

**Town of Marshville
Town Council Meeting
Monday, December 20, 2010 at 7:00 PM
Town Hall – 201 W. Main St.**

REGULAR MEETING

Present: Mayor Frank Deese, Mayor Pro-Tem Margaret Bivens, CM Ned Beachum, CM Matthew Jefferson, CM Dora Bridget, Town Manager Radford Thomas, Clerk/FO Tonya Johnson, Acting Police Chief Matt Tarlton, DPW Bivens Steele, PD Alan Thifault, and Attorney Bobby Griffin. Also present was John Edmondson, editor of *The Home News*.

Mayor Deese opened the meeting of the Marshville Town Council at 7:04 p.m. and welcomed everyone in attendance. The invocation was given by Mayor Pro-Tem 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

Prior to adopting the agenda, CM Dora Bridget made a motion to change Item #5 on the agenda to Item 5. A. – Declare council seat vacant, and Item 5. B. – Accept the resignation of CM Denise Whitley. The motion was seconded by CM Ned Beachum. Mayor Pro-Tem Bivens inquired as to why the council seat would be declared vacant before accepting the resignation of CM Whitley. Mayor Deese explained that the vacancy became effective on October 15, 2010 and occurred prior to the resignation of Ms. Whitley. Vote: 3 to 1 (Mayor Pro-Tem Margaret Bivens opposed).

A motion was made by CM Dora Bridget, and seconded by CM Ned Beachum, to adopt the agenda as amended by the previous motion. Vote: 3 to 1 (Mayor Pro-Tem Margaret Bivens opposed).

Consent Agenda

- a. Receive Budget Report as of 11/30/2010
- b. Approve Minutes of December 6, 2010 meeting
- c. Approve Tax Releases
- d. Approve meeting calendar for 2011

TM Thomas made mention of a typo in the minutes of December 6th. He pointed out that the date of approval should read December 20th, 2010. A motion was made by CM Ned Beachum to approve the consent agenda with the date correction to the minutes. The motion was seconded by Mayor Pro-Tem Margaret Bivens. Vote: All ayes.

Declare Council Seat Vacant

Mayor Deese passed out to council members a copy of NCGS 160A-59. Qualifications for elective office. Mayor Deese read aloud the information contained in the statute as follows, "All city officers elected by the people shall possess the qualifications set out in Article VI of the Constitution. In addition, when the city is divided into electoral districts for the purpose of electing members of the council, council members shall reside in the district they represent. When any elected city officer ceases to meet all of the qualifications for holding office

pursuant to the Constitution, or when a council member ceases to reside in an electoral district that he was elected to represent, the office is ipso facto vacant.”

Mayor Deese stated that he has conferred with the town attorney, and professionals from the UNC School of Government. When CM Whitley registered to vote in Anson County on October 15, 2010, her council seat became vacant as of that date. Mayor Pro-Tem Bivens asked Mayor Deese what happened on October 15, 2010. Mayor Deese replied that Ms. Whitley changed her address and voter registration. He referenced a printout from the State Board of Elections naming Ms. Whitley’s address as 2430 Substation Road, Polkton, NC. A motion was made by CM Dora Bridget to declare the council seat vacant as of October 15, 2010 that was held by Ms. Whitley. The motion was seconded by CM Ned Beachum. Vote: 3 to 1 (Mayor Pro-Tem Margaret Bivens opposed).

Accept letter of resignation from Council Member Whitley

Mayor Deese stated that neither a motion nor a vote is necessary regarding Ms. Whitley’s resignation. Mayor Deese commented for the record, “On behalf of the citizens of Marshville, I, Franklin Deese, accept Ms. Whitley’s resignation effective Wednesday, December 15th, 2010, at 3:00 p.m.”

Call for a public hearing for the consideration of an ordinance to impose a temporary moratorium for electronic gaming operations (Staff recommends January 3, 2011 for public hearing)

TM Thomas commented that the Planning Board would like time to revise the Land Use Ordinance to address this type of establishment. A motion was made by Mayor Pro-Tem Margaret Bivens to call for a public hearing for the consideration of an ordinance to impose a temporary moratorium for electronic gaming operations to be held Monday, January 3rd, 2011, at 7:00 p.m. at the Community Center. The motion was seconded by CM Ned Beachum. Vote: All ayes.

Consideration of a community-wide survey – Insight Research

TM Radford Thomas referenced a presentation at the previous council meeting by Mr. Tollie Mitchell of Insight Research. He commented that he would like to see the council move forward on this. It was the consensus of the council to direct TM Thomas to work with Mr. Mitchell on a contract to provide services for Marshville regarding a community-wide survey.

Call for a Public Hearing RZA10-02 Text Amendment to Section 15 of the Marshville Land Use Ordinance to add a definition for Farmer’s Markets (Staff recommends January 3, 2011 for public hearing)

TM Radford Thomas informed the council that the Town’s Land Use Ordinance doesn’t have a clear definition of a farmer’s market. The Planning Board would like to amend Section 15 of the LUO to add clarity regarding Farmer’s Markets. Mayor Deese asked if items that can be sold at a farmer’s market will be defined in the text amendment. TM Thomas replied that he believed that is the intent of the Planning Board. Mayor Pro-Tem Margaret Bivens made a motion to call for a public hearing RZA10-02 Text Amendment to Section 15 of the Marshville Land Use Ordinance to add a definition for Farmer’s Markets to be held on Monday, January 3rd, 2011, at 7:10 p.m. at the Marshville Community Center. The motion was seconded by CM Dora Bridget. Vote: All ayes.

Comments

DPW Bivens Steele commented that due to several water leaks they are behind on picking up leaves.

CM Matthew Jefferson asked council members to allow him to move forward to form a committee for economic development. He would like to include some business owners in town to serve on the committee. It is his desire to take a step forward toward economic development. CM Jefferson read some information from a previous study done in 2002 regarding ways local government can help small businesses. Mayor Deese commented that he sees no reason not to form a committee to go ahead with research. He instructed CM Jefferson to put together a committee and begin research into economic development for Marshville.

CM Ned Beachum wished everyone a Merry Christmas.

Mayor Pro-Tem Margaret Bivens commented that CM Whitley's decision to resign was a difficult one. She talked favorably of Ms. Whitley's accomplishments while serving the citizens of the Town of Marshville. She commended Ms. Whitley for a job well done.

Clerk/FO Tonya Johnson reminded council members to sign and return their quarterly check requests.

TM Radford Thomas thanked everyone for attending the Christmas Party on December 10th. A good time was had by all. He asked council members to be thinking about a planning retreat. He suggested Thursday, February 24, or Friday, February 25, 2011 as possible dates for the retreat. He stated that he would like to use a facilitator, Mr. David Long.


Mayor Deese commented that on some information he received from staff at the UNC School of Government. He read to council some of the information. He advised the council to look at votes taken since October 15, 2010. Mayor Deese instructed Clerk/FO Tonya Johnson and TM Thomas to bring to the next meeting any vote that was not unanimous. Mayor Deese read from Section 7 of the Constitution. He reminded council members of the oath taken to uphold the laws of North Carolina and the Constitution of the United States. He stated that the oath goes beyond friendship and brotherhood, and the law is the law.

Adjourn

At 7:50 p.m. a motion was made by CM Dora Bridget to adjourn. The motion was seconded by CM Ned Beachum. Vote: All ayes.

There being no further comments the meeting was adjourned.

These minutes approved this the 3rd day of January, 2011.



Frank Deese
Mayor

Attest: 

Tonya Johnson
Clerk

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

