

CITY OF EDEN, N.C.

The regular meeting of the City Council, City of Eden, was held on Tuesday, April 18, 2000 at 7:30 p.m. in the Council Chambers, 338 West Stadium Drive. Those present for the meeting were as follows:

Mayor:	(absent)	Philip K. Price
Mayor Pro Tem:		John E. Grogan
Council Members:		Ronald H. Reynolds
		Ronald Janney
		Christine H. Myott
		William W. Rorrer
		C.H. Gover, Sr.
		Garry Tudor
City Manager:		Radford L. Thomas
City Attorney:		Charles J. Nooe
City Clerk:		Kim J. Scott
Administrative Staff:		Sheralene Thompson

Representatives from City Departments:

Representatives from News Media:

Reid Baer, The Daily News, Leslie Brown, Greensboro News & Record

MEETING CONVENED:

Mayor Pro Tem 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 Curtis Scotten, Solid Rock Baptist Church, was present to give the invocation.

PROCLAMATIONS:

RELAY FOR LIFE 2000

Mayor Pro Tem Grogan asked Mr. George Johnson, representative of the Rockingham County Unit of the American Cancer Society, who was present, to come forward for the reading of a proclamation for the American Cancer Society's Relay for Life:

RELAY FOR LIFE 2000 PROCLAMATION

WHEREAS, Cancer is a group of diseases characterized by uncontrolled growth and spread of abnormal cells which, if not controlled, can result in death; and

WHEREAS, it is estimated that one in three North Carolinians will develop cancer in their lifetime; and

WHEREAS, the American Cancer Society is a voluntary community based health organization in Rockingham County dedicated to eliminating cancer as a major health problem; and

WHEREAS, the Relay for Life is a "Celebration of Life" benefiting the American Cancer Society; and

WHEREAS, the Relay for Life is a community affair held the 3rd weekend in May in Rockingham County, which presents an opportunity to dust off our camping gear, slip on your walking shoes and network with business associates, family and friends;

NOW, THEREFORE, WE, the City of Eden, Rockingham County, N. C., do hereby proclaim the month of May,

"RELAY FOR LIFE MONTH"

and May 19th and 20th as

"RELAY FOR LIFE DAYS"

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throughout the City of Eden, and urge all citizens to recognize and participate in the relay held in our county.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Eden, NC to be affixed this 18th day of April 2000.

John E. Grogan, Mayor Pro Tem

ATTEST:

Kim J. Scott, City Clerk

Mr. Johnson stated that on behalf of the Rockingham County Unit of the American Cancer Society, he appreciated the city's efforts in helping them in their fight against cancer. He then presented Mayor Pro Tem Grogan with a bow to hang on the City Hall door until after the relay.

ITEM ADDED TO AGENDA:

Mr. Thomas explained that the city needed to adopt a bond refinancing resolution. In order to proceed with that he would like to ask that the Council consider adding it to the agenda as item 8(e) under New Business.

Mayor Pro Tem Grogan added that he thought they all remembered that when this was first presented, as far as the refinancing of bonds, the trigger date would be today at this Council meeting and the good part was that they have the Local Government Commission looking over the city's shoulder and they were asking the city to pass this resolution and let them negotiate. He stated that if they did not get a 2 ½ percent spread they would just put it off and it was certainly a win win situation for the city.

A motion was made by Council Member Gover seconded by Council Member Rorrer to add this item to the agenda. All Council Members voted in favor of this motion.

INTRODUCTION OF NEW HUMAN RESOURCES DIRECTOR:

Mr. Thomas introduced the new Human Resources Director, Ms. Linda Santell, who began working full-time on Monday (April 17th).

PUBLIC HEARINGS:

- (a) Consideration of an application for a Community Development Block Grant (CDBG) for the Rhode Island Mill rehabilitation.

Mayor Pro Tem Grogan called for a public hearing and asked if anyone would like to come forward to speak in favor of this request.

Mr. Murray Gould, explained that he was present on behalf of the Rhode Island Mill, LLC, which was a partnership which owned the historic Rhode Island Mill on Riverside Drive. He stated that they were very fortunate last October to enter into an arrangement with Fieldcrest-Cannon for the acquisition of the mill after they held that mill in very productive use for many years and employed many citizens in Rockingham County and the City of Eden. He stated that they have acquired that beautiful historic building with the intent of rehabilitating it for the next century.

Mr. Gould explained that their plan was to have a development which would total approximately a \$7.7 million investment whereby they would convert this building to new use as 63 rental apartments for individuals and families to create affordable rental housing. He stated that they have been working on this project for at least a year slowly putting together their financing and their plans in seeking different funding sources.

He stated that their plan for the 63 units currently included 25 one bedroom apartments, 22 two bedroom apartments and 16 three bedroom apartments. He explained that they determined the particular mix based on a demographic study that was prepared by John Wall & Associates of

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Cary, NC. This study was used to determine that there was an adequate demand for affordable rental housing in Rockingham County and in Eden.

He explained that their plan for financing this project includes the use of housing tax credits from the federal government and the state of North Carolina. He stated that as a condition of getting those credits, they would agree to make the apartments affordable for a 30 year period and the occupancy for the apartments would be limited to individuals and families whose incomes do not exceed 60% of the area median income for Rockingham County. He stated that for the year 2000 the median income for a family of four was \$41,900. He explained that the eligibility to live in the apartments was dictated on individual income. The incomes could go as high as \$25,500 for a family of four if they were renting one of the three bedroom apartments. He explained that would be the ceiling income for any family group that could live in the property.

Mr. Gould stated that the people that would live at Rhode Island Mill would be productive members of society. He stressed that he wanted to make it clear that this was not subsidized or public housing. People who would be eligible for occupancy were people who were gainfully employed in the community, have good credit histories, no criminal history and were the type of citizens that they know and work with in their churches and in other walks of life. He stated that the difference was that they just do not make a lot of money.

He stated that they were currently going through their funding process and would be applying next week to the North Carolina Finance Agency for the housing tax credits that they would need to finance this project and they would hear the last week of July if they were successful in the application. He stated that they have worked very hard on a strong competitive package because they were competing against other applications from projects throughout the state. He stated that one of the most important parts, when seeking an application for tax credits, was local participation. That could come in many different ways but the Housing Finance Agency looks extremely favorably when there was a local commitment to a project. The Community Development Block Grant Program (CDBG) was one of the ways it was used. The Division of Community Assistance of the Department of Commerce administers the CDBG program for small cities of which Eden qualifies. Under this program applications could be made under the Housing Development Program for up to \$250,000 in grant money. He explained that what would happen, the city would be the sponsor of this application in their behalf and if they were successful, the city would receive those funds as a grant. They in turn would then ask the city not to grant them the funds, but to loan the funds for a 30 year period at zero percent interest. He added that the city would be allowed to simply grant them the funds, that would be within the city's decision making authority, but they felt if they have it in the form of a loan, what that did was at some point in time it allowed those funds to come back to the City of Eden which was something that could be used for some other project in the future. With the CDBG grant, this would be looked at very favorably by the Housing Finance Agency as a way of local participation in the project. They would qualify for eligibility for the CDBG program under the Environmental Abatement sections of their program. He explained that was for the removal of asbestos and lead based paints to create affordable housing. The cost to remove the lead based paint alone was approximately \$300,000 and to remove the asbestos at the mill was another \$50,000 to \$75,000. He stated that the grant that they would get or if the city was able to get those funds, it went a long way for them to be able to make this project a financial success.

Mr. Gould closed in stating that on behalf of Preservation North Carolina, their partner in the project and everyone they were working with, they appreciated the Council giving consideration to submitting this grant application in their behalf and they hoped they were successful.

Mayor Pro Tem Grogan asked if anyone would like to speak in opposition of this request and as no one came forward he declared the public hearing closed.

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

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- (b) Further consideration of a text amendment request to amend the City of Eden Subdivision Ordinance to create a major/minor subdivision distinction and to speed up process. Request submitted by the Planning Board. SUBDIVISION S-00-01.

Mayor Pro Tem Grogan called for a public hearing and asked Mrs. Kelly Stultz, Planning & Inspections Director, to come forward for a report.

Mrs. Stultz explained that this amendment contained some provisions that the Planning Board had discussed for some time. She stated that one of the things that they have heard about their land use regulations and the Planning Board and the City Council had encouraged was to improve the process so that it was more favorable to their residents.

She explained that one of those things happened when someone was trying to subdivide their property without the necessity of creating any rights of way or water and sewer lines, it was just a simple subdivision, (but) they still have to go through the whole process to get that from the Planning Board to the City Council. She stated that one of the things they would like to do was that anything that was six (6) lots or less would be approved at the staff level, assuming that it had none of those things involved, any infrastructure issues. She stated that if the person made an application and did not agree with the decision that they got from staff or wanted to appeal it, it would set up a process for it to be appealed on through the process and then come to Council.

She stated that also the city's ordinance, at the current time, requires that preliminary plats only last a year. She explained that most of the subdivisions in their jurisdiction take a lot longer than a year to build out. She stated that it was just another process for folks to have to go through and another item on their agenda for an identical plat to come back that had already been approved. Mrs. Stultz explained that they would like to make that two years. She stated that currently the city's ordinance really did not speak to an appeal process and there should be one.

She stated that the last item she wanted to talk about was that with a minor subdivision being created, the Council would need to decide if they want to charge a fee for that. She explained that if it goes through staff, that would be staff time, it would still require the same amount of work on the city's part, a site visit and those kinds of things, it would just not require them to come through the City Council. She stated that from what she knew about other jurisdictions in this county, they were charging an approximate \$25 fee for the plat approval. Mrs. Stultz asked if there were any questions.

Council Member Janney asked if she had talked about changing this for the city to which Mrs. Stultz replied that it would be their whole planning jurisdiction.

Council Member Janney asked if that included one mile out, to which Mrs. Stultz replied, yes it included their ETJ.

Council Member Janney asked what they did now, outside the city.

Mrs. Stultz explained that if somebody comes in with a subdivision plat, since 1979, they have come before this Council, they go outside the city and do the reviews, make a recommendation, the Health Department does their bit, and all of that will still happen in the ETJ.

Council Member Janney pointed out that they only did zoning to which Mrs. Stultz replied that they have always done subdivision out there too.

Council Member Janney stated that was news to him and Mrs. Stultz stated that they have done so since 1979.

Council Member Janney stated that it was his understanding that they only did zoning and the building code enforcement in the extra territorial district.

Mrs. Stultz replied that they started doing zoning and subdivision when the ETJ was created and picked up building inspections in 1998.

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Mayor Pro Tem Grogan suggested that they go ahead and get the public hearing closed and then raise questions to which Council Member Janney agreed that he could wait.

Mayor Pro Tem Grogan asked if anyone else would like to speak in favor or in opposition of this request and as there was no one to come forward, he declared the public hearing closed.

Council Member Gover asked if the only thing she was changing were the minor and major subdivisions.

Mrs. Stultz replied in the affirmative and added that also allowing a preliminary plat to last for two years instead of one.

Council Member Gover stated that nothing else was changing to which Mrs. Stultz agreed.

Mayor Pro Tem Grogan asked if she was talking about a minor being six lots or less to which Mrs. Stultz replied, when no infrastructure was required, no right of way, no water, no sewer.

Council Member Janney referred to Article No. 3 and asked what it meant when it said...to which Mrs. Stultz read "On or after May 20, 1969, the regulations contained herein shall govern each and every subdivision of land within the corporate limits of the City of Eden, North Carolina, as now or hereafter established, and within the extraterritorial area as established by the City Council."

Council Member Janney asked if that was saying that everything from 1969 had been just like she was saying it was.

Mrs. Stultz stated that to make sure she was answering the right question, they did not have an ETJ at all until 1979 so subdivision was picked up in the ETJ in 1979, but they have been doing everything else since 1969 inside the corporate limits.

Council Member Janney stated that he had read something in there that says, "in 1969 every subdivision within the corporate limits of the city", and later as of now, or hereafter, asked if she was saying there that meant that if they pass this now, the city would take on everything else. He stated that the problem he had with this was that the one mile out was greater than the city itself.

Mrs. Stultz explained that they have been doing that one mile out with the subdivision since 1979 and she did not dare ask to increase the jurisdiction on this thing.

Council Member Janney asked if she were not asking for any more help to which Mrs. Stultz replied, not today. Council Member Janney then asked if this was going to require more help for her in her office to which she replied, no because she was already doing all that now. Council Member Janney asked that when she came back and asked for help, that would have no part of it to which she replied that the subdivision ordinance was not the justification for the request she planned to make assuming the Manager lets her.

Council Member Janney stated that he thought they were stretching out when they go outside the city, one to two miles out or whatever, and expect the people out there, and he knew that someday, it was not going to be in his lifetime, that if she ever took all of that property in, that they had to be ruled by what goes on in the city with no recourse at all. He stated that with zoning and code enforcement, the two ordinances that he spoke of, that did not bother him because it was in the one mile out and if they pulled them in that would take care of it.

Council Member Gover stated that she was changing from one year to two years and she was also asking for a fee of \$25.

Mrs. Stultz agreed and it would be the same fee that they would be paying for that plat if it came to the City Council.

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Council Member Gover asked if she was also suggesting an appeal status to which she replied in the affirmative.

Mr. Thomas added that would stay the same as it was now.

Council Member Tudor commented that he thought she was asking for the ability to plan for the future in the areas that they might consider annexing. He stated that this was a way for them to prepare for the future in that reasonable planning in the area that they would some day annex would already be in compliance with the areas that were already inside the city limits. He stated that was the whole idea of the ETJ in the first place.

A motion was made by Council Member Tudor seconded by Council Member Myott to approve this text amendment request.

Action of the motion: Council Members Tudor, Myott, Reynolds, Rorrer, and Gover voted in favor of this motion. Council Member Janney voted in opposition. The motion carried.

MONTHLY FINANCIAL REPORT:

(a) Finance Department Monthly Reports.

The memorandum presented to Council contained the Financial Reports for the month of March 2000.

Mayor Pro Tem Grogan explained that Mr. Ray Sharp, Finance Director, was not present at the meeting and he and Council Member Janney did feel confident that they were solvent at the end of the month. He asked Council Member Janney if his statement was fair.

Council Member Janney agreed and stated that he went through his after Mr. Sharp had discussed it with him and there were a couple of things he wanted to state. He referred to their first sheet, Undesignated Funds, in that they dropped \$260,687.00. He also referred to the Temporary Investments, which dropped \$684,156.00. He stated that was worth noting as they were lower this month than they have been in the same month for the last three years.

Mayor Pro Tem Grogan stated that as there were no other comments, the Council would accept the Financial Reports.

REQUESTS AND PETITIONS OF CITIZENS:

No one who wished to speak at this time.

UNFINISHED BUSINESS:

(a) Consideration of Meadow Greens Sanitary Sewer Interceptor Proposed Replacement Plan.

The memorandum explained that as a follow up to the City Engineer's memo to Council dated March 3, 2000, that addressed the Infiltration/Inflow problems with four (4) separate aging sanitary sewer interceptor or outfall lines; this memo only addresses the replacement of the Meadow Greens Sewer Interceptor which is in the worst condition of the four sewer lines that were previously addressed.

The Engineering Department has determined a preliminary construction cost that is based on the existing sewer line length and number of manholes. The preliminary construction cost has been estimated to be approximately \$125,000. A more detailed and accurate estimate can be provided once surveying is performed and the replacement sewer line is designed.

The Engineering Department presents two (2) options for the surveying, design, NCDENR approval and bidding of the replacement sewer line project.

1. The Engineering Department can provide the surveying, design, approval and bidding for the project, along with the inspection and contract administration during construction. But due to the current workload within the Engineering Department, the time involved to perform the surveying, design, approval and bidding would have to be worked in with the current work demands within the department.

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2. To help expedite the project, an Engineering Consultant could be hired to perform the surveying, design, approval and bidding for the project, but the Engineering Department would perform the inspection and contract administration during construction. The Engineering Consultant fees would probably range from \$12,000 to \$15,000. The fees are only an estimate and the actual costs could be more or less than stated above.

Mayor Pro Tem Grogan asked Mr. Joe Stanley, City Engineer, to make comments.

Mr. Stanley explained that the memo primarily stated the purposes to get approval to enact the project and depending on the next agenda item (Hopkins Court) and whether the Engineering Department would be doing the engineering work or not, or the consideration of hiring a consultant due to timing, if making a decision on that tonight, Engineering could proceed within the normal work load within the department to get it in or they could start taking steps to look into obtaining RFPs or proposals from consultants to be able to select one possibly for next month's meeting.

Mayor Pro Tem Grogan asked how much time would it be to design and put it out to bid and if he was talking about 60 days.

Mr. Stanley replied that again, depending on the next item (Hopkins Court) and which one takes priority and due the workload, they have several projects out to bid going to construction and with spring time coming on, his personnel was getting wrapped up a lot in daily activities within the city, but if they were to take it on without the next item, he stated that he would think that to get out and survey it and design it and get approval, he would be talking about 2 to 3 months.

Mayor Pro Tem Grogan stated that it would be after their next budget was set.

Mr. Stanley replied yes. He stated that was why he was asking for it to be put into the next fiscal year and get a decision on which way they would want to go so they could have it all ready to go out and proceed with the bid and time it to be able to construct it easily within the next fiscal year.

Mr. Thomas added that one of the biggest unknowns with this was the time it takes for the state to review the project to which Mr. Stanley agreed.

Mayor Pro Tem Grogan referred to the next item (Hopkins Court) and stated that he had talked with several here and with the information that had just come up, he was going to ask that this be tabled.

Council Member Janney noted that they had tabled that item one time to which Mayor Pro Tem Grogan stated that he understood.

Council Member Rorrer asked if Council Member Janney had those pack of papers before tonight, on item (b), as it was lying there on the desk when they got there. He asked if he had seen it before tonight to which Council Member Janney replied he had not. Council Member Rorrer stated that he had not (either).

Council Member Janney added that he did not want to kill either project and Mayor Pro Tem Grogan agreed.

Council Member Janney stated that he had spent some time with Mr. Stanley and Mrs. Stultz and their staff this week and they have talked a whole lot about the inflow and sewer lines since they were talking about industrial sites. He stated that he did not want this to hold this up, but he thought this Board needed to take all of this information, and he knew he was not the only one who had been talking, and have a meeting and discuss only those items plus the land around the city that may be available for an industrial park, at one time, and have nothing else on the agenda, and set there and see if they could not come to some reasonable conclusion to some of those things that was facing them. He stated that this, according to his conversations with Mr. Stanley, was a serious problem that they needed to address. He asked if that was something that would be a reasonable request.

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Mayor Pro Tem Grogan stated that his personal feelings was that they really should probably act on this tonight and give them permission to go on and do it to which Council Member Janney agreed that was fine.

Mayor Pro Tem Grogan explained that he did not disagree with what he was talking about, but for him tonight, he would like to have a motion to allow him to go ahead and start the planning for the replacement of this sewer interceptor.

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

(b) Consideration of Hopkins Court Sanitary Sewer Project Status.

The memorandum explained that the Engineering Department has performed the preliminary surveying and design to provide the Hopkins Court area with gravity sanitary sewer service. The preliminary construction cost has been estimated to range from approximately \$150,000 to \$175,000. This estimate is based on providing fifteen (15) existing houses within the Hopkins Court area with gravity sanitary sewer service. Easement costs have not been included in the above estimate. Please refer to my original memo to Council dated January 3, 2000, a copy is enclosed.

The Engineering Department is currently completing the final approval and construction drawings for this project. Once the Contract Documents are completed, NCDENR approval will be obtained. At that point, the project will be ready to go through the Bidding Process and then Construction.

The time frame until the project is ready for the Bidding Process may take between four (4) to six (6) months, depending upon DENR review time. Prior to starting the bidding process for this project, Council should determine if an assessment roll is to be used to help cover the costs of this project or not.

Council Member Janney commented that he did not think he had been privileged to some of this stuff that they have been talking about.

Mayor Pro Tem Grogan explained that was the reason he wanted to table it, to allow him time to review that and then when they have this meeting to talk about other projects.

Council Member Janney stated that it was according to how soon the meeting was set, but they have not treated this fairly either and he understood.

Mayor Pro Tem Grogan stated that if he would look at all of it that it would be handled and it would be handled fairly.

A motion was made by Council Member Gover seconded by Council Member Tudor to table this item for a special meeting. All Council Members voted in favor of this motion.

Council Member Janney asked if they would set up a meeting.

Mr. Thomas replied that they would and stated that some of the work that Mr. Stanley was doing on that project was going to continue to which Mr. Stanley agreed. Mr. Stanley added that they would let Meadow Greens take precedence on the urgency, but they would continue on with Hopkins Court.

(c) Consideration of request to purchase handheld meter reading devices.

The memorandum explained that on March 9, 2000 the Finance Department issued a Request for Proposals (RFP) for Hand Held Meter Devices. Two proposals were received; Datamatic.com at a total of \$13,281.00 and Logics at a total of \$10,910.00

The Finance Department requests that the city purchase two hand held meter reading devices from Logics in order to update their system from Logics. The Finance Department budgeted \$8,400 for the devices and \$3,000 for the software upgrade for the new devices.

Council Member Rorrer commented that this had been tabled until they found out where they were on the Water & Sewer Fund and it was back on the agenda.

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Council Member Janney questioned if he was talking about the study.

Council Member Rorrer replied he was talking about the whole thing. He stated that it was tabled until they found out what they had.

Mr. Thomas agreed. He explained, however that the situation was that those particular devices were aging out due to the software and technology. He stated that they were computers and they were going to need to be replaced and he was not so certain that they could go another year.

Council Member Rorrer stated that he was not arguing that point at all. He stated that his argument was that they did not know what they had to spend and they did not need to spend anything until they found that out.

A motion was made by Council Member Rorrer seconded by Council Member Janney that they table this item again.

Council Member Myott asked who was doing the study to which Council Member Janney replied Finkbeiner (Finkbeiner, Pettis & Strout). She questioned when they were supposed to have it.

Mayor Pro Tem Grogan pointed out that according to this (memo), the money was budgeted into this year's budget. He added that what he (Rorrer) was saying, he thought that was the thing that the Council had asked the Attorney to look into.

Mr. Nooe commented that he would expect that they would have it this week and then they would need a special meeting.

Mayor Pro Tem Grogan asked Council Member Rorrer if his motion could include that this be brought back at the special meeting.

Council Member Rorrer replied that when they get that information that he was making reference to, that was not going to tell them what they had as they still had other stuff to do. He stated that when they tabled it before, it was tabled until they found out where they were.

Mayor Pro Tem Grogan commented, so it was tabled to save the \$11,000 to which Council Member Rorrer replied, right at the moment.

Action on the motion was as follows: All Council Members voted in favor of this motion.

(d) Consideration of Resolution for Financing of Sewer Vac/Knuckleboom.

The memorandum explained that Patrick Henry National Bank has requested a resolution approving the financing of the Sewer Vac/Knuckle Boom and the City Officials authorized to sign the Financing Documents.

A motion was made by Council Member Gover seconded by Council Member Myott to approve this resolution. All Council Members voted in favor of this motion.

Resolution Approving Financing Terms

WHEREAS: The City of Eden City has previously determined to undertake a project for one (1) Sewer Vacuum Truck and one (1) Knuckle Boom Loader, and the Finance Director has presented a proposal for the financing of such project.

BE IT THEREFORE RESOLVED, as follows:

1. The City hereby determines to finance the project through Patrick Henry National Bank (Patrick Henry) in accordance with the proposal dated February 2, 2000. The amount financed shall not exceed \$260,000,00, the annual interest rate (in the absence of default or change in tax status) shall not exceed 4.70%, and the financing term shall not exceed 5 years from closing.
2. All financing contracts and all related documents for the closing of the financing (the "Financing Documents") shall be consistent with the foregoing terms. The Finance Director and/or the City Manager is hereby authorized and directed to execute and deliver any Financing Documents, and to

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take all such further action as they may consider necessary or desirable, to carry out the financing of the project as contemplated by the proposal and this resolution. The Financing Documents shall include a Financing Agreement and an Escrow Agreement as Patrick Henry may request.

3. The Finance Director is hereby authorized and directed to hold executed copies of the Financing Documents until the conditions for the delivery of the Financing Documents have been completed to such officer's satisfaction. The Finance Director is authorized to approve changes to any Financing Documents previously signed by City officers or employees, provided that such changes shall not substantially alter the intent of such documents or certificates from the intent expressed in the forms executed by such officers. The Financing Documents shall be in such final forms as the Finance Director shall approve, with the Finance Director's release of any Financing Document for delivery constituting conclusive evidence of such officer's final approval of the Document's final form.
4. The City shall not take or omit to take any action the taking or omission of which shall cause its interest payments on this financing to be includable in the gross income federal income tax purposes of the registered owners of the interest payment obligations. The City hereby designates its obligations to make principal and interest payments under the Financing Documents as "qualified tax exempt obligations" for the purpose of Internal Revenue Code Section 265(b) (3).
5. All prior actions of City officers in furtherance of the purposes of this resolution are hereby ratified, approved and confirmed. All other resolutions (or parts thereof) in conflict with this resolution are hereby repealed, to the extent of the conflict. This resolution shall take effect immediately.

Approved this 18th day of April, 2000.

s/Kim J. Scott
Kim J. Scott, City Clerk

s/Philip K. Price
Philip K. Price, Mayor

(e) Consideration of a color removal polymer bid results and recommendation.

The memorandum explained that color removal polymer bids were opened at 2:00 pm on Tuesday, April 4, 2000. The city solicited polymer companies to submit polymer products meeting published specifications for color removal. Four vendors submitted samples. One vendor withdrew from the pre-qualification process. All of the remaining three vendor's products were pre-qualified to participate in the formal bidding process. The bids were as follows: Stockhausen, Inc., Praestol 188-KE at \$0.374/lb; Cytec Industries, Inc., Cytec C-577 at \$0.379/lb; and Joy's Pollution Solutions, Inc., Clarifloc C-309P at \$0.455/lb.

It was recommended that the bid for the polymer for the period July 1, 2000, through June 30, 2001 be awarded to the low bidder, Stockhausen, Inc. This vendor has provided color removal polymer to the city since 1992. Their product has always performed well in removing color to the level required by the city's NPDES Permit. Under the city's current contract it was paying \$0.464 per pound for Praestol 188-KE.

A motion was made by Council Member Janney seconded by Council Member Gover to approve this request. All Council Members voted in favor of this motion.

(f) Consideration of bulk chemical bid acceptance.

The memorandum explained that the city has participated in the countywide bulk chemical bidding again this year. It was recommended that the following bids be accepted for the 2000-2001 fiscal year. The bids were as follows:

Alchem, Inc.	Aluminum Sulfate	\$150.95 per ton
Southchem, Inc.	Sodium Hydroxide	\$209.42 per ton
Harcros Chemical	Copper Sulfate	\$49.45 per 100 lbs.
Prillaman Chemical	Fluorosilicic Acid	\$121.00 per ton
	Phosphate	Per gallon
Sweetwater Tech.	Potassium Permanganate	\$124.30 per 100 lbs.
Jone Chemical, Inc.	Sodium Bisulfite	\$5.95 per 100 lbs.
Harcros Chemical	Calcium Hypochlorite	\$128.00 per lbs.

A motion was made by Council Member Gover seconded by Council Member Myott to approve this request. All Council Members voted in favor of this motion.

(g) Presentation: Pay as you throw (Solid Waste).

The memorandum explained that the Solid Waste Division wished to present the results of the Solid Waste Pilot Project Analysis "Volume Based ID Sticker System. Mr. Jim Hickman of the North Carolina Department of Environment and Natural Resources wished to speak to the City Council on "Pay as You Throw" during the presentation.

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Mr. Jerome Adams, Solid Waste Superintendent, presented a graph to the Council that contained some additional information. He explained that the information they have in their packet was in reference to the pilot project that was done during the 1998-1999 fiscal year. He explained that because of the solid waste cost and the elements associated with solid waste and solid waste services that had impacted the city in the past eight to ten years, they have seen the cost drastically increase, which meant that the funding source, primarily their General Funds have been impacted tremendously. He explained that meant that a much larger portion of the pie was now coming from the General Fund to subsidize this important aspect of services to the citizens of Eden.

Mr. Adams explained that the graph that he had presented to them was just basically to give an overview of what they have been looking at for the past four years. He noted that in those two columns were two sectors, the commercial and the residential solid waste services that were being provided on a yearly basis. He noted that in the first column of the first two bars, that sector was dealing with their residential solid waste system. He explained that this system or the bars there reflects the full cost analysis of that project, meaning that there were many elements of the costs that was physically not shown in their fiscal budget for the Solid Waste Division on a year to year basis. He stated that this full cost analysis encaptures all of that cost associated with the services bringing out the total of what it costs to operate this system on a yearly basis.

He noted that in the 1995-1996 fiscal year they saw that a greater portion of the system was yet being subsidized by the General Fund Revenue source. He noted that they had a little over \$303,000 of revenue that came in through the fee-based system that was in place in 1995-96. He stated that in the second bar they would see where they have the general fund that was subsidizing this system that was in excess of \$760,000.

At the top he noted the diagonal bars that show what the total cost was for that year in excess of roughly \$1,130,000 in that first column. The second column illustrated the commercial system that started out in 1995-96. They were actually recovering the greater portion of the cost, but they were still running in the red there with the General Fund subsidizing that commercial system there in 1995-96.

Mr. Adams stated that in 1996-97, they see the same type trends occurring in the residential community, in terms of this cost. He stated that their cost began to rise even more, yet the funding source from their fee base still was limited in the amount of funding that it was doing to recover the costs associated with the services. He noted that they would see the commercial system covered itself, the white or blank area indicated that there were no funds coming from the General Fund to subsidize that program, it supported itself.

He stated that for 1997-1998 they see the same general trends occurring in the residential community as far as its system and also July 1, 1997 was when their fee went to \$5.00 per month for residential solid waste services. He stated that fee was still current today. He stated that they also see where their funding from the General Fund dropped slightly in this year, but there were some other aspects of revenue that impacted the city that year. He noted that Hurricane Fran was one of the elements that hit, which helped offset some of their costs associated with the services for that year. Mr. Adams noted that in 1998-1999 they were still going back up in terms of the costs associated with those services. He noted also that the commercial systems still supported itself.

Mr. Adams explained that what he was saying to the Council this evening was that this was an area that they felt strongly needed to be addressed because of the associated cost with waste, the handling of waste, what was involved in the process of being sure that waste was being properly being collected and disposed of.

He stated that they did the pilot project in the 1998-1999 fiscal year and they have the data before them in reference to that. He added that he realized the Council may be reluctant to even consider trying to recapture all of the cost associated with the solid waste residential program, however he strongly recommended that consideration be given to make some transition in the system, to move first of all the solid waste system back in an enterprise format as opposed to a

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general fund. He explained that would allow them to be able to track the cost associated with the services and the programs where they could give a clear and concise picture of what was happening with their waste system as opposed to it being funded through the general fund format.

He stated that they did a full cost analysis that really identified all the cost associated with the services. Many of the costs were not shown in the solid waste expenditure account from year to year under the General Fund. He added that they needed to be able to capture this cost. He also added that it was a proven fact, nationwide under their study, when solid waste was put into an enterprise fund system or where that cost was passed back to the user, they would see a significant reduction in cost. He noted that they would see that individuals who pretty much did not think about what it was really costing would have an opportunity to see what it cost and it also gave an opportunity for a more fair and equitable system to where the user pays for what they use, not for what someone else was putting out to be disposed of.

Mr. Adams explained that he was before them tonight, to give the option of the service system, as it was formatted in the pilot project. He asked that the Council give it some strong consideration. Mr. Adams stated that Mr. Jim Hickman, from the Office of Prevention, Pollution, and Environmental Assistance, was present to speak to the Council. He asked if anyone had any questions.

Council Member Janney commented that he wanted to understand where Mr. Adams was coming from because he did not agree that you could track your money better outside the General Fund than you could inside the General Fund. He asked him to show him the logic to that, dollars per dollars. He stated that no matter where they go, they had to track their dollars in the General Fund, whether they were going in and going out and whatever they were doing.

Mr. Adams replied that the logic behind that was that they could apply every aspect of the cost, identify the cost and give it to them in a format that they could understand and see exactly where the dollars were being spent, where each program was being funded and how much funds were being injected and into each program, what it was costing versus, in terms of what they were investing in terms of what services were being provided for that program.

Council Member Janney pointed out that it did not make any difference whether the dollars came from him as a citizen or from the General Fund as a tax payer, they still had to track all dollars. He stated that he could not understand the logic that he could track their dollars and hold onto it any better outside the fund than they could inside the fund.

Mr. Adams used as an example; currently the system under the General Fund was set up to where it was all put in one pot, regardless of cost. He stated that just like right now, the Solid Waste Division was being funded by other sources other than what was being shown on the expenditure or their budget that was set forth for the Solid Waste Division. There were other aspects of this system that was supporting the system that the citizen did not see nor did the Council see it, because of the fact that it was not being brought out. He stated that it was being put over there and was what was called hidden cost.

Council Member Janney stated that they had better look at their accounting system then.

Mr. Adams noted that the State of North Carolina, along with other municipalities, now were being strongly encouraged, in fact there was legislation before them that the standards of accounting currently being used by most local governments was no longer acceptable and it had to be changed because it did not reflect enough components or data within its process to be able to show and identify the cost associated with the service.

Council Member Janney stated that if they change the state statute that was one thing, but the last time he read the state statute it said they could do those things it did not said they had to do anything. He asked if the Solid Waste Committee had been through and approved or had a recommendation on what he had presented.

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Mr. Adams referred the question to Council Member Myott who was on the Solid Waste Committee.

Council Member Myott stated that the Committee had met and Mr. Adams gave a presentation. She stated that they did not have a recommendation tonight, but they would discuss that in their budget process.

Council Member Janney stated, so they were really not going to make a decision tonight until a committee came back. He stated that one other thing, in talking about the pilot program, the way he saw it in his neighborhood and the way people talked to him about it, he did not know how much validity he could put in it. He stated that he would have to wait and see what went on. He stated that his understanding was that if his trashcan had a blue or red sticker on it, whatever, periodically that was going to be audited, to make sure he had in that container the amount that should be in there. He stated that was not happening as he received calls from all over town and people wanted to get out of the program, they did not like it. He stated that on his street, a man told him that he did not care what he had in it. He asked that they tell him the program was okay because he was going to have to hear some more from that \$18,000 program. He stated that before he would want to make a decision he would wait and hear from the Committee appointed to look at this and see what they had to say. He added that he would be glad to listen to Mr. Hickman.

Mayor Pro Tem Grogan noted that there was a lot of information and data to look at and he thought that they all realized that in handling solid waste in this community it cost approximately \$17 per household. He then asked Mr. Hickman to come forward to speak to the Council.

Mr. Hickman explained that he was with the Division of Pollution, Prevention & Environmental Assistance, a non-regulatory division within the Department of Environment, and on behalf of his division he wanted to express their support for variable rate programs also known as Pay as You Throw. He stated that they have reviewed the City of Eden's program and supported it. He stated that if the city decided to expand that program they thought it would work as they supported them throughout the state.

He stated that the three main reasons that they supported it was number one, the equity as it provided a truly fair system between a large generator and a small generator, somewhat similar to water services. A user of 100 gallons pays more than a user of 10 gallons. He stated that it also follows up in equity aspect by providing a financial benefit to those who were recycling and utilizing the recycling services provided by the city and to some extent by the county.

He stated that economically, they thought it made sense when finances for solid waste systems were isolated and there were quite a few hidden costs, whether that be maintenance that generally falls under another budget, things like that tend to be billable when you enter an enterprise fund, so a Solid Waste Department gets a true understanding of the cost whereas your payroll administration under a General Fund scenario may not be realized. He explained that was the aspect of hidden cost that Mr. Adams had discussed. He stated that they felt that true realization of cost ultimately, and they had seen it before, had resulted in more efficient programs and allowed programs to be truly responsible for what they were spending. They were ultimately responsible for recovering the cost of the program.

Mr. Hickman stated that the third aspect, and this was where they could really see the Department of Environment standing out, was the environmental benefit of it. They have a community in the state that had 52% waste reduction, largely in part due to a Pay as You Throw Program. He stated that they have seen a growth in those programs from maybe one in the 1970s and there was well over 30 programs in the state right now. That growth nationwide, there was over 4,500 programs nationally, and it had been isolated as one major technique in communities throughout the United States and North America, for actually reducing the amount of waste generated, not just increasing recycling but actually getting into the philosophy of consuming less and ultimately if waste reduction increased, particularly since they were running a drop off recycling program, an increase in waste reduction could lead directly to a decrease in program cost. He added that they did still have trucks on the road, that was a fixed cost, but it was going

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to be hard to avoid that, however any waste that did not have to go through a transfer station could result in a cost savings depending on their current fee structure.

He stated that to sum up very quickly, the state now had a grant with the EPA, and they were looking at the implementation of Pay as You Throw and how the waste reduction associated affects global climate change and greenhouse gas emissions. He added that he knew there was a lot of skepticism around that, however it had become a very important issue nationally and on the state level and based on their analysis of Eden's program, if the city did decide to go forward, they felt they would have grant funds available to assist in the financial burden and additionally they would have a full array of technical assistance available to the city as well.

Mr. Thomas asked Mr. Hickman what were some other communities in the state that were using a Pay as You Throw Program.

Mr. Hickman replied that municipality-wise there were a few small municipalities, the Village of Turkey, the Town of Bailey, the Cities of Wilmington, New Bern, Dover, and River Bend, and the City of Charlotte was currently looking at it. He stated that county-wise, Craven, Jones, Onslow, Wilkes, Alexander, and Buncombe Counties and it could go on and on as there was a whole array of different program types and designs.

Council Member Janney noted that Pay as You Throw was not a bad project, but their real savings was in recycling to which Mr. Hickman agreed. Council Member Janney stated that if he did not recycle then they would not save anything.

Mr. Thomas added that their savings was kind of two or threefold. It would be in recycling but it was also in getting people as consumers to use products that produce less waste to begin with. He stated that with every ton that they divert from the landfill either through recycling or just consumer reduction that was a \$37 a ton savings to the city. That was not to mention the hidden cost of not having to handle the waste as it goes through their transfer station and so forth to which Council Member Janney agreed.

Mr. Hickman commented that they did have a slight cost associated with recycling, that did diminish some of their savings from avoiding of disposal, however there was generally a savings with that, but truly the waste reduction, the removal of the waste, so that the city never sees it was 100% savings.

Council Member Gover commented that he was familiar with their tipping fee. He asked how the city stood against the other municipalities on tipping fees and if it was average.

Mr. Thomas noted that it was \$37 a ton.

Mr. Hickman replied that the state average, and it was up a little this year (but) he had not seen the final figures, (but) last year it was \$29.60 a ton.

Council Member Tudor asked if he had recommendations as to how communities such as Eden, who basically were not much at all involved in trying to put together a new process other than the study with the markers on the can, recommendations as to how to initiate this program in a gradual basis because their community would need to be educated toward this. He stated that it was a new program and they were going to see, "I've got to pay", he stated that there would probably be resistance out of lack of understanding. He asked if there would be someone that, if they decided "yes we need to undertake a new program", as time moved on to educate their citizens to make it easier to understand and accept.

Mr. Hickman replied that generally, as everyone knew, the number one fear of a community was change and this would be a change in the billing structure. He stated that he had worked with Mr. Adams many times in the past and they have a full set of staff available and 50% of his time was isolated just to communities with Pay as You Throw. He added that they also had education specialists, if the city were to decide to enter this grant program, there would be full benefit of their staff and their resources.

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Council Member Tudor stated that he guessed the easy word was “incentive”. The less that they throw, they have an incentive to pay less.

Mayor Pro Tem Grogan pointed out that if they looked at the report, it talked about different size containers and the cost of the container, 30 gallons \$11.50; 60 gallons \$14.50; 60 to 90 gallons \$17.50; and the one that jumped out at him, because he had heard it before, they talk about their senior citizens, the senior citizens right now were paying a \$5.00 fee and under this program they pay \$4.28. So, there were some types of incentives that they could certainly be looking at during the budget session and they would also hear a recommendation from the Solid Waste Committee. He expressed appreciation from the Council for Mr. Hickman’s time.

Mr. Nooe asked if the grant would that pay for the computerized system that would go on each collection vehicle to actually weigh and record the weight of waste in each container each time it was picked up.

Mr. Hickman replied, technically yes, they could use the money for that, although they did not have nearly enough money.

Mr. Nooe noted that would be the only true way they were going to sell it as being truly fair and they pay for what they throw. He asked what one of those units cost per truck.

Mr. Hickman replied that he did not have the exact figures. He added that he knew, giving their automated truck set up, it was the best set up that a weight based system could be used, however capitolly it was high and it was his understanding that the USDA Weights and Measures had only approved one system so far.

Mr. Nooe stated that Greensboro had it as they have a system of weighing what they pick up.

Mr. Hickman replied that they might weigh on their front loading trucks, which was commercial. He stated that residential, the side loading arms, they have not, as far as he knew, proven a system yet. Every pilot program that had been started in the US had been withdrawn.

Council Member Janney commented that it was really not a pay as you throw.

Mr. Hickman replied that it was pay as you throw, but it was volume based.

Council Member Myott and Mayor Pro Tem Grogan both added that they were talking about the size of the can.

Mr. Nooe stated that it did not make any difference, he just wanted to know if they could finance the weight of the trucks.

Mr. Hickman closed in offering to provide Mr. Adams information on that.

- (h) Consideration of NC 14 Sanitary Sewer Improvements Project request to award construction contract.

The memorandum presented to Council explained that the Engineering Department requests authorization to award the construction contract for the NC 14 Sanitary Sewer Improvements Project.

A motion was made by Council Member Janney seconded by Council Member Gover to approve this request. All Council Members voted in favor of this motion.

- (i) Consideration of parking problem on Manley Street and Boulevard Street.

The memorandum presented to Council explained Sgt. Tommy Griffin has examined this area and found the following problems. This is one of the older residential sections of town where the home is located close to the road. The landscaping has shrubs in front of it approximately 7-8 foot tall with the circumference protruding out next to the curbing. The layout of the road includes approximately a 90-degree curve that limits a motorist’s visibility even more. Even though Boulevard Street is thirty-six feet wide, the layout of the road and the shrubs justify establishing a change that would make it safer for motorists entering Boulevard Street from Manley Street.

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Sgt. Griffin recommended that they establish a No Parking Zone along the north curb line of Boulevard Street, beginning at Point A and continuing a distance 70 feet in a northeast direction to Point B as indicated on the attached map. In addition, he would notify the Inspections Department with the City of Eden to pursue eliminating the shrubs, since they were on private property.

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

(j) Consideration of sewer line on Pervie Bolick Street.

Mr. Thomas explained that this had been videotaped and he had reviewed the tape also. He stated that they did have some infiltration problems, but they were very minor. He noted that overall, the interior of that line looked pretty good. It was in much better shape than what he was expecting to see. One interesting thing that they did see was that where a number of the service laterals joined into the main, there were roots hanging out of the service laterals into the main lines indicating that some of the residences along through there may have some problems that they were not aware of and would certainly want to check into, but the main itself was clear of obstruction. They did have some joints that were leaking along the way, but otherwise it was fine. He invited the Council to take a look at the tape if they would like.

Council Member Tudor suggested that they publicize the information to the people on Pervie Bolick that they might want to have someone route out their sewage line knowing that there were numerous...to which Council Member Rorrer commented that it was his understanding, if he had read it correctly, it was the homeowner's responsibility to keep the taps clear.

Mr. Thomas replied that the policy that they have used was that the homeowner was to keep it clean all the way out to the main.

Council Member Rorrer suggested that they go on the assumption that he had a problem past his meter in the sewer line and he called a backhoe in there and dug up the street. He asked what they were going to do. He stated that he did not know the homeowners had to go beyond the curb line ...to which Council Member Gover stated that was not the way he interpreted it.

Council Member Janney agreed as the property line would be as far as what he had always understood.

Mr. Thomas explained that Mr. Benny Sexton, Public Works Director, was not present, however, Treatments Plant Director, Mr. Dennis Asbury would like to address it as he was formerly in charge of Collection & Distribution.

Mr. Asbury explained that he thought the way the policy was written, if it had not changed, was that the citizen was responsible. If they have a clog in their line, they were responsible to get a licensed plumber to come out and rod it out to the main. If they were unable to rod it out to the main, if the plumber was not able to get through there, they call the city and the city would come out and do it because they did not want people hiring people with backhoes to go out and dig up the streets and that was the way that policy worked.

Council Member Rorrer used as an example, you got your clean out sitting there close to the line, and would his responsibility cease at the clean out if he was open to the clean out to which Mr. Asbury replied no. Council Member Rorrer asked how were they going to prevent him to do what he had to do to open it up, that was what he was trying to say. He explained that he was not trying to start an argument, but it looked like they had a gray area there.

Mr. Asbury stated that he did not have that particular code committed to memory, but the way he...to which Council Member Rorrer stated that he was not saying he was not right on it, it was just not the way he understood it.

Mayor Pro Tem Grogan commented that the way it probably stopped most people was that they did not want to go hire a backhoe and that was when they called the city looking for somebody to do it for them.

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Council Member Rorrer stated that they had a problem if that was the way they were handling their sewer lines.

Mayor Pro Tem Grogan explained that he was just talking about what had happened in the past. He agreed that they should get it on the agenda and that they come back with a recommendation for next month.

(k) Consideration of no parking zone for Fagg Drive - video of area.

Mr. Thomas commented that they had filmed the area and had it on videotape if the Council wanted to see it.

Mayor Pro Tem Grogan asked Council Member Tudor's recommendation (as it was in his Ward).

Council Member Tudor replied that he had gone and looked at it, but he did not know if a No Parking Zone would fix it. He stated that he had sat down there a week ago and just watched it and there were people that were literally blocking the street just to get a biscuit.

Council Member Rorrer stated that if he had been down there about 8 or 10 years ago it would have been the same too and Council Member Janney noted that it had been like that ever since they opened up.

Mr. Thomas presented a videotape of the entrance of Biscuitville off of Fagg Drive, made by the Police Department.

Mayor Pro Tem Grogan explained to the citizens in the audience they were talking about the traffic backed up at Biscuitville and out in the street.

Mr. Thomas explained that the tape was filmed by one of their in-car video cameras. He noted they were pulling over on the left side of the road, against the curb, to enter the parking lot to get into the drive-thru rather than sitting in the turning area in the middle of the road.

Council Member Tudor noted that some days they do it that way and other days they do it from the other lane and block, cross the middle of the street and you could not get by out of their way.

Council Member Gover asked what they hoped to accomplish and Council Member Tudor asked if it would be possible to make an appeal to the business.

Council Member Gover stated that they were either going to go there and ticket everybody or give them a warning.

Mayor Pro Tem Grogan stated that he thought the business was the one who requested it.

Council Member Tudor suggested that they appeal to them to move their window in such a way that there could be better use of their lot. He stated that he really did not want to ticket citizens who were going out and getting a biscuit on Saturday morning, but at the same time he did not want an accident the way people were going about getting that biscuit.

Council Member Janney asked if they have responded to the discussion they have had on modifying that window.

Police Chief, Gary Benthin, replied that there was not a whole lot they could do.

Council Member Gover asked if it was possible for another lane right there at that point.

Council Member Janney stated that they just put a turning lane in there not too long ago.

Mayor Pro Tem Grogan commented that the City Engineer might have a recommendation.

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Mr. Stanley explained that he had just a little more history on it. He stated that Mr. Danny Patton, Construction Manager with Biscuitville, previous to it coming up, had submitted an application for a turn lane in coming from Kings Highway and also keep the one they have. He stated that he was sending it on to the State since it tied on to their State maintained road and in his recommendation, he recommended that they close that upper entrance because that was where the two turn lanes would be merging. He stated that as soon as he had sent it into Mr. Hunsinger and copied it to Mr. Patton, Mr. Patton called him and said he wanted to pull his request because they wanted to close the one entrance.

Mr. Stanley stated that he had three existing entrances, so they have looked at it, made a recommendation and a compromise on what he wanted but he withdrew the request himself because it would tie up one of his lanes. Mr. Stanley added that in his opinion, he really did not want to cooperate. He wanted what he wanted but he did not want to comply with what they (city and state) wanted to make it happen.

Council Member Rorrer mentioned if it could be handled the same way they handled gas shortages to which Council Member Janney questioned that.

Council Member Rorrer explained that they had lines for the gas pumps and a State Trooper, a Deputy Sheriff or a Police Officer would tell you to get out of the road and you did.

Council Member Gover questioned the period of time that this was occurring.

Mr. Thomas replied that he was not sure, (but) he thought for the most part it went on somewhere between 8:15 a.m., and 9:15 a.m.

Council Member Gover asked if Engineering had time to study this and come up with a somewhat reasonable solution other than (the Police) going out there and ticketing (customers).

Mr. Thomas replied that they did make the proposal with the turn lanes and that was not acceptable to the owner of Biscuitville and he had originated the request. He agreed that they did not want to have to write a bunch of tickets.

Council Member Gover asked if the owner had seen the videotape. He stated that if he appreciated that business he would certainly want to do something.

Council Member Janney referred to the back side of that building out toward where the old Flavorich place used to be, asked if there would be some way that the owner would be receptive to route this traffic, to get it off the highway.

Mr. Thomas replied that with the short distance between the two driveways you would hope or think that you could stage some of them in there between the two driveways and what Council Member Janney was saying was to kind of find of way to route them around the building.

Council Member Janney replied yes and maybe run them on down past the window and then come back and circle back in the window. He stated that another thing, if he did turn in the first lane and go by those parked cars on the side and then go out and come back to his window, he would have them all in his parking lot. He asked Chief Benthin if he understood what he was talking about to which Chief Benthin did not.

Council Member Janney explained that if you came off of the street and turned into the first lane, going south, off of Kings Highway, then where those cars are parked diagonally against the wall, you then go on out and come back to his parking lot and he would have all of those cars inside his enclosure rather than in the street. He explained that what he was saying was, rather than the city going out and ticketing all the citizens...to which Mr. Nooe interjected that the traffic laws were the traffic laws and the Chief of Police should not be informed not to enforce the traffic laws just because they wanted to help the business of Biscuitville.

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Council Member Janney replied that he was not telling him not to do anything, he was just trying to create a...to which Mayor Pro Tem Grogan questioned who had brought this request to the City Council.

Mr. Nooe replied that he understood that it was Biscuitville to which Mayor Pro Tem Grogan stated that he understood that he had now withdrawn that request.

Mr. Stanley commented that he did not know who submitted consideration of a No Parking Zone, (but) he submitted in a request for a turn lane to be added to the existing one there and in his evaluation of it, when sending it to the DOT for their recommendation, he had suggested that the entrance closest to Kings Highway be closed, due to it would increase the potential of an accident, the turn lane coming into him, and then the turn lane going out onto Kings Highway, that entrance was right where people would be trying to cross those two entrances to go if they were going along Fagg, that way. He stated that when he had submitted it to the State, in his letter he had stated that he would recommend those items and then Mr. Patton called him back and said he would like to withdraw his request based on that item.

Council Member Tudor commented that the City Attorney had really hit on it. It was their responsibility to maintain safe streets and it was the responsibility of the business person, if he had the people of the city wanting to buy his biscuits, then he needed to make it attractive for them to come down there and buy them. He stated that he would make a recommendation that they make it no parking.

Council Member Rorrer asked Council Member Tudor if it was in his Ward to which he replied that it was. Council Member Rorrer asked if he was notified that this was being done prior to this to which Council Member Tudor replied that they have talked about it, he was not notified, but he had seen the paper on it and he went and looked at it.

Council Member Rorrer questioned if that paper was the one he had received in his agenda packet to which Council Member Tudor replied it was. Council Member Rorrer pointed out that he was supposed to be notified before he got his agenda.

Council Member Tudor replied that he did not recall if it was on paper or if it was just talk, but he did know that he went down there and looked at it. He thanked Mr. Nooe for helping him to get that straight in his mind as it was their responsibility to maintain safe streets and it was the owner of Biscuitville's responsibility to look after his business property.

A motion was made by Council Member Tudor seconded by Mayor Pro Tem Grogan to accept the Police Department's recommendation for a No Parking Zone. All Council Members voted in favor of this motion.

(1) Consideration of awarding bid for air trailer and upgrade of air packs for Fire Department.

The memorandum explained that the breathing air compressor and Cascade Trailer Conversion bids were opened at 10:00 a.m., on Tuesday, April 11, 2000. Only two bidders submitted bids which were as follows: Safe Air Systems, Inc., with a base bid of \$38,105.02 and Drager Safety, Inc., with a base bid of \$35,966.00. It was recommended that the bid be awarded to the low bidder, Drager Safety, Inc.

Mr. Darryl Carter, Fire Prevention Officer, explained that he appreciated the opportunity to be able to talk to them about something that they considered to be a very needed matter in the Fire Department. He explained that they had gone to bids on the present air trailer and also to upgrade 20 present air packs that they now have. He stated that he was prepared to entertain questions, but before he did that he wanted to point out that the present air trailer that they have was a 1983 Eagle Air System. It was mounted on a mobile trailer with the compressor and cascade bottles affixed underneath. He explained that it was a 5,000 psi unit meaning that the only time this thing functioned as a compressor was while it was at the station and plugged up.

Mr. Carter explained that the way it was designed, they hook it up to a truck and pull it out to a fire scene and at that particular point it was used as a cascade system only, as it had a three phase electric motor that powers the air compressor unit on. He explained that without a three phase hookup on the scene, the unit, as far as a compressor, was no longer any good there at the scene.

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He stated that it had to be brought back to the station and hooked up to three phase electricity and the cylinders refilled. He noted that while it was on the scene it acted as a cascade system.

Mr. Carter explained the reasoning for wanting to replace it. He explained that they were on a quarterly maintenance schedule with Safe Air Systems out of Randleman. Safe Air comes and services this thing quarterly and they are also called to do repairs when it breaks down. He stated that they have advised for the last several years that they needed to look at a means of replacing this air compressor. The air cylinder unit itself, as far as the compressor, was now obsolete, meaning that parts for the air compressor were no longer available. Mr. Carter explained that the last two times it had failed, Safe Air System was able to get it up and running using used parts. He noted that it was passing air tests today, but tomorrow he did not know as it was progressively getting worse. He noted that it was getting an overflow of oil into the collection separating chamber and also at the vent it was starting to blow oil about 4' on anything that was around it, the same side that the collection chamber was on.

Mr. Carter stated that Safe Air had recommended that they replace it that the compressor unit itself was not feasible to be rebuilt anymore. He noted that in 1986 or 1987, he was not 100% sure of the date, it was rebuilt because it was doing the same thing, a cylinder went bad on the compressor. He stated that was one of the reasons that he was recommending that they replace it. He explained that breathing air was a very important thing as it filled the air cylinders that the firefighters breathe in and out.

Council Member Gover commented that being familiar with compressors, he wanted to explain that this was not just an ordinary compressor on a 125 psi, this was a 5,000 psi compressor working under extreme pressure.

Mr. Carter agreed (extreme) pressure and temperature. He added that it also had a filter system on it that filters the air. He noted that it was not an air compressor that was used to power air tools like those used in a garage, it was a specialized type compressor to fill air cylinders like the SCBA cylinders that a firefighter or dive cylinders as a scuba diver would use. He stated that it was quality breathing air, Grade D and E, as set forth by NFPA Standards.

Council Member Janney asked how many times they have been out with the system, at its maximum capacity, that they ran out of air.

Mr. Carter replied that the times that they ran out of air at maximum capacity were on their major fires. The present system had four cascade bottles under ASME, bottles that holds 5,000 psi each. He explained that on a major fire, such as the Builder's Mart fire, or an industrial fire, it was very possible to run out of air, quickly.

Council Member Janney asked, but he had never run out, unless they left with it not fully...to which Mr. Carter replied that they have many times got to a point to where they could put less than 600 pounds in their breathing apparatus. They never run it completely out of air, they just get to a point where they can only fill about 600 psi in the breathing apparatus and under that the alarm goes off on the breathing apparatus.

Council Member Janney stated that his concern was and he had not been out seeking information but he had sure received a lot of input on it, that the people who were talking to me says, "yea it blows out a little oil, there is no danger in what is happening", he stated how they knew that he did not know, there was not any way the oil could get in the system...to which Mr. Carter replied yes, it picked up, as a matter of fact it had an intake that pulled the air into the purifying system. He used as an example, if you crank a diesel truck up and was filling air at the same time; it could infiltrate some of their system.

Council Member Janney stated that he understood that it was pulling air, but he was talking about oil.

Mr. Carter pointed out that it was an oil mist.

Council Member Janney agreed that there was oil dripping out of it as he had looked at it.

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Mr. Carter added that the oil as it pulled it through gave off a vapor and it would pull it into the cylinder. He stated that as a matter of fact they test for that on a regular means.

Council Member Janney stated that in looking at it, it looked like something on his air compressor where if he drained it, it worked fine.

Mr. Carter agreed and stated that was his water separator to which Council Member Janney replied that was right and it looked like the same kind of system that was on this.

Mr. Carter noted that also at the top they would notice that the water separator also had a vent like a vent filter. He explained that not only was it venting air it was blowing the oil out the top of this vent and that was where the oil you see on the trailer, sitting adjacent to the air trailer, you look at all the spots and stuff on it, that was where it was blowing it out it was blowing out of the top of this air filter itself that was on top of the separator.

Council Member Janney commented that he did not see that, maybe it was there but he did not see it to which Mr. Carter pointed out that as a matter of fact it was still there today.

Council Member Rorrer asked if the new one would not be three phase.

Mr. Carter replied that it would be a three phase, but they were looking to go back with a three phase, 6,000 psi unit while the one they now have was a 5,000 psi unit. He added that it was not to be relocated on the trailer, but to be a stationary unit inside the fire house, out in the bay. He added that at the same time, this stationary unit would have a three (3) bottle 6,000 psi cascade system, mounted to the wall behind it. He also added that the trailer would be converted, which was also a part of the bid, to a cascade system carrying four (4) 6,000 psi bottles with a four (4) bank control, like it was now, but not with a compressor on the trailer.

He explained that the way it was now, the compressor was not efficient. He used as an example, if they go out and use air, say his house caught on fire, when they go out and they have a lot of interior structure fire fighting and overhaul going on, they were in there fighting the fire and using a lot of air, they fill the cylinders up with the air trailer, come back to the station, plug this trailer in and it has to sit there and build up pressure to get those bottles topped back off to where it was a usable psi. He explained that the problem or the concern was, what was going to happen if they come in on a structure fire and only used half the volume of this trailer, then they get an industrial fire and have to take the trailer out. He stated that the way it was now, in 1983 when this trailer was purchased, it put out about 9 cfm (cubic feet per minute) tops. If you gauged it now, it would probably put out anywhere from 5 to 7 cfm's. He explained that what that meant was when his personnel were coming back to the station and plugged this unit back up, this air trailer was having to run practically all night long to refill the bottles.

Council Member Rorrer questioned the new one's psi to which Mr. Carter replied that the new one was a 6,000 psi and it put out 27 cfm's. Mr. Carter stated the way it was currently designed, it has to be monitored to make sure it is kept full at all times.

In response to a question by Council Member Janney as to if there was a sign up sheet. He explained that at the current time, there was no sign up sheet, it was done verbally at this time.

A motion was made by Council Member Rorrer seconded by Council Member Gover to approve the request.

Council Member Janney questioned the air supply tanks, two bids.

Mr. Carter explained that there were two bids, Safe Air Systems and Drager Safety which were opened on the 10th at 10:00 a.m. and Drager Safety came in as the low bid.

Council Member Janney asked if they were going to discard some items that they have used half of their life referring to the air packs.

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Mr. Carter replied, yes sir. In reference to that which was different from the bid on the air trailer, something else he had been working on was an upgrade of the present breathing apparatus which was the air packs that Council Member Janney mentioned. The current air packs that they are using function, but he mentioned something about cylinders. He explained that the present type of cylinders have a 15 year life and that is standard for any air cylinder except for steel which was a lot of weight. He explained that practically no fire departments use cylinders that are completely steel any more because of that factor. He stated they use aluminum cylinder with a fiberglass hoop rack with a 15 year life, and they are hydro-tested every three years. He stated that included in the EPA and OSHA standards, there are changes that come about that deal with those. One of the things that deal with cylinders in particular was that it talks about cylinders starting to get chaffed, not bad, but chaffed, it said consideration of replacement, but it did not say it absolutely had to be replaced at that particular time as chaffed means there are pits and cuts from just wear and tear on the equipment. He explained that it was the same way on the harnesses and the back frames. He explained that they were holding up today, and if they were not, then they would not be on the fire trucks because the city would have a liability; they do function. He explained that the city sent him to school in Pittsburgh to keep them functioning.

Mr. Carter explained that the point of trying to upgrade was that they were having problems that constantly required maintenance. The way they are rigged now, they have an add on, kind of like a radio, personal alert safety system, called a pass device. As a firefighter is fighting an internal fire and the pass device deactivates, as it has to activate manually to go in this house. He explained that when the device goes in, say something happens to the firefighter, and he goes down, he either falls through the basement, falls in a hole or is overcome for some reason or another and lies motionless for 60 seconds, the personal alert safety system turns around and beeps and asks him if he is ok, not verbally, but gives him a soft tone. If the fire fighter does not move within another 10 to 15 seconds, a full-blown alarm will go off signaling a firefighter is in trouble. He stated that they cost from \$200 to \$250 each, and the problem they have now is that they are losing them. They were being put on properly and fastened properly, but just through the crawling and the magnitude and the use, they are lost. He noted it was not because it was neglect or abuse. He stated he currently needed to replace four.

Mr. Carter stated along with that, the new air pack upgrade that he was proposing had the system made into the unit itself so there was no chance of loss. When a firefighter turns, the air cylinder is turned on, the pass device automatically activates it. The firefighter cannot turn it off without turning the air supply off. The system they have now, if the firefighter forgets to turn it on and goes in the building, and goes down, they have no way of knowing the firefighter is in trouble because they would have to physically have to turn the system on. With the new design system, it would be automatic.

Mayor Pro Tem Grogan thanked Mr. Carter for his comments and stated they have a motion and a second to proceed with the project with a low bid of \$35,966.00.

Action on the motion was as follows: Those voting in favor of the motion were Council Members Rorrer, Reynolds, Gover, Grogan, and Myott. Voting in opposition was Council Member Janney.

Council Member Janney clarified his voted in saying that he was not voting to get anybody hurt, but he did not believe at this time, based on the input he has that they need this system. He added that too many people had told him not to go into this at this point.

*(m) Consideration of final approval Santee Apparel performance agreement.

Mr. Nooe noted that he had prepared the resolution to approve the execution of it.

NORTH CAROLINA ROCKINGHAM COUNTY

RESOLUTION AUTHORIZING EXECUTION OF SANTEE COMPANY, LLC, PERFORMANCE AGREEMENT ENCOURAGING INDUSTRIAL INVESTMENT AND EMPLOYMENT IN ACCORDANCE WITH NORTH CAROLINA GENERAL STATUTE §158-7.1

WHEREAS, the City of Eden and Rockingham County have experienced significant job loss in recent months due to plant closings in Eden and Mayodan; and

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WHEREAS, the closing of Pluma's operations in Eden due to bankruptcy has resulted in the loss of 626 jobs; and,

WHEREAS, Santee Company, LLC, has proposed to purchase a portion of the bankrupt Pluma facilities in Eden and restore 110 jobs to the local economy; and,

WHEREAS, a Performance Agreement has been negotiated with Santee Company, LLC, whereby the County and the City over a four year period will make appropriations of \$43,032.00 and \$64,068.00 respectively for the purposes of aiding and encouraging the location of the Santee manufacturing enterprise in the former Pluma facility located at 801 Fieldcrest Road, Eden, North Carolina, and under which Santee Company, LLC, pledges to maintain an employment level of 110 employees through December 31, 2006; and,

WHEREAS, the probable wage to be paid by Santee Company, LLC, at the proposed facility is anticipated to be \$7.50 per hour for new hires and \$9.00 to \$10.00 per hour for trained employees and Santee Company, LLC has agreed to maintain its total payroll so that it equals or exceeds the median average wage in Rockingham County; and,

WHEREAS, the jobs so created are, in addition, anticipated to qualify for tax credits under the William S. Lee Quality Job Act; and,

WHEREAS, the said appropriations by the County and the City will increase business prospects within and strengthen the local economies of the City of Eden and Rockingham County; and,

WHEREAS, the terms and conditions of the Performance Agreement have been reviewed by the City Council of the City of Eden and by the Rockingham County Board of Commissioners and found to be acceptable and in accordance with the requirements of North Carolina General Statutes Section 158-7.1; and,

WHEREAS, the City of Eden desires to authorize the Mayor and the City Clerk to execute the Performance Agreement on behalf of the City of Eden; and,

WHEREAS, any purchase of the assets of Pluma which is currently bankruptcy is subject to the approval of the Bankruptcy Court.

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

The Mayor and the City Clerk of the City of Eden are authorized and directed on behalf of the City Council to execute the attached Performance Agreement with Santee Company, LLC, for job creation and job maintenance as authorized by and in accordance with North Carolina General Statutes § 158-7.1.

ADOPTED, this the 18th day of April, 2000.

s/John E. Grogan

John E. Grogan

ATTEST:

s/Kim J. Scott
Kim J. Scott

A motion was made by Council Member Gover seconded by Council Member Myott to approve the above resolution. All Council Members voted in favor of this motion.

NEW BUSINESS

(a) Consideration of sewer extension of High Street @ Mill Avenue intersection.

Mr. Thomas explained that some of the existing sewer line in certain areas of town, and in this area in particular, were some of what the city inherited in the consolidation of the three cities. There were several residences connected to one four inch line and this one, in particular, actually comes under the corner of the house. He stated they would like to begin a process of trying to identify some of those things and start eliminating the problems. In order to do that, it would require some sewer line construction and those would be replacements that may range a couple of hundred feet at various times. This one, in particular, would require about 200 feet of 8 inch gravity line and could eliminate a number of future problems for them.

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Mr. Joe Stanley stated that this was primarily due to the sewer backup, that was how he became aware of the situation. They were asked to investigate and as the copy of the map (provided to Council) showed, it was identical to how it runs. The sewer backup occurred under house "A" (on the map) and they dye tested "C" (as shown on the map) and could not determine where the sewer even goes. He stated as showed on the section of the map, the configuration which he was assuming and upon further investigation will clarify that this situation still exists throughout there, and there were other areas in other parts of town that he was informed about that have a similar situation.

Mayor Pro Tem Grogan stated that was a part that concerned him. If they start one and do precedence, certainly they have to do it, but he, for one, would like to know how many projects they were talking about because once they do one, then they could start coming out of the walls. He then asked Council Members if that was reasonable.

Council Member Gover stated due to the circumstances and realizing that he was very familiar with this and they need to take action as quick as possible.

A motion was made by Council Member Gover seconded by Council Member Rorrer to proceed with the relief line that the engineer has requested to relieve this situation. Council Member Gover added that there were clusters of homes that they will be running into this forever; it would not just clear up in a matter of time, but they will need to start somewhere. Those people are having sewer problems and they just need relief.

Action on the motion: All Council Members voted in favor of this motion.

A resident that was present at the meeting invited the Council to her house and into her kitchen and stated that they could not stand the smell. She explained that she lived with this 24 hours a day. She added that she did not know if the pipes under her house from the other two houses have burst, but she had a feeling they had. Not only that, but it was causing damage to her house.

Council Member Myott asked if the homeowners would be assessed an amount for doing this to which Mr. Thomas replied this was a replacement of an existing service. Council Member Janney replied there should not be unless she did not have a tap, then they would have to pay for a tap.

Council Member Myott asked if they had two houses on the same line then one would not have a tap to which Council Member Gover replied there would be more than one. Council Member Myott stated then the others do not have taps. Council Member Gover stated if the sewer line was not up there then it is not.

Mayor Pro Tem Grogan stated when they start doing that they need to notify the property owners that when the new line is put in, it will be their responsibility and cost to provide a tap. Mr. Thomas added that it would also be their responsibility to arrange their plumbing to tie into the new line.

Mr. Stanley stated it would be similar to new construction in that they would have to provide the lateral out to the right of way and the city will provide the tap on in. Mr. Stanley stated that assuming the last house on the line entering the sewer would be considered an existing tap and the remainder would not be, if it is a similar situation to this one.

Mr. Nooe stated that each one would have to be case by case because he may run into situations where it was put in and then the city got a tap (fee) as the others were added on.

(b) Consideration of request from Police Chief to offer (above) minimum plus 3% starting salary.

In the memorandum provided to the Council Mr. Thomas noted that the applicant had experience and training above that of someone directly out of BLET School. According to the information provided to the Chief by the payroll office, this has been a practice used in the past. The department and the city could benefit from hiring an experienced officer at this time; therefore, he concurred with the chief's request and recommended approval.

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In response to a question by Council Member Rorrer as to if they were hiring three percent above the minimum as to if they were talking three percent above the minimum or six percent above the minimum, Council Member Janney replied that it did not say. Council Member Rorrer then replied that the Council had authorized three percent above the minimum.

Mr. Thomas stated that the request was to start the officer at \$20,316.00 and that would be in the neighborhood of seven percent above the minimum. Chief Benthin stated he did not do the calculations, Ms. Margie Blackstock calculated it and he thought it was above ten percent above the minimum.

Mrs. Linda Santell, Human Resources Director stated she did not think it was more than five percent total so she did not think it was more than two percent over that three percent minimum.

Council Member Rorrer stated it seemed that they have a serious conflict when no one knew the figures. After calculating it further, Mr. Thomas noted that it was not quite ten percent to which Mayor Pro Tem Grogan figured it was closer to 8 or 8 1/2 percent.

Council Member Rorrer stated if it was not quite ten percent, say it was over eight percent, that was not still not in line with the request. Council Member Janney suggested bringing it back (before the Council). Council Member Rorrer stated he wanted the request so he would know what he was considering. He added that three percent and three percent would be six percent and not eight percent if they were looking at it that way.

Chief Benthin stated there was a typographical error on the agenda.

After further discussion, Mayor Pro Tem Grogan stated it would be somewhere between eight and nine percent to which Council Member Rorrer replied he could figure it but also, but he refused to.

A motion was made by Council Member Myott seconded by Council Member Gover approve the request.

Council Member Rorrer stated he would have considered the request if it has been proper, but with a confusion like they have, he would not vote for it, and added not the next one either if there was also confusion.

Action on motion was as follows: Those voting in favor were Council Members Gover, Myott and Tudor. Those voting in opposition were Council Members Reynolds, Rorrer and Janney. Mayor Pro Tem Grogan broke the tie by voting in favor of the request. The motion to approve the request carried.

Mayor Pro Tem told Mrs. Santell that in the future and working with department heads that those numbers be that he personally would like to see a percentage and the amount of dollars they were talking about.

Council Member Tudor stated this item having come to the Council, it was an example of the need to take another look at the pay scale. Mr. Thomas explained that the Council would have, within the next ten days, a draft of the pay and classification study. It will include information that would address the pay scale.

Council Member Tudor then asked if the pay scale was what he would consider adequate, would have had to make such a request. Chief Benthin replied no.

(c) Consideration of alternative assistance from Land and Water Conservation Fund.

Mr. Conner explained that they have put in for the Parks and Recreation Trust Fund Grant. The State has received funding from the United States of America for a \$864,000 in the way of a Land and Water Conservation Fund. In May, the State would grant the majority of the money for the Parks and Recreation Trust Fund which they actually put in for. This is a backup should

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the city not be considered for the Parks and Recreation Trust Fund and does not get that grant, then the city would have the opportunity to take the RFP they did for the Parks and Recreation Trust Fund and be eligible to receive the LWCF. If the city is luck enough to get the Parks and Recreation Trust Fund Grant then this will not happen.

Mayor Pro Tem Grogan stated the way he read it, the city would be better off if they did not get it, if they could get this other (alternative assistance from Land and Water Conservation Fund) because the city would get reimbursed.

Mr. Conner stated that was correct; however, May 9th, they would give out the Parks and Recreation Trust Fund Grant and this would not get to the people until the 1st of June. In the future, if everything works out right, the Land and Water Conservation Fund would become a part of the Parks and Recreation Trust Fund next year. So, they were trying to cover their basis.

Council Member Janney asked where the \$150,000 from the city was coming from to which Mr. Conner replied, to his knowledge, that was the \$150,000, the \$50,000 that was put away for the past two years plus the \$50,000 that was brought in from next years budget.

Council Member Janney replied that some of that was spent to which Mr. Thomas replied that the money that has been spent out of that fund for some of the site plans and so forth, they get credit for that so it was still equivalent to the \$150,000 as far as the match from the grant goes. Mr. Conner added plus they have some funds they have not collected from different civic organizations within the city.

A motion was made by Council Member Tudor seconded by Council Member Myott to approve the request. (Note that action taken was at the end of meeting).

Council Member Rorrer added what while they were talking about funds, asked Mr. Conner if he knew that the \$100,000 was not available to be spent on the park, in other words its already been earmarked. He added that the news media did not know it and he just wanted to throw it out there for someone to do some digging.

(d) Consideration of request from Gildan Activeware for an agreement to install storm drainage pipe along the southern boundary of the optional industrial site.

The memorandum provided to the Council was provided by Brain Freeman, with the Osborne Company on behalf of Gildan Activewear. The requests were related to information which was needed for the State permits to be issued by the NC Department of Environment, Health and Natural Resources. The information was forwarded to Mr. Nooe for review. It was noted that the Council needed to discuss these requests and the various options that may be available to allow them to move forward as they have requested. The more important of the two requests was the first one related to allowing them to begin certain site work.

Mr. Thomas noted that this would be part of the drainage plan and in discussing this with the City Engineer, the method they have planned to use to install this and remove the water from their site would benefit the park property by eliminating some drainage coming off of this property and taking it into a natural drainage area and moving it to the east rather than having it flow across the park property. He noted that it would provide some benefit to them the city to provide them an easement to install this or have some agreement with them that the city would allow them to install it and if they exercise the option on the remaining property, they would not need an easement, but if they did not exercise the option an easement could be provided at that time, if some arrangement like that would be acceptable to the city and the City Attorney.

In response to a question by Council Member Rorrer as to if that changed the flow of water, Mayor Pro Tem Grogan replied that it would help the run off.

Mr. Nooe suggested that the City Engineer explain why it would be to the benefit of the city.

Mr. Stanley stated that the way it was laid out, it would cause no additional run off on the park property whatsoever. He stated that he had not spoken with Gildan or the Engineer that did this, but the way he saw it, they ditched it from the northwest corner of the property down along with western property boundary then south to the pipe. If they were to try to ditch that further,

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actually down where they are discharging is the low area of both sites because they commonly go to that point. Without the piping, if the continued the ditch on, it would get deeper and properly take quite a bit more area. Grading the site will change the way of the drainage.

Council Member Rorrer asked if this would throw the water across Edgewood Road, to which Mr. Stanley replied it concentrates more of that direction. Council Member Rorrer then asked if it went there anyway to which Mr. Stanley replied, yes as that was the natural low point.

Council Member Rorrer explained that what he was asking was if they were putting more water in that creek down there than they already have. Mr. Stanley replied, no and added his understanding was that on the original masterplan of the park, in that northwest corner, there was a standing water problem or some kind of water problem behind the residences the way they were proposing the grading would eliminate that problem for the residences.

Council Member Gover ask going north from that first catch basin, going north there were a couple of catch basins and asked if those were retention basins. Mr. Stanley replied he did not have the actual drawing and Council Member Gover then showed him a drawing. Council Member Grover then showed Mr. Stanley the basins he was talking about on a map and asked if they were slowing that water down. . .

Mr. Stanley, after reviewing the information replied that they were actually inlets which connects their drainage on down in to there. Council Member Gover mentioned that they said a rock filter, but he was hoping that was some type of retentions and in the future also. Mr. Stanley replied they were there to catch all of the runoff and once the site was stabilized and either asphalted or grass grown, those would be allowed to be taken. . .

Council Member Gover asked, coming off of the parking lots, the parking lots would be North and South so coming off of the parking lots there would be catch basins coming down, coming South to that drain.

Council Member Rorrer stated it looked like they would be obligated to have something in there. Mr. Stanley stated that based on what they were showing, it was not a true retention detention pond to which Council Member Gover replied he was asking that to be put in there and thought about instead of okaying a drain and no having something to offset that flow.

Mr. Thomas stated they could approach them with that and Mr. Stanley added that due to the currently ordinances he could not force them to do a whole lot. Council Member Gover told Mr. Stanley if he would bring that back to Council he thought they could help with that.

Council Member Rorrer stated they were boarder-line with what they have down there now, they could not have any more water.

Council Member Gover explained that as they pave all of that and put all of the roof area down there, the water has to go somewhere and it was going to go down there, but they did not need for it to go full force.

Council Member Gover then addressed the width and explained that they did not need 40 feet and he agreed with the Manager that that could be curtailed quite a bit. Mr. Thomas explained that he did not think they needed to allow a driveway. He said they were looking at a wide enough construction easement to install a pipe and leave about a 15 to 20 foot wide permanent easement through there just for the drainage pipe so they would have the opportunity to get in there and maintain it.

In response to a question addressed to Mr. Stanley as to whether he agreed with that, Mr. Stanley stated 15 to 20 feet was adequate to what they require on sewer lines and to go down to those is quite a bit deeper.

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Council Member Janney asked if any of that would change if they (Gildan) exercised the option on that property. Mr. Thomas stated that if they give them an easement to do that now and they exercise the option on the property, then they will own the property.

Council Member Janney asked, suppose they do not exercise the option on the property and Council Member Gover replied then they (Council) have protected the other people who did buy it. Mr. Thomas explained that they could have a permanent easement for that 15 feet or so. He added they were talking about in the neighborhood of an acre and a half if they figure 800 feet times 15 to 20 feet wide, that is about a third to a half of an acre is all they would be giving up on that other piece.

Mr. Thomas added that another thing he has suggested in his memorandum was that if they are granted the easement to do it in a way so that if they don't exercise the option, anyone in the future developing that remaining acreage, would have access to this 40 inch for their own storm water.

Mr. Stanley stated he believed they were planning that for the future because they have a yard inlet half way through there which would be able to accommodate the other site. He stated the direction they are going and where they were putting it is the most logical place because they do not want to come down the park property, or the residences, it cannot go to Meadow Road. The layout is logical for what they want to do.

Council Member Myott asked, going back to the driveway, would they be planning to take trucks out that driveway on to Edgewood Road to which Mr. Thomas replied his assumption was yes, if they are allowed 40 feet and they build a road in there to proper standards, they would certainly use it as a regular access in and out of Edgewood Road. He added he did not think they wanted to give them the 40 feet.

Mr. Nooe informed the Council that it was his opinion that the City Engineer meet with Gildan's Engineer and the City Engineer come back with a written statement of why it was in the best interest of the City to do this, who is going to be obligated for the cost of putting it in. If it is of an ongoing benefit to the City of Eden, how will the cost of maintaining this drainage be shared in the future. And if it was going to be a part of the City's drainage system, then they would not really need an easement if the City created its own drainage system and it was of benefit to the Park (City) to have this water going in this direction rather than in some other direction. He stated he would like to see the City Engineer provide the Council with this information and the Council decide, if this was only for the benefit of Gildan, it was an entirely different thing than if the City has a permanent benefit that the two could share in and each one save some money, both initially and perpetually.

It was the consensus of the Council to do as Mr. Nooe had suggested above. Mr. Stanley was to bring the recommendation back as the next meeting, as soon as he could get it.

- (e) Resolution requesting the Local Government Commission to privately sell the General Obligation Bonds or give them the authority to negotiate on the city's behalf.

A motion was made by Council Member Janney seconded by Council Member Gover to approve the resolution. All Council Members voted in favor of this motion.

RESOLUTION REQUESTING THE LOCAL GOVERNMENT COMMISSION TO PRIVATELY SELL
GENERAL OBLIGATION WATER AND SEWER REFUNDING BONDS, SERIES 2000 (AMT) OF THE City
Of Eden

WHEREAS the City Council of the City of Eden, North Carolina (the "City") on March 21, 2000 adopted that certain resolution entitled: "RESOLUTION PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION WATER AND SEWER REFUNDING BONDS, SERIES 2000 (AMT)," (the "Authorizing Resolution") which resolution authorized the competitive sale of the City's General Obligation Water and Sewer Refunding Bonds, Series 2000 (AMT) (the "Bonds"); and

WHEREAS the Local Government Commission of North Carolina (the "LGC") on April 18, 2000 solicited bids for the Bonds; and

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WHEREAS the LGC received one bid for the Bonds, which bid is under consideration by the City and the LGC; and

WHEREAS the sale of the Bonds substantially in the form and under conditions set forth in the Authorizing Resolution pursuant to a negotiated, private sale without advertisement may result in significant cost savings to the City; and

WHEREAS in the event the bid received is not accepted, the Bonds would be sold at a private sale at such prices as the LGC would determine to be in the best interest of the City, subject to the approval of the City Manager; and

THEREFORE, BE IT RESOLVED by the City Council of the City that, in the event the bid received is not accepted, the LGC is hereby requested to sell the Bonds at a private sale pursuant to Section 159-123(b)(5), such sale to be without advertisement to any purchaser or purchasers thereof, at such prices as the LGC determines to be in the best interest of the City, all subject to the approval of the City Manager.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to approve the actions of the LGC on behalf of the City and to do all things reasonably necessary to effectuate the sale of the Bonds, including, without limitation, signing a purchase agreement on behalf of the City and such other documentation as the City Manager, upon the advice of the Bond Counsel, shall deem advisable.

BE IT FURTHER RESOLVED that this resolution shall take effect upon its passage.

Upon Motion of Council Member Janney, seconded by Council Member Gover, the foregoing resolution entitled "RESOLUTION REQUESTING THE LOCAL GOVERNMENT COMMISSION TO PRIVATELY SELL GENERAL OBLIGATION WATER AND SEWER REFUNDING BONDS, SERIES 2000 (AMT) OF THE CITY" was passed by the following votes:

Ayes: Council Members Janney, Gover, Tudor, Myott, Grogan, Rorrer and Reynolds.

Noes: None

I, Kim J. Scott, City Clerk of the City of Eden, North Carolina, DO HEREBY CERTIFY that the foregoing is a true copy of so much of the proceedings of the City Council of said City at a regular meeting held on April 18, 2000, as it relates in any way to the requesting of a private sale of bonds and other related matters and that said proceedings are recorded in Minute Book ____ of the minutes of said City Council, beginning on page ____ and ending on page ____.

I DO HEREBY FURTHER CERTIFY that a schedule, stating that the regular meetings of said City Council are held on the third Tuesday of each month at 7:30 p.m. in the City Hall in Eden North Carolina, was on file with me for at least seven calendar days prior to said meeting, all in accordance with G.S. 143-318.2.

WITNESS my hand and the corporate seal of said City this 18th day of April, 2000.

Kim J. Scott
City Clerk

CONSENT AGENDA:

(a) Approval and adoption of minutes – March 20, 21, 27 and 28th.

(b) Approval to hold a public hearing rezoning property at 106 E. Aiken Road from Residential-12 to Business-General. ZONING CASE Z-00-06.

The memorandum provided to the Council explained that the city received a request from Roena Dehart to amend the zoning map. The request is to rezone approximately 24,1017 feet of land located at 106 E. Aiken Road from Residential12 to Business-General. The Planning and Inspections Department recommends denial of the map amendment request. At the April 4, 2000 regular meeting, the Planning Board voted unanimously to recommend that the Council deny the request.

(c) Approval to hold a public hearing for a Historic Landmark Designation request for the site of the Leaksville Cotton Mill and Woolen Mill located at the intersection of Church Street and Morgan Road. HPCL-00-01.

The memorandum provided to the Council explained that the city received an application from E. N. Bud Stickels, President of the Eden Preservation Society to designate the site of the Leaksville Cotton and Woolen Mill located at the intersection of Church Street and Morgan Road as a historic landmark. The Eden Preservation Commission will be considering this application during a public hearing at their regular meeting on April 17, 2000. The General Statutes requires that the preservation commission and the local governing body hold a public hearing on each historic landmark designation application.

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- (d) Approval to hold a public hearing for a Historic Landmark Designation request of the Rhode Island Mill located at 536 Riverside Drive. HPCL-00-02.

The City has received an application from Murray Gould, Partner in Rhode Island Mill, LLC to designate the Rhode Island Mill at 536 Morgan Road as a historic landmark. The Eden Preservation Commission will be considering this application during a public hearing at their regular meeting April 17, 2000. The General Statutes requires that the preservation commission and the local governing body hold a public hearing on each historic landmark designation application.

A motion was made by Council Member Gover seconded by Council Member Myott to approve Consent Agenda Items a, b, c, and d. All Council Members voted in favor of this motion.

ORDINANCES AND RESOLUTIONS:

- (a) Adoption of an ordinance amending the City of Eden Subdivision Ordinance to create a major-minor subdivision distinction and to speed up process. SUBDIVISION S-00-01.

A motion was made by Council Tudor seconded by Council Member Gover to approve the ordinance amending the City of Eden Subdivision Ordinance to create a major-minor subdivision distinction and to speed up process. SUBDIVISION S-00-01. All Council Members voted in favor of this motion.

- (b) Consideration of Resolution Declaring that Project Be Undertaken on Highway 14 sewer assessment.

A motion was made by Council Member Gover seconded by Council Member Myott to approve the Resolution Declaring that Project Be Undertaken on Highway 14 sewer assessment. All Council Members present voted in favor of this motion.

RESOLUTION

RESOLUTION DIRECTING THAT THE PROJECT BE UNDERTAKEN

WHEREAS, on the 28th day of March, 2000, the City Council of the City of Eden, North Carolina, adopted a Preliminary Assessment Resolution providing for the extension of the sewer system by constructing an 8 inch sewer line on the west side of N. C. Highway No. 14 lying between an unopened street adjoining the north side of 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 in a southerly direction crossing Mebane Bridge Road and running thence south and east under N.C. Highway No. 14 to connect with an existing outfall line on Smith River, said extension to be financed by assessment of part of the cost against the benefitted real property; and

WHEREAS, the required public hearing was held at 5:00 o'clock PM on the 11th day of April, 2000, after due notice to the public and to the owners of the affected real property;

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

1. 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 I through 10, Section "J" of the aforesaid plat, South 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 outfall pursuant to Article 10, Chapter 160A of the General Statutes.

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2. Fifty percent (50%) of the total cost of said extension crossing or abutting the lots described in Section I shall hereafter be assessed upon the benefitted 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 five equal annual installments, said installments to bear interest at the rate of eight percent (8%) per annum.

ADOPTED this 18th day of April, 2000.

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BY: s/John E. Grogan
John E. Grogan
Mayor Pro Tem

ATTEST:

s/Kim J. Scott
Kim J. Scott, City Clerk

VOUCHERS:

No comments or questions.

CLOSED SESSION:

A motion was made by Council Member Janney seconded by Council Member Gover for a closed session to consider proposed contracts for acquisition-exchange of real property according to GS143-318.11(a)(5). To consider and give instructions to the City Attorney concerning a judicial action according to GS 143-318.11(a)(2). For discussion of personnel according to GS 143-318.11(a)(6). All Council Members voted in favor of this motion.

OPEN SESSION:

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

ACTION TAKEN ON LAND AND WATER CONSERVATION FUND:

It was noted that no action was taken on the agenda item from Mr. Conner regarding alternative assistance from Land and Water Conservation Fund. Action: All Council Members voted in favor of this motion.

ADJOURNMENT:

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

Respectfully submitted,

Kim J. Scott
City Clerk

ATTEST:

Philip K. Price
Mayor