

**Marshville Town Council
Regular Meeting
7:00 P.M. Monday, October 6, 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, Director of Public Works Bivens Steele, Police Chief Mike Gaddy and Park Director Alan Thifault.

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

Public Comments:

There were no public comments.

Adopt Agenda:

TA Webber asked Council to consider adding two items to the agenda. He explained that the Town must establish a privacy committee and a privacy officer in order to comply with a new Federal regulation regarding identity privacy that goes into effect November 1, 2008. Also, due to a scheduling conflict with the consultants, TA Webber asked Council to consider another date to hold the Economic Development joint meeting that had been planned for October 16th.

Council Member Whitley made a motion to add the privacy committee discussion to the agenda as Item #11 and selection of a new date for the Economic Development joint meeting as Item #12, seconded by Council Member Bivens. 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 only the approval of the minutes from the September 22, 2008 Regular Meeting. Council Member Bivens made a motion to approve the consent agenda as presented, seconded by Council Member Bridget. Vote: All ayes.

Consider request to close Main Street from Elm Street to the Police Department on Saturday, November 1, 2008 from noon until 5:00 p.m. to facilitate a motorcycle toy drive and “Poker Run” at Old Skool Kustoms – Mr. Jesse Diaz. Mr. Diaz appeared before Council and explained that his business would like to host a toy drive and “Poker Run” as it did the previous year. He requested to have Main Street closed from Elm Street to the Police Department in order to accommodate the event. In response to Council’s inquiry, Chief Gaddy noted that there were no problems with the previous year’s event. Council Member Whitley made a motion to honor Mr. Diaz’s request to close Main Street from Elm Street to the Police Department on Saturday,

November 1, 2008 from noon until 5:00 p.m., seconded by Council Member Bivens. Vote: All Ayes.

Set Date of Comprehensive Transportation Plan Public Workshop for October 23, 2008 from 5:00 p.m. until 8:00 p.m. TA Webber reported that NCDOT would be responsible for coordinating the event, but would like to use Town Hall to facilitate the workshop. It was the general consensus of Council to allow the workshop to be held at Town Hall on October 23, 2008 from 5:00 p.m. until 8:00 p.m. A discussion followed regarding the necessity of calling a “special meeting” to cover the possibility of a quorum. Attorney Griffin felt that it was not necessary since the NCDOT was hosting the workshop for the general public and there were no intentions to conduct Town business. Mayor Deese encouraged Council to attend the meeting.

Award bid for demolition of 200 South Carelock Drive pursuant to Code Enforcement action. TA Webber said that only two bids were submitted for the demolition project and that the cost of the project was less than the threshold that requires formal bidding procedures. Council Member Bridget made a motion to award the bid to the lowest bidder, Baucom Demolition & Clearing, and to authorize the Mayor to sign the agreement contract in the amount of \$4,850.00, seconded by Council Member Bivens. Vote: All Ayes.

Consider “Camp-out” night at Marshville Park. PD Thifault presented his idea to host a “camp-out” night at Marshville Park, noting that many children never get to experience sleeping in a tent and camping out by a camp fire. He proposed that the event be held in conjunction with the Boy Scout/Cub Scout organizations, noting that it could serve as somewhat of a recruiting tool. PD Thifault clarified that the event would be open to all children fifteen and under and he would seek the help of Scout leaders to serve as chaperones. Each participant would be required to register for the event. Council Member Whitley asked PD Thifault to ensure that tents are available for anyone wishing to participate. Council Member Bivens was concerned about safety in regards to the campfire and asked PD Thifault to have the event well chaperoned. Council Member Bridget made a motion to allow PD Thifault to move forward with planning a “camp-out” night at Marshville Park, seconded by Council Member Beachum. Vote: All Ayes.

Select consultant to develop Pedestrian Plan. TA Webber explained that he had recently received packets of information from three corporations interested in developing Marshville’s Pedestrian Plan. He suggested tabling the matter until he had more time to review the packets. Council Member Bivens made a motion to table the matter until the next meeting, seconded by Council Member Beachum. Vote: All Ayes.

Authorize use of ASET Corporation to conduct background investigations on Police Applicant Finalists. Specify what examinations to conduct or authorize staff to select examinations in accordance with state requirements. TA Webber informed Council that ASET Corporation’s services were used to conduct background investigations for the two most recently hired department heads. TA Webber noted that there are not any state guidelines for what is to be examined in a background investigation for a department head, but there is a 22-page document that details the State’s requirements for performing a background investigation on a potential law enforcement officer. After some discussion, Council Member Bivens made a motion to authorize the use of ASET Corporation and to authorize TA Webber to work with the company to ensure that the State’s mandated background investigation requirements are included as part of their investigation of the police officer applicants, seconded by Council Member Whitley. Vote: 4 to 1 (Mayor Pro-Tem Kiker opposed).

Select a Privacy Officer and establish a Privacy Committee. Upon the recommendation of TA Webber, Council Member Bridget made a motion to establish a Privacy Committee comprised of TA Webber, C/FO Maness, Carolyn Haigler and Debra Leigh. Her motion also named TA Webber as the Privacy Officer and C/FO Maness as the alternate. The motion was seconded by Council Member Beachum. Vote: All Ayes.

Determine date to reschedule Economic Development Joint Study meeting originally planned for October 16th. TA Webber noted that the Wingate Town Council would meet later in the week and would select several dates that would work for them. He suggested that each Council Member provide him with several dates as well and he would coordinate with Wingate to determine the best date. Council agreed. Council Member Bivens suggested that the meeting begin no earlier than 7:00 p.m.

Comments

PD Thifault reported that the skateboard park had opened earlier that day and he had seen about twenty children using the new facility. He planned to hold a grand opening celebration with a concert in the park at 6:00 p.m. the following Saturday. PD Thifault also noted that construction had begun on the Greenspace project. Referencing a complaint she had received, Council Member Bivens asked PD Thifault what was going to be done about fencing in the Greenspace area. PD Thifault explained that, although no funds were budgeted for such, a fence was needed in that area. TA Webber suggested that staff obtain quotes and bring back to Council. Council Member Bivens felt that the fence should be six to eight feet tall around the entire perimeter of the property and that street lights were also needed. DPW Steele noted that the property line is within seven feet of a house on the neighboring property and that some structures cross over the property line. Mayor Deese asked staff to bring back proposals and Council could go from there. PD Thifault said that park will also need to be named.

Council Member Beachum commented on how nice the park looked and said it was well manicured. He thanked PD Thifault for doing such a good job.

Council Member Bivens said that the newly constructed speed hump looked nice. She also noted that the apology letter sent to Flint Ridge Baptist Church was appreciated and well-received. She asked that staff send a letter of condolences to the Mecklenburg County Board of Commissioners in regards to the passing of Commissioner Valerie Woodard. Council agreed that they would each like to sign the card personally before the letter was mailed.

Council Member Whitley, Council Member Beachum and Mayor Pro-Tem Kiker had no comments.

TA Webber reported that Anita Brown Graham with the Institute for Emerging Issues (a function of NC State University) had asked to use the Marshville Community Center to hold a workshop on October 23rd from 1:00 p.m. to 5:00 p.m. Ms. Graham also asked TA Webber to be a member of the panel. The workshop was intended to seek input from communities all across the state regarding changes and emerging issues in North Carolina.

C/FO Maness informed Council that tax bills had been mailed the previous week and more than \$37,000 had already been collected. She also noted that the Town had received its Powell Bill allocation in the amount of \$86,968.

TA Webber reminded Council that the NC League of Municipalities Conference was planned for the weekend ahead.

At approximately 7:50 p.m., Council Member Bridget made a motion to go into Closed Session pursuant to G.S. 143-318.11(a)(6), seconded by Mayor Pro-Tem Kiker. Vote: 3 to 2 (Council Member Whitley and Council Member Bivens opposed).

CLOSED SESSION

In open session, Council Member Bivens made a motion to take no action, seconded by Council Member Whitley. Vote: 2 to 3 (Council Member Beachum, Council Member Bridget and Mayor Pro-Tem Kiker opposed).

No further action was taken.

The meeting was adjourned at approximately 8:40 p.m.

These minutes approved this ____ day of _____, 2008.

Franklin D. Deese
Mayor

Attest: _____
Shelley H. Maness
Town Clerk