

**Town of Marshville  
Town Council  
Regular Meeting  
Tuesday, September 8, 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, Interim Town Administrator John Munn, Attorney Bobby Griffin, and City Clerk/Finance Director Shelley Maness.

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

Public Comments.

Melody and Aaron Medlin, 218 Main Street, addressed Council with concerns about crime and safety in the Town. Mrs. Medlin advised that her business was across the street from the Police Department, but she did not feel safe due to the lack of accessibility of police officers. She shared an incident that had caused her to feel less than safe because of the lack of police availability. Police Chief Gaddy stated that officers could not be everywhere, but that individuals should call 911 whenever incidents such as this happened. Attorney Griffin also encouraged citizens to always call 911 with issues for the police or fire departments in order to have a record of the call and get a quick response from the appropriate agency.

There were no other public comments.

Adopt Agenda.

Interim Town Administrator Munn asked to remove Item #9 Report on Negotiations on Property Adjacent to Park from the agenda. Council Member Whitley made a motion to remove from the agenda Item #9. Mayor Pro-Tem Kiker seconded the motion. Vote: All ayes.

Mayor Deese requested that a closed session be added to the agenda for the purposes of discussion of negotiations regarding purchase of property according to NCGS 143-318.11(a)(5), seconded by Council Member Bivens. Vote: All ayes.

Council Member Bivens made a motion to add to the agenda a discussion of a contract with Union County regarding police protection. Council Member Whitley seconded the motion. The motion failed by a vote of 3 to 2. (Ayes: Council Members Bivens and Whitley; Nays: Mayor Pro-Tem Kiker, Council Members Beachum and Bridget)

Council Member Whitley made a motion to adopt the agenda as amended. The motion was seconded by Council Member Bivens. Vote: All ayes.

### Consent Agenda.

The consent agenda included only the approval of minutes from the June 30, 2009 Public Hearing and Regular Town Council Meeting, and receipt of the Budget Report. Council Member Whitley made a motion to approve the consent agenda as presented, seconded by Council Member Bivens. Vote: All ayes.

### Code Enforcement Update from James Luster with Centralina Council of Governments.

Council discussed with Mr. Luster a number of properties within the town limits described in his report as being in violation of town ordinances. Council stressed their desire to take whatever measures necessary to bring these properties under regulations. Mr. Luster advised that he had gone as far as he could and the next step would be to bring an ordinance for action by the Council on a case by case basis in order to enforce any further legal action. Mayor Deese asked Mr. Luster if he could prepare the necessary ordinances and submit to the Council for action.

Mr. Luster explained that a title search should be done to determine if ownership of the subject properties had changed since beginning the process. Mr. Luster also suggested that he bring back to Council a detailed report on each enforcement case with a recommendation as to the next step in the legal process. Each enforcement case must be considered individually and will differ in the recommendation of action and cost. Attorney Griffin further advised Council that even though everyone wanted a clean town and wanted a pleasing appearance in town, there were legal procedures that must be followed in order to bring about the enforcement of town codes. Mr. Luster suggested that the detailed report and recommendation on each case be prepared and submitted to Council before the title search is done.

It was the consensus of the Council to ask Mr. Luster to prepare a detailed report on the subject properties with a recommendation for consideration by Council at a later meeting.

### Call for Joint Public Hearing with Union County Historic Preservation Commission to be Held on Monday, October 5, 2009 at 7:00 p.m. concerning Landmark Designation of Hamilton-Marsh House, 1311 Highway 205, Marshville, NC.

Council Member Whitley made a motion to call for a joint Public Hearing with the Union County Historic Preservation Commission and to invite the Planning Board to the meeting to be held on Monday, October 5, 2009 at 7:00 p.m. to consider a landmark designation of the Hamilton-Marsh House located at 1311 Highway 205 in Marshville, NC. Council Member Bivens seconded the motion. Vote: All ayes.

### Consider Speed Hump and Traffic Study on South Austin Road.

Mayor Deese advised a petition signed by 77% of the residents on South Austin Road was submitted on September 2, 2009 to request a speed hump on South Austin Road. The consensus of the Council was to proceed with a traffic study and return to the Council at a later meeting for action. Mayor Deese explained to the residents in attendance that a traffic study was required. Staff was asked to research the legality of placing a speed hump on a dead end road.

Report on \$1,500 Donation Received from BB&T.

Parks Director Thifault advised Council that BB&T made a donation of \$1,500 toward the cost of a playground area near the ball fields. Council Member Whitley made a motion to approve the budget amendment to increase the Parks expenditures by \$1,500. Council Member Bivens seconded the motion. Vote: All ayes.

Discussion and Possible Action Regarding Vicious Dogs and Animal Cruelty.

Council Member Bivens expressed her concern for the safety of residents with regard to vicious dogs housed within town limits, and asked Council to enact an ordinance that would control the distance from the property line of the pens for these types of dogs. Council and Town Attorney discussed the feasibility and enforcement issues of an ordinance. Council Member Bivens strongly encouraged the Council to take some action regarding this matter. After further discussion, it was the consensus of the Council to ask the Land Use Administrator to research the possibilities and return a report to Council at a later meeting.

Comments.

*(The tape did not have any comments)*

Council Member Bivens made a motion to go into closed session for the purpose of discussion or negotiations regarding purchase of real estate according to NCGS 143-318.11(a)(5). Council Member Whitley seconded the motion. Vote: All ayes.

**Closed Session.**

Council returned to open session.

There being no further comments, the meeting was adjourned at approximately 8:20 p.m.

These minutes approved this \_\_\_\_\_ date of \_\_\_\_\_, 2010.

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

Attest: \_\_\_\_\_

*(Minutes transcribed by Karen B. Price)*