

February 12, 2007

The Middlesex Governing Body met in regular session at 7:30 p.m. in the Conference Room of the Town Hall. Members present were Mayor Luther H. Lewis, Jr., Commissioners Fred Hough, Luke Robinson, Derek Bissette and Basco Lewis. Commissioner Harold Meacombs was absent. Mayor Lewis called the meeting to order and gave the invocation. The guest list is attached.

Commissioner Hough moved to accept the minutes of the previous meeting. The motion was seconded by Commissioner Robinson and it carried unanimously.

Mayor Lewis opened the floor for the public comment session and there were no comments or questions.

Town Administrator Gordon Joyner requested to delete Item 8(g), staffing recommendations for the Police Department from the agenda. Commissioner Robinson moved to approve the agenda, deleting Item 8 (g) as requested. His motion was seconded by Commissioner Lewis and it carried unanimously.

Commissioner Robinson moved to accept the January financial statements as correct. His motion was seconded by Commissioner Hough and it carried unanimously.

Commissioner Bissette made a motion instructing the clerk to advertise 2006 delinquent property taxes as liens on real property. Commissioner Robinson seconded the motion and it carried unanimously.

Chief Ferrell advised the Board that he had applied for and received a 100% grant through the E-citation program funded by the Governor's Highway Safety Program for computer printers.

Commissioner Hough moved to rescind Resolution R2007-993B directing the clerk to investigate the annexation petition from Larry Keesler due to the fact that Joyce Burrell is the property owner. The motion was seconded by Commissioner Robinson and it carried unanimously.

Administrator Joyner stated that DOT has approved the locations for the welcome signs and he is proceeding with the encroachment paperwork.

Dale Bachmann reported that the Landscape Committee should receive a design for the Centennial Park from Design-A-Yard within the next two weeks.

The Board discussed the current waste collection ordinance, Chapter 2, Section 3-2-5 Containers Required. Administrator Joyner recommended to delete the height and diameter requirements and to change the container size with the wording to read, "no container shall be more than 35 gallons in capacity. This requirement applies to containers purchased and/or placed into service after February 12, 2007. Commissioner Robinson moved to amend the ordinance as recommended. The motion was seconded by Commissioner Bisette and it carried unanimously.

Administrator Joyner reviewed a brochure summarizing solid waste services and guidelines which includes this change and will be distributed to all citizens and given to new citizens moving into town.

The Board reviewed cost estimates from Progress Energy for a light at the cemetery. An overhead line would require a three year contract for \$43.12 per month with no installation cost. An underground line would require a five year contract for \$40.96 per month an installation costs at \$3,097. Commissioner Hough moved to leave the cemetery as is. His motion was seconded by Commissioner Robinson and it carried unanimously.

Administrator Joyner answered the Board's question concerning a town leash law. The town's leash law is covered in Section 6-6-7 in Chapter 5 of the Animal Ordinance.

Commissioner Robinson moved to accept Officer Steven Brubaker's resignation which was effective January 27, 2007. Commissioner Bisette seconded and it carried unanimously.

Commissioner Bisette moved to hold a public hearing for a proposed amendment to Article VIII, Section 803 of the Zoning Ordinance at 7:30 p.m. on March 12th, 2007. Commissioner Robinson seconded and it carried unanimously. Currently, a request to change the zoning map goes directly to the Board. With this proposed change, all requests to change the zoning map would be given to the Planning Board and the Planning Board will make a recommendation to the Town Board. Also, this amendment allows the Town Board to terminate the consideration of a proposed amendment prior to a public hearing when the Planning Board recommends to deny a petition.

The Planning Board recommended to the Town Board to deny a petition from Melba Hales to rezone property located on Stoney Hill Church Road and US 264 to Light Industrial because it would not be compatible with the town's future development plans for that area. The Board tabled this until the March 12th meeting.

Commissioner Bissette moved to approve a resolution directing the clerk of investigate an annexation petition from Bobby Bissette for property located on Selma Road, which is contiguous with the town limits. Commissioner Lewis seconded the motion and it carried unanimously.

Commissioner Bissette moved to approved a resolution waiving fees in connection with voluntary annexation of private property where annexation would be advantageous to and in the best interest of the town. Commissioner Robinson seconded the motion and it carried unanimously. The Board will review on a case-by-case basis and when the town solicits the voluntary annexation to achieve the town's growth and development goals.

Administrator Joyner reported that the state regulates all open burning and no open burning is allowed in municipalities that provide pick up service. Joyner proposed the following amendment to the Town Code of Ordinances, Title 3-Public Works, Chapter 2, Garbage and Refuse Collection and Disposal, Section 3-2-3, Burying or burning of garbage and refuse regulated:

DELETE:

- (a) It shall be unlawful to burn or set fire to any garbage for the purpose of disposal. In addition, it shall be unlawful to bury any refuse for the purpose of disposal unless a permit therefore has been granted by the fire chief.
- (b) No trash will be picked up if there has been any evidence of burning in the containers.

REPLACE WITH:

- (a) It shall be unlawful to burn or set fire to any garbage for the purpose of disposal.
- (b) It shall be unlawful to bury any refuse for the purpose of disposal.
- (c) It shall be unlawful to burn or set fire to any refuse, trash or tree trimmings [as defined in section 3-2-1(5)] for the purpose of disposal.
- (d) No person shall burn leaves, shrubs, trees, limbs and the like on the streets, sidewalks or pubic or private property.
- (e) No trash will be picked up if there is evidence of burning.

Commissioner Robinson moved to go into Closed Session under G.S.143-318.11(a) (6) to interview Jon Bennett to replace the vacancy created by the resignation of Steven Brubaker. Commissioner Hough seconded and the motion carried unanimously.

Back in Open Session, and being no further business, Commissioner Robinson moved to adjourn.

Jennifer Lambert, Clerk

Mayor Luther Harvey Lewis, Jr.
Commissioners:
Fred Hough
Luke Robinson
Derek Bissette
Basco Lewis