

February 9, 2009

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, Derek Bissette, and J.W. McClenny. The only guest was Vennie Brock.

Mayor Lewis opened the floor for the public comment and there was no input from the public, so the public comment session was closed.

Commissioner Robinson moved to accept the January minutes as being recorded correctly. His motion was seconded by Commissioner McClenny and carried unanimously.

Administrator Bissette requested to omit Item (a) under Old Business, Alvin Brantley's problem with buzzards, add Item (c) Cemetery deeds, and under New Business add Item (h) set date for Budget Workshop. In a motion by Commissioner Meacombs and seconded by Commissioner Bissette, the agenda was approved unanimously with requested changes.

The January financial statements were accepted as correct in a motion by Commissioner Meacombs, seconded by Commissioner Robinson, and carried unanimously. Administrator Bissette brought to the Board's attention the high cost of heating the library. More propane was used to due colder weather, possible obstruction of the return vent, and the cost of propane is also higher.

The clerk submitted a list of 2008 unpaid property taxes as required by General Statute. Commissioner Hough moved to authorize advertisement of these delinquent taxes as liens against the real property. His motion as seconded by Commissioner Robinson and carried unanimously.

Chief Ferrell reported to the Board that the transition of Dennis Murray from Corporal to Sergeant was going smoothly and Sgt. Murray did a good job on his reports submitted.

Commissioner Meacombs asked what the time frame was for hauling screenings for the walking track. Administrator Bissette advised that the Utility Department would rent a roller and haul screenings and pack the track as time allows. Bissette also noted that weed killer and black plastic would be put down to deter weeds on the track. Commissioner Meacombs stated that we should use the black mesh/fiber for the track and not plastic.

Administrator Bissette presented copies of the amortization schedule for the USDA Sewer Rehab Project Loan, which was originally for \$228,000 at 4.25%. Bissette said that using the \$100,000 in General Funds which were budgeted and transferred to the Sewer Fund would be put to better use if we paid the entire amount on this loan. She reminded the Board that the original intent of transferring the funds was to pay the current years payment on the DENR Sewer Loan to get ahead in the Sewer Fund. If the town pays \$97,704.41 on the USDA loan, the town would save \$164,739.59 in interest. The loan would be continued at the same payment and same interest rate until paid in full. Commissioner Bissette moved to use the \$100,000 transfer of General Funds to the Sewer Fund to pay on the USDA loan. Commissioner Meacombs seconded the motion and it carried unanimously.

Administrator Bissette addressed the Board regarding a motion made at the January meeting approving the sale of cemetery plots by one individual to another. This raised several questions in regard to legal ownership and burden of proof of ownership. Two sisters approached the town last month trying to sell some lots but they did not have the original deed. Also, another situation arose about two weeks ago when a person asked if her daughter could be buried on her brothers' unused plot and she could not prove ownership of the lots. She did not know the rightful owner. Clerk Lambert called the Town Attorney, Liz Fairman, and discussed these situations. Liz stated that the burden of proof should not lie with the town. Liz recommended we require anyone wishing to sell cemetery lots or requesting the town to open a grave to present an original town deed, a deed reissued by an attorney, a will, or other legal estate papers. Liz also recommended that even if deeds were reissued to heirs, that the town leave the original deed in the name of the purchaser, and file a copy of any deeds, wills, or estate papers submitted to the town. Administrator Bissette asked that the motion from the January meeting be amended. Commissioner Meacombs moved to amend the motion from the January meeting to read "anyone selling a lot must show proof of ownership by way of a deed, will, or some other form of legal document". His motion was seconded by Commissioner Bissette and carried unanimously.

A state statute, G.S.20-97, allows municipalities to charge a maximum of \$15 per vehicle per year for taxicab license. In the town's Privilege License Ordinance, the fee for taxicab service is \$200. In order to correct this error, Commissioner Hough moved to change the taxicab license fee to \$15 per vehicle, Commissioner Robinson seconded the motion and it carried unanimously.

At the March 10th, 2008 meeting, the Board agreed by motion to renew participation in the Down East Home Consortium for the period beginning July 1, 2008 through June 30, 2011. The Resolution and Participation were not submitted to the town for adoption at that time. Commissioner Bissette moved to adopt Resolution R2009-1028 and approve the Participation Agreement agreeing to participate until June 30, 2011. The motion was seconded by Commissioner Meacombs and it carried unanimously.

Commissioner Meacombs agreed to release all unpaid 2008 property taxes under \$1.00, totaling \$2.80. His motion was seconded by Commissioner McClenny and it carried unanimously.

Clerk Lambert requested a Board motion to release all future property taxes billed under \$2.00. In a motion made by Commissioner Hough, seconded by Commissioner Robinson, and carried unanimously, all future property taxes under \$2.00 will be released.

There was a very lengthy discussion regarding the town's bereavement policy. When Gordon Joyner was Town Administrator, he proposed to add bereavement pay and the personnel policy was amended on April 10, 2006 to provide this benefit for each employee. A couple of weeks ago, a situation arose where a part time person, who works a regular schedule every week, had a death in the immediate family. The day we were processing payroll, the question was asked if this benefit applies to part time people. The clerk interpreted the policy, reading "each employee" receives bereavement pay to mean all employees. However, to clarify the matter, the clerk discussed this with the Mayor, and placed calls to three of the Commissioners (a majority) and as a result, the person received bereavement pay. To verify the intent of the Board, the item was placed on the meeting agenda for clarification. Commissioner Hough stated he thought the Board's intent was for the policy to apply to full time permanent employees only. Administrator Bissette and Clerk Lambert stated that Joyner's intent was to pay bereavement to all employees.

Commissioner McClenny asked Commissioner Meacombs how the state handles bereavement pay. Commissioner Meacombs stated that if you were a part time state employee, no work-no pay. Administrator Bissette and Clerk Lambert both remarked that it would be a nice gesture to the employees and explained that the proposed wording, "Each full and part time employee who works a regular weekly schedule" will receive three days bereavement" would clarify the policy. Commissioner Hough remarked that you could have an employee that worked only one day per week every week. Questioning how many hours pay a part time person would receive, Clerk Lambert replied that the

employee would get paid only for the number of hours he/she is scheduled to work that particular day.

Administrator Bissette used Herman Ellis in the Utility Department as an example. She stated that Herman has worked for the town for over thirty five years, is currently a part time employee and works thirty two hours every week, and if he would loose his son, the town should give him paid time off.

Mayor Lewis stated that he had no problem paying both full and part time employees bereavement leave. Commissioner Hough moved to amend the policy to read only "permanent full time" employees will receive three days bereavement pay. His motion was seconded by Commissioner Robinson and it carried unanimously.

A new third party insurance program, TULIP, offered by the NC League of Municipalities was presented. This program is offered online only and carries insurance for people who rent town-owned buildings for events. The cost would be \$100-\$150 per event for the renter, in addition to the rent and deposit required by the town. Everyone agreed that no one would ever rent the community building if the town required this insurance due to the cost. No action was taken.

Administrator Bissette presented a request from Shontrice Coley to annex Morris Street. The Board had tabled this matter earlier because the town could never get all the signatures needed. Bissette had presented a request a few months ago to charge the Morris Street residents regular, not double, water and sewer rates since Nash County installed the infrastructure and turned the lines over to the town, but the Board did not approve the request.

The majority of the residents on Morris Street feel they would save money by paying town property taxes versus double water and sewer rates. As Ms. Coley's letter states, a lot of the residents are on a fixed income and have a hard time paying their water bills. Several Commissioners commented they would probably have a hard time paying town taxes they had not been used to paying.

Administrator Bissette completed a study for each house on the right side of Morris Street to indicate cost savings for in town utility rates versus property taxes due. (She did not include the left side because it would be nearly impossible to get signatures because no one knows who and where the property owners are). There was a brief discussion regarding involuntary and voluntary annexation and it was noted that the town would have to survey and put up street lights. No action was taken at this time, but Mayor Lewis said he would discuss going the involuntary annexation route with Senator A.B. Swindell, which would require a bill to be introduced to the legislature, and would advise the Board at the next meeting if possible.

Joey Webb, a part time police officer, was recommended for full time employment by Administrator Bissette and Chief Ferrell. Bissette stated that Joey had been working eighty four hours every pay cycle since he was hired, and feels like the town should hire him full time and give him the benefits he deserves. She recommended a starting salary of \$24,500 to \$25,000 per year, noting he has three years experience in law enforcement. Commissioner Bissette moved to hire Joey Webb full time at an annual salary of \$24,500 effective with the pay period beginning 2/6/2009. His motion was seconded by Commissioner Robinson and carried unanimously.

In a motion by Commissioner McClenny, seconded by Commissioner Robinson, and carried unanimously, a Budget Workshop was set for Thursday, March 19th at 7:30 pm.

Being no further business, Commissioner Robinson moved to adjourn.

Jennifer Lambert
Clerk

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