

**Marshville Town Council
Regular Meeting
7:00 P.M. Monday, August 18, 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, Dora Bridget, 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.

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:

Two citizens, Gladys Kelly and Martha Baucom, signed up for public comment, however, they each declined to speak when called on.

Elected Official Comments:

Council Member Whitley made a motion to move elected official comments to the end of the agenda, second by Council Member Bivens. Vote: 3 to 2 (Council Member Bridget & Council Member Beachum opposed).

Department Head Reports:

PD Thifault said that lights were installed on the walking trail, skateboarders were raising funds for the skatepark and the \$8,500 grant was awarded for the mini-park behind Dr. Henry's office. He also noted that summer camp would end on Friday, August 22nd.

DPW Steele reported that installation of the Veteran's Memorial fence was complete. He also noted that repairs were being made on mowing equipment and they were waiting on parts. As a result, mowing was behind schedule. Mayor Pro-Tem Kiker thanked DPW Steele for the work done at the Veteran's Memorial. She said it looked gorgeous.

Chief Gaddy said that he had received about thirteen applicants and he wanted direction from Council on how many applicants to bring to the committee. He informed Council that Derry Simpson had declined the reserve officer position. Council Member Whitley suggested that the hiring committee review all applications and get Chief Gaddy's opinion on which ones to bring in for an interview.

C/FO Maness said that she and TA Webber had recently attended a training session for the Town's accounting and utility billing software. She said it was the first formal training she had received on the software and several helpful features were discovered. C/FO Maness said she and staff were staying busy with daily operations and various reports.

TA Webber reminded Council that the Boll Weevil Jamboree was planned for September 20, 2008. He said he had requested a street closing from DOT and had notified the railroad. He informed Council that the advertisement for the patrol officer positions would run for 30 days, which would run into September. Council Member Whitley wanted [the hiring committee] to start reviewing the applications already submitted.

Mayor Deese thanked all department heads.

Adopt Agenda:

Council Member Bivens made a motion to add a closed session to the agenda per G.S. 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 to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee. She asked that only the Council, Attorney Griffin, Clerk Maness and TA Webber attend the closed session. The motion was seconded by Council Member Whitley. Vote: 3 to 2 (Council Members Bridget and Beachum 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 the approval of the minutes from the July 10, 2008 Special Meeting, the July 21, 2008 Regular Meeting and the August 4, 2008 Regular Meeting. Council Member Beachum made a motion to approve the consent agenda as presented, second by Council Member Bivens. Vote: All ayes.

Consider renewal/new lease for 107 North Elm Street, Debbie McKeown. TA Webber noted that the current lease would expire September 30, 2008 and Ms. McKeown was interested in renewing the lease. Council Member Whitley made a motion to direct TA Webber to prepare the paperwork for a lease renewal at 107 North Elm Street and bring back to Council at the next meeting, second by Council Member Bivens. Vote: All ayes.

Presentation of Comprehensive Transportation Plan update, Mr. Rockne Bryant. Mr. Bryant was unable to attend the meeting.

Consider receiving quarterly reports from Department Heads in lieu of their attendance at each Council Meeting. Mayor Pro-Tem Kiker referenced a letter from Attorney Griffin and said that he brought up a valid point. Mayor Pro-Tem Kiker made a motion that, effective September 8th, department heads are not required to attend each Council Meeting, but are to submit quarterly written reports to TA Webber who will present them to Council, second by Council Member Whitley. Council Member Beachum felt that department heads should not be required to sit through an entire meeting, but should attend at least quarterly. Council Member Whitley said that some department heads had asked why they had to attend the meetings if the agenda items did not involve them. She assured everyone that they were not trying to get rid of department heads. She noted that the department heads are not paid to sit through the meetings. Council Member Bridget felt that quarterly was too long. She said a lot can happen in three months. Vote: 3 to 2 (Council Member Beachum and Council Member Bridget opposed).

Consider continuation of NC Governor's Highway Safety Program Traffic Safety Grant. Third year of 3 year grant supplying \$21,841 in Federal Funds with \$21,841 local match to provide \$43,682 personnel cost for Traffic Safety Officer for current year. Council Member Whitley questioned a statement in the grant documentation that said the Town was required to provide a 75% match in the third year. TA Webber said that the grant administrator in Raleigh changed it and the Town's match would only be 50%. Council Member Bivens made a motion to continue the Highway Safety grant and to adopt the required resolution [on page 20 in the agenda packet], second by Council Member Whitley. Vote: All ayes. (See attached document)

Determine qualifications, job description and compensation for Assistant Police Chief; Direct staff to advertise vacancy. TA Webber reviewed several sample job descriptions and qualifications in addition to one he had compiled. Council Member Whitley said that TA Webber had done a good job with the job description he developed, but would like the education requirements reduced. She suggested stating that the higher education listed as a "preferred" qualification, but not required.

Council Member Beachum commented that the position being created was very expensive and not wanted or needed. Council Member Bridget agreed. Mayor Deese noted that crime was likely to rise during these tough economic times and the Town needed more people "walking a beat" than doing administrative work. He felt that the position was unnecessary and not in the best interest of the citizens of Marshville.

Council Member Whitley made a motion to approve the job description provided by TA Webber found on page 44 of the agenda packet with education and experience requirements changed to what was shown on page 51, second by Council Member Bivens. Mayor Pro-Tem Kiker wanted to table the matter until after the other two officers are hired. Mayor Deese reminded her that there was a motion and a second on the floor. Vote: 3 to 2 (Council Member Beachum and Council Member Bridget opposed). (See attached document)

Council Member Whitley made a motion to table both the discussion on compensation for the position and the issue to direct staff to advertise the vacancy, second by Council Member Bivens. Vote: All ayes.

Consider Town-Owned Vehicle Policy. TA Webber said that he had contacted all law enforcement agencies in Union County and many have unwritten vehicle policies. He then reviewed the policy he had drafted which would limit town-owned vehicles from being driven home if the employee lives more than 25 miles away from the police department. Council Member Whitley suggested that the cars should not be driven outside of the county as well. TA Webber pointed out that Marshville is just four miles from the county line.

Mr. Felix Blakney, an applicant for the police officer position, addressed Council and noted that he lived about fifteen minutes away in Anson County. He suggested that Council risked losing many qualified applicants by putting such strict limits on mileage.

Council Member Bivens felt that the policy should restrict vehicles from being driven outside of the county and not more than 25 miles. She did not feel that the policy should be made retroactive. Mayor Pro-Tem Kiker felt that the policy should be adopted as presented. Council Member Bridget said that there were not a large number of trained officers in Union County and

if outsiders wanted to come to Marshville, she was for that. Mayor Pro-Tem Kiker made a motion to accept the policy as presented, second by Council Member Bivens. Vote: All ayes. (See attached document)

Ms. Gladys Kelly, Marshville resident, addressed Council and said that she felt it was unnecessary to hire an Assistant Police Chief.

Consider Duke Energy Pay Agent agreement, evaluation of program. C/FO Maness reviewed various statistics related to the Town's collection of Duke Energy payments. She voiced her concern regarding the significant number of transactions per day and the impact on staff's efficiency in handling normal Town business. She was also concerned with the high volume of cash transactions. C/FO Maness reminded Council that the Town is responsible for any shortages and with so many interruptions throughout the day, staff could easily make a costly mistake in either Duke or Town business. In addition, the Town would have to contract with a third-party, not Duke Energy, in order to continue the service. C/FO Maness made a recommendation to Council to terminate Duke Energy payment collection services. TA Webber concurred. Council Member Bridget made a motion to terminate the agreement with Duke as soon as possible, second by Mayor Pro-Tem Kiker. Vote: All ayes.

Elected Official Comments.

Council Member Whitley felt that Council was put in a bad light in regards to not allowing public comments during a special meeting. She distributed a policy that was adopted in September 2005 that specifies public comments are not to be included on special meeting agendas. She asked that C/FO Maness keep a copy of the policy on her desk as a reference during meetings. Council Member Whitley said that there should be a policy book, separate from the minute book, which would include all policies adopted by the Council.

Mayor Pro-Tem Kiker was not aware of the policy and was very disappointed that she was put into a situation where she had to make a tie-breaking decision to not allow public comments when a policy was already in place.

Council Member Bivens was also upset about the situation. She said that she had been the subject of a lot of slanderous editorials and that mean spirited and politically motivated comments had been posted on the internet. She noted that the issue of public comments has caused a lot of dissension among the Council Members and it was unnecessary.

Council Member Bridget and Council Member Beachum had no comments.

Council Member Bivens made a motion to go into closed session per G.S. 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 to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee. The motion was seconded by Council Member Whitley. Vote: 4 to 1 (Council Member Beachum opposed).

Before going into closed session, Council Member Whitley made a motion to dismiss department heads, second by Council Member Beachum. Vote: All Ayes.

Mayor Deese called for a five-minute recess at approximately 8:25 p.m. The meeting reconvened at approximately 8:30 p.m.

CLOSED SESSION

In open session, Attorney Griffin commented that Marshville's policies are good policies. He hoped that Council Members would not get offended by comments made about them and reminded them that it was just part of the job. Attorney Griffin said that employee rights are important and the policies in place recognize that. He noted that, by law, there are certain things that TA Webber cannot reveal from a personnel standpoint.

There being no further comments, the meeting was adjourned at approximately 9:00 p.m.

These minutes approved this ____ day of _____, 2008.

Franklin D. Deese
Mayor

Attest: _____
Shelley H. Maness
Town Clerk