

**Marshville Town Council
Public Hearing and
Regular Meeting
7:00 P.M. Monday, November 5, 2007
Marshville Town Hall
201 West Main St., Marshville, NC**

Present: Mayor Franklin D. Deese, Mayor Pro-Tem Dora Bridget, Council Members Ned Beachum, Margaret Bivens, Doug High, Jr. and Gail Kiker, Director of Public Works Bivens Steele, Town Administrator Carl Webber, Park Director Alan Thifault, Police Chief Mike Gaddy, and Town Clerk/Finance Officer Shelley Maness.

**Public Hearing
Amendment to Land Use Ordinance**

Establishes a “Tree Board” and establishes or modifies regulations related to Trees and Landscaping within Marshville’s zoning jurisdiction.

Mayor Deese opened the public hearing at approximately 7:00 p.m. and welcomed everyone in attendance. The hearing was held open for nearly ten minutes, but no public comments were made. The hearing was closed at approximately 7:10 p.m.

Mayor Deese immediately opened the regular meeting.

Regular Meeting

Council Member Bivens gave the invocation. All gave the Pledge of Allegiance.

Public Comments:

Corey Gildersleeve informed Council that a website was being developed that will include a forum for residents to discuss the proposed skateboard park. Mr. Gildersleeve volunteered to help out with the project in any way.

Cam Wright presented Mayor Deese with a waiver form from Zero Gravity, a skate park located in North Carolina. Mr. Wright pointed out several ways to raise money for the park including selling t-shirts and putting out donation jars at local businesses. Mr. Wright explained that they have already created a t-shirt design.

Eric Johnson appeared before Council and inquired about the “Welcome to Marshville” signs. Mr. Johnson mentioned that the issue has been discussed for quite some time, but nothing has been done to update the signs. Mr. Johnson felt that the signs have a direct impact on people’s perception of the Town of Marshville and some action should be taken to improve their appearance. Mr. Johnson also voiced his support of the proposed skateboard park.

Mayor Deese said that the sign project was a work-in-progress. Mayor Deese pointed out that there was much more to improve than just cosmetic features and the process to design a new structure that will look good and last for many years takes considerable time.

Department Head Comments:

PD Thifault said that the concert held at the park recently went well, although attendance was not great. PD Thifault reported that he has started an application for a 2008 PARTF grant and that he will be bringing his project ideas before Council at a later time. PD Thifault discussed his plans to have Santa Claus at two different locations (east side and west side of Marshville) during the holidays to give kids an opportunity to sit on Santa's lap. PD Thifault concluded by saying that he has done a lot of research on the skate park issue and will offer his thoughts when the item comes up for discussion.

Council Members Bivens and Beachum both attended the concert and agreed it turned out great, but pointed out that the low attendance was most likely due to Halloween events being held at the same time.

DPW Steele informed Council that leaf pickup should wrap up Monday or Tuesday and Christmas decorations will be going up in the next couple of weeks.

Chief Gaddy reported that Officer Paul Lemmonds was involved in a minor car accident on October 1st which caused \$500 worth of damage to the patrol car. Officer Jeff Carrier was also involved in an accident that occurred on October 28th. Officer Carrier hit a deer which caused \$3,000 worth of damage to his 2007 Dodge Charger patrol car. The officers were not hurt in either accident.

Adopt Agenda:

Council Member Beachum made motion to adopt the agenda as presented, second by Council Member Bivens. Vote: All Ayes.

Consent Agenda:

The consent agenda included only the minutes from the October 22, 2007 regular meeting. Council Member High made motion to approve the consent agenda, second by Mayor Pro-Tem Bridget. Vote: All Ayes.

Consider adoption of Amendment to Land Use Ordinance, set effective date. TA Webber pointed out that staff has complied with all procedures required to amend an ordinance as established by general statute. TA Webber referenced a summary page of revisions that was included in the agenda packets. TA Webber noted that although there are some new components, some of the changes simply reword what was already included in the ordinance. Mayor Deese said that this amendment was just another move to make Marshville environmentally friendly. Council Member Bivens made motion to adopt the amendment to be effective January 1, 2008, second by Council Member Beachum. Vote: All Ayes.

Discuss request for Skateboard Park. Mayor Deese commended the efforts of the young residents that requested the skate park. He appreciated their initiative to move forward and

research the project. Mayor Deese pointed out that there is no money in the FY 07/08 budget for such a project, but acknowledged the fund-raising ideas presented earlier as a place to start. Mayor Deese felt that PD Thifault should head a committee to further research the project. Council Member Bivens asked to hear from PD Thifault on the matter. PD Thifault said that he has been working on this issue for a little while and had hoped to include money in next year's budget for such a project. PD Thifault felt that the ideal location for a skate park would be the tennis court area since only one of three is being used. He suggested seeking alternative sources for the materials and estimated that the project could be started for less than \$5,000.

Mayor Deese voiced his concern to provide a "safe" park and was not interested in a "quick fix". He preferred to see the project thoroughly researched. Council Member Bivens asked if there were any other possible locations for the skate park and PD Thifault responded that any other location would require pouring concrete resulting in substantial costs. Mayor Pro-Tem Bridget echoed Mayor Deese's desire to provide a safe park.

Council Member Kiker praised the young residents for offering to raise money and assured them that it can be done. Council Member Kiker questioned why a skate park was more of a liability than a baseball field. TA Webber responded that there is fairly new legislation regarding skate parks specifically. He pointed out that the Town Attorney will need to research this thoroughly. TA Webber felt that a careful study should be done prior to moving forward with the project.

Council Member Kiker asked if they skate park could be built on the Town's property on Old 74. PD Thifault said that he has another idea for that property and did not really feel that it was an ideal location for a skate park. Council Member Bivens felt that the skate park should be located at the existing park facility. Mayor Deese reiterated that a decision cannot be made overnight and again suggested establishing a committee to do research.

Council Member Bivens wondered if posting "skate at your own risk" signs would eliminate liability. Attorney David McCollum said that it must be researched and suggested approaching the research from two angles, the financial impact and the liability risk.

Council Member Beachum posed the idea to lease property to a private enterprise that would establish a skate park facility. He thought this might hurry the process. Mayor Deese once again pointed out that this and other ideas should be researched by a committee. Council Member Bivens wondered if Mr. Thifault should do the research without the involvement of a committee since he is the park director. Mayor Deese said he believes in teamwork and would like to see the involvement of the youth seeking the project.

Mayor Pro-Tem Bridget made motion to have PD Thifault spearhead a committee to include the youth to research building a skate park and bring reports back to Council, second by Council Member Bivens.

Attorney David McCollum asked if his office should do the legal research simultaneously. Mayor Deese said yes, but then TA Webber pointed out that the legal research would cost the Town and should probably be postponed until after the committee has had a chance to do their research. Mayor Deese agreed and noted that the motion stands as originally stated. Council Member Bivens asked if the committee would only be made up of Marshville residents. Mayor Pro-Tem Bridget agreed to amend her original motion to stipulate that the committee be comprised of only Marshville residents. Vote: All Ayes.

Consider authorizing staff to remove hedges behind Old Town Hall. TA Webber explained that he had received a call from a downtown business owner regarding the overgrowth of hedges behind Old Town Hall and its impact on parking availability. The hedges measured ten feet wide and sixty feet long. Pointing out that there is a property line involved, TA Webber suggested removing the hedges and installing a low planting bed to designate the property line and make parking more accessible. DPW Steele suggested planting a smaller flowering shrub if it is decided to remove the hedges.

Council Member Bivens did not feel it was necessary to cut the hedges down and asked why the hedges could not be trimmed. TA Webber responded that the hedges are really beyond the point of trimming. Mayor Pro-Tem Bridget asked for DPW Steele's opinion. DPW Steele said that because of their age, the hedges would not likely grow back if they were cut as low as they needed to be.

Council Member Kiker pointed out that the hedges are not completely on the Town's property line. Some of the hedges cross over onto property that she owns where her former business is located. Council Member Kiker assured Council that although some hedges are on her property, she would not have them cut down. She stated that it was not a major issue with her, but she was not the only business owner concerned about the parking issue. She had hoped the hedges could be moved to the Veteran's Memorial, but was told they would die.

Council Member Beachum felt that the hedges should be cut back and Council Member High didn't have a preference one way or the other.

Council Member Bivens made motion to authorize staff to trim the hedges as best as possible and leave them in place, second by Council Member Kiker. Vote: 4 to 1 (Mayor Pro-Tem Bridget opposed)

Consider Town of Marshville involvement in Energy Assessment. TA Webber informed Council that the Town of Marshville was one of three towns selected to take part in a ground-breaking program with Duke Energy in conjunction with Advanced Energy. Advanced Energy is a non-profit organization formed by legislature in 1980 for the purpose of studying the energy efficiency of electrical consumers. TA Webber said that the assessment will involve an engineer being on site two days per week, every other week for a three month period to identify and implement energy conservation measures. There will be no cost to the Town other than staff time. TA Webber pointed out that some of the conservation measures that may be suggested may be expensive and would not make sense for the Town to implement, at least not immediately. However, there may be some simple and inexpensive conservation measures suggested that will result in potential energy savings in the future.

Mayor Pro-Tem Bridget asked if this audit is for all Marshville residents. Mayor Deese and TA Webber both agreed that only town-owned buildings would be audited at this point. Council Member Bivens asked which staff members would be working with the engineer. TA Webber replied that different staff members would be involved at different times including DPW Steele, A/P Clerk Carolyn Haigler and himself.

Mayor Pro-Tem Bridget made motion to participate and authorize Mayor Deese to sign the Memorandum of Agreement, second by Council Member Bivens. Vote: All Ayes.

Approve Revised Planning Contract with CCOG. TA Webber noted that the Town has two separate agreements with Centralina COG. A bookkeeping error was made when developing the contracts and the Town was mistakenly credited with too many member hours. The budget was based on the original proposal which was correct, so the budget will not have to be amended. However, the original contract in the amount of \$15,390 will need to be replaced by a new contract in the amount of \$16,365. Mayor Pro-Tem Bridget made motion to approve revised contract with CCOG, second by Council Member High. Vote: All Ayes.

Set date and time of Christmas Tree Lighting. Council Member Kiker made motion to hold the Christmas Tree Lighting on the Friday after Thanksgiving, November 23, 2007 at 7:00 p.m. and provide hot chocolate in the Community Center afterwards, second by Council Member Bivens. Vote: All Ayes.

Closed Session per NCGS 143-318.11 (a) (6) to discuss the performance of Clerk/Finance Officer and Parks/Recreation Director, individual Public Officers or Employees, at the close of their 6-month probationary period. At approximately 8:30 p.m., Council Member Bivens made motion to go into closed session, second by Council Member High. Vote: All Ayes. Mayor Deese excused Chief Gaddy and DPW Steele from the remainder of the meeting if they wished to leave at that time.

Action Taken as result of closed session. Mayor Pro-Tem Bridget made motion to grant a ten percent (10%) salary increase with honors to both C/FO Maness and PD Thifault to be effective immediately as a result of the end of their 6-month probationary period, second by Council Member Bivens. Vote: All Ayes.

Mayor Deese congratulated both C/FO Maness and PD Thifault and thanked them for doing a fantastic job.

Comments:

Council Member Beachum inquired about the status of the most recent code enforcement efforts. TA Webber said that they were moving through the process of demolition at 200 S. Carelock.

Council Member Kiker announced that she and her husband had sold their business (Crystal Cleaning) to their employees. She thanked the Town for their support and hoped that the new business owners would be given just as much support. Council Member Kiker also said that it was brought to her attention that there were some traffic problems on Olive Branch Road on Halloween night and there were some public concerns about the traffic in that area in general. TA Webber suggested informing the Police Department who can increase patrols of the area.

Mayor Pro-Tem Bridget asked TA Webber to get in touch with storeowners on Main Street and East Union Street and ask them to decorate their storefronts for the holidays in order to make the Town look very festive.

Council Members Bivens and High had no comments.

Clerk/Finance Officer Maness thanked Council for their support and invited them to stop in any time to see first hand what goes on in the Administrative Department.

Administrator Webber acknowledged the accomplishments of C/FO Maness and PD Thifault. TA Webber reviewed upcoming events including: Town of Marshville's Veteran's Day Celebration on Monday, November 12th at 10:30 a.m. at the Veteran's Memorial, Union County's Veteran's Day Celebration on Saturday and Sunday, November 10th and 11th at the Monroe Airport, Chamber of Commerce Christmas Parade on November 17th at 3:00 and the American Red Cross Blood Drive at the Community Center on Tuesday, February 26, 2008 at 2:30 p.m. TA Webber informed Council that the NCLM, who provides the Town's risk management services, had denied a claim by a motorist alleging damages to her car as a result of a rock thrown by a Town of Marshville mower. TA Webber also noted that there was a letter from the Governor urging more water conservation. He pointed out that it appears water usage is down as a result of the voluntary conservation measures Council had recently imposed. TA Webber said that the Town will be hosting an energy conservation workshop at the Community Center on November 14th at 1:30 p.m. The workshop is being offered at no cost to the Town and will be geared toward municipalities and industries.

Mayor Deese asked TA Webber about the NCDOT Pedestrian Planning Grant. TA Webber explained that the Town has unsuccessfully applied for the grant for the past three years. He pointed out that this year's grant amount is \$24,800 including the Town's required match of \$4,960 which could be paid for with Powell Bill money. Mayor Pro-Tem Bridget made motion to apply for the Pedestrian Planning Grant and authorize Mayor Deese to sign off on it, second by Council Member Bivens. Vote: All Ayes.

Mayor Deese announced that the Union County parade would be held on November 18th in Monroe. Mayor Deese also extended his appreciation to C/FO Maness and PD Thifault for the work they have done the past six months.

There being no further comments, the meeting was adjourned at approximately 9:15 p.m.

These minutes approved this ____ day of _____, 2007

Franklin D. Deese
Mayor

Attest: _____
Shelley H. Maness
Town Clerk