

December 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. and gave the invocation. Members present were Commissioners Luke Robinson, Dale Bachmann, and Fred Hough. Commissioner J.W. McClenny arrived later and Commissioner Meacombs was absent. Police Chief Charles Ferrell, Sergeant Dennis Murray and Officer Scott Pollard were present. Vennie Brock and J.P. Barnes were the only guests.

Mayor Lewis opened the floor for a Public Hearing on the Nash Hospital Systems Inc. petition which requested a non-contiguous annexation of eight parcels off NC 231 North for a medical facility. There were no comments or questions and the hearing was closed.

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

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

Mayor Lewis requested to delete: Item b and d. under Old Business, discuss community building repairs and town pickup of trees cut by contractors hired by citizens; and add Item f. under New Business, discuss continuation of Chief Charles Ferrell's insurance until December 31, 2010. The amended agenda was approved in a motion by Commissioner Robinson, seconded by Commissioner Bachmann, and carried unanimously.

John Anthony, the town's auditor, presented the 2009-2010 financial statements and audit report. He gave a clean audit opinion and stated that the financial statements were a fair representation of the town's financial condition. He added that the town remains in very good financial condition and that the records were kept very well, encountering no problems with the audit. He pointed out the following:

- (1) The town's cash flow of 1,458,454 was safe for a town of our size and the decreased cash flow of \$258,000 from last year was not due to over spending, but due to capital outlay expenditures and paying down debt service.

(2) The Water and Sewer fund is in good shape with cash flow of \$94,302, which covered the funds expenditures, and the \$17,210 loss in the fund was due to capital outlay expenditures and debt reduction.

(3) The 97.50% tax collection rate for real estate for 2009 taxes, is slightly above the norm, and does not include vehicle taxes collected by Nash County.

There were no questions and Mayor Lewis thanked Mr. Anthony for his presentation.

Clerk Lambert reviewed the November financial statements and added that she opened an additional \$20,000 CD for sewer debt service due May 1, 2011. The financial statements were accepted as correct in a unanimous motion by Commissioner Bachmann, which was seconded by Commissioner Robinson.

Chief Ferrell reported the town had 2,750 GHSP points accumulated and he has ordered two window tint gauges, two sets of stop sticks, and two sensors. He also added he would like to thank the Nashville PD and all the towns who gave mutual aid for the Christmas ~N~ Middlesex parade and festivities. Mayor Lewis agreed and asked Ferrell for a list of the agencies with addresses so he could send letters of appreciation. Ferrell said he had some requests to the Board, which he would like to address later in the meeting.

Commissioner Bachmann reported he has received one bid for the Well#4 improvements. The electrical service must be changed to a 200 amp service. The air bubbler system should be received around the 10th of January.

Mayor Lewis reported that he and Clerk Lambert had spent a great deal of time on the grant projects and the reimbursement requests. Mizelle Construction has the water line in place and the pump in Well #5, but some of the layout must be redone. The project is moving along and there has been no word on the emergency grant funding request to correct the Well#4 VOC problem.

Commissioner Bachmann moved to adopt Annexation Ordinance # O2010-1059 annexing eight parcels of land on NC 231 North non-contiguous to the town limits and owned by Nash Hospital Systems, Inc. effective December 13, 2010. There are two tracts of land located inside the Middlesex Corporate Center and they are zoned Light Industrial. Commissioner Luke Robinson seconded, and the motion carried unanimously.

After a brief discussion regarding the Sewer Ordinance and town policy of giving one sewer adjustment in a twelve month period for leaks impacting the

sewer system, which are over 3,000 gallons over the customers' twelve month average, it was decided to leave it as is.

The Board reviewed an annexation petition from Nash County for six parcels of land located in the Middlesex Corporate Center. Mayor Lewis added that Nash County was requesting the town to annex the 228.73 acres mostly for marketing reasons because the land would already be inside the town limits. There would be no financial benefit to the town. Commissioner Hough asked if the town would be responsible for providing water and sewer to the annexed area and Mayor Lewis advised that the town would not be responsible for the costs. Commissioner Hough moved to adopt a Resolution R2010-1060 directing the Clerk to investigate the sufficiency of the annexation petition. His motion was seconded by Commissioner Robinson and carried unanimously.

In a motion by Commissioner Hough, seconded by Commissioner Robinson and carried unanimously, the following tax discoveries were approved:

- (1) William Ward: 2008- \$4.23, 2009-\$3.77, and 2010-\$3.51
- (2) Compass Group Lending: 2010 \$20.89

The following budget amendment was approved in a motion by Commissioner Robinson, seconded by Commissioner Bachmann and carried unanimously:

<u>GENERAL FUND:</u>		<u>INCREASE</u>
NON-DEPARTMENTAL EXPENDITURES:		
10-660-4200	Annual Christmas Program	400.00
GENERAL FUND:		
10-390-0100	Gen. Fund Bal Approp.	400.00

Commissioner Hough asked if the sewer tap fee of \$350 plus additional costs was sufficient. Commissioner Bachmann and Mayor Lewis agreed that the fees are reasonable and everyone agreed to leave as is.

Commissioner Hough moved to accept Chief Charles Ferrell's resignation effective December 23, 2010. Commissioner Robinson seconded and the motion carried unanimously.

Chief Ferrell had three requests to the Board. He asked that his insurance be extended through December 31, 2010; to be paid for his accumulated vacation; and to remove the suspension from his personnel file. Commissioner Robinson moved to extend Ferrell's insurance to December 31, 2010 at 12:00 midnight. Commissioner Bachmann seconded, and the motion carried unanimously. Mayor Lewis advised Ferrell that the last two requests would be discussed further in Closed Session.

Commissioner Robinson moved to go into Closed Session under G.S.143-318.11(a)(2) to discuss a recommendation for an award, under G.S.143-318.11(a)(5) to discuss a contract, and G.S.143-318.11(a)(6) to discuss personnel matters.

Back in Open Session, Mayor Lewis advised that the Board will proceed with the award as recommended, which will be disclosed at a later date. Commissioner Bachmann asked that his last name be corrected on the plaque of Distinguished Citizens in the town hall.

Commissioner Bachmann moved to terminate part time Utility Department employee Linwood Smith effective immediately. The motion was seconded by Commissioner Robinson and carried unanimously.

Commissioner Bachmann moved to pay Charles Ferrell for his accumulated vacation subject to the following conditions: (a) that he work his two week notice, (b) that all computer and other passwords are turned over to Sergeant Murray and Sergeant Murray has access to all records and mandated officer training documentation is in order and on file with Training and Standards, and (c) all town equipment, uniforms, etc are turned in. The motion was seconded by Commissioner Robinson and carried unanimously.

Mayor Lewis advised that Sergeant Murray is the Acting Chief of Police for the time being effective December 23, 2010 at 12:00 midnight. Being no further business, Commissioner Hough moved to adjourn.

Jennifer Lambert
Clerk

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