

**Marshville Town Council**  
**Public Hearing for RZA-09-001 Text Amendment to**  
***Article XVI: Floodplains, Drainage, Stormwater Management,***  
***Part 1 Floodways and Floodplains***  
**followed by Regular Council Meeting**  
**7:00 P.M. Monday, July 6, 2009**  
**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, Dora Bridget and Denise Whitley, Attorney Bobby Griffin, Interim Town Administrator John Munn, Town Clerk/Finance Officer Shelley Maness, Chief of Police Mike Gaddy, Director of Public Works Bivens Steele and Park Director Alan Thifault.

**PUBLIC HEARING**

Mayor Deese welcomed everyone in attendance and opened the Public Hearing RZA-09-001 Text Amendment to *Article XVI: Floodplains, Drainage, Stormwater Management, Part 1 Floodways and Floodplains* at approximately 7:00 p.m. There being no public comments, the public hearing was closed at approximately 7:05 p.m.

**REGULAR MEETING**

Mayor Deese opened the regular meeting at approximately 7:05 p.m. and again welcomed everyone in attendance. Council Member Bivens gave the invocation. All gave the Pledge of Allegiance.

Public Comments:

Adam Mills of 6114 Olive Branch Road, Wingate, NC, addressed Council to ask if he could submit a bid for mowing and lawn maintenance. Mayor Deese said that it would be added to the next agenda (July 20<sup>th</sup>) for consideration. He thanked Mr. Mills for his interest in providing those services to the Town.

Adopt Agenda:

Mayor Pro-Tem Kiker made a motion to add a discussion to the agenda regarding vacation pay for employees. Council Member Whitley seconded the motion. Vote: All ayes. (Added as Item #10)

Council Member Bivens made a motion to add to the agenda discussion and possible action in regards to advertising for Town Administrator. The motion was seconded by Council Member Whitley. Vote: All ayes. (Added as Item #11)

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

Approve RZA-09-001 Text Amendment to *Article XVI: Floodplains, Drainage, Stormwater Management, Part 1 Floodways and Floodplains* to reflect the North Carolina model ordinance



language for consideration into the National Flood Insurance Program. Nadine Bennett, Centralina COG representative, reminded Council that the text amendment to Article XVI was required to be accepted into the National Flood Insurance Program. She noted that the text amendment came with a favorable recommendation by the Planning Board. The changes were in direct response to comments made by Milton Carpenter with NC Emergency Management and included reference corrections, minor wording additions and additional definitions. The changes were necessary in order to meet the NC State Model Ordinance requirements for FEMA's review. Council Member Bivens made a motion to approve the text amendment and stated that the proposed zoning amendment under consideration is found to be reasonable and consistent with the recommendations of the Town's adopted comprehensive plan, the Town of Marshville Land Use Plan (adopted August 16, 2004), and the Town of Marshville Land Use Ordinance (effective May 4, 1998). The motion was seconded by Council Member Whitley. Vote: All ayes.

Approve Revised Application for Participation in the National Flood Insurance Program (NFIP). Council Member Bivens pointed out that the "Area in Acres" was omitted. C/FO Maness said that, per Jana Finn, the number should be 256 for the flood prone area. She said that she would add that figure to the original application, as well as the current area of the entire Town of Marshville. Council Member Whitley made a motion to approve the revised application for participation in the National Flood Insurance Program with the corrections mentioned. Council Member Bivens seconded the motion. Vote: All ayes.

Approve Revised Resolution of Intent for Participation in the NFIP. Council Member Whitley made a motion to approve the revised Resolution of Intent for Participation in the National Flood Insurance Program as presented. Council Member Bivens seconded the motion. Vote: All ayes.

Update on Maintenance of Park Shelter – PD Thifault/Council Member Beachum. PD Thifault said that he would begin pressure cleaning the park shelter the following day, noting that it would be an all-day job and he had to schedule the task around summer camp activities. Council Member Bridget commented that PD Thifault was hired to oversee programs and the like, not maintenance and lawn care. Council Member Whitley felt that it was part of his job and she mentioned that there was a community group available that could help with some of the maintenance. PD Thifault said that there were approximately 20 teenagers at the park that day painting dugouts and picnic tables, but not pressure washing.

Council Member Beachum voiced his concerns about the public restrooms at the park, noting that he had found them in terrible condition the morning of July 4<sup>th</sup>. He said it had been done the night before and there was nothing that PD Thifault could have done about it. Council Member Beachum said that he went through and picked up a lot of the paper, etc., but found the bathrooms in the same condition the following morning. Council Member Beachum suggested not leaving the bathrooms open over night. Council Member Whitley said it was the park director's responsibility to ensure that the facilities were kept clean. She noted that, like the Police Department, his was a 24 hour job and that he gets time off for working over.

PD Thifault said that he does not mind cleaning the bathrooms, etc., but wondered how many hours he was expected to work. He said that he had recently worked 57 hours in one week. He said that he has to get to the park early to clean the bathrooms before anyone gets there, a job that may take two or more hours. He asked if Council would allow him to lock the bathrooms when he leaves in the evening and open them when he returned in the morning. Mayor Pro-Tem Kiker asked if the



Police Department could lock them at 10:00 p.m. Chief Gaddy said that they could, but it may not be exactly 10:00 p.m. every night. Council Member Bivens suggested having a park commission to help with some of these issues. Mayor Deese said that would have to be considered at a future meeting. Council Member Whitley asked to have it included on the next agenda.

Mayor Deese asked PD Thifault to move forward with the pressure washing the next day and directed Chief Gaddy to have his officers lock the park bathrooms each night around 10:00 p.m.

Discussion and Possible Action regarding Park Shelter Policy/Procedures. Mayor Pro-Tem Kiker felt that renters should give a courtesy call to PD Thifault if their plans change, so that it is not a waste of his time coming to the park to do the walk-through inspection. Council Member Bivens commented that the park director should do an inspection before and after each rental. Council Member Whitley said that something may need to be added to the policy that renters are to call to let PD Thifault know that they are coming and what time they will be there. Mayor Pro-Tem Kiker felt that the park director should not have to sit around and wait for the renter to show up.

PD Thifault said that the park shelter and community room could each be rented up to three different times each day of the weekend. With an inspection before and after each rental, he indicated that his entire day would be consumed and he wondered how it should be counted as far as time worked. Council Member Whitley reminded PD Thifault that he was made aware when he was hired that the job was not a traditional 8:00 to 5:00 job. She also stated that most people would count travel time as time worked. Mayor Pro-Tem Kiker said that most places pay a minimum amount when an employee has to come in after hours. Council Member Whitley said PD Thifault could use his own judgment. Mayor Deese asked PD Thifault to start keeping a record of his time so that they would have an idea of the actual hours he works and an arrangement for compensation could be made.

Council Member Bivens asked if a renter would get their deposit back if they do not show up. PD Thifault said they would get the deposit back, but not the rental fee. Council Member Bivens felt that they should not get the deposit back either. PD Thifault indicated that the deposit is to be held for damages and if a renter does not show up they have not damaged anything. With the consensus of the board, Mayor Deese directed staff to advise all renters to call PD Thifault 45 minutes before their scheduled time to let him know that they are coming so that he can then come do the walk-through inspection. Mayor Pro-Tem Kiker said, that way, if the renter does not call, it is not his responsibility.

Skateboard Park – Liability Insurance Update. Interim TA Munn said that he had received a quote of \$377 per year from NCLM for liability coverage at the skateboard park. Mayor Deese said that the quote was based on it being an unsupervised park. He asked if Council wanted to add the coverage and operate the park as unsupervised or if they wanted to keep the park closed. Mayor Pro-Tem Kiker felt that it should be reopened and if kids do not follow the rules, then the police should be called. PD Thifault said he would like to see the Town get the insurance, keep the park open and stop putting the magnifying glass on those using the facility. Mayor Deese clarified that “unsupervised” meant that it is up to the kids to follow the rules on their own. In response to comments about calling the police if someone is seen not following the rules, Mayor Deese asked what the police would do if a Council Member calls to report a kid not wearing a helmet. Chief Gaddy said that they would file a report and notify the parents. He said they can keep track of violations based on those reports. Attorney Griffin advised that an ordinance may be necessary.



Mayor Deese asked Interim TA Munn to work with the Chief and review the current ordinance and bring back suggestions at the next board meeting.

Mayor Pro-Tem Kiker made a motion to accept the insurance quote, pay the premium and open the skateboard park once the insurance is in effect. The motion was seconded by Council Member Bridget. Vote: 2 to 3 (Council Members Beachum, Whitley & Bivens opposed.)

Council Member Whitley made a motion to table the item until the next meeting to give the Administrator time to review the ordinance and determine viable conditions that must be met in order for the police to enforce the policy. Council Member Bivens seconded the motion. Vote: 3 to 2 (Mayor Pro-Tem Kiker and Council Member Bridget opposed.)

Discuss Vacation Pay for Employees. Mayor Pro-Tem Kiker said that some employees would rather not use their vacation time, but be paid for that time instead. She noted that employees are paid their vacation time upon termination and wondered why it could not be paid upon request. She proposed a minimum of 40 hours and a maximum of 80 hours to be paid per year, if an employee chooses to do so. Mayor Deese suggested limiting it further so that only one request can be made per fiscal year and it must be for 40 hours. He asked C/FO Maness to bring back to the next meeting cost estimates and various scenarios and Interim TA Munn to develop policy language.

Discussion and Possible Action in regards to Advertising for Town Administrator. Council Member Bivens felt that it was time to move forward with the hiring process for the Town Administrator position. After further discussion, it was the general consensus of Council to wait until they hear a presentation from Mr. Hartwell Wright of the NCLM on July 20, 2009.

#### Comments

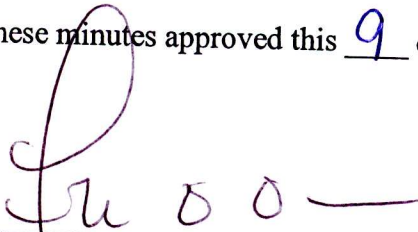
Mayor Pro-Tem Kiker and Council Members Whitley, Bridget, and Beachum had no comments.

Council Member Bivens asked about the status of the sidewalk contract. Mayor Deese said that the contract with Hobbs, Upchurch for pre-engineering had been signed. DPW Steele commented that some of the surveying had been started and will continue the rest of the week. Interim TA Munn said that they were trying hard to meet the August 29<sup>th</sup> deadline, but could not guarantee it.

Council Member Bivens asked Chief Gaddy if all police cars were equipped with cameras. He confirmed that they were but some of the cameras had been recalled and were being repaired. He said that two cameras were not working at that time, but it was a priority to repair them all.

There being no further comments, the meeting was adjourned at approximately 8:36 p.m.

These minutes approved this 9 day of Sept., 2009.

  
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Franklin D. Deese  
Mayor

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