

AGENDA

Regular Meeting of the Sawmills Town Council Sawmills Town Hall

**Tuesday, August 19, 2014
6:00 pm**

1. Call To Order Mayor Bob Gibbs
2. Invocation Mayor Bob Gibbs
3. Pledge of Allegiance Mayor Bob Gibbs
4. Adopt Agenda Mayor Bob Gibbs
5. Approve Meeting Minutes
A. July 22nd Regular Meeting Minutes Mayor Bob Gibbs
6. Public Comment Mayor Bob Gibbs
7. Recognitions:
A. Recycle Rewards Administrator Seth Eckard
B. Yard of Month Winners Mayor Bob Gibbs
C. South Caldwell Spartans Junior American Legion Baseball Team Mayor Bob Gibbs
8. Financial Matters:
A. Bid Award for Moore Acres Drive/Baird Park Walking Trail Project Administrator Seth Eckard
B. Donation Request from South Caldwell High School Band Boosters Administrator Seth Eckard
9. Discussion:
A. Veterans Park Slope Engineer Benjie Thomas
10. Public Hearing: Rezoning 4737 and 4741 Hickory Nut Ridge Road
A. Open Public Hearing Mayor Bob Gibbs
B. Staff Comments/Recommendations Planner Elinor Hiltz
C. Public Comment Mayor Bob Gibbs
D. Close Public Hearing Mayor Bob Gibbs
E. Council Action Mayor Bob Gibbs
11. Public Hearing: Amendment to Town of Sawmills Code of Ordinance Text
A. Open Public Hearing Mayor Bob Gibbs
B. Staff Comments/Recommendations Planner Elinor Hiltz
C. Public Comment Mayor Bob Gibbs
D. Close Public Hearing Mayor Bob Gibbs
E. Council Action Mayor Bob Gibbs
12. Planning Matters:
A. Livestock Text Amendment Planner Elinor Hiltz
B. House Condemnation Process and Costs Planner Elinor Hiltz
13. Public Comment:
14. Updates:
A. Code Enforcement Monthly Report Administrator Seth Eckard
B. Administrators Report Administrator Seth Eckard
C. Council Comment Mayor Bob Gibbs
15. Adjourn Mayor Bob Gibbs

**TUESDAY, JULY 22, 2014
TOWN OF SAWMILLS REGULAR COUNCIL MEETING
6:00 PM**

COUNCIL PRESENT

Bob Gibbs
Joe Wesson
Gerelene Blevins
Jeff Wilson
Trena McRary Kirby
Johnny Wilson

STAFF PRESENT

Seth Eckard
Julie Good
Terry Taylor
Elinor Hiltz

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 Bob Gibbs asked for a motion to adopt the agenda.

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

APPROVE JUNE 17, 2014 REGULAR MEETING MINUTES: Mayor Bob Gibbs asked for a motion to approve the June 17, 2014 regular meeting minutes.

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

PUBLIC COMMENT: Mayor Bob Gibbs 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 Diane McNeil as the July Recycle Rewards winner. A credit of twenty-eight dollars (\$28.00) will be added to her sanitation bill and her 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 Fred and Donnie Inman, from the 28630 zip code, and Wayne and Anita Prestwood, from the 28638 zip code, as the July Yard of the Month winners. Mayor Bob Gibbs stated that both certificates would be available at the Town Hall for pick up.

No Council action was required.

DISCUSSION:

ADOPT STORM WATER DISCHARGE PROGRAM AGREEMENT WITH CITY OF LENOIR: Town Administrator Seth Eckard stated that the current agreement between the City of Lenoir and the Town of Sawmills for the Storm Water Discharge Program needs to be renewed. The renewal Agreement will cover the period of July 1, 2014 to June 30, 2015.

Jeff Wilson made a motion, and Joe Wesson seconded, to adopt the renewal Agreement with the City of Lenoir in the amount of \$13,104.93 (thirteen thousand, one hundred four dollars and ninety-three cents). All were in favor.

ADOPT SECOND AMENDMENT TO TOWN OF SAWMILLS LICENSING AGREEMENT: Town Administrator Seth Eckard stated that the current Licensing Agreement between the Town of Sawmills and the Sawmills Community Optimist Club, Inc., for the rights to non-exclusive use of the baseball fields and concession stand times and according to the schedule as mutually agreed upon by the Town of Sawmills and the Sawmills Community Optimist Club, Inc., needs to be renewed. The renewal Licensing Agreement will cover the period of July 1, 2014 to June 30, 2015.

Joe Wesson made a motion, and Jeff Wilson seconded, to adopt the Second Amendment to Town of Sawmills Licensing Agreement. All were in favor.

ADOPT TOWN OF SAWMILLS PRIVATE STREET ACCEPTANCE PROCEDURES: Town Administrator Seth Eckard stated that there are a few private streets, either unpaved, or do not meet minimum standards in the Town. For the Town of Sawmills to take over a private street, the street must be in the Town limits and not a State maintained highway. A signed agreement must be submitted with 100% of the adjacent property owners signatures and the property owners will be responsible for 50% of the construction bid amount to bring the street up to the Town's minimum standards.

Joe Wesson made a motion, and Gerelene Blevins seconded, not to adopt the Town of Sawmills Private Street Acceptance Procedures. Trena McRary Kirby, Jeff Wilson and Johnny Wilson were against the motion.

Jeff Wilson made a motion, and Johnny Wilson seconded, to adopt the Town of Sawmills Private Street Acceptance Procedures. Trena McRary Kirby was in favor, Joe Wesson and Gerelene Blevins were against the motion. The motion carried with a split vote.

ADOPT FIRST AMENDMENT TO FARMERS MARKET LICENSING AGREEMENT: Town Administrator Seth Eckard stated that the current licensing agreement between the Town of Sawmills and the Sawmills Farmers Market Association, Inc., needs to be renewed. The renewal Licensing Agreement will cover the period of July 1, 2014 to June 30, 2015.

Joe Wesson made a motion , and Gerelene Blevins seconded, to adopt the First Amendment to Farmers Market Licensing Agreement. All were in favor.

FINANCIAL MATTERS:

REQUEST FOR A DONATION TO SAWMILLS FARMERS MARKET: Town Administrator Seth Eckard stated that the Sawmills Farmers Market has requested a donation in the amount of \$1,000.00 (one thousand dollars).

Joe Wesson made a motion, and Gerelene Blevins seconded, to give a donation in the amount of \$1,000.00 (one thousand dollars) to the Sawmills Farmers Market. All were in favor.

REQUEST FOR A DONATION TO TERRY CANNON'S BASEBALL TEAM: Town Administrator Seth Eckard stated that Terry Cannon has requested a donation in the amount of \$100.00 (one hundred dollars) for gate fees for his traveling baseball team.

Jeff Wilson made a motion, and Joe Wesson seconded, to give a donation in the amount of \$100.00 (one hundred dollars) to Terry Cannon. All were in favor.

DISPOSAL OF UNSCHEDULED RECORDS: Town Administrator Seth Eckard stated that the attached list shows all records that staff would like to destroy in accordance with the North Carolina General Statutes Municipal Records and Disposition Schedule.

Gerelene Blevins made a motion, and Joe Wesson seconded, for staff to destroy all records on the attached list. All were in favor.

INFORMAL BID FOR BATHROOMS AT VETERANS PARK: Town Administrator Seth Eckard stated that included in this year's budget are funds for bathrooms at Veterans Park. This item is being purchased under the informal bid process. Town Administrator Seth Eckard received a quote from CXT, Inc., an L.B. Foster Company, for the Cortex Flush Building in the amount of \$47,725.66 (forty-seven thousand, seven hundred twenty-five dollars and sixty-six cents).

Trena McRary Kirby made a motion, and Joe Wesson seconded, to approve the purchase of the Cortex Flush Building from CXT, Inc., in the amount of \$47,725.66 (forty-seven thousand, seven hundred twenty-five dollars and sixty-six cents) at Veterans Park. All were in favor.

PLANNING MATTERS:

RE-APPOINT PLANNING BOARD MEMBERS: Town Planner Elinor Hiltz stated that the term of appointment for the following 4 (four) Planning Board Members will expire on August 1, 2014: Chairman Steve Duncan, Vice-Chairman Buford Pennell, David Powell and Thad Hall. Town Planner Elinor Hiltz advised Council that all 4 (four) members are willing to serve another term.

Gerelene Blevins made a motion, and Jeff Wilson seconded, to approve staff's recommendations to reappoint the following 4 (four) Planning Board Members: Chairman Steve Duncan, Vice-Chairman Buford Pennell, David Powell and Thad Hall. All were in favor.

CALL FOR A PUBLIC HEARING FOR A REZONING ON HICKORY NUT RIDGE ROAD: Town Planner Elinor Hiltz stated that on July 1, 2014, the Planning Board unanimously recommended approval of this rezoning from R-20 to RA-20. This is a 10 (ten) acre piece of property. The subject property has 1 (one) mobile home and 1 (one) stick built home on it and the applicant would like to do a family subdivision to add 2 (two) additional mobile homes. Town Planner Elinor Hiltz stated that this rezoning is consistent with the Comprehensive Plan and an RA-20 district is right across the street.

Joe Wesson made a motion, and Gerelene Blevins seconded, to call for a public hearing for rezoning 4741 and 4737 Hickory Nut Ridge Road from R-20 to RA-20. All were in favor.

CALL FOR A PUBLIC HEARING TO TEXT AMENDMENT CHANGE: Town Planner Elinor Hiltz stated under Town of Sawmills current code, churches are only allowed in residential districts. The Town would like to amend the zoning code to allow churches in every zoning district because churches can fit in a variety of building types in a variety of areas.

Gerelene Blevins made a motion, and Joe Wesson seconded, to call for a public hearing to make a text amendment change to the zoning code to allow churches in every zoning district. All were in favor.

REPLACEMENT MOBILE HOME PROPOSAL: Town Planner Elinor Hiltz stated that on May 6, 2014, the Planning Board unanimously recommended approval of the text amendment to the Town of Sawmills Code of Ordinance sections 153.075, 153.146 and 153.147. On May 20, 2014, Council conducted the first read and called for a public hearing. During the Public Hearing on June 17, 2014, Town Planner Elinor Hiltz objected to the mobile home checklist. The attached text amendments are consistent with the Comprehensive Plan and adds the Mobile Home Checklist into the Town of Sawmills Code of Ordinances.

Joe Wesson made a motion, and Jeff Wilson seconded, to adopt the replacement mobile home proposal with the mobile home checklist. All were in favor.

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

Reed Lingerfelt spoke in regards to the bathrooms at Veterans Park and also spoke about the Private Street Acceptance Procedures.

Phyllis Chester spoke in regards to her code enforcement case.

UPDATES:

COMMUNITY DEVELOPMENT BLOCK GRANT MONTHLY STATUS REPORT AND UPDATE: Administrator Eckard stated Sherry Long, Community Development Director with the Western Piedmont Council of Governments has enclosed an update and the monthly status report for the Community Development Block Grant (CDBG) which 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, Project Administrator with the Western Piedmont Council of Governments has enclosed an update on the Community Development Block Grant Sewer Project.

No Council action was required.

CODE ENFORCEMENT MONTHLY REPORT: Administrator Seth Eckard stated the 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 June 2014.

No Council action was required.

ADMINISTRATORS REPORT: Administrator Seth Eckard made the following announcements:

- Sunday July 20, 2014, Sawmills hosted the Sawmills Sling Disc Golf Tournament. 75 of the State's best disc golf players came to Sawmills to play. A pro-disc golfer from Charlotte won the event. Every hole had a sponsor, including Sawmills Hardware. This was a charity event and there was over \$1,600.00 (sixteen hundred dollars) raised for Caldwell County Special Olympics and the DAV. All the money was split evenly between the 2 (two) charities. Sawmills will host another Charity Disc Golf Tournament in the spring.
- Sawmills Farmers Market is still going strong. This is the prime time of the season. The Sawmills Farmers Market is open every Tuesday from 3:00 pm until 7:00 pm through October.

- Sawmills has a new business called Carolina Locust. There will be a ribbon cutting on July 31, 2014, at 9:00 am. Carolina Locust is going to take locust hardwood and make high-end decking material and furniture. Sawmills is getting a sawmill once again.

COUNCIL COMMENT: Mayor Bob Gibbs asked if anyone on the Council had any questions or comments at this time.

Joe Wesson wanted to thank the public for coming out and to remind everyone that the Council needs all the input from the public that Council can get.

COUNCIL WENT INTO CLOSED SESSION FOR ATTORNEY CLIENT PRIVILEGE.

COUNCIL ADJOURN: Mayor Bob Gibbs asked for a motion to adjourn.

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

Julie A Good, Town Clerk

Bob Gibbs, Mayor

**North Carolina Department of Cultural Resources
Division of Archives and Records
Government Records Branch**

REQUEST FOR DISPOSAL OF UNSCHEDULED RECORDS

TO Assistant Records Administrator
N.C. Division of Archives and Records
Government Records Branch
4615 Mail Service Center
Raleigh, NC 27699-4615

FROM Name Town of Sawmills
County Caldwell
Agency or department Administration
Phone number 888-396-7903

In accordance with the provisions of G.S. 121 and 132, approval is requested for the destruction of records listed below. These records have no further use or value for official or administrative purposes.

RECORDS TITLE	DESCRIPTION	INCLUSIVE DATES	QUANTITY	MICROFILMED? (YES OR NO)	RETENTION PERIOD
A/R Cash Receipts + Water Bills	Receipts + water bill cards.	July, Aug. Sept. Oct. Nov. Dec 2010	1 copy of each	NO	3yrs
A/R Cash Receipts + Water Bills	Receipts + water bill cards.	Jan. Feb. March, April May, June 2011	1 copy of each	NO	3yrs
A/R Control Reports	Transaction Control Reports from Cash Receipts	Aug-Dec 2010-2011	1 copy	NO	1yr
A/R - write off Acct	Accounts that have been written off	Jan-Dec 2006-2010	1 copy	NO	3yrs
A/R - Vacant Billing	Billing Reports of vacant accounts	July-June 2010-2011	1 copy	NO	1yrs
A/R - Late Fee Report	Accounts Billing for late fees	July-June 2010-2011	1 copy	NO	1yr.
A/R - Pre-Billing	Billing Report before bills are printed	July-June 2010-2011	1 copy	NO	1yr.
A/R - Disconnect list	List showing accounts disconnected for month	July-June 2010-2011	1 copy	NO	3yrs.
A/R - Meter Readings	reports that show the usage on each account	July-June 2010-2011	1 copy	NO	3yrs
A/R - Call Logs	Report that shows accounts on the call list		1 copy	NO	1yr.

Requested by: Kristy Gwattle
Signature

Office Manager
Title

6-26-14
Date

Approved by: [Signature]
Signature

Mayor
Head of Governing Board

7-25-14
Date

Concurred by: [Signature]
(as indicated) Signature

Town Clerk
Assistant Records Administrator
NC Division of Archives and Records

7-25-14
Date

**North Carolina Department of Cultural Resources
Division of Archives and Records
Government Records Branch**

REQUEST FOR DISPOSAL OF UNSCHEDULED RECORDS

TO Assistant Records Administrator
N.C. Division of Archives and Records
Government Records Branch
4615 Mail Service Center
Raleigh, NC 27699-4615

FROM Name Town of Sawmills
County Caldwell
Agency or department Administration
Phone number 808-396-1903

In accordance with the provisions of G.S. 121 and 132, approval is requested for the destruction of records listed below. These records have no further use or value for official or administrative purposes.

RECORDS TITLE	DESCRIPTION	INCLUSIVE DATES	QUANTITY	MICROFILMED? (YES OR NO)	RETENTION PERIOD
Admin - Project Files	Housing Rehab Project files and all records	1993-1994 1995	1 copy of each	NO	5yrs.
Admin - CDBG Sewer Proj.	CDBG - Sewer Project files on a sewer project	1992-2002	1 copy of each	NO	5yrs.
Admin - CDBG Block Grant	CDBG - Block Grant Project files on a industrial staining	1992-2002	1 copy of each	NO	5yrs.
AP - Audit Files	AIP records + reports for auditors	July-June 2005-2009	1 copy of each	NO	3yrs.
AP - PO's Audit Files	PO's for purchases in auditors boxes	July-June 2005-2009	1 copy of each	NO	3yrs.
Finance - Audit Files	Bank Statements for auditors	July-June 2005-2009	1 copy of each	NO	3yrs.
Finance - Audit Files	Bank recs. and all paper work for auditors	July-June 2005-2009	1 copy of each	NO	3yrs.
GL - Audit Files	General ledger entries for auditors	July-June 2005-2009	1 copy of each	NO	3yrs.
UB - Audit Files	Adjustments for accounts	July-June 2005-2009	1 copy of each	NO	3yrs.

Requested by:

Kim Swille
Signature

Office Manager
Title

Date

6-27-14

Approved by:

[Signature]
Signature

Mayor
Head of Governing Board

Date

7-25-14

Concurred by:
(as indicated)

[Signature]
Signature

Town Clerk
Assistant Records Administrator

NC Division of Archives and Records

Date

7-25-14

(Due on 15th of each month)

2014

Prepared By: Sherry Long
 Endorsed By: Seth Eckard
 Board or Council Update: July 10, 2014

Title: CD Director, WPCOG
 Title: Town Administrator
 Date: July 10, 2014

(City/County Manager or Clerk)

Performance Schedule

- ❖ **On Performance Schedule:** Stop and submit report, no current performance status or remedy to get back on schedule is required
- ❖ **Off Performance Schedule:** Provide current performance status and remedy to get back on schedule and submit report

(Due on 15th of each month)

Year: 2014

Remedy to get back on Schedule
(If Off Schedule)

Date 7-10-14

Performance Schedule

(Based on Performance Based Contract)

- DCA Monthly Performance Report v. 3/2013

Code Enforcement Report
July, 2014

Property Owner	Property Address	Issue	Status
STAT Inc	3046 Eli Lane	Person living in shed	A few building materials remain on property. His deadline to remove them was June 30 so planner needs to call him again.
Phyllis & Jimmy Chester	6098 Spartan Dr	Trash in front and back yard	July 24 deadline. Will present quote for abatement to Council in August. If Council wants to abate, owner will receive a 15 day warning letter. If they do not respond, town will hire contractor to abate the nuisance, then owner will receive a 30-day warning that the town is about to place a lien on the property.
Ralph Flannagan	4417 Nathan's Way	Buildings falling in	July 24 deadline. Will present quote for abatement to Council in August. If Council wants to abate, owner will receive a 15 day warning letter. If they do not respond, town will hire contractor to abate the nuisance, then owner will receive a 30-day warning that the town is about to place a lien on the property.
Ajay Patel	3049 Eli Ln	building falling down, roof blowing off	July 24 deadline. Will present quote for abatement to Council in August. If Council wants to abate, owner will receive a 15 day warning letter. If they do not respond, town will hire contractor to abate the nuisance, then owner will receive a 30-day warning that the town is about to place a lien on the property.
Ann Newton	4438 Jess Dr	High grass	lien on property
Robin Deaton	4689 Greenwood Tr	High grass	upon inspection on May 22 grass was already mowed
Hendrix Lawn Care	1497 Cajah Mtn Rd	Littering	not supposed to dump landscaping stuff there. Owners will rezone when they are ready to
Charles Hagaman, Katrina Sharpe	2161 White Pine Dr	High grass	owners mowed
Mark Stinson, William Walker Jr	4237 Benfield Dr	High grass	owners mowed
Ajay Patel	3049 Eli Ln	High grass	owner mowed
Jack & Kim Blankenship	1641 Lafayette Ave	High grass	bank mowed

AGENDA ITEM 7A

MEMO

DATE:

August 19, 2014

SUBJECT:

Recognition:
Recycle Rewards
Program

Discussion:

The Town of Sawmills would like to congratulate Mr. and Mrs. Gary Reese on winning the Recycle Rewards Program for the month of August. Town Administrator Seth Eckard will present Mr. and Mrs. Reese 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:

August 19, 2014

SUBJECT:

Recognition:
Yard of the Month
Winners

Discussion:

Lauri and Keith Browning, from the 28630 zip code, and Mt. Zion Baptist Church, from the 28638 zip code, are the Yard of the Month winners for August. Mayor Bob Gibbs will present them with a Certificate of Appreciation.

Recommendation:

No Council action required.

AGENDA ITEM 7C

MEMO

DATE:

August 19, 2014

SUBJECT:

Recognition:
South Caldwell Spartans
Junior American Legion
Baseball Team

Discussion:

The Town of Sawmills would like to congratulate the South Caldwell Spartans Junior American Legion Baseball Team and Coach Jeff Parham for winning the State Title in Cary, NC.

Recommendation:

No Council action is required.

AGENDA ITEM 8A

MEMO

DATE:

August 19, 2014

SUBJECT:

Financial Matters:
Bid Award for
Moore Acres Dr and
Baird Park Walking Trail

Discussion:

The Town has received three (3) bids for repairs on Moore Acres Dr and Baird Park Walking Trail.

Midstate Contractors, Inc.	\$224,210.00
Evans Construction	\$221,313.50
Caldwell Construction Services, LLC	\$228,745.00

There are sufficient funds in the budget for this project.

Recommendation:

Staff recommends Council award the bid to Evans Construction in the amount of \$221,313.50.

AGENDA ITEM 8B

MEMO

DATE:

August 19, 2014

SUBJECT:

Financial Matters:
Request for a Donation
To South Caldwell High
School Band Boosters

Discussion:

The Town has received a request from the Sawmills Farmers Market for a donation in the amount of \$100.00 (one hundred dollars).

There are sufficient funds in the budget for this request.

Recommendation:

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

TOWN OF SAWMILLS

316-8455

Bob Gibbs, Mayor
Seth Eckard, Town AdministratorFunding Request BoostersName of Organization: South Caldwell Band Phone: 316-2188Permanent Address: 7035 Spartan DriveCity: Hudson State: NC Zip Code: 28638Contract Name: Jodie Lafone VP - Boosters
Jason Childers - Band DirectorAmount Requested: 100 Amount Needed for the Project:
100Date Funds Needed: 9/2 Date Project Begins: 8/25/14 Completion Date: 6/10/15Complete Description of Project: Sponsorship / Donation
to go towards South Caldwell HS Spartan
Regiment marching band ProgramHow will the funds be used? towards uniform upkeep
instrument maintenance & purchase, music
and tech equipment for Band ProgramHow will this project benefit the community?
Spartan Band performs - see attached
for the community at various times during
the year, including town Parade @ Christmas

Official Town Use Only

Date application received _____ Date presented to Town Council _____

Date Approved _____ Denied _____ Amount Approved _____

Available Balance in Governing Body Donations Expense Acct: _____

Date Check Written _____ Check No. _____ Amount _____

AGENDA ITEM 9A

MEMO

DATE:

August 19, 2014

SUBJECT:

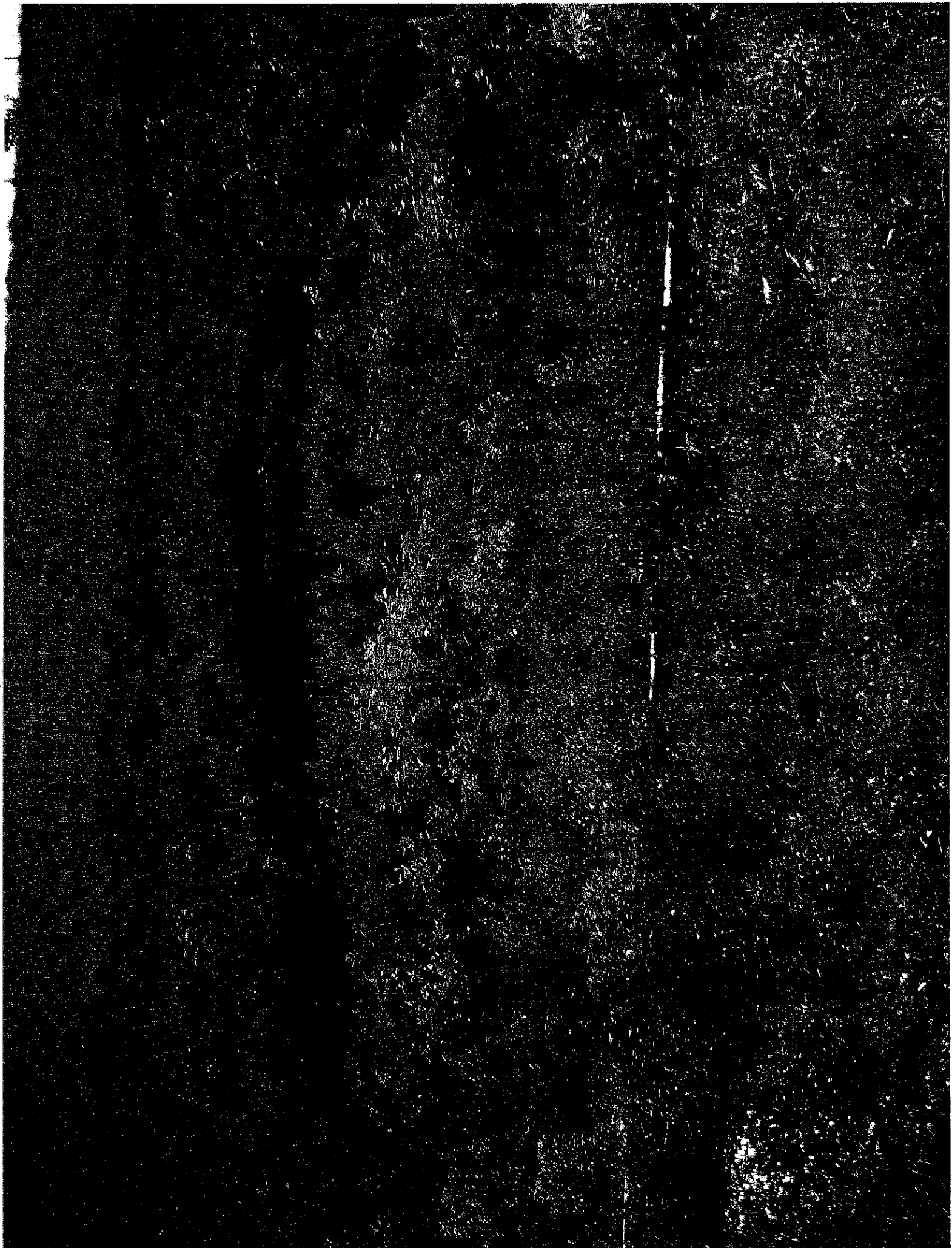
Discussion:
Veterans Park Slope

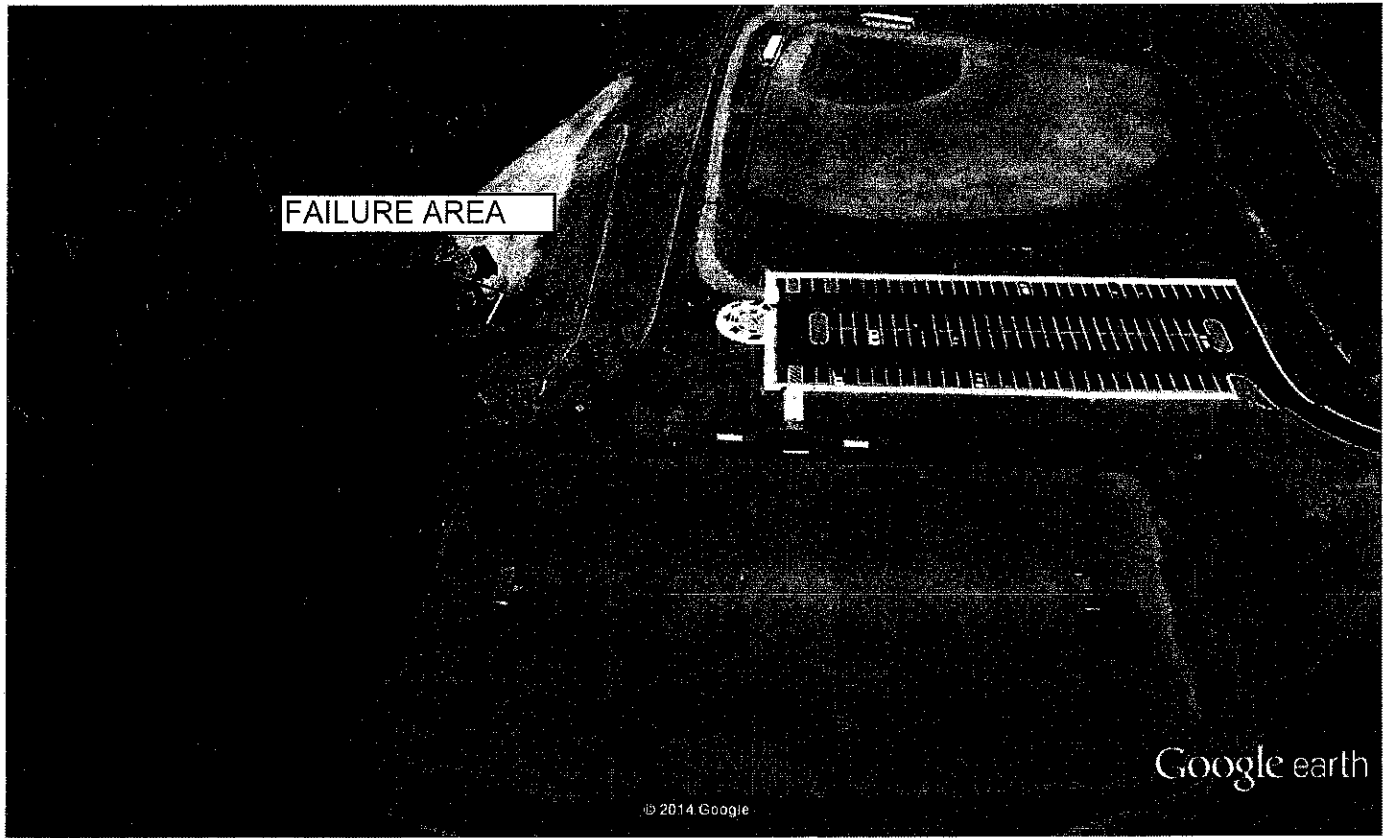
Discussion:

Town Engineer Benjie Thomas is going to do a presentation on the slope issue at Veterans Park.

Recommendation:

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





Google earth





Google earth





MAYOR
Bob Gibbs

TOWN ADMINISTRATOR
Seth Eckard

TOWN PLANNER
Elinor Hiltz

**PLANNING
BOARD**

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

COUNCIL MEETING
August 19, 2014
6:00 PM

Agenda Item # 10B

PLANNER'S STAFF REPORT

REZONING: 4741 & 4737 Hickory Nut Ridge Rd

Status: On July 1 the Planning Board unanimously recommended approval of this rezoning. The Call for Public Hearing happened on July 22.

Size of Area to be Rezoned: 10 acres

Current Zone and Permitted Uses: R-20

Permitted Uses: residential accessory structures, churches, single-family dwellings, family care homes, home occupations, horses, riding stables

Conditional Uses: accessory dwellings, cemeteries, country clubs, fire stations, lakes and parks, recreational and community centers, commercial recreational facilities, elementary and high schools

Requested Zone and Permitted Uses: RA-20

the same as the R-20 district but airports*, duplexes, greenhouses*, home occupations in outbuildings*, horticultural nurseries*, mobile homes, temporary mobile homes*, produce stands*, and public service facilities are allowed.

Fire stations, recreational and community centers, and commercial recreational facilities are not allowed.

*with conditional use permit

Description of Surrounding Area:

Subject property has one mobile home and one stick-built house. There is a stick-built house directly across the street and it is the only other house in sight. Most of the land in sight is wooded and hilly. Sight distances are not far.

Applicant's Immediate Plans for Property:

Applicant wants to cut two more lots out of the 10 acres and put a mobile home on each new lot for her children and grandchildren.

Applicable Sections of Ordinance:

The subdivision will follow the "family subdivision" section of the ordinance and the plat will likely come to Council for review on September 16th.

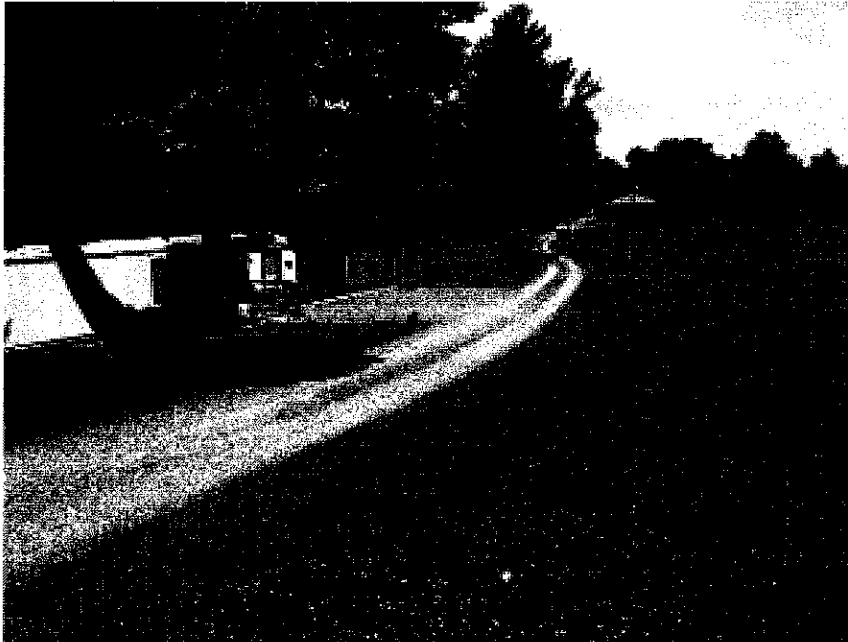
Consistency with Comprehensive Plan:

The Comprehensive Plan plans for this area to remain residential. The differences between an R-20 and an RA-20 district are slight and an RA-20 district is right across the street. This proposal would not be inconsistent with the Comprehensive Plan.

Action Needed:

MOTION TO REZONE because it is consistent with the Comprehensive Plan.

DENY, TABLE



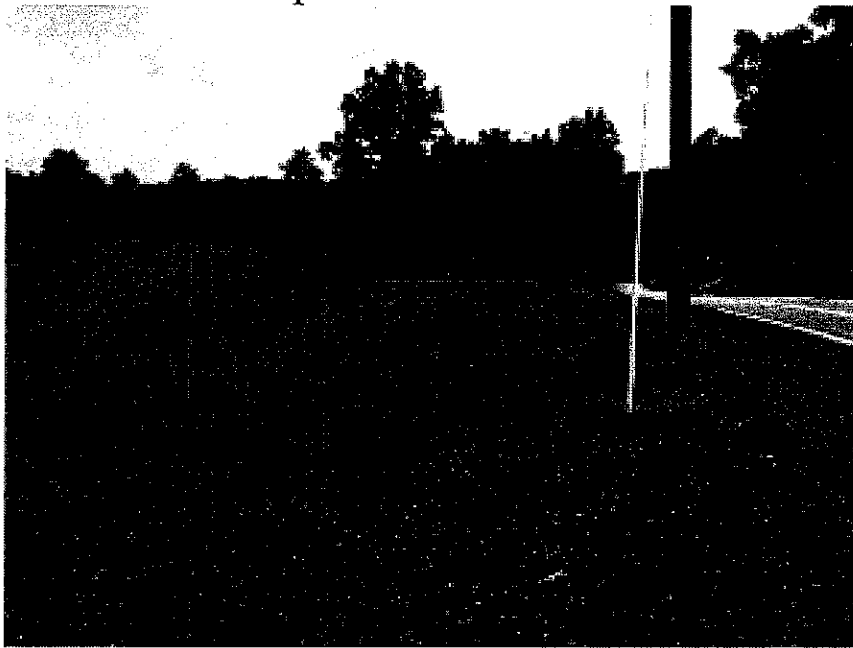
subject property



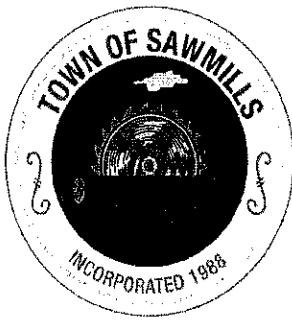
across street



entrance to conceptual lot 1



conceptual lot 2



MAYOR
Bob Gibbs

TOWN ADMINISTRATOR
Seth Eckard

TOWN PLANNER
Elinor Hiltz

**PLANNING
BOARD**

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

COUNCIL MEETING
August 19, 2014
6:00 PM

Agenda Item #11B

PLANNER'S STAFF REPORT

ALLOW CHURCHES IN EVERY DISTRICT PROPOSAL

Status: The Planning Board recommended approval of this proposal on August 5th. Council made the "Call for Public Hearing" on July 22nd.

Proposal: Allow churches in every zoning district. Currently churches are only allowed in the residential districts.

When the Comprehensive Plan and Zoning Ordinance were written was before the advent of the "mega church". Now some mega churches like Day 3 require really big buildings which cannot be found in residential districts. Other churches occupy assembly buildings on the weekend, like the church in the Broyhill auditorium, which is probably zoned commercial. Other churches occupy stores in strip malls-also zoned commercial. Some churches still choose the traditional free-standing building in a residential neighborhood. The Planning Board recommends allowing flexibility for churches to choose which zones fit best.

Church parking requirements are one parking space for every four seats in the chapel.

Consistency with Comprehensive Plan:

This proposal is not inconsistent with the Comprehensive Plan. The Comprehensive Plan tells where to put commercial uses and residential uses in the future, but a church is a crossover use that is commercial/non-profit and often compatible with residential uses. The proposal is OK with the Comprehensive Plan.

Action Needed:

MOTION TO APPROVE text amendment because it is consistent with the Comprehensive Plan,

MOTION TO DENY text amendment for a stated reason, or

MOTION TO TABLE

PROPOSED TEXT AMENDMENT

Additions in highlight

§153.051 Table of Permitted Uses

<i>Use</i>	<i>R-20</i>	<i>RA-20</i>	<i>R-15</i>	<i>O-I</i>	<i>N-B</i>	<i>H-B</i>	<i>G-M</i>	<i>SR</i>
Automobile parking lot and structure	-	-	-	-	P	P	P	
Automobile parts and supplies	-	-	-	-	-	P	P	
Automobile repair garage, without open storage of wrecked vehicles	-	-	-	-	-	P	P	
Automobile sales	-	-	-	-	-	P	P	
Automobile washing establishments	-	-	-	-	P	P	P	
Bakery	-	-	-	-	-	P	P	
Banks, with drive thru	-	-	-	C	P	P	P	
Banks, without drive thru	-	-	-	P	P	P	P	
Barbershop and beauty shops	-	-	-	-	P	P	P	
Bedding manufacturing	-	-	-	-	-	-	P	
Boarding house	-	-	C	-	P	P	P	
Boat sales	-	-	-	-	-	P	P	
Bookstore	-	-	-	-	P	P	P	
Bowling alleys	-	-	-	-	-	C	-	
Building supply and equipment sales	-	-	-	-	-	P	P	
Bus Station	-	-	-	-	P	P	P	
Business, professional, government, religious, charitable or fraternal offices or agencies	-	-	-	P	P	P	-	
Camera supply store	-	-	-	-	P	P	P	
Candy store	-	-	-	-	P	P	P	
Carpet manufacturing	-	-	-	-	-	-	P	
Cemeteries	C	C	C	-	-	-	-	
Churches and other places of worship	P	P	P	P	P	P	P	
Clothing manufacturing	-	-	-	-	-	-	P	
clothing store	-	-	-	-	P	P	P	
Coliseum	-	-	-	-	-	P	P	
Concrete or paving materials mixing plant	-	-	-	-	-	-	P	



MAYOR
Bob Gibbs

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TOWN PLANNER
Elinor Hiltz

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

COUNCIL MEETING
August 19, 2014
6:00 PM

Agenda Item # 12A

PLANNER'S STAFF REPORT

LIVESTOCK PROPOSAL

Status: On May 6, 2014 the Planning Board unanimously recommended approval of a livestock zoning ordinance. On May 20, 2014 Council read the proposal for the first time and set the Public Hearing. At the Public Hearing on June 17, 2014 Council sent the proposal back to staff for further research. On July 17 Joe Wesson, Johnny Wilson, Bob Gibbs, Seth Eckard, and Elinor Hiltz created a draft ordinance. On July 21 Gerelene Blevins, Jeff Wilson, Johnny Wilson, Bob Gibbs, Seth Eckard and Elinor Hiltz further revised the draft.

Proposal:

Livestock: Livestock is unrestricted in the ETJ, with the exception of platted major subdivisions. Livestock are never permitted within platted major subdivisions in this proposal. Some examples of such subdivisions are:

Doe Run, Hayes Mill Landing, Friendship Acres, O.J. Lane, Janettes Way, Virginia Acres, Shady Oak, Burl Acres, Granville Terrace, South Caldwell Estates, and *many more unnamed subdivisions*. If more than five lots were created, spurring the dedication of a new road at the time the subdivision was platted, then the subdivision will be called a "platted major subdivision" and livestock will be disallowed.

The following rules apply in town limits, to properties less than 4 acres: livestock are not allowed on parcels less than 1 (fenced) acre. In between 1 and 4 (fenced) acres, people can keep 2 animals per each 1/2 acre. Vacant properties may not keep livestock. Barns and fences must be set back 100 feet from the nearest structure under different ownership.

Fowl: The proposal keeps the regulations for fowl that the town already has, except it adds that commercial poultry farms are permitted with Conditional Use Permit.

Consistency with Comprehensive Plan:

Proposal is consistent with Comprehensive Plan because it says "Agricultural activities shall be the preferred land use in rural areas"(p17). Currently the code does not allow non-farmers to keep livestock, so if the code is amended to allow more livestock, the town will be more agricultural.

Action Needed:

MOTION TO APPROVE text amendment because it is consistent with the Comprehensive Plan, OR

MOTION TO TABLE

Aug 19, 2014

6:00 PM

LIVESTOCK TEXT AMENDMENT PROPOSAL

deletions are in strikethrough; everything else is new

CHAPTER 153: LAND USAGE (ZONING ORDINANCE)**§ 153.051 TABLE OF PERMITTED USES.**

<i>Use</i>	<i>R-20</i>	<i>RA-20</i>	<i>R-15</i>	<i>O-I</i>	<i>N-B</i>	<i>H-B</i>	<i>G-M</i>	<i>SR</i>
<i>Horses</i>	<i>P</i>	<i>P</i>						§ 153.074
<i>Livestock</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	§ 153.081
<i>Fowl</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	§ 153.082

~~§153.074~~ — **HORSES**~~(A) — R-20 — Must have a minimum of three acres per horse~~~~(B) — RA-20 — Must have a minimum of one acre per horse~~**§ 153.081 LIVESTOCK**

Except (A), regulations for livestock shall only apply within town limits. Livestock is defined as horses, cows, llamas, alpacas, goats, sheep, mules, donkeys, swine and similar animals. Potbellied pigs and rabbits do not qualify as livestock.

- (A) Livestock may not be kept in platted major subdivisions, neither in the ETJ nor within town limits. For the purposes of this regulation a "platted major subdivision" shall be defined as a development consisting of more than five lots which required the dedication of a new street at the time it was platted.
- (B) Livestock may not be kept on a parcel without a principle structure and principle use.
- (C) Livestock may not be kept on parcels with less than one (1) fenced acre.
- (D) Parcels that have between one (1) and four (4) fenced acres may keep up to two (2) livestock animals per one-half (1/2) acre.
- (E) Parcels four acres or larger are exempt from livestock regulations.
- (F) Containment areas for livestock must be at least 100 feet from structures on adjacent properties under different ownership.

§ 153.082 FOWL

Except (C), regulations for fowl only apply within town limits.

- (A) Fowl may not run at large.
- (B) Fowl pens should be kept in sanitary conditions.
- (C) Poultry farms need conditional use permits both in the ETJ and within town limits. (A poultry farm is defined as more than 50 birds more than six months old.)

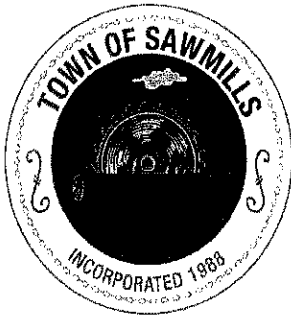
§ 153.999 PENALTY.

(A) *Generally.* Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

(B) *Civil penalties.* Violation of any provision of this chapter shall subject the offender to a civil penalty in the amount of \$50, to be recovered by the town in a civil action in the nature of debt if the offender does not pay the penalty within a period of 72 hours after being cited. Citation shall be in writing, signed by the Zoning Enforcement Officer, and shall be delivered or mailed to the offender either at his or her residence or at his or her place of business or at the place where the violation occurred.

(C) *Criminal penalties for violation.* Any person, firm or corporation who violated the provisions of this chapter shall, upon conviction, be guilty of a misdemeanor and shall be fined not exceeding \$50 or imprisoned not 30 days. Each day that a violation continues to exist shall be considered a separate offence, provided that violation of this chapter is not corrected within 30 days after the notice of the violation has been given.

(Ord. passed 4-17-2012)



MAYOR
Bob Gibbs

TOWN ADMINISTRATOR
Seth Eckard

TOWN PLANNER
Elinor Hiltz

**PLANNING
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Clyde Miller

MEMO

AGENDA ITEM 12B

TO: Town Council

FROM: Elinor Hiltz, Town Planner

DATE: August 11, 2014

SUBJECT: House Condemnation Process and Costs

Sometimes the government needs to remove a building if it is hazardous and the owner is not around or cannot afford to demolish it. Buildings that have been uninhabited for a long time attract vagrants. In the minimum housing code it is OK to use that for justification to tear down a house that has been posted unfit for human habitation, but it takes about two years.

PROCESS

If we use a squatter's house on Sawmills School Road for an example, the process would be:

1. a public authority, occupant, or 5 residents fill out a petition to open the case
2. contact the owner
3. have a Caldwell County Building inspector conduct a minimum housing inspection and cost estimate. The cost to repair will be less than 50% of the value of the house on Sawmills School Road.
4. mail the complaint to the property owner and schedule a public hearing within 10-30 days
5. order the property owner to repair the building within 45 days
6. post "*unfit for human habitation; the use of occupation of this building for human habitation is prohibited and unlawful*"
7. wait one year (required in 154.50 (F))
8. order owner to repair within 90 days
9. after 90 days, adopt ordinance to demolish building
10. record ordinance at Register of Deeds
11. after 30 days of nonpayment, place lien on property

In this case we pretended the owners would not respond. If the owners respond positively, the Town may not have to do steps 3-11.

There will sometimes be buildings that are obviously burnt or falling down that the Town wants to demolish. That can be accomplished through the nuisance code, within about 60 days, without a Building Inspector's assistance.

APPROXIMATE COSTS

- Asbestos inspection: \$400-\$1,000. If asbestos is present add 25% to demolition costs
- Removal of a 1,500 sq ft cinderblock building, asbestos included: \$10,000
- Removal of a single wide: \$1,200-\$4,000
- Removal of a 1,100 sq ft house: \$7,000
- Past Sawmills cases: \$4,000-\$5,000

Council has been budgeting \$10,000 a year for nuisance abatement and lately that has been sufficient to cover the tall grass nuisance cases plus a small clean-up or removal case each year.

AGENDA ITEM 14A

MEMO

DATE:

August 19, 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
August, 2014

<u>Property Owner</u>	<u>Property Address</u>	<u>Issue</u>	<u>Status</u>
STAT Inc	3046 Eli Lane	Person living in shed	A few building materials remain on property. His deadline to remove them was June 30. Called and left a message.
Phyllis & Jimmy Chester	6098 Spartan Dr	Trash in front and back yard	Aug 24 deadline. Property owners are working very hard and sent a long email for a status report.
Ralph Fianagan	4417 Nathan's Way	Buildings falling in	Aug 24 check-in date. On July 21 Ralph called to ask for an extension. Said he is working on it whenever his schedule allows when it is not raining.
Ajay Patel	3049 Eli Ln	building falling down, roof blowing off	July 24 deadline. If Council wants to abate, owner will receive a 15 day warning letter. If they do not respond, town will hire contractor to abate the nuisance, then owner will receive a 30-day warning that the town is about to place a lien on the property. Ronnie Coffey has scoped the property and is ready to get bids.