

**Town of Marshville  
Town Council Meeting  
Monday, February 20, 2012  
7:00 PM  
Marshville Town Hall – 201 W. Main St.**

Present: Mayor Deese, MPT Matthew Jefferson, CM Margaret Bivens, CM Dora Bridget, CM Norma Carpenter, CM Gary Huntley, ITM James Bennett, Clerk/FO Tonya Johnson, Attorney Bobby Griffin, Chief Webber, PD Thifault, DPW Steele. Also present were John Edmondson, editor of *The Home News* and Lacy Hampton with *The Enquirer Journal*. Department heads and staff in attendance were Chief Webber, Lt. Matt Tarlton and PD Alan Thifault.

Open/Welcome/Invocation/Pledge of Allegiance

Mayor Deese opened the meeting of the Marshville Town Council at 7:01 pm and welcomed everyone attending. CM Margaret Bivens gave the invocation. All gave the Pledge of Allegiance.

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

David Melton of 514 E. Union Street, Marshville addressed the council regarding a drainage problem on his property resulting from the Habitat for Humanity houses. He claims his back yard and crawlspace are being flooded due to a drainage problem in the Habitat Subdivision. He also expressed concern that speeding traffic is a problem in the area near the Habitat for Humanity subdivision where children play. Mayor Deese instructed the manager to contact Mr. Mike Reese with Habitat for Humanity. Likewise, Mayor Deese mentioned that staff may already be working on speed humps in the area. Attorney Griffin cautioned the council not to give a false illusion about what the town can legally do. He recommended Mr. Melton contact legal counsel.

Chris Kelley of Washington, DC introduced himself as Legislative Director for Congressman Larry Kissell.

Gail Kiker of 912 Forest Drive, Marshville asked council for an update regarding a doublewide mobile home in the city limits of Marshville on Thomas Street. ITM James Bennett is to follow up with Ms. Kiker.

Adopt Agenda

Mayor Deese requested to add as agenda item #11 the discussion and possible action concerning the purchase of electricity by a council person. The motion to add this to the agenda was made by CM Margaret Bivens and seconded by CM Norma Carpenter. Vote: All ayes.

CM Dora Bridget made a motion to adopt the agenda with the addition of item #11. The motion was seconded by CM Gary Huntley. Vote: All ayes.

Consent Agenda

A motion was made by CM Dora Bridget and seconded by CM Norma Carpenter to approve the items on the consent agenda. Vote: All ayes.

Approve 2012-2013 Budget Preparation Calendar

Mayor Deese reviewed with council the budget preparation calendar and made some changes. Mayor Deese commented that the dates are tentative and subject to change. Meetings scheduled on March 26, April 9, April 30 and May 14 was eliminated. These meetings were incorporated into the regular meeting schedule to eliminate the need to call so many special meetings. ITM Bennett commented that calendars with penciled in dates will begin being provided at the next regular meeting to keep council members abreast of various meetings. A motion to approve the tentative budget preparation calendar with the discussed changes was made by CM Margaret Bivens and seconded by CM Dora Bridget. Vote: All ayes.

Discussion of Citizen Survey Report - Section 3: Recycling

Mayor Deese reviewed the results of section three of the citizen survey on recycling. He commented that the manager is obtaining bids for recycling to explore the costs. ITM Bennett added that he and DPW Bivens Steele are collecting bids on garbage collection to include a cost for picking up recyclables every other week. CM Margaret Bivens asked if the town receives any incentive for recycling. ITM James Bennett commented he is not certain.

Approve audit contract for FY2011-2012 from J. B. Watson & Co., PLLC

F/O Tonya Johnson briefly reviewed the terms of the audit contract. She pointed out that the fee for the audit and preparation of the annual financial statements is \$12,500 which is the same fee as last year. The only difference in this year's contract is fee increase from \$75/hour to \$100/hour for single audit procedures, if applicable. The audit contract must be submitted to and approved by the LGC prior to the audit process commencing. A motion to approve the audit contract for FY2011-2012 from J. B. Watson & Co., PLLC was made by CM Margaret Bivens and seconded by CM Gary Huntley. Vote: All ayes.

Discussion and possible action on resolution regarding the designation of an official to make recommendations to the North Carolina Alcoholic Beverage Control Commission on ABC permit applications

ITM James Bennett read a memo asking council to change the name of the official designee for the Town of Marshville from Mike Gaddy to Police Chief. ITM Bennett suggests changing the official designee to Police Chief would eliminate have to change the official designee each time personnel changes. It was suggested that the designee should be assigned by title and not by name. Chief Webber also commented as such. A motion to adopt the resolution regarding the designation of an official to make recommendations to the ABC Commission to Police Chief and further to authorize the mayor to sign said resolution was made by CM Dora Bridget. The motion was seconded by CM Gary Huntley. Vote: All ayes.

Discussion and possible action regarding authorizing the manager to draft a letter to Union County and the State Representatives requesting to remain in the boundary of the RPO

ITM James Bennett read a memo to council regarding a determination the Federal Government may make to designate all of Union County into the MPO (Municipal Planning Organization). If the Federal Government doesn't make that decision it may be up to Union County to decide whether Marshville remains a member of the RPO (Rural Planning Organization) or MPO. Due to our population of less than 5,000 we would not have a vote as a member of the MPO. ITM Bennett is of the opinion that it would be most beneficial to Marshville to remain in the RPO.



He is requesting council allow him to contact Mr. Chris Kelley, Congressman Kissell, our governor and other elected officials by way of a letter requesting to remain in the RPO. Mayor Deese expressed his desire to instruct the manager to send letters and/or make calls requesting to remain in the RPO. He also urged council members to do the same. It was the consensus of the council to authorize ITM Bennett to draft letters and make calls requesting to remain in the RPO.

Discussion and possible action regarding providing bank routing/account number to CCR (Central Contracting Registration) to complete NEA Grant Application.

ITM James Bennett commented on a grant being sought after by PD Alan Thifault through the National Endowment of the Arts. PD Alan Thifault informed council the grant is for \$100,000 which would be used in part for the museum and in part for the downtown area. PD Alan Thifault expressed to council that he was informed that this information is mandatory as part of the application process. The application deadline is March 1, 2012. Mr. Chris Kelley, Legislative Director for Congressman Kissell commented that he can provide assistance with federal agencies and will check CCR out for its legitimacy. F/O Tonya Johnson commented that she was not comfortable releasing this information at this point in the grant application process. She and ITM Bennett both talked with some folks from other towns several of which informed them that they don't give out banking information until the grant is awarded. PD Thifault asked if CCR is legitimate can we get the go ahead from council to release the bank information. ITM James Bennett asked council if Mr. Chris Kelley can verify CCR how do they wish staff to proceed. Mayor Deese asked if we can submit a paper application to which PD Thifault said we cannot. Mayor Deese commented that he is not comfortable releasing the bank information. It was the consensus of the council not to release the bank information. Mayor Deese thanked PD Alan Thifault for his diligence in trying to obtain the grant. CM Margaret Bivens suggested ITM James Bennett check with other towns regarding this matter.

Discussion and possible action regarding the purchase of electricity by a council member

MPT Matthew Jefferson asked to excuse himself from this discussion. A motion to allow MPT Matthew Jefferson to recues himself from discussion was made by CM Norma Carpenter and seconded by CM Dora Bridget. Vote: All ayes.

\*MPT Jefferson excused himself at 8:07 pm.

Mayor Deese commented that when Mr. Jefferson moved he didn't anticipate this problem. He had a parking arrangement made but it fell through. Mayor Deese stated that MPT Jefferson has equipment that needs to be kept from freezing. Mayor Deese further commented that MPT Jefferson asked about plugging in at the Community Center. ITM James Bennett explained to council how he derived at the amount to charge MPT Jefferson for electricity. He further stated MPT Jefferson has paid for three months of electrical usage and will pay each month as long as he continues to use electricity, which is anticipated through April. Attorney Griffin commented that council needs to have a policy or procedure to handle situations such as this. Council needs to look at what is the use of the town (public) property. Questions need to be answered such as is this a franchise? Is this good/service only available to the mayor and council members? Can anyone plug in? All this things need to be addressed before rate setting. CM Bivens expressed her concern over this situation. Mayor Deese commented we should go through the proper procedures but he hopes we would help any business/citizen in Marshville. CM Margaret Bivens sympathized but suggested the possibility of a temporary service pole from Duke Power. CM Huntley sympathized but commented that council needs to do the right thing. CM Carpenter



commented she sympathizes with Mr. Jefferson and would hate to put someone out of business. She understands it's only temporary. CM Dora Bridget stated she doesn't feel we're going to have a run of people wanting to plug in. MPT Jefferson had paid more than the cost of the electricity. She doesn't see a problem with it. CM Bivens again expressed her concern. She again suggested MPT Jefferson look into alternate remedies. Mayor Deese asked whether council allow Mr. Jefferson to continue to use the electricity at the established cost, and sign a hold harmless agreement, and instruct him to talk to Duke Power to find a different resolution to this matter.

Staff was directed to research other towns' policies regarding this type of issue.

Mayor Deese asked for the council's action. Do they want to instruct Mr. Jefferson not to use the electricity? Or, to allow Mr. Jefferson to continue to use the electricity at the established cost until April, sign a hold harmless agreement, and pursue another remedy?

Attorney Griffin commented that, assuming this is a formal request, will there be a contract and what will be the terms of agreement. Attorney Griffin cautioned the council to keep in mind the use of public property and their position as elected officials. CM Norma Carpenter asked if MPT Jefferson could rent electricity. Mayor Deese suggested that council instruct MPT Jefferson not to plug in until this is worked out with a policy. Mayor Deese stated he will personally allow Mr. Jefferson to plug in at his residence. CM Norma Carpenter stated she will also allow Mr. Jefferson to plug in at her residence. A motion to instruct MPT Jefferson not to plug into the public electricity effective February 21, 2012 at noon and not to use it any further was made by CM Norma Carpenter. The motion was seconded by CM Dora Bridget. Vote: All ayes.

MPT Jefferson returned to the meeting at 8:40 pm. At this time he was informed by Mayor Deese of the action of the council that he discontinues use of the public electricity by noon on February 21, 2012.

#### Comments

CM Gary Huntley thanked everyone for the jobs they do.

CM Norma Carpenter commented that the Museum Committee is very active moving forward. She commented that she enjoyed the Chamber dinner. She expressed appreciation to council and staff.

CM Margaret Bivens commented that the Beautification Committee recently met walked downtown Marshville. She informed council and staff about calls reporting vandalism at the mini park. She suggested looking into fencing and locking the property.

Clerk/FO Tonya Johnson informed council that for the month of February twenty-two water deposits have been received to date totaling \$3,300. Tax collections are at \$611,569.35 (92.7%) for current year tax and prior year taxes collected so far this year are \$9,136.80. We received of first debt setoff totaling \$2,095.71. We previously collected \$786.12 in delinquent accounts. Clerk/FO Johnson reminded council of an upcoming event honoring Mayor Deese. She requested they have their ticket money to her by Monday, March 5, 2012 so she can purchase tickets for the group.

ITM James Bennett informed council that the Union Co. Chamber of Commerce is doing maps and the cost for Marshville is \$369. He reminded council that on February 28 and 29 they will

be going to training on the *Essentials of Municipal Government*. ITM Bennett informed council that the surplus auction brought in \$9,343.75 for the town.

Mayor Deese stated that a special meeting had been called for Sunday, February 19, 2012 for a closed session to interview applicants for town manager. A notice was posted but was unknowingly removed prior to the meeting. An electronic notice was not sent out. Mayor Deese apologized for the incident.

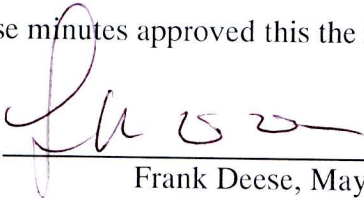
Adjourn

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

There being no further comments the meeting adjourned at 8:52 pm.

These minutes approved this the 5<sup>th</sup> day of March, 2012.

BY:



Frank Deese, Mayor

ATTEST:



Tonya Johnson, Clerk

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

