

Agenda

Regular Meeting of the Sawmills Town Council Sawmills Town Hall

Tuesday, October 15, 2013
6:00 pm

1. Call To Order Mayor Bob Gibbs
2. Invocation Pastor David Woods
3. Pledge of Allegiance Mayor Bob Gibbs
4. Adopt Agenda Mayor Bob Gibbs
5. Approve September 17th Regular Meeting Minutes Mayor Bob Gibbs
6. Public Hearing: Rezoning Request on Gilliland Lane
 - A. Open Public Hearing Mayor Bob Gibbs
 - B. Staff Comments/Recommendation Planner Elinor Hiltz
 - C. Public Comment Mayor Bob Gibbs
 - D. Close Public Hearing Mayor Bob Gibbs
 - E. Council Action Mayor Bob Gibbs
7. Public Comment Mayor Bob Gibbs
8. Update:
 - A. Sawmills Farmers Market Brittany Crump
 - B. Collection Sites for Debris Resulting from a Natural Disaster Administrator Seth Eckard
9. Recognitions:
 - A. Recycle Rewards Winner Administrator Seth Eckard
 - B. Yard of the Month Winners Mayor Bob Gibbs
10. Planning Matters:
 - A. Town Planner Appointments Administrator Seth Eckard
 - B. Call for a Public Hearing to Adopt a Text Amendment to Section 153.052 of the Code of Ordinances Planner Elinor Hiltz
 - C. Call for a Public Hearing to Adopt a Text Amendment to Section 153.130 of the Code of Ordinances Planner Elinor Hiltz
Planner Elinor Hiltz
11. Financial Matters:
 - A. Budget Ordinance Amendment Administrator Seth Eckard
 - B. Approve Engineering Services for the Community Development Block Grant Duff Drive Area Sewer Project Administrator Seth Eckard
12. Public Comment Mayor Bob Gibbs
13. Updates:
 - A. Community Development Block Grant Project Update and Monthly Status Report Administrator Seth Eckard
 - B. Community Development Block Grant Sewer Project Monthly Update Administrator Seth Eckard
 - C. Code Enforcement Monthly Report Administrator Seth Eckard
 - D. Administrator's Report Administrator Seth Eckard
 - E. Council Comment Mayor Bob Gibbs
14. Adjourn Mayor Bob Gibbs

**TUESDAY, SEPTEMBER 17, 2013
TOWN OF SAWMILLS REGULAR COUNCIL MEETING
6:00 PM**

COUNCIL PRESENT

Bob Gibbs
Donnie Potter
Trena McRary Kirby
Joe Wesson
Jeff Wilson
Johnny Wilson

STAFF PRESENT

Seth Eckard
Susan Nagle
Terry Taylor

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

INVOCATION: Pastor Jim Hamby gave the invocation.

PLEDGE OF ALLEGIANCE: Mayor Bob Gibbs led the Pledge of Allegiance.

ADOPT AGENDA: Mayor Gibbs asked for a motion to adopt the agenda.

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

APPROVE AUGUST 20, 2013 REGULAR MEETING MINUTES: Mayor Gibbs asked for a motion to approve the August 20, 2013 regular meeting minutes.

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

PUBLIC COMMENT: Mayor Gibbs asked if anyone wished to speak during public comment.

No one wished to speak.

RECOGNITIONS:

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

No Council action was required.

YARD OF THE MONTH WINNERS: Mayor Bob Gibbs announced Spring Lake Mobile Home Park, from the 28630 zip code, and Mike and Patty Ramsey, from the 28638 zip code, as the September yard of the month winners. Mayor Gibbs presented Steven Hamby owner of Spring Lake Mobile Home Park with their certificate and stated that Mr. and Mrs. Ramsey's certificate would be available at the Town Hall for pick up.

No Council action was required.

UPDATES:

HUDSON MIDDLE SCHOOL PRINCIPAL: Bill Griffin, Principal at Hudson Middle School, gave a brief overview of the school. Mr. Griffin stated there are currently 750-760 kids enrolled this year, 85-100 staff members and he has been the Principal there for about six years.

No Council action was required.

CALDWELL COUNTY WOMEN'S SHELTER EXECUTIVE DIRECTOR: Sharon Poarch, Executive Director of the Caldwell County Women's Shelter, gave a brief overview of the finances spent by the women's shelter and stated the mortgage was paid in full. The Women's Shelter helps about 400 people a year and with the new expansion, Miss Poarch stated they would now be able to help about 600 people a year.

No Council action was required.

PLANNING MATTERS:

CALL A PUBLIC HEARING FOR A REZONING ON GILLILAND LANE: Town Administrator Seth Eckard stated Martha Hartley requested a rezoning on 0.86 acres of land located at 2202 Gilliland Lane Hudson, NC 28638 from RA-20 (Residential Medium Density) to R-15 (Residential High Density). The Planning Board reviewed the enclosed map of the property and recommends Council call for a public hearing to consider rezoning the property.

Jeff Wilson made a motion, and Trena McRary Kirby seconded, to call for a public hearing on October 15, 2013 at 6:00 pm at the Sawmills Town Hall to discuss rezoning 2202 Gilliland Lane. All were in favor.

APPROVE COLLECTION SITES FOR DEBRIS RESULTING FROM A NATURAL DISASTER: Mayor Bob Gibbs introduced Kenneth Teague, Assistant Caldwell County Emergency Management Coordinator.

Mr. Teague stated the Federal Emergency Management Agency (FEMA) and North Carolina Department of Environment and Natural Resources (NCDENR) works together to determine the sites approved for debris collection. The Farmers Market and the soccer fields at Veterans Memorial Park are the two approved sites suitable for collection.

Council discussed concerns about the potential damage to Veterans Memorial Park and suggested Sawmills Municipal Park on Baird Drive as a possible site. Council asked Mr. Teague to contact FEMA and NCDENR and have them look at Sawmills Municipal Park as an approved collection site.

Joe Wesson made a motion, and Jeff Wilson seconded, to table this matter until the town hears from Mr. Teague, FEMA or NCDENR regarding approval of Sawmills Municipal Park as a collection site. All were in favor.

ADOPT PROPOSED RESOLUTION PROVIDING ENFORCEMENT AUTHORITY FOR TOWN OF SAWMILLS CODE OF ORDINANCES: Administrator Eckard stated that the enclosed resolution gives the Caldwell County Sheriff's Department and any Deputy the authority to enforce the Sawmills Code of Ordinances within the corporate boundaries of the municipality.

Trena McRary Kirby made a motion, and Joe Wesson seconded, to adopt a Resolution Providing Enforcement Authority for the Town of Sawmills Code of Ordinances. All were in favor.

FINANCIAL MATTERS:

ADOPT CAPITAL IMPROVEMENT PROJECT BUDGET ORDINANCE: Town Administrator Eckard stated the enclosed Capital Improvement Project Budget Ordinance in the amount of one hundred-fifty thousand dollars (\$150,000.00) are proposed for the fiscal year beginning July 1, 2013 and ending June 30, 2014.

Trena McRary Kirby made a motion, and Donnie Potter seconded, to adopt a Capital Improvement Project Budget Ordinance in the amount of one hundred-fifty thousand dollars (\$150,000.00) for the fiscal year beginning July 1, 2013 and ending June 30, 2014. All were in favor.

BID AWARD FOR A NEW AUTOMATED REFUSE COLLECTION TRUCK: The Town received the following three bids, for a new automated refuse collection truck;

Transource	\$243,206.00
Carolina Environmental Systems, Inc.	\$238,800.00
Piedmont Peterbilt, LLC	\$249,334.00

Joe Wesson made a motion, and Donnie Potter seconded, to award the bid to Carolina Environmental Systems, Inc. in the amount of \$238,800.00 as they were the lowest bidder. All were in favor.

PUBLIC COMMENT: Mayor Gibbs asked if anyone wished to speak during public comment.

No one wished to speak.

UPDATES:

APPROVE AMENDED RECORDS RETENTION SCHEDULE: Administrator Seth Eckard stated the State Archives of North Carolina has amended the Municipal Records Retention and Disposition Schedule published September 10, 2012. A copy of the Municipal Records Retention and Disposition Schedule is kept in the office of the Town Clerk.

Mayor Gibbs asked for a motion to approve the amendments.

Joe Wesson made a motion, and Jeff Wilson seconded, to approve the amendments to the Municipal Records Retention and Disposition Schedule.

COMMUNITY DEVELOPMENT BLOCK GRANT MONTHLY STATUS REPORT:

Administrator Eckard stated the enclosed Community Development Block Grant (CDBG) report shows that all requirements are on schedule for the Haystation, LLC.

No Council action was required.

CODE ENFORCEMENT MONTHLY REPORT: Administrator Eckard stated the enclosed report shows an update of the progress made throughout the Town by Planner Elinor Hiltz.

No Council action was required.

ADMINISTRATOR'S REPORT: Administrator Eckard made the following announcements:

- The Sawmills Fall Festival will be held Saturday, September 21st from 11:00 am – 3:00 pm at Sawmills Municipal Park located on Baird Drive. The Town will also be celebrating their 25th Anniversary during the festival.
- The Caldwell County Heritage Museum is collaborating with the Town of Sawmills to present “The Southern Caldwell Historical Showcase” held on Saturday, October 19th at 6:00 pm at Mt. Zion Baptist Church in the Fellowship Hall. Tickets may be purchased by contacting Administrator Eckard or the Caldwell County Heritage Museum.
- Graduation rates have gone up in Caldwell County schools.
- The restrooms at Sawmills Municipal Park and Veterans Park are now equipped with toilet seat covers and the women’s restrooms are now equipped with baby changing stations.
- Sawmills’ official population is 5,177 which is down from 5,240 in 2010. Caldwell County has seen the largest decrease in population of any County in North Carolina since 2010.

COUNCIL COMMENT: Mayor Gibbs asked if anyone on the Council wished to speak.

No one wished to speak.

ADJOURN: Mayor Gibbs asked for a motion to adjourn.

Trena McRary Kirby made a motion, and Jeff Wilson seconded, to adjourn the meeting. All were in favor.

Susan Nagle, Town Clerk

Bob Gibbs, Mayor



MAYOR
Bob Gibbs

**PLANNING
BOARD**

TOWN ADMINISTRATOR
Seth Eckard

Steve Duncan, Chairman

Buford Pennell

David Powell

Thad Hall

Clyde Miller

TOWN PLANNER
Elinor Hiltz

AGENDA ITEM 6B

Planning Board Report: 2202 Gilliland Rezoning

In 2010 a nonconforming mobile home was removed from 2202 Gilliland Lane. The applicant now wishes to install another mobile home but more than 120 days have passed since the previous mobile home was removed so the grandfathered status has expired. The parcel has another mobile home and a stick-built house and cannot be subdivided. An adjacent parcel, also owned by the applicant, has two additional mobile homes. To legally add another mobile home at 2202 Gilliland Lane both parcels should be rezoned to R-15 (where mobile home parks are permitted) and should conform to the standards found in the "nonconforming mobile home park" section of the zoning ordinance. **On September 10, 2013 the Planning Board recommended in favor of the rezoning.**

Action Needed:

To APPROVE: "Motion to approve, because the proposed rezoning is consistent with the growth patterns and land development and the town's future plans for growth in that area".

To DENY: "Motion to deny, because the proposed rezoning is not consistent with the town's future plans for the town."

Applicant:

Martha Hartley
4042 Doris Dr
Hudson, NC 28638

Location:

Front parcel: 2202, 2203, & 2206 Gilliland Lane, parcel #2766-44-0762
Back parcel: 2210 & 2214 Gilliland Lane, parcel #2766-44-3517

Parcel size:

Front parcel: 0.86 ac
Back parcel: 1.69 ac

Town of Sawmills

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

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

The Town of Sawmills does not discriminate on the basis of age, sex, race, religion, national origin, disability, political affiliation, or marital status.

Current Zone and Allowed Uses:

RA-20:

Permitted Uses: residential accessory structures, churches, duplex, single-family and two-family dwellings, family care homes, home occupations, horses, manufactured homes, public service facilities, riding stables

Conditional Uses: accessory dwellings, airports, cemeteries, country clubs, greenhouses, other home occupations, horticultural nurseries, lakes and parks, temporary manufactured homes, produce stands, elementary and high schools

Proposed Zone and Allowed Uses:

R-15:

Allowed uses same as the RA-20,

Plus*: boarding houses, multi-family dwellings, manufactured home parks, rooming house, tourist house *conditional use only

Minus: airports, horses, riding stables

Applicable Sections of Ordinance:

§153.147 "Regulations Governing Nonconforming Manufactured Home Parks"

AGENDA ITEM 8A

MEMO

DATE:

October 9, 2013

SUBJECT:

Updates:
Sawmills Farmers Market

Discussion:

Brittany Crump, Sawmills Farmers Market Treasurer, will be on hand to update Council on how this year's Farmers Market has done.

Recommendation:

No Council action required.

AGENDA ITEM 8B

MEMO

DATE:

October 9, 2013

SUBJECT:

Updates:
Collection Sites for
Debris Resulting from
a Natural Disaster

Discussion:

As you may recall, during the September 17, 2013 regular Council meeting, the discussion on collection sites for debris resulting from a natural disaster was tabled.

Council asked Kenneth Teague, Assistant Emergency Management Coordinator for Caldwell County to request the Federal Emergency Management Agency (FEMA) and the North Carolina Department of Environment and Natural Resources (NCDENR) to consider Sawmills Municipal Park as a possible Collection site rather than Veterans Memorial Park.

Town Administrator Seth Eckard will update Council on the use of Sawmills Municipal Park as a possible debris collection site based on a recent conversation he had with Deborah Aja, Environmental Senior Specialist for NCDENR.

Recommendation:

No Council action required.

AGENDA ITEM 9A

MEMO

DATE:

October 9, 2013

SUBJECT:

Recognition:
Recycle Rewards
Winner

Discussion:

Clement Dellinger is the Recycle Rewards winner for October. Town Administrator Seth Eckard will present Mr. Dellinger with a certificate of appreciation and a twenty-eight dollar (\$28.00) credit will be added to his current sanitation bill.

Recommendation:

No Council action required.

AGENDA ITEM 9B

MEMO

DATE:

October 9 2013

SUBJECT:

Recognition:
Yard of the Month
Winners

Discussion:

Rebecca and Adam Johnson, from the 28630 zip code, and Mark and Angie Wilson, from the 28638 zip code, are the Yard of the Month winners for October. Mayor Bob Gibbs will present them with a certificate of appreciation.

Recommendation:

No Council action required.

AGENDA ITEM 10A

MEMO

DATE:

October 9, 2013

SUBJECT:

Planning Matters:
Town Planner
Appointments

Discussion:

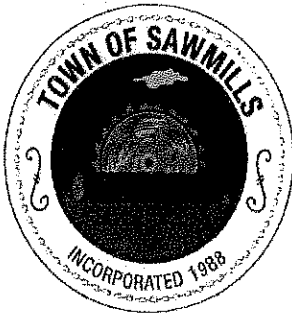
As you may recall, Elinor Hiltz replaced Johnny Wear as the Town Planner due to Mr. Wear's recent promotion. Due to staff changes in the Planning Department the following appointments will need to be made:

- Zoning Enforcement Officer
- Housing Inspector
- Watershed Administrator
- Review Officer

Recommendation:

Staff recommends Council appoint Planner Elinor Hiltz as the Zoning Enforcement Officer, Housing Inspector, Watershed Administrator and make a recommendation to the Caldwell County Commissioners to appoint her as the Review Officer.

Staff also recommends, appointing Johnny Wear as an alternate for these positions in the absence of Planner Hiltz leaving Administrator Eckard as an alternate also.



MAYOR
Bob Gibbs

TOWN ADMINISTRATOR
Seth Eckard

TOWN PLANNER
Elinor Hiltz

**PLANNING
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AGENDA ITEM 10B

Planning Board Report: Minimum Lot Size Table

The Planning Board recommended changing the table in Section 153.052 to read as such in the third and sixth columns: "With public water, without public sewer". As currently written those columns say "without public water" but septic systems dictate lot size more than the wells do. Between a house on sewer and well and a house on septic and public water, which needs the bigger lot? The house with the septic system needs a bigger lot to accommodate the tank, drain field, and repair area.

The way the ordinance reads now, Sawmills could inadvertently punish residents even though they have public sewer. The ordinance was probably meant to target those without sewer-not the 2 percent without water (Comprehensive Land Use Plan 2004).

Staff Recommendation:

Staff recommends amending the ordinance, because the Comprehensive Future Land Use Plan says that denser development should occur where infrastructure like public sewer is available.

Action Needed:

To APPROVE: "Motion to approve, because the text amendment is consistent with the town's comprehensive land use plan".

To DENY: "Motion to deny, because the proposed text amendment is not consistent with the town's comprehensive land use plan."

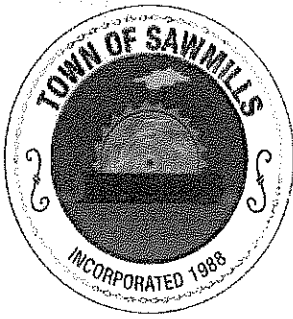
To TABLE: "Motion to table."

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MAYOR
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AGENDA ITEM 10C

Planning Board Report: Time Limit on Nonconformities

The ordinance currently reads "If a nonconforming use is discontinued for a continuous period of more than 120 days, any future use of the land or building shall be in conformity with the provisions of this chapter" (§153.130, (5)). This subsection pertains to vacant nonconforming buildings and nonconforming mobile homes that are removed (presumably to be upgraded). The Planning Board recommended increasing this time limit to 365 days, or one year, to allow prospective tenants more time to secure loans in this difficult economic climate.

Damaged nonconforming buildings-such as burned-out mobile homes-fall under a different subsection-§153.130, (4). The Planning Board also wanted to allow 365 days, or one year, for damaged or burnt buildings to rebuild, giving them the same length of time as other nonconforming buildings.

Suggested Amendments in Red, suggested deletions in strike-through
§153.130

~~(4) A nonconforming use of any building or structure which is damaged to an extent exceeding 50% of its reproduction value, exclusive of foundations, by fire, flood, explosion, earthquake, war, riot, or act of God, shall be discontinued, and such building or structure shall thereafter be used only in compliance with the provisions of the district in which it is located.~~

~~(5)~~ (4) If a nonconforming use is discontinued for a continuous period of more than ~~120 days,~~ 365 days, any future use of the land or building shall be in conformity with the provisions of this chapter. A building or structure which is damaged by fire, flood, explosion, earthquake, war, riot, or act of God must continue the nonconforming use within 365 days of the start date of the discontinuance, or any future use shall be in conformity with the provisions of this chapter.

Action Needed:

To APPROVE: "Motion to approve, because the text amendment is consistent with the town's comprehensive land use plan".

To DENY: "Motion to deny, because the text amendment is not consistent with the town's comprehensive land use plan."

To TABLE: "Motion to table."

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TOWN OF SAWMILLS
BUDGET ORDINANCE AMENDMENT

Be it Ordained by the Town Council of the Town of Sawmills, Caldwell County, North Carolina, the following Amendment to the Budget Ordinance for Fiscal Year 2013 – 2014.

Now, Therefore, Be It Resolved the following Amendment is hereby Adopted:

<u>Description</u>	<u>Account Number</u>	<u>Decrease</u>
Capital Improvement Project Fund	7-00-4450 Transfer to General Fund	\$60,000.00
		<u>Increase</u>
General Fund	1-60-4151 Sanitation/Capital Outlay	\$60,000.00

Explanation: Transferring the funds from Capital Reserve to General Fund

This Amendment now Adopted the 15th day of October, 2013.

Approved:

By: _____
Mayor, Town of Sawmills

By: _____
Finance Officer, Town of Sawmills

ATTEST:

Clerk

AGENDA ITEM 11B

MEMO

DATE:

October 9, 2013

SUBJECT:

Planning Matters:
Approve Engineering
Services for the
Community Development
Block Grant Duff Drive
Area Sewer Project

Discussion:

As required by the Duff Drive Area Sanitary Sewer Community Development Block Grant Project, the town solicited requests for qualifications for engineering services. Town Administrator Seth Eckard and Western Piedmont Council of Governments Grant Manager Lisa Helton evaluated six submitted proposals from local and regional engineering firms.

After careful consideration of all the firms, Seth and Lisa recommend West Consultants, PLLC, in Morganton, NC as the best fit for this project based on their submitted RFQ. West Consultants meets the needs of this project based on the following reasons:

- Prepared the preliminary engineering report for the grant and is familiar with all aspects of the project
- Successfully worked for the Town on prior projects, including previous sewer infrastructure expansion projects
- Successfully completed other CDBG projects with neighboring local governments and is familiar with all rules, regulations and procedures associated with CDBG projects.
- Has eight engineers on staff all of whom have the required education, licenses and experience

Recommendation:

Staff recommends Council approve a contract with West Consultants, PLLC for engineering services on the Duff Drive Area Sanitary Sewer Community Development Block Grant Project.

AGENDA ITEM 13A

MEMO

DATE:

October 9, 2013

SUBJECT:

Updates:
Community Development
Block Grant Project
Update and Monthly
Status Report

Discussion:

Nancy Coley, Project Administrator from the Western Piedmont Council of Governments (WPCOG) sent the attached update for The Haystation, LLC Community Development Block Grant (CDBG) project.

The attached report shows that all the requirements for the CDBG on behalf of the Haystation, LLC are on schedule.

Recommendation:

No Council action required.

AGENDA ITEM 13B

MEMO

DATE:

October 9, 2013

SUBJECT:

Updates:
Community Development
Block Grant Sewer
Project Monthly Update

Discussion:

Lisa Helton, Program Administrator from the Western Piedmont Council of Governments (WPCOG) sent the attached update for the Community Development Block Grant (CDBG) Duff Drive sewer project.

Recommendation:

No Council action required.

AGENDA ITEM 13C

MEMO

DATE:

October 9, 2013

SUBJECT:

Updates:
Code Enforcement
Monthly Report

Discussion:

The attached report shows the progress that Planner Elinor Hiltz continues to make throughout the town.

Recommendation:

No Council action required.