

## **Town of Marshville**

### **Town Council Meeting**

**Monday, December 6, 2010 at 7:00 PM**

**Marshville Community Center – 118 E. Union St.**

Present: Mayor Frank Deese, Mayor Pro-Tem Margaret Bivens, Council Members Denise Whitley, Ned Beachum, Dora Bridget, and Matthew Jefferson, Town Manager Radford Thomas, Clerk/FO Tonya Johnson, Acting Chief Matt Tarlton, PD Alan Thifault, DPW Bivens Steele, Reserve Officer William Summey, Attorney Bobby Griffin, John Edmonson, Editor of *The Home News*, Mr. James Luster, *CCOG*, Mr. Tollie Mitchell, *Insight Research*.

Mayor Deese opened the meeting of the Marshville Town Council at 7:00 p.m., and welcomed all those 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)

1. Pastor Johnathon Ash – 1122 Marshville-Olive Branch Rd., Marshville, NC 28103 – Pastor Ash spoke on the topic of Liquor by the Drink (hereinafter referred to as “LBD”). He commented that he was the spokesperson for a group of members that oppose the LBD referendum. Pastor Ash commented that he has studied information provided from the election board. Pastor Ash presented a handout to the mayor and council presenting four perspectives revealing the negative results of LBD:
  - Faith Principles – Pastor Ash quoted scripture from the Bible regarding drunkenness.
  - Future Implications – Pastor Ash gave an account of a fellow church member whose family has been affected by drunk driving.
  - Family Priorities – Pastor Ash stated that Mr. Chris Wallace would speak on this issue.
  - Financial Opposition – Pastor Ash provided a petition with more than thirty signatures of Marshville businesses/owners who oppose LBD. Pastor Ash made an argument that LBD is more a social issue rather than an economic issue.

Pastor Ash concluded by urging the council to consider their motion.

2. Chris Wallace – 795 Allen Drive, Marshville, NC 28103 – Mr. Wallace read a letter he prepared stating reasons he is opposed to LBD. If something doesn’t line up by the Bible, then he is opposed. He also commented that according to biblical principles would be a good way to run this town. Mr. Wallace commented on the idea that LBD will bring more money to the town by quoting “the love of money is the root of all evil.” He feels strongly this will lead to increases in abuse, rape, and drunken driving accidents.
3. Barry Johnson – 610 Olive Branch Road, Marshville, NC 28103 – Mr. Johnson commented he is opposed to LBD. He stated that he overheard comments by elected officials at the Christmas Tree Lighting of how this referendum was going to be rammed down citizens’

throats. He commented that he is in favor of a dry town. Pastor Ash interjected that CM Matthew Jefferson and Mayor Deese were the names of the elected officials mentioned by Mr. Johnson.

4. Rev. Dwight Huffman – 529 Olive Branch Road, Marshville, NC 28103 – Rev. Huffman read a letter written by Mike Oney, in his absence. The letter stated that evil will prevail if nothing is done, which is what prompted Mr. Oney to write the letter opposing LBD. Mr. Oney commented in his letter that he is from an alcoholic family, and is himself a former alcoholic.
5. Brian Weber – 404 Perry Lane, Marshville, NC 28103 – Mr. Weber stated his opposition to LBD. He told the council that his stepfather was a drunk and alluded that he grew up in a difficult environment. He also shared that he lost his best friend due to drinking and driving.
6. Don Hall – 114 W. Union Street, Marshville, NC 28103 – Mr. Hall stated that years ago beer and wine was supposed to bring big restaurants to Marshville. It hasn't happened in all these years. Marshville doesn't need LBD.
7. Rusty Johnson – 115 Shady Lane, Marshville, NC 28103 – Mr. Johnson commented that he's been hearing a lot about how the town needs LBD to generate more tax revenue. He stated that approving beer, wine, and liquor has not proven to bring restaurants, even in other small towns. He suggested one result of LBD will be higher crime rates. He urged council to please oppose LBD. He believes that will hold Marshville back.
8. Bryan Traywick – 118 N. White Street, Marshville, NC 28103 – Mr. Traywick stated that he favors LBD. He commented that Marshville and Marvin are the only towns in Union County that don't have LBD. He commented, from research he's done, that towns the size of Marshville have generous revenues from liquor sales. Marshville can use the revenue. Mr. Traywick commented that he does not condone drinking and driving.

#### Adopt Agenda

A motion was made by CM Denise Whitley, and seconded by Mayor Pro-Tem Margaret Bivens to adopt the agenda as presented. Vote: All ayes.

#### Approve Minutes of November 22, 2010 Meeting

A motion was made by CM Dora Bridget, and seconded by CM Ned Beachum to approve the minutes from the November 22, 2010 council meeting. Vote: All ayes.

#### Economic Development - Community Wide Survey Proposal – Mr. Tollie Mitchell, Insight Research

Mr. Tollie Mitchell presented several handouts explaining his company, Insight Research, and a sample citizen survey. He stated that Insight Research can help set priorities and make decisions through survey research. He discussed working with Marshville on a city-wide citizen survey. Mr. Mitchell addressed a question from CM Matthew Jefferson that the survey can be designed to address whatever issues the council wants to find out from its citizens (i.e., economic development). Mayor Deese asked Mr. Mitchell if he would act as a facilitator in the process of developing a survey to which he replied he could. CM Jefferson inquired about the rate of return on the survey responses. Mr. Mitchell responded that it averages 15% to 30% typically. The cost of the survey is from \$5,000 to \$7,000 for a town the size of Marshville.

TM Radford Thomas commented that information provided to council members at the last meeting included cost estimates.

A motion was made by CM Ned Beachum, and seconded by CM Dora Bridget to switch agenda item #7 and #11. Vote: All ayes.

#### Mixed Beverage Election Procedures (information)

TM Thomas offered information to the council and members of the public regarding mixed beverage election procedures. Specifically, he answered the question of whether an individual, by petition, can force an election prior to November. The answer is yes. If a petition is approved and certified by the Board of Elections a special election must be held no sooner than 60 days and no more than 120 days. The council would have no say in the matter. He also addressed whether an individual or business can pay for the expense of a special election. The answer is no. The municipality must pay the election expense. TM Thomas also commented that LBD doesn't require an ABC store. Mayor Deese commented that the council cannot vote now to do this in November. It will have to come back to the council in June or July of 2011 in order to meet the time requirements set out by the Board of Elections. However, if 35% of the registered voters sign a petition then a special election must be held.

Mayor Deese called for a five minute recess at 7:55 p.m. The meeting reconvened at 8:00 p.m.

TM Thomas took a moment to introduce to council Reserve Officer William Summey. He was welcomed by all.

#### Approve Resolution to Dedicate a Portion of US Hwy. 74 in Memory of Mr. Carroll Edwards

Mayor Deese commented that this resolution has been voted on previously. However, Mr. Edwards had to be deceased for one year. This criterion has now been met. A motion was made by CM Matthew Jefferson, and seconded by Mayor Pro-Tem Bivens to approve a resolution to dedicate a portion of US Hwy. 74 in memory of Mr. Carroll Edwards, and to authorize the mayor to sign said resolution. CM Ned Beachum asked if we've been informed of what section will be designated. The mayor replied that we do not have that information at this time. Vote: All ayes.

#### Approve Budget Amendment for GHSP – Project K8-10-02-48

A motion was made by CM Ned Beachum, and seconded by Mayor Pro-Tem Bivens to approve the budget amendment for GHSP – Project K8-10-02-48. Vote: All ayes.

#### Approve Ordinance to Remove or Demolish structure located at 917 N. Austin Street

Mr. James Luster, CCOG indicated to the council that this is a request for board action. The property is a burned manufactured home. The home has been removed but some foundation debris remains. Code enforcement procedures have been carried out. TM Thomas commented that the public works department will clean up the remaining debris. CM Ned Beachum asked if a lien would be placed on the property to cover the demolition and equipment expenses. Mayor Deese replied affirmative. A motion was made by CM Denise Whitley, and seconded by CM Dora Bridget to approve the ordinance for the demolition/removal of the structure at 917 N. Austin St., and to amend section 1 of the ordinance to include #917. Vote: All ayes.

#### Consideration of Annual Leave Payout Policy

Mayor Deese commented that some employees would like to forego their vacation and receive a payout due to economic hardships. TM Thomas commented that this will reduce the liability on the books because the money is already earned by the employee. A request must be received in writing at least 9 days in advance. The employee must have 80 hours of vacation time accumulated. This will be a one-time 40 hour payout that can be taken, if eligible, until March 31, 2011. At June 30, 2011 vacation time can be moved to sick leave. CM Ned Beachum made a motion to approve the annual leave payout policy. The motion was seconded by Mayor Pro-Tem Margaret Bivens. Vote: All ayes.

#### Set date for joint meeting with Planning Board (recommend January 17, 2011)

TM Thomas commented that it has been brought to his attention that January 17, 2011 is a federal holiday. He suggested the date for the joint meeting be changed to January 18, 2011. CM Denise Whitley made a motion to set the date for a joint meeting with the Planning Board for January 18, 2011. The motion was seconded by Mayor Pro-Tem Margaret Bivens. Vote: All ayes.

#### Comments

PD Alan Thifault commented that Santa Claus will be at the Community Center on December 17, 2010 from 6:30 – 8:00 p.m., and also on December 23. This will take the place of breakfast with Santa.

DPW Bivens Steele had no comments. Mayor Pro-Tem Bivens commented on how beautiful the lights look. CM Bridget and CM Beachum agreed that the Christmas lights look outstanding.

CM Matthew Jefferson commended this council for allowing the citizens to make the decision. This council cannot be held responsible for the choices citizens of this town make. CM Jefferson read a passage from Thomas Jefferson. He stated that the people deserve a right to vote and he's going to give it to them.

MPT Margaret Bivens suggested making the annual leave payout a policy, instead of voting on it from year to year. She stated her personal opposition of alcohol and drugs. However, she respects others' opinions. The people should decide.

C/FO Tonya Johnson informed the council that tax collections through December 1, 2010 are up \$71,405.70 as compared to last year.

TM Thomas conveyed to council that he spoke with someone from Duke Power about discounting for outages. He was told there is no discount. Duke Power has a policy that street lights should be repaired within three days of being reported. He encouraged Chief Matt Tarlton for his department to go ahead and report outages as soon as they are noticed.

He reminded everyone of the Town Hall Christmas Dinner on Friday, December 10<sup>th</sup>.

Regarding collective bargaining, TM Thomas told council members that he called Senator Hagan's office to remind them that Marshville passed a resolution opposing collective bargaining. Her staff commented that she would not vote for this bill.

TM Thomas commented on a handout from NCLM advertising their Advocacy Goals Conference. He asked council members to inform him if they plan on attending.

He also referenced a handout of the Attorney General's opinion on the closing of Gaming Sweepstakes Cafes.

He asked council members to consider a date in February for a planning retreat. He would like to get Mr. David Long to facilitate.

TM Thomas informed council members that he's received the editorial and legal comments on the code recodification.

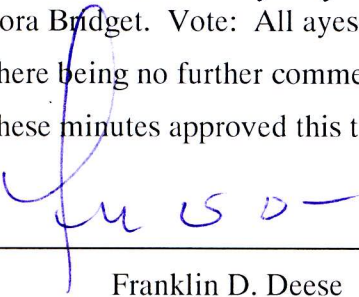
Mayor Deese commented that he looks forward to seeing everyone at the Christmas Party on Friday evening.

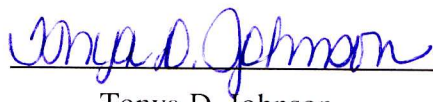
#### Adjourn

A motion was made by Mayor Pro-Tem Bivens to adjourn. The motion was seconded by CM Dora Bridget. Vote: All ayes.

There being no further comments, the meeting was adjourned at 8:40 p.m.

These minutes approved this the 20th day of December, 2010.

  
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Franklin D. Deese  
Mayor

Attest:   
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Tonya D. Johnson  
Town Clerk

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

