

**Marshville Town Council
Regular Meeting
7:00 P.M. Monday, January 5, 2009
Marshville Town Hall
201 West Main St., Marshville, NC**

Present: Mayor Franklin D. Deese, Mayor Pro-Tem Gail Kiker, Council Members Ned Beachum, Margaret Bivens, Dora Bridget and Denise Whitley, Attorney Bobby Griffin, Town Administrator Carl Webber, Town Clerk/Finance Officer Shelley Maness. Police Chief Mike Gaddy arrived in time for the Closed Session discussion.

Mayor Deese opened the meeting at approximately 7:05 p.m. and welcomed everyone in attendance. Council Member Bivens gave the invocation. All gave the Pledge of Allegiance.

Public Comments:

There were no public comments.

Adopt Agenda:

Council Member Bivens made a motion to add to the agenda a discussion concerning the next meeting date, seconded by Council Member Beachum. Vote: All Ayes. (Added as Item #10)

Council Member Whitley made a motion to add a Closed Session to the agenda per NCGS 143-318.11(a)(6), seconded by Council Member Bivens. Vote: All Ayes. (Added as Item #11)

Council Member Bridget made a motion to adopt the agenda as amended, seconded by Council Member Bivens. Vote: All Ayes.

Consent Agenda:

The consent agenda included only the approval of the minutes from the December 6, 2008 Special Meeting and the December 8, 2008 Regular Meeting. Council Member Whitley made a motion to approve the consent agenda as presented, seconded by Council Member Bivens. Vote: All Ayes.

Discussion by Hobbs, Upchurch representatives regarding Rural Center Planning Grant re-application. Mary Beck of Hobbs, Upchurch explained that the grant application that was submitted in July had been declined for funding. She said she has requested information from the Rural Center as to why they did not consider the items included in the application (such as the need for a SCADA system and a GIS/GPS survey of water lines) as critical needs. Mrs. Beck noted that there were things that the Town could do to improve its chances for funding in the future such as updating the Capital Improvements Plan (last done in 2003) and establishing water and sewer specifications for the Town. Wes Carter, also with Hobbs, Upchurch, said that maybe the fire department could help update some of the Town's information. Mrs. Beck said that the Town could reapply for funding in June. Council Member Whitley and Mayor Deese both thanked the Hobbs, Upchurch representatives for their hard work.

Presentation by Animal Control Officers of the Union County Sheriff's Office. Lieutenant Michelle Starnes with Union County Animal Control discussed their role in dealing with dog-related issues inside city-limits. She said that there are no county-wide leash laws and that they do not enforce city ordinances. Lt. Starnes said that they would pick up an animal upon the Town's request, in an effort to assist the Town in enforcing its own leash law. In response to some Council Members concerns about pit bulls inside of city-limits, Lt. Starnes warned Council to proceed with caution if they were to consider banning a specific breed. She referenced Local Government Law Bulletin Number 106 dated November 2004 that gave the same warning. Lt. Starnes presented Council with photos of various breeds of dogs and asked them to determine which one was a pit bull. The demonstration showed that it would be difficult to enforce a breed-specific ban.

Lt. Starnes also talked about abuse and neglect of dogs. She explained that owners must provide shelter and food (at least once a day) and have fresh water available to dogs at all times. Lt. Starnes said that individuals should not intervene in any suspected case of animal abuse or neglect, but instead should report the issue to Animal Control. Mayor Deese thanked Lt. Starnes for her presentation.

Amendment to agreement with CCOG pertaining to Multi-Family Dwelling Ordinance development in light of departure of Mr. Greg Francis from CCOG. TA Webber explained that Greg Francis, the Town's Land Use Administrator, was no longer employed by Centralina COG. He said that he had not met the new person that will take on the role of Land Use Administrator. In light of Mr. Francis' departure from CCOG, Bill Dustin will be more involved in the development of the Multi-Family Dwelling Ordinance than originally planned. As a result, the agreement with CCOG must be amended to show that Marshville agrees to pay an additional \$11.00, for a new contract amount of \$4,604.00. Council Member Whitley made a motion to approve the amendment to the agreement with CCOG pertaining to the Multi-Family Dwelling Ordinance in the amount of \$4,604.00, seconded by Council Member Bivens. Vote: All Ayes.

Consider Hiring Committee action regarding pending Tax Collector vacancy. Mayor Deese said that it had been brought to his attention that the hiring committee is technically a majority of the Board and there are certain requirements that must be met in such circumstances. Council Member Bridget made a motion to dismiss the current hiring committee and reappoint a committee less likely to be construed as inappropriate, seconded by Council Member Beachum. Vote: All Ayes. Mayor Deese said that he would like to appoint three people on the committee and possibly add outside citizens later. He noted that urgency to move forward on the matter, commenting that sixty days was a short time to hire and train someone for such a position as tax collector. Mayor Deese recommended Council Member Bivens, TA Webber and C/FO Maness to serve on the committee. Council Member Whitley made a motion to accept Mayor Deese's recommendation, seconded by Council Member Beachum. Vote: All Ayes.

Mayor Deese said that he would like for the three appointed committee members to start looking over the applications and consider potential candidates for interviews. Mayor Deese asked TA Webber to chair the committee and have the committee add two citizens to the committee. He asked that Council approve the additional members before the committee moves forward with interviews. At that point, the five-member committee would vote to select the top two candidates, which will be brought before Council for a final decision. Council Member Whitley made a motion to accept Mayor Deese's recommendation that TA Webber chair the committee

and that the committee be allowed to choose two additional members of the public to serve on the committee, seconded by Council Member Bivens. Vote: All Ayes.

Consider revising Town of Marshville Personnel Policy pertaining to Disciplinary Action. TA Webber distributed a compilation of a small sample of discipline and grievance policies of other NC municipalities for Council's review. Council Member Whitley made a motion to table the matter until the first meeting in February, seconded by Council Member Bivens. Vote: All Ayes.

Authorize Town Administrator to submit application for Service Corps funding to provide a Management Advisor to facilitate processes outlined in Greenfield Joint Economic Development Strategy. Town of Wingate submitting similar application. Adopt Service Corps Resolution. TA Webber explained that he had originally thought one application could be submitted for both Towns, but had since learned that both Towns must apply separately. He presented a draft narrative, noting that he did not foresee any significant changes. TA Webber said that he would meet with Wingate to be sure that the two applications were in line with each other. He also clarified that each Town was also individually responsible for up to 20% of the Management Advisor's salary not to exceed \$12,000. There were some concerns among Council Members regarding the match of up to 20%. After further discussion, Council Member Bivens made a motion to authorize TA Webber to submit the application for NC Service Corps funding to provide a Management Advisor to facilitate processes outlined in Greenfield Joint Economic Development Strategy and to adopt the Service Corps Resolution and, further, authorize Mayor Deese to sign such document. The motion was seconded by Council Member Bridget. Vote: 3 to 2 (Mayor Pro-Tem Kiker and Council Member Beachum opposed)

Discuss date for the next Council Meeting. Mayor Deese explained that the next regular Council Meeting date falls on the Martin Luther King holiday and suggested that Council consider scheduling the meeting for another date. Attorney Griffin advised that the "rescheduled" meeting would be a special meeting of the board and proper notice must be given. Council Member Bridget made a motion to have a special meeting on January 20th at 7:00 p.m., seconded by Council Member Bridget. Vote: All Ayes.

Comments

Council Member Bivens said that a lady called her concerned about trash and debris in the yard and couches on the porch of a neighboring property and inquired about code enforcement procedures. She said that another neighbor had mice invading her home as a result of a neighboring property. TA Webber explained that he would look into any complaints filed at Town Hall, but noted that the Town had no control over the mice issue. Council Member Bivens also mentioned that another business in Town, Lavish Lady, was leaving due to an increase in rent.

Mayor Pro-Tem Kiker, Council Member Beachum, Council Member Bridget, Council Member Whitley and C/FO Maness had no comments.

TA Webber informed Council about a Regional Legislative Update to be held at 10:00 a.m. on January 9, 2009 in Concord, NC. He asked that anyone interested in attending notify him so that he could make appropriate arrangements.

Mayor Deese had no comments.

Council Member Whitley made a motion to go into Closed Session per NCGS 143-318.11(a)(6) and to include the full Council, Clerk Maness, TA Webber, Chief Gaddy and Attorney Griffin in the Closed Session, seconded by Council Member Bivens. Vote: All Ayes.

CLOSED SESSION

In Open Session, Council Member Whitley made a motion to recess the meeting until Wednesday, January 7, 2009 at 7:00 p.m. at Town Hall, seconded by Council Member Bivens. Vote: All Ayes.

There being no further comments, the meeting was recessed at approximately 9:30 p.m.

RECESSED SESSION of the Monday, January 5, 2009 meeting

The meeting reconvened at 7:00 p.m. on Wednesday, January 7, 2009 at Marshville Town Hall. (Note: Council Member Bridget was not in attendance for this portion of the meeting and no action was taken by Council to excuse Council Member Bridget. All other Council Members were present.)

Mayor Deese opened the meeting and welcomed everyone in attendance. All gave the Pledge of Allegiance.

Council Member Bivens made a motion to go into Closed Session per NCGS 143-318.11(a)(6) and to include the full Council, Clerk Maness, TA Webber, Chief Gaddy and Attorney Griffin in the Closed Session, seconded by Council Member Whitley. Vote: All Ayes.

CLOSED SESSION

In Open Session, Council Member Bivens made a motion to allow TA Webber to speak to the press on Council's behalf, as much as he legally can. The motion was seconded by Council Member Whitley. Vote: All Ayes.

There being no further comments, the meeting was adjourned at approximately 8:05 p.m.

These minutes approved this ____ day of _____, 2009.

Franklin D. Deese
Mayor

Attest: _____
Shelley H. Maness
Town Clerk