



Town of Marshville Town Council Work Session

Monday, February 17, 2020 7:00 PM

Marshville Town Hall, 118 East Union St., Marshville, NC 28103

Agenda

1. Call to Order/Invocation/Pledge of Allegiance
2. Public Comment
Please sign in at the podium. Before speaking, state your name, address, and limit your comments to two minutes
3. Adoption of the Agenda
4. Discussion on CCOG Alternate Representative
5. Discussion for Exempt Employee Comp/Bonus Time
6. Discussion Park Advisory Committee By-Laws
7. Manager's Report
8. Council Members' Comments
9. Mayor Comments
10. Adjournment

- (a) Employees in positions determined to be "exempt" from FLSA (as Executive, Administrative, or Professional staff) will not receive overtime for hours worked in excess of their normal work periods. These employees may be granted occasional bonus leave by their department heads where the convenience of the department allows.
- (b) The following work periods shall be established for the purpose of calculation of compensatory time, overtime earned, and bonus leave time:
1. Law enforcement personnel shall be assigned to a 14 day work period with a fluctuating work schedule and a maximum of 86 work hours before accruing overtime or comp time.
 2. All other non-exempt Town employees shall be assigned to a 7-day work period with a maximum of 40 work hours before accruing overtime pay or comp time.
 3. Days off for non-exempt Town employees must be requested in writing on the "Town of Marshville Personnel Leave Form," and must be approved by their department head. No comp time can be accumulated while employee is on leave.
 4. All exempt Town employees shall be assigned to a 7-day work period with a maximum of 50 work hours before accruing bonus leave time.
 5. Days off for exempt Town employees must be requested in writing on the "Town of Marshville Personnel Leave Form," and must be approved by the Manager. No leave time can be accumulated while employee is on leave.
- (c) Employees required to work hours over the maximum allowed in the assigned work period shall be compensated for such overtime hours worked subject to the following provisions:
1. The position does not involve administrative, professional, managerial or other types of work exempt from coverage by FLSA.
 2. All overtime shall be earned at a rate of one-and-one-half hours for each hour of overtime worked. All overtime shall be earned at a rate of one-and-one-half times the employee's hourly rate of pay.
 3. The maximum compensatory time that may be accrued by any non-exempt employee shall be 50 hours in all Town positions. Once an employee has attained a balance of 50 hours of compensatory time, all additional overtime will be paid at the appropriate rate as specified in paragraph (e) – 2 of this section.
 4. The maximum compensatory time that may be accrued by any exempt employee shall be 40 hours in all Town positions. Bonus Leave Time will be accrued on a "use it or lose it" basis. No employee will be allowed to use more than a total of 10 hours (or one day) at a time.

5. Department heads may, with prior approval of the Town Manager, pay employees for overtime work when it is not feasible to permit their absence for the purpose of taking compensatory time off.

Annual, compensatory, sick, and other types of paid leave, and bonus leave shall not be counted as time worked for computing overtime during a work period.

6. A non-exempt employee whose employment is terminated shall receive pay for all compensatory time earned, but not taken.
 7. An exempt employee whose employment is terminated shall receive no pay for bonus leave time,
- (f) Supervisors shall be responsible for maintaining the appropriate and accurate time and attendance records detailing hours worked each day and total hours worked each work period. All "time records" must be approved by the department head and delivered to the employee preparing the town payroll. All payment of salaries and wages shall be by direct deposit. In no instance will an employee be paid at a rate other than the one set forth on their currently approved personnel forms.

Established: January 2020

By-Laws and Rules of Procedure
Marshville Parks and Recreation Advisory Board

ARTICLE I - NAME

Pursuant to the Marshville Town Council action on February 3, 2020 the name of this body shall be "Parks and Recreation Advisory Board".

ARTICLE II - CREATION

The Town of Marshville Parks and Recreation Advisory Board (hereinafter referred to as "Board" or "the Board") is created by the action of the Town of Marshville Council pursuant to Chapter 160A, Article 18, of the General Statutes of the State of North Carolina.

ARTICLE III - PURPOSE AND OBJECTIVES

Section 1. Parks and Recreation Department Mission Statement:

"Dedicated to Making a Great Community"

We are committed to providing safe and inviting parks and facilities, meeting current and future community needs through meaningful and diverse recreational programs, cultural activities and services.

"Dedicated to making Marshville a safe and outstanding community"

Our mission is to enrich the lives of the community members by providing safe and welcoming facilities that are reasonable, convenient, and offer people of all ages the opportunity to play, learn, and live a healthy lifestyle.

Our staff is responsive, positive and ethical in their dedication to delivering:

- a. Personal Benefits that develop personal growth, strengthen individual self-esteem, enhance quality of life and offer something for everyone.
- b. Social Benefits that strengthen and bond families and unite and connect people within our evolving diverse community while promoting health lifestyles.
- c. Economic Benefits and Opportunities that welcome new business, relocation of business and expansion of business which leads to a more productive work force and increased tourism opportunities.
- d. Environmental Benefits that protect and preserve our historical and cultural heritages and protect and preserve lands and open space while maintaining the natural beauties of Marshville.

Established: January 2020

With this in mind, the purpose of the Marshville Parks and Recreation Advisory Board is to help staff establish, improve, develop, administer, operate and maintain a public parks and recreation system which provides participation opportunities for all Marshville citizens. This philosophy will be pursued in a professional manner and quality, always mindful of the public trust that this Advisory Board has been given. It is the purpose of this Advisory Board to:

- a. Plan for the present and future recreational needs for Marshville residents.
- b. Cooperate and coordinate with other human service agencies and private enterprise to provide for recreational needs in programming and facility use.
- c. Develop and seek funding for indoor and outdoor recreation facilities on the community, countywide and regional levels.
- d. Promote a wide range of programs that will contribute to the meaningful use of leisure time.
- e. Provide leadership designed to show how the use of recreation can be a major force in the enrichment of personality, creativity and physical vitality.
- f. Administer to the special developmental needs of children through summer playground programs, sports leagues and instructional programs.
- g. Support Parks and Recreation staff through volunteerism, recruitment of volunteers and other means as appropriate to ensure the positive success of events and programs.

Section 2. The Board shall assist staff in suggestion of policies to Town Council and, through methods described in these Bylaws, to the Parks and Recreation Director or Town Manager. Policies suggested will be provided within the Board's powers and responsibilities as provided for in the Town Council Resolution creating the Board and/or other provisions of the laws of the United States of America, the Statutes of the State of North Carolina, Union County Ordinances and any other legally authorized governing bodies. This requirement includes North Carolina's Open Meetings Law, which stipulates all meetings must be open to the public as well as scheduled and attended at a predetermined time and place as announced to the public, with complete minutes of all meetings on file in Town Hall and available for public viewing. The Board shall serve as the liaison between the citizens of the community and the Town Employees/Town Council.

Section 3. The Board shall consult with the Parks and Recreation Director regarding maintenance, programs and operations of all Parks and Recreation facilities and offerings. He/she may request advice on any matter related to Department policies. By reference, the Parks and Recreation Board Policy Statement is incorporated into these Bylaws. The consulting should be in matters affecting recreation policies, programs, staffing, finances, maintenance, the acquisition and disposal of lands and properties related to the total community recreation program and to its long-range, projected program for recreation.

Established: December 2017

- Section 4. The Board shall assume duties for the recommendation of the following recreation purposes:
- a. Recommend for use as parks, playground, recreation facilities, water areas or other recreations and structure(s), any lands or buildings owned by or leased to the Town of Marshville, for approval by the Council, and may suggest improvements of such lands and for the construction and for the equipping and staffing of such buildings and structures as may be necessary to the recreation program within the funds appropriated.
 - b. Advise in the acceptance of any gift, grant, bequest or donation, any personal or real property offered or made available for recreation purposes and which is judged to be of present or possible future use for recreation; any donation to the Town of Marshville should be reviewed by the Board for acceptability given the content of these Bylaws and the Parks and Recreation Policy Statement.

Section 5. The primary purpose of the Board is to strive toward the accomplishment of the purposes herein stated and others as outlined in the Resolution creating the Board and the Town Council Resolution dated October 8, 2001, revising the responsibilities of the Board.

- Section 6. The Board shall serve:
- a. To advise the Town Council, Parks and Recreation Director and Town Manager regarding Parks and Recreation matters
 - b. To inform business and community leaders and the general population about the Board and its functions
 - c. To assist the Parks and Recreation Director in financial planning, identifying resources, and assisting in securing funds from the corporate and private sectors
 - d. To work with the Parks and Recreation staff in planning and developing programs that will fill the recreation needs of Marshville.
 - e. To act as a liaison between the Parks and Recreation Department and Town Council
 - f. To review the Board's Bylaws with staff on an annual basis recommending any changes to Town Council for final approval.
 - g. To assist the Parks and Recreation Department in planning events and facility usage
 - h. To provide relationship management of groups, youth leagues and other organizations interested in using the Parks facilities when requested by the Parks and Recreation department.
 - i. To volunteer on an as needed basis with recreational activities.

ARTICLE IV - MEMBERSHIP OF THE BOARD

Section 1. The Town Council shall appoint each member of the Board as hereinafter set forth. Members of the Board shall be broadly representative of all areas in and around the Town with an interest in and a willingness to be supportive of the goals of the Board and the Parks and Recreation Department in all forms. The Parks and Recreation Advisory Board shall be composed of seven (7) ~~five (5)~~ area residents ~~with no less than five (5) of these members to be residents of the Town of Marshville and two (2) who may reside in the Town's extraterritorial jurisdiction (ETJ).~~ Two (2) additional ex-officio, non-voting members shall be on the Board, one (1) from the Parks and Recreation Department (either the Parks and Recreation Director and/or his/her designee) and one (1) from Town Council, appointed by

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Council. At the discretion of the Mayor and Council, up to three (3) Council Members may attend a meeting. Council Liaisons will follow a two (2) year rotation, coinciding with the election cycle.

Section 2. ~~Board members shall have two (2) year staggered terms. Terms will begin when members are appointed to the Board. Council Liaisons will have two (2) year rotations, coinciding with election cycles. Reappointments take place in the January subsequent to the election.~~

Section 3. Board members may serve four (4) consecutive two (2) year terms, (eight (8) years total), and then may be reappointed after an absence of one (1) year. Two members serving the initial one (1) year terms may serve three (3) consecutive terms, (seven (7) years total), and then may be reappointed after an absence of one (1) year.

Section 4. ~~Members shall be reimbursed for travel and subsistence to professional recreation meetings, conferences and workshops, with such reimbursement being made in compliance with the general policies of the Board.~~

ARTICLE V - APPOINTMENT OF THE BOARD

Section 1. ~~Any resident of the Town of Marshville, including residents in the Town's extraterritorial jurisdiction, is eligible for appointment to the Board.~~

Section 2. The Marshville Town Council shall appoint all members of the Board from the list of nominees submitted by nominations from the members of the Board or from individually nominating members.

Section 3. Appointment of Board members shall take place at the regular meeting of the Town Council one month prior to the organizational meeting (Article VI, Section 3) of the Board or at such times as the Town Council may desire.

Section 4. Subsequent members shall be appointed for a two (2) year term. Members may be replaced with or without cause and serve at the pleasure of the Town Council.

Section 5. Any member may resign from the Board by submitting a written resignation to the Chair of the Board for transmittal to the Town Council. In the case of the Chair, the resignation should be presented to Town Council.

Section 6. The Marshville Town Council may appoint a replacement Board member to fill any uncompleted term or any vacancy created from the list of nominees submitted from the members of the Board or from individually nominating members.

Section 7. ~~No member shall be related to any Town employee. No member, directly or indirectly, individually or through any entity, shall contract with or provide Parks and Recreation services for compensation, or, benefit through any activity which is a conflict of interest due to serving on the Board.~~

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ARTICLE VI - MEETINGS

- Section 1. Special meetings of the Board as needed shall be determined by the Marshville Parks and Recreation Director. Regular meetings of the Board will be held monthly on the 4th Monday of the month, excluding the month of December. Such meetings shall be advertised and conducted in accordance with the State of North Carolina's Open Meetings Law.
- Section 2. The Marshville Parks and Recreation Director will create the suggested agenda with input from the Marshville Parks and Recreation Board members and Chair. The agenda shall include the time, date and location of the meeting and the following:
- a. Invocation
 - b. Pledge of Allegiance
 - c. ~~Roll Call~~
 - d. Agenda Review/Adjustments
 - e. Minutes/Approval of Minutes from previous meeting
 - f. Public Comment
 - g. Old Business
 - h. New Business
 - i. Town Council Liaison Report/Update
 - j. Parks and Recreation Staff Liaison Report/Update
 - k. Committee Comments
 - l. Adjournment
- Section 3. An organizational meeting shall be held during the month of January for the purpose of organizing the Board for the coming year and for the purpose of electing officers and establishing reappointed Council Liaison(s).
- Section 4. Except as otherwise provided in these Bylaws, Roberts Rules of Order, Newly Revised, shall be used as a guide to the conduct of the meetings of the Board provided however, that the failure of the Board to conform to the Rules of Order shall not be deemed to invalidate the action taken.
- Section 5. A quorum of the Board, which is ~~three(3)~~four (4) voting members, must be in attendance before any official action can take place. If there is no quorum at the opening of the meeting it may be adjourned by a majority of the members present.
- Section 6. All meetings of the Board shall be open to the public, and notices to the media and the public shall be given in accordance with the Open Meetings Law of the State of North Carolina.
- Section 7. It is the duty of each member to vote, unless excused by a majority vote of the Board as in the instance of conflict of interest or other legitimate reason. A member wishing to be excused from voting shall so inform the Chair who shall take a vote of the remaining members. A member who fails to vote, not having been excused, shall be recorded as having voted in the affirmative. This section in no way mitigates the quorum requirement for any official action.

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Section 8. Attendance is mandatory and each member should make every effort to attend all meetings. In the event a member is unable to attend, prior notice should be provided to the Director of Parks and Recreation and to the Board Chair. Unexcused absences will be counted as part of the three (3) allotted absences per year. Members should attend meetings and be active and engaged. In addition to attending regularly scheduled meetings, members are required to volunteer with Parks and Recreation events or programs a minimum of ten (10) hours annually.

ARTICLE VII - OFFICERS

- Section 1. Officers of the Board shall consist of a Chair, Vice-Chair and a Secretary.
- Section 2. The officers shall be elected at the February meeting. At that time the Board shall elect a candidate for each of the 3 positions. For each position, the person receiving the highest number of votes shall be declared elected. In the event of a tie, for whatever reason, the Town Council shall select the individuals(s) for the officer position(s).
- Section 3. Officers shall serve for a term of one (1) year beginning at the close of the meeting at which they were elected.
- Section 4. The Chair shall fill an officer vacancy, or, if the Chair is vacant, the Vice-Chair will fill the vacancy for a time period not to exceed the original term of office.
- Section 5. The Chair shall preside over all meetings of the Board and shall sign all official papers or documents relative to action taken by the Board as well as oversee the officer selection process and any other functional internal activities of the Board.
- Section 6. The Vice-Chair shall assume all duties of the Chair in the absence of the Chair.
- Section 7. The Secretary of the Board shall keep the official records of all meetings and shall notify members of their appointments and conduct such correspondence as the Board designates.

ARTICLE VIII - COMMITTEES

- Section 1. Standing Committee members may be appointed by the Chair at the regular meeting following the organizational meeting each year and at other times as necessary.
- Section 2. Special Committee members may be appointed by the Chair any time deemed necessary and desirable during any regular or special meeting of the Board. Any Special Committee so established shall continue to exist until the duties for which it was created are completed or until dissolved by the Board.
- Section 3. In the absence of formal committees, the following functions are the responsibility of the Board:
- a. Selection of business items to go before the Board may be suggested by any member.

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- b. Board members are encouraged to nominate candidates for Board positions, especially to recruit a replacement when a Board member steps down before the end of a current term.
- c. Planning should be developed and documented to anticipate the future needs of the Parks and any related activities.
- d. Parks programs should also be reviewed to consider implementation of Parks policies and procedures, scheduling of large or recurring events and to make recommendations regarding programs and any related matters.

ARTICLE IX - VACANCY AND REMOVAL

- Section 1. In the event a vacancy occurs in the membership of the Board, the remaining Board members shall review and consider possible candidates to fill the vacancy in keeping with the appointment policy of the Board and Town Council. The Board shall submit its notification and recommendations to the Town Council for final appointment.
- Section 2. The Board may formally recommend to the Town Council that a Board member be removed for either of the reasons that follow. The Board member may request to be heard in a session at which a quorum is present concerning the reasons. Minutes of the hearing and any related meeting must be forwarded to the Town Council.
- a. Upon the third absence from regular meetings that occurs without prior notification to the Chair.
 - b. Acts which are, in the opinion of the Board, detrimental or a disservice to the best interests of the Board, the Community or Town facilities.

ARTICLE XI - ETHICS AND BEHAVIOR

- a. All members are duty bound to:
 - i. Uphold the by-laws of the Board, Ordinances and Policies of the Town of Marshville
 - ii. Fully comply with all applicable local, state, federal statutes regarding disclosure of assets, open meeting practices, and other ethics-based requirements.
 - iii. Act in good faith and conscience using professional expertise, personal experience and common sense based upon the best available information, observation, and testimony and within established legal limits and authority.
- b. Ex-parte communications are discouraged and if such communications occur, the communication must be disclosed by the Board member(s).
- c. Sidebar, banter and other relative types of conversations between individuals are deemed disruptive and should be avoided. All communication should include all members and be consistent with these bylaws and meeting agendas.
- d. All members shall act respectful of and be courteous to all other members and guests, following the Golden Rule; treat others the same as you would like to be treated.
- e. All members shall refrain from using any personal electronic devices during any public meeting of the Board, except those devices utilized for the express purpose of being used during such public meetings.

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ARTICLE X - MISCELLANEOUS

Section 1. All versions of and amendments to these By-laws must be kept and dated with signatures of the Chair and Secretary as part of the official Board record. These Bylaws may be amended or repealed by an act of the Board and the approval of Town Council providing that:

- a. A majority vote of ~~three~~ (3) four (4) Board members at the duly constituted meeting approves the amendment.
- b. All versions of and amendments to the Bylaws must be kept and dated with signatures as part of the official Board record.

Chair: _____ Date: _____

Secretary: _____ Date: _____