

**Town of Marshville  
Town Council  
Regular Meeting**

**Monday, February 08, 2010 at 7:00 p.m.  
Marshville Community Center  
118 East Union Street**

Present: Mayor Franklin Deese, Mayor Pro-Tem Margaret Bivens, Council Members Denise Whitley, Ned Beachum, Dora Bridget, and Matthew Jefferson, Interim Town Administrator John Munn, Town Clerk/Finance Officer Shelley Maness, Interim Clerk/Finance Officer Tonya Johnson, Attorney Bobby Griffin, Police Chief Mike Gaddy, Lieutenant Matthew Tarlton, Officer Jeff Carrier, Park Director Alan Thifault, Director of Public Works Bivens Steele.

Mayor Deese opened the meeting at approximately 7 p.m. and welcomed all those in attendance. Council Member Ned Beachum gave the invocation. All in attendance gave the Pledge of Allegiance.

Public Comments

1. Gail Kiker – 903 Hasty Road, Marshville – Ms. Kiker referenced a meeting of two weeks ago. She claims hiring policy was not followed. Hiring policy says will advertise but did not follow own policy. Taxpayer's money (\$700 to \$800) was spent on a background check for a potential employee when position was not advertised. Questioned Council Members for explanation of why policy was not followed.
2. Chris Griffin – 6315 Austin Grove Church Road, Marshville – Mr. Griffin mentioned honor he received from Chamber of Commerce as Citizen of the Year. Thanked Shelley Maness for her service. Thanked Bivens Steele and public works crew for cleanup of fire department parking lot during icy weather. Mentioned appointment of a Fire Protection Study Group to work to improve relationship between fire department and the town. The Study Group's task would be to establish what is adequate fire protection for Union County, and, more specifically, the Town of Marshville. Mr. Griffin has started budget preparation for FY 2010-11. He requested to keep same budget as the current year's, which is \$15,000. Indicated an audit is available for viewing. Mr. Griffin indicated that securing grant money is keeping the Fire Department budget where it is. Grant funding includes: DHHS - money for a fire truck to be delivered in approximately two weeks; radio grant - \$1,250,000, through Homeland Security for radios, which should be up and going in approximately 90 days.

No further public comments.

### Adopt Agenda

A motion was made by Council Member Denise Whitley to add the discussion and possible action regarding cleaning the carpet at the old Town Hall. The motion was seconded by Mayor Pro-Tem Margaret Bivens. Vote: All ayes.  
(Added as Item #12)

Mayor Pro-Tem Margaret Bivens made a motion to adopt the agenda as amended, seconded by Council Member Ned Beachum. Vote: All ayes.

### Consent Agenda

Council Member Denise Whitley made a motion to approve the consent agenda, which included the following items:

- a. Receive Budget Report
- b. Receive memo from Tax Collector recommending date to advertise delinquent taxes.

The motion was seconded by Mayor Pro-Tem Margaret Bivens. Vote: All ayes.

### Set date to advertise delinquent taxes

At the recommendation of the Tax Collector a motion was made by Council Member Denise Whitley to set the date to advertise for delinquent taxes as April 15, 2010. The motion was seconded by Mayor Pro-Tem Margaret Bivens. Vote: All ayes.

### Update on Community Outreach Program – Officer Jeff Carrier

Officer Carrier distributed information to Council members. He stated that some programs have already been implemented. A meeting is scheduled to be held Wednesday at the Community Center at 7:00 p.m. Some programs include a Bike registration program, a Trespass sheet, a survey for businesses and residences to check for lighting, alarms, etc. Ride-along request forms – background checks will be done. The form for streetlights has been improved. The lights were repaired within a few days. The focus was mainly concentrated on Hwy. 74, but now more attention is being given to other streets as well. Mayor Pro-Tem Margaret Bivens asked about the streetlight forms. Officer Carrier stated that residents can contact the Police Department or Town Hall to report streetlight outages.



Discussion and possible action regarding revisions to Chapter E, Article I, Section 7(e): Excessive Use of the Marshville Code of Ordinances.

Interim Town Administrator John Munn stated that the revised ordinance is what had been discussed in a previous meeting – using 3 times the average for 6 months, instead of 3 months, to determine the average. Shelley pointed out an error on pg. 3, paragraph 2, where \$10 should be \$30. Mayor Deese reviewed the changes, being written notice vs. telephone notice. Mayor Pro-Tem Margaret Bivens questioned the notice being left on the door instead of receiving a mailed notice. Public Works Director Bivens Steele said they leave door hangers as they are received more immediately than a mailed notice. Council Member Denise Whitley made a motion to adopt the revisions to the *Excessive Use Ordinance*, seconded by Mayor Pro-Tem Margaret Bivens. No discussion. Vote: All ayes.

Discussion and possible action regarding extended hours at the Community Center

Council Member Denise Whitley talked previously about leaving the exercise room open to the public from 5:00 p.m. to 9:00 p.m. Monday through Thursday. She gave an update regarding volunteers to man the center after hours. Council Member Whitely volunteer to come at 9:00 p.m. each night to lock up and turn off the lights. The room would not be open on meeting nights. Council Member Whitley felt that the building could be left unattended (we're not New York City). She suggested posting rules and leaving the exercise room open on a trial basis. Officer Jeff Carrier said can provide extra patrols. Park Director Alan Thifault was asked for comments. He stated that since it is a small group of people, let each person check out a key and keep a list of who has keys. He mentioned some concern about liability. Question about whether it would be fee based or not? Mayor Deese asked how to determine who gets a key? Gail Kiker, a citizen attending the meeting, shared that she borrowed a key from Alan and came over the weekend. A group of ladies is interested in forming an exercise group and coming nightly from 7:00 to 9:00. Council Member Denise Whitley stated that there must be some sort of policy for issuing keys. Mayor Deese suggested leaving the door open to the exercise room from 5:00 to 9:00 for one month on a trial basis. Mayor Pro-Tem Bivens interjected her feelings that we were asking for trouble. Council Member Matthew Jefferson suggested a motel room style card key. Consensus was that staff should look into the cost of such a system. Council Member Denise Whitley made a motion, that beginning tomorrow (February 9, 2010), the exercise room be left open from 5:00 p.m. to 9:00 p.m., Monday through Thursday, for a one month trial. This will work on an honor system. Participants would sign in and pay \$1 if a resident, or \$2 if non-resident. Council Member Denise Whitley will lock up nightly. Motion was seconded by Matthew Jefferson. Vote: 3 to 2 (Council Members Dora Bridget & Margaret Bivens opposed).

#### Discussion and possible action regarding advertisement for Clerk & Police Officer vacancies

Mayor Deese acknowledged Town Clerk/Finance Officer Shelley Maness. Council Member Denise Whitley responded to public comment stating that Council did not commit to hire but did proceed with a background check prematurely. We do need to advertise but would like to get a new Town Administrator in place before hiring. Council Member Whitley felt we could go ahead and advertise. Chief Mike Gaddy reminded Council that there are two vacant positions. Council Member Whitley commented regarding the grant (GHSP). Suggested go back and listen to tape. She doesn't feel that Marshville needs 9 police officers. She feels we should wait until new TA comes on board before hiring. Mayor Pro-Tem Margaret Bivens agreed. She suggested looking at agenda item #10 as separate issues (Clerk & Police Officers). Mayor Pro-Tem Bivens stated that we have two good candidates for Town Administrator. Feel should wait until Town Administrator comes on board before hiring. Mayor Deese doesn't think we need to pass anything that says we will not hire a clerk before the new TA is hired. He stated that due to legislative issues town has to have a clerk and tax collector. He felt we could wait on hiring police officers. Mayor Pro-Tem Margaret Bivens made a motion to advertise for the position of clerk immediately, using the advertisement on pg. 5 of the agenda. Motion was seconded by Council Member Denise Whitley. Vote: All ayes.

Council Member Dora Bridget asked Chief Gaddy about the Police Department. How strained is the department? Chief Gaddy responded that the department is using a lot of overtime which is eating away at the budget. Council Member Bridget feels that everything cannot be put on hold while waiting for a Town Administrator to be hired. We can go ahead and advertise to get a pool of applicants. Chief Gaddy agreed. Chief Gaddy agreed to get a job description to Clerk for advertisement. Council Member Denise Whitley made a motion to proceed with advertising for a police officer vacancy. The motion was seconded by Council Member Dora Bridget. Vote: All ayes.

#### Update on streetlight issue

Interim TA John Munn & Lt. Tarlton talked with Gary Elkin of Duke Energy. He thinks we will get a better response now and will keep a check on the issue.

#### Carpet cleaning at Old Town Hall

Council Member Denise Whitley referred to Park Director Alan Thifault. She indicated there may be a conflict since there are plans to use a local business owned by a Council Member. She talked to our auditors who advised there is no problem as long as it is disclosed in the financial statements. PD Alan Thifault talked to several other carpet cleaning businesses in Monroe and they will charge from \$40 more just to travel to Marshville. Interim TA John Munn distributed a copy of the law, *G.S. 14-234*, to Council Members. This is generally not a problem but certain conditions must be met.



Attorney Bobby Griffin suggested this be done right since it is a criminal law. Attorney Bobby Griffin suggested adopting a resolution at next meeting to follow the disclosures of the law. If not done properly, the contract is void and criminal charges may be imposed. Consensus of the Board was to have staff draft a resolution regarding a Council Member with a business interest.

A motion was made by Council Member Bridget to go into closed session per *G.S. 143-318.11(a)(3)*. Motion was seconded by Mayor Pro-Tem Bivens. Vote: All ayes.

Mayor Deese called for a two minute recess at approximately 8:05 p.m.

## **CLOSED SESSION**

## **OPEN SESSION**

No action from Closed Session.

### Comments

Council Member Matthew Jefferson felt we've interviewed some good candidates & is excited about the applicants. Feels both are very knowledgeable, experienced, and energetic/enthusiastic. Applauded the Board for their efforts.

Council Member Beachum agreed with Mr. Jefferson. He also acknowledged Bivens Steele's excellent job in cleaning streets. Pointed out several street lights still out.

Mayor Pro-Tem Margaret Bivens also applauded the Public Works Department. She would like the Board to consider a Park Advisory Committee. Also, would like the Board to consider an Animal Control Policy within the city limits.

Council Member Denise Whitley agreed with other comments.

Citizen asked about leash law in town. Council responded that Marshville does not have a leash law, but will have new administrator look into it.

Council Member Dora Bridget also was in agreement with comments thus far, and thanked public for attendance.

Clerk/Finance Officer Shelley Maness shared with Board that tax collector is sending out statements with interest owed on past due accounts. Thanked the Town for the opportunity to serve. Introduced Tonya Johnson as Interim Clerk/Finance Officer.

Interim TA John Munn reminded Board that Council Member Matthew Jefferson would like to paint the Town Seal in the community room, with a price of approximately \$100 to \$200 (per Parks Manus).

Mayor Deese indicated that Board wants a professional seal by a qualified person and will contact someone to design a seal and present it to the Board.

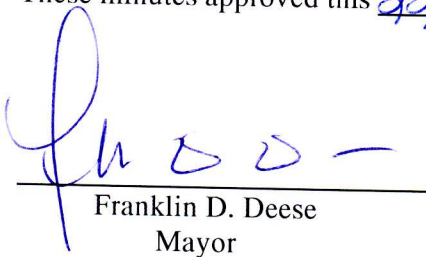
Interim TA John Munn informed Board that Ethics training is required this calendar year. Council Member Ned Beachum asked if it could not be done at the League Conference. Mayor Deese talked about viewing a Webinar as a group.

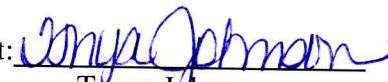
Interim TA John Munn invited the Board to a reception for Shelley on Wednesday, February 10, 2010, at noon at Town Hall.

In Open Session, Council Member Denise Whitley made a motion to recess the meeting until Friday, February 12, 2010, at 7:15 p.m. at Town Hall, for the purpose of interviewing a candidate for Town Administrator. Motion seconded by Mayor Pro-Tem Margaret Bivens. Vote: All ayes.

There being no further comments, the meeting was recessed at approximately 8:45 p.m.

These minutes approved this 22 day of February, 2010.

  
\_\_\_\_\_  
Franklin D. Deese  
Mayor

Attest:   
\_\_\_\_\_  
Tonya Johnson  
Interim Town Clerk

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

## **RESOLUTION**

**WHEREAS**, Matthew Jefferson is an elected and presently serving member of the Town Council of Marshville; and

**WHEREAS**, Matthew Jefferson is also the owner and operator of Image Carpet & Upholstery Cleaning Service; and

**WHEREAS**, the Town is in need of carpet cleaning in its facilities and

**WHEREAS**, the Council has determined that there is no other carpet cleaning service available in the Town of Marshville; and

**WHEREAS**, Image Carpet & Upholstery Cleaning Service has agreed to provide carpet cleaning service as needed by the Town; and

**WHEREAS**, according to the latest census the population of Marshville is less than 15,000; and

**WHEREAS**, the amount of money for the cleaning service is less than \$25,000 and Matthew Jefferson has not participated in the discussion or voted on this Resolution.

**NOW, THEREFORE, BE IT RESOLVED** that:

1. The Town Council of Marshville, without the vote or discussion of Matthew Jefferson, approves the Contract with Image Carpet & Upholstery Cleaning Service, a copy of which is attached to this Resolution.
2. A copy of the Resolution and Contract is to be posted on the appropriate display space at Marshville's Town Hall.
3. A copy of this Resolution be forwarded to the Auditor for the Town of Marshville.

Approved in Open Session by the Town Council of the Town of Marshville, this 22<sup>nd</sup> day of February, 2010.

February 19, 2010

Imaging Carpet & Uphostery Cleaning  
PO Box 57  
Marshville NC 28103  
(704) 624-5300 or  
(704) 604-5073

Subject: Town Of Marshville Bid For Carpet Cleaning

Community Center Including Exercise Room:  
548.00- Quarterly  
275.00- Carpet Protective Coating-Annual  
150.00- Tile & Grout Cleaning- Annual

Museum  
200.00- Quarterly  
100.00- Carpet Protective Coating-Annual

Town Hall  
462.00- Quarterly  
231.00- Carpet Protective Coating- Annual  
145.00- Tile & Grout Cleaning-Annual

Note: Carpet Protective Coating is not required on a quarterly basis-Only needs to be applied once a year.

Thank you for the opportunity.

Sincerely,  
Matthew Jefferson