

## CITY OF EDEN, NC

The special meeting of the City Council, City of Eden, was held on Thursday March 2, 2000 at 5:00 p.m. in the Council Chambers, 338 West Stadium Drive. Those present for the meeting were as follows:

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

Representatives from City Departments:

Representatives from News Media:

Alex DeGrand,  
Greensboro News and Record

### MEETING CONVENED:

Mayor Price called the special meeting to order and welcomed those in attendance. He asked of anyone present would like to add anything to the agenda to which no one responded.

### Consideration of communication towers:

Mr. Stultz explained that this was an issue that was proliferated for jurisdictions all across the country. She stated that by reading the newspaper, they would have seen that other jurisdictions in the county have looked at this. When the first wireless communication tower request came in, the city of Eden had radio and TV broadcast towers in their industrial zones and to date, that is where they allowed them. The FCC provides rules that they have to go by. They do allow cities and counties to continue to regulate the location of the towers. They have changed the rules somewhat and based on that and the need for coverage for the community, the Planning Board initiated an amendment to the zoning ordinance to provide more effectively for those kinds of apparatus in our jurisdiction. Mrs. Stultz explained that they have that amendment; it should go out in the Planning Board's agenda tomorrow. His request to the Council was that they call the public hearing on this amendment for the March regular meeting.

A motion was made by Council Member Rorrer seconded by Council Member Reynolds to call for a public hearing for the March 21, 2000 regular meeting for discussion of Zoning Case Z-99-17.

Council Member Grogan asked Mrs. Stultz to let them know that the people riding down Freeway Drive, talking with people in Eden, could not hear anything. He noted that the communications in this county stinks.

Mrs. Stultz explained when they tried to get one of the codes inspectors (located) in the eastern part of the community, there were certain spots that were dead. Right now the regs do not allow any kind of apparatus of that kind in a residential zone.

Council Member Grogan noted that the county and local governments, and municipalities in the county have got to realize that if we do not have communication and cannot get broad band stuff here, that we would be left behind.

Mrs. Stultz added that it was an economic development issue along with other things.

In response to a question by Mr. Thomas as to if they would be able to meet the number of days requirement in advertising for the public hearing for the March 21, 2000 meeting, Mr. Nooe noted that they would get it in the paper on Tuesday.

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Mrs. Stultz read that “the notice shall be published the first time not less than ten days and no more than 25 days before the date fixed for the public hearing”.

Mr. Nooe asked Mrs. Stultz if she was going to fix the public hearing for the regular meeting on March 21. He noted that if it was in the paper on Tuesday, that would be more than ten days.

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

Continuation of making assessments against property owners to pay a part of the cost for the construction of a sewer line on NC highway 14 South:

Mr. Thomas explained that the Council had given some discussion to doing an assessment for this sewer line project for the portion that would run along the west side of Highway 14 for about 50% of the cost, which was what had been done in the past.

Mr. Thomas noted there were some steps that the city had to go through which included a resolution that had to be adopted. At that time, a public hearing is called and at the public hearing the Council considers the preliminary assessment roll. They also have to determine the method of the assessment, per foot basis, land area, per lot basis, whatever that may be. He noted that he sent some information to Mr. Nooe who may have a more indepth description of the process and how they need to get involved.

Mr. Nooe explained that the Council needed to go down the requirements for the preliminary assessment resolution and decide on each requirement for the resolution, then they could vote on that tonight.

Council Member Rorrer questioned if the city had a policy on this to which Mr. Thomas replied, no as they had basically gone by what the statutes required. They looked through files in Engineering and never really found a policy.

Mrs. Stultz explained that in getting ready for the annexation study that was done, they were talking about the annexations that were effective, June 30, 1994. There was a lot of discussion about a water and sewer assessment policy, but there was never one passed. She told Council Members that their memory was good in that they had brought some things to the Council for a study, but one was never passed.

Council Member Rorrer asked Council Member Janney when they put sewer in on his street if they had assessments to which Mr. Nooe replied he recalled it was 50 percent. Council Member Rorrer stated there was a policy once upon a time since Eden had been there (consolidated).

Mr. Nooe noted that at different times, the City Council had assessed different ways to which Council Member Rorrer replied he would not argue that point.

Mr. Nooe had prepared a preliminary resolution for the Council which had blanks that needed to be filled in based on the Council’s decision.

Mr. Nooe asked where the City Engineer was and why he was not present. He then gave Mrs. Stultz and Mr. Thomas maps to hold up for the Council to review.

Mr. Nooe first referred to the upper end of Harris Place. He noted there were two different lines and he prepared two different resolutions.

The one at Harris Place runs from the lower end of what was the Tri City Ford sales lot down to Harris Place, the Dodge Place now, comes by Kings Chandelier to west Harris Place, and it turns and goes under Highway 14 over to the Sonic. From the South, it starts down, Spray Water Power and Land owns a lot down below Dr. Tim Barker and it comes up north passed the First National Bank to West Harris Place and turns and goes underneath NC Highway 14.

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Council Member Janney added it would cross it twice to which Mr. Nooe replied, it was the same line and it would tie into the same manhole on the. . . and be one line under. . .

Council Member Gover asked how many property owners they were looking at to which Mrs. Stultz replied she counted six.

Council Member Reynolds asked if it would include Ralph Barrow's place to which Mr. Nooe replied that was a different one.

Mr. Nooe explained that he did not see any basis for assessing for any part of the line on the east side of Highway 14 because as he understood, they already have city sewer. Even though they were passing a lot over on the other side, to him, they would not assess it and only assess the ones on the west side that do not have sewer.

Council Member Gover asked if they were looking at five property owners on the west side.

Mr. Nooe then began reading the preliminary assessment resolution:

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

Now, therefore, be it resolved by the City Council of the City of Eden, North Carolina, that:

1. It is intended that the sewer system of the City of Eden North Carolina, be extended by constructing an 8 inch sewer line on the west side of NC Highway 14 that extends North 00 deg 30' 36" West 277.58 feet from the North right of way line of West Harris Place and an 8 inch sewer line on the West side of NC Highway 14 that extends South 00 deg. 30' 36" East 420.31 feet from the South right of way line of West Harris Place. The said lines being an extension of the NC Highway 14 and Harris Place Outfall pursuant to Article 10, Chapter 160A of the General Statutes.

Mr. Nooe noted that in section two, the Council would need to decide what percent of the total cost of the extension would be assessed upon the benefited properties. He noted that in the past, the city had assessed 50 percent, but that was not binding. That was what was being done the last time they had assessments.

Council Member Rorrer asked if those lines would basically serve nothing but those properties that they were talking about. Mr. Nooe replied that was correct in that they would not serve both sides of the street.

Council Member Janney asked about the other line to which Mr. Nooe replied that some of the people down the other way paid for it themselves and the city reimbursed a portion if it met the policy.

A motion was made by Council Member Grogan seconded by Council Member Rorrer *to levy 50 percent and to approve the resolution as the attorney presents.*

Mr. Nooe asked if they were going to assess 50 percent of the total cost of said extension shall hereafter be assessed upon the benefited properties on the basis of front foot, and explained that otherwise they would back up and make some studies if they were going to get in to how much value they add into each property or the square footage in each property.

Council Member Grogan replied *front foot* (to be included in the motion).

Mr. Nooe added that the statute has a provision to go in the assessment if they were going to hold up making any of the assessment on any classes, in other words, they could have had two classes of assessments and they may have been holding up the assessment on a class, but that

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would not be an applicable way of doing that. Mr. Nooe therefore skipped to the next section to be included in the motion for the resolution.

Mr. Nooe continued to read that 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 blank (not more than ten equal annual installments) said installments to bear interest at the rate of blank (which cannot be more than eight percent). Mr. Nooe asked if they wanted to give the property owners ten years to pay which has been (done) in the past or if they wanted to make it some shorter period of time.

Council Member Grogan suggested going with *five years at eight percent* (to be included in the motion).

Mr. Nooe explained that the final item was to set the time and date of the public hearing. Mr. Nooe explained that some extra time was needed since the list of property owners provided (to him) did not have all of the names correct as to who legally owned the property. Mr. Nooe suggested setting the public hearing after the regular March Council Meeting. It was the consensus of the Council to hold the public hearing on *March 28, 2000 beginning at 4:00 p.m.* (date and time to hold the public hearing was also included in the original motion).

Action on the motion (Mayor Price listed the items included in the motion which were to adopt the resolution with 50 percent of assessment, based on a front footage, to be in cash or financed not more than five years at eight percent, and call for a public hearing on March 28, 2000 at 4:00 p.m.). All Council Members voted in favor of this motion.

Council Member Janney questioned the eight percent (interest) to which Mayor Price replied that eight was a reasonable rate.

Mr. Nooe proceeded with the second (Preliminary Assessment) Resolution and began reading that, It was intended that the sewer system of the City of Eden, North Carolina, be extended by constructing an 8 inch sewer outfall line on the West side of NC Highway 14 and West of sections "G" and "J" of a composite of portions of Irving River Heights and Forest Hills dated January 31, 1961, last revised December 8, 1971 by Shanks & Wilmar Engineers & Surveyors. Also see maps for Spray Water Power & Land Company by Shanks & Wilmar, 1/31/61, last revised 6/15/65, and extending in a southerly direction from the south right of way line of an unopened street to the north right of way line of Mebane Bridge and thence south and east to connect with the existing sewer line on the east side of NC Highway 14 this outfall being known as the North Carolina Highway 14 – Mebane Bridge Road outfall pursuant to Article 10, Chapter 160A, General Statutes.

He noted that they would see that the heavier marks were where the permanent easement was and the construction easement...to which Mr. Thomas pointed out that it was the darker lines that proceed below the property lines from the permanent easement, and it also indicated the location of the land. He pointed out Mebane Bridge Road, coming down and cross between Rollabout (skating) and Eden Veterinarian Hospital and across Highway 14 and tying into an existing line taking it to the pump station at The Oaks.

Mr. Nooe explained that the question was, did the property owners south of Mebane Bridge Road already have sewer and were they already getting in to the existing outfall coming up Dan River to which Mr. Thomas replied no.

Mr. Nooe stated that they would assess down across the back of the lot, go up and then assess down Highway 14, because none of them have sewer now.

Mr. Thomas added that he was not aware of any. He stated that he had been asked about that, the owner or manager of Rollabout had inquired about sewer service in the past. He added that he would double-check that.

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Mrs. Stultz noted that the Wright property was below Rollabout to which Mr. Nooe added that it was also above it.

Council Member Gover asked where they would get their force main.

Mr. Nooe replied after it crossed over, but nobody would be getting sewer service out of this outfall because of the fact that it goes on the other side, they already have a sewer line.

Council Member Myott questioned why they were stopping it there and why did they not go ahead and take in Rollabout and the others.

Mr. Thomas replied that they would have access.

Mr. Nooe explained that it goes down a part of the way in front of that property, so it they would now need to decide if this would also be 50 percent of the total cost on the basis of footage.

A motion was made by Council Member Grogan seconded by Council Member Reynolds to approve the resolution which would included 50 percent of the total cost on the basis of footage.

Council Member Gover asked how many feet they were talking about to which Mr. Nooe replied he did not total it.

Council Member Janney questioned Rollabout and asked if they were going to pay a whole lot more footage, because they were not in front of the footage.

Mr. Nooe stated that none of it was front footage to which Council Member Janney agreed.

Mr. Nooe explained that it would be per foot.

Council Member Janney stated that it would be basically the same amount...as it was on the other side.

Council Member Grogan added, the amount of pipe that was running across their properties...to which Mr. Thomas stated that they have them on the west side of the line too, it would be on both sides.

Council Member Gover noted that he was saying it would be 50 percent of the total cost.

Mr. Nooe explained that he did not see that they would assess where that they turn and go up across the property, because that would be of no benefit to their property.

Council Member Grogan added that they were going to be upgrading that pump station and that was not going to be figured into that cost either.

Council Member Janney explained that his concern was that they were going to have to spell out that they were not going to do that because when they go across there they were going to be charging them for going up through there, and they need to spell that out to make sure that they do not get paid for nothing but what they could use.

Mr. Nooe explained that was what they were doing, one dollar per linear foot of the 8" sewer, the cost of the 8" line that runs by their property, either in front of it or back of it.

Council Member Rorrer commented that he knew what he was saying, but when he put the dollar in there, that was what threw him.

Mr. Nooe explained that he intended to get it in the minutes that they were limiting the dollar cost for the 8" line to the cost of the line itself, not any other cost in the project, such as the upfitting of the pump station or going up between those lots or boring under Highway 14.

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He then asked if they were going to have the same payment terms as in the other, up to five (5) years at 8 percent. He stated that if they were, at what time would they have the public hearing on it if the other one was at 4:00 p.m. He asked if they would have it at 5:00 p.m., to which Mayor Price agreed that would be fine.

A motion was made by Council Member Grogan seconded by Council Member Reynolds to adopt the preliminary assessment resolution (which included 50 percent assessment of footage, payable in cash or have the option of paying the assessment in 5 equal annual installments to bear interest at the rate of 8 percent per annum and the public hearing to be set for March 28 at 5:00 p.m.)

Mayor Price asked if everybody understood the ingredients of this motion to which it was indicated that they did.

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

Consideration of a request for the former City Clerk to transcribe all of the Executive and Closed Session minutes involving land purchase from Fieldcrest-Cannon Research Tech Building, Smokehouse Property, East Eden Softball Field, and Bridge Street Parking lot:

Mayor Price explained that the next item was the consideration of a request for the former City Clerk to transcribe all of the Executive and Closed Session minutes involving land purchase from Fieldcrest-Cannon Research Tech Building, Smokehouse Property, East Eden Softball Field, and Bridge Street Parking lot and at the same time vote to make those minutes public.

Council Member Grogan commented that he would like to find out what went on.

Council Member Janney stated that evidently there were some questions that they were going to have to ask somewhere else.

Mayor Price replied that he had no idea to which Council Member Janney asked why it was on the agenda.

Council Member Grogan explained that he had asked for it to be put on there because of two things, number one (1) there seemed to be a whole lot of questions and not enough answers and the only way they were going to get those answers was to get Mrs. Lambert, the former clerk to come and transcribe those minutes.

A motion was made by Council Member Grogan seconded by Council Member Tudor to ask the former City Clerk, Mary Lambert, to transcribe all the Executive and Closed Session minutes involving land purchase from Fieldcrest-Cannon Research Tech Building, Smokehouse Property, East Eden Softball Field, and Bridge Street Parking lot. All Council Members voted in favor of this motion.

CLOSED SESSION:

Mayor Price explained that the next item was to call for a Closed Session for Economic Development according to General Statute 143-318.11(a) 4 and to consult with the City Attorney to preserve the Attorney-Client privilege relative to administrative procedure according to General Statute 143-318.11(a) 3.

A motion was made by Council Member Tudor seconded by Council Member Myott to go into closed session. All Council Members voted in favor of this motion.

OPEN SESSION:

A motion was made by Council Member Rorrer seconded by Council Member Grogan to return to open session. All Council Members present voted in favor of this motion. (Note: Council Member Reynolds left the meeting during closed session due to illness).

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MEETING CONTINUED:

A motion was made by Council Member Rorrer seconded by Council Member Gover to continue the meeting until Monday, March 6 at 5:00 p.m. All Council Members present voted in favor of this motion.

Respectfully submitted,

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Kim J. Scott  
City Clerk

ATTEST:

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Philip K. Price  
Mayor

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