

CITY OF EDEN, N. C.

The regular meeting of the City Council, City of Eden, was held on Tuesday, July 21, 2015 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
	Jerry Ellis
City Manager: (absent)	Brad Corcoran
City Clerk:	Sheralene Thompson
City Attorney:	Erin Gilley
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. Jerry Epps, Eden City Council, gave the invocation followed by the Pledge of Allegiance.

SET MEETING AGENDA:

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

NEW BUSINESS:

- a. Consideration and Approval of Agreement with Duke Energy

Mayor Tuggle introduced Mr. Tom Terrell, of the firm Smith, Moore and Leatherwood.

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Mr. Terrell explained that this agreement took months of discussion and explanations as to what a quasi-judicial hearing could mean. He explained that State law required them to keep an open mind and he had instructed members to say nothing and not form an opinion in order to avoid such. They had held numerous meetings that were very sensitive and if there had been discussion in public it would not have served the interest of the citizens or economic development of the city.

Mr. Terrell then presented an overview of the agreement and explained each article within the agreement. He noted that they would also be agreeing to protect Duke's interest in case the very next city council comes in and tries to pull the rug out from under Duke after it spends millions of dollars creating a deposit for the coal ash. He also noted that Duke had also agreed to pay legal defense if a third party should sue the city. He then closed by stating that he would be delighted to answer any questions they may have.

Mayor Tuggle asked Mr. Terrell to reiterate about neighborhoods and the proximity of coal ash.

Mr. Terrell explained that from the beginning their primary purpose was to get a coal ash landfill somewhere other than Hopkins East. That was goal number one. Protecting Hopkins East for economic development was goal number two. He pointed out that Hopkins East was so close to several neighborhoods and it would not only put coal ash and the coal ash landfill in a prime job creation site, but it would have all the industrial sounds and equipment that you have surrounding a landfill and that was one of the early victories that they were able to achieve by getting it moved and once they got there they had a structure in which to build.

He explained that the way it is protected was that (1) the agreement limits Hopkins East really to one thing, that was for using it for borrowing soil after that three (3) year option was over and (2) by this agreement Hopkins East becomes ineligible under the zoning ordinance to where a coal ash landfill could be located.

Mayor Tuggle added that also part of what they had discussed was to make sure the staging area was located below Rosewood Lane and to make sure it was not anywhere close to any neighborhoods.

Mr. Terrell replied that was correct and also Ms. Stultz was quick to have him put into the agreement that if you have to come in and borrow soil from east or west there would be distances built in from the neighborhoods just to be getting soil, so the neighborhoods are very carefully protected.

Mayor Tuggle asked if he could talk about vested rights because that was also an important part of this.

Mr. Terrell explained that a vested right in North Carolina was a common law right to proceed when you have some type of a government approval to do something and then you spend substantial sums of money in alliance of that governmental approval to your

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detriment, if the government then comes back and tries to pull the rug out from under you by changing the rules. When Duke started in this process one of the very first things that he did working with Ms. Stultz was to make sure that all of them coming in and doing due diligence on this site and who were trying to come in and get this information and this approval or that approval sign documents that said they were not claiming vested rights. It is in this agreement that Duke claims no vested rights to proceed with a landfill under the zoning ordinance that existed back before these changes took place so they have put in writing and have agreed they have no rights at law in spite of this agreement.

Council Member Hall referred to the slide that had the lined landfill and asked if there was an estimate how long it was exposed to rain before it was capped.

Mr. Terrell replied that when the Coal Ash Management Act was adopted almost a year ago it was done very quickly. He explained that there was not enough forethought as to whether they were operating under the 1700 Act or operating under the 1600 rules. They have waited for the federal government to make decision but as the year has gone by it has come to the decision that coal ash landfills were not dealt with under the coal ash rules but municipal solid waste rules. Under those rules you have to cover what you place in a landfill every day with at least 6" inches of topsoil or alternative covers. This protects it from weather, wind, and rain. Then the next day you scrape it off but you do not put it in until you already have a cell already constructed.

Council Member Hall stated that if there were a 5 year process to fill in one of those bowls he questioned if rain would be an issue.

Mr. Terrell replied probably and explained that landfills were not complicated structures to build. They have very few moving parts and they operate by gravity. One of the layers at the bottom of the landfill, the way it was constructed if it rains and it was running through it then you have a system of drains right on top. Those drains were designed to get the leachate or rainwater out and that leachate was also by gravity and you have leachate collection systems that would probably then be taken to your wastewater treatment plant just like any other liquid waste.

Council Member Hall stated that once that site was full (capped) with the vegetation on top he asked if there was ever a time when it could be improved and would it ever become solid enough to be built on.

Mr. Terrell explained probably and you can do that for a solid waste landfill right now. He pointed out that Virginia Beach had a public park located on top of a landfill that they call Mount Trashmore.

Council Member Hall mentioned the temporary storage on Hopkins East for transportation and asked if that specified how long temporary was and if it was contained in a rolling container at that point.

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Mr. Terrell explained that it was West Hopkins not East and no they do not specify. This would be controlled by the Permit to Operate. This was done after several engineers look at the application and then folks in Raleigh deciding what can be done. He explained that at this time they did not know what temporary would be. They could not leave the trains sitting, they would be filling them up and moving them in and out. He stated that he would be surprised if it was more than a week, but they would have to get it up there in some type of container awaiting placement on a train. What you would not be seeing was a pile of coal ash so most likely it would be some type of temporary containment.

Council Member Hall stated that he had talked about a third party coming in and possibly filing a lawsuit. If that third party were to win that suite, were the vested rights from this adoption after this was changed, would that all be involved in the other suit. In other words, if Duke lost the lawsuit could they be made to stop what they were doing.

Mr. Terrell replied yes if they were successful but it was a broad question. He would also at that point conjecture that the General Assembly would step in and it was a very active legislature. He did not know if they would do it for the City of Eden but they would probably do it for Duke.

Council Member Ellis asked where the coal ash would be going in Virginia to which Mr. Terrell replied Jetersville. He also asked where the location of neighborhoods at Hopkins West was to which Mr. Terrell replied Rosewood.

Ms. Stultz pointed out that the landfill would not be on Hopkins West. That has to be on the current Duke property. The only thing they would be using Hopkins West for was just storage and movement

Mr. Terrell added that staging might be a good term.

Council Member Ellis asked if the ash was dry.

Mr. Terrell replied that the top 15' was very thick, caked coal ash.

Council Member Ellis stated for clarification that they were looking at 2019 to have it all filled and asked if that top layer was just about going to have to dry. Mr. Terrell pointed out that it was already dry. Council Member Ellis stated that there was 15' below that...moist ash.

Mr. Davis Montgomery, Duke Energy, explained that this was dry stack, a stack that had been there several years. He explained that it dries and it looks like a small grassy hillside. He explained that this was going to be one of the most watched operations by several agencies throughout the state and the community as well.

Council Member Ellis asked if the railcars were cleaned before coming back in to which Mr. Montgomery replied yes, everything that comes in goes through a wash station.

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Council Member Burnette questioned that this will be compacted so that it can be built upon.

Mr. Terrell replied yes, but whether you could or not was up to Duke.

Council Member Burnette asked if there were any provisions for leachate.

Mr. Terrell explained that there were no provisions for any landfill except for monitoring wells and there would be a monitor of wells to determine if there was any leaching offsite. If there is you can monitor it, typically ground flow was measured feet per year, it was not moving very quickly and at that time the regulating agencies would decide based on what is in the monitoring wells and was it coming from the site. If it is, would it be something to be concerned about. If not, you leave it. If it is, then it would be Duke's responsibility to intervene and litigate. Which would probably mean some type of deconstruction to find out what is going on. As a rule, by federal standard, they do not leak. They are very well done and you seldom see any offsite contamination. You do see it on occasion but typically those were for earlier construction standards but those standards have been tightened, we have gotten better at them over the years and as Mr. Montgomery said this will be watched by agencies everywhere, it would be difficult to imagine something could be constructed contrary to the standards that were in place.

Council Member Burnette questioned the monitoring frequency of the wells and if he knew what that would be.

Mr. Terrell replied that typically wells were monitored every 3 to 6 months. He added that the flow of ground water was very slow.

Council Member Burnette asked what the expected height of the landfill would be.

Mr. Terrell replied that he did not know. He added that if it were MSW it could be as high as 8-10 stories but it would be starting with a base that was several acres in size. The total volume of this landfill does not suggest it will be a very high landfill.

Mr. Montgomery added that it would be just about the same height as grassy knoll was today. What was in there today was about 1.35 million tons and what they were going to put in there out of the wet basins was in the amount of 1.35 million tons so it would be roughly the same.

Council Member Burnette stated that they would be taking out the ash from the dry stack. He stated that they would then prepare that same location for the landfill, so what that means is that with a lined and capped landfill the coal ash will be no closer to anyone than it had ever been.

Mr. Terrell replied that was approximately correct.

Council Member Burnette questioned the membrane thickness.

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Mr. Terrell replied that it was 60 mil. Sometimes DENR requires that you have double that. It was very expensive but it is so thick, you cannot tear it, there were a lot of types of firearms where it was hard to shoot certain bullets through some of these. It was thick.

Council Member Carter asked if DENR was going to require the spacing and number of wells.

Mr. Terrell replied that was determined by tests that were done on site today, what they have ongoing for the past few months, where they were doing soil boring, to determine the composition, where did the water exist, what was the topography, where did the water flow. Based on those studies the engineers for Duke make recommendations to DENR as to where those wells would be. DENR though makes the ultimate decision as to whether the engineer's recommendations were followed.

As there were no other questions by City Council Mr. Terrell closed by making some personal comments. He explained that he would reach his 30th year of practicing law in just a few weeks. He stated that he had never said this before but many of them know that his land use and zoning practice had given him opportunities to practice in almost every county in North Carolina. He had learned in that time that there was a very wide variation in the quality of leadership in cities and counties and a lot of them have been clients.

He explained that they started a long process and they spent a lot of time together and got to know people and you get to know people's character. During this time he never had a moment that he could not reach staff. There was never a time where if he could not reach them that they did not get right back to him. They were up against some very legal complicated principles and regulations and at every moment Erin Gilley was always there to help. She pushed him, she was outstanding as a sounding board and a second guesser and somebody to help wrestle these ideas to make sure we were thinking about the legal issues from all angles.

Ms. Kelly Stultz was one of the best planners in the State of North Carolina. He had worked with her a lot and he always knew where she stood and what her opinion was. She proceeds from facts and she was always prepared. Mr. Corcoran kept them on the big picture, facts and figures, to keep it focused, not just on neighborhoods, safety and health but also on tax base and jobs. Mr. Jim Burnette was wise and judicious. As for Mayor Tuggle it was rare you find an elected official who says exactly what he thinks. There was never a time that he or Duke did not know where he stood. One thing he noted that when they began this behind closed doors he approached this issue with the protection of neighborhoods and citizens with a passion that could not be rivaled by anybody. He stated that he had never had disrespect for the City of Eden but he could certainly say that over the past several months his respect for they were and how they govern themselves and how they make decisions has grown every time they have been together. He thanked Mayor Tuggle for the opportunity to be on the team and have the opportunity to represent this great city.

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Mayor Tuggle stated that he appreciated the kind words and also what an integral part he had played trying to work through this agreement and come out with the right thing and he really felt good about what has been accomplished. He thanked him for all he had done. Mayor Tuggle then introduced Mr. Davis Montgomery, District Manager for Duke Energy.

Mayor Tuggle asked Mr. Montgomery to provide an overview from Duke's point of view and how he felt about the agreement.

Mr. Montgomery asked them to step back to the beginning and look at the agreement, the most important statement in that agreement was the long going relationship that Duke Energy has had with the City of Eden. That was very important to them and it was not going to change. When they began the process and as Mr. Terrell alluded to there were 3 or 4 things that rose to the forefront. (1) the relationship (2) the community and the effect on the community (3) the economic development liability of a piece of property that was very important to the City of Eden and (4) overlaying this was the mandate that they (Duke) have from the State of North Carolina to get this work done and to get it done in the right manner by August 1, 2019. He stated that they each had their constraints and tensions in what they were trying to work from and trying to get to, trying to keep those things in mind and trying to keep it in balance. As Mr. Terrell described there were some interesting discussions that were very revealing and in depth and they covered every perspective you can imagine to make sure they were making the right decisions. He had to look after his company and they have to look after the City of Eden and they have a relationship together. Those 3 things were very important. If they look at the agreement, he thought it did a great job of balancing those things together. They (Duke) can do what they need to do with protection provided to the City of Eden for the piece of property and for the community, they can meet their mandate from the State in the manner that they have been directed to do it. He stated that he felt very good about the agreement and his management felt very good about it and they appreciate the cooperative effort that they have had.

Mayor Tuggle stated that the leachate thing always comes up, about the collection process and the treatment. Mr. Terrell talked about how the leachate filters through and of course the drainage system and the collection area there. He asked that if any of this leachate does filter through into this collection system, how they would treat it and would it go to the Eden wastewater treatment.

Mr. Montgomery replied that it had to be handled, it had to be treated and it had to be disposed of in the proper manner. They have several options, one of which was to connect to the city's system and sending it there. The other was for them to do something onsite that treats it and has the same protections as you would by going through a municipal water system. He did not know where the project manager was so he could not say for certain. He did know that the municipal water waste treatment plant was a very good option.

Mayor Tuggle replied that was something that they would give a definitive answer on that at some time or another as to which option they would use to deal with the leachate.

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Mr. Montgomery replied absolutely. For Duke, as a permitting process they would have to run that treatment as a treatment plant, which can be very technical, comprehensive and time consuming. So, they have to weigh that against sending it to the City of Eden. He explained that a broad conjecture of how that would work, in the early stages they are going to move the dry ash first. That would be going to Jetersville, Virginia. What was in the wet basins would be dried out as much as it possibly can and then it would be placed in the lined landfill. Obviously it would have some moisture content in it so in the very early days of that landfill's operation you would see more leachate. As that landfill is there past the first year the water will be draining out of it and disposed of in the proper manner. As time goes on it will become a very dry material with little moisture content in it and a permeable layer on the top and the bottom.

Mayor Tuggle stated that Mr. Terrell also spoke about test wells. He asked how many there would be at this point and how often they would be checked. He added that he was sure that the EPA and NCDENR would be all over them on this type of stuff.

Mr. Montgomery replied that what he could say was that they have installed 3 new wells just to get a handle on what was taking place there today and as the landfill is constructed, Mr. Terrell gave a very accurate description of what would take place as they start to do studies. Now, they know that soil as it is today and once they take that dry ash out of it and get to the bottom of what that existing dry ash fill is, they are not sure what they would find. What they are really concerned about was the distance they need to maintain in the bottom of that landfill and any sort of surface or groundwater. So they will be very careful about that and look at that very closely and then from that they would make a determination about the number of wells. They will submit all of that to DENR and they would tell them at the end of the day how many they will have and where they would be.

Mayor Tuggle stated that he also never liked to address rumors but there have been so many rumors associated with this whole process that he had to say something about it. He asked him to tell him about a landfill at Blue Creek neighborhood.

Mr. Montgomery replied that he did not know what he was talking about.

Mayor Tuggle stated that answered his question. That was one of those rumors that had gone around and had absolutely taken traction in the community and he had someone say something to him about it.

He stated that the next rumor was the use of hog waste and the possibility of locating a lagoon here in a minority neighborhood. He stated that he knew about the bio gas process that Duke is required by the State of North Carolina, that you have to have less than 1% at this point and it eventually goes up to 2% in 2020, but the bio gas, where did it come from. This was also a rumor that got some traction in the community about the possibility of hog lagoons being put near neighborhoods and the smell would cause all sorts of problems. These are types of things that he hears as mayor and he has to address.

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Mr. Montgomery explained that Duke Energy has a mandate from the State of North Carolina that a set percentage of their generation must come from bio fuels, solar, wind, bio mass, whatever is a renewal technology. They also have certain criteria that they have to meet so it cannot all come from solar or wind and they are doing very well in meeting the criteria that they need but one area that had been lacking has been in bio mass. That was when you take agricultural animal bi-products and you extract methane gas from it and use that to run a generator or...

To which Mayor Tuggle commented just like the Rockingham County Landfill operates, to extract methane gas, same process.

Mr. Montgomery replied that was correct. He explained that it had to be treated, it had to go through a refined process to be able to burn into a generator like that, much less a station the size of Duke's. What they are trying to do, they have asked for a permit to burn less than 1% of the total amount of gas using bio gas or gas from bio mass. Now, there will never be a lagoon built anywhere near the Duke Energy property or any of this property up here for a variety of reasons. It was exorbitantly expensive, the permitting for it would never happen, it was in the new I-3 zoning area and the other fact about it was you did not want to build a lagoon for that type of material and bring it in because it is a very wet material and you would be riling it in and it would not be a pretty process. So, it was not something that Duke would ever consider. They were not in that business and they were not going to start in that business.

Mayor Tuggle stated that as he understood it, what Duke uses now comes from Oklahoma and Missouri and those were the conversion stations that are there and it actually goes into the pipe and whether that little tiny portion even gets to North Carolina was questionable.

Mr. Montgomery replied that was exactly right. They have a contract with firms out in the mid-west and they were currently extracting gas and putting it into a refining process and injecting it into the trans-continental pipeline. If you look at the total number of BTU's they are contracting about less than 1% of that total amount with this company. What they do, they inject that amount of gas into that trans-continental pipeline out in the mid-west. Then that gas will intermingle with all the other gasses in that pipeline and then it will go its various ways. It was sort of like taking a dropper of red dye and drop it into the waterline out in Oklahoma would that red dye after mixing into a huge pipe full of water ever make it to Eden, North Carolina. He added that if you want to look at it in one way, it was a paper transaction for them and if they can meet that renewable criteria that they have to meet, whether an actual molecule of that gas would ever make it to the Dan River, he just could not say. But, you can imagine how diluted that would be when it comes through that big pipe.

Mayor Tuggle explained that the reason he even addressed this was because the City Council had to go out into the community and there were people who hear these things and it was nice to hear what the real reason was. Where, someone had taken a half truth or a little bit of the truth and then say it was going to be in neighborhoods and it smells bad, people needed to know that. So, it was real to these people and until somebody could tell

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them the facts and what the truth is, it was their (Council) responsibility to make sure they were told the truth.

Mr. Montgomery stated that they were sorry that it had happened and they had actually given a press release about this about 3 or 4 weeks ago. He added that he was open to meet with anyone who would like to meet who had a question and his number was readily available.

Mayor Tuggle added that after this he hoped the word would get out. He wanted to go into the communities and tell people exactly how things are. He asked if there were any other questions by the City Council. He then expressed appreciation to Mr. Montgomery.

Statement by Mayor Tuggle:

Duke Energy Agreement with the City of Eden

Following are summary points and explanations in the Duke Agreement:

1. Duke must remove all coal ash from the Dan River surface impoundment (coal ash basins) no later than August 1, 2019 for safe storage in a permitted landfill or for beneficial use as allowed by the Coal Ash Act.
2. The construction of a coal ash landfill will be on the premises of Duke's Dan River Facility near the existing basins and outside the floodplain and remote from residential neighborhoods. (In other words, the landfill will be on the existing site and not near any neighborhoods. Approximately 1.3 million tons of coal ash from the wet ponds will be transferred to the new lined landfill near the existing coal ash ponds.)
3. Duke Energy will use Hopkins West and below Rosewood Drive for TEMPORARY storage. The temporary storage will be located west of MGM as a staging area for transfer to rail cars and the eventual export to a permanent storage location outside of Eden. (Approximately 1.4 million tons of dray ash will be transferred by rail to a permanent location outside of Eden.)
4. The removal of soil or fill dirt from Hopkins West will be used for the construction, operation and closure of the coal ash landfill on the premises of the Dan River Facility.
5. Any removal of soil or fill dirt from Hopkins East used for the construction, operation and closure of the coal ash landfill on the premises of the Dan River Facility will be replaced and restored to its equivalent state as it existed at the execution of the Agreement. (This is to keep the Hopkins East property as a viable option for potential industry wanting to locate in the City of Eden.)
6. Duke agrees as follows regarding removal of soil from Hopkins East and Hopkins West for the construction and operation of a landfill at the Dan River Facility: (a) no soil may be removed from areas within 100 feet of property used or zoned for residential purpose or from the front, rear or side yard setback areas of I-2 property; (b) no soil may be removed from flood hazard areas.

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7. Duke shall grant the City a three year option period to purchase Hopkins East for a price of \$1.5 million. Duke is allowed to market the property during this time period. Any buyer must meet the standards of the zoning codes of the City of Eden.
8. If the City of Eden buys Hopkins East, all due diligence from documents, engineering, site data, soil borings, etc., will be assigned to the City.

Other Facts:

1. The new landfill near the two wet ponds will be lined with an impermeable material. The landfill will be covered with an impermeable material and then covered with earth.
2. The landfill will have numerable filters to remove the leachate. Any leachate that filters to the bottom of the landfill will be captured in a collection area. Any collection will be treated and monitored by the NC Department of Environmental and Natural Resources as well as the EPA.
3. Duke Energy will maintain test wells to monitor any contamination to the ground water.
4. The Dan River will be monitored by the EPA.
5. Duke does not and never has had plans to put a landfill in the Blue Creek neighborhood.
6. Duke has never had plans to use hog waste to power their Eden local natural gas facility. Therefore, the suggestion that there may be hog waste near a neighborhood is totally false. The government requires Duke to use alternative biofuels at the rate of approximately 1% to supplement their overall strategy for energy use. Duke contracts with facilities in Oklahoma and Missouri for the hog waste methane that is a tiny part of the total natural gas used for the Duke Energy facilities. It's questionable if any of that methane even makes it to NC.

A motion was made by Council Member Burnette seconded by Council Member Ellis to approve the agreement with Duke Energy. All Council Members voted in favor of this motion.

PUBLIC HEARINGS:

- a. Consideration of a zoning text amendment request and adoption of an Ordinance to amend Section 11.24(o) (1) of the City of Eden Zoning Ordinance to allow permanent storage of coal combustion residuals in the Industrial-2 district. Request submitted by the Eden City Council. ZONING CASE Z-15-02.

Mayor Tuggle asked Ms. Kelly Stultz to come forward.

Ms. Stultz explained that the city has received a zoning text amendment request from the City Council to amend Section 11.24(o)(1) of the City of Eden Zoning Ordinance to allow permanent storage of coal combustion residuals as a permitted use in the

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Industrial – 2 zoning district. She explained that Staff recommends that the text amendment be approved.

At their May 5, 2015, special meeting the Planning Board voted to recommend that the City Council approve this request and adopted a Resolution Adopting a Statement of Consistency Regarding the Proposed Amendment.

Mayor Tuggle called for a public hearing and asked if anyone was present who wanted to speak in favor or in opposition of this request. As no one came forward, he declared the public hearing closed.

- b. Consideration of a Resolution adopting a statement of consistency regarding the amendment of Section 11.24(o)(1) of the City of Eden Zoning Ordinance to allow permanent storage of coal combustion residuals in the Industrial-2 district.

A RESOLUTION ADOPTING A
STATEMENT OF CONSISTENCY REGARDING
A PROPOSED AMENDMENT TO THE
CITY OF EDEN ZONING ORDINANCE
CASE NUMBER Z-15-02
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, City of Eden Planning Board received a request from the City Council to amend the Zoning Ordinance to allow permanent storage of coal combustion residuals as a permitted use in the I-2 Industrial Zoning District;

WHEREAS, On May 5, 2015, the City of Eden Planning Board voted to recommend changes to the Zoning Ordinance as follows:

To amend Section 11.24(o) District Regulations to allow permanent storage of coal combustion residuals as a permitted use in the I-2 Industrial District.

STATEMENT OF NEED:

This section is amended to allow permanent storage of coal combustion residuals (but excluding any such material that was not generated on the site of a former coal fired utility plant located within the planning jurisdiction of the City of Eden) in the I-2 Industrial District. (Such property will be identified by its tax parcel number as of January 1, 2015. The storage shall be permitted by the State of North Carolina as a Coal Ash Landfill and shall be subject to all such rules and regulations.)

STATEMENT OF CONSISTENCY:

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The goals of the 2007 City of Eden Land Development Plan, as amended, 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.

WHEREAS, The Eden City Council has considered the written recommendation of the City of Eden Planning Board and has held a public hearing on the proposed amendment, and the Council desires to adopt a statement describing why the adoption of the proposed amendment is consistent with the City of Eden Land Development Plan, and why the City Council considers the proposed amendment to be reasonable and in the public interest;

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, as amended.
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 21st day of July, 2015

CITY OF EDEN

BY: Wayne R. Tuggle, Sr., Mayor

ATTEST:

Sheralene Thompson, CMC
City Clerk

A motion was made by Council Member Burnette seconded by Council Member Ellis to approve the zoning text amendment request and adoption of an Ordinance to amend Section 11.24(o) (1) of the City of Eden Zoning Ordinance to allow permanent storage of coal combustion residuals in the Industrial-2 district and to adopt a Resolution statement of consistency regarding the amendment of Section 11.24(o)(1) of the City of Eden Zoning Ordinance to allow permanent storage of coal combustion residuals in the Industrial-2 district. All Council Members voted in favor of this motion.

REQUESTS AND PETITIONS OF CITIZENS:

No one came forward to speak at this time.

UNFINISHED BUSINESS:

- a. Board and Commission appointments.

July 21, 2015

City of Eden, N. C.

Minutes of the regular July 21, 2015 meeting of the City Council, City of Eden:

The following seats on the City Boards and Commissions remain to be filled. When making appointments, please consider whether these persons have the time or the ability (for whatever reason) to attend regular meetings and participate in the activities of the board or commission.

Mayor - Community Appearance Commission: Vacant

Ward 6 - Historic Preservation Commission: Vacant

Ward 3 - Tree Board: Vacant

No appointments were made at this time.

REPORTS FROM STAFF:

No Reports were scheduled.

CONSENT AGENDA:

- a. Consideration and Approval of Minutes for June 16, 2015.
- b. Approval and Adoption of Resolution Donating Personal Property.

RESOLUTION TO DONATE PERSONAL PROPERTY

WHEREAS, the Eden City Police Department owns Whelen light bars, hereinafter referred to as “the property”; and

WHEREAS, the Eden City Police Department has purchased new light bars and has no use for the old ones identified as the property; and

WHEREAS, the City of Eden recognizes that the property has been rendered surplus and unused; and

WHEREAS, the City of Eden desires to donate this aforementioned surplus and unused property to the City of Reidsville Police Department pursuant to N.C.G.S. §160A-280; and

WHEREAS, the City of Eden in no way guarantees the quality, fitness of purpose or effectiveness of this property, and in no way does the City of Eden endorse this type or brand of property, and the City of Eden has made this disclaimer known to the City of Reidsville Police Department; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council for the City of Eden that the Whelen light bars be deemed surplus and unused and that they be donated to the City of Reidsville Police Department.

APPROVED, ADOPTED AND EFFECTIVE this 21st day of July, 2015.

CITY OF EDEN

By: Wayne R. Tuggle, Sr., Mayor

ATTEST:

Sheralene Thompson, City Clerk

July 21, 2015

City of Eden, N. C.

Minutes of the regular July 21, 2015 meeting of the City Council, City of Eden:

c. Consideration and Approval of Traffic Study Recommendation for Stadium Drive between Woodview Drive and New Street and Adoption of Ordinance.

A traffic study was received from Council Member Jim Burnette in reference to traffic conditions on Stadium Drive between Woodview Drive and New Street.

The speed limit on Stadium Drive between Woodview Drive and New Street is currently 35 MPH. This area is considered an important thoroughfare for traffic traveling east and west for the eastern side of the City of Eden. The area is a mixture of business, residential, and institutional. Several intersections cross the roadway in this area and there is a slight hillcrest east of Woodview Drive that may cause a vision obstruction.

The Police Department's recommendation would be to erect a sign warning of "Vehicles Entering Highway," - including a 25 MPH warning sign, for vehicles traveling both directions upon Stadium Drive between Woodview Drive and New Street.

d. Consideration and Approval of Traffic Study Recommendation for Traffic Calming on Highland Drive and Adoption of Ordinance.

A traffic study request was received in reference to traffic calming on Highland Drive from Councilman Jim Burnette.

The speed limit on Highland Drive is currently 25 MPH. There are currently two stop signs at the intersection of Highland drive and Glovenia Street.

Highland Drive is a residential area that also includes Leaksville Spray Elementary School. There is a high volume of traffic when school is letting in or out. Some motorists use this street as a cut-through to travel between Kings Highway and Boone Road. Traveling straight on Kings Highway to Bridge Street and then to Boone Road would be more appropriate as these roadways are designed for such traffic flow. Creating a three-way stop at the intersection of Highland drive and Glovenia Street would help to calm the traffic in the area of the school.

North Carolina General Statute 20-158(b) (1) reads as follows:

(b) Control of Vehicles at Intersections. –

(1) When a stop sign has been erected or installed at an intersection, it shall be unlawful for the driver of any vehicle to fail to stop in obedience thereto and yield the right-of-way to vehicles operating on the designated main-traveled or through highway. When stop signs have been erected at **three** or more entrances to an intersection, **the driver, after stopping in obedience thereto, may proceed with caution.**

The Police Department's recommendation would be to place a stop sign at the intersection of Highland Drive and Glovenia Street for northbound traffic on Highland Drive making the intersection of Highland Drive and Glovenia Street a three-way stop. Enforcement of the speed limit should continue along with enforcement of the new stop signs.

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

July 21, 2015

City of Eden, N. C.

Minutes of the regular July 21, 2015 meeting of the City Council, City of Eden:

ANNOUNCEMENTS:

Mayor Tuggle announced that the NC Dixie Youth tournament was going on at Freedom Park as well as the Major Small League.

ADJOURNMENT:

A motion was made by unanimous consent to adjourn. All Council Members voted in favor of this motion. This motion carried.

Respectfully submitted,

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

ATTEST:

Wayne R. Tuggle, Sr., Mayor