

**Town of Marshville
Town Council Regular Meeting
Monday July 20, 2009
7:00 p.m.**

Attendance: Mayor Franklin Deese, Mayor Pro-Tem Gail Kiker, Council Members Ned Beachum, Margaret Bivens, Dora Bridget, Denise Whitley, Interim Town Administrator John Munn, Town Clerk/Finance Officer Shelley Maness, Chief of Police Mike Gaddy, Lt. Matt Tarlton, Parks Director Alan Thifault, Public Works Director Bivens Steele and Attorney Bobby Griffin.

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

Public Comments

Adam Mills presented a proposal for the Town mowing service. Mayor Deese noted that this would be included in Item #10 of the Agenda. There were no further public comments.

Adopt Agenda

Mayor Deese requested that the following two items be added to the Agenda:

- (a) Procedure for Hiring and Firing Employees excluding Department Heads (Item #8)
- (b) Procedure for Policy Changes (Item #9)

Council Member Bridget made a motion to add as Item #8 – Procedure for Hiring and Firing Employees Excluding Department Heads and Item #9 – Procedure for Policy Changes. Council Member Beachum seconded the motion. Vote: All ayes.

Council Member Whitley moved to adopt the agenda as amended. The motion was seconded by Council Member Bridget. Vote: All ayes.

Consent Agenda

Council Member Whitley made a motion to approve the consent agenda which included the following items:

- a) Approval of the minutes of the June 8, 2009 Regular Town Council Meeting;
- b) Receipt of Tax Settlement Report as of June 30, 2009 submitted by Tax Collector Morton.
- c) Approval of 2007 Town Tax Releases
- d) Approval of Minimum Code Enforcement Contract with Centralina Council of Governments in the sum of \$10,632 plus 15 member hours. The amount of \$10,853 was budgeted for this service in FY 2009/2010 budget.

- e) Approval of New Municipal Records Retention and Disposition Schedule. The full 180-page document will be available for review at the Town Hall.

The motion was seconded by Council Member Beachum. Vote: All ayes.

Governor's Highway Safety Program Grant

Lieutenant Matt Tarlton advised that the Town had received an approval letter for the 2nd phase of the Governor's Highway Safety Program Grant. The approval of this phase did not guarantee final approval, but Lieutenant Tarlton felt confident that it would be approved. He reviewed the amount of the grant over the next three years, and noted that one additional position would be needed. After discussion regarding whether or not it was a requirement as a part of the approval of the grant to add a new position, Council Member Whitley stated that she felt the decision should be tabled until it was determined if a new position was required or could current officers be used for the position. Council Member Whitley made a motion to table consideration of the Governor's Highway Safety Program Grant until the next Council meeting to provide time to determine the requirements. Council Member Bivens seconded the motion. Vote: All ayes.

Presentation Regarding Hiring Process for Town Administrator

Mayor Deese introduced Hartwell Wright, Human Resources/Employee Relations Consultant with the North Carolina League of Municipalities and thanked him for meeting with the Council to discuss the process of hiring a Town Administrator.

Mr. Wright presented Council with information regarding the process of recruiting and hiring a Town Administrator. After explaining to Council that the League did not get involved in the actual personnel decisions, Mr. Wright advised he would review and answer any questions regarding the process.

Mr. Wright presented a three-step process which included recruitment, assessment and hiring. He covered areas such as decisions Council needed to make before the recruitment process began, how best to advertise for the position, recommendation for interviewing candidates and suggestions for conducting background checks. Mr. Wright also reviewed the process for offering the position to the desired candidate and the possibility of a request for a contract.

Mayor Deese and Council thanked Mr. Wright again for sharing the valuable information regarding the procedures for hiring a Town Administrator. Mr. Wright wished Council good luck with the process and offered to answer any questions they might have.

Mayor Deese declared a brief recess at 8:12 p.m.

The meeting was reconvened by the Mayor at 8:19 p.m.

Town Administrator Position

Mayor Deese suggested that, in light of the information received from Mr. Wright regarding the Town Administrator's position, Council should meet for a work session before discussing this item. Mayor

Deese advised that he would like to meet on Monday, July 27, 2009 at 6:00 p.m. for a work session regarding the position of Town Administrator.

Procedure for Hiring and Firing Employees excluding Department Heads

Mayor Deese advised that he would like the Council to consider the procedure for hiring and firing of employees, excluding Department Heads, be handled by the Department Heads, allowing the Town Council to concentrate on more important issues, and trust the Department Heads to accomplish their jobs. Council Member Whitley expressed her feeling that the current policy was fair, and the fact it was an election year and Council would be hiring an Administrator, she felt it was not a good idea to make these changes now. Council Member Bivens agreed with Council Member Whitley that the policy did not need to change. Mayor Deese explained that he did not agree with the policy, and felt it would be in the best interest of everyone to allow the Department Heads to handle this issue. Council Member Beachum expressed his feeling that the Department Heads had a better understanding of the qualifications of an individual for a position in their respective departments.

After discussion of the difference in opinions, Council Member Whitley moved to leave the current policy in place regarding the hiring and firing of employees. Council Member Bivens seconded the motion which was denied by a 2 to 3 vote. (Ayes: Council Members Whitley and Bivens; Nays: Mayor Pro Tem Kiker, Council Members Beachum and Bridget)

Council Member Beachum made a motion to amend the Town's policy to allow the Department Heads the authorization to hire and fire employees. Council Member Bridget seconded the motion which passed by a 3 to 2 vote. (Ayes: Mayor Pro Tem Kiker, Council Members Beachum and Bridget; Nays: Council Members Bivens and Whitley)

Procedure for Future Policy Changes

Mayor Deese advised that he believed Town policies should only be changed with a "super majority" vote rather than a "simple majority" of the Council which required four (4) votes to enact a change.

Attorney Griffin advised that the Council could develop procedures for governing. Interim Town Administrator Munn noted that Councils are generally allowed to adopt their procedures.

After some discussion, Mayor Pro Tem Kiker made a motion to amend procedure for policy changes to require a "super majority" vote by Council. Council Member Bridget seconded the motion which passed by a vote of 3 to 2. (Ayes: Mayor Pro Kiker, Council Members Beachum and Bridget; Nays: Council Members Bivens and Whitley)

Attorney Griffin advised that there should be a determination of what was concerned a policy, an ordinance, and a procedure. Mayor Deese asked Mr. Munn to review the Town's Policy Manual and bring back to Council at a meeting in the future an outline of the results.

Skateboard Ordinance and Skatepark Liability Insurance

Interim Town Administrator Munn reported that he had consulted with Town Attorney Griffin, and it was the attorney's opinion that the skateboard ordinance adopted by Council on August 18, 2008 was

sufficient. Attorney Griffin added that the ordinance was sufficient, but that the Town would need to purchase liability insurance to complete the process.

Council Member Bridget made a motion for the Town to purchase the necessary liability insurance in order to re-open the Town's skateboard park. Mayor Pro Tem Kiker seconded the motion. After some discussion, the motion passed. Vote: All Ayes.

Development of Park Commission

Council Member Bivens asked Parks Director Thifault if it would be of benefit to him for the Town to have a Park Commission. Parks Director Thifault indicated that the only assistance he needed was with clean-up.

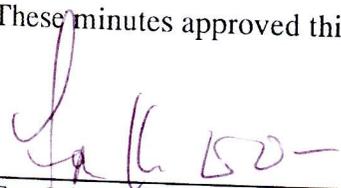
Attorney Griffin advised that the Town could contract with another full-time parks department to operate the Town's park, turn over the operation to a park commission which would remove the authority from the Council, or continue to operate the park as currently operated.

Council Member Bivens commented that the Parks Director had always done the clean-up of the park. Parks Director Thifault stated that he did not mind picking up trash, cleaning bathrooms or any clean-up jobs, but this was not in the job description.

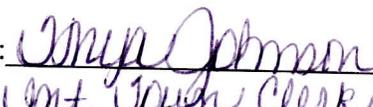
A very intense discussion followed. Mayor Deese recessed the meeting for two minutes.

Mayor Deese reconvened the meeting only to recess the meeting to reconvene on Monday, July 27, 2009 at 6:00 p.m. in the Town Hall.

These minutes approved this 21st day of June, 2010.



Franklin D. Deese
Mayor

Attest: 

Mt. Joy Clerk

(Minutes transcribed by Karen B. Price)