

**Marshville Town Council
Regular Meeting
7:00 P.M. Monday, May 19, 2008
Marshville Town Hall
201 West Main St., Marshville, NC**

Present: Mayor Pro-Tem Gail 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 Franklin D. Deese was absent from the meeting.

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 Comments:

PD Thifault said that “Day in the Park” went well and that attendance was higher than in years past. He noted that the baseball/softball season was over and tee ball will start on June 7th. PD Thifault also reported that summer camp registration is ongoing and he is still taking applications for camp counselors.

Council Members Whitley and Bivens both agreed that “Day in the Park” turned out well, but they were concerned with the cost of food at the event. They suggested trying to find a cheaper alternative next year. TA Webber noted that food is an issue every year. Council Member Bridget reminded Council that the cost of everything is going up.

DPW Steele informed Council that prisoners would be picking up trash and edging around Town for the next several weeks.

Chief Gaddy said things had been relatively quiet. Chief Gaddy asked Council if the application for the auxiliary position needed to be brought before the hiring committee. Council Member Bridget said, “It’s your department” and Council Member Beachum agreed. Council Members Whitley and Bivens felt that the hiring policy should apply to auxiliary positions. Council decided the issue should be added to the agenda for further discussion.

Mayor Pro-Tem Kiker commented that there should be a police officer or a reserve officer at any town-sponsored event.

Adopt Agenda:

Council Member Whitley made a motion to add a discussion of the hiring policy to the agenda, second by Council Member Bivens. Vote: 3 to 2. (Council Members Beachum and Bridget opposed; Added as Item #14)

Council Member Bivens made a motion to add a discussion of defining the “downtown” area to the agenda, second by Council Member Whitley. Vote: All Ayes. (Added as Item #15)

Council Member Bivens made a motion to add to the agenda a discussion of keys for Council Members to access Town Hall after business hours, second by Council Member Whitley. Vote: 4 to 1 (Council Member Bridget opposed; Added as Item #16)

Council Member Whitley made a motion to add a discussion of gas conservation to the agenda, second by Council Member Bivens. Vote: All Ayes. (Added as Item #17)

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

Consent Agenda:

The consent agenda included only approval of the minutes from the May 5, 2008 regular meeting. Council Member Whitley made motion to approve the consent agenda as presented, second by Council Member Bivens. Vote: All Ayes.

Presentation by CSI Software regarding modernized municipal accounting software - Jim Foster and Bill Barry. Mr. Barry and Mr. Foster presented Council with information regarding the CSI accounting software and how it could help the Town better serve its customers, particularly by providing more detailed utility billing information. They also pointed out that the CSI software would allow staff to do their work more efficiently.

Mayor Pro-Tem Kiker called for a five-minute recess.

Discuss Old Town Hall landscape project.

- a. Need to facilitate purchase of materials. Options include: amending draft contract to provide for “up front” payment to Contractor; direct a member of staff to make purchase of materials as specified by Contractor with purchase price to be deducted from contract; or other.)

In response to the contractor’s request for the Town to pay a portion of the project cost in advance, TA Webber presented Council with an amended draft contract that included wording to allow the Town to purchase materials needed for the project. Council Member Bivens felt that there was no need to discuss the issue since the contractor accepted the original contract. Mayor Pro-Tem Kiker felt that the contractor should be given an opportunity to uphold the original contract. Mayor Pro-Tem Kiker made a motion to instruct TA Webber to go back to the contractor and offer the contract “as is” and give one week for response, second by Council Member Whitley. Vote: All Ayes.

- b. Select materials as required by draft contract or direct a member of staff or Council to make selection.

Council Member Whitley made a motion to allow the Beautification Committee to select the stone and copper landscape lighting at the Old Town Hall, second by Council Member Bivens. Vote: All Ayes.

Request for disbursement of funds to Council on Aging for current year. TA Webber informed Council that Linda Smosky had requested distribution of funds. He noted that in years past, funds were earmarked for specific organizations, but the current budget was less specific. TA Webber reminded Council that they had specified the budgeted funds to be spent only on non-profit organizations that the Town had supported in the past. Council Member Bivens commented that the Council on Aging and Turning Point were two worthy causes and should be considered in the budget. Council Member Bridget made a motion to give the Council on Aging one thousand dollars, the same amount as the previous year, second by Council Member Bivens. Vote: All Ayes.

Voluntary Annexation Petition Eddins/Kimrey property; Clerk's Certificate of Sufficiency; Set date and time of public hearing per Resolution. Council Member Whitley made a motion to accept the clerk's Certificate of Sufficiency and set the date and time of the public hearing for June 2, 2008 at 7:00 p.m. at Town Hall, second by Council Member Bivens. Vote: All Ayes.

Discuss proposal from Byrum Heating and Air to replace 1 of 3 heat pumps at Town Hall. TA Webber explained that the heat pump at Town Hall had been recharged twice and would continue to require service if the coil or entire unit was not replaced. He noted that \$522.14 had been spent already. The cost to replace the coil was \$3,055 or a new unit could be purchased for \$6,956.83. With the purchase of a new unit, annual energy cost savings of approximately \$500 could be expected. Council Member Bridget made a motion to purchase a new unit from Byrum Heating and Air and to allow C/FO Maness to find the money within the budget without going into contingency funds, second by Council Member Whitley. Vote: All Ayes.

Approve Request for Proposals related to construction of approximately 820' of sidewalk along South Elm Street. TA Webber informed Council that the easement process and survey had been completed for the sidewalk project on South Elm Street. The next step is to send out request for proposals for the construction of the sidewalk. TA Webber had prepared a draft RFP for Council's approval. Council Member Whitley made a motion to approve the request for proposals related to construction of approximately 820' of sidewalk along South Elm Street with bids to be opened on June 2, 2008, second by Council Member Bivens. Vote: All Ayes.

Consider Annexation Resolution from NCLM. TA Webber informed Council that the NC League of Municipalities had asked for the Town's support in opposing a proposed moratorium on all city-initiated annexations and all satellite annexations, including pending ones. The NCLM felt that the statutes regarding annexations should be left as is. Council Member Whitley made a motion to adopt the resolution regarding annexations as suggested by the NC League of Municipalities, second by Council Member Bivens. Vote: All Ayes.

Discuss Hiring Policy regarding Auxiliary Police Officers. TA Webber distributed a copy of the current hiring policy. Mayor Pro-Tem Kiker wondered why there was a policy if Council planned to deviate from it. TA Webber pointed out that the hiring policy specifically states the

policy “may, at the discretion of the Town Council, be applicable to any appointment of any volunteers or part-time employees, including but not limited to Reserve or Auxiliary Police Officers...” Council Member Whitley felt that Council should be involved in the process because the prospective employee needs to know who they are. Council Member Bridget disagreed. Chief Gaddy noted that he did not want to advertise for the auxiliary position. Council Member Whitley did not feel it was necessary to advertise for the position. Council Member Whitley then made a motion to follow the normal hiring policy and review the one applicant that Chief Gaddy had suggested. TA Webber pointed out that the first statement in the hiring policy requires that the position be advertised. He suggested that if it was Council’s desire to waive that portion of the policy, it should be specified in the motion. Council Member Whitley amended her motion to follow the hiring policy with the exception of items #1, #3, #5 and #6, second by Council Member Bivens. Vote: 3 to 2. (Council Members Beachum and Bridget opposed.)

Discuss Planning Board’s Proposed area to be designated as “Downtown”. TA Webber reminded Council that a few meetings back, Council had decided to ban skateboarding from the “downtown” business district, but “downtown” was not a specifically designated area. The Planning Board was asked to make a determination of what is the downtown business district. TA Webber explained that the Planning Board recommended that the downtown business district be defined as the area north of Hwy 74 from one end of Main Street to the other, and west of N. Elm Street, east of Olive Branch Rd. and south of E. Church Street. The Planning Board also recommended defining this area as an overlay zoning district. The overlay district would not change the existing zoning, but would add an additional layer of zoning to the specified area. A public hearing would be required to create the overlay district. Council Member Bivens made a motion to accept the recommendation of the Planning Board to create a Downtown Business Overlay District and set the date of the public hearing for June 16, 2008 at 7:00 p.m., second by Council Member Bridget. Vote: All Ayes.

Discuss Keys for Council Members and Town Hall Security. Council Member Bivens asked that all Council Members have keys to Town Hall so that they can access to their mailboxes after business hours. Council Member Bridget felt that the building becomes less secure when more people have keys and she made it known that she did not want a key to Town Hall. She felt that other arrangements could be made for Council Members to get their mail.

TA Webber informed Council of a recent situation that prompted him to contact the NCLM regarding a safety review of Town Hall. He noted that a water customer refused to pay their water bill, therefore the water was turned off as per the Town’s policy. The water customer turned the water back on. As a result, the water was turned off a second time and a lock was placed on the meter. The customer became irate, called Town Hall numerous times and threatened staff. In addition to the need for an alarm system, the safety review revealed the need for modification to the exterior doors so that a key would not be required to exit the building when the doors are locked. A locksmith had been contacted to make this change. TA Webber said that there may be grants available that would pay for the installation of a monitored alarm system. He noted that he is the only male assigned to the building. When TA Webber is out of the office, the otherwise all-female staff feels less secure. He suggested that the alarm system should include a panic button in case a situation arises where help is needed. TA Webber said having an alarm system ties in with Council having keys to the building. He pointed out that each person could be assigned an access code so that if a key is lost or stolen the building would still be somewhat secure. TA Webber estimated that a monitored alarm system would cost about

\$30 - \$40 per month. Council Member Whitley made a motion to allow all Council Members that wanted one to have a key to Town Hall and to direct staff to bring back a proposal for the cost of an alarm system, second by Council Member Bivens. Vote: All Ayes.

Discuss Gas Conservation measures. Referencing rising gas prices, Council Member Whitley said that measures should be taken to conserve gas, particularly with patrol cars. She commented that she had seen an officer in an idling patrol car talking to someone for more than ten minutes in the bank parking lot. Council Member Whitley suggested that measures should be taken to avoid such unnecessary use of gas. TA Webber referenced a sample “no idling” policy and stated that such a policy would not only conserve gas, but reduce ozone pollution as well. He also noted that there are situations when a vehicle must idle such as when radar equipment is in use in a patrol car requiring. Council Member Bivens commented that other towns are making provisions for rising gas costs and she suggested that Marshville do the same. Mayor Pro-Tem Kiker challenged all department heads to conserve gas in their departments. Chief Gaddy said that his department was already working on it.

Assistant Chief of Police Study Report. TA Webber distributed a report and reviewed the findings of his extensive study of Assistant Chief of Police positions in other towns comparable in size to the Town of Marshville. He noted that the information readily available was misleading as some towns had listed information in the category of Assistant Chief of Police when in reality the position was actually a Lieutenant position or something similar. TA Webber said that he directly contacted various Towns to get the information he needed. He also researched various statistics to show that Marshville ranks very well in comparison to the other comparable towns under its current operation. TA Webber’s study was summarized in a statement from his report:

Calling upon (17 years of Law Enforcement) experience, observation of growth trends and crime trends in Marshville and the immediate growth potential of Marshville it does not appear objectively necessary for the Town to create this new position.

Mayor Pro-Tem Kiker stated that the information presented was a lot to absorb and she would like to have time to review the report in more detail. She also commended TA Webber for his efforts. Council Member Whitley agreed and commented that she would like for TA Webber to develop a job description as was alluded to previously. TA Webber pointed out that such description was included in the contents of the report. Council Member Whitley made a motion to table the matter until the next meeting to allow time for Council to review the job description prepared by TA Webber, second by Council Member Bivens. Vote: All Ayes.

Comments:

Council Members Beachum, Bivens, Bridget and Whitley and Clerk/Finance Officer Maness had no comments.

Administrator Webber said that each Council Member should have received a copy of a Motion to Dissolve a Preliminary Injunction against the Town of Marshville that was filed by the Town Attorney on Council’s behalf and at their direction. He also referenced a report showing four zoning permits issued for April 2008. TA Webber announced that the Town had been awarded

the Pedestrian Planning Grant after the fourth attempt. The grant provides \$20,000 and requires a \$5,000 match.

Mayor Pro-Tem Kiker reminded Council that the budget retreat was scheduled for May 29th at 5:30 p.m. at the Community Center.

There being no further comments, the meeting was adjourned at approximately 9:40 p.m.

These minutes approved this ____ day of _____, 2008.

Franklin D. Deese
Mayor

Attest: _____
Shelley H. Maness
Town Clerk