

**Marshville Town Council
Regular Meeting
7:00 P.M. Monday, May 18, 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, Interim Town Administrator John Munn, Town Clerk/Finance Officer Shelley Maness, Director of Public Works Bivens Steele and Park Director Alan Thifault.

Mayor Deese opened the meeting at approximately 7:00 p.m. and welcomed everyone in attendance. Council Member Whitley gave the invocation. All gave the Pledge of Allegiance.

Public Comments:

There were no public comments.

Adopt Agenda:

Council Member Whitley made a motion to add a discussion to the agenda regarding water service at First Baptist Church. The motion was seconded by Council Member Bridget. Vote: All ayes. (Added as Item #6)

Council Member Whitley made a motion to add a discussion to the agenda regarding an increase in work hours for the Interim Town Administrator. The motion was seconded by Council Member Beachum. Vote: All ayes. (Added as Item #13)

Council Member Whitley made a motion to adopt the agenda as amended, seconded by Council Member Beachum. Vote: All ayes.

Consent Agenda:

The consent agenda included only the approval of the minutes of the May 4, 2009 Regular Meeting. Council Member Whitley made a motion to approve the consent agenda as presented, seconded by Council Member Bivens. Vote: All ayes.

Consider request from Research Club to have Cemetery Property Surveyed – Ruby Stegall. Mrs. Stegall, a member of the Research Club, informed Council that someone had offered funds to benefit the cemetery. The Research Club determined that a fence was needed along each side of the cemetery, but a survey must be done before it could be installed. Mrs. Stegall said the fence would likely be a rather expensive steel fence and they would not want to run the risk of installing the fence across property lines. Mrs. Stegall also informed Council that Mr. Kenny Albertson had volunteered his services by relocating a World War II memorial plaque that was hidden by grass. Mr. Albertson mounted the plaque on a rock so that it could be seen clearly.

Council Member Whitley asked that the Research Club get final approval from Council on the type of fencing to be installed. She also asked that Town staff write Mr. Albertson a letter thanking him for his services.

DPW Steele said that the surveyor would be coming in the next month to do Powell Bill mapping and it would cost about \$900 to survey the cemetery property at the same time. He said that there was money in the budget and that a survey should be done regardless of the fence issue.

Mayor Pro-Tem Kiker thanked Mrs. Ruby Stegall and the Research Club for all that they do for the cemetery.

Council Member Beachum made a motion to have DPW Steele move forward with having the property surveyed, seconded by Council Member Whitley. Vote: All ayes. Mayor Deese asked Mrs. Stegall to provide staff with Mr. Albertson's address so that a "Thank You" letter could be mailed.

Discuss water service at new First Baptist Church. DPW Steele explained that the new First Baptist Church would have regular water and sewer service provided by the Town, but it would be much less expensive to get their "fire flow" service (for fire protection) from a new water line that will be installed by the County. Any "fire flow" water would only be used in an emergency situation when sprinklers are activated and would not flow through the Town's sewer system. DPW Steele felt that it was an unusual circumstance that fell outside the intentions of the Town's ordinance that requires all sewer customers to get their water from the Town.

It was the consensus of Council to allow the church to get "fire flow" service from Union County. Interim TA Munn said that a letter would need to be sent to the church to clarify the matter. DPW Steele said that the County would also need such a letter. Attorney Griffin questioned whether Council planned to make a single exception or if they planned to set a new policy. Mayor Deese was of the opinion that it would not be a problem for any business to get "fire flow" service from the County as long as it does not go into the Town's sewer system. Mayor Deese asked Mr. Munn to draft a policy that would address the issue and allow such circumstances.

Council Member Whitley made a motion to approve the request from DPW Steele and direct him to work with Interim TA Munn to send a letter and draft a policy allowing fire flow from the County and authorize the Mayor to sign the letter. The motion was seconded by Council Member Bivens. Vote: All ayes.

DPW Steele was excused from the remainder of the meeting.

Discussion and possible action regarding Marshville Skateboard Park. PD Thifault agreed that there had been some issues with some of the skateboarders, but he felt that many of those issues had been resolved. He noted that he caught two kids not wearing helmets and he made them read the signs stating that helmets are required. PD Thifault said that he would lock the gate if that was what Council desired, but he did not feel like it was fair to punish everyone because a few do not follow the rules.

Mayor Deese thought that if they took it too far they would create a "supervised" park which could create a liability issue. Council Member Whitley said that rules are posted and the kids should

follow those rules. Council Member Bivens asked if there were a lot of kids using the park. PD Thifault said that there were not any kids there when he left the park earlier in the day. He said that during the summer there would not be any problems because he would be at the park all day for summer camp and he could keep a close eye on the skateboarders. He also noted that he may lock the fence at 7:00 p.m. Council Member Bivens noted that a lot of money went into the tennis court that has become an unsightly skateboard park. Council Member Whitley talked about her unsuccessful attempts at trying to get the skateboarders to follow the rules.

Attorney Griffin suggested that individual Council Members not try to enforce the rules, but allow the proper individuals such as the Park Director and the police to do so. Mayor Deese said that if a Council Member sees something going on they should first call PD Thifault and if he is not available, call the police.

Council discussed the various issues with providing helmets such as possibly creating an additional liability if the helmets did not meet certain safety guidelines.

It was the consensus of Council to give PD Thifault more time to observe the park to see if things improve. Mayor Deese asked Interim TA Munn to get with the insurance company and discuss the helmet and liability issue with them.

PD Thifault announced that he planned to have a dance at the Community Center on Friday night from 6:00 p.m. to 9:00 p.m. for 5th through 7th graders. PD Thifault said that he will supervise and provide music. He also noted that he would serve drinks and food left over from Day in the Park.

PD Thifault was excused from the remainder of the meeting.

Consider participation in 2009 Scattered Site Housing Grant program; choose Selection Committee representative. Mayor Deese said that the Town has participated in the program in the past and he reminded Council that the grant money is made available to senior citizens and disabled persons to help make improvements to their homes. Mayor Deese said that there was a maximum amount of \$29,000 per house and that amount must bring the house up to code. Council Member Whitley asked how people find out about this. Mayor Deese said that the CDC sends out letters and advertisements are published. The grants are awarded on a first come, first served basis to those that qualify.

Council Member Bivens made a motion that the Town will participate in the 2009 Scattered Site Housing Grant Program, seconded by Council Member Whitley. Vote: All ayes.

Council Member Bivens made a motion to have Mr. Munn serve as the representative. Attorney Griffin reminded Council that they should consider Mr. Munn's limited number of working hours. Council Member Bridget volunteered to serve. Council Member Bivens rescinded her motion. Council Member Bridget made a motion to appoint herself to serve on the selection committee, seconded by Council Member Bivens. Vote: All ayes.

Set date for Special Meeting to receive and discuss FY 2009/10 Proposed budget (suggested date June 1, 2009). Interim TA Munn suggested instead of setting a "Special Meeting", Council could simply recess the meeting until June 1st to alleviate the need to advertise. It was the consensus of Council to do so.

Set date for Public Hearing for FY 2009/10 Proposed budget (*suggested date June 22, 2009*).

Mayor Deese explained that the Town was required by Statute to have a public hearing on the budget and staff had suggested a date of June 22, 2009. Council Member Whitley made a motion to set the date of the Public Hearing for the FY 2009/10 Proposed Budget as June 22, 2009, seconded by Council Member Bivens. Vote: All ayes.

Discussion of mail processing procedures. Council Member Whitley requested that the Clerk open and distribute to all Council Members copies of any mail addressed to the Mayor or any Council Member. She noted that often times things are addressed to the Mayor as just a formality, but the information is intended for all elected officials. Council Member Whitley said that the Clerk could throw away junk mail and use her own judgment for anything that appears to be personal. Attorney Griffin said that it was his legal opinion that the Clerk should distribute unopened mail to the person that it is address to. He felt that the Clerk should have something in writing from the person authorizing her to open their mail. Council Member Whitley then suggested that the Mayor and each Council Member voluntarily share all Town-related information that they receive. Mayor Deese said that he did not have a problem with the Clerk opening his mail, but that he would decide what would be distributed. He did say that it was ok to distribute anything addressed to the Mayor and Council. Mayor Deese asked each Council Member to give written authorization to the Clerk if they wished to have their mail opened and distributed.

Discussion and possible action regarding Town Administrator position. Council Member Bivens felt that they should start advertising for the position. Mayor Deese said that he thought Council had already decided to hear from Hartwell Wright before moving forward. Council Member Whitley mentioned getting the job description ready. Mayor Deese said that Mr. Wright was scheduled to meet with Council on July 20th, but if they did not need his help they should not waste his time. Most Council Members were not aware that a meeting had been scheduled. It was the consensus of Council to wait until they hear from Mr. Wright on July 20th before proceeding.

Discussion regarding an increase in work hours for the Interim Town Administrator. Mayor Deese said that it was agreed upon that the Interim Town Administrator would work a minimum of 10 hours per week with a maximum of 20 hours including meeting times. Mayor Deese said that he would like to have Mr. Munn at more meetings and requested that his maximum hours be increased to 30.

Council Member Bridget made a motion to increase Mr. Munn's hours to a maximum of 30 hours per week, seconded by Council Member Beachum. Vote: All ayes.

Comments

Mayor Pro-Tem Kiker, Council Member Beachum and Council Member Bridget had no comments.

Council Member Whitley commented about Town Hall Day and reminded everyone to be conscience of the economic times when considering the budget. She noted that revenues will be down.

Council Member Bivens said that the State was considering breaking Powell Bill payments into two payments and the second portion could get cut.

Interim TA Munn reviewed a letter from Duke Energy regarding the installation of underground lines. He noted that the cost to do so was tremendous and it was not at all feasible.

Mayor Deese reported that he represented the Town at the District Representation (Governance) Committee meeting. He said it was just an organizational meeting so there was nothing to report at this time. Mayor Deese also mentioned attending a meeting with the Turnpike Authority regarding the proposed bypass. He noted the times and locations of upcoming meetings.

There being no further comment, Council Member Whitley made a motion to recess the meeting Monday, June 1, 2009 at 7:00 p.m. at Town Hall, seconded by Council Member Bivens. Vote: All ayes.

The meeting was recessed at approximately 8:42 p.m.

RECESSED SESSION of the Monday, May 18, 2009 meeting

The meeting reconvened at 7:00 p.m. on Monday, June 1, 2009 at Marshville Town Hall. (Note: Attorney Bobby Griffin and Park Director Thifault were not present for this portion of the meeting. Mayor Deese and all Council Members were present.)

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

Interim TA Munn reviewed the FY 2009/10 Budget Memo which pointed out that revenues were projected to be down by 9.56%, largely due to a decline in sales tax revenues and interest on investments. He said that there was no property tax or rate increases proposed. There were also no significant changes in service planned for the upcoming year. Overall department expenditures were budgeted at 0.82% less than FY 2008/09. The budget memo acknowledged that the garbage, water and sewer departments were each operating in the red without any rate changes, so Council may wish to consider an increase in service rates. Interim TA Munn explained that the budget includes \$482,860 in encumbered fund balance, which is more than half of available fund balance. He explained that this number is more of a “placeholder” to balance the budget, but the number was more real in this proposed budget than it has been in the past.

(Note: Mayor Pro-Tem Kiker asked to be excused at approximately 7:20 p.m., noting that she felt sick. She returned to the meeting at approximately 7:30 p.m.)

C/FO Maness further explained some of the things that were included or excluded from the proposed budget. Included was a 42% increase in health insurance premiums based on a quote from the current provider to maintain the same plan. She said that she and Interim TA Munn were working on an alternative plan that may reduce the cost. Also, included in the proposed budget was a 4% COLA increase for the ten employees that are not currently on a payscale. She noted that those employees that are on a previously approved payscale will receive an average increase of 4.33%.

C/FO Maness also noted that the proposed budget assumes that the new Town Administrator would begin work on September 1st at the previous Administrator’s rate of pay and funds were budgeted to

allow a four-week overlap with the Interim Administrator. These figures would need to be revised if Council felt that the new Administrator start at a higher salary.

C/FO Maness mentioned that PD Thifault had requested funds for a new Gator (utility vehicle) and \$20,000 to be spent on the new Mini-Park. Those funds were not budgeted. Approximately \$47,000 was budgeted for the potential 20% match on the new CMAQ Sidewalk Grant. C/FO Maness and Interim TA Munn answered several clarifying questions from Council.

There being no further comments, the meeting was adjourned at approximately 8:00 p.m.

These minutes approved this ____ day of _____, 2009.

Franklin D. Deese
Mayor

Attest: _____
Shelley H. Maness
Town Clerk