

August 14, 2006

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, Harold Meacombs, Luke Robinson, Derek Bissette and Basco Lewis. The guest list is attached and are part of these minutes. Mayor Lewis called the meeting to order, gave the invocation, and opened the floor for the Public Comment Session.

Minister Edna Mount, 12857 West Hanes Avenue, speaking on behalf of Mr. Ron White with the NC Chapter of the NAACP, requested to add Mr. White to the agenda to speak for ten minutes in reference to the Few matter.

Mr. Robert Johnson, 11426 Village Square Drive, requested that we advise the public, maybe on the water bills, of the Centennial Celebration in order to get input from citizens. Also he asked that a pothole be repaired past the stoplight on North Nash Street and asked the status of the welcome signs.

Administrator Joyner requested to add a sewer adjustment for Brenda Kale to the agenda.

Due to the length of the agenda, including two Closed Session items, Commissioner Meacombs requested that Mr. White send a written request to be placed on the September agenda. Commissioner Meacombs moved to approve the agenda with one addition—a sewer adjustment for Brenda Kale. His motion was seconded by Commissioner Bissette and carried unanimously.

Commissioner Robinson moved to accept the minutes from the previous meeting. His motion was seconded by Commissioner Meacombs and carried unanimously.

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

Chief Ferrell advised that he received the GHSP Grant for a new police car, but the speed trailer was not approved.

Cherrye Davis gave a report for the Centennial Committee. They have two new members, Rose Cushing and Janice Pope. The committee meets the third Monday in each month at 7:30 pm at the Community Building.

Administrator Joyner gave updates on code enforcement, projects pending, and town entrance signage. He also presented pictures of the public works facility and asked the Board to give some consideration to updating or replacing the facility.

Four final drawings of the town's logo were passed among the Board for their review and discussion.

Chief Ferrell and Officer Tim Kapp answered questions regarding the use of the K-9 and explained that the K-9 would be used only in cases of probable cause or suspicion and would adhere strictly to the guidelines established. Commissioner Meacombs moved to approve the addition of the K-9 officer for a trial period of one year. His motion was seconded by Commissioner Hough. There were four ayes and one dissenting vote by Commissioner Robinson.

Commissioner Hough moved to approve the amendment to Chapter 2, Section 4-2-17 of the sewer ordinance as follows:

The Town of Middlesex does not allow any water adjustments, only sewer adjustments. Adjustments are subject to and at the discretion of the Town Administrator. **All adjustments shall be calculated on the basis of the consumer's most recent twelve month average.** There are two circumstances or conditions in which adjustments may be made:

(A) Excesses Impacting Wastewater Volume

Qualifying Conditions/Criteria: **Only one adjustment in any twelve month period may be granted under this provision.** To qualify for an adjustment under this provision, the consumer shall demonstrate that the excess consumption was

1. the result of a system leak or break, faulty appliance or fixture, or other loss, which is verified as being beyond the control of the consumer.
2. at least 3000 gallons greater than the most recent twelve month average.

(B) Excesses Not Impacting Wastewater Volume

Qualifying Conditions/Criteria: To qualify for an adjustment under this provision, the consumer shall demonstrate that the excess consumption:

1. was 3000 gallons greater than the most recent twelve month average.
2. was the result of system leaks or losses and or other circumstances which is verified as being beyond the control of the consumer.

3. was not due to negligence, misuse, or voluntary consumption.
4. was not the result of conditions or circumstances for which a previous adjustment was granted.
5. was due to an annual filling of an existing or newly installed swimming pool.

(Adjustments for this purpose shall be limited to one in any twelve month period)

6. did not enter or otherwise impact the wastewater collection and distribution system.

Consumer's Responsibility

Requests for adjustments shall be made on a form provided and available in the Town Hall. The consumer shall provide reasonable evidence or proof as may be required or requested by officials in evaluating and determining the validity of and justification for any adjustment request.

The consumer shall consent to and allow site visits and inspections when deemed necessary by officials in evaluating and rendering a decision on an adjustment request.

Commissioner Meacombs seconded the motion and it carried unanimously.

After reviewing the current Privilege License Ordinance, the Board asked Administrator Joyner to reword Article II, Section 4 "Who Must Pay Tax" to clarify the meaning, be easier to enforce, and present the recommended changes at the September meeting.

The following ordinance was presented to organize an auxiliary police department:

AN ORDINANCE AMENDING THE TOWN OF MIDDLESEX CODE OF ORDINANCES SECTION 2-1-9

ADD:

"2-1-9 *WHEREAS, PURSUANT TO* North Carolina General Statutes 160A-282 (a) and (b), a town may, by ordinance, provide for the organization of an auxiliary police department made up of volunteer members; and by enactment of an ordinance, may provide that while undergoing official training and while performing duties on behalf of the town pursuant to orders or instructions of the chief of police of the town, auxiliary law-enforcement personnel shall be entitled to benefits under the North Carolina Workers-Compensation Act and to any fringe benefits for which such volunteer personnel qualify.

There is hereby established within the town police department, as a division thereof, an auxiliary police division. The auxiliary police division shall be a volunteer organization, whose members shall serve without compensation, composed of as many members as may from time to time be determined by the Chief of Police and approved by the Town Board."

The town must have an ordinance in place to use auxiliary officers and to cover them on the town's worker's compensation insurance. The Board agreed to change the last sentence from "to be approved by the Town Administrator" to "to be approved by the Town Board". With the change, Commissioner Bissette moved to approve the ordinance. His motion was seconded by Commissioner Hough and it carried unanimously.

Administrator Joyner recommended fee increases for zoning as follows:

ZONING FEE SCHEDULE
Adopted 8-14-2006

	<u>COST</u>
Zoning Permits	\$25
Certificates of Compliance	10
Applications: Planning Board	25
Board of Adjustment	25
Board of Commissioners	25
Plan Reviews: Planning Board	
Residential-minor subdivision	75 & \$15 per lot
Residential-major subdivision	100 & \$25 per lot
Commercial (minor)	75 & \$15 per lot
Commercial (major)	100 & \$25 per lot
Review Officer	Based on actual cost
Staff Travel	Based on IRS business rate
Advertising	Based on actual cost
Miscellaneous	Based on actual cost
Postage	Based on actual cost
Fax	\$2.50 per page

Commissioner Robinson moved to approve the recommended changes in zoning fees. The motion was seconded by Commissioner Bissette and it carried unanimously.

Chief Ferrell requested to attend a Hurricane and Disaster Planning Workshop in Charleston, S.C. on August 16th & 17th at a cost of \$230. Commissioner Meacombs moved to approve the travel request. The motion was seconded by Commissioner Robinson and it carried unanimously.

Commissioner Robinson moved to approve the following sewer adjustments:

- (1) Lee Ann Morris from \$551.25 to \$61.25
- (2) Willie J. Johnson from \$208.75 to \$36.75
- (3) Brenda Kale from \$220.50 from \$24.50

Commissioner Bissette seconded the motion and it carried unanimously.

Commissioner Bissette moved to go into Closed Session under G.S 143-318-11 (a)(3) to review the settlement between the town and Time Warner (Adelphia) and under G.S. 143-318-11 (a)(5) to discuss possible property acquisition. The Clerk was excused from the Closed Session.

Back in Open Session, Commissioner Meacombs moved to adopt a Resolution to approve the transfer of the cable franchise from Adelphia to Time Warner. Commissioner Robinson seconded the motion and it carried unanimously.

The Board reviewed four designs by Logo Design merging the two ideas selected at the July meeting. The Board recommended a few changes and requested Joyner to submit a final design as soon as possible.

Being no further business, Commissioner Hough moved to adjourn.

Jennifer Lambert
Clerk

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