

**Town of Marshville
Town Council Meeting
Tuesday, January 3, 2012
7:00 PM**

Marshville Town Hall – 201 W. Main St.

PUBLIC HEARING:

To receive public input regarding submittal of a Grant Application to the NC Department of Commerce

Followed by:

REGULAR MEETING

Present: Mayor Deese, MPT Matthew Jefferson, CM Margaret Bivens, CM Norma Carpenter, CM Gary Huntley, ITM James Bennett, Clerk/FO Tonya Johnson, Chief of Police Carl Webber and Attorney Bobby Griffin. Also present were Deneal Bennett with J.B. Watson & Co., PLLC, and John Edmondson of *The Home News* and Lacy Hampton of *The Enquirer Journal*. CM Dora Bridget was absent from the meeting due to illness.

Public Hearing

Open/Welcome/Invocation/Pledge of Allegiance

Mayor Deese opened the meeting of the Marshville Town Council at 7:00 pm and welcomed those attending. CM Gary Huntley gave the invocation. All gave the Pledge of Allegiance.

Open and hold Public Hearing

Mayor Deese stated that this portion of the meeting is designated as a public hearing to receive input from the public regarding the submittal of a grant application to the NC Dept. of Commerce. He invited anyone present the opportunity to speak as it pertains to the grant application.

Public comments: Limited to 3 minutes per person, 15 minutes total, if any

There were no public comments.

Close Public Hearing

At 7:08 pm Mayor Deese closed the public hearing portion of the meeting.

Regular Meeting

Open/Welcome

Mayor Deese opened the regular meeting of the Marshville Town Council at 7:08 pm.

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

Gail Kiker of 912 Forest Drive, Marshville addressed the council regarding code enforcement. She stated she would like to see the town have its own code enforcement officer. She commented that we have a dirty town and with the bypass coming there is a need to clean up and become more attractive for businesses. She stated that the council makes rules for the town and we need someone to go out and enforce code issues. Ms. Kiker urged the council to consider a code enforcement officer.

Adopt Agenda

Mayor Deese suggested that prior to adopting the agenda council approves moving Item #11 prior to Item #9. CM Margaret Bivens made a motion to move Item #11 to precede Item #9. The motion was seconded by CM Norma Carpenter. Vote: All ayes.

CM Norma Carpenter inquired about adding a code enforcement discussion. After a brief discussion CM Norma Carpenter suggested adding a code enforcement discussion to the next meeting agenda.

A motion to adopt the agenda with the change to Items #9 and #11 was made by CM Norma Carpenter and seconded by CM Gary Huntley. Vote: All ayes.

Approve Minutes of December 19, 2011 meeting

A motion to approve the minutes of the December 19, 2011 meeting was made by CM Margaret Bivens and seconded by CM Gary Huntley. Vote: All ayes.

Discussion and possible action regarding submittal of a grant application to the NC Dept. of Commerce

Mr. James Luster informed council that the town is looking to apply for the NC Catalyst Grant. This is a new program for the NC Dept. of Commerce. He stated he will be working with the town to develop the grant application which is due by April 30, 2012. The maximum grant amount is \$500,000. Mr. Luster explained that this grant has a broader scope to determine community development improvements needed. ITM James Bennett asked if this was the best opportunity for the Town of Marshville to which Mr. Luster responded it is. ITM James Bennett pointed out that this grant includes both infrastructure and housing. Mr. Luster stated this grant requires a 5% local match which will not be waived. ITM James Bennett asked if we will be able to receive updates as to whether we will be awarded the grant as we begin budget preparation. Mr. Luster replied that notification usually is from October to December. Mayor Deese asked whether the council desires to direct Mr. Luster to move forward with the grant application process. A motion was made by CM Margaret Bivens to authorize Mr. Luster to move forward with the grant application process to the N.C. Dept. of Commerce. The motion was seconded by MPT Matthew Jefferson. Vote: All ayes.

MPT Matthew Jefferson asked how many grants are presently being sought. ITM James Bennett commented that Mr. James Luster is working on two grants and Mrs. Dana Stoogenke is also working on a grant for the town. ITM Bennett commented that approximately \$1.4 million is being sought in grant dollars.

Mayor Deese commented that there should have been added to the agenda a closed session for a personnel discussion. Mayor Deese asked for a motion to set aside the adopted agenda and add a closed session per NCGS 143-318(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; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee." Mayor Deese commented that the closed session will be added prior to the comments section of the agenda.

Financial highlights from the FY2011 Audit Report by Mrs. Deneal Bennett, J.B. Watson & Co.

Mrs. Deneal Bennett, Auditor with J.B. Watson & Co. gave a brief presentation and overview of the audit report for fiscal year ended June 30, 2011. She thanked the Town of Marshville for the opportunity to provide audit services. Mrs. Bennett presented council members with a handout comparing the last three years financial statements highlights. Mrs. Bennett pointed out that the Independent Auditors' Report states that the financial statements are materially correct. She stated that pages 1 through 11 are the summary financial statements in which she pointed out that the general fund (Govt. Activities) is not self supporting, expenses were down approximately \$100,000, and there was a positive change in fund balance this year. Mrs. Bennett informed council that capital contributions would account for grants. She also pointed out that cash from operating activities is up. Mrs. Bennett explained that pages 12 through 18 explain the accounting policies for the town and the definitions for Fund Balance. Page 18 addresses stewardship, compliance and accountability. ITM James Bennett asked about unrestricted fund balance and the 8% minimum. Mrs. Bennett replied that 8% is the LGC's bare minimum requirement. She stated that the town's fund balance is okay. MPT Jefferson questioned the daily deposit violation and segregation of duties. Mrs. Bennett explained that the deposit violation was a onetime incident and was immaterial. With a small staff there can be only so much segregation of duties. The language in the financial statement notes is boiler plate language for a small town. It must however, be disclosed in the financial statements. Procedures and internal controls are in place to monitor this. Attorney Griffin commented that from a legal perspective the audit appears to be very clean. Mrs. Bennett agreed. Mayor Deese thanked Mrs. Bennett for her presentation.

Discussion and possible action regarding water/sewer brochure for customers

ITM James Bennett handed out a brochure and told council it's a start. CM Margaret Bivens asked about the disposal of electronic household items. CM Gary Huntley commented he's thinking about a day later in the spring when we can have a town clean-up day. Mayor Deese stated that bulky items and electronics need to be defined so folks will know. Mayor Deese stated that council may want to continue to discuss whether or not to pick up electronics for citizens. He commented that there will be costs involved. As for the brochure Mayor Deese said he can proof it and it can be released for mailing. Mayor Deese asked council if, after a final proof, if they want to authorize the manager to mail the brochures. A motion was made by CM Margaret Bivens and seconded by CM Gary Huntley to authorize the manager, after final proof, to mail the brochure to citizens.

Vote: All ayes.

Discussion of Section 6 of the Citizen Survey Report

Discussion ensued among the council regarding survey questions S18 through S22. Chief Carl Webber commented that the police department's response time average is 3.27 minutes. The threshold is below four minutes. Mayor Deese commended Chief Webber and the Marshville Police Dept. CM Margaret Bivens asked how many full time officers are now employed. Chief Webber replied that he is fully staffed with eight full time officers. Currently there are three reserve officers (two openings). Chief Webber commented that he feels the reserve program needs to be modernized. Chief Webber also informed council that an officer picks up and takes the deposit to the bank each day. This helps with the segregation of duties. CM Bivens asked how many dogs an owner can have in the town limits. Chief Webber replied that he would have to refer to the ordinance, which was enacted prior to his employment. He stated he can write an owner a ticket but the town is not equipped to take custody of a dog. Mayor Deese commented that there has always been discussion about how to enforce the ordinance. Chief Webber commented that he's had no calls about dogs since he's been here. The ordinance may provide a penalty but not a remedy. There are state laws that deal with dogs. Chief Webber reminded council that the county cannot enforce a local ordinance. Mayor Deese stated the need to come up with a solution to clarify what the Police Dept. can do, the penalty involved, and what the ordinance says. CM Gary Huntley commented that if its town-wide problem information can be added to the brochure to make folks aware. CM Margaret Bivens commented that this is part of cleaning up Marshville.

ITM James Bennett reminded council that Section 5 of the survey will be discussed at the January 17, 2012 council meeting.

Mayor Deese suggested having comments before going into closed session.

Comments

CM Gary Huntley stated he looks forward to working together and is up to the challenge.

MPT Matthew Jefferson reminded everyone of the meeting Thursday, January 5, 2012 at the Marshville Library.

CM Norma Carpenter informed council of a museum committee meeting this week at 12:30 to set up the Board of Directors. She wished everyone a Happy New Year and thanked staff for the jobs they do.

CM Margaret Bivens stated it is a pleasure to work with this board.

Clerk/FO Tonya Johnson reported on tax collections to date which total \$548,979.27. The total levy is \$653,904.78. Collections are at 84%.

ITM James Bennett reported to council that we will advertise for lawn care bids on 01/12/2012. He also gave a report to council on Powell Bill Allocations. The town received its final payment on 12/21/2011. The total Powell Bill allocations received are \$66,927.89. ITM Bennett reported that scholarships have been awarded to the elected officials from the SOG for the class in February. ITM Bennett reminded council of a meeting on January 5, 2012 at 12:00 at the library regarding downtown revitalization. He informed council to mark March 7 or 8 on their calendars for a budget retreat. He plans to have folks coming to facilitate the retreat. ITM James

Bennett told council that advertising for garbage collection bids will be January 19, 2012. The pre-bid meeting will be held on February 9, 2012 and bidding will close on February 24, 2012. Mayor Deese had no comments.

Mayor Deese asked if, regarding the meeting on January 5, 2012, enough of the council show up is it considered an open meeting. Attorney Griffin asked who is conducting the meeting. ITM Bennett commented that it's a joint meeting between the Town of Marshville and the Chamber of Commerce. Attorney Griffin replied that a special meeting needs to be called and notice of the special meeting posted. John Edmondson commented that it's not really a joint meeting. Mayor Deese and the council directed staff to post notice of a special meeting.

Closed Session

A motion to go into 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; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee . . ." was made by CM Margaret Bivens and seconded by CM Norma Carpenter. Vote: All ayes.

Mayor Deese called for a brief recess at 8:32 pm.

Mayor Deese reconvened the meeting at 8:40 pm.

Mayor Deese asked for a motion to come out of closed session. The motion was made by CM Margaret Bivens and seconded by CM Norma Carpenter. Vote: All ayes.

Open Session

Mayor Deese informed council that the matter was an administrative matter and does not warrant a closed session. He further commented that council has to decide what to do with the resumes for the position of town manager. He asked whether council wants to peruse the resumes or make another decision regarding the position. Mayor Deese stated that if council wants to discuss Mr. Bennett's performance then they will need to go into closed session. CM Norma Carpenter asked if council had a committee in the past. She feels we should look at the resumes. We have to consider the best interest of the town. In fairness to the applicants we should at least look at the resumes. CM Margaret Bivens stated that this council is the committee. Council was elected for this purpose. Mayor Deese also stated that the council should be the committee. CM Margaret Bivens commented that the clerk should be directed to call the applicants to see who's still interested. Mayor Deese commented that is we're going to review resumes we need to get on with it. MPT Matthew Jefferson stated he's already made his decision but he will go through whatever process council chooses. Mayor Deese agreed with MPT Matthew Jefferson. Attorney Griffin stated that to decide to look through resumes is not a closed session matter.

CM Gary Huntley made a motion in open session to go into closed session to discuss Mr. Bennett, 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; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee" . . . The motion was seconded by CM Margaret Bivens. MPT Matthew Jefferson pointed out that CM Dora Bridget is not present. Mayor Deese stated that a quorum is present. Vote: 3 to 1 (Ayes: CM Gary Huntley, CM Margaret Bivens and MPT Matthew Jefferson; Opposed: CM Norma Carpenter). Motion carried.

ITM Bennett was excused from the closed session.

Closed Session (8:55 pm)Open Session

Mr. Bennett was asked to return. There was no action as a result of the closed session.

Adjourn

At 9:06 pm CM Margaret Bivens made a motion to adjourn. The motion was seconded by CM Gary Huntley.
Vote: All ayes.

There being no further business the meeting was adjourned.

These minutes approved this 17th day of January, 2012.

BY:  ATTEST: 
Frank Deese, Mayor Tonya Johnson, Town Clerk

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

