

**Town of Marshville  
Town Council Meeting  
Monday, November 22, 2010 at 7:00 PM  
Town Hall – 201 W. Main St.**

**REGULAR MEETING**

Present: Mayor Frank Deese, Mayor Pro-Tem Margaret Bivens, Council Members Ned Beachum, Dora Bridget, Matthew Jefferson, Town Mgr. Radford Thomas, Clerk Tonya Johnson, DPW Bivens Steele, Acting Police Chief Matt Tarlton, and PD Alan Thifault. Also present were Bobby Griffin, attorney for the Town, Lacy Hampton of *The Enquirer Journal*, and John Edmondson of *The Home News*.

The meeting was called to order at 7:00 p.m. by Mayor Frank Deese, who welcomed all those attending. The invocation was given by Council Member Ned Beachum. All gave the Pledge of Allegiance.

CM Denise Whitley arrived at 7:05 p.m.

Public Comments: (Limited to 2 minutes per person, 10 minutes total, if any)

Bryan Traywick – 118 N. White Street, Marshville – Mr. Traywick addressed the board regarding an ABC store and liquor by the drink. He desires to see a referendum on the ballot for an ABC license. He informed the board that he has obtained names of individuals who are in favor of the referendum.

Adopt Agenda

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

Consent Agenda

- a. Receive Budget Report as of 10/31/2010
- b. Approve Minutes of November 8, 2010 meeting

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

Consideration of a Request to NCDOT to Extend The 35mph Speed Limit on Hwy 74 .80 mile East, From ~~Ross Street~~ Olive Branch Road to the Welcome To Marshville Sign

TM Thomas informed council that he's contacted the DOT and they need a letter requesting the changes. Mayor Deese commented that he's been approached with concerns about the speed limit around the dialysis center, which was the reason he suggested looking into changing the speed limit. A motion was made by CM Denise Whitley to authorize TM Thomas to draft a letter to be sent to the NC DOT to extend the 35 mph speed limit on Hwy. 74 .80 mile east, from Olive Branch Road to the Welcome to Marshville sign. The motion was seconded by CM Dora Bridget. Vote: All ayes.

Resolution Adopting A Code Of Ethics For The Marshville Town Council

Mayor Deese commented that the council is required by statute to officially adopt a Code of Ethics. TM Thomas commented that staff has drafted a resolution for the council to adopt a Code of Ethics. Clerk/FO Tonya Johnson commented that the statute requires that a record of Ethics training be kept on file with the Town Clerk. A motion was made by CM Dora Bridget to approve the Resolution Adopting a Code of Ethics for the Marshville Town Council, and to authorize the Mayor to sign said resolution. The motion was seconded by Mayor Pro-Tem Margaret Bivens. Vote: All ayes.

#### Motion To Clarify The Names and Expiring Terms Of The Marshville Planning Board Members

TM Thomas referred council members to a handout in their agenda packet explaining the action needed to correct the staggering of the terms of the Planning Board members. A motion was made by CM Denise Whitley to clarify the names and expiring terms of the Marshville Planning Board members, and to recommend approval of Planning Board members as stated in the schedule. The motion was seconded by Mayor Pro-Tem Margaret Bivens. Vote: All ayes.

#### Motion To Clarify The Names and Expiring Terms of The Marshville Board Of Adjustment Members

TM Thomas referred council members to a handout in their agenda packet explaining the action needed to correct the staggering of the terms of the Marshville Board of Adjustment members. A motion was made by Mayor Pro-Tem Margaret Bivens to clarify the names and expiring terms of the Marshville Board of Adjustment members. The motion was seconded by CM Denise Whitley. Vote: All ayes.

#### Report On Proposed Community-wide Survey (Information)

TM Thomas referred council member to a packet of information provided in their agenda packet from Insight Research. He commented that a representative from Insight Research was unavailable to be at this meeting. However, a presentation from Insight Research is planned for the December 6, 2010 meeting.

#### Report On Procedure For Approving and Conducting a Mixed Beverage and ABC Store Referendum (Information)

Mayor Deese commented that Mr. Bryan Traywick had appeared at a previous meeting and addressed this council suggesting a referendum for liquor by the drink and an ABC store to be voted on by the citizens of Marshville.

TM Thomas informed the council that he contacted the Board of Elections for information regarding a request to consider a mixed drink and ABC Store referendum. The request for a referendum can be initiated by the governing body, or a petition can be sought. The petition must be signed by 35% of the registered voters, and must be certified and verified by the Board of Elections. TM Thomas conveyed to council the procedure for conducting such an election and the estimated cost to the Town of Marshville. He commented that additional information from the NC General Statutes is available. He commented that, as per NCGS 18B-601(f), "No alcoholic beverage election may be held on the Tuesday next after the first Monday in November of an even-numbered year." He informed council that, if the referendum is in conjunction with the November 2011 Municipal Election, the estimated cost is \$2,500 (there is no additional cost for placing the ABC issue on the ballot). If a Special Election is held the estimated cost is \$15,000. CM Denise Whitley asked if the council voted to include this on



the November 2011 ballot then wouldn't we need to vote on it in July. TM Thomas commented that CM Whitley is correct. Mayor Deese commented that the fair thing would be to put it on the ballot and allow the citizens to decide. However, due to the cost, he recommends waiting until an election year. He suggested looking at this again in July. CM Denise Whitley agreed. Mr. Bryan Traywick asked if someone donated \$12,500 to hold a special election would the Town of Marshville pay the \$2,500. If someone would pay the \$15,000 would council consider not waiting until July. CM Beachum, Mayor Deese, and TM Radford Thomas replied that the Town has to pay \$2,500 regardless of whether a special election is held due to this being a municipal election year. If a special election is held earlier than that, the \$15,000 is in addition to the \$2,500. TM Radford Thomas commented that some questions need to be answered regarding donations. CM Matthew Jefferson commented that this should be researched to check into the legalities. The consensus of the council was to direct TM Radford Thomas to obtain information to bring to the next meeting. Mr. Bryan Traywick indicated that he would proceed with a petition. Mayor Deese commented that he doesn't think money can be donated to the Town with stipulations on how the donated money can be spent. CM Matthew Jefferson commented that he would like to see this referendum voted on separate from the general election. He feels we're talking about much more than \$15,000 is you consider possible revenue to the Town. He doesn't want to be "penny wise and dollar foolish." Mayor Deese commented that he doesn't have a problem with letting the people of Marshville decide. He just doesn't think town funds should be spent on a special election. He also feels that we need to check into the legalities involved. TM Radford Thomas agreed that he would bring back more information at the next meeting on December 6, 2010.

#### Comments

PD Alan Thifault reminded everyone that the Christmas Tree Lighting is Friday. Beginning with music at 6 pm, refreshments at 6:30 pm, and the lighting of the tree at 7 pm. PD Thifault commented that not many people showed up for Bingo. CM Denise Whitley asked about breakfast with Santa. PD Thifault replied that it will likely be the Saturday before Christmas, but that will be confirmed.

DPW Bivens Steele commented that his department has been busy with Christmas lights. They are behind on leaf pick-up due to several water leaks.

Acting Police Chief Matt Tarlton informed council that a street light survey has been completed and several outages were reported. CM Bridget asked if there's a way to calculate how much is being spent on burnt out lights. TM Thomas replied that this would be difficult to accurately calculate. Lt. Tarlton commented that the police department could check the street lights more frequently to get a better idea of outages.

CM Denise Whitley commented that the Christmas Parade went well.

CM Dora Bridget commented to John Edmondson, editor of *The Home News*, that advertising for town functions needs to be done more in advance so people are aware of events that are going on.

CM Matthew Jefferson stated that the parade was a success. He complimented the police department and public works department. He expressed his excitement about the discussion and presentation regarding the survey at the next meeting. He wants to stay focused on economic development.

CM Ned Beachum commented that there was a good crowd at the parade.

Mayor Pro-Tem Margaret Bivens thanked public works for a good job cleaning up after the parade. She wished everyone a Happy Thanksgiving.

TM Radford Thomas acknowledged his appreciation of Tyler Fitzgerald, with Waste Connections, attendance.

TM Thomas informed council that advertising will begin next week for an Asst. Public Works Director.

He reminded council of the Christmas Party on December 10<sup>th</sup>, at 7 pm. He also shared with council an invitation from the Chamber of Commerce for a holiday drop-in luncheon on Thursday, December 2<sup>nd</sup>, at the library.

TM Thomas reminded everyone that Town Hall will be closed on Thursday and Friday for the Thanksgiving holiday.

TM Thomas passed out information from the Metrolina Transportaton Framework Study. He commented that small towns need to fight not to lose rural transportation planning areas.

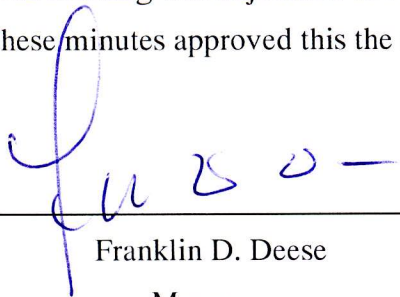
Mayor Deese commented that the DOT is open to suggestions and ideas to improve transportation.


#### Adjourn

There being no further comments, a motion to adjourn was made by CM Denise Whitley. The motion was seconded by Mayor Pro-Tem Margaret Bivens. Vote: All ayes.

The meeting was adjourned at 7:55 p.m.

These minutes approved this the 6<sup>th</sup> day of December, 2010.

  
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Franklin D. Deese  
Mayor

Attest:   
\_\_\_\_\_  
Tonya D. Johnson  
Clerk

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