

**Town of Marshville  
Town Council  
Regular Meeting  
Monday, November 2, 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,

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.

Rusty Johnson, 115 Shady Lane, expressed his concern that when the Council adds items to the agenda at the meeting, it does not give the public time to get information about the subject.

Mayor Pro-Tem Kiker , 903 Hasty Road, made the comment that the Council tried to not have any last minute items, but there were times when it was unavoidable, and asked that the public understand.

There were no other public comments.

Adopt Agenda.

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

Consent Agenda.

The consent agenda included only the 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.

Call for Public Hearing RZA-09-002 Text Amendment to Article XVII: Signs.

Council Member Whitley made a motion to call for a public hearing on Monday December 7, 2009 at 7:00 p.m. for RZA-09-002 Text Amendment to Article XVII: Signs. Council Member Bivens seconded the motion. Vote: All ayes.

Vicious Dog Ordinance.

Jana Finn, Land Use Administrator with the Centralina Council of Governments, met with the Council to discuss her research into the current policy of the town and any additional ordinances that may be enacted by the Council. Ms. Finn reviewed some of the tools currently at the Council's discretion through the Town's ordinances. She also included a copy of the North Carolina existing statute which defines what are considered dangerous dogs. Ms. Finn noted that these type ordinances were best enforced by the local police and stressed that enforcement was key.

Mayor Pro-Tem Kiker made a motion to table the issue of a vicious dog ordinance and add that to a future agenda. Council Member Whitley seconded the motion. Vote: All ayes.

Council on Aging Presentation by Linda Smosky.

Linda Smosky with the Council on Aging addressed the Council with a current report on the services provided by the agency for residents in Marshville. Ms. Smosky presented a powerpoint presentation which highlighted the written report she left with Council.

Council Member Bridget made a motion to add the information provided by the Council on Aging to the Town's website. Council Member Bivens seconded the motion. Vote: All ayes.

Consider Request from Carolina Wings & Subs to Close a Portion of Main Street on November 6, 2009.

Council Member Whitley presented a request from Carolina Wings & Subs to close a portion of Main Street to provide a band for entertainment and promotion of their business. The request was for Saturday, November 6, 2009 from 7:30 – 10:30 p.m. Council Member Whitley made a motion to allow Carolina Wings & Subs to close that portion of Main Street from White Street to Cross Street during the time from 7:30 p.m. to 11:00 p.m. on Saturday, November 6, 2009. Mayor Pro-Tem Kiker seconded the motion. Vote: All ayes.

Consider Moving Forward with Research of Funding Sources to Purchase the Old Marshville Baptist Church.

Council Member Bivens advised that she and Mr. Munn met with Sidney Hallman to walk through the old Marshville Baptist Church recently. Council Member Bivens asked Council to consider asking Mr. Hallman to meet with Council to hear his suggestions regarding preserving an historic building in Marshville. Mr. Munn advised that Mr. Hallman was a specialist in the area of obtaining grants for historic buildings, and his fee would be \$200 to start the process. Council discussed the financial position of the town and the cost involved in purchasing the property. Mayor Pro-Tem Kiker made a motion not to move forward with any action regarding the old Marshville Baptist Church. Council Member Bridget seconded the motion which passed by a 4 to 1 vote. (Ayes: Mayor Pro-Tem Kiker, Council Members Beachum, Bridget and Whitley; Nays: Council Member Bivens).

Discussion and Possible Action Regarding Public Health Nuisance Ordinance.

Attorney Griffin advised that he had presented a draft Nuisance Ordinance for consideration by Council, but that he would suggest that they ask Union County Health Department to review the document and make a determination whether lowering the grass height from 24" to 18" would sufficiently deter mice, snakes, etc. The consensus of the Council was that the ordinance covered the concerns of council. Council Member Whitley made motion to direct the Interim Town Administrator to ask the Union County Health Department to review the proposed Nuisance Ordinance and to make any suggestions for strengthening the ordinance. Mayor Pro-Tem Kiker seconded the motion. Vote: All ayes.

Mayor Deese asked Interim Town Administrator Munn to return this item to the Council's agenda when he had received comments back from the Heath Department.

### Proposed Windstream Agreement for Communications Services.

Interim Town Administrator Munn advised that the term of the contract with Windstream had been re-negotiated from 5 to 3 years. Mr. Munn asked Council to consider the pay phone station in the park and whether they wanted to keep the phone or replace it with an emergency call box. The town has been paying approximately \$52 per month for the phone. Town Clerk Maness advised that the initial cost of the emergency call box would be approximately \$450, but there would be only a small fee per month for the service.

Council Member Whitley made a motion to approve the contract with the removal of the pay phone in the park and purchase an emergency call box. Council Member Bridget seconded the motion. Vote: All ayes.

### Second Request to NCDOT to Dedicate a Portion of US 74 in Memory of Mr. Carroll M. Edwards.

Mayor Deese advised that it had been one year since the town had requested NCDOT to dedicate a portion of US 74 in memory of Mr. Carroll Edwards.

Council Member Bridget made a motion to immediately re-submit the Resolution requesting DOT to dedicate a portion of US 74 in memory of Mr. Carroll M. Edwards. The motion was seconded by Mayor Pro-Tem Kiker. Vote: All ayes.

### Employee Christmas Dinner.

Mayor Deese asked Council to consider a place to have the Christmas Dinner. After discussion regarding the different locations and cost, Council Member Whitley made a motion to not have a Christmas dinner this year. Council Member Bivens seconded the motion, which failed by a 2 to 3 vote. (Ayes: Council Member Bivens and Whitley; Nays: Mayor Pro-Tem Kiker, Council Members Beachum and Bridget)

Mayor Pro-Tem Kiker made a motion to have the Christmas dinner at Hilltop Restaurant, seconded by Council Member Bridget. The motion passed with a 3 to 2 vote. (Ayes: Mayor Pro-Tem Kiker, Council Members Beachum and Bridget; Nays: Council Member Bivens and Whitley)

It was the consensus of Council to invite all employees, council members, attorney, planning board and board of adjustment along with their guests.

### Comments.

Council Member Bivens expressed her disappointment that the Council was not willing to hear what Mr. Hallman had to say regarding the old Marshville Baptist Church property.

Council Member Beachum complemented the police department on their presence during the activities Halloween night.

Mayor Pro-Tem Kiker expressed her good wishes for the candidates in the upcoming election.

Council Member Whitley agreed with Council Member Beachum on the presence of the police department during Halloween night.

Parks Director Thifault thanked those that helped hand out candy.

Chief Gaddy thanked the churches for their participation in the events on Halloween night.

Town Clerk and Finance Officer Maness asked if the Council wished to participate in the Christmas Parade on November 21. It was the consensus of the Council to participate in the parade.

Council Member Beachum called for a Special Council Meeting for Monday November 9, 2009 at 6:30 p.m. at Town Hall for the purpose of reviewing resumes for Town Administrator's position. Mayor Pro-Tem Kiker seconded the motion. Vote: All ayes.

There being no further comments, the meeting was adjourned at approximately 9:12 p.m.

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

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

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

*(Minutes transcribed by Karen B. Price)*