

**Marshville Town Council
Regular Meeting
7:00 P.M. Monday, December 22, 2008
Marshville Town Hall
201 West Main St., Marshville, NC**

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

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:

Ernest Lee, 214 W. Union Street, appeared before Council to further discuss his request to use the Town's facility for the purpose of tutoring. He was concerned that the issue was still being discussed more than four months after it was first brought to Council. Mr. Lee requested use of the Old Town Hall from 10:00 a.m. until 2:00 p.m., as he had originally requested. Noting that Council had only approved use of the building from 10:00 a.m. until 12:00 p.m., Mr. Lee did not feel that two hours was enough time. Mr. Lee said that he had not started the program, but would like to do so beginning on January 10, 2009.

Council Member Whitley made a motion to add Mr. Lee's request to the agenda (as Item #6), seconded by Council Member Bivens. Vote: All Ayes.

Adopt Agenda:

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

Consider development of ordinance prohibiting sex in the park. TA Webber discussed a recent incident that occurred in a restroom at the park. He explained that there are no laws that prohibit consensual sex between a male and female, so long as both are of legal age of consent and their private parts are not exposed to another member of the opposite sex. He further explained that the park's rules and regulations do not address the matter. TA Webber said that he was unable to find any other town that had rules or ordinances to prohibit such acts. After further discussion, it was the consensus of Council to have staff research possible civil and criminal penalties that could be imposed in such situations.

Review Congestion Mitigation Air Quality (CMAQ) grant application and information. TA Webber reminded Council that the CATS bus route to and from Marshville is funded by a CMAQ grant. He said he had reviewed some other project possibilities available for CMAQ funding. TA Webber mentioned three possible sidewalk projects: a sidewalk to the park, a sidewalk to Foodlion or a sidewalk on West Main Street. He noted that, in order to qualify for CMAQ funding, the sidewalk must be one continuous sidewalk. TA Webber felt that easement

acquisition might be easier and quicker for the Highway 74 project. He informed Council that "Fast-Track Projects" are funded at 100%, although there were no guarantees a project would be considered for "Fast-Track." If not, the Town must contribute a 20% match. He confirmed that Powell Bill funds could be used for such a project. TA Webber said that both the Rocky River RPO and NCDOT have agreed to help in the application process as much as possible. He further noted that the application was due by January 29, 2009. Following some discussion about which sidewalk project to pursue, Council Member Bivens made a motion to have TA Webber contact Hobbs, Upchurch to do a preliminary cost estimate for the West Main Street project. Council Member Beachum seconded the motion. Vote: All Ayes.

Discussion of using Old Town Hall for volunteers to tutor young people per Mr. Ernest Lee's request. Council Member Whitley made a motion to allow Mr. Lee and tutors to use the south room of the Old Town Hall for the purpose of tutoring on Saturdays from 10:00 a.m. until 2:00 p.m. for four consecutive weeks beginning on January 10, 2009. In addition, Mr. Lee was asked to report back on their progress at the end of those four weeks. Council Member Bridget seconded the motion. Vote: All Ayes.

Comments

Council Member Bivens inquired about the Animal Control Officer that was supposed to have given a presentation at the previous meeting. TA Webber said that there had been some confusion as to the date of the meeting. He said that he had talked to the Lieutenant who informed him that they were going through personnel changes within the department. The Lieutenant requested that Council allow her to give a presentation at the January 5th meeting. Council Member Bivens noted that the Christmas lights in town looked beautiful.

Council Member Beachum wished everyone a merry Christmas and concurred with Council Member Bivens that the lights looked great.

Council Member Bridget praised the Public Works department for their efforts in decorating the town. She wished everyone a merry Christmas and a happy New Year.

Council Member Whitley also wished everyone a merry Christmas and a happy New Year. She thanked PD Thifault for the two Santa events held in the community. She said there was a great turnout and PD Thifault did a good job.

PD Thifault thanked Council Members Whitley and Bivens for helping with the Santa events and said that he hoped there would be pictures of the event in the newspaper.

Council Member Bivens agreed the Santa events were great.

C/FO Maness reported that she had received about forty applications for the tax collector position. She also wished everyone a merry Christmas and a happy New Year.

TA Webber updated Council on the match requirements for the NC Service Corps grant. He said that he had received information from Sandra Thomas, Grants Administrator for the Town of Wingate, clarifying that the Management Advisor provided by the Service Corps would be compensated \$40,000 plus benefits (approximately \$60,000). He said that it appeared that the two towns could split the required 20% match, so that each town would contribute approximately

\$6,000. TA Webber informed Council that he had sent a letter to the property owners adjacent to the new Marshville Mini Park in regards to their dogs. He asked that Council let him know as soon as possible if they were interested in attending the upcoming Local Elected Leaders Training Academy.

TA Webber notified Council that the Town's application for the Clean Water Fund Planning Grant had been declined. He noted that Mary Beck of Hobbs, Upchurch said there would be a second round of funding for which applications were due by January 15, 2009.

TA Webber informed Council that the utility payment drive-thru window was out of service and customers have complained. He explained that the window was beyond repair and the cost to replace it was approximately \$7,500. TA Webber said that the Town could wait to reapply for the water grant and use the funds budgeted for the grant match to replace the window. It was the consensus of Council to reapply for the planning grant and to determine if funds are available elsewhere in the budget to replace the drive-thru window.

At approximately 8:20 p.m., Council Member Bivens made a motion to go into Closed Session per NCGS 143-318.11(a)(6), seconded by Council Member Whitley. Vote: All Ayes.

CLOSED SESSION

In open session, Council Member Whitley made a motion that no action be taken as a result of the Closed Session, seconded by Council Member Bridget. Vote: All Ayes.

There being no further comments, the meeting was adjourned at approximately 11:00 p.m.

These minutes approved this ____ day of _____, 2009.

Franklin D. Deese
Mayor

Attest: _____
Shelley H. Maness
Town Clerk