

AGENDA

Regular Meeting of the Sawmills Town Council Sawmills Town Hall

Tuesday, December 20, 2011
6:00 P.M.

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| 1. | Call To Order | Mayor Bob Gibbs |
| 2. | Invocation | Pastor Rick Crouse |
| 3. | Pledge of Allegiance | Mayor Bob Gibbs |
| 4. | Approval of November 15 th Regular Meeting Minutes | Mayor Bob Gibbs |
| 5. | Recognitions:
A. Yard of the Month Winners | Councilwoman Gerelene Blevins
Councilwoman Beverly Fry
Administrator Seth Eckard |
| | B. Recycle Rewards Winner | |
| 6. | Planning Matters: Alternate Planning Commission Member Appointment | Mayor Bob Gibbs |
| 7. | Outgoing Council Comments | |
| 8. | Adjourn | Mayor Bob Gibbs |
| 9. | Oath of Office for New Council Members | Town Clerk Susan Nagle |
| 10. | Call to Order | Mayor Bob Gibbs |
| 11. | Adopt Agenda | Mayor Bob Gibbs |
| 12. | Organizational Matters:
A. Seating Arrangements
B. Election of Mayor Pro-Tem
C. Committee Assignments
D. Council Ethics and Code of Conduct | Mayor Bob Gibbs |
| 13. | Council Retreat | Administrator Seth Eckard |
| 14. | Adopt Resolution Approving the Electronic Auction of Surplus Property | Administrator Seth Eckard |
| 15. | Planning Matters: Request for Approval of May Minor Subdivision | Emily Hines |
| 16. | Financial Matters: Call for a Public Hearing: Apply for a Community Development Block Grant (CDBG) for Sewer Project | |
| 17. | Updates:
A. Code Enforcement Monthly Report
B. Administrator's Report | Mayor Bob Gibbs
Administrator Seth Eckard |
| 18. | Public Comment | Mayor Bob Gibbs |
| 19. | Adjourn | Mayor Bob Gibbs |

**TUESDAY, NOVEMBER 15, 2011
TOWN OF SAWMILLS REGULAR COUNCIL MEETING
6:00 P.M.**

COUNCIL PRESENT

Bob Gibbs
Gerelene Blevins
Beverly Fry
Donnie Potter
Joe Wesson

STAFF PRESENT

Seth Eckard
Susan Nagle
Terry Taylor

COUNCIL ABSENT

Joe Norman

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

INVOCATION: Pastor John Greene 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.

On a motion made by Gerelene Blevins, and seconded by Joe Wesson, the agenda was adopted. All were in favor.

APPROVAL OF OCTOBER 18th REGULAR MEETING MINUTES: Mayor Gibbs asked for a motion to approve the October 18, 2011 regular meeting minutes.

On a motion made by Joe Wesson, and seconded by Donnie Potter, the minutes were approved. All were in favor.

FY 2010-2011 AUDIT PRESENTATION: Rick Hammer and Jim Lowdermilk with Lowdermilk Church & Co., LLP, presented to Council the 2010-2011 Town audit.

Mr. Hammer stated that the Town received a clean audit and commended staff and Council on their efforts to maintain a strong fund balance.

No Council action is required.

RECOGNITIONS:

YARD OF THE MONTH WINNERS: Mayor Pro-Tem Gerelene Blevins stated that Richard McDowell from the 28630 zip code and Councilwoman Beverly Fry stated that Audrey Bare along with Gwendolyn Mason from the 28638 zip code was the yard of the month winners for November. Mayor Gibbs stated Audrey Bare and Gwendolyn Mason are not present tonight and they may pick up their picture and certificate at the Town Hall at there convenience.

No Council action is required.

RECYCLE REWARDS PROGRAM WINNER: Town Administrator Seth Eckard would like to congratulate Bobby Webb on winning the Recycle Rewards Program for November. Administrator Eckard stated since Mr. Webb is not in attendance he may pick up his certificate at the Town Hall at his convenience and he will receive a \$25.00 credit on his sanitation bill.

No Council action is required.

QUASI-JUDICIAL PROCEDURE: Town Planner Emily Hines discussed with Council the procedure for Quasi-Judicial proceedings including what the process for a Conditional Use Permit is and how this is different from what Council normally does.

COUNCIL ACTION: REQUEST FOR A CONDITIONAL USE PERMIT FOR WHOLESALE STORAGE OF HOUSEHOLD WASTE ON PARCEL 2776-24-8991:

READING OF MINUTES: Mayor Gibbs asked Town Planner Emily Hines to read the minutes of the October 18, 2011 meeting on the request for a Conditional Use Permit for wholesale storage of household waste on parcel number 2776-24-8991. Planner Hines stated Council tabled this matter at the October meeting and the minutes from that meeting will need to be read. Planner Hines read the minutes of the October 18, 2011 regular Council meeting for the record.

STAFF REPORT: Planner Hines stated the staff report you have in front of you is that the property owner is Garry and Barbara Sparks. Their address is 3220 Taylorsville Road Lenoir, North Carolina 2865. The applicant is STAT, Incorporated 3062 Eli Lane Hudson, North Carolina. The property is located on Spartan Drive parcel number 2776-24-8991 and has approximately 2.67 acres. The property is zoned Highway Business and the proposed use is for wholesale storage of household hazardous waste. The Sawmills zoning regulations requires that a Conditional Use Permit must be approved by the Town Council to have wholesale storage of gasoline and oil products, including bottled gas and oxygen.

The applicant is requesting approval for a household hazardous waste site. There are two findings of fact that have to be met. The first one is the use will not affect the health or safety of persons residing or working in the neighborhood of the proposed use. Staff recommended finding is that the proposed use of a household hazardous waste site will not affect the health or safety of the persons residing or working in the neighborhood. The site is only a drop-off location. No permanent disposal will be done at this site. The second finding that has to be met is that the use will not be detrimental to the public welfare or injurious to property or public improvements in the neighborhood. Staff recommended finding is that the proposed use of a household hazardous waste site will not be detrimental to the public welfare or injurious to property or public improvements to the neighborhood. The proposed use will benefit the Town as a whole by removing some hazardous waste from the area landfills. The next part of the staff report Planner Hines included additional information from the North Carolina Department of Environment and Natural Resources Waste Management Division. Household hazardous waste: did you know that the average US household generates about thirty (30) pounds of household hazardous waste per year? And did you know that the United States generates about 1.6 million tons each year? So what is household hazardous waste and how can you make a difference? For most of us, a glance under the kitchen sink is a good way to start identifying the household hazardous waste in our lives. Household hazardous waste is hazardous material that has already been used or can no longer be used. If not disposed of properly, it can pose a threat to human health and the environment. It is hazardous and it is in your house: you will be amazed to discover how many hazardous chemicals you store in your home! Household maintenance products like paint, thinners and glues make up more than a third of the household hazardous waste in our daily garbage. Anything from household cleaners and batteries to personal care products like nail polish, polish remover and hair spray make up the other two-thirds. Vehicles care requires grease and oil, which are hazardous products and gardener use pesticides and fertilizers. Keeping our pets pest-free requires hazardous chemicals and that lighter fluid you used to start your grill is hazardous, too. Pool chemicals and pharmaceuticals take us from the backyard to the medicine chest and there are lots of others in between. Learning about household hazardous wastes, reducing the amount used, and using non-hazardous alternates are steps we can all take to reduce the waste we put in our local landfills. Reduce, reuse, and recycle! Most folks think the three R's apply to solid waste, but they can be just as effective with household hazardous waste. Household hazardous waste can be reused and recycled if it is brought to a household hazardous waste collection center. Many counties in North Carolina have household hazardous waste collection centers. Check the list to find one near you. Household hazardous waste collection sites consolidate wastes for reuse, such as donating paint to Habitat for Humanity or by using hazardous wastes as a fuel. Many household hazardous waste collection centers also accept used oil and so do many auto parts retailers. Reducing the amount of waste you generate in the first place is the best option of all. You can easily do this by using less hazardous alternates. Baking soda and water make a great mild abrasive cleanser. Windows can be cleaned with a vinegar and water mix and then wiped dry with old newspapers. In fact, most cleaning jobs can be done using liquid soap and borax (found in the detergent aisle).

For more ideas on how to reduce the amount of household hazardous waste you create, check the chart below. In the chart below from the State, lists a number of common household hazardous waste. And I included it so you can kind of see what we are talking about.

Common Household Hazardous Waste with Disposal Information and Alternatives

Substance	Problem	Disposal	Alternatives
Rodent bait	Lethal	Use up or bring to HHW collection site	Cats, traps
Insect repellent	Poisonous	Use up or bring to HHW collection site	Screens, marigolds, rosemary, garlic
Herbicides, insecticides, fungicides	Poisonous	Use up or bring to HHW collection site	Hand pick or hose, pyrethrins, ladybugs
Drain cleaner	Corrosive	Wash down with lots of water or bring to HHW collection site	Baking soda, vinegar, and boiling water
Oven cleaners	Corrosive	Use up or bring to HHW collection site	Salt and ammonia overnight
Toilet cleaner	Poisonous	Wash down with water	Mild detergent and bleach
Spot remover	Poisonous	Use up or bring to HHW collection site	Cold water and detergent, alcohol
Silver polish	Poisonous	Use up or bring to HHW collection site	Water, baking soda, salt and aluminum foil. Toothpaste
Furniture polish	Poisonous	Use up or bring to HHW collection site	Lemon oil and mineral oil
Dyes	Poisonous	Use up or bring to HHW collection site	Vegetable dyes like onion, teas, marigolds
Paint	Flammable	Allow to air dry, mix with litter	Latex, buy only what you need
Air freshener	Numb nasal tissue	Wrap in plastic	Potpourri
Brass and copper cleaner	Poisonous	Use up or bring to HHW collection site	Lemon juice and salt
Antifreeze	Poisonous	Use up or bring to HHW collection site	None
Oil and oil filters	Poisonous	Use up or bring to HHW collection site	Drain oil filters

These are things such as rodent bait, insecticides, fungicides, drain cleaner, oven cleaners, toilet cleaner, spot remover, silver polish, furniture polish, dyes, paint, air freshener, brass and copper cleaners, antifreeze, oil and oil filters. The Board may place conditions on the use as part of the approval to assure adequate mitigation measures as associated with the use. The conditions shall become part of the Conditional Use Permit approval and shall be included in the final site plan application. Staff potential conditions are that no permanent disposal of hazardous waste on site. Drop off location only. All State, Federal and Local rules and regulations concerning the waste products that are handled must be followed. Any violation of any such law or rule would automatically revoke the permit. A copy of the annual report on household hazardous waste collected must also be submitted to the Town and a statement from the applicant that all regulations are in compliance. The application must specify counties or the jurisdictions of collection and must show proof of adequate insurance. Based on those conditions staff recommends in favor of approving the Conditional Use Permit. You have in your packet the application, the zoning map, the letters that were sent out and also, a brochure from the EPA that tells you a little more about household hazardous waste.

Mayor Gibbs stated the next thing we need to talk about is the findings of fact. Do any of you have any questions about such?

Councilman Joe Wesson: If we move forward with it and, I will stand behind this all the way. I want a condition that we know which counties it is coming from exactly.

Councilman Donnie Potter: It's already in with this.

Town Planner Emily Hines: Yes!

Councilman Wesson: It said that, but it is not a condition you read.

Planner Hines: I didn't list them because as you got from the last meeting he needed to talk to the group he was working with to specify exactly which counties. I didn't want to list them all and list them wrong.

Councilman Wesson: Right but, it will be a condition that only those counties that were mentioned. Right?

Planner Hines: Yes!

Councilman Wesson: Those Counties would be Burke and Catawba.

Planner Hines: Those are the ones he mentioned. I didn't put those specifically in the staff report but you guys can. I just didn't know specifically which ones you wanted. I didn't want to limit you.

Councilman Wesson: That is what I want to do because, if we move forward with this I don't want it to come out and we're thinking it's going to be Catawba, it's going to be Burke, then it ends up being McDowell, then it ends up being so and so, then it ends up being South Carolina, then it ends up being Tennessee, and then we are a storage area for all this stuff right here in Sawmills.

Planner Hines: I agree.

Councilman Wesson: I want a condition with Council agreement.

Councilman Potter: He's taking the stuff today Joe! We don't know where it's coming from but he's been taking the stuff free at his current location. He's been taking it for years free of charge. People can go over there and we don't know where their coming from today.

Councilman Wesson: Right, but we need to know now though Donnie. We need to know!

Citizen: Can I ask a question?

Mayor Gibbs: No, you can't Richard.

Councilman Wesson: We need to know now and that's what I'm stressing on this thing because I don't want to get into writing a blank check on this stuff and if we move forward with it I want a condition on there that it would be Catawba and Burke.

Councilwoman Beverly Fry: I think we should only do Caldwell County because he stated in that one thing all the cars came and they dropped it off in Hickory. I don't think they need to have increased traffic on that road where there's student driver's. It's a good thing to have a drop off but I just don't think we should bring in other counties.

Councilman Potter: Like you said in the meeting and, if you look at the verbiage, it's the first step. He doesn't have a contract today with Caldwell or anybody. So, it's a possibility that he could get this permit, set this site up and nobody participate.

Councilwoman Fry: Well, I still feel it should be limited to Caldwell County only, if it is done. This is a good thing to keep it out of the landfills, those types of items. That's a two lane road and there's student driver's and I just don't think there should be increased traffic from other counties.

Councilman Wesson: I think it can be a good thing for the people of Caldwell County.

Councilwoman Fry: I just don't think we should take in other counties. Catawba's a lot larger than Caldwell.

Councilman Wesson: I don't want it to say we don't put any stipulations on there and the next thing you know it's out of whack and coming from everywhere and then we have massive amounts we've got to deal with. I mean, it's a good thing for the people of Caldwell County; it's going to keep things out of our water supply and cans are not going to rust. I mean, I think you could have a plus to it. This is something I've battled with. I mean, I really have. Thinking about this deal here and all, it has pluses and minuses and like I said, we need to know where it's coming from. We have dealt with stuff like that before; come into Caldwell County and nobody knew where it was coming from. It was just being hauled and whoever wanted to pay it would come in.

Councilman Potter: Well, I think what you're seeing is, I don't think that you're going to have a lot of increased traffic because somebody from Catawba County is going to bring two, three cans of paint over here, drive that far to drop off two, three cans of paint. I think what you're going to see is that they are going to have their household waste the days that you can bring it to a certain location in Catawba County then, STAT would go pick it up from there and bring it over. That's what I see happening. I do understand it is a very fine line because, you want to be concerned about the public welfare but, it's my understanding that nothing is changing from today except, instead of him taking the items where he's taking them today, he's just going to move it across the street and take them over there so, he can separate it.

Councilwoman Fry: Well, he could get more though!

Councilman Potter: I don't think he will. He's already taking it.

Councilwoman Fry: Well, if he were taking a large amount he would already have storage over there for it. I mean if he's building more storage, he's going to be taking more.

Councilman Potter: I think that's what is happening. He's already taking it.

Councilwoman Fry: I think we should limit it if we approve it.

Councilman Potter: I know what you're saying and I see where you're coming from. Nothing is changing from what we're doing, what he's already doing today.

Councilman Wesson: It's going to be taking in the same things but, I think why he's wanting more spaces is, so he can open it up more to all the people of the county and, that is what I understood.

Councilman Potter: Well, he's looking to get a contract with these other two counties.

Councilwoman Fry: I think he should have a plan of what to do if he has another accident, I mean he's had previous accidents. If he has other accidents, he needs to have a justified plan of what he's going to do too because, what if something happens and I'm not saying it would but, there's buses and students from other counties that are traveling right by there too.

Councilman Wesson: Well, I was thinking about concerns about everything. If, they do have a problem over there, the schools are going to be evacuated. That's going to be an inconvenience to start with plus we have the area around here. I thought about it, and thought about it, and thought about it, and it's got a plus to it and I think it would be a benefit to the people of Caldwell County but, in turn, if we don't have something on there specifying exactly where it's going to come from we just opened the door up to say, just bring it on in from wherever, just you know who wants to pay. I think we have got to have some stipulations.

Councilman Potter: They could do that today.

Mayor Gibbs: Okay! We can set conditions; the Council can set conditions on how the permit can be governed. So, if you want to put that in there as a Condition, Emily can put that in there as a condition. I just need a motion and a second.

Councilman Potter: Well, I said it! One thing and I don't know Garry personally but I know that Garry has given a lot back to the community; he's given a lot back to the Town. I know he owns some property, he recently purchased some property outside of our county and there's forty jobs over there, and if we don't try to work with him, there's a risk that he could just pack his forty jobs up and move them somewhere else. So, you have to be concerned about that as well. This is a tough decision don't get me wrong. I don't know that there's a right or wrong answer but we have to really look. In my opinion, the way I'm understanding it nothing is changing from what he's already doing today other than the fact, he's going to move across the street.

Councilwoman Fry: That's not right. It doesn't make it right. He's been taking it in, and he's increasing the amount.

Councilman Potter: He's permitted to take it in; he can take it in today. He's asking to move the location just across the street. That's the only reason he's even asking.

Councilwoman Fry: And make it larger!

Councilman Potter: No.

Councilwoman Fry: If, he's moving it to that location it's going to be larger.

Councilman Potter: I have my opinion so I'm done with it. Mayor?

Councilman Wesson: Well, that's right. It's listed as household waste and I have no problem with that as long as it's stored where it's supposed to be stored.

Councilwoman Fry: I said that's a good service. I just said we shouldn't do it for all the Counties.

Councilman Wesson: Right. We don't need to do it for all them. It's originally listed to two and I would go with those two is it. If it comes from anywhere else, that it would be a violation of what we agreed on and they would be a default.

Planner Hines: Right that would be a condition.

Mayor Gibbs: You can set that as a condition. I just need you to make that in a motion, and a second.

Councilman Wesson: Okay, I make a motion.

Attorney Terry Taylor: Before you do that, we need to make findings of fact first, and then you would make the conditions.

Planner Hines: Right.

Councilman Wesson: Okay.

Attorney Taylor: To approve it with those conditions.

Councilman Wesson: Okay.

Attorney Taylor: So, first you would need to go over them.

FINDINGS OF FACT: Mayor Gibbs stated, okay the findings of facts are, and I'll read those.

Planner Hines: You can adopt the ones that I read.

Councilman Potter: She just read them.

Mayor Gibbs: She just read them, the findings of fact. You can adopt those findings of fact.

Councilwoman Fry: Can I ask another question?

Mayor Gibbs: Yes.

Councilwoman Fry: The findings of fact said, the use will not affect the health or safety of the persons residing or working in the neighborhood of the proposed use. The use will not be detrimental to the public welfare or injurious to property or public improvements in the neighborhood. How can we vote this as findings of fact when, we haven't disclosed the fact of how many fire's, and what they did when they had other fire's because, in the predicaments, and that's do to items that they already have over there which, might have been some of the stuff like you said, he's already been taking in?

Mayor Gibbs: Terry?

Councilwoman Fry: That's just my question.

Attorney Taylor: Right but you want to consider other uses because, STAT is a totally different business. The only thing you can consider here before you today is this use.

Councilwoman Fry: But, then you state there on one of these others that, you could have a fire in your home from that so, I mean that's just coming into the question that's what I feel. I mean, they state in there that these items and they can, I mean people have fires in their home all the time. I mean, it's an accident nobody wants to do that but I just think the findings of fact, in my opinion are not correct.

Planner Hines: This is not disposing it; this is not a disposal site. This is strictly a drop off site for ninety days.

Councilwoman Fry: For ninety days, he can have it there.

Planner Hines: Yes.

Councilwoman Fry: Well, I mean that's just my question.

Mayor Gibbs: Terry, where do we go from here?

Attorney Taylor: So, your findings of fact will be decided by a majority. It doesn't have to be everyone agrees.

Councilwoman Fry: I understand that.

Councilman Wesson: If, we find the findings of fact, then we add the conditions?

Attorney Taylor: Yes.

Councilman Wesson: You don't make that in the same motion?

Mayor Gibbs: No.

Attorney Taylor: You make one motion that your findings are that, that use and the two findings of fact are read into the record then, you go on to make your motion to either approve or deny. If you find, that it does not affect the health or safety anymore than any other use that's currently existing then, you don't have a reason to deny the permit but you can certainly make conditions on it.

Councilman Wesson: Well, one thing that Beverly said is we're trying to put our heads together and do what's best. This is a real delicate situation that we are dealing with but, household fire's and stuff come from some of this stuff, and if we have a place to store it maybe, it will cut down on some household fires. That would be a big plus on that part. Then, you have a place where it's.

Mayor Gibbs: Okay, I need a motion on the findings of fact.

On a motion made by Donnie Potter, and seconded by Joe Wesson, Council approved the findings of fact. Those in favor of the findings of fact were Gerelene Blevins, Donnie Potter, and Joe Wesson. Those opposed to the findings of fact was Beverly Fry. The motion carries by a 3-1 vote.

Mayor Gibbs: All right, and the next thing we need to do is we need to go to conditions.

Councilman Wesson: I want to make a motion we do this with conditions, and the one I believe that you already have on there is household items.

Planner Hines: Right, The Conditional Use Permit is just specifically for household waste.

Councilman Wesson: What other conditions did you have on there?

Planner Hines: I had, that no permanent disposal of hazardous waste on site, drop-off location only, all State, Federal, and Local rules and regulations concerning the waste products that are handled must be followed, any violation of such law or rule would automatically revoke the permit, a copy of the annual report on household hazardous waste collected must also be submitted to the Town and a statement from the applicant that all regulations are in compliance.

Councilman Wesson: Okay, that would be giving us the amounts that they took in for the year and the volume?

Planner Hines: Yes. What came in and how much.

Councilman Wesson: That's what you had on there, right?

Planner Hines: And, specify the counties or jurisdictions of collection in whichever one you guys come up with.

Councilman Wesson: Because, Burke and Catawba was mentioned. That it be limited to only those two Counties.

Planner Hines: Okay.

Mayor Gibbs: Along with Caldwell County.

Councilman Potter: Caldwell.

Councilman Wesson: Caldwell, Burke, and Catawba and that's it.

Planner Hines: And proof of adequate insurance.

Councilman Wesson: Right.

Councilwoman Fry: Can we not limit it to just Caldwell County?

Councilman Potter: There's forty jobs to think about. Another county would love to have them.

Councilman Wesson: Well, I'm more concerned about the other things than I am of that right now.

Councilwoman Fry: Can we not have him make a plan to do if; he had some type of emergency that would be in relations to this? Does he not need a plan?

Councilman Wesson: My understanding of it was, and correct me if I'm wrong. Now, the people of Caldwell County, it's not going to cost them anything to take it out there. They take it out there, they unload it, and that's it.

Councilman Potter: That's correct.

Planner Hines: That's what he stated.

Councilman Potter: That's what he stated.

Councilman Wesson: That's what he stated; now we need to hold him to it. But, I think to offset it that is why he included the other counties. And, he would be reimbursed. That's the way I assume it. That it would offset what we were doing here in Caldwell County so that, we would get a free service on it.'

Planner Hines: I would be assuming.

Councilman Potter: It's going to save them money. It's going to save the county money, for not having to dispose it in the landfills.

Planner Hines: I don't know! There are places that do multiple jurisdictions. If, you go into larger areas they may have it just for that one county, but were talking like Mecklenburg but they have like four sites. They have four different sites across Mecklenburg and that is all the Towns and everybody in Mecklenburg County. It's up to you guys.

Mayor Gibbs: And, those conditions are?

Councilman Wesson: Right and she read the conditions.

Councilman Potter: You added Caldwell, Catawba, and Burke County only, correct?

Planner Hines: Yes.

Councilman Wesson: Right.

Mayor Gibbs: Okay, I have a motion to set conditions and, those conditions are to limit to Caldwell, Burke, and Catawba Counties along with, the limitations of what they can have there. Anything thing else that we need to discuss? I don't think so. I need a motion and then I need a second.

Councilman Wesson: I made a motion on it.

Councilman Potter: Second.

Councilman Wesson: With those Conditions.

COUNCIL ACTION: On a motion made by Joe Wesson, and seconded by Donnie Potter, Council approved a Conditional Use Permit with added conditions for wholesale storage of household waste on parcel 2776-24-8991 was approved. Those in favor were Gerelene Blevins, Donnie Potter, and Joe Wesson. Opposed was Beverly Fry. The motion carries by a vote of 3-1.

PUBLIC HEARING: REQUEST FOR A CONDITIONAL USE PERMIT TO ALLOW AN ACCESSORY DWELLING ON PROPERTY ON MAY ROAD AND PARCEL 2755-97-8343:

OPEN PUBLIC HEARING: Mayor Gibbs asked for a motion to open the public hearing concerning Ron McCracken who is requesting a conditional use permit to allow an accessory dwelling on property on May Road and Parcel number 2755-97-8343.

On a motion made by Donnie Potter, and seconded by Gerelene Blevins, the public hearing was opened at 7:05 p.m. All were in favor.

SWEARING IN OF PERSON(S) GIVING TESTIMONY: Town Clerk Susan Nagle swore in the testimony of Town Planner Emily Hines.

STAFF COMMENT/RECOMMENDATIONS: Town Planner Emily Hines stated the request before you is consideration of a Conditional Use Permit for an accessory dwelling. The property owner is Gay Barr Campbell. Her address is 1373 May Road Granite Falls, NC 28630. The applicant is Ronald McCracken 1369 May Road Granite Falls, NC 28630, and that's her son. The property address is on May Road. Parcel number 2755-97-8343. The property is approximately 2.669 acres and is zoned RA-20. Proposed use is an accessory dwelling.

The Sawmills Zoning regulations require a Conditional Use Permit must be approved by the Town Council to have an accessory dwelling. The applicant is requesting approval for an accessory dwelling. The applicant is requesting approval for an accessory dwelling for a family member. The Ordinance requires the following conditions be met: The accessory dwelling shall not exceed fifty (50) percent of the square footage of the livable area of the principal structure, the accessory dwelling shall meet all the setback requirements of a principal use, the exterior of the accessory dwelling shall be compatible with the principal residence in terms of color, siding, roof pitch, windows detailing, and roofing materials, and accessory dwellings shall only be allowed on parcels that contain owner-occupied single-family dwelling units. The two findings of fact that have to be met are that the use will not affect the health or safety of persons residing or working in the neighborhood of the proposed use. Staff's recommended finding is that the use is a residential dwelling that will meet all of the health regulations as any other residential dwelling in the area. The second finding that has to be met, the use will not be detrimental to the public welfare or injurious to property or public improvements in the neighborhood.

Staff recommended finding is the use is required to be designed in a manner that is similar to the existing residential structure. The existence of another residential use will not be detrimental to the public.

The Board may place conditions on the use as part of the approval to assure adequate mitigation measures as associated with the use. The conditions shall become part of the Conditional Use Permit approval and shall be included in the final site plan application.

Staff has no additional conditions. There are already the four conditions that are part of the Zoning Ordinance. I didn't find any additional conditions to be placed for this specific use.

Staff does recommend in favor of the Conditional Use Permit for the accessory dwelling.

In your package, you have a copy of the zoning map. The property that's highlighted is the property in question. Letters were sent out to adjacent property owners to let them know about it and notice was posted in the paper.

Councilman Donnie Potter: Any responses back from them?

Town Planner Emily Hines: I don't know.

Councilman Potter: Okay. It's my understanding he's building a mobile home.

Councilman Joe Wesson: Mother-in-law suite.

Planner Hines: It is a mobile home however, he's been talking to the dealership to make sure that everything is compatible there's all the regulations about that.

Councilman Potter: But, it's going to be put there for him to take care of his?

Planner Hines: It's actually his Aunt. His mother's sister.

Councilman Potter: Okay yeah. She's 80 plus years old, I think that's my understanding.

Planner Hines: I'm not going to go on record saying she is, I don't know.

Councilman Potter: She is.

Planner Hines: They came to us originally it literally lined up as soon as you guys approved that Ordinance, the amendment to the Ordinance. He came in about a week or so later. Before that, the other option before was just for the temporary one but this will allow it because he wasn't really sure. He didn't want to spend the money and put up the other one so, that's why he went through this.

Councilman Potter: Is this a temporary or is it a permanent?

Planner Hines: This would be permanent.

Councilman Potter: Okay that's what I thought.

Planner Hines: This does allow him to keep it on there but, the term of the condition is that on one of the conditions that's in the Ordinance is that, it's under dwelling it has to be on a piece of property that is owner occupied. So, for example if Mrs. Campbell moves and they decide to rent out the house they can't use this accessory dwelling. So, there is that condition on there that it can only be used if there is actually owner-occupier living in that house in the principal structure.

Councilman Potter: It can't be rented out?

Planner Hines: Right you can't rent. Basically, the idea is you want it to be more like a mother-in-law suite or a family member. You don't want two residential structures for rent on the same piece of property. That's what that's there doing.

PUBLIC COMMENTS: Mayor Bob Gibbs asked if there were any public comment?

There was no public comment.

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

On a motion made by Donnie Potter, and seconded by Joe Wesson, the public hearing was closed at 7:17 p.m. All were in favor.

COUNCIL ACTION: Mayor Gibbs asked for Council Action.

On a motion made by Gerelene Blevins, and seconded by Donnie Potter, Council approved a Conditional Use Permit to allow an accessory dwelling on property on May Road, parcel number 2755-97-8343 for applicant Ronald McCracken. All were in favor.

Councilman Potter: Are we ready for that?

Attorney Terry Taylor: Wait, you have to do the findings of facts.

Councilman Potter: That's right; we have to do the findings of facts.

Attorney Taylor: Yes.

Mayor Gibbs: Okay.

On a motion made by Donnie Potter, and seconded by Joe Wesson, Council approved the findings of fact. All were in favor.

On a motion made by Gerelene Blevins, and seconded by Donnie Potter, Council approved a Conditional Use Permit to allow an accessory dwelling on property on May Road, parcel number 2755-97-8343 for applicant Ronald McCracken. All were in favor.

PUBLIC HEARING: BUMGARNER PROPERTY REZONING REQUEST FOR PROPERTY AT 2669 MISSION ROAD:

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

On a motion made by Donnie Potter, and seconded by Joe Wesson, the public hearing was opened at 7:18 p.m. All were in favor.

STAFF COMMENT/RECOMMENDATIONS: Town Planner Emily Hines stated Roger and Cynthia Bumgarner own approximately .94 acres of property at 2669 Mission Road in Hudson, NC 28638 and parcel number 2766-75-6689. The Bumgarner's' house is currently located on the property in question and is zoned Highway Business. The Bumgarner's would like to rezone the property R-15 Residential High Density in order to add on to their existing house as the current zoning of Highway Business does not allow them to do so.

Planner Hines also stated, the Planning Commission met on October 11, 2011 to discuss this matter and make a recommendation to the Council. The Planning Commission would recommend approval of the rezoning request and recommend the request is reasonably necessary to the promotion of the public health, safety, and general welfare of the Town of Sawmills.

PUBLIC COMMENTS: Mayor Gibbs asked if anyone had any public comment.

There was no public comment at this time.

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

On a motion made by Donnie Potter, and seconded by Joe Wesson, the public hearing was closed at 7:20 p.m. All were in favor.

COUNCIL ACTION: On a motion made by Gerelene Blevins, and seconded by Joe Wesson, Council approved the rezoning of 2669 Mission Road Hudson, NC 28638 and parcel number 2766-75-6689 from Highway Business (H-B) to Residential High Density (R-15) for Roger and Cynthia Bumgarner. All were favor.

PLANNING MATTERS:

PLANNING COMMISSION APPOINTMENTS: As you may recall, during the October 18, 2011 Council meeting Mayor Gibbs asked for recommendations for two alternates to serve on the Planning Commission. Planner Emily Hines recommended that Council chose one member that lives inside the Town limits and one member that lives in the ETJ (Extra-Territorial Jurisdiction).

Planner Hines stated that Martha Verdie Ann Warren who lives at 2533 Baker Circle approached Town Administrator Seth Eckard and she would be willing to serve as an alternate Planning Commission member. If there are no recommendations, tonight staff would recommend appointing Mrs. Warren to serve as an alternate Planning Commission member within the Town limits.

Mayor Gibbs asked if anyone had any other recommendations within the Town limits or within the E.T.J. There were no recommendations at this time.

On a motion made by Gerelene Blevins, and seconded by Joe Wesson, Council appointed Martha Verdie Ann Warren to serve as an alternate Planning Commission member within the Town limits. All were in favor.

FINANCIAL MATTERS: EMPLOYEE LONGEVITY PAY: The Town of Sawmills pays out an employee longevity pay the first pay period in December.

On a motion made by Joe Wesson and seconded by Donnie Potter, Council approved the disbursement of longevity pay for employees. All were in favor.

UPDATES:

CODE ENFORCEMENT MONTHLY REPORT: The enclosed report shows the updated progress continuously made throughout the Town by Code Enforcement Officer Tony Cline.

No Council action is required.

ADMINISTRATORS REPORT: Town Administrator Seth Eckard would like to remind everyone that the Sawmills Christmas Parade is taking place on Saturday, December 3, 2011 at 10:00 a.m. with line-up taking place at 9:30 a.m. on Helena Street. There is no entrance fee and applications are available at the Town Hall Monday-Friday 8:00 a.m.-5:00 p.m. or you may call the Town Hall and staff can fax, mail, or e-mail you an application.

Administrator Eckard also stated that in years past Council has been gracious enough to allow Town's employee's to leave at noon on December 23rd and staff would like Council to consider allowing staff to do so again this year.

Mayor Gibbs also stated that every year Council has taken a day before the Christmas vacation begins to individually bring breakfast or lunch to the staff to show appreciation, including Public Works as well as Office Staff.

Mayor Gibbs also stated December 13th is the last day for the Farmer's Market and Santa Will be there from 2-5 so bring your camera's and take a picture of your child with Santa Claus.

On a motion made by Joe Wesson, and seconded by Gerelene Blevins, Council approved staff to leave at 12:00 noon on Friday, December 23, 2011. All were in favor.

Mayor Gibbs also stated that this is the last night for News-Topic reporter Linda Payne as she is moving and will no longer be with us. There will be cake and punch after this meeting and you are all welcome to join us to say goodbye to Linda and wish her luck.

PUBLIC COMMENT: Mayor Gibbs asked if there was anyone wishing to speak during public comment.

There was no one wishing to speak.

ADJOURN: Mayor Gibbs asked for a motion to adjourn.

On a motion made by Donnie Potter, and seconded by Joe Wesson, the meeting was adjourned. All were in favor.

Susan Nagle, Town Clerk

Bob Gibbs, Mayor

AGENDA ITEM 5A

MEMO

DATE:

December 12, 2011

SUBJECT:

Recognition:
Yard of the Month

Discussion:

The Town of Sawmills would like to congratulate Janie and Dwight Miller (28630 zip code) and Klaus and Kucha Hadschin (28638 zip code) on winning the Yard of the Month for December 2011. Mayor Pro-Tem Gerelene Blevins and Councilwoman Beverly Fry of the Town Beautification Committee will present the winners with a certificate of appreciation.

The Yard of the Month program ends in December and will start back up in April.

Recommendation:

No Council action is required.

AGENDA ITEM 5B

MEMO

DATE:

December 12, 2011

SUBJECT:

Recognition:
Recycle Rewards
Program

Discussion:

The Town of Sawmills would like to congratulate Richard and Sylvia Williams on winning the Recycle Rewards Program for the month of December. Town Administrator Seth Eckard will present Richard and Sylvia Williams with a certificate of appreciation. A twenty-five dollar (\$25.00) credit will be added to the current sanitation bill.

Recommendation:

No Council action is required.

AGENDA ITEM 6

MEMO

DATE:

December 12, 2011

SUBJECT:

Planning Matters:
Planning Commission
Appointments

Discussion:

As you may recall, during the November 15, 2011 Council meeting Council appointed Martha Verdie Ann Warren to serve as the Alternate Planning Commission member within the Town limits. This leaves only one vacant alternate position left from the E.T.J. (Extra-Territorial Jurisdiction).

Mayor Gibbs asked the Council think of some recommendations to fill the vacant alternate seat on the Planning Commission from the E.T.J. and make such recommendations at the December 20, 2011 regular Council meeting.

Recommendation:

Staff would recommend Council discuss any recommendations made and decide whom they wish to appoint as the Alternate Planning Commission member from the E.T.J. If no recommendations made then staff would recommend current Council refer this matter to the new Council for recommendations.

TOWN OF SAWMILLS
PLANNING COMMISSION
2ND TUESDAY
5:00 PM
2011-2012

<u>NAME</u>	<u>TERM</u>	<u>ADDRESS</u>	<u>TELEPHONE #</u>
Steve Duncan	March 2012	4675 Sawmills Sch. Rd., Sawmills	396-5848 312-5912(C)
Buford Pennell	March 2012	4178 Helena St., Hudson	396-6888
David Powell	March 2012	2784 Dry Ponds Rd., Sawmills	396-6070 612-9846(C)
Thad Hall	March 2012	4178 Helena St., Hudson	396-6888
Clyde Miller (ETJ)	June 2014	4403 Horseshoe Bend Rd., Hudson	728-7980

ALTERNATE

Martha Verdie Ann Warren	October 2012	2533 Baker Circle, Sawmills	308-1143
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Updated: October 18, 2011

AGENDA ITEM 7

MEMO

DATE:

December 12, 2011

SUBJECT:

Outgoing Council
Comments

Discussion:

Whenever there has been a change in the Council, we have taken a few minutes to allow those members who are departing to say their farewells.

Recommendation:

No Council action is required.

AGENDA ITEM 9

MEMO

DATE:

December 12, 2011

SUBJECT:

Oath of Office for New
Council Members

Discussion:

Town Clerk Susan Nagle will administer the Oath of Office to incoming Council members Trena McCrary Kirby, Jeff Wilson, and Johnny Wilson.

Recommendation:

No Council action is required.

AGENDA ITEM 12A

MEMO

DATE:

December 12, 2011

SUBJECT:

Organizational Matters:
Seating Arrangements

Discussion:

The new Council seating arrangement will be as follows.

From right to left in alphabetical order:

Trena McCrary Kirby

Donnie Potter

Joe Wesson

Town Attorney

Mayor

Town Administrator

Jeff Wilson

Johnny Wilson

Clerk

Recommendation:

No Council action is required.

AGENDA ITEM 12B

MEMO

DATE:

December 12, 2011

SUBJECT:

Organizational Matters:
Election of Mayor
Pro-Tem

Discussion:

As a first item of business; Council will need to elect a Mayor Pro-Tem. Enclosed is a description of the duties of the Mayor Pro-Tem.

Recommendation:

Council needs to elect a member from the Council to serve as the Mayor Pro-Tem.

§30.04 MAYOR PRO TEM.

At the first meeting after its election, the Town Council shall select one of its number to act as Mayor Pro Tem. The Mayor Pro Tem shall have no fixed term of office, but as such, shall perform all the duties of the Mayor in the Mayor's absence or disability.

(1991 Code, §20.04)

Statutory reference:

Mayor Pro-Tem, see G.S. §160A-70

§30.34 OFFICE OF MAYOR PRO TEMPORE.

At the organizational meeting, the Council shall elect from among its members a Mayor Pro Tempore to serve at the Council's pleasure. A Council member who serves as Mayor Pro Tempore shall be entitled to vote on all matters and shall be considered a Council member for all purposes, including the determination of whether a quorum is present. In the Mayor's absence, the Council may confer on the Mayor Pro Tempore any of the Mayor's powers and duties. If the mayor should become physically or mentally unable to perform the duties of his or her office, the Council may by unanimous vote declare that the Mayor is incapacitated and confer any of the Mayor's powers and duties on the Mayor Pro Tempore. When a Mayor declares that he or she is no longer incapacitated, and a majority of the Council concurs, the Mayor shall resume the exercise of his or her powers and duties. If both the Mayor and the Mayor Pro Tempore are absent from a meeting, the Council may elect from among its members a temporary chairperson to preside at the meeting.

(1991 Code §20.22) (Ord. passed 7-1-1988)

§30.35 PRESIDING OFFICER WHEN THE MAYOR IS IN ACTIVE DEBATE.

The Mayor shall preside at meetings of the Council unless he or she becomes actively engaged in debate on a particular proposal, in which case he or she shall designate another Council member to preside over the debate. The Mayor shall resume presiding as soon as action on the matter is concluded.

(1991 Code, §20.23) (Ord. passed 7-1-1988)

AGENDA ITEM 12C

MEMO

DATE:

December 12, 2011

SUBJECT:

Organizational Matters:
Committee Assignments

Discussion:

Enclosed with this memo is a copy of the Standing Council Committees as appointed by Mayor Gibbs.

Recommendation:

No Council action is required.

TOWN OF SAWMILLS STANDING COUNCIL COMMITTEES FOR 2012

(Updated: 12/12/2011)

PUBLIC WORKS COMMITTEE

Roadways and Streets
Water Resources
Wastewater
Drainage
Right-of-ways
Solid Waste

Jeff Wilson
Johnny Wilson

PARKS AND RECREATION COMMITTEE

Parades, Festivals and Special Events
Civic Organizations

Jeff Wilson
Joe Wesson

PLANNING AND DEVELOPMENT COMMITTEE

Land Use Regulations
Zoning
E.T.J.
Code Enforcement

Joe Wesson
Trena Kirby

LAW AND FINANCE

Administration
Budget Appropriations
Audit Performance
Public Health & Safety

Donnie Potter
Trena Kirby

INTERGOVERNMENTAL COMMITTEE

W.P.C.O.G.
N.C.L.M.
Community Colleges
Chamber of Commerce
Institute of Government
Intergovernmental (County/State)

Trena Kirby
Donnie Potter

PERSONNEL COMMITTEE

Donnie Potter
Johnny Wilson

IDENTITY THEFT COMMITTEE

Joe Wesson
Jeff Wilson

*** The Mayor is a member of all Standing Council Committees**

AGENDA ITEM 12D

MEMO

DATE:

December 12, 2011

SUBJECT:

Organizational Matters:
Council Ethics and
Code of Conduct

Discussion:

Enclosed with this memo is a copy of the Code of Ethics prepared by Attorney Terry Taylor adopted by the Town Council on August 17, 2010. North Carolina General Statutes §160A-83 requires the governing board to adopt a code of ethics to guide the actions of its members in performance of their duties.

Also, enclosed is a Standard of Conduct form prepared by Attorney Taylor. Mayor Gibbs asks each Council member to read this form. New Council members should be prepared to sign this document during the December 20th meeting. A copy is kept on file with the Clerk.

Recommendation:

Council needs to review and sign the enclosed document.

CODE OF ETHICS

Adopted: AUGUST 17, 2010
Resolution No.: _____

TOWN OF SAWMILLS

Standards of Conduct and Conflict of Interest

A. Purpose

The purpose of this Code of Ethics is to establish guidelines for ethical standards of conduct of the Town of Sawmills and to help determine what conduct is appropriate in particular cases. It should not be considered a substitute for the law or for a board member's best judgment.

B. Definitions

For purposes of this section, the following definitions shall apply:

1. *Business Entity* means any business, proprietorship, firm, partnership, person in representative or fiduciary capacity, association, venture, trust or corporation which is organized for financial gain or for profit.
2. *Town Official* means the Chairman, members of the Town Board, Executive Manager, Town Attorney and Department Heads.
3. *Immediate Household* means the Town Official, his/her spouse, and all dependent children of the Town Official.
4. *Interest* means direct or indirect pecuniary or material benefit accruing to a Town Official as a result of a contract or transaction which is or may be the subject of an official act or action by or with the Town. For purposes of this article, a Town Official shall be deemed to have an interest in the affairs of (1) any person in his immediate household as such term is defined in this section, (2) any business entity in which the Town Official is an officer or director, (3) any business entity in which an excess of ten percent (10%) of the stock of or legal or beneficial ownership of is controlled or owned directly by or indirectly by the Town Official, (4) any non-profit organization on which the Chairman or any member of the Town Board currently serves an officer, director, or board member, direct or indirect.

5. *Official act or action* means any legislative, administrative, appointive or discretionary act of any Town Official.

C. Standards of Conduct

1. *Scope.* All Town Officials as defined in this article shall be subject to and abide by the following standards of conduct.

2. *Interest in Contract or Agreement or Employment.* No Town Official herein defined shall have or thereafter acquire an Interest in any contract or agreement with the Town, except as allowed by and in conformance with the procedure set forth in the North Carolina General Statutes. This section does not prevent consulting or employment contracts between an Official and the Town that may otherwise be allowed by law so long as the Official that has the conflict does not participate in the selection, award or supervision of the Contractor Employee.

3. *Use of Official Position.* No Official shall use his or her official position or the Town's facilities for his or her private gain. In addition, Town Officials shall not misuse their status in such a way as to require, expect, or accept favors from subordinate employees.

4. *Disclosure of Information.* No Official shall use or disclose confidential information gained in the course of or by reason of his official position for purposes of advancing (1) his or her financial or personal interest, (2) a business entity in which he or she is an owner in part or in whole, an officer or director, (3) the financial or personal interest of a member of his or her immediate household or that of any other person.

5. *Incompatible Service.* No Official shall engage in or accept private employment or render service to private or other public interests when such employment or service is incompatible with the proper discharge of official duties or would tend to impair independence of judgment or action in the performance of official duties unless otherwise permitted by law and unless disclosure is made as provided in this article. Before accepting private employment, the Official should consider whether such employment would impact the Town negatively. An Official who accepts private employment should not represent himself or herself as an employee or agent of the Town.

6. *Gifts.* No Town Official shall directly or indirectly solicit any gift or accept or receive any gift having a value of Twenty-Five Dollars (\$25.00) or more whether in the form of money, services loaned, travel, entertainment, hospitality, thing or promise or any other form under circumstances in which it could reasonably be inferred that the gift was intended to influence him or her or could reasonably be expected to influence him or her in the performance of official duties or is intended as a reward for any official action or his or her part. Legitimate political contributions shall not be considered as gifts under the provisions of this paragraph.

7. *Special Treatment.* No Town Official shall grant any special consideration, treatment, or advantage to any citizen or public or private entity beyond that which is available to every other citizen or entity.

8. *Standards of Conduct.*

These Standards of Conduct require that:

Section 1. Town of Sawmills Board Members should obey all laws applicable to their official actions as members of the board. Board Members should be guided by the spirit as well as the letter of the law in whatever they do.

At the same time, Board Members should feel free to assert policy positions and opinions without fear of reprisal from fellow board members or citizens. To declare that a board member is behaving unethically because one disagrees with that board member on a question of policy (and not because of the board member's behavior) is unfair, dishonest, irresponsible, and itself unethical.

Section 2. Board members should act with integrity and independence from improper influence as they exercise the duties of their offices.

Section 3(a) Board Members should avoid impropriety in the exercise of their official duties. Their official actions should be above reproach. Although opinions may vary about what behavior is inappropriate, this board will consider impropriety in terms of whether a reasonable person who is aware of all of the relevant facts and circumstances surrounding the board member's action would conclude that the action was inappropriate.

Section 3(b) If a Board Member believes that his or her actions, while legal and ethical, may be misunderstood, the member should seek the advice of the board's attorney and should consider publicly disclosing the facts of the situation and the steps taken to resolve it.

Section 4. Board Members should faithfully perform the duties of their offices. They should act as the especially responsible citizens whom others can trust and respect. They should set a good example for others in the community, keeping in mind that trust and respect must continually be earned.

Board Members should faithfully attend and prepare for meetings. They should carefully analyze all credible information properly submitted to them, mindful of the need not to engage in communications outside the meeting in any quasi-judicial matters. They should demand full accountability from those over whom the Board has authority.

Board Members should be willing to bear their fair share of the board's workload. To the extent appropriate, they should be willing to put the board's interests ahead of their own.

Section 5. Board Members should conduct the affairs of the board in an open and public manner. They should comply with all applicable laws governing open meetings and public records, recognizing that doing so is an important way to be worthy of the public's trust. They should remember when they meet that they are conducting the public's business. They should also remember that local government records belong to the public and not to board members or their employees.

In order to ensure strict compliance with the laws concerning openness, boards members should make clear than environment of transparency and candor is to be maintained at all times in the governmental unit. They should prohibit unjustified delay in fulfilling public records requests. They should take deliberate steps to make certain that any closed sessions held by the board are lawfully conducted and that such sessions do not stray from the purposes for which they are called.

D. Disclosure of Interest in Legislative Action

The Chairman or any member of the Town Board who has an Interest in the official act or action before the Town Board shall publicly disclose on the record of the Town of Sawmills the nature and extent of such interest and shall withdraw from any consideration of the matter if excused by the Authority.

E. Investigations Instigated by Town Board, Town Manager or Any Other Person

1. The Board may direct the Town Attorney to investigate any apparent violation of this article as it applies to the Chairman, any member of the Board, or Town Manager, and to report the findings of the investigation to the Board.
2. The Board may direct the Town Manager to investigate any apparent violation of this article by the Town Attorney and to report the findings of the investigation to the Board.
3. Any person who believes that a violation of this article has occurred may file a complaint in writing with the Board when the Chairman and members of the Board, Town Manager or Town Attorney are the subjects of the complaint.
4. If the Board, after receipt of an investigation, has cause to believe a violation has occurred, the Board shall schedule a hearing on the matter, said hearing may be held as a Closed Session. The Official who is charged with the violation shall have the right to present evidence, cross-examine witnesses, including the complainant or complainants, and be represented by counsel at the hearing. If upon the conclusion of the hearing, the majority vote of the Board finds a violation has occurred, the Board may adopt a resolution of censure which shall be placed as a matter of record in the minutes of an official Board meeting.

F. Advisory Opinions.

When a Town Official has a doubt as to the applicability of any provision of this articles to a particular situation or to the definition of terms used in this article, he or she may apply to the Town Board or Town Attorney for an advisory opinion, either of which shall issue an opinion in writing and file same with either the Board or Town Attorney. The Town Official shall have the opportunity to present his or her interpretation of the facts at issue and of the application of provisions of this article before such advisory opinion is made. In addition, the Town Official shall publicly disclose to the Board or Town Manager the facts of issue in a particular situation and shall rely upon any resolution adopted by the Board or Town Manager regarding that particular situation.

Adopted this the 17 day of AUGUST,
20 10.

TOWN OF SAWMILLS



ATTEST:

Susan Nagle
Town Clerk

By: [Signature]
Mayor

STANDARD OF CONDUCT

Our Value Statement:

As a Council Member of the Town of Sawmills, I commit to conduct myself as a professional and support the following values:

1. Service. I will be responsive to the needs of citizens and my fellow Council Members by consistently exceeding their expectations.
2. Respect. I believe in the value of my fellow Council Members and recognize each persons contribution as important.
3. Integrity. I will be fair, consistent and honest with my fellow Council Members, the staff and citizens. I will be responsible and I will do what I say I will do.
4. Competence. As a Council Member, I will continue to grow and develop my skills and understanding through attending seminars and read other information that is available to me about governing of a town in North Carolina.
5. Innovation. I will be open minded, I will be flexible and receptive to change and actively involved in identifying opportunities for improvement for the town.
6. Attitude. I will treat my fellow Council Members, the staff and citizens with respect and dignity. I will listen and communicate in a sincere way, being sensitive to the needs of others.

This the _____ day of _____, 20_____.

_____(Seal)

AGENDA ITEM 13

MEMO

DATE:

December 12, 2011

SUBJECT:

Council Retreat

Discussion:

Town Administrator Seth Eckard will be holding a Council retreat on February 9, 2012 from 10:00 a.m.-4:00 p.m. at the E.D.C. (Economic Development Commission).

The purpose of this retreat is so that Town Administrator Eckard and Council may go over goal settings and visions for the New Year.

Recommendation:

No Council action is required.

AGENDA ITEM 14

MEMO

DATE:

December 12, 2011

SUBJECT:

Adopt Resolution
Approving the Electronic
Auction Procedure of
Surplus Personal Property

Discussion:

On April 18, 2000 the Council adopted a Resolution authorizing the sale of surplus property by sealed bids. As electronic auctions are being used more now than sealed bids staff would like Council to consider adopting the enclosed Resolution Approving the Electronic Auction Procedure of Surplus Personal Property.

Enclosed with this memo is a list of personal surplus property that no longer meets the operational needs of Sawmills and staff would like to surplus.

Recommendation:

Staff would recommend Council adopt a Resolution approving the Electronic Auction Procedure of Surplus Personal Property by the Town and in accordance with North Carolina General Statutes §160A-270.

ASSET #	DESCRIPTION	NOVEMBER 2011	S/N	MODEL #	MFG YR.
Computer List					
	TIGER 40XMax K-6 Series Computer		3082446		OLD
	View Sonic 14" Monitor		A162800300	1448ES-1	July 1996
53	TradelMark 14" Monitor		79DCM-1488A	DCM-1488A	8/1/1987
	Computer Keyboard		32091630	RT-2358TW	
	Compaq Desk Pro2000 Computer		6626HVR88615	M5100/1200/8 DOM	no date
	Compaq Keyboard		23N39DL07221	RT6656TW	
	Gateway 2000 Computer		9669721	LPMINI-TOWER G6-333	4/21/1998
	Gateway 2000 15" Monitor		15009A491617	EV-500	
	Gateway 2000 Keyboard & Mouse		50241582	2196003-00-004	6/16/1998
	Gateway 2000 Computer		9669575	E-1000	4/21/1998
	Gateway 2000 Keyboard		50131916	2196003-00-003	4/1/1998
	Gateway 2000 15" Monitor		15009A491953	EV500-069CS	March 1998
	Gateway Windows XP		25595413		12/7/2001
	Gateway 17" Monitor		DU17046A0061334	EV-700C	Sept. 2001
	Gateway Keyboard & Mouse		(K)356681 (M)HCA13102177	SK-9920	9/18/2001
106	Gateway Celeron Computer		25595414	MICRO ATX KTH 300C	12/7/2001
106	Gateway 17" Monitor		DU17046A0061336	EV-700C	Sept. 2001
	Gateway 15" Monitor		8627564	CPU-15F23	Sept. 1996
	Gateway 2000 SOLO		AC298130453	ADP-50FB	
221	Belkin Wireless Keyboard w/Wireless Mouse		401002996	F8E815-BNDL & F8E815-KYBD	
	Belkin USB2 Hi-Speed Cable				
47	Pitney Bowes Class III Postal Scale		0022758 Reconditioned	MOD B-250	Capacity 2lbx0.1oz.
	Canon Electric Typewriter		HA20-21527	AP810-III	
	CASIO Calculator		Q2458551	FR-2650A	
	Sharp Calculator		1D289579	EL-1197P	
	Sharp Calculator		4C796889	EL-1801A	
	Adler-Royal Calculator		41340013	1123-PD nova	
26	Lanier 6717 Copier		807768	6717	
112	Brother Fax Machine, Copier, Scanner		U56581E2N351683	MFC-3100C	
	Sharp Fax Machine Plain Paper		37157757	UX-P100	12/26/1998
	U.S. Robotics Fax MODEM		0008390161403112	Sportsler 28.8000	
	Brother Plain Paper Fax Machine, Copier, Scanner		U56362B09776100*Z	MFC-7150C	
	HP Deskjet 1120C Printer		SG8CQ1323R	6626HVR88615	
	Okidata Dot Matrix Printer 391 Turbo 24 Pin		110B2024460	GE7300A	
	Okidata Microline 395 Printer 24 Pin		B2KML395	Microline 395	
	EPSON PB-6509 Receipt Printer for Computer		2VR000 4304	M119D	For EPSON TM-U200PD
	Motorola AlphaMate 250 (small gray keyboard)		516EWW2H66	PT1019A	
	American Powered Conversion (Computer BackUp)		EB9638245381	APC280B	
	Energizer (Backup) 4 plug-ins		0304UC8263	ER-0F800	
87	GE Cassette Recorder		879372	3-5025A	
	Radio Shack Cassette Recorder		0735ZA11432	CTR-117	
	16 bit ISA Ethernet Adapter for 10Base2 or 10Base-T			NE2000 Compatible	
	HP960C Printer		MY11K1D21R	C8932A	1/20/2001
	Gateway 2000 Keyboard		53140961	2196003	4/7/1998
	Gateway 2000 Keyboard		50141002	2196003	4/7/1998
	Dell Printer		80DVJ51	DPIN ON5819	
128	Phaser 4400 Printer		LD1018135	4400SA	
80	HP Laser Jet 4 Plus Printer		USFC192269	C2037A	Dec-94
	HP ScanJet 5200C Scanner		SG8CS1607B	HPC7190A	
127	Visioneer 9450 USB Scanner		414TW1043X1K7500202	9450USB	

114	Epson Cash Receipt Printer	CQTG030600	M119D	9/14/2000
	HP 1100 Printer	USPD0037543	C4224A	
	Gateway 2000 Computer (Storeroom)	10207981	P55C-233	6/29/1998
	Gateway 2000 Monitor (Storeroom)	FLEL9A1787756	986M	Oct-99
	Gateway 2000 Keyboard (Storeroom)	H358561	SK-9920	9/18/2001
228	HP LaserJet 4250 Printer	CNGXF66269	42501	9-May-06
123	(Is not tagged) Symbol Barcode Scanner(for the bills)			
	Action Cheeta Hub Classic 204/Switch (Came out of closet in Council room)	820A00965EH2041S		
	KeyTronic Keyboard (Came out of closet in Council room)	J962101583	E03801QL-C	
	Computerwise Computer (Came out of closet in Council room)	BG85-V15G		
	10 Base T Link Switch	619003119	UE2040-29	
	Etherfast 10/100 16Port Switch	R430033006435	EZXS16W	

<u>DAMAGED SURPLUS</u>					
NOVEMBER 2011					
<u>ASSET #</u>	<u>DESCRIPTION</u>	<u>S/N</u>	<u>MODEL #</u>	<u>MFG YR.</u>	
	Gateway 2000 Laptop Computer	BC497500714	SOLO 2300	?1998?	
108	Gateway Computer Windows XP	25594817	MFATXSTL KTH 300S	12/7/2001	
108	17" Gateway Monitor	LIC143B6825	FPD1520	10/1/2001	
108	Gateway Keyboard & Mouse	H357037	SK-9920	9/18/2001	
	Camera B/W 1/3 CCD	11513131490	CVC-1700	8/29/03 Lightning Damage	
	Sharp Calculator	5823063Y	EL-1197S		
	Texas Instruments Calculator	139811	TI-5045 II		
	Texas Instruments Calculator	1114653C-1089	TI-5155		
64	Canon Calculator	216910 HD	CP-120D		
142	Acroprint Time Clock	528609MC	125AR3		
	APC BACK UP BOX	EB9638245381	BACKUP280B	POWER SURGE DAMAGE	
	APC BACK UP BOX	PB9809285802	BK400B	POWER SURGE DAMAGE	
130	Dell 1230C Printer	CNOF482K77221191M0259	Dell 1230C	Jan. 2009	
46	Office Desk (Town Clerk)	Chip pics. & wobbly legs			

MISCELLANEOUS SURPLUS			
NOVEMBER 2011			
ASSET #	DESCRIPTION	S/N	MODEL #
N/A	Plastic Box w/ Drawer 8"W x 5.5"H x 15"L		
	Holmes Air Filter Monitor		MAP-580
	Box of 10 spool ribbons BLACK		STOCK #9989028382
	HP Toner Cartridge (remanufactured)		REORDER #359918
	Boston 12" Wood Base Paper Trimmer		Mdl #2612
	2- Ribbon Cassettes for Petney Bowes Post Perfect (B7)		REORDER #767-1
	1 - Clear Plastic Computer Cover		
	1 - Clear Plastic Keyboard Cover		
	1 - Clear Plastic Typewriter Cover		
	3 - Canon Electronic Typewriter Cassette Ribbons		AP-RB21; Reorder # 917590
	3 - Books - Borland dBASEIV for DOS Version 2.0		(Getting Started, Using dBASEIV, Language Ref)
	1 - Microsoft Windows Version 3.0 Book		
	10 rolls - ISCO Plotter Paper		60-2313-019
	Boston Electric Pencil Sharpener		19
	4 - Okidata Printer Ribbons		52103601 or 5211(For 393,395,3410 OkiMicroline
	Metal Time Card Holder		Latham 12 Cards
	3 - Lanier Black Toner Cartridges		For Mdl 6517, 6717, 6616, 6720
	Brother Ink Cartridges (BLUE - MFC 7150C, 7160C, 9100C)		Jul-03
	(RED - MFC-7150C, 7160C, 9100C)		Sep-03
	(YELLOW - MFC-7150C, 7160C, 9100C)		Jan-04
	Manual Postage Scale w/ Platform on top		2lb x .5oz
	Pelouze Package Postage Scale	966984	PE5 (9V battery) 2200gx2g Capacity
	Small Black Plastic Tray Holder for Desktop		
	Metal 3x5 Index Card Box		
	Roll Table 12"D x 30"L		Top does not fit well on table
	15" Computer Glass Attachment for Monitor		

Town of Sawmills
Resolution Approving the Electronic Auction Procedure
of Surplus Personal Property

The Town of Sawmills ("Sawmills") has property that is no longer necessary to meet the operational needs of Sawmills. Traditionally, Sawmills has declared such property to be surplus and disposed of such property by public auction in accordance with the requirements of N.C.G.S. 160A-270.

IT IS THEREFORE RESOLVED, by the Town Council of the Town of Sawmills that:

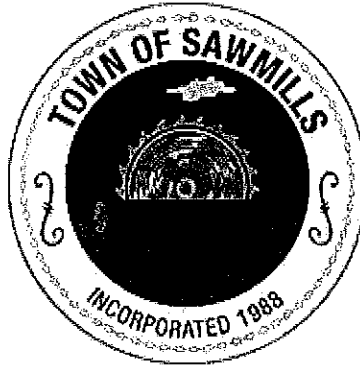
1. Each of the items described on the list entitled "Sawmills Electronic Surplus Property Sale" as attached hereto, is declared to be surplus to the needs of Sawmills.
2. The sale of all surplus property by electronic auction in accordance with the requirements of N.C.G.S. 160A-270 is hereby authorized and the Town Administrator, or other staff designated by the Administrator, is authorized to give appropriate notice and conduct the sale in accordance with the requirements of all applicable laws.
3. All surplus property shall be made available for inspection at reasonable times so that the sale can be conducted beginning _____, _____, 2011 at 8:00 a.m. by electronic means at www._____ and/or www.GovDeals.com. With appropriate notice the date, place and time of the sale may be changed by the Town Administrator. All items shall be sold for cash or other payment means approved by the Town Administrator.
4. The person designated to conduct the sale by the Town Administrator shall have the authority to remove items of surplus property from the list to be sold at any time prior to the acceptance of any bid and the conclusion of the transaction.
5. Further, the Town Administrator is authorized to negotiate, execute and issue on behalf of Sawmills all contracts necessary in order to conduct the sale of surplus property by electronic auction including any contracts with public or private auction agents as allowed by statute, specifically including a contract with GovDeals, Inc., if the Administrator deems such contract to be in the best interest of Sawmills.
6. Any remaining surplus property after the Auction Procedures are followed above may be donated by the Town to a 501(c)3 qualified non-profit association as designated and/or determined by the Town Administrator.

Adopted this the _____ day of December, 2011.

Mayor, Town of Sawmills (Seal)

Attest:

Clerk



**Town Council Meeting
December 20, 2011
Staff Report**

TO: Mayor and Town Council Members

FROM: Emily Hines, Town Planner

SUBJECT: Consideration of a Minor Plat for Marlon and Brenda May

A. Action Requested by Town Council

Motion to approve (approve with conditions) (deny) the 1 lot minor subdivision for Marlon and Brenda May for property identified as 2755-36-9457, 2755-46-6368, and 2755-35-9535.

B. Required Votes to Pass Requested Action

A majority vote is required to pass the requested action.

C. Background

Applicant: Marlon and Brenda May

Property Owners: Jonathan and Ellen Reece
4606 Hickory Nut Ridge Road
Granite Falls, NC 28630

Clay and Janette Bollinger
4600 Hickory Nut Ridge Road
Granite Falls, NC 28630

Property Parcel Numbers: 2755-36-9457, 2755-46-6368, and 2755-35-9535

Zoning District:

RA-20

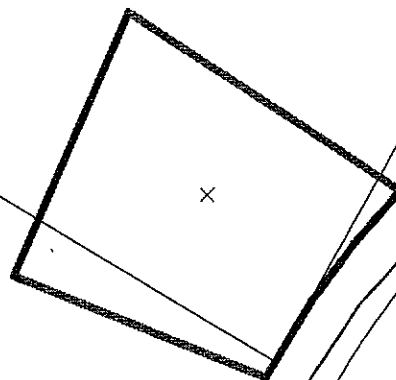
Water Supply Watershed District: WS-IV-Protected Area

D. Attachments

1. Proposed Minor Subdivision Plat
2. Vicinity Map

**Minor Subdivision
Marlon and Brenda May**

Hickory Nut Ridge Road



AGENDA ITEM 16

MEMO

DATE:

December 12, 2011

SUBJECT:

Financial Matters: Call For
A Public Hearing: Apply
For A Community
Development Block Grant
For Sewer Project

Discussion:

Staff would like to apply for a Community Development Block Grant (CDBG) to add sewer lines to a proposed area of Sawmills.

In order to qualify for a CDBG grant the area being considered must meet certain conditions such as; the proposed area must be connected to existing sewer lines, the majority of people living in the area need to be lower income, and there also has to be evidence of failing septic tanks.

Enclosed with this memo is a cost estimate on this project as well as a map of the proposed area the grant would cover.

The following is a list of the potential streets covered which is subject to change:

A portion of Cajah's Mountain Road

Duff Drive

Gilliland Lane

Oxford Drive

Gatewood Drive

Jay Street

Recommendation:

Staff would recommend Council call for a public hearing at the next regularly scheduled Council meeting on January 17, 2011 at 6:00 p.m. in the Sawmills Council Chambers to discuss applying for a CDBG grant.

**TOWN OF SAWMILLS
AREA C-1 (STAMEY ROAD)
SEWERLINE COST ESTIMATE CDBG PROJECT**

	Item	Quantity Unit	Unit Cost	Total Cost
1.	8" PVC Gravity Sewerline	10,500 LF	\$32.00	\$336,000.00
2.	Standard Manholes	52 EA	\$1,800.00	\$93,600.00
3.	Asphalt Drive Repairs	200 SY	\$25.00	\$5,000.00
4.	Concrete Drive Repairs	100 SY	\$50.00	\$5,000.00
5.	Aggregate Base Course	200 TN	\$25.00	\$5,000.00
6.	Bore and Encasement	75 LF	\$100.00	\$7,500.00
7.	Upgrade Stamey Rd. PS	1 LS	\$10,000.00	\$10,000.00
8.	Rehab line under Stamey Rd	1 LS	\$10,000.00	\$10,000.00
9.	Taps and House Connection	66 EA	\$1,500.00	\$99,000.00

Subtotal	\$571,100.00
Engineering, Surveying, Inspection	\$57,000.00
Easement Acquisition	\$26,000.00
Legal/Administration	\$57,000.00
Contingency	\$57,000.00
Total	\$768,100.00



405 South Sterling Street
Burlington, NC 28655
(828) 433-5961

DRAWING SCALE
1"=500'
PROJECT DATE
DEC. 2011
PROJECT NUMBER
11160

CDBG SANITARY SEWER
TOWN OF SAWMILLS
DEC. 12, 2011

SECTION C-1



- EXISTING 2" WATERLINE
- EXISTING 6" WATERLINE
- PROPOSED SEWERLINES
- SECTION BOUNDARY
- EXISTING SEWER
- FORCE MAIN

AGENDA ITEM 17A

MEMO

DATE:

December 12, 2011

SUBJECT:

Updates:
Code Enforcement
Monthly Report

Discussion:

Mayor Bob Gibbs will update Council on the attached report showing the progress that Sawmills Code Enforcement Officer Tony Cline continues to make throughout the town.

Recommendation:

No Council action is required.

Code Enforcement Monthly Report

Opened	Case Number	Property Address	Owner or Occupant	Status or Comments
				Property owner authorized to allow cleaning of property by person recommended by code enforcement to be cleaned of metal and trash (Clean-up free to the owner). Not completely cleaned of trash yet but good progress. Monitor.
6/15/2011	PN11-43	Crotts Mobile Home Park	Elizabeth Palmer	
8/31/2011	HC12-02	4257 Horseshoe Bend	Lewis Miller	Repairs to house have been made. Closed Case.
				Deadline to remove dilapidated out-building and complete clean-up was 10/12/11. \$600 in Civil Citations issued. Court action could be sought in the coming weeks. Monitor.
14-Sep	PN12-24	4388 Duncan	Renneth Minton	Repairs to apartment have been made. Closed Case.
9/21/2011	HC12-03	2175 Idlewood Dr. #5	Brock and Larry Griffin	Repairs to apartment have been made. Closed Case.
9/21/2011	HC12-04	2175 Idlewood Dr. #6	Brock and Larry Griffin	Commercial business in the residential district has stopped. Property reportedly for sale with likely new buyer established. Closed Case.
10/4/2011	PN12-28	4340 Trojan Ln.	Robert McRary etc.	Owner has cleaned some overgrowth trash and debris. Dilapidated mobile home and other trash must also be removed. Monitor.
10/4/2011	PN12-27	4353 Fancy Place	Dwayne Mann	Notice sent due to tires, trash and debris on the property. Some progress has been made but more must be done. Monitor.
11/3/2011	PN12-34	2139 Cleo Drive	Caroll Jackson	Trash and debris removed from the property. Closed Case
11/3/2011	PN12-33	2218 Marcus	Thelma Dale	Tires, trash and debris removed from the property. Closed Case.
11/3/2011	PN12-32	2523 Sigmon Dr.	Donald Goins	Warning Citation sent to owner and party of interest due to the tires, trash and debris on the property. Awaiting deadline to determine if compliance is met. Monitor.
12/14/2011	PN12-36	2486 Annas Drive	Wanza Bentley	

Code Enforcement Monthly Report

Opened	Case Number	Property Address	Owner or Occupant	Status or Comments
10/28/2010	PN11-03	4455 Rual Drive	William Miller	Civil Citations in the amount of \$600 have been issued. Collection of the citations and obtaining a judges order could be sought in the coming weeks due to lack of clean-up at the property.
11/1/2010	HC11-03	4476 Sawmills Sch. Rd.	Jerry Hatchings	Owner has realized that demolition of the house is most feasible, but plans to meet with the Building Inspector before a final decision is made regarding repair or demolition of the structure.
11/1/2010	Z11-02	1625 Cajah Mtn. Rd.	Ray and Betty Philyaw	Elderly owner continues to remove property from mobile home that must be removed. He hopes his brother will remove the mobile home for the metal cost but has not been able to get in touch with his brother.
11/1/2010	Z11-01	4141 Duff Drive	Clarks Auto	Owner has recently been hospitalized. Removal of junk cars suspended at this time. Monitor.
1-Dec	PN11-09	Crotts Mobile Home	Charles and Pansey Crotts	Town Attorney suggest that attempts be made by the town to encourage Caldwell County to foreclose on the property in hopes that a new owner will do the massive clean-up needed.
2/25/2011	PN11-16	2511 Baker Circle	Steve and Mary Hand	Owner's progress in cleaning trash from the property has slowed. We are to meet at the property next week to determine what progress has been made lately. Monitor
2/23/2011	PN11-19	4100 Farr MHP	Owen Farr-Deceased	Clean-up at the property has once again slowed. Assisting owner with a reasonable way to clean the property for less cost. Monitor.
3/30/2011	MVO11-05	4487 Diamond Street	Troy Wilson Jr.	Repairs to the house have been made. Closed Case.