

October 11, 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. and gave the invocation. Members present were Commissioner Luke Robinson, Dale Bachmann, J.W. McClenny, Harold Meacombs, and Fred Hough. Police Chief Charles Ferrell and Hillery Thompson, an applicant for a part time police officer's position, were also present.

Mayor Lewis opened the floor for the public comment session and there were no comments and the session was closed.

Commissioner Robinson moved to approve the September minutes as presented. His motion was seconded by Commissioner McClenny and carried unanimously.

Commissioner Bachmann requested to add Item c. Roofing Update under Old Business and Mayor Lewis requested to add a Closed Session to interview Hillery Thompson. The amended agenda was approved in a motion by Commissioner Hough, seconded by Commissioner Robinson, and carried unanimously.

Clerk Lambert reviewed the September financial statements and they were accepted as correct in a unanimous motion by Commissioner Bachmann and seconded by Commissioner Robinson. Commissioner Bachmann asked how revenues and expenditures compared to last year and if a CD was opened for the May 2011 sewer reserve payment. Clerk Lambert said she would get an update on revenues and expenditures compared to last year before the next meeting. A \$20,000 CD was opened as reserve for the May 1, 2011 sewer debt service payment, and a \$50,000 General Fund CD will be closed and a check issued to the Town of Bailey for the \$50,000 land payment due October 31 for the Bailey Middlesex Community Park.

Chief Ferrell reported the 2003 Crown Vic driven by Officer Scott Pollard had a place on the hood with the paint chipped off and it keeps getting larger. He has tried several times to get a quote from Middlesex Motor, but has not received a quote. He received a quote of \$359 from Automocion. The Board asked Ferrell to get a second quote and the Board would take a telephone vote.

The same Crown Vic had to be jumped off twice within the previous week. Mayor Lewis will follow up with Officer Pollard to make sure no equipment is being left on, and if needed, have this problem corrected.

Ferrell also advised the Board of a leak in his office coming from the air conditioning system and it is damaging the tiles and the floor. The Utility Department checked this about a month ago, and placed a drip pan in the ceiling. Ferrell is now placing a bucket to catch the water. Mayor Lewis stated he would call an air conditioner repair service to check the problem.

Commissioner Bachmann reported that even with the heavy rain recently, the town had no failures at the sewer lift stations.

A bid tabulation sheet was reviewed for the well house and pump for Well#5 at the Middlesex Centennial Park. A total of eight bids were opened September 30th, with one being thrown out because the addendums were not acknowledged. The low bid from Mizelle Construction of \$148,980 was significantly higher on the sodium hypochlorite chemical feed system. The price on his bid sheet was \$17,200, but Dale Bachmann recently installed a chemical pump at another town well for \$486. Mayor Lewis and Commissioner Bachmann both added that a lot of the changes they requested were not made to the spec sheets. Examples were an insulated ceiling and insulated roll up door in the well house, which they feel is not necessary. The well house building design was supposed to be simple, like the existing well house at Well #4. Also, 100 feet of pipe was cut from the design and Mizelle Construction will get back with Mayor Lewis tomorrow with a new price including the requested changes. Further discussion on this topic will resume in a reconvened meeting scheduled for Thursday, October 14th at 8:00 am.

A map of Powell Bill streets with paving specs for approximately 5,200 feet were mailed to five paving companies. Four bids were received and were opened just prior to the meeting. Mayor Lewis will review all the bids further and put together a tab sheet. Further discussion of the bids will be discussed in the reconvened meeting scheduled for Thursday, October 14th at 8:00am.

Commissioner McClenny advised the Board that he had called Dale Brown Roofing to get an update on his schedule to roof the town buildings on South Nash Street. He left a message, but has not heard back and will follow up.

The Board reviewed an annexation petition and map received by Nash Health Care Systems requesting that two areas of land, non-contiguous to the town limits, containing eight parcels be annexed into the town. The property is zoned Light Industrial and is located in the Middlesex Corporate Centre on North 231 (N. Nash Street inside the city limits). Mayor Lewis stated there would be no tax benefit at this time, but other businesses brought into the area later would pay personal property taxes. Also, the town will be receiving water acreage and impact fees. Approximately thirty (30) acres of the land requesting to be annexed cannot be developed because NC DENR has taken as wetlands. Commis-

sioner Bachmann added that he did not think it was right to charge acreage and impact fees on the acreage that cannot be developed. Mayor Lewis added the property was not connected to town sewer, but may be at a later date. If connected, they would pay sewer acreage and impact fees at that time.

Commissioner Bachmann moved to adopt Resolution R2010-1057A authorizing Clerk Lambert to investigate the sufficiency of the annexation petition. Commissioner Robinson seconded and the motion carried unanimously.

By unanimous vote, Commissioner McClenny moved to confirm the telephone vote hiring Nancy Batchelor at a pay rate of \$10 per hour to assist Clerk Lambert during Shelly Woodruff's short term disability absence, and Commissioner Robinson seconded the motion.

Commissioner Robinson moved to confirm the telephone vote adopting Emergency Resolution R2010-1057 to apply for grant funds to resolve the Volatile Organic Compound (VOC) contaminants at Well #4 by installing an air bubbler system. Commissioner McClenny seconded and the motion carried unanimously.

After a brief discussion regarding customer utility deposits on accounts repeatedly disconnected for nonpayment, the town code already addressed customers with no deposit on file. The ordinance reads that the deposit set by the Board must be made before service is reactivated when no deposit is on file. However, the ordinance did not address an account cut off for nonpayment when the deposit on file is less than the current amount set by the Board. Commissioner Meacombs moved to amend **Section 4-1-21 Suspension of Service** to add the following as the last sentence in paragraph three, "Also, deposits on file must equal the current amount as set by the Board before service is reactivated when an account has been cut off three times in a twelve month period." Commissioner Robinson seconded and the motion carried unanimously. This change will be added to the application for water service so new customers will be aware of this and existing customers will be notified by a letter and a copy of this section of the water ordinance.

As an FYI, it was noted that the Powell Bill Allocation was received September 30th in the amount of \$25,624.55 versus \$25,841.95 last year.

The Department of Justice notified by letter that the 2010 COPS grant applied for was denied.

Mayor Lewis and Commissioner Bachmann inspected the community building after some complaints and removed several broken tables. Mayor Lewis said there were twelve 12 tables and approximately 70 chairs, which was sufficient for the Fire Marshal's building rating is a maximum of 49 people. He added that it was time for improvements if the town was going to continue to rent the building and asked each Commissioner get the key and look at building to see the condition of the missing floor tiles, the missing bottom molding, outdated cabinets that do not open and close or fit properly and the stove and refrigerator. Also, the town needs a cabinet with a lock for the town's cleaning supplies.

At the September 13th meeting, Commissioner Bachmann asked Clerk Lambert to ask the town attorney if grass cutting and lot clearing costs could be added as assessments to the property and be payable before water services can be activated. Attorney Liz Fairman advised that the statute (NCG.S.160A-216), authorizing assessments is very specific and assessments for grass cutting and lot clearing by the town cannot be assessments, and water services cannot be refused for this reason. She recommended the following changes/rewording to **Chapter 7 Weeds and Vegetation**:

Section 6-7-2, place a period at the end of the wording "shall be kept in compliance with this section." and delete the remainder of the sentence.

Section 6-7-4, "The town shall charge a minimum of \$100.00 per lot for the actual cost of cutting and removing such weeds, grass or other vegetation by the town, plus five percent for inspection and additional costs in connection therewith. The costs shall be a lien upon the property upon which such weeds, grass and other vegetation were located and shall be added to the taxes next to be assessed and levied upon such lot, shall bear interest at the same rate as taxes and shall be collected and enforced by the same office and in the same manner as taxes.

For chronic violators, Attorney Fairman suggested to add the following paragraph to **Section 6-7-4**: Lots where grass and/or vegetation are cut by the town three or more times within a twelve (12) month period will be considered chronic violators. Under NC G.S.160A-200, chronic violators will be sent one notice, and only one notice, per year that the town will be cutting/clearing the lot anytime it is in violation of this ordinance, and they will be invoiced at the rate as set by the Board in this Section.

Commissioner Bachmann moved to adopt the amendments to **Chapter 7 Weeds and Vegetation** as presented. His motion was seconded by Commissioner Robinson and carried unanimously.

Commissioner Bachmann moved to go into Closed Session under G.S.143.318-11(a)(6) to interview Hillery Thompson for a part time police officer position. The motion was seconded by Commissioner Robinson and carried unanimously.

Back in Open Session, Commissioner Meacombs moved to hire Hillery Thompson as a part time police officer at the current part time rate of pay. Commissioner Hough seconded and the motion carried unanimously.

Commissioner Bachmann moved to go into Closed Session under G.S.143.318.11(a)(6) to discuss a personnel matter in the Utility Department. His motion was seconded by Commissioner Robinson and carried unanimously.

Back in Open Session, Commissioner Bachmann moved to change Linwood Smith to part time status with the same rate of pay effective Friday, October 15th and evaluate his job performance in six months and twelve months and his work schedule will be worked out with the Personnel Director. The motion was seconded by Commissioner Robinson and carried unanimously.

Commissioner Bachmann moved to recess and reconvene Thursday, October 14th , 2010 at 8:00a.m. in the conference room at the town hall to continue discussion on several topics covered during this meeting.

Jennifer Lambert
Clerk

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