

**TUESDAY, MAY 19, 2020
TOWN OF SAWMILLS REGULAR COUNCIL MEETING
6:00 PM**

COUNCIL PRESENT

Mayor Johnnie Greene
Keith Warren
Clay Wilson
Melissa Curtis
Joe Wesson

STAFF PRESENT

Chase Winebarger
Julie A Good
Terry Taylor

COUNCIL ABSENT

Rebecca Johnson

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

INVOCATION: Councilman Keith Warren 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 May 19, 2020 agenda.

Joe Wesson made a motion, and Clay Wilson seconded, to adopt the May 19, 2020 agenda. All were in favor.

APPROVE APRIL 2, 2020 REGULAR MEETING MINUTES: Mayor Johnnie Greene asked for a motion to approve the April 2, 2020 budget retreat meeting minutes.

Clay Wilson made a motion, and Joe Wesson seconded, to approve the April 2, 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: ZMA 2020-1 REZONING OF 4192 US HIGHWAY 321A

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

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

STAFF COMMENTS/RECOMMENDATIONS: Town Planner Hunter Nestor stated that there was a proposed rezoning for the 1.59-acre tract located at 4192 US Highway 321A, Granite Falls, NC (NC Pin #2766727011). The property is owned by Roger and Lela Teague and is currently zoned H-B Highway Business. The properties current use of Single Family Residential Dwelling is not a permitted use of the H-B Zoning District and is considered a Nonconforming Use.

The property has always used as Single Family Residential Dwelling and is served by water and sewer and the proposed rezoning will have no impact to these utilities.

With the current use being single family residential that is still the highest and current best use of the property. The proposed rezoning is consistent with traffic and utility capacities, and surrounding neighborhood characteristics. The rezoning will have no impact to the adjacent property owners and the surrounding community, and the benefits of the rezoning outweigh any potential inconvenience or harm to the community. The proposed rezoning does maintain the public health, safety, and general welfare.

The Future Land Use Map identifies this property as Retail/Mixed Use, so if rezoned, it would not be consistent with the Future Land Use Map.

Town Planner Hunter Nestor stated that the Planning Board had met about the ZMA 2020-1 Rezoning of 4192 US Highway 321A at 4:00pm on May 19, 2020, and had unanimously voted to recommend approval of the rezoning.

PUBLIC COMMENT: Roger Teague wanted to speak for the rezoning.

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

Keith Warren 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 approve zoning map amendment 2020-1 concerning the rezoning of 4192 US Highway 321A and find that the proposed map amendment is not consistent with the Town of Sawmills Comprehensive Plan, however, it is consistent with the surrounding zoning and land uses and is reasonable and in the public interest and will have no impact to the surrounding properties. All were in favor.

RECOGNITIONS:

RECYCLE REWARDS WINNER: Mayor Johnnie Greene announced Stephen Hobbs, as the May 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:

PRESENTATION OF FY 2020-2021 BUDGET AND CALL FOR PUBLIC HEARING:

Town Manager Chase Winebarger presented to Council a proposed budget for Fiscal Year 2020-2021. 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 thirty thousand seven hundred sixty-nine dollars (\$2,930,769.00). 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. Council must hold a public hearing on June 16, 2020, to adopt the budget.

Joe Wesson made a motion, and Clay Wilson seconded, to hold a public hearing on June 16, 2020, at 6:00pm, to adopt the budget for FY 2020-2021. All were in favor.

DISCUSSION:

BAD DEBT WRITEOFF: Mayor Johnnie Greene stated that the Town had a list of 2016 accounts that have gone unpaid for Utility and Sanitation services. The Town does not expect to collect payment for these accounts and recommends that Council approve the write off of the accounts. The total amount of these accounts is six thousand one hundred fifteen dollars and sixty cents (\$6,115.60). Mayor Johnnie Greene also advised Council that included in the list are thirty-four (34) accounts the Town has submitted to the NC Debt Setoff Program for Collection. Mayor Johnnie Greene stated the Town had recovered six thousand five hundred eight dollars and eighty-five cents (\$6,508.85) from previous years. There are sufficient funds in the budget to cover this.

Clay Wilson made a motion, and Joe Wesson seconded, to approve staff to write off the 2016 list of bad debts accounts in the amount of six thousand one hundred fifteen dollars and sixty cents (\$6,115.60). All were in favor.

UTILITY DEPOSITS: Town Manager Chase Winebarger stated that each year the Town writes off numerous bad debt from previous customers who do not pay their final bills. Town Manager Chase Winebarger stated that when a customer closes out their account, the deposit that was paid is applied to the customer's bill, and then the customer is mailed out a final bill.

Town Manager Chase Winebarger stated that, in most cases, the deposit that the customer has paid is not enough to cover the amount of the final bill, and that leaves the Town writing off large sums of bad debt that is uncollectable.

Town Manager Chase Winebarger stated that raising the deposits for water and sewer would help lower the amount of bad debt that the Town has to write off each year.

Town Manager Chase Winebarger stated that he would include the new proposed water and sewer deposits in the Fiscal Year 2020-2021 Fee Schedule for Council to review.

No Council action was required.

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

No one wished to speak.

UPDATES:

MAY CODE ENFORCEMENT REPORT: Town Planner Hunter Nestor stated that there are ten (10) 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). Town Planner Hunter Nestor stated that staff plans to abate this in the current budget year, in the spring of 2020;
- 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;

- 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;
- 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;
- 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;
- 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;
- 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. Town Planner Hunter Nestor stated that staff will investigate and work with Town Attorney Terry Taylor for a possible course of abatement. Town Planner Hunter Nestor stated that the property was cleaned up, however, Mr. Annas informed Town Planner Hunter Nestor that a new tenant had moved in to the mobile home. Town Planner Hunter Nestor stated that staff will investigate further and discuss possible abatement;
 - Herman E and Julie Phillips, 2478 Annas Dr. Livestock. 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 livestock may be pot belly pigs, which are not included in the livestock definition. Town Planner Hunter Nestor stated that he would investigate further;
 - 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 work towards abatement.

No Council action was required.

TOWN MANAGER UPDATES: Town Manager Chase Winebarger stated that:

- That in the Fiscal Year 2020-2021 Fee Schedule that he would like to increase the tap fees. Town Manager Chase Winebarger stated that the tap fees are now seven hundred

fifty dollars (\$750.00) and that will not cover the cost of the new meters. Town Manager Chase Winebarger stated that the cost of the new meters will be approximately eight hundred sixty dollars (\$860.00) so to break even with the new costs, the tap fees will need to be increased to approximately one thousand dollars (\$1,000.00);

- Town Manager Chase Winebarger stated that the Town had received an inquiry about selling hemp at the Farmer's Market and he can find nothing prohibiting the seller from setting up;
- Town Manager Chase Winebarger stated that he had spoken with a representative from Republic Services regarding can replacement and had been informed that Republic Services should start replacing cans in August or September and are going to replace approximately eight hundred (800) to twelve hundred (1,200) cans in 2020. Town Manager Chase Winebarger also stated that Republic Services were going to come out and get a count on the number of cans that are in the Town. Town Manager Chase Winebarger stated that there are some accounts in Town that have multiple cans and are only paying a single sanitation fee. Town Manager Chase Winebarger stated that the current policy states that any customer wanting more than one (1) can pay a onetime rental fee of seventy dollars (\$70.00) and will have one (1) sanitation fee for up to three (3) cans, after the third (3rd) can the sanitation fee will go up by one (1) for every three (3) cans. Town Manager Chase Winebarger stated that the Town needs to rethink the current sanitation policy and possibly start charging a sanitation fee per can, since the Town is no longer picking up its on sanitation and Republic Services is charging the Town for all the extra trash in those cans. Town Manager Chase Winebarger stated that he would have a new policy for Council during the June 16, 2020, regular scheduled Council meeting;
- Town Manager Chase Winebarger stated that his six (6) month review will fall within the next Fiscal Year and would request that the Council have his review during the June 16, 2020 regular scheduled Council meeting so that if there are any changes, they can be included in the Fiscal Year 2020-2021 budget. Town Manager Chase Winebarger stated that if he could make a recommendation that he would request that the Council approve to transfer his sick time that he has with the State and his time with Local Government into his current time with the Town. Town Manager Chase Winebarger stated that he has budgeted for the same salary increase that all employees are going to be receiving this year. Town Manager Chase Winebarger asked Council to let him know if he needs to do anything differently;
- Town Manager Chase Winebarger informed staff that they just received the Budget Message today because he has been in numerous meetings regarding the COVID-19, and one of those meetings was regarding Caldwell County receiving one point five million (1,500,000.00) from the Federal Government for COVID-19 (all monies have to be used for COVID-19 related purchases and upgrades), but has not been told what should or could be given to municipalities. Caldwell County has stated some things that they need, but the things they have stated can be gotten through other means (FEMA or other ways) without the County using all the money just for them. Town Manager Chase Winebarger stated that there are things that Sawmills could use the

money for that is COVID-19 related. Town Manager Chase Winebarger urged Council to reach out to the County Commissioners and talk to them about allowing access some of the money to the Town for upgrades due to the COVID-19;

- Town Manager Chase Winebarger stated that he had talked to the Caldwell County Chamber President and due to COVID-19 that the Chamber has went from five (5) employees to one and a half (1 ½) employees. Town Manager Chase Winebarger stated that he had spoken to the Chamber about working with the Town on any festivals that the Town may have this year and that would generate revenue for both the Town and the Chamber;
- Town Manager Chase Winebarger stated that the Farmer's Market is tentatively scheduled to open on Tuesday, June 1, 2020, at 2:00pm.

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

Keith Warren wanted to thank everyone for coming out.

Joe Wesson wanted to thank everyone for coming out. Joe Wesson also stated that the Council gets their best ideas from the citizens. Joe Wesson also wanted to brag about his oldest son who is in the military and in July will be promoted to Sergeant Major.

Mayor Johnnie Greene stated that he was glad Roger got his issues resolved and wanted to thank everyone for coming out.

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

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

The meeting was adjourned at approximately 7:06pm.

Johnnie Greene, Mayor

Julie A. Good, Town Clerk