

**TUESDAY, AUGUST 19, 2014
TOWN OF SAWMILLS REGULAR COUNCIL MEETING
6:00 PM**

COUNCIL PRESENT

Bob Gibbs
Joe Wesson
Gerelene Blevins
Jeff Wilson
Johnny Wilson

STAFF PRESENT

Seth Eckard
Julie Good
Terry Taylor
Elinor Hiltz

COUNCIL ABSENT

Trena McRary Kirby

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

INVOCATION: Mayor Bob Gibbs gave the invocation.

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

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

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

APPROVE JULY 22, 2014 REGULAR MEETING MINUTES: Mayor Bob Gibbs asked for a motion to approve the July 22, 2014 regular meeting minutes.

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

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

Jim Sponenburg wanted to introduce himself. Mr. Sponenburg is a resident of Caldwell County and is running for the NC State Senate. Mr. Sponenburg wants to go sit in on town meetings and learn what is going on in Caldwell County so he will be better prepared to represent the county if he wins the election.

Donnie Potter spoke on the 321-corridor study that the County Commissioners have started and the effect it could have on Sawmills and the surrounding municipalities. Mr. Potter also spoke on traveling ball teams and how Caldwell County would like to try to get traveling ball teams to play at fields in Caldwell County. The County would run the ball program. The County would rent the fields from the municipalities. The municipalities would get the money from the field rentals plus any concessions that the municipality would sell. It is a win-win situation for everyone.

RECOGNITIONS:

RECYCLE REWARDS WINNER: Town Administrator Seth Eckard announced Mr. and Mrs. Gary Reese as the August Recycle Rewards winner. A credit of twenty-eight dollars (\$28.00) will be added to their sanitation bill and their certificate will be available at the Town Hall for pick up.

Town Administrator updated Council on the first month of the new recycle program. July 2014 the Town recycled 18.99 tons compared to July 2013 where the Town recycled 8.77 tons. The highest ever recycled under the old program was 11.56 tons. Republic Services will send reports out quarterly.

No Council action was required.

YARD OF THE MONTH WINNERS: Mayor Bob Gibbs announced that Lauri and Keith Browning, from the 28630 zip code, and Mt. Zion Baptist Church, from the 28638 zip code, as the August Yard of the Month winners. Mayor Bob Gibbs stated that both certificates would be available at the Town Hall for pick up.

No Council action was required.

SOUTH CALDWELL SPARTANS JUNIOR AMERICAN LEAGUE BASEBALL TEAM: Mayor Bob Gibbs congratulated the South Caldwell Spartans Junior American Baseball Team, coached by Jeff Parham, on winning the State Title in Cary, NC.

No Council action was required.

FINANCIAL MATTERS:

BID AWARD FOR MOORE ACRES DRIVE AND BAIRD WALKING TRAIL: Town Administrator Seth Eckard stated that the Town received the following three (3) bids for repairs on Moore Acres Drive and Baird Park walking trail:

Midstate Contractors, Inc.	\$224,210.00
Evans Construction	\$221,313.50
Caldwell Construction Services, LLC	\$228,745.00

Joe Wesson made a motion, and Gerelene Blevins seconded, to award the bid to Evans Construction in the amount of \$221,313.50, as they were the lowest bidder. All were in favor.

REQUEST FOR A DONATION FROM SOUTH CALDWELL HIGH SCHOOL BAND BOOSTERS: Town Administrator Seth Eckard stated that the South Caldwell High School Band Boosters has requested a donation in the amount of \$100.00 (one hundred dollars).

Gerelene Blevins made a motion, and Joe Wesson seconded, to give a donation in the amount of \$100.00 (one hundred dollars) to South Caldwell High School Band Boosters. All were in favor.

DISCUSSION:

VETERANS PARK SLOPE: Town Engineer Benjie Thomas stated that approximately 2,500 square feet is starting to sink in below the parking lot toward the cove where there was fill dirt added on top of the storm drain system when the park was built. Dan Miller was hired to investigate and believes that the problem could be in the drainpipe at the slope and that moisture could factor into that problem. There is a crew with camera access coming to scope the drainpipe to see if it needs to be repaired.

Town Engineer Benjie Thomas recommends that the area be dug out, pipe fixed if that is the problem, and layer the area with stone then put fill dirt back in. If nothing is done, then the area above the slope will become unstable and start to erode.

Johnny Wilson made a motion, and Joe Wesson seconded, to move forward, have a survey done then put bids out to correct the Veterans Park slope problem. All were in favor.

PUBLIC HEARING: REZONING 4737 AND 4741 HICKORY NUT RIDGE ROAD:

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

Joe Wesson made a motion, and Gerelene Blevins seconded, to open the public hearing. All were in favor.

STAFF COMMENT/RECOMMENDATIONS: Town Planner Elinor Hiltz stated that on July 1, 2014 the Planning Board unanimously recommended approval of the 4737 and 4741 Hickory Nut Ridge Road rezoning from R-20 to RA-20. This is a 10 (ten) acre piece of property. The subject property has 1(one) mobile home and 1 (one) stick built home on it and the applicant would like to do a family subdivision to add 2 (two) additional mobile homes. Town Planner Elinor Hiltz went over all the permitted uses in the RA-20 zone and then stated the staff report and Planning Board concluded that rezoning is consistent with the Comprehensive Plan and an RA-20 district is right across the street.

PUBLIC COMMENT: Mayor Bob Gibbs asked if anyone wished to speak on the proposed rezoning of 4737 and 4741 Hickory Nut Ridge Road.

John Letterman at 4730 Hickory Nut Ridge Road spoke. Mr. Letterman stated that he was against the rezoning because, after talking to multiple appraisers, he has been informed that the rezoning would bring the value of his property down at least \$15,000.00 (fifteen thousand dollars) and could possibly be more depending on the condition of mobile homes.

Alice Wright, who owns the property for rezoning, spoke. Mrs. Wright told the Council that she has 2 (two) children who are both married and both expecting their own children. Mrs. Wright stated that she wants to be able to rezone the property so it is consistent with allowed

uses in the neighborhood and adjacent property. She stated she would then be able to put a doublewide for each of her children on the property and her grandchildren can be the 5th (fifth) generation of her family to grow up on the property that has been in her family for 80 (eighty) years.

Tamara Letterman, at 4730 Hickory Nut Ridge Road, spoke. Mrs. Letterman stated that she built her home 11 years ago. She has 2 (two) boys of her own and that she wants to also leave them her property. She is against the rezoning because, like her husband John Letterman, she has also spoken with multiple appraisers and they have told her that it will bring her property values down. Mrs. Letterman stated she did not want to leave her children with property that has little or no value. Mrs. Letterman also told Council that they are in our ETJ and get no resources from the Town of Sawmills. Mrs. Letterman stated that she did not think it was fair for a Council that she could not vote for to be able to vote on an issue that will affect her and her family.

Ryan Wilson at 4751 Hickory Nut Ridge Road spoke. Mr. Wilson stated that his family has had six (6) generations grow up there and that he is for the rezoning as it is consistent with other uses in the neighborhood.

George Wenzel, Jr, at 5016 Grouse Lane, spoke. Mr. Wenzel stated that he has been informed that if the property is rezoned, it will affect the tax value of his property. Mr. Wenzel was opposed to the rezoning.

Ms. Ruthann Egan, at 5016 Grouse Lane, spoke. Ms. Egan stated that if her taxes were lowered on her property then she would consider supporting the rezoning. Ms. Egan is opposed to the rezoning.

Benny Townsend spoke. Mr. Townsend owns the property that connects to 4741 and 4737 Hickory Nut Ridge Road. Mr. Townsend is Alice Wright's brother. Mr. Townsend stated that his land and Mrs. Wright's land were at one time all one (1) parcel and this was divided between them. Mr. Townsend has not put anything on his property yet, but he also has children of his own and would like to leave this property to them. Mr. Townsend stated that his family has owned that property for 80 years. Mr. Townsend is for the rezoning as it is consistent with the neighborhood and would not increase traffic..

Shane Wilson spoke. Mr. Wilson owns the property next to Benny Townsend and stated that he is for the rezoning.

Clyde Miller spoke. Mr. Miller owns property close to the rezoning and is also in favor of the rezoning.

Adam Wilson spoke. Mr. Wilson lives behind the property to be rezoned and is in favor of the rezoning.

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

Jeff Wilson made a motion, and Johnny Wilson seconded, to close public hearing. All were in favor.

COUNCIL ACTION: Joe Wesson made a motion, Jeff Wilson seconded, to approve the rezoning request from R-20 to RA-20 as the rezoning is compatible with adjacent uses, does not negatively impact the adjacent properties and is consistent with the Town's Comprehensive Plan. All were in favor.

PUBLIC HEARING: AMENDMENT TO TOWN OF SAWMILLS CODE OF ORDINANCE TEXT:

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

Joe Wesson made a motion, Gerelene Blevins seconded, to open public hearing. All were in favor.

STAFF COMMENT/RECOMMENDATIONS: Town Planner Elinor Hiltz stated that under Town of Sawmills current code, churches are only allowed in residential districts. The Town would like to amend the zoning code to allow churches in every zoning district because churches can fit in a variety of building types in a variety of areas. The text amendment is consistent with the Comprehensive Plan.

PUBLIC COMMENT: Mayor Bob Gibbs asked if anyone wished to speak on the proposed text amendment.

No one wished to speak.

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

Jeff Wilson made a motion, and Gerelene Blevins seconded, to close public hearing. All were in favor.

COUNCIL ACTION: Jeff Wilson made a motion, and Joe Wesson seconded, to adopt the text amendment to allow churches in every zoning district and the text amendment is consistent with the Town's Comprehensive Plan. All were in favor.

PLANNING MATTERS:

LIVESTOCK TEXT AMENDMENT: Town Planner Elinor Hiltz stated that since the May 20, 2014 council meeting, she has meet with council members and further revised the livestock text amendment with council's help. The proposal is consistent with the Town's Comprehensive Plan. The proposal is as follows:

- Livestock-Livestock is unrestricted in the ETJ, with the exception of platted major subdivisions. Livestock is never permitted within major subdivisions.
- In the Town limits livestock is not permitted on parcels less than 1 (one) fenced acre.

- In the Town limits on parcels that are between 1 (one) and 4 (four) fenced acres, homeowners can have 2 (two) animals per each ½ acre.
- In the Town limits there can be no livestock kept on vacant properties.
- In the Town limits barns and fences must be set back 100 (one hundred) feet from the nearest structure under different ownership.
- The regulations for fowl that the Town already has stays in place with the exception of commercial poultry farms. Commercial poultry farms are allowed in the Town limits with a conditional use permit.

Joe Wesson made a motion, Jeff Wilson seconded, to remove the barn and fence 100 (one hundred) foot setback and adopt the remaining livestock text amendment and the livestock text amendment is consistent with the Town's Comprehensive Plan. All were in favor.

HOUSE CONDEMNATION PROCESS AND COSTS: Town Planner Elinor Hiltz stated that there have been discussions about squatters being in Sawmills and she has done research on the house condemnation process and the costs. Buildings that have been uninhabited for a long time attract vagrants. In the minimum housing code, a Town can be justified to tear down a house that has been posted unfit for human habitation. However, it takes a minimum of 2 (two) years and there is a 2 (two) to 11 (eleven) step process that the Town must go through, depending on owner cooperation.

In the case of a burnt house, or a house that is falling down that the Town would like to demolish, that can be accomplished through the nuisance code. This process takes about 90 (ninety) days and can be done without a Building Inspector's assistance.

The approximate costs are as follows:

- Asbestos inspection: \$400.00-\$1,000.00. If asbestos is present add 25% to demolition costs
- Removal of a 1,500 square foot cinderblock building, asbestos included: \$10,000.00
- Removal of a singlewide: \$1,200.00-\$4,000.00
- Removal of a 1,100 square foot house: \$7,000.00
- Past Sawmills cases: \$4,000.00 to \$5,000.00

No Council action was required.

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

Donnie Potter wanted to ask if the Town could fix the road at the railroad tracks on Helton Road because the road at the tracks is horrible.

Debra Norris asked about the intersection at Cahah Mountain Road and Horseshoe Bend Road. Mrs. Norris stated that she knows that it is a state maintained road and not a town maintained road but wanted to know if there was anything that the Town could do about not being able to see around the Leland Cyprus trees. The state has informed Mrs. Norris that

the trees are not in the right of way so it is the property owner's responsibility to trim the trees back.

UPDATES:

CODE ENFORCEMENT MONTHLY REPORT: Administrator Seth Eckard stated Town Planner Elinor Hiltz has enclosed an updated status report of Code Enforcement cases and the progress that has been made on each case as of August 2014.

No Council action was required.

ADMINISTRATORS REPORT: Administrator Seth Eckard made the following announcements:

- The DOT bridge on Highway 321-A between Sawmills and Hudson is now open
- The May Road bridge is now closed until August 29, 2014
- The Town of Sawmills would like to congratulate Jane Wesson for winning the Lydia Beam Memorial Award from Caldwell Community College and Technical Institute
- The Sawmills Fall Festival will be September 13 from 11:00 am to 3:00 pm

COUNCIL COMMENT: Mayor Bob Gibbs asked if anyone on the Council had any questions or comments at this time.

There were none.

COUNCIL ADJOURN: Mayor Bob Gibbs asked for a motion to adjourn.

Gerelene Blevins made a motion, and Jeff Wilson seconded, to adjourn the meeting. All were in favor.

Julie A Good, Town Clerk

Trena McRary Kirby,
Mayor Pro-Tem