



**Town of Marshville**  
**Town Council Regular Meeting Minutes**  
**November 7, 2022 7:00 PM**  
**Marshville Town Hall**  
**118 East Union Street - Marshville, NC 28103**

**Present:** Mayor Larry Smith; Mayor Pro tem Ernestine Staton; Council Members Margaret Bivens, Paulette Blakeney, Monaca Marshall, and Gary Huntley

**Absent:** None

**Staff Present:** Franklin Deese, Town Manager; Michael Garrison, Interim Town Clerk/Finance Officer; Bobby Griffin, Town Attorney; Jonathan Wells, Planning & Zoning Administrator

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

Mayor Smith called the meeting to order at 7:00 PM. Everyone stood and gave the Pledge of Allegiance. Council Member Huntley gave the opening prayer.

**Public Comments:**

There were no public comments.

**Adoption of Regular Meeting Agenda:**

Manager Deese said he would like to add a discussion regarding advertising on the electronic sign to the agenda. Mayor Smith said to put it in at 4a of the Consent Agenda. Mayor Smith requested a motion to adopt the meeting Agenda. Mayor Pro-tem Staton made motion. Council Member Blakeney seconded. All ayes. Motions passes unanimously.

**Adoption of Consent Agenda:**

Mayor Smith requested a motion to adopt the consent agenda and the approval of the August 15<sup>th</sup> and September 6<sup>th</sup>, and September 19<sup>th</sup>, 2022 meeting minutes and the Grant Project Ordinance for the Town. Manager Deese stated that he had a person call in and state that there is an error on page three of the September 6<sup>th</sup> meeting minutes transcript regarding two new board members on the Marshville Museum. There should be two new volunteers to work, not board members. Mayor Smith then requested a motion to adopt the consent agenda with that one change. Mayor Pro-tem Staton made motion. Council Member Bivens seconded. All ayes. The motion passes unanimously.

**Discussion Regarding Advertising on Town Electronic Sign:**

Manager Deese explained that the museum had written a request to advertise on the electronic sign. In addition, manager Deese explained that this issue of allowing nonprofit organizations to advertise on the sign had been discussed before.

Mayor Pro-tem Staton stated that there had been discussion about the Marshville ABC Store removing their banner from the electronic sign and getting their own sign. Mayor Smith agreed there had been talk about that.

Manager Deese stated that the company he hired has started work on branding for the Town and that he doesn't think it would be a good idea to put anything on the sign while the branding work is taking place.

Mayor Smith asked Manager Deese if he would speak to the ABC Board about work towards getting their own sign. Manager Deese said he would talk to the ABC Board.

Manager Deese said that the Marshville Museum is considered a nonprofit and that there was discussion about if one nonprofit advertised on the sign, then the Town would have to let other nonprofits advertise on the sign.

Bobby Griffin explained that this issue was discussed a few years ago and that there was a vote on it and that the board should look back in the minutes about the vote.

Manager Deese stated that it was decided by the Council that only the business by the Town would be allowed on the sign and that he would go back and look at the minutes.

There was no action by the Council.

**Codifying the Mural Ordinance:**

Manager Deese gave Mr. Wells the floor.

Mr. Wells explained that two areas in the ordinance deserve some modification. The first is in Article 3, which is the definition portion of the ordinance. Mr. Wells advised putting a definition of the word "mural" in Article 3 of the ordinance. Next, Mr. Wells skips to Article 17, the Sign Ordinance, and suggests including "mural" as a category under the sign ordinance and include parameters and characteristics the community would want to see for murals. This would include messages, designs, what would and would not be permitted, and what zoning districts murals would be permitted. Mr. Wells then explained that the Town would want to include murals in the fee schedule, and there would need to be a mural application form for mural approval. Mr. Wells stated that he is currently working on language for the ordinance and is already discussing things with the town planning board.

**Discussion/Action concerning the 2022 PARTF Contract:**

Manager Deese explained the contract and that they are at the point now where the Council would need to direct the Mayor to sign the contract. Manager Deese reminded the Council that this \$500,000 grant is a dollar-for-dollar match and is a reimbursement. The Town will have three years to spend the money.

Mayor Smith requested a motion to authorize Town Manager Deese to sign the PARTF Contract on the Town's behalf. Council Member Blakeney made the motion, and Council Member Huntley seconded. All Ayes. The motion passes unanimously.

**Discussion/Action concerning Meter Tampering Policy:**

Manager Deese explained that the Town has run into several issues regarding meter tampering, including cutting wires on the new electronic meters. The Town worked with a company to help

write the new policy, so it is within the law and asked the Council for any questions or suggestions.

Council Member Marshall asked if the Town was still enforcing the meter tampering fee.

Manager Deese explained that the Town could not charge a tampering fee due to state statutes, but the Town is allowed to issue a warning, remove the meter, and as a last resort, the Town could charge them with a misdemeanor.

Mr. Griffin explained that the general statute regarding utility meter tampering is a penalty statute and a criminal penalty and asked if this was providing notice mechanisms.

Manager Deese explained that this policy allows the Town other options instead of charging someone criminally each time.

Mr. Griffin asked if this policy would allow the Town to remove the meter.

Manager Deese said that was correct. Manager Deese explained that the general statute doesn't say we have to issue a warning; this policy affords the Town more flexibility on handling these offenses.

Mayor Pro-tem Staton said she agrees to one warning, but not more than once because the time and cost of repairing meters add up.

Mayor Smith stated that this policy is at the will of the Council and they can vote to approve it as presented, deny it, or table it and have the manager conduct additional research on the matter.

Mayor Pro-tem Staton asked how it would be decided who gets a warning. If we give one person a warning, then we have to give everyone a warning. She wants to make sure the policy is implemented so that everyone is treated fairly, especially if there is staff turnover. Also, the policy must be consistent across the board so staff will know what to do.

Mayor Smith added that this policy is intended for intentional tampering. Mayor Smith asked about accidental scenarios where someone may accidentally run over the meter box or if someone accidentally hits it with a lawnmower?

Mayor Pro-tem Staton said those meter boxes are easy to open and don't lock.

Manager Deese explained the cost was too much to get lids that lock. Manager Deese then stated that there needs to be some leeway for judgment.

Mayor Smith again asked if there was a motion to approve the policy as presented, deny it, or table it for further research.

Council Member Bivens made a motion to accept the meter tampering policy as presented. Council Member Huntley seconded. Council Members Bivens, Blakeney, Marshall, and Huntley all voted aye. Mayor Pro-tem Staton voted nay. Motion passes 4 to 1.

**Discussion of Ordinance prohibiting animals at Town sponsored events:**

Manager Deese explained this issue was discussed and voted on by the Council in 2016, and it was approved, but could not find it in writing. He explained that he had directed staff to look at other towns and see their practices for this issue. Manager Deese explained this is to protect citizens and the Town. If the Town sponsors a public event, or if someone is holding an event on Town-owned property, then you cannot have animals there except special service dogs.

Mayor Smith suggested adding terminology such as “seeing eye dogs for the legally blind”. Mayor Smith also expressed concern if it is commonly understood which roads and sidewalks belong to the Town.

Manager Deese stated he will take this proposed ordinance amendment back for more research.

**Manager’s Comments:**

Manager Deese explained that CSX will be doing work on some of their crossings and printed off a list of the dates of the closings. He stated that nothing was listed for Cross Street or Elizabeth Avenue and he doesn’t know if that means they will not be closed but he will find out. Manager Deese went on to explained that he applied for the NC Commerce Grant and that was submitted on time. It is a \$255,000 amount and there is no match. It is to revitalize downtown, it’ll work on Main Street and Union Street, and parking.

**Council Member Comments:**

Council Member Bivens asked when the Council was going to take a tour of the Town. Manager Deese explained that he has sent the new dates to the van rental and has not heard back.

Council Member Blakeney stated she was glad to see everyone and wished everyone a blessed week.

Council Member Huntley hoped everyone had the chance to vote already and, if not, then to get out and vote. He stated he doesn’t care if a person is Republican, Democrat, or Libertarian. This is the United States of America and not the “divided” States of America. Council Member Huntley also thanked all of the Veterans.

Council Member Marshall stated she had no comments.

Mayor Pro-tem Staton stated she was thinking about that tour. She wants to visit all properties that the Town owns and see what condition they are in. Also, she wants to get the Town clean up in motion.

**Mayor Comments:**

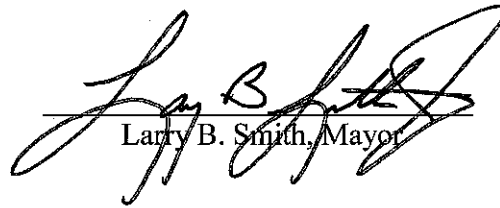
Mayor Smith stated that he wants to give public appreciation to the Charles N. Creech family for the property they have donated to the Town. Mayor Smith also said that he was approached by

Union County Crime Stoppers for support for their annual barbeque and asked the Council to keep them in mind. Finally, Mayor Smith wanted the Council to know that the Planning & Zoning Administrator is here only one day a week and that he and Manager Deese have discussed this. If need be, Manager Deese is authorized to sign off on documents.


**Adjournment:**

Mayor Smith requested a motion to adjourn the meeting. Council Member Bivens made a motion, and Council Member Huntley seconded. All ayes. The motion passes unanimously. Meeting adjourned at 8:19 PM.

Approved this 5<sup>th</sup> day of December, 2022.

  
Larry B. Smith, Mayor

ATTEST

  
Ann F. Sutton, Town Clerk