

**TUESDAY, FEBRUARY 16, 2010
TOWN OF SAWMILLS REGULAR COUNCIL MEETING
6:00 P.M.**

COUNCIL PRESENT

Bob Gibbs
Gerelene Blevins
Eddie Bowman
Beverly Fry
Donnie Potter
Joe Wesson

STAFF PRESENT

Robert Frye
Susan Nagle
Terry Taylor

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

INVOCATION: Assistant Fire Chief David Price gave the invocation.

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

APPROVAL OF JANUARY 19th REGULAR MEETING MINUTES: Mayor Gibbs asked for a motion to approve the January 19, 2010 regular meeting minutes.

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

ADOPT AGENDA: Mayor Gibbs asked for a motion to adopt the agenda with the following additions: add request to move the March 16 meeting to March 23.

On a motion made by Joe Wesson and seconded by Donnie Potter, the agenda was adopted with changes. All were in favor.

TOWN HALL MEETING: Mayor Gibbs asked if anyone signed up to speak at the Town Hall meeting.

There was no one signed up to speak.

PRESENTATION OF SAWMILLS VOLUNTEER FIRE DEPARTMENT AWARDS: Mayor Gibbs on behalf of the Town Council presented plaques of appreciation to the following:

Officer of the Year: Tim Wilson

Firefighter of the Year: Dustin Presnell

First Responder of the Year: Chip Duncan

No Council action was required.

UPDATE: SAWMILLS ELEMENTARY SCHOOL: Robin DiBernardi Principal of Sawmills Elementary School updated Council on the progress with the construction at the school stating that construction is about six weeks behind schedule due to weather conditions moving the completion date from August 7th to September 7th with the Cafeteria being on schedule.

No Council action was required.

FINANCIAL MATTERS:

ADOPTION OF PROJECT BUDGET ORDINANCE: CAJAH'S MOUNTAIN WATERLINE: Town Administrator Robert Frye stated that for auditing purposes Council would need to amend the budget to include the Cajah's Mountain waterline project and to show funding the Town will be receiving from a grant/loan in the amount of \$239,700.00. (See attached).

On a motion made by Joe Wesson and seconded by Eddie Bowman, the Cajah's Mountain Waterline Project Budget Ordinance was adopted. All were in favor.

ADOPTION OF PROPOSED FY 2010-11 BUDGET SCHEDULE: Mayor Gibbs called for the following special meetings on March 25, April 22, May 6, and May 13, 2010. (See attached).

On a motion made by Eddie Bowman and seconded by Beverly Fry, the proposed budget schedule for FY 2010-11 was adopted. All were in favor.

PLANNING MATTERS:

REQUEST FOR ANNEXATION: The Town has received a request from Rebecca Powell for the annexation of her property located at the end of Legacy Lane. Town Administrator Frye stated the annexation is voluntary and the property meets all requirements and is contiguous.

A Public Hearing must take place and the surrounding property owners notified by first class mail of the pending annexation, which takes about thirty days for the process to move forward. Pending Council approval the annexation will take effect as of July 1, 2010.

On a motion made by Eddie Bowman and seconded by Donnie Potter, a Public Hearing will be held at the March 23rd regular Council meeting. All were in favor.

PLANNING BOARD VACANCIES: Town Administrator Frye stated that at the end of the month the term of appointment will expire for Planning Board Members Steve Duncan and Wesley Trivette. Both members have consented to serve another term.

This will leave open three appointments due to the vacancies of Benny Townsend, Chris Holman, and Joe Wesson.

Staff would recommend Council approve to reappoint Steve Duncan and Wesley Trivette to the Planning Board with Steve Duncan serving as the Planning Board Chairman. Council will need to consider who they might wish to appoint to serve on the Planning Board and come back at the March Council meeting with a list to vote on.

On a motion made by Beverly Fry and seconded by Joe Wesson, Council reappointed Steve Duncan and Wesley Trivette to the Planning Board with Steve Duncan serving as the Chairman.

DRY PONDS AND MAY ROAD SPEED LIMIT CHANGE: Town Administrator Frye stated that a review by the NCDOT, of the speed limits on Dry Ponds Road and May Road is complete. Enclosed is a copy of the certification of municipal concurrence lowering the speed limit on Dry Ponds Road to 35 mph from 55 mph and from 55 mph to 45 mph on May Road.

On a motion made by Joe Wesson and seconded by Beverly Fry, the certification of municipal concurrence lowering the speed limit on Dry Ponds Road to 35 mph from 55 mph and from 55 mph to 45 mph on May Road was approved. All were in favor.

MT. ZION EASEMENT AGREEMENT: Town Administrator Frye stated that the Town is getting ready to start on the Cahah's Mountain Waterline replacement project and the existing water meter vault is located under a power line easement and not able to be expanded thus, causing the Town to have to relocate the water meter vault.

Mt. Zion Baptist Church has agreed to grant the Town an easement on the property that the Church owns between the minister of music's house and the parsonage in exchange for dropping the sanitation charge from \$12.00 a month to \$4.00 a month.

On a motion made by Beverly Fry and seconded by Eddie Bowman, Council will drop Mt. Zion Baptist Church's monthly sanitation bill from \$12.00 to \$4.00 in exchange for the easement.

CAJAH'S MOUNTAIN WATERLINE PROJECT:

RESOLUTION OF MINORITY OUTREACH BUSINESS PLAN: Town Administrator Frye stated that Council passed a large number of items related to the CDBG-R project on Dry Ponds Road last month and the enclosed Resolution comes from a different state department so the wording is slightly different.

The Resolution states that the Town will agree to look at encouraging minority businesses to bid on Town projects.

CERTIFICATION OF MINORITY BUSINESS PARTICIPATION: Town Administrator Frye stated that the enclosed Certificate of Minority Business Participation says that the Council has passed the Resolution of Minority Outreach Business Plan.

On a motion made by Eddie Bowman and seconded by Joe Wesson, the Resolution of Minority Outreach Business Plan and the Certification of Minority Business Participation was adopted. All were in favor.

ADOPTION OF COUNTY FLOOD PLAIN ORDINANCE: Town Administrator Frye stated that until 2008 Sawmills was not a member in the FEMA flood plain insurance program because the Town had no flood plain areas. FEMA periodically goes back and revisits their maps, which has now found a small area of flood plain in Virginia Acres.

In order for the Town to join the flood, insurance program a flood plain ordinance must be adopted. The Town can either create their own or adopt the existing County ordinance. Town Administrator Frye recommended adopting the County ordinance. Administrator Frye further stated that to do so would require the adoption of an Interlocal Agreement between the Town and the County. See attached copy.

On a motion made by Donnie Potter and seconded by Eddie Bowman, Council adopted the County flood plain ordinance. All were in favor.

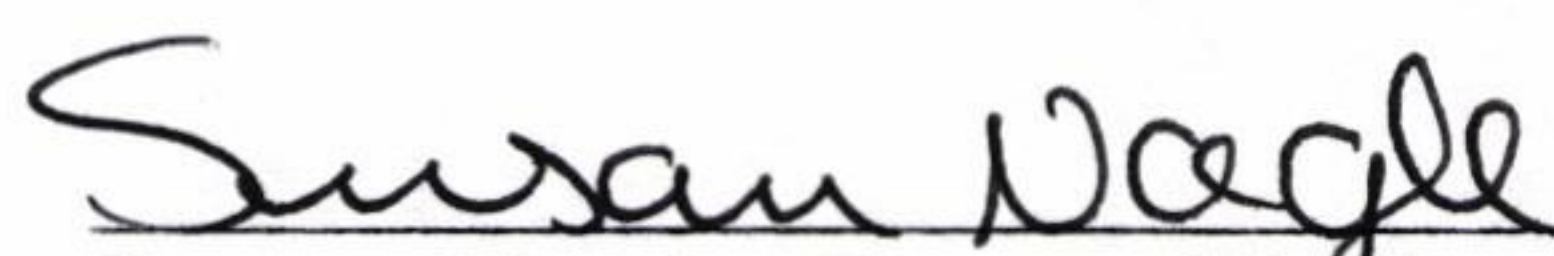
CLOSED SESSION: ATTORNEY CLIENT PRIVILEGE: Mayor Gibbs asked for a motion to go into closed session.

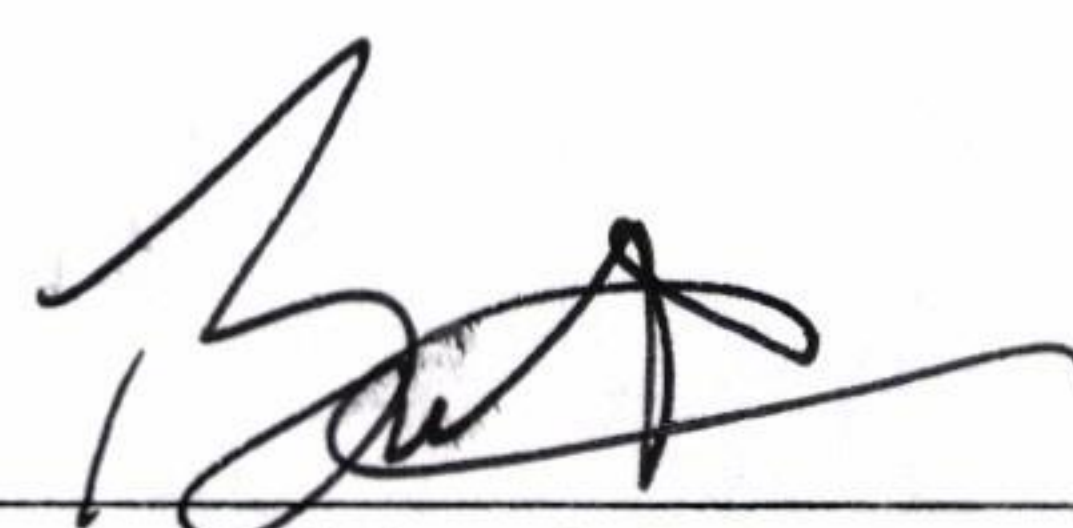
On a motion made by Eddie Bowman and seconded by Beverly Fry, a motion was made to go into closed session at 6:35 p.m. All were in favor.

ACTION TAKEN: No action taken.

On a motion made by Joe Wesson and seconded by Donnie Potter, a motion was made to come out of closed session at 6:50 p.m.

ADJOURN: On a motion made by Eddie Bowman and seconded by Donnie Potter, the meeting was adjourned. All were in favor.


Susan Nagle, Town Clerk


Bob Gibbs, Mayor

CAPITAL PROJECT ORDINANCE

CAJAH MOUNTAIN ROAD WATERLINE REPLACEMENT ARRA PROJECT DEH-1540

BE IT ORDAINED by the Governing Board of the Town of Sawmills, North Carolina, that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

Section 1. The project authorized is the construction of water and appurtenances to be financed by a Federal loan of up to \$239,700.

Section 2. The officers of this unit are hereby directed to proceed with the capital project within the terms of the grant documents, and the budget contained herein.

Section 3. The following amounts are appropriated for the project:

Permits, Advertising, Misc. Fees:	\$ 500.00
Construction:	
Hickory Construction Co., Inc.	179,714.00
Meters	3,640.00
NCDOT Bond	500.00
Replace Waterline to Hwy 321-A (approx. 700 LF)	20,000.00
Engineering & Administration:	15,000.00
Contingency:	8,986.00
Legal:	1,500.00
Loan Origination Fee (NCDENR):	<u>4,691.00</u>
Total	\$234,531.00

Section 4. The following revenues are anticipated to be available to complete this project:

Revolving Loan (ARRA)	\$239,700
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Section 5. The Finance Officer is hereby directed to maintain within the Capital Project fund sufficient specific detailed accounting records to satisfy the requirements of the grantor agency, the grant agreements, and federal regulations.

Section 6. Funds may be advanced from the Water Fund for the purpose of making payments as due. Reimbursement requests should be made to the grantor agency in an orderly and timely manner.

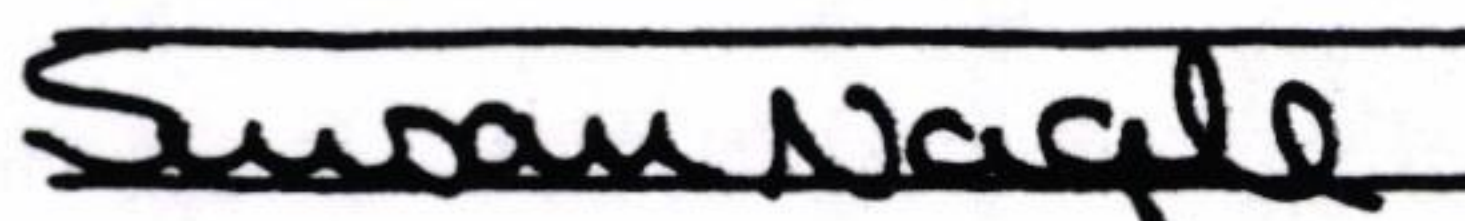
Section 7. The Finance Officer is directed to report, on a quarterly basis, on the financial status of each project element in Section 3 and on the total grant revenues received or claimed.

Section 8. The Budget Officer is directed to include a detailed analysis of past and future costs and revenues on this capital project in every budget submission made to this Board.

Section 9. Copies of this capital project ordinance shall be furnished to the Clerk to the governing Board, and the Budget Officer and the Finance Officer for direction in carrying out this project.

Adopted this 6th day of FEBRUARY 2010
By the Town Council of Sawmills


_____, Mayor

 Clerk

To Enact Speed Limits and Request for Concurrence

Concurring State Ordinance Number: 1060807

Division: 11 County: CALDWELL Municipality: SAWMILLS

Type: Municipal Speed Zones

Road: SR 1123 Car: 45 MPH Truck: 45 MPH

Description: From SR 1122 to 0.25 mile east of SR 1126.

Municipal Certification

I, SUSAN NAGLE, Clerk of SAWMILLS, do hereby certify that the municipal governing body, pursuant to the authority granted by G.S. 20-141(f), determined upon the basis of an engineering and traffic investigation and duly declared, on the 16TH day of FEBRUARY, 20 10, the speed limits as set forth above on the designated portion of the State Highway System, which shall become effective when the Department of Transportation has passed a concurring ordinance and signs are erected giving notice of the authorized speed limit.

The said municipal declaration is recorded as follows:

Minute Book: _____ Page: _____ Ordinance/Resolution Number: _____

In witness whereof, I have hereunto set my hand and the municipal seal this 16TH day of FEBRUARY, 20 10.



Susan Nagle
(signature)

Department of Transportation Approval

Division: [Signature] Title: Division Traffic Engineer Date: 1/4/2010

Region: J. D. Hamrick Title: Regional Traffic Engineer Date: 1-13-10

To Repeal Speed Limits and Request for Concurrence

Concurring State Ordinance Number: 1060108

Division: 11 County: CALDWELL Municipality: SAWMILLS

Type: Municipal Speed Zones

Road: SR 1123 Car: 55 MPH Truck: 55 MPH

Description: From SR 1122 to 0.25 mile east of SR 1126.

Municipal Certification

I, SUSAN NAGLE, Clerk of SAWMILLS, do hereby certify that the municipal governing body, pursuant to the authority granted by G.S. 20-141(f), determined upon the basis of an engineering and traffic investigation and duly declared, on the 16TH day of FEBRUARY 20 10, the repeal of speed limits as set forth above on the designated portion of the State Highway System, which shall become effective when the Department of Transportation has passed a concurring ordinance and signs are erected giving notice of the authorized speed limit.

The said municipal declaration is recorded as follows:

Minute Book: _____ Page: _____ Ordinance/Resolution Number: _____

In witness whereof, I have hereunto set my hand and the municipal seal this 16TH day of FEBRUARY, 20 10.

Susan Nagle
(signature)



Department of Transportation Approval

Division: [Signature] Title: Division Traffic Engineer Date: 1/4/2010

Region: J. A. Hamrick Title: Regional Traffic Engineer Date: 1-15-10

To Repeal Speed Limits and Request for Concurrence

Concurring State Ordinance Number: 1060107

Division: 11 County: CALDWELL Municipality: SAWMILLS

Type: Municipal Speed Zones

Road: SR 1115 Car: 45 MPH Truck: 45 MPH

Description: From 0.65 mile east of SR 1122 to 0.60 mile west of SR 1122.

Municipal Certification

I, SUSAN NAGLE, Clerk of SAWMILLS, do hereby certify that the municipal governing body, pursuant to the authority granted by G.S. 20-141(f), determined upon the basis of an engineering and traffic investigation and duly declared, on the 16TH day of FEBRUARY 20 10, the repeal of speed limits as set forth above on the designated portion of the State Highway System, which shall become effective when the Department of Transportation has passed a concurring ordinance and signs are erected giving notice of the authorized speed limit.

The said municipal declaration is recorded as follows:

Minute Book: _____ Page: _____ Ordinance/Resolution Number: _____

In witness whereof, I have hereunto set my hand and the municipal seal this 16TH day of FEBRUARY, 20 10.

Susan Nagle
(signature)



Department of Transportation Approval

Division: Joe D. Lott Title: Division Traffic Engineer Date: 1/4/2010

Region: J. A. Hamrick Title: Regional Traffic Engineer Date: 1-15-10

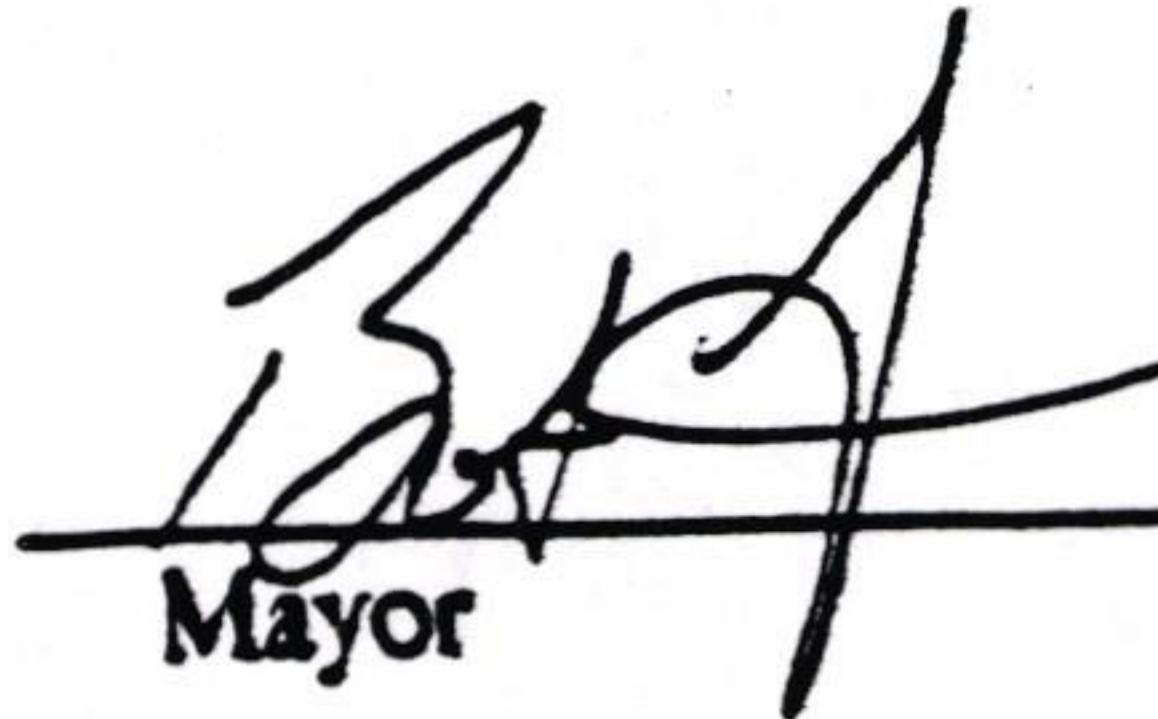
**RESOLUTION OF
TOWN OF SAWMILLS**

The Town of Sawmills, at a regular meeting of its governing body, the Council, on the 16th day of FEBRUARY, 2010, adopted and recorded the following Resolution and Minority Business Outreach Plan:

Resolved, that in accordance with North Carolina General Statutes §143-128, the Town of Sawmills confirms its practice of earnestly striving to recruit minority businesses for participation in contracts for the erection, construction, alteration or repair of any businesses or improvements for the Town of Sawmills. Particularly, the Town of Sawmills RESOLVES that it shall have a verifiable ten percent (10%) goal for participation by minority businesses (as defined by N.C.G.S. §143-128) in total value of work for each building project. This verifiable percentage goal shall apply in separate prime contract systems, alternative contracting systems authorized by State Building Commission under N.C.G.S. §143-135.26(9), shall apply in single prime contract systems and shall be binding on any prime contractor connected with such single prime contract systems.

The following are the guidelines adopted as those actions that will be taken to ensure a good faith effort in the recruitment and selection of minority businesses for participation in contracts awarded under N.C.G.S. §143-128 and will serve as the Town's Minority Business Outreach Plan:

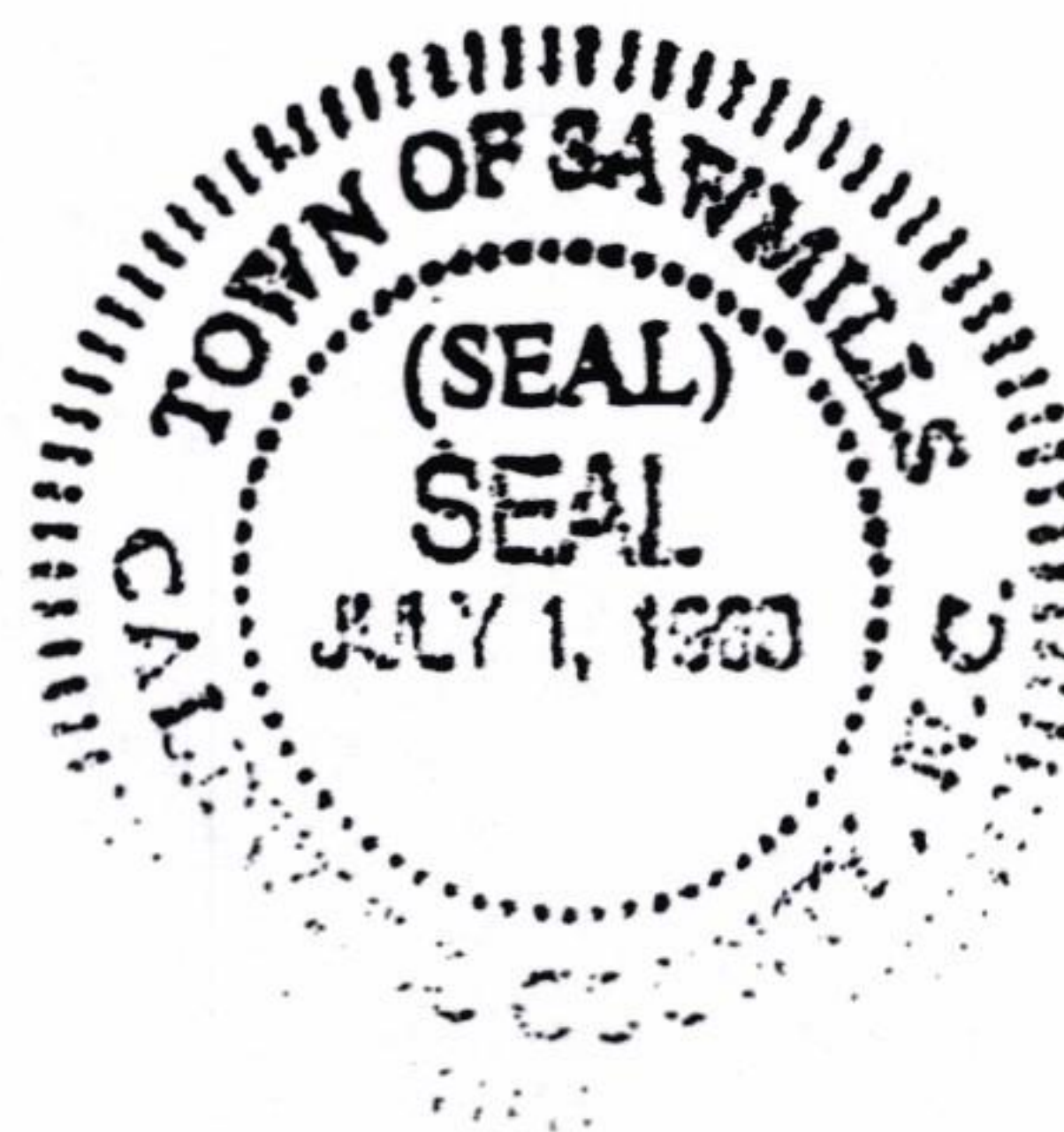
1. Advertisement of request for bids shall be placed in the major newspapers (i.e. newspaper with the largest circulation) of Hickory, North Carolina, and one local (Caldwell County) newspaper.
2. Advertisement of request for bids shall be placed in at least one newspaper, which has circulation primarily composed of minority owned contractor businesses.
3. Submission of plans and specifications to at least one major "Plan Room" such as FW Dodge Plan Room and/or Associated General Contractors, where plans are available for public viewing without discrimination, and where information regarding obtaining specifications and plans for submission of bids is supplied.
4. Advertisement of projects as described above will be applicable only to formally bid projects.
5. The Town of Sawmills will hold a pre-bid meeting for potential bidders and interested subcontractors.
6. The Town of Sawmills will establish a solicitation list of historically underutilized businesses and will solicit such businesses as appropriate projects are advertised.



Mayor

Attest:

Susan Nagle
Clerk

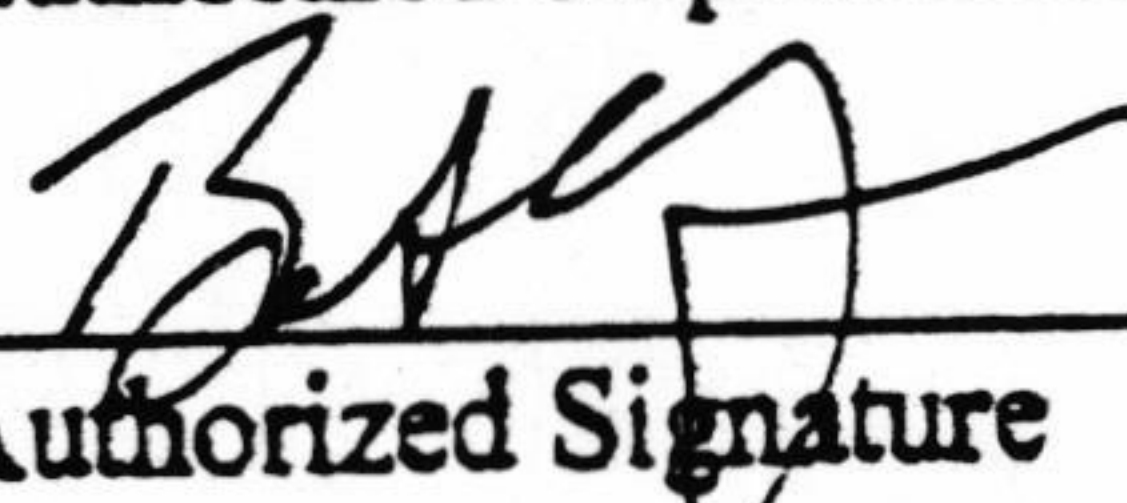


CERTIFICATION
OF
MINORITY BUSINESS PARTICIPATION

Project Name: Cajah Mountain Road Waterline Replacement
 DEH-1540

This is to certify that the above project for which we are applying for grant assistance will incorporate the minority business goals as adopted by the Town of Sawmills in a Resolution dated FEBRUARY 16, 2010 in accordance with N.C.G.S. § 143-128. The Town of Sawmills will report the attained goals to the State of North Carolina.

Bob Gibbs
Authorized Representatives Name


Authorized Signature

02-16-2010
Date

Tentative Budget Schedule FY 2010-11

February 16th

(Regular Council Meeting) Adoption of Budget Schedule

March 25th

(Special Meeting) Budget Workshop Number 1

Thursday Afternoon 3:00-5:00

April 22nd

(Special Meeting) Budget Workshop Number 2

Thursday Afternoon 3:00-5:00

May 6th

(Special Meeting) Budget Workshop Number 3

Thursday Afternoon 3:00-5:00

May 13th

(Special Meeting) Budget Workshop Number 4 (If Needed)

Thursday Afternoon 3:00-5:00

May 18th

(Regular Council Meeting) Presentation of FY 2010-11 Budget

June 15th

(Regular Council Meeting) Budget Hearing

June 15th

(Regular Council Meeting) Adopt Budget

**INTERLOCAL AGREEMENT BETWEEN CALDWELL COUNTY
AND
THE TOWN OF SAWMILLS**

This Resolution/Agreement, made and entered into this the 16th day of February, 2010, by and between the Town of Sawmills, a municipal corporation organized and existing pursuant to the laws of the State of North Carolina, Party of the First Part, and hereinafter referred to as the "TOWN", and Caldwell County, a political subdivision of the State of North Carolina established and operating pursuant to the laws of the State of North Carolina, Party of the Second Part and hereinafter referred to as the "COUNTY".

WITNESSETH:

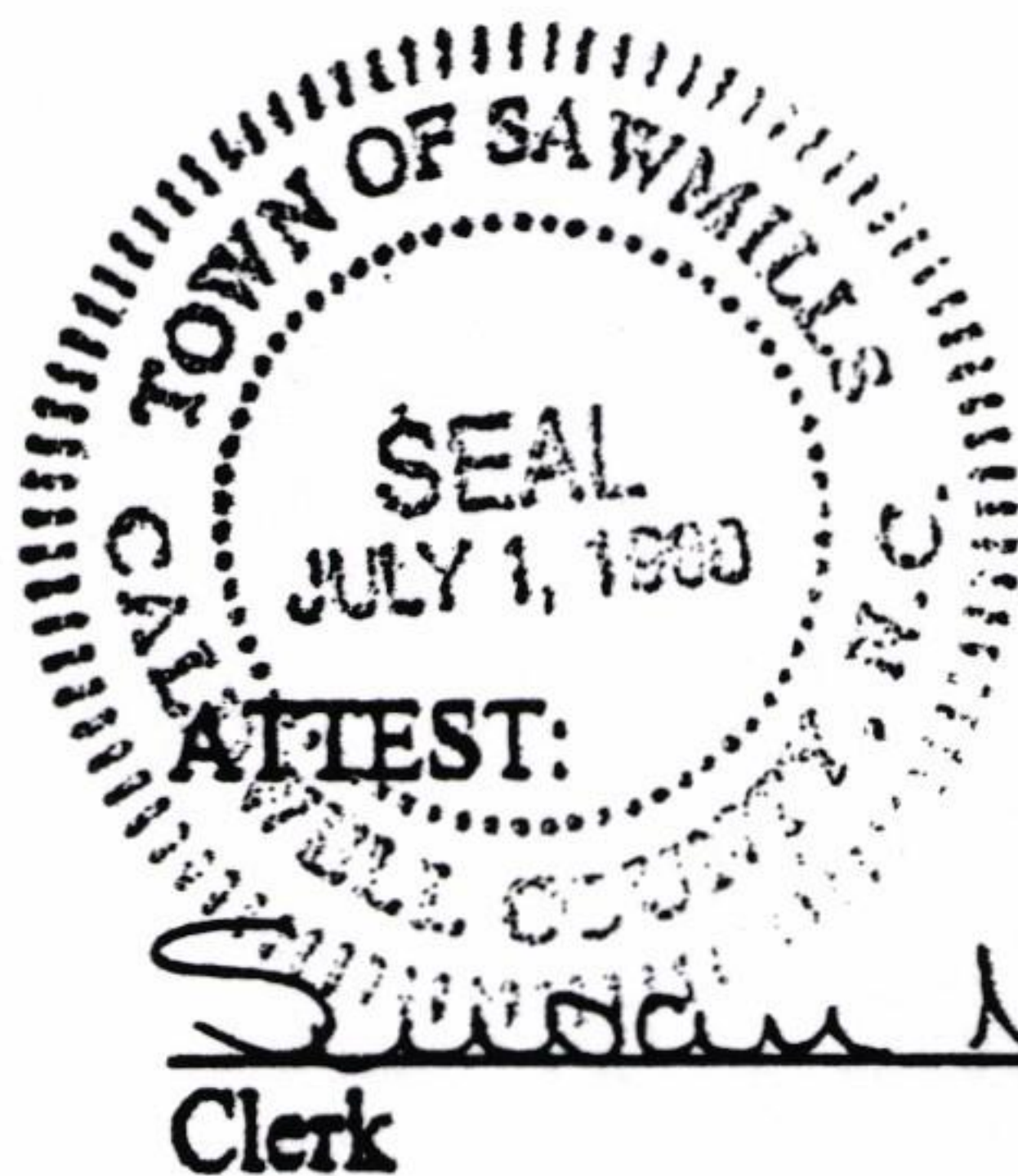
WHEREAS, the TOWN and the COUNTY, pursuant to the authority granted by the North Carolina Statutes §160A-461, hereby covenant and agree as follows:

1. That the TOWN hereby contracts with the COUNTY to administer the TOWN'S Flood Damage Prevention Ordinance within the corporate limits and extra-territorial jurisdiction of the TOWN.
2. That the COUNTY's Flood Damage Prevention Ordinance and any amendments thereto are hereby adopted by the TOWN, through execution of this Interlocal Agreement, as well as by Resolution of the Town Board, and the same shall apply within the corporate limits and extra-territorial jurisdiction of the TOWN.
3. That the services of CALDWELL COUNTY shall be performed at no cost to the TOWN. However, should any claims arise out of the services provided by the COUNTY under this agreement, the TOWN agrees to indemnify and hold the COUNTY, its employees, agents and contractors harmless from any and all claims for liability, loss, injury, damages to persons or property, costs or attorney's fees resulting from any action brought against Caldwell County, its employees, agents, contractors and Commissioners arising as a result of these services performed on behalf of the TOWN that are the subject matter of this Agreement.
4. That all fees and charges associated with administering the Flood Damage Prevention Ordinance as adopted by the Board of County Commissioners, shall be collected by the COUNTY, shall be the sole property of the COUNTY, and no part thereof shall be payable to the TOWN.
5. That all development to take place within the TOWN's corporate limits or extra-territorial jurisdiction shall be subject to the rules and regulations set forth in the aforementioned Flood Damage Prevention Ordinance. No building permits shall be issued for any property until

the flood zone is determined and the necessary building standards are met. If the property is located within the one hundred (100) year floodplain and if the structure is to be constructed within the flood hazard area, preliminary and final elevation certificates will be required.

6. That Caldwell County will use every effort to enforce the Flood Damage Prevention Ordinance, except that if any civil or criminal action becomes necessary, the TOWN shall bring any legal action as may be required to effectively enforce said Ordinance, upon written notice from Caldwell County of such violations.
7. That this Agreement shall continue until such time as either the TOWN or COUNTY resolves to discontinue the Agreement and presents six (6) months written notice to the other party of said termination or upon mutual agreement of both parties.
8. This Agreement may only be modified in writing and executed by both parties.
9. That the effective date of this Interlocal Agreement shall be FEBRUARY 16, 2010.

IN WITNESS WHEREOF, the Town of Sawmills has caused this Agreement to be signed in its name by its Mayor, attested by its Clerk, and its Official Seal to be hereunto affixed, and Caldwell County has caused this Agreement to be signed in its name by the Chair of the Board of Commissioners and attested by the Clerk of its Board and its Official Seal to be hereunto affixed, the day and year first above written.



TOWN OF SAWMILLS

BY: _____

Bob Gibbs, Mayor

CALDWELL COUNTY

BY: _____

Chair, Caldwell Board of Commissioners

ATTEST:

Clerk

RESOLUTION OF INTENT

WHEREAS, certain areas of Sawmills (MUNICIPALITY) are subject to periodic flooding or flood-related erosion, causing serious damages to properties within these areas; and

WHEREAS, relief is available in the form of Federally guaranteed flood insurance as authorized by the National Flood Insurance Act of 1968; and

WHEREAS, the Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Parts 3, 5, and 8 of Article 19 of Chapter 160A; and Article 8 of Chapter 160A of the North Carolina General Statutes, delegated to local governmental units the responsibility to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, it is the intent of this BOARD to require the recognition and evaluation of flood or flood-related erosion hazards in all official actions relating to the land use, building construction repair and remodeling in areas having these hazards;

NOW, therefore, be it resolved, that this BOARD hereby:

Assures the Federal Insurance Administration (FIA) that it will enact as necessary and maintain in force in those areas having flood or flood-related erosion hazards adequate land use and control measures with effective enforcement provisions consistent with the criteria set forth in Parts 59, 60 and 65 of the National Flood Insurance Program Regulations (44 CFR); and

Vests Caldwell County (OFFICIAL, OFFICE OR AGENCY) with the responsibility, authority, and the means to:

- (a) Assist the FIA Administrator, as requested, in delineation of the limits of the area having special flood or flood-related erosion hazards.
- (b) Provide such information as the FIA Administrator may request concerning present uses and occupancy of the floodplain or flood-related erosion areas.
- (c) Cooperate with Federal, State and local agencies and private firms which undertake to study, survey, map, and identify floodplain or flood-related erosion areas, and cooperate with neighboring communities with respect to management of adjoining floodplain and/or flood-related erosion areas in order to prevent aggravation of existing hazards.
- (d) Upon occurrence, notify the FIA Administrator in writing whenever the boundaries of the community have been modified by annexation or the community has otherwise assumed or no longer has authority to adopt and enforce floodplain management regulations for a particular area. In order that all Flood Hazard Boundary Maps (FHBM) and Flood Insurance Rate Maps (FIRMs) accurately represent the community's boundaries, include within such notification a copy of a map of the community suitable for reproduction, clearly delineating the new corporate limits or new area for which the community has assumed or relinquished floodplain management regulatory authority.

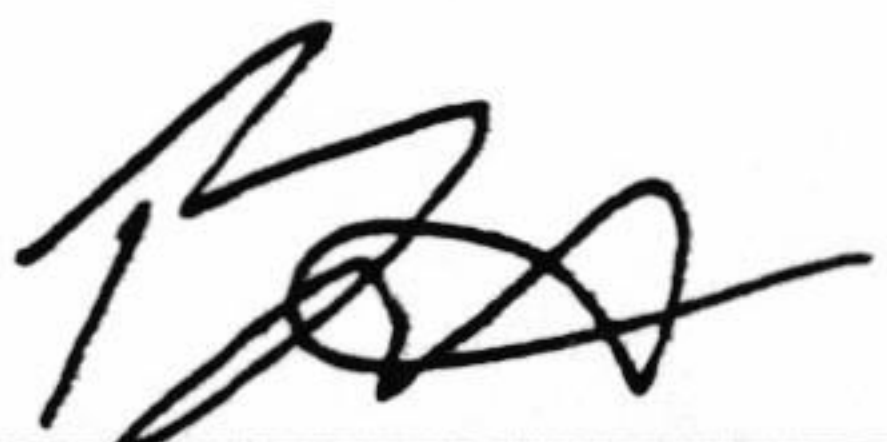
Appoints Caldwell County (OFFICIAL, OFFICE OR AGENCY) to maintain for public inspection and to furnish upon request, for the determination of applicable flood insurance risk premium rates within all areas having special flood hazards identified on a FHBM or FIRMs.

any certificates of flood-proofing, and information on the elevation (in relation to mean sea level) of the level of the lowest floor (including basement) of all new or substantially improved structures, and include whether or not such structures contain a basement, and if the structure has been floodproofed.

Agrees to take such other official action as may be reasonably necessary to carry out the objective of the program.

Adopted on Feb 16, 2010

By: TOWN OF SAWMILLS


MAYOR Bob Gibbs

(Signatures of Governing Board)

Certified by: Susan Nagle
Date: Town Clerk

