

**Marshville Town Council
Regular Meeting
7:00 P.M. Monday, July 21, 2008
Marshville Town Hall
201 West Main St., Marshville, NC**

Present: Mayor Franklin D. Deese, Mayor Pro-Tem Gail Kiker, Council Members, Dora Bridget, Margaret Bivens, and Denise Whitley, Town Attorney Bobby Griffin, Director of Public Works Bivens Steele, Town Administrator Carl Webber, Park Director Alan Thifault, Police Chief Mike Gaddy, and Town Clerk/Finance Officer Shelley Maness. Council Member Ned Beachum was absent due to an injury.

Mayor Deese opened the meeting at approximately 7:00 p.m. and welcomed everyone in attendance. Council Member Bivens gave the invocation. All gave the Pledge of Allegiance.

Public Comments:

William Aubrey Gibson, 2909 Gilboa Road, Wingate, thanked Council and said that they were on the right track by trying to cut costs. Mr. Gibson was concerned that his son had been arrested by the Marshville Police Department on several occasions and he felt that the arrests were unjustified. He said that one particular officer had caused particular problems for his son. Mr. Gibson did not feel like he received direct answers when he tried to go through the chain of command at the Police Department. He suggested that Council assign officers to districts and give more drug tests to higher ranking officers.

Michael Scott Gibson (son of William Aubrey Gibson), 2909 Gilboa Road, Wingate, said that he and his ex-wife were having problems and in February there was an incident where the Marshville Police responded like a SWAT team and locked him up for two days. Mr. Gibson said that he had been to court four or five times and had not seen anyone there to press charges against him. He wanted to know why he was locked up. Mr. Gibson said he lost a lot of time and money as a result of the incident and he would like to see some justice done.

Gayle Webber, 407 Ross Street, acknowledged that she was the wife of Town Administrator Carl Webber, but also a citizen of the Town of Marshville. Mrs. Webber said that she was shocked and saddened that public comments were not allowed at the last meeting. She could not believe that the people elected to represent the citizens of Marshville would not hear comments from the people that elected them to serve in that role. Mrs. Webber asked Council to “walk a mile in their shoes” before making any decision that could have a volatile effect on any department. She suggested that each Council Member devote time each quarter to spend with the various departments so that they may become more knowledgeable about what goes on in the departments. Mrs. Webber felt that Council should do their research, seek input from department heads before making tough decisions, and do what is best for the Town of Marshville.

Pastor Randy Shankle, 408 E. Union Street, said that he had served under Chief Gaddy as an officer and served with him as a minister. Pastor Shankle said that he could not believe what he read in the public opinion section of the *Home News* concerning the July 7th meeting. Pastor

Shankle was shocked that he was not allowed to speak at the previous meeting. He pointed out that there is a difference between anger and passion, and that Chief Gaddy was passionate about his job, his employees and the Town of Marshville. Pastor Shankle noted that the Mayor had to drop the gavel on Council Members at the last meeting and wondered why Chief Gaddy's actions were considered insubordination. He said that he had known Chief Gaddy since 1979 and knew him to be a man of integrity. Pastor Shankle had never seen Chief Gaddy "out of control". He pointed out that the Town was already losing two experienced officers during tough economic times when crime is likely to go up. He said that Marshville was the laughing stock of Union County and that he would have a special prayer meeting Sunday night to pray for the Town and hoped others would do the same.

Gene Rey, 618 Ross Street, reminded Council of several particular incidents where officers had captured burglars and rescued people from fires, which he said may not have happened if the officers had not been in their patrol cars. Mr. Rey said that Chief Gaddy deserves the same respect that Council Members feel they deserve.

Barry Johnson, Marshville Olive Branch Road, addressed Council regarding the use of golf carts on town streets. Mr. Johnson said that he had asked various authorities and received conflicting answers regarding the legality of riding a golf cart on town streets. He noted that he knew golf carts were being used on the streets and that he would like to do the same, but he wanted to make sure it was legal to do so. Mr. Johnson asked Council to pass such an ordinance if necessary.

Mayor Deese thanked everyone for their comments.

Elected Official Comments:

Council Member Bivens read from a prepared statement addressing why she voted to not allow public comments at the previous meeting. She said that it was her duty and obligation to represent all citizens and to bring their concerns and issues to the Board. She noted that governing boards have the power to adopt their own rules for procedure and said that it was not required by law to offer a public comments section. Council Member Bivens said she voted to do as Council has done in the past and not allow public comments at a Special Meeting. She felt that it was "mean-spirited and politically motivated" to have Council vote to allow or not allow public comments. She said the Town Council called a Special Meeting with the intentions to do what they were elected to do and that it was never their intention to terminate a department head. She was concerned that a department head would exemplify such conduct and then "drum up" public opinion to condone those actions. Council Member Bivens said that she would not be intimidated by the "evil-spirited" editorials or public opinion that condone radical behavior from someone who served as a role model to children. She hoped that Council Members would not allow insubordinate behavior and personal feelings to influence the decision making process of the governing body. Council Member Bivens felt that Town leaders had rearranged policy to allow the public to use their freedom of speech to disrupt the good intentions of the Board and to allow Town employees that do not live in the city limits and do not contribute to the tax base to break policy and not be held accountable for their actions.

Mayor Pro-Tem Kiker said that she was a Council Member, but she was also a Christian lady. She said she did not intentionally take away the public's freedom of speech. Mayor Pro-Tem Kiker said her intentions were to unfuel a fire. She said she did not condone Chief Gaddy's behavior, but pointed out that everyone has had their moments. She went on to say that God

forgives and she has a forgiving heart. Mayor Pro-Tem Kiker said that she was glad it was not left up to her to decide what disciplinary action, if any, would be taken against Chief Gaddy. She said that it was never her intention to terminate a man that has been with the Town for so many years.

Council Member Bridget said that she had voted to allow public comments because she was elected by the public. She said that the only way she could know what the public wanted was to hear from them. Council Member Bridget said she could not solve problems by talking to the press and noted that business should be conducted in Town Hall. She said that Council is composed of five members, not one. She said that as long as there was dissension among Council Members, nothing would be accomplished.

Council Member Whitley said that everyone needed someone to blame and was aware that she had been referred to as the “ring leader”. She assured everyone that she did not have the power that people seemed to think she did. Council Member Whitley addressed what she felt was an incorrect comment made at the previous meeting where Attorney Joe McCollum filled in for Attorney Bobby Griffin. She said that Attorney McCollum had either not read the entire policy regarding dismissals or he was directed as to what part he should read. She said that, contrary to what Attorney McCollum had indicated, Council does have the power to dismiss an employee. Council Member Whitley said that it was never the intention to fire Chief Gaddy, but to address his “violent outburst”. She pointed out that anyone could listen to the tape and determine for themselves that it was in fact a “violent outburst.” Council Member Whitley described Chief Gaddy’s actions as jumping up, slamming his radio on the table and screaming, “You run the department! I’m through! I’m out of here! The car will be at the Police Station,” then rushing out. She said all that Council had to do was accept his resignation at that point, but that was not what they wanted. Council Member Whitley could not believe that professional, intelligent people would condone such behavior. She said that policy was violated when Chief Gaddy, a department head, left the meeting without prior approval. Council Member Whitley denied accusations of having a grudge against the Police Department. She said she has the utmost respect for law enforcement and it should be obvious from her many friendships with law enforcement personnel from other towns. Council Member Whitley said that the idea to not allow officers to drive their cars home came as a result of numerous complaints from citizens. She noted that not one citizen called to say they thought it was ok. She said that if the public does not care that \$19,000 is spent on fuel to allow officers to drive patrol cars home, they should call her and let her know. Council Member Whitley said that Council does the best they can and she invited the public to come to all meetings instead of just the controversial meetings. She also invited everyone to run for office themselves so that they would see how much fun it is.

Department Head Reports:

PD Thifault said that things were great at the park. He said that there were softball tournaments on Saturday and soccer on Sunday. A baseball tournament was planned for the upcoming weekend, in addition to a concert scheduled for Saturday night at 7:00 p.m.

DPW Steele said that he planned to begin installation of the Veteran’s Memorial fence addition sometime that week.

Chief Gaddy reported that things had been relatively quiet. He said that he planned to write a letter to Suntrust Bank to thank them for donating office furniture to the Police Department. He noted that the old PD furniture would need to be declared surplus.

C/FO Maness said that the auditors had been there for the past two weeks and staff had been very busy preparing information for the audit and completing year-end reports and procedures.

TA Webber reviewed various information including, the Allied Waste garbage collection holiday schedule, code enforcement information from James Luster, School of Government Leadership seminar. He reported that the State had approved its budget which authorized \$25 million per year for the next 39 years to go toward the Monroe bypass. TA Webber said the bypass was expected to be completed by 2013.

Mayor Deese said that Marshville will change as a result of the bypass. He noted that Council needed to focus on the big issues such as sewer and zoning, instead of wasting time squabbling. He concluded by saying that although General Statute does not require public comments to be heard at a Special Meeting, he has attempted to include them at every meeting and will continue to do so. Mayor Deese said he values the right of people to speak their mind, whether he likes what they have to say or not. Mayor Deese said that he appreciates every Council Member and hoped that they could put personal agendas, conflicts and pettiness aside in order to come together to work for the betterment of Marshville.

Adopt Agenda:

Mayor Pro-Tem Kiker made a motion to switch Items #7 (Pinky Marsh presentation) and #8 (skateboard park), second by Council Member Whitley. Vote: 3 to 1 (Council Member Bivens opposed).

Council Member Bivens made a motion to adopt the agenda as amended, second by Council Member Whitley. Vote: All Ayes.

Consent Agenda:

The consent agenda included approval of the minutes from the July 7, 2008 Regular Meeting and receipt of a Budget Revision Report as follows:

	<u>Previous Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
10-4100-7400 Equipment C/O	\$0	\$5,155		\$5,155
10-4100-5700 Miscellaneous	\$15,000		\$5,000	\$10,000
10-4100-1100 Telephone/Postage	\$1,741		\$155	\$1,586

To facilitate construction of fence at Veteran's Memorial.

Council Member Bridget made a motion to approve the consent agenda as presented, second by Council Member Whitley. Vote: All Ayes.

Consider Skateboard Park, seek public input.

Pastor Alex Martin said he had mixed feelings about a skateboard park. He realized that there were limits on the opportunities available for young people in Marshville and applauded the incredible work that PD Thifault has done with limited resources. Pastor Martin did have concerns about turning to government to provide such a facility. Pastor Martin said that the skateboarders often use his church property to perform their stunts. He said that he personally approved the idea of a skateboard park. He said that he would make a personal contribution to help pay for it and would encourage his church to do the same. Pastor Martin suggested that Council consider imposing conditions for use such as, academic standards and/or non-use of unauthorized property.

Caroline Wine, representative from Carolina Recreational, said that she was there to field any questions or concerns that the public may have. She did point out that many older individuals were involved in the sport and that there were less injuries caused by skateboarding than some traditional sports.

Derik Hammond, 315 E. Phifer Street, said that he moved from Wadesboro to Marshville and had been skating for 20 years. He said that skateboarding saved him and Marshville kids need to have a skatepark.

Angie Trull, 1620 Old Peachland Road, said she had three sons, two that love to skate. She said that her concern was for her children's safety and she supported the idea of a skatepark.

Sheryl Robitschek, 6315 Fountain Hill Church Road, said that she also had three sons and that she had to drive them to Waxhaw to use the skatepark there. She said that boys need an outlet and she offered to make a contribution as well.

Darryl Gerald, Marshville Police Officer, said that he was concerned about the safety of the kids riding in the street. He said that he fears he will have to respond to a call where a child has been hit by a car. He said that when he was growing up being involved in Boy Scouts saved him and kept him out of trouble. He noted that skateboarding may be the thing that saves that one child. As a police officer, Gerald said he stays on the kids for riding in the streets and has taken numerous skateboards, but he told Council that they need a place to go.

Pinky Marsh said that those kids are Marshville's future and that Council needs to get them off the streets.

Kathy White, 2426 Highway 205, said that she had a grandson that lived in Marshville and she did not want him skating on the streets. She asked that Council provide a place for the children to skateboard.

Michelle Wright, 208 E. Phifer Street, said that there are several children that skate on her street and that they need a place to go where they will not have to worry about getting hit by a car. Ms. Wright thanked PD Thifault for his summer camp program and also thanked Chief Gaddy for the work he does.

Mayor Deese thanked everyone for their input and assured them that they would consider their input, along with liability issues, etc., in making a decision.

PD Thifault asked Council to make a decision one way or the other instead of continuing to put it off. He said he sees the effect it has on the kids every time the issue is put off until another meeting. Mayor Pro-Tem Kiker agreed with PD Thifault and said it shouldn't matter about whether or not someone lives in the city limits. She said that they have put a ban on skateboarding, that Chief Gaddy and the police officers supported the idea of a skateboard park and PD Thifault had agreed to open and close the park at certain times. She felt it was a no lose situation.

After further discussion, Mayor Pro-Tem Kiker made a motion to direct PD Thifault and staff to confer with the Town Attorney, insurance provider, etc., to obtain waiver forms, compile all other details, and present a specific comprehensive proposal for the skatepark at the next meeting, second by Council Member Whitley. Vote: All Ayes.

Mayor Deese called for a five-minute recess at approximately 8:35 p.m. The meeting reconvened at approximately 8:40 p.m.

Presentation by Thomas "Pinky" Marsh. Mr. Marsh presented a video that discussed what his rodeo facility had to offer, the challenges he has overcome and obstacles he continues to face. He dreamed of breaking cultural barriers by hosting Mexican rodeos at his facility. He said that he had big plans for the future and hoped to gain the support of the Town of Marshville.

Consider means by which to excuse staff from Town Council Meetings if their attendance at all or part of a meeting is extraneous. Council Member Whitley made a motion that Council consider as an agenda item at each meeting, excusing department heads after comments are made, second by Council Member Bivens. Vote: 3 to 1. (Council Member Bridget opposed).

Consider new or renewal of lease of property at 129 West Main Street to John Parker DBA Affordable Cleaners, Adopt resolution declaring property surplus, stating annual rent terms and stating Council's intent to enter into agreement at its next regular meeting. TA Webber referred the proposed rent agreement on page 10 in the agenda packet which set the first year's rent at \$510.30 per month with a 3% escalation each year thereafter. The 60-month term would begin on August 1, 2008. TA Webber said that if Council approved of the terms, they would first need to authorize a resolution to meet statutory requirements. Mayor Pro-Tem Kiker made a motion to adopt the proposed resolution, second by Council Member Whitley. Vote: All Ayes.

Consider withdrawal of access easement on former R.P. Stegall Property pertaining to old driveway into sewer lagoons. New driveway in use, easement no longer needed. Council Member Whitley made a motion to approve the withdrawal of access easement on former R.P. Stegall Property pertaining to old driveway into sewer lagoons and authorize the Mayor to execute such documents, second by Council Member Bivens. Vote: All Ayes.

Consider approval of Proposal for Engineering Services from Hobbs Upchurch related to Sewer Rehabilitation Grant. Council Member Whitley made a motion to approve the proposal for Engineering Services from Hobbs Upchurch related to sewer rehabilitation grant and authorize the Mayor to execute the agreement, second by Council Member Bivens. Vote: All Ayes.

Discuss use of Town-owned vehicles, fuel savings goals. Council Member Whitley said that they must come to some kind of agreement and a policy needed to be established. She also suggested researching GPS tracking systems. Mayor Deese suggested that, instead of micromanaging, Council could set goals such as “cut fuel costs by 25%”, then give department heads the opportunity to make their own decisions on how to accomplish that goal. Mayor Pro-Tem Kiker felt that taking away cars from current employees would be like taking away part of their salaries. She thought that any such change should be made going forward. Council Member Whitley concurred. Council Member Bivens made a motion to have the Chief and Administrator bring back information to Council that will allow them to establish a policy concerning fuel savings, second by Council Member Whitley. Vote: All Ayes.

Update on South Elm Street sidewalk, discussions with property owner, Urban Forester. TA Webber said that he had not talked with Mrs. Drake. Council Member Whitley said that she had spoken to Mrs. Drake. Mrs. Drake said she had not had time to return TA Webber’s phone call, but that she was willing to work with the Town. TA Webber said that he had talked with David Grant, Urban Forester, who said that the project was doable with minimal risk to the trees. Mayor Deese asked TA Webber to provide another update once he had talked with Mrs. Drake.

Consider approval for Proposal for Drug Testing Services from Drug and Alcohol Management Professionals (DAMP), LLP. TA Webber informed Council that the previous drug testing provider, Safety Network, had suddenly went out of business. Safety Network’s office manager, Rebecca Hazelwood, started her own drug testing company, DAMP. TA Webber said that the proposal from DAMP offered basically the same service that Safety Network provided. Council Member Whitley made a motion to approve the proposal, second by Council Member Bivens. Vote: All Ayes.

Consider quotes from alarm companies for security system at Town Hall. TA Webber reviewed two proposals from Unicom and two proposals from CPI. He also talked about a safety grant that was available through the NCLM that would offset the installation cost if the Town was awarded the grant. Council Member Bridget made a motion to accept the CPI quote that included 2-way voice monitoring, second by Mayor Pro-Tem Kiker. Vote: All Ayes.

Declare old Police Department Desks as surplus; New (used) desks and office furniture donated by Suntrust Bank. Mayor Pro-Tem Kiker made a motion to approve the resolution declaring old Police Department desks as surplus, second by Council Member Bridget. Vote: All ayes.

Consider invitation to purchase tickets to attend Farm-City Celebration on Thursday, October 9, 2008 at 6:30 p.m. at Ag Center. TA Webber noted that no funds were budgeted for this event. Council Member Whitley felt like the event was something they should attend, but each Council Member should pay their own way. Council Member Whitley made a motion that public funds would not be used to purchase tickets to the Farm City Celebration, second by Mayor Pro-Tem Kiker. Vote: All Ayes.

Consider Resolution in support of Bond, Stamp and Coin program to support Veterans. TA Webber said that Mr. Garland Denny, a veteran advocate in Union County, was on a campaign to get support of a request to the Federal Government to issue bonds, coins and stamps that would generate revenue to be used to benefit veterans. TA Webber said that Union County, the Town of Wingate and the City of Monroe had each adopted a resolution to support the program.

Council Member Whitley made a motion to adopt the resolution in support of the Bond, Stamp and Coin program to support Veterans, second by Council Member Bivens. Vote: All Ayes.

Council Member Bivens asked to have included on the next agenda consideration for a speed hump and sidewalk, curb and gutter on South Carelock. Mayor Deese said that the residents of that street would need to submit a petition.

There being no further comments, the meeting was adjourned at approximately 10:30 p.m.

These minutes approved this ____ day of _____, 2008.

Franklin D. Deese
Mayor

Attest: _____
Shelley H. Maness
Town Clerk