

**TUESDAY, SEPTEMBER 16, 2014
TOWN OF SAWMILLS REGULAR COUNCIL MEETING
6:00 PM**

COUNCIL PRESENT

Trena McRary Kirby
Joe Wesson
Jeff Wilson
Johnny Wilson

STAFF PRESENT

Seth Eckard
Julie Good
Terry Taylor
Elinor Hiltz

COUNCIL ABSENT

Gerelene Blevins

CALL TO ORDER: Mayor Pro-Tem Trena McRary Kirby called the meeting to order.

INVOCATION: Pastor Ron Burgett gave the invocation.

PLEDGE OF ALLEGIANCE: Mayor Pro-Tem Trena McRary Kirby led the Pledge of Allegiance.

ADOPT AGENDA: Mayor Pro-Tem Trena McRary Kirby asked for a motion to adopt the agenda.

Joe Wesson made a motion, and Jeff Wilson seconded, to adopt the agenda. All were in favor.

APPROVE AUGUST 19, 2014 REGULAR MEETING MINUTES: Mayor Pro-Tem Trena McRary Kirby asked for a motion to approve the August 19, 2014 regular meeting minutes.

Joe Wesson made a motion, and Johnny Wilson seconded, to approve the minutes. All were in favor.

PUBLIC COMMENT: Mayor Pro-Tem Trena McRary Kirby asked if anyone had any questions or comments at this time.

No one wished to speak.

RECOGNITIONS:

RECYCLE REWARDS WINNER: Town Administrator Seth Eckard announced Mr. and Mrs. Mark Maheux as the September Recycle Rewards winner. A credit of twenty-eight dollars (\$28.00) will be added to their sanitation bill and their certificate will be available at the Town Hall for pick up.

No Council action was required.

YARD OF THE MONTH WINNERS: Town Administrator Seth Eckard announced that Joe Helton, from the 28630 zip code, and IBS, from the 28638 zip code, as the September Yard of the Month winners. Town Administrator Seth Eckard stated that both certificates would be available at the Town Hall for pick up.

No Council action was required.

DISCUSSION:

APPOINTMENT OF A NEW MAYOR: On August 25, 2014, Bob Gibbs resigned as Mayor of Sawmills. Town Attorney Terry Taylor gave the council three (3) options as to what Council can do regarding the open Mayor seat. Those options up for discussion are:

- Nominate a candidate for Mayor;
- Postpone Mayor appointment; or
- Not appoint a Mayor and wait until the November 2015 election cycle.

Mayor Pro-Tem Trena McRary Kirby asked who wanted to start the discussion and Joe Wesson went first.

Joe Wesson stated that he has discussed this with Council and Sawmills' residents and he would like Sawmills' residents to be able to elect a Mayor in November 2015 and members of the Council can take on more responsibilities until the election.

Town Administrator Seth Eckard stated that instead of a four (4) year term, the person elected during the November 2015 election will only serve a two (2) year term and then run in the November 2017 election to get the Mayor seat back on the correct year.

Mayor Pro-Tem Trena McRary Kirby stated that if it is not going to be a hardship on the Town, then she agrees that members of the Council can take on more responsibility and let Sawmills' residents elect a Mayor in the November 2015 election.

Jeff Wilson stated that Sawmills' residents should be able to elect a Mayor in the November 2015 election.

Johnny Wilson stated that Council should wait until the November 2015 election and let the Sawmills' residents elect a Mayor unless a Mayor is needed before the election and then Council can appoint someone to act as Mayor until the election.

CALDWELL COUNTY RAILROAD COMMISSION MEMBER APPOINTMENT: A representative from each municipality serves a two (2) year term on the Caldwell County Railroad Commission. The two (2) year term started on January 1, 2014 and lasts until December 31, 2016. Bob Gibbs was serving on Caldwell County Railroad Commission representing the Town of Sawmills.

Jeff Wilson made a motion, Trena McRary Kirby seconded, that Joe Wesson will serve on the Caldwell County Railroad Commission representing the Town of Sawmills to finish out the two (2) year term. All were in favor.

CALDWELL COUNTY SALES TAX REINVESTMENT COMMISSION MEMBER:

Bob Gibbs was serving on the Caldwell County Sales Tax Reinvestment Commission representing the Town of Sawmills for a term that ends in December 2015.

Jeff Wilson made a motion, Joe Wesson seconded, that Johnny Wilson will serve on the Caldwell County Sales Tax Reinvestment Commission representing the Town of Sawmills to finish out the term. All were in favor.

PLANNING MATTERS:

PROPOSED TEXT AMENDMENT FOR PROTEST PETITIONS: Town Planner Elinor Hiltz stated that the protest petition section of the Town of Sawmills code conflicts with State Statutes. The proposed new text is the State Statute, almost verbatim:

If opposition to a rezoning turns in a valid protest petition more than two (2) working days before the public hearing, the Council must approve the rezoning by a three-fourths ($\frac{3}{4}$) vote for the rezoning to pass.

Town Planner Elinor Hiltz stated that Councils usually vote unanimously, so a statewide poll has shown that protest petitions have only affected the outcomes of approximately six percent (6%) of rezoning cases (the source of this information came from the UNC School of Government blog). Protest petitions are good for indicating that there is clear opposition to the rezoning.

Town Planner Elinor Hiltz also stated that if the Town of Sawmills did not have a protest petition in the ordinance, a landowner would have the right to file a protest petition per State law.

Town Planner Elinor Hiltz stated that the Comprehensive Plan does not cover rezoning proceedings. This text amendment could prevent legal challenges. The Planning Board unanimously recommended approval of this ordinance on September 2, 2014.

Jeff Wilson made a motion, Johnny Wilson seconded, to call for the Public Hearing on October 21, 2014, to adopt the proposed protest petition text amendment proposal for the Sawmills Code of Ordinances. All were in favor.

APPOINTMENT FOR SUBDIVISION REVIEW BOARD: Town Planner Elinor Hiltz stated that minor subdivisions and family subdivisions need to be reviewed by a small subcommittee called the Subdivision Review Board (SRB). The SRB is made up of the Mayor, the Planning Board Chairman, a member of the Planning Board, and an alternate member of the Planning Board. The SRB will meet on Tuesdays at 5:00 pm, or 5:30 pm, when there is a plat to review.

On September 2, 2014, the Planning Board appointed David Powell as the primary member and Clyde Miller as the alternate member for the SRB.

No Council action was required.

PUBLIC COMMENT: Mayor Pro-Tem Trena McRary Kirby asked if anyone had any questions or comments at this time.

Dan Kuehnert wanted to introduce himself to Council. Mr. Kuehnert is a resident of Burke County and is running for Superior Court Judge in the 25A Judicial District. Mr. Kuehnert is the Town Attorney for Glen Alpine, and is the former Town Attorney for Rutherford College, so he knows about local government.

UPDATES:

CODE ENFORCEMENT MONTHLY REPORT: Administrator Seth Eckard stated Town Planner Elinor Hiltz has enclosed an updated status report of Code Enforcement cases and the progress that has been made on each case as of September 2014.

No Council action was required.

ADMINISTRATORS REPORT: Town Administrator Seth Eckard made the following announcements:

- The Fall Festival was the biggest and best festival to date. We had 52 vendors.
- The Festival Committee will meet Wednesday, September 17, 2014, at 3:00 pm to discuss the Fall Festival and the upcoming Veterans' Day celebration.
- The bid opening for the slope project at Veterans Park will open on September 23, 2014.
- Town Administrator Seth Eckard and Mayor Pro-Tem Trena McRary Kirby will be going to the COG meeting on September 23, 2014, at 6:00 pm.
- The Veterans Park restrooms should be delivered on October 6, 2014, and should be ready for use by our Veterans' Day celebration. Public Works is hoping to have the sidewalk finished and some landscaping done around the restrooms by the Veterans' Day celebration but are not sure if they can get it all finished by then.
- The Town is going to try to open bids for the Duff Drive sewer project in December.

COUNCIL COMMENT: Mayor Pro-Tem Trena McRary Kirby asked if anyone on the Council had any questions or comments at this time.

Joe Wesson wanted to thank everyone for coming to the meeting.

Trena McRary Kirby stated that she loved the festival and wanted to thank everyone for coming out.

COUNCIL ADJOURN: Mayor Pro-Tem asked for a motion to adjourn.

Joe Wesson made a motion, and Johnny Wilson seconded, to adjourn the meeting. All were in favor.

Julie A Good, Town Clerk

Trena McRary Kirby,
Mayor Pro-Tem