

**Town of Marshville  
Town Council Meeting  
Monday, July 19, 2010  
7:00 PM  
Marshville Town Hall – 201 W. Main St.**

**REGULAR MEETING**

Present: Mayor Deese, Mayor Pro-Tem Bivens, Council Members Dora Bridget, Matthew Jefferson, Ned Beachum, and Denise Whitley, Town Manager Radford Thomas, Asst. Clerk Debra Leigh, PD Thifault, DPW Steele, and Lieutenant Matt Tarlton, John Edmondson, *The Home News*.

Mayor Deese opened the meeting at 7:00 p.m. and welcomed everyone in attendance. The invocation was given by Mayor Deese Pro-Tem Margaret Bivens. All gave the Pledge of Allegiance.

Public comments: Limited to 2 minutes per person, 10 minutes total, if any

Brian Weber – 404 Perry Lane, Marshville, NC – Complimented DPW Bivens Steele and his team of workers for their work in handling a sewer problem after hours. He also complimented PD Thifault for taking care of the park. He commented that the fields are in great shape.

Adopt Agenda

A motion was made by Council Member Denise Whitley, and seconded by Mayor Pro-Tem Bivens, to adopt the agenda as presented. Vote: All ayes.

Consent Agenda Items:

- a. Receive Budget Report
- b. Approve Minutes of July 6, 2010
- c. Receive Tax Settlement Report as of 6/30/2010 from Tax Collector Morton

A motion was made by Council Member Denise Whitley, and seconded by Mayor Pro-Tem Margaret Bivens, to approve the consent agenda as presented. Vote: All ayes.

Appointment of someone to serve on the Historic Preservation Committee

Mayor Pro-Tem Bivens stated that she had spoken with Jane Ellickson, who has agreed to serve on the Historic Preservation Committee. A motion was made by Council Member Denise Whitley, and seconded by Mayor Pro-Tem Margaret Bivens to appoint Jane Ellickson to serve on the Historic Preservation Committee. Vote: All ayes.

Discussion & possible action regarding Resolution Opposing Federally Mandated Collective Bargaining

Town Mgr. Radford Thomas commented that he had received emails from the Mgrs. Listserv. The Collective Bargaining Bill was attached to a bill that pertained to funding for the war. It creates the ability for law enforcement officers, firefighters, and emergency services personnel to collectively bargain (for wages, benefits, etc.). Federal intrusion into our ability to manage our employees at the local level is not good for local government. Senators do not support this bill.

However, some of the Representatives do support the bill. Council Member Denise Whitley commented that the NC League of Municipalities is opposed to the bill.

Mayor Pro-Tem Bivens made a motion to approve the Resolution Opposing Federally Mandated Collective Bargaining. The motion was seconded by Council Member Dora Bridget. Vote: All ayes.

#### Review and discussion of proposed Personnel Policy

Before discussion of the policy ensued, Mayor Deese asked if the dept. heads needed to stay through the discussion. Town Mgr. Thomas commented that it wasn't necessary for the dept. heads to stay. Council Member Denise Whitley made a motion to dismiss the dept. heads at approximately 7:15 p.m. The motion was seconded by Council Member Ned Beachum. Vote: All ayes.

Town Mgr. Radford Thomas suggested a review of each section of the draft of the policy. He mentioned some legislative changes to be effective October 1, 2010, which may require the policy to be reviewed again at that time.

The General Provisions are basically definitions and responsibilities of the Town Manager & Council.

Article III & IV have to do with the position classification, and pay plan, respectively.

Article IV, Section 5, explains the salary of a trainee, which shall be set by the Town Mgr. The Town Mgr. shall also determine, with input from the dept. head, when the trainee is qualified to assume full responsibility of the position for which he/she was hired or promoted to.

Article V, Section 10 has to do with the probationary period. During the probationary period for a new hire, the employee may be dismissed with or without cause, and without the right of appeal during the probationary period.

Article V, Section 11 explains performance evaluations. Town Mgr. Thomas commented that performance evaluations haven't been done. He feels there should be annual performance evaluations. Mayor Deese questioned if the dept. heads would evaluate their own employees. Town Mgr. Thomas replied that he would do the evaluation with the dept. heads. He would also evaluate the staff in the office.

Mayor Pro-Tem Bivens questioned an employee being dismissed with or without cause (referring back to the Probationary Period – Art. V, Section 10). Town Mgr. Thomas commented that N.C. is an employment-at-will state. You don't have to give a reason for dismissal during the probationary period. You can tell a probationary employee you no longer need their services.

Town Mgr. Thomas reviewed the work conditions and guidelines in Article VI, and how holiday, vacation, and sick pay are accrued as described in Article VII.

TM Thomas explained that Article VIII refers to types of separation and disciplinary actions. He referred council to page 35, Article IX – Grievance Procedure. TM Thomas commented that this section is spelled out clearly to handle situations rapidly and fairly. Mayor Pro-Tem Bivens questioned whether or not a grievance should be required to be in writing. TM Thomas responded that it is merely a matter of documentation. Some employees may be more comfortable verbalizing their complaints. However, it should be documented and the employee should sign it. This documentation would avoid any "he said, she said" situations. Mayor Deese



stated that if a concern is presented orally, he's going to write it down. He would then read the complaint back to the employee and ask them to sign it. If they refused to sign the complaint, he would make a note that the employee refused to sign.

Attorney Griffin added that employees, who are good employees, may lack the ability to put something into writing.

TM Thomas suggested adding a section that an oral grievance can be recorded. Mayor Deese asked if a person with a grievance could ask for a witness or supervisor to be present. Mayor Deese also commented that an employee would have to be informed that he/she was being recorded. TM Thomas suggested that you could extend the right to the employee that when they have a grievance against their dept. head they can ask that the Town Manager be present. Regarding Article XI – Personnel Records and Reports, TM Thomas explained that some new legislation will become effective October 1, 2010, regarding information that must be disclosed regarding employees. Some changes in this section may have to be made at that time.

TM Thomas commented that the Appendixes have been reserved. He will continue to develop and bring back to council.

Mayor Pro-Tem Bivens referred TM Thomas back to page 8 and asked that he expand on item (k). She suggested the wording be changed to say “as directed by Council”. TM Thomas explained that the General Statutes set forth the duties/responsibilities of a Town Manager. Attorney Griffin agreed. TM Thomas referred Mayor Pro-Tem Bivens to item (j).

Council Member Whitley asked if the Charter would be changed in time to be consistent with the Personnel Policy. She also referred to Article V, Section 8. Council Member Whitley reiterated that this council desires for TM Thomas to have hiring/firing authority. They do not want TM Thomas to delegate that authority to another staff member. TM Thomas commented that he would do his best to diligently follow the steps of the process, and perform an adequate and appropriate level of investigation into information on resumes. Things like background checks will be handled by an outside company.

TM Thomas commented that he hopes to have a final draft ready by the 2<sup>nd</sup> meeting in August. He would like to have someone from CCOG, NCLM, or School of Government look over the policy to make sure everything is in line.

#### Comments

Mayor Pro-Tem Margaret Bivens commented TM Thomas for a good job on the draft of the policy. She also suggested a speed hump be considered along Elizabeth St. Mayor Deese stated that, according to the speed hump policy, 70% of residents have to be in favor of a speed hump, it must be presented to the Council in writing, and then a traffic study be done. Mayor Pro-Tem Bivens also commented on drainage problems.

Council Member Ned Beachum suggested he would like to have a round table discussion with the Planning Board to discuss areas of town in which there may need to be some zoning changes so another situation could be prevented.

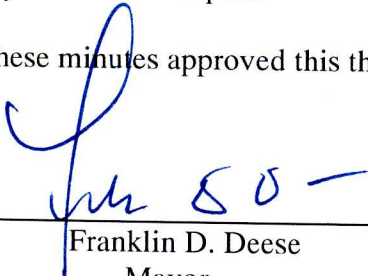
Council Member Jefferson was in agreement with Council Member Beachum. He suggested having the Planning Board join council at a work session meeting. Council Member Jefferson suggested time enough to develop an agenda and be prepared for some good discussion. It was the consensus of council to invite the Planning Board to the September 20<sup>th</sup> meeting. Council Member Jefferson also commended TM Thomas. He commended the *Home News* for an article explaining the Council/Manager form of government. Council Member Jefferson brought a copy of an insert from *The Enquirer Journal* about Marshville.

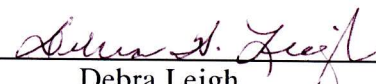
TM Thomas handed out a copy of a bill, approved by the General Assembly, to ban Gaming/Internet Cafes. This is to take effect December 1, 2010. He will check on any appropriate action that should be taken between now and December 1<sup>st</sup>. He also told council that in the next day or so they could expect approximately 13 sets of minutes that had not previously been completed. They will be placed on the August 2<sup>nd</sup> agenda for council's approval. He complimented Mrs. Karen Price for her help in this endeavor. TM Thomas also conveyed to council that he is working on checking the availability of candidates for the position of Town Clerk. He hopes to begin setting up interviews in the next several weeks.

#### Adjourn

There being no further comments, Council Member Denise Whitley made a motion to adjourn the meeting, seconded by Council Member Ned Beachum. Vote: All ayes. The meeting was adjourned at 8:15 p.m.

These minutes approved this the 2<sup>nd</sup> day of August, 2010.

  
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Franklin D. Deese  
Mayor

Attest:   
\_\_\_\_\_  
Debra Leigh  
Asst. Clerk

*\*A brief recess may be called every 45-60 minutes, as desired by Council.*

*(Minutes transcribed by Tonya Johnson)*