

**Marshville Town Council
Regular Meeting
7:00 P.M. Monday, September 22, 2008
Marshville Town Hall
201 West Main St., Marshville, NC**

Present: Mayor Pro-Tem Gail Kiker, Council Members Ned Beachum, Margaret Bivens, and Denise Whitley, Town Administrator Carl Webber, and Town Clerk/Finance Officer Shelley Maness. Director of Public Works Bivens Steele, Police Chief Mike Gaddy and Park Director Alan Thifault were seated in the audience. Mayor Franklin D. Deese and Council Member Dora Bridget were absent.

Mayor Pro-Tem Kiker 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:

There were no department head reports.

Adopt Agenda:

Council Member Whitley asked to add a discussion regarding additional street lights at the park. She also stated that Item #7 regarding "Rules of Procedure" should be removed from the agenda. She reminded everyone that, at the previous meeting, the issue was to be tabled until the first meeting in October so that the mayor would be in attendance. Council Member Bivens asked to add a closed session to the agenda per G.S. 143-318.11(a)(6).

Council Member Whitley made a motion to adopt the agenda with the aforementioned amendments, seconded by Council Member Bivens. Vote: All ayes.

Consent Agenda:

The consent agenda included the approval of the minutes from the September 4, 2008 Regular Meeting. Council Member Bivens made a motion to approve the consent agenda as presented, seconded by Council Member Beachum. Vote: All ayes.

Consider new lease for 107 North Elm Street, Debbie McKeown. Council Member Whitley made a motion to approve a new lease for 107 North Elm Street for the terms stated in the lease contract (12 month lease from October 1, 2008 through September 30, 2009, \$509 per month), seconded by Council Member Beachum. Vote: All Ayes.

Consider Police Ride-Along Policy. Council Member Whitley pointed out that the section of the policy regarding immediate family is already addressed in the personnel policy and would not

need to be repeated in the ride-along policy. TA Webber said that the policy presented was essentially a copy of the City of Monroe's policy with Marshville's name on it. Council Member Bivens wondered why a town the size of Marshville would need a ride-along policy. Council Member Whitley said that she had talked with a couple of towns and mentioned that Norwood does not allow it anymore due to liability issues. She noted that she also contacted the insurance company who said that they do not encourage it due to the liability involved. Council Member Whitley suggested that only seasoned officers be involved in the program. Council Member Bivens thought that the program looked like a taxicab service.

TA Webber said that Jerry Todd with the NCLM had reviewed the policy and was satisfied with it. Attorney Bobby Griffin had no problems with the waiver, but was still reviewing the policy. TA Webber noted that it is not uncommon for towns the size of Marshville to have such a program. He also noted that the ride-along program had been the "practice" of Marshville for more than 25 years, although a written policy could not be located. He pointed out that there had been no incidents as a result of the program.

Council Member Bivens said that she did not think it was a good policy to allow riders in police cars, other than auxiliary or officers in training. Council Member Beachum said that he remembered when Chief Gaddy's vehicle was purchased they chose a four-wheel drive vehicle partly because it could be used to transport people, such as nurses or sick residents, during inclement weather. Council Member Whitley conveyed that the policy was not intended to address emergency situations.

Council Member Bivens said that she had been given a ride to work by a Union County officer when she worked as a nurse and she had also been assisted when she had locked her keys in her car. She said that in situations like those, she could understand giving someone a ride.

Mayor Pro-Tem Kiker asked Chief Gaddy what his thoughts were on the matter. Chief Gaddy said the ride-along program was in place since before he began working for Marshville. He felt that the program was one of the best because the officer can use his discretion. He said that at one time they required waivers to be signed, but they had gotten away from that at some point. Chief Gaddy said that the ride-along program was a way for the public to see first-hand what officers do and there have been no problems with the program thus far. He said that he would hate to abolish the program. He noted that, according to the policy presented, it would be a violation to offer a ride to someone whose car was broke down on a dark road.

Council Member Whitley & Mayor Pro-Tem Kiker concurred that the policy presented may need to be tweaked. Mayor Pro-Tem Kiker suggested that each Council Member review the policy in detail and make notes of anything that they felt needed to be changed and to bring those suggestions back to the next meeting. Council Member Beachum said that he read the policy twice and did not see a whole lot wrong with it, but would make such a motion. Mayor Pro-Tem Kiker seconded the motion. Vote: 3 to 1 (Council Member Bivens opposed).

Consider no-idling policy for town-owned vehicles. TA Webber said that an idling policy would reduce air pollution and result in some amount of fuel savings. He briefly reviewed some of the highlights of the policy and noted that there were certain exemptions so that the policy does not interfere with the mission of the Town, such as allowing a vehicle to idle in order to operate emergency lights. He noted that Wingate has a similar policy already in place. Council Member

Whitley made a motion to approve the no idling policy for Town-owned vehicles as presented, seconded by Council Member Bivens. Vote: All Ayes.

Consider joint Special Meeting with Town of Wingate for presentation of joint economic development study report: October 16, 7:00 p.m. location TBD. TA Webber reported that the consultants had prepared a draft of their economic development study report and would like to unveil it at a public meeting. He said that they would like to have a joint meeting between the two towns and October 16th seemed to be the best date for such a meeting. He suspected the meeting would be held at Forest Hills. Council Member Whitley made a motion to approve the joint special meeting with the Town of Wingate for the economic development study report to be held on October 16th with the location to be determined, seconded by Council Member Bivens. Vote: All Ayes.

Consider directing staff to work with Hobbs, Upchurch to develop a preliminary cost estimate for a town-wide study of drainage problems and solutions along public streets. TA Webber said that this item was added pursuant to a request from Council Member Bivens at a previous council meeting. He said that Mrs. Mary Beck said they would do what they could for the Town, but noted that there were very little grant funds available for that type project, which tends to be very expensive work. She said that they would evaluate the problem areas and offer possible solutions. Council Member Bivens felt that it was not necessary to have a study done when the Public Works department knows what the problems are. When asked what he thought, DPW Steele said that he could bring back suggestions. Mayor Pro-Tem Kiker said that they could start with having Public Works evaluate the situation and offer suggestions. Council Member Bivens made a motion to have DPW Steele bring back a study of drainage problems along with possible solutions, seconded by Council Member Whitley. Vote: All ayes.

Select voting delegate for NCLM Annual Business Meeting. TA Webber said that if Council wished to have a vote in the NCLM Annual Business Meeting to be held during the conference in October, they would need to select a voting delegate. It was noted that Mayor Deese and TA Webber have both served as voting delegates in the past. Council Member Whitley made a motion to select Council Member Bivens as the voting delegate for the NCLM Annual Business Meeting, seconded by Mayor Pro-Tem Kiker. Vote: All Ayes.

Discussion regarding street lights at the park. TA Webber reviewed a proposal from Duke Energy that suggested adding four new lights at the park and replacing one light with a new one for a total cost of \$46.05 per month. Council Member Whitley made a motion to approve the street light proposal from Duke Energy, seconded by Council Member Bivens. Vote: All Ayes.

Comments

Council Member Bivens said that she had been informed of an incident regarding the condition of the park. She said that a church rented the park shelter and arrived to find the park and shelter area in poor condition. She said that they indicated that the grass was high, fire ants were a problem and they had to buy products to clean the picnic area themselves. Council Member Bivens said that she had talked to PD Thifault about the situation, but wanted to bring it to the attention of the board. Mayor Pro-Tem Kiker said that in the future maybe the park director could check the condition of the park just before it is to be used. Council Member Whitley said that was included in the park director's job description already.

PD Thifault said that when he left Friday afternoon the park was fine. He said that he rode by Friday evening and a group who had not rented the park was there using the facilities. PD Thifault noted that if the park is not rented, anyone is free to use it. He said he was out of town Saturday and was not able to check the condition of the park. Council Member Whitley suggested that when PD Thifault is out of town to work with someone from Public Works to have them check the condition. PD Thifault asked if Council wanted him to check before and after each rental even if the park was rented by different organizations at various times on Saturdays and Sundays and wondered how he would be compensated for doing so. Council Member Whitley said that was part of his job and that he would be compensated with time off.

After further discussion, Mayor Pro-Tem Kiker suggested that the Town send a letter to the church to apologize for the situation.

Council Member Beachum and Council Member Bivens concurred that Public Works did a great job cleaning up the Town after the Boll Weevil Jamboree.

Council Member Whitley had no comments.

Mayor Pro-Tem Kiker reiterated that the Police and Public Works did a great job at the Boll Weevil.

C/FO Maness asked Council to complete and return their quarterly check requests as soon as possible. She also noted that tax bills had arrived and would be mailed out within a week.

TA Webber reported that a “Rules of Procedures for More Effective Meetings” workshop was scheduled for November 13th in Troy, NC. He asked that anyone wishing to attend notify him so that he could register them. TA Webber asked Council to review the draft “Summary of Recommendations for Marshville’s Comprehensive Transportation Plan” and notify him of any questions or concerns about the plan. He said that Rockne Bryant with NCDOT had been working on the draft for a few years and would like to hold a public hearing sometime in October.

TA Webber reported that he had attended the Union County Comprehensive Plan Update Steering Committee meeting on September 16th at the Ag Center where draft maps were presented. He noted that the maps were available online. TA Webber encouraged Council Members to attend the next meeting, a Community Forum scheduled for September 29th. He said that they would be compiling comments received from municipalities into the next draft of the maps. TA Webber reminded Council about the NCLM Annual Conference to be held mid-October.

Council Member Bivens asked Council to consider fencing in the area behind Dr. Henry’s office where the new park area will be located. TA Webber commented that the adjoining property owners’ garden and dog fence were situated partially on the Town’s property and those issues would need to be addressed before the area could be fenced in. Council decided to include the issue on the next agenda.

Council Member Bivens made a motion to go into Closed Session pursuant to G.S. 143-318.11(a)(6) and asked that TA Webber, Chief Gaddy and C/FO Maness stay for the closed session, seconded by Council Member Whitley. Vote: All Ayes.

CLOSED SESSION

In open session, Council Member Whitley made a motion to adjourn, seconded by Council Member Beachum. Vote: All Ayes.

The meeting was adjourned at approximately 8:30 p.m.

These minutes approved this ____ day of _____, 2008.

Franklin D. Deese
Mayor

Attest: _____
Shelley H. Maness
Town Clerk