

**Town of Marshville
Town Council Meeting
Monday, December 2, 2013
Marshville Town Hall – 201 West Main St.**

Regular Meeting Minutes

Council Members Present: Mayor Franklin Deese, Mayor Pro-Tempore Matthew Jefferson, Council Members Norma Carpenter, Margaret Bivens, Gary Huntley and Dora Bridget, Council Members Elect Virginia Morgan and Jim Rowell

Staff Present: Town Manager, Amanda Reid; Town Clerk, Tonya Johnson; Town Attorney, Bobby Griffin; Director of Public Works, Bivens Steele; Park Director, Alan Thifault; Chief of Police, Carl Webber; Director of Utilities, Alicia Melton; Assistant Clerk, Debbie Morton and Police Lieutenant Matt Tarlton

Call to Order/Invocation/Pledge of Allegiance

Mayor Deese called the meeting to order at 7:00 p.m. Council Member Huntley offered the invocation. The Pledge of Allegiance was offered by all in attendance.

Adoption of Agenda for the Meeting

A motion was made by Council Member Bivens to add to the agenda a discussion regarding the cost of exercise classes. The motion was seconded by Council Member Huntley and passed unanimously. Mayor Deese added this discussion as item #12.

Council Member Carpenter made motions to add the discussion and possible action regarding a budget amendment and to add the discussion and possible action concerning town governance to the agenda, however, both motions died for lack of a second. Council Member Carpenter then made as motion to add a closed session per NCGS 143-318.11 (a) (6) *To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee...* The motion was seconded by Council Member Huntley and passed 4 to 1 (Council Members Carpenter, Bivens, Huntley & Bridget in favor and Mayor Pro-Tem Jefferson opposed). The Town Attorney stated that closed session under the referenced statute would be to review personnel performance and Town Council could not discuss personnel in general. Under the Council-Manager form of government the Town Manager is over all personnel and responsible for evaluating the performance of employees. The Town Council only evaluates the performance of the Town Manager. Council Member Carpenter clarified that the personnel discussion would be to evaluate the performance of the Town Manager. Council Member Huntley withdrew the second to the motion. The motion died due to lack of a second.

Mayor Deese recommended that Mr. Robert Cook's presentation be moved to the top the agenda since he would be traveling back to Charlotte that evening. A motion was made by Council Member Bridget to move Mr. Cook's presentation to item #3, seconded by Council Member Bivens and passed unanimously.

A motion to add the November Budget Report to the consent agenda was made by Council Member Bivens, seconded by Council Member Huntley and passed unanimously.

A motion to adopt the agenda with the approved changes was made by Council Member Huntley, seconded by Council Member Bivens and passed unanimously.

Presentation of Information – CRTPO Overview

Mr. Robert Cook, Charlotte Regional Transportation Planning Organization, addressed the Town Council explaining the CRTPO basics, expansion, core responsibilities, strategic transportation investments and project prioritization. The core function is to allocate federal surface transportation funds and to ensure those funds are in line with federal policies. Mr. Cook explained primary committees of the CRTPO which include the MPO made up of elected officials, the TCC, an advisory body and several subcommittees. The MOU (Memorandum of Understanding) is the CRTPO's governing document establishing roles and responsibilities. As a result of the 2010 Census, expansion of the MPO now includes Iredell County and

further into Union County. Major tasks include Metropolitan Transportation Plan, Transportation Improvement Plan, Prioritization 3.0, Congestion Management Process and Comprehensive Transportation Plan. Mr. Cook identified the strategic transportation investments as statewide mobility addressing statewide projects such as interstates, regional impact focusing on improving connectivity within regions and division needs addressing local needs. Mr. Cook stated that under the new transportation funding formula there is no local input concerning statewide mobility investments and 15% and 25% respectively with regard to regional impact and division needs. Mayor Deese expressed concern that towns have little or no say concerning needed projects within their corporate limits. Mayor Pro-Tempore Jefferson questioned voting privileges for participants. Mr. Cook stated that the revisions to the MOU, signed by the Secretary of Transportation in early October, provide for the member jurisdictions to have voting eligibility. Mr. Cook informed the Council of an orientation for new members on January 8, 2014 at the Charlotte-Mecklenburg Government Center.

Public Comment

Erby Laney of 8519 Hwy. 74 East, Marshville, addressed the Council concerning an encroachment agreement for the Hwy. 74 Pump Station. Mr. Laney said he believed the right to encroach ended upon completion of the construction of the pump station. Mayor Deese informed Mr. Laney that until Mr. Harrington, who previously submitted a letter on Mr. Laney's behalf, issues a statement that he doesn't represent Mr. Laney the Council is not at liberty to have discussions on the matter. Mr. Laney stated he would see that a letter be delivered to the Town Attorney.

Mark Traywick of 8216 Hwy. 74 E., Marshville, expressed to the Council his opinion that the Council-Manager form of governance works for Marshville and doesn't believe certain accomplishments namely Small Town Main Street designation, would have been achieved under another form of government.

Becky Griffin of 722 E. Union Street, Marshville, expressed concern about vicious dogs after pit bills attached and killed three of her pets on her property. She stated that dogs should be should be contained and asked that a vicious dog ordinance be considered. Ms. Griffin also stated she has chickens and is in violation of the Town ordinance for containment animals as it relates to proximity to an adjacent property. She asked that the ordinance be amended to change the proximity guidelines from 100 feet to 10 feet.

C. W. Smith of 1015 Forest Drive, Marshville, extended an invitation to everyone to visit his residence on Friday's and Saturday's to enjoy Christmas lights and music during the holiday season.

Old Business

Consent Agenda

- November 4, 2013 Town Council Minutes – Regular Meeting
- Budget Report as of October 31, 2013
- Budget Amendment 2014-01 – Police Grant – CSX
- Budget Amendment 2014-02 – NC-IRMA – Insurance Proceeds for Auto Claim
- Budget Report as of November 30, 2013

A motion to accept the consent agenda and approve the items thereon was made by Council Member Bridget, seconded by Council Member Huntley and passed unanimously.

Public Hearing: Various Text Amendments to the Marshville Land Use Ordinance to comply with NC State Legislation (2013-126) & Municipal Records Retention Schedule

A motion to open the public hearing was made by Council Member Carpenter, seconded by Council Member Bivens and passed unanimously. The Town Manager stated the revisions are in compliance with recent legislative changes in General Statutes concerning Board of Adjustment procedures. Staff recommended striking additional text in Section 105 that describes retaining a tape recording of all proceedings for a two (2) year period in addition to minutes since recordings are not a requirement of the General Statutes and the Town lacked the digital storage to maintain years of audio recordings. In response to a question raised by John Edmondson regarding how long recordings are kept, the Town Manager stated that recordings are destroyed upon approval of the written minutes which are the official record of the meeting. Recordings of meetings are not required by state statute and are used only to ensure accuracy for the written minutes as the official record of the meeting. A motion to close the public hearing was made by Council Member

Bridget, seconded by Council Member Huntley and passed unanimously. Mayor Pro-Tem Jefferson made a motion to accept various text amendments to the Marshville Land Use Ordinance to comply with State Legislation (2013-126 & Municipal Records Retention Schedule) as presented. The motion was seconded by Council Member Bivens and passed unanimously.

Public Hearing: EPA Brownfield's Grant Application & RFP

A motion to open the public hearing was made by Council Member Huntley, seconded by Council Member Bridget and passed unanimously. Ms. Mary Beck explained this grant money assists with Phase I and Phase II Environmental Assessments on properties. This public hearing is to notify the public of the Town's intent to apply for the highly competitive Brownfields Grant. Ms. Beck stated that Requests for Proposals were advertised and mailed to five firms. The proposals were evaluated by herself, the Town Manager, and Public Works Director. Ms. Beck reviewed the criteria and scoring for the firms and recommended the RFP for engineering be awarded to Locklear, Locklear, and Jacobs, PLLC Engineering Firm based on the scoring for the evaluation. There being no further comments, a motion to close the public hearing was made by Council Member Bridget, seconded by Council Member Huntley and passed unanimously. A motion was made by Council Member Bivens to award the RFP for engineering to Locklear, Locklear, and Jacobs, PLLC Engineering Firm, seconded by Council Member Bridget and passed unanimously.

Tentative Award of Engineering & Administration RFP upon approval from NC Rural Center & CDBG Economic Development Infrastructure Grants

Ms. Mary Beck stated that Request for Proposals were advertised and mailed to five firms for administration and engineering of the CDBG Infrastructure Grant. The proposals were evaluated by herself, the Town Manager, and Public Works Director. Ms. Beck reviewed the criteria and scoring for the firms and recommended the RFP for engineering be awarded to LKC Engineering based on the evaluations. A motion to award LKC Engineering the Administration and Engineering of the CDBG Grant funding was made by Mayor Pro-Tem Jefferson, seconded by Council Member Bridget and passed unanimously.

Mayor Deese called for a recess at 8:30 pm and reconvened the meeting at 8:39 pm.

Discussion and possible action regarding Planning Board and Board of Adjustment Terms

Mayor Deese commented Loraine Long and Rusty Johnson both expressed interest in reappointment to both boards and Richard Paschal submitted an application requesting appointment to the Planning Board and Board of Adjustment. Nancy Ogburn, a current Planning Board member, also expressed interest in serving on the Board of Adjustment. Mayor Deese commented that the recent Town Council election created two new vacancies. Mayor Deese recommended appointing Mr. Paschal and Ms. Ogburn to fill vacant seats left by Virginia Morgan and Jim Rowell and reappointment of Lorraine Long and Rusty Johnson to the Board of Adjustment. A motion to accept these appointments to the Board of Adjustment was made by Council Member Bridget, seconded by Council Member Bivens and passed unanimously.

Mayor Deese commented that Richard Paschal applied for appointment to the Planning Board and Rusty Johnson and Loraine Long both expressed interest in reappointment to the Planning Board. One vacancy still exists. A motion to accept the appointment of Richard Paschal and the reappointments of Rusty Johnson and Loraine Long to the Planning Board was made by Council Member Bivens, seconded by Council Member Bridget and passed unanimously. An additional application was received from Mandi Maske to serve on the Planning Board. A motion to appoint Mrs. Maske to the Planning Board was made by Council Member Carpenter, seconded by Council Member Bridget and passed unanimously.

Discussion regarding Solid Waste fees & policies

Mayor Deese informed the Town Council that he still has not had a discussion with Ms. Kara Millonzi, UNC School of Government faculty member, and suggested the discussion be tabled to a future meeting. A motion to table the discussion of Solid Waste fees and policies was made by Council Member Bridget, seconded by Council Member Bivens and passed unanimously.

New Business

Organizational Procedures: Mayor Deese recognized out-going Council Members Mayor Pro-Tempore Matthew Jefferson and Council Member Dora Bridget and presented each with a plaque expressing

appreciation for their years of service to the Town of Marshville. Judge Hunt Gwyn congratulated Mayor Deese on his re-election and Virginia Morgan and Jim Rowell on their election to the Marshville Town Council and administered the Oaths of Office to the elected officials.

- *Selection of Mayor Pro-Tempore* – A motion to appoint Dr. Morgan as Mayor Pro-Tempore was made by Council Member Carpenter, seconded by Council Member Rowell and passed unanimously.
- *Appoint Representatives to various boards (Delegates & Alternates)*: Mayor Deese asked if any council member is interested in serving on any of these boards. Mayor Pro-Tem Morgan volunteered to serve as representative for Centralina Council of Governments. Council Member Rowell volunteered to serve on the CRTPO Technical Advisory Committee. Council Member Bivens agreed to serve as representative for the Marshville Museum & Cultural Center. Mr. Ned Beachum was also appointed as the citizen to serve on the Marshville Museum & Cultural Center Board.

Discussion and possible action concerning Exercise Class Fees

Council Member Bivens stated she received a letter from a citizen regarding the fee for the exercise class. The Town Manager distributed her budget worksheets showing how the fees were calculated. The fee was increased from \$2.50 to \$4.00 in FY 2013-2014. Council Member Rowell expressed concern that fees were calculated based upon more classes than are held. The Town Manager responded that the program operated at a loss. The maximum number of classes for the year was budgeted to cover the costs of the instructor; however the fees were based on the average participation of 5 people per class and the instructor fee of \$30 per class. Mayor Deese commented that essentially the Town lost \$10 every class at the current fee. The Park Director explained that based upon the average number of participants (5-6 depending on the time of year) the fees do not nor have they ever covered the cost of the classes. He also stated that citizens can participate in similar programs in Monroe for a \$25 annual fee. Mayor Pro-Tem Morgan stated that taxpayers should get something for their money and questioned the possibility of different prices depending upon whether a participant is a resident or a non-resident. Mayor Deese stated that the Council can change fees and continue to offer the exercise classes at a loss. Mayor Deese asked staff to obtain information to bring back to council at the next meeting for discussion.

Action to Amend the Agenda and Add Items for Discussion and Possible Action

Council Member Rowell made a motion amend the meeting agenda. The motion seconded by Mayor Pro-Tem Virginia Morgan and passed with a 3 to 2 vote (Council Members Bivens and Huntley opposed).

A motion to add the discussion and possible action regarding a budget amendment to the agenda was made by Council Member Rowell, seconded by Mayor Pro-Tem Morgan and passed 3 to 2 with Council Members Bivens and Huntley opposed.

A motion to add a discussion concerning town governance (form of government) to the agenda was made by Council Member Rowell, seconded by Mayor Pro-Tem Morgan and passed 3 to 2 with Council Members Bivens and Huntley opposed.

A motion to add a Closed Session for the discussion and possible action concerning personnel in accordance with NCGS 143.318.11 (a) (6) (*To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee*) to the agenda was made by discussion Council Member Rowell, seconded by Mayor Pro-Tem Morgan and passed 3 to 2 with Council Members Bivens and Huntley opposed.

Discussion and possible action regarding a Budget Amendment

Council Member Rowell made a motion to eliminate job descriptions for a Crew Leader (salary range \$36,000 to \$42,000 DOQ) and a Customer Service Representative (salary range \$10.00 to \$12.00/hour DOQ) and the budgeted amounts be re-appropriated to the Enterprise Fund Balance. The Town Manager stated the positions were budgeted out of both the General Fund and Enterprise Fund and because the funds operated independently of one another amounts should be returned to the respective funds. Council Member Rowell amended his motion to return amounts to their respected funds. The motion was seconded by Mayor Pro-Tem Morgan. Discussion ensued with Council Member Bivens expressing opposition to the elimination of any position from public works department. Council Member Rowell questioned the Public

Works Director on the personnel needs of the department. The Public Works Director stated the Public Works department has always employed seven full time employees including the Director and a Crew Leader position that was never filled when an employee retired several years ago. The department is short staffed and he would like to see the department return to that staffing level. Currently, the meter reading process is done by Equipment Operators and takes two employees approximately twelve days. The Town Manager commented that transitioning away from having the same employee reading meters was to comply with recommendations from the utility audit and agencies. Council Member Bivens reiterated that positions should not be cut from the Public Works department.

The Town Manager distributed spreadsheets to the Town Council illustrating various job descriptions, the duties assigned to those positions and duties performed outside the assigned roles. The handout showed the reassignment of duties to different staff and how the positions are/would change to address responsibilities and duties not currently covered. The Town Manager explained that the Director of Utilities position was a modification of the Assistant Public Works Director Position approved and budgeted previously, but not filled. The position was also designed to oversee billing processes, administration and reporting for state agencies, and mapping among other tasks, not to replace the Utility Billing Clerk (First Assistant Clerk) position. The Customer Service Representative position's primary function would be customer service, taking payments, utility billing and account management and would serve as administrative support for staff. Mayor Pro-Tem Morgan questioned where the job descriptions came from. The Town Manager replied that the information was taken from existing job descriptions. The two new descriptions were updates of old descriptions.

Mayor Deese stated the Town Hall always had at least four staff members. Currently, Town Hall staff includes the Town Manager, Town Clerk/Finance Officer, Tax Collector/Assistant Clerk, and an Intern which is temporary. Mayor Deese commented that the Assistant Public Works Director position was never filled and that the Director of Utilities position was taking the place of that. Debra Leigh (Utility Billing /First Assistant Clerk) was not replaced after retirement. Mayor Deese stated the intern is short term and beneficial, but also cost effective because the Town does not have to pay benefits. Mayor Deese urged the Town Council not to act too hastily in eliminating the positions or funding. Discussion concluded and the motion for a budget amendment to eliminate the Crew Leader and Customer Service Representative job descriptions passed 3 to 2 with Council Members Bivens and Huntley opposed. Mayor Pro-Tem Morgan suggested that the Public Works Director evaluate the needs of the department and bring information to the Town Council at the next meeting.

Discussion concerning Town Governance (Form of Government)

Council Member Rowell asked the Town Attorney what would be required to change the form of town government (from Council-Manager back to Council-Mayor). The Town Attorney replied that this can be accomplished by amending the charter in one of three ways: by ordinance, referendum election by the voters, or by legislative action.

Closed Session – Personnel: *NCGS 143-318.11 (a) (6.) Closed Sessions: To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee.*

At 9:45 pm a motion to go into closed session per the statute cited above was made by Council Member Bivens, seconded by Mayor Pro-Tem Morgan and passed unanimously. All those present except the Town Attorney were excused.

Action Resulting from the Closed Session

A motion to call a special meeting for Tuesday, December 10, 2013 at 6:30 pm at Town Hall for the purpose of a closed session per NCGS 143-318.11 (a)(6) to discuss personnel and to extend an invitation to the Town Manager and Town Attorney only was made by Council Member Rowell seconded by Council Member _____ and passed unanimously.

Town Manager's Report

Town Manager stated that her report and staff reports were distributed to the Town Council previously.

Mayor and Town Council Member Comments

Council Members Bivens and Carpenter welcomed the newly elected council members and Council Member Huntley wished everyone a Merry Christmas.

Council Member Rowell thanked everyone for their vote and reminded everyone of the Christmas Tree Lighting on December 6th, 2013. He also informed the Town Council of an informational meeting concerning natural gas on December 11, 2013 at 2:00 pm.

Mayor Pro-Tem Morgan thanked everyone for their vote and requested that the old public address system be set up because of difficulty hearing in the back of the room.

Mayor Deese shared a thank you note to the Town from Ms. Nancy Ogburn. He also shared information concerning public hearings by the NC Department of Transportation regarding the Monroe Bypass scheduled for December 9, 10 and 11, 2013. Mayor Deese reminded council members of a Small Town Main Street meeting at the Community Center on Tuesday, December 3, 2013 at 5:30 pm and the annual Martin Luther King Jr. breakfast to be held in January.

Adjourn

There being no further comments the meeting adjourned at 10:37 pm.

These minutes approved this 6th day of January, 2014.

By: _____

Franklin D. Deese, Mayor

Attest: _____

Tonya D. Johnson, Town Clerk