

TUESDAY, SEPTEMBER 18, 2007
TOWN OF SAWMILLS REGULAR TOWN COUNCIL MEETING
6:00 P.M.

COUNCIL PRESENT

Bobby Austin
Joe Norman
Bob Gibbs
Gerelene Blevins
Joe Wesson

STAFF PRESENT

Robert Frye
Susan Noll
Terry Taylor

COUNCIL ABSENT

Eddie Bowman

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

INVOCATION: Mayor Austin gave the invocation.

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

APPROVAL OF AUGUST 21ST REGULAR MEETING MINUTES: Mayor Austin asked for a motion to approve the August 21, 2007 minutes.

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

APPROVAL OF AUGUST 30TH SPECIAL MEETING MINUTES: Mayor Austin asked for a motion to approve the August 30, 2007 special meeting minutes.

On a motion made by Gerelene Blevins and seconded by Joe Norman the special minutes were approved. All were in favor.

ADOPT AGENDA: Mayor Austin asked for a motion to adopt the agenda with the following changes: add STAT Fire Incident Air Quality update as item 11, change current item 11 to item 12, current item 12 to item 13, and current item 13 to item 14.

On a motion made by Bob Gibbs and seconded by Joe Wesson, the Agenda with changes was adopted. All were in favor.

PLANNING MATTERS: FARR FAMILY SUBDIVISION REQUEST: The Planning Commission reviewed a request by the Frances Farr Family for a family Subdivision of their property located off the Joplin Rd. on C.E. Farr Lane. The property in question will be divided into three parcels. It meets all requirements to qualify as a family subdivision.

The Planning Commission has reviewed this request and would recommend approval.

On a motion made by Joe Norman and seconded by Joe Wesson, the Frances Farr Family Subdivision was approved. All were in favor.

DISCUSSION: LAWN UPKEEP: On a motion made by Joe Wesson and seconded by Joe Norman, the Council approved a program for dealing with unmowed lawns within the Town. All were in favor.

DISCUSSION: SEWER INFORMATION PUBLIC MEETING: The Town of Sawmills will hold a public information meeting on Wednesday October 24, 2007 from 10:00 a.m. to 4:00 p.m. at the Town Hall for all residents of Sawmills to come and ask questions on the upcoming sewer bond vote.

Town Administrator Robert Frye will arrange a schedule for Council Members to be at the meeting different times throughout the day.

On a motion made by Joe Wesson and seconded by Gerelene Blevins the Council will hold a public information meeting at the Town Hall on October 24th from 10:00 a.m. to 4:00 p.m. All were in favor.

DISCUSSION OCTOBER COUNCIL MEETING RESCHEDULE REQUEST: Mayor Bobby Austin, Town Administrator Robert Frye, Councilman Bob Gibbs, and Councilman Eddie Bowman will be going to Fayetteville October 14 – 16th for the League of Municipalities Annual Conference. Since the conference coincides with the regular October Council meeting, Mayor Austin asked that the meeting be rescheduled from October 16th to the 23rd.

On a motion made by Joe Norman and seconded by Joe Wesson the next regular Council meeting will take place October 23, 2007. All were in favor.

FINANCE ASSISTANT INTERVIEW PROCESS: Mayor Bobby Austin, Town Administrator Robert Frye, Councilman Eddie Bowman, and Councilman Bob Gibbs will review the resumes for the position of Finance Assistant on Monday October 01, 2007. After reviewing all resumes, the Council will hold a special meeting on Thursday October 4, 2007 to interview all perspective applicants.

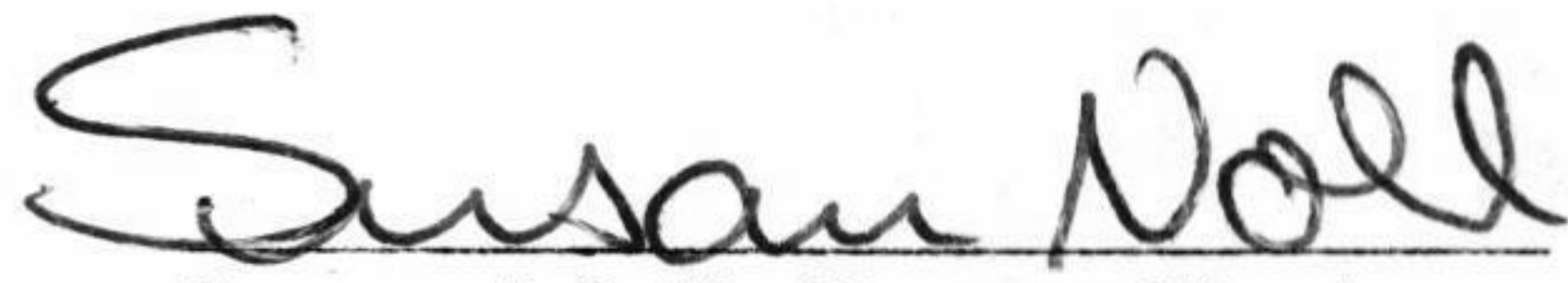
On a motion made by Joe Wesson and seconded by Gerelene Blevins Council will proceed with the interviewing process. All were in favor.

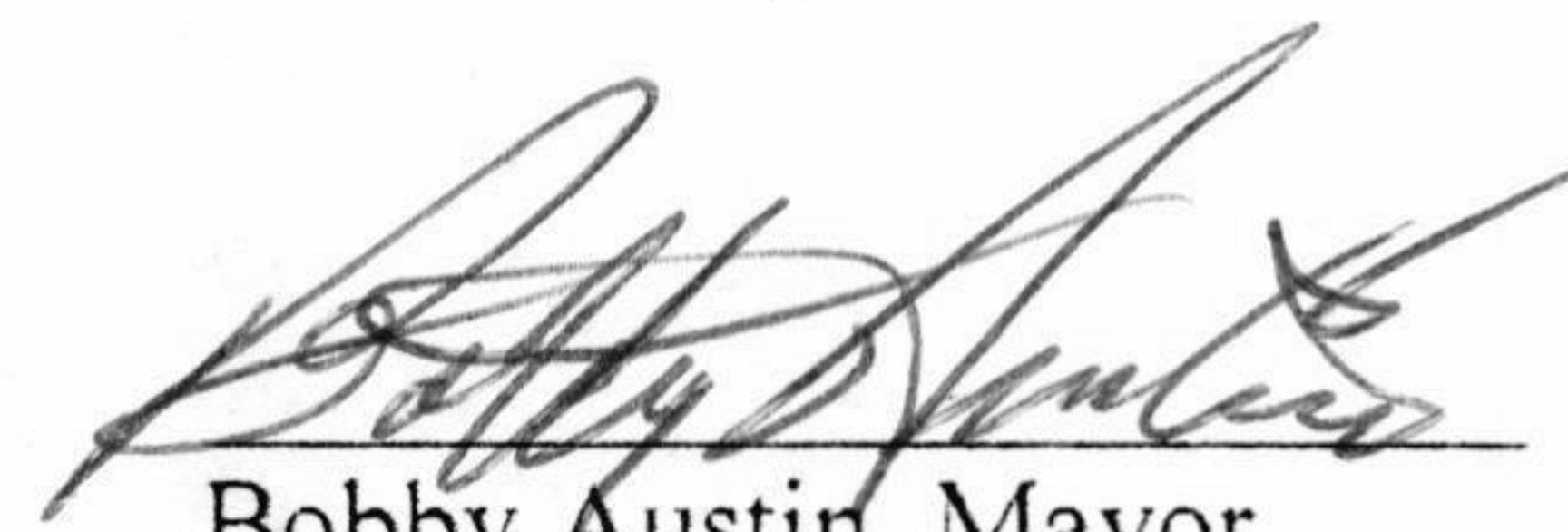
STAT FIRE INCIDENT AIR QUALITY UPDATE: Councilman Bob Gibbs spoke on the recent fire incident that occurred at STAT, Inc. He stated that no one was hurt; and that according to NC State officials no air quality violations occurred.

TOWN HALL MEETING: Bridgett Mann addressed the Council on her concerns regarding Stat, Inc.

ADJOURN: Mayor Austin asked for a motion to adjourn the meeting and go into closed session.

On a motion made by Joe Norman and seconded by Joe Wesson, the meeting was adjourned at 6:25 p.m. All were in favor.


Susan Noll, Town Clerk


Bobby Austin, Mayor

**ORDINANCE OF AMENDMENT
TOWN OF SAWMILLS**

CHAPTER 82 - WEEDS, GRASS AND REFUSE

EFFECTIVE this the 18th day of SEPTEMBER, 2007, the Town of Sawmills does by Ordinance formally amend the Ordinance Book and specifically that being Chapter 82, Section 82.02, Section 82.03, Section 82.04 and Section 82.05, shall read as follows:

Section 82.02. - Investigation.

The Town Manager, upon notice from any person, *on a pre-preprinted form to be provided by the Town Clerk*, of the existence of any of the conditions described in § 82.01, shall cause to be made by the appropriate County Health Department official, or town official, such investigation as may be necessary to determine whether conditions exist which may constitute a public nuisance as declared in § 82.01. *The individual conducting said investigation shall submit a written report, on a pre-printed form to be provided by the Town Manager, summarizing the investigator's findings to the Town Clerk within thirty (30) days of contact by the Town Manager regarding the need for an investigation.*

(Ord., passed 1-22-91), (Ord., amended 9 - 18 -2007)

Section 82.03 Notice of Violation; Hearing.

If it appears that such conditions exist, the Town Manager shall cause to be delivered or mailed to the owner of the property upon which the conditions exist, a notice stating the reasons why the conditions may constitute a violation and that a hearing will be held before the Town Manager at a place therein fixed, not less than 10 nor more than 30 days after the delivery or mailing of the notice. The owner or any party in interest shall have the right to file an answer to the notice and to appear in person, or otherwise, and give evidence at the place such hearing and give evidence relevant to the matter being heard. The rules of evidence prevailing in courts of law or equity shall not be controlling in such hearings.

(Ord., passed 1-22-91), (Ord., amended 9 - 18 -2007)

Section 82.04 Notice to Abate.

If a determination is made that such conditions constituting a public nuisance exist, the Town Manager shall notify, in writing, the owner of the premises in question of the conditions constituting such public nuisance and shall order the prompt abatement thereof within 15 days from the receipt of such written notice.

(Ord., amended 9 - 18 -2007)

Section 82.05 Abatement By Town.

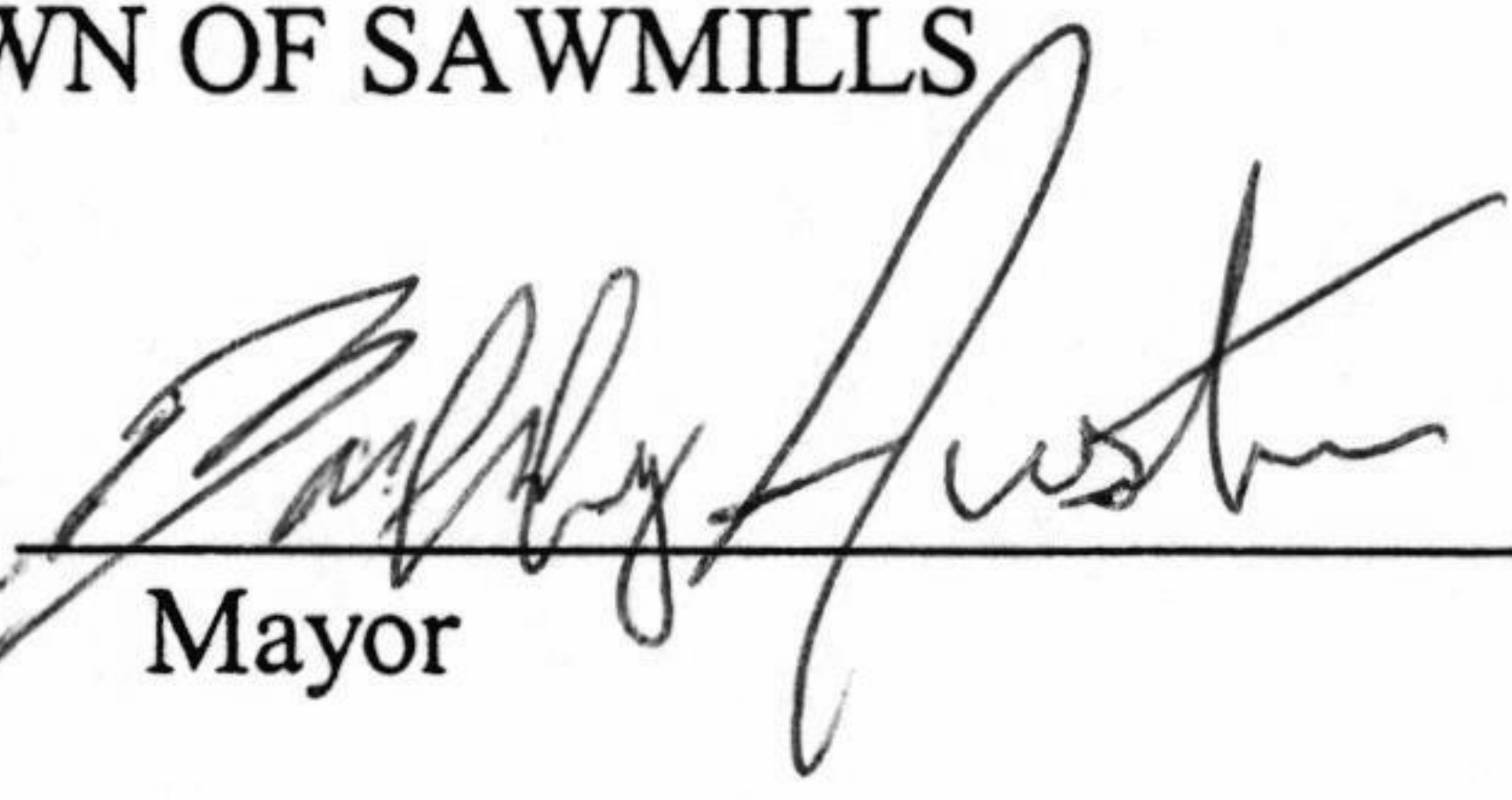
If the owner, having been ordered to abate such a public nuisance, fails, neglects, or refuses

to abate or remove the condition constituting the nuisance within 15 days from receipt of the order, the Town Manager shall cause the condition to be removed or otherwise remedied by having employees of the town to go upon the premises and remove or otherwise abate the nuisance under the supervision of an officer or employee designated by the Town Manager. Any person who has been ordered to abate a public nuisance may within the time allowed by this chapter, request the town in writing to remove such condition, the cost of which shall be paid by the person making the request.

(Ord., passed 1-22-91) (Ord., amended 9 - 18 -2007)

These provisions enacted this the 18th day of SEPTEMBER, 2007.

TOWN OF SAWMILLS

BY: 

Mayor

ATTEST:



Town Clerk

TOWN OF SAWMILLS
WEEDS, GRASS AND REFUSE NUISANCE COMPLAINT FORM

Dear Citizen,

Thank you for your interest in keeping the Town of Sawmills free of weeds, grass and refuse which may constitute a nuisance. Before you complete this form please read what constitutes a nuisance for weeds, grass and refuse pursuant to Section 82.01 of the Sawmills Town Code. If after reading this ordinance you still believe that a nuisance exists in the Town of Sawmills please fill out this form and return it to the Town Clerk.

Upon receiving a completed form the Town Clerk will give the form to the Town Manager who shall begin the weed, grass and refuse nuisance investigation process. Please note that this process may take several months and that you are responsible for communicating with the Town Manager regarding the status of the investigation.

Section 82.01 Nuisance Conditions.

The existence of any of the following conditions on any vacant lot or other parcel of land within the corporate limits is declared to be dangerous and prejudicial to the public health or safety and to constitute a public nuisance:

- (A) The uncontrolled growth of noxious weeds or grass to a height in excess of 24 inches causing or threatening to cause a hazard detrimental to the public health or safety.
- (B) Any accumulation of rubbish, trash, or junk causing or threatening to cause a fire hazard, or causing or threatening to cause the accumulation of stagnant water, or causing or threatening to cause the inhabitation therein of rats, mice, snakes, or vermin of any kind which is or may be dangerous to the public health.
- (C) Any accumulation of animal or vegetable matter that is offensive by virtue of odors or vapors or by the inhabitation therein of rats, mice, snakes or vermin of any kind which is or may be dangerous or prejudicial to the public health
- (D) The open storage of any abandoned ice box, refrigerator, stove, glass, building material, building rubbish, or similar items.
- (E) Any condition detrimental to the public health which violates the rules and regulations of the County Health Department.

(Ord., passed 1-22-91)

1. Have you read the above definition as to what constitutes a nuisance regarding weeds, grass and refuse?

Yes: _____ No: _____

2. Do you feel that the above definition of nuisance for weeds, grass and refuse applies to the condition you are reporting today? Yes: _____ No: _____
3. Please list the full address (including zip code) for the property you feel contains a nuisance. _____

4. Please list the name (if known) of the owner of the complained about property. _____
5. Please list the name (if known) of the of whomever currently resides at the complained about property. _____
6. Please provide a detailed description of the condition(s) which constitute a nuisance at the complained about property.

7. Printed name of individual filing this complaint. _____
8. Current address for individual filing this complaint. _____

Complainant's Signature: _____ Date: _____

Town Clerk's Initials: _____ Date of Form Review: _____

TOWN OF SAWMILLS

WEEDS, GRASS AND REFUSE NUISANCE COMPLAINT INVESTIGATION FORM

Printed Name of Investigator: _____ Investigation Date: _____

Date Investigator Received Notice From Town Manager: _____

Address of Property Investigated: _____

Name and Address of Record Property Owner: _____

Name of Individual/Entity Residing at Investigated Property: _____

Investigator's Detailed Description of the Property being Investigated: _____

Does Investigator feel that conditions exist on the property which may constitute a weed, grass or refuse nuisance? Yes: _____ No: _____

Investigator's Signature: _____ Date Returned to Town Manager: _____

Town of Sawmills

4076 US Hwy. 321-A

Sawmills, NC 28630

(828) 396-7903

_____ [date]

NOTICE OF HEARING LETTER

Potential Nuisance Ordinance Violation on Your Property Located at:

Dear _____:

The Town of Sawmills is committed to maintaining quality neighborhoods and an excellent community environment. Our citizens expect us to do everything we can in this regard. We know that this can only be achieved through the cooperation of everyone involved.

The purpose of this letter is to inform you that a complaint was filed with the Town Manager regarding the potential existence of a nuisance on your property located at the address listed above

on _____, _____ [insert date of complaint here]. The Town of Sawmills Municipal Code Chapter 82, Weeds, Grass and Refuse requires that all nuisance complaints presented to the Town Clerk be investigated. An investigation of this nuisance complaint was conducted by

_____ [insert investigator's name], with

the _____ [insert investigator's employer], on _____

_____, _____ [insert date of investigation here].

The investigator determined that your property located at above address is potentially in violation the Town of Sawmills Municipal Code 82, Weeds, Grass and Refuse. Specifically, the investigator determined that the Town of Sawmills Municipal Code Section 82.01 _____ [insert

subsection being violated here] is being violated. This code section states that _____

_____ [insert actual text of subsection being violated here].

Pursuant to Sawmills Municipal Code Chapter 82, Weeds, Grass and Refuse a hearing will be held before the Town Manager on _____, _____ [insert date of hearing here] at the Sawmills Town Hall to determine whether a nuisance does in fact exist on your property located at the above address. At this hearing you will have the opportunity to file an answer in this matter, be heard before the Town Manager and present evidence on your behalf.

Should the Town Manager determine that a nuisance does in fact exist on your property located at the above address, you will have fifteen (15) days from receipt of notice of the Town Manager's determination to remove the nuisance.

Please be advised that failure to remove the nuisance within fifteen (15) days shall result in a "CIVIL CITATION" being issued against you. Once a CIVIL CITATION is issued, you will incur a civil penalty in the amount of fifty dollars (\$50.00) per day per violation. **Note that each day a violation continues is a separate and distinct offense and the above penalty will be assessed daily so long as the violation continues.** The Town of Sawmills is also authorized pursuant to North Carolina General Statute § 160A-175 and Sawmills Town Code § 10.99 to apply to the appropriate court of jurisdiction for injunctive relief and orders of abatement. Violation of an ordinance is also a Class 3 misdemeanor pursuant to North Carolina General Statute § 14-4(a).

If you have any questions regarding this process please contact me at the number listed above.

Sincerely,

Sawmills Town Manager

Town of Sawmills

4076 US Hwy. 321-A

Sawmills, NC 28630

(828) 396-7903

NOTICE OF CODE VIOLATION

Nuisance Ordinance Violation on Your Property Located at:

Dear _____:

Please be advised that this letter serves as notice of your violation of § 82 of the Sawmills Town Code on _____.

Date of Letter: _____

Date of Violation: _____

Nature of Violation: _____

Action Required to Correct Violation: _____

Please be advised that you must immediately cease this activity upon receipt of this notice, or incur penalties pursuant to North Carolina General Statute § 160A-175 and Sawmills Town Code § 10.99. Failure to comply with this request within fifteen (15) days shall result in a "CIVIL CITATION." In the event you have failed to react to this warning by _____ you will begin to incur a civil penalty in the amount of fifty dollars (\$50.00) per day per violation. **Note that each day a violation continues is a separate and distinct offense and the above penalty will be assessed daily so long as the violation continues.** The Town of Sawmills is also authorized pursuant to North Carolina General Statute § 160A-175 and Sawmills Town Code § 10.99 to apply to the appropriate court of jurisdiction for injunctive relief and orders of abatement. Violation of an ordinance is also a Class 3 misdemeanor pursuant to North Carolina General Statute § 14-4(a).

Sawmills Town Manager

Town of Sawmills

4076 US Hwy. 321-A

Sawmills, NC 28630

(828) 396-7903

**CIVIL CITATION
FOR
NOTICE OF CODE VIOLATION**

Dear _____:

Please be advised that pursuant to our letter to your, dated _____ (see attached copy), you are in continued violation of § 82 of the Sawmills Town Code. As stated in the "NOTICE OF CODE VIOLATION" letter, you will now be assessed a penalty of one hundred dollars (\$100.00) per day per violation. You will be assessed at a rate of fifty dollars (\$50.00) per day per violation. **Note that each day a violation continues is a separate and distinct offense and the above penalty will be assessed daily so long as the violation continues.** The Town of Sawmills is also authorized pursuant to North Carolina General Statute § 160A-175 and Sawmills Town Code § 10.99 to apply to the appropriate court of jurisdiction for injunctive relief and orders of abatement. Violation of an ordinance is also a Class 3 misdemeanor pursuant to North Carolina General Statute § 14-4(a).

You are hereby directed to make payment to the Town Clerk, located in the above address, within ten (10) days from the date of this citation. The violation for which you have been cited must be corrected in order to pay the citation. Further citations shall be issued until such violations are corrected. Furthermore, if you fail to pay the penalty pursuant to this citation within ten (10) days of its issuance, you are hereby notified that the Town of Sawmills may institute a civil action against you in the nature of a debt.

Sawmills Town Manager