

**TUESDAY, JULY 24, 2012
TOWN OF SAWMILLS SPECIAL COUNCIL MEETING
6:00 PM**

COUNCIL PRESENT

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

STAFF PRESENT

Seth Eckard
Susan Nagle
Terry Taylor
Johnny Wear

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

INVOCATION: Mayor Gibbs gave the invocation.

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

ADOPT AGENDA: Mayor Gibbs asked for a motion to adopt the agenda with the following additions: add Sawmills Community Optimist All-Star Team as agenda item 7C and bid award for ball fields at Baird Drive Park as agenda item 9B.

Donnie Potter made a motion, and Joe Wesson seconded, to adopt the agenda with additions. All were in favor.

APPROVE JUNE 19th REGULAR MEETING MINUTES: Mayor Gibbs asked for a motion to approve the June 19, 2012 regular meeting minutes.

Donnie Potter made a motion, and Jeff Wilson seconded, to approve the minutes. All were in favor.

PUBLIC COMMENT: Mayor Gibbs asked if anyone wished to speak during public comment.

No one wished to speak.

RECOGNITIONS:

YARD OF THE MONTH WINNERS: Mayor Bob Gibbs announced Harold and Carolyn Joplin, from the 28630 zip code, and Matthew and April Cardwell, from the 28638 zip code, as the July Yard of the Month winners. Mayor Gibbs stated that since the winners were not present, the certificates would be available at the Town Hall for them to pick up at their convenience.

No Council action was required.

RECYCLE REWARDS PROGRAM WINNER: Town Administrator Seth Eckard announced Jerry and Teresa Johnson as the July Recycle Rewards winners. Administrator Eckard stated a twenty-eight dollar (\$28.00) credit will be added to their sanitation bill and their certificate would be available at the Town Hall for them to pick up at their convenience.

No Council action was required.

SAWMILLS COMMUNITY OPTIMIST ALL-STAR TEAM: Parks and Recreation Director Benny Townsend stated that the 14-15 year old youth all-stars are the State Champions for Western North Carolina and will travel to Ocala, Florida to represent Sawmills in the southeast regional tournament. Parks and Recreation Director Benny Townsend then presented Coach Mitch Laws with a plaque for the team.

Mayor Gibbs stated the team will be holding fundraisers and collecting donations to help pay for the trip and anyone wishing to donate may do so at the Town Hall or contact the Sawmills Optimist Club.

No Council action is required.

PLANNING MATTERS:

INTRODUCTION OF NEW TOWN PLANNER: Town Administrator Seth Eckard introduced Johnny Wear from the Western Piedmont Council of Governments (WPCOG) as the New Town Planner for the Town.

Johnny Wear spoke briefly about himself as well as his employment history.

No Council action was required.

APPOINT REVIEW OFFICER: Mayor Bob Gibbs asked Council to discuss appointing new Town Planner Johnny Wear as the Review Officer for the Town, removing Emily Hines, and leaving Town Administrator Eckard as the alternate.

Donnie Potter made a motion, and Joe Wesson seconded, to appoint Town Planner Johnny Wear as the Review Officer for the Town. All were in favor.

FINANCIAL MATTERS:

REQUEST FOR DONATION TO CALDWELL COUNTY CRIMESTOPPERS:

Mayor Bob Gibbs stated that the Caldwell County Crimestoppers has requested a donation for their program, which help to get criminal activity, illegal drugs, stolen items etc. off the streets of Caldwell County.

Trena McRary Kirby made a motion, and Joe Wesson seconded, to donate one hundred-fifty dollars (\$150.00) to the Caldwell County Crimestoppers Program. All were in favor.

BID AWARD FOR BALL FIELDS AT BAIRD DRIVE PARK: The Town received the following four bids, for repairs, at Baird Drive Park:

Charlotte Fence Builder's, Inc.	\$18,000.00
Mitchell Fence Co.	\$20,000.00
American Fence & Construction	\$31,285.00
Hickory Fence Company, Inc.	\$33,341.00

Trena McRary Kirby made a motion, and Donnie Potter seconded, to award the bid to Charlotte Fence Builder's Inc. in the amount of \$18,000.00 as they were the lowest bidder. All were in favor.

PUBLIC COMMENT: Mayor Gibbs asked if anyone wished to speak during public comment.

No one wished to speak.

UPDATES:

CODE ENFORCEMENT MONTHLY REPORT: The enclosed report shows the progress made throughout the town by Town Planner Johnny Wear.

No Council action is required.

ADMINISTRATOR'S REPORT: Town Administrator Seth Eckard made the following announcements:

- The Planning Board will meet on August 14, 2012 at 5:00 pm to discuss internet sweepstakes.
- The Red Cross will be holding a blood drive in honor of Mayor Bob Gibbs on August 2, 2012 at Mt. Zion Baptist Church from 2:30 pm to 7:30 pm.
- The new Sears, at the corner of US Highway 321-A and Mission Road, will have their grand opening on August 18, 2012 at 9:00 am.

Mayor Bob Gibbs stated Sears will have a ribbon cutting and asked the Council if they would please attend.

COUNCIL COMMENT: Mayor Gibbs asked if anyone on the Council had anything to say.

Councilman Joe Wesson thanked everyone for coming.

Council discussed the following topics:

- The relationship with the Town and the Farmers Market Board.
- The Farmers Market activities so far this year.
- An overall increase in the duties of the Mayor.
- The current amount of stipend the Mayor receives for his assistance with Town activities.

The Mayor stated this would be placed on next month's agenda for discussion.

CLOSED SESSION PERSONNEL MATTERS: 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.

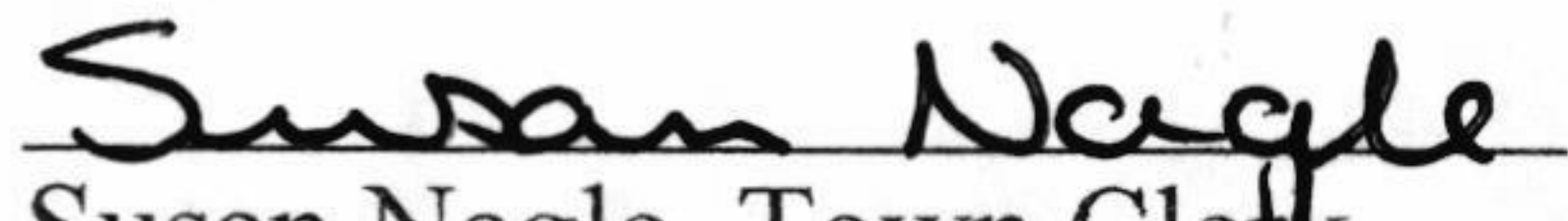
Mayor Gibbs asked for a motion to come out of closed session and return to the regular meeting.

Donnie Potter made a motion, and Joe Wesson seconded, to come out of closed session and return to open session. All were in favor.

THE FOLLOWING ACTION WAS TAKEN IN CLOSED SESSION: Donnie Potter made a motion, and Joe Wesson seconded, for an increase in salary for Town Administrator Seth Eckard of 5% with a \$2,000.00 bonus. Those in favor were Donnie Potter, Joe Wesson and Johnny Wilson. Those opposed were Trena McRary Kirby and Jeff Wilson. The motion carried by a 3-2 vote.

ADJOURN: Mayor Gibbs asked for a motion to adjourn.

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


Susan Nagle, Town Clerk


Bob Gibbs, Mayor

Code Enforcement Report
July 2012

Property Owner	Property Address	Issue	Status
Ajay Patel	3049 Eli Lane	High vegetation	Town will be mowing the week of 7/9-7/13
Kieyanna Carter	4361 Sawmills School Rd	High vegetation	Property has been mowed. Rear yard still needs to be finished.
Bank of America	4845 Holly Springs Dr	High vegetation	Town will be mowing the week of 7/9-7/13
Ed Springer	4369 Joplin Rd	High vegetation	Initial letter sent.

Johnny Wear
Town Planner

List updated on July 12, 2012



MAYOR
Bob Gibbs

TOWN ADMINISTRATOR
Seth Eckard

**TOWN
COUNCIL**

Gerelene Blevins, Mayor Pro-Tem
Beverly Fry
Joe Norman
Donnie Potter
Joe Wesson

Tuesday, July 10, 2012

Notice of Change to Meeting Date

**July 17, 2012 Regular Meeting
Sawmills Town Council**

**Due to voting for the run-off election, the Sawmills Town
Council is changing its July meeting date to:**

July 24, 2012.

The special meeting of the Sawmills Town Council will be held Tuesday, July 24, 2012 in the Council Chambers of the Sawmills Town Hall at the regularly scheduled meeting time (6:00 p.m.). The regular Council meeting schedule will resume in August.

We are sorry for any inconvenience this may cause and appreciate your understanding.

Sincerely,

Bob Gibbs, Mayor

Town of Sawmills

4076 US Highway 321-A * Sawmills NC * (828)396-7903 * (828)396-8955 fax

<http://www.townofsawmills.com/>

The Town of Sawmills does not discriminate on the basis of age, sex, race, religion, national origin, disability, political affiliation, or marital status.

**TUESDAY, AUGUST 21, 2012
TOWN OF SAWMILLS REGULAR COUNCIL MEETING
6:00 PM**

COUNCIL PRESENT

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

STAFF PRESENT

Seth Eckard
Susan Nagle
Terry Taylor
Johnny Wear

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

INVOCATION: Pastor Rick Crouse gave the invocation.

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

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

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

APPROVE JULY 24, 2012 SPECIAL MEETING MINUTES: Mayor Gibbs asked for a motion to approve the July 24, 2012 special meeting minutes.

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

APPROVE JULY 24, 2012 CLOSED SESSION MEETING MINUTES: Mayor Gibbs asked for a motion to approve the July 24, 2012 closed session meeting minutes.

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

PUBLIC COMMENT: Mayor Gibbs asked if anyone wished to speak during public comment.

Ava Bowman and Todd Bowman spoke in regards to discharging firearms in the town limits.

RECOGNITIONS:

YARD OF THE MONTH WINNERS: Mayor Bob Gibbs announced Debbie Murphy, from the 28630 zip code, and Byron and Pam Annas, from the 28638 zip code, as the August Yard of the Month winners. Mayor Gibbs stated that since the winners were not present, the certificates would be available at the Town Hall for them to pick up.

No Council action was required.

RECYCLE REWARDS PROGRAM WINNER: Town Administrator Seth Eckard announced Nicole and Scott Reuscher as the August Recycle Rewards winner. Administrator Eckard stated a twenty-eight dollar (\$28.00) credit will be added to their sanitation bill and their certificate would be available at the Town Hall for them to pick up.

No Council action was required.

FINANCIAL MATTERS:

BID AWARD FOR BASKETBALL COURT AT BAIRD DRIVE PARK: The Town received the following three bids for the construction of a basketball court at Baird Drive Park:

	<u>Asphalt Court</u>	<u>Concrete Court</u>
Neill Grading & Construction Co., Inc.	\$33,103.00	\$41,190.00
Bell Construction Co.	\$35,815.00	\$48,430.00
Moss Marlow Building Co.	\$42,214.00	\$56,644.00

Donnie Potter made a motion, and Joe Wesson seconded, to award the bid to Neil Grading & Construction Co., Inc., for an asphalt basketball court, in the amount of \$33,103.00 contingent on funds coming in from other resources. All were in favor.

PLANNING MATTERS:

ELECTRONIC GAMING/SWEEPSTAKES ORDINANCE: Town Planner Johnny Wear stated there is nothing in the Town's Ordinance pertaining to Electronic Gaming/Internet Sweepstakes businesses. The Planning Board discussed this matter and recommends Council call for a public hearing to adopt the enclosed proposed amendment using the Granite Falls Ordinance as a template.

Donnie Potter made a motion, and Trena McRary Kirby seconded, to call for a public hearing on September 18, 2012 at 6:00 pm at the Sawmills Town Hall to discuss an electronic gaming/sweepstakes ordinance. All were in favor.

RE-APPOINT PLANNING BOARD MEMBERS: Town Administrator Seth Eckard stated the term of appointment for Planning Board members Steve Duncan, Buford Pennell, David Powell, and Thad Hall has expired. Each one has given consent to serve another term.

Jeff Wilson made a motion, and Donnie Potter seconded, to re-appoint those members to the Planning Board for the term of two-years. All were in favor.

DISCUSSION:

ADOPT PROPOSED RESOLUTION IN SUPPORT OF A RURAL CENTER GRANT FOR THE HAYSTATION, LLC: Mayor Bob Gibbs stated the North Carolina Rural Economic Development Center, Inc. requires adoption of the enclosed resolution in order to apply for funding assistance on behalf of The Haystation, LLC.

Joe Wesson made a motion, and Donnie Potter seconded to adopt the resolution in support of an application for a Rural Center Occupied Building Grant on behalf of The Haystation, LLC. All were in favor.

FARMERS MARKET: Town Administrator Seth Eckard stated the Farmers Market Board has been given a lease agreement to discuss. The lease defines both the Town's role and the Farmers Market's role as well as protects the public. Once the Farmers Market Board reviews and adopts the lease, Council will receive a copy to also review for adoption.

The Council discussed the Mayor's role at the Farmers Market and decided that the Farmers Market Board does a good job and there is no need for the Mayor's, or the Town's, involvement.

REMOVAL OF OLD TREE ON SAWMILLS SCHOOL ROAD: Town Administrator Seth Eckard stated on August 3rd a portion of an old tree in the North Carolina Department of Transportation (NCDOT) right-of-way fell on Sawmills School Road striking a moving truck.

After much discussion, Donnie Potter made a motion, and Trena McRary Kirby seconded, to send a letter to NCDOT in Raleigh signed by the Mayor and Council along with a follow-up phone call a few days after asking them to remove the tree. Those in favor were Donnie Potter, Trena McRary Kirby, Jeff Wilson, and Johnny Wilson. Those opposed were Joe Wesson. The motion carried by a 4-1 vote.

PUBLIC COMMENT: Mayor Gibbs asked if anyone wished to speak during public comment.

Mr. William Eckard spoke regarding vehicles speeding on Water Works Road.

Mr. John Greene spoke regarding the basketball court at Baird Drive Park.

Kathey Drye spoke regarding a handicapped accessible playground.

UPDATES:

CODE ENFORCEMENT MONTHLY REPORT: The enclosed report shows the updated progress made throughout the Town by Code Enforcement Officer Johnny Wear.

No Council action is required.

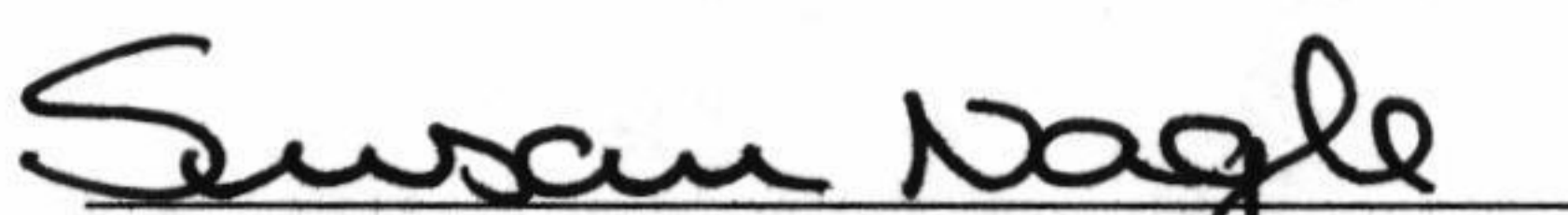
ADMINISTRATOR'S REPORT: Town Administrator Seth Eckard stated the Festival Committee would meet on Wednesday, August 22nd at 2:30 pm.

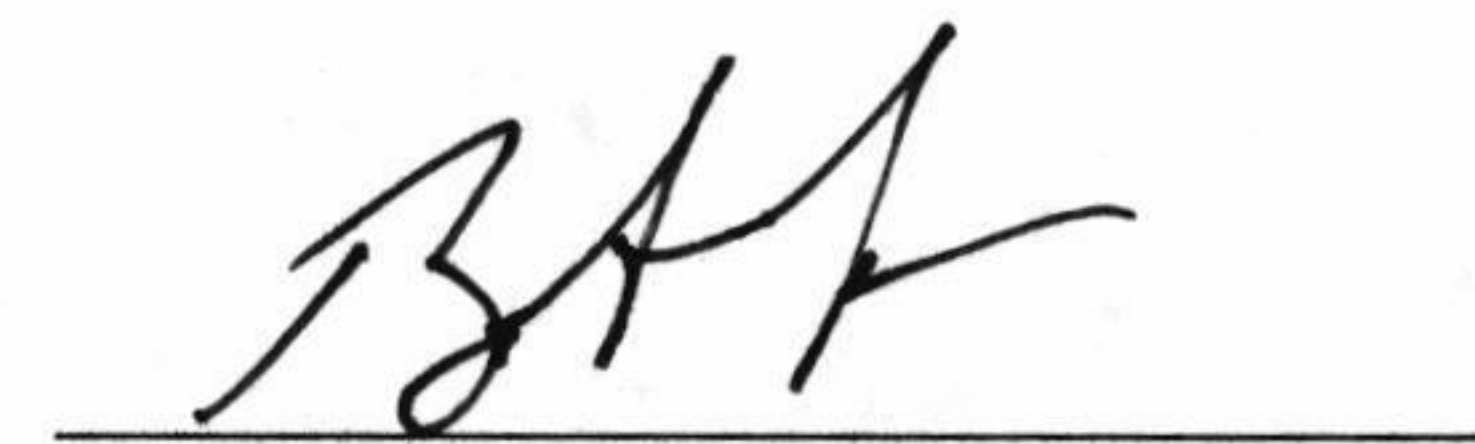
COUNCIL COMMENT: Mayor Gibbs asked if anyone on the Council had anything to say.

Council discussed the earlier comments from Ava Bowman and Todd Bowman. Planner Johnny Wear will send the Bowman's neighbor a notice of violation.

ADJOURN: Mayor Gibbs asked for a motion to adjourn.

Donnie Potter made a motion, and Joe Wesson seconded, to adjourn the meeting. All were in favor.


Susan Nagle, Town Clerk


Bob Gibbs, Mayor



MAYOR
Bob Gibbs

TOWN ADMINISTRATOR
Seth Eckard

**TOWN
COUNCIL**

Johnny Wilson, Mayor Pro-Tem
Trena McRary Kirby
Donnie Potter
Joe Wesson
Jeff Wilson

Town of Sawmills 4076 US Highway 321-A * Sawmills NC * (828)396-7903 * (828)396-8955 fax

Listed below is an Ordinance for Electronic Gaming/Internet Sweepstakes businesses using the Granite Falls ordinance as a template. The Planning Board and staff recommends this ordinance as it is comprehensive and restrictive enough that it limits the number of these operations that would be allowed to operate, yet allows them in some form as required by law. The ordinance includes a definition, as well as the conditions put on the businesses. This includes restrictions on location and hours of operation. With this ordinance the businesses would only be allowed in Highway Business (HB) and only by conditional use, which requires Board of Adjustment approval.

Amendment to the Zoning Ordinance

To be added to the list of definition;

Electronic Gaming/Internet Sweepstakes.

Any business enterprise where persons utilize electronic machines, including but not limited to computers and gaming terminals, to conduct games of chance, including sweepstakes, and where cash, merchandise or other items of value are redeemed or otherwise distributed, whether or not the value of such distribution is determined by electronic games played or by predetermined odds. Electronic gaming operations may include, but are not limited to, internet cafes, internet sweepstakes, electronic gaming machines/operations, or cyber cafes. This does not include any lottery approved by the State of North Carolina or any nonprofit operation that is otherwise lawful under State Law (i.e. church or civic organization fundraisers).

To be added to the table of uses:

Use	R-20	RA-20	R-15	O/I	NB	HB	GM	SR
Electronic Gaming/Sweepstakes						CU		153.081

New chapter to be added to the Zoning Ordinance;

153.081 Electronic Gaming/Internet Sweepstakes

Electronic Gaming/Internet Sweepstakes, subject to the following:

1. Minimum of one hundred (100') feet of separation from any residential zoning district, measured as a straight line distance from the nearest limit of the residential zoning district to the nearest exterior wall of the business.
2. Minimum of 500 feet (500') feet of separation between electronic gaming/internet sweepstakes establishments, measured as a straight-line distance between the nearest exterior walls of the businesses.
3. Minimum of 500 feet (500') feet of separation from religious institutions, schools, childcare centers, recreation centers or parks, measured as a straight-line distance to the nearest exterior wall of the business.
4. Hours of operation limited to 8am-10pm Monday through Saturday, Closed on Sunday.
5. Machines must be compliant with State and Federal Law.
6. No one under 18 years of age permitted to use the machines. Age must be verified for all customers who use the machines.
7. Electronic gaming/internet sweepstakes machines may be allowed as accessory uses to otherwise lawful businesses in Highway Business, and therefore would only be subject to standards 4,5 and 6 noted above, when two (2) or fewer machines are located on the premises. Three (3) or more machines on the same premises will be treated as a primary use and will be subject to all of the above standards for approval.



MAYOR
Bob Gibbs

TOWN ADMINISTRATOR
Seth Eckard

**TOWN
COUNCIL**

Johnny Wilson, Mayor Pro-Tem
Trena McRary Kirby
Donnie Potter
Joe Wesson
Jeff Wilson

Town of Sawmills 4076 US Highway 321-A * Sawmills NC * (828)396-7903 * (828)396-8955 fax

**RESOLUTION IN SUPPORT OF APPLICATION FOR A RURAL CENTER
OCCUPIED BUILDING GRANT ON BEHALF OF
The Haystation, LLC**

WHEREAS, the North Carolina Rural Economic Development Center, Inc. will fund renovations of eligible occupied buildings if the project will create additional private-sector jobs; and

WHEREAS, The Haystation, LLC has proposed to make renovations and improvements to a company owned facility located in Sawmills at an estimated cost of \$122,592 thereby creating an additional **ten (10)** new jobs along with the existing employees at their Sawmills operation; and

WHEREAS, the Town of Sawmills intends to apply for Rural Center funding to provide grant application assistance as applicant to the North Carolina Rural Economic Development Center, Inc. on behalf of The Haystation, LLC. A local Caldwell County incentive of \$2,000 per job will be provided through the Sales Tax Reinvestment Program, which will serve as the local government 5% match for this project;

NOW, THEREFORE BE IT RESOLVED, that the Sawmills Town Council does hereby endorse the application for the N.C. Rural Economic Development Center, Inc. (NCREDC) grant on behalf of The Haystation, LLC and;

That Bob Gibbs, Mayor, Town of Sawmills, and successors so titled, is hereby authorized to execute and file an application on behalf of the Town of Sawmills with the NCREDC for a grant to assist in the renovation of the project described above.

That Bob Gibbs, Mayor, Town of Sawmills, and successors so titled, is hereby authorized, and directed to furnish such information as the Rural Center may request in connection with such application or the project; to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

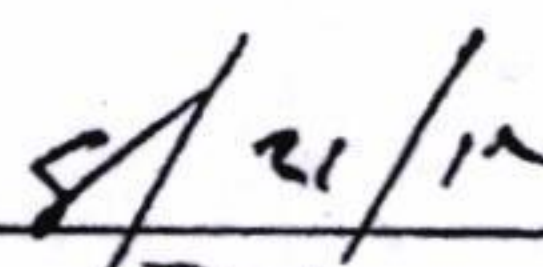
BE IT FURTHER RESOLVED THAT THE Town of Sawmills has substantially complied with or will substantially comply with all Federal, State, and local Laws, rules, regulations, and ordinances applicable to the project and to the grant.

Adopted this the 21st day of August, 2012.

AUTHORIZING RESOLUTION BY:
The Town of Sawmills



Bob Gibbs, Mayor



Date

ATTEST:



Susan Nagle, Town Clerk



Code Enforcement Report
August 2012

Property Owner	Property Address	Issue	Status
Ajay Patel	3049 Eli Lane	High vegetation	Abated in July by Town
Bank of America	4845 Holly Springs Dr	High vegetation	Property owner complied
Kieyanna Carter	4361 Sawmills School Rd	High vegetation	Property has been mowed. Rear yard still needs to be finished. Spoke with owner. Extended abatement.
Ed Springer	4369 Joplin Rd	High vegetation	Property owner has been sent a citation.

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 828-396-7403

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
Accounts Receivables	Customer Bills + Register Receipt Copies	January - June 2009	1 copy of each	NO	3yrs
Accounts Receivable	Transaction Control Reports	January - Dec 2008			
		January - June 2009	1 copy of each	NO	3yrs
Accounts Receivable	Journal Entry Reports	June 2003 - July 2004	1 copy of each	NO	6yrs
Accounts Receivable	Accounts Receivable Reports	June 2003 - July 2004	1 copy of each	NO	6yrs
Accounts Payables	All Accounts Payable Checks + Reports	June 2003 - July 2004	1 copy of each	NO	6yrs
Accounts Payable	All Purchase Orders	June 2003 - July 2004	1 copy of each	NO	6yrs
Financials	Bank Statements	June 2003 - July 2004	1 copy of each	NO	6yrs
Payroll	Retirement Statements	June 2003 - July 2004	1 copy of each	NO	6yr.
Accounts Receivable	Wrote 066 Tax Bills	Jan 1993, Aug 1994, March 1996	1 copy of each	NO	3yrs

Requested by: Kim Swette, Office Manager, 8-2-12
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 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
Water	Meter Reading Reports	July 08 - June 09	1 copy of each	No	3yr
Accounts Receivable	Bill Register Reports	July 08 - June 09	1 copy of each	No	3yr
Accounts Receivable	Vacant Bill Register Report	July 08 - June 09	1 copy of each	No	3yr
Sewer	Sewer Usage Reports	July 08 - June 09	1 copy of each	No	3yr
Accounts Receivable	Late Charge Reports (Utility)	July 08 - June 09	1 copy of each	No	3yr.
Utility Billing	Customer Call List	Jan 08 - Dec 08	1 copy of each	No	1yr.
Utility Billing	Customer Disconnect List	Jan - Dec 2008	1 copy of each	No	1yr.
Utility Billing	Consumption Report	June 08 - May 09	1 copy of each	No	3yr.

Requested by: Kim Switt, Office Manager, 8-2-12
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

**TUESDAY, SEPTEMBER 18, 2012
TOWN OF SAWMILLS REGULAR COUNCIL MEETING
6:00 PM**

COUNCIL PRESENT

Bob Gibbs
Trena McRary Kirby
Joe Wesson
Jeff Wilson
Johnny Wilson

STAFF PRESENT

Seth Eckard
Susan Nagle
Terry Taylor
Johnny Wear

COUNCIL ABSENT

Donnie Potter

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

INVOCATION: Pastor Jim Hamby gave the invocation.

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

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

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

APPROVE AUGUST 21, 2012 REGULAR MEETING MINUTES: Mayor Gibbs asked for a motion to approve the August 21, 2012 regular meeting minutes.

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

PUBLIC COMMENT: Mayor Gibbs asked if anyone wished to speak during public comment.

No one wished to speak.

FINANCIAL MATTERS:

FINANCIAL REPORT ON FY 2011-2012 BUDGET: Attached is a hard copy of the power point presentation on the Fiscal Year 2011-2012 budget given by Town Administrator Eckard.

No Council action was required.

ADOPT PROPOSED RESOLUTION ESTABLISHING A CAPITAL RESERVE FUND: The enclosed resolution is to set aside monies for a Capital Improvement Reserve Fund that would cover capital outlay items and/or construction projects in excess of \$5,000.00.

Jeff Wilson made a motion, and Joe Wesson seconded, to adopt the resolution establishing a Capital Improvement Reserve Fund. All were in favor.

CAPITAL RESERVE FUND BUDGET AMENDMENT: Town Administrator Seth Eckard stated a budget amendment in the amount of \$150,000.00 will need to be approved to put into the Capital Reserve Fund.

Joe Wesson made a motion, and Jeff Wilson seconded, to approve a budget amendment in the amount of \$150,000.00 for the Capital Reserve Fund. All were in favor.

STATE CONTRACT BID AWARD FOR A COMMERCIAL MOWER AND DECK: Town Administrator Eckard stated that \$13,000.00 was included in the current fiscal year's budget to purchase a commercial mower and deck for use by the Public Works Department.

A John Deere Z960A ZTrak with 60" 7-Iron Pro Deck mower is available on State contract so there is no need to go through the bid process.

Johnny Wilson made a motion, and Joe Wesson seconded, to purchase the John Deere Z960A ZTrak with 60" 7-Iron Pro Deck off state contract in the amount of \$10,622.00. All were in favor.

INFORMAL BID AWARD FOR A BACKHOE LOADER: Town Administrator Eckard stated that \$85,000.00 was included in the current fiscal year's budget to purchase a Backhoe Loader for use by the Public Works Water Department.

Public Works Supervisor Ronnie Coffey received the following bid from Charlotte Tractor Co. as well as the two following comparison contract bids:

Charlotte Tractor Co.	\$76,300.00
Carolina Caterpillar	\$98,881.00
James River Equipment/John Deere	\$89,898.11

Joe Wesson made a motion, and Johnny Wilson seconded, to award the bid to Charlotte Tractor Co. in the amount of \$76,300.00 under the informal bid process. All were in favor.

PARKS AND RECREATION MATTERS:

APPROVAL OF AN 18-HOLE DISC GOLF COURSE: Town Administrator Eckard stated on August 30, 2012 Duke Energy approved a request from the Town for construction of an 18-hole disc golf course at the Veterans Memorial Park.

Trena McRary Kirby made a motion, and Joe Wesson seconded, to approve an 18-hole disc golf course at Veterans Memorial Park. All were in favor.

RECOGNITIONS:

YARD OF THE MONTH WINNERS: Mayor Bob Gibbs announced Robert and Miranda Denning, from the 28630 zip code, and Charles and Susan Babb, from the 28638 zip code, as the September Yard of the Month winners. Mayor Gibbs stated that since the winners were not present, the certificates would be available at the Town Hall for pick up.

No Council action was required.

RECYCLE REWARDS PROGRAM WINNER: Town Administrator Seth Eckard announced Gwendolyn Watson as the September Recycle Rewards winner. Administrator Eckard stated a twenty-eight dollar (\$28.00) credit will be added to Miss Watson's sanitation bill and the certificate would be available at the Town Hall for pick up.

No Council action was required.

PUBLIC HEARING: ADOPT PROPOSED ELECTRONIC GAMING/INTERNET SWEEPSTAKES ORDINANCE:

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

Joe Wesson made a motion, and Trena McRary Kirby seconded, to open the public hearing. All were in favor

STAFF RECOMMENDATIONS: Town Planner Johnny Wear stated the Planning Board recommends Council adopt the enclosed proposed Electronic Gaming/Internet Sweepstakes Ordinance.

PUBLIC COMMENT: Mayor Gibbs asked if anyone wished to speak on the Electronic Gaming/Internet Sweepstakes Ordinance.

No one wished to speak.

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

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

COUNCIL ACTION: Trena McRary Kirby made a motion, and Joe Wesson seconded, to adopt the Electronic Gaming/Internet Sweepstakes Ordinance. Those in favor were Trena McRary Kirby, Joe Wesson, and Johnny Wilson. Those opposed were Jeff Wilson. The motion carried by a 3-1 vote.

DISCUSSION:

ADOPT PROPOSED FARMERS MARKET LEASE AGREEMENT: Town Attorney Terry Taylor has drawn up the enclosed Farmers Market License Agreement. The agreement holds the Sawmills Farmers Market Association, Inc. responsible during hours of operation for the property currently in use by the Farmers Market and owned by the Town.

The agreement will cover a seven-month period beginning May 1, 2012 and ending December 18, 2012. The contract will renew annually in the spring after Council has approved of the upcoming year's dates and times of operation for the Farmers Market.

Jeff Wilson made a motion, and Joe Wesson seconded, to approve the Farmers Market License Agreement. All were in favor.

SPEED HUMP PETITION ON WATERWORKS ROAD: Town Administrator Eckard stated Mr. William Eckard met all requirements for a speed hump on Waterworks Road. The enclosed map shows the suggested location of the speed hump recommended by West Consultants.

Trena McRary Kirby made a motion, and Johnny Wilson seconded, to install a speed hump on Waterworks Road at the location recommended by West Consultants. All were in favor.

GRASS CLIPPINGS IN RIGHT-OF-WAY: Town Administrator Eckard stated that the mowing of several properties in the Town results in grass clippings being blown in the right-of-ways.

Council discussed this matter and decided to take no action.

BUSINESS PRIVILEGE LICENSE: Town Administrator Eckard discussed the possibility of implementing a business privilege licenses within the Town.

Council discussed this matter and decided to take no action.

RECOMMENDATIONS FOR ALTERNATE BOARD OF ADJUSTMENT MEMBERS: The Mayor asked Council if there were any recommendations for alternate members to serve on the Board of Adjustment. The Mayor stated one member will reside in the town limits and one member will reside within the E.T.J. (extra-territorial jurisdiction).

Since there were no recommendations at this time, the Mayor asked the Council to return to the next regularly scheduled meeting with recommendations.

COATS FOR KIDS: Mayor Bob Gibbs stated Councilman Potter would like the Town to collect gently used coats to benefit the citizens in Sawmills.

A collection box will be set up in the lobby at the Town Hall and will be delivered to Sawmills Elementary School for distribution.

No Council action was required.

PUBLIC COMMENT: Mayor Gibbs asked if anyone wished to speak during public comment.

Todd Bowman and Eva Bowman spoke in regards to their previous complaint concerning the discharging of firearms in the town limits.

UPDATES:

CODE ENFORCEMENT MONTHLY REPORT: The enclosed report shows an update of the progress made throughout the Town by Code Enforcement Officer Johnny Wear.

No Council action is required.

ADMINISTRATOR'S REPORT: Town Administrator Seth Eckard made the following announcements:

- The fall festival will take place this Saturday, September 22nd from 11:00 am to 3:00 pm. This will be our biggest festival yet with over 55 vendors. There will not be a BBQ cook-off like last year, but there will be free popcorn and water, lots of food vendors, live music and a corn hole tournament for the first 18 people who sign up.
- The fall newsletter has just been completed and will be mailed in early October.
- A quarterly meeting has been initiated between the Town and the Fire Department staff to improve communications. The next meeting with the chief is scheduled for November 12th at 8:00 am.
- The unemployment rate in Caldwell County went from 13.2% to 11.2%, a 2% drop during July 2011 to July 2012.
- The Caldwell County Sheriff's office will hold a blood drive on Friday, September 21st in honor of Officer Adam Klutz who was killed in the line of fire.

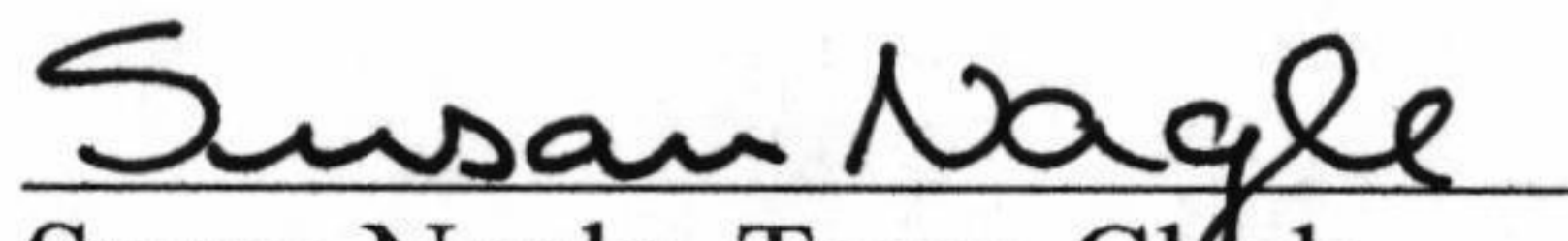
Mayor Gibbs stated the Wilson Farms will use their Tram to transport people about every 10 minutes or so from Sunrise Baptist Church to the park during the fall festival.

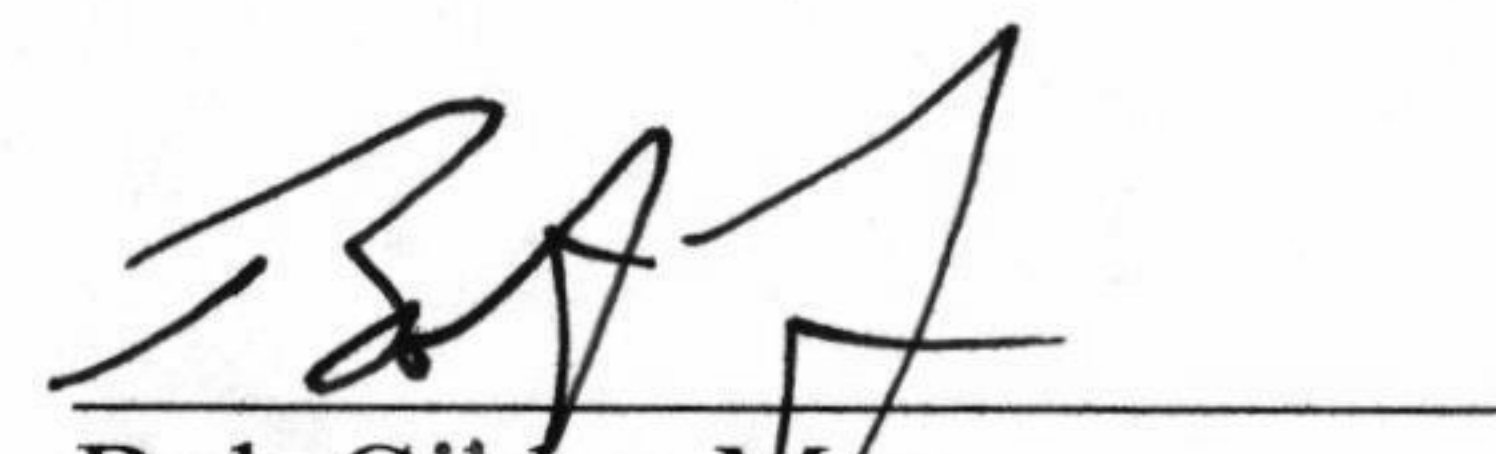
COUNCIL COMMENT: Mayor Gibbs asked if anyone on the Council wished to speak.

No one wished to speak.

ADJOURN: Mayor Gibbs asked for a motion to adjourn.

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


Susan Nagle, Town Clerk


Bob Gibbs, Mayor

**Town of Sawmills
Year End Budget (Over/Under)
Fiscal Year 2011-2012**

Fund 1 General Fund

Revenue

FY 11.12 Budget	FY 11.12 Actual
\$2,008,221.00	\$2,300,571.14

Expense

FY 11.12 Budget	FY 11.12 Actual	<i>under budget %</i>		<u>Department</u>
\$2,008,221.00	\$1,793,691.17	10.68%		
\$32,150.00	\$24,089.88	25.07%	under	Governing Body
\$770,400.00	\$743,651.65	3.47%	under	Administration
\$62,221.00	\$56,788.99	8.73%	under	Finance
\$157,200.00	\$140,523.90	10.61%	under	Public Works
\$53,750.00	\$37,084.24	31.01%	under	Community Dev
\$156,300.00	\$120,063.59	23.18%	under	Parks & Recreation
\$492,000.00	\$388,436.46	21.05%	under	Streets/Highways
\$284,200.00	\$283,052.46	0.40%	under	Sanitation

Fund 1= Total Revenue	\$2,300,571.14
------------------------------	-----------------------

Less one time Utility Franchise Tax (Blue Ridge Electric)	-\$138,985.68
---	---------------

\$2,008,221.00	\$2,161,585.46	7.64%	over projected budgeted revenue
-----------------------	-----------------------	--------------	--



MAYOR
Bob Gibbs
TOWN ADMINISTRATOR
Seth Eckard

TOWN COUNCIL
Johnny Wilson, Mayor Pro-Tem
Trena McRary Kirby
Donnie Potter
Joe Wesson
Jeff Wilson

Town of Sawmills 4076 US Highway 321-A * Sawmills NC * (828)396-7903 * (828)396-8955 fax

RESOLUTION ESTABLISHING AND MAINTAINING A CAPITAL IMPROVEMENT RESERVE FUND FOR THE TOWN OF SAWMILLS

WHEREAS, a capital improvement reserve fund shall be established by a resolution or ordinance of the governing body; and

THAT WHEREAS, a capital improvement reserve fund shall state the purpose for which the fund is created; and

THAT WHEREAS, there is a need in the Town of Sawmills for a capital improvement reserve fund; and for the purpose of accumulating funds for financing certain capital projects on an ongoing basis.

THAT WHEREAS, as part of the provisions of the resolution establishing this capital improvement reserve fund, expenditure of monies in the fund may be made at any time or from time to time in the manner hereinafter provided for all or part of the costs;

WHEREAS, upon the adoption of this resolution establishing a capital improvement reserve fund, the Town of Sawmills may, pursuant to the provisions of the municipal fiscal control act, make appropriations from the general fund of the Town for payment to the capital improvement reserve fund.

NOW THEREFORE, BE IT RESOLVED that the Town Council of the Town of Sawmills, North Carolina, does hereby resolve to establish a Capital Improvement Reserve Fund for the following purpose:

To set aside monies for the purchase of future capital outlay items and/or construction projects in excess of \$5,000 for a period not to exceed five years beginning July 1, 2012 and ending June 30, 2017 or until a cumulative sum of not to exceed \$500,000.00 has been received.

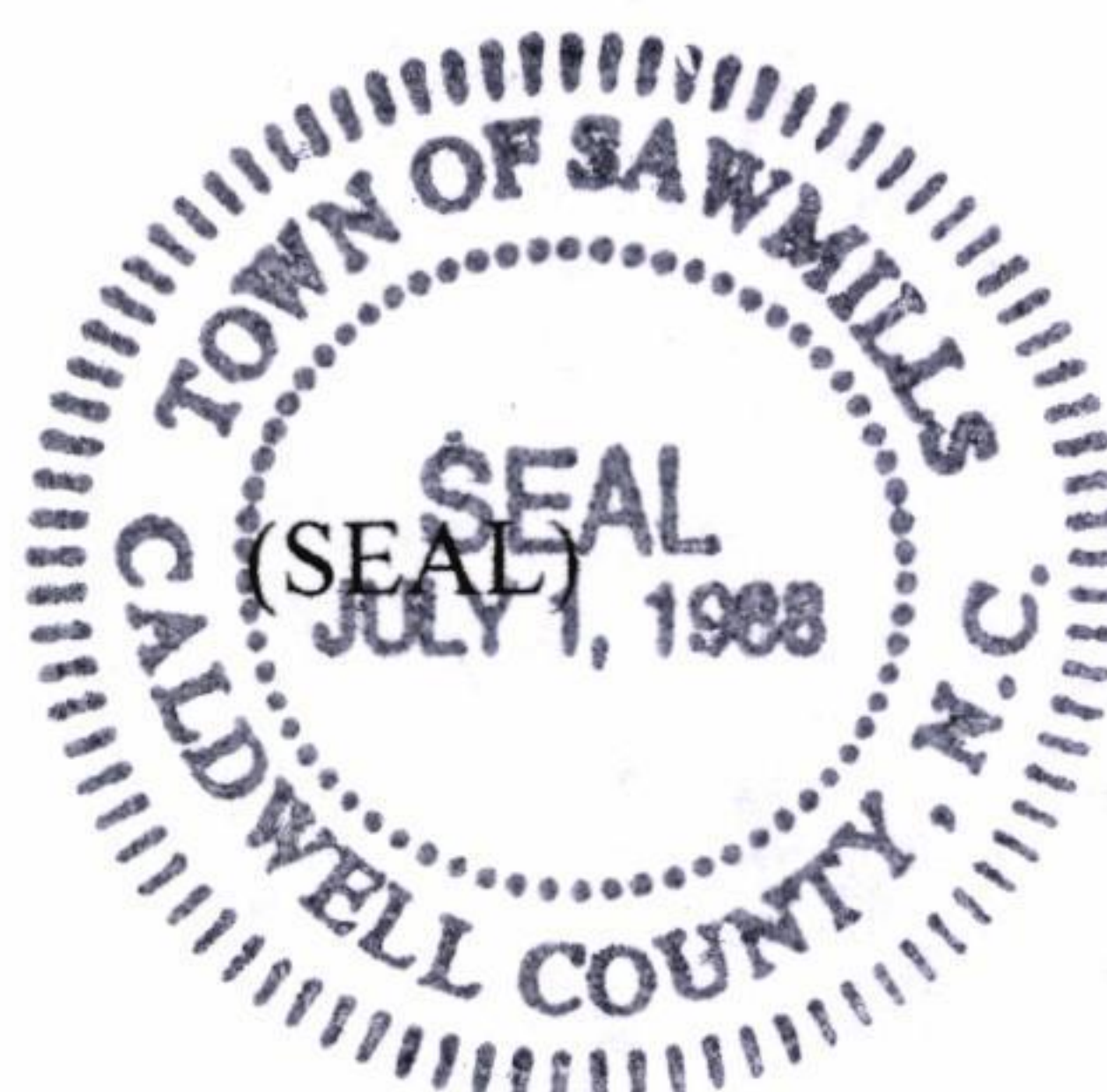
For the current fiscal year 2012-2013, a minimum of \$5,000 will be appropriated for said purpose.

Adopted this 18th day of September, 2012.

Town of Sawmills By:

ATTEST:

Susan Nagle
Susan Nagle, Town Clerk



Bob Gibbs, Mayor

BUDGET AMENDMENT
TOWN OF SAWMILLS
GENERAL FUND

The Town Council of the Town of Sawmills at a meeting on the 18th day of September, 2012 passed the following amendment.

Be it resolved that the following amendment be made to the Budget for the fiscal year ended June 30, 2013.

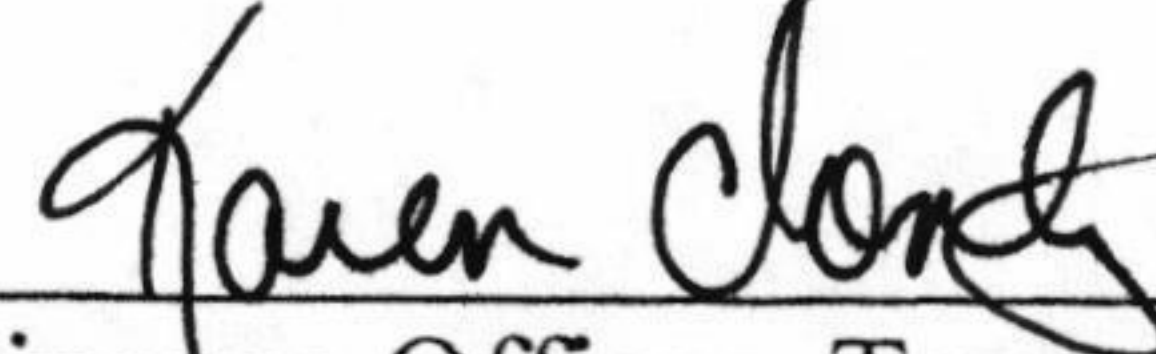
<u>Description</u>	<u>Account Number</u>		<u>Decrease</u>	<u>Increase</u>
Capital Improvement Reserve – Fund 7	7-00-1001	Cash in Bank		150,000
	7-00-3900	Operating Transfer		150,000
Operating Transfer to Capital Reserve	1-00-4493	Operating Transfer	112,000	
Capital Reserve – Sanitation	1-60-4152	Capital Reserve	38,000	
General Fund	1-00-1001	Cash in Bank	150,000	

Explanation: To reserve monies for the purchase of future capital outlay items and/or construction projects in excess of \$5,000.

Passed by majority vote of the Town Council of the Town of Sawmills on the 18th day of September, 2012. This amendment shall be attached to the minutes of such meeting and become official upon signature of the Mayor and Finance Officer.



Mayor, Town of Sawmills



Finance Officer, Town of Sawmills



MAYOR
Bob Gibbs

TOWN ADMINISTRATOR
Seth Eckard

**TOWN
COUNCIL**

Johnny Wilson, Mayor Pro-Tem
Trena McRary Kirby
Donnie Potter
Joe Wesson
Jeff Wilson

Town of Sawmills 4076 US Highway 321-A * Sawmills NC * (828)396-7903 * (828)396-8955 fax

Listed below is an Ordinance for Electronic Gaming/Internet Sweepstakes businesses using the Granite Falls ordinance as a template. The Planning Board and staff recommends this ordinance as it is comprehensive and restrictive enough that it limits the number of these operations that would be allowed to operate, yet allows them in some form as required by law. The ordinance includes a definition, as well as the conditions put on the businesses. This includes restrictions on location and hours of operation. With this ordinance the businesses would only be allowed in Highway Business (HB) and only by conditional use, which requires Board of Adjustment approval.

Amendment to the Zoning Ordinance

To be added to the list of definition:

Electronic Gaming/Internet Sweepstakes.

Any business enterprise where persons utilize electronic machines, including but not limited to computers and gaming terminals, to conduct games of chance, including sweepstakes, and where cash, merchandise or other items of value are redeemed or otherwise distributed, whether or not the value of such distribution is determined by electronic games played or by predetermined odds. Electronic gaming operations may include, but are not limited to, internet cafes, internet sweepstakes, electronic gaming machines/operations, or cyber cafes. This does not include any lottery approved by the State of North Carolina or any nonprofit operation that is otherwise lawful under State Law (i.e. church or civic organization fundraisers).

To be added to the table of uses:

Use	R-20	RA-20	R-15	O/I	NB	HB	GM	SR
Electronic Gaming/Sweepstakes						CU		153.081

New chapter to be added to the Zoning Ordinance:

153.081 Electronic Gaming/Internet Sweepstakes

Electronic Gaming/Internet Sweepstakes, subject to the following:

1. Minimum of one hundred (100') feet of separation from any residential zoning district, measured as a straight line distance from the nearest limit of the residential zoning district to the nearest exterior wall of the business.
2. Minimum of 500 feet (500') feet of separation between electronic gaming/internet sweepstakes establishments, measured as a straight-line distance between the nearest exterior walls of the businesses.
3. Minimum of 500 feet (500') feet of separation from religious institutions, schools, childcare centers, recreation centers or parks, measured as a straight-line distance to the nearest exterior wall of the business.
4. Hours of operation limited to 8am-10pm Monday through Saturday, Closed on Sunday.
5. Machines must be compliant with State and Federal Law.
6. No one under 18 years of age permitted to use the machines. Age must be verified for all customers who use the machines.
7. Electronic gaming/internet sweepstakes machines may be allowed as accessory uses to otherwise lawful businesses in Highway Business, and therefore would only be subject to standards 4,5 and 6 noted above, when two (2) or fewer machines are located on the premises. Three (3) or more machines on the same premises will be treated as a primary use and will be subject to all of the above standards for approval.

STATE OF NORTH CAROLINA

FARMERS' MARKET
LICENSE AGREEMENT

COUNTY OF CALDWELL

THAT WHEREAS, the Town of Sawmills, a municipal corporation ("Town") and Sawmills Farmers' Market Association, Inc., a North Carolina non-profit corporation ("Licensee" or "Association"), do hereby desire to enter into this License Agreement ("License") according to the terms and conditions set forth below:

WITNESSETH:

THAT WHEREAS, the Town of Sawmills, a municipal corporation of Caldwell County does hereby grant unto Sawmills Farmers' Market Association, Inc. a License Agreement to run a Farmers' Market one day a week at the property described on Exhibit "A" attached hereto, and operate the weekly Market at the property ("Premises") according to those terms and conditions set forth herein below:

1. This License shall exist for a period of SEVEN (7) months to begin on the 1st day of MAY, 2012, and to end on the 18th day of DECEMBER, 2012. The Agreement can be renewed each season upon confirmation of the next year's dates of operation to be presented to the Sawmills Town Council for approval in the Spring of each year.
2. This grant of license is exclusive to the Sawmills Farmers' Market Association, Inc. and may not be assigned. This license grants to the Association the rights for non-exclusive use of the Premises at times and according to schedule at mutually agreed upon times. The specific times of use, description of Market plans, and any scheduling changes must be submitted by the Association to the Town Administrator and approved prior to actual use.
3. The Licensee shall not use or permit said Premises or any part thereof to be used for any purpose or purposes other than the running of a Farmers' Market.
4. The Licensee agrees to abide by all terms and conditions set forth in the Town of Sawmills Code of Ordinances and to the particular Town Property Rules that applies to public property generally.
5. The Licensee shall indemnify and save harmless the Town and its officers, agents, and employees from and against all claims, demands, actions, suits and proceedings by others arising out of the exercise of this License Agreement, including, but not limited to, any liability for damages by reason of failure of the Licensee to secure releases from any individual vendors or operators taking part in the operation of the Market programs as well as guests and invitees attending said events, including but not limited to any and all other loss, costs or expense,

including reasonable attorney's fees from any products sold at said Market or any other use or operation of said Market.

6. Concurrently with the signing of this license, the Licensee shall file with the Town Clerk and all times thereunder, maintain in full force and effect for the terms of such license or any renewal thereof, a good and sufficient liability insurance policy providing coverage for personal injuries to each person; coverage for all personal injuries in each accident and coverage for all property damage in each accident at such amounts as have been agreed to by the Town. The policy shall name the Town, Council Members and employees as additional insureds. The Licensee does indemnify and hold harmless the Town, its council members and all staff from any and all costs, court costs and costs of defense for any action, including reasonable attorneys fees, from any cause of action, claim or demand for personal injury, death or property damage arising out of the use of the Town property.
7. The Licensee agrees that any and all individuals who will be operating Farmers' Market will wear appropriate identification designating themselves as a member of the Association at all times and that a list of those so authorized and any changes thereto will be provided to the Town Administrator.

MAINTENANCE AND ACCOUNTING FOR FUNDS

1. The Licensee has inspected said Town facilities and accepts the same in its existing condition and agrees to maintain said Premises and return the Premises to the Town at the end of the use in the same condition as it is now less reasonable wear and tear.
2. The Licensee agrees that any and all improvements, fixtures attached and repairs done to said Premises at the end of the license term shall become the sole and absolute property of the Town of Sawmills.
3. The Licensee agrees not to operate the Market and parking areas in such a manner as to create a public nuisance or constitute a danger to the public health, safety or welfare of others and agrees to keep and maintain said facilities in conformance with all applicable local, state and federal codes and ordinances.
4. The Licensee agrees to keep clean the Premises and every part thereof in good and sanitary order and repair.
5. The Town will pay the normal utility costs for the Premises (if any).
6. The Sawmills Association agrees that all funds and monies generated from operation of said Market will be used and applied to support programs conducted in the Town of Sawmills. No less than annually an accounting of the funds of the

Association will be provided to the Town Council as well as such other financial information as may be requested by the Town Auditors.

7. The Association will establish rules and regulations for the Vendors and the Market program and will submit a copy of the Rules and Regulations to the Town Administrator in writing for his approval.
8. The Association agrees that it will indemnify and hold harmless the Town, its Board Members, agents and employees from all suits, claims, actions or damages of any nature whatsoever arising from the negligence or nonperformance of the Association and the performance of work under this Agreement and also agrees that this indemnity covers and advertising material that is deemed to violate any patents, copyrights or trademarks and statutory or otherwise as it pertains to any claim against any items or materials that are advertised under the term of this Agreement.

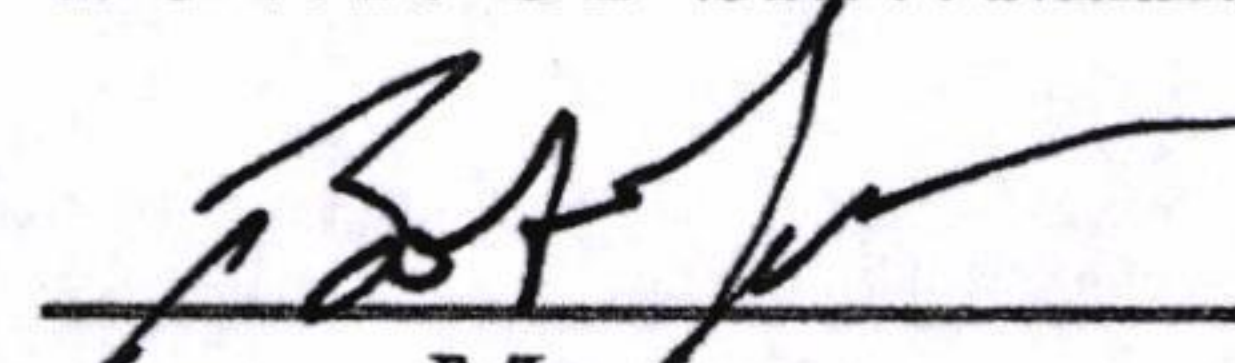
RIGHT TO CANCEL

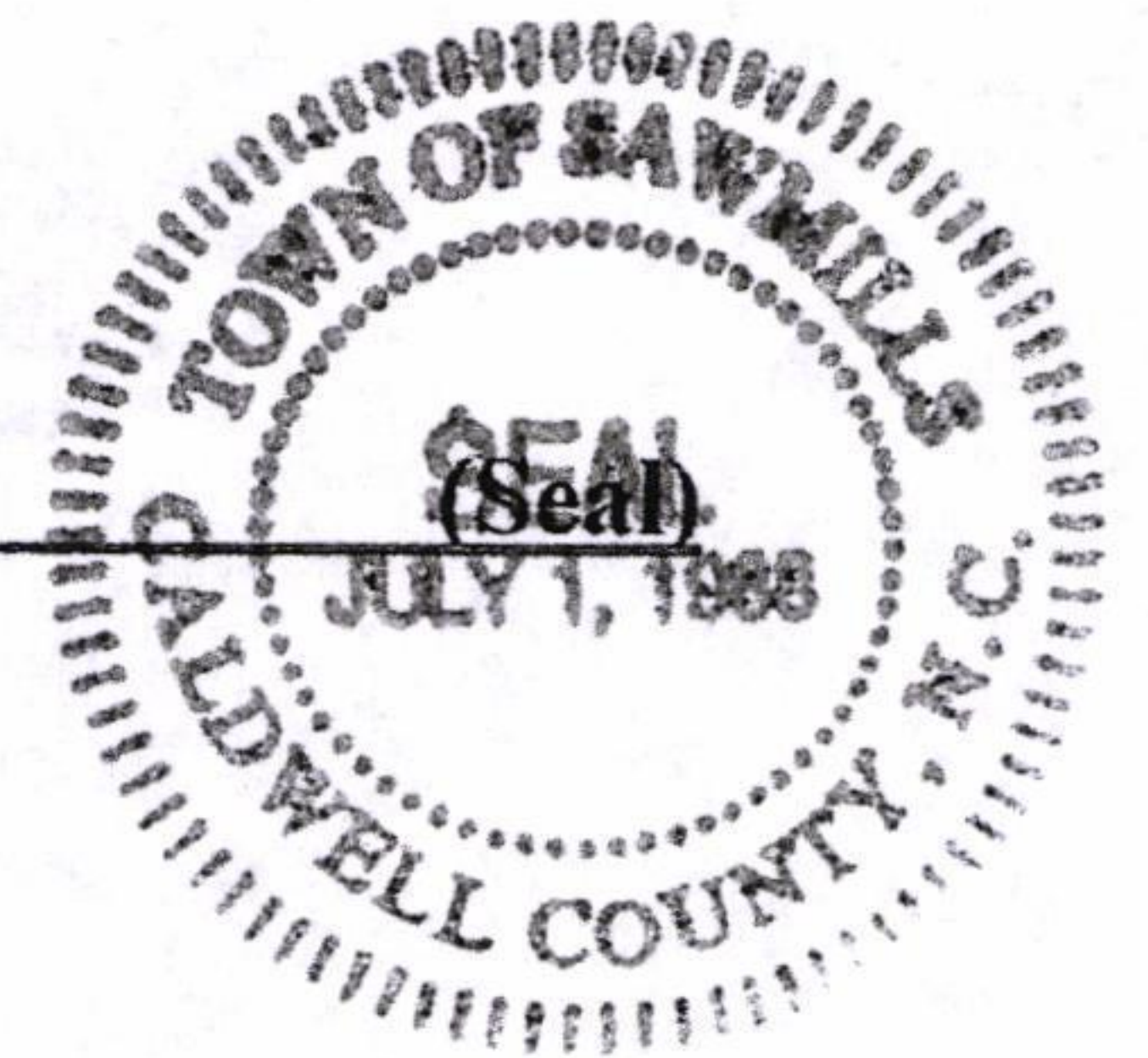
The Town reserves the right to cancel this Agreement upon thirty (30) days written notice at any time. In such event, the parties agree to cooperate and work together so in such event any previously scheduled activities will be allowed to take place with as little disruption as possible as to events already committed to by the Association.

IN WITNESS WHEREOF, the parties have hereto caused this instrument to be duly executed the day and year first above written.

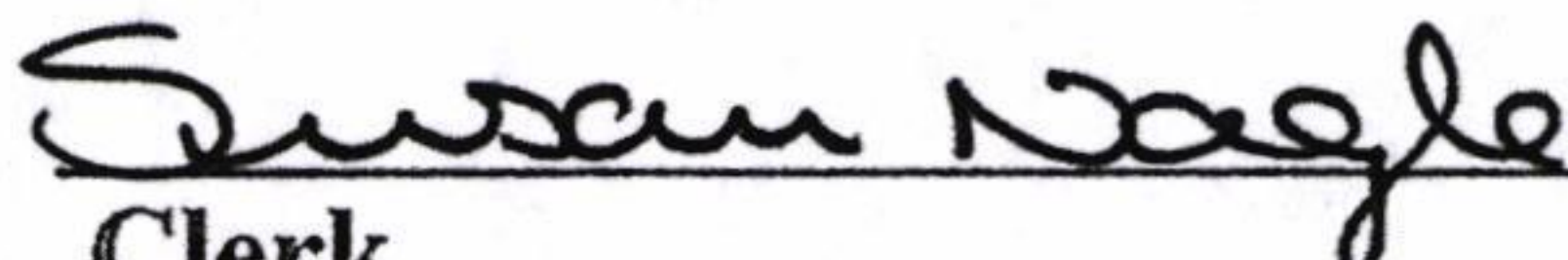
TOWN OF SAWMILLS

By:


Mayor

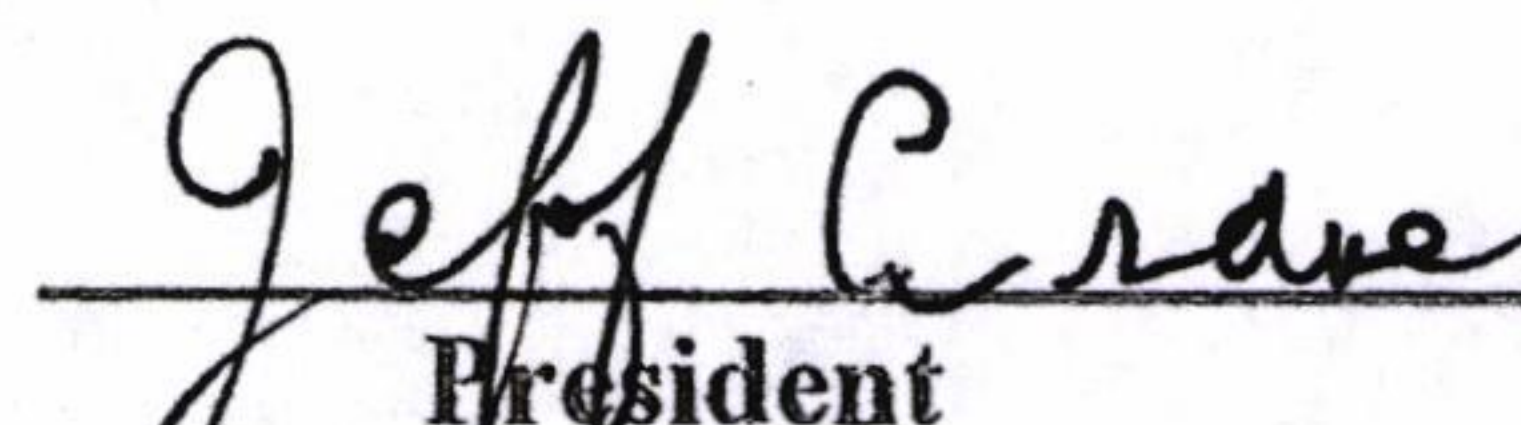


ATTEST:

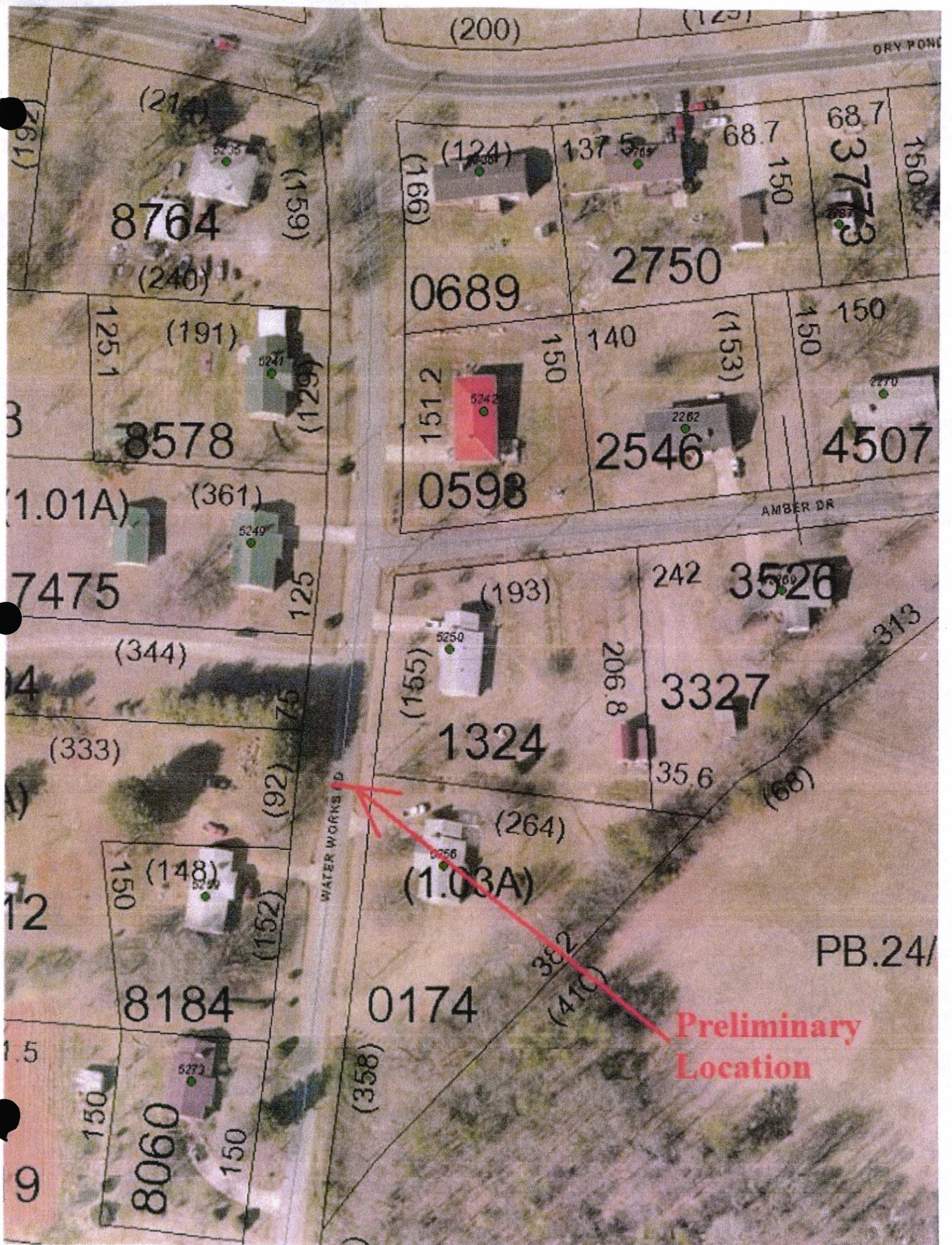

Clerk

SAWMILLS FARMERS' MARKET
ASSOCIATION, INC.

By:


President

(Seal)



(200)

(125)

DRY POND

8764

(240)

125.1

(191)

8578

(361)

(1.01A)

7475

(344)

4

(333)

12

8184

(148)

1.5

8060

9

(124)

0689

151.2

0598

(155)

1324

(1.03A)

0174

(358)

137.5

2750

140

2546

242

3327

35.6

382

(410)

68.7

150

68.7

3773

150

150

4507

AMBER DR

3526

313

(68)

PB.24/

Preliminary Location

Code Enforcement Report
September 2012

Property Owner	Property Address	Issue	Status
Kieyanna Carter	4361 Sawmills School Rd	High vegetation	Property owner has complied.
Ed Springer	4369 Joplin Rd	High vegetation	Abatement to take place mid-September by Town
Rita Feid	2161 White Pine Dr.	High vegetation	Property owner has complied.

Johnny Wear
Town Planner

List updated on September 13, 2012