

**Marshville Town Council  
Regular Meeting  
7:00 P.M. Monday, February 18, 2008  
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 and Denise Whitley, Director of Public Works Bivens Steele, Town Administrator Carl Webber, Park Director Alan Thifault, Police Chief Mike Gaddy, and Asst. Clerk Debra Leigh (Clerk/Finance Officer Shelley Maness and Council Member Bridget absent due to health problems)

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

Public Comments:

Debra Grissom, 107 E. Phifer St., addressed council stating there were 2900 kids in Marshville Elementary., East Union and Forest Hills schools and there was no recreation for the kids. There is recreation for kids eight and under, but nothing for the pre-teens to do. The kids need some place where they can go and not have to resort to playing basketball or skateboarding in the streets. The kids had come to council on the advice of parents asking that council consider establishing a basketball court and skate park and were led to believe that it would take place, then, later these activities were banned. Another issue she has is the fact that she was the topic of discussion at the previous council meeting because of the decision that was made against the police officer. She is and has been a victim of domestic violence and feels that the decision to suspend an officer, leaving the police department short handed, leaves her a sitting duck for something to happen. As a matter of fact, during the time of the last council meeting her windshield had been broken out. At this time she passed out literature to council members concerning domestic violence statistics, summary of offenses and clearances for Marshville and Union County, and law enforcement fatalities for 2007.

Mrs. Beatrice Colson, Wingate, NC addressed the council representing Connecting Futures, a non-profit organization in support of Ms. Sharon Allen who is trying to get her business off the ground and asked for consideration to use the community room Monday thru Friday, 8-5. Ms. Allen will be applying for grants and hopes in the future to be able to purchase a place, but for now would like consideration of use of the community room.

Department Head Comments:

PD Thifault said that he had submitted the Community Recreation grant to the county and should know something by May. He said the crocheting and knitting classes would be every Thursday for six weeks beginning March 20<sup>th</sup> from 6-8pm. The cost would be \$1 for residents and \$2 for non-residents per class. He said he had ordered "No Pets" signs for the park as that had really become a problem. He said there was a request to use the community room every other month on Saturday for eight hours for a concealed weapons and hunting course and there would be a charge for the course. PD Thifault said he would check with him to see if he would be making a profit off the course or whether the charge covered just the certification fee and have on the next agenda.

DPW Steele said that the guardrail work was completed. He said the footings for the new signs should be done by later this week.

Chief Gaddy mentioned that he had said in the last meeting that the cameras were in all the cars and were operating. He said that Darryl Gerald had to be taken to the hospital on Thursday, February 14<sup>th</sup>. It was thought at the time he had a heart attack, but later it was determined he had bleeding ulcers. He was treated and released and should be back on the job by Friday.

Adopt Agenda:

Mayor Deese asked that two items be added to the agenda. The first item was a discussion and approval of retaining the attorney for both meetings. The second item was discussion of officer suspension and possibly putting him back to work. Council Member Ned Beachum made a motion to adopt the agenda with the two items added. Seconded by Council Member Margaret Bivens. Vote: All Ayes. (Added as Item # 16 and #17)

Consent Agenda:

The consent agenda included only the approval of the minutes from the February 4, 2008 meeting. Council Member Ned Beachum made a motion to approve the consent agenda. Seconded by Council Member Margaret Bivens. Vote: All Ayes

Discuss/Approve Major Subdivision Plat for Braswell Estates Land Use Administrator Greg Francis said that the Planning Board at the February 14, 2008 had approved the major subdivision permit application for Habitat for Humanity to build five houses on Braswell Street with no restrictions. He said that it had been a number of years since anyone had applied for a major subdivision permit. There were three components in a major subdivision process. The first was a sketch plan that shows the lots, streets, which the land use administrator reviews and signs off on if everything is in order. The second is the permit application process, which goes to the Marshville Planning Board for

approval. The third is the final plat approval, which goes before town council to review and approve. The property is currently zoned R-6, which requires 6000sqft. per lot. All the lots are double the required square footage with the exemption of one lot, which is 11800sqft. Mike Reece with Habitat said that the houses would be brick veneer, landscaped, driveways would be paved, and energy efficient. All the homes would be at least 1300 minimum sqft, with one being 1400sqft. The water and sewer tap fees have been paid. Council Member Bivens asked TA Webber to explain about the water lines. TA Webber said that Braswell Street would be a public street, and there would be a 45 foot right-of-way and that would need to be indicated on the final plat. The water lines would be laid within that 45ft right-of-way. The sewer service for each house would be run. Council Member Whitley made a motion to approve the final subdivision plat with the public street right-of-way being stipulated on the final plat. Seconded by Council Member Bivens. Vote: All Ayes.

Discuss/Approve use of Community Room for “life skills” program PD Thifault said there were currently exercise classes, SPCC classes in the afternoons in the community room and the only day not being used was on Friday. Council Member Whitley said that Council on Aging had previously asked about using the room everyday and council had not allowed because it was not fair to the public to have the room tied up. After further discussion, Council Member Bivens made a motion to not accommodate the life skills program at this time. Seconded by Council Member Kiker. Vote: All Ayes.

Discuss/Approve Modified Audit Contract with J. B. Watson TA Webber said that when the audits are done, J.B. Watson normally in the past has started with the town around July. This year, because there was a new finance officer, they agreed to put us off until the last audit and as a result have gone past the annual financial report due date. Asked that council approve the amended contract, which amends only the date of submittal date. Council Member Beachum made a motion to approve the amended contract. Seconded by Council Member Whitley. Vote: All Ayes

Discuss/Approve rent for large ball field for spring soccer PD Thifault said he had been asked by a couple of soccer teams if they could use the big field for spring soccer for eight Sundays beginning on Easter Sunday. He said he had set aside Sundays for soccer in the past. The baseball teams have used and not been charged and asking if soccer team can use at no charge. TA Webber said it had been requested of others to submit a formal letter requesting use of the field and proof of insurance. PD Thifault was directed to ask the soccer team for a formal letter and proof of insurance and bring back to council.

Discuss/Approve water billing overpayment Council Member Beachum said he felt that the customer that had not been billed correctly (Larry Laney) should be billed to recoup the money since the water had been used. TA Webber said he felt Mr. Laney had not erred in this situation, because there was an error about ten years ago whenever the water meter information was put into the system, Mr. Kenneth Phifer was being billed for water that Mr. Laney was actually using. PWD Steele said when the mistake was discovered he

had discussed it with Mr. Phifer and told him it would have to be brought before the council before a refund could be given. Council Member Whitley made a motion to approve refunding the overcharge of \$2362.76 to Mr. Kenneth Phifer. Seconded by Council Member Kiker. Vote: All Ayes. Council Member Whitley made a motion to extend a bill to Mr. Laney to reimburse the town for the \$2362.76 and make arrangements for payment plan to be made with the Town Administrator. Seconded by Council Member Kiker. Vote: All Ayes.

Review sidewalk progress TA Webber said that at the October 2007 meeting council was given responses to letters he had sent out in regards to sidewalk project and it had been neglected since then. TA Webber referred council members to the table they had received at the October meeting showing the percentage of responses to the survey. Council had directed staff to proceed with three sidewalk projects based on the most support, which were South Elm St., E. Main St., and North Elizabeth St. South Elm Street response was one hundred percent. Council had directed staff to contact residents of the two other streets to gain their support of the sidewalk. Mayor Deese said that he felt at this time, the area on West Main Street should be looked at first, as he felt it was a safety issue in that area and should take priority over other streets, other than the street that had one hundred percent response. Council Member Bivens asked that it be noted that it was originally her suggestion there was a need for sidewalks on West Main Street. After further discussion council directed staff to look at West Main St. and determine responses from residents and bring back to council.

Discuss/Approve policy for large section of Community Room PD Thifault said that he had received a number of inquiries what the policy for the community center is. Have some businesses been allowed to use the community center to make a profit, while others haven't and it needs to be consistent. The current policy applies only to the smaller room at the community center, the large room is not addressed. Anything that goes on in the large room has to come before council before it is used, the smaller room is handled at town hall per the policy established. The karate instructor is charging per session and there are approximately 30 in the class at times and the town is not charging him use of the building. Mayor Deese said he felt that it should be consistent, but didn't think that the classes should be taken away with that many people participating. Council Member Kiker said she didn't feel it was fair to the other business owners who have to pay rent. Council Member Whitley made a motion to contact the karate teacher and offer him a position teaching the classes for the town and what hourly rate, and bring the proposal back to council. Seconded by Council Member Bivens. Vote: All Ayes

Cherio Lane parking complaint Mr. Stewart of Piedmont Commercial Roofing contacted TA Webber concerning parking on Cherio Lane. The new houses on the right hand side of the street have shorter driveways and are resorting to parking in the street, sometimes both sides of the street creating a problem with tractor trailers trying to get in and out making deliveries. TA Webber asked Mr. Stewart to make a formal complaint to town council since it is a traffic issue, a copy was sent to public works department and police department for them to look at for input. Chief Gaddy said that he had received complaints because of vehicles parked in the street, not sure how it needed to be handled. PWD Steele said that he thought the only way to handle would be to have no parking in the streets. TA Webber stated there would need to be an ordinance supporting the no parking sign specific to this street and he would put on next agenda. Chief Gaddy said that once this happens there would be a lot of complaints and wanted the backing of the council when they begin enforcing the no parking. Mayor Deese said that he had received complaints about the parking along East Union St. because there are people going into a business and are staying for most of the day.

Expend Attorney Contract for Attending Two Meetings a Month Mayor Deese said that when the work session was changed over to a regular meeting that at that time the attorney was not retained for that second meeting and feels there is a need for him to attend both meetings. TA Webber said he had received an email from Attorney Griffin stating he would be glad to attend both meetings. The fee for each meeting would be \$300 for a total of \$600. Council Member Beachum said that he felt the second meeting should be changed back to a regular work session. If anything came up that needed to be voted on before the meeting at the first of the month a special meeting could always be called. Council Member Bivens and Kiker felt it should stay as it is. Council Member Whitley made a motion to expand the attorney contract to include the second meeting of the month for a total cost of \$600 per month. Seconded by Council Member Bivens. Vote: 3 Ayes, 1 Nay.

Discussion of Sgt. Scott's suspension TA Webber said that Sgt. Scott's 30-day non-disciplinary suspension would expire on the 23<sup>rd</sup> of February and would assume that no action was taken in this matter that they meant he would come back on duty. TA Webber said that he had talked with the attorney in charge of the investigation, they had conducted a number of interviews and the preliminary finding at this time was that Sgt. Scott had done nothing wrong. The investigator stated they had a couple more interviews to do before the final report was complete, but did not foresee any problem with restoring Sgt. Scott to duty. Council Member Kiker asked if she could read something that might help in making a decision and put it to rest. She read a letter to Ashlyn Stewart from Seventeen magazine editor, Ms. Jessica Black, of New York that said she had read about Ms. Stewart's incidence and was interested in doing an article. She said she thought her experience might make a positive impact on teenagers who might find themselves in similar situation. The article will be in June 2008 issue. Council Kiker said she would like to see Sgt. Scott put back to work, that they had gotten the word out letting teenage girls know the law. Chief Gaddy said that he didn't agree, with an officer being put on

suspension to make a point to the nation and now put back to work because they felt that point had been made. He said he felt the suspension was not right. Council Member Kiker said this was not what she meant at all. Mayor Deese said this was not the intent of the council, that it was a non-disciplinary suspension in order for an investigation be done to make sure there was nothing wrong done. Council Member Beachum made a motion to immediately put Sgt. Scott back to work. Seconded by Council Member Bivens. Vote: All Ayes. Council Member Bivens said she felt the council had done what was right and in bringing in outside to do the investigation to make sure nothing wrong had been done.

Comments:

Council Member Beachum felt everything should be erased from Sgt. Scott's record concerning matter.

Council Member Bivens felt the memo that was given to the town employees was a slap in the face to mayor and town council. Didn't think the employees should feel the recent publicity should be made to feel this clouded their job performances, that they always thanked staff for the good job done. She said she thought the memo should have come from council and not the administrator.

Council Member Whitley agreed with Council Member Bivens concerning the memo. Council members always thanked department heads for the good job done.

Council Member Kiker had no comments.

Town Administrator said that the doctor had put Clerk Shelly Maness out for medical problems associated with her pregnancy, that a computer tech would be making it possible for her to dial in and continue to carry on with her work without getting an interim clerk in during her absence. TA Webber said the Union County Comprehensive Plan meeting would be Tuesday, February 26 if anyone would be interested in attending. He said that Chairman Rick Carpenter of the Planning Board would be resigning effective at the April 2008 meeting, and would be advertising to replace, or if anyone knew someone that might be interested in serving on the planning board and board of adjustment board. Concerning the memo to employees, he didn't mean for it to be a slap in the faces of council. He said he was concerned that town employees might be asked their opinion on the suspension. He apologized if anyone was offended by the memo.

There being no further comments, the meeting was adjourned at 9:45 p.m.

These minutes approved this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

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

Attest: \_\_\_\_\_  
Shelley H. Maness  
Town Clerk