

**Town of Marshville
Town Council Meeting
Monday, April 2, 2012
7:00 PM
Marshville Town Hall – 201 W. Main St.**

Present: Mayor Deese, MPT Matthew Jefferson, CM Norma Carpenter, CM Dora Bridget, CM Margaret Bivens, CM Gary Huntley, ITM James Bennett, Clerk/FO Tonya Johnson and Attorney Bobby Griffin. Also present were Chief Webber, DPW Bivens Steele and PD Alan Thifault. Member of the press attending were John Edmondson of the *The Home News* and Lacy Hampton of *The Enquirer Journal*.

Open/Welcome/Invocation/Pledge of Allegiance

The meeting was called to order by Mayor Frank Deese at 7:02 pm. Mayor Deese welcomed all those in attendance. The invocation was given by CM Margaret Bivens. All gave the Pledge of Allegiance.

Public Comments: Limited to 2 minutes per person, 10 minutes total, if any

There were no public comments.

Adopt Agenda

A motion to adopt the agenda was made by CM Margaret Bivens and seconded by CM Gary Huntley. Vote: All ayes.

Consent Agenda

A. Minutes

1. March 7, 2012
2. March 8, 2012
3. March 19, 2012

B. Proclamations

1. Child Abuse Prevention Month and Sexual Assault Awareness Month
2. Municipal Clerks Week (April 29 – May 5, 2012)

C. Other Items

1. Letter of information to citizens pertaining to recycling

Mayor Deese requested a motion to remove from the consent agenda item C. 1. Letter of information to citizens regarding recycling. He suggested this be added as a regular agenda item (#13). A motion was then made by CM Margaret Bivens and seconded by CM Dora Bridget. Vote: All ayes.

Mayor Deese then asked for a motion to approve the consent agenda with the change to remove item C. 1. The motion was made by CM Margaret Bivens and seconded by CM Dora Bridget. Vote: All ayes.

Approval of agreement between NCDOT and Town of Marshville for the Hwy. 74 Sidewalk Project

Mayor Deese referenced the copy of the NCDOT agreement in the agenda packet. He briefly summarized the contract for the Hwy. 74 Sidewalk Project. A motion to approve the NCDOT Hwy. 74 Sidewalk Project was made by MPT Matthew Jefferson and seconded by CM Margaret Bivens. Vote: All ayes.

Discussion and possible action regarding the approval of Waste Connections of North Carolina, Inc. solid waste collection and disposal agreement

Mayor Deese reviewed/summarized the solid waste agreement received from Waste Connections. ITM James Bennett stated the contract will be for three years with the option to extend the contract for up to two years. He further commented this contract will save the Town of Marshville money and will include recycling. A motion to accept the contract with Waste Connections and to authorize the Mayor to sign said contract was made by MPT Matthew Jefferson and seconded by CM Margaret Bivens. Vote: All ayes.

Action regarding Allen Drive citizens' request/petition for a speed hump

Mayor Deese reviewed the requirements regarding speed humps. He stated that the traffic on Allen Drive would need to be monitored by a device. ITM James Bennett commented that the installation of the speed hump would cost approximately \$3,000. DPW Bivens Steele stated this price includes signs and the expense can be paid for with Powell Bill funds. At this time several residents were recognized that reside on Allen Drive. Mr. Tim Baucom of 712 E. Union Street, Marshville, informed council he would like to see two speed humps installed. He indicated there has been an increase in traffic since the paving of Mill Street. Mayor Deese replied that the town will follow protocol to determine what, if anything can be done. Another resident, Jeff Baucom of 912 Allen Drive, Marshville, addressed council regarding the speeding traffic on Allen Drive and the need for speed humps. Chief Carl Webber remarked that the City of Monroe Engineering Dept. needs to be contacted for the traffic count/monitoring.

Discussion and possible action regarding an amendment to the Policy for the Use of the Marshville Community Center

ITM James Bennett reminded council that he was directed at a previous meeting to check other towns' policies. He stated he involved Alan Thifault and Debra Leigh in the process. They worked together to clarify the existing policy. MPT Jefferson commented that the rate was increased last year to attempt to break even. He feels it could be used by for-profit organizations and takes objection to excluding for-profit groups. MPT Jefferson suggested town employees should be able to use the Community Center at no charge. He feels a tiered pricing schedule should be considered and that non-profit should not have to pay the same rental fee as for-profit groups. CM Norma Carpenter commented that the policy is very restrictive. Mayor Deese reminded council to consider all the issues and any possible liability to the town. He stated the need to weigh the pros and cons. Discussion ensued. Attorney Griffin commented that council needs to decide the purpose of the facility. A public entity should not have discretion. He suggested making the policy simple as possible with one fee. He further stated that employees should be shown no favoritism. Let everyone who applies use the facility within the established guidelines. CM Dora Bridget commented she feels the rental fee is too high. Attorney Griffin stated the need to realistically look at the cost of the Community Center. ITM James Bennett commented he will do as council directs. Mayor Deese asked if council desires to rent to any group within established guidelines. He commented that good guidelines need to be established. Mayor Deese and council agreed to direct the manager to revise the policy and to do a cost analysis of the Community Center (personnel, utilities, maintenance, etc.) and bring to a future meeting. Mayor Deese requested the cost analysis to provide a price list for both a 2-hour rental block and a 4-hour rental block of time.

Discussion of the Town of Marshville Code of Ordinances revisions

ITM James Bennett reviewed the proposed ordinance revisions with council. Discussion ensued. The following is a list of proposed changes: Section 51.02 – insert “Beaver Lane” before Fire Chief; Section 51.10 to be removed since town doesn't regulate private wells; Section 51.13 – suggested review regulation on voluntary annexation before removing; Section 51.14 to be removed; Section 51.50 – remove comma after “provided”; Section 52.09 section (c) (1), (2) and (3) removed (would have to follow Anson County's drought policy); Chapters 71 and 72 to be removed; Sections 74.01 and 74.02 to be removed; Section 74.13 – remove wording and leave heading; Chapter 75, Schedule III, Section C to be removed; Chapter 76, Schedule 1 Sections (A) and (B) (2) to be removed; Chapter 76, Schedule III to be removed; Section 95.03 to be removed. ITM James Bennett was directed to make the proposed changes to the ordinance and bring back to council at a future meeting for review/approval.

It was brought to Mayor Deese's attention that two proclamations on the consent agenda were not read. Mayor Deese paused to have the proclamations read into the minutes. Ms. Pam Caskey, Director of United Family Services, was recognized to read the Child Abuse Prevention and Sexual Assault Awareness Month proclamation. Ms. Caskey also recognized Chief Webber and the police department for their aid in forensic interviews. Chief Webber, in turn, commended Ms. Caskey and her agency's work. Mayor Deese, on behalf of the Marshville Town Council, stated they are happy to proclaim April as child abuse prevention month. He thanked Ms. Caskey for her agency's work in this endeavor.

At this time Clerk Tonya Johnson was recognized to read into the minutes the Municipal Clerks Week Proclamation. The 43rd annual Municipal Clerks Week is April 29 – May 5, 2012. Mayor Deese expressed his appreciation to Clerk Tonya Johnson.

RECESS – Mayor Deese called for a brief recess at 8:35 pm.

RECONVENE – Mayor Deese reconvened the meeting at 8:45 pm

FY2012-2013 Budget discussion (PLEASE BRING BUDGET WORK PAPERS FOR DISCUSSION)

ITM James Bennett handed out a summary budget update of each funds projected expenses and revenues. Mayor Deese reviewed the budget summary sheet with council. CM Norma Carpenter asked about the projected increase in health insurance costs. ITM James Bennett stated the insurance carrier is proposing an 11% increase but is going to shop the market for competitive rates. CM Carpenter commented she would like to sit down with ITM Bennett and review the policy. Mayor Deese commented that budget line item 10-4100-0100 reflects a proposed pay increase for the mayor and council members. He stated he wishes to remove the raise for the mayor in the proposed budget. He is appreciative of the gesture but wishes to decline. CM Dora Bridget and CM Norma Carpenter commented that they also wish to have their proposed raise removed from the budget. Mayor Deese stated that the budget seems to be in line and is sort of a bare bones budget. Discussion among council ensued. ITM James Bennett informed council that revenues were estimated very conservatively. Mayor Deese stated that in the General Fund some fund balance will need to be encumbered to balance the budget, but the Enterprise Fund has some surplus. Mayor Deese encouraged council to continue to review the budget work papers. He commented that, legislatively, we have until July 1 to adopt the budget.

Letter of information to citizens pertaining to recycling

Mayor Deese stated council needs to discuss whether the recycling program should be a citizen choice or whether the town should require mandatory participation. ITM James Bennett commented that we have citizens who don't elect garbage pickup. He asked whether we should make garbage pickup mandatory. Attorney Griffin commented we can penalize people for putting trash on the street but we can't penalize people for taking their trash somewhere else. Attorney Griffin further commented that these questions/concerns can be addressed with ordinances. ITM James Bennett stated that only the folks who participate in the recycling program will receive a can for recycling. CM Dora Bridget commented if a citizen has trash pickup they should be required to recycle. CM Gary Huntley commented he doesn't think we should force people to participate. Rather, we should try to inform citizens and persuade them to participate in the recycling program. CM Margaret Bivens asked about Wingate's policy. John Edmondson interjected that Wingate's policy is mandatory. CM Gary Huntley stated that as the recycling program was explained, you can put recyclables in the trash but you cannot put trash in the recyclable container. Mayor Deese questioned how there can be penalties if the program is not mandatory. He asked if and how the town is going to monitor who is breaking the rules. DPW Bivens Steele stated he didn't think the recycling program was going to be mandatory. ITM Bennett commented that Waste Connections will notify the town of noncompliance and then the town will impose penalties. Attorney Griffin interjected that recycling is really a convenience for Waste Connections. Mayor Deese commented he doesn't think the town should have to enforce any penalties. The contract was studied. MPT Matthew Jefferson expressed that he thinks recycling should be mandatory. Mayor Deese stated he needs a motion from council either to make recycling mandatory, voluntary, or voluntary to be looked at in six months. CM Gary Huntley made a motion to make the recycling program voluntary to be looked at in six months from the beginning of the program (July 1, 2012) and then determine the need to make it mandatory. The motion was seconded by CM Dora Bridget. Vote: 4 to 1 (CM Bivens, Bridget, Carpenter & Huntley for; MPT Jefferson opposed).

Mayor Deese instructed ITM James Bennett to review the ordinance section on garbage (Section 50) to make sure it goes along with the garbage contract and the recycling letter. ITM Bennett was also instructed to check with the Town of Wingate.

Comments

CM Gary Huntley congratulated Mayor Deese on receiving the "A Few Good Men" honor. He wished everyone a joyous Passover season. He expressed his appreciation to dept. heads/staff and thanked the clerk for the job done.

MPT Matthew Jefferson commented he is appreciative of the work on the crosswalks. He stated the museum is lacking funding, as well as the Small Town Main Street committee. Fundraisers are needed. MPT Jefferson commented on some great items in Town Hall that belong in the museum. MPT Jefferson conveyed to council that the amount needed for façade grants is approximately \$25,000. In regards to the Small Town Main Street Program, they have an active group assembled but they need to actually accomplish something.

CM Norma Carpenter stated she will be providing ITM Bennett as list of items the Museum Committee would like the town to help with.

Clerk/FO Tonya Johnson reported on some of the recent improvements made to her office. She also gave an update on tax collections and reminded council that advertising for delinquent taxes will be April 18, 2012.

ITM James Bennett distributed an ad for a public hearing notice for the CDBG NC Catalyst Grant Application. A second public hearing is required. Mayor Deese asked for a motion to call for a public hearing on April 16, 2012 and read the ad, which is herein incorporated into these minutes. A motion to call for a public hearing on Monday, April 16, 2012 to receive public input on the town's NC Catalyst application was made by CM Margaret Bivens and seconded by CM Gary Huntley. Vote: All ayes.

ITM James Bennett informed council of Rocky River RPO boundary changes whereby Marshville will be moved from the RRRPO to the MUMPO. He further commented that due to Marshville having a population of less than 5,000, the town will have no vote in the MUMPO.

ITM Bennett gave a nuisance abatement update. Out of approximately nine folks contacted for tall grass for trash, six to eight have come into compliance. He thanked PD Alan Thifault.

Mayor Deese informed council that, according to doctor's orders, he needs to give something up. He asked council to choose a delegate to the COG. The delegate would have to attend periodic meeting in Charlotte. CM Dora Bridget volunteered. Mayor Deese stated he would draft a letter notifying COG of the change.

Mayor Deese remarked on some recent telephone calls received from citizens. He stated he makes decisions based upon what he feels is best for Marshville.

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. . .)

In open session a motion was made by CM Margaret Bivens and seconded by CM Gary Huntley to go into closed session per the general statute cited above. Vote: All ayes.

CLOSED SESSION

Open Session (10:30 pm)

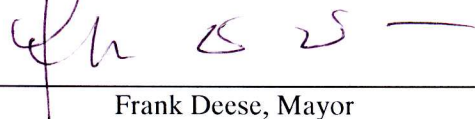
In open session CM Dora Bridget made a motion to proceed to conduct background checks on two finalists for town manager. The motion was seconded by CM Gary Huntley. Vote: All ayes.

Adjourn

At 10:35 pm a motion to adjourn was made by CM Margaret Bivens. The motion was seconded by CM Gary Huntley. Vote: All ayes.

There being no further comments the meeting adjourned.

These minutes approved this 16th day of April, 2012.

BY: 
Frank Deese, Mayor

ATTEST: 
Tonya Johnson, Clerk

**A brief recess may be called every 45-60 minutes, as desired by Council.*