

AGENDA

Regular Meeting of the Sawmills Town Council Sawmills Town Hall

Tuesday, October 21, 2014
6:00 pm

1. Call To Order
Mayor Pro-Tem Trena McRary Kirby
2. Invocation
Pastor David Woods
3. Pledge of Allegiance
Mayor Pro-Tem Trena McRary Kirby
4. Adopt Agenda
Mayor Pro-Tem Trena McRary Kirby
5. Approve Meeting Minutes
A. September 16th, 2014 Regular Meeting Minutes
Mayor Pro-Tem Trena McRary Kirby
6. Public Comment
Mayor Pro-Tem Trena McRary Kirby
7. Recognitions:
A. Recycle Rewards
Administrator Seth Eckard
B. Yard of Month Winners
Administrator Seth Eckard
C. Holly M. Annas
Administrator Seth Eckard
D. Girl Scout Troop 10147
Administrator Seth Eckard
8. Public Hearing Protest Petition Text Amendment:
A. Open Public Hearing
Mayor Pro-Tem Trena McRary Kirby
B. Staff Comments/Recommendations
Planner Elinor Hiltz
C. Public Comment
Mayor Pro-Tem Trena McRary Kirby
D. Close Public Hearing
Mayor Pro-Tem Trena McRary Kirby
E. Council Action
Mayor Pro-Tem Trena McRary Kirby
9. Discussion:
A. Mayfield Drive Speed Hump
Administrator Seth Eckard
10. Final Matters:
A. Capital Reserve Fund Budget Amendment
Administrator Seth Eckard
11. Planning Matters:
A. New Zoning Approval Procedures
Planner Elinor Hiltz
12. Public Comment:
13. Updates:
A. Code Enforcement Monthly Report
Administrator Seth Eckard
B. Administrators Report
Administrator Seth Eckard
C. Council Comment
Mayor Pro-Tem Trena McRary Kirby
14. Adjourn
Mayor Pro-Tem Trena McRary Kirby

**TUESDAY, SEPTEMBER 16, 2014
TOWN OF SAWMILLS REGULAR COUNCIL MEETING
6:00 PM**

COUNCIL PRESENT

Trena McRary Kirby
Joe Wesson
Jeff Wilson
Johnny Wilson

STAFF PRESENT

Seth Eckard
Julie Good
Terry Taylor
Elinor Hiltz

COUNCIL ABSENT

Gerelene Blevins

CALL TO ORDER: Mayor Pro-Tem Trena McRary Kirby called the meeting to order.

INVOCATION: Pastor Ron Burgett gave the invocation.

PLEDGE OF ALLEGIANCE: Mayor Pro-Tem Trena McRary Kirby led the Pledge of Allegiance.

ADOPT AGENDA: Mayor Pro-Tem Trena McRary Kirby 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 19, 2014 REGULAR MEETING MINUTES: Mayor Pro-Tem Trena McRary Kirby asked for a motion to approve the August 19, 2014 regular meeting minutes.

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

PUBLIC COMMENT: Mayor Pro-Tem Trena McRary Kirby asked if anyone had any questions or comments at this time.

No one wished to speak.

RECOGNITIONS:

RECYCLE REWARDS WINNER: Town Administrator Seth Eckard announced Mr. and Mrs. Mark Maheux as the September Recycle Rewards winner. A credit of twenty-eight dollars (\$28.00) will be added to their sanitation bill and their certificate will be available at the Town Hall for pick up.

No Council action was required.

YARD OF THE MONTH WINNERS: Town Administrator Seth Eckard announced that Joe Helton, from the 28630 zip code, and IBS, from the 28638 zip code, as the September Yard of the Month winners. Town Administrator Seth Eckard stated that both certificates would be available at the Town Hall for pick up.

No Council action was required.

DISCUSSION:

APPOINTMENT OF A NEW MAYOR: On August 25, 2014, Bob Gibbs resigned as Mayor of Sawmills. Town Attorney Terry Taylor gave the council three (3) options as to what Council can do regarding the open Mayor seat. Those options up for discussion are:

- Nominate a candidate for Mayor;
- Postpone Mayor appointment; or
- Not appoint a Mayor and wait until the November 2015 election cycle.

Mayor Pro-Tem Trena McRary Kirby asked who wanted to start the discussion and Joe Wesson went first.

Joe Wesson stated that he has discussed this with Council and Sawmills' residents and he would like Sawmills' residents to be able to elect a Mayor in November 2015 and members of the Council can take on more responsibilities until the election.

Town Administrator Seth Eckard stated that instead of a four (4) year term, the person elected during the November 2015 election will only serve a two (2) year term and then run in the November 2017 election to get the Mayor seat back on the correct year.

Mayor Pro-Tem Trena McRary Kirby stated that if it is not going to be a hardship on the Town, then she agrees that members of the Council can take on more responsibility and let Sawmills' residents elect a Mayor in the November 2015 election.

Jeff Wilson stated that Sawmills' residents should be able to elect a Mayor in the November 2015 election.

Johnny Wilson stated that Council should wait until the November 2015 election and let the Sawmills' residents elect a Mayor unless a Mayor is needed before the election and then Council can appoint someone to act as Mayor until the election.

CALDWELL COUNTY RAILROAD COMMISSION MEMBER APPOINTMENT: A representative from each municipality serves a two (2) year term on the Caldwell County Railroad Commission. The two (2) year term started on January 1, 2014 and lasts until December 31, 2016. Bob Gibbs was serving on Caldwell County Railroad Commission representing the Town of Sawmills.

Jeff Wilson made a motion, Trena McRary Kirby seconded, that Joe Wesson will serve on the Caldwell County Railroad Commission representing the Town of Sawmills to finish out the two (2) year term. All were in favor.

CALDWELL COUNTY SALES TAX REINVESTMENT COMMISSION MEMBER: Bob Gibbs was serving on the Caldwell County Sales Tax Reinvestment Commission representing the Town of Sawmills for a term that ends in December 2015.

Jeff Wilson made a motion, Joe Wesson seconded, that Johnny Wilson will serve on the Caldwell County Sales Tax Reinvestment Commission representing the Town of Sawmills to finish out the term. All were in favor.

PLANNING MATTERS:

PROPOSED TEXT AMENDMENT FOR PROTEST PETITIONS: Town Planner Elinor Hiltz stated that the protest petition section of the Town of Sawmills code conflicts with State Statutes. The proposed new text is the State Statute, almost verbatim:

If opposition to a rezoning turns in a valid protest petition more than two (2) working days before the public hearing, the Council must approve the rezoning by a three-fourths ($\frac{3}{4}$) vote for the rezoning to pass.

Town Planner Elinor Hiltz stated that Councils usually vote unanimously, so a statewide poll has shown that protest petitions have only affected the outcomes of approximately six percent (6%) of rezoning cases (the source of this information came from the UNC School of Government blog). Protest petitions are good for indicating that there is clear opposition to the rezoning.

Town Planner Elinor Hiltz also stated that if the Town of Sawmills did not have a protest petition in the ordinance, a landowner would have the right to file a protest petition per State law.

Town Planner Elinor Hiltz stated that the Comprehensive Plan does not cover rezoning proceedings. This text amendment could prevent legal challenges. The Planning Board unanimously recommended approval of this ordinance on September 2, 2014.

Jeff Wilson made a motion, Johnny Wilson seconded, to call for the Public Hearing on October 21, 2014, to adopt the proposed protest petition text amendment proposal for the Sawmills Code of Ordinances. All were in favor.

APPOINTMENT FOR SUBDIVISION REVIEW BOARD: Town Planner Elinor Hiltz stated that minor subdivisions and family subdivisions need to be reviewed by a small subcommittee called the Subdivision Review Board (SRB). The SRB is made up of the Mayor, the Planning Board Chairman, a member of the Planning Board, and an alternate member of the Planning Board. The SRB will meet on Tuesdays at 5:00 pm, or 5:30 pm, when there is a plat to review.

On September 2, 2014, the Planning Board appointed David Powell as the primary member and Clyde Miller as the alternate member for the SRB.

No Council action was required.

PUBLIC COMMENT: Mayor Pro-Tem Trena McRary Kirby asked if anyone had any questions or comments at this time.

Dan Kuehnert wanted to introduce himself to Council. Mr. Kuehnert is a resident of Burke County and is running for Superior Court Judge in the 25A Judicial District. Mr. Kuehnert is the Town Attorney for Glen Alpine, and is the former Town Attorney for Rutherford College, so he knows about local government.

UPDATES:

CODE ENFORCEMENT MONTHLY REPORT: Administrator Seth Eckard stated Town Planner Elinor Hiltz has enclosed an updated status report of Code Enforcement cases and the progress that has been made on each case as of September 2014.

No Council action was required.

ADMINISTRATORS REPORT: Town Administrator Seth Eckard made the following announcements:

- The Fall Festival was the biggest and best festival to date. We had 52 vendors.
- The Festival Committee will meet Wednesday, September 17, 2014, at 3:00 pm to discuss the Fall Festival and the upcoming Veterans' Day celebration.
- The bid opening for the slope project at Veterans Park will open on September 23, 2014.
- Town Administrator Seth Eckard and Mayor Pro-Tem Trena McRary Kirby will be going to the COG meeting on September 23, 2014, at 6:00 pm.
- The Veterans Park restrooms should be delivered on October 6, 2014, and should be ready for use by our Veterans' Day celebration. Public Works is hoping to have the sidewalk finished and some landscaping done around the restrooms by the Veterans' Day celebration but are not sure if they can get it all finished by then.
- The Town is going to try to open bids for the Duff Drive sewer project in December.

COUNCIL COMMENT: Mayor Pro-Tem Trena McRary Kirby asked if anyone on the Council had any questions or comments at this time.

Joe Wesson wanted to thank everyone for coming to the meeting.

Trena McRary Kirby stated that she loved the festival and wanted to thank everyone for coming out.

COUNCIL ADJOURN: Mayor Pro-Tem asked for a motion to adjourn.

Joe Wesson made a motion, and Johnny Wilson seconded, to adjourn the meeting. All were in favor.

Julie A Good, Town Clerk

Trena McRary Kirby,
Mayor Pro-Tem

AGENDA ITEM 7A

MEMO

DATE:

October 21, 2014

SUBJECT:

Recognition:
Recycle Rewards
Program

Discussion:

The Town of Sawmills would like to congratulate Ms. Robin Wright on winning the Recycle Rewards Program for the month of October. Town Administrator Seth Eckard will present Ms. Wright with a Certificate of Appreciation. A twenty-eight dollar (\$28.00) credit will be added to the current sanitation bill.

Recommendation:

No Council action is required.

AGENDA ITEM 7B

MEMO

DATE:

October 21, 2014

SUBJECT:

Recognition:
Yard of the Month
Winners

Discussion:

Erick and Hollie Powell, from the 28630 zip code, and Todd and Lanell Berry, from the 28638 zip code, are the Yard of the Month winners for October. Town Administrator Seth Eckard will present them with a Certificate of Appreciation.

Recommendation:

No Council action required.

AGENDA ITEM 7C

MEMO

DATE:

October 21, 2014

SUBJECT:

Recognition:
Holly M Annas

Discussion:

The Town of Sawmills would like to congratulate Holly M. Annas for coming in 16th overall, and 2nd in her category, at the Long course Duathlon World Championships in Switzerland. Ms. Annas is the daughter of Mark and Lisa Annas of 1435 May Rd in Sawmills.

Recommendation:

No Council action is required.

AGENDA ITEM 7D

MEMO

DATE:

October 21, 2014

SUBJECT:

Recognition:
Girl Scout Troop 10147

Discussion:

On October 4, 2014, Girl Scout Troop 10147 participated in the “Big Sweep” supported by the Soil and Water Conservation of Caldwell County . The girls cleaned up around 19 bags of trash and debris at Sawmills Veterans Park. Town Administrator Seth Eckard will present them with a certificate of appreciation.

Recommendation:

No Council action is required.

Oct 21, 2014

6:00 PM

PROTEST PETITION TEXT AMENDMENT PROPOSAL

Deletions are in strikethrough; the new text is not in strikethrough

§ 153.211 PROTEST PETITION.

~~(A) *General.* A protest petition may be presented against any proposed amendment signed by the owners of 20% or more either of the area of the lots included in the proposed changes, or of those immediately adjacent thereto either in the rear thereof or on either side thereof, extending 100 feet there from, or of those directly opposite thereto extending 100 feet from the street fronting on the opposite lots. In this case the amendment shall not become effective except by favorable vote of three-fourths of all members of the Town Council.~~

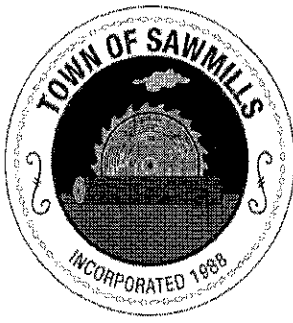
~~—(B) *Petition requirements.* No protest against any change in or amendment to the Zoning Code or Zoning Map shall be valid or effective unless it be in the form of a written petition actually bearing the signatures of the requisite number of property owners and stating that the signers do protest the proposed change or amendment, unless it shall have been received by the Town Clerk in sufficient time to allow the town at least two normal working days, excluding Saturdays, Sundays and legal holidays, before the date established for a public hearing on the proposed change or amendment to determine the sufficiency and accuracy of the petition (G.S. §160A-387). (Ord. passed 4-17-2012)~~

(A) A protest petition may be filed to contest a rezoning or zoning ordinance amendment. In case of a qualified protest against a zoning map amendment, that amendment shall not become effective except by favorable vote of three-fourths of all the members of the city council. For the purposes of this subsection, vacant positions on the council and members who are excused from voting shall not be considered "members of the council" for calculation of the requisite supermajority. No protest petition shall be valid unless it be in the form of a written petition actually bearing the signatures of the requisite number of property owners and stating that the signers do protest the proposed change or amendment, and unless it shall have been received by the town clerk in sufficient time to allow the town at least two normal work days, excluding Saturdays, Sundays and legal holidays, before the date established for a public hearing on the proposed change or amendment to determine the sufficiency and accuracy of the petition. A person who has signed a protest petition may withdraw his or her name from the petition at any time prior to the vote on the proposed zoning amendment. Only those protest petitions that meet the qualifying standards at the time of the vote on the zoning amendment shall trigger the supermajority voting requirement.

(B) To qualify as a valid protest petition, the petition must be signed by the owners of either (i) twenty percent (20%) or more of the area included in the proposed change or (ii) five percent (5%) of a 100-foot-wide buffer extending along the entire boundary of each discrete or separate area proposed to be rezoned. A street right-of-way shall not be considered in computing the 100-foot buffer area as long as that street right-of-way is 100 feet wide or less. When less than an entire parcel of land is subject to the proposed zoning map amendment, the 100-foot buffer shall be measured from the property line of that parcel. In the absence of evidence to the contrary, the city may rely on the county tax listing to determine the "owners" of potentially qualifying areas.

(C) The foregoing provisions concerning protests shall not be applicable to any amendment which

initially zones property added to the territorial coverage of the ordinance as a result of annexation or otherwise, or to an amendment to an adopted (i) special use district, (ii) conditional use district, or (iii) conditional district if the amendment does not change the types of uses that are permitted within the district or increase the approved density for residential development, or increase the total approved size of nonresidential development, or reduce the size of any buffers or screening approved for the special use district, conditional use district, or conditional district.



PLANNING BOARD

TOWN ADMINISTRATOR
Seth Eckard

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

TOWN PLANNER
Elinor Hiltz

COUNCIL MEETING
Oct 21, 2014
6:00 PM

Agenda Item # 8B

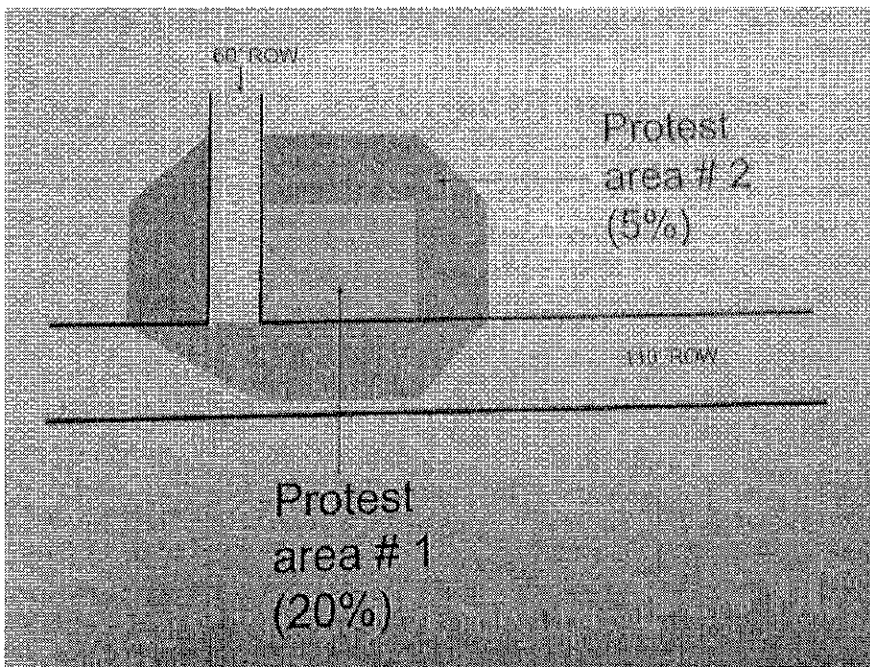
PLANNER'S STAFF REPORT

PROTEST PETITION TEXT AMENDMENT PROPOSAL

Status: The Planning Board unanimously recommended approval of this ordinance on September 2nd. The Call for Public Hearing was September 16th.

Proposal: The protest petition section of the Sawmills code conflicts with state statutes. The proposed new text is the state statute, almost verbatim.

If opposition to a rezoning turns in a valid protest petition more than two working days before the public hearing, then Council must approve the rezoning by a 3/4 vote for the rezoning to pass. Councils usually vote unanimously so a statewide poll has shown that protest petitions have only affected the outcomes of something like 6 percent of cases (UNC School of Government blog). But protest petitions are good for indicating that there is clear opposition to the rezoning.



The graphic above shows how many signatures a valid protest petition has to have.

The light gray area is the area to be rezoned. 20 percent of owners within the area to be rezoned must sign the protest petition. (Normally Sawmills does not do rezoning without the property owners' permission, but "administrative zonings" happen sometimes.)

The dark gray area represents a 100 foot buffer around the area to be rezoned. If owners holding at least 5 percent of the land in the dark gray area sign the protest petition, then the protest petition is valid. In many cases it is not hard to collect enough signatures for the protest petition to be valid-just one or two families usually.

If Sawmills did not have the protest petition in its ordinance, a landowner would still have a right to file one per state law. Right now we are just trying to make our local ordinance match state law.

Consistency with Comprehensive Plan:

Sawmills Comprehensive Plan does not cover rezoning proceedings, but zoning is a useful tool for land-use planning. This text amendment could prevent legal challenges. A judge can make a Town rehear a rezoning case if the Town did not do it legally the first time by inadvertently discounting a protest petition that should have been counted.

Action Needed:

1)ADOPT STATEMENT

"Changing the protest petition section of the zoning ordinance protects property owner rights, but also allows a rezoning to pass if the rezoning is for the greater good. We are changing this section to adhere to state law."

2)APPROVE THE TEXT AMENDMENT "because it is not inconsistent with the Sawmills Comprehensive Plan".

AGENDA ITEM 9A

MEMO

DATE:

October 21, 2014

SUBJECT:

Discussion:
Speed Hump Petition
On Mayfield Dr

Discussion:

Mrs. Teresa Berry initiated the process for a speed hump on Mayfield Dr.

Mrs. Berry did everything required by the Town's speed hump policy including obtaining 18 (eighteen) signatures, out of 19 (nineteen), that were needed for the petition within the 60 (sixty) days allotted.

Attached is a map that Todd Poteet, from West Consultants, and Ronnie Coffey determined the best location for the speed hump would be. Todd Poteet informed staff that Mayfield Dr meets the general criteria for a speed hump, except for the following:

Item 5: The minimum street length of 1,200 feet is not met. The street is only 960 feet long.

Item 6: It doesn't appear this street will meet the traffic volume of 400 vehicles per day.

Recommendation:

Staff recommends Council decide if they wish to install a speed hump on Mayfield Dr. based on the information provided.

2 speed humps in curve

PETITION REQUESTING SPEED HUMP(S)

We the undersigned citizens of the Town of Sawmills, North Carolina, respectfully request that the Town install the appropriate speed control device(s) on Mayfield Dr to assist in controlling speeding and have indicated such request by signing this petition. Also, by signing this petition, the undersigned has read and reviewed the Advantages and Disadvantages of Speed Humps and the area map.

NAME	SIGNATURE	STREET ADDRESS	TELEPHONE #
1. Buster Price	Buster Price	4492 Mayfield Dr	850-0688
2. Justin Morrison	Justin Morrison	4485 Mayfield Dr	781-1447
3. Thomas Roberts	Thomas Roberts	4525 Mayfield Dr	212-1363
4. Sylvia L. Forbis	Sylvia L. Forbis	4525 Mayfield Dr	212-1363
5. Kathy Robinson	Kathy Robinson	4525 Mayfield Dr	212-1363
6. Brian Church	Brian Church	4558 Mayfield Dr	396-7322
7. Kim Shook	Kim Shook	4567 Mayfield Dr	312-4750
8. Jesse Braswell	Jesse Braswell	4633 Mayfield Dr	962-2951
9. Karen Braswell	Karen Braswell	4633 Mayfield Dr	962-3627
10. Heather Price	Heather Price	4650 Mayfield Dr	892-1585
11. Sandy Crow	Sandy Crow	4679 Mayfield Dr	396-9597
12. Rick Crow	Rick Crow	4679 Mayfield Dr	396-9597
13. Paula Cogdell	Paula Cogdell	4723 Mayfield Dr	496-2265
14. James Cogdell	James Cogdell	4723 Mayfield Dr	496-2265
15. Matt Church	Matt Church	4773 Mayfield Dr	612-2346
16. Brittany Church	Brittany Church	4773 Mayfield Dr	313-7015
17. Shan R. R. R.	Shan R. R. R.	4939 Mayfield Dr	396-5635
18. Maecle Ramsey	Maecle Ramsey	5264 Union Ch Rd	396-7419
19. Eric Rich	Eric Rich	4432 Mayfield Dr	212-0980
20.			

This petition was circulated by: Dorcas B. B. Telephone #: 244-2264

Please return completed form to: Town of Sawmills
4076 US Highway 321-A
Sawmills, NC 28630

PETITION REQUESTING SPEED HUMP(S)

We the undersigned citizens of the Town of Sawmills, North Carolina, respectfully request that the Town install the appropriate speed control device(s) on _____ to assist in controlling speeding and have indicated such request by signing this petition. Also, by signing this petition, the undersigned has read and reviewed the Advantages and Disadvantages of Speed Humps and the area map.

NAME	SIGNATURE	STREET ADDRESS	TELEPHONE #
✓ 1. Eric Rich		4430 Mayfield Dr	
✓ 2. Gera Edwards		4492 Mayfield Dr	
✓ 3. Brian Church		4558 Mayfield Dr	
✓ 4. Ann Church		4458 Mayfield Dr	
✓ 5. Donald Price		4650 Mayfield Dr	
6. Tony Ramsey		4712 Mayfield Dr	
7. Sandra Ramsey	Sandy Ramsey	4774 Mayfield Dr	828-726 8346
✓ 8. Maecile Ramsey		4810 Mayfield Dr 4859 Mayfield Dr 4843 Mayfield Dr	
9.			
10. Michael Rabon		4841 Mayfield Dr	
11. Linda Rabon	Linda Rabon	4841 Mayfield Dr	396-4443
✓ 12. Kathy R Cox		4773 Mayfield Dr	
✓ 13. James Cogbill		4723 Mayfield Dr	
✓ 14. Dewey Conway		4671 Mayfield Dr	
✓ 15. Karen Nichols		4633 Mayfield Dr	
16. Joel Reese	Joel Reese	4517 Mayfield Dr	828-493 2428
✓ 17. Kimberly Shook		4567 Mayfield Dr	
✓ 18. Thomas Forbis		4525 Mayfield Dr	
✓ 19. Justin Morrison		4485 Mayfield Dr	
✓ 20. Shane Wilson		4439 Mayfield Dr	

This petition was circulated by: FRESH BERRY Telephone #: 828-244-2264

Please return completed form to: Town of Sawmills
4076 US Highway 321-A
Sawmills, NC 28630



AGENDA ITEM 10A

MEMO

DATE:

October 21, 2014

SUBJECT:

Financial Matters:
Capital Reserve Fund
Budget Amendment

Discussion:

A budget amendment will need to be approved for the transfer of funds into the Capital Reserve Fund.

The attached amendment will transfer a total of \$245,000 (two hundred forty-five thousand dollars) to the Capital Reserve Fund from the General Fund for future capital outlay and/or projects.

Recommendation:

Staff recommends Council approve a budget amendment in the amount of \$245,000 (two hundred forty-five thousand dollars).

TOWN OF SAWMILLS
BUDGET ORDINANCE AMENDMENT

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 Fiscal Year 2014 – 2015 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, 2015.

<u>Description</u>	<u>Account Number</u>	<u>Increase</u>
Capital Improvement Project Fund	7-00-1001 Cash	\$245,000
	7-00-3850 Capital Contributions	\$245,000
		<u>Decrease</u>
General Fund	1-00-1001 Cash	\$245,000
	1-00-4493 Transfer to Capital Projects	\$245,000

Explanation: Transferring the funds from the General Fund to Capital Reserve Funds for future projects.

This Amendment now Adopted this the _____ day of October, 2014.

Approved:

Mayor, Town of Sawmills

Finance Officer, Town of Sawmills

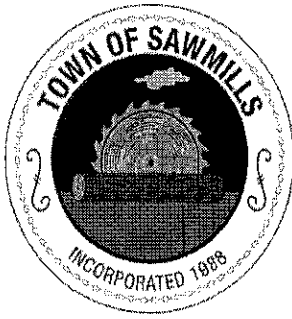
ATTEST:

APPROVED TO FORM:

Town Clerk

Town Attorney

This instrument has been preaudited in the manner required by the Local Government budget and Fiscal Control Act.



TOWN ADMINISTRATOR
Seth Eckard

TOWN PLANNER
Elinor Hiltz

**PLANNING
BOARD**

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

MEMO

Agenda Item 11A

TO: Town Council

FROM: Elinor Hiltz, Town Planner

DATE: October 14, 2014

SUBJECT: New Approval Procedures

I have just returned from the statewide planning conference where I learned one additional step the Town has to do to make rezonings and text amendments more legal.

It seems like we just learned about “consistency with the Comprehensive Plan”. Now, in addition to making a “consistency statement” we also should adopt a “statement of reasonableness”.

From now on staff reports will have two requested actions.

1) ADOPT A STATEMENT

about the amendment harming or not harming the public good. The statement has to be unique to each case, because recently a judge turned down a City of Charlotte rezoning that said “the action is good for public health, safety, and welfare” because it was not specific enough. So every case, I will put suggested “**statement of reasonableness**” in the bottom of the staff report, in a box. The statement will need to be adopted.

2) REZONE OR AMEND THE ORDINANCE

and in the motion please state that the action will be “**consistent (or inconsistent) with the Comprehensive Plan**”. A suggested motion will be in a box at the bottom of the staff report as well.

Seth and I have tried to make it easy on the Council by providing the language and Seth invented the box. Sorry for the inconvenience of adding another step! Hopefully it will go smoothly after a couple of tries.

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.

AGENDA ITEM 13A

MEMO

DATE:

October 21, 2014

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.

Code Enforcement Report
Oct, 2014

<u>Property Owner</u>	<u>Property Address</u>	<u>Issue</u>	<u>Status</u>
Martin Kendall Webb	corner of Cajah Mtn and Kendall	high grass	customer mowed it 9/18/14
George & Amanda McGhee	4465 Sawmills Sch Rd	2 junk cars	Amanda McGhee has asked the tenant to move the cars before, but one of the cars has a tag and the other has sentimental value to the tenant. Although the septic tanks are in the back, maybe there is an area around back that won't interfere with the septic system. Ms. McGhee said she would ask the tenant to move it again. The McGhees try to weedeat around the car
Phyllis & Jimmy Chester	6098 Spartan Dr	Trash in front and back yard	case closed and appreciative email sent.
Ralph Flannagan	4417 Nathan's Way	Buildings falling in	I need to inspect the property and then call him to ask if he needs one last extension.
Timothy Cowick	4438 Rual Dr	Man living in shed	first Notice of Violation sent to wrong mailing address. Second attempt sent 10/14/14