

November 24, 2008

The Middlesex Governing Body reconvened the meeting recessed on November 10, 2008 in the Conference Room of the Town Hall. Members present were Mayor Luther H. Lewis Jr., Commissioners Harold Meacombs, Luke Robinson, Derek Bissette, and J.W. McClenny. Commissioner Fred Hough was absent. No guests attended.

Administrator Bissette began reviewing proposed changes to the Town Code of Ordinances, which was the final item on the November 10th agenda. Additions were noted in red and deletions in blue. Bissette reviewed each change, page by page.

Highlights of the major requested changes are as follows:

TITLE 1-Government and Administration:

- (1) In the ordinance adopting the Official Code of Ordinances, Zoning Ordinances was added in Section 3, Item 14, which lists classes of ordinances not contained or intended to affect the permanent town code of ordinances.
- (2) Section 1-1-5 was added to include Town Administrator, and Section 1-1-6 through 1-1-10 was marked as reserved.

Section 1-1-5 Selection and Duties of a Town Administrator was added. Under Chapter 2-Administrative Offices, Sec,1-2-3 Town Administrator, which outlines the duties of the Town Administrator. Items 1-10 and the State Law Reference was added.
- (3) Sec 1-2-4 Tax Collector duties, Item (2) was changed to state the tax collector will make an accounting to the town's finance director at the end of each month instead of the finance officer. Also, under the same section, change Item (3) to read deposit tax money collected instead of pay over to the town finance officer.
- (4) Sec. 1-4-6 Criminal Penalty for violation remains at \$100 for each violation as adopted October 13th, 2003 needs to be indexed.

TITLE 2 Public Safety:

- (1) Chapter 1, Sec. 2-1-5 Chief of Police under the general supervision of the Town Administrator instead of the board.

Same Chapter, Sec. 2-1-6, was amended on August 8, 2005 from three months probation to twelve months probation for appointees to the police department and needs to be indexed.

- (2) Chapter 2, Fire Protection: add a statement that fire protection is provided by the Middlesex Volunteer Fire Department and that the town does not have jurisdiction over the fire department.
- (3) Chapter (3) Curfew Ordinance was added and adopted October 14, 2002 and needs to be indexed.

TITLE 3 Public Works:

- (1) Article C – Property Numbering System was adopted on October 10, 2005 and needs to be indexed.
- (2) Chapter 2- Garbage and Refuse Collection and Disposal, Sec. 3-2-1 Definition of garbage, remove “putrescible” and insert “liable to become rotten; under solid waste add animal waste to list of items not included to be picked up.
- (3) Same Chapter Sec. 3-2-2 burning and burying garbage items (a) through (e) were adopted January 12, 2007 and need to be indexed. There was a brief discussion about citizens not being aware or the no burning leaves etc. and the enforcement of the ordinance by the police department. Commissioner Bissette asked Administrator Bissette to distribute a memo to citizens informing them again of the ordinance.
- (4) Sec. 3-2-9 Special or bulk collections regulated. Commissioners agreed to a flat rate of \$100 per hour.
- (5) Chapter 3 Cemeteries. Delete Sec. 3-3-3 Burial Permit.
- (6) Chapter 4 Parks and Recreation: add a statement containing the hours of use at the park on West Hanes and S. Nash Street and a statement, “No alcoholic or drug substances are allowed in the parks.

TITLE 4 Municipal Utilities:

Chapter 1 Water System:

- (1) Sec. 4-1-3 duties of the director of public utilities, add (5) stating he is responsible for all reporting to state agencies and delete Item (b) stating that they may be assigned to the clerk or other town employees. This gives the director of public utilities the sole respon-

sibility for repairs to the water system, resolving complaints with the water system, and all reporting to the state agencies.

This same change is made to Chapter 2, Sewer System, Sec. 4-2-3 director of public utilities duties.

- (2) Sec. 4-1-6, Applications for connections, the Board asked Administrator Bisette to discuss requiring Social Security numbers with the town attorney and if not legal to require, if the town could charge a double deposit and report her findings at the next meeting.
- (3) Sec. 4-1-7, Connection charges, Add the statement "Charges included water deposit, acreage and impact fees, in addition to any labor or materials involved in making the connection.
- (4) Sec. 4-1-19 Water Deposits: Add "The deposit may be used to satisfy the final bill after a customer has closed the account if the is not paid in full.
- (5) Sec. 4-1-24 Water Line Extensions: add to index
- (6) Sec. 4-1-26 Rescind previous Title 4, Chapter 1. Move this to the end of the newly adopted code of ordinances.

Chapter 2 Sewer System:

- (1) Sec. 4-2-17 Leaks, (A) under Item 3, delete voluntary consumption, and add Item 6, clearing and reseeded lots allowed three (3) times per year.

TITLE 5 Traffic:

Chapter 3 Motor Vehicle License Tax: delete entire chapter.

TITLE 6 License, Regulations and Offenses:

Chapter 1 Privilege License Taxes:

- (1) Add the corresponding Item numbers for the references in the sections that apply in Sec. 6-1-3 Licenses, Item 3, Unqualified Applicants Right to a Conference, Item 6, Revocation; Sec. 6-1-4 Enforcement and Collection.

Chapter 5 Animals:

- (1) Sec. 6-5-1 Declaration of Nuisances: Delete Item (e) requiring any animal kept inside the town limits to be neutered or spayed. and add "No dog shall be tethered within the town limits." The Board requested Administrator Bissette to discuss this addition with the town attorney also. If we can add the no tethering, the Board requested Administrator Bissette to notify citizens of this new ordinance when adopted.
- (2) Sec. 6-5-3 Enforcement. add Item (g) Tampering with animal traps and/or cages. It shall be unlawful for any person other than a Nash County Animal Control Officer and a Middlesex Police Officer to touch, move, relocate, open and/or tamper with, in any way, a trap and/ or cage that has been set out for the purpose of catching an animal. The violation of this subsection shall be punishable as provided in the Chapter 4, Section 1-4-6 of this code.

Chapter 6 Abandoned Vehicles:

- (1) Sec. 6-6-1 Abandoned Motor Vehicle Defined. Add Item (5) A vehicle that has been left on private property with no tags, and in non working order for a period of over three months.
- (2) Sec. 6-6-3 Duty of Owner to Remove: Add paragraph: If a motor vehicle as defined in Sec. 6-6-2 is abandoned on private property it shall be the duty and responsibility of the owner of the property to remove, or have it removed from his property after being duly notified by the Town Administrator that it is in violation of the town code of ordinances.

Chapter 7 Weeds and Vegetation:

- (1) Sec. 6-7-4 Assessment of cost of removal, Add Board approved flat fee of \$100 and any applicable penalties.

- (2) Sec. 6-7-5 Refusal or failure to comply with chapter; obstructing town officials, add "Refusal of this section of the ordinance shall result in the civil penalty of \$100.00 per day and each day is considered a separate violation.

Chapter 8 General Offenses and Nuisances

- (1) Sec. 6-8-5 Drinking in Public Places Item (a) delete "malt beverages or unfortified wine, and add" alcoholic beverages" and delete Item (b).

Being no further business, Commissioner Robinson moved to adjourn.

Jennifer Lambert
Clerk

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