

**Town of Marshville  
Town Council Meeting  
Monday, October 17, 2011  
7:00 PM**

**Marshville Town Hall – 201 W. Main St.**

**PUBLIC HEARING:  
On the Voluntary Annexation of 1021 Forest Drive, Marshville, NC 28103  
Followed by:  
REGULAR MEETING**

Present: Mayor Deese, MPT Margaret Bivens, CM Dora Bridget, CM Ned Beachum, CM Matthew Jefferson, ITM James Bennett, Clerk/FO Tonya Johnson, Chief of Police Carl Webber, DPW Bivens Steele, and Attorney Bobby Griffin. Also present was Lacy Hampton, editor with *The Enquirer Journal*.

**Public Hearing**

**Open/Welcome**

Mayor Deese opened the Public Hearing portion of the meeting of the Marshville Town Council at 7:00 pm. He welcomed those attending and invited comments from the public regarding the voluntary annexation of the property at 1021 Forest Drive, Marshville.

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

There were no public comments

**Close public hearing**

Mayor Deese closed the public hearing at 7:02 pm.

**Regular Meeting**

**Open/Welcome/Invocation/Pledge of Allegiance**

Mayor Deese opened the regular meeting of the Marshville Town Council at 7:02 pm and welcomed everyone in attendance. The invocation was given by MPT 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 as received was made by CM Ned Beachum and seconded by MPT Margaret Bivens. Vote: All ayes.

**Consent Agenda:**

- a. Approve minutes of September 26, 2011 meeting and October 3, 2011 meeting
- b. Receive Budget Report as of 9/30/2011
- c. Approve Tax Releases as presented for approval from Tax Collector Deborah Morton

A motion to approve the consent agenda was made by MPT Margaret Bivens and seconded by CM Dora Bridget. Vote: All ayes.

**Approve Annexation Ordinance, Horne Enterprises, 1021 Forest Drive, Marshville**

ITM James Bennett commented that there have been no concerns expressed by any persons regarding the voluntary annexation of the property at 1021 Forest Drive, Marshville. A motion to approve the annexation of

the property at 1021 Forest Drive, Marshville with an effective date of Monday, October 17, 2011 was made by CM Matthew Jefferson. The motion was seconded by CM Ned Beachum. Vote: All ayes.

**Set date for joint meeting with Union County Commissioners (Staff recommends Tuesday, December 6, Tuesday, December 13, or Thursday, December 15 as possible meeting dates and asks that each council member come prepared to select 1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup> choice).**

Mayor Deese commented that every municipality is afforded the opportunity for a joint meeting with the Union County Commissioners to discuss concerns. ITM James Bennett commented that six out of fourteen municipalities have already met. He desires for Marshville to have the opportunity to express its concerns and desires. The joint meeting will be hosted in Marshville. ITM James Bennett informed council that Tracy's Restaurant will stay open to provide dinner if council desires. CM Dora Bridget suggested Tuesday, December 6, 2011 for the joint meeting. ITM Bennett asked if he could suggest Tuesday, December 13, 2011 as an alternate choice. CM Matthew Jefferson shared with council that he attended the meeting between the City of Monroe and the Union County Commissioners. He commented that Monroe was very prepared. He feels that this council should brainstorm together to be prepared for this joint meeting. Mayor Deese asked ITM James Bennett to prepare a tentative agenda for the meeting based upon information provided to him from council. Mayor Deese suggested council engage in a discussion at its November 21, 2011 meeting to prepare for the joint meeting with Union County Commissioners. All council members agreed. ITM James Bennett asked council about making dinner arrangements with Tracy's Restaurant for the meeting. It was the consensus of the council to set the joint meeting for Tuesday, December 6, 2011 at 6:00 pm at Tracy's Restaurant. ITM James Bennett was instructed to contact the Union County Manager to secure the meeting date.

**Update on proposed ordinance/policy relating to apartment inspections**

ITM James Bennett reported to council that based upon information from Attorney Bobby Griffin, we can't preclude smaller units with regards to apartment inspections. Attorney Griffin commented on a house bill that says you can't have annual inspections. You can't force inspections without a complaint. He further commented on the possibility of amending the ordinance to say you can have a probationary kind of occupancy if a complaint is made. He commented that this is what Monroe has done. CM Matthew Jefferson suggested council look at what Monroe has in their ordinance. MPT Margaret Bivens agreed. Mayor Deese reminded council that we cannot target the apartments. CM Jefferson stated that properties should, at a minimum, meet code. Mayor Deese questioned how we can do inspections without a complaint. ITM James Bennett reminded council that Attorney Griffin referenced health & safety minimum housing standards. Attorney Griffin stated that he will provide a copy of Monroe's ordinance regarding apartments.

**Comments**

MPT Margaret Bivens asked (to CM Jefferson) about trees that were to be planted around the Old Town Hall. CM Jefferson commented that they were replaced by a large shrub. MPT Bivens commented to CM Jefferson that he was compensated for a tree(s). CM Jefferson responded that he informed council that a tree could not survive. Staff was instructed to research the minutes regarding a contract for the Old Town Hall Landscaping project.

Mayor Deese apologized for neglecting to offer the department heads an opportunity for comments. He interrupted council's comments and recognized the department heads.

DPW Bivens Steele commented that markings in the roads may be noticed. This is due to some fiber optic lines being run by Union County Public Schools.



Police Chief Carl Webber reported that he attended a local Emergency Plan Committee meeting in Monroe. He also reported that an officer hit a deer with a patrol car. There was no injury to the officer but damages to the car are approximately \$1,600. Chief Webber commented that he's submitted a request for personnel costs from the Pilgrim's Pride incident. He informed council of a recent meth lab bust in which four people were arrested. Lastly, Chief Webber commented on the diligent work of Lt. Matt Tarlton in working with the SBI on a murder investigation near Marshville. Mayor Deese commented that the town is responsible for cleanup of the meth lab which is approximately \$800. He questioned whether we can collect the cleanup fees as restitution. Chief Webber replied that he has inquired about remedies for receiving reimbursement. CM Dora Bridget commended Chief Webber and his department for their good work.

CM Matthew Jefferson commended the police department for doing a good job.

Clerk/FO Tonya Johnson informed council that the ladies at Town Hall have worked very hard and due to their efforts tax bills have been mailed. As of midday of Monday tax receipts were approximately \$5,800. She also informed council that a/p and p/r checks and utility bills to be used on the new copier/printer have been ordered from The Hall Company. FO Johnson made council aware that the use of postcards for utility bills saves approximately \$187.50/month in postage expense. Clerk/FO Johnson informed council on envelopes they each received containing their registration information for the NCLM Annual Conference on October 23-25.

ITM James Bennett informed council that DPW Steele received preliminary costs from Hobbs and Upchurch regarding the water line project. Phase I is Hwy. 74 – 8" Water Main Replacement – Curtis Lane to Stegall Road for \$441,915.00. Phase II is Hwy. 74 – 6" Water Main Replacement (South Side) Food Lion to Town Limits for \$234,815.50. ITM Bennett read to council a memo he sent out to the department heads requesting items to be declared surplus and auctioned. He suggested using Govdeals.com due to the tendency to obtain higher bids. He told council he hopes to have a list at the next meeting. ITM Bennett informed council that he contacted Mr. Tollie Mitchell regarding a work session to go over the survey results. Mr. Mitchell's fee to review the survey is \$200 in addition to \$100 for travel expenses. ITM Bennett referenced a handout regarding fuel usage for the first quarter of FY2011-2012. He thanked department heads for their efforts to keep fuel costs at a minimum. ITM Bennett gave an update on the CMAQ application for the sidewalk project. He stated that Dana Stoogenke is working on this and we are awaiting cost estimates from Hobbs and Upchurch. ITM Bennett provided council with an update on three code enforcement properties for which Mr. Luster continuously received returned mail. Lastly, ITM Bennett informed council that staff has been working on delinquent water bills in an effort to turn them in to the Debt Setoff Program. This is a collection remedy however the town has not used Debt Setoff since approximately 2007.

Mayor Deese commented on the upcoming Veterans Day Event. He mentioned how the event has been built up this year and feels that is a good thing. Mayor Deese commented that the Town of Marshville purchased flags for the event. After some discussion with Attorney Griffin, Mayor Deese commented to council of the possible liability of putting the flags in someone's yard. ITM James Bennett suggested handing out flags when folks come in to pay their water bill. Attorney Griffin also mentioned that Marshville does not have an ordinance allowing us to do this. It would be considered trespassing. CM Beachum approved of the idea of offering folks a flag when they come to pay their water bill and made a motion directing staff to distribute the flags. Chief Carl Webber commented that not all customers come in to pay their water bill. He suggested advertising in the newspaper and on the website. ITM Bennett informed council that, according to information provided by staff, approximately 500 to 600 customers come into Town Hall to pay their water bills. ITM Bennett commented on plans to run an announcement in the local newspaper. He further commented that a lot of work has gone into the planning of this event and commended CM Jefferson for his hard work toward this effort. A motion was made by CM Ned Beachum and seconded by MPT Margaret Bivens to offer flags for the Veterans Day

Celebration when citizens come into Town Hall to pay their water bills and to direct staff to run an announcement three weeks prior to the event to invite citizens to pick up a flag and invitation to the Veterans Day Celebration. CM Jefferson commented to council that he thinks they've ruined the whole event. He stated that the liability will be all the folks that show up at the park. Veterans are not honored by someone throwing flags in the backseats of cars. He further commented that we've been talking of placing flags in yards for six months. He questioned why this hasn't been brought up before now. CM Jefferson stated he has received virtually no help from this council. Mayor Deese commented to CM Jefferson that he didn't do this alone. Intense discussion ensued. Attorney Griffin commented that if you're going to place flags in folks' yards you need to request permission to do so. **Vote: 3 to 1 (CM Jefferson opposed).**

### Adjourn

A motion to adjourn was made by MPT Margaret Bivens and seconded by CM Dora Bridget. Vote: All ayes.

There being no further comments the meeting was adjourned at 8:07 pm.

These minutes approved this 7<sup>th</sup> day of November, 2011.

BY: 

\_\_\_\_\_  
Frank Deese, Mayor

ATTEST: 

\_\_\_\_\_  
Tonya D. Johnson, Clerk

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