

**Marshville Town Council  
Regular Meeting  
7:00 P.M. Monday, February 4, 2008  
Marshville Town Hall  
201 West Main St., Marshville, NC**

Present: Mayor Franklin D. Deese, Mayor Pro-Tem Kiker, Council Members Ned Beachum, Dora Bridget, Margaret Bivens, 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 Bivens gave the invocation. All gave the Pledge of Allegiance.

Public Comments:

Rusty Johnson, of 115 Shady Lane, thanked Council for allowing him to speak. Mr. Johnson then thanked Chief Gaddy and his department for the work they do. Addressing Council, Mr. Johnson felt that they had a double standard when it comes to handling police department complaints. He felt that Council “blew off” a citizen’s complaint against an officer back in November, but the recent complaint was handled much differently. Mr. Johnson felt that Council should stick to policy and let department heads run their department. Mr. Johnson said that he was upset by the fact that Chief Gaddy and TA Webber were both excluded from the closed session meeting. He felt that Council should have listened to all sides of the story.

Bill Wallace, of Water Plant Road, also commented about how the police complaint was handled. Mr. Wallace acknowledged that a mother is going to take up for her child, but even murderers, rapists and other criminals are entitled to a fair trial. Mr. Wallace said that officers have enough to think about when pulling a motorist and now they have to worry about whether or not a parent will show up to complain at the next Town meeting and how it will be handled. Mr. Wallace clarified that he was not there to give Council a hard time, but he hoped they would get things corrected and do the right thing.

Department Head Comments:

PD Thifault reported that things were good at the park and that SPCC has been holding classes at the Community Center. PD Thifault said that he was preparing for the new season and beginning to plan this year’s Day in the Park. He was also planning an Easter egg hunt to be held either March 15<sup>th</sup> or 16<sup>th</sup>. Council Member Whitley noted that she has always made Easter baskets for the egg hunt and she offered to continue to do so this year.

DPW Steele said that his crews had to deal with a few leaks in the past couple of weeks. He informed Council that the guardrail work on West Union Street should begin February 7<sup>th</sup> and would take about two days to complete.

Council Member Bivens commented that Elizabeth Baptist Church had an extremely high water bill this month and she asked DPW Steele if he could check into the matter.

Chief Gaddy reported that all the video cameras had been installed and were working. Chief Gaddy addressed Council regarding the action taken against Officer Scott. He said that Council should come to him first and that he would discipline his officers if necessary. He further stated that he will fire an officer when they do wrong, but he will defend them to the end if he feels they did the right thing. He said that he felt his hands had been tied in this situation and now he was left with the difficult job of trying to boost morale in his department. Chief Gaddy said he puts trust in his officers and Council should put trust in them. He noted that no justice was done in this case. Chief Gaddy said his officers have done a great job and there is not one of them that would not give his life for a stranger.

Chief Gaddy also reported that he had been a minor accident the previous week. He acknowledged that he had backed into a car in the Police Department parking lot causing minor damage to both his vehicle and the other car.

Mayor Deese said that he felt like he could speak for the Board when he says he appreciates what the Chief and his officers do. Mayor Deese then allowed a member of the public to address Council although the public comments section had already closed.

William Aubrey Gibson, of Gilboa Road, Wingate, thanked the Board for having the courage to stand up and question the police. Mr. Gibson said that he had his own question about a police officer and his grandson. He indicated that a "higher level" officer was doing drugs around his grandson late at night. Mr. Gibson asked that Council step up their policies and require drug testing.

#### Adopt Agenda:

Council Member Whitley made a motion to add to the agenda a discussion and possible action on a donation to Turning Point, second by Mayor Pro-Tem Kiker. Vote: All Ayes. (Added as Item #16.)

Council Member Bridget made motion to adopt the agenda as amended, second by Council Member Bivens. Vote: All Ayes.

#### Consent Agenda:

The consent agenda included only approval of the minutes from the January 22, 2008 and January 28, 2008 special meetings. Council Member Bivens made motion to approve the consent agenda as presented, second by Mayor Pro-Tem Kiker. Vote: All Ayes.

Execute agreement with Duke Energy to serve as a collector for Duke payments. Mayor Deese noted that the Town Attorney reviewed the contract as presented by Duke and had some concerns and made some changes. The revised contract was returned to Duke for their approval and there had been no response at that time. Council Member Beachum made a motion to table the discussion until a later meeting, second by Council Member Bivens. Vote: All Ayes.

Council is to set date for advertising delinquent taxes. Tax Collector requests date set between March 1 and June 30, 2008. TA Webber referred to a memo from the Tax Collector that noted the total amount of delinquent 2007 taxes on real property as of January 31, 2008 was \$42,413.00. The memo referenced G.S. 105-369(c) which requires advertisements of tax liens to

be made during the period from March 1 through June 30. The Tax Collector requested that Council set the date for advertising as March 26, 2008. Council Member Bivens made motion to set the date for advertising delinquent taxes for March 26, 2008, second by Council Member Whitley. Vote: All Ayes.

Tax Releases of 2007 Property Taxes. Taxes are released by Union County for County Tax debt for a variety of reasons, as indicated on attached list. Town must release for town tax debt. TA Webber explained why the total amount of releases was higher than usual. He noted that Union County prepares the tax bills for Marshville and what is normally billed by the State Board of Assessment somehow showed up on Union County's scroll. Because of the duplication, those amounts would have to be released. Council Member Bridget made motion to release the 2007 Town taxes as presented (total amount of \$7,233.82), second by Council Member Bivens. Vote: All Ayes.

Tax Releases for bills less than \$1.00. Marshville does not attempt to collect tax bills for any amount less than \$1.00, if a bill is generated it must be released, by action of the Council, to balance the tax scroll. Council Member Beachum made motion to release the 2007 tax bills that are less than \$1.00 as presented (total amount of \$4.38), second by Council Member Bivens. Vote: All Ayes.

Approve grant for recreation improvements to Town land near Dr. Henry's office. Mayor Deese informed Council that PD Thifault would like to submit a grant application to Union County for the purpose of developing a "sitting park". He asked Council if this is how they would like to see the land used. Council Member Whitley thought it was a good idea. Council Member Bridget made motion to have PD Thifault pursue the grant, second by Council Member Bivens. Vote: All Ayes.

Discuss/Adopt Ordinance prohibiting Skateboards, etc. on sidewalks anywhere in City limits and on City streets in downtown business district. TA Webber presented a proposed change to an ordinance that would prohibit skateboards, rollerblades, roller-skates and the like, on any sidewalk in town, and public streets in the downtown district per previous meeting discussion. Council Member Bivens thinks restriction of all sidewalks is too much. Council Member Whitley stated that she was alright with the proposal. Council Member Bridget stated that she thought the restriction should be for business district only. Council Member Beachum and Kiker were alright with the proposed change to the ordinance. Attorney Bobby Griffin stated that streets in downtown area clearly needed to be delineated for this to be enforced. After further discussion, Council Member Whitley made a motion to table issue at this time and asked that TA Webber take to the Planning Board for a clear definition of the "downtown business district". The motion was seconded by Council Member Bivens. Vote: All Ayes

Discuss/Approve offering a knitting/crochet class to be held at Community Center. Park Director Thifault stated that he had several requests for knitting/crocheting classes and that he had found an instructor that would be willing to teach the class for \$15 hour. The classes would be for six weeks. The charge would be the same as the aerobics classes, \$1 per class for residents and \$2 per class for non-residents which would recoup part of the cost for the instructor. Council Member Bridget made a motion to allow PD Thifault to put into place a knitting/crocheting class, seconded by Council Member Bivens. Vote: All Ayes.

Approve Scope of Work/Request for Proposals for landscaping at Old Town Hall. TA Webber went over the Request for Proposal packet for landscaping with council stating that this was the next step in the process for something to get done at the Old Town Hall. A motion was made by Council Member Whitley to approve the scope of work and request for proposals for landscaping at Old Town Hall, seconded by Council Member Bivens. Vote: All Ayes.

Discuss/Approve Request for Speed Hump on Mill Street. Mayor Deese informed council that there was a petition for a speed hump on Mill Street and that seven residents that lived on Mill Street had signed and there was Powell Bill money available for this. TA Webber stated that in the past staff would verify that 85% of the residents on a street had signed the petition by verifying the utility billing records. TA Webber also stated that in the past we had requested that the City of Monroe do a traffic study or request staff to go out and provide some recommendation. After further discussion, Council Member Whitley made a motion that TA Webber contact the City of Monroe and request a traffic study since that had been done in the past and to bring the results back to council, second by Council Member Bivens. Vote: All Ayes

Discuss Donation to Turning Point. Council Member Whitley stated that in the past council had donated to Turning Point \$1500 and felt that it was a very good organization. She said she would like to see the town donate \$750 this year which would still qualify the town to attend the banquet and let Council Member Whitley know who would like to go. After discussion, Council Member Whitley made a motion to donate \$750 to Turning Point, seconded by Council Member Bivens. Vote: All Ayes.

#### Comments:

Council Member Beachum had no comments.

Council Member Bivens asked when the "Welcome to Marshville" signs would be torn down. PWD Steele said that as soon as all utilities had been located they would be torn down. Also, she has had several people asking whether computer classes could be taught at the Community Center. TA Webber stated that South Piedmont Community College usually handled that.

Council Member Bridget and Whitley had no comments.

Mayor Pro-Tem Kiker asked for the same respect and courtesy as given to Chief Gaddy. Addressed Chief Gaddy and said that the situation could have been avoided if there had been better communication. She felt he could have made a call to Barry Glass and the situation could have been handled differently and that he had ignored the situation for two days before it came before council. She stated that the police officers asked for respect from council, but she felt that she deserved the same respect. Council was here for the citizens.

Clerk/Finance Officer Maness stated that she was continuing training in preparation for her maternity leave.

Administrator Webber stated there was a letter in their boxes from the U.S. Chamber of Commerce, in recognition of the Union County Chamber of Commerce receiving the 5-star accreditation, the first in North Carolina to receive. Marshville Chamber of Commerce Banquet was Friday, February 8, 2008 at the Jesse Helms Center and needed to know who would be

going by in the morning if possible. The memo for the CCOG training had the incorrect date, the correct date February 28, which is a Thursday, not a Friday. Also, there was a copy of an email from Sheriff Cathey that he had received from police training person from Alaska, who had gotten wind of the situation here. TA Webber stated that Thomas and Means have been retained by NCLM for the investigation. They will conduct interviews and review policies and procedures. One thought TA Webber wanted council members to keep in mind was “what if the officer is cleared of any wrongdoing”?

Mayor Deese thanked TA Webber and chose not to comment, but respected everyone else’s comments and asked everyone else to do the same. Mayor Deese felt an error had been made by not having an attorney at the second council meeting, and asked TA Webber to investigate the cost of having the attorney attend all meetings and report back to council.

There being no further comments, the meeting was adjourned at approximately 8:30 p.m.

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

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Franklin D. Deese  
Mayor

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