

April 12, 2010  
Meeting Minutes

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. Members present were Commissioners Harold Meacombs, Fred Hough, Luke Robinson and J.W. McClenny. The only guest was Charlie Tyson, Nash County Agricultural Extension Director.

Mayor Lewis opened the floor for the Public Hearing to hear a recommendation from the Planning Board to amend the definition of Commercial Amusement Buildings in the Zoning Ordinance by adding the following wording: "including, but not limited to poolrooms, bingo, arcades, or internet sweepstakes and not located within four hundred (400) feet of any residence, church, or school." There were no comments and the Public Hearing was closed.

Mayor Lewis opened and closed the Public Comment Session since there were no comments.

Commissioner Hough moved to approve the March 8<sup>th</sup> and March 17<sup>th</sup> minutes as presented. His motion was seconded by Commissioner Robinson and carried unanimously.

Charlie Tyson, Nash County Agricultural Extension Director, extended an invitation to the town to join Nash County in an effort to educate the uninformed public of agricultural districts. Nash County adopted an ordinance to designate certain areas as agricultural districts and identify these districts in the Register of Deeds Office on maps and also mark the areas with road signs so that landowners and people looking to move to the area will know in advance what to expect in these districts. Nash County is the 10<sup>th</sup> largest agricultural county in the state. Mr. Tyson added that people moving into farming areas of Nash County do not realize that slow moving tractors are on the roads, dust may be in the air from fields, and not so pleasant smells, and the program would make them aware so they would not be surprised by these normal routines of farm life.

Landowners would be required to register and qualify for the designation, and may choose a traditional or an enhanced designation. Ninety percent or more of farmers registering are choosing the traditional program, which they may withdraw at any time. The enhanced designation locks them in for ten (10) years. Middlesex could rezone or annex the property at any time, but the agricultural district status would not change unless the landowner changes the use of the property, i.e. built a house, or no longer farms, or until the landowner withdraws from the program, which he can do at any time.

Mr. Tyson asked the town to sign a Memorandum of Understanding with Nash County agreeing to cooperate with the Voluntary Agricultural District Program, adding that the town could rescind this agreement at any time. Mayor Lewis thanked Mr. Tyson for his time.

Administrator Bissette requested to add to the agenda under Old Business, Item f. Appoint Kim Clarke to the Planning Board to replace Bill Durham and under New Business, add a 2009-2010 Budget Amendment for the scheduled loan payment to USDA for the Wellness Park. Commissioner McClenny requested to add under Old Business, Item g. discuss roof repairs for the town's rental building occupied by Angela's Closet. Commissioner McClenny moved to adopt the agenda with the requested additions. Commissioner Robinson seconded the motion and carried unanimously.

In a motion by Commissioner Meacombs and seconded by Commissioner McClenny, the March financial statements were accepted as presented by the clerk.

Mayor Lewis asked if the Board was ready to appoint a replacement to fill Commissioner Derek Bissette's seat, who resigned February 8, 2010. Commissioner Meacombs moved to appoint Dale Bachmann. His motion was seconded by Commissioner Robinson and the motion carried unanimously. Mayor Lewis added that Dale could be sworn in at the Budget Workshop meeting already scheduled for next Monday, April 19<sup>th</sup>, and that he would be discussing department appointments with each one of them individually.

Administrator Bissette advised the Board that the well house design was ready for informal bids. Mayor Lewis added that he and Commissioner Meacombs went on site to see the location of the well houses and they feel that one well house measuring 22' x 20', instead of building two well houses (one at the well head and one near the woods to house the fittings) would be the better choice and more cost efficient. The one larger well house would be large enough to accommodate filters in the future, if we need them. Meacombs added that if we go this route, the walking track would have to be elongated. The one large well house would have a front porch and door, false windows on the front, and a rollup side door. No action was taken.

Mayor Lewis checked on the estimated cost of excavating the bamboo from the Planer Mill Road location where the large bird roost is located, which has been causing many problems and complaints. A contractor estimated 40-50 hours at \$100 per hour or \$4,000-\$5,000. Mayor Lewis requested input from the Board on how much, if anything, the Board would be willing to pay on the cleanup before he approached Exum Lewis, the property owner. Exum has already advised Peggy Bissette that he is willing to cooperate to get this problem

resolved. The general consensus of the Board was that the town would pay 50% of the cost if Exum would agree to keep the area clean in the future. Mayor Lewis will get closer estimates and get in touch with each Board member before he contacts Exum Lewis.

The Future Graphics Building Renovation Project Grant was denied because the business had moved in the building prior to applying for the grant.

Mayor Lewis requested the Board to appoint someone to sell surplus property for the town as we currently have the old finishing mower and leaf vacuum which needs selling. Mayor Lewis said he would be willing to serve and would advertise the old finishing mower for \$500 on Craig's List if the Board so desired. Administrator Bissette stated that most municipalities had a policy that set a dollar limit on selling surplus. Mayor Lewis added that he would always come back to the Board to discuss the selling price. After a brief discussion, Commissioner McClenny moved to appoint Mayor Lewis to sell the town's surplus property and to adopt the procedure as presented with a \$2,000 fair market value limit. Commissioner Robinson seconded the motion and it carried unanimously.

Administrator Bissette advised the Board that the town must update its Water Management Plan, Wellhead Protection Plan and Capital Project Plan. In 2000, Pierson & Whitman Engineers completed these plans and they were submitted to the state, but Bissette was told last week by the Division of Water Quality that they have our plan but it has never been reviewed. The state is holding up the permit for the water line for the new building at Middlesex Elementary School, stating the town's plan was incomplete. Bissette added that the person she spoke with said she could not say when the 2000 plan would be reviewed. According to the state, these plans should be updated every five (5) years. Bissette stated that she had completed the plans with the help of the Rural Water representatives, but she had no idea what to include for the twenty (20) year projections for the water system, which is part of the plan. Mayor Lewis advised he would make a phone call tomorrow to follow up on the review of the 2000 plan by the NC Division of Water Quality.

There was a brief discussion regarding a Notice of Violation for Well#4 containing Dichloroethylene, a petroleum by product. This was advertised in the newspaper and a notice distributed to all customers as required by NCDENR. Administrator Bissette stated that some of the Well Project Grant funds will be used to correct the problem, possibly with charcoal filters, once the new well at the wellness park is in operation. State DENR officials visited the town about two weeks ago and as a result of their visit to find possible contaminants, they issued letters to Cash and Ray Cameron regarding the junkyards, and Danny Edwards to remove an underground oil tank.

Kim Clarke, an in town citizen and Assistant Principal at Middlesex Elementary School, agreed to serve on the Planning Board replacing Bill Durham, who resigned for health reasons. Kim Clarke was appointed unanimously in a motion by Commissioner Meacombs and seconded by Commissioner McClenny.

In a motion by Commissioner Robinson and seconded by Commissioner McClenny, the following 2009-2010 Budget Amendment was approved unanimously:

<u><b>GENERAL FUND:</b></u>		<u><b>INCREASE</b></u>
<u><b>PARKS &amp; REC. DEPT.</b></u>		
<b>EXPENDITURES:</b>		
10-590-7404	Wellness Park-USDA Interest	515.00
10-590-7405	Wellness Park-USDA Principal	5,575.00
<b>REVENUES:</b>		
10-390-0100	Gen. Fund Balance Approp.	6,090.00

Commissioner McClenny advised the Board that he had contacted three contractors get estimates for roofing repairs on the town's rental building occupied by Angela's Closet and is waiting to hear back from them. The roofer who installed and repaired the foam roof several times is working in Mississippi most of the time and Administrator Bisette advised that the roof he applied is no longer under warranty. McClenny recommended looking at taking off the old heavy roofing and putting on a new roof, which was the general consensus of the Board.

Commissioner Meacombs moved to approve the amendment to the Commercial Amusement Buildings definition in the Zoning Ordinance as recommended by the Planning Board by adding the following wording: "including, but not limited to, poolrooms, bingo, arcades, or internet sweepstakes and not located within four hundred (400) feet of any residence, church, or school". His motion was seconded by Commissioner McClenny and adopted unanimously.

Commissioner Meacombs moved to approve the Memorandum of Understanding with Nash County agreeing to cooperate with the Voluntary Agricultural District Program allowing Agricultural Districts. His motion was seconded by Commissioner McClenny and carried unanimously.

Commissioner Meacombs moved to amend the community building rental agreement to delete "Renter must leave the thermostat in the OFF position when finished with the building. If utilities are left in the ON position, your deposit will not be refunded", and insert "The building is heated and air conditioned by thermostat. During the winter months, turn the thermostat on 50 degrees when you leave, and during the summer months, turn the air conditioning off when you leave. The motion was seconded by Commissioner Robinson and carried unanimously.

After a brief discussion regarding a NC League of Municipalities request for the town to join their Environmental Assessment Coalition at a cost of \$250, Commissioner Meacombs moved to pay the \$250 and join the Coalition, stating that the more members, the more leverage in deterring costly, strict storm water regulations for municipalities. Commissioner Hough seconded the motion and it carried unanimously.

Mayor Lewis advised that Liz Fairman reviewed the Engineering Contract for the Bailey Middlesex Park with Withers and Ravenel Engineering, and she recommended that Middlesex be added to the contract, which Bailey has already adopted. Commissioner Robinson moved to add Middlesex to the contract. Commissioner McClenny seconded and the motion carried unanimously.

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