

**Town of Marshville
Town Council Meeting
Monday, August 8, 2011
7:00 PM
Marshville Town Hall – 201 W. Main St.**

REGULAR MEETING

Present: Mayor Deese, MPT Margaret Bivens, CM Dora Bridget, CM Matthew Jefferson, CM Ned Beachum, Clerk/FO Tonya Johnson, Tax Collector Debbie Morton, 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 of *the Enquirer Journal*.

Open/Welcome/Invocation/Pledge of Allegiance

Mayor Frank Deese opened the meeting of the Marshville Town Council at 7:00 p.m. and welcomed everyone attending. 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

Mark Traywick of 8216 Hwy. 74 E., Marshville, addressed the council regarding the right to vote on anything that affects the future of Marshville, including liquor by the drink. He feels Marshville needs to be ready for potential growth inspired by the Monroe bypass. He urged Mayor Deese and the Town Council to give citizens the right to vote.

Dawn Moretz of 305 S. Elm St., Marshville, addressed the council regarding the UCPS Board of Education redistricting and realignments due to the 2010 census. The initial plan changes representation of eastern Union County. She informed the Mayor and council of an August 16th meeting at Catta High School and urged them to attend and become informed of the proposed changes. Ms. Moretz also made those present aware that redistricting maps are available for viewing on the UCPS website.

Rita Faulkner of 206 West Union Street, Marshville, claimed to the Mayor and Town Council that she is being harassed by members of the Marshville Police Dept. She claims that Lt. Tarlton has her house under surveillance, follows her nephew, and accuses him of selling substances out of her house.

Adopt Agenda

Mayor Deese commented to council that Item #12 on the agenda will be a closed session discussion. CM Dora Bridget made a motion to adopt the agenda with the noted change that Item #12 will be a closed session discussion. The motion was seconded by CM Ned Beachum. At this time CM Matthew Jefferson made a motion to add to the agenda a discussion of a Mixed Beverage Referendum. The motion died due to the lack of a second. Vote: All ayes to adopt the agenda.

Consent Agenda Items:

- a. Approve Minutes of July 18, 2011 meeting
- b. Approve Tax Releases as presented by Tax Collector Debbie Morton
- c. Receive Tax Settlement report as of 06/30/2011 from Tax Collector Morton

A motion to adopt the consent agenda as received was made by MPT Margaret Bivens, and seconded by CM Ned Beachum. Vote: All ayes.

Charge Tax Collector to collect 2011 Town of Marshville Property Taxes

Mayor Deese administered the charge to Tax Collector Debbie Morton for the collection of 2011 Town of Marshville Property Taxes.

Call for a Public Hearing RZA11-02 Text Change to amend sections 15, 146 and 180F of the Marshville Land Use ordinance to define and establish allowable districts and regulations for produce stands for the Town Council meeting on Monday, August 22, 2011 – Recommendation from Marshville Planning Board

Mayor Deese explained that the current Land Use Ordinance does not include regulations governing produce stands. The Planning Board has discussed this, reviewed the text amendment, and is recommending council call for a public hearing to begin the formal text amendment process regarding produce stands. MPT Margaret Bivens made a motion to set forth Public Hearing RZA11-02 Text Change to amend sections 15, 146, and 180F of the Marshville Land Use Ordinance to define and establish allowable districts and regulations for produce stands to be held Monday, August 22, 2011 at 7 p.m. at Marshville Town Hall. The motion was seconded by CM Ned Beachum. Vote: All ayes.

Approve GHSP Resolution for Yr. 3 of Traffic Safety Officer grant (final year)

Chief Carl Webber informed council that this is the third year of a personnel grant. The grant pays for ½ of an officer's salary. This year the grant amount is \$42,182 distributed as follows: \$21,127 funded by the grant and \$21,126 matched by the Town of Marshville. CM Ned Beachum commented that this is a win/win situation for the town. A motion to approve the resolution for Yr. 3 of the Traffic Safety Officer grant was made by CM Ned Beachum. The motion was seconded by MPT Margaret Bivens. Vote: All ayes.

Consideration of a resolution to renew the lease of the Old Police Department building at 107 Elm Street to Chris Melton

Mayor Deese commented that the lease agreement for Chris Melton has come up for renewal. Clerk Tonya Johnson conveyed to council that former TM Radford Thomas spoke with Mr. Melton and he desires to renew the lease of the building at 107 N. Elm Street. According to information provided to Clerk Tonya Johnson from former TM Radford Thomas, the lease should be renewed for another 12-month term at the same monthly rent of \$425.00. A motion to approve the resolution to renew the lease of the Old Police Department building at 107 N. Elm St. to Chris Melton at the rate of \$425 per month was made by CM Ned Beachum. The motion was seconded by CM Dora Bridget. Vote: All ayes.

Approval of an Ordinance adopting the revised Marshville Code of Ordinances

Mayor Deese commented that former TM Radford Thomas worked to update the Town of Marshville Code of Ordinances. Attorney Bobby Griffin remarked that the new code contains minor substantive changes. The benefit to the town is to have a compilation. Attorney Griffin also commented that Section 153 has been removed because it may be duplicated in the Land Use Ordinance. John Edmondson asked if the meeting dates would change. Mayor Deese explained there would be a change in the Monday meetings according to the new code. CM Matthew Jefferson made a motion to approve the ordinance adopting the revised Marshville Code of Ordinances. The motion was seconded by MPT Margaret Bivens. Vote: All ayes.

Discussion and possible action regarding annual leave payout policy for employees with 80+ hours of vacation time

Mayor Deese explained that this payout policy has been approved for the past several years and requires a majority vote of the council to reauthorize the policy each fiscal year. Per the policy requests must be made in writing at least 9 days in advance. You must have 80+ hours of vacation time accumulated to request a payout. Mayor Deese explained a text amendment to be considered which states that payout requests will be at the discretion of the Finance Officer and will be paid within 30 days of the date requested. This is to prevent multiple payouts in a given pay period. A motion to reauthorize the annual leave payout policy for employees with 80+ hours of vacation time with the text amendment was made by CM Matthew Jefferson. The motion was seconded by CM Dora Bridget. Vote: All ayes.

CMAQ Project C-5128 “request to change scope of project” letter (Information only)

Mayor Deese referenced a letter submitted by Radford Thomas to NCDOT requesting a change to the scope of work. He commented that we have to wait and hear from DOT at this point. MPT Bivens asked about easements. Mayor Deese and DPW Steele explained that the easements could not be obtained in order to complete the original scope of the project.

At 7:40 p.m. a motion was made by CM Dora Bridget and seconded by CM Ned Beachum to go into closed session per *N.C.G.S. 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 . . .* Vote: All ayes.

Mayor Deese recommended dismissing department heads at this time. A motion to dismiss the department heads was made by CM Dora Bridget, and seconded by CM Ned Beachum. Vote: All ayes. Mayor Deese called for a five minute recess.

Closed Session, per N.C.G.S. 143-318.11.(a)(6)

Open Session

At approximately 8:30 p.m. a motion was made by CM Dora Bridget to come out of closed session. The motion was seconded by MPT Margaret Bivens. Vote: All ayes.

Comments

There were no comments.

Adjourn

CM Dora Bridget made a motion to adjourn the meeting, seconded by MPT Margaret Bivens. Vote: All ayes.

There being no further comments the meeting adjourned at 8:30 p.m.

These minutes approved this the 22nd day of August, 2011.

BY: _____

Frank Deese, Mayor

ATTEST: _____

Tonya D. Johnson, Clerk

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

