

TUESDAY, DECEMBER 21, 2010
TOWN OF SAWMILLS REGULAR COUNCIL MEETING
6:00 P.M.

COUNCIL PRESENT

Bob Gibbs
Gerelene Blevins
Beverly Fry
Donnie Potter
Joe Wesson

STAFF PRESENT

Karen Clontz
Susan Nagle
Terry Taylor

COUNCIL ABSENT

Eddie Bowman

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.

APPROVAL OF NOVEMBER 15th WORK SESSION MEETING MINUTES: Mayor Gibbs asked for a motion to approve the November 15, 2010 work session meeting minutes.

On a motion made by Beverly Fry and seconded by Donnie Potter, the minutes were approved. All were in favor.

APPROVAL OF NOVEMBER 16th REGULAR MEETING MINUTES: Mayor Gibbs asked for a motion to approve the November 16, 2010 regular meeting minutes.

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

ADOPT AGENDA: Mayor Gibbs asked for a motion to adopt the agenda.

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

TOWN HALL MEETING: Mayor Gibbs asked if anyone signed up to speak at the Town Hall meeting.

No one had signed up to speak.

LETTER OF RESIGNATION FROM COUNCILMAN EDDIE BOWMAN: Mayor Gibbs read to Council the letter of resignation from Councilman Eddie Bowman.

Mayor Gibbs called for a special meeting on Wednesday, December 29, 2010 at 3:00 p.m. in Council Chambers to discuss a replacement for Eddie Bowman.

Mayor Gibbs asked Council to recommend a replacement for Eddie Bowman. Gerelene Blevins recommended Buford Pennell and Joe Wesson recommended Joe Norman.

After discussion, a motion was made by Donnie Potter and seconded by Joe Wesson, to accept Eddie Bowman's letter of resignation. All were in favor.

REQUEST FOR A PUBLIC HEARING ON THE PART-F GRANT: Mayor Gibbs asked for a motion to hold a public hearing at 5:30 p.m. on January 18, 2011 at the regularly scheduled Town Council meeting. The purpose of this Public Hearing will be to discuss a pending grant application from the Parks and Recreation Trust Fund (Part-F) which will be used for the Sawmills Community Center Project.

On a motion made by Joe Wesson and seconded by Donnie Potter, a Public hearing will be held in Council Chambers at 5:30 p.m. on January 18, 2011. All were in favor.

RECOGNITION: PEPSI OF HICKORY: Mayor Gibbs stated that Pepsi-Cola of Hickory has donated \$2,500.00 a year for three years making the total donation \$7,500.00 for the Parks and Recreation Department. Town Clerk Susan Nagle will do a resolution of recognition and a certificate of appreciation.

On a motion made by Donnie Potter and seconded by Joe Wesson, Town Clerk Nagle will put together a resolution in recognition of the donation from Pepsi-Cola of Hickory.

INTRODUCTION: SAWMILLS OPTIMIST CLUB: President of the Sawmills Community Optimist Club Mickey Summerlin stated how excited everyone is to have an Optimist Club in Sawmills. Mayor Gibbs asked the Council for a monetary donation of \$438.00 for the startup cost of a charter membership for the Optimist Club International.

On a motion made by Donnie Potter and seconded by Gerelene Blevins, a donation in the amount of \$438.00 will be given to the Sawmills Community Optimist Club. All were in favor.

UPDATE FROM BENCHMARK ON ADOPTING PROPOSED ORDINANCE

CHANGES: Code Enforcement Officer Tony Cline updated the Council on the progress made throughout the Town (See attached).

Mr. Cline updated an Ordinance Amending Chapter 94, Housing Standards for the Town of Sawmills Code of Ordinances and an Ordinance Amending the Code of Ordinances for the Town of Sawmills with Respect to Nuisances and Weed Provisions.

On a motion made by Donnie Potter and seconded by Joe Wesson, an Ordinance Amending the Code of Ordinances of the Town of Sawmills with Respect to Nuisances and Weed Provisions was approved. All were in favor.

On a motion made by Donnie Potter and seconded by Joe Wesson, an Ordinance Amending Chapter 94, Housing Standards of the Town of Sawmills Code of Ordinances was approved. All were in favor.

On a motion made by Donnie Potter and seconded by Joe Wesson, Tony Cline was named the Code Enforcer for the Town of Sawmills. All were in favor.

On a motion made by Joe Wesson and seconded by Gerelene Blevins, Tony Cline was named the Minimum Housing Inspector for the Town of Sawmills. All were in favor.

COMMERCE GRANT: AMENDED PROJECT ORDINANCE: Finance Officer Karen Clontz stated that an Amended Project Ordinance for Automated Solutions was tabled until the December 21, 2010 meeting.

On a motion made by Donnie Potter and seconded by Joe Wesson, the Amended Commerce Grant Project Ordinance was approved. All were in favor.

USTI E-PAYMENTS ONLINE BILL PAY: Finance Officer Karen Clontz stated that the software provider for the Town, USTI, offers online bill pay for a start up cost of \$315.00 and then each year at \$120.00 per year. There are sufficient funds in the budget to cover this expenditure.

On a motion made by Joe Wesson and seconded by Donnie Potter, the Town will start the process to accept online bill pay.

PHASE III FENCING AT VETERANS PARK: The Town has received two bids on the fencing at the Veteran's Park.

These are the following two bids:

Charlotte Fence Builders of Denver, Inc.	\$146,935.40
American Fence & Construction	\$177,487.00

Mayor Gibbs stated that the Town has also received a quote in the amount of \$28,500.00 from Gateway Construction to extend the baseball field at the Veteran's Park an additional 30 feet.

On a motion made by Donnie Potter and seconded by Gerelene Blevins, the bid was awarded to Charlotte Fence Builders of Denver, Inc. in the amount of \$146,935.40. All were in favor.

On a motion made by Joe Wesson and seconded by Gerelene Blevins, Gateway Grading was awarded the grading project in the amount of \$28,500.00. All were in favor.

CAPITAL PROJECT ORDINANCE: HIGHWAY 321-A IMPROVEMENT PROJECT: In order to proceed with construction of a sidewalk along 321-A from the Town Hall to approximately 900 feet south of the Baker Circle intersection a Project Ordinance will need to be adopted.

On a motion made by Donnie Potter and seconded by Beverly Fry, the Capital Project Ordinance for the Highway 321-A improvement project was approved. All were in favor.

UPDATES ON UP-COMING POWELL BILL PROJECTS: Mayor Gibbs updated Council on two projects paid out of Powell Bill funds. (See attached projects).

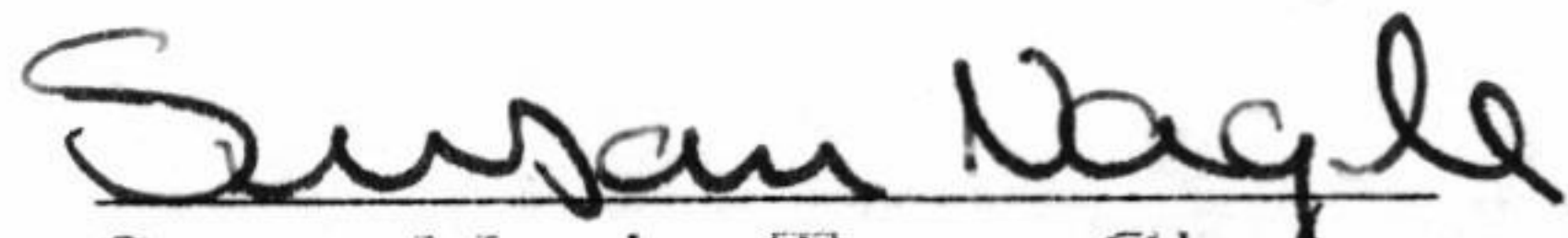
No Council action is required.

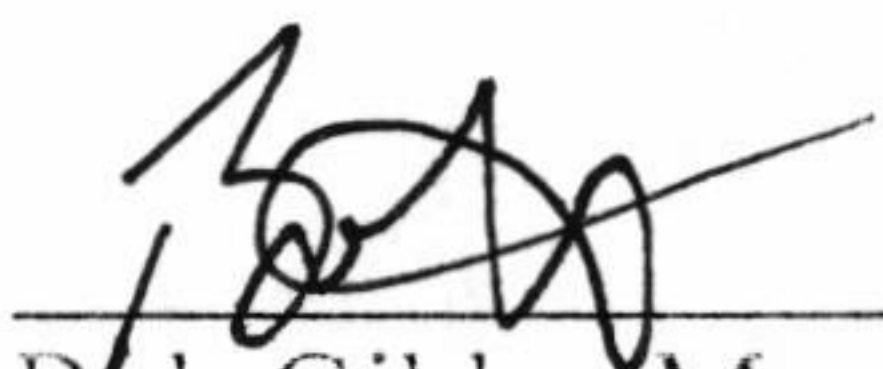
HOLIDAY OPERATING SCHEDULE: CHRISTMAS/NEW YEAR HOLIDAY: Mayor Gibbs reminded Council of the Christmas/New Year holiday operating schedule that was discussed at the November Council meeting and also sent out to residents in a newsletter. The Town offices and Public Works will be closed January 3rd in Observance of New Year's.

Mayor Gibbs also stated that Council has in year's past allowed the Town's employee's to leave at noon on the day before the Christmas holiday begins.

On a motion made by Joe Wesson and seconded by Gerelene Blevins, Council has been kind enough to allow the staff to leave at noon on Thursday, December 23rd 2010. All were in favor.

ADJOURN: On a motion made by Donnie Potter and seconded by Joe Wesson, the meeting was adjourned at 7:33 p.m. All were in favor.


Susan Nagle, Town Clerk


Bob Gibbs, Mayor

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 responded to friendly letter and agreed to begin cleaning trash and overgrowth on the property. Owner claims to have begun clean-up recently. Monitor
11/1/2010	MVO11-01	4228 US Hwy 321A	Arnold Wilson	Owner responded to friendly letter and agrees to make vehicles operational and clean the front of property. Despite owners claims no change evident yet. Monitor
11/1/2010	PN11-02	Unaddressed property along Helton	Jimmy Hollifield	Owner responded to friendly letter and has begun chipping wood debris and agrees to address dilapidated buildings and other violations. Monitor
11/1/2010	HC11-03	4476 Sawmills Sch. Rd.	Acie Spade	Owner has not responded to friendly letter but family member said the occupant has acknowledged receipt of letter. Former owners (who hopes to get the property back) claims to be working out a plan to repair structure.
11/1/2010	2193 Russell Drive	2193 Russell Drive	Irene Harris C/O Sherrie Barger	House and mobile homes demolished and the lot cleaned up. Closed Case
11/1/2010	PN11-06	2215 Alexis Ln.	Mark Rentals LLC	Burned structure removed. Closed Case
11/1/2010	PN11-05	4385 Chantilly Drive	Hester Bunton and Nancy Fry	Owner has not responded to friendly letter regarding fire damaged house, but a bordering property owner is reportedly interested in purchasing the property.
11/1/2010	HC11-01	2553 Baker Circle	Ralph and Ether Miller	Met with the owner regarding a dilapidated mobile home on the property and he agreed to have mobile home moved as soon as possible. Monitor.
11/1/2010	HC11-02	4396 Duncan Drive	Roger and Cynthia Lentz	No response from owners regarding dilapidated house. Plan to visit owner at the house they reside in.
11/1/2010	Z11-02	1625 Cajah Mtn. Rd.	Ray and Betty Philyaw	This case regarding a mobile home used as an out-building on the property has not yet been addressed.
11/1/2010	HC11-05	2275 Crystal Drive	Martha Philyaw Heirs	According to the town attorney no recording of estate procedures recorded by family. Attempts being made to establish parties of interest regarding the substandard

Code Enforcement Monthly Report

Opened	Case Number	Property Address	Owner or Occupant	Status or Comments
11/1/2010	HC11-04	1677 Lafayette Ave.	Arnold Wilson	overgrowth, trash and substandard housing conditions. Owner agreed to begin cleaning and repairing house. No recent change.
11/1/2010	PN11-01	4497 Diamond St.	Troy Wilson Jr.	Owner did not respond to friendly letter but made contact with the Mayor. Recently owner agreed to clean property "on his time". Monitor
11/8/2010	PN11-08	4476 Villa Lane	John Greene	Owner has agreed to clean trash on the property. Questions some of what needs to be done. Monitor
11/8/2010	PN11-07	2720 Villa Woods	Debs and Lynn Holden	Friendly letter regarding open storage of trash and debris sent today. Will await reasonable time for owner to respond. No one home at time of property visit. Monitor
11/1/2010	Z11-01	4141 Duff Drive	Clarks Auto	Friendly letter sent regarding salvage of cars and overgrowth on the property. No response yet.
1-Dec	PN11-09	Crotts Mobile Home	Charles and Pansey Crotts	Friendly letter sent. No response yet.
12/8/2010	MVO11-02	1747 Cahah Mtn. Rd.	Donald Street	Friendly letter sent regarding junk vehicle(s). No response yet.
12/8/2010	MVO11-04	4347 US HWY 321-A	Jeffrey and Trena Wilson	Friendly letter sent regarding junk vehicle(s). No response yet.
12/9/2010	Z11-01	4141 Duff Road	Clarks Auto	Friendly letter sent due to salvage and overgrowth on property. No response yet

AN ORDINANCE AMENDING THE
CODE OF ORDINANCES OF THE TOWN OF SAWMILLS
WITH RESPECT TO NUISANCES AND WEEDS PROVISIONS

BE IT ORDAINED by the Town Council of the Town of Sawmills, North Carolina, that the Code of Ordinances of the Town of Sawmills be amended as follows:

Part 1. That Section 82.01, Nuisance Conditions, is hereby rewritten to read as follows:

"Section 82.01. Nuisance Conditions

(a) Unlawful Conditions Enumerated.

The following enumerated and described conditions, or any combination thereof, are hereby found, deemed, and declared to constitute a detriment, danger and hazard to the health, safety, morals and general welfare of the inhabitants of the Town and are found, deemed and declared to be public nuisances wherever the conditions may exist and the creation, maintenance or failure to abate any nuisances is hereby declared unlawful:

1. Any weeds or other vegetation having an overall height of more than eighteen (18) inches above the surrounding ground provided that the following shall not be considered to be a part of this condition: trees and ornamental shrubs; cultured plants; natural vegetation on undeveloped property that is not a threat to the character of surrounding properties; and flowers and growing and producing vegetable plants.
2. Any accumulation of trash and/or garbage which is the result of the absence or of overflowing or improperly closed trash or garbage containers;
3. Accumulation in an open place of hazardous or toxic materials and chemicals.
4. An open place of concentration of combustible items such as mattresses, boxes, paper, automobile tires and tubes, garbage, trash, refuse, brush, old clothes, rags, or any other combustible materials or objects of a like nature;
5. Any accumulation of garbage, rubbish, trash, or junk causing or threatening to cause a fire hazard, or causing or threatening to cause the accumulation of stagnant water, or causing or threatening to cause the inhabitation therein of rats, mice, snakes, mosquitoes, or vermin prejudicial to the public health.
6. Any accumulation of animal or vegetable matter that is offensive by virtue of odors or vapors or by the inhabitation therein of rats, mice, snakes, or vermin of any kind which is or may be dangerous or prejudicial to the public health.

7. The open storage of any discarded ice box, furniture, refrigerator, stove, glass, building materials, building rubbish or similar items.
8. Any condition detrimental to the public health which violates the rules and regulations of the Caldwell County Health Departments.
9. Any building or other structure which has been burned, partially burned or otherwise partially destroyed and which is unsightly or hazardous to the safety of any person, is a continuing fire hazard or which is structurally unsound to the extent that the Town Administrator or his designee can reasonably determine that there is a likelihood of personal or property injury to any person or property entering the premises.
10. Any condition which blocks, hinders, or obstructs in any way the natural flow of branches, streams, creeks, surface waters, ditches, or drains, to the extent that the premises is not free from standing water.
11. The outside or outdoors use of any furniture originally designed or intended for interior use such as, but not limited to, couches, sofas, chairs, recliners or other like items.

(b) When any condition in violation of this section is found to exist, the housing inspector or such persons as may be designated by the Town Administrator, the Town Council or the Town Administrator himself, shall give notice to the owner of the premises to abate or remove such conditions within ten (10) days. Such notice shall be in writing, shall include a description of the premises sufficient for identification and shall set forth the violation and state that, if the violation is not corrected within ten (10) days, the Town may proceed to correct the same as authorized by this section. Service of such notice shall be by any one of the following methods.

1. By delivery to any owner personally or by leaving the notice at the usual place of abode of the owner with a person who is over the age of sixteen (16) years and a member of the family of the owner.
2. By depositing the notice in the United States Post Office addressed to the owner at his last known address with postage prepaid thereon.
3. By posting and keeping posted, for ten (10) days, a copy of the notice, in placard form, in a conspicuous place on the premises on which the violation exists, when notice cannot be served by method (1) and (2).

(c) If the owner of any property fails to comply with a notice given pursuant to this section, within ten (10) days after the service of such notice, he shall be subject to prosecution for violation of this ordinance in accordance with law and each day that such failure continues shall be a separate offense. In addition, the Town Administrator or designee may have the condition described in the notice abated, removed or otherwise corrected and all expenses

incurred thereby shall be chargeable to and paid by the owner of the property and shall be collected as taxes and levies are collected as set forth in NCGS 160A-193. All such expenses shall constitute a lien against the property on which the work was done.

(d) The procedure set forth in this chapter shall be in addition to any other remedies that may now or hereafter exist under law for the abatement of public nuisances, and this chapter shall not prevent the Town from proceeding in a criminal action against any person, firm or corporation violating the provisions of this chapter as provided in N.C. G. S. 14-4."

(e) In accordance with the NCGS 160-175 and the Town of Sawmills Code of Ordinance violation of this chapter shall subject the offender to the penalty provisions of section 10.99

Part 2. All ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

Part 3. This Ordinance shall become effective upon its adoption by the Town Council of the Town of Sawmills, North Carolina.

ADOPTED this the 21ST day of DECEMBER, 2010

ATTEST


Susan Nagle
Town Clerk


Mayor