

TOWN OF SAWMILLS
DECEMBER 15, 1992 MINUTES
5:00 pm at TOWN HALL

All councilmen were present as Mayor Bill Ramsey called the meeting to order. They were: Bill Ramsey, Max Andrews, Paul Pope, Dennis Wilson, Larry Prestwood, and Tim Sanders.

Invocation was given by Dennis Wilson.

c., Executive Session: Personnel matters was taken off the agenda. c., Policy on water bills, d., Crimestoppers, and e., Crystal Barnes was added to the agenda.

Tim Sanders made a motion to adopt the agenda, with additions. Larry Prestwood seconded. All were in favor.

Tim Sanders made a motion to approve the minutes of December 1, 1992. Larry Prestwood seconded. All were in favor.

Tim Sanders made a motion to approve a minor sub-division of the property of Sammy Eugene Dula. Paul Pope seconded, with all in favor.

Town Planner, Mike Legg reminded the board that the Planning Board will have three vacancies that will need to be reappointed. Floyd Annas, Ray Woods, and Grady Annas, each have filled four year terms.

Tim Sanders made a motion to adopt the following ordinance; Paul Pope seconded. Tim Sanders, Paul Pope, Larry Prestwood and Dennis Wilson voted for this ordinance and Max Andrews voted against.

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS
OF THE TOWN OF SAWMILLS.
UNDER THE AUTHORITY GRANTED BY PART 2, ARTICLE 4A,
CHAPTER 160A OF THE GENERAL STATUTES OF NORTH CAROLINA

WHEREAS, all of the prerequisites to adoption of this ordinance prescribed in Part 2, Article 4A, Chapter 160A of the General Statutes of North Carolina, have been met; and

WHEREAS, the Sawmills Town Council has directed the Town Clerk to investigate the sufficiency of said annexation; and

WHEREAS, the Town Clerk has certified to the sufficiency of said request and a public hearing was held on the 10th day of November, 1992 at 7:00 p.m. at the Sawmills Elementary School; and

WHEREAS, the Sawmills Town Council has taken into full consideration the statements presented at the public hearing held on the 10th day of November, 1992, on the question of this annexation; and

WHEREAS, the Sawmills Town Council has concluded and hereby declares that annexation of the area described herein is necessary to the orderly growth and development of the Town of Sawmills;

NOW, THEREFORE, BE IT ORDAINED by the Sawmills Town Council of the Town of Sawmills:

Section 1. That from and after the 1st day of January, 1994, the effective date of this annexation, the following territory shall be annexed to and become a part of the Town of Sawmills, and the corporate limits of the Town of Sawmills shall on said 1st day of January, 1994, be extended to include said territory more particularly described by metes and bounds as follows:

BEGINNING at the southwest corner of Lot 8, Block 1 of Lovelady Map #63 and edge of existing Town Limits; thence, from beginning point, southeasterly 335' to the southeast corner of aforesaid lot; thence, northeasterly 200' to the northeasterly corner of the aforesaid lot and a point in the southeast boundary of Lot 4-A, Block 1 of Lovelady Map #37-A; thence, southeasterly of Lot 4-A, approximately 350'± to the southeast corner of aforesaid lot; thence, northerly 300' to northeast corner of aforesaid lot and a point in southern boundary of Lot 2, Block 1 of Hudson Map #50; thence, southeasterly 670'± to the southeast corner of Lot 2 and the southwest corner of Lot 1, Block 1 of Hudson Map #50; thence, continuing southeasterly 379' to the southeast corner of Lot 1 and the southwest corner of Lot 81, Block 1 of Hudson Map #49 and with the southern boundary of Lot 81 a total distance of 354.8' to the southeast corner of Lot 77, Block 1 of Hudson Map #49 and the southwest corner of Lot 15, Block 1 Hudson Map #49; thence, continuing southeasterly 408' to the southeast corner of Lot 15 and the southwestern corner of a right-of-way; thence, with the south side of the right-of-way in a southeasterly direction 445' to the southeast corner of the right-of-way and the southwest corner of Lot 12 of Hudson Map #120; thence, with southern boundary of Lots 12, 11, 10, 9, 8, and 7 of Hudson Map #120, a total distance of 703' to the southeast corner of Lot 7 and the southwest corner of Lot 72, Block 1 of Hudson Map #49; thence, with the southern boundary of Lot 72, southeasterly 160' to the southeast corner of Lot 72 and the southwest corner of Lot 31, Block 1 of Hudson Map #49; thence, approximately 60'± southeasterly to the southeast corner of Lot 31 and the southwest corner of Lot 30, Block 1 of Hudson Map #49; thence, continuing southeasterly 321.5' to the southeast corner of Lot 30 and a point on the west boundary of Lot 5, Block 2 of Lovelady Map #62;

thence, southerly approximately 155'± to the southern corner of Lot 5; thence, northeasterly 548' to the eastern corner of aforesaid lot and the centerline of US Highway 321 and crossing US Highway 321 to the south edge of SR 1803; thence, continuing with the south side of SR 1803 a distance of 1,112.4'± and crossing Bumtown Road (SR 1108); thence, northwesterly with the east side of Bumtown Road (SR 1108), a distance of 3,379'± to the intersection of Bumtown Road (SR 1108) and Deal Mill Road (SR 1718); thence, crossing Deal Mill Road (SR 1718) and continuing northwesterly with the eastern side of Bumtown Road (SR 1108) a distance of 2,376' to the intersection of Bumtown Road (SR 1108) and US Highway 321; thence, crossing perpendicular to the center of US Highway 321; thence, northwesterly 440'± to a point in the center of the aforesaid highway; thence, crossing perpendicular 103' to the westward side right-of-way of aforesaid highway, thence, and the northwest corner of Lot 11, Block 1 of Hudson Map #51; thence, southwesterly with aforesaid lot 375' to the southwest corner of Lot 11; thence, southeasterly 265' to a southern corner of Lot 11 and a point in the northward boundary of Lot 12, Block 1 of Hudson Map 51; thence, N72°52'W approximately 480' to the northwest corner of Lot 12; thence, S20°10'W 445.48' to the southwest corner of aforesaid lot and p73 a point in the northern boundary of Lot 17, Block 1 of Hudson Map #51; thence, N83°11'47"W 65.18' to a black gum tree at the base of the dam; thence, continuing N83°11'47"W 372.64' to the northwest corner of Lot 17 and the northeast corner of Lot 18, Block 1 of Hudson Map #51; thence N83°11'47"W 221.06' to a 1/2" rebar; thence continuing N83°11'47"W 354.62' to the northwest corner of the aforesaid lot and the northeast corner of Lot 2, Block 1 of Hudson Map #51; thence N83°11'47"W 137.19' to the northwest corner of the aforesaid lot and the northeast corner of Lot 10, Block 4 of Hudson Map #41; thence, northwesterly 511.5' to the northwest corner of the aforesaid lot and the northeast corner of Lot 27, Block 4 of Hudson Map #41; thence, continuing northwesterly approximately 120' to a point in the existing Town Limits and containing 461.32 ± acres.

Section 2. That the Sawmills Town Council does hereby specifically find and declare that the above described territory meets the requirements of G.S. 160A-36, in that:

1. The area is contiguous, as defined by G.S. 160A-41(1), to the Town's boundaries at the time the annexation proceeding was initiated.
2. Approximately 32.99 percent (required length 1/8 or 12.5%) of the aggregate external boundaries of the area coincides with the present Town limits.

Abuts Town Limits	=	7,748.50 ft	
		-----	= 32.9936%
Total External Boundary		23,484.87 ft	

3. No part of the area is included within the boundary of another incorporated municipality.
4. The area proposed for annexation is developed for urban purposes in that 63.45 percent of the total number of lots and tracts in said area are used for residential/commercial/industrial/institutional/governmental purposes, and 61.12 percent of the total residential and undeveloped acreage consists of lots and tracts of five acres or less in size, all of which is demonstrated as follows:

a. Total number of lots: 238

Number of lots and tracts used for:

Residential:	117
Commercial:	18
Industrial:	15
Institutional:	1
Governmental:	0
TOTAL:	151 Urban Lots

Urban Lots	151	
-----		= 63.4454%
Total Lots	238	

b. Total Residential and Undeveloped Acreage: 385.14

Residential and Undeveloped Acreage in lots five acres or less: 235.39

Residential and Undeveloped Acreage in Lots 5 acres or less.	235.39	
-----		= 61.1180%
Total Residential and Undeveloped Acreage	385.14	

Section 3. That it the purpose and intent of the Town of Sawmills, to provide services to the area being annexed under this ordinance, as set forth in the report of plans for services approved by the Sawmills Town Council on the 9th day of October, 1992, and filed in the office of the Clerk for public inspection. Part 3 thereof is attached hereto and incorporated herein by reference as Exhibit A.

Section 4. That the Sawmills Town Council does hereby specifically find and declare that, on the effective date of annexation prescribed in Section 1 hereof, Caldwell County will own, operate and maintain the public water facilities and services in the area described in Section 1 hereof and intended to be annexed by the Town of Sawmills. Furthermore, it is the policy of Caldwell County to continue to provide adequate public water service to the property owners within the area to be

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annexed and install additional water service connections to individual properties and subdivisions therein upon request and in accordance with the extension and construction standards of the State of North Carolina, Caldwell County and the Town of Sawmills. All water service and connection fees shall be paid to Caldwell County.

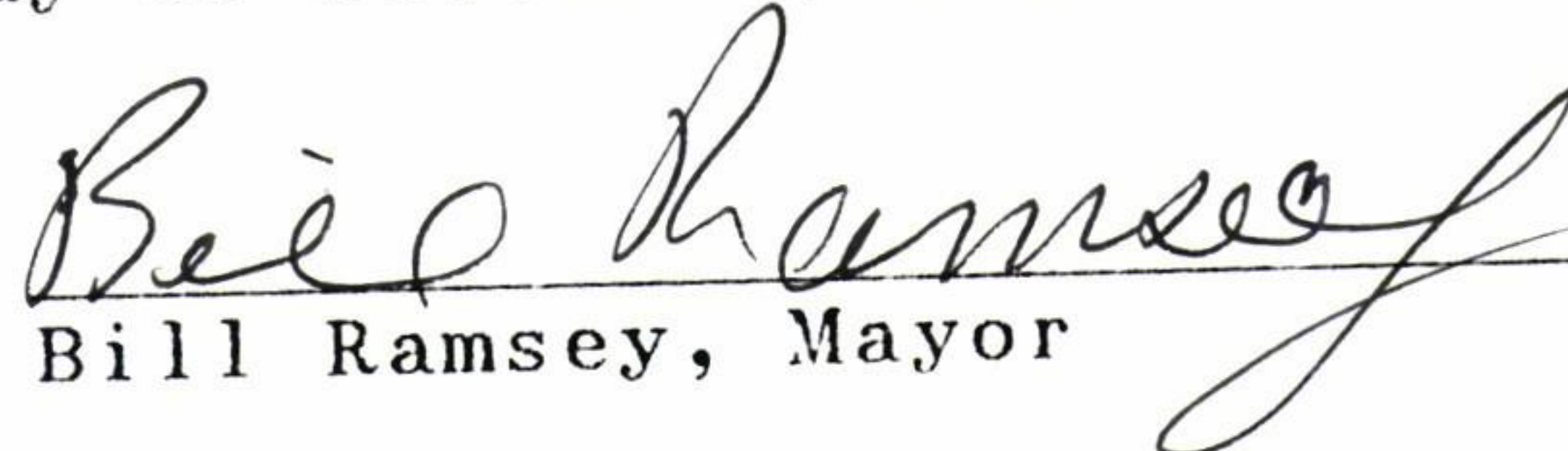
Section 5. That from and after the effective date of this annexation, the territory annexed and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Sawmills, and shall be entitled to the same privileges and benefits as other parts of the Town.

Section 6. That the newly annexed territory described hereinabove shall be subject to Town taxes according to G.S. 160A-58.10, as amended.

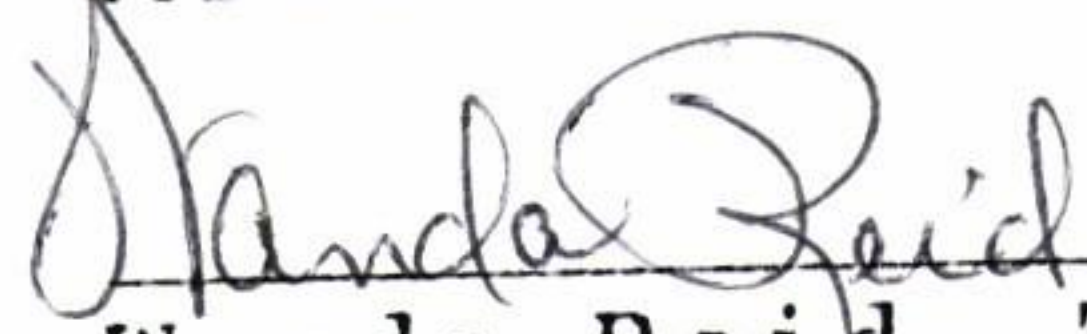
Section 7. That the mayor of the Town of Sawmills shall cause an accurate map of the annexed territory described in Section 1 hereof, together with a duly certified copy of this ordinance, to be recorded in the office of the Register of Deeds of Caldwell County, and in the office of the Secretary of State in Raleigh. Such a map shall also be delivered to the Board of Elections, as required by G.S. 163-288.1.

Section 8. Notice of the adoption of this ordinance shall be published once, following the effective date of annexation, in a newspaper having general circulation in the Town of Sawmills.

Adopted this 15th day of December, 1992.


Bill Ramsey, Mayor

ATTEST:


Wanda Reid, Town Clerk

Part 3, Section 1

EXHIBIT A

STATEMENT SETTING FORTH PLANS FOR EXTENDING MAJOR MUNICIPAL SERVICES TO THE AREA TO BE ANNEXED AND THE METHOD OF FINANCING THESE SERVICES. G.S. 160A-35.

It is the purpose and intent of the Town of Sawmills to provide services to the area being annexed, as set forth in the plans of the Town for extending services to the area and the method of financing these services in the annexation area in substantially the same level and manner as provided for other residents of the Town at the time of annexation.

Pursuant to G.S. 160A-35, the Town of Sawmills, North Carolina, will provide or extend to the area proposed to be annexed each major municipal service performed within the Town at the time of annexation. Specifically, the Town will provide for or ensure for the provision of:

A. Police Protection

The Town of Sawmills and the proposed annexation area are both served by the Caldwell County Sheriff's Department. There will be no change in the service provider nor will there be any change in the overall level of service. No additional officers would be required to provide protection substantially on the same basis and in the same manner as such services are provided within the Town prior to annexation.

B. Fire Protection

The area under consideration is located entirely within the Pearland Fire District and is currently provided fire protection by the Sawmills Volunteer Fire Department which serves all of the Pearland Fire Service District. The Sawmills Volunteer Fire Department also provides fire protection service within the corporate limits of the Town of Sawmills. The annexation area has an insurance rating of a 6/9. The Town of Sawmills currently holds an insurance rating of a 6.

The station is centrally located as to provide adequate protection to all areas within the municipal boundaries and to outside areas presently on a contract basis. In order to maintain the existing fire rating in the future and provide fire service to the Town and the area proposed for annexation on substantially the same basis and in the same manner that such services have been provided to the city prior to annexation and in keeping with the requirements of the N.C. Rating Bureau, it will not be necessary to add additional personnel or equipment.

Currently all residents in the proposed annexation area pay a yearly fire tax to Caldwell County of 0.645 per \$100 of assessed property valuation. The County has current contracts with the Sawmills Volunteer Fire Department to provide fire protection for this area.

The Town of Sawmills has notified the appropriate officials with the Sawmills Volunteer Fire Department as well as the Pearland Fire District Commissioners of the intent to annex. If requested by the Sawmills Volunteer Fire Department, Inc., the Town will make a good faith offer to negotiate a five year contract (or amend the existing contract) with the Fire Department to continue to provide fire protection for the area. On the effective date of the annexation, the Town will begin providing it's proportionate share of funding for fire service to the area as outlined in the agreed upon contract.

C. Solid Waste Collection

The Town of Sawmills provides garbage collection services for residential, commercial and industrial property owners within the Town Limits. Additionally, the Town provides recycling service to all residents who wish to participate. These services would be provided in the area immediately after the annexation becomes effective (in accordance with Town-wide schedules) in the same manner that these services are now provided within the Town.

Currently the Town employs one public works superintendent, four full time general laborers and one part-time laborer. The Town operates one garbage truck and a recycling truck. In order to provide garbage and trash collection to the area on substantially the same basis and in the same manner that such services are provided with the rest of the Town prior to annexation, the Town will according to policy, provide the necessary services. It will not be necessary to add additional personnel or equipment.

Town services are now as follows:

Residential: Garbage and recycling collection is once per week with the pick-up being made curbside.

Commercial: Commercial and industrial solid waste disposal is performed in accordance with previously adopted Town policies related to refuse disposal.

To finance the cost of providing solid waste collection, the Town Council will provide appropriations through the general fund.

In accordance with G.S. 160A-37.3 the Town has notified the appropriate private solid waste collection firms that may be entitled to compensation concerning the termination of service agreements in this area. These provisions are outlined in Part 5 of this study.

D. Street Maintenance

The Town's street maintenance duties include grading, dust control, cleaning of ditches on unpaved streets, patching, surface treatment, street extensions and resurfacing of paved streets, as well as street cleaning. The Town presently performs street maintenance duties either in-house or by contract according to existing Town policy. The existing personnel is adequate to serve the present functions for which it is responsible.

Upon annexation, there will be no increase in street maintenance duties by the Town. Currently, all roads are either part of the North Carolina Department of Transportation (NCDOT) System or are private roads. The NCDOT and/or adjacent property owners will continue to provide service and maintenance for these roads.

Maintenance and improvement responsibilities for any State roads that are transferred to the Town street system in the future will be negotiated with the NCDOT according to Town policy. Likewise, all improvement responsibilities for any private roads that are dedicated to the Town will be accomplished according to the provisions outlined in the Town of Sawmills code of ordinances concerning Town streets.

Funding for any new Town street will be provided through State Powell Bill funds as well as appropriations from the general fund.

Therefore, to accommodate the annexation area on substantially the same basis and in the same manner that such services are provided within the rest of the Town prior to annexation, the Town will not require additional personnel or equipment. There is adequate personnel to accommodate any increase should the Town accept any state or private roads into the Town street system.

E. Other Town Services

Although not required by G.S. 160A-35, the Town will provide additional services to the area proposed to be annexed as follows:

1. Street Name Signs

Signs will be installed on an "as needed" basis according to existing Town policy concerning street signs. Appropriations will be provided for installation through the general fund.

2. Street Construction

New residential street construction, in accordance with present Town policies, is normally accomplished by developers of residential subdivisions.

3. Parks and Recreation

The Town of Sawmills supports a citizen recreation committee, which makes recommendations to the Town Council concerning existing and proposed recreational facilities and programs. All existing and future facilities and programs are open to the public. These will also be available to residents in the proposed annexation area.

Financial support for operating the recreational facilities and programs comes from the general fund.

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Part 3, Section 2

WATER AND SEWER SERVICE EXTENSION

Water Service:

G.S. 160A-35(3)(b) provides that adequate water mains (major lines and laterals) be provided in the area to be annexed so that property owners in the area will be able to secure public water service. The Town of Sawmills and the proposed annexation area are currently served with water by Caldwell County. These water mains are designated as the proper public water system for the proposed annexation area. The current policy and intent of Caldwell County is to continue to provide adequate public water service to all property owners within the proposed annexation area. Caldwell County has documented that they will enter into a written agreement that ensures that this service is not terminated and will continue. In the execution and implementation of this agreement, Caldwell County will, upon annexation of this area by the Town of Sawmills, continue to provide for additional water service connections to individual properties and subdivisions therein upon request in accordance with the extension and construction standards of the State of North Carolina, Caldwell County and the Town of Sawmills.

At any time in the future, should Caldwell County determine that they cannot continue to service the residents of the annexation area in substantially the same manner as those residents in Town, the Town of Sawmills will negotiate the purchase of these waterlines for the purpose of continuing this service.

All costs of water service and connection fees within the annexation area shall be paid by residents of the proposed area to Caldwell County. All Sawmills residents connected to the Caldwell County water system will pay the same water rates. Therefore, in order to provide water service to the area proposed for annexation, on substantially the same basis, and in the same manner that such services are provided within the rest of the Town prior to annexation, it will not be necessary to expand any Town facilities or add additional personnel.

In compliance with the provisions of G.S. 160A-35(3), plans for the extension of water mains (major trunk lines and laterals) into the areas proposed for annexation have been prepared and are included in this report (See Part 6, Exhibit 3). As determined from these maps, no additional water mains are required to serve the proposed annexation area.

Sewer Service:

The Town of Sawmills currently provides no central sewer service to the Town's residents. Additionally, the residents are not provided central sewer service from any other source. Therefore, in accordance with G.S. 160A-35(3)(b), the Town of Sawmills is not obligated to provide this service to property owners in the proposed annexation area.

Financing of Water Extensions:

No costs are anticipated by the Town of Sawmills for the extension of water service to property owners within the proposed annexation area. Likewise, no revenues will be realized by the Town of Sawmills. No costs are associated with water extensions because this area is served, and will continue to be served, by Caldwell County.

On a motion made by Paul Pope, seconded by Dennis Wilson, council moved to keep the Town Seal as is.

Crystal Barnes had a complaint concerning the Optimist Club. She was informed that the Optimist met on the second and fourth Thursday night at Sawmills School at 7:00 pm, and that she was welcome to attend.

On a motion made by Paul Pope, seconded by Dennis Wilson, council moved to donate \$500.00 to Crimestoppers. This is a non-profit organization that assist law enforcement officers in the apprehension and conviction of criminals through making funds available for use in offering rewards and to help develop a community offensive against crime. The town's donation will be used for administrative cost and not award money.

After some discussion, council decided to have the town's attorney come up with a policy for excessive water bills due to burst water lines, leaks, etc.

Paul Pope made a motion to pay bills. Max Andrews, seconded. All were in favor.

On a motion made by Paul Pope, seconded by Tim Sanders, council moved that the public works superintendent hire Chris Barlow to haul two loads of gravel, for use of repairing the road from a broken water line.

At 5:55 pm, Tim Sanders made a motion to go into Executive Session concerning personnel matters. Larry Prestwood seconded. All were in favor.

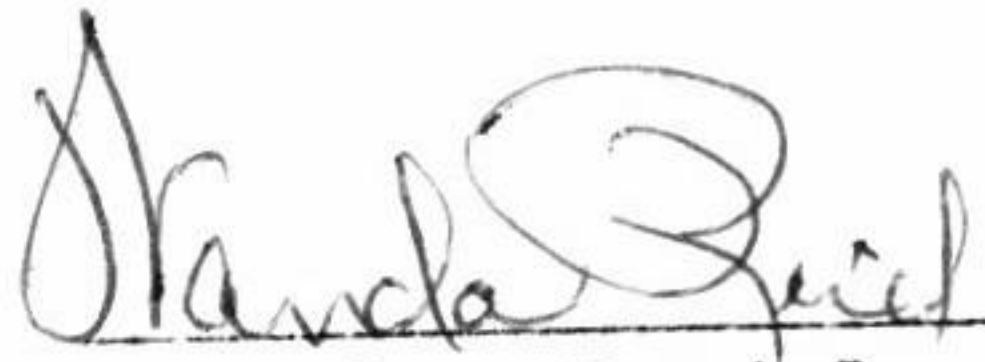
Dennis Wilson made a motion to come out of Executive session at 6:10 pm. Larry Prestwood seconded. All were in favor.

A motion was made by Paul Pope, seconded by Larry Prestwood, to have Tim Sanders call the Internal Revenue office concerning a

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late charge fee of \$775.00. of a report turned in to IRS after the past due date. All were in favor.

Tim Sanders made a motion that Max Andrews be present, if needed, in the questioning of an employee in the researching of the late charge fee. Larry Prestwood seconded. All were in favor.

Tim Sanders made a motion to adjourn at 6:15. pm. Larry Prestwood seconded. All were in favor.



Wanda Reid, Town Clerk



Bill Ramsey, Mayor