

AGENDA

Regular Meeting of the Sawmills Town Council Sawmills Town Hall

Tuesday, December 18, 2012
6:00 PM

1. Call To Order
Mayor Bob Gibbs
2. Invocation
Pastor Buford Pennell
3. Pledge of Allegiance
Mayor Bob Gibbs
4. Adopt Agenda
Mayor Bob Gibbs
5. Approve November 20th Regular Meeting Minutes
Mayor Bob Gibbs
6. Public Comment
Mayor Bob Gibbs
7. Recognitions:
 - A. Yard of the Month Winners
Mayor Bob Gibbs
 - B. Recycle Rewards Winner
Administrator Seth Eckard
8. Public Hearing: For A CDBG Funding Application
 - A. Open Public Hearing
Mayor Bob Gibbs
 - B. Staff Comments/Recommendations
Lisa Helton
 - C. Public Comment
 - D. Close Public Hearing
Mayor Bob Gibbs
 - E. Council Action
Mayor Bob Gibbs
9. Financial Matters:
 - A. FY 2012-2013 Audit Presentation
James E. Lowdermilk, CPA
 - B. Adopt Proposed Council Budget Retreat/Workshop Schedule
Administrator Seth Eckard
10. Planning Matters: Removal of Tractor-Trailers for Storage
Planner Johnny Wear
11. Public Comment
Mayor Bob Gibbs
12. Updates:
 - B. Administrator's Report
Administrator Seth Eckard
 - C. Council Comment
Mayor Bob Gibbs
13. Adjourn
Mayor Bob Gibbs

**TUESDAY, NOVEMBER 20, 2012
TOWN OF SAWMILLS REGULAR COUNCIL MEETING
6:00 PM**

COUNCIL PRESENT

Bob Gibbs
Trena McRary Kirby
Donnie Potter
Joe Wesson
Jeff Wilson
Johnny Wilson

STAFF PRESENT

Seth Eckard
Susan Nagle
Terry Taylor

CALL TO ORDER: Mayor Bob Gibbs called the meeting to order.

INVOCATION: Mayor Bob Gibbs gave the invocation.

PLEDGE OF ALLEGIANCE: Mayor Gibbs led the Pledge of Allegiance.

ADOPT AGENDA: Mayor Gibbs asked for a motion to adopt the agenda.

Jeff Wilson made a motion, and Johnny Wilson seconded, to adopt the agenda. All were in favor.

APPROVE OCTOBER 16, 2012 REGULAR MEETING MINUTES: Mayor Gibbs asked for a motion to approve the October 16, 2012 regular meeting minutes.

Trena McRary Kirby made a motion, and Joe Wesson seconded, to approve the minutes. All were in favor.

PUBLIC COMMENT: Mayor Gibbs asked if anyone wished to speak during public comment.

JD Phillips spoke in regards to a tractor-trailer in a residential area currently used for storage.

RECOGNITIONS:

YARD OF THE MONTH WINNERS: Mayor Bob Gibbs announced Neil and LouAnne Annas, from the 28630 zip code, and Merlin Steiner, from the 28638 zip code, as the November Yard of the Month winners. Mayor Gibbs presented Mr. and Mrs. Annas with a certificate and stated that since Mr. Steiner was not present, his certificate would be available at the Town Hall for pick up.

No Council action was required.

RECYCLE REWARDS WINNER: Mayor Bob Gibbs announced Neil and LouAnne Annas as the November Recycle Rewards winner presented them with a certificate, and stated a credit of twenty-eight dollar (\$28.00) would be added to their sanitation bill.

No Council action was required.

DISCUSSION:

STORMWATER MANAGEMENT PROGRAM: Stormwater Management Technician Jared Wright with the City of Lenoir, gave a brief overview of the stormwater program Mr. Wright stated that Congress wants more restrictions and expects there will be a phase III Stormwater Program by June 2013.

No Council action was required.

EMPLOYEE CHRISTMAS PARTY: Council discussed this year's Christmas party, which will be held on Friday, December 14th, at the pond located on the Wilson Farm beginning at 6:30 pm..

No Council action was required.

FINANCIAL MATTERS:

CALL FOR A PUBLIC HEARING FOR A CDBG FUNDING APPLICATION: Town Administrator Eckard stated Federal Guidelines require all public hearing notices to include a Spanish translation; therefore, the public hearing that was held on January 17th, will have to be called again.

Donnie Potter made a motion, and Joe Wesson seconded, to call for a public hearing on December 18th at 6:00 pm at the Sawmills Town Hall to discuss an application for a Community Development Block Grant (CDBG) for a sewer project. All were in favor.

EMPLOYEE LONGEVITY PAY: The Town of Sawmills pays out an employee longevity pay the first pay period in December.

Joe Wesson made a motion, and Donnie Potter seconded, to approve disbursement of longevity pay for employees. All were in favor.

ADMINISTRATOR CELL PHONE STIPEND: Town Administrator Eckard stated that he uses his personal cell phone a lot for town business. Administrator Eckard asked Council to consider a monthly stipend of \$40.00, which is what the town pays for the Public Works cell phones, and a one-time only reimbursement of \$133.00 half of the cost to upgrade his cell phone.

Joe Wesson made a motion, and Donnie Potter seconded, to approve a monthly cell phone stipend of \$40.00 and a one-time reimbursement of \$133.00 for cell phone upgrade. All were in favor.

PUBLIC COMMENT: Mayor Gibbs asked if anyone wished to speak during public comment.

No one wished to speak.

UPDATES:

CODE ENFORCEMENT MONTHLY REPORT: The enclosed report shows an update of the progress made throughout the Town by Code Enforcement Officer Johnny Wear. Town Administrator Eckard stated there would be a Planning Board meeting on December 4th to discuss tractor-trailers in residential areas used as storage.

No Council action was required.

ADMINISTRATOR'S REPORT: Town Administrator Seth Eckard made the following announcements:

- The Town will hold their first Annual Christmas Tree Lighting Ceremony at the Sawmills Farmers Market field located on the corner of Sawmills School Rd. and Helena St. on Tuesday, December 4th at 6:30 pm.
- Staff will be very busy this Spring working on various projects in the Town so we ask understanding from the Council.
- Coats for Kids and the can food drive are both going well.

- The dates the Office and Public Works will be closed for Thanksgiving, Christmas and New Years and the trash pick-up schedule may be found on-line on the Towns website or you may pick-up a schedule at the Town Hall.
- The Christmas parade will be Saturday, December 1st at 10:00 am. Line-up is on Helena St. and starts at 9:30 am.

COUNCIL COMMENT: Mayor Gibbs asked if anyone on the Council wished to speak.

Mayor Gibbs made the following announcement:

- Mt. Zion Baptist Church will be serving lunch on Christmas Day, December 25th at 1:00 pm. The event is free and open to the public and will last until they run out of food.

ADJOURN: Mayor Gibbs asked for a motion to adjourn.

Donnie Potter made a motion, and Jeff Wilson seconded, to adjourn the meeting. All were in favor.

Susan Nagle, Town Clerk

Bob Gibbs, Mayor

AGENDA ITEM 7A

MEMO

DATE:

December 13, 2012

SUBJECT:

Recognition:
Yard of the Month

Discussion:

Mr. and Mrs. Howard Cannon, from the 28630 zip code, and, Mark Nelson from the 28638 zip code, are the December Yard of the Month winners. Mayor Bob Gibbs will present them with a certificate of appreciation.

Recommendation:

No Council action required.

AGENDA ITEM 7B

MEMO

DATE:

December 13, 2012

SUBJECT:

Recognition:
Recycle Rewards
Program

Discussion:

Joseph Keith is the December Recycle Rewards winner. Town Administrator Seth Eckard will present Mr. Keith with a certificate of appreciation and a twenty-eight dollar (\$28.00) credit will be added to his current sanitation bill.

Recommendation:

No Council action required.

AGENDA ITEM 8B

MEMO

DATE:

December 13, 2012

SUBJECT:

Public Hearing:
For a CDBG
Funding Application

Discussion:

The NC Department of Commerce has recently notified the Town and stated that Council will need to call for another public hearing, as well as re-advertise, to apply for a Community Development Block Grant (CDBG). Federal Guidelines state that all public hearing advertisements must include a Spanish translation.

Recommendation:

No Council action is required.

AGENDA ITEM 9A

MEMO

DATE:

December 13, 2012

SUBJECT:

Financial Matters::
FY 2012-2013
Audit Presentation

Discussion:

Enclosed with your agenda packet is a copy of the completed FY 2012-2013 audit.

The Auditor's for the Town James Lowdermilk and Rick Hammer with Lowdermilk Church & Co., L.L.P. will be on hand to formally present it to you.

Recommendation:

No Council action is required.

AGENDA ITEM 9B

MEMO

DATE:

December 13, 2012

SUBJECT:

Financial Matters:
Adopt Proposed Council
Budget Retreat/Workshop
Schedule

Discussion:

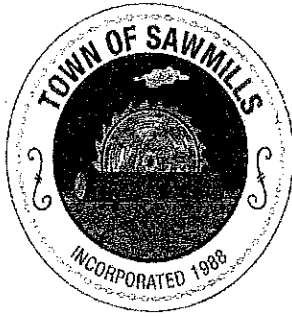
Enclosed with this memo is a copy of the proposed FY 2012-2013 budget retreat and workshop schedules.

The annual Council budget retreat is scheduled for Thursday February 7th from 8:00 am to 5:00 pm. at the Caldwell County EDC.

As presented, the budget schedule includes four budget workshops.

Recommendation:

Staff recommends Council adopt the FY 2012-2013 budget retreat and workshop schedules.



MAYOR
Bob Gibbs

TOWN ADMINISTRATOR
Seth Eckard

**TOWN
COUNCIL**

Johnny Wilson, Mayor Pro-Tem
Trena McRary Kirby
Donnie Potter
Joe Wesson
Jeff Wilson

AGENDA ITEM 10

Staff Report: Tractor Trailers being used for outdoor storage

According to our Zoning Ordinance, tractor trailer beds cannot be used for storage in residential districts. This does not apply to those that were already being used for storage when the ordinance was amended, as they are grandfathered in.

In the past, the Town of Sawmills have treated tractor trailers like junked vehicles and have had them covered; however, I would be weary of classifying them as such due to the number of tractor trailer beds being used for storage in business districts. If we call it a junked vehicle in a residential district, then we have to call them that in a business district, and therefore, would have to start the nuisance procedure upon complaint just as we would a residential district. Also, the ordinance classifies a junked vehicle as one that is self-propelled. Staff is recommending that the Town treat them as a nonconforming storage structures, rather than junked vehicles.

We have a large amount of tractor trailer beds currently being used as accessory structures in the Town of Sawmills. There are up to forty (40) total, with two-thirds (2/3) of those being located in residential districts. The Town has had complaints on one in particular which has been there for 25 years and the owner was given permission by the county at the time (but there is nothing in writing). The only way to remove the trailer is to remove all trailers in Town that are in residential districts (or in business districts also, if the Town chooses).

Options:

There are three options that the Town Council will have to decide between. They are to 1) leave the tractor trailer beds as is, and treat them as nonconforming uses, 2) have all tractor trailer beds removed (by district) through an amortization process, or 3) require all tractor trailer beds be screened (by district) with fencing, vegetative buffer or a combination of both. I'll expand on these below:

Tractor Trailers remain as non conforming use:

Existing tractor trailers would remain but would not be allowed to expand (adding porch, roof, etc.), and once removed, would not be able to be replaced with another structure.

Town of Sawmills

4076 US Highway 321-A * Sawmills NC * (828)396-7903 * (828)396-8955 fax

<http://www.townofsawmills.com/>

The Town of Sawmills does not discriminate on the basis of age, sex, race, religion, national origin, disability, political affiliation, or marital status.

Tractor trailers removed through amortization:

All existing tractor trailer in residential, or all in both residential and business would have to be removed at a given time in the future. The amount of time given is calculated by determining the worth of the accessory structure to the property owner by using the average cost of a tractor trailer bed against the cost of using an off-site storage facility. At a minimum the property owners would be given two years to comply and remove the structure.

Tractor trailers screened:

The amortization would still apply in this case, but instead of removing the structure, the town would require that all tractor trailers be shielded from view by an opaque fence, vegetation of appropriate size, or a combination of both. The amount of time given would still be at a minimum two years, but calculation of the true amount of time would be determined differently.

Planning Board Recommendation

The Planning Board met and discussed the utilization of tractor trailer beds for storage on Tuesday, December 4, 2012. The Planning Board unanimously recommended that the Town allow those trailers currently being used for storage to be allowed to remain, and that no action be taken to remove them.