

**Town of Marshville
Town Council Meeting
Tuesday, September 6, 2011
7:00 PM
Marshville Town Hall – 201 W. Main St.**

REGULAR MEETING

Present: Mayor Deese, MPT Margaret Bivens, CM Dora Bridget, CM Ned Beachum, CM Matthew Jefferson, Interim TM James Bennett, Clerk/FO Tonya Johnson, Police Chief Carl Webber, DPW Bivens Steele, PD Alan Thifault, and Attorney Bobby Griffin. Also present were John Edmondson of *The Home News*, and Lacy Hampton with *the Enquirer Journal*.

Open/Welcome/Invocation/Pledge of Allegiance

Mayor Deese called to order the meeting of Marshville Town Council at 7 pm. He welcomed all those in attendance. MPT Margaret Bivens gave the invocation. All gave the Pledge of Allegiance.

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

Bobby Rabon – 4519 Old Pageland Marshville Rd., Marshville

Mr. Rabon stated that he represents kids and the South Union Athletic Association. He voiced a complaint against PD Alan Thifault. Mr. Rabon stated that PD Thifault phone one of his volunteers and claimed they were taking his (Mr. Thifault's) kids. Mr. Rabon explained that it doesn't matter which program kids are in, as long as they are getting to participate. Mr. Rabon commented that PD Thifault doesn't care about girls' softball. He further remarked that it seems things have to be Alan Thifault's way or no way! Mr. Rabon ended his remarks by saying that Alan Thifault is rude to ladies when they sign their kids up for athletics.

Jennifer Huntley – 200 Todd Circle, Wingate

Ms. Huntley commented that she agrees with Mr. Rabon's remarks. She stated that PD Thifault has treated her rudely. She is concerned that if you don't sign your children up for Marshville Athletics then they won't get to play athletics at the middle school. Ms. Huntley commented that Alan Thifault is difficult to work with and that he should be more for the kids.

Gladys Kelly – 412 S. Elm Street, Marshville

Mrs. Kelly commented regarding the senior citizens aerobics class held each Tuesday and Thursday. She indicated she's been attending since 2004. She expressed concerns upon hearing that the classes are being cancelled. Mrs. Kelly commented that those who attend enjoy the classes and they help keep them strong.

Gail Kiker – 912 Forest Drive, Marshville

Ms. Kiker commented that it seems there are some issues with the recreation department that need to be worked out. She stated that PD Alan Thifault started a golf team which has been a successful program. Ms. Kiker expressed her opinion that each sport is important and her desire for everyone to work together to work this out.

Adopt Agenda

Before adopting the agenda, ITM James Bennett requested to add to the agenda the election of a voting delegate for the 2011 NCLM Annual Business Meeting, and the discussion/possible action regarding the Urban Forester Program. Mayor Deese also requested to add to the agenda the introduction and swearing in of Interim Town Manager James Bennett.

A motion was made by CM Matthew Jefferson to add to the agenda the introduction and swearing in of Interim Town Manager James Bennett as Item #5 and to adjust the following item numbers accordingly. The motion was seconded by CM Ned Beachum. Vote: All ayes.

A motion was made by CM Ned Beachum to add to the agenda as Item #9 the discussion and possible action regarding the election of a voting delegate for the 2011 NCLM Annual Business Meeting, and as Item #10 the discussion and possible action regarding the Urban Forester Program and to adjust the following item numbers accordingly. The motion was seconded by MPT Margaret Bivens. Vote: All ayes.

A motion was made by CM Dora Bridget, and seconded by MPT Margaret Bivens to adopt the agenda with the addition of items #5, #9, and #10 as described in the previous motions. Vote: All ayes.

Approve Minutes of August 22, 2011 meeting

A motion was made by CM Dora Bridget to approve the minutes of the August 22, 2011 Marshville Town Council meeting. The motion was seconded by CM Ned Beachum. Vote: All ayes.

Introduction and Swearing In of Interim Town Manager James Bennett

Mayor Deese introduced Mr. James Bennett as interim town manager and administered the oath of office to Mr. Bennett. Mr. Bennett expressed his appreciation for the opportunity to serve the Town of Marshville and thanked Mayor Deese and the Council for the vote of confidence.

Discussion/possible action regarding Senior Citizens morning aerobics class

PD Alan Thifault commented that he and ITM Mr. Bennett spoke today regarding the morning exercise class. PD Thifault commented that, as a result of their meeting, he is going to do some enhanced marketing in an effort to increase the class attendance. MPT Margaret Bivens commented her thoughts that we should continue to work with our senior citizens. ITM James Bennett commented that some different marketing strategies will be implemented in an effort to get more people involved. Police Chief Carl Webber asked what age constitutes eligibility to participate. PD Alan Thifault replied that the class is not only for senior citizens. Mayor Deese and the Council directed PD Alan Thifault to proceed with improved marketing techniques.

Approve Proclamation for Constitution Week during September 17-23

Mayor Deese read aloud the proclamation proclaiming the week of September 17 through 23 as Constitution Week. CM Dora Bridget made a motion to approve the proclamation, seconded by CM Ned Beachum. Vote: All ayes.

Attorney Bobby Griffin commented regarding a decision by the 4th Circuit Court of Appeals which forbade opening a meeting with prayer. He further commented that it is his duty as a lawyer to advise in matters regarding ethical issues. Attorney Griffin stated that a legislative prayer is not unconstitutional.

Approve Proclamation recognizing the ten year anniversary of September 11, 2001

Mayor Deese read aloud the proclamation honoring the 10th anniversary of September 11, 2001. A motion was made by CM Dora Bridget, and seconded by MPT Margaret Bivens to approve the proclamation. Vote: All ayes.

Discussion and possible action regarding the election of a voting delegate for the 2011 NCLM Annual Conference

ITM James Bennett informed council that they need to select a voting delegate to represent Marshville at the NCLM Annual Business Meeting on Tuesday, October 25, 2011. A motion was made by CM Dora Bridget to name Mayor Frank Deese as the voting delegate for the 2011 NCLM Annual Business Meeting. The motion was seconded by MPT Margaret Bivens. Vote: All ayes.

Discussion and possible action regarding the Urban Forester Program

ITM James Bennett referenced two letters received by the town dated June 13, 2011 and September 6, 2011, respectively. Marshville is being asked if they want to continue participation in this program. The cost to participate for the Town of Marshville is \$745.00. CM Ned Beachum asked if the forester ever came to meet with us regarding the services provided. Mayor Deese commented that he's uncertain whether we ever paid the dues. He further stated that Union County brought in a forester to serve all the municipalities in Union Co. Our participation entitles us to utilize the services provided by the forester. Mayor Deese commented that the cost to participate is based upon population. Mayor Deese suggested council authorize ITM James Bennett to research the status of the Urban Forester Agreement and bring information back to the council. Attorney Bobby Griffin commented that another town he works with had this to come up recently and it was handled as a renewal. ITM James Bennett concurred that this is a renewal agreement. Mayor Deese stated that we need to know if we're authorizing payment for a past agreement or if this is a renewal.

A motion was made by CM Dora Bridget to authorize ITM James Bennett to research the status of the Urban Forester Agreement and bring information back to the Council. The motion was seconded by CM Ned Beachum. Vote: All ayes.

Comments

DPW Bivens Steele informed council that an engineer from Hobbs & Upchurch will be visiting to look over some prospective projects.

Chief Carl Webber reminded everyone of the Boll Weevil Jamboree on Saturday, September 17th. He encouraged folks to attend. He also told council that the police department was awarded twenty desktop computers, which came out of the evidence locker. An IT specialist has been working to make some of the computers usable at the police department. The result is a lot of progress in the area of technology for very little cost.

CM Matthew Jefferson welcomed James Bennett as interim town manager.

CM Ned Beachum expressed his disappointment with the town's code enforcement officer. CM Beachum welcomed Mr. Bennett. As a result of CM Beachum's comments, Mayor Deese asked ITM Bennett to see when Mr. Luster will be in town.

MPT Margaret Bivens commented on an overgrown property at 104 Booker Street. Attorney Griffin suggested that ITM Bennett check and follow policy and procedure regarding nuisances.

Clerk/FO Tonya Johnson reported that she recently attended a week long class, Introduction to Local Government Finance, at the UNC School of Government. She commented that the class was very informational and educational and the network of other finance directors and School of Government staff was an added benefit. Clerk/FO Johnson expressed her appreciation for the opportunity to attend the class.

ITM James Bennett informed council of a meeting of the NC FIP (Flood Insurance Program) which he plans to attend in mid-September. This agency develops maps of low-lying areas which may be in flood designated hazard area. Mr. Bennett also brought up the water contract with Anson County that is up for renewal on September 19, 2011. He stated he would like to make contact with the folks from Anson County to see where we are regarding renewing the contract. Attorney Bobby Griffin interjected that this is an urgent issue and something should be in place prior to the contract's expiration. Attorney Griffin suggested continuing this meeting to a date certain for the purpose of reviewing the contract.

ITM James Bennett requested that he would like authorization to update the town's information with Federal Property Auction. This has to do with surplus property. ITM Bennett explained that he would like to add his name as administrator, add Chief Webber's name as one authorized to purchase surplus property, and remove Mike Gaddy's name.

A motion was made by MPT Margaret Bivens to authorize ITM James Bennett to complete the form and in doing so to remove past Chief Mike Gaddy, add James Bennett, remove Carl Webber as administrator and add as Chief, and to leave Mayor Deese and Bivens Steele's names. The motion was seconded by CM Dora Bridget. Vote: All ayes.

ITM James Bennett reminded council that if they received a survey from the NCLM the deadline for submission is today. Attorney Griffin commented that if the survey comes to Town Hall then it becomes a public record.

Mayor Deese commented on a letter received from DOT regarding Powell Bill funds. He explained that, according to the information contained in the letter, we will receive Powell Bill funds in two annual payouts instead of one.

At 8:07 pm a motion was made by MPT Margaret Bivens to recess the meeting to reconvene on Monday, September 12, 2011 at 7 pm at Town Hall. The motion was seconded by CM Ned Beachum. Vote: All ayes.

There being no further comments, the meeting was recessed at 8:07 pm to be continued on Monday, September 12, 2011 at 7:00 pm. These minutes approved this 19th day of September, 2011.

BY: 

Frank Deese, MayorATTEST: 

Tonya Johnson, Clerk

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

