

April 9, 2007

Mayor Lewis opened the floor at 7:30 p.m. for a Public Hearing to hear a requested amendment to the Zoning Ordinance Amendment to Article VII Administrative Provisions, Section 707.4.1 Appeals. Administrator Joyner explained that the current ordinance does not specify a time limit for appeals. There were no comments and Mayor Lewis closed the hearing at 7:32 p.m. and opened the floor for a second Public Hearing.

There were no comments in the hearings for the contiguous annexation petitions from Bobby Bisette and DFB Development, Inc., so Mayor Lewis closed the public hearing at 7:35 p.m. and opened the floor for a Public Hearing for comments/questions for the Hanes Inducement Agreement. No one had comments or questions, so Mayor Lewis closed the Public Hearing at 7:37 p.m. and open the floor for the regular scheduled meeting.

Mayor Lewis gave the invocation and welcomed the guests. The guest list is attached and made a part of these minutes. Commissioners Harold Meacombs, Basco Lewis, Derek Bisette, and Luke Robinson were present. Commissioner Fred Hough was absent.

Minutes of the previous meeting were approved in a motion by Commissioner Robinson and seconded by Commissioner Lewis and carried unanimously.

Mayor Lewis opened the floor for the public comment session. Minister Edna Mount stated she was very pleased with the addition of an industrial park in Middlesex to add a positive financial impact. She also advised the Board that she thought the employees deserved the recommended cost of living raise and that she was disappointed in the Board and thought it was an embarrassment to the town that they did not give the raise recommended.

Teresa Hales Peacock addressed the Board on her mother's (Melba Hales) behalf. She requested that the Board consider to rezone 5 acres of a 31 acre plot of land on Stoney Hill Church Road and 264 Alternate to L1 (Light Industrial) to accommodate a pallet business and the remaining acreage could be commercial.

Clavis Bowens, the real estate agent for Ms. Hales, addressed the Board stating that the entire business would be contained inside the building and that her company will actively market the remaining commercial acreage to make the community better.

Ms. Melba Hales presented the Board with a map of the property and explained that the business would not be seen from the road and that Bobby Bisette, an adjoining property owner, has no objections to her plans.

Mayor Lewis closed the public comment session.

Administrator Joyner requested to delete the Closed Session to hear a personnel matter. Commissioner Meacombs approved the agenda with the one deletion. Commissioner Bissette seconded the motion and it carried unanimously.

Commissioner Robinson moved to accept the financial statements for March with no changes. His motion was seconded by Commissioner Bissette and it carried unanimously.

Chief Ferrell stated that he had received a pre-approval letter for the Governor's Crime Commissioner Grant to submit the full grant application. He also stated that he would apply for the NC League of Municipalities Wellness Grant (100%) to buy more equipment for the exercise room at the Police Department. These grants are usually for about \$400. He advised the Board he has only two officers, himself and Corporal Murray on staff. Officer Kapp and his wife had a new baby last week and he has resigned to go into the Marines. He has two officers in the part time pool, one waiting for firearms certification. He has placed an ad in two papers for full time and part time officers.

Commissioner Bissette received a price of \$3,500 to take down both cemetery walls, including the front wall, and hauling off debris. He will get a price on the concrete footings, as will Mayor Lewis, and present quotes to the Board at the next meeting.

Commissioner Bissette moved to revise the Town Code of Ordinances, Chapter 2, Section 3-2-9 Special/Bulk Collections to delete paragraph (a) in its entirety and substitute the following: (a) Regular Bulk Collections – Collection or pick up of bulk items or materials will be made on a regular scheduled basis as established by the Town.

- (b) Special Bulk Collections – Property owners and residents may request a special collection or pick up of bulk items when circumstances prevent or it would not be practical to be collected on the regular scheduled collection day.

Special collections are subject to the availability of personnel and equipment.

Re-letter paragraph (b) to (c); re-letter paragraph (c) to (d) and delete the phrase "...by special collections..." in the first sentence. His motion was seconded by Commissioner Meacombs and it carried unanimously.

Constance Corbett, Chairperson of the Beautification Committee, advised the Board that the Beautification Committee recommends that the Centennial Park be completed in phases and that they have many changes to the original design. They recommend in Phase 1:

- (a) re-do or rebuild the existing walking track (and add to the track at a later date)
- (b) provide the parking (on grass for the present)
- (c) install three flagpoles (U.S., N.C. and Town Flag)
- (d) plant holly trees between and in front of the ash trees already planted.
- (e) install lighting, mainly for safety

Corbett advised the Board the contractor that built the walking track at WilMed in Wilson has looked at the track and will present a proposal, and that the committee will seek two more bids.

Commissioner Bisette requested that written specs be given each contract to bid on the track and Mayor Lewis advised the committee to work through Gordon with the specs and the entire bidding process. She advised that DOT will grade the shoulders on Hwy 231 South, the fencing has been removed, and the ash trees already planted at the rear of the site. She requested Board approval to proceed to plant 12 holly trees in front of the ash trees at \$12.50 each for a total of \$150, and to proceed with Progress Energy's recommendation on additional lighting, which will cost a total of \$53.87 a month for all 3 lights, with no installation fee. A quote of \$690, or \$230 each, for three 25' flagpoles with 3' flags was given by a Rocky Mount firm. Corbett thanked the Board on behalf of the committee for their support and creating a budget line item for this project. Corbett's request to pursue planting the holly trees and the lighting from Progress Energy was approved in a motion by Commissioner Bisette and seconded by Commissioner Robinson, which carried unanimously.

After presentation of the Clerk's Certificate of Sufficiency for Joyce Burrell's property, Commissioner Meacombs moved to set a public hearing for May 14, 2007 at 7:30 p.m. to review the annexation petition on property on Hwy. 264 Alternate, west of Eagle Ridge Subdivision. Commissioner Robinson seconded the motion and it carried unanimously.

Larry Keesler, developer of the Burwell property, addressed the Board and presented a map showing the individual lots. He requested the Board to consider 20,000 sq. ft. (1/2 acre) lots versus the required 30,000 sq. ft (3/4 acre) lots. Mayor Lewis advised Mr. Keesler that only 30,000 sq. ft. lots were allowed in Middlesex and its ETJ. Mr. Keesler stated the homes would be 1600-1800 sq ft with a steep roof for bonus rooms in the \$160,000-\$180,000 price range. Keesler advised the Board that the land would be completely cleared within 45-60 days and requested an open burn permit for clean up. Mayor Lewis thanked him for coming.

Commissioner Robinson moved to adopt the Zoning Ordinance amendment to Article VII, Section 707.4.1 to state "appeals will be taken within ten (10) days from the rendering of the decision or service of the order" as discussed at the public hearing. His motion was seconded by Commissioner Lewis and carried unanimously.

Commissioner Meacombs moved to adopt the annexation ordinance for the Bobby Bisette property as a contiguous annexation. The motion was seconded by Commissioner Robinson and it carried unanimously.

Commissioner Bisette moved to adopt the annexation ordinance for DFB Development, Inc. property as a contiguous annexation. The motion was seconded by Commissioner Lewis and it carried unanimously.

Mayor Lewis reviewed the terms of the Hanes Inducement Agreement proposing for a cash inducement equal to 50% of the real and personal property value (excluding the "fire tax"

portion) up to a taxable value of \$4,500,000.00 provided the property is occupied and annexed into Middlesex by June 30, 2008, and the building is no less than 200,000 sq. ft. There will be five (5) cash payments from July 1, 2008 to July 1, 2012 after the taxes are paid in full by the Hanes Company. Commissioner Robinson moved to approve the inducement agreement and the motion was seconded by Commissioner Meacombs and it carried unanimously.

Administrator Joyner presented an appeal by Timothy and Cynthia Glover for civil penalties of \$100 per day from August 14, 2006 to February 2, 2007 for an abatement order for abandoned property located at 10465 S. Elm Street. Mr. Glover addressed the Board stating that he had heart failure and related health problems, but plans to remodel and rent the house. Commissioner Robinson moved to give Mr. Glover 30 days to get an answer in writing from Nash County stating whether the house can be remodeled or if it must be torn down, and present this and a timetable for action, and if not presented, the penalties will be accessed.

Commissioner Meacombs moved to approve a subdivision request from DFB Development, Inc. for property at Selma and Stokes Road as recommended by the Planning Board at their March 20th, 2007 meeting. Commissioner Bissette seconded and the motion carried unanimously.

At the Planning Board's recommendation, Commissioner Robinson moved to deny Melba Hales' request to rezone five (5) acres of the 31 acre tract on Stoney Hill Church Road to L1 (Light Industrial). Commissioner Bissette seconded the motion and it carried unanimously. Mayor Lewis explained that the Planning Board denied the request because Light Industrial is not consistent with the Town's future development plans in this area and the town already has sufficient L1 locations to accommodate the use. The Planning Board did say they would rezone the entire tract to Commercial, but under no circumstances could the zoning on one parcel be zoned two different classifications.

Administrator Joyner presented a Planning Board recommendation to an amendment to the Zoning Ordinance, Article VI Mobile Home Provisions, Sect 601 (2) Mobile Homes on Individual Lots to allow placing of mobile homes older than five (5) years old in the city limits or ETJ if they meet certain criteria. Commissioner Robinson moved hold a Public Hearing on May 14, 2007 at 7:30 pm, or as soon thereafter as possible. The motion was seconded by Commissioner Lewis and carried unanimously.

The Planning Board recommended to increase or add fees related to Zoning and enforcement: (1) petitions and appeals from \$25 to \$50; (2) add fee of \$50 for minor combination, re-combination, and subdivisions not requiring full Board review, and (3) add fee for annexations of \$200. Commissioner Bissette moved to adopt the fees as recommended. The motion was seconded by Commissioner Bissette and it carried unanimously.

As a result of an earlier Board action, the resolution seeking injunctive relief from Timothy and Cynthia Glover was disregarded and deleted from the agenda.

Administrator Joyner presented a chronological list of actions taken and advised the Board that he began working on an abandoned structure at Old Possum Road owned by Larry Stokes in December 2005. Commissioner Bissette moved to adopt a Resolution directing the town attorney to petition Superior Court for compliance of the Town Code of Ordinances. Commissioner Meacombs seconded the motion and it carried unanimously.

Commissioner Bissette moved to accept Officer Tim Kapp's resignation effective April 12th, 2007 and approve for Kapp to remain as auxiliary status due to the fact that Kapp has rejoined the U.S. Marine Corp. The motion was seconded by Commissioner Meacombs and it carried unanimously.

Commissioner Bissette moved to pay police officers for accrued holiday time on the books totaling \$3,965.40 due to the fact that staffing shortages have prevented them from using the time. Commissioner Robinson seconded the motion and it carried unanimously.

Commissioner Bissette moved to pay police officers for accrued comp time on the books totaling \$5,739.44, again accumulated due to the staffing shortages. Commissioner Meacombs seconded the motion and it carried unanimously.

Administrator Joyner pointed out that two Utility Department employees will still be under the minimum salary for their pay class with the 3% increase effective July 1, 2007. Commissioner Meacombs moved to increase Linwood Smith from \$9.04 per hour to \$10.24 per hour, and increase Joe Sherrick from \$11.15 to \$12.44 effective July 1, 2007. Commissioner Robinson seconded the motion and it carried unanimously.

Commissioner Bissette moved to adopt a resolution accepting and endorsing a three year update to the Nash County Ten Year Solid Waste Management Plan. The motion was seconded by Commissioner Meacombs and it carried unanimously.

The Board gave Joyner the go ahead to get pricing for Spanish interpretive services for future mail-outs/brochures and Joyner will bring each project back to the Board for review.

Mayor Lewis requested Joyner to call DOT again regarding the cleanup at the 264 interchange on Hwy 231 North.

Being no further business, Commissioner Robinson moved to adjourn.

Jennifer Lambert, Clerk

Mayor Luther H. Lewis, Jr.
Commissioners
Harold Meacombs
Luke Robinson
Derek Bissette
Basco Lewis