

**Marshville Town Council
February 22, 2010 Regular Meeting
held at 7:00 P.M.
Marshville Town Hall
201 W. Main St., Marshville, NC**

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

Mayor Deese called the meeting to order at 7:00 p.m. and welcomed everyone in attendance. Mayor Pro-Tem Margaret Bivens gave the invocation. All in attendance gave the Pledge of Allegiance.

A citizen in attendance, Gail Kiker, asked if the public could give comments before going into Closed Session.

No public comments

Adopt Agenda

Mayor Deese asked to move comments before Closed Session. Council Member Denise Whitley made a motion to approve the agenda with the change to move comments before Closed Session. Motion was seconded by Mayor Pro-Tem Margaret Bivens. Vote: All ayes.

Consent Agenda

Mayor Deese reminded Council that under the Consent Agenda only open session minutes would be approved. Closed session minutes would have to be approved in closed session. Council Member Dora Bridget made a motion to accept the consent agenda, which included the following items:

- a. Receive Budget Report
- b. Approve minutes (open session)

The motion was seconded by Council Member Denise Whitley. Vote: All ayes.

Update on card key lock system for Community Center exercise room – Park Director Alan Thifault

Park Director Alan Thifault gave handout to council. He felt that it would be a waste of money to spend in excess of \$1,000 on a key card system. He looked into a lockbox code system which would cost approximately \$300 plus installation. The lockbox would be programmed with a 4-digit code that Alan could change weekly. Council Member Denise Whitley asked if the code would be changed weekly for those wanting to exercise. Alan conveyed that the lockbox could have up to ten codes and those wanting to exercise could have the same code. Codes would be given out by Alan. Council Member Whitley expressed interest in developing a form for citizens of Marshville to sign to receive a code. PD Thifault communicated to council about receiving calls from people renting the building that forgot to pick up the key. Now, instead of having to go unlock the building, he can give them a code when they call. PD Thifault told council the last time the building was re-keyed the cost was approximately \$300. PD Thifault stated that he didn't know the cost for installation of the lockbox and would have to contact a locksmith. Council Member Jefferson was of the opinion that this would be a

savings considering the type of building and the purpose of its use. He felt this would be safer. Police Chief Mike Gaddy agreed. For safety reasons the door should be locked when someone is inside. Council Member Whitley reminded council of the previous vote to leave the exercise room unlocked for one month. It has been two weeks with no problems thus far. She does, however, agree with the liability issues and the potential for problems. Council Member Whitley suggested going back to locking the exercise room until Alan can get the lockbox system installed. Mayor Pro-Tem Bivens expressed that she doesn't like the room being unlocked. She asked how many codes could be used. She has concerns about codes getting out. PD Thifault stated that the lockbox could be programmed with ten different codes. He would change them every Monday. Mayor Deese agreed that the codes should be changed periodically. Council Member Whitley suggested that if Council Members Beachum and Jefferson have no problem, that by general consensus council can agree to go back to locking the exercise room until a lock system is installed. Attorney Griffin commented that it sounded like it was being set up as a membership, rather than an open door policy to the Community Center. He stated if he were a citizen he would be offended if the door were locked. Attorney Griffin suggested a developing a good policy for the use of the facility. PD Thifault commented that he could lock off the exercise room and set it up as a membership. Council Member Whitley stated that with the key system those using the exercise room would have to be residents of Marshville. PD Thifault conveyed that with a code, anybody could use the exercise room. It could be set on a monthly membership fee, get a code, and use the exercise room. Attorney Griffin stated that there should be a disclaimer for liability. Mayor Deese expressed that he doesn't like the membership idea and felt things were being added. PD Thifault said he would go ahead with adding the lock system and bring back to council membership ideas. Mayor Deese and Attorney Griffin agreed that signs (Exercise at Your Own Risk) should be posted since the exercise room is unsupervised. Otherwise, it could be a liability to the Town. PD Thifault conveyed to council that exercise classes sign a form releasing Town from any liability. Mayor Deese questioned who would be liable for injury if those using the exercise equipment don't sign the form. He felt measures needed to be taken to protect the Town from liability. Mayor Pro-Tem Bivens agreed. Mayor Deese felt the council should pursue the lockbox system. It was the consensus of the Council that PD Thifault move forward on the lockbox system and bring back to the next meeting to be voted on. PD Thifault agreed to contact an electrician, locksmith, etc. to get a final cost. Also, PD Thifault and Council Member Whitley agreed to come up with forms for council to review/approve.

GHSP Grant Update – Chief Mike Gaddy

Chief Gaddy brought to council's attention his impression that they don't want to do this grant. He discussed the repercussions of not complying with the grant guidelines, one being not being able to receive future grants from them. Chief Gaddy stated that we are already in violation of the contract because we should have hired an officer in October. Due to this, they are going to withhold some of our reimbursement money. He feels we need to move to correct this as swiftly as possible. We are already advertising for the position. He explained that we do have to reapply for the grant money each year, but are guaranteed funds from the grant for three years as long as we comply with the rules. Chief Gaddy stated that we get a lot of money for what we spend. He also feels we will continue trying to get grants in the future. If something happens to this grant he doesn't see us getting another one from them in the future. Therefore, we need to be in compliance. If not, we could have to pay the state back approximately \$40,000 to date. Chief Gaddy expressed council that he doesn't want to be blamed later for the Police Department not being able to get future grants. Council Member Denise Whitley commented that a lot of people don't think the Town needs nine officers. She spoke with someone from the School of Government and was informed that the department can be restructured to go back to seven officers and use the eighth officer as the grant position. Her concern was over having

nine officers. Chief Gaddy commented that we don't have to restructure. When the grant was awarded the Police Dept. was at full staff. We only need to hire an officer to replace the officer moved into the grant position. Right now we are not in compliance. Chief Gaddy commented he felt certain we will continue to get this grant unless the government cuts funds. Mayor Deese questioned if Ms. Cheryl Leonard, with the NCDOT, was okay that we are advertising for the position, and if they would allow us time to hire. Chief Gaddy indicated that he had things worked out with Ms. Leonard. Council Member Whitley commented that we don't have to wait until we hire an administrator to hire an officer. She asked since we are advertising if they will take money away from us. Chief Gaddy conveyed they are taking approximately \$3,000 from this quarter. Council Member Bridget asked if we are going to lose money. Chief Gaddy answered that we are (approx. \$3000), and we have to get an officer in place. Council Member Whitley commented that if applications are available at the next meeting council can look into appointing a committee to hire a replacement officer.

Community Outreach Update & Forms – Chief Mike Gaddy

Chief Gaddy gave information from first Community Outreach Program meeting. He stated that there was not as much participation as hoped for. He referred council and Attorney Griffin to the outreach forms included in the agenda packet. Chief Gaddy suggested the forms be looked over by Attorney Griffin. The forms include a Ride-Along Request – participants will have a small criminal background check, sign a release of risk form, and must be 18 or older. Also, participants will not be allowed to get out of the car. The Trespass form allows us to give an official warning to someone caught trespassing to be kept on file at the police department. If the person is caught trespassing again they can be locked up. Council Member Whitley commented that this is a good idea for vacant houses/properties. The Authorization to Act as Agent form – officer can act as agent for property owners against anyone caught trespassing or loitering. The Release and Assumption of Risk is used when doing home inventory. It is filled out by the homeowner and releases the police department from liability for any damages. Council Member Dora Bridget questioned if the trespass form applies to loitering. Chief Gaddy responded that it does. Mayor Deese agreed the attorney should review the forms for the Outreach Program. Council Member Whitley attended the outreach meeting. She feels the public participation will increase. She commended the Police Department for doing a good job at the outreach meeting.

Discussion and possible action regarding carpet cleaning at Old Town Hall – John Munn

Interim TA Munn provided handouts to council, one being a resolution, and the other a contract from Image Carpet Cleaning. The resolution would need to be approved by the Council, as well as the contract from Image Carpet Cleaning. After reviewing the documents, Mayor Deese asked about a typing error on a line item amount of the contract. The amount should have been \$145.00. Mayor Deese commented that business in the past has been performed by Mr. Jefferson. He also commented that Mr. Jefferson had done a good job and his prices were in line. He shouldn't be punished for being a council member. Mayor Deese said he had no problem passing a resolution. Council Member Denise Whitley referenced some information provided by Mr. Munn at the previous meeting regarding certain exceptions for small towns. Attorney Griffin suggested to council adding to the resolution a statement that the population of Marshville is less than 15,000 according to the latest census data, and that the contract amount does not exceed \$25,000. Council Member Denise Whitley made a motion to adopt the resolution with the addition of a population statement of less than 15,000 and contract amount less than the statutory amount of \$25,000. The motion was seconded by Council Member Dora Bridget. Vote: All ayes. No comments or questions. (Council Member Matthew Jefferson did not participate in the vote).

Consideration of the Union County Comprehensive Transportation Plan (CTP) – John Munn

Interim TA Munn presented information from Ruben Crummy, who will appear at a public hearing next month. The Town, at some point, has already adopted a CTP for Marshville. Mr. Munn referenced maps included in council's agenda packet. He commented that as time passes transportation planning needs to get a lot more serious. He feels that someone should go forward on this matter and thinks the road thing will be a big issue. He expressed his opinion that it's going to dump all the bypass traffic on Hwy. 74, and it can't handle it. Council Member Dora Bridget expressed that she would like to see some overlays done as to where we are now and what they intend to do with this area. Council Member Denise Whitley commented that she has talked with Mr. Crummy and he will show overlays when he does the presentation. She doesn't think it will affect Marshville, or our CTP. Council Member Dora Bridget expressed her concern that there will be gridlock on Hwy. 74. Interim TA Munn said he doesn't like the way the road plan is done. He feels the smarter thing would be to look on the north side of the road and work it in to help Legacy Park. He feels that when Mr. Crummy comes, council should talk about it. A lot needs to be considered about where to put roads, and it seems there's never enough road money. Mayor Deese commented that he has also had conversations with Mr. Crummy. Mayor Deese suggested to Mr. Crummy that they look on the north side, which would give easier access to Legacy Park. As Legacy becomes reality it's going to take serious consideration. Council Member Denise Whitley commented that these things continuously change. They are just lines on a map at this time to keep money flowing to towns from DOT. We have to have something in place for DOT.

Comments

Council Member Jefferson thanked council for their faith in his company and vowed to do a good job.

PD Thifault commented that it's approaching concert season, Easter egg hunt, etc. and he would need volunteers.

PW Director Bivens Steele informed council that he and Mr. Munn had met with the Union Co. Mgr. and the Public Works Director to discuss an emergency connection with Union County. A new water line will be coming through Marshville and Union Co. wants to know if Marshville is interested in hooking up. PW Director Steele requested figures for Union Co. to bring back to council. This would not be for constant use, just an emergency hookup. PW Director Steele thought this something the new administrator would need to be involved in. He also expressed concern that money may be an issue. Mayor Pro-Tem Margaret Bivens asked if we would have to pay Union County also for water. PW Director Bivens Steele explained that we would pay Union County, but only for water we use in an emergency. There was no discussion of a monthly payment amount. PW Director Steele talked with fire chief to see if this would help lower insurance rates. He conveyed that he is only letting council know that he is talking with Union County about this to get figures. Union County can get water from two directions. The difference with the emergency connection would be pressure & Union County's ability to get water from a different direction. We currently have an emergency connection with Wingate. We may have used it once within the past ten years. If Anson County shuts down for some reason we could get water from another direction. Interim TA Munn added that the difference would be the amount of water pressure, and that we would likely need pressure relieving valves installed. Council Member Jefferson commented that if it could lower insurance rates for the Town it might be worth looking into.

Interim TA Munn commented that Union County wants to renegotiate the sewer contract. Also, he shared with council that the USPS has issued a block of stamps honoring an African-American war hero, who was awarded the Navy Cross, the second highest honor. He also reminded council that February 23, 2010 was the anniversary of Iwo Jima – remember our fallen soldiers.

Mayor Deese informed the Board of his consideration for running for Eddie Goodall's seat. He expressed his concern with Fern and her ability to serve our county at that level. He does feel Tucker would do a good job. If Tucker wins primary I will probably back out. I didn't want you to read about it in the paper.

A motion was made by Council Member Denise Whitley to go into closed session per *G.S.143-318.11(a)(6)*, and to approve closed session minutes. Motion seconded by Mayor Pro-Tem Margaret Bivens. Vote: All ayes.

Mayor Deese dismissed all department heads and called for a five minute recess at 8:05 p.m.

CLOSED SESSION

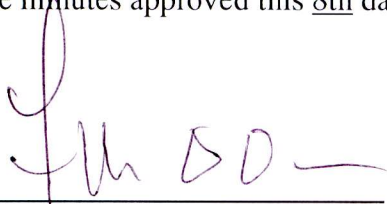
OPEN SESSION

In Open Session, Council Member Denise Whitley made a motion to adjourn the meeting, seconded by Mayor Pro-Tem Bivens. Vote: All yes.

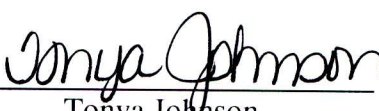
Comments:

There being no further comments, the meeting adjourned at approximately 9:26 p.m.

These minutes approved this 8th day of March, 2010.



Franklin D. Deese
Mayor

Attest: 

Tonya Johnson
Interim Town Clerk

