

**Town of Marshville  
Town Council  
Monday, October 5, 2009  
7:00 p.m.**

**Joint Public Hearing with Union County Historic Preservation Commission  
Landmark Designation of the Hamilton-Marsh House  
1311 Highway 205, Marshville, NC**

Followed by:  
**Regular Meeting**

Present: Mayor Franklin Deese, Mayor Pro-Tem Gail Kiker, Council Members Ned Beachum, Margaret Bivens, Dora Bridget and Denise Whitley, Interim Town Administrator John Munn, Attorney Bobby Griffin, Public Works Director Bivens Steele, Police Chief Mike Gaddy, Parks Director Alan Thifault, and City Clerk/Finance Director Shelley Maness.

**PUBLIC HEARING**

Mayor Deese welcomed everyone in attendance and opened the Public Hearing regarding the Landmark Designation of the Hamilton-Marsh House located at 1311 Highway 205, Marshville, NC.

Virginia Bjorlin, representing Union County Historic Preservation Commission, appeared to speak in favor of the landmark designation of Hamilton-Marsh House. Mrs. Bjorlin advised that the lovely home was built in 1890 by Mr. Hamilton and later acquired by Augustus Marsh. The present owners, Mr. and Mrs. Bill Potter, were also in attendance. Mrs. Bjorlin said she would be glad to answer any questions.

There being no further public comments, the public hearing was closed at approximately 7:05 p.m.

**REGULAR MEETING**

Mayor Deese opened the regular meeting at 7:05 p.m. and again welcomed everyone in attendance. Council Member Beachum gave the invocation. All gave the Pledge of Allegiance.

Public Comments.

Rusty Johnson, 115 Shady Lane, urged Council to give the landmark designation of Hamilton-Marsh House a positive consideration. Mr. Johnson also expressed his belief that the Town should not purchase the church property. Mr. Johnson suggested that Council consider participation in the National Night Out program.

Joy Rey, 618 Ross Street, agreed with Mr. Johnson that the Town should not buy the church property. Ms. Rey indicated the money could be better used to improve the community or employ more police officers.

There were no other public comments.

Adopt Agenda.

Council Member Whitley made a motion to remove from the agenda Item #11 Discuss Vicious Dog Ordinance and Item #12 Code Enforcement Update, and add Discussion and Possible Action Regarding Speed Hump on S. Austin Street. Council Member Bivens seconded the motion. Vote: All ayes.

Council Member Bridget made a motion to adopt the agenda as amended, seconded by Council Member Beachum. Vote: All ayes.

Consent Agenda.

Council Member Bridget moved to approve the consent agenda as presented which included the following:

- A) 2009 Tax Releases
  - 1) Tax bills less than one dollar; Total Released \$9.99
  - 2) Tax bills with Unknown Property Owner; Total Released \$1.41
- B) Receive Budget Report

The motion was seconded by Council Member Beachum. Vote: All ayes.

Ordinance to Designate the Hamilton-Marsh House as an Historic Landmark.

Union County Historic Preservation Commission provided the Ordinance to designate the Hamilton-Marsh House located at 1311 Highway 205 Marshville. Mr. Bill Potter, current owner, corrected the address of the property to 1113 Highway 205. The words in the first sentence of the Ordinance “to amend Section” were removed. All documents and publications were properly executed and the owners agreed to the designation.

Council Member Bridget moved to adopt the Ordinance to designate the Hamilton-Marsh House as an Historic Landmark, seconded by Council Member Bivens. Vote: All ayes.

Discuss Vicious Dog Ordinance. *(Removed from Agenda)*

Discussion and Possible Action Regarding Speed Hump on S. Austin Street.

Mayor Deese advised that a petition had been filed with signatures of 77% of the residents on S. Austin Street requesting a speed hump. The traffic study had been received and noted that 772 vehicles passed thru in a 72-hour period. Council Member Whitley made a motion to approve the erection of a speed hump on S. Austin Street, seconded by Council Member Bivens. Vote: All ayes.

Code Enforcement Update. *(Removed from Agenda)*



Council Member Bivens made a motion to keep and maintain the property at 107 N. Elm Street as it does serve a public purpose.

Council Member Whitley seconded the motion. The motion passed by a 4 to 1 vote. (Ayes: Council Members Beachum, Bivens, Bridget and Whitley; Nays: Mayor Pro-Tem Kiker)

John Edmondson asked what the public purpose was for the property. Mayor Deese said he would research the matter and find out.

Consider Added Responsibilities to Parks and Recreation Director Position.

Mayor Pro-Tem Kiker advised Council that she had done research on enforcement of ordinances in other towns and had asked Parks and Recreation Director Thifault to look into the same. Council discussed the issue of code enforcement handled by the municipalities through the Council of Governments and what the County provided. It was the consensus of the Council that due to the search for a new Town Administrator and the possible reversion of town ordinances, it would be beneficial to wait before taking action regarding the enforcement issue.

Discussion of the Next Steps in Hiring Process for Town Administrator Position.

Mayor Deese advised the Council that 85 resumes had been submitted for the position of Town Administrator. Council agreed that they could review the applications at a later meeting when there were not as many issues on the agenda. Mayor Deese suggested that the applications could be reviewed at the special meeting pending for the following week.

Comments:

Council Member Beachum expressed his appreciation to Chief Gaddy's officers for leaving notices in business doors informing them that the building had been checked at a certain time.

Mayor Pro-Tem Kiker encouraged the Council and residents to attend the family events at the Community Center organized by Parks Director Thifault.

Council Member Bridget noted that the police department had received many compliments for their visibility.

Council Member Whitley expressed her concern regarding recent decisions made by Council that could be in violation of the town's charter and personnel policy. Council Member Whitley encouraged Council to seek the advice of the attorney concerning issues that could place the town and individual members of Council in a liable situation.

Chief Gaddy advised that the card drop project had received numerous compliments as a positive action.

Town Clerk and Finance Officer Maness noted the meeting with Steve Jumper with Windstream was October 6 and there would be an update at the next meeting.

Consider Request from AT&T to Revise Contract for Tower Rent.

Council Member Beachum advised that he did not see any reason the Town should lower the tower rent. Council Member Whitley made a motion to deny the request from AT&T to revise the contract to lower the tower rent. Council Member Bivens seconded the motion. Vote: All ayes.

Designate a Voting Delegate for 2009 Annual League Business Meeting.

It was the consensus of the Council to designate Council Member Bivens as a voting delegate at the 2009 Annual League Business Meeting.

Set Date and Time for Annual Christmas Tree Lighting.

Mayor Pro-Tem Kiker made a motion to set November 20, 2009 at 6:30 p.m. as the date and time for the Annual Tree Lighting in the Town of Marshville. Council Member Whitley seconded the motion. Vote: All ayes.

Discussion and Possible Action Regarding the Acquisition of Marshville Baptist Church Property.

Mayor Deese noted that two individuals spoke during Public Comments against the purchase of the Marshville Baptist Church property. Interim Town Administrator Munn reported that the purchase price was \$1,000,000 and had been appraised somewhat higher. The tax value was listed as \$692,750. Mayor Pro Tem Kiker stated that she did not believe the Town could afford the property, but since the Town helped acquire water and sewer for the church, would it be possible to ask the church when they sold the property to require the new owners to preserve the building. Council Member Bivens expressed her strong feelings that it is important to preserve Marshville's history, and she would like to see the Town employ Mr. Sidney Hallman to meet with Council to give advice on the options available. Some of the issues that were discussed concerning the purchase of the property were repairs to the heating and cooling system, the need to make it handicap accessible, and environmental issues.

Council Member Bridget made a motion to table the matter until the next meeting and ask Mr. Munn to bring back to Council the cost for Mr. Hallman's services. County Member Whitley seconded the motion. The motion passed by a 4 to 1 vote. (Ayes: Council Members Beachum, Bivens, Bridget and Whitley; Nays: Mayor Pro-Tem Kiker)

Discussion and Possible Action Regarding Town Owned Property at 107 N. Elm Street.

Council discussed the pros and cons of owning or selling town property. Mayor Deese asked Mr. Munn about the process to sell the property. Mr. Munn advised that it was basically an auction type process and that the property must be declared surplus.

Town Attorney Griffin advised that the Town's purpose for owning property was for it to be used for public purpose, and if it no longer served a public purpose, then it should be declared surplus.



Interim Town Administrator Munn reminded everyone of the Candidates' Forum on October 13, 2009 at 7:00 p.m.

Council Member Bivens made a motion to go into closed session according to NCGS 143-318.11(a)(6). Council Member Whitley seconded the motion which passed by a vote of 4 to 1. (Ayes: Council Members Beachum, Bivens, Bridget and Whitley; Nays: Mayor Pro-Tem Kiker)

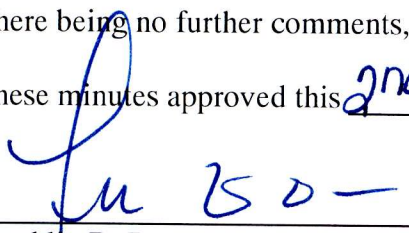
**Closed Session.**

**Open Session.**

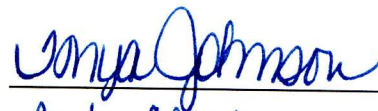
Attorney Griffin advised Council that the first priority of the new administrator needed to be review of the town's charter, ordinances and policies. Mr. Griffin cautioned about making changes before the new administrator was hired.

There being no further comments, the meeting was adjourned at approximately 8:55 p.m.

These minutes approved this 2nd date of August, 2010.

  
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Franklin D. Deese  
Mayor

Attest:

  
\_\_\_\_\_  
Int. Clerk

*(Minutes transcribed by Karen B. Price)*

