

**TUESDAY, FEBRUARY 21, 2012
TOWN OF SAWMILLS REGULAR COUNCIL MEETING
6:00 P.M.**

COUNCIL PRESENT

Bob Gibbs
Trena McRary Kirby
Donnie Potter
Joe Wesson
Jeff Wilson
Johnny Wilson

STAFF PRESENT

Seth Eckard
Susan Nagle
Terry Taylor
Emily Hines

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

INVOCATION: Pastor Wade Mitchell gave the invocation.

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

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

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

APPROVAL OF JANUARY 17th REGULAR MEETING MINUTES: Mayor Gibbs asked for a motion to approve the January 17, 2012 regular meeting minutes.

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

APPROVAL OF FEBRUARY 9th SPECIAL COUNCIL RETREAT MEETING MINUTES: Mayor Gibbs asked for a motion to approve the February 9, 2012 special Council retreat meeting minutes.

On a motion made by Johnny Wilson, and seconded by Jeff Wilson, the minutes were approved. All were in favor.

PUBLIC COMMENT: Mayor Gibbs has moved the public comment to the beginning of the meeting as well as the end of the meeting.

Mayor Gibbs asked if there was anyone wishing to speak during public comment and, if so, please raise his or her hand at this time.

The following persons spoke:

Joyce Williams addressed the Council concerning Code Enforcement Officer Tony Cline. Miss Williams called the Town Hall concerning a problem in her neighborhood and, as a result, Tony contacted her weekly to see if things were being accomplished. Miss Williams does not support a local person doing Code Enforcement and thinks an outsider should do it. She questioned why any Council member would support a local person.

Edward Lineback would like to know "who is pushing to get sewer."

RECOGNITIONS:

RECYCLE REWARDS PROGRAM WINNER: Town Administrator Seth Eckard congratulated Mr. and Mrs. Paul and Penny McGhinnis on winning the Recycle Rewards Program for February. Administrator Eckard stated a twenty-eight dollar (\$28.00) credit will be added to Mr. and Mrs. McGhinnis' sanitation bill, and the certificate will be available at the Town Hall for them to pick up at their convenience.

No Council action was required.

SAWMILLS VOLUNTEER FIRE & RESCUE DEPARTMENT AWARDS: Mayor Gibbs, on behalf of the Town Council, presented plaques of appreciation to the following:

Officer of the Year: Vic Misenheimer and David Price

Firefighter of the Year: Dwayne Cannon

First Responder of the Year: Kevin Martin

No Council action was required.

PLANNING MATTERS:

CALL FOR A PUBLIC HEARING TO ADOPT PROPOSED AMENDMENT TO SECTION 152 OF THE CODE OF ORDINANCES: The Planning Board reviewed Section 152 of the Code of Ordinances and recommends Council call a public hearing to adopt the following proposed amendments;

Section 152.005- Revise the definition of a minor subdivision. The existing definition includes subdivisions where new roads are involved. Subdivisions with new roads should be defined as a major subdivision.

Section 152.040- Town Planner Emily Hines would recommend not requiring the property owner phone numbers on the plat.

As part of the revision to change the process for subdivisions to not be required to be approved by the Town Council, the following changes need to be made:

Section 152.015- This section needs to be revised to state the review process would be done by the Subdivision Review Board unless otherwise set forth in the ordinance.

Section 152.037- There are two changes that need to be made to this section. The first is (A). A Mylar does not need to be submitted as a part of the initial review process. This is only needed once the plat is approved. The second is (B). This will change the review process for minor subdivisions and only require approval of the Subdivision Review Board.

Section 152.112- This section needs to be revised to reflect the added duty of the Subdivision Review Board to take action on minor subdivisions.

On a motion made by Joe Wesson, and seconded by Donnie Potter, Council will hold a public hearing at the next regularly scheduled meeting on March 20, 2012 at 6:00 pm to discuss the proposed amendments to Section 152 of the Code of Ordinances. All were in favor.

APPROVE MINOR SUBDIVISION REQUEST FOR ELAINE BAILEY: Town Planner Emily Hines stated that Elaine Bailey has requested a three lot minor subdivision of property located on Legacy Lane and Lakewood Drive parcel numbers 2765-34-5371 and 2765-34-5821. The existing lot is zoned RA-20, and the two parcels would be reconfigured and subdivided into three lots of approximately 13.74 acres. The Subdivision Review Board reviewed this request and recommended Council approval.

On a motion made by Joe Wesson, and seconded by Jeff Wilson, Council approved the minor subdivision request for Elaine Bailey. All were in favor.

DISCUSSION:

FIREARMS ON MUNICIPAL PROPERTY: Town Administrator Seth Eckard stated there are currently no signs at the Town's parks that prohibit concealed carry, only park rules which state no discharging of firearms.

Attorney Terry Taylor stated Session Law 2011-268 of the North Carolina General Statutes deleted "parks" from the list of places where concealed carry signs may be posted which came into effect on December 1, 2011. The areas where signs may be posted are as follows:

- The playground
- An athletic field
- A swimming pool
- An athletic facility

This allows Council to decide if they will allow concealed carry throughout the parks or just in certain areas. This does not prohibit concealed carry in a parking lot.

Attorney Taylor suggested Council discuss where they want the signs posted. Council will discuss possible amendments to the ordinance at the next meeting.

No Council action was required.

CODE ENFORCEMENT CONTRACT WITH BENCHMARK CMR, INC.: At the last meeting, Council tabled the discussion to terminate the current code enforcement services contract with Benchmark CMR, Inc.

On a motion made by Trena McRary Kirby, and seconded by Jeff Wilson, notice will be given to terminate the contract with Benchmark CMR, Inc. effective February 21, 2012. Those in favor were Trena McRary Kirby, Jeff Wilson, Joe Wesson, and Johnny Wilson. Donnie Potter opposed. Motion carried with a 4-1 vote.

UPDATES:

DISPOSAL OF UNSCHEDULED RECORDS: Town Administrator Eckard stated staff has destroyed the enclosed lists of records according to the North Carolina General Statutes Records Retention and Disposition schedule. These records are duplicates of records that are maintained in the Clerk's office.

ADMINISTRATOR'S REPORT: Town Administrator Seth Eckard gave an update on upcoming events:

- April 7th from 10:30-12:30 the town will hold its first Easter egg hunt at the Veterans Park.
- April 16th from 9:00-11:00 Town employees, along with invited Council, will participate in the North Carolina Department of Transportation's annual litter sweep on Mission Road.
- March 13th at 5:00, the Planning Board will meet to discuss changes to the Sawmills Code of Ordinance at the Town Hall.
- March 8th from 6:00-8:00, Council will have their first budget workshop meeting at the Town Hall.
- February 26th at 2:00 the Sawmills Volunteer Fire and Rescue Department invites the public to attend their ground breaking for the addition to the fire station on the property located between the Town Hall and the Fire Department.
- May 1st from 3:00-7:00- opening day of the Sawmills Farmer's Market across from the Fire Department.

Administrator Eckard publicly thanked the Western Piedmont Council of Government for the donation of miscellaneous office furniture.

PUBLIC COMMENT: Mayor Gibbs asked if there was anyone wishing to speak during public comment and if so please raise his or her hand at this time.

David Massey, who recently moved to Sawmills, complimented the town on how it allows residents to get things done.

Todd Winkler questioned who would be taking care of code enforcement since Benchmark will no longer be with the town and who will serve on the committee.

Clay Wilson spoke regarding code enforcement.

CLOSED SESSION: PERSONNEL MATTERS (N.C.G.S. §143-318.11): Mayor Gibbs asked for a motion to go into closed session.

Donnie Potter made a motion, and Joe Wesson seconded, to go into closed session. All were in favor.

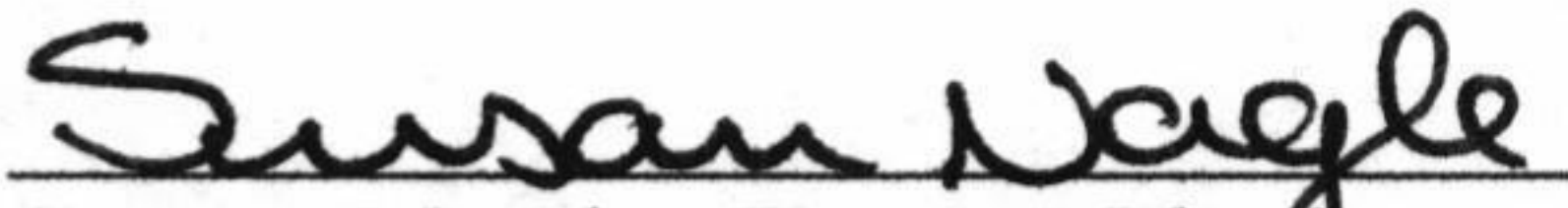
Mayor Gibbs asked for a motion to come out of closed session and return to the regular meeting.

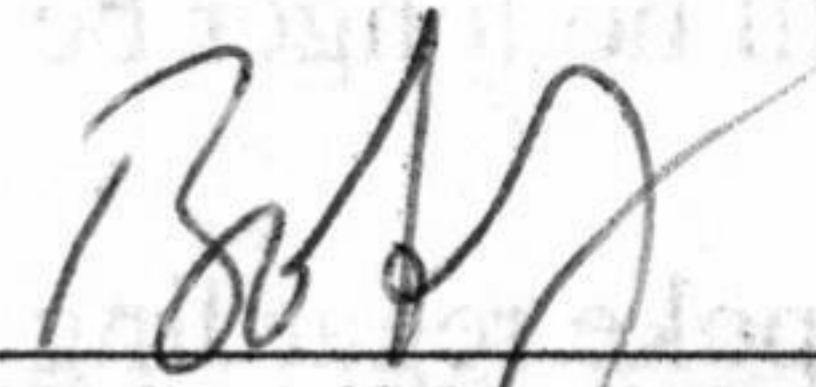
Joe Wesson made a motion, and Johnny Wilson seconded, to come out of closed session. All were in favor.

THE FOLLOWING ACTION WAS TAKEN IN CLOSED SESSION: Trena McRary Kirby made a motion, and Johnny Wilson seconded, to enter into the enclosed contract with Seth Eckard for Town Administrator. The contract ends on June 30, 2013, will be renewable from year to year, and includes three months' severance upon termination, unless termination is for cause. In the event that the Town Administrator wishes to terminate the contract, he will have to provide Council a sixty-day notice. All were in favor.

ADJOURN: Mayor Gibbs asked for a motion to adjourn.

On a motion made by Donnie Potter, and seconded by Joe Wesson, the meeting was adjourned. All were in favor.


Susan Nagle, Town Clerk


Bob Gibbs, Mayor

- (d) **FRONTAGE ROAD.** A local street or road that is parallel to a full or partial access controlled facility and functions to provide access to adjacent land.
- (e) **LOCAL RESIDENTIAL ROAD.** Cul-de-sac, loop streets less than 2,500 feet in length, or streets less than one mile in length that do not connect thoroughfares, or serve major traffic generators, and do not collect traffic for more than 100 dwellings units.
- (f) **RESIDENTIAL COLLECTOR ROAD.** A local access street which serves as a connector street between local residential streets and the thoroughfare system. **RESIDENTIAL COLLECTOR STREETS** typically collect traffic from 100 to 400 dwelling units.

SUBDIVIDER. Any person, firm or corporation who creates a subdivision.

SUBDIVISION. All divisions of a tract or parcel of land into two or more lots, building sites or other divisions when any one or more of those divisions are created for the propose of sale of building development (whether immediate or future) and shall include divisions of land involving the dedication of a new street or change in existing street; however, the following are not included within this definition, but do require a certificate of no approval be issued in accordance with §153.036:

- (1) The combination or re-combination of a portion of previously subdivided and recorded lots, or existing lots of record, if the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the town as shown in this chapter;
- (2) The division of land into parcels greater than ten acres, if no street right-of-way dedication is involved;
- (3) The public acquisition by purchase of strips of land for the widening or opening of streets or for public transportation system corridors; and
- (4) The division of a tract in single ownership, the entire area of which is no greater than two acres, into not more than three lots, if no new street right-of-way dedication is involved, and if the resultant lots are equal to or exceed the standards of the town, as shown by this chapter.

SUBDIVISION – TYPES OF SUBDIVISION

- (1) **FAMILY.** Subdivision of property for family use where resulting subdivision meets all requirements of §152.130.
- (2) **MAJOR.** All subdivision of lots which do not qualify as a minor or family subdivision.
- (3) **MINOR.** Subdivision of property where five or fewer lots are created and all lots created have road frontage in accordance with this chapter ~~or any subdivision where a new road is involved.~~

TERRIAN CLASSIFICATIONS.

- (1) **LEVEL.** Cross slope range of 0% to 8%.
- (2) **ROLLING.** Cross slope range of 8.1% to 12%.
- (3) **MOUNTAINOUS.** Cross slope range of over 12%.
(Ord. §60, passed 1-26-2007)

§152.006

WORD INTERPRETATION.

For the purpose of this chapter, certain words shall be interpreted as follows:

- (A) Words used in the present tense include the future.
- (B) Words used in the singular number include the plural and words used in the plural include the singular, unless the natural construction of the word indicates otherwise.
- (C) The word **PERSON** includes a firm, association, corporation, sponsor, trust and company as well as an individual.
- (D) The words **USED FOR** shall include the meaning **DESIGNED FOR**.
- (E) The word **STRUCTURE** shall include the word **BUILDING**.
- (F) The word **LOT** shall include the words **PLOT, PARCEL, or TRACT**.
- (G) The word **SHALL** is mandatory, not merely discretionary.
(Ord. §60.25, passed 1-26-2007)

COMPLIANCE

§152.015

PREREQUISITE TO PLAT RECORDATION.

After the effective date of this chapter, each individual subdivision plat of land within the town's jurisdiction shall be approved by the ~~Town Council on recommendation from the Town Planning~~ Subdivision Review Board, unless otherwise set forth herein.
(Ord. §5.1, passed 1-26-2007)

Certificate of No Approval Required

I certify that the plat shown hereon qualifies as division or alteration in property lines where no local approval is required as outlined under North Carolina General Statute §160A-376.

Date_____
Town of Sawmills Planner

NOTE: See the definition of subdivision as contained in §152.005 for list of platting events where no local approval is required.

(Ord. §71, passed 1-26-2007)

§152.037 PROCEDURE FOR REVIEW OF MINOR SUBDIVISIONS.

- (A) The subdivider shall submit to the Town Planning Department a ~~Mylar and~~ at least ~~four~~ five copies of the proposed subdivision.
- (B) The Town Planning Department shall review the Minor Subdivision for complete compliance with the requirements outlined for final approval of subdivisions contained within this chapter. The Subdivision Review Board ~~shall make a recommendation to the Town Council and the Town Council shall~~ vote whether to approve the minor subdivision. The final plat shall be complete and show all information required for preliminary and final plats in §152.040, and all certificates and notarizations required in this section for final plat approval of a minor subdivision.
- (C) The final plat shall be of a size suitable for recording with the County Register of Deeds. Maps (with appropriate match lines) may be placed on more than one sheet.
- (D) *Forms for final certifications.* The following certificates shall appear on the final plat.
- (1) *Certificate of final approval of a minor subdivision.*

We, the undersigned hereby certify that the subdivision entitled _____ fully meets the minimum requirements of the Town of Sawmills Subdivision Regulations, however before any lot can be built upon, an improvement permit must be obtained from the Caldwell County Health Department to allow a septic tank disposal system to be located thereon and to approve the placement of any well thereon. The approval or the recordation of this map in no way guarantees that any lot shown hereon can or will be permitted for a septic tank or for placement of a well.

Town of Sawmills Planner_____
Date

§152.040

INFORMATION TO BE DEPICTED ON OR SUBMITTED WITH
PRELIMINARY AND FINAL PLATS.

The information indicated in the following table shall either be depicted on or submitted along with preliminary and final plats. An X indicates that the information is required.

<i>Information</i>	<i>Preliminary</i>	<i>Final</i>
Title Block containing: • Property designation • Name and address and telephone number of owner • Location (including township, county and state) • Date or dates survey was conducted and plat prepared • A scale of drawing in feet per inch listed in words or figures. Scales shall be no less than one foot equals 100 feet (1:100) • A bar graph • Name, address, registration number of the licensed land surveyor • Caldwell County Tax map Number	X	X
Name of subdivision (major subdivision shall be named	X ¹	X
Name of the subdivider	X	X
A sketch vicinity map showing the relationship between the proposed subdivision and surrounding area	X	X
Corporate limits, township boundaries, county lines if on the subdivision tract	X	X
Names, and addresses and telephone numbers of all owners, licensed land surveyors, land planners, architects, landscape architects, and professional engineers responsible for the subdivision	X	X
Registration numbers and seals of professional engineers	X	X
The boundaries of the tract, or portion thereof, to be subdivided, distinctly and accurately represented with all bearing and distances shown	X	X
North arrow and orientation	X	X
The names of owners of adjacent properties	X	X
The names of any adjoining subdivision of record or proposed and under review	X	X

SUBDIVISION REVIEW BOARD; ACTIONS AND APPEALS

§152.110 ESTABLISHMENT OF SUBDIVISION REVIEW BOARD.

There is hereby established a Subdivision Review Board to review and approve, approve with modifications, or disapprove applications for approval of preliminary plats, and final plats for major subdivisions, and to take other actions as required by this chapter in accord with the procedures, requirements and standards of this chapter and regulations hereunder.
(Ord. §92.1, passed 1-26-2007)

§152.111 MEMBERSHIP.

The Subdivision Review Board shall consist of three persons: that being the Mayor or his or her designee, Chairman of the Planning Board and one other Planning Board member along with one alternate from the Planning Board as they are appointed by the Planning Board. The Subdivision Review Board shall follow the procedures of the most recent edition of *Robert's Rules of Order*. The alternate, in the absence of any regular member shall have the same powers and privileges of regular members of the Subdivision Review Board.
(Ord. §92.2, passed 1-26-2007)

§152.112 POWERS AND DUTIES OF THE SUBDIVISION REVIEW BOARD.

The Subdivision Review Board shall have the following powers and duties:

- (A) Receive applications for approval of preliminary plats for major subdivisions;
- (B) Take action under these regulations to approve, approve with conditions or disapprove applications for approval of preliminary plats for major subdivisions;
- (C) Receive applications for approval of final plats for major subdivisions;
- (D) Take action under these regulations to approve, approve with conditions or disapprove applications for approval of final plats of major subdivisions;
- (E) Receive minor subdivisions final plats approved by the Planning Department;
- ~~(E)~~(F) Take action under these regulations to approve, approve with conditions or disapprove applications for approval of final plats of minor subdivisions;
- ~~(F)~~(G) Establish minimum requirements for the contents of Preliminary Plats, and Final Plats for major subdivisions, in accordance with these regulations and state statutes;
- ~~(G)~~(H) Procedures for the conduct of the Subdivision Review Board's affairs shall be in accordance with *Robert's Rules of Order*;

(H)(I) Maintain a record of the Subdivision Review Board minutes, including the votes of its members, attendance and a summary of the information submitted to it;

(H)(J) Receive the cooperation of the various elements of the government of the county; and

(H)(K) Submit to the Planning Board and Town Council a monthly report on its activities.
(Ord. §92.3, passed 1-26-2007)

§152.113 PROCEDURES GENERALLY ON APPLICATIONS FOR APPROVAL OF PRELIMINARY PLATS AND APPROVAL OF FINAL PLATS; TIME LIMITS.

- (A) Applications for approval of preliminary plats and final plats for major subdivisions shall be filed with the Planning Department in form and in the manner required by rules and administrative regulations of the Subdivision Review Board, together with applicable fees and charges as approved by the Town Council.
- (B) The Planning Department shall review such applications and make recommendations to the Subdivision Review Board regarding major subdivisions, including the recommendations of other affected agencies of government. The Subdivision Review Board shall take action as provided herein.
- (C) Each application for plat approval shall contain the name and address of a person to whom notice of the meeting at which this plat is to be considered may be sent. Notice to other parties in interest or nearby property owners may be given as directed by the Subdivision Review Board.
(Ord. §92.4 passed 1-26-2007)

§152.114 TIMING OF ACTIONS.

- (A) Subdivision Review Board action upon an application for approval of a preliminary plat, and for approval of a Final Plat shall be taken within 30 calendar days after acceptance of the application by the Planning Department, unless the applicant consents in writing to an extension of this time limit.
- (B) If the Subdivision Review Board or Planning Department determines that there are errors or omissions in the application, plat or related materials during the processing period indicated, unless such errors or omissions are minor and promptly correctable, the application and related materials shall be returned to the applicant with written indication as to required correction and/or completion prior to resubmission. A new 30 day period shall begin as of the date of acceptance of such resubmission. Where applications are approved unconditionally, that approval shall be indicated in writing on the plat by the Chairman of the Subdivision Review Board. The applicant shall be notified in writing by the Town Planning Department, on behalf of the Subdivision Review Board Chairman, of the approval and its date.
- (C) Where applications are approved with conditions, the planning staff on behalf of the Chairperson shall notify the applicant in writing of the conditions and the reasons therefore.

Caldwell County Mapping



1 inch = 300 feet

This map is prepared for the inventory of real property found within this jurisdiction, and is compiled from recorded deeds, plats, and other public records and data. Users of this map are hereby notified that the aforementioned public primary information sources should be consulted for verification of the information contained on this map. Caldwell County and its mapping and software contractors assume no legal responsibility for the information contained on this map or in this website. This map and information are NOT of land survey quality and are NOT suitable for such use.

North Carolina Department of Cultural Resources
Division of Historical Resources
Government Records Branch

REQUEST FOR DISPOSAL OF UNSCHEDULED RECORDS

TO Assistant Records Administrator
N.C. Division of Historical Resources
Government Records Branch
4615 Mail Service Center
Raleigh, NC 27699-4615

FROM Name Town of Sawmills
County Baldwell
Agency or department Administration
Phone number 828-396-7903

In accordance with the provisions of G.S. 121 and 132, approval is requested for the destruction of records listed below. These records have no further use or value for official or administrative purposes.

RECORDS TITLE	DESCRIPTION	INCLUSIVE DATES	QUANTITY	MICROFILMED? (YES OR NO)	RETENTION PERIOD
Council meeting	Agendas 2004 (year)	Feb 17, March 2, 16, April 6, 19, May 4, 16, June 13, July 6, Aug 4, Sept 4, 17, 21, Oct 5, 19, Nov 16, Dec 21	1 copy each	No (have extra copy on file w/clerk)	As of Date
Council Reg meeting	Agendas 2005 (year)	Jan 20, Feb 15, May 17, June 21, Sept 20, Nov 15, Dec 20	1 copy each 3 copies	No (have extra copy on file w/clerk)	As of Date
Council Reg meeting	Agendas 2006 (year)	Jan 17, Feb 21, March 14, April 18, May 16, June 14, 20, July 18, Aug 15, Sept 17, Oct 24, Nov 14, Dec 19	1 copy each	No (have extra copy on file w/clerk)	As of Date
Council Reg meeting	Agendas 2007 (year)	Feb 20, April 11, May 15, June 13, July 17, Aug 13, Sept 18, Oct 23, Nov 12, Dec 12	1 copy each may 15 (2) July 17 (2)	No (have extra copy on file w/clerk)	As of Date

Requested by: Hina Yerritt Office Manager 1-13-12
Signature Title Date

Approved by: _____
Signature Chief Records Officer Date

Concurred by: _____
(except as indicated) Signature Assistant Records Administrator Date
Archives and Records Section

Street address:
215 N. Blount St.
Raleigh, NC 27601

Phone: 919.807.7350
Fax: 919.715.3627

Mailing address:
4615 Mail Service Center
Raleigh, NC 27699-4615

North Carolina Department of Cultural Resources
Division of Historical Resources
Government Records Branch

REQUEST FOR DISPOSAL OF UNSCHEDULED RECORDS

TO Assistant Records Administrator
N.C. Division of Historical Resources
Government Records Branch
4615 Mail Service Center
Raleigh, NC 27699-4615

FROM Name Town of Sawmills
County Caldwell
Agency or department Administration
Phone number 828-296-7903

In accordance with the provisions of G.S. 121 and 132, approval is requested for the destruction of records listed below. These records have no further use or value for official or administrative purposes.

RECORDS TITLE	DESCRIPTION	INCLUSIVE DATES	QUANTITY	MICROFILMED? (YES OR NO)	RETENTION PERIOD
Planning Board Meeting	Agendas 2005 (year)	Oct 11, Sept 13 Dec 13	4 copies each	extra copy (on file w/ clerk)	As of Date
Planning Board Meeting	Agendas 2006 (year)	Jan 10, Aug 8 Dec 12	1 copy each	No, extra copy w/ clerk	As of Date
Planning Board Meeting	Agendas 2007 (year)	March 3, June 11 Aug 14, Sept 11, Oct 9, Dec 11	1 copy each	No (extra copy w/ clerk)	As of Date
Planning Board Meeting	Agendas 2008 (year)	Jan 8, Oct 14	1 copy each	No (extra copy w/ clerk)	As of Date
Board of Adj.	Agenda 2004 (year)	Aug 23	1 copy	No (extra copy w/ clerk)	As of Date
Watershed Review Board	Agenda 2004 (year)	Oct 4	1 copy	NO	As of Date
Council Budget Retreat	Agenda 2004 (year)	Feb 18	1 copy	NO	As of Date
Council Budget Retreat	Agenda 2005 (year)	Jan 27	1 copy	NO	As of Date
Council Budget Retreat	Agenda 2006 (year)	Feb 2	1 copy	NO	As of Date
Council Budget Retreat	Agenda 2008 (year)	Jan 31	1 copy	NO	As of Date
Council Budget Retreat	Agenda 2009 (year)	Jan 29	1 copy	NO	As of Date

Requested by: Kira Y. Ivette Office Manager 1-13-12
Signature Title Date

Approved by: _____
Signature Chief Records Officer Date

Concurred by: _____
(except as indicated) Signature Assistant Records Administrator Date
Archives and Records Section

Street address:
215 N. Blount St.
Raleigh, NC 27601

Phone: 919.807.7350
Fax: 919.715.3627

Mailing address:
4615 Mail Service Center
Raleigh, NC 27699-4615

North Carolina Department of Cultural Resources
Division of Historical Resources
Government Records Branch

REQUEST FOR DISPOSAL OF UNSCHEDULED RECORDS

TO Assistant Records Administrator
N.C. Division of Historical Resources
Government Records Branch
4615 Mail Service Center
Raleigh, NC 27699-4615

FROM Name Town of Sawmills
County Caldwell
Agency or department Administration
Phone number 828-396-7903

In accordance with the provisions of G.S. 121 and 132, approval is requested for the destruction of records listed below. These records have no further use or value for official or administrative purposes.

RECORDS TITLE	DESCRIPTION	INCLUSIVE DATES	QUANTITY	MICROFILMED? (YES OR NO)	RETENTION PERIOD
Council Reg Meeting	Agendas 2008 (year)	Jan 15, Feb 17, April 15, May 20, June 17, July 15, April 19, Sept 16, Oct 14, Nov 18, Dec 16	1 copy each	No	As of Date
			Feb 19 (2)	(extra copy on file w/ clerk)	As of Date
Council Reg Meeting	Agendas 2009 (year)	April 21, May 19, Sept 15, Oct 20, Nov 17, Dec 15	1 copy each	No	As of Date
			May 16 (2)	(extra copy on file w/ Clerk)	
Council Reg Meeting	Agendas 2010 (year)	Jan 19, Feb 16, March 23, May 18, June 15, July 20, Aug 17	1 copy each	No	As of Date
				(extra copy on file w/ Clerk)	
Council Reg Meeting	Agendas 2011 (year)	Feb 15, March 15	1 copy each	No	As of Date
Planning Board Meeting	Agendas 2004 (year)	Feb 11, March 5, May 11, June 8, Sept 24, Oct 4, Nov 9, Dec 14	1 copy each	No	As of Date
				(extra copy on file w/ Clerk)	
Planning Board Meeting	Agendas 2005 (year)	Feb 5, March 8, April 12, July 11	1 copy each	No	As of Date

Requested by: Kira Swette Office Manager 1-13-12
Signature Title Date

Approved by: _____
Signature Chief Records Officer Date

Concurred by: _____
(except as indicated) Signature Assistant Records Administrator Archives and Records Section Date

North Carolina Department of Cultural Resources
Division of Historical Resources
Government Records Branch

REQUEST FOR DISPOSAL OF UNSCHEDULED RECORDS

TO Assistant Records Administrator
N.C. Division of Historical Resources
Government Records Branch
4615 Mail Service Center
Raleigh, NC 27699-4615

FROM Name Town of Sawmill's
County Caldwell
Agency or department Administration
Phone number 828-396-7403

In accordance with the provisions of G.S. 121 and 132, approval is requested for the destruction of records listed below. These records have no further use or value for official or administrative purposes.

RECORDS TITLE	DESCRIPTION	INCLUSIVE DATES	QUANTITY	MICROFILMED? (YES OR NO)	RETENTION PERIOD
Council Budget Retreat	Agendas 2010 (yr)	Jan 28	1 copy	No	As of Date
Council Budget Workshop	Agenda 2005 (yr)	April 14	1 copy	No	As of Date
" Budget Workshop	Agenda 2007 (yr)	May 10	1 copy	No	As of Date
" Budget Workshop	Agendas 2008 (yr)	May 29 - June 12	100 pages - 2 copies	No	As of Date
" Budget Workshop	Agendas 2009 (yr)	March 31 - April 14	1 copy - 1 copy	No	As of Date
" Budget Workshop	Agendas 2010 (yr)	March 31 - April 22	1 copy - 1 copy	No	As of Date
		May 16	1 copy	No	
Council Special Meeting	Agenda 2005 (yr)	Feb 24	1 copy	No (extra copy w/ clerk)	As of Date
" Special Meeting	Agenda 2007 (yr)	Sept 30 - Oct 4	1 copy - 3 copies	No (extra copy w/ clerk)	As of Date
" Special Meeting	Agenda 2009 (yr)	July 10	1 copy	No (extra copy w/ clerk)	As of Date
" Special Meeting	Agenda 2010 (yr)	Sept 2	1 copy	No (extra copy w/ clerk)	As of Date
" Special Meeting	Agenda 2008 (yr)	June 3	1 copy	No (extra copy w/ clerk)	As of Date

Requested by: Kim Yvette Office Manager 1-13-12
Signature Title Date

Approved by: _____
Signature Chief Records Officer Date

Concurred by: _____
(except as indicated) Signature Assistant Records Administrator Archives and Records Section Date

Street address:
215 N. Blount St.
Raleigh, NC 27601

Phone: 919.807.7350
Fax: 919.715.3027

Mailing address:
4615 Mail Service Center
Raleigh, NC 27699-4615

North Carolina Department of Cultural Resources
Division of Historical Resources
Government Records Branch

REQUEST FOR DISPOSAL OF UNSCHEDULED RECORDS

TO Assistant Records Administrator
N.C. Division of Historical Resources
Government Records Branch
4615 Mail Service Center
Raleigh, NC 27699-4615

FROM Name Town of Sawmills
County Caldwell
Agency or department Administration
Phone number 828-396-7903

In accordance with the provisions of G.S. 121 and 132, approval is requested for the destruction of records listed below. These records have no further use or value for official or administrative purposes.

RECORDS TITLE	DESCRIPTION	INCLUSIVE DATES	QUANTITY	MICROFILMED? (YES OR NO)	RETENTION PERIOD
Late Charge Report	Utility Billing Report	2006	1 copy	No	3 yrs
Financial Statements	Financial Reports from Auditors	June 30, 1993	1 copy	No (have extra copies)	5 yrs
		June 30, 1991	1 copy	No (have extra copies)	5 yrs
		June 30, 2008	1 copy	No (have extra copies)	5 yrs
		June 30, 2007	1 copy	No (have extra copies)	5 yrs
Comprehensive Annual Reports	Reports from Auditors	June 30, 2001	1 copy	No (have extra copies)	5 yrs
		June 30, 1997	1 copy	No (have extra copies)	5 yrs
		June 30, 1996	1 copy	No (have extra copies)	5 yrs
Concerned Citizens Focus Group	Agenda 2001 (w/)	April 14	1 copy	No	As of Date
TOS CDBG Sewer Project	Sewer Project Information for CDBG Grant	Oct 1996	1 copy	No	5 yrs
TOS Helton Rd Sewer Project	Info on Helton Rd Sewer Project March 99	March 1999	1 copy	No	5 yrs
TOS Loan Request for Sewer	State Loan Request for Wastewater Collection System	March 05	1 copy	No	5 yrs

Requested by: Kirk Yewitt Office Manager 1-13-12
Signature Title Date

Approved by: _____
Signature Chief Records Officer Date

Concurred by: _____
(except as indicated) Signature Assistant Records Administrator Archives and Records Section Date

Street address:
215 N. Blount St.
Raleigh, NC 27601

Phone: 919.807.7350
Fax: 919.715.3627

Mailing address:
4615 Mail Service Center
Raleigh, NC 27699-4615

North Carolina Department of Cultural Resources
Division of Historical Resources
Government Records Branch

REQUEST FOR DISPOSAL OF UNSCHEDULED RECORDS

TO Assistant Records Administrator
N.C. Division of Historical Resources
Government Records Branch
4615 Mail Service Center
Raleigh, NC 27699-4615

FROM Name Town of Sawmills
County Caldwell Co.
Agency or department Administration
Phone number 828-291-1903

In accordance with the provisions of G.S. 121 and 132, approval is requested for the destruction of records listed below. These records have no further use or value for official or administrative purposes.

RECORDS TITLE	DESCRIPTION	INCLUSIVE DATES	QUANTITY	MICROFILMED? (YES OR NO)	RETENTION PERIOD
Reg Council Meeting Agendas	2000 Agenda Packets	Oct 3, Oct 17, Nov 5, Nov 19, Dec 3, Dec 18	1 copy each	No	
Reg Council Meeting Agendas	2001 Agenda Packets	Jan 2, Feb 6, Jan 16, Feb 20, March 6, March 20, April 13, April 27, May 1, May 15, June 5, June 19, July 17, Aug 7, Aug 21, Sept 4, Sept 18, Oct 2, Oct 16, Nov 20, Dec 4, Dec 11, Dec 18	1 copy each except	No	
Reg Council Meeting Agendas	2002 Agenda Packets	Jan 15, Feb 5, Feb 19, March 5, March 19, April 2, April 16, May 7, May 21, June 4, June 18, July 16, Aug 6, Sept 3, Sept 17, Oct 1, Oct 15, Nov 19, Dec 3, Dec 17	1 copy each	No	

Requested by: Kim Y. Smith Office Manager 1-30-12
Signature Title Date

Approved by: _____
Signature Chief Records Officer Date

Concurred by: _____
(except as indicated) Signature Assistant Records Administrator Archives and Records Section Date

Street address:
215 N. Blount St.
Raleigh, NC 27601

Phone: 919.807.7350
Fax: 919.715.3627

Mailing address:
4615 Mail Service Center
Raleigh, NC 27699-4615

North Carolina Department of Cultural Resources
Division of Historical Resources
Government Records Branch

REQUEST FOR DISPOSAL OF UNSCHEDULED RECORDS

TO Assistant Records Administrator
N.C. Division of Historical Resources
Government Records Branch
4615 Mail Service Center
Raleigh, NC 27699-4615

FROM Name Town of Sawmills
County Chatham
Agency or department Administration
Phone number 828-396-7903

In accordance with the provisions of G.S. 121 and 132, approval is requested for the destruction of records listed below. These records have no further use or value for official or administrative purposes.

RECORDS TITLE	DESCRIPTION	INCLUSIVE DATES	QUANTITY	MICROFILMED? (YES OR NO)	RETENTION PERIOD
Planning Board Agendas	2001 Agenda Packets	Jan 9, Feb 13 April 10, June 7 July 10, Aug 14, Oct 9, Nov 13	1 copy each	NO	Hand copy on file w/ clerk
Planning Board Agendas	2002 Agenda Packets	Jan 22, Feb 12 March 12, April 9 May 14, June 2, July 9, Aug 13, Sept 12, Oct 8	1 copy each	NO	Hand copy on file w/ clerk
Planning Board Agendas	1995 Agenda Packet	April 11	1 copy	NO	
Council Budget Meeting	2001 Agenda Packet Budget	June 19	1 copy	NO	
Council Special Meeting	2002 Agenda Packet Special Meeting	Feb 18	1 copy	NO	

Requested by: Kim Yvette Office Manager 1-30-12
Signature Title Date

Approved by: _____
Signature Chief Records Officer Date

Concurred by: _____
(except as indicated) Signature Assistant Records Administrator Date
Archives and Records Section

Street address:
215 N. Blount St.
Raleigh, NC 27601

Phone: 919.807.7350
Fax: 919.715.3627

Mailing address:
4615 Mail Service Center
Raleigh, NC 27699-4615

North Carolina Department of Cultural Resources
Division of Historical Resources
Government Records Branch

REQUEST FOR DISPOSAL OF UNSCHEDULED RECORDS

TO Assistant Records Administrator
N.C. Division of Historical Resources
Government Records Branch
4615 Mail Service Center
Raleigh, NC 27699-4615

FROM Name Town of Sawmills
County Cabwell
Agency or department Administration
Phone number 396-7903

In accordance with the provisions of G.S. 121 and 132, approval is requested for the destruction of records listed below. These records have no further use or value for official or administrative purposes.

RECORDS TITLE	DESCRIPTION	INCLUSIVE DATES	QUANTITY	MICROFILMED? (YES OR NO)	RETENTION PERIOD
Council Agenda Packets	2002 Agenda Packets	Jan 21, Feb 5, March 5, April 10, May 21, June 4, June 17, July 16, Aug 2, Aug 20, Sept 3, Oct 1, Nov 19, Dec 3	1 copy each	No (Handwritten: on file w/ Clerk)	
Planning Board Agenda Packets	1996 Agenda Packets	April 9, Oct 8	1 copy each	No	
" " " "	1997 Agenda Packet	July 8	1 copy	No	
" " " "	1998 Agenda Packets	July 14, Aug 9, Oct 13	1 copy each		
" " " "	2003 Agenda Packet	Sept 12	1 copy	No	

Requested by: Kim Swett Office Manager 02-06-12
Signature Title Date

Approved by: _____
Signature Chief Records Officer Date

Concurred by: _____
(except as indicated) Signature Assistant Records Administrator Archives and Records Section Date

Street address:
215 N. Blount St.
Raleigh, NC 27601

Phone: 919.807.7350
Fax: 919.715.3627

Mailing address:
4615 Mail Service Center
Raleigh, NC 27699-4615

North Carolina Department of Cultural Resources
Division of Historical Resources
Government Records Branch

REQUEST FOR DISPOSAL OF UNSCHEDULED RECORDS

TO Assistant Records Administrator
N.C. Division of Historical Resources
Government Records Branch
4615 Mail Service Center
Raleigh, NC 27699-4615

FROM Name Town of Sawmills
County Caldwell
Agency or department Administration
Phone number 396-7903

In accordance with the provisions of G.S. 121 and 132, approval is requested for the destruction of records listed below.
These records have no further use or value for official or administrative purposes.

RECORDS TITLE	DESCRIPTION	INCLUSIVE DATES	QUANTITY	MICROFILMED? (YES OR NO)	RETENTION PERIOD
General Ledger	Year End Report	6-30-93	1	No on (Floppy)	5 yrs
"	"	5-0004	1	No (Floppy)	5 yrs
		7-1-93 to 6-30-96	1	No (Floppy)	5 yrs
		6-30-1988	1	No (Floppy)	5 yrs
		1991-92	1	No (Floppy)	5 yrs
		91-92	1	No (Floppy)	5 yrs
		6-30-1994	1	No (Floppy)	5 yrs
		6-30-1997	1	No (Floppy)	5 yrs
		78-93	1	No	5 yrs
Payroll Ledger	Year End Report	6-30-99	1	No (Floppy)	5 yrs
		7-1-1999	1	No (Floppy)	5 yrs
		1-99-6-99	1	No (Floppy)	5 yrs
		En-June 03	1	No (Floppy)	5 yrs

Requested by: Kim Yvette Office Manager 2-9-12
(Signature) Title Date

Approved by: _____
Signature Chief Records Officer Date

Concurred by: _____
(except as indicated) Signature Assistant Records Administrator Archives and Records Section Date

Street address:
215 N. Blount St.
Raleigh, NC 27601

Phone: 919.807.7350
Fax: 919.715.3027

Mailing address:
4615 Mail Service Center
Raleigh, NC 27699-4615

Prepared By: Terry M. Taylor, Attorney at Law

NORTH CAROLINA

**TOWN ADMINISTRATOR
EMPLOYMENT AGREEMENT**

CALDWELL COUNTY

THIS AGREEMENT, made and entered into this the 22nd day of February, 2012, by and between **THE TOWN OF SAWMILLS, a North Carolina Municipal Corporation**, hereinafter called "Town", as party of the first part and **SETH ECKARD**, hereinafter called "Town Administrator" or "Administrator", as party of the second part, both of whom understand the following words and phrases, to wit:

WITNESSETH:

WHEREAS, Town desires to continue the employment of said Seth Eckard as the Town Administrator as provided by the Town Council; and

WHEREAS, it is the desire of the Town Council, hereinafter called "Council", to provide certain benefits, establish certain conditions of employment and to set working conditions of said Town Administrator; and

WHEREAS, it is the desire of the Town Council:

- (1) to retain the services of Town Administrator and to provide inducement for him to remain in such employment for a longer period of time;
- (2) to make possible full work productivity by assuring Town Administrator's morale and peace of mind with respect to future security;
- (3) to assure the Town Administrator that the powers and duties of Administrator is understood and agreed to by both parties;
- (4) to provide for an appropriate means for terminating the Administrator's services and for his compensation at such time as he may be unable to fully discharge his duties due to age or disability or when the Town otherwise desires to terminate his employment; and

WHEREAS, Administrator desires to continue employment as Town Administrator of the Town of Sawmills;

NOW, THEREFORE, BE IT RESOLVED and in consideration of the mutual covenants and agreements set forth herein, the Town of Sawmills and Seth Eckard agree as follows:

SECTION 1. Conditions of Continued Employment.

The Town hereby agrees to continue to employ Seth Eckard, and Seth Eckard agrees to continue to serve as Town Administrator as prescribed according to North Carolina Law as follows:

- (1) The parties stipulate that the Administrator's initial date of employment with the Town of Sawmills was January 20, 2011;
- (2) The Town agrees to pay the Administrator an annual base salary of **FIFTY TWO THOUSAND AND NO/100THS DOLLARS (\$52,000.00)** retroactive as of January 1, 2012;
- (3) The Administrator will be annually evaluated and considered for salary adjustment at the beginning of each fiscal year and then the salary set forth above will be adjusted accordingly;
- (4) All fringe benefits extended to all employees shall be granted the Administrator including Life Insurance, Hospital Insurance, Vacation, Sick Leave, Retirement Benefits, and other benefits as may from time to time be provided;
- (5) When the Town changes the employees' salary plan and/or budget to adjust to the cost of living, this adjustment may extend to the Town Administrator as may be determined by the Board at that time;
- (6) Professional development as related to the job duties is encouraged, and therefore expenses, including dues and subscriptions, conferences, conventions, training conferences, dues to membership in civic organizations, and other professional organizations, are permitted and will be paid by the Town out of funds approved annually in the budget process;
- (7) The Town Administrator will be entitled to no less than three months severance pay upon termination of his employment by the Town of Sawmills. However, severance pay will not be paid if the Administrator is terminated For Cause. For Cause is defined as any violation of the Standards of Conduct or Conditions of Employment (as all are defined in the Personnel Policies of the Town) or in the event termination is the result of conviction of any illegal act involving personal gain to the Employee, conviction of any felony, any misdemeanor which involves moral turpitude, fraud, misrepresentation, or in the event the termination is the result of gross misconduct, gross dereliction of duty or material and continued failure to perform the essential duties hereunder. In the event the Administrator desires to terminate this Agreement, then the Administrator shall give the Town sixty (60) days notice of his intent to terminate;
- (8) All laws, ordinances and Policies shall apply to the Town Administrator;

- (9) The Town agrees to acquire and pay the premium for professional liability insurance for the Administrator and will defend or provide for the defense of the Administrator against any and all claims, demands, suits, actions, or proceedings of any kind or nature arising out of the performance by Administrator of his duties and responsibilities as Administrator so long as it is not the result of intentional misconduct or gross negligence;
- (10) The Town Administrator agrees to abide by the "Code of Ethics" as adopted by the Town Council for the Town;
- (11) The Administrator agrees to primarily communicate with the Town Council through the Mayor, but recognizes his responsibility to communicate with all Council Members;
- (12) The Town Administrator recognizes the importance of public acceptance and agrees to always strive to communicate effectively with the general public;
- (13) The Town Administrator agrees that during his employment herein, he shall devote his full and exclusive time and best efforts to the business of the Town;
- (14) The terms of this Agreement shall commence on the date of the execution of this Agreement and continue until June 30, 2013, at which time, unless either of the parties have given a thirty (30) day notice of non-renewal, the Agreement shall automatically renew for a one year (1) term.

SECTION 2; Duties

The duties of the Town Administrator shall include the following:

- (1) Advise the Town Council as to appropriate actions to appoint and suspend or remove all employees whose appointment or removal is not otherwise provided for by law, except the Town Attorney, in accordance with the Statutes, general personnel rules, regulations, policies, or ordinances as may be applicable as of the date of this Agreement or as the Council may adopt in the future;
- (2) Direct and supervise the administration of all departments, offices, and agencies of the Town, subject to the direction and control of the Council, except as otherwise provided by law;
- (3) Attend all meetings of the Council and recommend any measures that he deems expedient;
- (4) See that all laws of the State of North Carolina, and the ordinances, resolutions and regulations are faithfully executed by the Town;
- (5) Prepare and submit the annual budget, the budget message and a capital improvements program to the Town Council;

- (6) Annually submit to the Town Council and make available to the public a complete report on the finances and administrative activities of the Town as of the end of the fiscal year;
- (7) Make any other reports that the Town Council may require concerning the operations of the departments, offices, and agencies subject to his direction and control;
- (8) Prepare and administer fiscal budgets and grants for the Town. Plan, coordinates, and directs activities to provide an efficient Town operation. Works with contractual partners to develop fair and equitable service contracts. Manages funds to ensure adequate cash flow and proper and efficient use of funds in accordance with federal, state, and local regulations;
- (9) Monitor Town for compliance with federal, state and local regulations, submits reports required by any federal or state agency;
- (10) Manage and develops public services and coordinate and communicate effectively with the Western Piedmont Council of Governments;
- (11) Develop and implement programs for all areas of operations, public relations, safety, preventative maintenance, purchaser of service agreements, etc.;
- (12) Provide training and guidance to staff; conducts performance appraisals and recommends personnel actions including hiring and disciplinary actions;
- (13) Represent the Town on issues relating to the Town business, including contact with citizens, businesses, human service agencies, and other governmental agencies. Act as a liaison to governments and community groups to promote the interests and objectives of the Town;
- (14) Prepare bid specifications for capital procurement and request for proposals for applicable contractual work (i.e. maintenance, planning studies, other services as appropriate);
- (15) Participate in coordinating various resources in the Region to provide more efficient service;
- (16) Recommend course of action for proposed state and federal legislation affecting Town operations;
- (17) Provide coordinating assistance to the Western Piedmont Council of Governments in the development of the Region's plans;
- (18) Promote and ensure proper employee training and compliance with federal, state, and local work safety procedures; ensure that all equipment, materials, and work conditions are adequately maintained to prevent accidents;
- (19) Perform any other duties that may be required or authorized by the Town Council; and

- (20) Communicate with the Town Attorney on all Legal Matters.

SECTION 3. Council-Administrator Relations

- (1) The Council encourages the Town Administrator to participate in the activities and educational opportunities of the Town;
- (2) The Town Council expects the Town Administrator to remain a nonpartisan Town Administrator at all times and is to be respected for his inactivity in political affairs. The Town Administrator is not expected to relinquish his constitutional right to participate as a citizen of the United States of America in political affairs of his choosing, only to remain nonpartisan when politics affects his position with the Intergovernmental Agreements that established the Town Administrator;
- (3) The Town Administrator expects the Town Council to allow him to manage the Town within established policy, without further influence from individual members of the Council;
- (4) The Town Council expects the Town Administrator to recommend and hire the most qualified employees available without political influence.

SECTION 4. Notices

Alternatively, notices required pursuant to the Agreement may be personally served. Notice shall be deemed given as of the date of personal service or as the date of deposit with the United States Postal Service.

SECTION 5. General Provisions

- A. The text herein shall constitute the entire agreement between the parties.
- B. This agreement shall be binding upon and inure to the benefit of the heirs at law and executors of the Town Administrator.
- C. This agreement shall become effective upon signatures of both parties.
- D. If any provision, or any portion thereof, contained in this agreement is held unconstitutional, invalid or unenforceable, the remainder of this agreement, or portion thereof, shall be deemed severable, shall not be affected and shall remain in full force and effect.

IN WITNESS WHEREOF, Town has caused this agreement to be signed and executed in its behalf by its Mayor and the Town Administrator has signed and executed this agreement, both in duplicate and all signatures notarized by a qualifying Notary Public.

TOWN OF SAWMILLS

By: _____

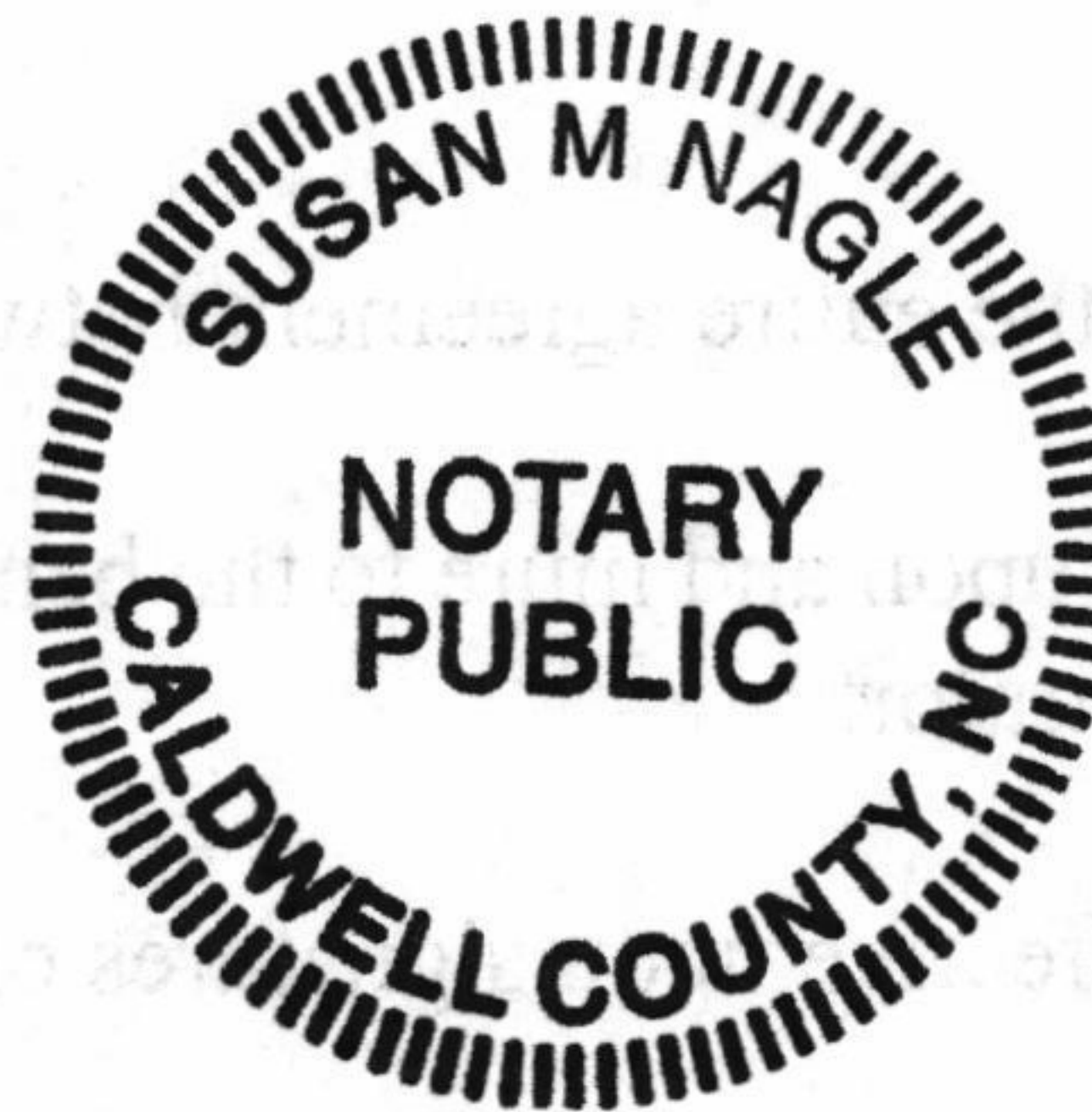
Bob Gibbs, Mayor

Approval as to form:

Terry M. Taylor, Town Attorney

Seth Eckard, Town Administrator

SWORN TO AND SUBSCRIBED before me this the 20TH day of MARCH, 2012.



Notary Public

Print Name: SUSAN M. NAGLE

My Commission Expires: 8-21-2016