OCTOBER 1, 2002
MINUTES OF MEETING

COUNCIL PRESENT
David Stamey
Joe Norman
Gerelene Blevins
Pat Harrison
Joe Helton
Bill Ramsey

STAFF PRESENT
Robert Frye
Wanda Reid
Terry Taylor

CALL TO ORDER: Mayor David Stamey called the meeting to order at 6:00 PM and welcomed all guests.

INVOCATION: In the absence of Pastor Rick Crouse, Councilman Joe Helton gave the invocation.

PLEDGE OF ALLEGIANCE: Mayor Stamey led the Council and audience in saying the Pledge of Allegiance.

ADOPT AGENDA: On a motion made by Joe Helton, seconded by Pat Harrison, Council voted to adopt the agenda.

APPROVAL OF SEPTEMBER 17, 2002 REGULAR MINUTES: Gerelene Blevins made the motion to approve the previous minutes with Joe Norman seconding. All were in favor.

DISCUSSION: Water Emergency Management Policy: Mr. Frye informed Council that the City of Lenoir has recently declared a stage one water emergency. He reminded Council that the Town purchases the majority of its water from the City of Lenoir and that as a result of the agreement between Sawmills and Lenoir, Sawmills is contractually obligated to work with Lenoir to reduce water usage during a prolonged period of drought such as this. Mr. Frye then recommended that Council amend the Town's Water Ordinance to include the proposed Water Emergency Management Policy. (See Attached). Joe Norman made the motion amend the Town's water ordinance to include the Water Emergency Management policy. Pat Harrison seconded. All were in favor. First reading to amend the ordinance is scheduled for the October 15th, 2002 meeting.

DISCUSSION: Changes to Manufactured Housing Ordinance: Councilwoman Gerelene Blevins inquired if the road width provision within the non conforming parks of the proposed ordinance section remained at 16 feet. Mr. Frye assured her this was correct. She then asked for a clarification concerning all existing manufactured over 20 years of age in the Town; specifically if these homes would be "grandfathered" under the new ordinance. Mr. Frye confirmed that this was the case. There being no further discussion, Joe Helton made the motion to adopt the ordinance as presented but to delete section 93.078 (C) (1) (a). Joe Norman seconded. All were in favor.

CLOSED SESSION: Bill Ramsey made the motion to go into closed session at 6:10 PM. Gerelene Blevins seconded. All were in favor.

COME OUT OF CLOSED SESSION: Bill Ramsey made the motion to come out of closed session at 6:20 PM.

ADJOURN: Pat Harrison made the motion to adjourn with Joe Norman seconding. All were in favor.

Wanda Reid, Town Clerk

David Stamey, Mayor

Article III

Water Emergency Management Policy

Section 32-28. Definition of a Water Emergency

The term "water emergency" shall be defined as an condition or situation which threatens the safety or supply of either treated or potable water within the water supply, treatment or distribution systems of the Town of Sawmills. The Town Council shall determine whether specific situations are considered to be water emergencies. Such situations shall include, but are not limited to, drought, or periods of insufficient raw water supply, and fires of a magnitude, such that system integrity is threatened.

Section 32-29. Declaration of Water Emergency

The Town Council after consultation with the City of Lenoir shall make the decision as to whether or not a water emergency exists. Depending on the severity of the emergency; voluntary (level I), mandatory (level II or III) or mandatory (level IV) staged water se restrictions as described herein shall be imposed upon customers.

Section 32-30. Staged Water Use Regulations

a. Level I

During a declared Level I water emergency, the following voluntary practices shall be encouraged for the public water system served by the town:

1. Watering of lawns, ornamental plants, and gardens shall be limited to that necessary for plant survival only. Water only during off peak hours. (9:00 p.m. to 4:00 a.m.)

2. Planting of new ornamental plants and seeding of lawns should be deferred until the water emergency no longer exists.

3. Household water should be reutilized to the greatest possible extent.

4. Use of water for wash down of outside areas such as driveways or parking lots should be curtailed.

5. Faucets should not be left running while shaving, brushing teeth, or washing dishes.

6. The use of clothes and dishwashers should be limited if possible and should be operated with full loads when used.

7. Washing of cars or other vehicles should be held to a minimum. Hoses should not be left running while washing vehicles.

8. The use of flow restrictors and other water saving devices is encouraged.

9. Showers should be used for bathing and showers should be limited to four or five minutes.

10. Filling of pools should be deferred or limited to hours between 9:00 p.m. and 4:00 a.m.

11. Any practice listed above may be modified or additional practices added at the discretion of the Town Council

b. Level II

During a declared Level II water emergency, the following mandatory water use restrictions shall be in effect for the public water system served by the town:

1. All voluntary practices listed in Level I restrictions shall be mandatory unless stricter measures are indicated in this section.

2. Residents will be allowed to use water for outdoor activities on Wednesday and Saturday only. They may only use handheld hoses with spring loaded nozzles. Professional and commercial landscaping, nursery and pressure washing businesses may resume operations using handheld hoses with spring loaded nozzles.

3. Planting of new ornamental plants or seeding of lawns shall be deferred until the water emergency no longer exists.

4. Use of water for washing down exterior areas, including but not limited to buildings, driveways, and/or parking lots, shall be prohibited.

5. Public commercial washing structures including those providing hand held washing nozzles may continue operation. However, the facility owner/operator, shall ensure that waste of water does not occur.

6. Restaurants and other food serving establishments shall serve water to patrons only at the request of the patron(s).

7. Commercial, industrial and construction operations shall eliminate all possible waste of water.

8. Newly constructed or drained pools shall be filled only on Wednesday or Saturday. A permit must be obtained from Town Hall.

9. Any practice listed above may be modified or additional practices added at the discretion of the Town Council

c. Level III

During a declared Level III water emergency, the following mandatory water use restrictions shall be in effect for the public water system served by the town:

1. All practices listed in Level I and Level II shall remain in effect unless stricter measures are indicated in this section.

2. Restaurants and other food serving establishments shall utilize single serving utensils and plates, and serve water only at the patron(s) request.

3. Large scale commercial and industrial water customers and construction activities utilizing five thousand (5,000) or more gallons of water per day shall achieve mandatory reduction in daily water usage of twenty-five (25), fifty (50), or seventy-five (75) percent through whatever means available. The target reduction percentage shall be determined by the severity of the water emergency and shall be publicly announced as part of the emergency declaration. Variances to this restriction may be granted to designated public health facilities including but not limited to hospitals and nursing homes.

4. Drinking water taps or hydrant permits shall be issues or revoked at the discretion of Town staff.

5. Any practice listed above may be modified or additional practices added at the discretion of the Town Council

d. Level IV

During a declared Level IV water emergency, the following mandatory water use restrictions shall be in effect for the public water system served by the town:

1. All use of water for other than maintenance of public safety is prohibited.

2. Where the town system is not functional, daily per day residential water usage shall not exceed 300 gallons per day.

3. Where the town system is not functional, emergency service vehicles shall be utilized to distribute water for household use at rearranged locations within the affected area. Usage by individual shall be limited to those amounts necessary to sustain life through drinking, food preparation, and personal hygiene.

4. Water use by industrial and commercial customers may or may not be allowed. This determination will be made by the Town Council after consultation with town in order to assure that supplies are adequate to protect public health and sustain fire protection.

5. Any practice listed above may be modified or additional practices added at the discretion of the Town Council

Section 32-31. Penalties

Any person violating the mandatory provisions of section 32- 30 shall be issued a civil citation and a penalty not exceeding $100.00 per day for residential and $500.00 per day for commercial and industrial users. Each occurrence shall be considered as a separate violation.

Section 32-32. Discontinuance of Service

Pursuant to the provisions of G.S. 160-A-314 and this policy, water service may be temporarily discontinued for willful disregard of this policy. All applicable penalty fees may be applied in the event of service suspension. In the event of continued gross noncompliance with this policy, removal of the meter and service will be deemed proper and service will be discontinued. Taps fees and deposits will be forfeited.

Conley Creek Access Park
Cost Estimate

Background

The Conley Creek Access Park will involve capital improvements only since the land is being leased from Duke Power. Currently, there is a boating access area and 75 vehicle parking lot that is and will continue to be maintained by North Carolina Wildlife Resources Commission. Phase 1 would focus activities near the existing access area while phases 2 and 3 would focus on the area where the two ballfields will be constructed. Phase 4 would concentrate on the area where the multi-purpose ballfield would be constructed and the last phase would add improvements to all areas of the park.

Cost Estimate

Phase I (years 0-1)	
Walking Trail 2,500'x 8' wide @ $3.00 per foot	$ 7,500
12' x 12' picnic shelters 2 @ $2,500 each	5,000
Picnic Tables 4@ $400 each	1,600
Signage	480
Fishing Pier (including walkway from parking lot to pier)	20,420
TOTAL COST PHASE I	$ 35,000
Phase 2 (years 2-3)	
Ballfields clearing and grading 2 @ $25,000 each (1 ballfield 250' and the other 300'	$ 50,000
Irrigation 2 @ $3,000 each	6,000
Parking (gravel) 75 spaces	25,000
Bleachers 4 @ $2,000 each	8,000
Backstops, dugouts, fencing 2 @ $10,000 each	20,000
Engineering (grading plan, sedimentation plan and topo survey and test borings if necessary for park facilities)	11,000
TOTAL COST PHASE 2	$ 120,000
Phase 3 (years 4-5)	
Concession /restrooms/pressbox	$ 130,000
TOTAL COST PHASE 3	$ 130,000
Phase 4 (years 6-7)	
Ballfield (combination soccer/football) grading & clearing	$ 25,000
Irrigation	3,000
Fencing	8,000
Bleachers 2 @ $2,000 each	4,000
Goals 2 @ $1,000 each	2,000

20' x 40' picnic shelter	20,000
Gravel parking 75 spaces	25,000
Restrooms	40,000
Playground equipment	25,000
Horseshoe pit	2,000
Volleyball court	3,000
TOTAL COST PHASE 4	$157,000

Phase 5 (years 8-10)

Light 3 fields	$200,000
Walking trail 1.6 miles @ $3.00 per foot	25,300
Pave 2 gravel parking lots	75,000
TOTAL COST PHASE 5	$300,300

Total Development Cost Conley Creek Access Park $742,300

Town of Sawmills, North Carolina

Standards of Conduct and Conflict of Interest

A. 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 Mayor, members of the Town Council, Town 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 five percent (5%) 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 Mayor or any member of the Town Council currently serves an officer, director, or board member.

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

B. 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*. No Town Official herein defined shall have or thereafter acquire an interest in any contract or agreement with the Town, except as allowed by the North Carolina General Statutes. This section does not prevent employment contracts between the Town Official and the Town.

3. *Use of Official Position*. No Town 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 Town 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 Town 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 Town Official should consider whether such employment would impact the Town negatively. A Town Official who accepts private employment should not represent himself or herself as an employee or agent of the Town of Sawmills.

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 a Town Official:

- Behave honestly and with integrity in the course of conducting official business;

- Act with care and diligence in the course of official business.

- When acting in the course of official business, treat everyone with respect and

courtesy;

•Comply with any lawful and reasonable direction given by someone who has authority to give directions;

•Use Town resources in a proper manner; and

•At all times behave in a way that upholds the values and the integrity and good reputation of the Town.

C. Disclosure of Interest in Legislative Action

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

D. Investigations Instigated by Town Council, Town Manager or Any Other Person

1. Town Council may direct the Town Attorney to investigate any apparent violation of this article as it applies to the Mayor, any member of the Town Council, or Town Manager, and to report the findings of the investigation to the Town Council.

2. The Town Council 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 Town Council.

3. Any person who believes that a violation of this article has occurred may file a complaint in writing with the Town Council when the Mayor and members of the Town Council, Town Manager or Town Attorney are the subjects of the complaint.

4. If the Town Council, after receipt of an investigation, has cause to believe a violation has occurred, the Town Council shall schedule a hearing on the matter, said hearing may be held as a Closed Session. The Town Official who is charges 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 Council finds a violation has occurred, the Council may adopt a resolution of censure which shall be placed as a matter of record in the minutes of an official Council meeting.

E. 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 or Town Attorney for an advisory opinion, either of which shall issue an opinion in writing and file same with either the Town Council 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 Town Council or Town Manager the facts of issue in a particular situation and shall rely upon any resolution adopted by the Town Council or Town Manager regarding that particular situation.

Adopted this the 15TH day of OCTOBER, 2002.

TOWN OF SAWMILLS

By: _____
Mayor

ATTEST:

_____
Clerk

[Town Seal]