

**Town of Marshville  
Town Council Meeting  
Monday, May 5, 2014  
Marshville Town Hall – 201 West Main St.**

## **REGULAR MEETING MINUTES**

**Council Members Present:** Mayor Franklin Deese, Mayor Pro-Tem Virginia Morgan, Council Members Margaret Bivens, Norma Carpenter, Gary Huntley and Jim Rowell

**Staff Present:** Interim Town Manager, Fern Shubert; Clerk/Finance Officer, Tonya Johnson; Interim Police Chief, Matt Tarlton; Director of Public Works, Bivens Steele; Director of Utilities, Alicia Melton; Park Director, Alan Thifault and Tax Collector, Debbie Morton

### **Call to Order/Invocation/Pledge of Allegiance**

At 7:01 pm Mayor Deese called the meeting to order. The invocation was offered by Council Member Gary Huntley. The Pledge of Allegiance was given by everyone.

### **Adoption of Agenda for the Meeting**

A motion to adopt the agenda as presented was made by Council Member Bivens, seconded by Council Member Huntley and passed unanimously.

### **Public Comment**

- Phil Woods of 318 N. Elm Street, Marshville, NC addressed the council concerning the property located at 404 N. Elm Street, the former First Baptist Church. Mr. Woods stated that the property sold in January 2014 to Global Investments for \$110,000 and opened as an event center on March 1, 2014 without proper building permits and without a Certificate of Occupancy from Union County. Mr. Woods stated that a zoning permit for a temporary structure was issued by Town of Marshville Planning/Zoning staff. Mr. Woods spoke with Union County officials and discovered that a stop work order was issued. Mr. Woods reported that multiple police calls have been made concerning the property. Mayor Deese commented that he became aware of the situation last week and that the manager had been directed to investigate.
- Olin Marsh of 2310 Marshville Olive Branch Road, Marshville, NC addressed the council concerning the municipal park. Mr. Marsh stated that he rents the park annually for a family reunion and was unable to reserve the park recently due to proposed changes in the rental policy to become effective July 1, 2014. Mr. Marsh urged the council to consider how the town leases the park. Mr. Marsh understands the town can't run the park for nothing and he does not mind paying a reasonable cost.

### **Consent Agenda**

- January 23, 2014 Town Council Minutes – Special Meeting
- March 3, 2014 Town Council Minutes – Regular Meeting
- April 7, 2014 Town Council Minutes – Regular Meeting (No quorum)
- Budget Amendment 2014-08 – CIP /Asset Management Plan Local Match Appropriation
- Budget Amendment 2014-09 – CDBG/NC Rural Center Economic Development Grant Local Match
- February 28, 2014 Budget Report

A motion to approve the consent agenda and the items thereon was made by Council Member Rowell, seconded by Mayor Pro-Tem Morgan and passed unanimously.

**Public Hearing concerning a proposed ordinance amending the Town of Marshville Land Use Development Ordinance To Correct Inconsistencies And To Align Policy With The Plans And Goals Of The Town**

A motion to open the public hearing was made by Council Member Rowell, seconded by Council Member Huntley and passed unanimously. Interim Town Manager Shubert stated that she has reviewed the proposed amendment with the N-Focus staff and the amendment basically resolves minor housekeeping issues in the current version of the ordinance. There were no further comments or discussion. A motion to close the public hearing was made by Council Member Rowell, seconded by Mayor Pro-Tem Morgan and passed unanimously. A motion to approve Resolution 13-017 amending the Town of Marshville Land Use Development Ordinance to correct inconsistencies and to align policy with the plans and goals of the town was made by Council Member Carpenter, seconded by Council Member Rowell and passed unanimously.

#### **Call for a work session for presentation of the Town Plan 2035 – Planning Staff**

Interim Town Manager Shubert reported that the N-Focus staff would be available on Monday, May 19, 2014 for a work session for the Town Plan 2035. The Interim Manager stated that the council could minimize meetings by having one work session for both the Town Plan 2035 and the FY 2014-2015 Budget. A motion to call for a special meeting on May 19, 2014 at 6:30 pm at Town Hall for the presentation of the Town Plan 2035 was made by Council Member Bivens, seconded by Council Member Rowell and passed unanimously.

#### **Discussion and possible action concerning a donation to the Police Department - Lt. Tarlton**

Interim Police Chief Tarlton informed the council that a citizen desires to donate \$3,000 to the town to be used for the Police Department in honor of the citizen's father. In return the donor has requested a letter from the town to be used for a tax deduction. Interim Chief Tarlton explained that the department would like to use the donation to purchase tasers. Council Member Carpenter asked if the donation would cover the costs of tasers. Interim Chief Tarlton commented that the money would likely cover the costs for two tasers and four holsters. A motion to accept the \$3,000 donation into the town's general fund was made by Council Member Rowell, seconded by Mayor Pro-Tem Morgan and passed unanimously.

#### **Discussion and possible action for the implementation of a Taser Usage and Deployment Guide and update to the Use of Force Policy – Lt. Tarlton**

Interim Chief Tarlton reviewed a Taser Usage and Deployment Guide as well as updates to the Use of Force Policy to include tasers. A motion was made by Council Member Rowell to adopt the Taser Usage and Deployment Guide and to update the Use of Force Policy as presented by Interim Chief Tarlton. The motion was seconded by Mayor Pro-Tem Morgan and passed unanimously.

#### **Discussion and possible action regarding the Rose Program Phase II – Alan Thifault**

Park Director Thifault provided a brief history of the Rose Program and provided information to the council explaining phase II of the Rose Program. Park Director Thifault explained that some of the proposed sites for plantings would be in the Department of Transportation's (DOT) right-of-way which would require a Planting Permit from the DOT. The permit must be issued to the Town and the DOT would visit all sites for approval. A motion to make an application to the N. C. Department of Transportation for a Right-of-Way Planting Permit for the Rose Program, Phase II was made by Council Member Rowell. The motion was seconded by Council Member Bivens and passed unanimously.

#### **Discussion and possible action regarding Departmental Restructuring among Parks and Recreation & Community Development**

The Interim Town Manager referenced a job description included in the agenda packet titled Community Development Director and commented that it represents a change in the job title and some of the described duties of the Park Director. Council Member Bivens asked if this change would interfere with the duties of the Park Director. The Interim Town Manager stated that it would not. Mayor Deese questioned if Mr. Thifault would replace the current code enforcement staff. The Interim Town Manager stated that a transition would not take place immediately but the plan is for Mr. Thifault to assume some of those responsibilities. Council Member Bivens stated she feels that code enforcement should remain with the current staff. The Interim Town Manager commented that the N-Focus contract will be renewing July 1, 2014 and the contract is being reworked. The Planning/Zoning and Code Enforcement staff doesn't spend

enough time at Town Hall. Mayor Pro-Tem Morgan commented that Mr. Thifault needs training. Mayor Deese pointed out that statutory requirements have to be carried out concerning code enforcement. Council Member Rowell made a motion to approve the job restructuring from Parks & Recreation Director to Community Development Director with the suggested text change under Statement of Primary Duties: "Inspects and assists with enforcing Town of Marshville Code of Ordinances relating to public and private property for maintenance, environmental, minimum housing, dangerous structures, junk vehicles, and other related ordinance violations." The motion was seconded by Council Member Carpenter and passed unanimously.

After some brief discussion the council directed staff continue making park reservations into FY2014-2015 at the current rate.

**Discussion and possible action regarding a Resolution to Surplus Property of the Town of Marshville**

A motion to approve the resolution authorizing the sale of surplus property by public auction using the services of Don Hall's Auction and contingent upon clarification that the Town of Marshville can legally sell the Honda Civic Hybrid was made by Council Member Rowell. The motion was seconded by Council Member Bivens and passed unanimously.

**Discussion and possible action concerning the FY2013-2014 Audit Contract (J. B. Watson & Co.)**

A motion to accept the audit contract with J. B. Watson & Co., P.L.L.C. was made by Council Member Rowell, seconded by Mayor Pro-Tem Morgan and passed unanimously.

**Discussion and possible action regarding an Ordinance amending the Charter of the Town of Marshville, as set forth in G.S. 160-A-101(9) of the Laws of North Carolina, as amended, to adopt the Mayor-Council Form of Government**

A motion that the form of government remain as a Council-Manager form of government was made by Council Member Rowell. The motion was seconded by Council Member Carpenter and passed unanimously.

**Discussion and possible action regarding a Resolution for a 12 Month Lease for the Property at 107 N. Elm Street**

A motion to approve a resolution authorizing execution of a 12 month lease for the property at 107 N. Elm Street, Marshville was made by Council Member Rowell, seconded by Council Member Bivens and passed unanimously.

**Discussion and possible action concerning the Proposed FY 2014-2015 Budget**

The Interim Town Manager commended the staff on their hard work to put the budget together. Council Member Rowell requested that a budget work session be scheduled for May 19, 2014. A motion to amend the previous motion for a special meeting for presentation of the Town Plan 2035 to include a budget work session for the FY 2014-2015 Budget was made by Council Member Rowell. The motion was seconded by Mayor Pro-Tem Morgan and passed unanimously.

**Closed Session - per NCGS 143-318.11. Closed sessions, (a) (5) To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (ii) the amount of compensation and other material terms of an employment contract or proposed employment contract.**

Before going into closed session the Interim Town Manager identified several properties to be discussed as Booster Pump location options, a map of which is hereby incorporated into these minutes.

A motion to go into closed session per NCGS 143-318.11. (a) (5), as cited above, was made by Council Member Huntley, seconded by Council Member Carpenter and passed unanimously. The Interim Town Manager, Town Clerk, Director of Public Works and the Town Attorney were invited into the closed session.

Mayor Deese called for a brief recess at 8:00 pm.

### Action as a Result Closed Session

A motion was made by Council Member Rowell and seconded by Mayor Pro-Tem Morgan that Fern Shubert be hired as Town Manager and that the contract be revised to include a paragraph as suggested by Attorney Griffin addressing that North Carolina is an Employment-At-Will state. The motion carried with a 3 to 2 vote (Council Members Bivens and Huntley opposed).

### Town Manager's Report

The Town Manager commented that the town has infrastructure issues. On a positive note, people are stepping up to contribute time and money to the town. Finally, the Town Manager stated that she appreciates this opportunity.

### Mayor and Town Council Member Comments

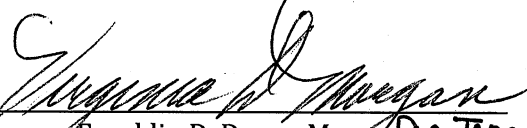
- Mayor Pro-Tem Morgan thanked Mandy Maske & Alan Thifault for the luncheon they put together at the Community Center. Mayor Pro-Tem Morgan also thanked the Interim Police Chief for a job well done.
- Council Member Huntley wished everyone a nice evening.
- Council Member Rowell commented that the Marshville Chamber of Commerce has begun making plans for the Boll Weevil Jamboree.
- Council Member Carpenter expressed thanks for the get well plant she received following her recent surgery. Council Member Carpenter also commented that she enjoyed the luncheon.
- Town Clerk/Finance Officer Johnson thanked the staff for their hard work in helping to ensure that the statutory deadline was met concerning FY 2014-2015 budget requests.

### Adjourn

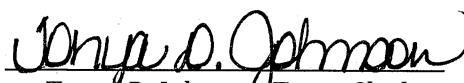
The meeting adjourned at 9:05 pm.

These minutes approved this 2<sup>nd</sup> day of June, 2014.

By:

  
Franklin D. Deese, Mayor Pro-Tem

Attest:

  
Tonya D. Johnson, Town Clerk