

**Marshville Town Council  
Regular Meeting  
7:00 P.M. Monday, September 8, 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, Town Administrator Carl Webber, and Town Clerk/Finance Officer Shelley Maness. Director of Public Works Bivens Steele was seated in the audience. Council Member Dora Bridget was absent.

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:

There were no public comments.

Department Head Reports:

TA Webber distributed a monthly report prepared by Chief of Police Mike Gaddy.

Adopt Agenda:

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

Consent Agenda:

The consent agenda included the approval of the minutes from the August 18, 2008 Regular Meeting. Council Member Whitley made a motion to approve the consent agenda as presented, seconded by Council Member Beachum. Vote: All ayes.

Consider resolution regarding renewal/new lease for 107 North Elm Street, Debbie McKeown.

TA Webber reported that Ms. McKeown was satisfied with the terms of the one-year lease renewal which reflects a three percent (3%) increase in the monthly payment amount. Council Member Whitley made a motion to approve the resolution regarding the intent to lease property located at 107 North Elm Street to Ms. Debbie McKeown, seconded by Council Member Bivens. Vote: All ayes.

Consider consolidated "Rules of Procedure for Town Council." TA Webber explained that in 2000, a faculty member at the UNC School of Government, Fleming Bell, released a publication with suggested rules for procedures for city councils. The Marshville Town Council adopted the procedure book in 2000, but the Council did not specify any optional language presented in the book. Regarding most of the optional language, TA Webber said that as a matter of practice, the board had established its preference and those selections were reflected in the "Rules of

Procedure for Town Council” document included in the agenda packet. Rule 31 regarding appointments was the only optional language that had not been addressed.

Council Member Whitley said that she had not had a chance to read through it all. Council Member Bivens agreed and said she would like to study it more. Council Member Bivens made a motion to table the issue.

Attorney Griffin pointed out that the “Rules of Procedure” state that a motion does not require a second although that has not been the practice of Council. He suggested suspending the rules previously adopted and table the issue until everyone has a chance to review the document thoroughly. TA Webber recalled that a committee had been established previously to review the procedures and he thought Council may want to consider taking a similar approach in this instance. Council Member Whitley suggested establishing a committee at the next meeting. Mayor Deese noted that he would not be able to attend the next meeting and asked that the issue be tabled until the first meeting in October. Council Member Bivens amended her motion to include suspending the rules previously adopted and table the issue until the first meeting in October, seconded by Council Member Whitley. Vote: All ayes.

Consider compensation for Assistant Police Chief, direct staff to advertise vacancy. Mayor Pro-Tem Kiker said that she had received several calls and talked to people on the street that do not feel that Marshville needs an assistant police chief. She said that she rode with an officer the previous Friday night from 8:00 p.m. to 1:00 a.m. and another officer on Saturday from 1:00 p.m. to 4:00 p.m. Mayor Pro-Tem Kiker was glad to report that things were quiet and she was bored most of the time, although she knew the situation could change in an instant. She noted that Marshville residents know the officers and talk to them on the streets. Mayor Pro-Tem Kiker said that Matt Tarlton currently serves in the capacity of an assistant police chief. She wondered what someone serving in another administrative position would do. She felt that the Town would be better off to hire a sergeant or a lieutenant to serve on second shift at a salary lower than the \$45,000 proposed. She suggested that other Council Members ride with an officer as well. Mayor Pro-Tem Kiker commented that the police department was not perfect, but she felt that any issues with the Chief and his department could be resolved if addressed tactfully in a closed session. She said that Chief Gaddy was the leader and his officers were the followers. Mayor Pro-Tem Kiker noted that the officers have a lot of respect for Chief Gaddy.

Council Member Whitley said that just the day before Mayor Pro-Tem Kiker did not think the Town needed eight officers. She said that there have been violations of policy by some of the department heads. She said they have been talked to, but continued to violate policy. Council Member Whitley said that Mayor Pro-Tem Kiker riding with an officer had nothing to do with the assistant police chief position. She said that the assistant chief position would cover for Chief Gaddy in his absence, would work a rotating shift like the other officers and would be out on the street when they are not doing administrative work. She noted that Chief Gaddy was also supposed to work the streets when he is not doing administrative work. Council Member Whitley said that Matt Tarlton does about 95% of the administrative work for the Police Department. She said the purpose in hiring an assistant chief was to have someone second in command in case something happens.

Council Member Beachum said that he had made it a point to talk to several citizens of Marshville and had not found one person that thinks an assistant chief is needed. He said that the only people that think the Town needs an assistant chief are sitting at that table.

Council Member Bivens said that the vote to hire an assistant police chief was unanimous. She said Chief Gaddy is on call 24/7 and this position would give him some relief. Council Member Bivens mentioned an incident that occurred the previous Friday on Washington Street in front of her house. She said that an officer was on patrol with an unauthorized person in the car. She said that the person was not an auxiliary officer or someone in training. Council Member Bivens was concerned about liability issues if the unauthorized person had been shot. She said that the chief has a lot of responsibility on his shoulders and an assistant chief could take on some of that responsibility. Council Member Bivens felt that the person hired for the assistant chief position should not come from within the department. She said that a lot of policies are being broken and she cannot just act like she did not see it.

Mayor Deese reminded Council that anytime anyone, Council Member or a citizen, sees a possible violation, there are procedures in place for registering a complaint. Mayor Deese asked Council Member Bivens if she registered a complaint. Council Member Whitley said that she did. Council Member Bivens said that she talked to the Chief and came to talk with TA Webber, but he was busy.

Mayor Pro-Tem Kiker commented that if the officer was given permission by the chief to have a passenger in his patrol car, then the responsibility falls on him and should be dealt with accordingly. She wondered why it did not make more sense to hire a sergeant or lieutenant for less than \$45,000 to serve in second-shift supervisory position.

Council Member Whitley said that an assistant chief would take over the administrative duties of the person currently second in command and Matt Tarlton could back to patrolling and rotating shifts. The assistant chief would ensure that policies are being enforced. She pointed out that it would only cost the Town the difference between the \$45,000 salary proposed for the assistant chief position and the salary of a patrol officer position.

Council Member Beachum said that he estimates the \$45,000 position would actually cost the Town closer to \$70,000 to put the officer in uniform and pay his benefits. He noted that two patrol officers could be hired for the same amount.

Mayor Deese said that TA Webber's research had shown that the position was not needed and the Chief, many citizens and some Council Members agreed.

After further discussion, Council Member Beachum made a motion to abandon the plan to hire an assistant chief of police position, seconded by Mayor Pro-Tem Kiker. Vote: 2 to 2 (Council Member Bivens and Council Member Whitley opposed). Mayor Deese broke the tie by voting in the affirmative.

Council Member Kiker made a motion to make one of the open positions a lieutenant or sergeant position. The motion died for lack of a second.

Consider resolution to declare surplus property, authorize disposal by public auction. TA Webber reviewed the property to be declared as surplus including a 2002 Crown Victoria (a retired patrol car), a 1994 John Deere tractor (replaced in the current fiscal year), and four old computer workstations (with hard drives removed). The resolution would authorize those items to be sold at Hall's Auction Barn on Saturday, September 27, 2008. Council Member Beachum

made a motion to approve the resolution and dispose of the surplus property, seconded by Mayor Pro-Tem Kiker. Vote: All ayes.

Consider traffic study on North Carelock Drive regarding speed hump. TA Webber reviewed the results of the traffic study, citing an average daily traffic count at 166 vehicles with an average speed of 22 miles per hour. He noted that the street meets all requirements for installing a speed hump. He pointed out that there was no petition filed to request a speed hump. Council Member Bivens made a motion to waive the requirement for a petition and install a speed hump on North Carelock Drive, seconded by Council Member Whitley. Vote: All ayes.

Consider request for qualifications for consultants regarding the Pedestrian Planning Grant awarded to Marshville. TA Webber explained that the state requires the Town to send out requests for qualifications (RFQ's) as a means to select a consultant for the project. Four letters had already been received from consulting firms seeking the Town's business. The draft version of the RFQ that was included in the agenda packet had been approved by the program administrator with NC DOT. The RFQ states that submittals must be made by 5:00 p.m. on Thursday, October 2, 2008. TA Webber said that sending RFQ's to the four firms that had sent letters would satisfy the state's requirements. He also noted that a consultant needs to be in place by November 1<sup>st</sup>. Council Member Beachum made a motion to approve the RFQ as presented and direct TA Webber to send it to the four firms that had already sent letters, seconded by Council Member Bivens. Vote: All ayes.

Consider resolution to dedicate a portion of US 74 in memory of Mr. Carroll M. Edwards. TA Webber said that Chairman Baucom of the Union County Board of Commissioners had sent a letter asking the Town of Marshville to approve a resolution to dedicate a portion of US 74 in memory of Mr. Carroll M. Edwards. The resolution asks NCDOT to determine that the exact portion of US 74 to be dedicated but requests that it is in the Marshville area of Union County. The resolution also requests that NCDOT place signs, in appropriate size and content, to indicate the dedication of the selected portion in memory of Mr. Edwards. Council Member Whitley made a motion to approve the resolution to dedicate a portion of US 74 in memory of Mr. Carroll M. Edwards, seconded by Council Member Bivens. Vote: All ayes.

Discuss NCLM Centennial Conference: consider attending, commuting versus lodging. Council Member Bivens suggested lodging instead of commuting in an effort to conserve fuel. Council Member Whitley said that she would have to commute due to prior obligations. Mayor Pro-Tem Kiker said that she may not be able to attend the conference. TA Webber announced that the registration forms must be turned in to him by the following day.

### Comments

Council Member Bivens reported that there were a lot of drainage problems around town particularly on Allen Drive, Carelock Drive and Washington Street. She said that curb siding was needed and asked that it be included as an agenda item for the next meeting. Council Member Bivens voiced her concerns about the officer who had an unauthorized rider in his patrol car. She said it was a direct violation of policy and disrespectful to the citizens of Marshville. She said that the rider got out of the car while the officer patted down a suspect. Council Member Bivens wanted to know if the Town's insurance would cover an unauthorized rider. Mayor Deese said that complaints are to be made to the Administrator. TA Webber said

that he would look into the matter, but he was concerned that a personnel matter may have already been aired in public.

Mayor Pro-Tem Kiker asked that a meeting be scheduled with the Chief of Police to iron out some the issues between Council and the Chief. Mayor Deese said he would try to make that happen.

Council Member Whitley suggested that passengers not be allowed in town vehicles until a clear policy is established. Attorney Griffin suggested leaving the policy as is and do a study on the issue, as there may be legitimate reasons to have a passenger in a town vehicle. Mayor Deese said that he would talk with the Chief and ask him to be very cautious in allowing passengers in town vehicles.

TA Webber relayed Chief Gaddy's request for the hiring committee to consider convening a meeting on September 11, 2008 at 6:00 p.m. The committee agreed.

TA Webber reported that there was a Federal Trade Commission ruling dealing with identity theft and utilities. TA Webber said he had just received notice of the mandate that day and that the Town must develop guidelines and implement policies by November 1, 2008.

TA Webber said that on Tuesday, September 16<sup>th</sup> at 5:00 p.m. at the Union County Agricultural Center, Union County will review possible land use proposals for the east and northeast unincorporated portions of Union County and will receive input from the adjacent towns. He strongly encouraged Council Members to attend the meeting.

TA Webber also encouraged Council Members to attend a meeting at 4:00 p.m. on September 9<sup>th</sup> at the Monroe City Hall Council Chambers regarding the Monroe Connector Bypass. He noted that a second meeting would be held at 9:00 a.m. on September 10<sup>th</sup> in Wingate.

TA Webber said that Council Members had received in their boxes a letter from a citizen proposing a Marshville outdoor shopping mall as well as a letter from Susan Burgess thanking the Town for its participation in the NCLM's Green Challenge. TA Webber said that a letter from NCDOT indicates that the Town may or may not receive funding for the Governor's Highway Traffic Safety grant that was recently applied for. A letter from the County Parks and Recreation confirmed that the Town was awarded \$8,570 recreation grant.

TA Webber reminded Council that he needed the NCLM Conference registrations before the end of business the following day.

There being no further comments, the meeting was adjourned at approximately 8:40 p.m.

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

---

Franklin D. Deese  
Mayor

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