

**Marshville Town Council
Special Meeting
7:00 P.M. Thursday, July 10, 2008
Marshville Town Hall
201 West Main St., Marshville, NC**

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

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

Mayor Deese thanked members of the public for their attendance. Mayor Deese stated that a public comments section had been included as a part of every meeting he had ever presided over as Mayor and he hoped that would continue. He felt strongly that everyone has the right to be heard. Mayor Deese pointed out that Council would determine whether public comments would be allowed at this meeting.

Council Member Whitley said that public comments are not always heard at special meetings and then made a motion to not have public comments, second by Council Member Bivens. Council Member Beachum said that the people should be given the opportunity to speak. Mayor Pro-Tem Kiker said that she was for public comments also, but she felt that Council should have the opportunity to know what was going on first. Council Member Bridget said that she was elected by some of the people in the audience and it would be very ill-advised not to allow public comments. Council Member Whitley said that she was not against freedom of speech, but the special meeting was intended for the purpose of discussing an issue, doing what had to be done and moving on. The motion to not allow public comments passed 3 to 2 (Council Members Beachum and Bridget opposed).

Council Member Whitley made a motion to go into closed session per G.S. 143-318.11 (a)(6) to consider the qualifications, competence, performance, character, fitness, conditions of appointment or conditions of initial employment of an individual public officer or employee, or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee. She specified in her motion that the Town Clerk, the Police Chief and the Attorney would be allowed in the closed session. Council Member Whitley said that she had planned to ask that the Administrator not be included in the closed session; however, she decided that he needed to hear what was going on, but specified that discussion was to be between voting members of the board.

Attorney McCollum said that he had some concerns. He referred to Section 50 of the Town's Personnel Policy which states that the Administrator may recommend to the Mayor that disciplinary action or non-disciplinary suspension be given a department head. Attorney McCollum said that it appears that only the Mayor can terminate an employee according to the policy, but any complaint against a department head should first be taken to the Administrator for investigation. Attorney McCollum explained that it was the Board's role to hear the case and decide whether or not to

uphold the recommendation. Attorney McCollum was concerned and cautioned Council that any action taken regarding the personnel matter could violate policy.

Council Member Whitley said that her motion still stood and Council Member Bivens confirmed her second did also. Chief Gaddy announced that he had nothing to hide and therefore would waive his rights to confidentiality and asked to have the discussion in open session. Mayor Deese excused DPW Steele and PD Thifault from the remainder of the meeting as the discussion did not pertain to them. The motion to go into closed session passed 3 to 2 (Council Members Beachum and Bridget opposed.)

CLOSED SESSION

Closed Session began at approximately 7:25 p.m. Open Session resumed at approximately 7:50 p.m. There was no action taken as a result of closed session. There being no further comments, the meeting was adjourned at approximately 7:50 p.m.

These minutes approved this ____ day of _____, 2008.

Franklin D. Deese
Mayor

Attest: _____
Shelley H. Maness
Town Clerk