

October 13, 2003

The Middlesex Governing Body met in regular session on October 13, 2003 at 7:30 p.m. in the Conference Room of the Town Hall. Members present were Mayor Bobby R. Bissette, Commissioners Harold Meacombs, Fred Hough, Larry Daniel, and Bascoe Lewis. Commissioner Luke Robinson was absent. Mayor Bissette called the meeting to order and the invocation was given by Commissioner Daniel. Guests were Minnie Kale, Gloria Thomas, Lois Stewart, Louise Pulley, William Pulley, Vennie Brock, Luther Lewis, Jr., Jeff Stallings, Constance Corbett, Liz Fairman, and Mike Acquesta.

Mayor Bissette opened the floor for a Public Hearing. The first topic of discussion was a request from Stallings Brothers to amend a Special Use Permit to allow them to do mechanical repairs on vehicles other than those belonging to Stallings Brothers.

The second topic for discussion was the recommendation of the Middlesex Planning Board to allow Constance Corbett to operate a screen print business at 11870 Lodge Road. Mrs. Corbett advised that she has provided three parking spaces and stated that the building is approximately 300 feet from the road.

The last topic for discussion was the recommendation to consider amending the penalty clause of the zoning ordinance and the town's code of ordinances. The clerk stated that any penalties collected would have to be forwarded to the Nash County School Board. Liz Fairman, the town's attorney, recommended that we amend the penalty clause because it would serve as a deterrent. Being no further comment, Commissioner Hough moved to close the Public Hearing at 7:45 pm and Commissioner Daniel seconded and the motion carried unanimously.

Commissioner Hough moved to go into closed session under G.S.143-318.11 (a) (3) to preserve attorney-client privilege between the governing body and the town attorney, Liz Fairman, regarding a legal matter. His motion was seconded by Commissioner Daniel and it carried unanimously.

The minutes of the closed session are in the attached envelope labeled "Closed Session Minutes 940a" and are to be kept sealed and may be withheld from public inspection so long as public inspection would frustrate the purpose of the closed session.

Commissioner Lewis moved to return to open session. His motion was seconded by Commissioner Daniel and it carried unanimously. Mayor Bissette announced that the bids for the sewer I/I project would be opened October 15, 2003 at 2:00 at the town hall and Michael Acquesta would be present to read the bids.

Commissioner Meacombs moved to accept the minutes of the previous meeting as correct. Commissioner Hough seconded the motion and it carried unanimously.

Commissioner Hough moved to accept the September financial statements as being correct. His motion was seconded by Commissioner Daniel and it carried unanimously. The Clerk stated to the Board that she met with the Division of Emergency Management regarding Hurricane Isabel expenses and the project document is being completed in order to file the claim.

Louise Pulley was present and complained of black, rusty, slick water at the dead end of Oak Street and requested help in this matter.

Utilities Director Jeff Waddell stated that the new filters at Well #4 on Finch Avenue are up and running since 9/16/03 and are working great and reported that he should have to backwash the filters only once a month. Jeff demonstrated water samples before and after the filters. Jeff stated he would check the water lines at the dead end of Oak Street to see why the flushing was not helping in that area. Jeff requested that he be paid for two weeks or 80 hours of comp time, since he had accumulated 219 hours. Mayor Bissette tabled his request until the next meeting.

Chief Ferrell gave a report on the police department and stated Officer Sammy Drake was now patrolling on his own.

Commissioner Lewis advised the Board that the dump truck was in his shop and the parking brake was locked up. Once he finds the problem, he will repair them.

Clerk Lambert advised that Susan Ennis of the MAPS Group will be meeting with all the town employees on November 5, 2003 at 9:30 am in the conference room of the town hall. She will explain how the MAPS Group will go about updating our personnel policies, job code classifications and what information she will need to conduct the analysis.

Jeff Waddell stated that he had recalibrated the timer on the unmetered water dispenser according to the user manual and it is dispensing approximately 75 gallons for 25 cents. The setting of the rate was tabled until Jeff has a customer and can measure actual gallons received for 25 cents.

The Clerk reviewed a letter from the N.C. League of Municipalities outlining a safety grant program with a maximum reimbursement of \$1000.00. Commissioner Hough moved to apply for a grant reimbursement for any safety equipment or training needed prior to the April 2004 deadline. Commissioner Meacombs seconded the motion and it carried unanimously.

The Clerk reviewed the following requests for sewer adjustments:

1. Sadie Meacombs-Whitfield from \$379.50 to \$24.75
2. Triangle East Mart from \$156.75 to \$66.00
3. Steve McCart-Middlesex Baptist Parsonage from \$206.25 to \$24.75
4. Raymond Hinnant from \$82.50 to \$41.25

Commissioner Meacombs moved to approve these sewer adjustments. Commissioner Hough seconded the motion and it carried unanimously.

Commissioner Hough moved to amend a Special Use Permit to Stallings Brothers to allow them to work on vehicles other than those belonging to Stallings Brothers. Commissioner Meacombs seconded the motion and it carried unanimously.

Commissioner Lewis moved to grant a Special Use Permit to Constance Corbett to operate a screen printing business in a RA Zone at 11870 Lodge Road. Commissioner Hough seconded the motion and it carried unanimously.

After some discussion, Commissioner Meacombs moved to amend the penalty clause of the Zoning Ordinance so that violations will be considered a civil matter and/or a misdemeanor and carries a penalty of \$100 per day. His motion was seconded by Commissioner Hough and it carried unanimously.

Commissioner Daniel moved to amend the town's Code of Ordinances to amend the penalty clause so that violations will be considered a civil matter and/or misdemeanor and carry a \$100 per day fine for a violation. Commissioner Meacombs seconded the motion and it carried unanimously.

After a lengthy discussion, the proposed amendment to the Dog Ordinance was tabled to allow time for more research regarding number of dogs and size and number of dogs per enclosure.

Commissioner Daniel moved to approve to purchase a third Logics Software Users License and a second copy of MicroSoft XP at an estimate cost of \$1600. Commissioner Meacombs seconded the motion and it carried unanimously.

After a brief discussion about more space needed at town hall for filing, maps and office supplies, the matter was tabled until we could research more options.

Jeff Waddell presented an estimate of \$700 to repair the roof on the well house at the park and Mayor Bissette requested Jeff Waddell to get 2 more estimates and present them to the board at the next meeting.

The Clerk advised the board that their concern for a policy for employee schools and training approvals and meals, hotels, and travel allowances will be addressed with the MAPS Group and will be included in the personnel policy update to be completed within the next three months.

Commissioner Daniel moved to adopt a Resolution Designating Applicant's Agent appointing Clerk Lambert to serve as agent to file the town's claim with the Division of Emergency Management for expenses incurred during Hurricane Isabel. Commissioner Hough seconded the motion and it carried unanimously.

The board requested Chief Ferrell to get estimates to correct the drainage system for the air conditioning system at the police department and present them at the next town meeting. The A/C malfunctioned, causing the drainage to damage the ceiling in the chief's office.

Chief Ferrell requested some form of heat/air for upstairs in the police department. Exercise equipment is in place, but the temperatures are sometimes intolerable. Commissioner Meacombs stated he would take a look and report at the next meeting.

Chief Ferrell requested the purchase of a new 2004 Crown Victoria for \$19,953 on state contract from Capital Ford. The Chevrolet Impala is overheating, the steering wheel just broke into, and is generally worn. Commissioner Hough requested the matter be tabled to allow time to review and make a recommendation at the next meeting.

Lois Stewart addressed the board bringing to their attention the problem of an 18-wheeler truck trailer sitting on Oak Street causing a traffic hazard. Mayor Bissette asked the Chief of Police to check on the matter and stated we would research the possibility of adding an ordinance which would prevent tractor trailers from being parked anywhere within the residential sections of the town.

Being no further business, Commissioner Hough moved to adjourn.

Jennifer Lambert
Town Clerk

Mayor Bobby R. Bissette
Commissioners
Harold Meacombs
Fred Hough
Larry Daniel
Bascoe Lewis

Closed Session Minutes 10-13-03

Mayor Bisette advised the board that in the early spring, he heard rumors that Zebulon was negotiating with Raleigh to send their wastewater for treatment. No one in Zebulon had notified Middlesex. Middlesex owns a portion of the flow at the Zebulon Plant and also a portion of the nitrogen allocation. Michael Acquesta, town engineer, sent a letter to Mayor Bisette advising him that the State of North Carolina Department of Environmental and Natural Resources stated that Middlesex had a Total Nitrogen load allocation of 1,618 lbs per year. Mayor Bisette then called and met with Rick Hardin, Zebulon's Town Manager and Kenneth Waldroup, their Public Works Director.

Mr. Waldroup does not agree that Middlesex owns a nitrogen allocation. Therefore, another meeting was arranged and Mayor Bisette, Peggy Bisette and Michael Acquesta met with Zebulon Mayor Bob Matheny, Mr. Hardin and Mr. Waldroup. Mr. Waldroup and Michael Acquesta were to get back together and work out a solution on the nitrogen poundage. Michael Acquesta said that Waldroup's recommendations were not acceptable for Middlesex and suggested Middlesex seek an attorney's advice.

Mayor Bisette and Michael Acquesta met with Clark Wright, a Greenville attorney, who is well-versed in these type of cases, to review this matter and Mayor Bisette has also reviewed the matter with Liz Fairman, our town attorney.

Attorney Fairman stated to the board that she had no objection to the board using Clark Wright due to the fact that he was more versed in this type of case.

Michael stated that Middlesex paid \$500,000 to purchase capacity in the Zebulon Sewer Treatment Plant for flow of 190,000 gallons a day. The wording in the contract states the \$500,000 is a tap-on fee. Acquesta stated it was worded as a tap on fee in order to be eligible for the grant money. He also stated that he did not want Middlesex to be side stepped in Zebulon's negotiations with Raleigh

Attorney Fairman advised that if negotiations did not result in a compromise, we should proceed with Attorney Wright's recommendation. Acquesta stated that he has requested a copy of Zebulon's rate calculation among other information, and to date he has received nothing from them.

Mayor Bisette will contact Mayor Matheny by letter and request a meeting prior to the next Zebulon Board meeting.

