

AGENDA

Regular Meeting of the Sawmills Town Council Sawmills Town Hall

Tuesday, October 18, 2011
6:00 P.M.

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. Approval of September 20th Regular Meeting Minutes Mayor Bob Gibbs
6. Recognitions:
 - A. Yard of the Month Winners Gerelene Blevins
Beverly Fry
 - B. Recycle Rewards Winner Seth Eckard
 - C. Town Sign Art Contest Runner-Up Mayor Bob Gibbs
7. Public Hearing: Request for a Conditional Use Permit To Permit a Horse on Property at 3912 US Highway 321-A Mayor Bob Gibbs
 - A. Open Public Hearing
 - B. Staff Recommendations Emily Hines
 - C. Swearing in of Person(s) Giving Testimony Susan Nagle
 - D. Close Public Hearing
 - E. Council Action
8. Public Hearing: Request for a Conditional Use Permit For Wholesale Storage of Household Waste on Parcel 2776-24-8991 Mayor Bob Gibbs
 - A. Open Public Hearing
 - B. Staff Recommendations Emily Hines
 - C. Swearing in of Person(s) Giving Testimony Susan Nagle
 - D. Close Public Hearing
 - E. Council Action
9. Financial Matters: Interlocal Agreement with Caldwell County to Extend The Sales Tax Reinvestment Agreement as Amended Seth Eckard
10. Planning Matters:
 - A. Call for a Public Hearing: Bumgarner Property Rezoning Request for Property at 2669 Mission Road Emily Hines
 - B. Call for a Public Hearing: Request for A Conditional Use Permit to Allow Accessory Dwelling on Property on May Road and Parcel 2755-97-8343 Emily Hines
 - C. Planning Commission Appointments Emily Hines
11. Updates:
 - A. Code Enforcement Monthly Report Mayor Bob Gibbs
 - B. Administrator's Report Seth Eckard
12. Public Comment Mayor Bob Gibbs
13. Adjourn Mayor Bob Gibbs

**TUESDAY, SEPTEMBER 20, 2011
TOWN OF SAWMILLS REGULAR COUNCIL MEETING
6:00 P.M.**

COUNCIL PRESENT

Bob Gibbs
Gerelene Blevins
Joe Norman
Donnie Potter
Joe Wesson

STAFF PRESENT

Karen Clontz
Susan Nagle
Terry Taylor

COUNCIL ABSENT

Beverly Fry

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

INVOCATION: Pastor Wade Mitchell 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 with the following addition: add line item 8E.

On a motion made by Donnie Potter, and seconded by Joe Norman, the agenda was adopted with the addition. All were in favor.

APPROVAL OF AUGUST 16th REGULAR MEETING MINUTES: Mayor Gibbs asked for a motion to approve the August 16, 2011 regular meeting minutes.

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

RECOGNITIONS:

YARD OF THE MONTH WINNERS: Mayor Pro-Tem Gerelene Blevins presented Joe and Annie Marler from the 28630 zip code with a certificate for winning the yard of the month and Mayor Gibbs stated Charles and Pat Holden from the 28638 zip code was the yard of the month winner for September. Mayor Gibbs stated that Charles and Pat Holden are unable to be here tonight but may pick up their picture and certificate at the Town Hall at their convenience.

No Council action is required.

RECYCLE REWARDS PROGRAM WINNER: Mayor Bob Gibbs stated Michael and Tara Bradshaw are the recycle rewards program winners for September. Mayor Bob Gibbs stated they are unable to be here tonight but may pick up their certificate at the Town Hall at their convenience and they will receive a credit of twenty-five dollars (\$25.00) on their current sanitation bill.

No Council action is required.

FINANCIAL MATTERS:

BID AWARDS FOR STORM DRAINAGE IMPROVEMENTS ON BUCKS DRIVE: Mayor Gibbs stated the Town recently received the following six bids for the storm drainage improvements on Bucks Drive:

Bennick Enterprises, LLC	\$26,625.00
Hilton, Inc.	\$29,538.78
Wilkie Construction Co.	\$29,455.00
Midstate Contractors, Inc.	\$31,750.00
Country Boy Landscaping, Inc.	\$45,554.00
Kris Williams Grading, Inc.	\$52,606.00

On a motion made by Joe Wesson, and seconded by Donnie Potter, Council awarded the bid to Bennick Enterprises, LLC in the amount of \$26,625.00. All were in favor.

NC DEPARTMENT OF CORRECTIONS CONTRACT: Mayor Gibbs stated the enclosed contract with the North Carolina Department of Corrections Contract. The contract would be effective August 31, 2011 through June 30, 2012 and would cover two laborers at a cost of \$1.00 per hour for eight hours a day for a total amount of \$438.00. The Town would have to provide Workman's Compensation Insurance at an additional cost of approximately \$1,300.00, which was not included in this budget year.

After much discussion, Donnie Potter made a motion to table this matter until the next regular Council meeting and Joe Norman seconded so that Town Administrator Eckard can review this contract more in depth.

PLANNING MATTERS:

RESIGNATION OF PLANNING COMMISSION MEMBER: Town Planner Emily Hines stated that Planning Commission member Bobby Austin has resigned leaving a vacant seat open. Current alternate Thad Hall has given his consent to serve on the Planning Commission.

Town Planner Hines stated that this leaves two alternate vacancies as the Towns Ordinance states that the Planning Commission consists of five members and two alternates. Town Planner Hines would recommend appointing one alternate within the town limits and one alternate from the E.T.J. (Extra-Territorial Jurisdiction). Mayor Gibbs asked Council to come to the October 18, 2011 regular Council meeting with recommendations for the two vacant seats on the Planning Commission.

On a motion made by Donnie Potter, and seconded by Joe Wesson Council appointed Thad Hall as the Planning Commission member. All were in favor.

REQUEST FOR APPROVAL OF A MINOR SUBDIVISION: Town Planner Emily Hines stated Mr. Ralph L. and Mrs. Lantha O. Bryant have requested their property located on Dry Ponds Road split into three lots. The existing lot is 3.25-acres and would be split as follows: lot one: 1.315 acres and lot two: 0.621 acres, and lot three 1.414 acres.

The Planning Board reviewed this request and would recommend Council approval with the condition that all proper easement language is on the Plat.

On a motion made by Joe Norman, and seconded by Joe Wesson, the minor subdivision for Mr. Ralph L. and Mrs. Lantha O. Bryant was approved with the condition. All were in favor.

REQUEST FOR A CONDITIONAL USE PERMIT: Town Planner Emily Hines stated that Jack and Debbie Mason have requested a Conditional Use Permit to allow a horse on 1.09 acres of pasture land located at 3912 US Highway 321-A and having 10.89 acres.

Planner Hines also, stated according to the Sawmills Zoning regulations, Council must approve a Conditional Use Permit to have horses in the RA-20 zoning district and the Planning Commission would recommend the Council call for a public hearing on this matter.

On a motion made by Joe Wesson, and seconded by Joe Norman, the Council will hold a public hearing on a Conditional Use Permit to allow a horse at 3912 US Highway 321-A at the October 18, 2011 regular Council Meeting. All were in favor.

REQUEST FOR A CONDITIONAL USE PERMIT: Town Planner Emily Hines stated that STAT, Inc. has requested a Conditional Use Permit for a household hazardous waste site for the wholesale storage of gasoline and oil products, including bottled gas and oxygen on 2.67 acres, which is located on Spartan Drive Parcel number 2776-24-8991.

Planner Hines also, stated this is an allowable use and according to the Sawmills Zoning regulations, Council must approve a Conditional Use Permit to allow wholesale storage of gasoline and oil products, including bottled gas and oxygen in the HB zoning district and the Planning Commission would recommend the Council call for a public hearing on this matter.

On a motion made by Donnie Potter, and seconded by Joe Wesson, the Council will hold a public hearing on a Conditional Use Permit to allow a household hazardous waste site for the wholesale storage of gasoline and oil products, including bottled gas and oxygen on Spartan Drive Parcel number 2776-24-8991 at the October 18, 2011 regular Council Meeting. All were in favor.

WATERWORKS ROAD: Mayor Pro-Tem Gerelene Blevins would like to propose Council consider lowering the current speed limit on Waterworks Road from 35 M.P.H. to 20 M.P.H. as well as putting up no passing signs, and children at play signs. Attorney Terry Taylor stated the Town would need to have a traffic report done showing from a Traffic Engineer where to place the signs and what the speed limit needs to be.

After discussion, Council tabled this so that Town Administrator Seth Eckard could research to see if the Town had already done this in the past and if not what the Town would need to do to have a Traffic Engineer look at the Road and submit a report.

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: Finance Officer Karen Clontz stated that included in the agenda packets is a list of unscheduled records that staff destroyed due to limit storage space. Finance Officer Clontz also stated, the Town Festival will take place on Saturday, September 24, 2011 at the Sawmills Baird Drive Park from 10:00 a.m.-4:00 p.m. with new vendors and the Optimist Club is doing a BBQ Cook-Off and invited everyone to come out and join in the festivities. Mayor Gibbs stated there is a lot more things to enjoy this year than there was last year and the Town will still give out free hotdogs, popcorn and a drink until they run out.

Donnie Potter stated the Optimist Club is sponsoring a BBQ Cook-Off. The Tickets are \$8.00 for adults and \$4.00 for kids 12 and under. Anyone wishing to purchase a ticket may do so by contacting an Optimist Club member or purchasing a wristband at the gate.

PUBLIC COMMENT: Mayor Gibbs asked if anyone would like to speak during the public comment period.

Brad Wright, Art Teacher at Sawmills Elementary School, Clarence Finley, and Kristy Greene all asked to addressed the Council with concerns over how the Town sign art contest was done. Trena Kirby asked what the winner was told when the Town sign art contest first came about.

William Eckard would like to thank Mayor Pro-Tem Gerelene Blevins for taking the time to address most of his concerns.

Edward Lineback would like to address his concerns over the restrooms at Sawmills Baird Drive Park not being open for public use.

Ron McCracken would like to put a mobile home on the property to allow his Aunt to live in.

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 6A

MEMO

DATE:

October 12, 2011

SUBJECT:

Recognition:
Yard of the Month

Discussion:

The Town of Sawmills would like to congratulate Tim and Lenita Pope (28630 zip code) and Jim and Claudia Cooke (28638 zip code) on winning the Yard of the Month for September 2011. Mayor Pro-Tem Gerelene Blevins and Councilwoman Beverly Fry of the Town Beautification Committee will present the winners with a certificate of appreciation.

Recommendation:

No Council action is required.

AGENDA ITEM 6B

MEMO

DATE:

October 12, 2011

SUBJECT:

Recognition:
Recycle Rewards
Program

Discussion:

The Town of Sawmills would like to congratulate James Clark on winning the Recycle Rewards Program for the month of September. Town Administrator Seth Eckard will present Mr. Clark 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 6C

MEMO

DATE:

October 12, 2011

SUBJECT:

Recognitions:
Town Sign Art Contest
Runner-Up

Discussion:

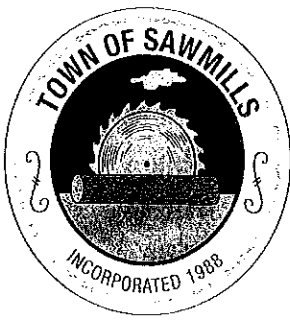
Mr. Wright, Art Teacher at Sawmills Elementary School stated to the Council that the Towns new gateway signs have a lot of similarities to the picture submitted by Kenlea Greene.

The Council discussed this issue and decided to make Kenlea a runner-up, giving her the same recognition as Lanie Bumgarner.

The new gateway signs will include Lanie Bumgarner and Kenlea Greene's name on the bottom along with their pictures on each post.

Recommendation:

No Council action required.



MAYOR
Bob Gibbs

TOWN ADMINISTRATOR
Seth Eckard

**TOWN
COUNCIL**

Gerelene Blevins, Mayor Pro-Tem
Beverly Fry
Joe Norman
Donnie Potter
Joe Wesson

October 18, 2011

To Miss Kenlea Greene,

The Town of Sawmills would like to congratulate you on being the runner-up for the new town sign art contest design.

For all your hard work in Mr. Wright's art class at Sawmills Elementary School, the Town of Sawmills would like to present you with this Certificate of Appreciation.

The picture you have submitted will be on display on one of the columns to the sign as well as your name on the bottom.

Sincerely,

Mayor Bob Gibbs

Mayor Pro-Tem Gerelene Blevins

Councilwoman Beverly Fry

Councilman Joe Norman

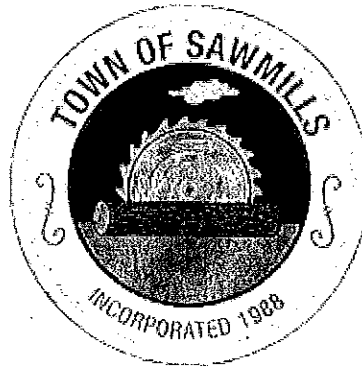
Councilman Donnie Potter

Councilman Joe Wesson

Town Administrator Seth Eckard

Town of Sawmills

4076 US Highway 321-A * Sawmills NC * (828)396-7903 * (828)396-8955 fax
<http://www.townofsawmills.com/>



**Town of Sawmills
October 18, 2011 Town Council Meeting
Staff Report**

October 13, 2011

TO: Mayor and Town Council

FROM: Emily Hines, Town Planner

SUBJECT: Consideration of a Conditional Use Permit for a horse

A. Actions Requested by Town Council

1. Motion to accept the evidence as presented
2. Motion to approve the Finding of Facts
3. Motion to approve (approve with conditions) (deny) the Conditional Use Permit for a horse at 3912 US Highway 321 A.

B. Required Votes to Pass Requested Actions

A majority vote is required to pass the requested actions.

C. Background

Property Owner/Applicant: Jack and Debbie Mason
PO Box 267
Hudson, NC 28638

Property Address: 3912 US Highway 321 A

Property Parcel Number: 2766-67-1789

Parcel Size: 10.89 acres

Zoning District: RA-20

Proposed Use: Horse

The Sawmills Zoning regulations require that to have horses in the RA-20 zoning district a Conditional Use Permit must be approved by the Town Council. The applicant is requesting approval for a horse on 1.09 acres of pasture land on a 10.89 acre parcel.

D. Findings of Fact

To grant a permit for a Conditional Use the following finding of fact must all be found in the affirmative by the Town Council.

1. The use will not affect the health or safety of persons residing or working in the neighborhood of the proposed use.
2. The use will not be detrimental to the public welfare or injurious to property or public improvements in the neighborhood.

E. Staff Recommended Findings of Fact

The use will not affect the health or safety of persons residing or working in the neighborhood of the proposed use.

The proposed use of a horse will not affect the health or safety of person residing or working in the neighborhood. All pasture and barn areas will be maintained and kept clean to reduce any unreasonable smell.

The use will not be detrimental to the public welfare or injurious to property or public improvements in the neighborhood.

The proposed use of a horse will not be detrimental to the public welfare or injurious to property or public improvements in the neighborhood. There will be adequate fencing to prevent the horse from leaving the property unattended.

F. Potential Conditionals

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.

Potential Conditions:

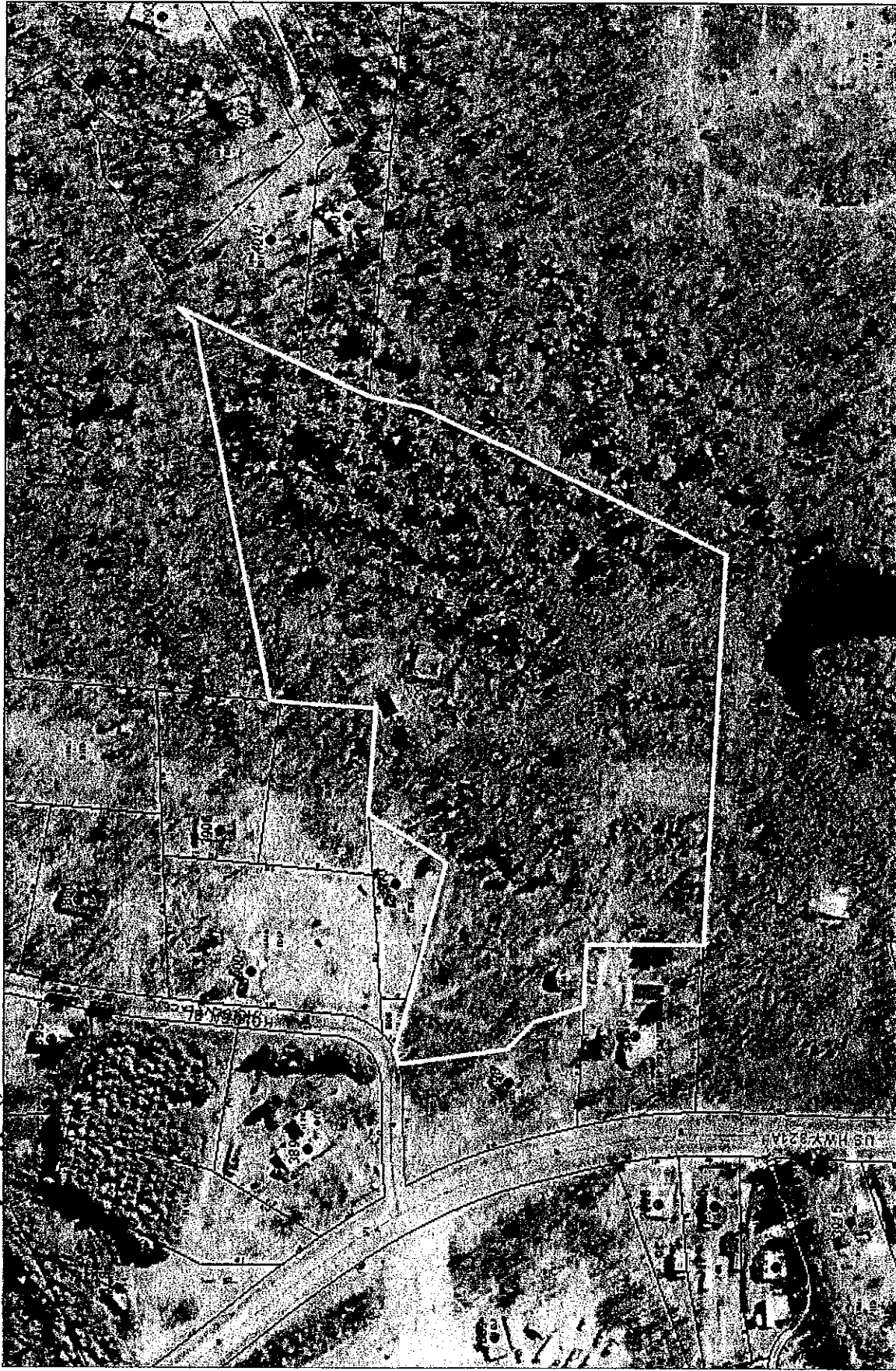
- Animal waste shall not be stored any closer than fifty (50) feet from any property line or surface water not in the same ownership.

- The area used grazing, exercising or training of said animals shall be securely fenced to prevent the horse from straying.

G. Attachments

1. Application
2. Zoning Map
3. Property Owner and Adjacent Property Owner Public Notice Letters

Caldwell County Mapping



1 inch = 200 feet

This map is prepared for the inventory of real property found within this jurisdiction, and is compiled from recorded deeds, plats, and other public records and data. Users of this map are hereby notified that the aforementioned public primary information sources should be consulted for verification of the information contained on this map. Caldwell County and its mapping and software contractors assume no legal responsibility for the information contained on this map or in this website. This map and information are NOT of land survey quality and are NOT suitable for such use.



Planning Department General Application Form
(Not for Site Plan Review Submittals)

Type of Action Requested:

Appeal

Conditional Use Permit

Zoning Text Amendment

X

Variance

Zoning Map Amendment

Applicant JACK & DEBBIE MASON Owner JACK & DEBBIE MASON

Address 3912 US Highway 321-A Address Same - Mailing Address
Hudson NC 28638 P.O. Box 267
Hudson NC
28658

Telephone 828-396-5363 Telephone

Legal relationship of applicant to property owner SAME

Property location 3912 US Highway 321-A - SAWMILLS

Tax parcel 03-35-1-54 Zoning district RA-20 Acreage of Site 9.5 acres -
03-35-1-9A recently purchased 2.3+
2766-67-1789 acres

Signature of Applicant

Debbie A. Mason

Signature of Applicant

Jack F. Mason

Signature of Property Owner

Debbie A. Mason

Signature of Property Owner

Jack F. Mason

For Staff Only:

Filing Fee: \$50.00

Receipt #

Application No.: CWP-01-11

Date Submitted (Complete): 8/25/11



Town of Sawmills
CONDITIONAL USE APPLICATION FORM

I, Jack Mason, Debbie Mason, hereby petition the Board of Adjustment for a
CONDITIONAL USE PERMIT as required in the Code of Ordinances for the following
proposed property use: MAINTAIN HORSE ON PROPERTY

The location of the above-mentioned proposed use is indicated on the accompanying site plan,
and the nature of the proposed use is more fully described as follows:

To allow maintenance of horse on pre-existing pasture
area and use pre-existing barn (1.09 Acres)

APPROVAL CRITERIA

The Board of Adjustment does not have unlimited discretion in deciding whether to approve a
conditional use permit. The Code of Ordinances requires that the applicant demonstrate
successful compliance with several conditions to obtain a conditional use permit. In the spaces
provided below, indicate the facts that you intend to provide to convince the Board that it can
properly reach the following required conclusions.

A. The proposed conditional use will not adversely affect the health or safety of persons
residing or working in the neighborhood of the proposed use.

All pasture and barn area will be maintained and kept clean
to reduce any undesirable smell and/or flies
Manure will be hauled to remote part of property. Stall and
pastures will be cleaned

B. The proposed conditional use will not be detrimental to the public.

Fencing will protect horse and prevent any nuisance to
neighbors - No noise will be detrimental to public
Pasture is mowed and maintained w/ machinery presently

C. The proposed conditional use will not be injurious to property or public improvements in the neighborhood.

Maintenance And Ownership should not affect
other's property or any public improvements

D. Compliance with any other applicable Sections of this Ordinance.

I certify that all of the information presented in this application is accurate to the best of my knowledge, information, and belief.

Jack F. Mason
Signature of Property Owner

The Board may place conditions on the use requested as part of the approval to assure that adequate mitigation measures are associated with the use.

Required:

❖ **Fee:**

Please refer to fee schedule to determine applicable fees.

Fees are nonrefundable and help to cover administrative and notification costs.

STAFF USE ONLY

Scheduled Board of Adjustment Public Hearing date: 10/18/11

Dates advertised in newspaper: 9/30/11 and 9/16/11

Date written notices mailed: 9/30/11

Council decision:

Conditions:

Date written notice sent to applicant: 10/18/11



MAYOR
Bob Gibbs

TOWN ADMINISTRATOR
Seth Eckard

**TOWN
COUNCIL**

Gerelene Blevins, Mayor Pro-Tem
Beverly Fry
Joe Norman
Donnie Potter
Joe Wesson

October 3, 2011

Jack & Debbie Mason
PO Box 267
Hudson, NC 28638

RE: Conditional Use Permit Application

Dear Mr. and Mrs. Mason,

The Sawmills Town Council will hold a quasi-judicial public hearing on October 18, 2011 at 6:00 PM at the Sawmill Town Hall to review your request for a Conditional Use Permit for a horse on property you own at 3912 US Highway 321 A, Hudson, NC and more specifically identified as NC PIN 2666-67-1789.

Please let me know if you have any questions. I can be reached at ejhines@benchmarkplanning.com or 800- 650-3925.

Sincerely,

Emily Hines
Town Planner
Town of Sawmills

Town of Sawmills

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<http://www.townofsawmills.com/>



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Joe Wesson

October 3, 2011

Robbin & James Osborne
5395 Gunpowder Drive
Hickory, NC 28601

RE: Conditional Use Permit Application

Dear Mr. and Mrs. Osborne,

Property you own is adjacent to property requesting a Conditional Use Permit for a horse. Jack and Debbie Mason are requesting the Conditional Use Permit for property they own located at 3912 US Highway 321 A, Hudson, NC and more specifically identified as NC PIN 2666-67-1789. The property is zoned RA-20.

The Sawmills Town Council will hold a quasi-judicial public hearing on October 18, 2011 at 6:00 PM at the Sawmill Town Hall to review this request. This request will not change the zoning of your property. You are being notified as an adjacent property owner.

You are invited to come to the quasi-judicial public hearing on October 18, 2011 to present any pertinent facts to the Council for or against the request.

Please let me know if you have any questions. I can be reached at ejhines@benchmarkplanning.com or 800- 650-3925.

Sincerely,

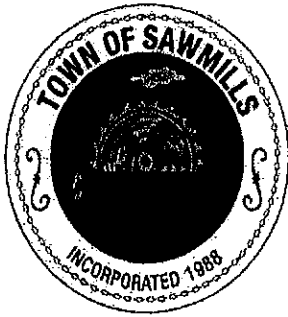
Emily Hines
Town Planner
Town of Sawmills

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Joe Norman
Donnie Potter
Joe Wesson

October 3, 2011

Earl Russell & Johnsie Woods
3890 Hwy 321-A
Hudson, NC 28638

RE: Conditional Use Permit Application

Dear Mr. and Mrs. Woods,

Property you own is adjacent to property requesting a Conditional Use Permit for a horse. Jack and Debbie Mason are requesting the Conditional Use Permit for property they own located at 3912 US Highway 321 A, Hudson, NC and more specifically identified as NC PIN 2666-67-1789. The property is zoned RA-20.

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Emily Hines
Town Planner
Town of Sawmills

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Beverly Fry
Joe Norman
Donnie Potter
Joe Wesson

October 3, 2011

Gary Bolick
14 Trey Court
Granite Falls, NC 28630

RE: Conditional Use Permit Application

Dear Mr. Bolick,

Property you own is adjacent to property requesting a Conditional Use Permit for a horse. Jack and Debbie Mason are requesting the Conditional Use Permit for property they own located at 3912 US Highway 321 A, Hudson, NC and more specifically identified as NC PIN 2666-67-1789. The property is zoned RA-20.

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Joe Norman
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Joe Wesson

October 3, 2011

Bobby Neil Holden
3850 Holden Place
Hudson, NC 28638

RE: Conditional Use Permit Application

Dear Mr. Holden;

Property you own is adjacent to property requesting a Conditional Use Permit for a horse. Jack and Debbie Mason are requesting the Conditional Use Permit for property they own located at 3912 US Highway 321 A, Hudson, NC and more specifically identified as NC PIN 2666-67-1789. The property is zoned RA-20.

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Town of Sawmills

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Beverly Fry
Joe Norman
Donnie Potter
Joe Wesson

October 3, 2011

Clarence & Toye Holden
219 Norwood St SW
Lenoir, NC 28645

RE: Conditional Use Permit Application

Dear Mr. and Mrs. Holden,

Property you own is adjacent to property requesting a Conditional Use Permit for a horse. Jack and Debbie Mason are requesting the Conditional Use Permit for property they own located at 3912 US Highway 321 A, Hudson, NC and more specifically identified as NC PIN 2666-67-1789. The property is zoned RA-20.

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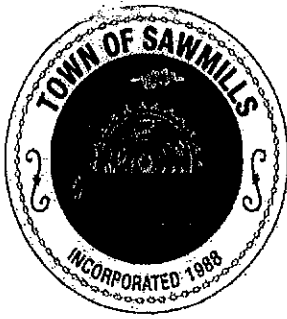
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TOWN ADMINISTRATOR
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Beverly Fry
Joe Norman
Donnie Potter
Joe Wesson

October 3, 2011

Harry & Myra Hudson
16206 Laurel Ridge Drive
Laurel, MD 20707

RE: Conditional Use Permit Application

Dear Mr. and Mrs. Holden,

Property you own is adjacent to property requesting a Conditional Use Permit for a horse. Jack and Debbie Mason are requesting the Conditional Use Permit for property they own located at 3912 US Highway 321 A, Hudson, NC and more specifically identified as NC PIN 2666-67-1789. The property is zoned RA-20.

The Sawmills Town Council will hold a quasi-judicial public hearing on October 18, 2011 at 6:00 PM at the Sawmill Town Hall to review this request. This request will not change the zoning of your property. You are being notified as an adjacent property owner.

You are invited to come to the quasi-judicial public hearing on October 18, 2011 to present any pertinent facts to the Council for or against the request.

Please let me know if you have any questions. I can be reached at ejhines@benchmarkplanning.com or 800- 650-3925.

Sincerely,

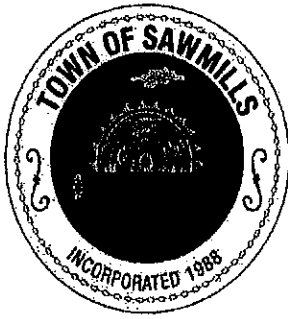
Emily Hines
Town Planner
Town of Sawmills

Town of Sawmills

4076 US Highway 321-A * Sawmills NC * (828)396-7903 * (828)396-8955 fax

<http://www.townofsawmills.com/>

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MAYOR
Bob Gibbs

TOWN ADMINISTRATOR
Seth Eckard

**TOWN
COUNCIL**

Gerelene Blevins, Mayor Pro-Tem
Beverly Fry
Joe Norman
Donnie Potter
Joe Wesson

October 3, 2011

Marjorie Holden
3908 Hwy 321-A
Hudson, NC 28638

RE: Conditional Use Permit Application

Dear Mrs. Holden,

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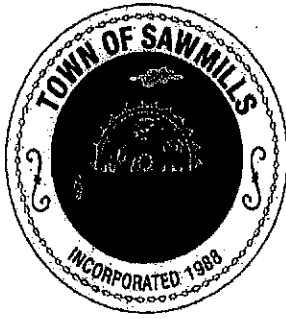
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Joe Norman
Donnie Potter
Joe Wesson

October 3, 2011

Judy S Keller
3900 Holden Place
Hudson, NC 28638

RE: Conditional Use Permit Application

Dear Mrs. Keller,

Property you own is adjacent to property requesting a Conditional Use Permit for a horse. Jack and Debbie Mason are requesting the Conditional Use Permit for property they own located at 3912 US Highway 321 A, Hudson, NC and more specifically identified as NC PIN 2666-67-1789. The property is zoned RA-20.

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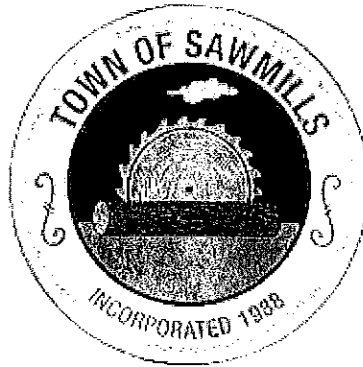
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**Town of Sawmills
October 18, 2011 Town Council Meeting
Staff Report**

October 13, 2011

TO: Mayor and Town Council

FROM: Emily Hines, Town Planner

SUBJECT: Consideration of a Conditional Use Permit for Wholesale storage household hazardous waste

A. Actions Requested by Town Council

1. Motion to accept the evidence as presented
2. Motion to approve the Finding of Facts
3. Motion to approve (approve with conditions) (deny) the Conditional Use Permit for Wholesale storage of household hazardous waste at the property indentified as Parcel Identification Number 2776-24-8991.

B. Required Votes to Pass Requested Action

A majority vote is required to pass the requested action.

C. Background

Property Owner: Gary & Barbara Sparks
3220 Taylorsville Road
Lenoir, NC 28645

Applicant: STAT, Inc
3062 Eli Lane
Hudson, NC 28638

Property Address: Spartan Drive

Property Parcel Number: 2776-24-8991

Parcel Size: 2.67 acres

Zoning District: HB

Proposed Use: Wholesale storage of household hazardous waste

The Sawmills Zoning regulations require 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.

D. Findings of Fact

To grant a permit for a Conditional Use the following finding of fact must all be found in the affirmative by the Town Council.

1. The use will not affect the health or safety of persons residing or working in the neighborhood of the proposed use.
2. The use will not be detrimental to the public welfare or injurious to property or public improvements in the neighborhood.

E. Staff Recommended Findings of Fact

The use will not affect the health or safety of persons residing or working in the neighborhood of the proposed use.

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 use will not be detrimental to the public welfare or injurious to property or public improvements in the neighborhood.

The proposed use of a household hazardous waste site will not be detrimental to public welfare or injurious to property or public improvements in the neighborhood. The majority of the properties in the area are industrial uses. The proposed use will benefit the Town as a whole by removing some hazardous waste from the area landfills.

F. Potential Conditionals

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.

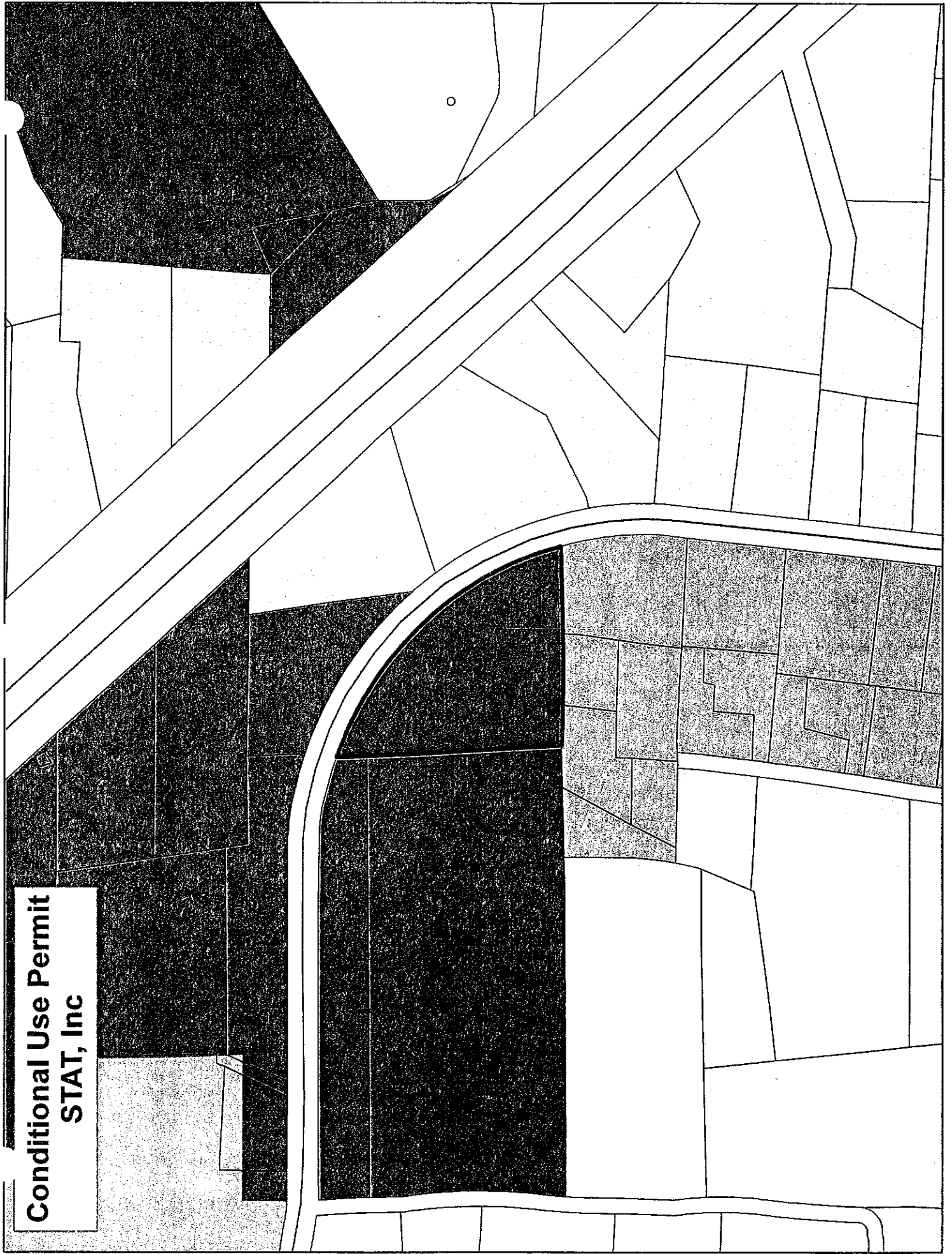
Potential Conditions:

- No disposal of hazardous on site. Drop off location only.

G. Attachments

1. Application
2. Zoning Map
3. Property Owner and Adjacent Property Owner Public Notice Letters

**Conditional Use Permit
STAT, Inc**





Planning Department General Application Form
(Not for Site Plan Review Submittals)

Type of Action Requested:

Appeal

Conditional Use Permit

Zoning Text Amendment



Variance

Zoning Map Amendment



Applicant STAT Incorporated

Owner Garry Sparks and Barbara

Address 3062 Eli Lane

Address 3220 Taylorsville Rd.

Hudson, NC 28635

Lenoir, NC 28645

Telephone 828-296-2304

Telephone 828-754-2315

Legal relationship of applicant to property owner Same

Property location Spartan Drive Hudson, NC 28635

Tax parcel 03 49 18B Zoning district HB

Acreage of Site 2.67

Signature of Applicant [Signature]

Signature of Property Owner [Signature]

Signature of Applicant

Signature of Property Owner

For Staff Only:

Filing Fee: \$50.00

Receipt # _____

Application No.: CWP-03-11

Date Submitted (Complete): _____



**Town of Sawmills
CONDITIONAL USE APPLICATION FORM**

I, Barry Sparks, hereby petition the Board of Adjustment for a
CONDITIONAL USE PERMIT as required in the Code of Ordinances for the following
proposed property use: HHW Site

The location of the above-mentioned proposed use is indicated on the accompanying site plan,
and the nature of the proposed use is more fully described as follows:

Household Hazardous Waste Site for Caldwell
and adjoining Counties.

APPROVAL CRITERIA

The Board of Adjustment does not have unlimited discretion in deciding whether to approve a
conditional use permit. The Code of Ordinances requires that the applicant demonstrate
successful compliance with several conditions to obtain a conditional use permit. In the spaces
provided below, indicate the facts that you intend to provide to convince the Board that it can
properly reach the following required conclusions:

A. The proposed conditional use will not adversely affect the health or safety of persons
residing or working in the neighborhood of the proposed use.

No it will not. It will just be a drop off
location. Any disposal will be done at a
designated TSDF.

B. The proposed conditional use will not be detrimental to the public.

No it will actually benefit the public. It will
be for the citizens of Caldwell County so no
Hazardous waste will end up in our landfills.

C. The proposed conditional use will not be injurious to property or public improvements in the neighborhood.

It will benefit the property and make it usable
and improve the layout.

D. Compliance with any other applicable Sections of this Ordinance.

We will be in compliance with any ordinance
that is applicable.

I certify that all of the information presented in this application is accurate to the best of my knowledge, information, and belief.


Signature of Property Owner

The Board may place conditions on the use requested as part of the approval to assure that adequate mitigation measures are associated with the use.

Required:

❖ Fee:

Please refer to fee schedule to determine applicable fees.

Fees are nonrefundable and help to cover administrative and notification costs.

STAFF USE ONLY

Town Council
Scheduled Board of Adjustment Public Hearing date: 10/18/11

Dates advertised in newspaper: _____ and _____

Date written notices mailed: _____

Council decision: _____

Conditions: _____

Date written notice sent to applicant: _____



MAYOR
Bob Gibbs

TOWN ADMINISTRATOR
Seth Eckard

**TOWN
COUNCIL**

Gerelene Blevins, Mayor Pro-Tem
Beverly Fry
Joe Norman
Donnie Potter
Joe Wesson

October 3, 2011

Garry & Barbara Sparks
3320 Taylorsville Road
Lenoir, NC 28645

RE: Conditional Use Permit Application

Dear Mr. and Mrs. Sparks,

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Please let me know if you have any questions. I can be reached at ejhines@benchmarkplanning.com or 800- 650-3925.

Sincerely,

Emily Hines
Town Planner
Town of Sawmills

Town of Sawmills

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Joe Norman
Donnie Potter
Joe Wesson

October 3, 2011

Ajay G Patel
280 Indian Trail
Mooresville, NC 28117

RE: Conditional Use Permit Application

Dear Mr. Patel,

Property you own is adjacent to property requesting a Conditional Use Permit for a household hazardous waste site. STAT, Inc is requesting the Conditional Use Permit for property located at on Spartan Drive and more specifically identified as NC PIN 2776-24-8991. The property is zoned Highway Business.

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Donnie Potter
Joe Wesson

October 3, 2011

Mary Lou & Freelin Poore
3529 Hickory Blvd
Hudson, NC 28638

RE: Conditional Use Permit Application

Dear Mr. and Mrs. Poore,

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Beverly Fry
Joe Norman
Donnie Potter
Joe Wesson

October 3, 2011

STAT Incorporated
3062 Eli Lane
Hudson, NC 28638

RE: Conditional Use Permit Application

Dear Sir or Madam,

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COUNCIL**

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Beverly Fry
Joe Norman
Donnie Potter
Joe Wesson

October 3, 2011

Timothy Sweat
3047 Eli Lane
Hudson, NC 28638

RE: Conditional Use Permit Application

Dear Mr. Sweat,

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**TOWN
COUNCIL**

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Beverly Fry
Joe Norman
Donnie Potter
Joe Wesson

October 3, 2011

Jeffery Whitson
4084 Prosperity Lane
Hudson, NC 28638

RE: Conditional Use Permit Application

Dear Mr. Whitson,

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Joe Norman
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Joe Wesson

October 3, 2011

David Beaver
6065 Spartan Drive
Hudson, NC 28638

RE: Conditional Use Permit Application

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October 3, 2011

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Hudson, NC 28638

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Joe Wesson

October 3, 2011

Thomas Jr & Lucy Cook
4161 Gladys Lane
Hudson, NC 28628

RE: Conditional Use Permit Application

Dear Mr. and Mrs. Cook,

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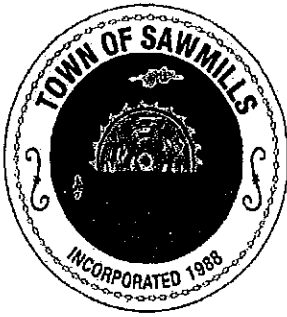
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Joe Wesson

October 3, 2011

Sammie Gibbs
1840 Baton School Road
Granite Falls, NC 28630

RE: Conditional Use Permit Application

Dear Mrs. Gibbs,

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AGENDA ITEM 9

MEMO

DATE:

October 12, 2011

SUBJECT:

Financial Matters:
Interlocal Agreement with
Caldwell County to
Extend the Sales Tax
Reinvestment Agreement
as Amended

Discussion:

Enclosed in the agenda packets is a copy of the proposed Interlocal Agreement with Caldwell County to Extend the Sales Tax Reinvestment Agreement as Amended. Sawmills will go from paying \$400,000.00 a year to \$280,000.00 a year reducing the contributions by 30 percent (30%) beginning in July of 2013.

The current program allows businesses up to five years to create jobs and the new agreement will allow one year to create the promised jobs which they will have to retain for an additional one year.

Taken out of the fund will be non-economic development projects as the County Commissioners have said they will use this fund for job creation only. This means the Railroad Commission, Stormwater Program, and the Interlocal Government line items will be taken out of the fund beginning in 2013.

The only consequence with this change is Sawmills will now pay the City of Lenoir directly for our share of the Stormwater Program.

The anticipated cost of the program is somewhere around \$7,000.00-\$15,000.00 a year as the current fund pays for the Stormwater Program directly.

Recommendation:

Staff would recommend Council approve the amended Interlocal Agreement with Caldwell County to Extend the Sales Tax Reinvestment Agreement for another four years beginning July 1, 2013 and ending June 30, 2017.

NORTH CAROLINA
CALDWELL COUNTY

AGREEMENT TO EXTEND SALES TAX
REINVESTMENT AGREEMENT

This Agreement to Extend Sales Tax Re-Investment Agreement is entered into by and among CALDWELL COUNTY ("the County"), a political subdivision of the State of North Carolina, and TOWN OF GAMEWELL ("Gamewell"), TOWN OF SAWMILLS ("Sawmills"), TOWN OF CAJAH'S MOUNTAIN ("Cajah's Mountain"), TOWN OF HUDSON ("Hudson"), TOWN OF GRANITE FALLS ("Granite Falls") and CITY OF LENOIR ("Lenoir"), all being North Carolina municipal corporations.

WITNESSETH:

WHEREAS, in March of 2002, the County, Gamewell, Sawmills, Cajah's Mountain, Hudson, and Granite Falls entered into an Interlocal Agreement ("the Agreement") that established a special appropriation fund to be funded by the municipalities and administered by the County ("the Fund"), and also established an Intergovernmental Advisory Board to make recommendations to the County Board of Commissioners concerning expenditures of monies in the fund; and

WHEREAS, the Agreement has come to be referred to as the "sales tax reinvestment agreement", the fund established thereby has come to be known as the "sales tax reinvestment fund" and the advisory board has come to be known as the "sales tax reinvestment committee"; and

WHEREAS, in August of 2009 all of the parties to the Agreement and Lenoir entered into Amendment #1 to the Agreement whereby Lenoir was added as a party; the Agreement was extended through June 30, 2013; the municipalities' respective

contributions to the Fund were increased and the timing of those contributions was altered; and

WHEREAS, all of the parties have agreed to extend the Agreement, as amended by Amendment #1, for a period of four (4) additional years from July 1, 2013 through June 30, 2017, and to make certain modifications that will apply only during the four (4) additional years:

NOW, THEREFORE, for and in consideration of the mutual covenants contained herein, the parties agree and contract as follows:

1. The Agreement, as amended by Amendment #1, is extended for a period of four (4) additional years, from July 1, 2013 through June 30, 2017.

2. During the four (4) additional years only, the municipalities' respective annual contributions to the Fund shall be the following:

Gamewell	-	\$273,000.00
Sawmills	-	280,000.00
Granite Falls	-	40,000.00
Hudson	-	40,000.00
Cajah's Mountain	-	224,000.00
Lenoir	-	<u>10,000.00</u>
ANNUAL TOTAL		\$867,000.00

3. During the four (4) additional years only, funding from the Fund for stormwater management activities, Caldwell Railroad Commission administration, and intergovernmental marketing will cease, leaving only economic development activities to be funded from the Fund.

4. During the four (4) additional years only, should the sales tax revenues fall to a level below the level experienced at the time of this Agreement, each municipality shall retain the right to request that their contribution be lowered. The request must be

submitted to the County Board of Commissioners no later than January 31st. If approved, the lowered contribution would take effect in the following fiscal year, for the payment due to the County in July. Upon obtaining a request to lower the contribution amount the County shall analyze the actual sales tax receipts of each member and determine if a reduction in the contribution is warranted. The ultimate authority on whether or not to reduce the contribution from a municipality shall rest with the County Board of Commissioners.

5. The Agreement, as amended by Amendment #1, remains in full force and effect without modification through June 30, 2013. Except as expressly modified by this Agreement, the Agreement, as amended by Amendment #1, remains in full force and effect during the additional four (4) year period from July 1, 2013 through June 30, 2017.

CALDWELL COUNTY

By: _____
Chairman, Board of County
Commissioners

Entered into by Caldwell County pursuant to Resolution adopted by the Caldwell County Board of Commissioners on the ____ day of October, 2011.

TOWN OF GAMEWELL

By: _____
Mayor

Entered into by the Town of Gamewell pursuant to Resolution adopted by the Gamewell Town Council on the ____ day of October, 2011.

TOWN OF SAWMILLS

By: _____
Mayor

Entered into by the Town of Sawmills pursuant to Resolution adopted by the
Sawmills Town Council on the ____ day of October, 2011.

TOWN OF CAJAH'S MOUNTAIN

By: _____
Mayor

Entered into by the Town of Cajah's Mountain pursuant to Resolution adopted by
the Cajah's Mountain Town Council on the ____ day of October, 2011.

TOWN OF HUDSON

By: _____
Mayor

Entered into by the Town of Hudson pursuant to Resolution adopted by the
Hudson Town Council on the ____ day of October, 2011.

TOWN OF GRANITE FALLS

By: _____
Mayor

Entered into by the Town of Granite Falls pursuant to Resolution adopted by the
Granite Falls Town Council on the ____ day of October, 2011.

CITY OF LENOIR

By: _____
Mayor

Entered into by the City of Lenoir pursuant to Resolution adopted by the Lenoir
City Council on the ____ day of October, 2011.



**Town of Sawmills
October 18, 2011 Town Council Meeting
Staff Report**

October 13, 2011

TO: Mayor and Town Council Members

FROM: Emily Hines, Town Planner

SUBJECT: Consideration of an amendment to the Sawmills Zoning Map from Highway Business to Residential High Density

A. Action Requested by Town Council

Motion to set the Public Hearing date of November 15, 2011 for the rezoning request of property identified as 2669 Mission Road and more specifically identified as 2766-75-6689 from Highway Business to Residential High Density

B. Required Votes to Pass Requested Action

A majority vote is required to pass the requested action.

C. Background

Property Owner/Applicant: Roger and Cynthia Bumgarner
2669 Mission Road
Hudson, NC 28638

Property Address: 2669 Mission Road

Property Parcel Number: 2766-75-6689

Parcel Size: .94 acres
Existing Zoning District: H-B, Highway Business
Proposed Zoning District: R-15 Residential High Density

D. Recommendation

At their meeting on October 11, 2011, the Planning Board recommended that the request is reasonably necessary to the promotion of the public health, safety, and general welfare of the Town of Sawmills. They also recommended approval of the rezoning request for the property identified as 2669 Mission Road and more specifically identified as 2766-75-6689. Both motions passed unanimously.

E. Attachments

1. Application
2. Zoning Map

**Rezoning Request
HB to R-15**





**Town of Sawmills
October 18, 2011 Town Council Meeting
Staff Report**

October 13, 2011

TO: Mayor and Town Council

FROM: Emily Hines, Town Planner

SUBJECT: Consideration of a Conditional Use Permit for an Accessory Dwelling

A. Action Requested by Town Council

Motion to set the Quasi-Judicial Public Hearing date of November 15, 2011 for the proposed Conditional Use Permit for an accessory dwelling

B. Required Votes to Pass Requested Action

A majority vote is required to pass the requested action.

C. Background

Property Owner: Gay Barr Campbell
1373 May Road
Granite Falls, NC 28630

Applicant: Ronald McCracken
1369 May Road
Granite Falls, NC 28630

Property Address: May Road

Property Parcel Number: 2755-97-8343
Parcel Size: 2.669 acres
Zoning District: RA-20
Proposed Use: Accessory Dwelling

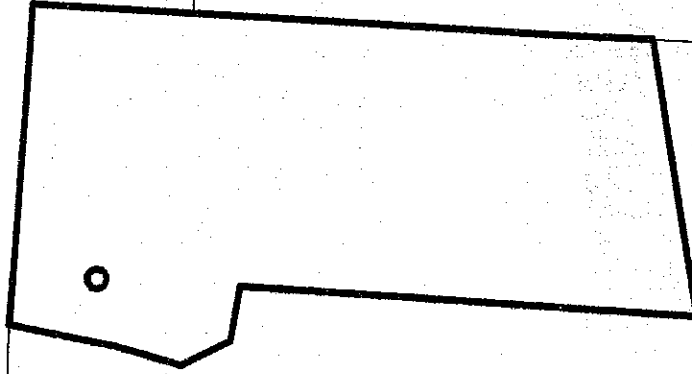
The Sawmills Zoning regulations require a Conditional Use Permit must be approved by the Town Council to have an accessory dwelling. The applicant is requesting approval for an accessory dwelling for a family member.

D. Attachment

Zoning Map

**Conditional Use Permit
Ron McCracken**

May Road



AGENDA ITEM 10C

MEMO

DATE:

October 12, 2011

SUBJECT:

Planning Matters:
Planning Commission
Appointments

Discussion:

As you may recall, during the September 20, 2011 Council meeting Town Planner Emily Hines stated that there are two vacant seats open for Alternate Planning Commission members and she recommended appointing one from inside the Town limits and one from the E.T.J. (Extra-Territorial Jurisdiction).

Mayor Gibbs asked the Council think of some recommendations to fill the two vacancies as alternates on the Planning Commission.

Recommendation:

Staff would recommend Council decide whom they would like to serve as alternate members of the Planning Commission and make those recommendations at the October 18, 2011 regular Council meeting.

AGENDA ITEM 11A

MEMO

DATE:

October 12, 2011

SUBJECT:

Updates:
Code Enforcement
Monthly Report

Discussion:

Mayor Bob Gibbs will update the 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
8/10/2011	PN12-18	6086 Spartan Drive	Cindy Fritts	Deadline to remove the mobile home on the property has passed. Town contractor to demolish the mobile home in the coming days/weeks. Monitor
8/31/2011	HC12-02	4257 Horseshoe Bend	Lewis Miller	Hearing has been held with house owner. Deadline to make repairs to the rental house established. Monitor.
9/7/2011	MVO12-01	4255 Trojan Ln	Aubrey Sipes	High grass has been mowed by owner. Junk vehicles to be removed soon... Monitor
9/8/2011	HC12-22	2231 Russell	Sharon Arney	Open storage of trash and debris removed. Closed Case.
14-Sep	PN12-24	4388 Duncan	Renneth Minton	Deadline to remove dilapidated out-building and complete clean-up 10/12/11. Monitor.
9/21/2011	PN12-25	4627 Helton	Christina Carey	Property mowed and cleaned by town contractor. Lien to be filed.
9/21/2011	HC12-03	2175 Idlewood Dr. #5	Brock and Larry Griffin	Hearing held to discuss needed repairs for rental unit. Deadline established. Monitor
9/21/2011	HC12-04	2175 Idlewood Dr. #6	Brock and Larry Griffin	Hearing held to discuss needed repairs for rental unit. Deadline established. Monitor
9/21/2011	Z12-02	2134 Edgewood Dr.	Lori Hawkins	Permit for out-building has been obtained. Closed Case.
9/29/2011	HC12-05	4250 Benfield Pk Ln #6	Benfield Park LLC	Hearing held to discuss needed repairs for rental unit. Deadline established. Monitor
10/4/2011	PN12-28	4340 Trojan Ln.	Robert McRary etc.	Friendly letter regarding possible junk vehicles on property. No response yet.
10/4/2011	PN12-27	4353 Fancy Place	Dwayne Mann	Owner has responded to friendly letter and agrees to remove non-permitted mobile homes and junk vehicles. Monitor
10/12/2011	Z12-03	2553 Baker Circle	Ralph Miller	Friendly letter sent regarding non-permitted out-building put on the property. Monitor.
10/12/2011	PN12-29	1677 Lafayette Ave.	Commer. Signs Outdoor	Notice sent due to high grass on the property. Monitor

Tony W. Cline
Code Administrator

All items Updated on October 12, 2011

Code Enforcement Monthly Report

Opened	Case Number	Property Address	Owner or Occupant	Status or Comments
10/28/2010	PN11-03	4455 Rural Drive	William Miller	Owner has obtained a Building Permit, which allows building material associated with the job to be on the property. To meet with the property owner to determine what does not relate to the repair project. Monitor.
11/1/2010	MVO11-01	4228 US Hwy 321A	Arnold Wilson	Clean-up Complete. Closed Case
11/1/2010	HC11-03	4476 Sawmills Sch. Rd.	Jerry Hatchings	Deadline for new owner to repair or demolish the house is 11/23/11. Monitor
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. Monitor.
11/1/2010	Z11-01	4141 Duff Drive	Clarks Auto	No change has occurred in removing junk cars. Awaiting other enforcement after November (growing
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.
12/8/2010	MVO11-02	1747 Cajah Mtn. Rd.	Donald Street	Very good recent progress in cleaning property and removing junk vehicles. 1 more questionable car and light trash remains. Monitor
2/25/2011	PN11-16	2511 Baker Circle	Steve and Mary Hand	Civil Citations to begin soon due to owners lack of clean-up at the property. Monitor.
2/23/2011	PN11-19	4100 Farr MHP	Owen Farr-Deceased	Clean-up at the property has slowed. Injury to a family member blamed for clean-up slow down. Monitor
3/30/2011	MVO11-05	4487 Diamond Street	Troy Wilson Jr.	Repairs to the house are nearly complete. Monitor
5/25/2011	PN11-38	4115 and 4117 Ardmore Ln.	Lewis Gragg	Demolition of 2 structure on the property done at the owners expense. Closed Case
7/27/2011	PN12-14	2218 Marcus	Thelma Dale	Double Wide Mobile Home demolished by the owners. Very light debris being removed. Closed Case

Tony W. Cline
Code Administrator

All items Updated on October 12, 2011