

February 8, 2010

The Middlesex Governing Body met in regular session in the Conference Room of the Town Hall. Mayor Luther H. Lewis, Jr. called the meeting to order at 7:30p.m. and gave the invocation. Members present were Commissioners Harold Meacombs, Fred Hough, Luke Robinson, and J.W. McClenny. Commissioner Derek Bissette was absent. Police Chief Ferrell, Sergeant Dennis Murray and Utility Worker Dale Bachmann were present. Guests were Henry and Helen Manning, Vennie Brock, James Liles, and Tony and Bonnie Blackley.

Mayor Lewis then opened the floor for public comment session. Being no public questions or comments, Mayor Lewis closed the session.

The January minutes were approved in a motion by Commissioner Robinson, seconded by Commissioner McClenny, and carried unanimously.

With no requested changes, Commissioner Meacombs moved to approve the agenda as presented. His motion was seconded by Commissioner Robinson and carried unanimously.

In a motion by Commissioner Robinson, seconded by Commissioner McClenny, and carried unanimously, the January financial statements were accepted as correct as presented by Clerk Lambert.

Chief Ferrell stated that Sammy Drake and Scott Pollard have been sworn in and Sammy is working. Scott is still training for about another week and a half. Ferrell stated that his training is going well.

Mayor Lewis read a letter of resignation addressed to the Board from Commissioner Derek Bissette stating that he enjoyed having the opportunity to work with them and serve the citizens of Middlesex but he was resigning for personal reasons effective immediately. Commissioner Robinson moved to accept the resignation. Commissioner McClenny seconded the motion and it carried unanimously.

Project Updates were given as follows by Administrator Bissette:

RECYCLE PROJECT In the January meeting, we discussed the possibility of applying for a grant to purchase a dumpster to hold our recycles for the entire month and then have Waste Industries transport them to Raleigh. After researching this option, Sonoco, the recycling center, will not accept wet recycle materials, stating they would classify them as "trash" and would bill us for the disposal. Therefore, a very tall shelter with sides would have to be built. After a brief discussion, the Board agreed to continue taking the recycles to Sonoco in Raleigh. Bissette added that the Waste Industries bill had decreased from about \$1,200 to \$900 a month.

WELL # 5: The test results came in with 0.41mg/L of manganese and the maximum limit allowed by the state is 0.050mg/L. Mike Acquesta, engineer, advised us to build the well house large enough to accommodate the filters for possible future need, and keep a close check on the monthly manganese levels. Mayor Lewis asked Bisette about using grant funds to install filters now, but the idea was scrapped because grant funds cannot be used for the filters if the limits are in compliance.

WATER METER PROJECT: There have been no meters installed this month.

SELMA SEWER LINE PROJECT: Mayor Lewis stated he had talked to Dale Bachmann and Dale said he and Jeff Waddell could fix the sewer line. Out of four companies, two believed the line could be slip-lined, with the cheapest price being \$25,000, and two companies didn't think it could be slip-lined or didn't recommend slip-lining. Dale Bachmann added that cameras show the blockage in a small 20 foot section and the line was about 3 feet deep. Administrator Bisette added that this would not fix the infiltration problem. Mayor Lewis pointed out that the place was on a hill so there is little infiltration. After a brief discussion, the Board agreed to use town employees to try to fix the problem and save the money at this time, and if we have to slip-line later, we will.

Mayor Lewis advised the Board that Jeff and Dale had identified and repaired several spots of infiltration, cutting down on the sewer flow to Raleigh tremendously. Also they have repaired and/or rebuilt several lift station pumps, which the town had been paying Jerry O'Neal to rebuild in the past.

Clerk Lambert presented a schedule of required Ethics Training Classes for Local Officials, one which is a free webinar scheduled for March 25, 2010. Mayor Lewis stated that this only applies to himself and Commissioner Meacombs and that he would take the class online at home. Clerk Lambert advised that they would need to register and that she would need their certificate of completion as required by the General Statute.

As a result of discussion from the January meeting regarding holiday pay due to Chief Charles Ferrell, Administrator Bisette confirmed the town owes Ferrell 137 hours of holiday pay. Commissioner Meacombs moved to pay Chief Ferrell for 137 hours of holiday pay totaling \$2419.42.

Administration Bisette also asked the Board to consider a proposed change to the personnel policy, Section 8. Vacation Leave: Maximum Accumulation. At the present time, each December 31st, all vacation over the maximum annual accrual amount for each employee is transferred to sick leave. Bisette pointed out that Jeff Waddell has 31 hours and Charles Ferrell has 98.30 hours that should be transferred to sick leave, and she felt this was an unfair practice because they were short staffed and could not take the time off. She also added that if they left employment before retirement, they would lose the time altogether. Bisette asked the Board to consider changing the policy to pay employees for vacation hours in excess of their carryover amount. After a rather lengthy discussion, it was decided to transfer the excess hours on the

books as of December 31, 2009 and to discuss the stipulations for change to the policy at the March meeting.

Mayor Lewis asked Administrator Bissette to see that the roofer put a cap over the wall on the south side of the town hall. Commissioner McClenny added that with all the rain and the snow recently, that the roof must be fixed if there were no leaks and Bissette added that none had been detected. McClenny said we should have the sheetrock torn out and look at what is behind it and proceed from there. Dale Bachmann advised that he and Jeff Waddell could tear out the sheetrock.

Commissioner Robinson moved to adopt a Resolution accepting Creech Farms Subdivision water and sewer lines and streets to the town's system effective July 13, 2009, when the original motion was passed unanimously. Commissioner McClenny seconded and the Resolution was adopted unanimously.

Tony and Bonnie Blackley addressed the Board requesting to place an internet sweepstakes at 11516 W. Finch Ave in the former Baker Heating and Air building. Mr. Blackley advised the Board that he opened this type of business in October 2009 in a 1,250 square foot space in Tarboro and currently has 27 machines. Blackley added that no alcohol is allowed, no one under 18 years age is allowed, and no drinks of any kind were allowed to be brought in from the outside. The doors remain locked and each patron must ring a buzzer and is granted entrance. Mrs. Blackley added that they run a tight ship, not allowing children from the arcade side to enter the premises of the gambling side. She also added that they are three blocks from a church and a school in Tarboro and they have had no police calls. Each player is a member, requiring a drivers license or identification and they buy internet time. In Tarboro, the business name is Chuckie's Connection and he is open 24 hours a day seven days a week. In Middlesex, he is requesting to be open between the hours of 8:00 am and 12:00 midnight and have about 20 terminals in 1,000 square feet of space to start. Figure Eight Enterprises is the vendor for all his machines.

Mayor Lewis's recommendation was to have this request as well as other requests not related to this issue reviewed by the Planning Board since the town's zoning ordinances do not address this type of business. He added that the town needs to develop an ordinance to address and regulate this and other issues not covered by the ordinances. Commissioner Meacombs moved to send the Blackley's request to the Planning Board for their recommendation. Commissioner Robinson seconded and the motion passed unanimously.

The Board reviewed the USDA Wildlife Services recommendations for the blackbird roost across from Eaton Corporation on Planer Mill Road. Their quote for conducting harassment activities to move the birds by using pyrotechnics, distress calls, and bird repellent is \$7,566. Administrator Bissette recommended that we wait until the birds migrate this year and remove the thick bamboo, which is where the birds roost. The harassment activities may move the birds just temporarily and they will return, or they may go to a different location worse than where they are now. Commissioner Meacombs discussed getting someone with a bushwacker or bobcat to clear the area. Mayor Lewis added that he would check on having a controlled burn by the Fire Department after checking with property owner, Exum Lewis. Administrator Bissette said Exum was willing to cooperate to resolve the issue.

Mayor Lewis presented a request from Nash Health Systems to apply for a grant on their behalf from USDA for funds for the water lines for a medical facility at Middlesex Corporate Park on 231 North. This is a non-matching grant up to \$75,000 and the town would have to apply and do the bookkeeping. The total project cost is \$88,000, and Nash Health Systems would pay the \$13,000 difference to the town. Commissioner McClenny moved to apply for the grant. His motion was seconded by Commissioner Meacombs and carried unanimously.

Commissioner Hough moved to instruct the Tax Collector to post and advertise unpaid 2009 property taxes as liens on real property after a thirty day notice is given. Commissioner Robinson seconded the motion and it carried unanimously.

Commissioner McClenny moved to approve the following tax releases and discoveries as presented by Tax Collector Lambert:

- (1) Release 2007 personal taxes of \$54.48 and 2008 personal taxes of \$44.74 billed to Sonia Etheridge Hinnant for mobile home sold to Trinidad Gonzalez.
- (2) Discover personal taxes for 2007 for \$33.69, 2008 for \$42.24, and 2009 for \$46.82 to Trinidad Gonzalez.

The motion was seconded by Commissioner Hough and carried unanimously.

Administrator Bissette recommended a proposed change to the Town Code of Ordinances: Title 4 Municipal Utilities, Chapter 1 Water System, Section 4-2-21 Suspension of Service. She asked the Board to amend the town code to state that accounts, which service has been suspended for nonpayment must pay all bills, prior and current, penalties, and reconnect fees before service is restored. Also, if the consumer does not have the correct amount of deposit as

set by the Board at the current time, the deposit must be increased to the current amount before service is reactivated. Also for accounts cut off for nonpayment, only cash payments will be accepted. Some of the Board members commented that the bills were too hard for some customers to pay now and they were not in favor of the requested changes. Commissioner Hough stated he was not in favor of making people pay the current bill until it is due. Administrator Bissette added that she was trying to look out for the town and that some of these accounts could not be collected and are written off to bad debts and this drives everyone's rates higher. Clerk Lambert advised the Board that about 90% of the accounts cutoff for nonpayment when the customer has moved out of town and left a balance owing, she cannot collect. She stated the reason was that these balances not covered by the \$200 deposit were under \$50, and could not be turned over to the NC Debt Setoff Program, which is the only way utility bills can be collected. Lambert also explained that last week she had someone write a bad check to get water service restored. Mayor Lewis and Commissioners Hough and McClenny stated they were not in favor of increasing the deposit. After much discussion, Commissioner Meacombs moved to change the first cutoff fee to \$25, the second cutoff fee to \$35, the third cutoff fee to \$50, and charge \$50 every cutoff thereafter. Commissioner McClenny seconded and the motion carried unanimously.

Commissioner McClenny moved to purchase two 44" wide lateral fireproof file cabinets, one for administration, and one for water and sewer projects. The motion was seconded by Commissioner Meacombs and carried unanimously.

Commissioner Meacombs moved to go into Closed Session under G.S.143-318.11(a)(1)(6) to interview James Liles for the vacant full time Utility Worker position and to discuss a police personnel matter.

Back in Open Session, Commissioner McClenny moved to hire James Liles as a full time Utility Worker at \$20,800 a year effective immediately. The motion was seconded by Commissioner Hough and it carried unanimously.

In a motion by Commissioner McClenny, seconded by Commissioner Hough, and approved unanimously to hire a part time worker to install water meters for the duration of the project which should be about three months.

At the request of Chief Ferrell, Commissioner Meacombs moved to dismiss Police Officer Stephen Glover effective immediately. The motion was seconded by Commissioner Hough and it carried unanimously.

Commissioner McClenny moved to hire Sammy Drake, part time officer, to the full time Police Officer position at an annual salary of \$27, 708.30 effective

immediately. Commissioner Meacombs seconded the motion and it carried unanimously.

Mayor Lewis asked the Board members to be thinking about a replacement for Commissioner Bissette's seat and call him with possible recommendations so someone could be appointed at the March meeting.

Being no further business, Commissioner Meacombs moved to adjourn.

Jennifer Lambert
Clerk

Mayor Luther H. Lewis, Jr.
Commissioners
Harold Meacombs
Fred Hough
Luke Robinson
J.W. McClenny