

**Town of Marshville
Town Council
Regular Meeting
Monday, October 19, 2009
7:00 p.m.**

Recessed Meeting from October 12, 2009

Mayor Deese reconvened the recessed meeting from October 12, 2009. Council Member Bridget made a motion to move all items from the recessed meeting to the October 19, 2009 Regular Council Meeting. Council Member Bivens seconded the motion. Vote: All ayes.

Regular Meeting

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, Town Clerk and Finance Director Shelley Maness, Public Works Director Bivens Steele and Parks Director Alan Thifault

Mayor Deese opened the regular meeting at 7:02 and welcomed everyone in attendance. Mayor Pro-Tem Kiker 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 business from the October 12 Special Meeting to the Agenda, seconded by Council Member Beachum. Vote: All ayes.

Council Member Bridget made a motion to adopt the agenda as amended. Mayor Pro-Tem Kiker seconded the motion. Vote: All ayes.

Consent Agenda:

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

- a. Approval of July 20, 2009 Regular Meeting Minutes
- b. Approval of 2009 Tax Releases in the amount of \$125.70
Corrected value – Sprintcom, Inc.
- c. Approval of Technocom lease agreement
- d. Approval of Budget Amendment in the amount of \$76,315
NC Governor's Highway Safety Program Grant
- e. Received Budget Report

Mayor Pro-Tem Kiker seconded the motion. Vote: All ayes.

Council Member Whitley made a motion to go into closed session according to NCGS 143-318.11(a)(6), seconded by Council Member Bivens. 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)

Closed Session

Council Member Whitley made a motion to reinstate Police Officer Stuart Chaffin, seconded by Council Member Bivens. The motion failed by a vote of 2 to 3. (Ayes: Council Members Bivens and Whitley; Nays: Mayor Pro-Tem Kiker, Council Members Beachum and Bridget)

Council Member Bridget made a motion to approve and ratify the action of Chief Gaddy to dismiss Officer Stuart Chaffin. Council Member Beachum seconded the motion. The motion passed by a vote of 3 to 2. (Ayes: Mayor Pro Tem Kiker; Council Members, Beachum and Bridget; Nays: Council Member Bivens and Whitley)

Mayor Deese asked Interim Town Administrator Munn to notify Mr. Chaffin in writing of the decision for dismissal.

Mr. Chaffin objected to the action due to a procedural violation at the last meeting.

Mayor Deese stated that the objection was not appropriate because the vote had been taken on the motion and the matter was closed. Council Member Whitley commented that there had been behind the scenes actions and everyone knew that. Mayor Deese advised that Council Member Whitley was out of order.

Water Bill Policy.

Council Member Whitley left the room. Mayor Deese noted that she left without being excused and any vote taken would result in an affirmative vote by Ms. Whitley.

Council Member Whitley returned at 7:10 p.m.

Public Work Director Bivens Steele reviewed the town's policy regarding excessively high water bills. Mr. Steele explained that Lavon Hood of Hasty Road had received a water bill in the amount of \$860 which he informed the staff was not correct. Mr. Steele stated that he had re-read the meter a number of times and could not find any leak or need for repair in the meter. Staff had adjusted the bill according to the policy for leaks resulting in high usage and reduced the bill to \$425. Mr. Hood appeared before Council to ask for a resolution to this problem because he did not use the amount of water billed.

Council discussed the situation with Mr. Hood and tried to explain that the town's policy would have to be changed if anything further was done because there had been no error found in the meter or with the reading of the meter. Mr. Hood asked for some payment option, but Council explained that the policy did not provide for a partial payment plan.

Attorney Griffin suggested that Council take this matter under advisement and study the situation, but not to hastily change a policy.

After a lengthy discussion, the general consensus of Council was, based on the current policy, all measures had been taken that could be taken and to comply with the town policy.

Council Member Bivens suggested that, at a later meeting, the Council look into the possibility of making allowances for residents with a hardship.

Mayor Deese noted that Mr. Hood's landlord had offered to pay the bill and allow Mr. Hood to make payment to him. Mayor Deese encouraged Mr. Hood to contact his landlord.

Code Enforcement Update:

Mr. Luster distributed a packet of information to Council, and explained that Code Enforcement is based on health and safety issues, not appearance. He also explained the time frames and costs associated with the various steps in the enforcement process, and it could take six to ten months and cost from \$4,000 to \$22,000 to demolish a house. Mr. Luster noted that it was not likely that it would actually cost \$22,000, but Council needed to be aware that it could be that high in an extreme case when asbestos is found. Mr. Luster advised that every case must be tested for asbestos, and if found, it must be abated. Council must adopt an ordinance to move forward before the asbestos assessment. Mr. Luster stated that he was trying to work with the property owners to resolve the problem before it gets to the point Council must move forward to enforce the violation.

Mayor Pro-Tem Kiker pointed out that the Union Street property was not listed, but it had been an issue for more than 15 years. Council discussed with Mr. Luster a number of the properties on the list of violations.

Mayor Deese asked Mr. Luster if he could give a professional recommendation for each case and prioritize the list. Mr. Luster advised that he could recommend a list of the top four or five cases based upon the length of time the property had been on the list and severity of the case. Mr. Luster further advised that he recommended the following as top priorities: (#7) 917 North Austin Street; (#8) Washington Street; (#13) 710 North Elm Street; and (#17) 703 Union Street.

Mayor Deese suggested that the town move forward on not more than one or two at a time since the cost of the process was not known. It was consensus of the Council that (#17) Union Street and (#7) North Austin Street should be looked at first.

Mayor Pro-Tem Kiker made a motion to authorize Mr. Luster to move forward with a title search on properties #7 North Austin Street and #17 Union Street from the active case list. The motion was seconded by Council Member Bridget. Vote: All ayes.

Interim Town Administrator Munn explained that housing code enforcement was intended to address structural issues and not cosmetic issues. Tall grass and debris issues could be dealt with in a separate police-type ordinance, not under housing code, but would still need to relate to health and safety. Attorney Griffin further pointed out that Mr. Luster's contract did not include enforcement of this type of nuisance ordinance. Mr. Luster can enforce nuisance ordinances, but not under his current contract.

Discussion and Possible Action Regarding Public Health Nuisances Ordinance:

Attorney Griffin prepared a Public Health Nuisances Ordinance for Council's review. After further discussion, the general consensus was for the Council to take the proposed ordinance home, study it, and obtain any clarifications needed before taking any action. Mayor Deese asked that this item be placed on the next meeting agenda.

Discuss procedures for handling incoming phone calls at Town Hall:

Mayor Pro-Tem Kiker advised that she felt citizens should be able to speak with a person when calling the Town Hall and not a recording, and that there had been some complaints in this regard. Town Clerk and Finance Office Maness reported that she and Mr. Munn had met with Steve Jumper with Windstream to discuss the phone system. Ms. Maness explained that they were able to have the phone ring at all phones, so that anyone could answer. If no one was able to answer after four rings, then the call would roll over to the automated voice system. Ms. Maness stated that it would be very unlikely if someone was not available to answer a call. It was the consensus of the Council to move forward with the four-ring delay.

Set date and time for Special Meeting to review resumes for Town Administrator position.

Mayor Deese advised that he had contacted the commissioners at Wingate, and had received approval to include Dryw Blanchard on Marshville search committee for a Town Administrator. Mayor asked the Clerk to contact Mr. Blanchard to provide him with a password to gain access to the applications on the website. Attorney Griffin cautioned Council about the confidentiality issue regarding the applicants, and advised that Council may want to have Mr. Blanchard sign a statement to that affect. Mayor Deese asked Atty. Griffin to prepare a letter with the necessary language for Mr. Blanchard to sign.

It was the consensus of Council to continue the meeting until Wednesday, October 21, 2009 at 6:30 p.m. to review applicants for the town administrator's position.

Comments:

Council Member Whitley presented copies of email correspondence she had with Fleming Bell at the School of Government regarding violation of the town's charter.

Mayor Pro-Tem Kiker expressed her belief that when the Council did not support the department heads, it created animosity, and that she voted for what she believed to be the best interest of the town.

Council Member Beachum reported that the candidates' forum was very good, but he was disappointed in the attendance.

Council Member Bivens expressed her concern the Council should have received more information before making a decision earlier in the meeting instead of going along with the department head's decision.

Parks Director Thifault offered to handle the arrangement for the annual staff Christmas party. It was the consensus of the Council to bring ideas for this event back to the next meeting.

Public Works Director Bivens Steele advised that the speed hump was installed on Austin Street.

Chief Gaddy reported that the highway safety grant had been approved and the streetlights had been installed on Braswell.

Town Clerk and Finance Officer Maness advised Council that it was very difficult to deal with the hardship situations with high water bills and that if they did revise the policies Council needed to be aware of the issues staff faced.

Interim Town Administrator Munn advised that he had received a call from the realtor that the sales price of the property adjoining the park had gone up by 6%.

Mayor Deese advised Council that he had received a call from Jerry Clark asking for ideas as to what to try to put in the old CVS building. Mayor Deese also suggested that the Council really needed to review the closed meeting laws.

Council Member Bivens suggested having Fleming Bell or someone to meet with the Council to review policies.

Mayor Deese recessed the meeting at approximately 9:12 p.m. to be reconvened on Wednesday, October 21, 2009 at 6:30 p.m. in the Town Hall.

These minutes approved this _____ day of _____, 2010.

Franklin D. Deese
Mayor

Attest: _____

(Minutes transcribed by Karen B. Price)