

**TUESDAY, JUNE 16, 2020
TOWN OF SAWMILLS REGULAR COUNCIL MEETING
6:00 PM**

COUNCIL PRESENT

Mayor Johnnie Greene
Keith Warren
Clay Wilson
Melissa Curtis
Joe Wesson
Rebecca Johnson

STAFF PRESENT

Chase Winebarger
Julie A Good
Terry Taylor

CALL TO ORDER: Mayor Johnnie Greene called the meeting to order at approximately 6:00pm.

INVOCATION: Mayor Johnnie Greene gave the invocation.

PLEDGE OF ALLEGIANCE: Mayor Johnnie Greene led the Pledge of Allegiance.

ADOPT AGENDA: Mayor Johnnie Greene asked for a motion to adopt the June 16, 2020 agenda.

Keith Warren made a motion, and Clay Wilson seconded, to adopt the June 16, 2020 agenda. All were in favor.

APPROVE MAY 19, 2020 REGULAR MEETING MINUTES: Mayor Johnnie Greene asked for a motion to approve the May 19, 2020 budget retreat meeting minutes.

Clay Wilson made a motion, and Joe Wesson seconded, to approve the May 19, 2020 regular meeting minutes. All were in favor.

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

No one wished to speak.

PUBLIC HEARING: FY 2020/2021 BUDGET

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

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

STAFF COMMENTS/RECOMMENDATIONS: Town Manager Chase Winebarger stated that the budget is balanced as required by the NC Local Government Budget and Fiscal Control Act. The Town's overall budget for FY 2020-2021 totals two million nine hundred forty-seven thousand seven hundred sixty-nine dollars (\$2,947,769.00). A few highlights of the proposed budget include no property tax increase; two point five percent (2.5%) increase in water and sewer rates; a two dollar (\$2.00) increase in sanitation fees; no appropriation from fund balance despite drastic reductions in revenues due to COVID-19; maintains current levels of services to citizens.

PUBLIC COMMENT: No one wished to speak.

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

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

COUNCIL ACTION: Joe Wesson made a motion, and Clay Wilson seconded, to adopt the FY 2020/2021 Budget, the FY 2020/2021 Budget Ordinance and the FY 2020/2021 Fee Schedule. All were in favor.

RECOGNITIONS:

RECYCLE REWARDS WINNER: Mayor Johnnie Greene announced Scott Bowers, as the June Recycle Rewards winner. A credit of thirty-two dollars (\$32.00) will be added to the current sanitation bill.

No Council action was required.

FINANCIAL MATTERS:

WPCOG IRAN DIVESTMENT ACT CERTIFICATION: Mayor Johnnie Greene stated that the Western Piedmont Council of Governments (WPCOG) has stated that they would

need an Iran Divestment Act Certification signed stating that the Town of Sawmills is not listed on the Final Divestment List created by the State Treasurer.

Rebecca Johnson made a motion, and Joe Wesson seconded, to sign the Iran Divestment Act Certification stating that the Town of Sawmills is not listed on the Final Divestment List created by the State Treasurer. All were in favor.

WPCOG PLANNER/CODE ENFORCEMENT OFFICER AGREEMENT: Mayor Johnnie Greene stated that the current contract with the Western Piedmont Council of Governments (WPCOG) for planning services will expire on June 30, 2020, and will need to be renewed. If renewed, the contract will be effective starting July 1, 2020 and ending June 30, 2021. The amount of the contract will not exceed twenty-four thousand two hundred four dollars (\$24,204.00) and will be billed in equal twelve (12) monthly payments of two thousand seventeen dollars (\$2,017.00).

Joe Wesson made a motion, and Keith Warren seconded, to approve the Planning/Code Enforcement Contract Renewal with the WPCOG in the amount not to exceed twenty-four thousand two hundred four dollars (\$24,204.00) and billed in equal twelve (12) monthly payments of two thousand seventeen dollars (\$2,017.00). All were in favor.

WPCOG PROVISION OF ORDINANCE REVISION AND 160D PLANNING ASSISTANCE: Mayor Johnnie Greene stated that there have been revisions made to the North Carolina Statute Section 160D and the Western Piedmont Council of Governments (WPCOG) will provide assistance to do the Provision of Ordinance Revision and 160D Planning Assistance. The contract will be effective starting July 1, 2020 and ending June 30, 2021. The amount of the contract will not exceed fifteen thousand dollars (\$15,000.00) and will be billed in equal twelve (12) monthly payments of one thousand two hundred fifty dollars (\$1,250.00).

Clay Wilson made a motion, and Rebecca Johnson seconded, to approve the Provision of Ordinance Revision and 160D Planning Assistance contract in the amount not exceed fifteen thousand dollars (\$15,000.00) and will be billed in equal twelve (12) monthly payments of one thousand two hundred fifty dollars (\$1,250.00). All were in favor.

WPCOG PUBLIC UTILITY MAINTENANCE SERVICES: Mayor Johnnie Greene stated that the Western Piedmont Council of Governments has sent a contract for the Provision of Public Utility GIS Maintenance. The contract will be effective starting July 1, 2020 and ending June 30, 2022. The amount of the contract will not exceed nine thousand two hundred forty-four dollars (\$9,244.00) and will be billed in equal twenty-four (24) monthly payments of three hundred eighty-five dollars and seventeen cents (\$385.17).

Clay Wilson made a motion, and Rebecca Johnson seconded, to approve the Provision of Public Utility GIS Maintenance contract in the amount not to exceed nine thousand two hundred forty-four dollars (\$9,244.00) and will be billed in equal twenty-four (24) monthly payments of three hundred eighty-five dollars and seventeen cents (\$385.17). All were in favor.

SAWMILLS ELEMENTARY SCHOOL PTA DONATION REQUEST: Mayor Johnnie Greene stated that the Sawmills Elementary School PTA had requested a donation in the amount of one hundred fifty dollars (\$150.00).

Keith Warren made a motion, and Joe Wesson seconded, to give a donation in the amount of two hundred dollars (\$200.00) to the Sawmills Elementary School PTA. All were in favor.

DISCUSSION:

SPECIAL REVENUE FUND FOR CARES FUNDING-COVID-19: Mayor Johnnie Greene stated that on June 2, 2020, Town Manager Chase Winebarger spoke with him regarding CARES Funding-COVID-19. By establishing a special revenue fund, all transactions in regards to revenue and expenditures related to COVID-19, will be accounted for and reportable to all agencies involved. Mayor Johnnie Greene stated that he spoke with Council on June 2, 2020, regarding creating a special revenue fund and a vote was taken by straw vote on June 2, 2020, as follows:

Melissa Curtis, at 8:42pm, voted in the affirmative;
Clay Wilson, at 8:44pm, voted in the affirmative;
Keith Warren, at 8:47pm, voted in the affirmative;
Rebecca Johnson, at 8:49pm, voted in the affirmative;
Joe Wesson, at 8:52pm, voted in the affirmative.

Clay Wilson made a motion, and Joe Wesson seconded, to approve and ratify establishing a special revenue fund for CARES Funding-COVID-19. All were in favor.

SOLID WASTE CARTS: POLICY RECOMMENDATION: Town Manager Chase Winebarger stated that at the May 19, 2020, Council meeting, the need to reassess the Town's policies regarding solid waste carts was discussed. Currently, citizens can pay one (1) solid waste fee and have up to three (3) solid waste carts that the Town must pick up and pay for the tonnage that is generated by those carts. Town Manager Chase Winebarger stated that the Town is nearly breaking even (but still losing money) on the one (1) solid waste fee and first (1st) cart, but the Town is losing money on the second (2nd) and third (3rd) carts. Town Manager Chase Winebarger has stated that he has put together a proposed plan and fee schedule that is fair but also discourages excessive and unintended uses of solid waste carts. It limits the number of solid waste carts for residential and small commercial or business customers and placed a "per cart" fee on solid waste containers:

Solid Waste & Recycling Cart Fee Schedule

1. No longer charge Cart Fee at Town Hall (\$70)

- a. Because carts will now belong to Republic rather than the Town
- b. Requests for additional carts MUST still flow through Town Hall to ensure they are billed properly.

2. Residential Customers

- a. 4 Cart MAX (3 Trash & 1 Recycle)
- b. 1 Solid Waste Fee \$10 = 1 Trash & 1 Recycle
- c. 2nd Trash Cart = \$5
- d. 3rd Trash Cart = \$10
- e. **\$25/mo = MAX**

3. Small Commercial Customers

- a. 7 Cart Max (6 Trash & 1 Recycle)
- b. 1 Solid Waste Fee \$10 = 1 Trash & 1 Recycle
- c. 2nd Trash Cart = \$5
- d. 3rd Trash Cart = \$10
- e. 4th Trash Cart = \$10
- f. 5th Trash Cart = \$10
- g. 6th Trash Cart = \$10
- h. **\$55/mo = MAX**

Joe Wesson made a motion, and Clay Wilson seconded, to approve the Solid Waste Policy and Fee Schedule. All were in favor.

PLANNING:

CHANGE IN OCCUPANCY PERMIT: Town Manager Chase Winebarger stated that the Town has a Certificate of Occupancy Required in the Ordinances, but this has never been practiced. Town Manager Chase Winebarger stated that with not enforcing the Certificate of Occupancy Required Ordinance, the Town cannot keep up with the changes of use of any building or land. Town Manager Chase Winebarger stated that he had spoken with Caldwell County Emergency Management about enforcing the Ordinance and he had been informed that would help Caldwell County Fire Marshal's Office in inspecting all business that come in to Sawmills. Town Manager Chase Winebarger also stated that with having the language of "A certificate of occupancy issued by the Zoning Enforcement Officer is required in advance of any change of use of any building or land" then any new building or change of use for an existing building must receive approval from Town Staff. Staff is adding this to the zoning permit and will be enforcing this. The intent is track any change in commercial businesses in the town. The new property owner or business owner (tenant) will need to receive a permit to complete county inspections. This will allow staff to ensure no business is operating at a location that is not permitted in that zoning district or not permitted overall in our ordinance. Staff will be working with the county to help enforce this and make sure that everything is in compliance.

Clay Wilson made a motion, and Joe Wesson seconded, to have the Zoning Enforcement Officer to start requiring Change in Occupancy Permits, with a fee of twenty-five dollars (\$25.00) per permit. All were in favor.

YEARLY PLANNING REPORT: Town Planner Hunter Nestor stated that in the Planning Ordinance Section 151.06 it is stated that: An annual report shall be prepared and submitted to the Town Council by May of each year. The report shall include a comprehensive and detailed review of the activities, problems and actions of the Planning Board as well as any budget requests and/or recommendations.

Town Planner Hunter Nestor stated that the Planning Board met two (2) times between July 2019 and June 2020.

Town Planner Hunter Nestor stated that the board-related did not have any expenses that occurred in the reporting period. In FY 19-20 Sawmills contracted with the WPCOG for one (1) day a week of planning services.

Town Planner Hunter Nestor stated that the Board of Adjustments met one (1) time between July 2019 and June 2020. Town Planner Hunter Nestor stated that the Board of Adjustment approved one (1) zoning variance and one (1) conditional use permit.

Town Planner Hunter Nestor stated that he attended various training opportunities, where the topics included:

- Vacant Housing
- Economic Development
- Quasi-Judicial Hearings
- Plan Review
- Air and Water Quality
- Hazard Mitigation

Town Planner Hunter Nestor stated that he wrote thirty-eight (38) zoning permits, approved ten (10) subdivisions and provided zoning assistance to over one hundred fifty (150) customers, consisting of various prospective buyers, realtors, property owners, developers, and concerned citizens during the last fiscal year.

Town Planner Hunter Nestor stated that there were thirty-eight (38) Code Enforcement cases that have been completed and there are six (6) open cases.

No Council action was needed.

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

No one wished to speak.

UPDATES:

JUNE CODE ENFORCEMENT REPORT: Town Planner Hunter Nestor stated that there are nine (9) code enforcement cases open:

- Carolyn Bray/Robyn Brittan, owner 2570 Baker Circle. Abandoned Mobile Home/Garbage and Rubbish. Town Planner Hunter Nestor stated that he is working with Town Attorney Terry Taylor to abate the property. Town Planner Hunter Nestor also stated that he will treat this as a Junk and Debris and not minimum housing. If so, the Town can proceed to abate after thirty (30) days of notice. Town Planner Hunter Nestor stated that he got a quote that will demo entire trailer and haul off all debris including our equipment, labor and fees. Town Planner Hunter Nestor stated that the quote is four thousand one hundred dollars (\$4,100.00);
- Timberline Lumber Company, 4221 US Highway 321A. Overgrown Vegetation/Property Maintenance. Town Planner Hunter Nestor stated that he received a complaint on July 2, 2019, and original NOV letter was sent July 16, 2019 and no response or no progress as of August 8, 2019. Second NOV letter was sent on August 8, 2019. Town Planner Hunter Nestor stated that he never received any response from owner, but some progress had been made. Town Planner Hunter Nestor stated that he received a telephone call complaint about the property and the individual was informed that a written complaint would need to be submitted to investigate the property. Town Planner Hunter Nestor stated that he has been in communication with representatives of the property and a letter had been delivered to them on March 12, 2020. Property was sold and new owners are cleaning up the property;
- Debra Rose, 4284 Trojan Ln. Dangerous Dog/Animal Creating a Nuisance. Town Planner Hunter Nestor stated that he received a complaint on November 26, 2019 about multiple dogs running around with no leash in a neighborhood. Town Planner Hunter Nestor stated that the complaint stated that the dogs were digging holes, habitual barking, howling and whining through the night and creating a physical threat to neighbors and other animals. NOV letter was sent on December 3, 2019, with a deadline of December 19, 2019. Town Planner Hunter Nestor stated that there was no response from the owner. Town Planner Hunter Nestor stated that he received another complaint and a second NOV letter was sent out on January 16, 2020 with a deadline of January 28, 2020. Town Planner Hunter Nestor stated that Caldwell County Animal Control has been notified. Town Planner Hunter Nestor stated that the property is a rental and he has spoken to Mrs. Rose and she informed Town Planner Hunter Nestor that she has spoken with her tenants. Town Planner Hunter Nestor stated that the original complainant had submitted videos to town staff of the habitual barking. Town Planner Hunter Nestor stated that he will work with Caldwell County and Town Attorney for further action. Town Planner Hunter Nestor stated that the Town has not received any additional complaints and believes the tenants have moved from the property;
- Teresa Annas Compton, 4486 Sawmills School Road. Abandoned Mobile Home/Garbage and Rubbish. Town Planner Hunter Nestor stated he received a

- complaint on January 13, 2020. Town Planner Hunter Nestor stated that a NOV letter would be sent out on January 23, 2020 with a deadline of February 10, 2020. Town Planner Hunter Nestor stated that the trailer is not finished and located on the same property as the Compton house that the Town abated in 2018. Town Planner Hunter Nestor stated that staff will investigate and work with attorney for possible courses of abatement. Town Planner Hunter Nestor stated that one (1) of Ms. Compton's sons is scheduled to meet with staff in late February to work towards getting the property in his name and get the property cleaned up. Town Planner Hunter Nestor stated that staff has yet to speak with any representative of the property;
- Dwayne K and Bridget E Mann, owners 4353 Eli Ln/Fancy Pl. Garbage and Rubbish/Property Maintenance. Town Planner Hunter Nestor stated that he received a complaint on January 2, 2020, and a regular NOV letter and a certified NOV letter was sent on January 2, 2020, with a deadline of January 20, 2020. Town Planner Hunter Nestor stated that the certified NOV letter was returned for being unclaimed, but the regular letter was not returned. Town Planner Hunter Nestor stated that a second NOV letter was sent on February 13, 2020. Town Planner Hunter Nestor stated that the property has junk/garbage all over the property. Town Planner Hunter Nestor stated that if there is no response after the second NOV letter, staff can enforce fines and possible abatement. Town Planner Hunter Nestor stated that he met with property owner on March 5, 2020 and property owner has been cleaning up the property. Town Planner Hunter Nestor stated that the Town has not received any additional complaints;
 - Dale E and Debra Miller, 4434 Jess Dr. Garbage and Rubbish/Property Maintenance. Town Planner Hunter Nestor stated that a complaint was received on January 28, 2020. Town Planner Hunter Nestor stated that the complaint addressed two (2) separate properties and possible violations. A NOV letter was sent on February 13, 2020, with a deadline of March 4, 2020 for the Miller property. Town Planner Hunter Nestor stated that the Miller property is in violation for having high grass/vegetation and junk and garbage located around the property. Town Planner Hunter Nestor stated another complaint was received on May 7, 2020 and a final letter was sent on May 13, 2020, with a deadline of May 31, 2020. Town Planner Hunter Nestor stated that on June 1, 2020, staff spoke with Mrs. Miller, who has a medical condition, and she asked for an extension and stated that she is working on getting the property cleaned up;
 - Denise Dotson/William S Annas, II, 4095 Gatewood Dr. Abandoned Mobile Home/Minimum Housing. Town Planner Hunter Nestor stated that a complaint was received on March 5, 2020, and a regular NOV letter and a certified NOV letter was sent on March 5, 2020, with a deadline of March 23, 2020. Town Planner Hunter Nestor stated that the mobile home has been sprayed painted and has an apparent tenant, however, the water meter has been pulled from the property. Property was cleaned up. However, Mr. Annas informed Town Planner Hunter Nestor that a new tenant has moved in the mobile home. Town Planner Hunter Nestor stated that a second NOV letter was sent on May 15, 2020 with a deadline of June 15, 2020 for additional garbage on property. Town Planner Hunter Nestor stated that staff will investigate and work with Town Attorney for possible courses of abatement;

- Steve and Mary Hand, 2511 Baker Cir. Garbage and Rubbish/Property Maintenance. Town Planner Hunter Nestor stated that a complaint was received on April 20, 2020. Town Planner Hunter Nestor stated that the complaint states that the property is overgrown and consist of junk vehicles. Town Planner Hunter Nestor stated that a regular letter was sent on April 23, 2020, with a deadline of May 15, 2020. Town Planner Hunter Nestor stated that staff will investigate further;
- James Thomas Bolick and Martha Bolick, 5247 Carl Dr. Zoning Violation. Town Planner Hunter Nestor stated that a complaint was received on May 4, 2020. Town Planner Hunter Nestor stated that the property owner had received a zoning permit from staff because staff was informed that a storage building was to be placed on a parcel and the applicant lived on the adjoining property. The applicant/property owner is not in compliance with the zoning ordinance with the placement of an accessory building on a vacant parcel. Town Planner Hunter Nestor stated that a regular letter was sent on May 8, 2020, with a deadline to remove the building by May 29, 2020. Town Planner Hunter Nestor stated that staff has tried to reach the property owner via email and telephone with no response. Town Planner Hunter Nestor stated that staff will continue to works towards abatement. Town Planner Hunter Nestor stated that staff met with property owner and the owner of the storage building on May 29, 2020 and new deadline was set for June 8, 2020. Town Planner Hunter Nestor stated that staff will follow up to see if the building has been removed.

No Council action was required.

TOWN MANAGER UPDATES: Town Manager Chase Winebarger stated that:

- Town Manager Chase Winebarger states that the Town submitted it's first (1st) invoice for purchasing of COVID-19 related items, and is getting ready to submit a new invoice for gloves, hand sanitizer and cleaning supplies.
- Town Manager Chase Winebarger also stated that he was waiting on a quote for the lobby at Town Hall for remodeling due to COVID-19. Town Manager Chase Winebarger stated that the glass in the lobby will not close all the way and, therefore, puts staff out front in danger of contracting COVID-19 or any other illness that someone may come in with.
- Town Manager Chase Winebarger stated that the Farmers Market is up and running but they need more produce vendors.
- Town Manager Chase Winebarger stated that 1,000 meters in the AMI project have been installed.
- Town Manager Chase Winebarger stated that the waterline project on Russell Drive is now at the cul-de-sac and is moving on schedule with very few problems.

COUNCIL COMMENT: Mayor Johnnie Greene asked if anyone on the Council had any

questions or comments at this time.

Keith Warren wanted to thank Kelly Price and Jon Hawn for coming out.

Rebecca Johnson wanted to thank Kelly Price for coming out.

Joe Wesson wanted to thank Jon Hawn and Kelly Price for coming out. Joe Wesson wanted to remind everyone to use social distancing and be safe during the upcoming July 4th holiday. Joe Wesson wanted to commend Council and Town Manager Chase Winebarger on doing such a great job on the budget with all the uncertainties pertaining to COVID-19.

CLOSED SESSION: PURSUANT TO N.C.G.S. §143-318.11 FOR PERSONNEL MATTERS: Mayor Johnnie Greene asked for a motion to go into closed session.

Clay Wilson made a motion, and Melissa Curtis seconded, to go into closed session for personnel matters at approximately 6:44pm. All were in favor.

Rebecca Johnson made a motion, and Joe Wesson seconded, to come out of closed session at approximately 7:33pm. All were in favor.

OPEN MEETING ACTION ITEMS: After returning to open session, Mayor Johnnie Greene stated that Council had discussed the annual performance evaluation for Town Manager Chase Winebarger.

Rebecca Johnson made a motion, and Melissa Curtis seconded, that effective July 1, 2020, Town Manager Chase Winebarger will be removed from any probationary period, given a three percent (3%) cost of living adjustment and a two percent (2%) merit raise and allow Town Manager Chase Winebarger's sick time and seniority to move over to the Town of Sawmills. All were in favor.

COUNCIL ADJOURN: Mayor Johnnie Greene asked for a motion to adjourn.

Rebecca Johnson made a motion, and Melissa Curtis seconded, to adjourn the meeting. All were in favor.

The meeting was adjourned at approximately 7:35pm.

Keith Warren, Mayor Pro Tem

Julie A. Good, Town Clerk