he did not know what their policy would be of making them later. He stated that he would hate to see them put in four for him now, and not ever need them, but at the same time, four now would cost less than one later because that sewer was so deep in that particular portion of the project.

Dr. Grady Glasscock, PO Box 2161, stated that he thought he had the last piece of property down there that they all of course need an easement for. He explained that 21 years ago he had wanted water and sewer, but no dice, he could not get it. He stated that he had septic tanks and asked what advantage it was going to be to him.

Mayor Price commented that he was sure anybody would look at that and when you see water and sewer...to which Dr. Glasscock asked why he could not get it 20 years ago.

Mayor Price replied that he could not answer that question but he was sure that whole area had not been developed yet...to which Dr. Glasscock added that he could not even get mail delivered there then.

Mayor Price explained that it would probably not been cost efficient at all to have run it at that time.

Dr. Glasscock stated that as he had said, he already had septic tanks. He asked why he should want to pay for this.

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Mayor Price replied that a lot of people ask that question and he was sure it was one of those...to which Dr. Glasscock commented that it was just another tax to him and that was all it was going to be.

Council Member Grogan asked if it was going to increase the value of his real estate to which Dr. Glasscock replied that he did not think so.

Mr. Thomas explained that one thing that it would do was allow him, from an environmental standpoint, to eliminate the septic tanks. He would not have any future maintenance or concern about having to replace the tanks.

Dr. Glasscock stated that they have been pumped twice in twenty years and that was not bad.

Council Member Gover asked how many feet was his frontage.

Dr. Glasscock replied, about 140' or 150'. He stated that the people who have land down there to be developed, that would be a great windfall. He stated that if he had land to sell, he would want a sewer line there too. It would help them sell their property as whoever buys it will not have to put one in.

He stated that the City ran it to Gildan. He stated that they were running water and sewer out there. The City would give them \$500,000 worth of incentives because they were employing 200 people. He stated that granted it was needed, but the thing about it, they (property owners) were going to be employing people too. He stated that he employed people. He stated that they (Gildan) were not paying, they (property owners on Highway 14) were paying. He asked if anyone had a reason.

Council Member Rorrer agreed that he made a good point.

Mr. Nooe commented that he would be glad to give him some reason. He explained that the value of his property would be improved.

Dr. Glasscock replied that he did not think so.

Mr. Nooe stated that was a matter of opinion. He stated that he could have it appraised then it would be improved.

Dr. Glasscock stated that would mean his taxes would go up.

Mr. Nooe replied that when the value of his property goes up his taxes go up, more of his property could be used. Now he could not build on top of his septic tank or on top of his drain field.

Dr. Glasscock commented that he believed he was a nonconforming business and could not do it anyway.

Mr. Nooe stated that he would have more land to develop and potentially sell and his property was going to be sold someday.

Dr. Glasscock asked if the City would let him expand if he wanted to.

Mr. Thomas replied that he thought that for his veterinary clinic, he was properly zoned. He stated that he did not think there was any restriction on his expansion.

Dr. Glasscock stated that he went before the City Council about 15 years ago and the only thing he knew that they came up with was that they grandfathered him and that was where it was left.

Mr. Thomas stated that he would double check that but he believed the zoning was correct. He stated that he thought it was Highway-Business.

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Mr. Stanley commented that it was B-G and it did allow animal hospitals. He stated that he had checked into it.

Mr. Thomas stated that he thought the zoning was fine and as Mr. Nooe pointed out, if his drain fields were not there, if he wanted that he could expand his business.

Dr. Glasscock stated that he wished he could agree that the property value would go up but that was questionable. He stated that was what he had to say. He added that he did not think that it would make a difference with most of them but that was beside the point.

Mrs. Betty Hubbard, Grant Street, commented that she did not object to this at all because she thought they needed to grow and improve. She added that she heard them telling Mr. Glasscock how it was going to improve his property. She stated that she did not think Mr. Glasscock had ever been there when she had talked before the Council. She stated that she and her husband were sold a bill of goods so far as curb and gutter and how it would improve their property. She stated that they could not sell their property. She stated that they have a drainage problem that prohibits them from selling it because they have to disclose that to every person. She stated that the only person that they have had that said "I'll give you an option on your property but I will wait five years to see how the water does before I purchase your property", so not everything that the City did improves and not everything that it promised did it carry out.

She stated that Mr. Glasscock had some good points about it. She stated that he may be able to. She recalled that when the Eden Mall could have a pet shop down in the Eden Mall, Glasscock could not expand his shop. She stated that they do a lot of things that do not make sense. She stated that she and her husband did not want curb and gutter. They felt like they were in the city and had the city fire protection but they did not need curb and gutter. She stated that it made more traffic, much faster and it just devalued their property until they were just at a standstill. She stated that she certainly sympathized with Mr. Glasscock and he should just not believe what the Council said. She stated that she had been through all the minutes from 1988 until now and she could tell them at least 50 things that she had been told that were nothing but untruths.

Mr. Tom Medlin, Attorney, 230A West Kings Highway, explained that he was speaking on behalf of William Pace, Jr., who was the land owner on the very last leg of the sewer project. He stated that many of them were probably aware that this land from there on back and on over was originally part of Bearslide that was proposed by Spray Water Power and Land Company; however those sections were never developed. They were put on the map, but never actually developed or sold by them.

He explained that his reason for being there was that Mr. Pace purchased this as a rather large chunk of land, they could not see all of it, but if they were familiar with the golf course that runs back along the river, his land goes all the way back to the golf course. He purchased that property to put a house on, not to develop it. He stated that he knew that it was his intent and it would be very easy to say, well yes, but certainly he could subdivide it and it should improve the value of his land and he can put lots up against there and tap, but the truth of the matter was that was not what he wanted to do.

He stated that his father was right next door. He purchased another large tract of the Bearslide, which was north of a 60' road and back over on the other end, and he built his house there. He has not put any other out parcels on that property. His son was doing the same thing. He bought a large tract to get away from people and he was going to build back on the golf course. They have put a lake back in there that would be on either side of their properties so in effect, it would cost him more if he were to try to tap onto this sewer line and run it back to his house than any assessment or sewer tap or anything else that was ever going to cost him. He was going to have to put in septic tanks and for that reason he was really not going to get a personal benefit out of this.

He noted that they could see that a strip of this land was sold to Charles Rumley and his land used to stop at lots 1-5. Then Bobby and Brenda Evans own 6-8 and that was for Choice Center and he believed that they rent that from Mr. Rumley. He explained that the reason Mr. Pace sold that 100' strip to them was not for commercial purposes or any type of development, but quite

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honestly they were dumping old used parts of trailers and axles and tires and stuff like that back in there. When he demanded that they remove it they instead wished to purchase some of the land and they purchased 100' of the land to use for their business.

Mr. Medlin stated that in looking at the map, one of the first things he considered was why not run that easement straight on across over to the road instead of actually having to turn and make a bend and then go across. He stated that he had discussed that with the Engineer and of course he would give his views on that. He stated that he did not know whether it would save money for not having to make the turn there or not. He certainly knew that it was easier easement-wise for them as those easements were going to have to be acquired, they were not a matter of record at this time, but that would solve Mr. Pace's situation and may even save money if it goes straight across.

He stated that his second question was if that could not occur and the assessment was going to happen, if he was really not going to get any benefit, was there any way to delay his requirement of payment of that assessment until he either sells the land or wants to tap. He asked if there was any way of maybe trading any kind of cost of acquiring the assessment with the assessment on the easement, trade the cost of the taps or acquiring the easement with that assessment as well. He stated that they did not want to hold up the project or get into anything like that, but Mr. Pace just did not wish to pay \$9,000 or \$10,000, for something that he was really not going to use or benefit from personally. He also asked when at what point would the landowner actually be assessed.

Mr. Thomas explained that what the process involves, the Council has a vote to proceed with the project and approve the preliminary assessment roll, they undertake the project and then come back to a point where they do a final assessment that the Council considers and that was based upon the actual construction cost. Those numbers could change and go down or up, but they could change based upon actual construction costs, they were based upon estimates now. At that point in time the Council would have to consider and approve the final assessment roll and then at some point shortly thereafter was when the assessments would actually be made.

Mr. Medlin asked that likewise when they determine the roll for who to give notice to for the preliminary they would have to do the same thing at the final to determine, to update the roll.

Mr. Thomas replied that was correct, the same roll, but if something had changed hands it needs to be sent to whoever was the owner of record in the tax office.

Mr. Medlin asked what was the estimated time frame on this project.

Mr. Stanley replied that he believed that the Mebane Bridge time frame, they would try to get that done by June 30 and Harris Place and the pump station had a time frame of the end of July or August one.

Mr. Thomas added that it would be at the completion of the entire project so probably the middle part of the summer.

Mr. Medlin asked, as far as any type of assessment lien, that was placed after the final assessment goes into effect and the owners were given their period of time to either pay or elect to pay installments over a period of time.

Mr. Nooe replied that they have five years to pay it if they elect to pay it (installments).

Mayor Price asked the City Engineer to explain to the Council why it was turned like that.

Mr. Stanley explained that essentially, it split the property of this owner and this owner for full benefit of the use. He stated that if they ran it up there, the lower half of this lot would be unusable. He added that he personally did not lay the line out, the design-engineering consultant did, but he concurred with the way it was done.

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He stated that if they put it up there to the common line that Mr. Rumley owns you would be splitting his property in half. He could not build down across or if he ever sold those lots, unless you came in off this and 100' frontage, that was the only way you could use this property or build on it. He stated that 100' wide versus the setbacks on each side and so forth that would be a very thin lot to do anything with.

Mr. Thomas added that it would only be 100' deep and very long.

Mr. Nooe added that another point that they needed to bear in mind, everybody may not just give the easement for the tap. So if they have to condemn the property, would be that the City will have an appraisal made of the property, it will deposit the amount of the damages if the property was damaged, with the court and then the landowner has this process to have the land appraised and then the court can determine whether the property has been damaged or not damaged. He added that if the City unilaterally goes in there and splits somebody's property, you would be making a case against yourself for damages to the property rather than it being benefited. He stated that no property owner was required to give the City an easement and if anybody thinks that their property has not been benefited, they have a right and an opportunity to refuse to grant the easement. The City would start the condemnation process and he believed the City's appraisal would show, for example, Dr. Glasscock's property, had been improved by having sewer collection available. If it turned out that his appraisals show that he had been damaged then the court would decide whether he had been improved or damaged and whatever it was the City would pay that and the same thing for Mr. Pace. So, the City Council was in the position, in the assessment process, the Statute says that "for each project the Council shall endeavor to establish an assessment method from among the basis set out in this section which will most accurately assess each lot or parcel of land according to the benefit conferred upon it by the project." He stated that if there was a parcel of land there that they did not believe would be benefited by this project, then they needed to back up and start the process over again to have two different classes of assessments in this. If that was your finding, that somebody was going to have a sewer line across their property where they did not have one now and it did not benefit it, that would be a hard argument to sustain with the facts being what they would be. He stated that most people that have septic tanks, he believed, would be glad to have a sewer line adjacent to their property for future use or needs. He stated that was just his opinion and the court could decide the issue and then it would be no longer their opinion or the property owner's opinion, it would be for the court to decide.

As no one else came forward for comments, Mayor Price declared the public hearing closed.

Council Member Gover asked if it was legal to waiver or what...to which Mr. Nooe replied that it was not a matter of just having it wavered. They would have to establish a class where some of the property was benefited and some of it was not, if that was the majority of the Council. He stated that according to the Statute, if at the end of this hearing, if they decide that a different percentage of the cost should be assessed than that proposed in the preliminary resolution or that any project be enlarged, it (Council) shall adopt and advertise a new preliminary resolution and then back up. So at this point if they look at it and feel from the evidence that some of the property had not been benefited, they need to back up and establish two different classes of assessments.

Mayor Price referred to the issue of one tap, per lot, or one tap per easement and asked if they need to have some conversation on that.

Mr. Nooe pointed out that it was a separate issue.

Council Member Grogan asked if the first issue was if they were going to put the line in.

Mr. Nooe replied that first it would be whether the Council would elect to determine that the project be undertaken.

Council Member Janney asked that when they did that were they saying that they agree with everything that had been said, as far as the way they were doing the project.

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Mr. Nooe replied, no not everything that had been said, according to their preliminary assessment, was be to assess, just as the Engineer had explained it.

Council Member Janney proposed that some of those cases, that it was not going to benefit "him" personally, because of what "he" was going to do with the lot...to which Mr. Nooe replied that was not a factor in that it determines the value of the property and

Council Member Grogan added, and turn around and sell the property tomorrow and subdivide it.

Council Member Janney noted that he appreciated them both stopping him because they did not hear what he wanted to say and he asked that they wait until he (finished) before they stopped him. He asked that they move on.

Mr. Nooe commented that if it did not fit what he was going to do with it...he was just saying that was not the issue, legally.

Council Member Janney stated that in continuing, in the case of, as the lawyer had explained for Mr. Pace, he could not sit there and say it was not going to increase the value of his property. But, the way he was going to handle his property, unless he did something to his property, sold it or whatever, was there a legal way or was there a way to delay assessments to which Mr. Nooe indicated that there was not and Council Member Janney stated that he had answered his question, either you do it or you do not.

Mr. Nooe added that if you have good reason to waive it then you have good reason to have separate, more than one basis for making your assessments, you would have classifications. But again, the City was not leaving anybody without recourse if in fact their properties were not being improved and in fact they were being made to pay for something that was no benefit to their property, they would get compensation for it in the condemnation proceeding. He stated that he personally did not believe that was the way it would turn out. He stated that he thought the sewer collection lines and outfalls, it was very rare, in fact they do improve fair market property that it abuts.

A motion was made by Council Member Grogan seconded by Council Member Myott to proceed with the project as presented. Council Members Grogan, Myott, Janney, Rorrer, and Gover voted in favor of this motion. Council Member Reynolds voted in opposition. This motion carried.

Mayor Price referred to the issue of the easements per lot or one easement per right of way and asked the Council how they felt about that.

Mr. Thomas commented that if he had understood correctly, he thought it had been a practice of the City in situations like this where they have done, basically one tap per lot.

Council Member Rorrer stated that they did one about three years ago to which Mr. Thomas stated, not per easement but per...to which Mr. Nooe agreed, but they had two things to look at. He stated that he was really not sure what it was for crossing tracts of land, they would need to let the Clerk go back and find what it was because...

Council Member Grogan questioned if it had to be decided that night to which Mr. Thomas suggested that they could research that and get it back to them.

Council Member Grogan commented that before they go on, he wanted to explain that in making his motion and some of the reasoning behind it, some of this was like a rezoning situation, you change the zoning and the nature of the property, what they are used for and those uses go into effect tomorrow. He stated that he knew all those people and he knew that their intent and it was honorable, but circumstances change. He stated that troubles (arise) and (sometimes) the need to raise money and a big tract of land could be sold to somebody who wanted to develop, (then) they were going to get a better value (for their property) because that sewer line was there. For those reasons he stated that was why he had made his motion.

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PRELIMINARY ASSESSMENT RESOLUTION
FOR THE EXTENSION OF THE N.C. HIGHWAY NO. 14
AND MEBANE BRIDGE ROAD OUTFALL LINE

WHEREAS, the City Council of the City of Eden, North Carolina, has determined that it may be in the best interest of the City to extend its sewer system and that in order to provide such extensions it will be necessary to assess part of the cost thereof upon the real property benefited thereby;

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

1. It is intended that the sewer system of the City of Eden, North Carolina, be extended by constructing an 8 inch sewer outfall line on the west side of N.C. Highway No. 14, said line beginning at an existing iron in the South right of way line of an unopened street, the beginning point being located South 89° 28' 50" West 100.00 feet from the Northwest corner of Lot 1, Section "G" of a "Composite of Portions of Irvin River Heights and Forest Hills dated January 31, 1961, last revised December 8, 1971 by Shanks & Wilmarth, Engineers-Surveyors (also see map for Spray Water Power & Land Co. by Shanks & Wilmarth dated 1/31/61, last revised 6/15/65) and running thence South 00° 35' 26" East 600.11 feet to an iron set and thence abutting the rear lot lines of lots 7, 8, and 9, Section "G" and Lots 1 through 10, Section "J" of the aforesaid plat, Sout 00° 36' 11" East 360.00 feet, South 00° 42' 43" West 381.00 feet, South 9° 49' 52" East 455.04 feet and South 16° 21' 07" East 246.58 feet to the North right of way line of Mebane Bridge Road; thence continuing South 16° 21' 07" East 60.11 feet to a point in the South right of way line of Mebane Bridge Road; thence through the property of KEM, Inc., South 16° 21' 07" East 22.59 feet, South 26° 47' 35" East 207.79 feet, and South 30° 31' 32" East 270.00 feet and thence through the West side of the right of way of N.C. Highway No. 14, South 34° 59' 57" East 228.45 feet to a point, this outfall being known as the N.C. Highway 14 and Mebane Bridge Road Oufall pursuant to Article 10, Chapter 160A of the General Statutes.
2. 50 percent of the total cost of said extension crossing or abutting the lots described in Section 1 shall hereafter be assessed upon the benefited properties on the basis of the lineal footage of the line crossing a lot or the rear or front footage of each lot abutting said line at an equal rate per lineal, rear or front footage.
3. The assessments herein provided for shall be payable in cash, or if any property owner shall so elect, he shall have the option of paying the assessment in 5 equal annual installments, said installments to bear interest at the rate of eight (8%) percent per annum.
4. A public hearing on all matters covered by this resolution will be held at 5:00 p.m. on the 11th day of April, 2000, at the City Council Chambers, City of Eden, 338 W. Stadium Drive, Eden, North Carolina.
5. The City Clerk shall mail a copy of the Preliminary Assessment Resolution to the owners, as shown on the County tax records, of all property subject to assessment if the project should be undertaken and file with the City Council a certificate that they were mailed by first-class mail on the date stated in the certificate.

Adopted this 28th day of March, 2000.

CITY OF EDEN

BY: Philip K. Price
Philip K. Price, Mayor

ATTEST:

Kim J. Scott
Kim J. Scott, City Clerk

Consideration of grant application for solid waste recycling program.

Mayor Price noted that the Council had the information, which was basically a \$24,000 project and it requires a \$4,000 match from the city.

A motion was made by Council Member Gover seconded by Council Member Grogan that the request be approved. All Council Members present voted in favor of this motion.

Discussion and consideration of Development Plans for the Proposed Eden Industrial Park (Harrington Highway Site).

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Mayor Price introduced Mr. Don Moss, Economic Development Director for Rockingham County.

Mr. Moss explained that the City Manager had provided Council some information about costing. He stated that the issue was whether to decide on additional expenditures for the project, known as the Eden Industrial Park and the location for the park on Harrington Highway as a particular location.

Mayor Price explained that what had prompted this was the indication of the people involved that they were facing some price increases for surveying in the near future so it was appropriate to look at this and proceed.

Mr. Moss explained that what they had before them, they have submitted a budget to the County Commissioners and submitted a cost estimate to the City Manager. He explained that it was an option on land and this was just budget estimate of \$50,000 a piece, it could be more or it could be less. He stated that they have had some preliminary discussion with the landowners but since, with the uncertainty of the Council, since they have not picked a final site yet, they just put in a budget that was just purely a budget estimate. He added that he did have actual cost estimates on surveying and wetland fees and that was \$1,600 for the city and \$1,600 for the county. There was a boundary survey cost and that was \$3,750. He stated that the county, in it's original agreement with the three areas of the county, Reidsville, Eden and Western Rockingham, as the projects have progressed, has agreed to provide topographic information on 2' contours and they have provided that with Reidsville so far for their park and as they go through the engineering for Eden, they would provide that. He stated that was in the original agreement when the Council approved the expenditure for the study for the design fees.

He explained that next, they have the wetland delineation or wetland mapping with the surveyor and that would be \$8,000 a piece. He stated that they have design fees of \$5,000 and a contingency design fee of \$4,000. He explained that a contingency, when they did the park in Reidsville, and again he stated that he knew that this was a different project, but they did have some slight cost overruns. He stated that it had been two years since the project was bid and there have been some additional expenses with this project because they were going actually a little bit farther than they did with the Reidsville project.

Mr. Moss stated that since this project was immediately adjacent to the river, there needed to be better mapping of wetlands before they submit their final design and cost estimates. He stated that they had to go out for an RFP so there was a little bit of additional cost estimates if they decide to move forward with the project.

He stated that for some of the Council who had not been through the whole project, they had the Department of Commerce up here two years ago and they did a windshield tour of Eden and gave an assessment of all of the different large industrial sites in Eden and they determined that the Harrington Highway site was the best geographic location. He stated that they also employed a site selection consultant through Development Advisors and Stimmel & Associates who did some preliminary soil analysis and geographic analysis and they determined that this was the best site as well. He stated that they have soil borings of this particular site and soil borings of the one other site that was strongly considered, the French Farm, and the rock was considered to be relatively shallow at that particular site and if the rock was any indication of what they experienced in their shell buildings it would probably require blasting to do construction for roads and water and sewer in addition to the buildings that would be constructed on the property.

Council Member Rorrer asked if the French Farm was the only other piece of property that they studied, any actual work.

Mr. Moss replied, any actual work, yes.

Council Member Rorrer stated that in other words they just looked at one other place to which Mr. Moss replied, those two sites, yes.

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Council Member Rorrer stated that he did not believe that was what the city was paying for when they authorized that money to be spent.

Mr. Thomas commented that if he remembered correctly they actually identified three potential sites that were presented to the Council and then it was narrowed down from there.

Mr. Moss explained that he thought he was referring to the engineering studies of Phase I and the soil boring analysis. Those were only done on those two particular sites. He stated that now, actually a study and looking at soil maps and determine the topography of the property, through Stimmel & Associates they looked at more than one site.

Council Member Rorrer asked if the city received a report from those other sites to which Mayor Price replied, not to his knowledge.

Council Member Rorrer stated that as a Councilperson, he had not seen anything.

Mayor Price referred to the City Manager who indicated he had not.

Council Member Gover commented that he thought that French Farm study was done because if General Dollar came in, not because they were just checking...to which Mr. Moss replied that was available when they were doing the site analysis and it was not extended for this particular project.

Council Member Grogan commented that he thought that on the night that the report was given to the Council, the consultant talked about three or possibly four sites to look at, the French Farm, the Knob, and another tract down there at the brickyard. He stated that the other site was on the other side of town and their recommendation was to do the engineering work on the site off of Harrington Highway. The only engineering work that has been done that the city paid for was that site out there. He stated that he thought that the engineering work that Council Member Gover referred to at the French Farm had been paid for by the family that owned it.

Mr. Moss added that was correct. The Development Advisors and Stimmel did make a presentation before the Council and they looked at the Knob site, the French Farm site, the Klutz site, the Lester site and the Witt site.

Council Member Gover asked what the Knob site was to which Mr. Moss replied that the Knob site was owned by Spray Power and Land. Council Member Gover questioned the location.

Mr. Moss explained that it was directly across the highway from the French Farm site. He stated that he did not have a map available with him of all the sites, but he was familiar with the Knob, French Farm and the Witt site. He stated that those were marketed on a regular basis and the Witt site (Harrington Highway) had been the site that the Council had voted on to undergo the study and expenditure for it.

Council Member Myott questioned the Klutz site.

Council Member Grogan explained that he thought it was across the road from the Knob, where the sewer station was, down there in front of that, the knob behind it and it was on the other side.

Council Member Rorrer asked if that was a very small tract and if he was talking about the brickyard.

Council Member Grogan replied no and the brickyard was a small tract.

Council Member Janney asked how many acres of land they were talking about on Harrington Highway.

Mr. Moss replied that the site was approximately 400 acres identified.

Council Member Janney asked how much they were going to pay for an acre.

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Council Member Grogan replied that really had not been determined had it not and Mr. Moss explained that they have had some preliminary estimates but have not had a final price negotiation with the owner. He added that he could give that information in Closed Session, but since they were still in discussion with the owner on actual pricing, he would hate to give that out in public.

Council Member Gover questioned the Klutz site and commented that was only about 26 acres was it not, that was what split 50 acres of the brickyard.

Mr. Moss replied that he thought it was immediately east of that particular site.

Council Member Gover stated that that was another group of people who own that, because from that point on, to Cascade Creek 141 acres was available.

Mr. Moss pointed out that he did not come up with the names of those sites.

Mayor Price stated that they have had several conversations about this. He stated that the Council, as a group, universally agreed that the city needed to move forward on something to keep its position healthy in comparison to other communities who were in the same boat. He stated that they needed to grow and needed to have industrial place. He stated that they have had two sets of consultants to recommend this site out on Harrington Highway. The State indicated that they needed to be very cognizant of being close to the Greensboro airport, that it was important as many years into the future that airport was going to be a good asset for people coming in and out to that industrial facility. They like the idea that it was closer and they wanted the people to be about 35 to 40 minutes away from the airport. He stated that they also liked the idea that the road structure was fairly good and close to Highway 220 and tied into Highway 29 as well. He stated that the land laid well and the property owners were good to deal with. He stated that the preliminary assessments looked good of the property.

He stated that they would certainly want to have all the conversation they could have tonight but they needed to move on. He stated that personally he would like to see them support this park and move on with it and allocate the money that was needed for the preliminary testing.

Council Member Rorrer asked Mayor Price to his knowledge had anybody looked at the Lester property on Highway 14 North.

Mayor Price replied that he remembered it being in a conversation.

Council Member Rorrer stated that it was not a little tract of land and about all of it was in North Carolina.

Mayor Price stated that he remembered that, of course there were a lot of things they could go in Closed Session about and he knew that the Lester properties was one of the...to which Mr. Moss interjected that early on they looked at probably twice this many sites and they narrowed it down to the list that he just gave them. They came back and said okay, they identified maybe a dozen sites and then narrowed it down to about a half a dozen for them to actually do a paper feasibility study on and then they gave a recommendation of two final sites of which they presented to the Council and he stated that he believed that it was last fall that they came and gave a preliminary design proposal to the Council itself.

Council Member Rorrer recalled that part and stated that he knew why they went and said go ahead because they had already paid for it and they told them to go ahead with it at that time. He stated that a couple of pieces of property that he would like to throw out was the City Park on (Highway) 14 that as that was a nice tract of land. He also asked if anyone had looked at the land behind the Council Chamber as all of that land could be bought.

Mayor Price explained that one of the ideas that they were looking at and he agreed with him in that there was some land around there, that they wanted larger tracts of land.

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Council Member Rorrer stated that before he got back on Council, he had looked at the map of what they were talking about and his feelings had not changed.

Mayor Price pointed out that it would just drive their expense of development down when they have a larger tract, all the things they were having to do, if they have a smaller tract they just about had to do the same thing for just about the same amount of money.

Council Member Rorrer asked about the sewer line, it was overflowing right now, the one that they were talking about hooking into...Mayor Price explained that the thinking was that their development cost would be much lower. Those were the things that they were going to have to bear, for a larger tract of land than one very small. He stated that he understood what he was saying in that there were some smaller tracts around, but they were trying to find the ideal spot in the larger size.

Council Member Rorrer stated that as far as he was concerned they were going to look at them before they spend any more money.

Council Member Gover referred to a report in the paper which was the most information he had gotten out of the whole thing in his 2½ months on the Board. He stated that it was going to cost \$6,000,000 and it was broken down, and it quoted their City Manager there. He stated that he thanked the Greensboro Record for letting him know about it.

Mayor Price asked if the Greensboro Record was not using figures from the Reidsville park to which Mr. Moss replied in the affirmative. He explained that they have no preliminary estimates for this particular project at this time because they have not finished the final design and that was what they were there to decide upon tonight.

Council Member Gover commented that he did not remember him quoting the Reidsville Manager (but) he remembered their (Eden's) Manager.

Mr. Moss stated that he read the paper and he could not speak for Eden's City Manager but for the figures, the only budget estimates that they have in their office at this time were for that particular project (Reidsville) because it was under design at this time. He stated that they did not have any numbers for this project (Eden).

Council Member Rorrer commented that it was a mighty long way to run a sewer line and he did not think they could even furnish the water up there, they maybe could but according to the Dan River Inc., contract they (Dan River) would get to furnish the water up there to them.

Mayor Price stated that he could not answer that question to which Council Member Rorrer stated that they had the line already in.

Council Member Myott asked that if they put an option on the land and then found out that they could not negotiate a price that would be agreeable, if they would get their \$50,000 back.

Mr. Moss replied that was what the option would be. They would negotiate a price that would deem acceptable but it would have to be voted on by the City Council and approved at a public hearing.

Council Member Janney pointed out that there they were, they were faced with down the road and he hoped not too many years, of having to expand their water and sewer plants. He stated that they had to do it somewhere down the road and it looked like the most logical thing to do would be to look to where they were going to expand that. He stated that from his standpoint and he had some disgust with this thing too, but his motion was that they cease any funds to this project and look inside the city or around the city within the boundaries, keeping in mind what the expansion of the water & sewer plant and things like that would be in the future, and look for places like that (and) if they were not there then he would be glad to entertain some other idea.

Council Member Rorrer offered to second his motion.

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A motion was made by Council Member Janney seconded by Council Member Rorrer to cease any funds to this project and look inside the city for property and look outside the city where they were going to have to start expanding their water and sewer disposal plant for future development.

Council Member Myott asked, regarding the other sites, were they all within the city limit.

Council Member Rorrer commented that they did not say anything about them being in the city limits.

Council Member Grogan explained that none of the land that was looked at was inside the city. There was no land inside the city that lays halfway reasonable for manufacturing. He stated that he wanted to make a substitute motion and the reason for it was twofold. He stated that number one, they hired professionals to do the job and they had the Department of Commerce to come up there and give an endorsement to it. He stated that everyone you talk about real estate, whether it was residential, commercial, industrial or whatever, and then the three things of value that everyone talks about was location, location, and location. He stated that people who know more about it than he did, as far as commercial or industrial real estate, made those recommendations and they were talking about tonight committing \$74,000 to finish up some of those things. He stated that they have talked about and they know that if they did this park that it would be annexed into the city by a satellite annexation where the city would get the benefit. He stated that their water and sewer capacity and they did talk about the possibility of looking at some land and doing some things, but he stated that he would tell them, in his and it would not be in any of their lifetime, he did not think, but they have got a lot of excess water and sewer capacity for this community, so therefore he would make a motion that they accept the recommendation and split the cost of those improvements on this proposed industrial park off of Harrington Highway.

A substitute motion was made by Council Member Grogan seconded by Council Member Myott to accept the recommendation and split the cost of improvements on this proposed industrial park off of Harrington Highway.

Council Member Myott explained that the reason she seconded his motion was because she had not been offered anything better.

Mayor Price commented that he thought that the City Council had recently done some very good work and made some progress in providing jobs for its citizens. He stated that he thought that they all see that real estate available, real estate that could be developed, was probably one of the most important things they could have. He stated that they were looking at all of the communities around them that frankly Eden competes with, (and) all of them were going to have 500 to 600 acres plus, state of the art industrial parks. He stated that they needed to be in the position to compete with them. He stated that they have been lucky to have had a couple of people to come in that indicated interest, but to the long term benefit of this community they were actually running a little bit behind time. He encouraged the Council on this substitute motion to proceed with this project and vote yes.

Action on the substitute motion was as follows: Council Members Grogan and Myott voted in favor of this motion. Council Members Janney, Rorrer, Reynolds and Gover voted in opposition. The substitute motion failed.

Mr. Moss asked Council Member Janney how he would propose that they proceed in doing the soil analysis and other technical work that needed to be done for that evaluation to which Council Member Janney asked which. Mr. Moss replied, for the additional site search that he was recommending.

Council Member Janney replied that he thought the city itself needed to hire it's own people to do it.

Council Member Gover suggested that they certainly needed to look at what they have in Eden before they go venturing out. Obviously they have land in Eden that someone had not brought up and they were in dire need of their sewer so with the problems that they were having with

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their sewer it made sense to look at the land that they have in the city or close by in the proximity of their sewer system. He stated that when they were looking at \$6,000,000 and were having sewer problems...Council Member Grogan asked what the sewer problem was.

Mr. Thomas explained that the \$6,000,000 was an estimate that would be a total cost project potentially that would be shared with the county.

Council Member Gover pointed out that either way the city people pay the taxes both ways.

Council Member Janney stated that they could agree with him if they wanted to but they did not know. He stated that the man set there and said they did not have any idea what it was going to cost and all of the cost was based on what Reidsville said. He asked if he had heard wrong.

Council Member Rorrer stated that one thing they could bet on was they were not going to run that sewer from an industrial park out on Harrington Highway into the Matrimony outfall line and they could go ask Dennis Asbury (Treatment Plant Director) why they were overflowing now.

Action on the original motion was as follows: Council Members Janney, Rorrer, Reynolds, and Gover voted in favor of this motion. Council Members Grogan and Myott voted in opposition. This motion carried.

Mayor Price stated that they needed to put some of the apparatus into play as to how they were going to evaluate those properties...to which Council Member Gover stated he would make a motion that their people inside (do the evaluation) and if they did not have the ability to do it then they would hire someone to do it.

Council Member Rorrer commented that he would like to see the City Manager come back with a recommendation.

Mayor Price asked what they were going to look for. He asked if they were going to look for the land now or were they going to come back and ask him to do negotiations with property owners. He asked if they were going to have prices on property or any evaluations on soil testing, those types of things.

Council Member Rorrer replied that you had to crawl before you walk and you had to start at the front and work your way up just like they did up...to which Mayor Price asked if he was saying he would like to follow the same procedure as used by the county.

Council Member Rorrer replied in the affirmative, but not by the same people. He added that he was not talking about Mr. Moss, he was talking about hiring people.

Council Member Gover stated that he wanted to see what they have as they were going to ask him to participate but they were not going to show him anything about it and he did not like that.

Mayor Price asked what he needed to know.

Council Member Gover replied that he would need to know more than what he did before he got to this meeting.

Council Member Grogan commented that there had been a lot of talk about industrial development in the community in the past few months and questions about "well why can't this building go here and why can't they go there and why can't you do this or that" and time and effort was put in looking at real estate inside of Eden. He stated that south of Miller Brewery there was land available, the French Farm land was available, the Knob Site, that was available but they had hills and hollows and that costs money to develop.

Council Member Gover stated that he had the French Farm Study but he did not get anything else to which Council Member Grogan replied there was no study done on it.

Council Member Gover pointed out that he (Moss) had information that he did not have.

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Council Member Grogan stated that it was like eyeballing that house that he was going to do the rewiring on and so forth. He suggested he ride by there and look at it to which Council Member Gover replied that he had.

CLOSED SESSION:

Council Member Myott asked to be excused, as she had to leave for an appointment.

Mr. Nooe requested a quick closed session about a legal matter.

A motion was made by Council Member Rorrer seconded by Council Member Gover for a Closed Session for discussion about a legal matter. All Council Members present voted in favor of this motion.

OPEN SESSION:

A motion was made by Council Member Janney seconded by Council Member Gover to return to open session. All Council Members voted in favor of this motion

ADJOURNMENT:

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

Respectfully submitted,

Kim J. Scott
City Clerk

ATTEST:

Philip K. Price
Mayor