

**TUESDAY, OCTOBER 17, 2023
TOWN OF SAWMILLS REGULAR COUNCIL MEETING
6:00PM**

COUNCIL PRESENT

Mayor Keith Warren
Mayor Pro Tem Clay Wilson
Bobby Mosteller
Rebecca Johnson
Melissa Curtis

STAFF PRESENT

Chase Winebarger
Julie A Good
Terry Taylor

COUNCIL ABSENT

Joe Wesson

CALL TO ORDER: Mayor Keith Warren called the meeting to order at approximately 6:05pm.

INVOCATION: Pastor Nicky Waters gave the invocation.

PLEDGE OF ALLEGIANCE: Mayor Keith Warren led the Pledge of Allegiance.

ADOPT AGENDA: Mayor Keith Warren stated that the agenda would need to be amended to move Item 8A. Public Hearing: Park Light Funding to Item 5B.

Mayor Keith Warren asked for a motion to adopt the October 17, 2023 Amended Agenda.

Rebecca Johnson made a motion, and Clay Wilson seconded, to adopt the October 17, 2023 Amended Agenda. All were in favor.

APPROVE SEPTEMBER 19, 2023 REGULAR MEETING MINUTES: Mayor Keith Warren asked for a motion to approve the September 19, 2023 regular meeting minutes.

Rebecca Johnson made a motion, and Bobby Mosteller seconded, to approve the September 19, 2023 regular meeting minutes. All were in favor.

PUBLIC HEARING: PARK LIGHT FUNDING:

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

Bobby Mosteller made a motion, and Clay Wilson seconded, to open the public hearing. All were in favor.

STAFF COMMENTS/RECOMMENDATIONS: Town Finance Officer Kelly Melton stated that the Town of Sawmills intends to enter into an Installment Purchase Contract pursuant to North Carolina General Statute 160A-20 in a principal amount of one million three hundred forty-five thousand five hundred dollars (\$1,345,500.00) for the purpose of providing funds to pay the costs of the equipment installation of field lights and parking lot lights at Sawmills Municipal Park and Sawmills Veterans Park. The Town's obligation with respect to the debt will be secured by the equipment which consists of the light structure system.

The proposed financing contract will be placed with Capital One Public Funding, LLC with a quoted rate of four point ninety-one percent (4.91%) for ten (10) years as of August 28, 2023. The proposed principal and interest payments total one hundred seventy-three thousand five hundred thirty-three dollars (\$173,533.00) per year.

PUBLIC COMMENT: No one wished to speak.

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

Clay Wilson made a motion, and Rebecca Johnson seconded, to close the public hearing. All were in favor.

COUNCIL ACTION: Clay Wilson made a motion, and Rebecca Johnson seconded, to approve the Resolution Authorizing and Approving (1) the filing of an Application for Approval of a Financing Agreement with Capital One Public Funding, LLC with a quoted rate of four point ninety-one percent (4.91%) for ten (10) years, with proposed principal and interest payments totaling one hundred seventy-three thousand five hundred thirty-three dollars (\$173,533.00) per year, Authorized by North Carolina General Statute 160A-20 And (2) the Execution And Delivery of Such Financing Agreement and Related Documents And Instruments. All were in favor.

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

No one wished to speak.

RECOGNITIONS:

OCTOBER RECYCLE REWARDS WINNER: Mayor Keith Warren announced Nancy King as the October Recycle Rewards Winner. A credit of forty dollars (\$40.00) will be added to the current sanitation bill.

No Council action was required.

PLANNING MATTER:

REAPPOINT PLANNING BOARD/BOA MEMBERS: Mayor Keith Warren stated that two (2) seats on the Planning Board/BOA that expire on October 1, 2023: Steve Duncan and David Powell. Mayor Keith Warren stated that Town Planner Dustin Millsaps had spoken to both members and they are all willing to serve another three (3) year term.

Clay Wilson made a motion, and Bobby Mosteller seconded, to reappoint Steve Duncan and David Powell to the Planning Board/Board of Adjustments for three (3) year term. All were in favor.

CALL FOR PUBLIC HEARING FOR TEXT AMENDMENT TO ZONING

ORDINANCE: Town Planner Dustin Millsaps stated that the a text amendment has been completed to make minor changes to clarify language and particular sections of the zoning ordinance. Town Planner Dustin Millsaps stated that the zoning ordinance has been to Planning Board and that Planning Board recommends the adoption of the text amendment to the Town Council as written.

Rebecca Johnson made a motion, and Clay Wilson seconded, to call for a public hearing for text amendment to the zoning ordinance during the next regularly scheduled Town Council meeting on November 21, 2023. All were in favor.

FINANCIAL MATTERS:

RESOLUTION OF DESIGNATION OF AGENT FOR FEMA FUNDS: Town Finance Officer Kelly Melton stated that a Resolution of Designation of Applicant's Agent will need to be adopted by Council so that Finance Officer Kelly Melton can receive funds from the BRIC Grant on behalf of the Town.

Melissa Curtis made a motion, and Clay Wilson seconded, to approve the Resolution of Designation of Applicant's Agent as written, designating Town Finance Officer Kelly

Melton as the Town's Agent to receive BRIC Grant funds for the South Caldwell Pump Station project. All were in favor.

DISCUSSION:

TOWN OF SAWMILLS ORDINANCE CHAPTER 94: URBAN CAMPING IMPROPER USE OF PUBLIC LANDS AND PLACES AND PANHANDLERS: Town Attorney Terry Taylor stated that The Town of Sawmills has determined that the streets and public areas within the Town should be readily accessible and available to residents and the public at large. Town Attorney Terry Taylor stated that the use of these areas for camping purposes interferes with rights of others to use these areas as they were intended and such activity can constitute a public health and safety hazard, which could adversely affect neighborhoods and commercial spaces. Town Attorney Terry Taylor also stated that camping on private property without the owner's consent and without the proper sanitary measures affects the private property rights as well as public health, safety and welfare of the Town.

Town Attorney Terry Taylor stated that with following with North Carolina General Statute § 160, the Town Council will need to have two (2) readings of any ordinance that may require a fine be imposed. Town Attorney Terry Taylor stated that the second (2nd) reading would be at the regularly scheduled meeting of the Town of Sawmills Council on October 17, 2023.

Clay Wilson made a motion, Bobby Mosteller seconded, to approve the Resolution for the Town of Sawmills Ordinance Chapter 94: Urban Camping Improper Use of Public Lands and Places and Panhandlers. All were in favor.

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

No one wished to speak.

UPDATES:

OCTOBER CODE ENFORCEMENT REPORT: Town Code Enforcement Officer Curt Willis stated that there are fifteen (15) code enforcement cases that are open.

No Council action was required.

TOWN MANAGER UPDATES: Town Manager Chase Winebarger had the following updates:

- Town Manager Chase Winebarger stated that the Town of Sawmills Park and Recreation Department started a flag football league this year and approximately one hundred (100) children have been registered.
- Town Manager Chase Winebarger stated that Sawmills Municipal Park has been nominated for Best of Caldwell again this year and for everyone to go online and vote.
- Town Manager Chase Winebarger stated that criminal charges had been brought against the persons responsible for the damage of Town property at Veterans Park and there is a court date set for the end of November.

COUNCIL COMMENTS:

Bobby Mosteller wanted to thank everyone for coming to the meeting.

Clay Wilson wanted to thank everyone for coming to the meeting.

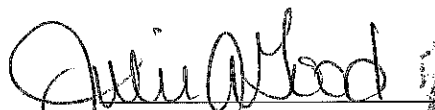
Mayor Keith Warren invited everyone to the Fall in the Park on Saturday, October 22, 2023, beginning at 1:00pm.

COUNCIL ADJOURN: Mayor Keith Warren asked for a motion to adjourn.

Clay Wilson made a motion, and Bobby Mosteller seconded, to adjourn the meeting. All were in favor.

The meeting was adjourned at approximately 6:35pm.


Keith Warren, Mayor


Julie A. Good, Town Clerk



Town of Sawmills
Caldwell County
Prepared by: Terry M. Taylor, Attorney at Law

Resolution
Town of Sawmills

WHEREAS, the Town of Sawmills has determined that the streets and public areas within the Town should be readily accessible and available to residents and the public at large; and

WHEREAS, the use of these areas for camping purposes interferes with rights of others to use of the areas for which they were intended; and

WHEREAS, such activity can constitute a public health and safety hazard, which adversely affects neighborhoods and commercial spaces; and

WHEREAS, camping on private property without the owner's consent and without proper sanitary measures adversely affects private property rights as well as public health, safety and welfare of the Town; and

WHEREAS, the purpose of the following Chapters, that being Chapter 94 - Urban Camping and Improper Use of Public Lands and Places and Panhandlers is to maintain public areas, streets, parks and other public and private areas within the City in a clean, sanitary and accessible condition and to protect the health, safety and public welfare of the community while recognizing that subject to reasonable conditions, camping and camp facilities associated with special events in limited ways can be beneficial to the cultural and educational climate in the Town; and

WHEREAS, the Town does hereby adopt the following ordinances for urban camping and improper use of public lands in places and panhandling as is set forth and attached hereto.

This the 17th day of October, 2023.

TOWN OF SAWMILLS

By: Kelly Kanner
Mayor

ATTEST:

Julie Wood
Town Clerk



CHAPTER 94
TOWN OF SAWMILLS

**Chapter 94 URBAN CAMPING IMPROPER USE OF PUBLIC LANDS AND PLACES
AND PANHANDLERS.**

Purpose: To maintain public areas, streets, parks and other public and private areas within the Town in a clean, sanitary and accessible condition and to protect the health, safety and public welfare of the community while recognizing that subject to reasonable conditions, camping and camp facilities associated with special events in limited ways can be beneficial to the cultural and educational climate in the Town.

Section 94.01: Urban Camping

(A) Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

- (1) **CAMP** means residing in or using a public street, sidewalk or park for private living accommodations, such as erecting tents or other temporary structures or objects providing shelter; sleeping in a single place for any prolonged period of time; regularly cooking or preparing meals; or other similar activities.

OTHER PUBLIC PROPERTY includes all public or municipal buildings, facilities, structures, properties upon which the buildings, facilities or structures are located, lots, parcels, and any other public properties.

PUBLIC PARK includes all municipal parks, public playgrounds, public plazas, attractions and monuments.

PUBLIC STREET includes all public streets, highways, rights-of-way, public sidewalks, public benches, public parking lots and medians.

STORING PERSONAL PROPERTY means leaving one's personal effects, such as, but not limited to, clothing, bedrolls, cookware, sleeping bags, luggage, knapsacks, or backpacks, unattended for any substantial prolonged length of time. The term "storing personal property" shall not include parking a bicycle or other mode of transportation.

- (2) **PUBLIC PARKS.** It shall be unlawful to camp or to store personal property in any park, as defined in (A)(1) above.
- (3) **PUBLIC STREETS.** It shall be unlawful to camp, to sleep, to store personal property, to sit or to lie down on any public street as defined above.
- (4) **OTHER PUBLIC PROPERTY**—*Blocking ingress and egress; interfering with the normal course of business associated with the designated public property.* It shall be unlawful to camp, to sleep, to store personal property, to sit or to lie down on any public property in such a

manner that interferes with, or is reasonably likely to interfere with, ingress or egress from buildings or to interfere with the normal course of business or operations for which the buildings or properties are designated or intended.

- (5) **WARNING.** No person may be arrested for violating this code section until he has received an oral or written warning to cease the unlawful conduct. If the violator fails to comply with the warning issued, he is subject to arrest for urban camping.

- (6) **EXCEPTIONS.** This section shall not be construed to prohibit the following behavior:

- (a) Persons sitting or lying down as a result of a medical emergency;
- (b) Persons in wheelchairs sitting on sidewalks;
- (c) Persons sitting down while attending parades;
- (d) Persons sitting down while patronizing sidewalk cafes;
- (e) Persons lying down or napping while attending performances, festivals, concerts, fireworks or other special events;
- (f) Persons sitting on chairs or benches supplied by a public agency or abutting private property owner;
- (g) Persons sitting on seats in bus shelters designed or intended for people to wait for the bus;
- (h) Persons sitting or lying down while waiting in an orderly line awaiting entry to any building, including shelters or awaiting social services, such as provision of meals;
- (i) Children sleeping while being carried by an accompanying person or while sitting or lying in a stroller or baby carriage; or
- (j) Camping by groups or persons with prior approval of the town council or their representative.
- (k) Persons camping on private property must have written permission in their possession at all times and must produce proof thereof upon law enforcement request.

- (7) **PENALTY.** Any person who violates the provisions of this Section shall be guilty of a Class 3 Misdemeanor and subject to a maximum fine not to exceed \$500.00 pursuant to N.C.G.S. §160-175 and as set forth in G.S. 14-4. Each day that a violation continues after the offender has been notified of the violation shall constitute a separate offense and may be enforced also as set forth in Section 10.99.

Chapter 94.02 PANHANDLERS

(A) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

- (1) **AUTOMATIC TELLER MACHINE** means a device linked to a financial institution's account records, which is able to carry out transactions, including but not limited to, account transfers, deposits, cash withdrawals, balance inquiries, and mortgage, loan, and credit card payments.

AUTOMATIC TELLER MACHINE FACILITY means the area comprised of one or more automatic teller machines and any adjacent space which is made available to banking customers after regular banking hours.

FINANCIAL INSTITUTION means any bank, industrial bank, credit union, savings and loan, check cashing business, or other financial business.

PANHANDLING means, without limitation, use of the spoken, written, or printed words, signs, bodily gestures, or other acts as are conducted in the furtherance of the purpose of obtaining alms or contributions of money, food, or clothing for the use of oneself or others.

PUBLIC PLACE means a place where a governmental entity has title and/or to which the public or a substantial group of persons has access, including, but not limited to, any street, highway, parking lot, plaza, restaurant, theater, transportation facility, vendor location, school, place of amusement, park or playground.

(2) **AGGRESSIVE PANHANDLING INCLUDES:**

- (a) Accosting a person by approaching or speaking to the individual or individuals in such a manner as would cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon his person, or upon property in his immediate possession;
- (b) Touching someone without his/her consent;
- (c) Using obscene or abusive language toward someone while attempting to panhandle or solicit him;
- (d) Forcing oneself upon the company of another by continuing to solicit in close proximity to an individual who has made a negative response by verbal or physical signs or by attempting to leave the presence of the person soliciting, or by other negative indication;
- (e) Blocking the path of the individual being solicited; otherwise engaging in conduct that could reasonably be construed as intending to force a person to accede to a solicitation;
- (f) Other conduct that a reasonable person being solicited would regard as intended to compel or force the person to accede to the solicitation.

(3) PROHIBITED CONDUCT WHILE SOLICITING, PEDDLING, OR PANHANDLING. It shall be unlawful for any person to solicit, peddle, or panhandle, as defined in subsection (a) of this section:

- (a) By engaging in any acts of aggressive soliciting, peddling, or panhandling as defined in subsection (a) of this section;
- (b) Within 50 feet of the entrance to any financial institution, any automatic teller machine or any automatic teller facility;
- (c) At any permitted outdoor dining area or outdoor merchandise area, provided such areas are in active use at the time;
- (d) At any transit stop or taxi stand, or in a public transit vehicle;
- (e) While the person being solicited is standing in line waiting to be admitted to a commercial establishment;
- (f) On private property, unless the person has written permission from the owner of the property to beg or solicit alms on the property;
- (g) After dark, which shall mean one-half hour after sunset until one-half hour before sunrise;
- (h) While under the influence of alcohol or after having illegally used any controlled substance as defined in the North Carolina Controlled Substance Act;
- (i) Within 20 feet of any crosswalk;
- (j) In or on city streets to include the right-of-way, median or shoulder thereof;
- (k) By standing, sitting or loitering in any street or highway, including shoulders or medians, but excluding sidewalks, and/or to stop or attempt to stop any vehicle for the purpose of obtaining employment, business or contribution from the driver or any occupants of the motor vehicle in accordance with G.S. 20-175. This provision shall not apply to licensees, employees or contractors of the department of transportation or city employees engaged in construction, maintenance or in making traffic engineering surveys;
- (l) In a school zone during the time of arrival of students at the beginning of the school day and/or during the time of the departure of students at the end of the school day;
- (m) Within 20 feet of the entrance or exit of any parking deck, garage, or surface parking lot;
- (n) Within 50 feet of any city-owned or -operated building or facility.
- (o) Persons panhandling on private property must have written permission in their possession at all times and must produce proof thereof upon law enforcement request.

- (4) **PENALTY.** A violation of this section is a misdemeanor as set forth in G.S. 14-4. Each day that a violation continues after the offender has been notified of the violation shall constitute a separate offense and may be enforced also as set forth in Section 10.99.

TOWN OF SAWMILLS

RESOLUTION AUTHORIZING AND APPROVING (1) THE FILING OF AN APPLICATION FOR APPROVAL OF A FINANCING AGREEMENT AUTHORIZED BY NORTH CAROLINA GENERAL STATUTE 160A-20 AND (2) THE EXECUTION AND DELIVERY OF SUCH FINANCING AGREEMENT AND RELATED DOCUMENTS AND INSTRUMENTS

WHEREAS, the Town Council of the Town of Sawmills of Sawmills, North Carolina desires to provide for the purchase and installation of field lights and parking lot lights at Sawmills Municipal Park (a/k/a Baird Park) and Sawmills Veterans Park (collectively, the "Project") to better serve the citizens of the Town of Sawmills; and

WHEREAS, the Town Council of the Town of Sawmills, North Carolina desires to finance the Project by the use of an installment financing contract authorized under North Carolina General Statute 160A, Article 3, Section 20; and

WHEREAS, findings of fact by this governing body must be presented to enable the North Carolina Local Government Commission to make its findings of fact set forth in North Carolina General Statute 159, Articles 8, Section 151 prior to approval of the proposed contract;

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Sawmills, North Carolina, meeting in regular session on the 17th day of October, 2023, makes the following findings of fact:

1. The proposed contract is necessary or expedient because lighting facilities are necessary and/or expedient for the Town of Sawmills to provide improved public security and citizen usage of the playing fields, parking lot areas and amenities at Sawmills Municipal Park and Veterans Park in the Town of Sawmills.
2. The proposed contract, under the circumstances, is preferable to a general obligation or revenue bond issue for the same purpose. Specifically, (i) the cost of the proposed undertaking, that being the total cost of \$1,345,500.00, exceeds the amount that can be prudently raised from currently available appropriations, unappropriated fund balances, and non-voted bonds that could be issued by the contracting unit in the current fiscal year pursuant to Article V, Section 4 of the North Carolina Constitution (the "two-thirds limitation"); and (ii) the method of using an installment financing contract is more cost effective and expedient and justifies choosing the contract method of financing rather than a non-voted general obligation bond issue, a voted general obligation bond issue, or a revenue bond issue.
3. The cost of financing under the proposed contract is preferable to a bond issue for the same purposes because the Town of Sawmills has sufficient reserves to meet the debt obligation.
4. The sums to fall due under the proposed contract are adequate and not excessive for the proposed purpose because the annual principal and interest payment amounts proposed are within amounts feasible for the Town's Annual Budget.

5. The Town of Sawmills, North Carolina's debt management procedures and policies are good because the unit manages debt in strict compliance with the law.
6. No increase in taxes is necessary to meet the sums to fall due under the proposed contract.
7. The Town of Sawmills, North Carolina is not in default in any of its debt service obligations.
8. The attorney for the Town of Sawmills, North Carolina has rendered an opinion that the proposed Project is authorized by law and is a purpose for which public funds may be expended pursuant to the Constitution and laws of North Carolina.
9. Under N.C.G.S. Section 143-129(e), the requirements of the statute for bidding required for letting of public contracts does not apply as the Project fits within the exception listed in Section (e)(6) when a needed product is available from only one source of supply. Since the current, existing lighting systems at Sawmills Municipal Park and Veterans Park in the Town of Sawmills are equipment from Musco Sports Lighting, LLC ("Musco") then Musco lighting fixtures are the sole source for the lighting upgrades and improvements that comprise the Project.
10. The following documents have been reviewed and the Town Council has been made aware of these documents (collectively the "Instruments") which the Town Council now proposes to authorize, approve, enter into and deliver, as applicable, to effectuate the proposed installment financing:
 - a) Purchase Agreements #152581, 223248 and 225565 with Musco Sports Lighting, LLC;
 - b) Financing Agreement;
 - c) Escrow and Account Control Agreement;
 - d) Use of Proceeds Certificate; and
 - e) Other ancillary documents to effectuate the purchase and financing arrangements.

NOW, THEREFORE, BE IT FURTHER RESOLVED that (1) (a) the application with the North Carolina Local Government Commission for approval of the Project and the proposed installment financing thereof and (b) the Instruments, in substantially the form as presented to the Town Council, with such changes as shall be hereafter approved by the Town Manager and/or the Mayor, are hereby authorized and approved, and (2) the Town Manager and/or the Mayor as is applicable, are, and each of them hereby is, authorized to act on behalf of the Town of Sawmills, North Carolina in (a) filing the application with the North Carolina Local Government Commission for approval of the Project and the proposed installment financing contract, and (b) executing the Instruments and (c) taking such other actions and entering into such other agreements as shall be consistent with this Resolution.

This Resolution is effective upon its adoption this 17th day of October, 2023.

The motion to adopt this Resolution was made by Council Member Clay Wilson, seconded by Council Member Rebecca Johnson and passed by a unanimous vote.

Ruth Lane
Mayor

ATTEST:
Julie Wood
Town Clerk



This is to certify that this is a true and correct copy of this Resolution adopted by the Town Council of the Town of Sawmills, North Carolina on the 17th day of October, 2023.

Julie Wood
Town Clerk

10-17-2023
Date