

July 13, 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 7:30 p.m. Members present were Commissioner Harold Meacombs, Luke Robinson, Dale Bachmann and J.W. McClenny. Commissioner Fred Hough was absent. Cherry Davis, Police Chief Charles Ferrell and Administrative Assistant Shelly Woodruff were in attendance.

Mayor Lewis opened the floor for the public comment session and there were no questions or comments.

Commissioner Bachmann moved to approve the June minutes as presented. His motion was seconded by Commissioner Meacombs and carried unanimously.

Mayor Lewis requested to table the Wellhead Protection Plan presentation because some changes need to be made and the plan will be presented at the August meeting. Commissioner McClenny requested to add Cherrye Davis to speak to the Board about saving the old well pump house at Middlesex Elementary School. Commissioner Bachmann requested to remove Item f. under New Business, "clarify the personnel policy as it relates to short term disability" in order to research and review further. Commissioner McClenny moved to adopt the agenda with the requested changes. Commissioner Robinson seconded and it carried unanimously.

Cherrye Davis requested the Board to declare the old well pump house at Middlesex Elementary School a historical landmark to try to save it. It is scheduled to be torn down soon and several people have expressed an interest in trying to save the building. Ms. Davis stated that she was trying to start a committee, with each member paying \$10, or more, toward the cause. She stated that many historical landmarks like the train depot and the old agriculture building at the school were torn down, and it would be nice to save the old well house built in the 1920's. Davis added that if the Board would declare the building a historical landmark, maybe Nash County would not tear it down. Billy Morgan, County Commissioner, has spoken to Mark Strickland, who is in charge of the new elementary school project, and asked him to let him know before the building is demolished.

After some discussion, the Board was in agreement that it would have been nice to try to save the building, but the matter should have been addressed much earlier, and also, no one was in favor of halting the \$8 million school

project because we need the school so badly and have waited a long time for the new school. The building also is in need of roof repairs. It probably would have to be moved, depending on the location to the new school, and would be expensive. Nash County would not cover any maintenance or associated costs. Mayor Lewis also pointed out that the county has spent a lot of money on the engineering plans, which the town has had a copy of for several months. The Board agreed they would like to research this request with the county before taking any action, and Mayor Lewis agreed to discuss the situation with Mark Strickland, determine the exact location of the well house on the engineering plans, and get back to the Board and Ms. Davis with the county's input.

Clerk Lambert presented the June financial statements. In a motion by Commissioner Robinson and seconded by Commissioner McClenny and carried unanimously.

Chief Ferrell advised that the 2001 Crown Vic had front end repairs completed, the 1995 Chevrolet Caprice had front end repairs and a small problem with the air conditioner fixed. The 2003 Crown Vic front end is swaying and it is being checked. Mayor Lewis said that after he test drove the 2003 Crown Vic with the ongoing transmission problems, Officer Judy Garver had problems with the car hanging in overdrive. After a brief discussion, Commissioner Meacombs moved to purchase a \$1300 remanufactured transmission from LKQ in Wilson with a 100,000 mile/three year warranty. The motion was seconded by Commissioner Robinson and carried unanimously. Mayor Lewis added that Bill Lamm would install for approximately \$250.

The invoice from Leith Automotive for the Dodge Charger is being held to determine the cost of repairs to the radar. The cable to the radar was broken when the car was picked up and the radar was fine when the car was left at Leith.

Commissioner McClenny asked about the digital water meter installation project. Commissioner Bachmann advised that due to so many water leaks, not many had been installed since the last meeting, but they would get back on the project next week.

Mayor Lewis added that we are still waiting for state approval before we can begin the well house at the wellness park. The meter and well project must be completed by October 31, 2010. Commissioner Bachmann added that all meters should be installed by the end of September.

Mayor Lewis will get with Commissioners Hough and Robinson to get a list of Powell Bill streets to be paved.

Commissioner McClenny asked Mayor Lewis the status of selling the surplus property. Mayor Lewis advised that he had not taken pictures and needs to post the items on Craig's list, but would try to get pictures soon.

Commissioner Bachmann requested that the Board address open burning and problems with dogs, adding that we have ordinances to cover these. Mayor Lewis added that the town adopted a tethering ordinance several months ago, but the citizens have not been notified. Bachmann suggested we address these two items in a letter to the citizens and distribute them door to door. Mayor Lewis stated that we could also include changes to the sanitation pick up schedule also. After a brief discussion, the Board agreed to pick up bulk waste with the household garbage on Monday and pick up all yard waste on Tuesday. The Utility Department will hand out a flyer notifying citizens of the two ordinances and the changes to the sanitation pickup schedule.

Commissioner McClenny and Mayor Lewis said Jimmy Griffin brought to their attention that the ditch behind his house needs to be cleaned out again. Also, the ditch behind Harold Meacombs' house needs to be cleaned out to avoid flooding. Commissioner Bachmann moved to have Mayor Lewis get prices and have the person with the best price clean these two ditches. Commissioner McClenny seconded the motion and it carried unanimously.

The Middlesex Corporate Park Water Line Project Grant will be funded at \$75,000, versus \$50,000, and Nash County will pay any costs over the \$75,000 grant. The amended Letter of Conditions with USDA and the Memorandum of Understanding with Nash County, which reflects this change in grant amount, was approved in a motion by Commissioner Robinson, seconded by Commissioner Meacombs, and carried unanimously.

Mayor Lewis talked with Exum Lewis regarding the cleanup of the bird roost problem on Planer Mill Road. Exum asked Mayor Lewis to get back with him and let him know what part, if any, the town would be willing to pay. Mayor Lewis received quotes of \$100 per hour and \$80 per hour for excavation. It would cost about \$3,000 per acre to dig up and pile the bamboo, and would not include hauling it off the site. The bamboo roots are twelve to eighteen inches deep. If the area were bulldozed and the bamboo cut, it would have to be cut about every two months. Mayor Lewis stated that it needs doing but it concerns him that it is on private property, even though it is a health hazard. Wildlife personnel estimated a cost of \$7,500 just to run the birds off. If this area is cleaned, the birds could just move to another location in town. The board agreed to table this until the August meeting to give more time for consideration.

Mayor Lewis reported that he could not find another location to accept the town's solid waste so we are locked in to Waste Industries.

Commissioner Bachmann moved to write off \$17.00 in bad debts, which was omitted from the list presented at the May meeting. Commissioner Robinson seconded the motion and it carried unanimously.

Mayor Lewis presented a letter from the Local Government Commission approving Jennifer Lambert's dual appointment as Finance Officer and Tax Collector for the 2010-2011 fiscal year.

In a motion by Commissioner McClenny, seconded by Commissioner Robinson and carried unanimously, Derek Bissette will be reimbursed \$129.77 for a second meter installation fee because the Board changed the policy and lowered the fee after Bissette's meter was installed.

Mayor Lewis brought to the Board's attention that some businesses with four or five trash cans were paying the same sanitation rate as a business with one can. He added that the current residential rate is \$12.75 per month for one can, the business rate is \$20.50 for two cans, and if a resident has a second can they pay \$20.50, the business rate. After a brief discussion, Commissioner Meacombs moved to charge \$10 for each extra can above the limit of one can for residences and two for businesses. Commissioner Bachmann seconded and the motion passed unanimously.

Commissioner McClenny is waiting for the last quote for roofing the town buildings on South Nash Street.

Commissioner Meacombs moved to adopt a Resolution in support of Lyme Disease awareness. His motion was seconded by Commissioner Bachmann and carried unanimously.

Carolina Coastal Railway announced a price increase in the annual maintenance cost for the Manning Street railroad crossing from \$1,140 to \$1,542 effective July 1, 2010. This invoice is always paid from Powell Bill funds.

Mayor Lewis received notification that HNTB North Carolina along with the NC DOT Rail Division requests that the Old Possum Road crossing be signalized or close the street. No one was in favor of closing the street and Commissioner Meacombs added that school buses should go down Manning and not use Old Possum Road with no signals. Mayor Lewis added that the town just spent \$18,500 to pave Old Possum and he recommended signalizing the crossing, with the town's half of the maintenance cost of the signal being paid from Powell Bill funds. Commissioner Bachmann moved to place the signal on Old Possum Road and pay half the maintenance cost. Commissioner McClenny seconded the motion and it carried unanimously.

There was a lengthy discussion regarding the employees having to meet two deductibles due to changing health insurance from MIT to Blue Cross/Blue Shield effective July 1, 2010. MIT deductibles were calendar year deductibles and Blue Cross/Blue Shield deductibles are fiscal year (July 1 through June 30). Due to the change, employees who met their deductible between January 2010 and June 30, must meet two deductibles. Commissioner Meacombs and Mayor Lewis pointed out that even though two deductibles were met, they would be spread over a eighteen month period, because deductibles would not start again until July 1, 2011. Commissioner Bachmann reminded the Board that when the insurance was changed, the employees were not to have any extra out of pocket expenses above what they had been paying under the MIT plan.

Shelly Woodruff, Administrative Assistant, requested permission to speak. She advised the Board that she had a procedure on June 24, 2010, which required her to pay \$300 deductible under the MIT Plan. Had she known that Blue Cross/Blue Shield deductible ran fiscal year, she would have postponed her procedure until after July 1. No one was aware that the deductible year changed. When she returned to her doctor after July 1, she was asked to pay the \$500 Blue Cross/Blue Shield deductible. When she explained that she just met her deductible and she did not know her deductible changed to fiscal year, they asked her if Blue Cross/Blue Shield would transfer the deductible under the MIT plan. Mayor Lewis said he did not think Blue Cross would, but he would call and get an answer. He also added that if the town reimbursed any part of the MIT deductible, it could not be part of the Health Reimbursement Plan already in place. Commissioner Bachmann moved to have Mayor Lewis check with Blue Cross and find out if they will accept the deductible met by the employee from the previous plan, and if not, employees that have met their deductible be reimbursed \$150 as a one time payment. Commissioner Meacombs seconded the motion and it carried unanimously.

Commissioner Robinson moved to go into Closed Session under G.S.143-318.11(a)(6) to discuss a police personnel matter.

Back in Open Session, Commissioner Bachmann moved to suspend Chief Charles Ferrell two days without pay. Commissioner McClenny seconded the motion. With Commissioner Robinson voting yea and Commissioner Meacombs voting nay, the vote was 3-1 in favor of the two day suspension.

Chief Ferrell asked the Board for an explanation or reason for the action taken. Mayor Lewis advised Charles that it was a culmination of things going on over a period of time. Mayor Lewis explained that he had been talked to regarding problems several times in the past by Police Commissioners Hough

and former Police Commissioner Derek Bisette, but were not documented. He added that there were the three or four recent incidents (the Pit Stop, the

1054e

Provocon Food Mart, and one on Rockside Road) which were all discussed in the recent verbal warning, and this warning had been documented.

Charles responded to complaints regarding the times he logged on answered calls on his reports, stating that the times were not always exact. He added that if he happens to look at his cell phone, he writes down the exact time, otherwise it could be a close estimate.

Asked why he was in the evidence room without notifying the person in charge of the room, he added that he was working on the computer and the evidence room was open so he could put his backup in the fireproof room.

Charles also explained to the Board regarding the call to the Pit Stop stating that Sharon Haag called and reported the intoxicated man was driving a Toyota Tacoma. When he called her back later because he could not locate the vehicle she reported, she stated she had reported a Dodge Durango, so he was looking for the wrong vehicle.

Commissioner Bachmann explained to Charles that he felt the Board needed to take further action so it he understands that the Board is going as far as it is going to go.

Charles had expressed to the Mayor that he had not had a verbal warning and this warning should be a verbal warning and not written. Mayor Lewis told Charles that the other times he had been talked to in the past had not been documented and should have been, and he had documented the recent verbal warning.

Commissioner McClenny advised Charles that he was not happy with all the friction in the police department and that the Board has only held one or two meetings in the past twelve months that they had not discussed a police personnel problem and the situation needs to be corrected. McClenny advised Charles that it is his responsibility to get someone to cover when an officer calls in sick or cannot report to work as scheduled, that he had been told this before, and he was expected to get the police department running smoothly so the Board is not spending all this time with these problems.

Mayor Lewis told Charles to "hold yourself to the same level as the level you hold the people you supervise", and that going forward everything will be documented and the Board will not let this keep going on and they will act if it continues.

Mayor Lewis advised he would coordinate with Charles regarding the scheduling of the two day suspension.

1054f

With no further business, Commissioner Bachmann moved to adjourn.

Jennifer Lambert  
Clerk

Mayor Luther H. Lewis, Jr.  
Commissioners  
Harold Meacombs  
Luke Robinson  
Dale Bachmann  
J.W. McClenny