

**Town of Marshville**  
**Town Council**  
**Monday, December 7, 2009**  
**7:00 p.m.**  
**Public Hearing:**  
**Text Amendment RZA-09-002**  
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, Town Clerk and Finance Officer Shelley Maness, Public Works Director Bivens Steele, Parks Director Alan Thifault, Police Chief Mike Gaddy, Town Attorney Bobby Griffin, Matthew Jefferson, Jana Finn, J Navarro, D. Gerald, M. Tarlton and F. Blakney.

**Public Hearing**

Mayor Deese welcomed everyone in attendance and opened the Public Hearing at 7:00 p.m. regarding Text Amendment RZA-09-002, revisions to *Article XVII of the Marshville Land Use Ordinance*, to add signage allowances and requirements for churches located in residential zoning districts.

Pastor Alex Martin spoke in favor of the text amendment. Pastor Martin's church had asked for the text amendment due to the restriction of the signage to 16 square feet. He presented pictures of examples of signs similar to the type the church proposed.

Margaret Rosetti appeared to speak on behalf of her husband to express their concern over the size of the sign, and hoped it would be tasteful and fitting in the amount of space the church had.

There being no further comments, Mayor Deese closed the public hearing at approximately 7:10 p.m.

**Regular Meeting**

Mayor Deese opened the meeting at 7:10 p.m. and welcomed everyone in attendance. Council Member Bivens gave the invocation. All gave the Pledge of Allegiance.

**Public Comments.**

Brenda James, 624 Morgan Place, appeared before Council with concerns regarding her water bill. Mrs. James stated that she lived alone and her water bill had normally been approximately \$50, except for the month she planted grass and the bill was approximately \$100. Her most recent bill was \$183.54. Mayor asked Mrs. James to give the staff an opportunity to research the matter and have Mr. Steele re-read the meter.

Mary Harrell also appeared before Council with concerns about her water bill. Ms. Harrell advised that the street light in front of her house was out.

Council Member Bivens commented that she had also received a number of complaints about high water bills.

Mayor Deese asked Mr. Steele to report the light outage to Duke Energy. Chief Gaddy advised that he had reported the outage, but would continue to make contact with Duke Energy.

Public Works Director Steele reminded Council that sewer is double the cost of water, and the sewer bill is based on water usage.

Geraldine Barrino, 818 King St. Ext, advised Council of a number of traffic and safety concerns regarding streets in the town. Ms. Barrino was particularly concerned with Ms. Chambers' driveway and whether or not it would be accessible for emergency vehicles. She was also concerned about the absence of street signs there.

Mayor Deese explained that Ms. Chambers' driveway is not a public road, but he asked Interim Town Administrator Munn to look into the possibility of making it a town road so the town could address the concerns.

Gail Kiker, 903 Hasty Road, stated that she felt strongly the Council should conduct one work session per month and one voting session per month. Ms. Kiker further stated that the town charter was a legal document and decisions made by the Council should be made based on that charter. Ms. Kiker concluded by expressing her approval of the subcommittee for reviewing the resumes for the town administrator's position, but she also felt the Council should be involved.

Council Member Whitley asked that the Mayor move recognition of out-going Council Member and Mayor Pro-Tem Gail Kiker up on the agenda.

#### Organizational Procedures.

##### A. Recognition of Out-going Council Member and Mayor Pro-Tem Gail Kiker.

Mayor Deese presented Gail Kiker a plaque in recognition of her service and dedication to the Town of Marshville. Ms. Kiker congratulated Mayor Deese, Council Members Bridget and Jefferson on their election to the Council. She expressed her thanks for the opportunity to serve with each Council Member. Ms. Kiker also thanked everyone for their kindness during the time of her husband's illness and death. Ms Kiker asked to receive a copy of the minutes of the last four months when they were approved. Ms. Kiker also noted that she planned to run for the office of Mayor in 2011.

##### B. Oath of Office for Newly Elected Officials

- 1) Town Clerk/Finance Officer administered the Oath of Office to Mayor Franklin Deese
- 2) Mayor Deese administered the Oath of Office to Council Member Dora Bridget
- 3) Mayor Deese administered the Oath of Office to Council Member Matthew Jefferson

##### C. Selection of Mayor Pro-Tempore

Council Member Whitley made a motion to elect Council Member Bivens as Mayor Pro-Tempore. The motion was seconded by Council Member Jefferson. Vote: All ayes.

Mayor Deese administered the Oath of Office to Mayor Pro-Tem Margaret Bivens.

##### D. Appointment of Representatives to Boards (Delegates & Alternates)

Council Member Beachum made a motion to appoint Mayor Deese to serve as a delegate to the Centralina Council of Governments, seconded by Council Member Bridget. Vote: All ayes.

Mayor Pro-Tem Bivens made a motion to appoint Council Member Whitley to continue to serve as alternate to Centralina Council of Governments, seconded by Council Member Jefferson. Vote: All ayes.

Council Member Jefferson made a motion to appoint Council Member Whitley to continue to serve as representative and Mayor Pro-Tem Bivens as alternate to the Rocky River Rural Planning Organization Technical Advisory Committee. Council Member Whitley seconded the motion. Vote: All ayes.

#### Adopt Agenda.

Council Member Whitley made a motion to adopt the agenda with the removal of Item #12 Consider \$25 Bonus to Planning Board and Board of Adjustment members, as well as table Item #13 and #14 until the next meeting. Council Member Jefferson seconded the motion. Vote: All ayes.

#### Consent Agenda.

Mayor Pro-Tem Bivens made a motion to approve the consent agenda as presented which included the following items.

- a) Approval of 2009 Tax Releases in the amount of \$2,949.47
- b) Received Tax Collector's Report for first quarter
- c) Received Budget Report

Council Member Beachum seconded the motion. Vote: All ayes.

#### Consider Text Amendment RZA-09-002, revisions to Article XVII of the Marshville Land Use Ordinance, to add signage allowances and requirements for churches located in residential zoning districts

Jana Finn, Land Use Administrator, explained the text amendment based on a non-residential use in a residential zoned district, and stated that the sign could be lit, but LED style flashing lighting was not allowed under the current ordinance. Ms. Finn advised that the text change would be applicable to any and all current churches in residential areas as well as future churches.

Mayor Deese asked Mr. & Mrs. Rosetti if the proposed sign would pose a problem for them. Mrs. Rosetti said she did not have a problem with it as long as it was not the flashing LED sign.

Ms. Finn indicated that this particular site has a lot of road frontage and based on the road frontage, the sign could be up to 80 square feet. Pastor Martin added that the picture distributed was only an example. Ms. Finn explained that the size of the sign did not include the dimension of the base or foundation, only the actual sign, but the Council could choose to limit the size to a specific square footage instead of basing it on road frontage.

Council Member Whitley made a motion to table any action on Text Admentment RZA-09-002, Revisions to Article XVII of the Marshville Land Use Ordinance until a later meeting. Mayor Pro-Tem Bivens seconded the motion. Vote: All ayes.

Ms. Finn asked if she could provide any specific information such as pictures of other signs for Council's review. Council agreed that type of information would be helpful.

Consider \$25 bonus to Planning Board/BOA members (in lieu of Christmas Dinner). *This item was deleted from the agenda*

Discussion and possible action regarding a Resolution to Oppose Sale of Hospital. *This item was tabled until the next meeting*

Discussion regarding Proposed Increase in Employers' Contribution to Retirement System. *(This item was tabled until the next meeting)*

#### Discussion and Possible Action Regarding One Work Session and One Voting Meeting Per Month

Council Member Whitley expressed the importance of having a work session in order to give Mayor, Council and Administrator and staff time for research, as well as allowing the public time to give their input. Council agreed. Council Member Whitley made a motion for Council to have a work session and a voting meeting each month beginning January 2010, the first Monday after the first Sunday in the month to be the voting meeting and the third Monday of the month to be the work session. The motion was seconded by Mayor Pro-Tem Bivens. Vote: All ayes.

#### Discussion and Possible Action Regarding Town Charter Violation/Hiring Policy.

Council Member Whitley advised that several months back the Council voted to give the department heads the authority to hire & fire employees, but the Charter specifically stated that the police chief & police officers are to be hired by the Council. Council Member Whitley expressed her desire to go back to what the charter calls for, and then let the new town administrator look into revising the charter. Mayor Deese pointed out that Section 29 of the Charter did permit the Council to delegate that authority. Attorney Griffin advised that he did not see where the Charter overall limited delegating duties, but that he did recommend revising the Charter.

Council Member Whitley made a motion that the authority to hire and fire all employees revert back to the Town Council instead of the department heads. Mayor Pro-Tem Bivens seconded the motion. Mayor Deese stated that the Council did not need to micro-manage the departments, but allow the departments to do their job and let the Council make the policies. The motion passed by a 3 to 2 vote. (Ayes: Mayor Pro Tem Bivens, Council Members Jefferson and Whitley; Nays: Council Members Beachum and Bridget)

#### Discussion and Possible Action Regarding Town Administrator Subcommittee.

Council Member Whitley made a motion to include the entire Council and Mayor on the Town Administrator Subcommittee position along with Dryw Blanchard, Interim Town Administrator John Munn and Town Clerk Shelley Maness. The motion was seconded by Mayor Pro-Tem Bivens. The motion passed by a 3 to 2 vote. (Ayes: Mayor Pro-Tem Bivens, Council Members Jefferson and Whitley; Nays: Council Members Beachum and Bridget)

#### Report from Mayors-Commissioners Issues Conference (MCIC).

Mayor Deese gave a report from the Mayors-Commissioners meeting. The Mayor asked that the portion of the resolution going to the legislature regarding the districting of the commission not be approved when it is presented at the next meeting. The resolution considers having 4 at-large

commissioners and 3 district-commissioners. Mayor Deese suggested that this would allow one district to have the majority of representation and would not be representative of the entire county. The Mayor proposed that there be 5 districts and only 2 at-large, but the committee did not agree.

#### Comments.

Council Member Bridget welcomed Matthew Jefferson to the Council, and stated that she hoped there would be forward movement and positive changes to come with his help.

Council Member Whitley agreed with Council Member Bridget welcoming Council Member Jefferson, and also thanked Gail Kiker for her service on the Council.

Mayor Pro-Tem Bivens also welcomed Matthew Jefferson, and stated that it had been a pleasure to work with Gail Kiker. Mayor Pro-Tem Bivens added that she had received a number of calls regarding water bills and would like to better understand how the bills were calculated. She suggested that information should be published in the newspaper to help explain the process. Mayor Pro-Tem Bivens expressed her desire to move forward with the business of hiring a Town Administrator.

Council Member Beachum stated that he had also enjoyed working with Ms. Kiker the last 4 years, and he welcomed Matthew Jefferson. Council Member Beachum noted that he had observed a number of streetlights out over 90% of the town streets.

Council Member Jefferson stated that he looked forward to working with each member of the Council. He also advised that he would like to move the meeting location to the Community Center for better acoustics and lights etc.

Police Chief Gaddy advised that the grant process was moving along smoothly, and that the department had made an arrest in the recent murder case. Chief Gaddy expressed his frustration with the lack of teamwork with the Council and police department. He stated that his department did operate as a team, but there was no trust from members of the Council. Chief Gaddy encouraged the Council to allow the department to do their job and work as a team with them.

Council Member Beachum commended Public Works Director Steele and his department on the Christmas decorations.

Mayor Pro-Tem Bivens directed her comments to the Police Chief and stated that no one is perfect and she would not compromise with wrongdoing, but she would support the chief 100% if he was in the right.

Town Clerk and Finance Officer Maness reported that the tax collections were up 7% over this time last year.

Interim Town Administrator Munn advised that the purchase price for the property adjoining the park was \$450,000. Mr. Munn reminded everyone that today was the anniversary of the attack on Pearl Harbor.

Mayor Deese advised that there would be a closed session on the next agenda to talk about land acquisition.

There being no further comments, the meeting was adjourned at approximately 9:00 p.m.

These minutes approved this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Franklin D. Deese  
Mayor

Attest: \_\_\_\_\_

*(Minutes transcribed by Karen B. Price)*