

**TUESDAY, FEBRUARY 16, 2016  
TOWN OF SAWMILLS REGULAR COUNCIL MEETING  
6:00 PM**

**COUNCIL PRESENT**

Joe Wesson  
Gerelene Blevins  
Jeff Wilson  
Joe Norman  
Keith Warren  
Reed Lingerfelt

**STAFF PRESENT**

Christopher Todd  
Julie Good  
Terry Taylor

**CALL TO ORDER:** Mayor Joe Wesson called the meeting to order.

**INVOCATION:** Pastor David Woods gave the invocation.

**PLEDGE OF ALLEGIANCE:** Mayor Joe Wesson led the Pledge of Allegiance.

**ADOPT AGENDA:** Mayor Joe Wesson asked for a motion to adopt the February 16, 2016 Agenda with the addition of Item 9F: Helton Road Stabilization and Item 9G: Farmers Market Gazebo.

Joe Norman made a motion, and Gerelene Blevins seconded, to adopt the February 16, 2016 agenda with the addition of Item 9F: Helton Road Stabilization and Item 9G: Farmers Market Gazebo. All were in favor.

**APPROVE JANUARY 19, 2016 REGULAR MEETING MINUTES:** Mayor Joe Wesson asked for a motion to approve the January 19, 2016 regular meeting minutes.

Reed Lingerfelt made a motion, and Joe Norman seconded, to approve the January 19, 2016 regular meeting minutes. All were in favor.

**APPROVE JANUARY 19, 2016 CLOSED SESSION MINUTES:** Mayor Joe Wesson asked for a motion to approve the January 19, 2016 closed session minutes.

Gerelene Blevins made a motion, and Keith Warren seconded, to approve the January 19, 2016 closed session minutes. All were in favor.

**APPROVE JANUARY 21, 2016 SPECIAL SESSION COUNCIL MINUTES:** Mayor Joe Wesson asked for a motion to approve the January 21, 2016 special session council minutes.

Joe Norman made a motion, and Gerelene Blevins seconded, to approve the January 21,

2016 special session council minutes. All were in favor.

**APPROVE JANUARY 21, 2016 SPECIAL SESSION CLOSED SESSION MINUTES:**  
Mayor Joe Wesson asked for a motion to approve the January 21, 2016 special session closed session minutes.

Reed Lingerfelt made a motion, and Joe Norman seconded, to approve the January 21, 2016 special session closed session minutes. All were in favor.

**PUBLIC COMMENT:** Mayor Joe Wesson asked if anyone had any questions or comments at this time.

Billy Slater, Lisa Slater, Bobby Mosteller, Johnny Clarke and Shirley Pruett all signed up to speak regarding sewer for the entire Town of Sawmills. All speakers agreed to let Billy Slater be the spokesman for the group.

Billy Slater stated that Sawmills has been a Town for twenty-eight (28) years and the Town should worry more about the needs of the citizens than the wants. Billy Slater stated that the Town should have put sewer in the entire town ten (10) years ago. Billy Slater stated that a lot of the homes in and around Virginia Acres have failing septic systems and the citizens cannot afford to have the systems pumped. Billy Slater stated that the average amount a citizen has to pay to have their septic tank pumped is two hundred fifty dollars (\$250.00). Billy Slater stated to the Council that if septic tanks fail and the homeowner cannot have it fixed then that house is in danger of being condemned. If the houses get condemned, then the citizens are forced to move from Sawmills. Billy Slater stated that the number one (1) priority for Sawmills should be its infrastructure.

Billy Slater stated that he had some suggestions to help with the problem until Sawmills could get sewer to all its citizens. They are:

- Talk to all the septic companies to see if Sawmills could contract with one (1) company for a lower price and use that company for all septic tank problems; and
- Town can buy their own pump truck.

Billy Slater thanked Council for giving him the time to speak on the matter.

**RECOGNITIONS:**

**RECYCLE REWARDS WINNER:** Mayor Joe Wesson announced Ms. Alesa Tingler, as the February Recycle Rewards winner. A credit of twenty-eight dollars (\$28.00) will be added to her sanitation bill. Mayor Joe Wesson stated that her certificate would be available at the Town Hall for pick up.

No Council action was required.

**FINANCIAL MATTERS:**

**BUDGET AMENDMENT:** Mayor Joe Wesson stated that at the January 19, 2016 Council Meeting, the Council approved the amount of four thousand dollars (\$4,000.00) be appropriated for the purchase and upgrading of broadcast and recording equipment by the Caldwell County Government Channel. The budget amendment ordinance will need to be reviewed and signed.

Joe Norman made a motion, and Reed Lingerfelt seconded, to approve the budget amendment ordinance for an expenditure of four thousand dollars (\$4,000.00) to be paid to the Caldwell County Government Channel to help with the cost of upgrading and repairing the recording and broadcasting equipment. All were in favor.

**DISCUSSION:**

**IN GOD WE TRUST SIGN:** Mayor Joe Wesson stated that the Town of Sawmills has been approached by the US Motto Action Committee to determine the interest of the Town to display the US Motto, "In God We Trust," on the Town Hall Building.

Audrey Yancey, a Representative with the US Motto Action Committee, gave a presentation regarding putting the US Motto on both the outside and inside of the Sawmills Town Hall. Audrey Yancey stated that the US Motto Action Committee's sole purpose is to promote patriotism by encouraging elected officials to "Vote Yes" to display In God We Trust in and on their government buildings. On July 30, 1956, during the Dwight D. Eisenhower administration, the US Congress adopted In God We Trust as the official National Motto of the United States of America.

Audrey Yancey stated that one hundred percent (100%) of the cost comes from the US Motto Action Committee. The Town does not have to pay anything. The Council can determine where it would like the US Motto displayed. In and around Town Hall and even on the Town welcome signs.

Reed Lingerfelt made a motion, and Joe Norman seconded, to approve the US Motto, "In God We Trust," be displayed in the Town of Sawmills. All were in favor.

**RATIFICATION OF ORDINANCE § 93.01:** Town Attorney Terry Taylor stated that with the modification to the Town of Sawmills Private Street Acceptance Policy that was made by Council during the December 15, 2015 meeting, Ordinance § 93.01 will need to be changed as attached hereto (Exhibit A).

Joe Norman made a motion, and Keith Warren seconded, approve the changes to Ordinance § 93.01 as attached to these minutes (Exhibit A). Gerelene Blevins and Reed Lingerfelt were in favor. Jeff Wilson was opposed.

**RATIFICATION OF WEST CONSULTANTS CONTRACT AMENDMENT:** Town Attorney Terry Taylor stated that the Town of Sawmills currently has a contract with West Consultants, LLC for the amount of seventy-two thousand dollars (\$72,000.00) for work related to the Duff Drive Sewer Project. Due to the nature of the project, the total cost, as calculated by the hourly rate, has significantly surpassed the contracted total. Most of the increase is due to the project taking longer to complete than originally expected. The engineer has requested the Town adjust the contract amount to more adequately compensate for their services. There are eighteen thousand dollars (\$18,000.00) in funds available through the CDBG Program that could be applied to a contract increase. This increase would cover some, but not all, of the cost increase associated with work conducted by West Consultants, LLC. The estimate cost of hourly work conducted by the engineers over the original contract amount is estimated to be thirty-five thousand dollars (\$35,000.00).

Jeff Wilson made a motion, and Gerelene Blevins seconded, to ratify the contracted agreement with West Consultants, LLC to increase the payment by the Town to a total of ninety thousand dollars (\$90,000.00) for the Duff Drive Sewer Project. All were in favor.

**RATIFICATION OF DUFF DRIVE SEWER PROJECT FINAL CHANGE ORDER AND ACCEPTANCE OF TERMS:** Town Attorney Terry Taylor stated on Thursday, January 7, 2016 Jan Wilson with Neill Grading contracted the Town to request a contract extension to finish the Duff Drive Sewer Project and also a Request for Change Order.

Under the general direction of the Town Council, Town Administrator Christopher Todd negotiated a final contract adjustment and change order. Neill Grading and Construction has agreed to pay liquidated damages at the contract rate of five hundred dollars (\$500.00) per day for thirty-five (35) days. Additionally, at the recommendation of both West Consultants and Neill Grading and Construction, the final recommended change order amount is one thousand four hundred and ninety-nine dollars (\$1,499.00) for additional contract work and minor delays.

Reed Lingerfelt made a motion, and Joe Norman seconded, to ratify the agreement with Neill Grading and Construction to reflect limiting liquidated damages to the contract rate of five hundred dollars (\$500.00) per day for thirty-five (35) days and approve a final change order of one thousand four hundred ninety-nine dollars (\$1,499.00). All were in favor.

**RATIFICATION OF SEWER EASEMENT AGREEMENT WITH H & H HOLDINGS:** Town Attorney Terry Taylor stated that H & H Holdings has agreed to the settlement proposal of fifteen thousand nine hundred five dollars and seventy cents (\$15,905.70), which is the appraised commercial value for the permanent Sewer Easement area on their property. The proposed Easement Agreement provides that the Town will protect the sewer line and make changes and modifications as are reasonably necessary to not impede H & H Holdings from construction of a driveway or access road in the future

across the Easement Area.

Council will also need to approve the Relinquishment of Easement Agreement to give H & H Holdings back the part of the current Easement that is not in use by the Town.

Joe Norman made a motion, and Jeff Wilson seconded, to give a settlement of fifteen thousand nine hundred five dollars and seventy cents (\$15,905.70) for the permanent Sewer Easement area to H & H Holdings, to approve the proposed Easement Agreement and approve the Relinquishment of Easement Agreement giving H & H Holdings back the part of the current Easement that is not in use by the Town. All were in favor.

**HELTON ROAD SHOULDER STABILIZATION:** Town Administrator Christopher Todd stated that staff has recently been contacted regarding a possible unsafe shoulder located at the intersection of Helton Road and Sigmon Drive. The shoulder is almost non-existent and has the potential to erode away further which would cause damage to Helton Road. Staff worked with West Consultants to get a plan to both stabilize the shoulder and handle the storm water drainage located at the intersection. This project would allow for the shoulder to be stabilized, expanded and still be able to move the necessary storm water.

Mountain Crest, LLC has provided a quote for shoulder and storm water drainage work for five thousand two hundred sixty dollars (\$5,260.00).

Reed Lingerfelt made a motion, and Gerelene Blevins seconded, to proceed with the shoulder stabilization by Mountain Crest, LLC for an estimated cost of five thousand two hundred sixty dollars (\$5,260.00). All were in favor.

**FARMERS MARKET GAZEBO:** Mayor Joe Wesson stated that the Town has been presented with the idea of placing a gazebo at the Farmers Market location. The gazebo idea was originally presented by a citizen during this year's Coffee with Council. As a structure, this building would provide an ascetically pleasing aspect, shelter during some weather events and a place for people to use during non-market events.

Gerelene Blevins made a motion, and Reed Lingerfelt seconded, to table this matter until the March 15, 2016 Regular Council Meeting. All were in favor.

#### **UPDATES:**

**SBEA JANUARY PROGRESS REPORT:** Town Administrator Christopher Todd stated that Sherry Long, from the Western Piedmont Council of Governments, has enclosed a progress report for the SBEA project 12-C-2443.

No Council action was required.

**FEBRUARY CODE ENFORCEMENT REPORT:** Town Planner Elinor Hiltz stated that

there are three (3) code enforcement cases open:

- Steven Killian at 4801 Helton Road. The second citation was sent on February 2, 2016. The fines now total two thousand one hundred fifty dollars (\$2,150.00). Town Attorney Terry Taylor will send a letter in addition to the second citation.
- Wendy Hadchin is the owner of a dilapidated house located at 4476 Sawmills School Road. Code Enforcement Officer Elinor Hiltz spoke with Caldwell County Inspector Robin Soots. Inspector Soots has agreed to inspect the house with Code Enforcement Officer Elinor Hiltz as long as the owner is present. Code Enforcement Officer Elinor Hiltz has left a voice message for the home owner.
- Jane Mason at 2451 Annas Dr. There has been a complaint about tires in the yard. A code enforcement committee meeting has been set to discuss this matter.

No Council action was required.

**COMPERHENSIVE STEERING COMMITTEE REPORT:** Town Planner Elinor Hiltz stated that she has enclosed a status report from the February 2, 2016 Steering Committee meeting.

No Council action was required.

**DUFF DRIVE SEWER PROJECT REPORT:** Town Administrator Christopher Todd stated that Lisa Helton, from the Western Piedmont Council of Governments, has enclosed a progress report for the Duff Drive Sewer project.

No Council action was required.

**COUNCIL COMMENT:** Mayor Joe Wesson asked if anyone on the Council had any questions or comments at this time.

Reed Lingerfelt said it was great to see everybody here. He hoped to see everyone back next month and bring your neighbor with you. He appreciated the comments that were made that night. Councilman Lingerfelt further stated that it was good to have Jeff Branch, County Commissioner here, and asked everyone to be careful going home.

Jeff Wilson wanted to thank everyone for coming and he feels the citizens pain with regards to the sewer. The Council is doing their best to get sewer throughout the whole Town.

Gerelene Blevins wanted to thank everyone for coming and like Jeff Wilson said she felt their pain. There are citizens that really need sewer. The Town does not have the money to put sewer throughout the Town. It is very expensive. Everyone be careful going home and

is glad to see everyone at the meeting.

Keith Warren appreciates everyone coming out and Mr. Slater for standing up and speaking to the Council. Pastor David, from Sunrise Baptist, is appreciated for coming out and doing the invocation. Everyone have a safe trip home.

Joe Norman wanted to thank everyone for coming. The more people in the room each week helps the Council. If the citizens have any questions or thoughts come see the Council every month.

Jeff Branch, Caldwell County Commissioner and Sawmills resident, wanted to thank Council for donating to the Caldwell County Government Channel. Jeff Branch stated that there has been a good response from all the municipalities in Caldwell County.

Mayor Joe Wesson stated that he and Town Administrator Christopher Todd was at the Civic Center celebrating one hundred seventy-five years (175) of Caldwell County put on by Caldwell County Economic Development. The guest speaker was the North Carolina Governor Pat McCrory. Mayor Joe Wesson wanted to thank everyone for coming. Council appreciates each and every one of the citizens. Council gets some of their best ideas from the citizens.

**CLOSED SESSION: PERSONNEL MATTERS:** Mayor Joe Wesson asked for a motion to go into closed session.

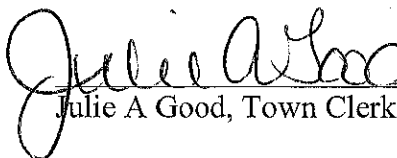
Jeff Wilson made a motion, and Reed Lingerfelt seconded, to go into Closed Session at 7:10 pm. All were in favor.

Reed Lingerfelt made a motion, and Joe Norman seconded, to come out of Closed Session at 7:30 pm. All were in favor.

**OPEN MEETING ACTION ITEMS:** After returning to open session, Mayor Joe Wesson stated that Council had discussed the performance of Town Administrator Christopher Todd. A salary increase of four thousand dollars (\$4,000.00) will be effective July 1, 2016.

**COUNCIL ADJOURN:** Mayor Joe Wesson asked for a motion to adjourn.

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

  
Julie A Good, Town Clerk



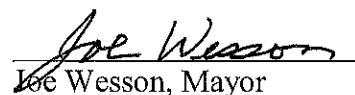
  
Joe Wesson, Mayor

Exhibit A

**TOWN OF SAWMILLS**

**STREETS AND SIDEWALKS**

***GENERAL PROVISIONS***

**§93.01 TOWN COUNCIL APPROVAL OF NEW STREETS**

Before any new street offered for dedication to the Town is accepted as such, and officially recognized as a Town-maintained street, the Town Council must give its approval, finding that the street complies with each of the requirements listed below.

- A. The street must be free of charge and clear of all encumbrances.
- B. The street must be a part of an existing minimum 35-foot recorded right-of-way approved by the Town Attorney and Town Engineer. Otherwise, a registered survey and Easement Agreement must be prepared and approved prior to dedication.

***Sawmills - General Regulations***

- C. A signed Petition requesting acceptance and dedication must be submitted by 100% of the adjacent property owners. The property owners need to understand before any work begins on the project, 100% of the property owners must sign the Easement Agreement prepared by the Town Attorney. The signed Petitions for all new streets offered for dedication to the Town and thereafter the fully signed Easement Agreements must be submitted to the Town Clerk.
- D. The Town will pave and improve roads as funds are available each year. The Town Council Street Committee, Public Works Superintendent and Town Engineer will rank each street eligible to be paved according to the density in which the streets are developed and the physical shape the streets are in. The actual improvements scheduled will be approved by the Town Council and periodically revised. If necessary, the paving schedule may be spread over two or more years to accommodate the Town's budget.
- E. All utilities requiring removal, relocation or adjustments shall be made at no expense to the Town. Any existing utilities may remain upon approval by the Town prior to dedication.



- F. At least 20% of the number of lots bordering the street must be individually owned.
- G. Any street less than two-tenths of one mile (1,056 feet) must serve at least four owner-occupied residences (otherwise it will be considered a private driveway). Additionally, there must be one owner-occupied residence for each one-tenth of one mile (528 feet) thereafter.
- H. All streets and right-of-way offered to the Town must meet the current minimum standards set forth by the Town Ordinances and approved by the Town Engineer.
- I. The Town reserves the right to allow deviations from the design criteria listed herein. The deviations allowed will be reasonable and limited only by safety and maintenance factors and must be recommended by the Public Works Superintendent and Town Engineer.
- J. Any street that extends from an existing state - or Town-maintained street must meet the right-of-way standards of the existing street.
- K. The following definitions shall be used to determine the appropriate design and construction standards. These determinations will be made by the Town Council Street Committee and the Public Works Superintendent. Any determination by the Street Committee and/or the Public Works Superintendent concerning the dedication of private streets to the Town may be appealed to the Town Council.
  - (1) **LOCAL RESIDENTIAL STREETS.** Streets that do not connect thoroughfares or serve major traffic generators. These streets may serve as connectors between existing **LOCAL RESIDENTIAL STREETS**.
  - (2) **MINOR RESIDENTIAL SUBDIVISION STREETS.** Dead-end, cul-de-sac and loop streets less than one-tenth of a mile (1,056 feet) in length that do not connect to more than one local residential street.
  - (3) **PRIVATE DRIVEWAY.** Streets which serve less than four permanent residences regardless of length. These streets will not be eligible for acceptance into the Town system.
  - (4) **RESIDENTIAL COLLECTOR STREETS.** Streets which serve as the connecting street between local residential streets and thoroughfare streets.
- L. All streets created in family subdivision even if dedicated to the public are not eligible for acceptance into the town system until they are brought up to Town standards.

(1991 Code, §40.01) (Ord. Passed 1-22-1991; Ord. 11-92-5, passed -1992;  
Ord. Passed 12-15-1998)

## TOWN OF SAWMILLS PRIVATE STREET ACCEPTANCE PROCEDURES

Like most municipalities, the Town of Sawmills still has a few remaining private, unimproved roads. These are roads that, at the time of development, were not constructed to the minimum State Standards by the neighborhood developer. It is safe to say that most people in the twenty-first century prefer to live on a paved road instead of a gravel road. No matter the type of road you live on, if it is a Town of Sawmills roadway, the Town will maintain it. If you are interested in routine road maintenance and repairs, please call 828-396-7903. If you are interested in converting your existing private road to a paved road maintained by the Town, the following explains the process.

### The Process

Any road eligible to fall under this procedure must be within the Town of Sawmills and not a State maintained roadway. Any property owner on the street can begin the process. The first step is that a petition must be acquired from the Town of Sawmills to determine the interest of the property owners on the road in converting the road from a private to Town maintained. Once the petition is received a tax map is provided along with the petition to assist you with this process. To be eligible for formal consideration by the Town Council, **the petition must be returned to the Town of Sawmills with the signatures of 100% of the property owners along both sides of the section of road under consideration and those property owners signing the petition must own all of the street frontage along the section of road.** If the proper signatures are acquired on the petition, it should be returned to the Town Clerk who will examine the petition for validity. If the petition meets all Town requirements it will be presented to the Town Administrator to place on the next Street Committee agenda to consider the request. After approval by the Street Committee the petition will be submitted to the Town Surveyor for the appropriate Right-of-Way Map to be prepared with street width located, meeting all Town Codes and Ordinances. Finally, then the Town Attorney will prepare all necessary easements from the completed map or survey.

### The Cost

After all necessary easements have been signed and returned to the Town Administrator, then the Town Administrator in coordination with the Town Engineer will solicit bids for the improvements necessary for the Town to accept this Street as a Town Street within the Town of Sawmills jurisdiction. The Town Administrator will then place the project on the list of streets to be improved/accepted for maintenance, and Town Council will approve projects for acceptance and award the contract for improvements as funds are available.