

**TUESDAY, OCTOBER 21, 2014
TOWN OF SAWMILLS REGULAR COUNCIL MEETING
6:00 PM**

COUNCIL PRESENT

Trena McRary Kirby
Joe Wesson
Jeff Wilson
Johnny Wilson
Gerelene Blevins

STAFF PRESENT

Seth Eckard
Julie Good
Terry Taylor
Elinor Hiltz

CALL TO ORDER: Mayor Pro-Tem Trena McRary Kirby called the meeting to order.

INVOCATION: Chaplin Jason Hines with the Sawmills Volunteer Fire Department gave the invocation.

PLEDGE OF ALLEGIANCE: Mayor Pro-Tem Trena McRary Kirby led the Pledge of Allegiance.

ADOPT AGENDA: Mayor Pro-Tem Trena McRary Kirby asked for a motion to adopt the agenda with the following changes: add Donation to Caldwell County Chamber of Commerce as agenda item 10B.

Joe Wesson made a motion, and Jeff Wilson seconded, to adopt the agenda with changes. All were in favor.

APPROVE SEPTEMBER 16, 2014 REGULAR MEETING MINUTES: Mayor Pro-Tem Trena McRary Kirby asked for a motion to approve the September 16, 2014 regular meeting minutes.

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

PUBLIC COMMENT: Mayor Pro-Tem Trena McRary Kirby asked if anyone had any questions or comments at this time.

No one wished to speak.

RECOGNITIONS:

RECYCLE REWARDS WINNER: Town Administrator Seth Eckard announced Ms. Robin Wright as the October Recycle Rewards winner. A credit of twenty-eight dollars (\$28.00) will be added to her sanitation bill and her certificate will be available at the Town Hall for pick up.

No Council action was required.

YARD OF THE MONTH WINNERS: Town Administrator Seth Eckard announced that Erick and Hollie Powell, from the 28630 zip code, and Todd and Lanell Berry, from the 28638 zip code, as the October Yard of the Month winners. Town Administrator Seth Eckard stated that both certificates would be available at the Town Hall for pick up.

No Council action was required.

RECOGNITION OF HOLLY M ANNAS: Town Administrator Seth Eckard and Town Council congratulated Holly M Annas for coming in 16th overall, and 2nd in her category, at the Long course Duathlon World Championships in Switzerland.

No Council action was required.

RECOGNITION OF GIRL SCOUT TROOP 10147: Mayor Pro-Tem Trena McRary Kirby announced that on October 4, 2014, Girl Scout Troop 10147 participated in the “Big Sweep” supported by the Soil and Water Conservation of Caldwell County. The troop cleaned up around 19 bags of trash and debris at Sawmills Veterans Park.

No Council action was required.

PUBLIC HEARING: PROTEST PETITION TEXT AMENDMENT:

OPEN PUBLIC HEARING: Mayor Pro-Tem Trena McRary Kirby 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 the protest petition section of the Sawmills Code of Ordinances conflicts with the State Statutes. The proposed new text is the State Statute, almost verbatim:

(A) A protest petition may be filed to contest a rezoning or zoning ordinance amendment. In case of a qualified protest against a zoning map amendment, that amendment shall not become effective except by favorable vote of three-fourths (3/4) of all members of the city council. For the purposes of this subsection, vacant positions on the council and members who are excused from voting shall not be considered “members of the council” for calculation of the requisite supermajority. No protest petition shall be valid unless it be in the form of a written petition actually bearing the signatures of the requisite number of property owners and stating that the signers do protest the proposed change or amendment, and unless it shall have been received by the town clerk in sufficient time to allow the town

at least two (2) normal work days, excluding Saturdays, Sundays and legal holidays, before the date established for a public hearing on the proposed change or amendment to determine the sufficiency and accuracy of the petition. A person who has signed a protest petition may withdraw his or her name from the petition at any time prior to the vote on the proposed zoning amendment. Only those protest petitions that meet the qualifying standards at the time of the vote on the zoning amendment shall trigger the supermajority voting requirement.

(B) To qualify as a valid protest petition, the petition must be signed by the owners of either (i) twenty percent (20%) or more of the area included in the proposed change or (ii) five percent (5%) of a 100-foot-wide buffer extending along the entire boundary of each discrete or separate area proposed to be rezoned. A street right-of-way shall not be considered in computing the 100-foot buffer area as long as the street right-of-way is 100 feet wide or less. When less than an entire parcel of land is subject to the proposed zoning map amendment, the 100-foot buffer shall be measured from the property line of that parcel. In the absence of evidence to the contrary, the city may rely on the county tax listing to determine the “owners” of potentially qualifying areas.

(C) The foregoing provisions concerning protests shall not be applicable to any amendment which initially zones property added to the territorial coverage of the ordinance as a result of annexation or otherwise, or to an amendment to an adopted (i) special use district, (ii) conditional use district, or (iii) conditional district if the amendment does not change the types of uses that are permitted within the district or increase the approved density for residential development, or increase the total approved size of nonresidential development, or reduce the size of any buffers or screening approved for the special use district, conditional use district, or conditional district.

PUBLIC COMMENT: Mayor Pro-Tem Trena McRary Kirby asked if anyone wished to speak on the proposed protest petition text amendment.

No one wished to speak.

CLOSE PUBLIC HEARING: Mayor Pro-Tem Trena McRary Kirby asked for a motion to close the public hearing.

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

COUNCIL ACTION: Joe Wesson made a motion, and Jeff Wilson seconded, to adopt the proposed protest text amendment changing the protest petition section of the zoning ordinance so that it protects property owner rights, but also allows a rezoning to pass if the rezoning is for the greater good. This section is being changed to adhere to State law. This text amendment change is consistent with the Sawmills Comprehensive Plan. All were in favor.

DISCUSSION:

MAYFIELD DRIVE SPEED HUMP: Town Administrator Seth Eckard stated that he had talked with Todd Poteet, from West Consultants, and Ronnie Coffey, Public Works Director, regarding the speed hump request. Ms. Teresa Berry, the applicant, had met all requirements for a speed hump on Mayfield Drive with the exception of the following:

Item 5: The minimum street length of 1,200 feet is not met. The street is only 960 feet long.

Item 6: It doesn't appear this street will meet the traffic volume of 400 vehicles per day.

The enclosed map shows the suggested location of the speed hump recommended by West Consultants.

Jeff Wilson made a motion, and Gerelene Blevins seconded, to install a speed hump on Mayfield Drive at the location recommended by West Consultants. All were in favor.

FINANCIAL MATTERS:

CAPITAL RESERVE FUND BUDGET AMENDMENT: Town Administrator Seth Eckard stated that the enclosed Budget Ordinance Amendment is to transfer funds into the Capital Reserve Fund from the General Fund in the amount of two hundred forty-five thousand dollars (\$245,000) for future capital outlay and/or projects.

Joe Wesson made a motion, and Johnny Wilson seconded, to transfer two hundred forty-five thousand dollars (\$245,000) into the Capital Reserve Fund from the General Fund for future capital outlay and/or projects. All were in favor.

REQUEST FOR A DONATION FROM CALDWELL COUNTY CHAMBER OF COMMERCE: Town Administrator stated that the Caldwell County Chamber of Commerce has requested a donation in the amount of one hundred dollars (\$100.00) from each Town in Caldwell County to help pay for a billboard honoring Madison Bumgarner.

Gerelene Blevins made a motion, and Johnny Wilson seconded, to give a donation in the amount of one hundred dollars (\$100.00) to the Caldwell County Chamber of Commerce for a billboard honoring Madison Bumgarner. All were in favor.

PLANNING MATTERS:

NEW ZONING APPROVAL PROCEDURES: Town Planner Elinor Hiltz stated that after returning from a statewide planning conference, there is one (1) additional step the Town needs to complete in rezoning and text amendments. In addition to making a "consistency statement", Council should also adopt a "statement of reasonableness".

There are now two (2) requested actions for future rezoning and text amendments.

- Adopt a statement about the amendment harming or not harming the public good. The statement has to be unique to each case. The statement will need to be adopted.
- Rezone or amend the Ordinance and in the motion state that the action will be “consistent (or inconsistent) with the Comprehensive Plan.

No Council action was required.

PUBLIC COMMENT: Mayor Pro-Tem Trena McRary Kirby asked if anyone had any questions or comments at this time.

Chaplin Jason Hines, with the Sawmills Volunteer Fire Department, stated that he thought it was a good idea for the Town to donate to the Caldwell County Chamber of Commerce for a billboard honoring Madison Bumgarner. The children at South Caldwell High School wore orange and white to cheer on Madison Bumgarner.

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 October 2014.

No Council action was required.

ADMINISTRATORS REPORT: Town Administrator Seth Eckard made the following announcements:

- Tuesday October 28, 2014, is the last Farmers’ Market of the season. There will be pony rides, pumpkin painting and trick or treating for the children. There will also be a corn-hole tournament.
- The Town is now taking applications for Public Utilities Worker I. The job is posted in the office, in the Lenoir News-Topic, on the Town’s Website, on the Town’s Facebook page and NC Works.
- The Town’s first household hazardous waste day will be held Saturday, November 22, 2014 from 8:00 am to 12:00 pm at the S.T.A.T. Inc., facility located at Eli Ln. This event is for town residents only. To enter S.T.A.T. Inc. facility during collection day, the resident will need to either pick up a red door hanger from Town Hall or present a current, or past, Town of Sawmills utility/sanitation bill at the drop off site during collection day. Town Administrator Seth Eckard and Assistant Public Works Director Steve Coonse will be at the door to verify the resident with one of the above options. There is a budget and S.T.A.T. knows what our budget is and will tell us when that budget is met, so come early.

- There will be a pre-construction meeting on November 18, 2014 at 10:00 am for the Duff Drive sewer project. The bid opening for the Duff Drive sewer project will be December 4, 2014 at 2:00 pm. The week after the bid opening there will be a public works committee meeting with Johnny Wilson and Jeff Wilson to go over the bids and discuss how the Duff Drive sewer project fits in the budget with the other projects that are going on. Then at the December Council meeting, there will be bids for Council to consider. At the first of the year, we can get construction started on the Duff Drive sewer project.
- Veteran's Day celebration will be Saturday, November 8, 2014 at 10:30 am at Veterans Memorial Park. Joe Wesson is hosting this event.
- The Sawmills Christmas Parade will be Saturday December 6, 2014 beginning at 10:00 am.
- The employee Christmas party will be at Sims Barbeque this year on Friday December 12, 2014 beginning at 6:30 pm.
- The Sawmills Annual Christmas Tree Lighting will be held on Tuesday December 2, 2014 beginning at 7:00 pm at the Farmers Market Field. Gerelene Blevins will be hosting this event.
- The bathrooms at Veterans Memorial Park are in. Steve Williams poured the concrete around it. There will be landscaping work done this week. The restrooms are not in working order yet. Duke Power is coming Friday October 24, 2014 to hook up the electricity. The City of Lenoir is waiting on a special piece of equipment in order to tap the 20-inch mainline for the restrooms to have water. Public Works has worked really hard to get the bathrooms ready and to make them look good.
- The walking trail at Baird Park has been resurfaced and looks really good. Our other resurfacing project, Moore Acres Drive, will be started in about three (3) weeks.

COUNCIL COMMENT: Mayor Pro-Tem Trena McRary Kirby asked if anyone on the Council had any questions or comments at this time.

Joe Wesson wanted to thank everyone for coming to the meeting and listening to what Council had to say.

Jeff Wilson wanted to remind everyone to come out to Veterans Memorial Park on November 8, 2014 for the Veterans Celebration and be fed.

Trena McRary Kirby wanted to remind everyone to come out to the last Farmers Market next Tuesday, October 28, 2014.

Johnny Wilson wanted to let Holly M Annas how much that Sawmills appreciates her and all her accomplishments.

COUNCIL ADJOURN: Mayor Pro-Tem Trena McRary Kirby asked for a motion to adjourn.

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

Julie A Good, Town Clerk

Trena McRary Kirby,
Mayor Pro-Tem