

TOWN OF SAWMILLS TOWN COUNCIL

**Sawmills Town Hall
Tuesday, August 17, 2010
6:00 pm**

Council Members Present

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

Staff Present

Robert Frye
Terry Taylor

Call to Order: Mayor Bob Gibbs called the meeting to order.

Invocation: Mayor Bob 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. Upon motion of Eddie Bowman and seconded by Beverly Fry, the agenda was unanimously adopted.

Approval of the July 20th regular meeting minutes was made on motion by Eddie Bowman, seconded by Gerelene Blevins. The regular meeting minutes of July 20th were unanimously approved.

On a motion by Donnie Potter and seconded by Gerelene Blevins, the special meeting minutes of August 12th were unanimously approved.

Upon motion by Gerelene Blevins and seconded by Donnie Potter, the closed session minutes of the meeting of August 12th were unanimously approved.

Town Hall Meeting: Mayor Gibbs asked for input from those who requested to speak at the Town Hall meeting.

Financial Matters: Bob Frye presented the financial matters report and first explained the request for assistance from Sawmills Elementary School.

Upon motion by Gerelene Blevins and seconded by Joe Wesson the request for assistance for \$500.00 to Sawmills Elementary School was unanimously approved.

After discussion the request from South Caldwell Boosters for donation of \$75.00 in motion by

Beverly Fry and seconded by Donnie Potter was unanimously approved.

Water Shortage Response Plan: Next item of discussion was the Town Water Shortage Response Plan. The Plan was presented by Robert Frye and the Staff recommended that the Council pass the attached Resolution approving the Water Shortage Response Plan.

Upon motion by Eddie Bowman and seconded by Joe Wesson, the Water Shortage Response Plan Resolution, attached hereto, was unanimously approved with the exception of the correction on page 3 to change the Town from Gastonia to Lenoir.

Water Department Hours: The Staff updated the Council on the status of having extended Water Department operating hours. After discussion, Donnie Potter made the motion and Gerelene Blevins seconded to return to the normal operating hours of 8:00 am to 5:00 pm.

Code of Ethics: The next item of discussion was the revised Town Code of Ethics prepared by the Town Attorney to add the changes recently requested by the General Assembly. After reviewing the proposed changes, a motion of Joe Wesson and seconded by Donnie Potter the revised Town Code of Ethics was unanimously approved.

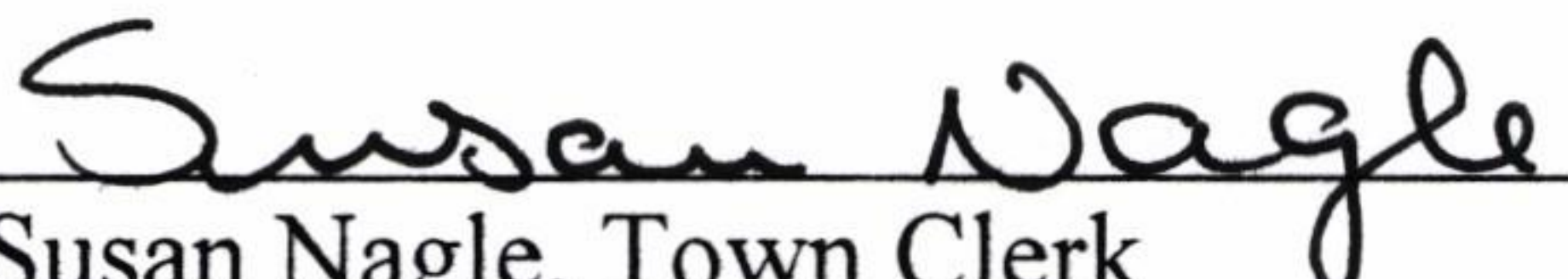
Code Enforcement: The next item of discussion was Code Enforcement Issues and a presentation by Benchmark Consultants for providing this type of service to the Town of Sawmills. This matter was referred to the Solid Waste Committee for a meeting on August 30 at 10:00 am.

Closed Session: The next item of discussion was a motion to go into closed session by Donnie Potter and seconded by Gerelene Blevins to discuss legal matters concerning Attorney/Client privilege. The motion was unanimously approved.

Council returned from closed session at 7:45 pm.

Upon motion of Donnie Potter and seconded by Joe Wesson, the motion to return to open meeting was unanimously approved.

Adjourn: The motion of Eddie Bowman and seconded by Donnie Potter was made to adjourn, the Council unanimously agreed to adjourn the meeting at 7:50 pm.


Susan Nagle, Town Clerk


Bob Gibbs, Mayor



MAYOR
Bob Gibbs

**TOWN
COUNCIL**

TOWN ADMINISTRATOR
Robert Frye

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

RESOLUTION FOR APPROVING WATER SHORTAGE RESPONSE PLAN

WHEREAS, North Carolina General Statute 143-355 (1) requires that each unit of local government that provides public water services or plans to provide such services shall, either individually or together with other such units of local government, prepare and submit a Water Shortage Response Plan; and

WHEREAS, as required by the statute and in the interests of sound local planning, a Water Shortage Response Plan for the Town of Sawmills, has been developed and submitted to the Sawmills Town Council for approval; and

WHEREAS, the Sawmills Town Council finds that the Water Shortage Response Plan is in accordance with the provisions of North Carolina General Statute 143-355 (1) and that it will provide appropriate guidance for the future management of water supplies for the Town of Sawmills, as well as useful information to the Department of Environment and Natural Resources for the development of a state water supply plan as required by statute;

NOW, THEREFORE BE IT RESOLVED by the Sawmills Town Council of the Town of Sawmills that the Water Shortage Response Plan dated Tuesday July 20, 2010 is hereby approved and shall be submitted to the Department of Environment and Natural Resources, Division of Water Resources; and

BE IT FURTHER RESOLVED that the Town of Sawmills intends that this plan shall be revised to reflect changes in relevant data and projections at least once every five years or as otherwise requested by the Department, in accordance with the statute and sound planning practice.

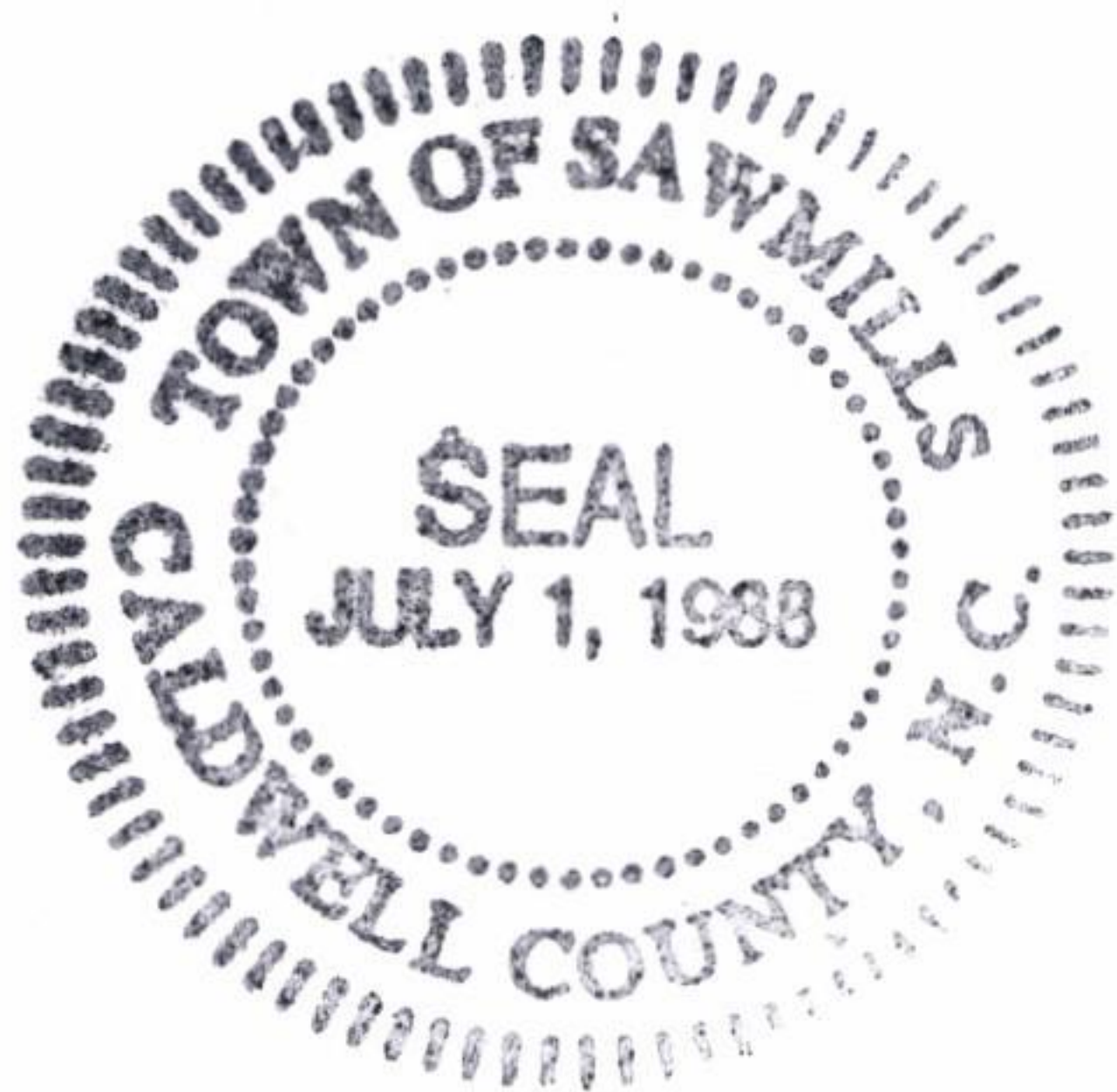
This the 17th day of AUGUST, 2010

Name: *Bob Gibbs*

Title: *Mayor* Mayor

Signature: *Bob Gibbs*

Attest:



Town of Sawmills

4076 US Highway 321-A • Sawmills, N.C. 28630 • (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.

CODE OF ETHICS

Adopted: AUGUST 17, 2010
Resolution No.: _____

TOWN OF SAWMILLS

Standards of Conduct and Conflict of Interest

A. Purpose

The purpose of this Code of Ethics is to establish guidelines for ethical standards of conduct of the Town of Sawmills and to help determine what conduct is appropriate in particular cases. It should not be considered a substitute for the law or for a board member's best judgment.

B. Definitions

For purposes of this section, the following definitions shall apply:

1. *Business Entity* means any business, proprietorship, firm, partnership, person in representative or fiduciary capacity, association, venture, trust or corporation which is organized for financial gain or for profit.
2. *Town Official* means the Chairman, members of the Town Board, Executive Manager, Town Attorney and Department Heads.
3. *Immediate Household* means the Town Official, his/her spouse, and all dependent children of the Town Official.
4. *Interest* means direct or indirect pecuniary or material benefit accruing to a Town Official as a result of a contract or transaction which is or may be the subject of an official act or action by or with the Town. For purposes of this article, a Town Official shall be deemed to have an interest in the affairs of (1) any person in his immediate household as such term is defined in this section, (2) any business entity in which the Town Official is an officer or director, (3) any business entity in which an excess of ten percent (10%) of the stock of or legal or beneficial ownership of is controlled or owned directly by or indirectly by the Town Official, (4) any non-profit organization on which the Chairman or any member of the Town Board currently serves an officer, director, or board member, direct or indirect.

5. *Official act or action* means any legislative, administrative, appointive or discretionary act of any Town Official.

C: Standards of Conduct

1. *Scope.* All Town Officials as defined in this article shall be subject to and abide by the following standards of conduct.

2. *Interest in Contract or Agreement or Employment.* No Town Official herein defined shall have or thereafter acquire an Interest in any contract or agreement with the Town, except as allowed by and in conformance with the procedure set forth in the North Carolina General Statutes. This section does not prevent consulting or employment contracts between an Official and the Town that may otherwise be allowed by law so long as the Official that has the conflict does not participate in the selection, award or supervision of the Contractor Employee.

3. *Use of Official Position.* No Official shall use his or her official position or the Town's facilities for his or her private gain. In addition, Town Officials shall not misuse their status in such a way as to require, expect, or accept favors from subordinate employees.

4. *Disclosure of Information.* No Official shall use or disclose confidential information gained in the course of or by reason of his official position for purposes of advancing (1) his or her financial or personal interest, (2) a business entity in which he or she is an owner in part or in whole, an officer or director, (3) the financial or personal interest of a member of his or her immediate household or that of any other person.

5. *Incompatible Service.* No Official shall engage in or accept private employment or render service to private or other public interests when such employment or service is incompatible with the proper discharge of official duties or would tend to impair independence of judgment or action in the performance of official duties unless otherwise permitted by law and unless disclosure is made as provided in this article. Before accepting private employment, the Official should consider whether such employment would impact the Town negatively. An Official who accepts private employment should not represent himself or herself as an employee or agent of the Town.

6. *Gifts.* No Town Official shall directly or indirectly solicit any gift or accept or receive any gift having a value of Twenty-Five Dollars (\$25.00) or more whether in the form of money, services loaned, travel, entertainment, hospitality, thing or promise or any other form under circumstances in which it could reasonably be inferred that the gift was intended to influence him or her or could reasonably be expected to influence him or her in the performance of official duties or is intended as a reward for any official action or his or her part. Legitimate political contributions shall not be considered as gifts under the provisions of this paragraph.

7. *Special Treatment.* No Town Official shall grant any special consideration, treatment, or advantage to any citizen or public or private entity beyond that which is available to every other citizen or entity.

8. *Standards of Conduct.*

These Standards of Conduct require that:

Section 1. Town of Sawmills Board Members should obey all laws applicable to their official actions as members of the board. Board Members should be guided by the spirit as well as the letter of the law in whatever they do.

At the same time, Board Members should feel free to assert policy positions and opinions without fear of reprisal from fellow board members or citizens. To declare that a board member is behaving unethically because one disagrees with that board member on a question of policy (and not because of the board member's behavior) is unfair, dishonest, irresponsible, and itself unethical.

Section 2. Board members should act with integrity and independence from improper influence as they exercise the duties of their offices.

Section 3(a) Board Members should avoid impropriety in the exercise of their official duties. Their official actions should be above reproach. Although opinions may vary about what behavior is inappropriate, this board will consider impropriety in terms of whether a reasonable person who is aware of all of the relevant facts and circumstances surrounding the board member's action would conclude that the action was inappropriate.

Section 3(b) If a Board Member believes that his or her actions, while legal and ethical, may be misunderstood, the member should seek the advice of the board's attorney and should consider publicly disclosing the facts of the situation and the steps taken to resolve it.

Section 4. Board Members should faithfully perform the duties of their offices. They should act as the especially responsible citizens whom others can trust and respect. They should set a good example for others in the community, keeping in mind that trust and respect must continually be earned.

Board Members should faithfully attend and prepare for meetings. They should carefully analyze all credible information properly submitted to them, mindful of the need not to engage in communications outside the meeting in any quasi-judicial matters. They should demand full accountability from those over whom the Board has authority.

Board Members should be willing to bear their fair share of the board's workload. To the extent appropriate, they should be willing to put the board's interests ahead of their own.

Section 5. Board Members should conduct the affairs of the board in an open and public manner. They should comply with all applicable laws governing open meetings and public records, recognizing that doing so is an important way to be worthy of the public's trust. They should remember when they meet that they are conducting the public's business. They should also remember that local government records belong to the public and not to board members or their employees.

In order to ensure strict compliance with the laws concerning openness, boards members should make clear than environment of transparency and candor is to be maintained at all times in the governmental unit. They should prohibit unjustified delay in fulfilling public records requests. They should take deliberate steps to make certain that any closed sessions held by the board are lawfully conducted and that such sessions do not stray from the purposes for which they are called.

D. Disclosure of Interest in Legislative Action

The Chairman or any member of the Town Board who has an Interest in the official act or action before the Town Board shall publicly disclose on the record of the Town of Sawmills the nature and extent of such interest and shall withdraw from any consideration of the matter if excused by the Authority.

E. Investigations Instigated by Town Board, Town Manager or Any Other Person

1. The Board may direct the Town Attorney to investigate any apparent violation of this article as it applies to the Chairman, any member of the Board, or Town Manager, and to report the findings of the investigation to the Board.
2. The Board may direct the Town Manager to investigate any apparent violation of this article by the Town Attorney and to report the findings of the investigation to the Board.
3. Any person who believes that a violation of this article has occurred may file a complaint in writing with the Board when the Chairman and members of the Board, Town Manager or Town Attorney are the subjects of the complaint.
4. If the Board, after receipt of an investigation, has cause to believe a violation has occurred, the Board shall schedule a hearing on the matter, said hearing may be held as a Closed Session. The Official who is charged with the violation shall have the right to present evidence, cross-examine witnesses, including the complainant or complainants, and be represented by counsel at the hearing. If upon the conclusion of the hearing, the majority vote of the Board finds a violation has occurred, the Board may adopt a resolution of censure which shall be placed as a matter of record in the minutes of an official Board meeting.

F. Advisory Opinions.

When a Town Official has a doubt as to the applicability of any provision of this articles to a particular situation or to the definition of terms used in this article, he or she may apply to the Town Board or Town Attorney for an advisory opinion, either of which shall issue an opinion in writing and file same with either the Board or Town Attorney. The Town Official shall have the opportunity to present his or her interpretation of the facts at issue and of the application of provisions of this article before such advisory opinion is made. In addition, the Town Official shall publicly disclose to the Board or Town Manager the facts of issue in a particular situation and shall rely upon any resolution adopted by the Board or Town Manager regarding that particular situation.

Adopted this the 17th day of AUGUST,
20 10.

TOWN OF SAWMILLS

ATTEST:

Susan Nagle
Town Clerk



By: [Signature]
Mayor