

July 9, 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 Harold Meacombs, Fred Hough, Luke Robinson, Derek Bissette and Basco Lewis. Mayor Lewis called the meeting to order and gave the invocation. The guest list is attached.

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

Mayor Lewis presented the Distinguished Citizen Award to Billy Lewis for his contributions for being instrumental in placing the flag in front of the town hall, and for the many years of service beautifying the flagpole area at the town cemetery and honoring our fallen veterans.

Mayor Lewis opened the floor for the public comment session. There were no comments and the session was closed.

Administrator Joyner requested that the Boy Scouts' request to establish an experimental law enforcement learning site be deleted from the agenda due to the fact that Mr. Pearsall was not present. He also requested to add Item 9g, a request from a citizen for financial aid from the town to cut down a dead tree damaged during the sewer rehab project. Commissioner Robinson moved to adopt the agenda with the requested changes. His motion was seconded by Commissioner Hough and it carried unanimously.

Commissioner Robinson moved to accept the June financial statements as correct. Commissioner Hough seconded and the motion carried unanimously.

Mayor Lewis read a letter from a citizen thanking the Chief for helping her to resolve a problem and praising him for doing a good job.

Commissioner Hough moved to correct the code enforcement order date on Resolution #R2007-997A from March 3rd to March 24, 2007 in the Larry Stokes abandoned property case. The motion was seconded by Commissioner Meacombs and the motion carried unanimously.

Larry Keesler presented the Board with a timeline for developing the Joyce Burrell property if the Board should approve the requested satellite annexation. His plan for developing the 45.77 acres would include different phases of building houses, but stated that since the pump station would be located at the rear of the property, the infrastructure would be in place right after the first phase. He added that the minimum house size would be 1,450 sq. ft. downstairs and 600-700 sq. ft. upstairs on 30,000 sq. ft. lots and he estimated to have all lots sold within 24 months. Commissioner Meacombs moved to adopt the satellite annexation ordinance. Commissioner Robinson seconded the motion and the vote was 4 to 1, with Commissioner Bissette voting against the annexation.

All Board members were in favor of following Engineer Michael Acquesta's recommendation to repair the existing retaining wall at the cemetery and place a brick wall exterior next to the existing wall. Administrator Joyner will get quotes for the project and present to the Board when quotes are available.

Administrator Joyner presented two quotes for a new dump truck, a Chevrolet CC5500 at \$43,832, and a Ford 550 at \$39,154 including all tax, tags, registration, and doc fees. The Board agreed to table until a later date to give them the opportunity to look at the specs.

Proposed amendments the Town Code of Ordinances, Section 4-1-25 Water System Extensions and Section 4-2-20 Sewer System Extensions requiring the responsibility for and all costs of infrastructure lie with the subdivider or developer were adopted unanimously in a motion made by Commissioner Bisette and seconded by Commissioner Meacombs. The amendment also provides that the completed extension comply with town specifications and be turned over the town's system upon completion.

Commissioner Meacombs moved to waive all town fees and to pay all costs for outsourced services associated with the Bobby R. Bisette annexation on Stokes Road totaling \$1,517.84 due to the economic advantage to the town. The motion was seconded by Commissioner Robinson and it carried unanimously.

Commissioner Hough moved to amend the Article III, Section 12 – Overtime Pay Provisions, to correct the work/pay schedules to reflect the biweekly pay period hours from 40 hours in a 7 day cycle to 80 hours for regular employees and 84 hours for law enforcement in a 14 day cycle. FLSA maximum allowable comp time limits of 240 hours for regular employees and 480 hours law enforcement were also added. Commissioner Bisette seconded the motion and it carried unanimously.

Administrator Joyner recommended to pay employees for hours worked over schedule as they are earned versus accumulating and creating a liability for the town to be reported at year end. He also added that accumulated comp time is almost always paid at a higher salary than when it was actually earned. Commissioner Bisette and Mayor Lewis agreed that everyone should be paid for hours worked and asked Joyner to present a draft amendment to the personnel policy at the August meeting.

After reviewing the Planning Board's recommendation to rezone 31 acres of land located at Hwy 231 North and Stoney Hill Church Road from residential agriculture (RA) to highway commercial (C2) at the request of Mrs. Melba Hales, Commissioner Lewis moved to hold a public hearing on August 13, 2007 at 7:30 p.m. on the issue of rezoning. The motion was seconded by Commissioner Hough and it carried unanimously.

The Board also reviewed a recommendation from the Planning Board to issue a "Letter of Intent" to issue a Special Use Permit to Mr. Bob Walters for the construction and operation of a

Dollar General Store at the intersection of Quincy Road and East 264 Alt. in an L1 (light industrial) zone provided all conditions for issuance have been met at the time of application and issuance. Conditions include but may not be limited to the following: (1) The land must be annexed by the town, and (2) all costs for infrastructure systems are the responsibility of the developer/property owner. Mayor Lewis also added that a Special Use Permit must be issued in the landowner's name and, if issued, is not transferable. Administrator Joyner recommended that the Board hold a public hearing before considering issuing a Letter of Intent to issue a Special Use Permit to hear public comment. Mr. Walters stated he would like to have the Letter of Intent for commercial lending purposes. All the Board members were in favor of the Dollar General coming to Middlesex and that a copy of the minutes reflecting the support of the Board should be acceptable for lending purposes. Commissioner Bissette stated that he definitely would like to see the Dollar General come to Middlesex but he felt we should follow our policies and guidelines. Mr. Walters asked what his next step should be and Mayor Lewis advised him to submit his plan to Gordon and if received in time, it could be reviewed by the Planning Board on July 24th. The Planning Board would review the plan and if it meets the criteria, the Planning Board would give preliminary approval and its' recommendation to the Town Board. Mayor Lewis advised Mr. Walters that the public hearing for the annexation petition and his request for the Special Use Permit could be held and the Board could vote on both at the September meeting if all are in compliance.

As recommended by the Planning Board, Commissioner Bissette moved to approve additions to the zoning and code processing fee schedule as follows:

Reviews/Processing:

Special/Conditional Use Permits -----	\$50
Appeals (BOA, PB, TB) -----	\$75
Petitions (Zoning Map/Ordinance Amendments) --	\$50

His motion was seconded by Commissioner Meacombs and it carried unanimously.

Commissioner Meacombs moved to adoption a resolution Opposition to House Bill 1587 "Local Government Fair Competition Act", which will greatly hinder local governments from providing needed communication services, particularly high speed broadband services. The motion was seconded by Commissioner Robinson and it carried unanimously.

Joyner presented a penalty assessment from the NC Division of Water Quality totaling \$747.79 due to the total suspended solids for Well#4 backwash filters being over the allowable limit. Our testing methodology was also incorrect, and has since been corrected. Commissioner Robinson moved to pay the civil penalty. The motion was seconded by Commissioner Bissette and it carried unanimously.

Commissioner Bissette moved to authorize Joyner to have overgrown grass cut on lots inside town and place liens on the property, as stated in the weed ordinance, and report his actions back to the Board. Commissioner Robinson seconded and it carried unanimously.

The Board requested Joyner to get quotes for removing a dead tree damaged during the sewer rehab project at an undisclosed location at the request of the homeowner and present the quotes at the August 13th, 2007 meeting.

Commissioner Robinson moved to go into Closed Session under G.S.143-318.11(a)(6) to interview Joey Webb for a part time police officer's position.

Back in Open Session, Commissioner Bissette moved to hire Joey Webb as a part time police officer. Commissioner Meacombs seconded and the motion carried unanimously.

Being no further business, Commissioner Meacombs moved to adjourn.

Jennifer Lambert
Clerk

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