

**Town of Marshville**  
**Regular Town Council Meeting**  
**Monday, August 3, 2009**  
**7:00 p.m.**

Present: Mayor Franklin Deese, Mayor Pro-Tem Gail Kiker, Council Members Ned Beachum, Margaret Bivens, Dora Bridget, and Denise Whitley

Mayor Deese opened the meeting at 7:00 p.m. and welcomed everyone in attendance. Council Member Beachum 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 to the agenda Discussion of a Memorial for Jeff Coley, seconded by Council Member Bivens. Vote: All ayes.

Council Member Bridget made a motion to adopt the agenda with the addition of Discussion of a Memorial for Jeff Coley – Item #10, seconded by Council Bivens. Vote: All ayes.

Consent Agenda:

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

- a) Approval of Constitution Week Proclamation
- b) Approval of Revised Minimum Housing Code Enforcement Contract with Centralina Council of Governments. The revised contract was \$739 less than the original contract approved on July 20, 2009. The Town has no remaining member hours with COG; therefore, the revised contract does not include the use of any member hours.

The motion was seconded by Council Member Bivens. Vote: All Ayes.

Charge Tax Collector to Collect 2009 Town of Marshville property taxes:

Mayor Deese administered the charge to Tax Collector Debbie Morton for the collection of 2009 Town of Marshville property taxes. Council Member Whitley made a motion to charge the Tax Collector with the collection of 2009 Town of Marshville property taxes as presented, seconded by Council Member Beachum. Vote: All ayes.

### Review of Costs for Town Mowing Services

Mayor asked Council to review the information prepared by the Town Clerk regarding the current cost for mowing services provided by Charles Boyce.

Council Member Beachum made a motion to continue the mowing services with Mr. Boyce and review the possibility of a new bid in the spring, seconded by Council Member Whitley. Votes: All ayes.

### Discussion and Possible Action Regarding Property Adjacent to Marshville Park

Mayor Deese distributed a GIS map of property of two parcels owned by Mrs. (Simpson) Yates containing approximately 14 acres (Tax Parcels 02-114-148 and 02-114-148 A80) located next to the Town Park. The property was previously appraised at \$130,000. When contacted, Mrs. Yates said she wanted to retain a portion of the property (approximately 2 acres) and sell the remaining for \$130,000. This would reduce the road frontage of the property nearly 200 feet on one parcel and 120 feet on the other. Council discussed waiting to see what the appraisal excluding the 2 acres would be, how the reduction in road frontage affected the land and whether the Town could financially afford the 15% reduction in reserves to purchase the land. Interim Town Administrator Munn advised that there were environmental studies, a survey and appraisal that would be an expense as well, and the Council needed to determine if they were seriously interested in purchasing the land before proceeding with these expenses. Also, Mrs. Yates would need to locate stakes on the property to determine the exact location of the property she wanted to retain. After further discussion, Council Member Whitley moved to authorize the Interim Town Administrator and Mayor to meet with Mrs. Yates again to determine if she would entertain a new offer based on a new appraisal, and if so, authorize the Interim Town Administrator and Mayor to move forward with obtaining a new appraisal. Council Member Bridget seconded the motion. Vote: All Ayes.

### Discussion and Possible Action Regarding Use of Time Clocks by All Town Departments

Council Member Bivens stated that she thought the Police Department should be excluded from use of time clocks. Mayor advised that the employees in Town Hall were on salary and did not require the use of time clocks and Public Works Department was already using time clocks. It was the consensus of the Council that no action was necessary on this item.

### Discussion and Possible Action Regarding Town Administrator Position

Mayor Deese presented Council with the following plan of action outline prepared by the Town Clerk regarding the Town Administrator position:

- a. Establish initial plan of action as follows:
  - Approve wording of job advertisement
  - Determine which publications, etc., to place advertisement
  - Review/approve form letter to applicants acknowledging receipt of resume.
  - Set date of first review.

- b. Determine “ideal” candidate profile
- c. Discuss expectations of the position
- d. Discuss salary range

Mayor noted that at the last meeting Council agreed that resumes would be received by the Town Clerk who would date stamp and keep them in her possession and then make copies and distribute to the entire Council. It was the consensus of Council to begin the first review from the applications received by 5:00 p.m. on September 30, 2009. Council also discussed the publications to advertise the position and the form letter acknowledging receipt of application. Council Member Whitley moved to authorize the Town Clerk to publish the advertisement of the position in the following: Southern City, League Letter, County Lines and ICMA publications, receive all applications, date stamp, send a form letter acknowledging receipt and furnish copies to the Council of all applications received by September 30, 2009 for the first review. Council Member Bivens seconded the motion. Vote: All Ayes.

Mayor Deese suggested that items b, c and d in the outline be discussed at a later meeting with less on the agenda or call a special meeting. Council agreed to table discussion of these items.

#### General Discussion of Memorial for Jeff Coley

It was the consensus of the Council that Jeff Coley had done a great deal for the community and it would be appropriate to honor him in some way. Council Member Bridget suggested that the Council consider ideas and bring back at a future meeting some suggestions for a memorial. Council Members agreed.

#### Comments

Council Member Beachum reported that the park facilities had been very well maintained and he did not see any problems at the park.

Council Member Bivens asked if the Town could look into the reopening of the railroad crossing at Union Street. Mayor advised that the Town could ask, but that the railroad tried to close crossings rather than reopen them. Council Member Bivens also expressed a need for lighting on Carelock Drive and additional lighting at the Town Park. Public Works Director Steele agreed to contact Duke Power and return a lighting price for consideration by Council.

Public Works Director Steele reported that work was underway on approximately 20 fire hydrants.

Town Clerk Maness reported that due to the time she had spent gathering information for the auditors working on the annual audit, she was behind in the minutes. She would prepare the minutes as soon as possible.

Closed Session per NCGS 143-318.11 (a) (6)

Council Member Bivens moved to go into closed session according to NCGS 143-318.11(a)(6) to consider the qualifications, competence, performance, character, fitness, conditions of appointment or conditions of initial employment of an individual public officer or employee, or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee. Council Member Whitley seconded the motion which was denied by a 2 to 3 vote. (Ayes: Council Members Bivens and Whitley; Nays: Mayor Pro-Tem Kiker, Council Members Beachum and Bridget)

Town Attorney Griffin advised Council that certain information in regards to employees was confidential, and he urged them to carefully consider what was said in open session.

After some discussion about what was a legal reason for entering closed session, Mayor Pro-Tem Kiker moved to reconsider the motion to go into closed session according to NCGS 143-318.11(a)(6). Council Member Whitley seconded the motion which passed by a 3 to 2 vote. (Ayes: Mayor Pro-Tem Kiker, Council Members Bivens and Whitley; Nays: Council Members Beachum and Bridget) John Edmondson encouraged Council to come back into open session should the matter not be a legal reason for closed session.

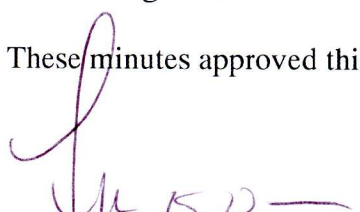
CLOSED SESSION

OPEN SESSION

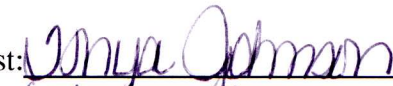
No action was taken as a result of the closed session.

There being no further comments, the meeting was adjourned at approximately 8:30 p.m.

These minutes approved this 21<sup>st</sup> day of June, 2010.

  
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Franklin D. Deese  
Mayor

Attest:

  
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Int. Town Clerk

*(Minutes transcribed by Karen B. Price)*