

Meeting Minutes  
February 13, 2012

Mayor Lewis called the Public Hearing to order at 7:30 pm. to consider a request for a Special Use Permit from Pencco, Inc. to locate a business on US 264 East. The business would be located on a 1-5 acre tract on the Fawn Industries site, or 10 acres east of the Select Source. Pencco is a chemical company out of Texas which produces water and wastewater chemical treatments. They should bring 7-10 jobs and will be a large water customer. A Special Use Permit is needed because of the outside tanks. They will need rail access and a rail spur has already been approved by the railroad. Fawn is the most likely site as water and sewer is already available and is inside the city limits. The 10 acres does not have town water and sewer and would have to be annexed.

Before this matter when before the Middlesex Planning Board, Mayor Lewis, members of Nash County Planning, EMS, the Fire Marshal and the County Engineer, all met with Pencco representatives. All the county representatives asked questions and they saw no problems with the business.

Rhonda Carter, whose family owns land on the back side of the railroad tracks, asked about the chemicals used in the process, the containment of the chemicals, possible emission of fumes, and fire safety. Brian Wodetski of Pencco addressed each concern advising that the chemicals used in the process were ferrous sulfate and ferric sulfate, which are mixed with water and oxygen. He assured her of the safety of these chemicals, since one can be taken orally for human consumption and the other is used in treating water that people drink every day. Also, there were no by-products or fumes, adding there is no vapor pressure. In addition, the tanks are inside a containment wall, with 110% containment and they use the rainwater that collects in the processes. Brian assured the chemicals are not flammable or toxic, and the tanks are periodically inspected by the state.

Being no further questions or comments, Mayor Lewis closed the public hearing at 7:40pm and called the regularly scheduled meeting to order. Members present were Commissioners Harold Meacombs, Danny Alford, Cherrye Davis, and Dale Bachmann. Commissioner J.W. McClenny was absent. The guest list is attached and are a part of these minutes.

Mayor Lewis opened the floor for Public Comment. There were no comments and the session was closed.

The January minutes were approved unanimously in a motion by Commissioner Meacombs and seconded by Commissioner Alford.

Additions to the agenda were as follows: Old Business-add Item (f) Ad for Part Time Utility Worker; under New Business add Item (a) Pencco request for Special Use Permit ; Item (g) Motion to advertise 2011 unpaid property taxes as liens on real property; and Item (h) Proposed added wording to the Community Building Lease Agreement. The amended agenda was unanimously approved in a motion by Commissioner Bachmann and seconded by Commissioner Davis.

The January Financial Statements were unanimously approved in a motion by Commissioner Meacombs and seconded by Commissioner Alford. Clerk Lambert advised that \$422.64 in uncollectible utility bills will be coming from the NC Debt Setoff Program.

Chief Murray advised that GHSP gave the Police Department three printers for the vehicles. He also found free training for new DCI software saving the town about \$3,000.

The Utility department is replacing manifolds on meters where cutoffs did not hold and they continue to work on sewer infiltration.

Mayor Lewis advised that renovation work began last week at the Old Powell Clinic building to accommodate the dental practice and the goal is to be operational April 1, 2012.

Commissioner Bachmann moved to hold a Public Hearing on March 12, 2012 at 7:30pm, with the regular meeting to follow, to consider Nash County's corrected annexation petition for the Corporate Center. Commissioner Davis seconded the motion and it carried unanimously.

After a brief discussion, Commissioner Alford moved to change the last paragraph of **Section 4-1-20 Meter reading; billing, collecting in Title 1, Chapter 4, Water System**, of the Town Code of Ordinances to read: "Partial payments will be accepted, but bills must be paid in full by the cutoff date. In cases of a large bill due to a leak, a payment arrangement can be agreed upon and approved by the Town Administrator". The motion was seconded by Commissioner Meacombs and carried unanimously.

Clerk Lambert advised that Nash County will not be sponsoring mandated ethics training for elected officials this year. Lambert said she has been contacted about joining with other towns to hire a certified teacher to hold a class and split the cost. The Board was interested but asked Lambert to investigate which would be the better deal, the joint meeting with other towns, or the web class offered by the School of Government.

After reviewing an ad for a part time Utility Worker, Commissioner Meacombs moved to advertise online for thirty days with the News & Observer at a cost of \$399. The motion was seconded by Commissioner Bachmann and carried unanimously.

Commissioner Alford moved to approve Pencco's request for a Special Use Permit provided a plan is submitted, approved, zoning permits issued, and any change in the process must come back to the Town Board. The motion was seconded by Commissioner Meacombs and carried unanimously.

Planning Member Rodney Hough's oral resignation was approved unanimously in a motion by Commissioner Bachmann and seconded by Commissioner Davis.

The following 2011-2012 Budget Amendment was unanimously approved in a motion by Commissioner Bachmann and seconded by Commissioner Davis:

**GENERAL FUND EXPENDITURES:**      **INCREASE**

**Community Building**

10-502-3300	Dept. Supplies	400.00
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**GENERAL FUND REVENUES:**

10-335-0000	Misc. Revenue	400.00
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The Board discussed payment of an invoice from Nash County requesting the town to pay \$3,384 to assist with countywide recreation services provided by full time staff for athletic and non-athletic programs and events. The amount requested is based on population. Commissioner Bachmann moved to make a contribution of \$2,500. His motion died for lack of a second. Commissioner Alford moved pay the \$3,384 invoice. His motion was seconded by Commissioner Meacombs. The vote was three affirmative, and one dissenting vote by Commissioner Bachmann.

Clerk Lambert presented the Logics Eagle Utilities Software Upgrade and Hardware quotes. This upgrade includes Utility Billing, Cash Collections, Service Orders and Service Applications. Upgrades for Payroll, Property Taxes, Accounts Payable and General Ledger are not available at this time. The Logics upgrade specifications recommend a second server at a cost of \$2,349 for optimum performance. The total estimated hardware quote is \$7,314.57. The Logics Software costs is \$1,600, plus \$1,000 for an additional day for onsite implementation. Additional annual Logics support fees are \$1,812. The total estimated cost of the complete upgrade is \$11,730. In order to get on Logic's schedule for fiscal year 2012-2013, they need our purchase order now. Our last

upgrade was in 2005, and our hardware and software is well beyond the Capital Assets useful life deadline of three years. Commissioner Bachmann moved that we continue with the upgrade and issue the necessary purchase orders for the upgrade. His motion was seconded by Commissioner Meacombs and carried unanimously.

Vennie Brock addressed the Board regarding housing inspections performed on rental properties. Vennie stated that the inspection on his rental mobile home by Mayor Lewis and Commissioner Bachmann was intrusive, and insulting. He said that no one employed by the town was qualified to inspect property according to the town ordinance. He also added that law enforcement personnel could not enter a person's dwelling without a search warrant. Mr. Brock pointed out that the ordinance requires three years experience in inspections. He also pointed out that a rental dwelling owned by Peggy Bisette was not inspected because she denied access to the house. Attached is a letter, which Mr. Brock read to the Town Board.

Mayor Lewis advised Mr. Brock that the Board appointed him the duties of the Town Administrator, and he is also the Zoning Administrator. Former Town Administrator, Gordon Joyner, began enforcing the Minimum Housing Code Ordinance, and after receiving several complaints in the fall of 2011, Mayor Lewis began actively enforcing the ordinance in November of 2011 as a result of several complaints from tenants. Before any tenant moves into a rental dwelling, an inspection will be completed before the water is turned on. The purpose for this walk-through is to observe obvious conditions that may be unsafe; for example, faulty wiring, no covers on electrical outlets, no smoke alarms, etc. After speaking with the Nash County Building Inspector, he advised both Mayor Lewis and Mr. Brock that no certification is required for building inspections. Mr. Brock pointed out that the inspections were in violation of the town ordinance. Mayor Lewis advised Mr. Brock that the town feels like they are doing what is right to protect the tenants and the property owners, and that the town will continue the inspections of all rental property before a tenant can establish utility services.

Commissioner Meacombs moved to post and advertise all unpaid 2011 property taxes as liens on real property after the required thirty day notice is given. The motion was seconded by Commissioner Davis and carried unanimously.

After a brief discussion regarding a request to place an inflatable jumping house at the community building for a party, the matter was tabled in order to discuss the matter with the town attorney. The town's property and liability underwriter recommended we either do not allow this, or if allowed, to require a

certified operator to supervise kids getting in and out, and that they give the town proof of liability insurance.

Commissioner Meacombs moved to go into Closed Session.

Back in Open Session, Commissioner Meacombs moved to approve a salary increase of fifty cents per hour (\$.50) for Sammy Drake, James Liles, and Shelly Woodruff, and a sixty cents per hour (\$.60) for Scott Pollard effective with the pay period ending February 16, 2012. His motion was seconded by Commissioner Bachmann and carried unanimously.

With no further business, Commissioner Meacombs moved to adjourn.

Jennifer Lambert  
Town Clerk

Mayor Lu Harvey Lewis, Jr.  
Commissioners  
Harold Meacombs  
Danny Alford  
Cherrye Davis  
Dale Bachmann