

AGENDA

Regular Meeting of the Sawmills Town Council Sawmills Town Hall

Tuesday, October 16, 2012
6:00 PM

1. Call To Order Mayor Bob Gibbs
2. Invocation Pastor David Woods
3. Pledge of Allegiance Mayor Bob Gibbs
4. Adopt Agenda Mayor Bob Gibbs
5. Approve September 18th 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. Financial Matters:
 - A. Adopt Proposed Resolution for Undesignated Fund Balance Finance Officer Karen Clontz
 - B. Adopt Proposed Resolution for the NC Debt Setoff Program and Proposed Agreement with the North Carolina LGC Finance Officer Karen Clontz
9. Public Hearing: Adopt Proposed Resolution for A CDBG Funding Application
 - A. Open Public Hearing Mayor Bob Gibbs
 - B. Staff Recommendations Administrator Seth Eckard
 - C. Public Comment Mayor Bob Gibbs
 - D. Close Public Hearing Mayor Bob Gibbs
 - E. Council Action Mayor Bob Gibbs
10. Discussion:
 - A. Adopt Proposed Agreement with The Haystation, LLC. Administrator Seth Eckard
 - B. Adopt Proposed Resolution Adopting the Municipal Records Retention and Disposition Schedule Administrator Seth Eckard
 - C. Adopt Proposed Flood Damage Prevention Ordinance and Interlocal Agreement with Caldwell County Administrator Seth Eckard
 - D. Adopt Proposed Resolution of Intent for an Application to Participate in the National Flood Insurance Program Administrator Seth Eckard
11. Public Works:
 - Adopt Proposed Wireless Communications Agreement with Utility Service Communications Co., Inc. Administrator Seth Eckard
12. Planning Matters: Recommendations for Alternate Board of Adjustment Members Administrator Seth Eckard
13. Public Comment Mayor Bob Gibbs
14. Updates:
 - A. Administrator's Report Administrator Seth Eckard
 - B. Council Comment Mayor Bob Gibbs
15. Adjourn Mayor Bob Gibbs

**TUESDAY, SEPTEMBER 18, 2012
TOWN OF SAWMILLS REGULAR COUNCIL MEETING
6:00 PM**

COUNCIL PRESENT

Bob Gibbs
Trena McRary Kirby
Joe Wesson
Jeff Wilson
Johnny Wilson

STAFF PRESENT

Seth Eckard
Susan Nagle
Terry Taylor
Johnny Wear

COUNCIL ABSENT

Donnie Potter

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

INVOCATION: Pastor Jim Hamby 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.

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

APPROVE AUGUST 21, 2012 REGULAR MEETING MINUTES: Mayor Gibbs asked for a motion to approve the August 21, 2012 regular meeting minutes.

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

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

No one wished to speak.

FINANCIAL MATTERS:

FINANCIAL REPORT ON FY 2011-2012 BUDGET: Attached is a hard copy of the power point presentation on the Fiscal Year 2011-2012 budget given by Town Administrator Eckard.

No Council action was required.

ADOPT PROPOSED RESOLUTION ESTABLISHING A CAPITAL RESERVE FUND: The enclosed resolution is to set aside monies for a Capital Improvement Reserve Fund that would cover capital outlay items and/or construction projects in excess of \$5,000.00.

Jeff Wilson made a motion, and Joe Wesson seconded, to adopt the resolution establishing a Capital Improvement Reserve Fund. All were in favor.

CAPITAL RESERVE FUND BUDGET AMENDMENT: Town Administrator Seth Eckard stated a budget amendment in the amount of \$150,000.00 will need to be approved to put into the Capital Reserve Fund.

Joe Wesson made a motion, and Jeff Wilson seconded, to approve a budget amendment in the amount of \$150,000.00 for the Capital Reserve Fund. All were in favor.

STATE CONTRACT BID AWARD FOR A COMMERCIAL MOWER AND DECK: Town Administrator Eckard stated that \$13,000.00 was included in the current fiscal year's budget to purchase a commercial mower and deck for use by the Public Works Department.

A John Deere Z960A ZTrak with 60" 7-Iron Pro Deck mower is available on State contract so there is no need to go through the bid process.

Johnny Wilson made a motion, and Joe Wesson seconded, to purchase the John Deere Z960A ZTrak with 60" 7-Iron Pro Deck off state contract in the amount of \$10,622.00. All were in favor.

INFORMAL BID AWARD FOR A BACKHOE LOADER: Town Administrator Eckard stated that \$85,000.00 was included in the current fiscal year's budget to purchase a Backhoe Loader for use by the Public Works Water Department.

Public Works Supervisor Ronnie Coffey received the following bid from Charlotte Tractor Co. as well as the two following comparison contract bids:

Charlotte Tractor Co.	\$76,300.00
Carolina Caterpillar	\$98,881.00
James River Equipment/John Deere	\$89,898.11

Joe Wesson made a motion, and Johnny Wilson seconded, to award the bid to Charlotte Tractor Co. in the amount of \$76,300.00 under the informal bid process. All were in favor.

PARKS AND RECREATION MATTERS:

APPROVAL OF AN 18-HOLE DISC GOLF COURSE: Town Administrator Eckard stated on August 30, 2012 Duke Energy approved a request from the Town for construction of an 18-hole disc golf course at the Veterans Memorial Park.

Trena McRary Kirby made a motion, and Joe Wesson seconded, to approve an 18-hole disc golf course at Veterans Memorial Park. All were in favor.

RECOGNITIONS:

YARD OF THE MONTH WINNERS: Mayor Bob Gibbs announced Robert and Miranda Denning, from the 28630 zip code, and Charles and Susan Babb, from the 28638 zip code, as the September Yard of the Month winners. Mayor Gibbs stated that since the winners were not present, the certificates would be available at the Town Hall for pick up.

No Council action was required.

RECYCLE REWARDS PROGRAM WINNER: Town Administrator Seth Eckard announced Gwendolyn Watson as the September Recycle Rewards winner. Administrator Eckard stated a twenty-eight dollar (\$28.00) credit will be added to Miss Watson's sanitation bill and the certificate would be available at the Town Hall for pick up.

No Council action was required.

PUBLIC HEARING: ADOPT PROPOSED ELECTRONIC GAMING/INTERNET SWEEPSTAKES ORDINANCE:

OPEN PUBLIC HEARING: Mayor Gibbs asked for a motion to open the public hearing.

Joe Wesson made a motion, and Trena McRary Kirby seconded, to open the public hearing. All were in favor

STAFF RECOMMENDATIONS: Town Planner Johnny Wear stated the Planning Board recommends Council adopt the enclosed proposed Electronic Gaming/Internet Sweepstakes Ordinance.

PUBLIC COMMENT: Mayor Gibbs asked if anyone wished to speak on the Electronic Gaming/Internet Sweepstakes Ordinance.

No one wished to speak.

CLOSE PUBLIC HEARING: Mayor Gibbs asked for a motion to close the public hearing.

Joe Wesson made a motion, and Johnny Wilson seconded, to close the public hearing. All were in favor.

COUNCIL ACTION: Trena McRary Kirby made a motion, and Joe Wesson seconded, to adopt the Electronic Gaming/Internet Sweepstakes Ordinance. Those in favor were Trena McRary Kirby, Joe Wesson, and Johnny Wilson. Those opposed were Jeff Wilson. The motion carried by a 3-1 vote.

DISCUSSION:

ADOPT PROPOSED FARMERS MARKET LEASE AGREEMENT: Town Attorney Terry Taylor has drawn up the enclosed Farmers Market License Agreement. The agreement holds the Sawmills Farmers Market Association, Inc. responsible during hours of operation for the property currently in use by the Farmers Market and owned by the Town.

The agreement will cover a seven-month period beginning May 1, 2012 and ending December 18, 2012. The contract will renew annually in the spring after Council has approved of the upcoming year's dates and times of operation for the Farmers Market.

Jeff Wilson made a motion, and Joe Wesson seconded, to approve the Farmers Market License Agreement. All were in favor.

SPEED HUMP PETITION ON WATERWORKS ROAD: Town Administrator Eckard stated Mr. William Eckard met all requirements for a speed hump on Waterworks Road. The enclosed map shows the suggested location of the speed hump recommended by West Consultants.

Trena McRary Kirby made a motion, and Johnny Wilson seconded, to install a speed hump on Waterworks Road at the location recommended by West Consultants. All were in favor.

GRASS CLIPPINGS IN RIGHT-OF-WAY: Town Administrator Eckard stated that the mowing of several properties in the Town results in grass clippings being blown in the right-of-ways.

Council discussed this matter and decided to take no action.

BUSINESS PRIVILEGE LICENSE: Town Administrator Eckard discussed the possibility of implementing a business privilege licenses within the Town.

Council discussed this matter and decided to take no action.

RECOMMENDATIONS FOR ALTERNATE BOARD OF ADJUSTMENT MEMBERS: The Mayor asked Council if there were any recommendations for alternate members to serve on the Board of Adjustment. The Mayor stated one member will reside in the town limits and one member will reside within the E.T.J. (extra-territorial jurisdiction).

Since there were no recommendations at this time, the Mayor asked the Council to return to the next regularly scheduled meeting with recommendations.

COATS FOR KIDS: Mayor Bob Gibbs stated Councilman Potter would like the Town to collect gently used coats to benefit the citizens in Sawmills.

A collection box will be set up in the lobby at the Town Hall and will be delivered to Sawmills Elementary School for distribution.

No Council action was required.

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

Todd Bowman and Eva Bowman spoke in regards to their previous complaint concerning the discharging of firearms in the town limits.

UPDATES:

CODE ENFORCEMENT MONTHLY REPORT: The enclosed report shows an update of the progress made throughout the Town by Code Enforcement Officer Johnny Wear.

No Council action is required.

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

- The fall festival will take place this Saturday, September 22nd from 11:00 am to 3:00 pm. This will be our biggest festival yet with over 55 vendors. There will not be a BBQ cook-off like last year, but there will be free popcorn and water, lots of food vendors, live music and a corn hole tournament for the first 18 people who sign up.
- The fall newsletter has just been completed and will be mailed in early October.
- A quarterly meeting has been initiated between the Town and the Fire Department staff to improve communications. The next meeting with the chief is scheduled for November 12th at 8:00 am.
- The unemployment rate in Caldwell County went from 13.2% to 11.2%, a 2% drop during July 2011 to July 2012.
- The Caldwell County Sheriff's office will hold a blood drive on Friday, September 21st in honor of Officer Adam Klutz who was killed in the line of fire.

Mayor Gibbs stated the Wilson Farms will use their Tram to transport people about every 10 minutes or so from Sunrise Baptist Church to the park during the fall festival.

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.

Trena McRary Kirby made a motion, and Johnny Wilson seconded, to adjourn the meeting. All were in favor.

Susan Nagle, Town Clerk

Bob Gibbs, Mayor

AGENDA ITEM 7A

MEMO

DATE:

October 11, 2012

SUBJECT:

Recognition:
Yard of the Month

Discussion:

Dennis and Pearl Setzer, from the 28630 zip code, and, Michael and Wendy Smith from the 28638 zip code, are the October 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:

October 11, 2012

SUBJECT:

Recognition:
Recycle Rewards
Program

Discussion:

Burl and Nancy Earp is the October Recycle Rewards winner. Town Administrator Seth Eckard will present them with a certificate of appreciation and a twenty-eight dollar (\$28.00) credit will be added to their current sanitation bill.

Recommendation:

No Council action required.

AGENDA ITEM 8A

MEMO

DATE:

October 11, 2012

SUBJECT:

Financial Matters:
Adopt Proposed
Resolution for
Undesignated Fund
Balance

Discussion:

Attached is a resolution, for consideration by the Town Council, to insure the undesignated fund balance at, or above, 33% of projected operating expenses. This will serve as a guideline for maintaining a strong fund balance for the Town and future operating expenditures.

According to the preliminary audit report for fiscal year ending June 30, 2012, the Town's General Fund Balance is 188% of the operating expenditures.

Recommendation:

Staff recommends Council adopt the Resolution for Undesignated Fund Balance.

MEMO

DATE:

October 11, 2012

SUBJECT:

Financial Matters:
 Adopt Proposed
 Agreement with the
 North Carolina LGC

Adopt Proposed
 Resolution for the NC
 Debt Setoff Program

Discussion:

Each year Council is presented with a list of unpaid utility bills, which are over three years old, for approval to be written off as bad debt. Council had discussed, during previous meetings, what options were available to offset this expense. Finance Officer Karen Clontz and Administrative Assistant Julie Good attended a seminar in Hickory, held by the NC Local Government Commission (NCLGC), regarding their debt setoff program.

Please find attached a contract from the North Carolina Local Government Commission for the Debt Setoff Clearinghouse program as authorized by Article 1 of Chapter 105A of the NC General Statutes. This program was established in 2002 and has collected \$158,305,427 on behalf of counties and municipalities throughout the state. Currently there are 367 local government units participating in this program. Locally Caldwell County, the City of Lenoir and the Town of Granite Falls utilize this program for collecting outstanding debt.

The program allows the Clearinghouse to collect unpaid utility bills, or any legal debt, on behalf of the Town. The County currently collects property and vehicle taxes on behalf of the Town through the Debt Setoff program.

Below are some of the criteria for this program.

- *Council must adopt the enclosed resolution to participate in the program.*
- *The Town must have an account with the Capital Management Trust.*
- *Debts must be at least 60 days delinquent.*
- *Debts must be \$50 or greater.*
- *Provide appropriate information regarding the debt/debtor.*
- *Designate a hearing officer to hold hearings and conduct necessary proceedings (Julie Good).*
- *A letter must be sent to the last known address of the debtor (example copy attached).*
- *Allow 30 days for the debtor's response before submitting to the Debt Setoff Program (copy attached of §105A-5).*

There is no cost to the Town to participate in this program. All debts collected, and the administrative/collection fees, are deducted from any State income tax refund due to the debtor. We are prepared to initially submit approximately \$10,000 for utility bills and \$9,000 for code enforcement liens. This will apply to any outstanding debt for the previous three years and over 60 days old.

Recommendation:

Staff recommends Council adopt the agreement with the NCLGC that shall remain in effect until either party has given a 90 day written modification or termination. Staff also recommends Council adopt the Resolution for the NC Debt Setoff Program.

AGENDA ITEM 9

MEMO

DATE:

October 11, 2012

SUBJECT:

Public Hearing:
Adopt Proposed
Resolution for a CDBG
Funding Application

Discussion:

On August 21, 2012, the Town Council adopted a resolution in support of an application for a Rural Center Grant on behalf of The Haystation, LLC. Attached is a resolution, for consideration by the Town Council, to pursue a formal application for Community Development Block Grant Funding to benefit The Haystation, LLC.

Recommendation:

Staff recommends Council adopt the attached Resolution for a CDBG Funding Application to benefit the Haystation, LLC.

AGENDA ITEM 10A

MEMO

DATE:

October 11, 2012

SUBJECT:

Discussion:
Adopt Proposed
Agreement with
The Haystation, LLC.

Discussion:

Attached is a Job Creation Agreement that states The Haystation, LLC commits to employ ten people whose household income is within low to moderate-income limits in 70% of all jobs.

The Haystation, LLC also agrees that if they fail to create and maintain ten new jobs prior to October 31, 2014 they will reimburse the Town \$25,000 for each job created which the Town will then pay to the Department of Commerce.

Recommendation:

Staff recommends Council adopt the agreement with The Haystation, LLC.

AGENDA ITEM 10B

MEMO

DATE:

October 11, 2012

SUBJECT:

Discussion:
Adopt Proposed
Resolution Adopting the
Municipal Records
Retention and
Disposition Schedule

Discussion:

In accordance with the provisions of Chapters 121 and 132 of the North Carolina General Statutes the Municipal Records Retention and Disposition Schedule allows all records that do not and will not have further use or value for official business, research, or reference purposes be destroyed after the appropriate retention period.

Council adopted this schedule during the regular Town Council meeting on June 16, 2011. Attached is a resolution to adopt the new schedule approved by the state archivist and the secretary of the Department of Cultural Resources September 10, 2012. A copy of the scheduled is on file in the office of the Town Clerk.

Recommendation:

Staff recommends Council adopt the Resolution Adopting the Municipal Records Retention and Disposition Schedule.

AGENDA ITEM 10C

MEMO

DATE:

October 11, 2012

SUBJECT:

Discussion:
Adopt Proposed Flood
Damage Prevention and
Interlocal Agreement with
Caldwell County

Discussion:

On February 16, 2010, Council adopted the Caldwell County Flood Plain Damage Ordinance and an Interlocal Agreement with Caldwell County. Terry Foxx, National Flood Insurance Program Western Planner contacted staff and informed them that FEMA has rejected the original Ordinance and subsequent documents due to some of the language in it that referred to automatic adoption, which is not allowed in North Carolina according to the Attorney General and that all documents would need to be re-adopted. Council re-adopted all documents on August 16, 2011.

Staff has recently contacted Mr. Foxx after receiving information that there might be a problem with the Flood Insurance Program in Sawmills. Mr. Foxx stated that the problem is FEMA rejected the Caldwell County Ordinance Council adopted on August 16, 2011 because there were no provisions in the ordinance for the County to administer. FEMA suggests the Town adopt their own ordinance and a new Interlocal Agreement with Caldwell County that states they will administer only.

Recommendation:

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

AGENDA ITEM 10D

MEMO

DATE:

October 11, 2012

SUBJECT:

Discussion:
Adopt Proposed
Resolution of Intent for an
Application to Participate
In the National Flood
Insurance Program

Discussion:

Council will need to adopt the attached Resolution of Intent for an application as well as submit the attached application in order to participate in the National Flood Insurance Program. By participating in this program, homeowners who reside in the Town limits as well as the ETJ (extra-territorial jurisdiction) will now be able to add flood insurance to the homeowners insurance.

Recommendation:

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

AGENDA ITEM 11

MEMO

DATE:

October 11, 2012

SUBJECT:

Public Works:
Adopt Proposed
Wireless Communications
Agreement with
Utility Service
Communications Co., Inc.

Discussion:

Town Administrator is looking at ways to generate more revenue for the Town. The enclosed contract states that Utility Service Communications Co., Inc. will market the Towns water tower to cell phone companies for service.

If approved, the Town will receive 70% of all revenue generated from the lease of the water tower. The term of this contract shall be 10 years from the date of approval with two additional five-year renewal periods.

Recommendation:

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

AGENDA ITEM 12

MEMO

DATE:

October 11, 2012

SUBJECT:

Planning Matters:
Recommendations for
Alternate Board of
Adjustment Members

Discussion:

The Board of Adjustment consists of five members. As this is a Quasi-Judicial Board, most decisions require there by a quorum of the Board for approval.

The Mayor would like to appoint two members to serve as alternates. One member would reside in the Town limits and one member would reside within the Town's ETJ (Extra-territorial Jurisdiction).

Reid Lingerfelt lives within the Town Limits and has filled out an application to serve on the Board of Adjustments. Walter Moore lives within the Town's ETJ (Extra-territorial Jurisdiction) and has also filled out an application to serve on the Board of Adjustments.

The Mayor would like to know if any of the Council has a recommendation for alternates who might be willing to serve on the Board of Adjustment.

Recommendation:

Staff recommends Council discuss any recommendations they have or consider appointing Mr. Lingerfelt and Mr. Moore to serve on the Board of Adjustment.