



Town of Marshville Town Council Meeting

Thursday, March 23, 2017, 3:00 PM
Marshville Community Center

SPECIAL MEETING MINUTES

Present: Mayor Frank Deese; Mayor Pro-Tem Virginia Morgan; Council Member Margaret Bivens; Council Member Norma Carpenter; Council Member Jim Rowell; and Council Member Ernestine Staton

Staff Present: Tonya Johnson, Town Clerk/Finance Officer; Ricky Bourne, Public Works Director; Matt Tarlton, Police Chief

Call to Order/Invocation/Pledge of Allegiance

The meeting was called to order at 3:00 pm by Mayor Frank Deese. Council Member Carpenter gave the invocation. The Pledge of Allegiance was given by everyone.

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; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee. General personnel policy issues may not be considered in a closed session. A public body may not consider the qualifications, competence, performance, character, fitness, appointment, or removal of a member of the public body or another body and may not consider or fill a vacancy among its own membership except in an open meeting. Final action making an appointment or discharge or removal by a public body having final authority for the appointment or discharge or removal shall be taken in an open meeting.

A motion to go into closed session per the statute cited above was made by Council Member Rowell. The motion was seconded by Council Member Staton and passed unanimously. At this time all staff and any members of the public were excused from the closed session.

After discussion concerning an interim town manager, Council Member Rowell made a motion to come out of closed session. The motion was seconded by Council Member Staton and passed by unanimous vote.

Council Action Resulting from the Closed Session

Council Member Rowell made a motion to enter into an Interim Town Manager contract with Mr. Scott Howard effective today, March 23, 2017, at the rate discussed. The motion was seconded by Council Member Bivens and passed unanimously. Mayor Deese stated that per discussions with Mr. Scott Howard, he has agreed to serve as Interim Town Manager.

FY2017-18 budget planning discussions

Richard Smith, Benchmark CMR, Inc., - Planning/Zoning/Subdivision Administrator

Richard reported that presently Benchmark provides 2 days per week of service. A planner is in the office 1 day per week and a code enforcement officer 1 day per week. Richard asked the council if it wants to be proactive or reactive regarding code enforcement. He also asked the council if the current level of service is sufficient. Richard reminded the council that currently code enforcement is complaint drive (reactive). Richard reported that activity has been stable to increasing.

Richard explained that the new ordinance is being tested and it seems to be a bit of a learning curve. Richard stated that some changes to the ordinance have been discussed with Susan Drake, Planning Board Chairperson. Richard pointed out that if the current level of service is increased it may require an additional planner.

Council Member Rowell recommended that the town continue to work with Benchmark. Council Member Carpenter commented that her experience working with Richard has been positive. Mayor Deese questioned the types of inquiries received. Richard explained the interest in Marshville's downtown has increased.

Susan Drake, Chairperson – Marshville Planning Board

Susan Drake commented that as projects come before the Planning Board the ordinance is going to require tweaking. She stated that one big inhibition is the ongoing sewer issue, pointing out that the attorneys profit more than anyone. Susan commented that she doesn't know what progress is being made but that the issue needs to be resolved. She urged council to work towards a resolution with the county.

Mayor Deese stated that the town has offered to sit down with the county but the county is unwilling. Discussion ensued. Susan commented that according to discussions with Mr. Stony Rushing, he hasn't even read the contract. It seems that everything is being left to Union County's staff. Susan stated that she sees a stumbling block, not a stop sign. Mayor Deese commented that the commissioners need to stop relying so much on their staff because their staff has lied to them.

Council Member Carpenter reported that Mr. Richard Helms thinks the parties should sit down together. Council Member Rowell stated that the county's attorneys would be willing to talk; however, the current chairperson of the Board of Commissioners will only listen to Attorney Bishop.

Note: Mayor Deese interrupted the discussion to welcome Mr. Scott Howard. Mayor Deese stated that Scott has agreed to serve as Interim Town Manager effective 3/23/2017 at 3:35 pm. Mayor Deese administered the oath of office to Mr. Howard.

Susan Drake stated that she would like for Richard Smith and Benchmark to continue providing planning, zoning and code enforcement services to the town. Council Member Rowell asked Richard if the current level of service is sufficient. Richard stated that it is if the council chooses to remain complaint driven. If council desires to be more proactive then additional code enforcement services are needed. Discussion ensued regarding proactive versus reactive code enforcement. Richard stated that he will provide alternate proposals.

Bill Lester, LKC Engineering, PLLC – Project Consultant

Bill provided a handout of project updates, which is hereby included by reference and attachment as part of these official minutes. Bill reported that the sewer improvements for Anderson Behavioral Health were completed and certified as of June 17, 2016. Anderson has started filling positions to meet the job creation commitment, but to date all of the job pledges have not been met. Mr. Alfred Owens thinks that staffing may be completed by July 2017.

Bill reported that a change order for \$160,000 is in process for the pump station upgrades at the town's lagoon pump station. The work was included in the original grant request and was estimated to cost \$160,000.

Bill reported that the work on the US Highway 74 Water Main Replacement was recently completed. The project was certified on November 21, 2016. The project came in under budget. The contractor finished all services, punch list items, and received NCDOT release for the project. A final inspection was performed on March 21, 2107 by Ms. Dee Browder, from NCDEQ.

Mayor Deese if grant funds were available to use to apply toward repaying debt. Bill responded that he is not aware of any grant funds for that purpose. Bill commented that there may be a grant opportunity at the end of April.

Ricky Bourne, Public Works Director, asked Bill to elaborate on doing something bigger with Anson County. Bill commented that he has worked on costs to send all sewer flow to Anson County with the repairs needed on the town's side to enable Marshville to be able to do that. He commented that he's had some discussions with Anson County. Discussion ensued regarding sewer issue options. Bill stated that the cost will be \$3.5 million just to fix the system from Marshville to Anson County. He stated that he doesn't know what Anson County's cost would be to upgrade the system on their end.

Susan Drake questioned whether it was ever on the table for Union County to purchase the town's system. Mayor Deese commented that council has discussed it, but not with Union County. Mayor Deese stated that Union County has raped the town for twenty years.

Bill Lester reported that the Inflow & Infiltration Improvements have gone through the approval process. Funding was made available by NCDEQ Clean Water State Revolving Fund. The construction contract will be awarded to the low bidder at the April 2017 council meeting.

Bill reported that he and his staff are preparing for the final approval of plans for the Booster Pump Station Replacement & Water Main Extensions. He stated that the project is on schedule. Matt Tarlton, Police Chief, pointed out the amount of money being spent on these projects and questioned the town's ability to pay. Discussion ensued. Mayor Deese stated that he thinks that Union County owes the town money; therefore, they should pay for the town to send everything to Anson County. Ricky Bourne, Public Works Director, asked to be brought up to speed on past issues with Union County since he has only been with the town for a short time.

Bill reported that LKC Engineering has worked with Ricky Bourne and Ashley Proctor to assist in completing a conceptual master park plan. This will assist the town in applying for PARTF grant funding. Bill stated that the plan is very preliminary and it can be adjusted as desired. Council Member Staton did not like the plan. Discussion ensued. Bill stated that this is only a conceptual plan. The town must have a plan in order to get funding in the PARTF Program. Bill stated that time is of the essence in this matter and urged council to make him aware of what he needs to provide. Bill concluded his comments by stating that the park plan can be changed. Matt Tarlton suggested looking into a type of shelter/open auditorium for the park plan. Discussion ensued.

Council Member Rowell reported that it has come to his attention that the main contractor for the Anderson Project has asked to be replaced. He also heard that MCT was going to work to finish the project but then declined. Bill stated that the town's part of the project is okay.

A motion was made by Council Member Jim Rowell to go into 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; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee. General personnel policy issues may not be considered in a closed session. A public body may not consider the qualifications, competence, performance, character, fitness, appointment, or removal of a member of the public body or another body and may not consider or fill a vacancy among its own membership except in an open meeting. Final action making an appointment or discharge or removal by a public body having final authority for the appointment or discharge or removal shall be taken in an open meeting. The motion was seconded by Mayor Pro-Tempore Virginia Morgan and passed by unanimous vote.

Closed Session (4:30 pm)

Action Resulting from Closed Session

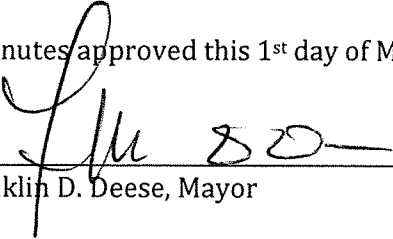
At 4:45 pm, Council Member Rowell made a motion to come out of closed session. The motion was seconded by Council Member Carpenter and passed by unanimous vote. The following action occurred as a result of the closed session. Council Member Rowell made a motion that a hiring freeze be implemented, with the exception of the Town Manager position, until such time that the interim town manager be able to review personnel and

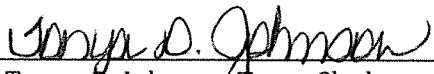
bring recommendations to the council. The motion was seconded by Mayor Pro-Tempore Virginia Morgan and passed unanimously.

Adjourn

A motion to adjourn was made by Council Member Ernestine Staton and seconded by Council Member Jim Rowell. The motion passed by unanimous vote.

These minutes approved this 1st day of May, 2017.

By: 
Franklin D. Deese, Mayor

ATTEST: 
Tonya D. Johnson, Town Clerk