

**TUESDAY, OCTOBER 18, 2011
TOWN OF SAWMILLS REGULAR COUNCIL MEETING
6:00 P.M.**

COUNCIL PRESENT

Bob Gibbs
Gerelene Blevins
Joe Norman
Beverly Fry
Joe Wesson

STAFF PRESENT

Seth Eckard
Susan Nagle
Terry Taylor

COUNCIL ABSENT

Donnie Potter

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.

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

APPROVAL OF SEPTEMBER 20th REGULAR MEETING MINUTES: Mayor Gibbs asked for a motion to approve the September 20, 2011 regular meeting minutes.

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

RECOGNITIONS:

YARD OF THE MONTH WINNERS: Mayor Pro-Tem Gerelene Blevins stated that Tim and Lenita Pope from the 28630 zip code was the yard of the month winners and Councilwoman Beverly Fry stated Jim and Claudia Cooke from the 28638 zip code was the yard of the month winners for October. Mayor Gibbs stated that both winners are unable to be here tonight and may pick up their picture and certificate at the Town Hall at there convenience.

No Council action is required.

RECYCLE REWARDS PROGRAM WINNER: Town Administrator Seth Eckard would like to congratulate James Clark on winning the Recycle Rewards Program for October. Administrator Eckard stated since Mr. Clark is not in attendance his certificate may be picked up at his convenience at the Town Hall and a \$25.00 credit will be added to the sanitation bill. Administrator Eckard also stated, this month is the highest participation rate Sawmills has ever had since the Town has contracted with GDS and this data goes back to July 2003. The participation rate is fifty-five percent (55%).

No Council action is required.

TOWN SIGN ART CONTEST RUNNER-UP: Mayor Gibbs stated Kenlea Greene is the runner-up for the art contest to design a new sign for the Town, which should be up in about three weeks. Mayor Gibbs asked Kenlea to please come forward at this time and then presented her with a certificate of appreciation, a gift card, and a challenge coin for. Mayor Gibbs then called art contest winner Lanie Bumgarner to come forward at this time and presented Lanie and Kenlea with a poster of their pictures and stated he would like them to come back when the signs are up so that they can have their pictures taken in front of the new signs.

No Council action is required.

PUBLIC HEARING: REQUEST FOR A CONDITIONAL USE PERMIT TO PERMIT A HORSE ON PROPERTY AT 3912 US HIGHWAY 321-A:

OPEN PUBLIC HEARING: Mayor Gibbs asked for a motion to open the public hearing concerning Jack and Debbie Mason who is requesting a Conditional Use Permit to have a horse at 3912 US Highway 321-A.

On a motion made by Joe Wesson and seconded by Beverly Fry, the public hearing was opened at 6:10 p.m. All were in favor.

SWEARING IN OF PERSON(S) GIVING TESTIMONY: Town Clerk Susan Nagle swore in the staff testimony of Town Planner Emily Hines.

STAFF RECOMMENDATIONS: Town Planner Hines stated the request you have before you is the consideration of a Conditional Use Permit for a horse. The property is owned and the applicants are Jack and Debbie Mason. Their mailing address is: P.O. Box 267 Hudson, NC 28638, the address for the property in question is: 3912 US Highway 321-A, the North Carolina Parcel Number is: 2766-67-1789, the size of the property in total is 10.89 acres and is zoned RA-20. The Sawmills Zoning regulations require that to have a horse in the RA-20 zoning district a Conditional Use Permit must be approved by the Town Council. The applicant is requesting approval for a horse on 1.09 acres of pastureland for this particular parcel of land.

Planner Hines: The approving of Conditional Use Permits state there are two (2) findings of facts that the Board has to meet and find an approval to actually approve a Conditional Use Permit. The first finding of fact is that the use will not affect the health or safety of persons residing or working in the neighborhood of the proposed use. The second finding is that the use will not be detrimental to the public welfare or injurious to the property or public improvements in the neighborhood.

In your staff report you will see that I have two recommended findings of fact based on the evidence that I had at times I wrote this. The first staff recommended finding is that the proposed use of a horse will not affect the health or safety of persons residing or working in the neighborhood. All pasture and barn areas will be maintained and kept clean to reduce any unreasonable smell. The second staff recommended finding is that the proposed use of a horse will not be detrimental to the public welfare or injurious to property or public improvements in the neighborhood. There will be adequate fencing to prevent the horse from leaving the property unattended.

I also have two (2) potential conditions that you may or may not want. Conditions to place on the Conditional Use Permit. The first one is that animal waste shall not be stored any closer than fifty (50) feet from any property line or surface water not in the same ownership and that the area used for grazing, exercising, or training of said animals shall be securely fenced to prevent the horse from straying. There's already a condition in the Zoning Ordinance itself that requires a minimum of one acre per horse. That's actually already part of your Zoning Ordinance. So in your package you have a copy of the application that was submitted by the property owners, a copy of the map and then, additionally just for your information the notices that were sent out to the property owner and all of the adjoining properties within one hundred (100) feet of this property. As I stated, based on those findings of fact I do recommend approval of the Conditional Use Permit. Also, just want to note in your staff report you'll see on the first page there are three (3) motions that have to be made this is what you get on when everyone speaks but you would need to accept the evidence as presented, approve the finding of facts stated, you can either adopt it with the ones that I have put in front of you, those two (2) findings of fact with my staff recommended findings or if you disagree with me and you came up with your own and then the last motion would be actually to approve the conditions if you wanted to adopt the two (2) other conditions I put in there or if any additional, or to deny the Conditional Use Permit.

SWEARING IN OF PERSON(S) GIVING TESTIMONY: Mayor Gibbs asked if anyone wished to speak and if so would they please come forward at this time to be sworn in.

There was no one wishing to give testimony.

Councilman Joe Wesson: Let me ask you a question there's two (2) conditions that are being put on about the waste and all, would you go over those again please?

Planner Hines: Well those are two that I was looking at in other Ordinances I just don't have to do it.

Councilman Wesson: Because I wonder about that about the waste, now are they going to have enough territory over there, all, and everything. I mean is, the fence now you saying within his property line or somebody else's or something so many feet of stored waste.

Planner Hines: Well as I said fifty (50) feet away from his property, property lines that are not adjacent to other property that they own. They also own two other parcels that are right there.

Councilman Wesson: So, if he owns fifty (50) foot on the other side of the fence it's not going to fly anyway. Okay, Okay.

Planner Hines: There it's not a problem.

Councilman Wesson: And that the other was what now?

Planner Hines: The other one was to just make sure to actually put in the Ordinance that they would have it in a secured fenced area.

Councilman Wesson: Okay ,ya.

Planner Hines: It's one of those things like you know somebody's probably going to do it but at least this way you get, if you approve the Conditional Use Permit, you get the Conditional Use fee.

Councilman Wesson: Right, okay! Now on the waste, now that means stored? I mean if it goes out there on that fence line, has a dropping or something like that that's not really storing it!

Planner Hines: That's not what I'm talking about. I'm talking about where they...

Councilman Wesson: Get it up and they store it? Okay, okay I understand.

Planner Hines: You don't want it near somebody else's property line or near water; you know a pond out there something like that. It could trickle to get into the water system!

Councilman Wesson: I don't feel that's unreasonable at all so anyway, I just want to define that you know what I mean.

Planner Hines: Ya, oh no, not a problem.

Councilman Wesson: Didn't want to get in trouble cause the horse the horse goes out there and maybe makes a dropping and then there he is somebody's out there saying well you're in violation.

Planner Hines: I've had them I know that's a problem.

Mayor Bob Gibbs: Okay Jack and Debbie you're here, would you like to speak, anything? I mean, I know that you're gonna fix the barn up. Miss Holden told me that and that you're gonna put a fence up for the horse and I mean I know you're gonna do that stuff cause Miss Holden said you were and her word is bond to me so, like I said it's up to the Council and right now what's the next thing we need to do Emily? There's three (3) motions that we gotta go by.

Planner Hines: The next thing is since there's no other evidence we presented, you would need to actually make a motion to accept the evidence as has been presented to you.

Councilman Wesson: On the three (3) parts first? And then finally to approve the whole thing? We have to make three (3) motions?

Planner Hines: Right. First, you have to accept everything you heard.

Councilman Wesson: Right, right okay!

COUNCIL ACTION: Mayor Gibbs: Okay I need a motion to do that to accept.

Councilwoman Gerelene Blevins: I make a motion that we accept everything that we've heard first.

Mayor Gibbs: Second?

Councilman Wesson: Second.

All were in favor.

Mayor Gibbs: Okay, next motion, Emily?

Planner Hines: The next motion is to approve the findings of fact.

Councilman Wesson: I make a motion that we approve the findings of fact.

Councilwoman Beverly Fry: I'll second.

Mayor: All in favor?

Town Attorney Terry Taylor: The findings of fact that are already there in the proposed staff recommendations.

Planner Hines: The one's staff recommends?

Attorney Taylor: Ya!

Mayor Gibbs: Okay all in favor?

All were in favor.

Mayor Gibbs: Alright, the next thing, Emily?

Planner Hines: The next motion is to approve, well you have two choices now. You can make a motion to approve the Conditional Use Permit or approve the Conditional Use Permit with the two conditions that I had. However, if you do approve both conditions that I put in here or, these two and any others you have.

Councilman Wesson: Well. Like I said, I fell that it's no nothing that's off handed or anything. I know Jack and Debbie's responsible people. They would do that anyway. So, I'll just go ahead and make a motion that we approve it with the conditions. Which, I think that would be fair anyway. Their gonna comply with that.

Councilman Joe Norman: I'll second.

Mayor Gibbs: All in favor?

All were in favor.

CLOSE PUBLIC HEARING: Mayor Gibbs: Alright, I need a motion to close the public hearing.

Councilwoman Gerelene Blevins: Do you need a motion on them to have a horse?

Mayor Gibbs: That, we just did!

Councilwoman Blevins: Does that take care of it all?

Attorney Taylor: Ya, that was the motion to approve.

Councilwoman Blevins: Oh, okay!

Mayor Gibbs: Okay the next thing is to have a motion to close the public hearing.

Councilwoman Blevins: I make a motion that we close the public hearing.

Councilman Norman: Second.

Mayor Gibbs: All in favor?

The public hearing was closed at 6:18 p.m. All were in favor.

PUBLIC HEARING: REQUEST FOR A CONDITIONAL USE PERMIT FOR WHOLESALE STORAGE OF HOUSEHOLD HAZARDOUS WASTE ON PARCEL 2776-24-8991:

OPEN PUBLIC HEARING: Mayor Gibbs asked for a motion to open the public hearing concerning STAT, Incorporated who is requesting a conditional use permit for wholesale storage of household hazardous waste on parcel 2776-24-8991.

On a motion made by Joe Wesson and seconded by Joe Norman, the public hearing was opened at 6:19 p.m. All were in favor.

SWEARING IN OF PERSON(S) GIVING TESTIMONY: Town Clerk Susan Nagle swore in the testimony of Town Planner Emily Hines.

STAFF RECOMMENDATIONS: Town Planner Emily Hines stated, the request before you now is the Conditional Use Permit for wholesale storage of household hazardous waste. The property is owned by Garry and Barbara Sparks mailing address: 3220 Taylorsville Road Lenoir, NC 28645. The applicant is STAT, Incorporated mailing address: 3062 Eli Lane Hudson, NC 28638. The property is located on Spartan Drive, North Carolina Parcel Number 2776-24-8991. The property is approximately 2.67 acres and is zoned Highway Business. The Sawmills Zoning Ordinance requires a Conditional Use Permit. Must be approved by the Town Council to have wholesale storage of gasoline and oil products including bottled gas and oxygen. The applicant is requesting specifically to have a household hazardous waste site which, falls under that category. I've stated before there are two (2) findings that the Board has to find to approve a Conditional Use Permit.

Planner Hines stated this bits a little short I'll just go ahead and do my staff recommended findings. The first one is that the proposed use of a household hazardous waste site will not affect the health or safety of the persons residing or working in the neighborhood. The site is only a drop off location. No permanent disposal will be done at this site. The second finding is that the proposed use of a household hazardous waste site will not be detrimental to public welfare or injurious to property or public improvements in the neighborhood the majority of the properties in the area are industrial uses. The proposed use will benefit the Town as a whole by removing some hazardous waste from the area landfills. The one condition that I've recommended to be placed on this is that the condition that it is for it's stating no disposal of hazardous waste on site, to be used as a drop off location only.

In your package, you have a copy of the application for the property owner, a copy of the zoning map and additionally, the letters that were sent to the property owner and to the adjoining property owners within a hundred feet of this. I do recommend in favor of issuing the Conditional Use Permit based on the fact that it does meet the two (2) findings of fact, and also recommend adding the condition onto this Conditional Use Permit and that's in line with what the property owner wants to do. Just a big drop off location.

Mayor Bob Gibbs: Gary you're here you wanna speak?

Clerk Nagle swore in the testimony of the property owner Garry Sparks.

Mr. Sparks: A couple of things I want to clarify. When you say oxygen what does that mean?

Planner Hines: No, I know that was the overall thing and yours falls under that.

Mr. Sparks: Okay! Basically, what we're talking about is Catawba County does a household hazardous waste event once a year. Caldwell County Enforcement does not do one. They do not do one and I wondered why. I guess they just can't afford it or whatever they just don't. And, speaking to the members of Caldwell County and everything generally, what we're trying to do is just keep this material out of the landfill. I do it in about six (6) counties across the state. We take equipment, gather this stuff up and take it the TSDF and they get rid of it. The things I'm talking about getting rid of are in your house are aerosol cans of paint that you've not used. Latex paint that you've not used. Gasoline, fuel, things like that, that you have in your house. Drano, just things like that, that you normally just don't think anything about but, when they end up in the landfill they end up and contaminate water then that's where it goes. What we do is we take that material, put it together and send it to someone that can properly get rid of it. We would be a collection site; we'd gather the material up and ship it off in proper containers and get rid of it. That's what the whole idea of this is. For the past twenty (20) years I've been taking care of this out of my pocket I've been doing it myself! They come up to me and say hey get rid of this, and I get rid of it for them. But, it's come a time where now, I would like to get more stable at getting this done.

Mayor Gibbs: Does anybody have any questions?

Councilman Joe Norman: Will there be a drop off site at your place? How do you get material to you?

Mr. Sparks: Right, what we wanna do is set up a place where say, if you have some at your house and you wanna bring it to this site; you put it in the back of your car and bring it to me. There will be a person there that'll take it out, they'll put it in a proper container and you'll leave and that's how we get rid of it! That's the way the events were to work if they have it at Crowdad's stadium, and they'll be like a hundred cars backed up and everybody's got this material in the back of their cars they want to get rid of and that's how they do it.

Councilman Norman: Will they be open five (5) days a week here in Town?

Mr. Sparks: Well, what we're gonna try and do is, now this is just the first step. I have to go through the State of North Carolina and then I have to get a permit from them. Which you know, it's a process, also. Then we get a permit from them and everything and we have to get a company agreement with the county. Then you know, hey they will pay me something for doing this and then you know that's how far along we are to go. It's not just, like tomorrow you'll see something.

Councilman Norman: So, this is the first step?

Mr. Sparks: This is the first step. Absolutely!

Councilman Joe Wesson: On that cost, there like, that will the County be paying you, or the?

Mr. Sparks: Sure.

Councilman Wesson: The individuals, they can just take it out at no cost, right?

Mr. Sparks: Normally, this is what the other counties do, and Greensboro has got a big collection center. Normally what they do is, they come and they bring it, we weigh the material that comes in, then we say this is how much you got, and this is how much we got rid of and the county would foot the bill. Because, I couldn't collect from individuals, I never have.

Mayor Gibbs: Okay.

Mr. Sparks: STAT is more of a business-to-business relationship. We don't really deal with public much.

Councilman Wesson: Well it sounds pretty good, there cause individuals could take it out there and get rid of it and like I say it don't get out there somewhere a rusted can would end up in a river and we'd end up drinking it.

Mr. Sparks: That's what were talking about.

Councilman Wesson: Right, okay!

Councilwoman Gerelene Blevins: Could it ever become an expense on the Town of Sawmills?

Mr. Sparks: No, ma'am!

Councilwoman Blevins: Or, would that be up to the County to do?

Mr. Sparks: It has to be with the County.

Councilwoman Blevins: And the County can't charge the Town, so much?

Mr. Sparks: I wouldn't think so. I mean, it's not going to work unless the County comes up with a way to pay for it. And, like I say right now, what I have is people call me. They call the landfill, and the landfill turns and says, call STAT he'll take it and I end up taking up taking it but, I end up taking it for free and , I've done this for 20 years and the end is getting to the end there.

Councilwoman Blevins: Sure!

Councilman Wesson: This service, would just be for people in Caldwell County, they couldn't bring it from outside the County and bring it here?

Mr. Sparks: I believe we're going to do Caldwell/Catawba since we're so close.

Councilman Wesson: Okay so, Catawba would possibly be in it together?

Mr. Sparks: Yes, they will share the expense! The County will share the expense.

Councilman Wesson: Will you have a way of checking or whatever that somebody from Burke County or somebody that's not doing any paying is not going be using this.

Mr. Sparks: We'll just check they're driver's license.

Councilman Wesson: Okay, okay!

Councilwoman Beverly Fry: Well there's been fires out there. Will the storage of any of this increase the chances of fire's, cause that's school out there?

Mr. Sparks: One of the things we just did the Fire Marshal came out and he wanted me to move some materials from the main building to a totally separate building. And, we're in the process of doing that, matter of fact the buildings going up now, we have a permit we're putting up right now, which is just a small storage shed. There's always, I can't tell you there's not going to be a fire because there's always. The last fire was sawdust, it was sawdust and sand. I don't know why sawdust and sand will burn, but it did! I mean, if you get enough sawdust, we use a lot of sawdust and, if you have that sawdust you're gonna have a chance always of a spark causing it so this is not gonna, I wouldn't think that this would cause a bigger chance because it's gonna be across the road. It's not gonna be at my business it's going to be across the road.

Mayor Gibbs: In all honesty, Garry more and likely, what you're gonna take household chemicals it's nothing that wouldn't be in your house. If it's gonna catch fire it's gonna catch fire there just as good as it will over there.

Mr. Sparks: And, the only difference is ya there'd be more of them I mean, that's the only thing you can say.

Councilwoman Fry: It'd be a bigger fire.

Councilwoman Blevins: Well like sawdust, I mean in the furniture places they get a lot of sawdust. Sawdust builds up a heat and it burns so that were the same way with you.

Councilman Wesson: Will you have some kind of waste setup to where a lot of things that maybe that's gonna be disposed of can't mix together?

Mr. Sparks: It has to be that way!

Councilman Wesson: Right!

Mr. Sparks: Okay, and the only way you can do it is, you have flammables here, your poisons here, and when I say poison that's Drano and things like that, your latex paint would be here. It all has to be separated cause the TSDF which stands for Treatment Stored in a Disposal Facility. They will not take it, it has to be separated.

Councilman Wesson: So there's not gonna be something put in something that's gonna set something else off?

Mr. Sparks: No!

Councilman Wesson: So it's gonna be confined? Okay!

Mayor Gibbs: Okay, any other questions? Okay! Garry, I appreciate it thank you! Alright, Emily?

Citizen: Can I just ask a question?

Mayor Gibbs: Well this is kinda like a court of law right now! You have to be sworn in if you want to talk, ain't that true Emily?

Planner Hines: Yes! He can ask the questions that he's wanting.

Mayor Gibbs: You can ask questions.

Citizen: That's fine you all just go ahead.

Mayor Gibbs: Okay Emily, where do we go from here?

Planner Hines: As before, first you have to make a motion to accept the evidence as presented.

Councilwoman Blevins: Well I'd like to hear what he has to say before we vote! Are there any way we can do that?

Councilman Wesson: Are you talking about Benny?

Mayor Gibbs: Ya! He can speak. Benny you can come up here and speak, you just have to be sworn in just like anyone else!

Citizen: I just have a simple question that's all.

Mayor Gibbs: I mean, it's like a courtroom.

Councilman Wesson: I'd like to hear this too cause we want to put our heads together on this.

Mayor Gibbs: No, he can't just ask a question he's gotta be sworn in.

Clerk Nagle swore in the testimony of Benny Fry.

Mr. Fry: When you were reading the things, you read you said that the area around there is mostly industrial?

Planner Hines: It's mostly industrial, ya I did say that!

Mr. Fry: I live within a half mile of that and I don't think it's mostly industrial. There's a high school just below it, there's residents across from it, the outside of it, mostly, I don't think it meets the criteria if that's part of the criteria.

Planner Hines: No, it's not part of the criteria; it's based on the zoning for this area.

Mr. Fry: Well it'd have to go bigger.

Planner Hines: I didn't reference that.

Mr. Fry: Well it happens to be mostly.

Planner Hines: I'm looking at this map and looking at this area here and it's all zoned industrial. And if the Board doesn't agree with that then they can remove that item.

Mr. Fry: Well, I think the Board needs to look at that because it's not mostly industrial. Anybody that's ever been up there can look and I don't know what area there talking about, if you just isolate that little area, well ya, it's mostly industrial. But, I mean, it's surrounded by a high school, there's a development across from it. I don't see how in the world you can say that's industrial.

It's not good whenever they come to your house and tell you that you gotta pack your stuff up you can't stay in your house the place down the roads on fire. We've been through that over there and I didn't like it and I don't think they need any more ammunition on that 2 point whatever acres they got and it's not mostly industrial. It's mostly residential and there's a schoolhouse within a mile of the place where there's children at and I don't think that any of that stuff needs to be out there.

Mayor Gibbs: Is there anyone else that would like to swear in testimony? Alright Emily, let's report.

Planner Hines: Okay the first motion that you would need to make is to accept the evidence as presented.

Councilman Wesson: Can I say one more word before we get into this, say one thing?

Mayor Gibbs: Go ahead.

Councilman Wesson: I would like to say this, when we listened to everything we had one person opposed. The one thing that concerns me about this it's not going to be just for Caldwell County it's going to be Catawba County. Who's to say another county is not to come in and then another county to come in and then we have a huge bunch of stuff that's stored out there and I agree, I gotta agree with what he said we done had to leave Town a couple different times and all. I'm concerned about this thing maybe getting out of hand and I see possibly that it could. So I just wanted to voice my opinion before we start to get into the ropes on this.

Councilman Norman: Do we have any idea; Garry can you tell us exactly how much at any one time you think would be stored there?

Mr. Sparks: Well, you can't have material there over ninety (90) days, that's the law. I have no idea, and when I say that, I'm talking about, I would think that most the people in Caldwell County got drums and drums of stuff sitting around, that you're talking about. Maybe ten (10) drums at a time, I'm not sure.

Councilman Wesson: I mean, I see good parts about it but, I also see things that could get out of whack because it's not going to be regulated just for Caldwell County and then it starts coming in and coming in from other counties and we don't know what's coming in and, all kinda different stuff, and I know these people over there in that area, there's been concerns about stuff from over there and all, anyway chemicals and all and everything and fire and people breathing it. Like I say, we've had several scares and things in this county already and we had to deal with an incinerator and I think we need to consider all the factors.

Councilwoman Blevins: Does all the Council people know where it's at, where it's located and all that?

Mayor: Yes!

Councilwoman Blevins: Okay, I'm making a motion that we table this till our next meeting and get some more information on it.

Councilman Norman: Ya, I think that's a good idea. I'd like to know the percentage of all the things that would be stored are all of them highly flammable or some of them that won't burn?

Councilman Wesson: I'd like to ask you one question, is there a possibility that you're going to say it's gonna go no further than just up from Caldwell County and Catawba County? That you're not possibly at all, that your definitely not at all gonna take none from any other county, or can you say that to me?

Mr. Sparks: Well, to be perfectly honest with you, what they're plans were and this is, I'm talking about Caldwell County.

Councilman Wesson: Right!

Mr. Sparks: What they're plans were, to do Burke County, Caldwell and that one, those three (3).

Councilman Wesson: So Burke's come into it now? Okay, Right!

Mr. Sparks: That's what they had mentioned but let me explain something to you, they don't know. They haven't made any agreements with anybody, so I mean, you don't want to say hey stop until you find out what agreements their gonna have, that's fine.

Councilman Wesson: Right, but I just want something; we don't want to grab a pig in a poke. We don't wanna say we got stuff coming in here now from New York and from South Carolina, and everywhere else and it can get like that, I mean, it's not saying nothing specific about it's limited too, that's leaving it wide open that it can come in from anywhere.

Mayor Gibbs: All right, okay!

Councilman Wesson: I mean, that's just my opinion I want to represent the people of this area of the Town and that you know I just want to know if he can't guarantee us that it's just gonna be certain ones when it leaves it wide open and I don't think that's a good thing cause we gotta be concerned about the public welfare.

Councilman Norman: Gerelene made a motion to table this and I'll second that.

Mayor Gibbs: Well hang on! Terry?

Attorney Terry Taylor: First, you have to complete your motion. Did you do the motion to accept all the evidence?

Mayor Gibbs: Ya, we need a motion to accept all the evidence first.

Councilman Norman: I'll make a motion we accept it, the evidence.

Mayor Gibbs: We need a second.

Councilwoman Fry: I'll second.

Mayor Gibbs: All in favor? Any opposed? Okay!

All were in favor.

Mayor Gibbs: Now there is a motion on the floor at this time to table this till our next meeting.

Attorney Taylor: I think you would first close the public hearing and then table your actual vote on it, the next one.

Mayor Gibbs: Ya, we have to close the public hearing before we go any further. All right.

CLOSE PUBLIC HEARING: Mayor Gibbs: All right, I need a motion to close the public hearing.

Councilwoman Blevins: I make a motion that we close the public hearing.

Councilman Wesson: I second.

Mayor Gibbs: All in favor?

The public hearing was closed at 6:40 p.m. All were in favor.

Attorney Taylor: Then you can make your motion.

COUNCIL ACTION: Councilwoman Blevins: I make a motion that we table this till November 15th.

Attorney Taylor: You can also request staff to investigate a little further and come back with some concrete recommendations for you in terms of maybe the amount and the jurisdictions.

Mayor Gibbs: Garry, correct me if I'm wrong, Emergency Preparedness peoples' the ones that's leading this, that committee, or whatever it is in Caldwell County that they have.

Mr. Sparks: Yes, Emergency Response.

Mayor Gibbs: Emergency Response Committee. They'll be the ones that you need to talk so.

Councilman Wesson: I think we need to include input from people that live around in that area over there. They should be allowed to come out and say how they feel, people that live around that area.

Attorney Taylor: They had a right to come.

Planner Hines: There was a notice in the paper.

Councilman Wesson: Is letters sent out like they were on the other Conditional Use Permit?

Mayor Gibbs: Yes, yes, yes! We had them in your agenda.

Councilman Wesson: How close around the area, there was the letters sent out?

Planner Hines: Do you all live adjacent to?

Councilwoman Fry: Right around the corner.

Planner Hines: Do you live adjacent to the property?

Mr. Fry: I don't have property adjacent to the property but I could almost spit and hit it.

Planner Hines: Okay! That's why you didn't get a letter. However, you found out about the hearing, I guess this was in the paper?

Councilwoman Fry: No.

Councilman Wesson: Did it have to be in or just the information? Did it have to read adjoining or touching property?

Planner Hines: That's the requirement, yes!

Councilman Wesson: Right, but it could be all over there. The thing about this is, this is a little bit different you got vapors and chemicals and stuff that could be, the closest place that it could go over.

Mayor Gibbs: Okay!

Councilman Wesson: Well, I mean, I just want to stress opinion here Mayor, with all due respect, anyway okay.

Planner Hines: In the meantime, we also, put the notice in the paper.

Councilman Wesson: Okay, okay.

Planner Hines: So, it's not just.

Councilman Wesson: Right! A lot of people don't take favor to getting the internet, was it on the internet too or anything, posted up about that?

Planner Hines: On the internet? Wasn't at agenda time.

Councilman Wesson: It wasn't on our Town site or anything? A lot of people go to that!

Planner Hines: I can't post it there so I can't say whether or not it was, I can just tell you what notices that I know for a fact were done.

Councilman Wesson: Right! Well like I say, I think we need to look into it further, like we discussed and come back and then either approve, or disapprove at the next meeting.

Administrator Seth Eckard: Okay!

Mayor Gibbs: Okay, I have a motion and a second to table this, can I have a vote?

All were in favor.

Mayor Gibbs: Okay, this things been tabled.

FINANCIAL MATTERS: INTERLOCAL AGREEMENT WITH CALDWELL COUNTY TO EXTEND THE SALES TAX REINVESTMENT AGREEMENT AS AMENDED: Administrator Eckard stated the enclosed is an Interlocal Agreement with Caldwell County to Extend the current Sales Tax Reinvestment Agreement as amended for another four (4) years after the current contract expires June 30, 2013.

Upon, approval of this agreement Sawmills will start paying \$280,000.00 a year from \$400,000.00 a year which, is a reduction in contributions of 30%. In the new agreement, businesses will be given one (1) year to create promised jobs and will have to retain them for an additional one (1) year.

The Caldwell County Commissioners have stated that this fund will be used for job creation only and will no longer be used to fund non-economic development projects such as the Railroad Commission, The Stormwater Program and the line items for Interlocal Government which, will be removed leaving Sawmills to pay the City of Lenoir directly for our share of the Stormwater Program.

On a motion made by Joe Norman, and seconded by Joe Wesson, Council approved the Interlocal Agreement with Caldwell County to Extend the Sales Tax Reinvestment Agreement as amended starting July 1, 2013 and ending June 30, 2017. All were in favor.

PLANNING MATTERS:

CALL FOR A PUBLIC HEARING: BUMGARNER PROPERTY REZONING REQUEST FOR PROPERTY AT 2669 MISSION ROAD: Town Planner Emily Hines stated the Town has received a request from Roger and Cynthia to rezone property at 2669 Mission Road.

Mr. and Mrs. Bumgarner own a house on this property and would like to add on but, according to the Zoning Ordinance this property is zoned H-B, Highway Business which does not allow them to add on to the existing residence. Mr. and Mrs. Bumgarner are requesting the parcel be rezoned R-15, Residential High Density.

Planner Hines also stated, the Planning Commission has reviewed this request and would recommend approval.

On a motion made by Joe Norman, and seconded by Joe Wesson, a public hearing for a rezoning request on property located at property at 2669 Mission Road was called to take place at the next regularly scheduled Council meeting on November 15, 2011 at 6:00 p.m. at the Sawmills Town Hall. All were in favor.

CALL FOR A PUBLIC HEARING: REQUEST FOR A CONDITIONAL USE PERMIT TO ALLOW AN ACCESSORY DWELLING ON PROPERTY ON MAY ROAD AND PARCEL 2755-97-8343: Town Planner Emily Hines stated that the Town has received a request from Ronald McCracken for a Conditional Use Permit to allow an accessory dwelling on property located on May Road, North Carolina Parcel Number 2755-97-8343.

Planner Hines also, stated this is an allowable use and according to the Sawmills Zoning regulations, Council must approve all Conditional Use Permits.

On a motion made by Joe Norman, and seconded by Joe Wesson, a public hearing for a Conditional Use Permit to allow an accessory dwelling on property located on May Road, North Carolina Parcel Number 2755-97-8343 was called to take place at the next regularly scheduled Council meeting on November 15, 2011 at 6:00 p.m. at the Sawmills Town Hall. All were in favor.

PLANNING COMMISSION APPOINTMENTS: As you may recall, during the September 20, 2011 Council meeting Mayor Gibbs asked Council for recommendations for two alternates to serve on the Planning Commission. Planner Emily Hines recommended that Council chose one member that lives inside the Town limits and one member that lives in the ETJ (Extra-Territorial Jurisdiction).

Mayor Gibbs asked if anyone had any recommendations at this time. There being no recommendations at this time Mayor Gibbs asked Council to again to come to the November 15, 2011 regular Council meeting with recommendations for two alternates to serve on Planning Commission.

No Council action is required.

UPDATES:

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

No Council action is required.

ADMINISTRATORS REPORT: Town Administrator Seth Eckard stated that the fall newsletter went out last week and reminded everyone of the Town's Veteran's Day Observance which will take place at the Sawmills Veteran's Park on the first Saturday following Veteran's Day November 12, 2011 at 10:30 a.m. Administrator Eckard also stated, that Sawmills will have their Annual Christmas Parade December 3rd which will begin at 10:00 a.m. and line-up will start at 9:30 a.m. Anyone wishing to participate may come by the Town Hall and pick up an application, and that there is no fee to participate.

Mayor Gibbs stated there are twelve (12) names that have been put on the Veteran's Monument this year. The rain date will be the following Saturday, November 19, 2011.

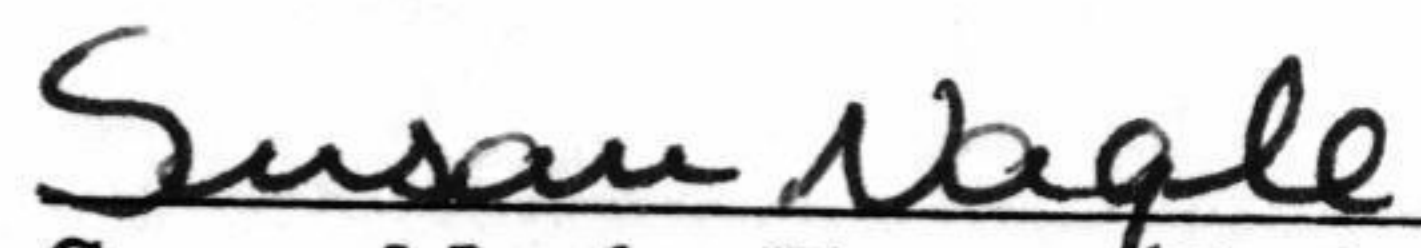
PUBLIC COMMENT: Mayor Gibbs asked If anyone would like to speak during the public comment period.

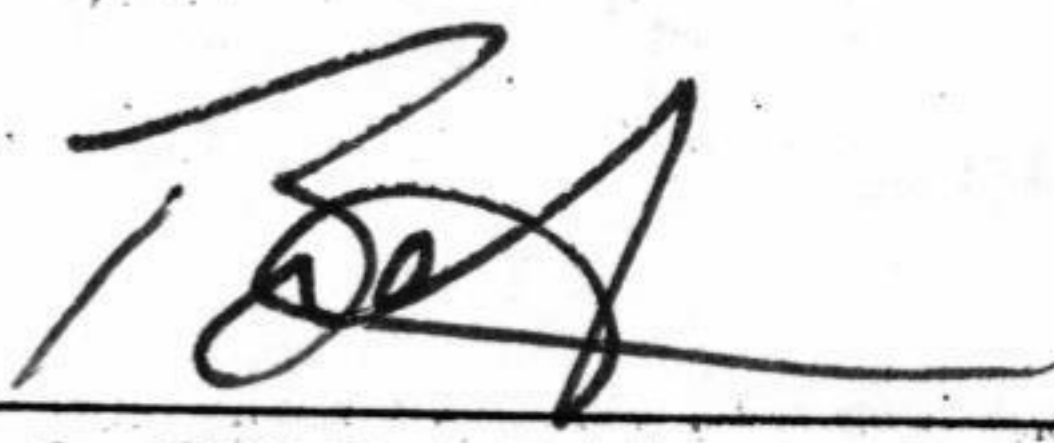
Debbie Mason would like to say thank-you for the newsletter and she appreciates the Conditional Use Permit.

Bynum Ramsey would like to speak about his concern over the 4,000 gallons of use on his current water bill.

ADJOURN: Mayor Gibbs asked for a motion to adjourn.

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


Susan Nagle, Town Clerk


Bob Gibbs, Mayor



MAYOR
Bob Gibbs

**TOWN
COUNCIL**

TOWN ADMINISTRATOR
Seth Eckard

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

TOWN OF SAWMILLS

TOWN COUNCIL

October 18, 2011

STATEMENT OF OATH

Place your left hand on the Bible and raise your right hand

Do you swear (or affirm) that the evidence you shall give to the Town Council in this cause now on trial, wherein Jack and Debbie Mason are the Petitioners, shall be the truth, the whole truth, and nothing but the truth, so help you, God.

Signature of Person Giving Testimony: _____

Print Name of Person Giving Testimony: _____

Attest:

Susan Nagle
Town Clerk
Town of Sawmills



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.



MAYOR
Bob Gibbs

TOWN ADMINISTRATOR
Seth Eckard

**TOWN
COUNCIL**

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

TOWN OF SAWMILLS

TOWN COUNCIL

October 18, 2011

STATEMENT OF OATH

Place your left hand on the Bible and raise your right hand

Do you swear (or affirm) that the evidence you shall give to the Town Council in this cause now on trial, wherein STAT, Incorporated is the Petitioner, shall be the truth, the whole truth, and nothing but the truth, so help you, God.

Signature of Person Giving Testimony: _____

Print Name of Person Giving Testimony: _____

Attest:

Susan Nagle
Town Clerk
Town of Sawmills



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Bob Gibbs

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Seth Eckard

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Donnie Potter
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October 18, 2011

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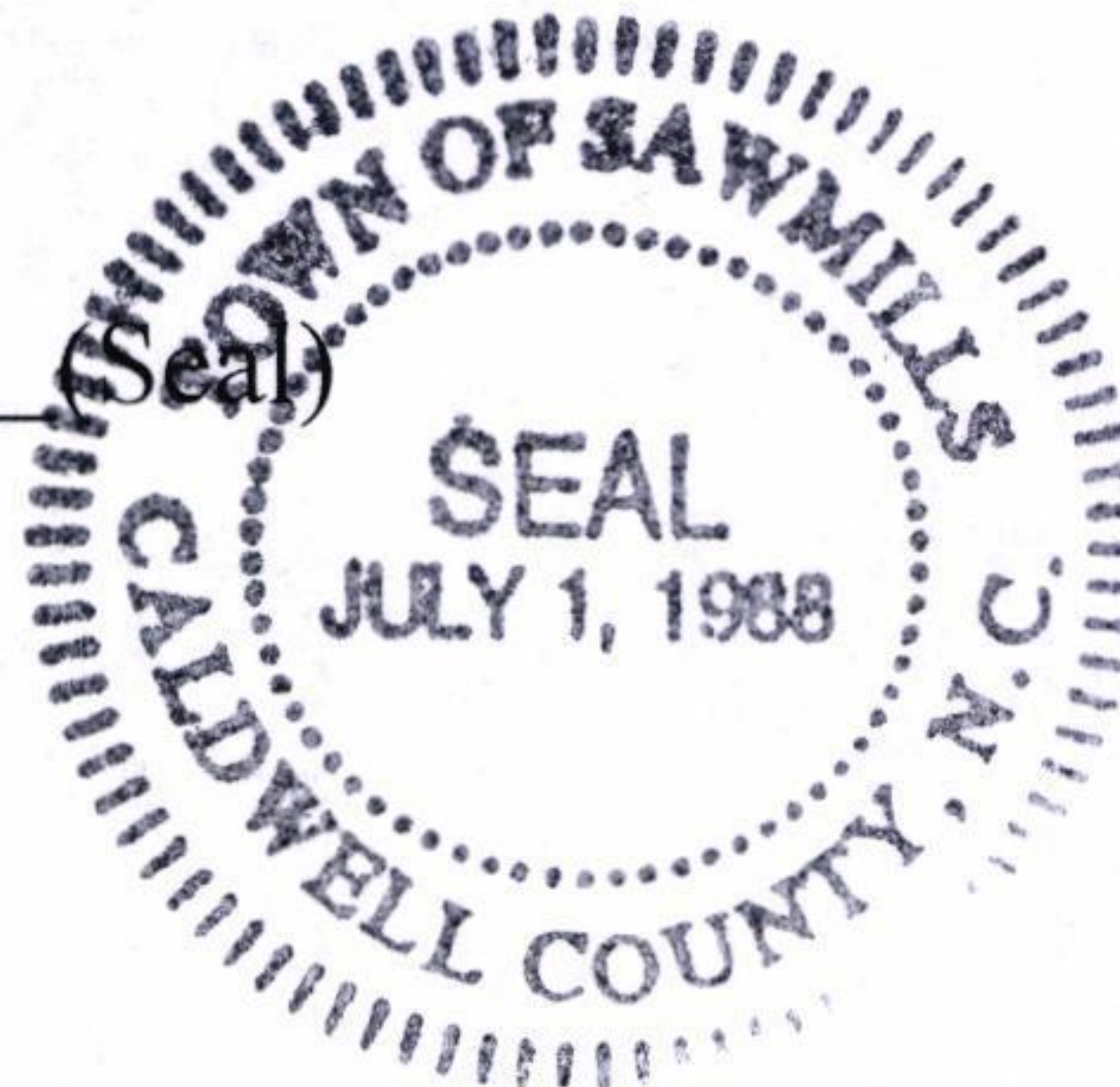
Print Name of Person Giving Testimony: _____

[Handwritten Signature]
Carmy Sparks

Attest:

[Handwritten Signature: Susan Nagle]

Susan Nagle
Town Clerk
Town of Sawmills



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MAYOR
Bob Gibbs

TOWN ADMINISTRATOR
Seth Eckard

**TOWN
COUNCIL**

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

TOWN OF SAWMILLS

TOWN COUNCIL

October 18, 2011

STATEMENT OF OATH

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Signature of Person Giving Testimony:

Print Name of Person Giving Testimony:

Benny Fry

Attest:

Susan Nagle
Town Clerk
Town of Sawmills



Town of Sawmills

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NORTH CAROLINA
CALDWELL COUNTY

AGREEMENT TO EXTEND SALES TAX
REINVESTMENT AGREEMENT

This Agreement to Extend Sales Tax Re-Investment Agreement is entered into by and among CALDWELL COUNTY ("the County"), a political subdivision of the State of North Carolina, and TOWN OF GAMEWELL ("Gamewell"), TOWN OF SAWMILLS ("Sawmills"), TOWN OF CAJAH'S MOUNTAIN ("Cajah's Mountain"), TOWN OF HUDSON ("Hudson"), TOWN OF GRANITE FALLS ("Granite Falls") and CITY OF LENOIR ("Lenoir"), all being North Carolina municipal corporations.

WITNESSETH:

WHEREAS, in March of 2002, the County, Gamewell, Sawmills, Cajah's Mountain, Hudson, and Granite Falls entered into an Interlocal Agreement ("the Agreement") that established a special appropriation fund to be funded by the municipalities and administered by the County ("the Fund"), and also established an Intergovernmental Advisory Board to make recommendations to the County Board of Commissioners concerning expenditures of monies in the fund; and

WHEREAS, the Agreement has come to be referred to as the "sales tax reinvestment agreement", the fund established thereby has come to be known as the "sales tax reinvestment fund" and the advisory board has come to be known as the "sales tax reinvestment committee"; and

WHEREAS, in August of 2009 all of the parties to the Agreement and Lenoir entered into Amendment #1 to the Agreement whereby Lenoir was added as a party; the Agreement was extended through June 30, 2013; the municipalities' respective

contributions to the Fund were increased and the timing of those contributions was altered; and

WHEREAS, all of the parties have agreed to extend the Agreement, as amended by Amendment #1, for a period of four (4) additional years from July 1, 2013 through June 30, 2017, and to make certain modifications that will apply only during the four (4) additional years:

NOW, THEREFORE, for and in consideration of the mutual covenants contained herein, the parties agree and contract as follows:

1. The Agreement, as amended by Amendment #1, is extended for a period of four (4) additional years, from July 1, 2013 through June 30, 2017.

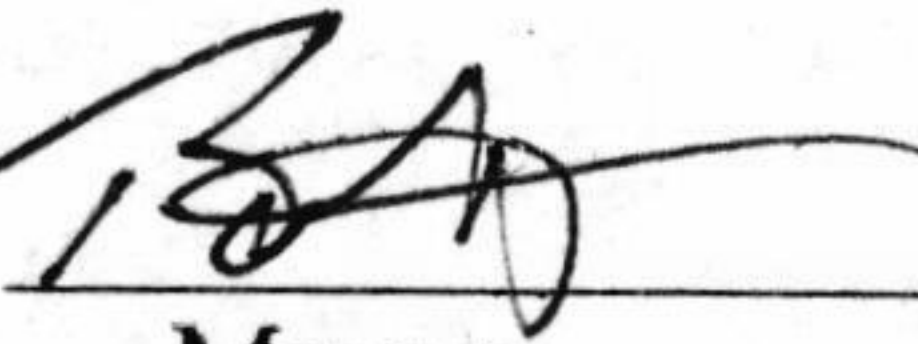
2. During the four (4) additional years only, the municipalities' respective annual contributions to the Fund shall be the following:

Gamewell	-	\$273,000.00
Sawmills	-	280,000.00
Granite Falls	-	40,000.00
Hudson	-	40,000.00
Cajah's Mountain	-	224,000.00
Lenoir	-	<u>10,000.00</u>
ANNUAL TOTAL		\$867,000.00

3. During the four (4) additional years only, funding from the Fund for stormwater management activities, Caldwell Railroad Commission administration, and intergovernmental marketing will cease, leaving only economic development activities to be funded from the Fund.

4. During the four (4) additional years only, should the sales tax revenues fall to a level below the level experienced at the time of this Agreement, each municipality shall retain the right to request that their contribution be lowered. The request must be

TOWN OF SAWMILLS

By: 
Mayor

Entered into by the Town of Sawmills pursuant to Resolution adopted by the
Sawmills Town Council on the 18th day of October, 2011.

TOWN OF CAJAH'S MOUNTAIN

By: _____
Mayor

Entered into by the Town of Cajah's Mountain pursuant to Resolution adopted by
the Cajah's Mountain Town Council on the ____ day of October, 2011.

TOWN OF HUDSON

By: _____
Mayor

Entered into by the Town of Hudson pursuant to Resolution adopted by the
Hudson Town Council on the ____ day of October, 2011.

TOWN OF GRANITE FALLS

By: _____
Mayor

Entered into by the Town of Granite Falls pursuant to Resolution adopted by the
Granite Falls Town Council on the ____ day of October, 2011.

submitted to the County Board of Commissioners no later than January 31st. If approved, the lowered contribution would take effect in the following fiscal year, for the payment due to the County in July. Upon obtaining a request to lower the contribution amount the County shall analyze the actual sales tax receipts of each member and determine if a reduction in the contribution is warranted. The ultimate authority on whether or not to reduce the contribution from a municipality shall rest with the County Board of Commissioners.

5. The Agreement, as amended by Amendment #1, remains in full force and effect without modification through June 30, 2013. Except as expressly modified by this Agreement, the Agreement, as amended by Amendment #1, remains in full force and effect during the additional four (4) year period from July 1, 2013 through June 30, 2017.

CALDWELL COUNTY

By: _____
Chairman, Board of County
Commissioners

Entered into by Caldwell County pursuant to Resolution adopted by the Caldwell County Board of Commissioners on the ____ day of October, 2011.

TOWN OF GAMEWELL

By: _____
Mayor

Entered into by the Town of Gamewell pursuant to Resolution adopted by the Gamewell Town Council on the ____ day of October, 2011.

CITY OF LENOIR

By: _____
Mayor

Entered into by the City of Lenoir pursuant to Resolution adopted by the Lenoir
City Council on the ____ day of October, 2011.

Code Enforcement Monthly Report

Opened	Case Number	Property Address	Owner or Occupant	Status or Comments
10/28/2010	PN11-03	4455 Rual Drive	William Miller	Owner has obtained a Building Permit, which allows building material associated with the job to be on the property. To meet with the property owner to determine what does not relate to the repair project. Monitor.
11/1/2010	MVO11-01	4228 US Hwy 321A	Arnold Wilson	Clean-up Complete. Closed Case
11/1/2010	HC11-03	4476 Sawmills Sch. Rd.	Jerry Hatchings	Deadline for new owner to repair or demolish the house is 11/23/11. Monitor
11/1/2010	Z11-02	1625 Cajah Mtn. Rd.	Ray and Betty Philyaw	Elderly owner continues to remove property from mobile home that must be removed. Monitor.
11/1/2010	Z11-01	4141 Duff Drive	Clarks Auto	No change has occurred in removing junk cars. Awaiting other enforcement after November (growing
1-Dec	PN11-09	Crotts Mobile Home	Charles and Pansey Crotts	Town Attorney suggest that attempts be made by the town to encourage Caldwell County to foreclose on the property in hopes that a new owner will do the massive clean-up needed.
12/8/2010	MVO11-02	1747 Cajah Mtn. Rd.	Donald Street	Very good recent progress in cleaning property and removing junk vehicles. 1 more questionable car and light trash remains. Monitor
2/25/2011	PN11-16	2511 Baker Circle	Steve and Mary Hand	Civil Citations to begin soon due to owners lack of clean-up at the property. Monitor.
2/23/2011	PN11-19	4100 Farr MHP	Owen Farr-Deceased	Clean-up at the property has slowed. Injury to a family member blamed for clean-up slow down. Monitor
3/30/2011	MVO11-05	4487 Diamond Street	Troy Wilson Jr.	Repairs to the house are nearly complete. Monitor
5/25/2011	PN11-38	4115 and 4117 Ardmore Ln.	Lewis Gragg	Demolition of 2 structure on the property done at the owners expense. Closed Case
7/27/2011	PN12-14	2218 Marcus	Thelma Dale	Double Wide Mobile Home demolished by the owners. Very light debris being removed. Closed Case

Code Enforcement Monthly Report

Opened	Case Number	Property Address	Owner or Occupant	Status or Comments
8/10/2011	PN12-18	6086 Spartan Drive	Cindy Fritts	Deadline to remove the mobile home on the property has passed. Town contractor to demolish the mobile home in the coming days/weeks. Monitor
8/31/2011	HC12-02	4257 Horseshoe Bend	Lewis Miller	Hearing has been held with house owner. Deadline to make repairs to the rental house established. Monitor.
9/7/2011	MVO12-01	4255 Trojan Ln	Aubrey Sipes	High grass has been mowed by owner. Junk vehicles to be removed soon.. Monitor
9/8/2011	HC12-22	2231 Russell	Sharon Arney	Open storage of trash and debris removed. Closed Case.
14-Sep	PN12-24	4388 Duncan	Renneth Minton	Deadline to remove dilapidated out-building and complete clean-up 10/12/11. Monitor.
9/21/2011	PN12-25	4627 Helton	Christina Carey	Property mowed and cleaned by town contractor. Lien to be filed.
9/21/2011	HC12-03	2175 Idlewood Dr. #5	Brock and Larry Griffin	Hearing held to discuss needed repairs for rental unit. Deadline established. Monitor
9/21/2011	HC12-04	2175 Idlewood Dr. #6	Brock and Larry Griffin	Hearing held to discuss needed repairs for rental unit. Deadline established. Monitor
9/21/2011	Z12-02	2134 Edgewood Dr.	Lori Hawkins	Permit for out-building has been obtained. Closed Case.
9/29/2011	HC12-05	4250 Benfield Pk Ln #6	Benfield Park LLC	Hearing held to discuss needed repairs for rental unit. Deadline established. Monitor
10/4/2011	PN12-28	4340 Trojan Ln.	Robert McRary etc.	Friendly letter regarding possible junk vehicles on property. No response yet.
10/4/2011	PN12-27	4353 Fancy Place	Dwayne Mann	Owner has responded to friendly letter and agrees to remove non-permitted mobile homes and junk vehicles. Monitor
10/12/2011	Z12-03	2553 Baker Circle	Ralph Miller	Friendly letter sent regarding non-permitted out-building put on the property. Monitor.
10/12/2011	PN12-29	1677 Lafayette Ave.	Commer. Signs Outdoor	Notice sent due to high grass on the property. Monitor