

CITY OF EDEN, N. C.

The regular meeting of the City Council, City of Eden, was held on Tuesday, August 16, 2016 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:	Bernie Moore
	Jim Burnette
	Angela Hampton
	Jerry Epps
	Darryl Carter
	Neville Hall
	Jerry Ellis
City Manager:	Brad Corcoran
City Clerk:	Sheralene Thompson
City Attorney:	Erin Gilley

Representatives from Departments:
News Media:

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. A.C. Brock, Pastor, Leaksville United Methodist Church, gave the invocation followed by the Pledge of Allegiance.

RECOGNITIONS:

- a. Eden Youth Council Oaths: Swearing in of Eden Youth Council

Mayor Tuggle asked Mayor Pro Tem Jim Burnette to explain the purpose of the Eden Youth Council. Mayor Tuggle then introduced the following new members of the Eden Youth Council: Holden Barham, Megan Blankenship (absent), Cody Dunn, Samuel Johnson, Austin Panzer (absent), William Prescott, Matthew Shockley, Harrison Smith, Alaa Suleiman (absent), Blair Tuggle, and Dylan Willey (absent).

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Each member present was then sworn in by Mayor Tuggle as a 2016-2017 member of the Eden Youth Council.

RECOGNITIONS:

Mayor Tuggle took a few minutes to recognize Scout Troop 553. Six members stood as members of the troop and Scout Master Jim Downs explained that the group was working on their Citizenship in Community Merit Badge.

SET MEETING AGENDA:

Mayor Tuggle stated that they needed to pull item 10(a) Eden Rescue Squad Presentation and also to add to Closed Session NC143-318.11(a)(5) – a closed session to establish or to instruct the public body’s staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase option, exchange, or lease; or (ii) the amount of compensation and other material terms of an employment contract or proposed employment contract.

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

PUBLIC HEARINGS:

No Public Hearings were scheduled.

REQUESTS AND PETITIONS OF CITIZENS:

Mr. Scottie Roberts, 414 Glenn Street, addressed City Council.

Mr. Roberts explained that one of their items of business involved his mom’s house. His mom has COPD Stage 4 and she is on oxygen. They have been unable to find a place to live as the city has condemned their house. He explained that he was there to ask them to allow them time to find a place to live.

Mayor Tuggle explained that the item would be coming up soon and the City Council may have some questions for him at that time.

UNFINISHED BUSINESS:

- a. Report by Mr. Davis Montgomery, District Manager, Duke Energy

Mr. Montgomery explained that give them a little bit of an update.

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He presented an overview of the Dan River Basin as it is today. He called attention to the river located at the bottom of the picture. He showed them the dam and the old Dan River Station adjacent to it. He noted the stacks have been removed and the rest of the demolition will probably take place this fall. He explained that they would either blow it up or disassemble it. He pointed out that along the river they will see a small basin which is not the total ash basin. He noted that if they look to the right they would see ash basin #1. He explained that more than half of that basin was covered by vegetation. That was intentional. To the right of that you would see ash basin #2 that is the one that still has water in it. What is taking place is that we are moving some of the ash and some of the water out of ash basin #2 and moving it into that area to the right, which is the smaller ash basin closer to the old station.

We are having to do this because we have to take the water down and material out at a controlled rate so we maintain the integrity of the dam in ash basin #2. The eventual goal there is to take all of the water of that basin in a controlled manner and then we will excavate that ash and bury at a landfill on the site itself.

If you look up to the right, you will see the rail lines that are leaving the station. They built 3 rail lines that will accommodate the move of the ash to Jetersville, Virginia. Dan River has 3 million tons of coal ash, it is the smallest ash basin in the system. He explained that 1.5 million tons of that will go to a lined landfill in Jetersville and that was being done right now. It is being moved by Norfolk and Southern via railroad. This is a controlled operation. We move that ash from the stack, you can see the stack on the right hand side of the picture. It has a road around it and that is where we have taken a portion of the dirt off, we have exposed portions of the ash so we can dig it up and take it to the rail line and load it on the rail cars and ship it out. We are doing that in a controlled manner. You can see we did not expose the entire ash stack. We keep dirt on top of that that we are not ready to move so that it does not become airborne and does not get caught up by the wind. At the end of the day we secure that ash with a substance that we spray on top of it to make sure it does not get airborne.

To give you an idea of the scope of the operation, those dump trucks move the ash down to the rail line. We have a front end loader there that will scoop 28,000 pounds for every front end loader. They will load it into a railcar that will hold 100 tons and that entire rail car line will be 60 cars long, so 100 tons per car, 60 cars, and 6,000 tons goes out with every car that goes out. We are doing that at the rate of about 3 railcars a week so that is about 18,000 tons going out each week. As for now we have been at it for a little over a year or so. We have moved over half a million tons of coal ash so far.

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To give you some idea of the scope or the impact that it could have, if you were going to have to move that ash by truck each week, that would be 1,000 truckloads at 18,000 pounds apiece going up and down the road through this community.

When I say it is an engineered operation when that scoop of ash goes into that railcar, it has something like a tarp in it, is very heavy duty and a lot heavier than your residential tarp, it is lined in the bottom and once it is full it is folded over in a specified manner and secured by what is described as big bungee cords so as that train moves up the rail line it does not become airborne. When we get to Jetersville, we unload it that tarp is not reused, it is recycled and we start over again with a clean tarp when we come back.

This is an engineered operation and not just a typical construction operation. We have oversight by the state and sometimes by the by the Federal government and by others who come in and look at this on a periodic basis.

If you see the parking lot in the middle that is our dry ash stack #2. So what will happen, the ash stack #1 which is currently being excavated, all of that will go to Jetersville. In that place where that ash is dug up we will construct a fully lined landfill. Then the ash from ash stack #2 will be moved into that landfill as will the ash from the basins down by the river.

It will be continuously monitored, we have 89 wells that we have dug and placed around that site. These are monitoring wells of different descriptions so this is not your everyday well drilling operation. There is a geotechnical engineer on the site, he tell us exactly how deep to go, he monitors what is put out, there is a certain strata he wants us to hit and a certain level of the ground water he wants us to measure. So, we have 89 wells at this station and close to 300 at Blues Creek. They are there running full time and for different purposes.

That is a little update on the ash operations and a little about the stack and what was going on there.

The Dan River itself we continue to monitor the water in the river on a regular basis. This is something we do for state compliance so there are different things we are looking for.

We are taking fish tissue and samples to see if anything is going on and we also monitor the water itself both the surface water and the water at a deeper level so they want to see if any ash is getting water borne for whatever reason.

As you know from our first operation, we moved all the ash that we could find in the river and we were directed by EPA to do that and as of today we have found no other ash in that river that warrants us to move back in. However, they would do that if that was what they find.

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The other thing they take a look at is the benthic layer. That layer is the first 6" of mud, sediment and microorganisms at the bottom of the river. It is absolutely essential to the ecosystem and the life in the river, it cannot exist without it, this is what the turtles, fish, and the frogs and everything live off of. If something is going wrong with your ecosystem, it will be taking place in the benthic layer first. So, we monitor that also on a periodic basis. The state did it as well last year and they said it was doing very well and gave it their highest rating. The Commonwealth of Virginia and also the state of North Carolina is also doing some monitoring.

He explained that he would now like to turn to House Bill 630 and this is an update of the Coal Ash Management Act. He explained that it was called the Drinking Water Protection and the Coal Ash Cleanup Act. The difference in this bill and the one that was in place before is that first off, drinking water protection was at the height of the bill. NCDEQ and NCDHS both agree that the majority of water tested at ash basins meet further requirements per se for clean water. However the state issued a do not drink order for some wells near our basin and then they withdrew that order. So, obviously there was some confusion amongst the people who live nearby some of their ash basins.

So this Act provides that Duke Energy will provide a clean drinking water source to anybody who lives within one half mile of a perimeter of our property is provided for and that is usually done with a municipal water system, a county water system, a private water system, or a whole house water filtration system, it can take one of those forms.

We are still working through this bill with NCDEQ to understand it and exactly what our obligations are and what the goals are we have to meet. That is supposed to be provided by 2018. To give you some idea of what it may cost as we look at the earliest it is anywhere from \$30,000 to \$160,000 to serve some customers, it depends on the distance from the local municipal water line.

So there will be judgments that will have to be made as we take a look at that and the best way to do it. If you look at Dan River we only located 2 wells within one half mile of our Dan River property. The first indication is that one of those wells is ours and it is a monitoring well and it was on our property. The other is across the river, we are not sure about the validity of those being within that one half mile but we are going to research it and find out for sure if that is the case it would be a little more difficult than what we thought. There is not a place where you can find records on every single well, some were done on their own, some through the county so you just do not know that they are out there. So, two are all we have identified and it may end up just those two and neither one of them were going to be affected.

He continued that House Bill 630 also says that the state recognized that when they put a rating on our ash basins they had 3 ratings on our ash basins low, intermediate and high.

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He explained that intermediate and high says you have to completely excavate those ash basins and put it into a lined landfill. Low means you can cap in place and that means you basically put a shield over the top of that ash and water never gets to it so it never migrates. A completely lined landfill means you dig it up, you put linings in the bottom and you put a cap on top so it is completely enclosed in a lined landfill.

So the state recognized that some of our ash basins did not warrant that level so this bill gives them the ability and us to work through a few issues to see if we can affect a different rating because at the end of the day, a complete excavation into a lined landfill is a very expensive process. Also, our neighbors Georgia Power, Dominion Power, and Appalachian are doing a cap in place. It has been approved by the EPA and it was just as effective. That is the reason we want to explore that and make sure we are doing the best for our customers as well as for our communities.

This study also provides for the beneficial reuse of ash for the concrete industry something we did not have before. We have a test pod over here at Dan River where we are going to take about 4,000 tons to a kiln in Virginia as there are none in North Carolina. We are going to try to take it up there to see if that they can use different mixtures and use it in their concrete.

You may have read about A&T, the group there has found a use for coal ash in Wall board that makes it inflammable along with some other uses so there is a lot of research into this material and to beneficially reuse it and not just put it in the ground and walk away from it.

The emphasis at the end of House Bill 630 is to say that some things have changed, the water portion of it is probably the major change, but as far as the Dan River, nothing has changed about what we are doing at Dan River. It is still a high priority ash basin, it has to be excavated by 2019 or put into a lined landfill and it is going to stay that way. He did not want anybody to be misled because there was a lot of activity and conversation out there but nothing about what they are doing at Dan River has changed.

Mr. Montgomery then explained that they have had a chance to do some things in the community. They awarded their second grant through Rockingham County Community Foundation in the amount of \$250,000. He explained that their board oversees projects and their board decides which projects they want to do in the community.

They also awarded \$91,000 to Rockingham County for the purchase of land along the Dan River. That was through their Water Resources Fund which was a completely separate fund that covers 5 different states for water tributaries in those 5 states.

He added that Piedmont Land Conservancy recently acquired 354 acres for the lower Mayo State Park. Duke Energy basically provided the funding for that purchase. This is

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part of the Natural Resource Damage Assessment Agreement that we have with the trustees of the state and federal government, the states of Virginia, North Carolina and Fish & Wildlife. So we have been looking for projects that will help remedy the damage that has been done to recreation and other things done by the spill in the river. So that 354 acres which has been a goal of this community of this region for almost 2 decades, was caught up in 22 or so family trusts at some point, they were able to bring that across the line.

Mr. Montgomery stated that he also wanted to talk about the Dan River stake holder team. This was a group of 12 people that started out having public meetings and their purpose was, realizing there were gaps left by what the state is doing and gaps left by what the federal government is doing. They want somebody to talk about what we can do in our community to help the Dan River Basin communities.

So this is a group of individuals, business people, some from municipalities, some from chambers of commerce, some from rafting and boating companies, there has been a hodgepodge of people and one of them is a State Park Ranger, and they have been brought together to talk about what is that we would like to do for the community.

They landed on 2 or 3 items as a top priority. They did this through surveys and public meetings. The highest priority was some sort of promotional campaign for the Dan River Basin. They will soon begin seeing a video promoting the communities and the activities on the river. It will be done by a Dan River team of folks who have put this together. Duke Energy is on that team, but they do not make the decisions or direct what that team does.

Probably the hardest thing they had to do was to come up with a logo for the Dan River Basin area. They have come up with that logo and it incorporates the number 8 because as he understood it, the Dan River crosses the state line 8 times.

Mr. Montgomery explained that this was just a quick run-through and he then asked if there were any questions.

Mayor Tuggle stated that he just wanted some things to be re-emphasized. He stated that he still heard people say that their drinking water in Eden was affected by the spill. He explained that he just wanted everybody to know that this spill happened 3.5 miles below where the city's raw water intake was located. So that has never been the case and it is not the case now. He just had to reemphasize it and say it over and over again.

Mr. Montgomery added that even Danville, whose water intake was below where the spill happened, their filtration system did its job and their drinking water was never affected by the ash spill.

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Mayor Tuggle that the other thing he heard constantly was about ground water and ash in the air. Of course he thought Mr. Montgomery had reiterated over and over again, all the way down to the microorganisms, that was how far down they were going testing, plus there are 89 test wells in this area to make sure ground contamination is not there and even the ash he was talking about, he has had citizens to mention fly ash in the air, well he saw the place himself, and he saw how they wrap this stuff up on these rail cars as they go out so it was pretty encapsulated when it goes out of here.

Mr. Montgomery explained that it was an engineered activity and there is nothing about that site that happens that they do not know about. If they park a large machinery out there it was placed on tarps if there is an oil sheen or sheen of any and they go to crank it up in the morning then that piece of machinery does not go out until they find out what it is. He stated that this was probably the most scrutinized site, it was one of the most active, it was the first one, so you can imagine there was a lot of oversight on this.

Mayor Tuggle stated that another comment that comes up, there was no ash near any neighborhoods that was discussed from the very beginning with Council Members, attorneys, to make sure it was just that staging area and that has not changed any at all.

Mr. Montgomery replied that was absolutely correct. We made an agreement and that you look at that staging area and it is well below a line that we identified with the city and said, we will not have any ash operations to make sure it is above that line.

Mayor Tuggle added, to make sure it was not close to any neighborhoods anywhere.

Mr. Montgomery agreed it was well back within their (Duke Energy) property boundary.

Mayor Tuggle also added that there were no personal wells within a half a mile of the staging area to which Mr. Montgomery replied, not that they could find.

Mayor Tuggle stated that most people do not know what leachate it is and asked him to explain what they do until it was encapsulated.

Mr. Montgomery explained that this coal ash has been under water for decades. So it is well saturated. Under water it is a very simple operation, it basically keeps it from getting airborne and that was the purpose of the water. You have a foot to five feet of water on top of it. As the water was taken out of that basin and then the ash was taken out, it has to reach a certain moisture content level before we can put it in the landfill. It will not be completely dry but it will be almost dry. Then once you put what was going to be this amount of ash into a landfill and let it settle, over time that water will filter down through down to the bottom. There is a collection system and that is called leachate. This is the same thing that happens in your municipal landfill.

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So we will have a system in the bottom of this landfill that collects it and then it would be sent to the City of Eden's Water Treatment Plant to be treated. The city has already looked at the constituents in it as well as the state. It was the sort of thing that your treatment plant can handle without any trouble.

What will happen over time, that material will eventually completely dry out, over 3, 4 or 5 years and you will see that those gallons of leachate will slowly start to diminish until it gets to a point where it is almost completely dry.

Mayor Tuggle questioned that no ash from any other sites will come to the Eden site.

Mr. Montgomery explained that unfortunately they did have another permit hearing in July on the 27th but at the very first meeting NCDQ mistakenly printed the wrong information and on that permit it said material from the Dan River as well as other Duke Energy sites and that is absolutely not the case. When they saw it they contacted them and sent them the documentation that we have an agreement that says "only Dan River material goes in the Dan River landfill. That corrected it and at this hearing they had the corrected documentation. So, there is no material coming from any other station that will go into the Dan River landfill.

Mayor Tuggle asked the City Council if there any other questions.

Council Member Ellis thanked Mr. Montgomery and also Duke Energy for what they have done for the community.

Mr. Montgomery replied that it has been a hard couple of years for them and this has been their effort ever since it happened and they were going to do it absolutely right. We are not only looking out for doing the right thing we also have to look after our customers and shareholders.

Mayor Tuggle thanked him for coming and providing the information and updates.

NEW BUSINESS:

- a. Eden Rescue Squad Presentation. (*pulled*)
- b. Request to adopt an ordinance for the demolition of a structure at 414 Glenn Street under the City of Eden Human Habitation Ordinance.

The City of Eden Human Habitation Standards Ordinance and the enabling legislation permit the City Council, upon adoption of an Ordinance, to order the repair or demolition of the structure. An estimate for the demolition of the structure on this property is \$8,170.00. Once the demolition is done at the City's expense, actions can be taken to recoup the funds in the same manner as the collection of special assessments.

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Ms. Stultz explained that they had been working with the family since 2014 to try to find a way to deal with this situation. The Fire Marshal, Todd Harden, had told her that if there was a fire and unless there was a need to rescue a person, he would not let his staff go in there. It was very difficult to recommend this house be demolished because it was owner occupied. They have not have had water to the home in more than a year, the sheet rock is down, the ceiling tiles, and you can see that this was not conducive to their health and Mrs. Doyle was on oxygen. The bathtub has fallen, not all the way through but it has dropped 2 or 3 inches through.

She explained that they wanted to ask that the City Council approve the demolition of this residence once social services finds them a safe place for them to go. They want to make sure that they understand the urgency that they have to leave. The estimate to demolish the house and clean the site is \$8,170. She stated that they wanted to ask them to approve the demolition subsequent to them finding them a house

In response to a question by Mayor Tuggle as to how far along they were in trying to find a place for them to go.

Mr. Johnny Yow, representative from Department of Social Service explained that there were different variables involved. There are 3 people involved as she wants her son to be with her. They are trying to find a place in Eden, she wants to be near the hospital and there were a few other barriers so it was making it difficult. They have made some attempts to go out and find various housing but it was difficult to find in the city limits.

Mayor Tuggle asked if it had to be in Eden to which Mr. Yow replied that they would like to stay in Eden. Ms. Stultz added that it did not have to be in Eden.

Mayor Tuggle stated that he wanted to make sure they did not put them out without a place to go. Sometimes you do not have a choice and you have to take what you can get if it was suitable.

Council Member Hampton asked if they had found something close to Eden to which Ms. Stultz replied that there was an issue that they would rather not disclose.

Council Member Ellis asked the age of the sons to which Mr. Roberts replied that he was 45 and his brother was 46.

Council Member Carter asked her to reiterate what they were requesting.

Ms. Stultz explained that she would like for them to approve the demolition of this structure as soon as the Department of Social Services has assisted these people and has found a place that they can go. Or, they can find it themselves. Once a place is found, they want to go ahead with the demolition. She added that she did not want to wait until they decided to move because it was dire enough that they need to do it as quickly as possible.

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Mayor Tuggle also added that sometimes you have to find the best situation for what you have at the time. He asked Mr. Roberts if he had been working with the people at DSS to try to find an option.

Mr. Roberts explained that he did not get home until March as he was incarcerated for 22 years. He had been trying to help find a place. He did not have a license or a car. He had a disability, he took a straight fall while incarcerated and hurt his back, his vertebrae slammed together.

Mayor Tuggle asked if he was working with social services to do the right thing.

Mr. Roberts replied yes, but his brother had his mom's debit card and spent it. Mr. Yow got it from him yesterday and he gave my mother her debit card back. There is now an account set up through Mr. Yow with about \$1600 in it right now to try to get moved. They have looked at a house on Morgan Road that was for rent and they also saw a couple of other places.

Mayor Tuggle stated that sometimes you have to do what you have to do for your mother. If your brother did not cooperate and was keeping her in a house, which was not a healthy place to be as you know.

Mr. Roberts agreed and stated that he had pulled a lot of garbage out since they had seen that video.

Mayor Tuggle asked if he was good with the recommendation to work with social services.

Mr. Roberts replied yes and he could tear it down if they wanted him to once they get moved out.

Mayor Tuggle explained that they have to make a move on this.

Mr. Roberts added that he would rather that the fire department come out and burn it as it would be cheaper.

Mayor Tuggle explained that they deal with things like this every week and the city council and city staff were the bad guys no matter how you do it. He stated they would not put them out of their house until they got another place, but there was a point where you do have to work with people and give them an opportunity to find something.

Ms. Stultz pointed out that one thing to remember was that the State will not allow the fire department to burn a house unless they can get training out of it. Due to the condition of the house, the Fire Marshal is not comfortable with his staff going in.

Mayor Tuggle asked him if he was comfortable with the recommendation to work with social services and then they would take the house down to which Mr. Roberts agreed that he was.

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A motion was made by Council Member Carter seconded by Council Member Hampton to demolish the structure at 414 Glenn Street under the City of Eden Habitation Ordinance after allowing Social Services to assist the owners with finding a home. All Council Members voted in favor of this motion.

REPORTS FROM STAFF:

No Reports were scheduled.

CONSENT AGENDA:

- a. Consideration and Approval of Minutes for July 19, 2016.
- b. Approval and Adoption of Budget Amendment #1.

In fiscal year 15-16, we closed out the Police Pension fund and began accounting for the police separation allowance payments in the Police department budget. However, we had already budgeted for this fund in FY 16-17 budget. The attached budget amendment removes the revenues and expenditures for the Police Pension fund. The expenses are already included in the Police department budget for FY 16-17.

Subject:	Budget Amendment # 1			
	Account #	From	To	Amount
Police Pension Fund				
Revenues				
Pension Fund Interest Earned	77-3831-49000	\$ 100.00	\$ -	\$ (100.00)
Pension Fund Contribution from GF	77-3981-98000	\$ 98,700.00	\$ -	\$ (98,700.00)
Pension Fund - Fund Balance Approp	77-3981-99000	\$ 10,000.00	\$ -	\$ (10,000.00)
				<u>\$ (108,800.00)</u>
 Police Pension				
Expenditures				
Pension Fund Separation Payments	77-4310-12900	\$ 100,200.00	\$ -	\$ (100,200.00)
Pension Fund FICA	77-4310-18100	\$ 8,100.00	\$ -	\$ (8,100.00)
Pension Fund Professional Services	77-4310-19300	\$ 500.00	\$ -	\$ (500.00)
				<u>\$ (108,800.00)</u>

To close out Police Pension fund budgeted in FY 16-17.

Adopted and effective this 16th day of August, 2016.

Attest:

Sheralene Thompson, City Clerk

Wayne Tuggle, Mayor

A motion was made by Unanimous Consent to approve the Consent Agenda. All Council Members voted in favor of this motion.

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ANNOUNCEMENTS:

Mayor Tuggle invited all to attend the reception for the Eden Youth Council oath ceremony that would be taking place during the closed session.

CLOSED SESSION:

- a. Closed Session according to NCGS 143-318.11(a)(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, or to discuss matters relating to military installation closure or realignment. Any action approving the signing of an economic development contract or commitment, or the action authorizing the payment of economic development expenditures, shall be taken in an open session.
- b. Closed Session according to NC143-318.11(a)(5) – a closed session to establish or to instruct the public body’s staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase option, exchange, or lease; or (ii) the amount of compensation and other material terms of an employment contract or proposed employment contract.

A motion was made by Council Member Hall seconded by Council Member Ellis to go into Closed Session. All Council Members voted in favor of this motion.

OPEN SESSION:

A motion was made by Council Member Ellis seconded by Council Member Hall to return of Open Session. All Council Members voted in favor of this motion.

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