

**Marshville Town Council
Public Hearing:
Marshville Comprehensive Transportation Plan Draft
Followed by:
Regular Meeting
7:00 P.M. Monday, November 17, 2008
Marshville Town Hall
201 West Main St., Marshville, NC**

Present: Mayor Franklin D. Deese, Mayor Pro-Tem Gail Kiker, Council Members Ned Beachum, Margaret Bivens, Dora Bridget and Denise Whitley, Attorney Bobby Griffin, Town Administrator Carl Webber, Town Clerk/Finance Officer Shelley Maness, Park Director Alan Thifault and Police Chief Mike Gaddy.

Public Hearing

Mayor Deese opened the public hearing at approximately 7:00 p.m. and welcomed everyone in attendance. Council Member Beachum gave the invocation. All gave the Pledge of Allegiance.

NC Department of Transportation representative Rockne Bryant reviewed some of the highlights of the Marshville Comprehensive Transportation Plan (CTP) draft. Mr. Bryant acknowledged that most roads in Marshville were under capacity but projected that US Highway 74 would be over capacity by the year 2030. The Marshville CTP suggested a freeway to bypass the Town and eliminate much of the thru-traffic on the existing Highway 74. The proposed freeway would run just south of Marshville. Mr. Bryant said that the next steps in the process would be for the Marshville Town Council to adopt the draft CTP and submit it for endorsement by the Rocky River RPO.

Public Comments:

Randy Moore, 1009 Green Acres Rd., Marshville, asked if there were any other options for the location of the proposed bypass and wondered why they choose to bypass Marshville to the south as opposed to the north. Mr. Moore said that he has lived in one of the oldest subdivisions in Marshville for the past five years and had plans to stay there, but had no plans to live on such a highway. Mr. Bryant reminded everyone that the maps showing the proposed bypass were just conceptual drawings. Should the project be funded, there would be detailed studies to determine a location that would disrupt the area the least.

Pastor Alex Martin was also concerned about the proposed location of the bypass since it would directly intersect property recently purchased by the church with intentions to build a new church. Pastor Martin suggested moving the bypass a little further south so that it would go around the church.

John Edmondson thought that there were plans to make Highway 74 an interstate and wondered why a bypass was being proposed. Mr. Bryant explained that if the existing Highway 74 were upgraded to a freeway it would be six lanes with limited access on or off the freeway. Mayor Deese noted that it would essentially divide the Town in half. Council Member Bivens was

concerned that bypassing Marshville would isolate the Town. Mr. Bryant said that it would eliminate a lot of thru-traffic, but the growth of Marshville would likely not be effected.

One Marshville property owner said that she owned a rental house in the area proposed for the bypass and was concerned that she would not be able to sell the house within the next five years as she had planned to do. Mr. Bryant again reminded everyone that the location was simply a concept at this point.

Mr. Bryant said that Highway 74 was probably one of the largest truck distribution routes in the southeast and there would likely be significant growth upon completion of an international port in Wilmington, NC.

Pastor Martin asked if there would be additional public hearings. TA Webber said that only one hearing was required and that the matter would likely appear on the next agenda for Council's consideration. Pastor Martin suggested that if Council chose to approve the draft that they do so with a recommendation to consider an alternative route.

There being no further comments, Mayor Deese closed the public hearing at approximately 7:40 p.m. and called for a five-minute recess. Mayor Deese opened the regular meeting at approximately 7:45 p.m.

Public Comments:

There were no public comments.

Adopt Agenda:

Council Member Bridget made a motion to add to the agenda a discussion of hiring a tax clerk, seconded by Mayor Pro-Tem Kiker. Vote: All Ayes. (Added as Item #14)

Council Member Whitley made a motion to remove from the agenda the previous Item #14 regarding disciplinary action, seconded by Mayor Pro-Tem Kiker. 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:

The consent agenda included the approval of the minutes from the October 20, 2008 Regular Meeting, minutes from the October 28, 2008 Special Meeting and minutes from the November 3, 2008 Regular Meeting. Council Member Whitley made a motion to approve the consent agenda as presented, seconded by Council Member Bivens. Vote: All ayes.

Attorney opinion regarding Laney water bill. Attorney Bobby Griffin informed Council that, in his opinion, the Town Ordinance did not provide for any exceptions to be made in Mr. Laney's case. He explained that, even though the Town had billed Mr. Laney for another customer's water usage, Mr. Laney's actual consumption was known. Attorney Griffin said that the Town was required to request payment in full for the additional amount owed. Mayor Pro-Tem Kiker

made a motion to direct TA Webber to contact Mr. Laney in writing and explain the Town's position on the matter, seconded by Council Member Whitley. Vote: All Ayes.

Supplemental agreement with Centralina Council of Government regarding Land Use Ordinance amendment to address multi-family development. TA Webber said that the Planning Board asked that Council consider an amendment to the agreement with Centralina COG at a cost of \$4,593 and the use of 15 membership hours for the purpose of amending the language in the Land Use Ordinance to more specifically address multi-family development. TA Webber explained that there were basically no regulations regarding multi-family development in the current Land Use Ordinance. Council Member Bivens was concerned that the amendment would allow for the construction of more "project"-type housing. Mayor Deese explained that the amendment would regulate any multi-family housing, but it would not prevent the development of a "project." Council Member Bridget made a motion to engage in the amended agreement with Centralina COG to provide the scope of services presented at a cost of \$4,593 and 15 member hours, seconded by Mayor Pro-Tem Kiker. Vote: 4 to 1 (Council Member Beachum opposed.)

Consider use of Old Town Hall as public meeting facility. Council Member Bivens suggested allowing the use of the Old Town Hall as a public meeting facility since it was currently not being used and there being such high usage of the Community Center. She suggested that rental of the facility be handled in the same manner as the Community Center regarding rental fees and distribution of keys. Mayor Deese asked Council Member Beachum for his thoughts since he serves on the Museum Committee which plans to use the building as a museum. Council Member Beachum requested that Council allow the Museum Committee to have until the end of February to get someone to man the building two or three days a week. Council Member Beachum said that if they were unable to do so, they would refund the money invested in the project and turn the building back over to the Town. Council Member Whitley suggested renting out the building in the meantime. TA Webber suggested renting only the south side of the building for meetings, so that the museum supplies could be locked up on the north side. Council Member Bivens made a motion to allow the southern portion of Old Town Hall to be used as a meeting facility and have PD Thifault oversee that part of the facility and set rates comparable to the Community Center, seconded by Council Member Whitley. Vote: All Ayes.

Consider date/time of ribbon cutting for new recreation facility on Carelock Drive. PD Thifault said that he would like to have a ribbon cutting ceremony to celebrate the Grand opening of the new recreation facility on Carelock Drive. PD Thifault suggested having a band for entertainment and offering free hotdogs to those attending. He said the park would have new picnic tables, park benches and BBQ grills. He also reported that he had priced fencing for the park, although there were no funds available in his budget to make such a purchase in the current fiscal year. Council Member Bivens said that it was imperative to have a fence noting that there were dangerous dogs in the area. Council Member Bivens also suggested having a tent at the celebration in case of bad weather. Mayor Pro-Tem Kiker made a motion to set the date for a Ribbon Cutting ceremony for the new recreation facility on Carelock Drive for December 6, 2008 from 2:00 p.m. to 4:00 p.m. and have PD Thifault take care of the details, seconded by Council Member Whitley. Vote: All Ayes.

Consider name for new recreation facility on Carelock Drive. Council Member Bridget said that she would like to get citizen input on naming the new recreation facility. PD Thifault said that he could distribute flyers to the schools and put an advertisement in the newspaper to announce a

contest for naming the new park. Any name suggestions would be submitted to Town Hall and PD Thifault could narrow the choices down to five for Council to consider. Council Member Bridget made a motion to hold a special meeting on Saturday, December 6, 2008 at 1:00 p.m. at Town Hall for the purpose of choosing a name for the new recreation facility, seconded by Council Member Whitley. Vote: All Ayes.

Consider Community Center Schedule. PD Thifault asked that Council consider the Community Center schedule particularly concerning Mr. Ernest Lee's request to use the facility every Saturday. Mayor Deese reminded Council that a decision needed to be made on that matter although he had wished to hear from someone from the school. Council Member Bivens said that what was being proposed was the idea of a concerned citizen and had nothing to do with the school. Mayor Deese said that he had understood Mr. Lee to say that he had the support of the school.

A member of the audience, Allison Rushing, said that they had volunteers that had been approved by the school board. Ms. Rushing said that the school board had pulled certain students and asked for volunteers to tutor and mentor those children. Ms. Rushing said their volunteer group of over 20 people, known as CVASE (Community Volunteers Allowing Students to Excel), wanted to get involved with other students, but they needed a facility to do so.

Mayor Deese felt that the Town should do what they can to support the children, but he was concerned about possible liability issues. Ms. Rushing assured the Mayor that the volunteers had been approved by the Board of Education by means of applications and background checks. Mayor Deese asked Attorney Griffin for his input on the liability issues. Attorney Griffin felt that the bigger issue was whether the Town wanted to tie up the facility for such a significant time frame.

Council Member Whitley made a motion to allow the members of CVASE (who have been approved by the school board) to use the meeting room at Old Town Hall for four weeks beginning November 22, 2008 from 10:00 a.m. to 12:00 p.m. at no charge for tutoring and educational purposes, seconded by Mayor Pro-Tem Kiker. Vote: All Ayes.

PD Thifault informed Council that the Athletic Association Cheerleaders had requested use of the Community Center on Saturdays again this year. PD Thifault recommended declining their request. Council Member Whitley made a motion to deny the request for the Athletic Association Cheerleaders to use the Community Center on a regular basis, seconded by Council Member Bivens. Vote: 2 to 3 (Council Member Beachum, Council Member Bridget and Mayor Pro-Tem Kiker opposed).

PD Thifault noted that the cheerleaders were very physically active during their practices and he had witnessed them doing flips and banging against light fixtures, etc. Council Member Bridget rescinded her vote and made a motion to deny use of the facility to the Athletic Association Cheerleaders, seconded by Council Member Whitley. Vote: 3 to 2 (Council Member Beachum and Mayor Pro-Tem Kiker opposed).

PD Thifault informed Council that he planned to host a "Breakfast with Santa" on December 20, 2008 at 10:00 a.m. at the Community Center. He also planned to have Santa at the Mason's

Lodge on December 19th. Mayor Pro-Tem Kiker said that she would like to see a lot more participation this year and asked that PD Thifault advertise the event more.

Discussion and possible action regarding enforcement of Housing Code and Junk Car Ordinance on Sanford Street. Council Member Whitley said that residents were complaining about a house on Sanford Street that had burned years ago. The property had not been maintained and there were a lot of junk cars on the property. Chief Gaddy said that the son of the property owner was supposed to take care of the junk cars, but he would look into the matter again. It was the consensus of Council to have staff move forward on the housing code issue. TA Webber reminded Council that action can be taken sooner on such issues if complaints are made directly to Town staff. Council Member Bivens complained that the Marshville Apartments were a mess and indicated that something needed to be done. TA Webber reminded her that code enforcement dealt with soundness of a structure, not cosmetic appearance.

Consider advertising the Tax Clerk position. Council Member Bridget said that it was past time to get notice out for the tax clerk position. She noted that the new employee would need to be adequately trained and there was limited time available to learn those duties. Mayor Pro-Tem Kiker made a motion to direct TA Webber to advertise for the tax clerk position, seconded by Council Member Bridget. Council Member Bivens asked what the other duties of that position were. TA Webber responded that the tax collector position also served as the second assistant clerk and was responsible for payroll and accounts payable in addition to assisting with taking utility payments and other duties. Vote: All Ayes.

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. Council Member Bivens made a motion to go into closed session per NCGS 143-318.11 (a) (6), seconded by Mayor Pro-Tem Kiker. Vote: All Ayes. Mayor Deese called for a 3-minute recess at approximately 9:12 p.m., before going into closed session.

CLOSED SESSION

At approximately 9:30 p.m., Council came out of closed session. Council Member Whitley made a motion to authorize Chief Gaddy to make a conditional offer of employment to Steven Sawyer and Stuart Chaffin with compensation to be based on lateral entry and to be determined by Chief Gaddy based on their qualifications, seconded by Council Member Bivens. Vote: All Ayes.

Mayor Pro-Tem Kiker made a motion to make a conditional offer of employment to Julio Navarro based on an updated background check and compensation to be determined by Chief Gaddy at the approval of Council, seconded by Council Member Bridget. Vote: All Ayes.

Comments

Council Member Bivens said that she had received another call from Ms. Knotts regarding a drainage problem. TA Webber said that he had passed that information on to DPW Steele. Council Member Bivens also requested an update on animal control laws in Union County and what can be done in Marshville, noting that there was a problem with dangerous dogs within city limits. She asked to have the matter included on the next agenda where Council could possibly

consider outlawing dangerous dogs. Council Member Whitley asked to have someone from Union County Animal Control attend the next meeting as well. Council Member Whitley was concerned that there may also be some occurrences of animal abuse in town and she wanted to know what could be done about it. Council Member Bivens asked about the speed hump on Hambrick Street. TA Webber said that they were waiting on the results from a traffic study. Council Member Whitley also mentioned the need for a speed hump on Sturdivant Street.

Council Member Beachum said that he was proud to see that Chief Gaddy will be getting some help and relief in the Police Department.

Mayor Pro-Tem Kiker said she strongly agreed with Council Member Bivens regarding the dog issue. She also said she was pleased to see that Council was beginning to come together on issues.

Council Member Bridget said that she was glad to see Chief Gaddy getting some assistance in his department.

Council Member Whitley said that she was proud of the hiring committee and Chief Gaddy. She thought they did a good job and chose the right candidates for the job. She thanked Chief Gaddy, Detective Tarlton and Officer Navarro for their help with a situation regarding a dog. She said they put a lot of time and work into it and went above and beyond.

C/FO Maness had no comments.

TA Webber reminded Council of upcoming events including the tree lighting on November 28th at 6:00 p.m. at the Community Center and the Town Christmas Dinner on December 5th at 7:00 p.m. at the Ag Center in Wingate. He reminded everyone to bring a gift if they would like to participate in the "take away" game. TA Webber said that he had attended the MPO/RPO conference in New Bern, NC the previous week.

Council Member Bivens said that she enjoyed the conference in Troy, noting that it was very informative.

Mayor Deese agreed with Mayor Pro-Tem Kiker and said it was a pleasure to see the board coming together. He said that a lot could be accomplished by working together.

There being no further comments, the meeting was adjourned at approximately 9:40 p.m.

These minutes approved this ____ day of _____, 2008.

Franklin D. Deese
Mayor

Attest: _____
Shelley H. Maness
Town Clerk