

CITY OF EDEN, N. C.

The regular meeting of the City Council, City of Eden, was held on Tuesday, March 17, 2014 at 7:30 p.m. in the Council Chambers, 308 E. Stadium Drive. Those present for the meeting were as follows:

Mayor:		Wayne Tuggle, Sr.
Council Members:		Donna Turner
		Jim Burnette
		Angela Hampton
		Jerry Epps
		Darryl Carter
		Neville Hall
	(Absent)	Jerry Ellis
City Manager:		Brad Corcoran
City Clerk:		Sheralene Thompson
City Attorney:		Erin Gilley
Deputy City Clerk:		Deanna Hunt
Representatives from Departments:		
News Media:		Dallas Britt, Eden News

MEETING CONVENED:

Mayor Tuggle called the regular meeting of the Eden City Council to order and welcomed those in attendance. He explained that the Council meets the third Tuesday of each month at 7:30 p.m. and works from a prepared agenda; however, time would be set aside for business not on the printed agenda.

INVOCATION:

Mr. Torrey Easler, Pastor, Pleasant View Baptist Church, gave the invocation followed by the Pledge of Allegiance.

PROCLAMATIONS:

No proclamations were scheduled at this time.

SET MEETING AGENDA:

Mayor Tuggle stated that the following items needed to be added to the agenda:

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Approval and Adoption of Resolution Declaring Items Surplus and Authorizing the Disposal of Personal Property by Public Auction to be added to Consent Agenda as item 12(d) and Approval and Adoption of a Resolution Approving the Travel Policy Adopted by the Local ABC Board as item 12(e).

Also, the following items needed to be removed from the agenda:

Item 7(f). Consideration of a zoning text amendment request and adoption of an ordinance to amend Section 11.24(m)(1) to allow permanent storage of coal combustion residuals. Request submitted by the City Council. ZONING CASE Z-15-02.

Item 14. Closed Session According to NC G.S. 143-318.11(a)(3) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged; and (4) To discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body, including agreement on a tentative list of economic development incentives that may be offered by the public body in negotiations which privilege is hereby acknowledged.

A motion was made by Council Member Turner seconded by Council Member Hall to set the meeting agenda. All Council Members present voted in favor of this motion. This motion carried.

PUBLIC HEARINGS:

a. Consideration of a zoning text amendment request and adoption of ordinances to delete Section 11.26(c)(3)(c)(1) regarding Temporary Use of a Manufactured Home as a special use and to add new Section 11.35 Temporary Health Care Structures. Request submitted by the Planning Board. ZONING CASE Z-14-07

The memorandum explained that the City has received a zoning text amendment request from the Planning Board to amend Section 11.26(c)(3)(c)(1) of the City of Eden Zoning Ordinance regarding Temporary Use of a Manufactured Home and to add new Section 11.35 regarding Temporary Health Care Structures. Staff recommended that the text amendment be approved.

The Planning Board considered this request at their regular meeting on November 25, 2014, and recommended that the amendment be approved. The Planning Board is reviewing this decision and considering the adoption of a consistency statement at a Special Planning Board meeting on March 17, 2015.

Mayor Tuggle declared the public hearing open and asked Ms. Kelly Stultz, Director of Planning & Inspections to present her report.

Ms. Stultz explained the following information:

Existing Text: Section 11.26(c)(1) "Temporary Use of A Residential Manufactured Home (Class 1, Special Use)".

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In addition to any other requirements with respect to the Petition authorized to this Section, the Petition shall set forth following:

- (a) That one of the following types of relationships shall exist between the occupants of the manufactured home and the existing single family dwelling.
 - (i) Blood relationship.
 - (ii) Relationship by marriage.
 - (iii) Legal Guardian relationship designated by Court of Law.
- (b) A certificate in writing, from a licensed physician stating the necessity of direct custodial care because of age or poor health.
- (c) Floor plan of the existing single family unit showing there is no reasonable alternative based on the utilization the existing floor plan.
- (d) Site plan showing the location of the existing single family unit; the proposed manufactured home, driveway, parking area, sewage disposal facilities.
- (e) A statement for setting forth the length of time for which the request is made. Approval shall not exceed one (1) year.

The Board of Adjustment shall, prior to issuance of a Special Use Permit for temporary use of a residential manufactured home, find that such special use meets the following standards:

- (a) The relationship between the occupants of the single family unit and the manufactured home is established.
- (b) There is a certificate from a licensed physician stating the necessity of direct care.
- (c) The floor plan of the existing single family unit shows there is no reasonable alternative to the manufactured home.
- (d) The proposed site plan shows the location and setbacks of the existing single family unit, the manufactured home, and driveways and parking areas. The setbacks for all structures meet or exceed the requirements of the district in which the lot is located.
- (e) There shall be adequate lot area for each unit, according to the minimum requirements of the zoning district in which the lot is located.
- (f) Approval of the City of Eden water and sewerage services.
- (g) Approval of the application shall not exceed one (1) year from the date of issuance or until the need as stated in the application no longer exists, at which time the manufactured home will be removed from the site. Renewal shall constitute a new application.

Proposed Text: Section 11.26(c)(1) (Delete Section)

Existing Text: Section 11.35 (None)

Proposed Text: Section 11.35 Zoning of Temporary Health Care Structures

- (a) The following definitions apply in this section:
 - (1) Activities of daily living: Bathing, dressing, personal hygiene, ambulation or locomotion, transferring, toileting, and eating.
 - (2) Caregiver: An individual 18 years of age or older who (i) provides care for a

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mentally or physically impaired person and (ii) is a first or second degree relative of the mentally or physically impaired person for whom the individual is caring.

(3) First or second degree relative: A spouse, lineal ascendant, lineal descendant, sibling, uncle, aunt, nephew, or niece and includes half, step, and in-law relationships.

(4) Mentally or physically impaired person: A person who is a resident of this State and who requires assistance with two or more activities of daily living as certified in writing by a physician licensed to practice in this State.

(5) Temporary family health care structure: A transportable residential structure, providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person, that (i) is primarily assembled at a location other than its site of installation, (ii) is limited to one occupant who shall be the mentally or physically impaired person, (iii) has no more than 300 gross square feet, and (iv) complies with applicable provisions of the State Building Code and G.S.143-139.1(b). Placing the temporary family health care structure on a permanent foundation shall not be required or permitted.

(b) A city shall consider a temporary family health care structure used by a caregiver in providing care for a mentally or physically impaired person on property owned or occupied by the caregiver as the caregiver's residence as a permitted accessory use in any single-family zoning district on lots zoned for single-family detached dwellings.

(c) A city shall consider a temporary family health care structure used by an individual who is the named legal guardian of the mentally or physically impaired person a permitted accessory use in any single-family residential zoning district on lots zoned for single family detached dwellings in accordance with this section if the temporary family health care structure is placed on the property of the residence of the individual and is used to provide care for the mentally or physically impaired person.

(d) One temporary family health care structure shall be allowed on a lot or parcel of land. The temporary family health care structures under sections (b) and (c) of this section shall not require a special use permit or be subjected to any other local zoning requirements beyond those imposed upon other authorized accessory use structure, except as otherwise provided in this section. Such temporary family health care structures shall comply with all setback requirements that apply to the primary structure and with any maximum floor area ratio limitations that may apply to the primary structure.

(e) Any person proposing to install a temporary family health care structure shall first obtain a permit from the city. The city may charge a fee of up to one hundred dollars (\$100) for the initial permit and an annual renewal fee of up to fifty dollars (\$50). The city may not withhold a permit if the applicant provides sufficient proof of compliance with this section. The city may require that the applicant provide evidence of compliance with this section on an annual basis as long as the temporary family health care structure remains on the property. The evidence may involve the inspection by the city of the temporary family health care structure at reasonable times convenient to the caregiver, not limited to any annual compliance confirmation, and annual renewal of the doctor's certification.

(f) Notwithstanding subsection (i) of this section, any temporary family health care structure installed under this section may be required to connect to any water, sewer, and electric utilities serving the property and shall comply with all applicable State law, local

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ordinances, and other requirements, including Part 5 of this Article, as if the temporary family health care structure were permanent real property.

(g) No signage advertising or otherwise promoting the existence of the temporary health care structure shall be permitted either on the exterior of the temporary family health care structure or elsewhere on the property.

(h) Any temporary family health care structure installed pursuant to this section shall be removed within 60 days in which the mentally or physically impaired person is no longer receiving or is no longer in need of assistance provided for in this section. If the temporary family health care structure is needed for another mentally or physically impaired person, the temporary family health care structure may continue to be used, or may be reinstated on the property within 60 days of its removal, as applicable.

(i) The city may revoke the permit granted pursuant to subsection (e) of this section if the permit holder violates any provision of this section or G.S. 160A-202. The city may seek injunctive relief or other appropriate actions or proceedings to ensure compliance with this section or G.S. 160A-202.

(j) Temporary family health care structures shall be treated as tangible personal property for purposes of taxation.

General Information:

This request was submitted by the Planning Board.

Staff Analysis:

This amendment was initiated by the Planning Board in compliance with an amendment to Part 3 of Article 18 of Chapter 153A of the N.C. General Statutes.

Based upon the foregoing information, staff recommends in favor of the text amendment.

Consideration of a Resolution adopting a statement of consistency regarding the deletion of Temporary Use of a Manufactured Home as a special use in Section 11.26(c)(3)(c)(1) and to add new Section 11.35 Temporary Health Care Structures.

A RESOLUTION ADOPTING A
STATEMENT OF CONSISTENCY REGARDING
PROPOSED AMENDMENT TO THE
CITY OF EDEN ZONING ORDINANCE
CASE NUMBER Z-14-07

WHEREAS, pursuant to North Carolina General Statutes Chapter 160A-383, prior to adoption or rejection of any zoning amendment, the Eden City Council is required to adopt a statement as to whether the amendment is consistent with the Land Development Plan and why the City Council considers the action taken to be reasonable and in the public interest; and

WHEREAS, on August 21, 2007, the Eden City Council adopted the Land Development Plan. Plans such as the City of Eden Land Development Plan are not designed to be static but are meant to reflect the City of Eden's needs, plans for future development and to remain in compliance with North Carolina State Law and the City of Eden's ordinances; and

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WHEREAS, changes made to the North Carolina General Statutes during the 2014/2015 session of the General Assembly alter the manner in which the City of Eden and all other jurisdictions in the State of North Carolina regulate certain land uses; and

WHEREAS, the City of Eden Planning Board initiated an amendment to the Zoning Ordinance to comply with an amendment to Part 3 of Article 18 of Chapter 153A of the N.C. General Statutes pertaining to Temporary Health Care Structures; and

WHEREAS, On November 25, 2014, the City of Eden Planning Board voted to recommend approval of the amendment. To delete Section 11.26(c)(1) regarding Temporary Use of a Manufactured Home as a special use; and to add Section 11.35 regarding Zoning of Temporary Health Care Structures.

STATEMENT OF NEED:

The Zoning Ordinance currently allows Temporary Use of a Manufactured Home as a special use under certain conditions as approved by the Board of Adjustment. An amendment to Part 3 of Article 18 of Chapter 153A of the N.C. General Statutes during the 2014/2015 legislative session requires that Temporary Health Care Structures be allowed as a permitted accessory use under the requirements as set forth in the amendment.

STATEMENT OF CONSISTENCY.

Among the goals of the 2007 City of Eden Land Development Plan are to continue to preserve existing residential uses and neighborhoods, and to encourage opportunities for adequate, affordable, quality housing.

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

The Eden City Council finds that the proposed amendment to the City of Eden Zoning Ordinance is consistent with the goals and recommendations of the 2007 City of Eden Land Development Plan.

1. The Eden City Council finds that the proposed amendment to the City of Eden Zoning Ordinance is consistent with the goals and recommendations of the 2007 City of Eden Land Development Plan.
2. At no time are land use regulations or plans of the City of Eden, nor any jurisdiction in the State of North Carolina, permitted to be in violation of the North Carolina General Statutes.
3. Therefore, based upon the foregoing information, the amendment to the Zoning Ordinance is reasonable and in the public interest.

Approved, adopted and effective this 17th day of March, 2015

CITY OF EDEN
By: Wayne R. Tuggle, Sr., Mayor

ATTEST:
Sheralene Thompson, CMC
City Clerk

Discussion:

Council Member Burnette asked if this was what the State was telling them to do to which Ms. Stultz replied yes. He questioned that they get all of their authority from the State so why do they have to adopt it.

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Ms. Stultz explained that it was part of the zoning, it was in the zoning section of the General Statutes and they have to adopt it because their ordinance is in conflict.

Mayor Tuggle stated that she mentioned by right and asked if she could explain that.

Ms. Stultz explained that it used to be that you would have to get a special use permit as it is now. Now, if somebody comes in and they can provide all the information there is no board that it goes before, it is approved at a staff level.

Mayor Tuggle added that it was simply saying that they have the right to do that to which Ms. Stultz agreed.

Council Member Turner asked what a statement of consistency was.

Ms. Stultz explained that the General Assembly declared that they all had to have a Land Use Plan and they all had to be updated. So with that they said that with any zoning change you had to make a statement that it was consistent with this plan. They have always made a statement in the staff report for map amendments that says that and they have learned through meetings with attorneys and cases and other things that it has to be adopted even for text amendments and they have to do it and it has to be made into the record every single time.

She explained that when they get to a case at some point that is not like this they all can say yes or no, they would bring them two consistency statements and they will have to tell staff whether they think it is consistent or whether they think it is not.

The City Attorney, Ms. Erin Gilley, added that the zoning amendments were a legislative task that the City Council has however the legislature has said that there are certain things that they have to do in their legislative task. There were procedural requirements and one of those is that they adopt a consistency statement and was that consistency statement sufficient so they could not just refer to what was in the staff report, they actually have to have a statement.

Mayor Tuggle asked out of curiosity, was she aware of there being any here before, or has there always been a few here and there.

Ms. Stultz replied yes it has always been a few and some of them have stayed longer than they need to but people have always had to prove a medical need and if you could not, there was enough room for you inside the main house, you could not do that really anymore.

Mayor Tuggle asked if anyone would like to speak in favor or in opposition and as no one came forward to speak he declared the public hearing closed.

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A motion was made by Council Member Burnette seconded by Council Member Hampton to approve the zoning text amendment request and adoption of ordinances to delete Section 11.26(c)(3)(c)(1) regarding Temporary Use of a Manufactured Home as a special use and to add new Section 11.35 Temporary Health Care Structures. Request submitted by the Planning Board. ZONING CASE Z-14-07 and to also approve the resolution adopting a statement of consistency regarding the deletion of Temporary Use of a Manufactured Home as a special use in Section 11.26(c)(3)(c)(1) and to add new Section 11.35 Temporary Health Care Structures. All Council Members present voted in favor of this motion.

b. Consideration of a zoning text amendment request and adoption of an ordinance to amend Section 11.24(f) of the City of Eden Zoning Ordinance to allow micro-breweries as a permitted use in the Business-Central zoning districts. Request submitted by the Planning Board. ZONING CASE Z-14-08

Consideration of a Resolution adopting a statement of consistency regarding the amendment of Section 11.24(f) of the City of Eden Zoning Ordinance to allow micro-breweries as a permitted use in the Business-Central zoning district.

The memorandum explained that the City has received a zoning text amendment request from the Planning Board to amend Section 11.24(f) of the City of Eden Zoning Ordinance to allow micro-breweries as a permitted use in the Business-Central zoning district. Staff recommended that the text amendment be approved.

The Planning Board considered this request at their regular meeting on November 25, 2014 and recommended that the amendment be approved.

The Planning Board is reviewing this decision and considering the adoption of a consistency statement at a Special Planning Board meeting on March 17, 2015.

Mayor Tuggle declared the public hearing open and asked Ms. Stultz to present her report.

Ms. Stultz explained the following:

This amendment was initiated by the Planning Board. The popularity of micro-breweries has grown significantly in the past few years in North Carolina and around the country. Micro-breweries have had a positive impact on the economies in many North Carolina communities. Staff is of the opinion that a micro-brewery located in one of the downtown districts could have the same effect here by attracting customers into the downtown areas and possibly bringing in visitors from outside the community.

Therefore, staff recommends that micro-breweries be allowed as a permitted use in the Business Central districts.

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Based upon the foregoing information, staff recommends in favor of the text amendment.

A RESOLUTION ADOPTING A
STATEMENT OF CONSISTENCY REGARDING
PROPOSED AMENDMENT TO THE
CITY OF EDEN ZONING ORDINANCE
CASE NUMBER Z-14-08

WHEREAS, pursuant to North Carolina General Statutes Chapter 160A-383, prior to adoption or rejection of any zoning amendment, the Eden City Council is required to adopt a statement as to whether the amendment is consistent with the Land Development Plan and why the City Council considers the action taken to be reasonable and in the public interest; and

WHEREAS, on August 21, 2007, the Eden City Council adopted the Land Development Plan. Plans such as the City of Eden Land Development Plan are not designed to be static but are meant to reflect the City of Eden's needs, plans for future development and to remain in compliance with North Carolina State Law and the City of Eden's ordinances; and

WHEREAS, changes made to the North Carolina General Statutes during the 2014/2015 session of the General Assembly alter the manner in which the City of Eden and all other jurisdictions in the State of North Carolina regulate certain land uses;

WHEREAS, City of Eden Planning Board initiated a request to amend the Zoning Ordinance to amend Section 11.24(f)(1) to allow Micro-breweries as a permitted use in the Business Central district;

WHEREAS, On November 25, 2014, the City of Eden Planning Board voted to recommend approval of the amendment.

STATEMENT OF NEED:

The popularity of micro-breweries has grown significantly in the past few years in North Carolina and around the country. Micro-breweries have had a positive impact on the economies in many North Carolina communities. Rockingham Community College, in cooperation with Miller-Coors, has implemented a Brewing, Distillation and Fermentation degree program which is located in one of the Business Central districts.

Staff is of the opinion that a micro-brewery located in one of the downtown districts could have a positive effect on the community by attracting customers into the downtown areas and possibly bringing in visitors from outside the community.

STATEMENT OF CONSISTENCY.

The Business Central district is designed to permit a concentrated development of retailing establishments. The 2007 City of Eden Land Development Plan identifies these districts as Town Centers, designed for "medium- to large-scale mixed use, pedestrian oriented activity centers located in each of Eden's historic downtown areas and in other strategic locations to accommodate a variety of existing and appropriate new commercial, institutional, office uses to serve surrounding neighborhoods." Some of the goals for these areas are to develop entertainment in downtowns (e.g. restaurants, cafes, etc.) and to diversity the local economy.

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

1. The Eden City Council finds that the proposed amendment to the City of Eden Zoning Ordinance is consistent with the goals and recommendations of the 2007 City of Eden Land Development Plan.
2. At no time are land use regulations or plans of the City of Eden, nor any jurisdiction in the State of North

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Carolina, permitted to be in violation of the North Carolina General Statutes.

3. Therefore, based upon the foregoing information, the amendment to the Zoning Ordinance is reasonable and in the public interest.

Approved, adopted and effective this 17th day of March, 2015

CITY OF EDEN
By: Wayne R. Tuggle, Sr., Mayor

ATTEST:
Sheralene Thompson, CMC
City Clerk

Mayor Tuggle asked if anyone would like to speak in favor or in opposition and as no one came forward to speak he declared the public hearing closed.

A motion was made by Council Member Turner seconded by Council Member Hall to approve the zoning text amendment request and adoption of an ordinance to amend Section 11.24(f) of the City of Eden Zoning Ordinance to allow micro-breweries as a permitted use in the Business-Central zoning districts. Request submitted by the Planning Board. ZONING CASE Z-14-08 and to approve the resolution adopting a statement of consistency regarding the amendment of Section 11.24(f) of the City of Eden Zoning Ordinance to allow micro-breweries as a permitted use in the Business-Central zoning district. All Council Members present voted in favor of this motion.

c. Consideration of a zoning text amendment request and adoption of an ordinance to amend Section 11.26 the Board of Adjustment section of the City of Eden Zoning Ordinance. Request submitted by the Planning Board. ZONING CASE Z-14-09

Consideration of a Resolution adopting a statement of consistency regarding the amendment of Section 11.26, the Board of Adjustment section of the City of Eden Zoning Ordinance.

The memorandum explained that the City has received a zoning text amendment request from the Planning Board to amend Section 11.26 of the City of Eden Zoning Ordinance to reflect changes in the N.C. General Statutes pertaining to the Board of Adjustment. Staff recommended that the text amendment be approved.

The Planning Board considered this request at their regular meeting on November 25, 2014 and recommended that the amendment be approved.

The Planning Board is reviewing this decision and considering the adoption of a consistency statement at a Special Planning Board meeting on March 17, 2015.

Mayor Tuggle declared the public hearing open and asked Ms. Stultz to present her report.

Ms. Stultz explained the following:

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Existing/Proposed Text Section 11.26(a) Establishment of the Board of Adjustment

(3) Term of Appointment and Vacancies - The members shall be appointed for terms of three (3) years, with the exception of the initial ten (10) members. Three (3) of the initial members shall be appointed for a term of one (1) year; three (3) for two (2) years; and four (4) for three (3) years. Vacancies occurring for reasons other than expiration of terms shall be filled as they occur for the period of the unexpired term. If a city member moves outside the city, or if an extraterritorial member moves outside the planning jurisdiction that shall constitute a resignation from the board, effective upon the date a replacement is appointed.

The council may appoint alternate members to serve on the board in the absence or temporary disqualification of any regular member or to fill a vacancy pending appointment of a member. Alternate members shall be appointed for the same term, at the same time, and in the same manner as regular members. Each alternate member serving on behalf of any regular member has all the powers and duties of a regular member. The ordinance may designate a planning board or governing board to perform any of the duties of a board of adjustment in addition to its other duties and may create and designate specialized boards to hear technical appeals.

(5) Rules of Conduct for Members

(g) A member of the Board or any other body exercising the functions of the Board of Adjustment shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker.

Impermissible conflicts include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. If an objection is raised to a member's participation and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection.

~~(11) Voting—The concurring vote of four-fifths (4/5) of the regular board membership (excluding vacant seats) shall be necessary to reverse any order, requirement, decision, or determination of the administrator or to decide in favor of the applicant any matter upon which it is to pass under any ordinance, including the issuance of a special use permit or the grant of any variance. All other actions of the board shall be taken by majority vote, a quorum being present. For the purposes of this subsection, vacant positions on the Board and members who are disqualified from voting on a quasi-judicial matter shall not be considered 'members of the Board' for calculation of the requisite supermajority if there are no qualified alternates available to take the place of such members. (5/09)~~

(11) Voting – The concurring vote of four-fifths of the board shall be necessary to grant a variance. A majority of the members shall be required to decide any other quasi-judicial matter or to determine an appeal made in the nature of certiorari. For the purposes of this

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subsection, vacant positions on the board and members who are disqualified from voting on a quasi-judicial matter shall not be considered members of the board for calculation of the requisite majority if there are no qualified alternates available to take the place of such members.

(b) **FILING AND NOTICE OF AN APPEAL** - Appeals from the enforcement and interpretation of this Ordinance or variances may be taken to the Board of Adjustment by any person aggrieved or by any officer, department, or board of the City of Eden. An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Enforcement Officer certifies to the Board of Adjustment that by reason of facts stated in the certificate a stay would be in his opinion, cause imminent peril of life and property, in which case proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Board of Adjustment or by a court of record on application or notice to the officer from whom the appeal is taken and due cause shown.

(1) **Hearing of the Appeal** – After receipt of notice of an appeal, the Board of Adjustment chairman shall schedule the time for a hearing, which shall be at a regular or special meeting within 36 days from the filing of such notice of appeal. *The board of adjustment shall hear and decide appeals decisions of administrative officials charged with enforcement of the zoning or unified development ordinance and may hear appeals arising out of any other ordinance that regulates land use or development, pursuant to all of the following:*

(a) Any person who has standing under G.S.160A-393(d) or the city may appeal a decision to the board of adjustment. An appeal is taken by filing a notice of appeal with the city clerk. The notice of appeal shall state the grounds for the appeal.

(b) The official who made the decision shall give written notice to the owner of the property that is the subject of the decision and to the party who sought the decision, if different from the owner. The written notice shall be delivered by personal delivery, electronic mail, or by first-class mail.

(c) The owner or other party shall have 30 days from receipt of the written notice within which to file an appeal. Any other person with standing to appeal shall have 30 days from receipt from any source of actual or constructive notice of the decision within which to file an appeal.

(d) It shall be conclusively presumed that all persons with standing to appeal have constructive notice of the decision from the date a sign containing the words "Zoning Decision" or "Subdivision Decision" in letters at least six inches high and identifying the means to contact an official for information about the decision is prominently posted on the property that is the subject of the decision, provided the sign remains on the property for at least 10 days. Posting of signs is not the only form of constructive notice. Any such posting shall be the responsibility of the landowner or applicant. Verification of the posting shall be provided to the official who made the decision. Absent an ordinance provision to the contrary, posting of signs shall not be required.

(e) The official who made the decision shall transmit to the board all documents and exhibits constituting the record upon which the action appealed from is taken.

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The official shall also provide a copy of the record to the appellant and to the owner of the property that is the subject of the appeal if the appellant is not the owner.

(f) An appeal of a notice of violation or other enforcement order stays enforcement of the action appealed from unless the official who made the decision certifies to the board of adjustment after notice of appeal has been filed that because of the facts stated in an affidavit, a stay would cause imminent peril to life or property or because the violation is transitory in nature, a stay would seriously interfere with enforcement of the ordinance. In that case, enforcement proceedings shall not be stayed except by a restraining order, which may be granted by a court. If enforcement proceedings are not stayed, the appellant may file with the official a request for an expedited hearing of the appeal, and the board of adjustment shall meet to hear the appeal within 15 days after such a request is filed. Notwithstanding the foregoing, appeals of decisions granting a permit or otherwise affirming that a proposed use of property is consistent with the ordinance shall not stay the further review of an application for permits or permissions to use such property; in these situations the appellant may request and the board may grant a stay of a final decision of permit applications or building permits affected by the issue being appealed.

(g) Subject to the provisions of subdivision (6) of this subsection, the board of adjustment shall hear and decide the appeal within a reasonable time.

(h) The official who made the decision shall be present at the hearing as a witness. The appellant shall not be limited at the hearing to matters stated in the notice of appeal. If any party or the city would be unduly prejudiced by the presentation of matters not presented in the notice of appeal, the board shall continue the hearing. The board of adjustment may reverse or affirm, wholly or partly, or may modify the decision appealed from and shall make any order, requirement, decision, or determination that ought to be made. The board shall have all the powers of the official who made the decision.

(i) When hearing an appeal pursuant to G.S.160A-400.9(e) or any other appeal in the nature of certiorari, the hearing shall be based on the record below and the scope of review shall be as provided in G.S.160A-393(k).

(j) The parties to an appeal that has been made under this subsection may agree to mediation or other forms of alternative dispute resolution. The ordinance may set standards and procedures to facilitate and manage such voluntary alternative dispute resolution.

(2) Notice - Notice of a Board of Adjustment public hearing shall be published in at least two (2) editions of the local newspaper within seven (7) days of the said hearing. ~~Notice may also be made by posting the property concerned or by mailing notices to the owners of surrounding property.~~ Notice of hearings conducted pursuant to this section shall be mailed to the person or entity whose appeal, application, or request is the subject of the hearing; to the owner of the property that is the subject of the hearing if the owner did not initiate the hearing; to the owners of all parcels of land abutting the parcel of land that is the subject of the hearing; and to any other persons entitled to receive notice as provided by the zoning or unified development ordinance. In the absence of evidence to the

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contrary, the city may rely on the county tax listing to determine owners of property entitled to mailed notice. The notice must be deposited in the mail at least 10 days, but not more than 25 days, prior to the date of the hearing. Within that same time period, the city shall also prominently post a notice of the hearing on the site that is the subject of the hearing or on an adjacent street or highway right-of-way.

(4) Quasi-Judicial Decisions - The board shall determine contested facts and make its decision within a reasonable time. Every quasi-judicial decision shall be based upon competent, material, and substantial evidence in the record. Each quasi-judicial decision shall be reduced to writing and reflect the board's determination of contested facts and their application to the applicable standards. The written decision shall be signed by the chair or other duly authorized member of the board. A quasi-judicial decision is effective upon filing the written decision with the clerk to the board or such other office or official as the ordinance specifies. The decision of the board shall be delivered by personal delivery, electronic mail, or by first-class mail to the applicant, property owner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective. The person required to provide notice shall certify that proper notice has been made.

(5) Oaths – The chair of the board or any member acting as chair and the clerk to the board are authorized to administer oaths to witnesses in any manner coming before the board. Any person who, while under oath during a proceeding before the board of adjustment, willfully swears falsely is guilty of a Class I misdemeanor.

(6) Subpoenas – The board of adjustment through the chair, or in the chair's absence anyone acting as chair, may subpoena witnesses and compel the production of evidence. To request issuance of a subpoena, persons with standing under G.S. 160A-393(d) may make a written request to the chair explaining why it is necessary for certain witnesses or evidence to be compelled. The chair shall issue requested subpoenas he or she determines to be relevant, reasonable in nature and scope, and not oppressive. The chair shall rule on any motion to quash or modify a subpoena.

Decisions regarding subpoenas made by the chair may be appealed to the full board of adjustment. If a person fails or refuses to obey a subpoena issued pursuant to this subsection, the board of adjustment or the party seeking the subpoena may apply to the General Court of Justice for an order requiring that its subpoena be obeyed, and the court shall have jurisdiction to issue these orders after notice to all proper parties.

(c) POWERS AND DUTIES – The zoning or unified development ordinance may provide that the board of adjustment hear and decide special and conditional use permits, requests for variances, and appeals of decisions of administrative officials charged with enforcement of the ordinance. As used in this section, the term "decision" includes any final and binding order, requirement, or determination. The board of adjustment shall follow quasi-judicial procedures when deciding appeals and requests for variances and special and conditional use permits. The board shall hear and decide all matters upon

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which it is required to pass under any statute or ordinance that regulates land use or development. The Board of Adjustment shall have the following powers and duties:

~~(2) Variances — When practical difficulties or unnecessary hardships would result from carrying out the strict letter of the Zoning Ordinance, the Board of Adjustment shall have the power to vary or modify any of the regulations or provisions of the Ordinance so that the spirit of the Ordinance shall be observed, public safety and welfare secured, and substantial justice done. No change in permitted uses may be authorized by variance. Appropriate conditions, which must be reasonably related to the condition or circumstance that gives rise to the need for a variance, may be imposed on any approval issued by the Board. These regulations may provide that the Board of Adjustment may determine and vary their application in harmony with the general purpose and intent and in accordance with general or specific rules therein contained, provided no change in permitted uses may be authorized by variance. A variance from the terms of this Ordinance shall not be granted by the Board unless the following findings are made:~~

- ~~(a) That special conditions and circumstances exists which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or buildings in the same district;~~
- ~~(b) That literal interpretation of the provision of this Ordinance would deprive the applicant of rights commonly enjoyed by other parties in the same district under the terms of this Ordinance;~~
- ~~(c) That the special conditions and circumstances do not result from the actions of the applicant;~~
- ~~(d) That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other land, structures, or buildings in the same district.~~

(2) Variances – When unnecessary hardships would result from carrying out the strict letter of a zoning ordinance, the board of adjustment shall vary any of the provisions of the ordinance upon a showing of all of the following:

- (a) Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.*
- (b) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.*
- (c) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.*
- (d) The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.*

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No change in permitted uses may be authorized by variance. Appropriate conditions may be imposed on any variance, provided that the conditions are reasonably related to the variance.

Any other ordinance that regulates land use or development may provide for variances consistent with the provisions of this subsection.

(d) APPEAL FROM THE BOARD OF ADJUSTMENT - An appeal from the decision of the Board of Adjustment may be made to Rockingham County Superior Court, such petition shall be filed with the clerk of Superior Court within 30 days the decision of the board is filed with the Zoning Enforcement Officer, but not thereafter.

- (1) The board shall determine contested facts and make its decision within a reasonable time. Every quasi-judicial decision shall be based upon competent, material, and substantial evidence in the record. Each quasi-judicial decision shall be reduced to writing and reflect the board's determination of contested facts and their application to the applicable standards. The written decision shall be signed by the chair or other duly authorized member of the board. A quasijudicial decision is effective upon filing the written decision with the clerk to the board or such other office or official as the ordinance specifies. The decision of the board shall be delivered by personal delivery, electronic mail, or by first-class mail to the applicant, property owner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective. The person required to provide notice shall certify that proper notice has been made.*
- (2) Every quasi-judicial decision shall be subject to review by the superior court by proceedings in the nature of certiorari pursuant to G.S. 160A-393. A petition for review shall be filed with the clerk of superior court by the later of 30 days after the decision is effective or after a written copy thereof is given in accordance with subdivision (1) of this subsection. When first-class mail is used to deliver notice, three days shall be added to the time to file the petition.*

General Information:

This request was submitted by the Planning Board.

Staff Analysis:

This amendment was initiated by the Planning Board to comply with changes made to the N.C. General Statutes.

Based upon the foregoing information, staff recommends in favor of the text amendment.

March 17, 2015

City of Eden, N. C.

Minutes of the regular March 17, 2015 meeting of the City Council, City of Eden:

A RESOLUTION ADOPTING A
STATEMENT OF CONSISTENCY REGARDING
PROPOSED AMENDMENT TO THE
CITY OF EDEN ZONING ORDINANCE
CASE NUMBER Z-14-09

WHEREAS, pursuant to North Carolina General Statutes Chapter 160A-383, prior to adoption or rejection of any zoning amendment, the Eden City Council is required to adopt a statement as to whether the amendment is consistent with the Land Development Plan and why the City Council considers the action taken to be reasonable and in the public interest; and

WHEREAS, on August 21, 2007, the Eden City Council adopted the Land Development Plan. Plans such as the City of Eden Land Development Plan are not designed to be static but are meant to reflect the City of Eden's needs, plans for future development and to remain in compliance with North Carolina State Law and the City of Eden's ordinances; and

WHEREAS, changes made to the North Carolina General Statutes during the 2014/2015 session of the General Assembly alter the manner in which the City of Eden and all other jurisdictions in the State of North Carolina regulate certain land uses; and

WHEREAS, the City of Eden Planning Board initiated an amendment to Section 11.26 of the Zoning Ordinance to comply with changes in the N.C. General Statutes pertaining to the Board of Adjustment; and

WHEREAS, On November 25, 2014, the City of Eden Planning Board voted to recommend approval of the amendment. To amend Section 11.26 to comply with changes in the N.C. General Statutes pertaining to the Board of Adjustment.

STATEMENT OF NEED:

Section 11.26 is amended to comply with changes in the N.C. General Statutes pertaining to the Board of Adjustment.

STATEMENT OF CONSISTENCY.

The Zoning Ordinance must comply with the City of Eden Land Use Plan in accordance with the N.C. General Statutes.

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

The Eden City Council finds that the proposed amendment to the City of Eden Zoning Ordinance is consistent with the goals and recommendations of the 2007 City of Eden Land Development Plan.

1. The Eden City Council finds that the proposed amendment to the City of Eden Zoning Ordinance is consistent with the goals and recommendations of the 2007 City of Eden Land Development Plan.
2. At no time are land use regulations or plans of the City of Eden, nor any jurisdiction in the State of North Carolina, permitted to be in violation of the North Carolina General Statutes.
3. Therefore, based upon the foregoing information, the amendment to the Zoning Ordinance is reasonable and in the public interest.

Approved, adopted and effective this 17th day of March, 2015

CITY OF EDEN

By: Wayne R. Tuggle, Sr., Mayor

ATTEST:
Sheralene Thompson, CMC
City Clerk

Minutes of the regular March 17, 2015 meeting of the City Council, City of Eden:

Discussion:

Council Member Hall commented that for the hearing of the appeal, they had a one sentence statement in there and he asked if those were items that the staff developed or were they out of the General Statutes.

Ms. Stultz replied they were out of the General Statutes.

Council Member Turner questioned the reasoning behind the three years.

Ms. Stultz explained that she believed from what she had read that in some jurisdictions amendments were made that were designed to block certain kinds of development. The sign put on properties when they do a map amendment for text amendments, they were not required to send anybody a letter as there is nothing to post. So, she thought that was the logic behind it.

Council Member Burnette asked what the additional information that comes with all of that really do and did it clarify it.

Ms. Stultz replied no it was a change. For example, she explained that if you wanted to put a carport in your front yard it used to be that you had to convince the zoning enforcement officer first, and you still do, but if the zoning enforcement officer said no and had reasons why, then it took 8 members of the Board of Adjustment to overturn that decision. Now it was a simple majority.

Mayor Tuggle asked if anyone would like to speak in favor or in opposition and as no one came forward to speak he declared the public hearing closed.

A motion was made by Council Member Hall seconded by Council Member Turner to approve the zoning text amendment request and adoption of an ordinance to amend Section 11.26 the Board of Adjustment section of the City of Eden Zoning Ordinance. Request submitted by the Planning Board. ZONING CASE Z-14-09 and to approve a resolution adopting a statement of consistency regarding the amendment of Section 11.26, the Board of Adjustment section of the City of Eden Zoning Ordinance.

All Council Members present voted in favor of this motion.

d. Consideration of a request and adoption of an ordinance to amend the Land Development Plan for the City of Eden. Request submitted by City Council. CASE LDP-14-01.

Consideration of a Resolution adopting a statement of consistency regarding the amendment of the Land Development Plan.

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The memorandum explained that the City Council has requested zoning text amendments to bring our Zoning Ordinance and Land Development Plan into compliance with recent statutory changes. Staff recommends that the amendments be approved.

The Planning Board considered this request at a special meeting on January 13, 2015, and recommended that the amendments be approved.

The Planning Board is reviewing this decision and considering the adoption of a consistency statement at a Special Planning Board meeting on March 17, 2015.

Mayor Tuggle declared the public hearing open and asked Ms. Stultz to present her report.

Ms. Stultz explained the following:

The City Council has requested zoning text amendments to bring our Zoning Ordinance and Land Development Plan into compliance with recent statutory changes. Staff recommends that the amendments be approved.

ANALYSIS

Existing Zoning Districts in Eden

(Add a line to Table 2.33 Zoning Acreage and Percentage of Total Land and add a zoning district)

PROPOSED TEXT

2.4 ANALYSIS OF REGULATORY FACTORS EXISTING LAND DEVELOPMENT REGULATIONS ANALYSIS

Insert the following line to Table 2.33

	City Zoning			Combined City & ETJ Zoning			ETJ Zoning		
Zoning District	# of Parcels	Acreage	%	# of Parcels	Acreage	%	# of Parcels	Acreage	%
I-3									

Insert the following zoning district after I-2:

I-3 - Industrial District: Established as a district for certain high impact uses that, because of noise, trucks, lights, impacts to air and water, and other issues require special consideration as to location and conditions imposed through zoning or special use permits. The I-3 zoning district would be located in areas already considered as suitable for I-2 uses.

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EXISTING TEXT – LAND DEVELOPMENT PLAN

4.4 FUTURE LAND USE CATEGORIES

DETAILED DESCRIPTIONS & ILLUSTRATIONS

EMPLOYMENT CENTER - An area accommodating a wide variety of existing and new heavy- and light-industrial, commercial, office and service uses in which most employees work on-site throughout the day. The intent of this designation is to accommodate large-scale existing employment and light-industrial uses, and to provide for new office and/or business parks, research campuses, and a variety of industrial, commercial, institutional, and open space uses.

PROPOSED TEXT

4.4 FUTURE LAND USE CATEGORIES

DETAILED DESCRIPTIONS & ILLUSTRATIONS

EMPLOYMENT CENTER - are areas designed and protected to create logical places for recruitment of new industrial, commercial and office and service uses for jobs and economic expansion and to accommodate a wide variety of existing and new heavy and light industrial, commercial, office and service uses in which most employees work on-site throughout the day.

The intent of this designation is to accommodate large-scale existing employment and light industrial uses, and to provide for new office and/or business parks, research campuses, and a variety of industrial, commercial, institutional uses that bring jobs to the city or retain existing jobs. Inappropriate uses would be uses that do not significantly enhance the tax base or support sustained job creation or retention, including, but not limited to, residential uses.

GENERAL INFORMATION

This request was submitted by the City Council.

STAFF ANALYSIS

The City of Eden adopted its current Land Use Plan in 2007. Plans such as this one are not designed to be static. They are always meant to reflect the City of Eden's needs, plans for future development and to remain in compliance with North Carolina State Law and the City of Eden's ordinances.

Based upon the foregoing information, staff is of the opinion that the amendments be approved

March 17, 2015

City of Eden, N. C.

Minutes of the regular March 17, 2015 meeting of the City Council, City of Eden:

A RESOLUTION ADOPTING A
STATEMENT OF CONSISTENCY REGARDING
A PROPOSED AMENDMENT TO THE
CITY OF EDEN ZONING ORDINANCE
CASE NUMBER LDP-14-01

WHEREAS, pursuant to North Carolina General Statutes Chapter 160A-383, prior to adoption or rejection of any zoning amendment, the Eden City Council is required to adopt a statement as to whether the amendment is consistent with the Land Development Plan and why the City Council considers the action taken to be reasonable and in the public interest; and

WHEREAS, on August 21, 2007, the Eden City Council adopted the Land Development Plan. Plans such as the City of Eden Land Development Plan are not designed to be static but are meant to reflect the City of Eden's needs, plans for future development and to remain in compliance with North Carolina State Law and the City of Eden's ordinances; and

WHEREAS, changes made to the North Carolina General Statutes during the 2014/2015 session of the General Assembly alter the manner in which the City of Eden and all other jurisdictions in the State of North Carolina regulate certain industrial uses; and

WHEREAS, City of Eden Planning Board received a request from the City Council to amend the Land Development Plan to come into compliance with the North Carolina General Statutes; and

WHEREAS, On January 13, 2015, the City of Eden Planning Board voted to recommend changes to the Land Development Plan as follows:

To amend SECTION 2.4 ANALYSIS OF REGULATORY FACTORS and SECTION 4.4 FUTURE LAND USE CATEGORIES regarding the definition and delineation of Employment Centers and to add a new zoning district.

STATEMENT OF NEED:

This section is amended to more specifically define the general intent of the Zoning Ordinance with regard to Permitted Uses and Minimum Requirements, and to comply with the Land Development Plan and changes to the N.C. General Statutes.

STATEMENT OF CONSISTENCY:

The goals of the 2007 City of Eden Land Development Plan are to make smart growth decisions by carefully managing growth to:

- A. Strategically locate new land development in the most appropriate places.
- B. Maintain and enhance Eden's community character and heritage.
- C. Use infrastructure investments as effectively as possible.
- D. Attract new jobs and a more diverse tax base.
- E. Protect natural, cultural and historic resources and open space as we grow.

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

1. The Eden City Council finds that the proposed amendments to the City of Eden Land Development Plan are necessitated by changes to the North Carolina General Statutes.
2. At no time are land use regulations or plans of the City of Eden or any jurisdiction in the State of North Carolina permitted to be in violation of the North Carolina General Statutes.
3. Therefore, based upon the foregoing information, the amendments to the Land Development Plan are reasonable and in the public interest.

March 17, 2015

City of Eden, N. C.

Minutes of the regular March 17, 2015 meeting of the City Council, City of Eden:

Approved and adopted and effective this 17th day of March, 2015.

CITY OF EDEN
BY: Wayne R. Tuggle, Sr., Mayor

ATTEST:
Sheralene Thompson, CMC
City Clerk

Mayor Tuggle asked if anyone would like to speak in favor or in opposition and as no one came forward to speak he declared the public hearing closed.

A motion was made by Council Member Hall seconded by Council Member Burnette to approve the request and adoption of an ordinance to amend the Land Development Plan for the City of Eden. Request submitted by City Council. CASE LDP-14-01 and also to approve the resolution adopting a statement of consistency regarding the amendment of the Land Development Plan. All Council Members present voted in favor of this motion.

1. (A) Consideration of a zoning text amendment request and adoption of an ordinance to amend Section 11.22(j) General Provisions to amend the Interpretation of Regulations;

(B) Consideration of a Resolution adopting a statement of consistency regarding the amendment of Section 11.22(j) General Provisions to amend the Interpretation of Regulations;

Mayor Tuggle declared the public hearing open and asked Ms. Stultz to present her report.

Ms. Stultz explained the following:

EXISTING TEXT

Section 11.22 GENERAL PROVISIONS

(j) Interpretation of Regulations - Regulations of this Ordinance shall be enforced and interpreted according to the following rules:

(1) Permitted Uses - Uses not designated as permitted uses shall be prohibited. Additional uses when in character with the district may be added to the Ordinance by amendment.

(2) Minimum Requirements - The provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, prosperity or the general welfare.

PROPOSED TEXT

Minutes of the regular March 17, 2015 meeting of the City Council, City of Eden:

Section 11.22 GENERAL PROVISIONS

(j) Interpretation of Regulations - Regulations of this Ordinance shall be enforced and interpreted according to the following rules:

(1) Permitted Uses - Uses not designated as permitted uses shall be prohibited. Additional uses, when in character with the district, may be added to the Ordinance by amendment. When a use is permitted in a certain district or districts, it is the general intent of this Ordinance that, upon creation or designation of that district, such permitted use is in harmony with the area and in general conformity with the plan of development of Eden and its environs.

(2) Minimum Requirements - The provisions of this Ordinance shall be considered minimum requirements for the promotion of the public safety, health, and the general welfare. When there is inconsistency between provisions in this Ordinance and state and federal regulations, the stricter requirement shall apply.

A RESOLUTION ADOPTING A
STATEMENT OF CONSISTENCY REGARDING
A PROPOSED AMENDMENT TO THE
CITY OF EDEN ZONING ORDINANCE
CASE NUMBER Z-14-10
SECTION 11.22(j)

WHEREAS, pursuant to North Carolina General Statutes Chapter 160A-383, prior to adoption or rejection of any zoning amendment, the Eden City Council is required to adopt a statement as to whether the amendment is consistent with the Land Development Plan and why the City Council considers the action taken to be reasonable and in the public interest;

WHEREAS, on August 21, 2007, the Eden City Council adopted the Land Development Plan. Plans such as the City of Eden Land Development Plan are not designed to be static but are meant to reflect the City of Eden's needs, plans for future development and to remain in compliance with North Carolina State Law and the City of Eden's ordinances;

WHEREAS, changes made to the North Carolina General Statutes during the 2014/2015 session of the General Assembly alter the manner in which the City of Eden and all other jurisdictions in the State of North Carolina regulate certain industrial uses;

WHEREAS, City of Eden Planning Board received a request from the City Council to amend the Zoning Ordinance to come into compliance with the North Carolina General Statutes;

WHEREAS, On January 13, 2015, the City of Eden Planning Board voted to recommend changes to the Zoning Ordinance as follows:

To amend Section 11.22(j) General Provisions regarding Permitted Uses and Minimum Requirements.

STATEMENT OF NEED:

This section is amended to more specifically define the general intent of the Zoning Ordinance with regard to Permitted Uses and Minimum Requirements, and to comply with the Land Development Plan and changes to the N.C. General Statutes.

STATEMENT OF CONSISTENCY:

March 17, 2015

City of Eden, N. C.

Minutes of the regular March 17, 2015 meeting of the City Council, City of Eden:

The goals of the 2007 City of Eden Land Development Plan are to make smart growth decisions by carefully managing growth to:

- A. Strategically locate new land development in the most appropriate places.
- B. Maintain and enhance Eden's community character and heritage.
- C. Use infrastructure investments as effectively as possible.
- D. Attract new jobs and a more diverse tax base.
- E. Protect natural, cultural and historic resources and open space as we grow.

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

1. The Eden City Council finds that the proposed amendments to the City of Eden Zoning Ordinance are necessitated by changes to the North Carolina General Statutes.
2. At no time are land use regulations or plans of the City of Eden or any jurisdiction in the State of North Carolina permitted to be in violation of the North Carolina General Statutes.
3. Therefore, based upon the foregoing information, the amendments to the Zoning Ordinance are reasonable and in the public interest.

Approved and adopted and effective this 17th day of March, 2015

CITY OF EDEN
BY: Wayne R. Tuggle, Sr., Mayor

ATTEST:
Sheralene Thompson, CMC
City Clerk

Mayor Tuggle asked if anyone would like to speak in favor or in opposition and as no one came forward to speak he declared the public hearing closed.

A motion was made by Council Member Epps seconded by Council Member Burnette to approve the zoning text amendment request and adoption of an ordinance to amend Section 11.22(j) General Provisions to amend the Interpretation of Regulations and to approve the resolution adopting a statement of consistency regarding the amendment of Section 11.22(j) General Provisions to amend the Interpretation of Regulations. All Council Members present voted in favor of this motion.

2. (A) Consideration of a zoning text amendment request and adoption of an ordinance to amend Section 11.24 to add two (2) districts: I-3 Industrial District – High Impact Uses and I-3 Special Use Permits – City Council; and renumber the District Regulations;

(B) Consideration of a Resolution adopting a statement of consistency regarding the amendment of Section 11.24 to add two (2) districts: I-3 Industrial District – High Impact Uses and I-3 Special Use Permits – City Council;

Mayor Tuggle declared the public hearing open and asked Ms. Stultz to present her report.

Ms. Stultz explained the following:

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Section 11.24(p) I-3 INDUSTRIAL DISTRICT – HIGH IMPACT USES

High Impact industrial uses are those which, by their nature, produce objectionable levels of noise, odors, vibrations, fumes, light, smoke, traffic and/or other impacts upon the lands adjacent to them. High impact uses are required to be connected to City of Eden water and sewer services. Any discharge, leachate or other industrial waste shall be treated by the City of Eden.

(1) Permitted Uses

Uses listed in the I-3 Industrial District shall be allowed only upon approval of a Special Use Permit. Special Use Permits in the I-3 Industrial District shall be heard and decided by the City Council according to the procedures established in Section 11.26 of this Ordinance. The following shall be I-3 industrial uses:

Asphalt Paving Production and Sales: (only on parcels containing 75 or more acres; 50 foot forested buffer required along streams and waterways and along any adjoining property containing a residential or non-industrial use).

Automobile Salvage Facilities, Junkyards or the Storage of Non-operative Vehicles (not including towing and temporary storage facilities)

Bulk Storage of Flammables - Propane, Gasoline, Crude Oil, Fuel Oil and Natural Gas

Caretaker residences as an accessory use, only for parcels 50 acres or greater, and only for an active industrial use (caretaker residence must be vacated if industrial use ceases). Such accessory use shall be a part of the special use permit application or an application to amend the special use permit.

Chemical Manufacturing

Coal Ash Landfills

Coal Ash Recycling

Coal Ash as Structural Fill

Coal, storage

Concrete Plants

Enameling, lacquering, or the plating of galvanizing metals.

Hazardous Waste, Infectious Waste and Toxic Substance Storage Facilities, Treatment Facilities, Transportation Facilities and/or Disposal Facilities

Hydraulic Fracturing (Fracking), or Other Oil and Gas Exploration

Mining, Extractions and Quarries (only on parcels containing 75 or more acres; 50 foot forested buffer required along streams and waterways and along any adjoining property containing a residential or non-industrial use.

Railroad freight yard and terminals.

Sanitary Landfills (MSW)

Sanitary Landfills (construction and demolition debris)

Minutes of the regular March 17, 2015 meeting of the City Council, City of Eden:

Sawmills

Scrap Metals Storage or Recycling

(2) Exempt Uses The following uses are exempt from High Impact regulations:

Agricultural Chemical Storage Facilities and/or Buildings regulated by the North Carolina Department of Agriculture pursuant to the NC Best Management Practices (BMP) and Integrated Pest Management (IPM) programs.

Portable Sawmills

The storage of less than 25,000 gallons of flammable or combustible liquids or gases at filling stations or convenience stores solely for the retail distribution to individual customers

(3) Dimensional Requirements

(a) Lot Width

Minimum required lot width shall be 400 feet.

(b) Yard Requirements

Minimum front yard depth shall be 100 feet which shall be devoted for sidewalks, grass, and plants, and the necessary entrances and exits to driveways. Off-street parking shall not be permitted in this front yard area.

Minimum width of side yard shall be 100 feet.

Minimum width of rear yard shall be 100 feet.

(c) Building Height

No building, structure, facility or any type of storage shall exceed 35 feet in height unless the depth of front and total width of side yards required herein shall be increased, five (5) feet for each ten (10) feet or fraction thereof of building height in excess of 35 feet. Flag poles, antennas, chimneys, and similar accessories to buildings are exempt from this height limitation.

(d) Visibility at Intersections

On a corner lot nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to impede vision between a height of two and one half (2 1/2) feet and ten (10) feet in a triangular area formed by a diagonal line between two (2) points on the right-of-way lines, 20 feet from where they intersect.

(4) Required Buffers

Minutes of the regular March 17, 2015 meeting of the City Council, City of Eden:

Where this district abuts a lot in a residential district or land occupied by a residential use, the owner of the industrial property shall provide and maintain along said property line a continuous visual buffer. The buffer shall be a compact evergreen hedge or other type of evergreen foliage screening, or shall be a combined fence and shrubbery screen, the latter facing the residential use.

(5) Off-Street Parking and Loading

Off-street parking and loading shall be provided according to the provisions set forth in Section 11.25 of this Ordinance.

(6) Landscaping Requirements for Parking Lots

New parking lots with twelve (12) or more parking spaces or any expanded parking lot which creates twelve (12) or more total parking spaces shall be landscaped as set forth in Section 11.25 of this Ordinance.

A RESOLUTION ADOPTING A
STATEMENT OF CONSISTENCY REGARDING
A PROPOSED AMENDMENT TO THE
CITY OF EDEN ZONING ORDINANCE
CASE NUMBER Z-14-10
SECTION 11.24

WHEREAS, pursuant to North Carolina General Statutes Chapter 160A-383, prior to adoption or rejection of any zoning amendment, the Eden City Council is required to adopt a statement as to whether the amendment is consistent with the Land Development Plan and why the City Council considers the action taken to be reasonable and in the public interest;

WHEREAS, on August 21, 2007, the Eden City Council adopted the Land Development Plan. Plans such as the City of Eden Land Development Plan are not designed to be static but are meant to reflect the City of Eden's needs, plans for future development and to remain in compliance with North Carolina State Law and the City of Eden's ordinances;

WHEREAS, changes made to the North Carolina General Statutes during the 2014/2015 session of the General Assembly alter the manner in which the City of Eden and all other jurisdictions in the State of North Carolina regulate certain industrial uses;

WHEREAS, City of Eden Planning Board received a request from the City Council to amend the Zoning Ordinance to come into compliance with the North Carolina General Statutes;

WHEREAS, On January 13, 2015, the City of Eden Planning Board voted to recommend changes to the Zoning Ordinance as follows:

To amend Section 11.24 District Regulations to include a new I-3 Industrial District.

STATEMENT OF NEED:

This section is amended to create a zoning district for high-impact industrial uses.

March 17, 2015

City of Eden, N. C.

Minutes of the regular March 17, 2015 meeting of the City Council, City of Eden:

STATEMENT OF CONSISTENCY:

The goals of the 2007 City of Eden Land Development Plan are to make smart growth decisions by carefully managing growth to:

- A. Strategically locate new land development in the most appropriate places.
- B. Maintain and enhance Eden's community character and heritage.
- C. Use infrastructure investments as effectively as possible.
- D. Attract new jobs and a more diverse tax base.
- E. Protect natural, cultural and historic resources and open space as we grow.

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

1. The Eden City Council finds that the proposed amendments to the City of Eden Zoning Ordinance are necessitated by changes to the North Carolina General Statutes.
2. At no time are land use regulations or plans of the City of Eden or any jurisdiction in the State of North Carolina permitted to be in violation of the North Carolina General Statutes.
3. Therefore, based upon the foregoing information, the amendments to the Zoning Ordinance are reasonable and in the public interest.

Approved and adopted and effective this 17th day of March, 2015

CITY OF EDEN
BY: Wayne R. Tuggle, Sr., Mayor

ATTEST:
Sheralene Thompson, CMC
City Clerk

Mayor Tuggle asked if anyone would like to speak in favor or in opposition and as no one came forward to speak he declared the public hearing closed.

A motion was made by Council Member Turner seconded by Council Member Hall to approve a zoning text amendment request and adoption of an ordinance to amend Section 11.24 to add two (2) districts: I-3 Industrial District – High Impact Uses and I-3 Special Use Permits – City Council; and renumber the District Regulations and also approve a resolution adopting a statement of consistency regarding the amendment of Section 11.24 to add two (2) districts: I-3 Industrial District – High Impact Uses and I-3 Special Use Permits – City Council.

All Council Members present voted in favor of this motion.

3. Consideration of a zoning text amendment request and adoption of an ordinance to amend Section 11.24(m)(1) to delete permitted uses that have been moved to the I-3 Industrial District;

Mayor Tuggle declared the public hearing open and asked Ms. Stultz to present her report.

Ms. Stultz explained the following:

Minutes of the regular March 17, 2015 meeting of the City Council, City of Eden:

Section 11.24(m) I-2 INDUSTRIAL DISTRICT

(1) Permitted Uses: (includes, but is not limited to, the following)

Asphalt paving production and sales (only on parcels containing 75 or more acres; 50 foot forested buffer required along streams and waterways and along any adjoining property containing a residential or non-industrial use).

Caretaker residences as an accessory use, only for parcels 50 acres or greater, and only for an active industrial use (caretaker residence must be vacated if industrial use ceases)

Chemical manufacture and sales.

Coal, storage and retail of Enameling, lacquering, or the plating of galvanizing metals.

Mining and quarrying (only on parcels containing 75 or more acres; 50 foot forested buffer required along streams and waterways and along any adjoining property containing a residential or non-industrial use), not including fracking.

Mixing plants for concrete, not including asphalt mixing operations.

Railroad freight yard and terminals

PROPOSED TEXT

Section 11.24(m) I-2 INDUSTRIAL DISTRICT

(1) Permitted Uses:

Delete the following:

Asphalt paving production and sales (only on parcels containing 75 or more acres; 50 foot forested buffer required along streams and waterways and along any adjoining property containing a residential or non-industrial use).

Caretaker residences as an accessory use, only for parcels 50 acres or greater, and only for an active industrial use (caretaker residence must be vacated if industrial use ceases)

Chemical manufacture and sales.

Coal, storage and retail of.

Enameling, lacquering, or the plating of galvanizing metals.

Gasoline or fuel oil storage or bulk terminal plants for any flammable gases or liquids,

Minutes of the regular March 17, 2015 meeting of the City Council, City of Eden:

provided 1/ that no storage tanks are placed closer than fifty (50) feet to any boundary line of the lot on which said storage is located and 2/ that the uses are in conformity with the state and local regulations governing the storage of combustible fuels.

Mining and quarrying (only on parcels containing 75 or more acres; 50 foot forested buffer required along streams and waterways and along any adjoining property containing a residential or non-industrial use), not including fracking.

Mixing plants for concrete, not including asphalt mixing operations.

Railroad freight yard and terminals

Mayor Tuggle asked if anyone would like to speak in favor or in opposition and as no one came forward to speak he declared the public hearing closed.

A motion was made by Council Member Burnette seconded by Council Member Turner to approve the zoning text amendment request and adoption of an ordinance to amend Section 11.24(m)(1) to delete permitted uses that have been moved to the I-3 Industrial District.

All Council Members present voted in favor of this motion.

4. (A) Consideration of a zoning text amendment request and adoption of an ordinance to amend Section 11.26(c)(3)(b)(1) Board of Adjustment;

(B) Consideration of a Resolution adopting a statement of consistency regarding the amendment of Section 11.26(c)(3)(b)(1) Board of Adjustment;

Mayor Tuggle declared the public hearing open and asked Ms. Stultz to present her report.

Ms. Stultz explained the following:

EXISTING TEXT

Section 11.26(c)(3)(b)(1)

(1) Special Use Permits may be issued by the Board of Adjustment for the uses enumerated in the following subsection 11.26(c) after a hearing upon a Petition for the issuance thereof.

PROPOSED TEXT

Section 11.26(c)(3)(b)(1)

Minutes of the regular March 17, 2015 meeting of the City Council, City of Eden:

(1) Special Use Permits in all zoning districts other than I-3 Industrial District and the PUDR district shall be issued by the Board of Adjustment for the uses enumerated in the following subsection 11.26(c) after a hearing and upon a Petition for the issuance thereof. Special Use Permits in the I-3 Industrial District shall be heard and decided by the City Council according to the procedures established in this section.

A RESOLUTION ADOPTING A
STATEMENT OF CONSISTENCY REGARDING
A PROPOSED AMENDMENT TO THE
CITY OF EDEN ZONING ORDINANCE
CASE NUMBER Z-14-10
SECTION 11.26

WHEREAS, pursuant to North Carolina General Statutes Chapter 160A-383, prior to adoption or rejection of any zoning amendment, the Eden City Council is required to adopt a statement as to whether the amendment is consistent with the Land Development Plan and why the City Council considers the action taken to be reasonable and in the public interest;

WHEREAS, on August 21, 2007, the Eden City Council adopted the Land Development Plan. Plans such as the City of Eden Land Development Plan are not designed to be static but are meant to reflect the City of Eden's needs, plans for future development and to remain in compliance with North Carolina State Law and the City of Eden's ordinances;

WHEREAS, changes made to the North Carolina General Statutes during the 2014/2015 session of the General Assembly alter the manner in which the City of Eden and all other jurisdictions in the State of North Carolina regulate certain industrial uses;

WHEREAS, City of Eden Planning Board received a request from the City Council to amend the Zoning Ordinance to come into compliance with the North Carolina General Statutes;

WHEREAS, On January 13, 2015, the City of Eden Planning Board voted to recommend changes to the Zoning Ordinance as follows:

To amend Section 11.26 Board of Adjustment to create a special use process for heavy industrial uses in the I-3 Industrial District.

STATEMENT OF NEED:

This section is amended to create a special use permit process for heavy industrial uses in the I-3 Industrial District, which would be heard by the City Council.

STATEMENT OF CONSISTENCY:

The goals of the 2007 City of Eden Land Development Plan are to make smart growth decisions by carefully managing growth to:

- A. Strategically locate new land development in the most appropriate places.
- B. Maintain and enhance Eden's community character and heritage.
- C. Use infrastructure investments as effectively as possible.
- D. Attract new jobs and a more diverse tax base.
- E. Protect natural, cultural and historic resources and open space as we grow.

March 17, 2015

City of Eden, N. C.

Minutes of the regular March 17, 2015 meeting of the City Council, City of Eden:

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

1. The Eden City Council finds that the proposed amendments to the City of Eden Zoning Ordinance are necessitated by changes to the North Carolina General Statutes.
2. At no time are land use regulations or plans of the City of Eden or any jurisdiction in the State of North Carolina permitted to be in violation of the North Carolina General Statutes.
3. Therefore, based upon the foregoing information, the amendments to the Zoning Ordinance are reasonable and in the public interest.

Approved and adopted and effective this 17th day of March, 2015

CITY OF EDEN
BY: Wayne R. Tuggle, Sr., Mayor

ATTEST:
Sheralene Thompson, CMC
City Clerk

Mayor Tuggle asked if anyone would like to speak in favor or in opposition and as no one came forward to speak he declared the public hearing closed.

A motion was made by Council Member Hampton seconded by Council Member Carter to approve the zoning text amendment request and adoption of an ordinance to amend Section 11.26(c)(3)(b)(1) Board of Adjustment and to also approve a resolution adopting a statement of consistency regarding the amendment of Section 11.26(c)(3)(b)(1) Board of Adjustment.

All Council Members present voted in favor of this motion.

5. (A) Consideration of a zoning text amendment request and adoption of an ordinance to amend Section 11.29 to add the definitions of: Coal Ash Landfill, Coal Ash Recycling, Hydraulic Fracturing, Junkyard, Mining, Extractions and Quarrying, Oil and Gas Exploration, Sanitary Landfill and Structural Fill. Request submitted by City Council.

(B) Consideration of a Resolution adopting a statement of consistency regarding the amendment of Section 11.29 to add the definitions of: Coal Ash Landfill, Coal Ash Recycling, Hydraulic Fracturing, Junkyard, Mining, Extractions and Quarrying, Oil and Gas Exploration, Sanitary Landfill and Structural Fill. Request submitted by City Council. ZONING CASE Z-14-10.

Mayor Tuggle declared the public hearing open and asked Ms. Stultz to present her report.

Ms. Stultz explained the following:

EXISTING TEXT

Section 11.29 DEFINITIONS

Minutes of the regular March 17, 2015 meeting of the City Council, City of Eden:

(Currently definitions do not exist for Coal Ash Landfill, Coal Ash Recycling, Hydraulic Fracturing, Mining, Extractions and Quarrying, Oil and Gas Exploration, Sanitary Landfill, and Structural Fill)

PROPOSED TEXT

Section 11.29 DEFINITIONS

Coal Ash Landfill: A facility designed primarily for the disposal of combustion products and residuals, including fly ash, bottom ash, boiler slag, mill rejects, and flue gas desulfurization residue produced by a coal-fired generating unit when that facility is located on land or lands not previously used by a coal-fired generating unit.

Coal Ash Recycling: The procedure by which coal combustion products are directly used or reused (a) as an ingredient in an industrial process to make a product, unless distinct components of the coal combustion products are recovered as separate end products or (b) in a function or application as an effective substitute for a commercial product or natural resource.

Hydraulic fracturing: The process by which sub-surface rock is fractured by a hydraulically pressurized liquid for the purpose of extracting any form of gas, including natural gas.

Junkyard: Any area or lot, or portion thereof, used for the storage, keeping, accumulation or abandonment of scrap or waste materials, including but not limited to, scrap metals, wastepaper, rags, buildings, used appliances, machinery or other scrap materials. A recycling processing center or recycling plant is not considered a junkyard.

Mining, Extractions and Quarrying: The breaking of the surface soil in order to facilitate or accomplish the extraction or removal of minerals, ores, or other solid matter; any activity or process constituting all or part of a process for the extraction or removal of minerals, ores, soils, and other solid matter from their original location; or the preparation, washing, cleaning, or other treatment of minerals, ores, or other solid matter so as to make them suitable for commercial, industrial, or construction use.

Oil and Gas Exploration: (hydrocarbon exploration) is the search for hydrocarbon deposits beneath the Earth's surface, such as oil and natural gas.

Sanitary Landfill: A facility for disposal of any form of solid waste on land in a sanitary manner in accordance with the rules concerning sanitary landfills adopted under N.C. Gen. Stat. Chapter 130A, Article 9.

Structural Fill: Engineered fill with a projected beneficial end use, constructed using coal combustion products that are properly placed and compacted. Structural fill includes fill used to reclaim open pit mines and for embankments, greenscapes, foundations, construction foundations, and for bases or sub-bases under a structure or a footprint of a

Minutes of the regular March 17, 2015 meeting of the City Council, City of Eden:

paved road, parking lot, sidewalk, walkway or similar structure. When the storage or disposal of coal combustion products is the primary purpose of placement of engineered fill and the ultimate use or purpose is incidental or accessory, then placement of structural fill shall be considered a primary use. When the use of structural fill is incidental to the ultimate use or purpose, then the ultimate use or purpose shall be considered the primary use.

A RESOLUTION ADOPTING A
STATEMENT OF CONSISTENCY REGARDING
A PROPOSED AMENDMENT TO THE
CITY OF EDEN ZONING ORDINANCE
CASE NUMBER Z-14-10
SECTION 11.29

WHEREAS, pursuant to North Carolina General Statutes Chapter 160A-383, prior to adoption or rejection of any zoning amendment, the Eden City Council is required to adopt a statement as to whether the amendment is consistent with the Land Development Plan and why the City Council considers the action taken to be reasonable and in the public interest;

WHEREAS, on August 21, 2007, the Eden City Council adopted the Land Development Plan. Plans such as the City of Eden Land Development Plan are not designed to be static but are meant to reflect the City of Eden's needs, plans for future development and to remain in compliance with North Carolina State Law and the City of Eden's ordinances;

WHEREAS, changes made to the North Carolina General Statutes during the 2014/2015 session of the General Assembly alter the manner in which the City of Eden and all other jurisdictions in the State of North Carolina regulate certain industrial uses;

WHEREAS, City of Eden Planning Board received a request from the City Council to amend the Zoning Ordinance to come into compliance with the North Carolina General Statutes;

WHEREAS, On January 13, 2015, the City of Eden Planning Board voted to recommend changes to the Zoning Ordinance as follows:

To amend Section 11.29 Definitions to add definitions for industrial uses not currently listed in the Zoning Ordinance.

STATEMENT OF NEED:

This section is amended to add definitions for Coal Ash Landfill, Coal Ash Recycling, Hydraulic Fracturing, Junkyard, Mining, Extractions and Quarrying, Oil and Gas Exploration, Sanitary Landfill, and Structural Fill.

STATEMENT OF CONSISTENCY:

The goals of the 2007 City of Eden Land Development Plan are to make smart growth decisions by carefully managing growth to:

- A. Strategically locate new land development in the most appropriate places.
- B. Maintain and enhance Eden's community character and heritage.
- C. Use infrastructure investments as effectively as possible.
- D. Attract new jobs and a more diverse tax base.
- E. Protect natural, cultural and historic resources and open space as we grow.

March 17, 2015

City of Eden, N. C.

Minutes of the regular March 17, 2015 meeting of the City Council, City of Eden:

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

1. The Eden City Council finds that the proposed amendments to the City of Eden Zoning Ordinance are necessitated by changes to the North Carolina General Statutes.
2. At no time are land use regulations or plans of the City of Eden or any jurisdiction in the State of North Carolina permitted to be in violation of the North Carolina General Statutes.
3. Therefore, based upon the foregoing information, the amendments to the Zoning Ordinance are reasonable and in the public interest.

Approved and adopted and effective this 17th day of March, 2015

CITY OF EDEN
BY: Wayne R. Tuggle, Sr., Mayor

ATTEST:
Sheralene Thompson, CMC

Mayor Tuggle asked if anyone would like to speak in favor or in opposition and as no one came forward to speak he declared the public hearing closed.

A motion was made by Council Member Burnette seconded by Council Member Hall to approve the zoning text amendment request and adoption of an ordinance to amend Section 11.29 to add the definitions of: Coal Ash Landfill, Coal Ash Recycling, Hydraulic Fracturing, Junkyard, Mining, Extractions and Quarrying, Oil and Gas Exploration, Sanitary Landfill and Structural Fill. Request submitted by City Council and also approve the a resolution adopting a statement of consistency regarding the amendment of Section 11.29 to add the definitions of: Coal Ash Landfill, Coal Ash Recycling, Hydraulic Fracturing, Junkyard, Mining, Extractions and Quarrying, Oil and Gas Exploration, Sanitary Landfill and Structural Fill. Request submitted by City Council. ZONING CASE Z-14-10.

All Council Members present voted in favor of this motion.

f. Consideration of a zoning text amendment request and adoption of an ordinance to amend Section 11.24(m)(1) to allow permanent storage of coal combustion residuals. Request submitted by the City Council. ZONING CASE Z-15-02.

The memorandum explained that the City has received a zoning text amendment request from the City Council to amend Section 11.24(m) of the City of Eden Zoning Ordinance to allow permanent storage of coal combustion residuals as a permitted use in the Industrial – 2 zoning district. Staff recommended that the text amendment be approved.

This item was pulled from the agenda.

g. Consideration of an ordinance annexing property located at 118, 120 and 122 Powell Drive pursuant to a request submitted by Raymond C. Thomas.

March 17, 2015

City of Eden, N. C.

Minutes of the regular March 17, 2015 meeting of the City Council, City of Eden:

The memorandum explained that at the Special Budget Retreat meeting on February 28, 2015, the Council scheduled this public hearing to hear comments regarding an annexation of property located at 118, 120 and 122 Powell Drive.

The Petition Requesting Annexation was filed by Raymond C. Thomas. Staff is of the opinion that this property should be annexed.

Mayor Tuggle declared the public hearing open.

Ms. Stultz explained that the request was submitted by Mr. Raymond C. Thomas who wanted to annex his property located at 118, 120 and 122 Powell Drive.

Mayor Tuggle asked if anyone would like to speak in favor or in opposition and as no one came forward to speak he declared the public hearing closed.

A motion was made by Council Member Epps seconded by Council Member Carter to approve the ordinance annexing property located at 118, 120 and 122 Powell Drive pursuant to a request submitted by Raymond C. Thomas.

All Council Members present voted in favor of this motion.

REQUESTS AND PETITIONS OF CITIZENS:

No one came forward to speak at this time.

UNFINISHED BUSINESS:

a. Board & Commission Appointments.

Tree Board – Ward 6: Mike Ayers

Community Appearance Commission – Mayor Tuggle: Ann Sumpter

A motion was made by Council Member Turner seconded by Council Member Burnette to approve the appointments to the Board & Commissions. All Council Members present voted in favor of this motion.

NEW BUSINESS:

No New Business was scheduled.

REPORTS FROM STAFF:

No Reports were scheduled.

Minutes of the regular March 17, 2015 meeting of the City Council, City of Eden:

CONSENT AGENDA:

- a) Consideration of Proposed Water Main Installation by Dan River Water, Inc. on Cedar Lane and College Lane.

The memorandum explained that Dan River Water, Inc. has submitted preliminary plans, prepared by William E. Mitchell, P.E., showing the proposed installation of 3,898 LF of 6-inch diameter PVC water main along Cedar Lane, as well as the proposed installation of 947 LF of 6-inch diameter PVC and 525 LF of 2-inch diameter PVC along College Lane. The improvements to their system would allow for the possible addition of 24 existing houses as new customers in the University Estates subdivision area, and create a loop in their system which is needed.

Mike Lemons, Utility Supervisor for Dan River Water, Inc., is requesting that City Council grant approval for the proposed water main installation so that it can be constructed, in accordance with the water purchase agreement between the City of Eden and Dan River Water, Inc.

The plans are available for review in the Engineering Department.

- b) Consideration of Request to Award the FY 2014-15 Street Resurfacing Contract, No. 2.

Please find attached a copy of the Bid Tabulation Schedule and the Summary of Quantities spreadsheet for the FY 2014-15 Street Resurfacing Contract (Contract #2). The bids were received on March 5, 2015 at 11:00 a.m. A total of seven (7) responsive bids were received for the project. The low bidder was Waugh Asphalt, Inc., of Franklinville, NC in the amount of \$178,250.95. The date of availability for the contract is May 4, 2015.

The Engineering Department is requesting Council's approval to award the contract to Waugh Asphalt, Inc., based on their bid amount.

- c) Consideration of Request to Sponsor Category in the 71st Annual Fine Arts Festival.

- d.) Approval and Adoption of Resolution Declaring Items Surplus and Authorizing the Disposal of Personal Property by Public Auction.

The memorandum explained that the listed items have reached end of life and/or are in need of parts that exceeded the cost of replacement of the item. The request is that the City Council declare the items surplus and to be sold at public auction via Govdeals.com. Govdeals is an online public auction site designed around the needs of government entities. It provides an E-Bay like experience for bidders without the need for the selling agency to ship items. All items won on Govdeals must be picked up by the winning bidder at a location designated by the government entity. Govdeals auctions typically generate higher purchase prices than traditional public auctions

March 17, 2015

City of Eden, N. C.

Minutes of the regular March 17, 2015 meeting of the City Council, City of Eden:

**RESOLUTION AUTHORIZING THE DISPOSAL
OF PERSONAL PROPERTY BY PUBLIC AUCTION**

WHEREAS, the City of Eden owns certain equipment listed below and hereinafter referred to as "the property"; and

Surplus Vehicle Listing

Make	Model	Year	VIN	City No.	Cond.	Miles/Hrs	Notes (Missing Parts, Accidents, Etc)
GMC	Top kick Dump Tk	1989	1GDT7D4Y0KV520605	S90	Fair	111816	Was running when parked a year or more ago
GMC	Brigadier Dump Tk	1985	1GDT8C4Y4FV622616	G58	Poor	101455	Was running when parked a year or more ago it also has issues with the lift cylinder leaking fluid

Sheet 1

Surplus Equipment Listing

Brand	Model	Serial Number	Asset Tag	Cond.	Notes (Missing Parts, Etc)
CityFlow	Hangmate 3000	A182C30	1234	Best	
DD	CLASS TYPE 3005 201-105	34521		USED	QTY- 29 Box 7
		33210			QTY- 27
		33310			QTY 17
		33811			QTY 1
DD	CLASS TYPE 3005 210-30	LOT 31630		USED	QTY 2 Box 8
		31810		USED	QTY 1
DD	CLASS TYPE 3005 NCL-10	39430		USED	QTY -1
		39630			QTY - 5
		39610			QTY - 1
		39210			QTY - 1
DD	CLASS TYPE 3007 210-10	32411		USED	QTY - 1
		79221			QTY - 1
		39220			QTY- 3
		39210			QTY- 7
		33921			QTY- 6

Misc Items:

March 17, 2015

City of Eden, N. C.

Minutes of the regular March 17, 2015 meeting of the City Council, City of Eden:

Sheet 1

Surplus Equipment Listing

Brand	Model	Serial Number	Asset Tag	Cond.	Notes (Missing Parts, Etc)
Hydrow	Flangeless 3000	A782CSD	1234	Sent	Sample Entry
□ D	CLASS TYPE 3000S LTR101	32210		USED	QTY - 1 Box 4
↓		34211		↓	QTY - 1
↓		32410		↓	QTY - 1
Idlec	Model TYPE Tubular FED No. 20	32430		USED	QTY - 1
		32620		USED	QTY - 2
□ D	CLASS TYPE 3000S RT108	32310		USED	QTY - 2 Box 5
		34431		↓	QTY - 2
		34611		↓	QTY - 34
		33210		↓	QTY 53
□ D	CLASS TYPE 3000S LTR101	34611		USED	QTY - 11 Box 6
		34721		↓	QTY 9
		33120		↓	QTY 1
		38710		↓	QTY 1
		33310		↓	QTY 1

Misc Items:

WHEREAS, the City of Eden desires to dispose of the property by public auction as authorized by North Carolina General Statute §160A-270; and

WHEREAS, pursuant to North Carolina General Statute §160A-270 (c), the City Council must authorize the use of the public electronic auction service and the means of publication; and

WHEREAS, the property will be sold at a public electronic auction to the highest bidder excepting any reserve placed on the property. The property will be listed at www.govdeals.com starting on March 30th, 2015 and will be posted continuously until it is sold; and

WHEREAS, The City desires to publish this notice solely by electronic means via the City of Eden website; and

WHEREAS, Kevin Taylor, Director of Information Technology, is an appropriate city official to dispose of the property by public auction.

NOW, THEREFORE, BE IT RESOLVED, by the City Council for the City of Eden that the property listed above be disposed of by public auction, that the publication of this sale be solely by electronic means, and that Kevin Taylor be authorized to dispose of the property by public auction.

APPROVED, ADOPTED AND EFFECTIVE this 17th day of March, 2015.

CITY OF EDEN

BY: Wayne R. Tuggle, Sr., Mayor

ATTEST:
Sheralene S. Thompson
City Clerk

March 17, 2015

City of Eden, N. C.

Minutes of the regular March 17, 2015 meeting of the City Council, City of Eden:

e.) Approval and Adoption of a Resolution Approving the Travel Policy Adopted by the Local ABC Board.

RESOLUTION

WHEREAS, the City of Eden is the appointing authority for the local ABC board; and

WHEREAS, pursuant to N.C.G.S. § 18B-700(g2), the City of Eden, as the appointing authority, shall approve the travel policy adopted by the local board. Such travel policy shall conform and be the policy used by the City of Eden.

NOW, THEREFORE, BE IT RESOLVED, by the City Council for the City of Eden that the local ABC board has adopted a travel policy that is identical to and conforms to the travel policy of the City of Eden, and that the City Council for the City of Eden hereby approves such policy.

APPROVED, ADOPTED AND EFFECTIVE this 17th day of March, 2015.

CITY OF EDEN

By: Wayne R. Tuggle, Sr., Mayor

ATTEST:

Sheralene Thompson, City Clerk

A motion was made by unanimous consent to approve the Consent Agenda. This motion carried.

ANNOUNCEMENTS:

No announcements at this time.

CLOSED SESSION:

This item was moved from the agenda.

ADJOURNMENT:

A motion was made by unanimous consent to adjourn. This motion carried.

Respectfully submitted,

Sheralene S. Thompson,
CMC, MMC, NCCMC
City Clerk

ATTEST:

Wayne R. Tuggle, Sr., Mayor