

**Town of Marshville  
Town Council Meeting  
Tuesday, January 17, 2012  
7:00 PM  
Marshville Town Hall – 201 W. Main St.**

Present: Mayor Frank Deese, MPT Matthew Jefferson, CM Margaret Bivens, CM Norma Carpenter, CM Gary Huntley, Interim Town Manager James Bennett, Clerk/FO Tonya Johnson, Attorney Bobby Griffin, Chief of Police Carl Webber, PD Alan Thifault, DPW Bivens Steele. Also present were John Edmondson, editor of *The Home News* and Peggy Poston, Territory Manager with Waste Connections. \*CM Dora Bridget was absent due to illness. A quorum was present.

Open/Welcome/Invocation/Pledge of Allegiance

Mayor Deese opened the meeting of the Marshville Town Council at 7:02 pm and welcomed all those attending. The invocation was given by CM Gary Huntley. All gave the Pledge of Allegiance.

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

Gail Kiker of 912 Forest Drive, Marshville, NC requested council make a motion to extend the two minute time limit for public comments because she wishes to address the council regarding agenda items #8 and #9 and will need more time. Mayor Deese and the Council agreed to allow Ms. Kiker an opportunity to speak regarding these items as they come up for discussion.

Peggy Poston of 4086 Charles Williams Lane, Granite Falls, NC addressed the council regarding a solid waste proposal. She requested that council allow the contract to be extended for a one year period. Mayor Deese commented that it is inappropriate to accept a proposal since the Town has already advertised for bids for waste collection/disposal services. It was further stated that Waste Connections can request a bid package.

Adopt Agenda

A motion to adopt the agenda as received was made by CM Margaret Bivens and seconded by CM Norma Carpenter. Vote: All ayes.

Consent Agenda Items:

- a. Approve Minutes of December 13, 2011 and January 3, 2012 meetings
- b. Receive Budget Report as of 12/31/2011
- c. Approve Budget Amendment 2012-04 for funds received for Police manpower during the Pilgrim's Pride incident
- d. Approve Budget Amendment 2012-05 for new dump truck

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

Discussion of the Citizen Survey Report – Section 5: Parks & Recreation

PD Alan Thifault commented that citizens need/want an indoor recreational center. He asked council to please consider this in the budget planning. PD Thifault informed council that he's talked with ITM Bennett about possible grants. ITM Bennett complimented PD Thifault on ratcheting up the recreation program in Marshville. It is now geared toward all ages of people. ITM Bennett informed council of a workshop he and PD Thifault attended. They learned that the city of Rock Hill combined their Parks & Recreation dept. with tourism as a way to boost economic growth. Mayor Deese agrees with the idea of an indoor recreation center and is working on having information to report to the board at the upcoming budget retreat. PD Thifault reported that the



recreation department serves approximately three hundred families with its various programs/activities. He is currently pursuing two grants.

Discussion and possible action regarding proposal for engineering services from Hobbs, Upchurch and Associates as it pertains to the Hwy. 74 Sidewalk Project

DPW Bivens Steele explained that this is the Hobbs Upchurch & Associates proposal for engineering services for the CMAQ Hwy. 74 Sidewalk Project that was previously approved. HUA needs the contract executed so they can begin work. CM Norma Carpenter asked who chose Flake St. and Morgan St. ITM Bennett explained this was originally another project but the required easements could not be obtained. Mayor Deese commented that sidewalks already exist from Flake St. to East Union School. This project enables the Town to have sidewalks all the way to Food Lion. DPW Bivens Steele commented that if money is available the sidewalks will be extended farther. He also stated that HUA will go ahead and engineer the entire project. CM Margaret Bivens commented on the need to sidewalks going west. Mayor Deese commented that we just need make sure we don't have a bridge to nowhere. Mayor Deese asked for a motion to accept the contract from HUA as it pertains to the Hwy. 74 Sidewalk Project and to authorize the mayor to sign off on said contract. The motion, as stated above, was made by MPT Matthew Jefferson and seconded by CM Margaret Bivens. Vote: All ayes.

Discussion and possible action regarding the pickup and disposal of electronic items

ITM Bennett referenced recent legislation that was passed regarding the pickup/disposal of electronic items. Waste haulers can no longer pick up electronic items. He contacted Ms. Poston and some competitors to investigate some options which include quarterly pickup of electronic items, allowing civic groups/clubs to pick up/dispose of electronic items, or provide a site for citizens to drop off these items. ITM Bennett referenced a list of places in Union County where E-Waste can be dropped off. ITM Bennett explained it is not feasible for the Town of Marshville to collect these goods at this time. Mayor Deese interjected that the handout provides useful information. He suggested we run the handout as an ad in the local paper. CM Carpenter suggested having copies available at Town Hall and on the website. CM Bivens agreed that an ad is also a good idea for folks who don't have a computer. The Finance Officer was directed to gather cost information for using postcards as opposed to full sheet water bills.

Discussion and possible action regarding the Dog Ordinance

ITM James Bennett informed council of his attempt through the managers' listserv to collect information regarding other towns' dog ordinances. He stated that the animal control officer for Marshville is the officer for Union County. Discussion ensued among council regarding vicious dogs. Breed doesn't determine whether a dog is vicious. Chief of Police Carl Webber addressed council regarding its dog ordinance. He stated it appears that Marshville tries to imitate state law. The state law clearly explains what constitutes a vicious dog. We are entitled to the services of the county's animal control officer. He further commented that the state is silent on the issue of the number of dogs. This constitutes the need for a local ordinance regulating the number of dogs allowed. The Police Dept. is not equipped to take possession of dogs. However, citations can be issued for violation of the local ordinance. ITM Bennett commented on barking, which could constitute violation of the noise ordinance. Chief Webber stated that if a call about a barking dog is reported an officer can come out with equipment to measure the decibel level. If necessary a citation may be issued for violation of the noise ordinance. ITM Bennett referenced a handout in the agenda packet which summarizes what the Town of Marshville's dog ordinance currently states. CM Margaret Bivens questioned the number of dogs a person can have. She feels two dogs are too many in the city limits and if the person lives in row-type houses. Mayor Deese commented that the ordinance addresses 100 feet from the neighbor's house, not the property line. If the lot is large enough then the person can have any number of dogs. Staff is currently working on clarification/revisions to the dog ordinance. CM Norma Carpenter asked about a grandfather provision. Mayor Deese expressed the need to look at the number of dogs and the distance from the house (applicable to properties in the city limits). Ms. Gail Kiker was recognized and thanked council for the opportunity to address



the council. She informed council that she's heard discouragement from citizens regarding the Town Council not getting things done. She stated she had a problem with neighbor's dogs. She called the police dept. who addressed the problem with the dogs' owner and the problem was resolved.

#### Discussion and possible action regarding a Code Enforcement Officer

Ms. Gail Kiker stated her disappointment to council that the town is paying \$30,000 for CCOG (Centralina Council of Government) services. Wingate and Locust have their own code enforcement officer. She is tired of a dirty town! Code enforcement is about taking care of property. In Marshville property values are down. We need a code enforcement officer. Give the people something to believe in! The council makes policies, creates ordinances, etc. She stated that Alan Thifault would be the man for code enforcement and would cost a lot less. Mayor Deese stated he doesn't usually address comments from the public. He responded that we pay CCOG \$30,000 for a code enforcement officer and a land use planner. ITM Bennett commented that he's been having dialogue with Wingate's manager. Their code enforcement officer recently became the director of utilities. Discussions entail the possibility of sharing the position. He also reminded everyone that fringe benefits would have to be paid above the salary. ITM Bennett stated he feels we get our money's worth for land use services. Mr. Luster has informed us we can tear houses down but there are costs involved. We need to look at putting money in the budget for this purpose. Changes in ownership, due diligence matters, and legal liabilities also have to be considered. CM Norma Carpenter asked whether homeowners insurance would cover the costs of removing a burned house. Mayor Deese stated that Mr. Luster has statutory obligations to follow. A time element is involved. ITM Bennett stated that for several properties there has been difficulty locating the owners. Ms. Kiker commented she is most concerned about ordinances. Mayor Deese commented that we are working diligently on code enforcement issues. At the budget retreat there will be more discussion regarding a code enforcement officer.

#### Discussion and possible action regarding findings from the review of the Code of Ordinances

ITM commented on some needed changes to the Code of Ordinances which will be brought back to the council for review at a later meeting.

#### Comments

CM Gary Huntley commented he enjoyed the MLK, Jr. Breakfast. He expressed his appreciation for the council and staff.

CM Margaret Bivens stated that she received a complaint that some folks still need to clean up election signs.

CM Norma Carpenter reported there will be a Museum Committee meeting on Wednesday, January 18, 2012 at 12:30. She is excited over the enthusiasm and feels this will be something Marshville can be proud of.

MPT Matthew Jefferson reported he will be attending the TAC meeting on Thursday at 6 pm. He will be in Raleigh for three days attending meetings for the NC Main Street Program. He was excited at the attendance at the recently held meeting at the library.

Clerk/FO Tonya Johnson reported that twenty-eight applicants still have an interest in the manager position. She reported she will be out of the office January 23 – 25 attending the annual Clerk's Academy in Durham, NC.

ITM James Bennett gave a report on fuel usage. We are currently at 38% of the budgeted amount. He reported that the Planning Board will ask council to adopt a corridor plan at an estimated cost of \$5,000. He reminded everyone of the second Main Street Project meeting on January 20, 2012 at noon at the library. ITM Bennett reported that, pertaining to the Urgent Repair Program, as of today three folks have been accepted into the program. Some of the applicants did not qualify.

Mayor Deese reported that we are competing with Lincoln County on the Urgent Repair Program. Persons who are interested should not delay. Mayor Deese thanked Ms. Kiker for coming and expressing her opinion. Mayor Deese urged council members to come by Town Hall to review the twenty-eight resumes by the next council meeting. Mayor Deese concluded by saying the MLK, Jr. Breakfast was good and well attended.

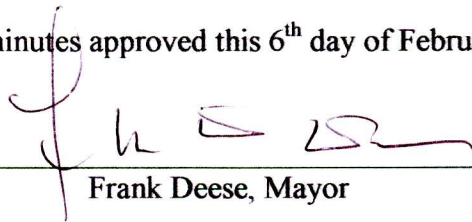
### Adjourn

A motion to adjourn was made by CM Margaret Bivens and seconded by CM Norma Carpenter.

There being no further comments the meeting adjourned at 8:36 pm.

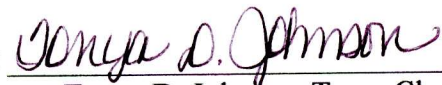
These minutes approved this 6<sup>th</sup> day of February, 2012.

BY:



Frank Deese, Mayor

ATTEST:



Tonya D. Johnson, Town Clerk

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