

**Town of Marshville
Town Council Meeting
Monday, March 3, 2014
Marshville Town Hall – 201 West Main St.**

REGULAR MEETING MINUTES

Council Members Present: Mayor Franklin Deese, Mayor Pro-Tempore Virginia Morgan, Council Members Norma Carpenter, Margaret Bivens, Gary Huntley and Jim Rowell.

Staff Present: Town Manager, Amanda Reid; Town Clerk, Tonya Johnson; Town Attorney, Bobby Griffin; Director of Public Works, Bivens Steele; Park Director, Alan Thifault; Chief of Police, Carl Webber; Tax Collector, Debbie Morton; Utilities Director, Alicia Melton and Police Lieutenant, Matt Tarlton.

Call to Order/Invocation/Pledge of Allegiance

Mayor Deese called the meeting to order at 7:00 p.m. Council Member Huntley offered the invocation. The Pledge of Allegiance was offered by all in attendance.

Adoption of Agenda for the Meeting

Council Member Rowell made a motion to add to the agenda closed session discussions concerning (1)an Interim Town Manager per *NCGS 143-318.11 (a) (6) To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer of employee . . .*, and (2)the uniform contract per *NCGS 143-318.11 (a) (3) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged.* The motion was seconded by Mayor Pro-Tem Morgan and passed unanimously. Mayor Deese stated that the closed session discussion will replace item #7.

A motion to adopt the agenda as amended was made by Council Member Rowell, seconded by Council Member Carpenter and passed unanimously.

Public Comment

- Mark Traywick, of 8216 Hwy. 74 E., Marshville, reminded and invited members of the Town Council and the public to attend the Small Town Main Street meeting on Tuesday, March 4, 2014 at 5:30 pm at the Community Center.
- Marcus Sutton, of 1515 Hasty Road, Marshville, addressed the town council concerning the proposed Anderson Health Services project. Mr. Sutton stated that the project was previously denied by two other towns and voiced concerns over how the project was handled. Mr. Sutton requested that the Hasty Road annexation be repealed, that the approved zoning of the Hasty Road property be repealed and that the grant application to provide water and sewer to the Hasty Road property be repealed. If these requests are not met, then a detailed timeline of all contracts the former council members, the mayor and the town manager executed from 01.16.2013 until the Hasty Road property was annexed, rezoned and the infrastructure grant was approved with any of the following: Owens Consulting, Anderson Health Care, Sector One Health Care, Cardinal Health Care, C. W. Horne, Alfred Owens, Willie Chancellor, NC Rural Center, NC Department of Commerce as well as the three Union County state elected legislators (Senator Tucker, Representative Arp and Representative Brody) be provided. Mr. Sutton commented that if the latter request is not possible the town council should consider contacting the North Carolina Attorney General's office to request an inquiry/investigation into all aspects of the Anderson Health Care facility that is proposed on Hasty Road.
- Roger Little, of 314 College Street, Marshville, expressed issues with a comment made by Council Member Huntley that the town council shouldn't be burdened with trivial issues. Mr. Little stated that the town council is elected to represent all the citizens and not just certain parts of town.

- Erby Laney, of 8519 Hwy. 74 E., Marshville, stated that the elected officials need to do their job and that small problems should be addressed. Mr. Laney stated that he is in favor of changing the form of government.
- Rev. Cindy Lunsford, of 310 Ross Street, Marshville, expressed heavy-heartedness at the negativity, gossip, and rumors that are running rampant in the Town of Marshville. Rev. Lunsford stated that information concerning Anderson Health Services is available online and at request. She has contacted people to obtain information and answers to questions and she encouraged others to do the same. She has also volunteered to serve on the advisory board.

Consent Agenda

- January 27, 2014 Town Council Minutes – Special Meeting – Budget Retreat
- February 3, 2014 Town Council Minutes – Regular Meeting
- February 17, 2014 Town Council Minutes – Special Meeting – Public Hearing
- Budget Amendment 2014-07: Personnel Costs/Severance
- Budget Report as of January 31, 2014

Council Member Carpenter requested a breakdown of the budget amendment for personnel costs/severance pay. The Town Manager reported the costs include the salary, as agreed upon in the separation agreement, and the related personnel costs such as FICA and retirement. A motion to adopt the consent agenda and approve the items thereon was made by Council Member Carpenter, seconded by Council Member Rowell and passed unanimously.

Public Hearing concerning a proposed ordinance amending the Charter of the Town of Marshville, as set forth in G.S. 160A-101(9) of the Laws of North Carolina, as amended, to adopt the Mayor-Council form of government

A motion to open the public hearing was made by Council Member Rowell, seconded by Council Member Huntley and passed unanimously. The Town Manager stated that information was included in the agenda packet from the School of Government outlining the timeline and steps required to change the form of government.

Public Comment:

- Ernestine Staton, of 913 N. Austin Street, Marshville, commented that the town council shouldn't be so drastic to change the form of government just because the town council doesn't think that the current manager is working out. She stated that the town has had an administrator in the past and that form of government didn't work.
- Mark Traywick, of 8216 Hwy. 74 E., Marshville, stated that he's worked with an interim manager as well as Town Manager Reid concerning the North Carolina Small Town Main Street program and the work Town Manager Reid did with the application was impeccable. Mr. Traywick pointed out that Town Manager Reid was also instrumental in acquiring the services of the N-Focus group and the town now has the Town Plan 2035, which provides a great tool to lay ground work for the future of Marshville. Mr. Traywick stated that the Mayor-Council form of government didn't work before and doesn't understand why the town council would think that it would work now.
- Erby Laney, of 8519 Hwy. 74 E., Marshville, stated that he manager form of government will work if the town has a manager that desires to work with the people.
- Rev. Cindy Lunsford, of 310 Ross Street, Marshville, commented that there seems to be a disconnection in communication and pointed out the need to be more conscious of displaying professionalism.
- Mary Harrell, of 6109 W. Marshville Blvd., Marshville, commended the town manager on doing a wonderful job and expressed concern that the manager has been mistreated. Ms. Harrell stated that Marshville does not need to change the form of government.
- Geraldine Barrino, of 818 King St. Ext., Marshville, commented that she's heard good things about the manager and hopes that this town council can work together in peace and put aside all the interruptions.

The Town Manager distributed a handout from the International City/County Management Association showing the differences in the forms of local government. Council Member Rowell commented that according to the information provided, no action on this matter can be taken tonight. Council Member Bivens stated she appreciated the input from the public. A motion to close the public hearing was made by Council Member Rowell, seconded by Mayor Pro-Tem Morgan and passed unanimously. Council Member Rowell made a motion to add the discussion and possible action concerning an ordinance amending the Charter of the Town of Marshville, as set forth in G.S. 160A-101(9) of the Laws of North Carolina, as amended, to adopt the Mayor-Council form of government to the April 7, 2014 Town Council meeting agenda. The motion was seconded by Mayor Pro-Tem Morgan and passed unanimously.

Discussion and possible action regarding Job Descriptions & Budget Amendments

- Public Works Crew Member/BA 2014-05 & Administrative Support Specialist/BA 2014-06

Council Member Rowell stated that the budget amendment for the public works department was not approved at the previous town council meeting because the pay rate was not the amount that was requested by the Public Works Director. Mayor Deese reminded the Town Council that personnel discussions should take place in closed session. Council Member Rowell made a motion to include the discussion and possible action regarding the job description and budget amendment pertaining to public works in the closed session per NCGS 143-318.11 (a) (6). The motion was seconded by Council Member Bivens and passed unanimously.

The Town Manager stated that budget amendment BA 2014-06 provides for an Administrative Support Specialist. The job title and description have been amended and the primary responsibility of this position will be utilities with secondary responsibilities to include providing overall support to Town Hall staff. Mayor Pro-Tem Morgan suggested that this position work directly under the direction of the manager and Council Member Carpenter thought it appropriate that this position work under the direction of the manager or the Town Clerk. Mayor Deese agreed that this position could report to the Town Clerk, but that positions reporting to the Town Manager were reserved for Department Heads. The Town Manager explained that the purpose of the position is to establish and maintain checks and balances for the utility system and that while efforts have been made to provide some level of cross-training the utility system is not the Town Clerk's primary function or responsibility. Mayor Pro-Tem Morgan commented that this information doesn't coincide with discussions had between herself and the manager. Mayor Deese stated that the position becomes a department head if the position reports to the manager. A motion was made by Mayor Pro-Tem Morgan to accept the job description by amending said job description to remove the language, *"independently under the supervision of the Director of Utilities"* and replace with *"under the supervision of the Clerk/Finance Officer"* and to approve budget amendment BA 2014-06. The motion was seconded by Council Member Bivens and passed unanimously.

Closed Session

A motion to go into closed session per NCGS 143-318.11 (a) (6) To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer of employee . . . , and per NCGS 143-318.11 (a) (3) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged, was made by Council Member Rowell. The motion was seconded by Mayor Pro-Tem Morgan and passed unanimously. The Town Attorney, Town Manager, and Public Works Director were invited to attend the closed session. At 8:55 pm a motion to come out of closed session was made by Mayor Pro-Tem Morgan, seconded by Council Member Rowell and passed unanimously. The council then took action in open session.

Open Session

A motion was made by Council Member Bivens requesting that Mayor Deese and Mayor Pro-Tem Morgan bring three names back to the Town Council for consideration as Interim Town Manager. The motion was seconded by Council Member Huntley. The vote was 2 to 3 (Council Members Bivens and Huntley in favor and Council Members Carpenter, Rowell and Morgan opposed) therefore, the motion did not carry.

A motion was made by Mayor Pro-Tem Morgan to approve the Public Works Crew Member job description and budget amendment BA 2014-05. The motion was seconded by Council Member Carpenter and passed unanimously.

Council Member Rowell produced an employment contract and made a motion to hire Fern Shubert as Interim Town Manager until June 30, 2014 at the same salary and with the same benefits, except no paid comp time, as the current manager to complete the budget process and until such time as a manager is hired. Discussion ensued. Concerns that the contract was brought before the Town Council without members or the Town Attorney having an opportunity to review the document were expressed. The Town Attorney stated that the town can only appoint one manager at a time. The Town Attorney added that the council can hire an assistant to the Town Manager without a contract, assuming there is a job description, and that the salary is at the town council's discretion. Council Member Rowell suggested employing Ms. Shubert as the Assistant Town Manager until March 31, 2014. The Town Clerk stated that approval of a job description as well as a budget amendment would be necessary. Council Member Bivens questioned the reasoning in paying an Interim Town Manager the same as the current Town Manager. Mayor Deese commented that the action of the town council should be carried out in the proper way. After some discussion the motion was seconded by Mayor Pro-Tem Morgan.

A motion to amend the previous motion to be effective as of April 1, 2014 was made by Council Member Rowell, seconded by Mayor Pro-Tem Morgan and passed 3 to 2 (Council Members Bivens and Huntley opposed).

Discussion regarding FY 2014-2015 Town Council Goals & Priorities

Mayor Deese requested that the discussion regarding the FY 2014-2015 goals and priorities be tabled until a future meeting. A motion to table the discussion regarding the FY 2014-2015 goals and priorities was made by Council Member Bivens, seconded by Council Member Huntley and passed unanimously.

Town Manager's Report

The Town Manager reminded the town council of the following upcoming meetings:

March 4, 2014	Small Town Main Street Meeting, Community Center	5:30 pm
March 13, 2014	Marshville Planning Board Meeting, Town Hall	7:00 pm
March 17, 2014	Anderson Health Services Informational Meeting	TBD

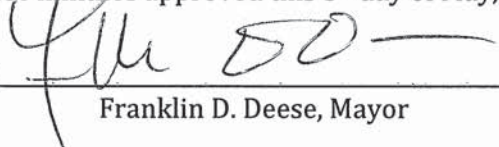
Mayor and Town Council Member Comments

- The Town Clerk expressed concern over the division and discord among the town council.
- Mayor Pro-Tem Morgan commented that the class she recently attended for newly elected officials was very informative.
- Council Member Huntley stated, "A lie doesn't care who tells it."
- Council Member Carpenter commented that she dislikes the division among the town council. Council Member Carpenter wished Town Manager Reid well.
- Council Member Bivens stated that she is disturbed as well with the division among the town council and desires that the board come together. Council Member Bivens conveyed wishes of good luck to Town Manager Reid.
- Mayor Deese commented on the closing of The Home News and wished John Edmondson good luck. Mayor Deese also wished Town Manager Reid good luck.

Adjourn

At 9:20 pm Council Member Rowell made a motion to adjourn. The motion was seconded by Mayor Pro-Tem Morgan and passed unanimously.

These minutes approved this 5th day of May, 2014.

By: 
Franklin D. Deese, Mayor

Attest: 
Tonya D. Johnson, Town Clerk