

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

COUNCIL PRESENT

Bob Gibbs
Gerelene Blevins
Beverly Fry
Donnie Potter
Joe Wesson

STAFF PRESENT

Seth Eckard
Susan Nagle
Terry Taylor

COUNCIL ABSENT

Joe Norman

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

INVOCATION: Pastor John Greene gave the invocation.

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

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

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

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

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

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

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

No Council action is required.

RECOGNITIONS:

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

No Council action is required.

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

No Council action is required.

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

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

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

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

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

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

Common Household Hazardous Waste with Disposal Information and Alternatives

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

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

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

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

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

Town Planner Emily Hines: Yes!

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

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

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

Planner Hines: Yes!

Councilman Wesson: Those Counties would be Burke and Catawba.

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

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

Planner Hines: I agree.

Councilman Wesson: I want a condition with Council agreement.

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

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

Citizen: Can I ask a question?

Mayor Gibbs: No, you can't Richard.

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

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

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

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

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

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

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

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

Councilwoman Fry: Well, he could get more though!

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

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

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

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

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

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

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

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

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

Councilman Potter: They could do that today.

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

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

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

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

Councilwoman Fry: And make it larger!

Councilman Potter: No.

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

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

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

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

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

Planner Hines: Right that would be a condition.

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

Councilman Wesson: Okay, I make a motion.

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

Planner Hines: Right.

Councilman Wesson: Okay.

Attorney Taylor: To approve it with those conditions.

Councilman Wesson: Okay.

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

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

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

Councilman Potter: She just read them.

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

Councilwoman Fry: Can I ask another question?

Mayor Gibbs: Yes.

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

Mayor Gibbs: Terry?

Councilwoman Fry: That's just my question.

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

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

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

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

Planner Hines: Yes.

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

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

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

Councilwoman Fry: I understand that.

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

Attorney Taylor: Yes.

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

Mayor Gibbs: No.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Planner Hines: Okay.

Mayor Gibbs: Along with Caldwell County.

Councilman Potter: Caldwell.

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

Planner Hines: And proof of adequate insurance.

Councilman Wesson: Right.

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

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

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

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

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

Councilman Potter: That's correct.

Planner Hines: That's what he stated.

Councilman Potter: That's what he stated.

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

Planner Hines: I would be assuming.

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

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

Mayor Gibbs: And, those conditions are?

Councilman Wesson: Right and she read the conditions.

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

Planner Hines: Yes.

Councilman Wesson: Right.

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

Councilman Wesson: I made a motion on it.

Councilman Potter: Second.

Councilman Wesson: With those Conditions.

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

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

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

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

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

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

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

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

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

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

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

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

Councilman Donnie Potter: Any responses back from them?

Town Planner Emily Hines: I don't know.

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

Councilman Joe Wesson: Mother-in-law suite.

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

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

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

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

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

Councilman Potter: She is.

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

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

Planner Hines: This would be permanent.

Councilman Potter: Okay that's what I thought.

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

Councilman Potter: It can't be rented out?

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

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

There was no public comment.

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

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

COUNCIL ACTION: Mayor Gibbs asked for Council Action.

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

Councilman Potter: Are we ready for that?

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

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

Attorney Taylor: Yes.

Mayor Gibbs: Okay.

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

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

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

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

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

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

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

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

There was no public comment at this time.

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

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

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

PLANNING MATTERS:

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

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

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

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

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

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

UPDATES:

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

No Council action is required.

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

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

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

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

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


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

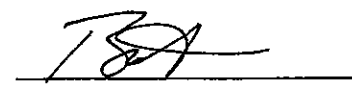
PUBLIC COMMENT: Mayor Gibbs asked if there was anyone wishing to speak during public comment.

There was no one wishing to speak.

ADJOURN: Mayor Gibbs asked for a motion to adjourn.

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


Susan Nagle, Town Clerk


Bob Gibbs, Mayor

Ordinance _____

An Ordinance Amending the
Zoning Map of the Town of Sawmills

AN ORDINANCE TO AMEND THE ZONING MAP

WHEREAS, the Town of Sawmills Town Council is delegated the authority of amending the Zoning Map per Article 3.8 of such ordinance; and

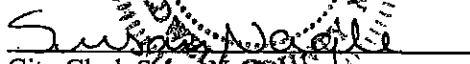
WHEREAS, the Town of Sawmills Town Council conducted a public hearing to consider amending the Zoning Map for NC Parcel 2766-75-6689 on November 15, 2011;

WHEREAS, the proposed amendment is consistent with previously adopted policies and reasonable to the promotion of public health, safety, and general welfare of the Town;

NOW, THEREFORE, BE IT RESOLVED, by the Town of Sawmills Town Council that the Sawmills Zoning Map is hereby amended to rezone NC Parcel 2766-75-6689 from Highway Business (HB) to Residential High Density(R-15).

ADOPTED this 15th day of November 2011.

ATTEST


City Clerk Susan Nagle



Mayor Bob Gibbs



Code Enforcement Monthly Report

Opened	Case Number	Property Address	Owner or Occupant	Status or Comments
10/28/2010	PN11-03	4455 Rual Drive	William Miller	Owner has obtained a Building Permit, which allows building material only associated with the job to be on the property. Owner was issued First Civil Citation in October due to lack of progress.
11/1/2010	HC11-03	4476 Sawmills Sch. Rd.	Jerry Hatchings	No sign of progress in repairing the house. Owner has not responded to recent request to call for repair status update. Deadline to repair or demolish house is this month.
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	Owner has recently been hospitalized. Removal of junk cars suspended at this time. Monitor.
1-Dec	PN11-09	Crotts Mobile Home	Charles and Pansey Crotts	Town Attorney suggest that attempts be made by the town to encourage Caldwell County to foreclose on the property in hopes that a new owner will do the massive clean-up needed.
12/8/2010	MV011-02	1747 Cajah Mtn. Rd.	Donald Street	Property cleaned. Junk vehicles removed. Closed Case. Owner has made very good recent progress in removing trash and junk vehicles. Monitor.
2/25/2011	PN11-16	2511 Baker Circle	Steve and Mary Hand	Clean-up at the property has resumed with good progress. Monitor.
2/23/2011	PN11-19	4100 Farr MHP	Owen Farr-Deceased	Repairs to the house are nearly complete. Monitor.
3/30/2011	MV011-05	4487 Diamond Street	Troy Wilson Jr.	Property owner authorized to allow cleaning of property by person recommended by code enforcement to be cleaned of metal and trash value (Clean-up free to the owner).
6/15/2011	PN11-43	Crotts Mobile Home Park	Elizabeth Palmer	Dilapidated mobile home removed by town contractor.
8/10/2011	PN12-18	6086 Spartan Drive	Cindy Fritts	Case Closed.
8/31/2011	HC12-02	4257 Horseshoe Bend	Lewis Miller	Repairs to house are being made by the owner. Monitor.

Tony W. Cline
Code Administrator

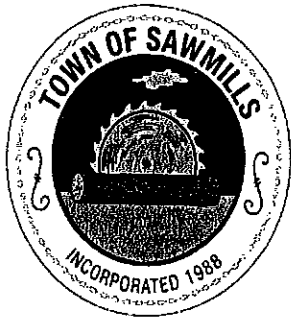
All items Updated on November 9, 2011

Code Enforcement Monthly Report

Opened	Case Number	Property Address	Owner or Occupant	Status or Comments
9/7/2011	MVO12-01	4255 Trojan Ln	Aubrey Sipes	High grass has been mowed by owner. Junk vehicles removed. Closed Case.
14-Sep	PN12-24	4388 Duncan	Renneth Minton	Deadline to remove dilapidated out-building and complete clean-up was 10/12/11. One Civil Citation issued to date. Monitor.
9/21/2011	HC12-03	2175 Idlewood Dr. #5	Brock and Larry Griffin	Repairs to apartment have begun. Monitor.
9/21/2011	HC12-04	2175 Idlewood Dr. #6	Brock and Larry Griffin	Repairs to apartment have begun. Monitor.
9/29/2011	HC12-05	4250 Benfield Pk Ln #6	Benfield Park LLC	Repairs to mobile home completed. Closed Case.
10/4/2011	PN12-28	4340 Trojan Ln.	Robert McRary etc.	Property being subdivided. New owner to remove business related vehicles and make building residential. Monitor.
10/4/2011	PN12-27	4353 Fancy Place	Dwayne Mann	Owner has begun cleaning property of overgrowth trash and debris. Plans to move some items to an antique business he is opening at another property.
10/12/2011	Z12-03	2553 Baker Circle	Ralph Miller	Owner has obtained a permit for an out-building. Closed Case.
10/12/2011	PN12-29	1677 Lafayette Ave.	Commer. Signs Outdoor	Owner has moved high grass. Closed Case.
11/3/2011	PN12-34	2139 Cleo Drive	Carroll Jackson	Notice sent due to tires, trash and debris on the property. Monitor.
11/3/2011	PN12-33	2218 Marcus	Thelma Dale	Notice sent due to trash and debris on the property. Monitor.
11/3/2011	PN12-32	2523 Sigmon Dr.	Donald Goins	Notice sent due to tires, trash and debris on the property. Monitor.

Tony W. Cline
Code Administrator

All items Updated on November 9, 2011



MAYOR
Bob Gibbs

TOWN ADMINISTRATOR
Seth Eckard

TOWN COUNCIL

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

TOWN OF SAWMILLS

TOWN COUNCIL

November 15, 2011

STATEMENT OF OATH

Place your left hand on the Bible and raise your right hand

Do you swear (or affirm) that the evidence you shall give to the Town Council in this cause now on trial, wherein Ronald McCracken is the Petitioner, shall be the truth, the whole truth, and nothing but the truth, so help you, God.

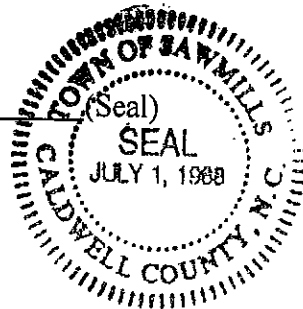
Signature of Person Giving Testimony:

Print Name of Person Giving Testimony:

Emily Hines

Attest:

Susan Nagle
Town Clerk
Town of Sawmills



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.