

**Marshville Town Council
Regular Meeting
7:00 P.M. Monday, December 3, 2007
Marshville Town Hall
201 West Main St., Marshville, NC**

Present: Mayor Franklin D. Deese, Council Members Ned Beachum, Dora Bridget, Margaret Bivens, Doug High, Jr. and Denise Whitley, Town Attorney Bobby Griffin, 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. Council Member Gail Kiker was excused from the meeting.

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

Public Comments:

There were no public comments.

Department Head Comments:

PD Thifault reported that everything was going well at the park. He held a meeting regarding the skate park and a committee was formed. PD Thifault planned to discuss this in more detail later in the meeting.

DPW Steele said that there had been some equipment problems and his crews were still doing leaf pickup. DPW Steele had been working with Hobbs, Upchurch on a grant project (discussed in more detail later in the meeting).

Council Member Beachum remarked that the Town looked great and “probably the best it’s ever looked”, referring to the Christmas decorations recently installed by the Public Works department. Mayor Deese and Council Member Bridget echoed the comment.

Chief Gaddy acknowledged that he had a lot of officers attending classes this month. He also confirmed that the patrol cars that had been damaged recently were both back on the road. He had not had any luck in determining the shipment status of the mobile video cameras.

Mayor Deese thanked all the department heads for their work.

Adopt Agenda:

Mayor Deese requested to add to the agenda 1) a discussion concerning the placement of an ad in the Rusty Piston Antique Tractor Show magazine and 2) a discussion regarding participation in the MLK Breakfast and Parade in January. Council Member Bridget made motion to add the items as requested, second by Council Member Beachum. Vote: All Ayes. (Added as Items # 17 and 18, respectively.)

Mayor Deese made a second request to remove from the agenda Item # 15: "Consider proposed rule change and modifications to tennis courts to allow skateboard use at the Park". Mayor Deese did not feel comfortable discussing alternatives before receiving all of the requested information not only from the skate park committee, but also from the attorney's office regarding any legal issues that need to be considered. Council Member High made motion to remove Item # 15 as requested, second by Council Member Bridget. Vote: 3 to 1. (Council Member Bivens voted nay.)

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

Consent Agenda:

The consent agenda included only the minutes from the November 19, 2007 regular meeting. Council Member High made motion to approve the consent agenda, second by Council Member Beachum. Vote: All Ayes.

Oath of Office for newly elected members. Judge Chris Bragg administered the Oath of Office to Mayor Deese and to newly elected Council Members Ned Beachum, Margaret Bivens and Denise Whitley. Each was presented a certificate from the Union County Board of Elections.

Selection of Mayor Pro-Tempore. Mayor Deese pointed out that according to rules and procedures, once the Oath of Office is administered, the first order of business to immediately follow is the selection of a Mayor Pro-Tem. He explained that the Mayor Pro-Tem basically serves as assistant mayor. The Mayor Pro-Tem is to preside over meetings and assume the role of Mayor in the absence of the Mayor. Mayor Deese asked for a motion to select a Mayor Pro-Tem.

Commenting on the fine job she has done as Mayor Pro-Tem thus far, Council Member Beachum made motion to elect Dora Bridget as Mayor Pro-Tem. The motion died for lack of a second. Council Member Whitley made motion for Margaret Bivens to serve as Mayor Pro-Tem since she received the highest number of votes in the official election. Motion died for lack of a second.

Council Member Whitley made motion to elect the Mayor Pro-Tem by means of written ballot, second by Council Member Beachum. Vote: All Ayes. The written ballot vote resulted in a tie with Council Members Bridget and Beachum voting for Dora Bridget and Council Members Bivens and Whitley voting for Margaret Bivens.

Mayor Deese called for a 10-minute recess at approximately 7:20 p.m. to discuss the matter with counsel. The meeting reconvened at approximately 7:30 p.m.

Council Member Bivens made motion to continue the matter until the next meeting, second by Council Member Whitley. Vote: 2 to 2. (Council Members Bridget and Beachum voted nay.) Attorney Bobby Griffin confirmed that Mayor Deese has the authority to break the tie vote in this case. Mayor Deese voted nay to table the matter.

Council Member Bivens asked if the Mayor Pro-Tem could be elected via a drawing. Attorney Bobby Griffin said that was possible so long as Council voted to adopt that as their methodology.

Council Member Bivens made such motion. Mayor Deese clarified that the names of all Council Members, including those absent, would be placed in a “hat” and that the Town Clerk would draw a name and the person selected would serve as Mayor Pro-Tem. Council Member Beachum seconded the motion. Vote: All Ayes. Clerk Maness drew Gail Kiker’s name to serve as Mayor Pro-Tem.

Recognition of out-going Council Member Doug High, Jr. Mayor Deese presented out-going Council Member High with a plaque and thanked him for four years of service to the Town of Marshville. Mayor Deese also welcomed newly elected Council Member Denise Whitley and presented her with a nameplate.

Request from Habitat for Humanity to waive water and sewer tap fees on Braswell subdivision off West Union Street/Allen Circle. Mr. Mike Reece, Executive Director for Union County Habitat for Humanity, appeared before Council and asked them to consider reducing the utility tap fees for five new Habitat homes to be built on Allen Circle. He explained that the current fees would total \$21,000 for each of the five homes to have access to water and sewer services. Mr. Reece said that they have been able to secure \$10,500 in grant funds to cover half the cost of the tap fees. He then asked Council if they would accept the \$10,500 as full payment for the tap fees. Mr. Reece noted that he did not have to have an immediate response. Council Member Bridget asked what Marshville has historically done in this situation and Council Member Bivens wondered what other towns generally offer. Council Member Bridget asked TA Webber Webber to research the history of Marshville’s involvement with Habitat and report back to Council before the second meeting in January. Council Member Whitley made such motion, second by Council Member Bivens. Vote: All Ayes.

Presentation by Fraternal Order of Police, Law Enforcement Memorial Committee regarding proposed Law Enforcement Memorial in Union County. Richard Davis, Margaret Derenge and Elizabeth Cooke appeared before Council as representatives of the Monroe Union Fraternal Order of Police. They explained that the FOP would like to build a law enforcement memorial on the lawn of the Judicial Center in Monroe. The memorial would pay tribute to any officer that served in Union County and loses their life in the line of duty. Projected cost of the memorial is approximately \$30,000. The City of Monroe has donated \$2,500 toward the cost of the memorial and the FOP hoped that other municipalities in Union County would match that amount. Brick memorials to be placed in the sidewalk surrounding the memorial will be sold for \$35 each to help offset the cost as well. Ms. Derenge did not want to see this memorial serve as a commercial for numerous business sponsors. She explained that she would like to see this memorial established by the communities in Union County. The FOP hopes to dedicate the memorial during Police Week (May 11th – 17th). Mayor Deese asked if they would accept more or less than the requested \$2,500. Ms. Derenge said they would be very appreciative of any amount the Town would be willing to contribute. Mayor Deese assured the group that there would be a discussion of this matter on the next agenda.

Presentation by Pinky Marsh. Pinky Marsh, owner of Plaza de Torres, invited all Council Members to come visit his establishment. He wanted them to see that Plaza de Torres offers something for everyone, not just Hispanics. He explained that the name was simply a marketing tool. Mr. Marsh pointed out that many families are not able to keep a horse and his facility provides an opportunity for children to be exposed to horses and the rodeo experience. Mr. Marsh said that businesses as far away as Hwy 601 saw an increase in sales as a result of the Plaza de Torres Open House that was held in April. Mr. Marsh felt that his establishment was

good for Marshville and something Marshville should be proud of. Mr. Marsh encouraged Council to decide on a date to visit and he would make arrangements to give them a tour of the facility.

Mayor Deese said that he has been to Plaza de Torres and he thought it was a nice facility then, and he was sure it was even better now. Mayor Deese confirmed that the issue would be brought before Council at the next meeting and he would let Mr. Marsh know if a date is determined. Council Member Bivens thanked Mr. Marsh for his presentation.

Mr. Marsh concluded by stating that Plaza de Torres was for every class of people and he hoped it would break some culture clashes. He also noted that Plaza de Torres can really help young people in the area because there are a lot of scholarships available in the rodeo field.

Presentation by Mary Beck of Hobbs, Upchurch regarding sewer rehabilitation grant; reaffirm Minority Business Participation and Conflict of Interest policies; authorize Mayor to execute required grant documents; adopt Resolution confirming that water and sewer rates will not fall below state minimum rates - \$50.28 combined for 5,000 gallons. Marshville's current rate - \$52.21 for combined 5,000 gallons. Mary Beck appeared before Council to discuss an opportunity and requirements for the Town of Marshville to receive grant money from the NC Rural Center for sewer rehabilitation. Mrs. Beck explained that Marshville can apply for up to \$500,000 with a dollar for dollar match, although the money would not be available until this summer. She suggested carrying over what was budgeted this year and doubling that amount in next year's budget so that the Town would have \$150,000 in matching funds available. This would allow for a \$300,000 project. Mrs. Beck pointed out that, although the grant is very competitive, the Town has a good application.

Mrs. Beck reviewed a list of items that Council would need to approve in order to follow through with the grant process. The list included the following:

- 1) Adopt resolution to apply for \$300,000 (includes the rate structure)
- 2) Approve a local commitment of \$150,000
- 3) Approve Mayor Deese to sign the required documents for the application
- 4) Re-affirm "Conflicts of Interest" and "Minority Business Participation" that were originally adopted September 24, 2003
- 5) Approve Hobbs, Upchurch to write and administer the grant
- 6) Approve Hobbs, Upchurch for engineering, design, and inspections on the project

Town Attorney Bobby Griffin was concerned that item #3 was not specific enough and should be clarified.

Council Member Whitley made motion to apply for funding and approve items #1, 2, 4, 5 & 6 as presented, second by Council Member Bivens. Vote: All Ayes.

Mrs. Beck clarified that the documents to be signed by Mayor Deese as referenced in item #3 included the "Certification by Chief Elected Official", "Commitment of Other Funds", and a "Memorandum of Understanding". Council Member Whitley made motion to approve the Mayor to sign off on those documents outlined by Mrs. Beck, second by Council Member Bivens. Vote: All Ayes.

Appointment of CCOG and RRRPO Delegates and Alternates. Mayor Deese explained that he served as the delegate for both the CCOG and the RRRPO last term and that Council Member Bivens served as alternate for the CCOG and Council Member Bridget served as alternate for the RRRPO. Mayor Deese said that he was willing to serve in both capacities again, but it was up to Council to decide. Council Member Whitley noted that she enjoyed serving as delegate for the CCOG in the past and had made a lot of good contacts. Therefore, she asked to be appointed as the delegate for the CCOG. TA Webber made Council aware that Mayor Deese was up for election as Secretary for the CCOG. Given that information, Council Member Whitley made motion to appoint Mayor Deese as delegate for the CCOG, second by Council Member Bivens. Vote: All Ayes.

Council Member Bivens made motion to appoint Council Member Whitley as alternate for the CCOG, second by Council Member Whitley. Vote: All Ayes.

Council Member Bivens made motion to appoint Council Member Whitley as delegate for the RRRPO, second by Council Member Whitley. Vote: All Ayes.

Council Member Whitley made motion to appoint Council Member Bivens as alternate for the RRRPO, second by Council Member Bivens. Vote: All Ayes.

TA Webber pointed out that the appointment just made for the RRRPO was for the Transportation Advisory Committee (TAC), but there is also a staff appointment. TA Webber noted that he currently serves as the staff delegate and DPW Steele serves as his alternate. TA Webber said he also serves as the vice-chair of the Transportation Coordinating Committee (TCC). TA Webber said that he would be glad to continue serving in this capacity. Council Member Whitley made motion to allow TA Webber to continue to serve as the staff delegate for the RRRPO, second by Council Member Beachum. Vote: All Ayes.

Council Member Whitley made motion to allow DPW Steele to continue to serve as the staff alternate for the RRRPO, second by Council Member Bivens. Vote: All Ayes.

Consider proposed rule change modifications to tennis courts to allow skateboard use at the Park. Council voted to remove this item from the agenda.

Consider request by Britt Insurance Agency to review Utility Deposit Policy. TA Webber explained that Mr. Britt was moving the location of his business from what was originally an owned facility to one that will be rented. As per the policy, he is required to pay a \$150 water deposit on the rented facility. Mr. Britt wrote a letter to the Town to convey his concern about the policy. He is particularly concerned that he has been a water customer in good standing for more than twenty years, yet is now required to pay a deposit simply for relocating his business. Mr. Britt felt that it may be time for the policy to be reevaluated.

Council Member Whitley said that she would like to leave the policy as it stands for the time being, but have TA Webber research and see what other Towns do. Mayor Deese pointed out that Mr. Britt did not ask to have the fee waived, but to have Council reevaluate the policy.

Mayor Deese asked TA Webber to research the issue and bring a proposal before Council. He also felt that there are other policies that need to be reevaluated at some point in time.

Consider placing an ad in the Rusty Piston Antique Tractor Show magazine. Mayor Deese explained that Reed Helms had approached him about purchasing an ad in a brochure or magazine for the Rusty Piston Antique Tractor Show. He noted that ads start at \$85 and that the Town would get a free booth at the show for purchasing the ad. Mayor Deese suggested developing a brochure with information about the Town of Marshville to distribute at the event that will be held in late April, should they choose to participate. Council Member Whitley made motion to place an ad in the Rusty Piston Tractor Show magazine not to exceed \$200, second by Council Member Bivens. Vote: All Ayes.

Consider participation in the MLK Breakfast/Parade. Mayor Deese informed Council that he had received an invitation to participate in a Martin Luther King, Jr. parade to be held in Monroe on January 20th and to attend a breakfast celebration on January 21st. He noted that there was no cost to participate in the parade, but a table for eight at the breakfast would cost \$160. Mayor Deese asked Council to keep this in mind and they could decide at the next meeting if they would like to participate.

Comments:

Council Member Beachum asked former Council Member High to come up to the Council table. Council Member Beachum shook Mr. High's hand and said that it had been a pleasure working with him.

Council Member Bivens said that she would like to have the Beautification Committee meet Thursday, December 20th at 6:30 p.m. Council Member Bivens also mentioned that Leroy Allen of Allen Circle would like for the Town to contact the railroad company to see if they will install another guardrail between the road and the railroad track. TA Webber thought that it would be the Town's responsibility to install a guardrail. Council Member Bivens asked staff to research the matter.

Council Member Whitley said that she looked forward to working with everyone.

Council Member Bridget had no comment.

Clerk/Finance Officer Maness reported that overall expenditures are less than expected for this point in the year. Overall revenues were slightly under projection for the time of year, but C/FO Maness said this is largely due to typical timing issues (i.e., property taxes are not penalized until January so many people wait to pay).

Administrator Webber passed around sign-up sheets for two upcoming events: the Union County Chamber of Commerce Annual Meeting and Dinner to be held on Thursday, December 6th at 6:00 p.m. at Rolling Hills Country Club and the Essentials of Municipal Government class to be held January 8th – 10th at the Hilton at University Place in Charlotte. TA Webber also reminded Council that the Union County School Board meeting would be held the following night (December 4th) at 7:00 p.m. at Marshville Elementary School.

TA Webber commented that money had been budgeted for the development of a website and that he has taken over the project that former Town Clerk Scott Howard had started. TA Webber let Council Members know that he will need their biographical information at some point in time so that it could be included on the website. He noted that the website was not up and running at that

time, but that the web address would be www.marshvillenc.org. TA Webber remarked that the website could include links to sponsors of local events, such as a link to Pinky Marsh's Plaza de Torres website. Council Member Bivens suggested calling Mr. Marsh to let him know the Town is willing to do such. TA Webber hoped to have the website online within the next couple of weeks. He also said that a digital photo could be included with each Council Member's biography if they had one that they would like to use or staff could take one for them.

TA Webber noted the following: the Historic Commission will not have a meeting on Tuesday, December 4th as scheduled, the Red Cross sent the Town a "Thank You" note for sponsoring blood drives at the Community Center, the next Red Cross Blood Drive will be held on December 18th at the Community Center, the Marshville Chamber of Commerce will hold a drop-in holiday luncheon on December 6th at the Edward's Library. TA Webber congratulated Mrs. Whitley and thanked Mr. High for his service to the Town. TA Webber concluded by reminding Council that once a month he delivers meals to the elderly on Town time and using the Town car and asked if there were any objections to him continuing to provide this community service. There were none.

Mayor Deese concluded the meeting by thanking Mr. High and congratulating Mrs. Whitley.

There being no further comments, the meeting was adjourned at approximately 9:20 p.m.

These minutes approved this ____ day of _____, 2007

Franklin D. Deese
Mayor

Attest: _____
Shelley H. Maness
Town Clerk