

Agenda

Regular Meeting of the Sawmills Town Council Sawmills Town Hall

Tuesday, November 19, 2013
6:00 pm

1. Call To Order
Mayor Bob Gibbs
2. Invocation
Pastor John Greene
3. Pledge of Allegiance
Girl Scout Troop 10147
4. Adopt Agenda
Mayor Bob Gibbs
5. Approve October 15th Regular Meeting Minutes
Mayor Bob Gibbs
6. Public Hearing: Amend Section 153.052 of the Code of Ordinances
 - A. Open Public Hearing
Mayor Bob Gibbs
 - B. Staff Comments/Recommendation
Planner Elinor Hiltz
 - C. Public Comment
Mayor Bob Gibbs
 - D. Close Public Hearing
Mayor Bob Gibbs
 - E. Council Action
Mayor Bob Gibbs
7. Public Hearing: Amend Section 153.130 of the Code of Ordinances
 - A. Open Public Hearing
Mayor Bob Gibbs
 - B. Staff Comments/Recommendation
Planner Elinor Hiltz
 - C. Public Comment
Mayor Bob Gibbs
 - D. Close Public Hearing
Mayor Bob Gibbs
 - E. Council Action
Mayor Bob Gibbs
8. Public Comment
Mayor Bob Gibbs
9. Recognitions:
 - A. Recycle Rewards Winner
Administrator Seth Eckard
 - B. Yard of the Month Winners
Mayor Bob Gibbs
 - C. Girl Scout Troop 10147
Mayor Bob Gibbs
10. Updates:
 - A. NC Department of Transportation
Dean Ledbetter
 - B. Granite Falls Middle School
Bill Schreiber
11. Planning Matters: Alternate Planning Board Member Appointment
Administrator Seth Eckard
12. Discussion: Proclamation in Support of Caldwell County Business Expose' Month
Administrator Seth Eckard
13. Financial Matters:
 - A. Utility Fund Budget Amendment
Administrator Seth Eckard
 - B. Employee Longevity Pay
Administrator Seth Eckard
 - C. Request for a Donation to Shriners Hospital for Children
Administrator Seth Eckard
14. Public Comment
Mayor Bob Gibbs
15. Updates:
 - A. Community Development Block Grant Update and Monthly Status Report
Administrator Seth Eckard
 - B. Community Development Block Grant Sewer Project Update
Administrator Seth Eckard
 - C. Code Enforcement Monthly Report
Administrator Seth Eckard
 - D. Administrator's Report
Administrator Seth Eckard
 - E. Council Comment
Mayor Bob Gibbs
16. Adjourn
Mayor Bob Gibbs

**TUESDAY, OCTOBER 15, 2013
TOWN OF SAWMILLS REGULAR COUNCIL MEETING
6:00 PM**

COUNCIL PRESENT

Bob Gibbs
Donnie Potter
Joe Wesson
Jeff Wilson
Johnny Wilson

STAFF PRESENT

Seth Eckard
Susan Nagle
Terry Taylor

COUNCIL ABSENT

Trena McRary Kirby

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

INVOCATION: Mayor Bob Gibbs gave the invocation.

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

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

Donnie Potter made a motion, and Joe Wesson seconded, to adopt the agenda. All were in favor.

APPROVE SEPTEMBER 17, 2013 REGULAR MEETING MINUTES: Mayor Gibbs asked for a motion to approve the September 17, 2013 regular meeting minutes.

Joe Wesson made a motion, and Donnie Potter seconded, to approve the minutes. All were in favor.

PUBLIC HEARING: REZONING REQUEST ON GILLILAND LANE: Mayor Bob Gibbs cancelled the public hearing stating the applicant has withdrawn the rezoning request.

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

No one wished to speak.

UPDATES:

SAWMILLS FARMERS MARKET: Brittany Crump, Treasurer thanked the Council and Mayor for their support, stating this year was very successful.

Miss Crump stated the Farmers Market received grant money this year which was used to help advertise and make it possible for them to accept SNAP, and EBT payments.

No Council action was required.

COLLECTION SITE FOR DEBRIS RESULTING FROM A NATURAL DISASTER:

Administrator Eckard stated that a representative from the state will meet him here on November 7, 2013 to look at Sawmills Municipal Park as a possible collection site for debris resulting from a natural disaster.

No Council action was required.

RECOGNITIONS:

RECYCLE REWARDS WINNER: Town Administrator Seth Eckard announced Clement Dellinger as the October Recycle Rewards winner. A credit of twenty-eight dollars (\$28.00) will be added to Mr. Dellinger's sanitation bill and his certificate will be available at the Town Hall for pick up.

No Council action was required.

YARD OF THE MONTH WINNERS: Mayor Bob Gibbs announced Rebecca and Adam Johnson, from the 28630 zip code, and Mark and Angie Wilson, from the 28638 zip code, as the September yard of the month winners. Mayor Gibbs presented Mr. and Mrs. Johnson with their certificate and stated that Mr. and Mrs. Wilson's certificate would be available at the Town Hall for pick up.

No Council action was required.

PLANNING MATTERS:

TOWN PLANNER APPOINTMENTS: Administrator Eckard stated that Town Planner Elinor Hiltz will need to be appointed as the Zoning Enforcement Officer, Housing Inspector, Watershed Administrator and Review Officer for the Town. Administrator Eckard also stated he will remain the alternate, and previous Planner Johnny Wear will need to be removed as the Review Officer.

Joe Wesson made a motion, and Donnie Potter seconded, to appoint Planner Hiltz as the Zoning Enforcement Officer, Housing Inspector, Watershed Administrator and Review Officer for the Town and to remove previous Planner Wear as the Review Officer. All were in favor.

CALL A PUBLIC HEARING TO ADOPT A TEXT AMENDMENT TO SECTION 153.052 OF THE CODE OF ORDINANCES: Administrator Eckard stated the Planning Board reviewed section 153.052 of the Code of Ordinances and recommends Council call for a public hearing. The proposed amendments changes column two under minimum lot size (sf) to read "with public water and without public sewer" and changes column two under minimum density (dwelling units per acre) to read "with public water and without public sewer" which will make the Code of Ordinances consistent with the Town's "Comprehensive Land Use Plan."

Jeff Wilson made a motion, and Joe Wesson seconded, to call for a public hearing on November 19, 2013 at 6:00 pm at the Sawmills Town Hall to discuss a text amendment to section 153.052 of the Code of Ordinances. All were in favor.

CALL A PUBLIC HEARING TO ADOPT A TEXT AMENDMENT TO SECTION 153.052 OF THE CODE OF ORDINANCES: Administrator Eckard stated the Planning Board reviewed section 153.130 of the Code of Ordinances and recommends Council call for a public hearing. The proposed amendment will increase the time limit on non-conforming use from 120 days to 365 days, which will make the Code of Ordinances consistent with the Town's "Comprehensive Land Use Plan."

Jeff Wilson made a motion, and Joe Wesson seconded, to call for a public hearing on November 19, 2013 at 6:00 pm at the Sawmills Town Hall to discuss a text amendment to section 153.130 of the Code of Ordinances. All were in favor.

FINANCIAL MATTERS:

BUDGET ORDINANCE AMENDMENT: Town Administrator Eckard stated the enclosed Budget Ordinance Amendment is to transfer funds from the Capital Reserve to the General Fund in the amount of sixty thousand dollars (\$60,000.00) for the 2013-2014 fiscal year. The monies will be expended on the new refuse truck.

Joe Wesson made a motion, and Donnie Potter seconded, to adopt a Budget Ordinance Amendment in the amount of sixty thousand dollars (\$60,000.00) for the 2013-2014 fiscal year. All were in favor.

APPROVE ENGINEERING SERVICES FOR THE COMMUNITY

DEVELOPMENT BLOCK GRANT DUFF DRIVE AREA SEWER PROJECT:

Administrator Eckard stated the enclosed contract with West Consultants, PLLC for engineering services is for the Duff Drive area Sanitary Sewer Community Development Block Grant Project.

Donnie Potter made a motion, and seconded Joe Wesson, to approve the contract for engineering services with West Consultants, PLLC as they meet the needs for this project. All were in favor.

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

Gerelene Blevins spoke regarding the text amendment to section 153.130 of the Town's Code of Ordinances.

UPDATES:

COMMUNITY DEVELOPMENT BLOCK GRANT PROJECT UPDATE AND MONTHLY STATUS REPORT: Administrator Eckard stated Nancy Coley, Project Administrator with the Western Piedmont Council of Governments has enclosed an update on The Haystation, LLC.

The enclosed monthly status report for the Community Development Block Grant (CDBG) shows that all requirements are on schedule for the Haystation, LLC.

No Council action was required.

COMMUNITY DEVELOPMENT BLOCK GRANT SEWER PROJECT MONTHLY UPDATE: Administrator Eckard stated Lisa Helton, Program Administrator with the Western Piedmont Council of Governments has enclosed an update on the Community Development Block Grant Sewer Project.

CODE ENFORCEMENT MONTHLY REPORT: Administrator Eckard stated the enclosed report shows an update of the progress made throughout the Town by Planner Elinor Hiltz.

No Council action was required.

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

- The Sawmills Farmers Market is still open every Tuesday from 3:00 pm – 7:00 pm until October 29th.
- The Town is taking bids until October 24th until 2:00 pm for the surplus of the old white Chevy S-10. So far, the Town has received three bids.
- The Southern Caldwell Historical Showcase will be held this Saturday, October 19th at 6:00 pm at Mt. Zion Baptist Church in the Fellowship Hall. Tickets may be purchased by contacting Administrator Eckard or the Caldwell County Heritage Museum in Lenoir.

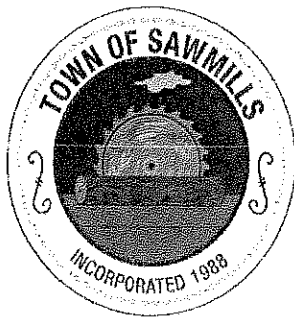
- The Town has been working with the NC Department of Transportation on a drainage problem in front of April Drive on Sawmills School Road. The district engineer has evaluated the circumstances during the last rain and stated they would fix the problem within the next three weeks.
- Election Day is held on Tuesday, November 5th.
- Ham Day at Sawmills Volunteer Fire & Rescue will be held Saturday, November 2nd.
- The Annual Veterans Day Observance Ceremony will be held on Saturday, November 9th at 10:30 am.
- The Annual Christmas Tree Lighting Ceremony will be held on Tuesday, December 3rd at 6:30 pm.
- The Sawmills Christmas Parade will be held on Saturday, December 7th. Line-up starts at 9:30 am and parade starts at 10:00 am.
- The employee Christmas party will be held on Friday, December 13th at the pond on Wilson's Farm.
- The Town has release of funds for engineering services for West Consultants, LLC on the Community Development Block Grant Sewer Project. Surveying has begun and the next step will be to obtain easements from all the appropriate property owners.
- Jerry Church, Town Manager in Granite Falls and myself, has been invited to ASU Wednesday, October 16th to speak to a class about being a Town Manager.

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

No one wished to speak.

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.



MAYOR
Bob Gibbs

TOWN ADMINISTRATOR
Seth Eckard

TOWN PLANNER
Elinor Hiltz

**PLANNING
BOARD**

Steve Duncan, Chairman
Buford Pennell
David Powell
Thad Hall
Clyde Miller

AGENDA ITEM 6

PUBLIC HEARING
Nov 19, 2013
6:00 PM

PLANNER'S STAFF REPORT

MINIMUM LOT SIZE TABLE AMENDMENT

Status

The Planning Board recommended approval of this amendment on October 1, 2013. The Call for Public Hearing was held on October 15, 2013 and the town has not received comments from any citizens since the public hearing was advertised.

Proposal

The Planning Board recommended changing the table in Section 153.052 to read as such in the third and sixth columns: "With public water, without public sewer". As currently written those columns say "without public water", meaning that a lot without public water has to be bigger. However, septic systems dictate lot size more than wells do. Between a house on sewer and well and a house on septic and public water, which needs the bigger lot? The house with the septic system needs a bigger lot-to accommodate the tank, drain field, and repair area.

The way the ordinance reads now, Sawmills could inadvertently punish residents even though they have public sewer. The ordinance was probably meant to target those without sewer-not the few (2 percent of town residents) without water (Comprehensive Land Use Plan 2004).

Consistency with Comprehensive Plan:

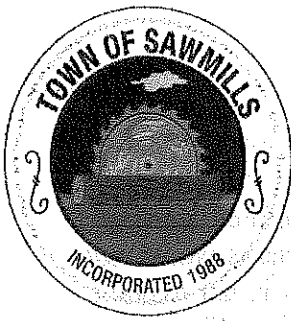
Staff recommends amending the ordinance, because the Comprehensive Future Land Use Plan says that denser development should occur where infrastructure like public sewer is available. Conversely, development should be less dense on areas served by septic.

Action Needed:

To APPROVE: "Motion to approve, because the text amendment is consistent with the town's comprehensive land use plan".

To DENY: "Motion to deny, because the proposed text amendment is not consistent with the town's comprehensive land use plan."

To TABLE: "Motion to table."



MAYOR
Bob Gibbs

TOWN ADMINISTRATOR
Seth Eckard

TOWN PLANNER
Elinor Hiltz

**PLANNING
BOARD**

Steve Duncan, Chairman
Buford Pennell
David Powell
Thad Hall
Clyde Miller

AGENDA ITEM 7

PUBLIC HEARING

Nov 19, 2013

6:00 PM

PLANNER'S STAFF REPORT

TIME LIMIT ON NONCONFORMITIES AMENDMENT

Status

The Planning Board recommended approval of this amendment on October 1, 2013. The Call for Public Hearing was held on October 15, 2013 and the town has not received comments from any citizens since the public hearing was advertised.

Proposal

The current ordinance reads "If a nonconforming use is discontinued for a continuous period of more than 120 days, any future use of the land or building shall be in conformity with the provisions of this chapter" (§153.130, (5)). This subsection pertains to vacant nonconforming buildings and nonconforming mobile homes that are removed (presumably to be upgraded). The Planning Board recommends increasing this time limit to 365 days, or one year, to allow prospective tenants more time to secure loans in this difficult economic climate.

Damaged nonconforming buildings-such as burned-out mobile homes-fall under a different subsection-§153.130, (4). The Planning Board also wanted to allow 365 days, or one year, for damaged or burnt buildings to rebuild, giving them the same length of time as other nonconforming buildings.

***Suggested Amendments in Red, suggested deletions in strike-through**

§153.130

~~(4) A nonconforming use of any building or structure which is damaged to an extent exceeding 50% of its reproduction value, exclusive of foundations, by fire, flood, explosion, earthquake, war, riot, or act of God, shall be discontinued, and such building or structure shall thereafter be used only in compliance with the provisions of the district in which it is located.~~

(5) (4) If a nonconforming use is discontinued for a continuous period of more than 120 days, 365 days, any future use of the land or building shall be in conformity with the provisions of this chapter. A building or structure which is damaged by fire, flood, explosion, earthquake, war, riot, or act of God must continue the nonconforming use within 365 days of the start date of the discontinuance, or any future use shall be in conformity with the provisions of this chapter.

Consistency with Comprehensive Plan:

The comprehensive plan implies that at the time it was written (in 2005) the town meant to eliminate, little by little, mobile homes in incompatible zoning districts and residences in commercial districts, (p14 policy 1.4, p15 policy 1.9, and "misaligned manufactured housing" and "misaligned residential development" map). The comprehensive plan perhaps would *not* support giving nonconforming uses longer grace periods to rebuild, although it is not explicit, but the Planning Board asked staff to change the ordinance and staff supports that notion. Sawmills should find a new town-wide consensus on mobile homes and nonconformities because the comprehensive plan does not reflect the current philosophy of the town boards and presumably the people.

Action Needed:

To APPROVE: "Motion to approve, although the amendment is not consistent with the town's comprehensive land use plan".

To DENY: "Motion to deny, because the amendment is not consistent with the town's comprehensive land use plan."

To TABLE: "Motion to table."

AGENDA ITEM 9A

MEMO

DATE:

November 15, 2013

SUBJECT:

Recognition:
Recycle Rewards
Winner

Discussion:

Thomas Skinner is the Recycle Rewards winner for November. Town Administrator Seth Eckard will present Mr. Skinner 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 9B

MEMO

DATE:

November 15 2013

SUBJECT:

Recognition:
Yard of the Month
Winners

Discussion:

Stephen and Kendra Winkler, from the 28630 zip code, and Judy Hart, from the 28638 zip code, are the Yard of the Month winners for November. Mayor Bob Gibbs will present them with a certificate of appreciation.

Recommendation:

No Council action required.

AGENDA ITEM 9C

MEMO

DATE:

November 15 2013

SUBJECT:

Recognition:
Girl Scout Troop 10147

Discussion:

On October 5, 2013 girls from Girl Scout Troop 10147 participated in the "Big Sweep" supported by the Soil and Water Conservation of Caldwell County. The girls cleaned up around 10 bags of trash and picked up debris at the Sawmills Veterans Park. Mayor Bob Gibbs will present them with a certificate of appreciation.

Recommendation:

No Council action required.

AGENDA ITEM 10A

MEMO

DATE:

November 15 2013

SUBJECT:

Updates:
NC Department of
Transportation

Discussion:

Dean Ledbetter, PE Division Senior Planning Engineer, with the NC Department of Transportation, will be on hand to brief Council on a new process the NC Department of Transportation has implemented.

Recommendation:

No Council action required.

AGENDA ITEM 10B

MEMO

DATE:

November 15 2013

SUBJECT:

Updates:
Granite Falls Middle
School

Discussion:

Bill Schreiber, Principal of Granite Falls Middle School, will be on hand to update Council on how the school year has been going.

Recommendation:

No Council action required.

AGENDA ITEM 11

MEMO

DATE:

November 15 2013

SUBJECT:

Planning Matters:
Alternate Planning
Board Member
Appointment

Discussion:

The term of appointment for alternate Planning Board Member Martha Ann Warren expires in November. This position serves for a two-year term.

Town Clerk Susan Nagle has contacted Miss Warren and she is willing to serve for another term.

Currently, there are no applications on file to serve on this board. Applications are available at the Town Hall for anyone who wishes to serve on a board or committee.

Recommendation:

Staff recommends Council re-appoint Miss Warren as an alternate Planning Board member for a term of two-years.

AGENDA ITEM 12

MEMO

DATE:

November 15 2013

SUBJECT:

Discussion:
Proclamation in Support
Of Caldwell County
Business Expose' Month

Discussion:

The Caldwell Chamber of Commerce has invited all municipalities in Caldwell County to join them in officially proclaiming November 2013 as Business Expose' Month.

Recommendation:

Staff recommends Council approve the enclosed Proclamation in Support of Caldwell County Business Expose' Month.

BUDGET AMENDMENT
TOWN OF SAWMILLS

Utility Fund

BE IT ORDAINED by the Town Council of the Town of Sawmills, Caldwell County, North Carolina, that the following amendment to the Budget Ordinance for the fiscal year 2013-2014 be hereby adopted.

NOW, THEREFORE, BE IT RESOLVED, that the following amendment for the fiscal year be made to the budget for the fiscal year ended June 30, 2014

| <u>Fund/Department</u> | <u>Account Number</u> | <u>Line Item</u> | <u>Increase</u> |
|------------------------|-----------------------|-----------------------------|-----------------|
| Utility Fund - Water | 2-80-3799 | Automated Solutions revenue | \$9,738 |
| Utility Fund - Water | 2-80-4153 | Automated Solutions expense | \$9,738 |

Explanation: To recognize revenue and expenditures line items for Automated Solutions and the Rural Center Grant clawback provision. The Town of Sawmills will pay the Rural Center six monthly payments of \$1,623 once payment has been received from Automated Solutions.

This Amendment now adopted this the 19th day of November, 2013.

Mayor, Town of Sawmills

APPROVED BY:

Finance Officer, Town of Sawmills

ATTEST:

Town Clerk

APPROVED TO FORM:

Town Attorney

AGENDA ITEM 13B

MEMO

DATE: November 15 2013

SUBJECT: Financial Matters:
Employee Longevity Pay

Discussion:

As you are aware, the Town of Sawmills has an employee longevity pay plan that is paid out during the first pay period in December.

The pay schedule is as follows:

| | |
|-------------------|----------|
| 26 and up years | \$900.00 |
| 21-25 years | \$750.00 |
| 16-20 years | \$600.00 |
| 10-15 years | \$450.00 |
| 6-9 years | \$300.00 |
| 2-5 years | \$150.00 |
| 7 months-1 year | \$50.00 |
| 0 months-6 months | \$0.00 |

There are sufficient funds in the budget to cover this expenditure.

Recommendation:

Staff recommends Council approve the issuance of longevity paychecks to Town employees paid out the first pay period in December.

AGENDA ITEM 13C

MEMO

DATE:

November 15 2013

SUBJECT:

Financial Matters:
Request for a Donation
To Shriners Hospital
For Children

Discussion:

The town has received a request from the Shriners Hospital for Children in the amount of \$150.00.

There are sufficient funds in the budget to cover this expenditure.

Recommendation:

Staff recommends Council discuss this request and decide how they wish to proceed on this matter.

AGENDA ITEM 15A

MEMO

DATE:

November 15 2013

SUBJECT:

Updates:
Community Development
Block Grant Update
and Monthly Status Report

Discussion:

Nancy Coley, Program Administrator with the Western Piedmont council of governments attached a project update.

The attached report shows that all the requirements for the Community Development Block Grant on Behalf of The Haystation, LLC are on schedule.

Recommendation:

No Council action required.

AGENDA ITEM 15B

MEMO

DATE:

November 15 2013

SUBJECT:

Updates:
Community Development
Block Grant Sewer
Project Update

Discussion:

Lisa Helton, Program Administrator with the Western Piedmont Council of Governments has attached an update on the Community Development Block Grant Duff Drive Area Sewer Project.

Recommendation:

No Council action required.

AGENDA ITEM 15C

MEMO

DATE:

November 15 2013

SUBJECT:

Updates:
Code Enforcement
Monthly Report

Discussion:

The attached report shows the progress that Planner Elinor Hiltz Continues to make throughout the town.

Recommendation:

No Council action required.