

**Town of Marshville  
Town Council Meeting  
Monday, October 18, 2010 at 7:00 PM  
Town Hall – 201 W. Main St.**

**PUBLIC HEARING:  
RZA10-01 Text Change to Section 21 of the Marshville Land Use Ordinance  
Followed by:  
REGULAR MEETING**

**Public Hearing**

Attendance: Mayor Pro-Tem Margaret Bivens, Council Members Denise Whitley, Ned Beachum, and Matthew Jefferson, Attorney Bobby Griffin, TM Radford Thomas, Clerk/FO Tonya Johnson, DPW Bivens Steele, PD Alan Thifault, and Acting Police Chief Matt Tarlton. Also present was John Edmondson, editor of *The Home News*. Absent from the meeting were Mayor Deese and Council Member Dora Bridget.

Mayor Pro-Tem Bivens opened the meeting at 7:06 p.m. and welcomed everyone in attendance. The invocation was given by Council Member Ned Beachum. All gave the Pledge of Allegiance.

TM Radford Thomas commented that the purpose of the Public Hearing is to address a text amendment change to Section 21 of the Town's Land Use Ordinance. The Planning Board has reviewed and considered changing the appointment of Planning Board members.

A motion was made by Council Member Denise Whitley to open and hold a Public Hearing on RZA10-01 Text Change to Section 21 of the Marshville Land Use Ordinance. The motion was seconded by Council Member Ned Beachum. Vote: All ayes

Public comments (Limited to the text change to Section 21 of the Marshville Land Use Ordinance)

CM Denise Whitley commented that she had received a call from a Planning Board member. The editor of the local newspaper had indicated to the Planning Board member that this was an attempt by the council to remove certain members from the Planning Board. Council Member Denise Whitley indicated this is not true. The council has allowed Town Manager Thomas to come in and get things in order. The board is getting along and this is not headline news. Council Member Whitley expressed her opinion that the editor may have a hidden agenda. There were no other public comments.

A motion to close the Public Hearing was made by Council Member Denise Whitley at 7:15 p.m. The motion was seconded by Council Member Matthew Jefferson. Vote: All ayes.

**Regular Meeting**

Mayor Pro-Tem Bivens opened the regular meeting at 7:15 p.m. and, once again, welcomed those attending.

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

John Edmondson – 2001 High Ridge Church Road, Marshville

Mr. Edmondson expressed his thanks to the code enforcement officer, Mr. James Luster, for work on a property located near a rental house he owns. He feels the code enforcement officer and the police dept. have worked to make the neighborhood safer. Mr. Edmondson also commented on the parking on East Union Street. He stated he had been looking at a parking ordinance that may provide some leverage the Town can use. He suggested parking time limits and some other restrictions be looked into. TM Radford Thomas commented he would look into this situation.

#### Adopt Agenda

A motion was made by Council Member Denise Whitley to adopt the agenda as presented. The motion was seconded by Council Member Ned Beachum. Vote: All ayes.

#### Consent Agenda

- a. Receive Budget Report as of 9/30/2010
- b. Approve Minutes of October 4, 2010 meeting

A motion to approve the consent agenda was made by Council Member Denise Whitley and seconded by Council Member Matthew Jefferson. Vote: All ayes.

#### Consideration of RZA 10-01 Text Change to Section 21 of the Marshville Land Use Ordinance

TM Radford Thomas informed the council of some new information he received. It appears there is no statute restricting the length of the term for a Planning Board member. However, it is a requirement Board of Adjustment members must serve three year staggered terms. Our Planning Board also serves as our Board of Adjustment. TM Radford Thomas recommended that council postpone a vote on this item so that some options can be considered. He feels more information is needed. Council Member Ned Beachum made a motion to table this discussion until the first council meeting in November. The motion was seconded by Council Member Denise Whitley. Vote: All ayes.

#### Approval of Short Term Disability and Dental Benefits for Town of Marshville (effective 11/01/10) – Lincoln Financial

TM Radford Thomas reviewed a spreadsheet comparing renewal rates for dental & short term disability insurance coverage. TM Thomas recommended going with Lincoln Financial for a lower rate with no compromise in coverage. He indicated that Companion Life did not increase their rates. However, Lincoln Financial proposed lower rates for short term disability and agreed to match Companion's dental rates. TM Thomas conveyed that a voluntary plan would require ten employees to participate.

CM Denise Whitley commented that the board had said they would allow dental insurance to continue until November 1<sup>st</sup>. However, she doesn't feel the Town should continue to provide dental insurance. She stated that dental insurance is a luxury but she doesn't have a problem with short term disability. CM Matthew Jefferson agreed with CM Whitley's comments.

CM Denise Whitley made a motion to approve short term disability coverage with Lincoln Financial and discontinue dental insurance for employees. The town would continue to pay for

its employees' short term disability coverage, but the employees would be responsible for paying for elected dental coverage. CM Matthew Jefferson seconded the motion. Vote: All ayes.

**\*\*Council Member Dora Bridget arrived at the meeting at 7:40 p.m. \*\***

#### Code Enforcement Update

TM Radford Thomas asked Mr. James Luster, Code Enforcement Officer, to provide an update on the status of several properties. Mr. Luster provided information to TM Thomas that he was having trouble making contact on several properties. To date several hearings have been held. The economy has everyone in a pinch and folks don't know what they can expend to get the properties up to code. TM Thomas reported that 703 E. Union St. now has an attorney involved. Also, the owners of 917 N. Austin St. are working with the fire dept. to burn the property.

CM Denise Whitley commented on the James property. She stated that this has been going on for more than ten years and something needs to be done. She reminded council that Mr. Luster was supposed to issue a 20-day compliance notice. To date, the property is still not in compliance. CM Whitley asked TM Thomas to follow-up with Mr. Luster. She commented that Mr. Luster was supposed to work on getting an ordinance for additional legal action against the property.

Mayor Pro-Tem Bivens expressed concern about the property at 309 Ross St. TM Thomas commented that there has been some work going on at that property.

#### Comments

CM Matthew Jefferson talked to the council about Wingate's Comprehensive Plan. He shared his desire to develop a Comp. Plan for economic development for Marshville. He would like to work together with the Planning Board. He suggested using the results of a survey that was discussed at the last meeting and beginning economic development for the Town of Marshville. Mayor Pro-Tem Bivens commented that the Town of Marshville had previously spent \$5,000 on a study, The Greenfield Study. She doesn't feel we need to spend another \$5,000. CM Denise Whitley asked TM Thomas about costs for the survey/study. TM Thomas replied that he had not received all the cost estimates. He stated he would follow-up with several companies and hoped to have proposals by the next council meeting.

CM Dora Bridget apologized for arriving late. She commented she had business that came up that had to be attended to.

TM Radford Thomas commented that he attended the Planning Board meeting on 10/14/2010. He stated there was good conversation among the Planning Board members and himself. He feels the Planning Board and the Council are all on the same page. A joint meeting will be important to both boards.

TM Thomas reported on the CMAQ Sidewalk Project. He stated that it's moving along pretty well. However, easements are being a problem. There are probably 20, or so, easements. Some of the owners are not residents of Marshville. Property owners are reluctant to grant easements for various reasons. The work cannot be done without the easements being granted. He plans to speak with folks from NCDOT tomorrow. TM Thomas stated that we may have to

scale back. Upon talking with the project director he hopes to find out what our options are. We may have to make some changes. We have until November 12<sup>th</sup> for 100% funding.

Mayor Pro-Tem Bivens commented that she thought the easements had already been done. CM Whitley stated that she thought letters had been sent out but there has been no follow-up.

After some discussion about the projected sidewalk route, CM Denise Whitley asked how the projected sidewalk route got changed. She recalled that it was to go down W. Main to Hwy. 74. DPW Steele responded that there was some big discussion about the sidewalk route. It had something to do with the caution light and a section of highway that already had sidewalks. He recalled the route to be from the caution light at Elizabeth St. to Old 74, then right on Old 74 to Hambrick St., then right, making a loop.

TM Thomas informed council members that there has been received to date twenty-eight applications for the Chief of Police position. He is ready to begin reviewing applications. He feels there are some good candidates.

TM Thomas informed council members that his house in Lexington is under contract. He stated he would spend much time in the next week moving.

#### Adjourn

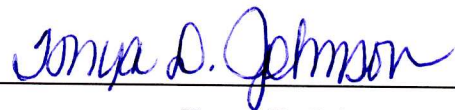
There being no other comments, CM Denise Whitley made a motion to adjourn the meeting at 8:12 p.m. The motion was seconded by CM Ned Beachum. Vote: All ayes.

These minutes approved this 8<sup>th</sup> day of November, 2010.



Margaret Bivens

Mayor Pro-Tem

Attest: 

Tonya D. Johnson

Clerk

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