

**Marshville Town Council  
Regular Meeting  
7:00 P.M. Monday, August 4, 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, 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 Dora Bridget was absent.

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

Public Comments:

There were no public comments.

Elected Official Comments:

Mayor Pro-Tem Kiker thanked Attorney Bobby Griffin for the letter that he sent to Council regarding the structure of meetings and department head attendance at those meetings. Mayor Pro-Tem Kiker also noted that her business, Crystal Salon and Spa, was not closing but it had been sold to one of her employees.

Council Member Whitley said that she had been walking at the park in the evenings and she noticed the need for lights along the walking trail near ball field #3. Council Member Whitley said that she had talked with PD Thifault and he said he would look into the matter.

Council Member Bivens said that she had spoken to Mr. John Parker and he was still concerned about his water meter. Council Member Bivens said that Mr. Parker would like to have his meter changed and he also would like to have more gravel in his driveway. Council Member Bivens suggested placing an automatic device on the meter. Council Member Whitley asked if anyone had checked with DPW Steele. DPW Steele said that Mr. Parker had called and they had read the meter. DPW Steele explained that the automatic meter reader device that Council Member Bivens referred to was useless unless you have the software to go along with it. He explained that the meters might cost \$50.00, but the software would cost thousands. DPW Steele explained that he had been to Mr. Parker's business and had found a faucet had been left on and a leak on the floor. These things were likely the cause for Mr. Parker's high water bills. DPW Steele said that he would be glad to check the meter again.

Council Member Bivens also requested that someone contact CSX about the growth along the railroad tracks near Autumn Care. TA Webber said that he had contacted them in the past and would be glad to call again. Council Member Whitley asked if they ever came to cut it the first time. DPW Steele said they sprayed it sometime back.

### Department Head Reports:

PD Thifault said that the concert in the park went very well, as did the softball and baseball tournaments. He also noted that summer camp will end on August 22<sup>nd</sup>.

DPW Steele reported that his department had been working on pump stations and routine water and sewer maintenance.

Chief Gaddy said that the furniture donated by Suntrust was in place. Chief Gaddy reported that a third officer, Officer Michael Lovingood, had turned in a letter of resignation. Chief Gaddy said that Julio Navarro, an auxiliary officer, was interested in coming back full-time and he said that he desperately needed experienced officers. Chief Gaddy asked for direction from Council as to when he could start advertising for the three vacant positions or if he could let Mr. Navarro come back and advertise for the remaining two positions. He said that they would soon be in a bind and that already he was unable to cover the night-shift with two officers. Chief Gaddy said that Council needed to address the pay scale issue before advertising, noting that starting pay would play a big role in who applies for the positions. Chief Gaddy said that the current starting salary was considerably less than other towns in the area.

Chief Gaddy said that they had also been working on the [Governor's Highway Safety] grant for the next year. He also informed Council that he planned to be on vacation for the remainder of the week and Matt Tarlton would take care of things while he was gone.

Mayor Pro-Tem Kiker asked Chief Gaddy if he had any applicants. Chief Gaddy said that several applicants had applied even though it had not been advertised. He said that there were some good, qualified applicants but state law requires the positions to be advertised. Mayor Pro-Tem Kiker asked if the reserve officers could be used to fill in until someone was hired. Chief Gaddy said that there were payroll issues involved. TA Webber clarified that "auxiliary" officers cannot be paid. Council Member Whitley said that she was ready to go ahead and advertise. She also felt that Mr. Navarro would need to be re-interviewed. Council Member Bivens asked how many experienced officers had applied. Chief Gaddy said there were two with experience.

C/FO Maness reported that she and TA Webber had attended a Citipak users' conference the previous week. She explained that Citipak was the software currently being used for accounting and utility billing. C/FO Maness said that Citipak was in the process of redeveloping their software and the new product, expected to be available within the next year, was demonstrated at the conference. She was excited about the new product and felt that it was comparable to the software that was requested but not funded in the FY 2009 budget. C/FO Maness said that they also learned that there were some features in the current version of the software that were not being used, such as tracking petty and longevity time within the payroll system as opposed to keeping a manual record. She said that she and staff were in the process of implementing these newly discovered features. Mayor Deese asked if the new version would accommodate laser printing. TA Webber said that he hoped they could switch to laser printing before the new software comes out.

TA Webber announced that there was an upcoming "Resolving Public Disputes" workshop series. He also informed Council that he had attended an info session with Greenfield and officials from Wingate as part of the economic development visioning process. TA Webber said

that a public meeting was scheduled for later in August and would likely be a joint meeting between Wingate and Marshville's Town Councils.

Mayor Deese thanked all department heads.

Adopt Agenda:

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

Consent Agenda:

The consent agenda included the approval of the minutes from the July 10, 2008 Special Meeting and the July 21, 2008 Regular Meeting. Council Member Whitley was concerned that all Council Members may not have had a chance to read the minutes in their entirety. TA Webber explained that when the agenda packets were copied, every other page was omitted inadvertently and Council Members had just received the complete packet. He noted that the agenda was posted correctly on the Town's website. Council Member Whitley made a motion to remove from the consent agenda and include on the regular agenda the approval of the minutes from the July 10, 2008 Special Meeting and the July 21, 2008 Regular meeting, second by Council Member Bivens. Vote: All Ayes.

Council Member Whitley made a motion to table the approval of the July 10, 2008 Special Meeting and the July 21, 2008 Regular meeting minutes to the next regular meeting [August 18, 2008], second by Council Member Bivens. Vote: All Ayes.

Administer Oath and Charge Tax Collector to Collect 2008 Town of Marshville property taxes. Mayor Deese acknowledged that Tax Collector Carolyn Haigler would be retiring in April with more than 21 years of service and this would be the last time she would be charged with collecting the Town's taxes. He commended Mrs. Haigler for her outstanding collection rate. Mayor Deese then administered the oath and charged Mrs. Haigler to collect the 2008 Town of Marshville property taxes. Mayor Deese said that he hated to see Mrs. Haigler leave, but did wish her the very best in all her endeavors.

Adopt Ordinance related to construction of skateboard park upon one of the tennis courts at the Marshville Municipal Park; adopt rules and schedule. TA Webber referenced information from the NCLM and the NC General Statute that limits liability of municipalities in regard to skateboard parks. He also noted that the proposed ordinance included a limited amount of \$4,999.00 for the purchase of equipment. TA Webber explained that exceeding this amount would require the Town to seek bids on the project. PD Thifault conveyed to TA Webber that it may be difficult to do the project for less than \$4,999.00. TA Webber said that a fence would also be required, but could be done as a separate project.

TA Webber noted that the proposed skateboard park ordinance included a "Hazardous Recreational Activity" section. This section states that a person may be charged with trespassing if an unauthorized entry is made during non-operating hours. It also requires that skaters wear safety gear. Anyone violating the "Hazardous Recreational Activity" section of the ordinance shall be found guilty of a Class 3 misdemeanor and fine not more than \$50.00. TA Webber also reviewed a proposed schedule of operation that does not allow the park to be open while school

is in session. TA Webber concluded by reviewing a proposed set of rules recommended by the Town's insurance company.

TA Webber asked for direction from Council regarding the amount to be spent on the project, noting that if they planned to exceed \$4,999.00 he would need to prepare bid documents. PD Thifault said that \$5,000.00 was fine and that he planned to seek donations that could be used to add to the facility at a later date. He said that several people have said they would donate if they could be assured that their money would go toward the skateboard park.

Attorney Bobby Griffin suggested removing the statements about a fence from the proposed skateboard park development ordinance since that will be a separate project. He also suggested clarifying which school's schedule would decide the operation hours of the skateboard park. TA Webber said that he would change wording to specify Union County Public Schools' schedule.

After further discussion, Mayor Pro-Tem Kiker made a motion to adopt the ordinance, rules and schedule with the reference to a fence removed from the ordinance and the schedule to specify Union County Public Schools as recommended by Attorney Griffin, second by Council Member Whitley. Vote: 3 to 1 (Council Member Beachum opposed).

Council Member Whitley made a motion to excuse PD Thifault from the remainder of the meeting, second by Mayor Pro-Tem Kiker. Vote: All Ayes.

Consider speed hump on Carelock Drive / traffic study need. TA Webber said that in general practice a resident would submit a petition for a speed hump, but that Council had the right to waive the requirement for a petition. Council Member Bivens asked to waive the petition requirement in this case since there have been several accidents on the street. Council Member Bivens made a motion to waive the requirement for a petition and to direct staff to make arrangements for a traffic study and investigate the need for a speed hump on Carelock Drive, second by Council Member Whitley. Vote: 3 to 1 (Mayor Pro-Tem Kiker opposed).

Consider traffic study on Griffin Lane / installation of speed hump. TA Webber reminded Council that a petition was submitted with 100% of the street's residents' signatures. He then reviewed the results of the traffic study which showed an average speed of 28 mph with 1.2% traveling in excess of 55 mph. Council Member Whitley made a motion to deny the request for a speed hump on Griffin Lane, second by Council Member Bivens. Vote: 2 to 2 (Council Members Beachum and Kiker opposed). Mayor Deese broke the tie vote by opposing the motion. Mayor Pro-Tem Kiker made a motion to install a speed hump on Griffin Lane, second by Council Member Beachum. Vote: 2 to 2 (Council Members Whitley and Bivens opposed). Mayor Deese broke the tie by voting to install the speed hump.

Council Member Bivens made a motion to excuse DPW Steele from the remainder of the meeting, second by Council Member Whitley. Vote: All Ayes.

Consider policy related to take-home police vehicles. TA Webber informed Council that he had not received all of the information he had requested from other agencies in Union County. He asked Council to allow him a few more weeks to gather that information. Council Member Bivens made a motion to table the issue until the next regular board meeting, second by Council Member Whitley. Vote: All Ayes.

Consider job description / qualifications for new Assistant Police Chief position. TA Webber referred to a proposed Staffing Levels and Guidelines for Promotion document in the agenda packet. The total number of full-time positions and total number of police officers were left blank. The next section of the document was left the same as what was currently in place. The section regarding the position of “Major” was proposed to cover the Assistant Police Chief position. TA Webber explained what was required for an employee to move up the various levels. Council Member Bivens wondered why Council could not consider hiring outside the organization. TA Webber explained that the proposed document would not prevent Council from hiring outside the organization.

TA Webber pointed out that included in the agenda packet was a job description that he had developed along with two others from the NCLM. Council Member Whitley said that she liked some parts of each description and referred to the educational requirements noted in the third sample. She said that although someone with an associates degree was preferred, not all department heads had one. Council Member Whitley recommended changing the wording to include “or equivalent experience.”

Chief Gaddy noted that the Assistant Chief position would have to rotate shifts like any other officer. He said the department was not big enough to justify another full-time day shift. Council Member Whitley said they wanted the Chief and the Assistant Chief on different shifts.

Council Member Whitley said that she would like more time to review what was in the packet since she had just received the complete agenda packet. Council Member Whitley made a motion to table the matter until the next regular meeting, second by Council Member Bivens. Vote: All Ayes.

Consider vacancies at Police Department, applicability of hiring policy. TA Webber explained that there were three positions vacant including the Assistant Chief position for which there was not a job description. Council Member Bivens made a motion to advertise for two patrolmen positions, second by Mayor Pro-Tem Kiker. In response to a question from Mayor Pro-Tem Kiker, TA Webber said that a salary range was normally included in the job advertisement. Chief Gaddy said that, generally, auxiliary officers have first opportunity to a vacant position. He said that he would like for the pay scale issue to be addressed so that he could be fair to everyone by advertising a true starting salary. Council Member Whitley said that further research needed to be done regarding officers’ salaries. She noted that Marshville may be the lowest paying police department in Union County, but that it was also the smallest department. After further discussion, Council voted: 3 to 1 (Council Member Beachum opposed). TA Webber asked for clarification on how long to run the advertisement. It was consensus of Council to run it for 30 days and list salary as “dependent upon qualifications”.

Mayor Deese attempted to establish a hiring committee comprised of Council Member Beachum, Council Member Bridget and Mayor Pro-Tem Kiker. There was some debate about the existence of a “standing” committee that was comprised of Council Member Whitley, Council Member Bivens and Mayor Pro-Tem Kiker. Mayor Deese said that when he established that committee it was not his intentions for it to be a “standing” committee. He did not feel like the same group should be responsible for hiring every employee. The original hiring committee members felt that they were appointed as a “standing” committee. Council Member Whitley made a motion to keep the same “standing” committee consisting of Council Member Whitley,

Council Member Bivens and Mayor Pro-Tem Kiker, second by Council Member Bivens. Vote: 3 to 1 (Council Member Beachum opposed).

Consider appointment of Derry Simpson as Marshville Police Auxiliary Officer. Council Member Whitley made a motion to appoint Derry Simpson as Marshville Police Auxiliary Officer with the Chief to determine the starting date, second by Council Member Bivens. Vote: All Ayes.

Council Member Whitley made a motion to excuse Chief Gaddy from the remainder of the meeting, second by Council Member Bivens. Vote: All Ayes.

Consider lease of property at 129 West Main Street to John Parker DBA Affordable Cleaners, authorize Mayor to execute. TA Webber pointed out a typo under the Hazardous Materials clause (Section 14 (b)(4)). The statement should read “free and clear” instead of “fret and clear”. TA Webber explained that he had gone through the agreement with Mr. Parker and he seemed to be satisfied. TA Webber noted that even if Council approves, Mr. Parker can decline to execute the document. He also noted that the previous lease expired July 31, 2008. Council Member Whitley made a motion to approve the lease of the property at 129 West Main Street to John Parker DBA Affordable Cleaners and authorize the Mayor to execute the agreement, second by Council Member Bivens. Vote: All Ayes.

Proclaim September 17 – 23, 2008 as Constitution Week. Council Member Bivens made a motion to proclaim September 17 – 23, 2008 as Constitution Week, second by Mayor Pro-Tem Kiker. Vote: All Ayes.

There being no further comments, the meeting was adjourned at approximately 8:50 p.m.

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

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Franklin D. Deese  
Mayor

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