

**Town of Marshville
Town Council Meeting
Monday, May 20, 2013, 7:00 PM
Marshville Town Hall – 201 West Main St.**

REGULAR MEETING MINUTES

Council Members Present: Mayor Franklin Deese, Mayor Pro-Tempore Matthew Jefferson, Council Members Norma Carpenter, Margaret Bivens, Gary Huntley and Dora Bridget.

Staff Present: Town Manager, Amanda Reid; Town Clerk/Finance Officer, Tonya Johnson; Town Attorney, Bobby Griffin and Police Chief, Carl Webber.

Call to Order/Invocation/Pledge of Allegiance

Mayor Deese called the meeting to order at 7:00 pm. The invocation was offered by Town Attorney, Bobby Griffin. The Pledge of Allegiance was offered by all in attendance.

Adoption of Agenda for the Meeting

Council Member Bivens requested to add as item #6 the continuation of the discussion of the Monroe-Union County Economic Development Work Plan. The motion was seconded by Council Member Huntley and passed unanimously. A motion to adopt the agenda with the approved addition was made by Council Member Bridget, seconded by Council Member Carpenter and passed unanimously.

Public Comment

Mr. C.W. Smith of 1015 Forest Drive, Marshville, addressed the Town Council regarding the tattered condition of the United States Flag at the Marshville Park. Mr. Smith recommended the flag be retired and a new one put up. Ms. Neva Helms, Representative Brody's Legislative Assistant, informed the Town Council that both local bills have passed the House of Representatives and moved on to the Senate.

Consent Agenda

- May 6, 2013 Town Council Minutes

A motion to accept the consent agenda and approve the items thereon was made by Council Member Bivens, seconded by Council Member Bridget and passed unanimously.

Work Plan Discussion: Monroe – Union County Economic Development

Mr. Chris Platé, Executive Director of Economic Development & Aviation

Discussion of the Monroe-Union County Economic Development Work Plan resumed from the previously adjourned special meeting. Mr. Plate' continued with questions to engage the Town Council's input.

What are the advantages/assets to the Town of Marshville?

- Active rail line
- Hwy. 74
- Marshville Museum & Cultural Center
- Downtown/Historic buildings
- The Auction Barn
- Police Department
- Community pride
- Available land
- Beautification/Ordinances

Name projects/efforts that may increase competitiveness.

- Small Town Main Street/Downtown
- Water/Sewer
- Bypass
- Project Legacy

Name the business sectors with high growth potential.

- Agri-business
- Green industries
- Energy
- Entertainment
- Pharmaceuticals
- Communication

What are the types of businesses wanted in the Town of Marshville? Why?

- Retail
- Environmental friendly
- Solar Farm
- Agri-business
- Entertainment

At this time the discussion session concluded and Mr. Plate' stated he will bring back the Work Plan at a future date. Mayor Deese thanked Mr. Plate' and Ms. Carson and called for a brief recess.

Mayor Deese reconvened the Town Council meeting at 8:00 pm.

Update, discussion & possible action regarding lease agreements:

- **107 N. Elm Street – PC Tech**
- **129 West Main Street – Affordable Cleaners**

The Town Manager spoke with the new tenants for the property at 107 N. Elm Street and has included a Lease Agreement and Resolution for council's review. The lease will be for one year at \$425 per month. The tenants will also have to lease parking space since there is no parking with the building. A motion to approve the Resolution Authorizing Execution of a 12 Month Lease for the Property at 107 N. Elm Street, Marshville and to allow the Mayor to execute said Lease Agreement was made by Council Member Bridget, seconded by Council Member Bivens and passed unanimously.

The Town Manager reported she continues working on negotiations with Affordable Cleaners and expects to have a Lease Agreement ready next month.

Discussion regarding Town Council Meeting Schedule (FY 2013-2014)

The Town Manager recommended transitioning from two monthly meetings to one monthly meeting acknowledging that adjusting the meeting schedule will aid in filling gaps in the proposed budget. It will be necessary to adjust the elected official's salaries as well as renegotiate the Attorney's contract. Mayor Deese questioned whether a charter amendment is necessary. The Town Manager stated that a public hearing would be necessary to change the ordinance. Mayor Deese commented that since transitioning to the Council-Manager form of government the Town Manager can perform certain administrative tasks without coming before the Town Council. Attorney Griffin stated that historically the council meetings have always been conducted the first Monday of each month. A motion to call for a public hearing for June 17, 2013, for public input concerning amending the ordinance to transition from two meetings to one meeting per month was made by Mayor Pro-Tempore Jefferson, seconded by Council Member Bivens and passed unanimously.

Town Manager's Report

The Town Manager introduced the new intern, Sam Sparger.

The Town Manager reported she will be attending an MOU meeting on Wednesday, May 22, 2013.

The Town Manager updated the Town Council regarding the Rose Project and inquired if any council member desires to contribute \$11 to sponsor a pot.

The Town Manager stated she hopes to have the budget package completed by May 27, 2013.

The Town Manager stated the application for North Carolina Small Town Main Street is due May 31, 2013.

The Town Manager reported on the Branding Workshop she attended in Raleigh and the Utility Management Course in Greensboro.

Mayor and Town Council Member Comments

Town Clerk/Finance Officer Johnson reported that insurance renewals have been submitted for FY2013-14 and the Town is recognizing some savings from the Workers' Comp. renewal.

Council Member Bridget commented she's glad to be back. Council Member Huntley stated he appreciates everyone's hard work. Mayor Pro-Tempore Jefferson thanked Ms. Neva Helms for the report from Representative Brody's office. He also expressed his pleasure at the opportunity to have the work session with the Monroe-Union County Economic Development Group. Council Member Carpenter stated she attended the meeting for the Town Plan 2030 and felt there was good public input. Mayor Deese stated that Marshville is the diamond of Union County.

Adjourn

A motion to adjourn was made by Council Member Bridget, seconded by Council Member Huntley and passed unanimously. There being no further comments the meeting adjourned at 8:35 pm.

These minutes approved this 3rd day of June, 2013.

By: _____

Franklin Deese
Mayor

Attest: _____

Tonya D. Johnson
Town Clerk

RESOLUTION**AUTHORIZING EXECUTION OF
A 12 MONTH LEASE FOR THE PROPERTY AT
107 N. ELM STREET, MARSHVILLE**

WHEREAS, the Town of Marshville owns a certain parcel of real estate that is not currently used by the town and is described as: The building located at 107 N. Elm Street, Marshville, NC 28103, and

WHEREAS, NCGS 160A-272 authorizes the town to lease or rent such properties for such terms and upon such conditions as the Town Council may determine, and

WHEREAS, the Town Council has determined the terms of a 12 month lease which includes an annual lease amount of five thousand one hundred dollars (\$5,100.00) to be paid in twelve (12) equal monthly payments of four hundred twenty five dollars (\$425) per month for the property located at 107 N. Elm Street, Marshville, NC 28103 and terms and payment amount has been deemed fair, adequate, and reasonable to the Town of Marshville, and


WHEREAS, the Town Council has determined that the above-described property will not be needed by the Town for the term of the lease.

NOW, THEREFORE BE IT RESOLVED by the Town Council of the Town of Marshville that the attached lease agreement by and between the Town of Marshville and Tommy and Zina Bivens, is hereby authorized and may be executed by the Mayor.

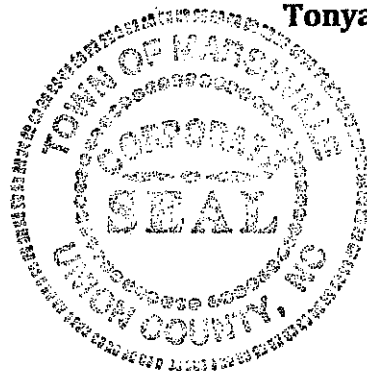
So Resolved this the 20th day of May, 2013.



Franklin Deese, Mayor



Tonya Johnson, Town Clerk



**STATE OF NORTH CAROLINA,
COUNTY OF UNION.**

LEASE AGREEMENT

This Lease Agreement is made pursuant to Resolution of the Town Council of the Town of Marshville, by and between Town of Marshville, Lessor, and Tommy and Zina Bivens, Lessee, this the 20th day of May 2013.

WITNESSETH:

That the Town Council has enacted a Resolution to lease the premises located at 107 N. Elm Street, Marshville, NC to the Lessee; and

Pursuant to that Resolution, the Town of Marshville does hereby let and lease to Tommy and Zina Bivens, that property located at 107 North Elm Street, Marshville, North Carolina.

TERM

The term of this lease is for one year, beginning June 1, 2013 and ending May 31, 2014 unless otherwise terminated as herein described, or as the law may otherwise provide.

LEASE PAYMENTS AND TERMS

The lease payment to be paid by lessee to lessor is \$425.00 per month for each month of the lease. Lessee shall make timely lease payments in the amount specified by the Town. Lease payments are due and payable on the first day of the first month following execution of the lease agreement. Lease payments are considered late if not received by the Town by the 10th day of each month. Any lease payment not received by the 10th day of the month in which it is due and payable to the Town shall be subject to a late fee equal to \$50.00. Any lease payment and late fee, as applicable, not received within 60 days of the date it is due is considered a delinquent debt. Any delinquent debt shall be subject to collection by the Town by any lawful means including but not limited to referring the debt to the Debt Setoff Program as authorized by NCGS Chapter 105 A. Lessee agrees to pay any required collection fee. Any delinquency in lease payments shall constitute a termination of lease and the Town may immediately pursue legal action to regain possession and remove lessee from the Property. Further, lessee agrees to provide to the Town sufficient form of identification, including Social Security Number, to positively establish identity. Lessee agrees that providing a Social Security Number is voluntary.

LIGHTS, HEAT, WATER, SEWERAGE, AND OTHER UTILITIES

During the term of this lease, the lessee shall provide and pay for all light, heat, air conditioning, water and sewer, garbage, telephone, and all other utility charges upon said demised property.

INSURANCE

Lessee shall maintain General Liability Insurance in the amount of not less than one million dollars (\$1,000,000.00) for the full term of this lease. Lessee shall provide a certificate of insurance to the Town within fifteen (15) days of execution of this Lease Contract and annually thereafter during the existence of this Lease. Lessee is responsible for and shall pay for insurance on its contents.

TAXES

Lessee shall be responsible for and pay any taxes that may be assessed on its properties, if any, located on the premises.

LAWFUL USE AND NON-ASSIGNMENT

Lessee shall make no unlawful use of the premises and while using the premises, will not discriminate against any person or group of persons in violation of any Federal, State or Local law, regulation or Ordinance.

MAINTENANCE AND REPAIRS

Lessee accepts the property in its "as is" present condition and will maintain the property in substantially the same condition as when accepted, normal wear and use excepted. Lessee shall be responsible and pay for normal "wear and tear" repairs, replacement and maintenance including, but not limited to: light bulbs and sockets, HVAC filters, faucets, water faucets, carpet, and painting. The Town shall be responsible and pay for structural and major mechanical component repairs not caused by tenant. Any structural changes to the premise or visible changes to the exterior or site require the prior written approval of Town.

SIGNAGE

Any permanent (more than one month) exterior signage to be erected on the premises by Lessee requires the prior written approval of Town.

INSPECTION

The Town reserves the right to reasonably inspect the premises at any time, with or without notice to Lessee. Lessee further agrees to promptly notify Town of any structural or mechanical failures on the premises.

ASSIGNMENT AND SUBLETTING

Lessee shall not assign this Lease or sublet any of the premises without the prior written approval of the Town.

NOTICE

All notices under this Lease Contract shall be sent to the following:

Town of Marshville
201 West Main Street
Marshville, NC 28103

Tommy & Zina Bivens
2119 Old Pageland-Monroe Road
Monroe, NC 28112

IN WITNESS WHEREOF, the parties have caused these presents to be signed in duplicate originals, authority having been duly given by the Town Council of the Town of Marshville, and Tommy and Zina Bivens.

TOWN OF MARSHVILLE,

Lessor

By: _____

Title: _____

Date: _____

TOMMY AND ZINA BIVENS,

Lessee

By: _____

Tommy M. Bivens Jr.

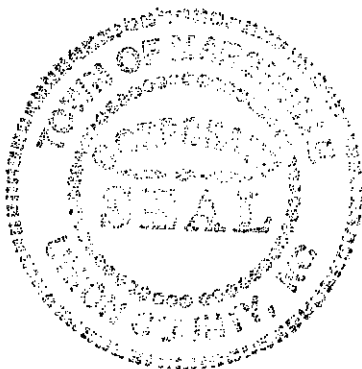
By: _____

Zina Bivens

Date: _____

Attest:

Tonya Johnson, Town Clerk



Town of Marshville

Public Comments Sign-Up Sheet

Regular Meeting

Date: May 20, 2013

Please **print** your name, topic of discussion, and contact information for the record.

	PRINT NAME	ADDRESS	TOPIC OF DISCUSSION	PHONE #	EMAIL ADDRESS
1	<i>Ch Smith</i>	<i>1015 Forest Dr</i>	<i>Park Flag</i>	<i>704)6903119</i>	
2	<i>Neva Helms</i>				<i>Brodyla@ncleg.net</i>
3					
4					
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6					
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15					



**Town of Marshville
Town Council Meeting
Monday, May 20, 2013, 6:15 PM
Marshville Town Hall**

AGENDA

Special Meeting for a Work Session for Discussion of the Monroe-Union County Economic Development Work Plan

Followed by:

Town of Marshville Town Council Meeting

SPECIAL MEETING - WORK SESSION

- 1. Work Plan Discussion: Monroe – Union County Economic Development
Mr. Chris Platé, Executive Director of Economic Development & Aviation**

REGULAR MEETING

- 2. Call to Order/Invocation/Pledge of Allegiance**
- 3. Adoption of Agenda for the Meeting**
- 4. Public Comment**
Please sign in at the podium. Before speaking, state your name and address. Please limit comments to two minutes.
- 5. Consent Agenda**
 - May 6, 2013 Town Council Minutes
- 6. Update, discussion & possible action regarding lease agreements:**
 - 107 N. Elm Street – PC Tech
 - 129 West Main Street – Affordable Cleaners
- 7. Discussion regarding Town Council Meeting Schedule (FY 2013-2014)**
- 8. Town Manager's Report**
- 9. Mayor and Town Council Member Comments**
- 10. Adjourn**

** A brief recess may be called every 45-60 minutes, as desired by Council.*