

**Town of Marshville
Town Council Meeting
Monday, October 5, 2015
Marshville Town Hall – 201 W. Main Street**

Regular Meeting

Council Members Present: Mayor Deese, Mayor Pro-Tem Virginia Morgan, Council Members Margaret Bivens, and Jim Rowell. Council Members Norma Carpenter and Gary Huntley were absent from the meeting. A quorum was present.

Staff Present: Town Manager, Fern Shubert; Clerk/Finance Officer, Tonya Johnson; Police Chief, Matt Tarlton, Public Works, Bivens Steele, Director of Utilities, Alicia Melton

Call to Order/Invocation/Pledge of Allegiance

The meeting was called to order at 7:05 pm by Mayor Frank Deese. The invocation was given by Council Member Rowell. The Pledge of Allegiance was given by everyone in attendance.

Adoption of Agenda for the Meeting

Council Member Rowell made a motion to adopt the agenda as received. The motion was seconded by Council Member Bivens and passed unanimously.

Public Comment

No public comments were provided.

Consent Agenda

Mayor Pro-Tem Morgan made a motion to adopt the consent agenda and items thereon. The motion was seconded by Council Member Bivens and passed unanimously.

Public Hearing to receive input on a petition to change the zoning from R-10 (Residential) to B-2 (Community Business) for the property located at the corner of US Hwy 74 and Long Street – Union Co. PID #02321001

Council Member Rowell made a motion to open the public hearing. The motion was seconded by Council Member Bivens and passed unanimously.

Richard Flowe presented a proposed zoning change request from R10 to B2. The planning board reviewed the request and recommends the change in zoning. Mr. Flowe stated that a public notice and letter has been mailed to adjoining property owners notifying them of this change. The agenda packet includes a zoning map, copy of the proposed ordinance and statement of consistency with the Town of Marshville's Land Use Plan. Mayor Deese asked about a list of permitted uses. Mr. Flowe stated that a buffer and screening requirements would be instated between community and residential uses. Council Member Rowell asked if the property is being purchased based upon zoning being changed? Mr. Flowe replied by stating that is his understanding.

Council Member Rowell made a motion to close the public hearing. The motion was seconded by Mayor Pro-Tem Morgan and passed unanimously.

A motion to approve the ordinance amending the Land Use Ordinance of the Town of Marshville in conjunction with the proposed plan and consistent with the adopted Comprehensive Plan for the Town of Marshville was made by Council Member Rowell. The motion was seconded by Mayor Pro-Tem Morgan and passed unanimously.

Small Town Main Street

Mr. Bob Morgan, Chairperson of the Small Town Main Street Committee, presented a proposed downtown revitalization plan. Mr. Morgan stated that the town signed up to participate in the NC Small Town Main Street program two and a half years prior. The program is operated by the NC Department of Commerce. The mission statement and four point approach of the Small Town Main Street program was reviewed. The organization of this committee is broken down into several committees.

The Design Committee is made up of Stephanie Baumer, Katherine Davis, and Debbie Staton. The committee recommended that certain infrastructure improvements would benefit the town. It was suggested that sidewalks be removed and replaced by stamped concrete. Signage, façade, and a façade improvement fund was also discussed.

Debbie Staton recommended that lamp posts should replace street lights on Main Street and Elm Street to Main Street and Olive Branch Street; also on Union Street from Cross Street to the post office, and from Union Street to Hwy 74. It was also recommended that banners be purchased to display on the lamp posts in the downtown area.

Other recommended improvements include ten new benches, steel trash receptacles, evergreen flower pot clusters (maintained by willing business owners), and wayfinding signs for travelling motorists.

Katherine Davis recommended that façade improvements would help reach the goal of maintaining the character of Marshville. Guidelines would be provided to property owners and businesses to use when renovating the façades of buildings. The colors tan and black were suggested as a standardized color scheme for government buildings and signage. It was also said that the committee does not want unreasonable mandates and desires to offer guidelines. A range of paint colors were recommended. Designs for awnings were recommended by the committee. Properties should be reviewed and evaluated for compliance with these stated guidelines. The committee ended by requesting help from the town council to develop these recommendations.

Bob Morgan asked, “How do we get this done?” It was suggested that the Town of Marshville would create a \$10,000 fund for which property owners can apply for façade grants. The maximum amount of \$500 would be awarded.

A recommendation was made for a downtown sitting park. The Tom Stegall family has agreed to donate land to the Town of Marshville as long as the park would be named after the Stegall Family. Building a gazebo using timbers from the demolished building was also suggested.

A recommendation of hiring a full-time zoning/code regulation person was suggested. Also an automatic text message and email system to promote public safety, notify of public works issues, community events, and economic development was discussed. It was pointed out that the Town would have to set up a database. The Board would also identify individuals who will have access to the system. It was proposed that this system would eliminate work on the Town Hall Staff from answering redundant calls.

The bypass was discussed and it was agreed that it is a reality that the Town of Marshville will grow. It was stated that the standards for growth should now be established. The future is dependent on a vibrant downtown and it is the time to act.

Council Member Rowell asked if the board needs to take action on the Stegall Property donation tonight. Bob Morgan stated that the property needs to be appraised and the Small Town Main Street Committee will pay for an appraisal.

Mayor Deese thanked the committee and stated that a meeting/work session would be scheduled to discuss the issue more thoroughly. The appropriate staff were directed to begin the process regarding property donation and acquisition.

Town Manager Shubert stated that it was the first time she had seen any of this and that she loved the idea. Discussion ensued regarding when a work session should be scheduled.

Discussion regarding Planning Board member attendance at regular meetings

Town Manager Shubert brought up the attendance issues with the Planning Board and Board of Adjustment. It was asked that this issue be brought to the council's attention for a suggested remedy. Mr. Flowe requested to speak about the issue. He commented that the planning board has worked hard for the last two years but it is a difficult situation due to the fact that it is volunteer. The board has been held back on the development of the ordinances. Mr. Flowe stated that most boards have five to seven members total, while the Town of Marshville has a nine member board. In the case of this board with the exception of variances, the votes are majority and not super majority. Mayor Deese asked if there is a legislative minimum. Mr. Flowe replied that he did not believe so. The question was also asked whether someone has spoken with those with excessive absences. Council Member Rowell mentioned that he did speak with one member about personal issues interfering with attendance. It was suggested that the county commission could be contacted to get other members. Mayor Deese stated that he would like the Chair of Planning Board to contact those and see if the interest is still there. Mr. Flowe would be glad to convey this to the chair at Thursday's meeting.

Schedule workshop/session to determine reallocation of resources due to personnel changes

It was the consensus of the council to set a work session for Monday, October 26, 2015 at 9am at the Community Center. Staff was directed to advertise the meeting as required.

Discussion and possible action regarding termination of the cell tower lease agreement and transfer of ownership of the equipment between Cricket Communications and the Town of Marshville

Town Manager Shubert reported that she has not been able to communicate with Attorney Griffin. Town Attorney Griffin did state that Cricket has the right to get out of the lease. The equipment would become the property of the Town of Marshville. The buyout price is good. The issue of hazardous materials came up. Attorney Griffin stated that any hazardous materials should be removed by Cricket before the property transferred. Mayor Deese agreed that if any hazardous materials are present, the removal of such should be Cricket's responsibility.

Action regarding approval of General Order #41A, Subject: Digital Video Systems, to the Marshville Police Department Standard Operating Policies

Attorney Griffin reported that the agreement was okay and recommended approval by the council. Council Member Rowell made a motion to approve General Order \$41A, Subject: Digital Video Systems, to the Marshville Police Department Standard Operating Policies. The motion was seconded by Mayor Pro-Tem Morgan and passed unanimously.

Discussion and possible action regarding contract with Taser International for Body Camera Digital Video System

Chief Tarlton reviewed the Taser contract. Mayor Deese asked if the figures were as in the budget. Chief Tarlton answered yes they were.

Council Member Rowell made a motion to adopt the contract and authorized the manager to move forward. The motion was seconded by Mayor Pro-Tem Morgan and passed unanimously.

Update on sewer negotiations

Town Manager Shubert gave an update on the meeting with the county. She reported their admission that the county may have overcharged the Town of Marshville and may owe the town money. The town stopped paying the bills due to not being provided the information requested. Legal opinions were shared from two significant law firms. Mayor Deese raised the question of whether the adherence to 201 Facilities Plan after thirty years was still in place. Mayor Deese said that it was up to the council whether the Town pays the outstanding bill. The consensus on the issue was that the county owes the Town more than is owed them. Council Member Rowell stated that as long as we can withhold the funds then we should.

Discussion of the Marshville Development Ordinance

Council Member Rowell stated that the planning board was almost finished. Mr. Flowe mentioned that the document was lengthy and that the Planning Board is revising and reviewing the document prior to presenting a draft to the town council. Mr. Flowe added that the Planning Board is trying to anticipate growth from the bypass so that it can be put into the ordinance.

Council Member Rowell recommended that this discussion be tabled until the regular December meeting. Council Member Bivens seconded the motion and it was unanimous.

Discussion regarding an annual Veterans' Day Event

Council Member Rowell informed everyone that the Veteran's Memorial event will be on November 11, 2015, at 12:00 pm at the Marshville Cemetery. An 18x24 flag will be placed on each veteran's gravesite. A flag ceremony is planned, followed by a move downtown to place flowers/wreaths on the Veteran's Memorial. Luanne Williams with The Home News, volunteered to run an ad for the event at no charge.

Set date for the Annual Christmas Tree Lighting

The tree lighting is scheduled for December 4, 2015 at 7 pm. Council Member Rowell stated that there would be a hayride, an appearance by Santa and Mrs. Claus, choirs, and refreshments.

Town Manager's Report

The Manager reported that she recently attended the Freight Mobility Committee meeting.

The Manger reported the receipt of a letter from a citizen commending Chief Tarlton.

The Manager reported that Alicia Melton submitted a letter of resignation.

The Manager also reported that there are many jobs and few people.

Mayor and Town Council Member Comments

Town Clerk/Finance Officer Johnson provided an update on the FY2014-15 audit, staffing issues, and working on certifications.

Mayor Pro-Tem Morgan reported that she received a nice email about the repairs at the park. She also reviewed a job description for a park director to be discussed.

Council Member Rowell spoke about "Halloween on Main", scheduled for Saturday, October 31, 2015 from 6 pm – 9 pm. He also requested that Main Street to Cross Street be closed for the event.

Mr. Rowell reported that the Chamber Appreciation Luncheon is on December 3, 2015, from 11am-1pm. Town officials are invited.

It was also mentioned that on December 4, 2015, there would be a Christmas Spectacular event at the Old Tyme Marketplace.

Closed Session

Mayor Deese requested a motion to go into closed session. Council Member Rowell made a motion to go into closed session. It was decided that no closed session was necessary. Council Member Rowell withdrew the motion.

Adjourn

There being no further comments the meeting adjourned at 8:54 pm.

These minutes approved this 2nd day of November, 2015.

By: _____

Franklin D. Deese, Mayor

ATTEST

Tonya D. Johnson, Town Clerk

Town of Marshville

AMENDMENT

#2016 - 02

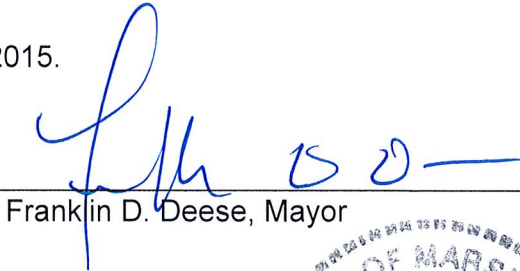
2015 - 2016 Budget Ordinance

BE IT ORDAINED by the Marshville Town Council that the 2015 - 2016 Budget Ordinance be amended as follows:

Section 1. General Fund


Increase 10-5100-4730	Professional Services Legal	\$8,400.00
Total Increase		<u>\$8,400.00</u>
Decrease 10-5100-0200	Salaries	\$8,400.00
Total Decrease		<u>\$8,400.00</u>

Adopted this 5th day of October, 2015.



Franklin D. Deese, Mayor

ATTEST:



Tonya Johnson, Town Clerk



This Budget Amendment provides for: Professional Services - Legal (Services provided by Perry, Bundy, Plyler & Long, LLP)

AN ORDINANCE AMENDING THE LAND USE ORDINANCE
OF THE TOWN OF MARSHVILLE, NORTH CAROLINA

Ordinance Number 1516-01

BE IT ORDAINED by the Town Council of the Town of Marshville, North Carolina that the Marshville Land Use Ordinance Official Zoning Map as adopted pursuant to Article IX, Part 2, Section 142 of the Town be amended as follows:

Part 1. Consistency with Adopted Comprehensive Plan.

The Town Council finds that the zoning map amendment to the property of Byrum Heating and Air, applying a zoning designation of “B-2” representing the Community Business Zoning District, is consistent with the Marshville Land Use Plan adopted August 16, 2004, as required by NCGS § 160A-383. This amendment is reasonable because the subject property is situated contiguously on two sides with existing commercially zoned land where existing commercial activity is established. This amendment provides consistency between the current Marshville Land Use Ordinance Official Zoning Map, the current uses established adjacent to the property, and the Marshville Land Use Plan adopted August 16, 2004, while allowing the subject property to be used in accordance with the standards of the “B-2” Community Business Zoning District in the future. The amendment allows for the growth and expansion of the economic base of the Town and provides opportunities for local jobs for the community.


Part 2. Designation of Initial Zoning Designation.

That parcel of land located at the corner of US Hwy 74 and Long Street identified as Union County Property Identification Number(s) 02321001 shall be designated “B-2” Community Business Zoning District on the Official Zoning Map.

Part 3. Effective Date.

This Ordinance shall be effective immediately upon its adoption.

Adopted this the 5th day of October, 2015.



Franklin D. Deese, Mayor

Attest:


Tonya Johnson, Town Clerk



September 17, 2015

MEMORANDUM

To: Mayor & Town Council

From: F. Richard Flowe, AICP, Planning, Zoning & Subdivision Administrator

Re: **Zoning Map Amendment** – Property of Byrum Heating and Air c/o Murray Family Limited Partnership, located at the corner of US Hwy 74 and Long Street identified as Union County Property Identification Number(s) 02321001 application for “B-2” Community Business Zoning District

BACKGROUND

Byrum Heating and Air, under the ownership of Murray Family Limited Partnership, located at the corner of US Hwy 74 and Long Street and identified as Union County Property Identification Number(s) 02321001, submitted an application for the property to be re-zoned from R-10 (Residential) zoning to “B-2” Community Business Zoning District.

Adjacent property owner letters were mailed for both the Planning Board meeting and the Public Hearing. A sign has been posted on the property and the zoning map amendment was advertised in *The Home News* for the Public Hearing in accordance with the procedures required by Article XX, Section 323 of the Marshville Land Use Ordinance.

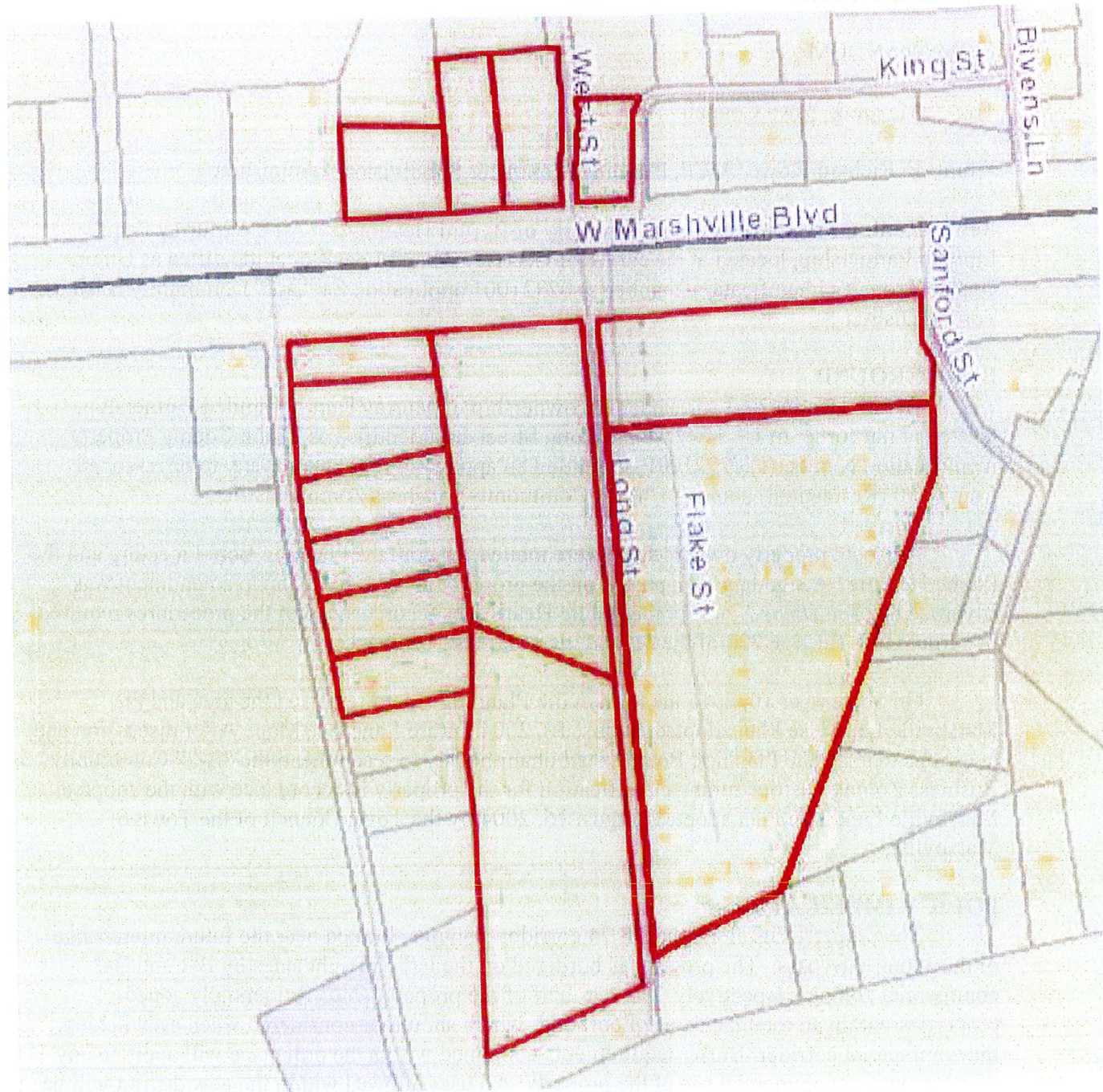
On September 10, 2015 the Marshville Planning Board reviewed the area and the Marshville Land Use Plan adopted August 16, 2004 Future Land Use Map. After discussion and questions to staff, the Planning Board voted unanimously to recommend the “B-2” Community Business Zoning District zoning classification for the property in accordance with the adopted Marshville Land Use Plan adopted August 16, 2004 by the Town Council of the Town of Marshville.

POLICY IMPLICATIONS

The property lies along the US 74 corridor frontage, located near the future interchange of the Monroe Bypass. The property is bordered on the left and right sides by B-1 and B-2 commercial zoning, respectively. The rear half of the property abuts residentially zoned properties within an established neighborhood, which should be considered when establishing the commercial corridor. Buffer requirements contained within the ordinance will apply to any development or commercial use of the property. All uses allowed within the new district will be entitled as uses by right and no conditions may be placed upon this applicant through this zoning map amendment process.

The actions that may be taken at the October 5, 2015 meeting include:

1. Conducting the required Public Hearing for the purpose of receiving input from citizens and/or persons owning an interest in the subject property.
2. Consider applying the zoning designation to the subject property through adoption of the Zoning Map Amendment Ordinance (attached).
3. Consider adoption of a consistency statement (attached).



GENERAL ORDER #: 41A

SUBJECT: Digital Video Systems

EFFECTIVE DATE: September 7, 2015 REVISION NUMBER/DATE: 001/ September 2015

APPROVED: _____
Matthew Tarlton
Chief of Police

Purpose

The purpose of this General Order is to implement and maintain procedures for the use of In-Car Video and Point of View Systems for the audiovisual electronic recording of traffic stops and other field encounters by patrol personnel. Digital Video Systems (DVS) are another tool available that enables the officer to document encounters with citizens and/or crime scenes while promoting transparency. The camera’s ability to record the exact events that are seen and heard by the officer wearing the camera has the potential to greatly raise solvability factors in the investigation of a crime, as well as, providing the investigating officer and any assisting officers the opportunity to review the recording for accurate documentation of an incident and later on, trial preparation.

Policy

Digital Video Systems (DVS) are designed to augment and compliment the patrol and traffic enforcement functions performed by officers of the Marshville Police Department. The electronic files are intended to provide an unbiased and accurate account of the encounter being recorded and may subsequently be used to corroborate an officer’s testimony during court proceedings. The electronic files may also increase transparency with the public and may be used to investigate internal complaints.

Objective

Digital video systems can assist police officers of the agency to control anti-social behavior; assist the executive officers of the agency in reducing protracted complaint investigations by providing impartial, accurate evidence; and give greater insight into service delivery and identifying good practices.

- A. DVS is an overt method by which officers can obtain and secure evidence at the scene of incidents and crimes. These procedures are intended to enable officers to comply with legislation and offer guidance to obtain and use evidence for court proceedings.
- B. When used effectively DVS’s can promote public reassurance, capture best evidence, modify behavior, prevent harm and deter people from committing crimes and anti-social behavior. Recordings will provide independent evidence that will improve the quality of prosecution cases and may reduce the reliance on victim evidence, particularly those who may be vulnerable or reluctant to attend court.
- C. Using recordings can also affect the professionalism of the service and aid in the professional development of officers. Officers, trainers and supervisors are encouraged to properly use the equipment to review and improve how incidents are handled.

Procedure:

I. Digital Video Systems (DVS)

- A. All DVS units will be checked prior to the officer beginning his or her shift and officers shall report any problems with the DVS to their immediate supervisor. The appropriate action shall be taken to have the problem corrected.
- B. Unless otherwise specified, all calls for service and self-initiated activities requiring an officer to interact in a law-enforcement related matter with a member of the public and/or at the scene of a crime, shall be continuously recorded unless the interaction or location is such that is prohibited by law or departmental policy.
 - 1) An exception to the continuous recording requirement is when a discussion is necessary between officers for tactical "secretive" planning prior to engaging a suspect, and only then, shall the recording be paused until activity by the officers is resumed.
- C. The Mobile Video Systems (MVS) unit will be activated on all traffic stops, pursuits, and emergency responses or when over taking vehicles at elevated speeds and other operations as is necessary.
 - 1) The wireless microphone shall be used during all traffic stops. The microphone shall be "on" during all contact with the subjects in the stopped vehicle, and in other duty related contacts.
 - 2) The DVS recording shall not be interrupted until a traffic stop or recorded event is completed. **Continued recording is necessary due to the possibility of an irate prisoner or other reasons/situations that may make documentation reasonable.**
 - a. Continuous recording is not required during citizen or arrest transports unless the officer determines it is necessary to further document anti-social behavior or would further promote the safety of the officer or to assist with documentation.
- D. **The DVS will not be disabled or deactivated. Whenever an officer is in doubt as to the operational necessity of the DVS the officer should err on the side of caution and continue recording. The DVS should not be turned OFF when the vehicle is being operated.**
- E. The camera should be mounted in a secure manner and in such a way that the maximum amount of any incident can be seen and recorded.
- F. It is evidentially important to record as much of an incident as possible; therefore recording should begin at the earliest opportunity from the start of an incident.

II. Expectation of Privacy

- A. It is vital that certain expectations of privacy are adhered to due to legal requirements or due to other circumstances. Therefore, in certain situations a visual (video) recording shall not be conducted and examples of those situations are:
 - 1) Victims of Sexual Assaults

- 2) Suspects during Rape Kit Processing
- 3) Children- without consent of the parent or legal guardian
- 4) Confidential Informants (C.I.)
- 5) Hospitals/Doctors' Offices (with some exceptions)
- 6) Bathrooms
- 7) Locker/Dressing Rooms
- 8) Strip Searches

B. If the location or type of interaction with a subject is prohibited by law and/or policy from being in the line-of-sight of an activated camera, then the camera shall be turned away from the location and/or subject and only an audio recording conducted.

C. In private dwellings, users may find that one party objects to the recording taking place; for example, where domestic abuse is apparent. In such circumstances, users should continue to record and explain the reasons for recording continuously. These include but are not limited to:

- 1) That an incident has occurred requiring police to attend;
- 2) That the officer's presence might be required to prevent a Breach of the Peace or injury to any person;
- 3) The requirement to secure best evidence of any offenses that have occurred, whether this is in writing or on video and the video evidence will be more accurate and of higher quality and therefore in the interests of all parties;
- 4) Continuing to record would safeguard both parties with a true and accurate; recording of any significant statement made by either party;
- 5) An incident having previously taken place may reoccur in the immediate future;
- 6) Continuing to record will safeguard the officer against any potential allegations from either party

II. Control of Electronic files

A. The DVS system has a wireless download feature that will automatically download data when the system is within range of the download port. Users will download all data prior to the end of their shift.

- 1) In the event the wireless download feature is not functional, the Chief of Police or designee shall be the only authorized personnel to transfer all data in the original format from the physical device to the storage device.

B. **The DVS unit will be "ON" powered at all times while the vehicle is in operation.**

C. All files are property of the Marshville Police Department and may not be disseminated without consent from the Chief of Police or as required for evidence discovery or Public Record Law subject to proper request.

- 1) Any portion of a recorded image that records events surrounding a violation of the law (which includes a crime or offense prosecutable in the criminal courts in

this State or in the United States or an infraction) is considered a record of a criminal investigation, as described in N.C.G.S. 132-1.4, and not a public record, as deemed in N.C.G.S. 132-1.

- 2) Any portion of a recorded image that may be used to subject an employee to Departmental disciplinary action is a part of that employee's personnel file as defined in N.C.G.S. 160A-168, and is open to inspection only as provided by that statute unless otherwise required to be disclosed as evidence in a criminal proceeding.
 - a. Employees who are the subject of an internal affairs investigation may review a recording of an incident prior to providing a statement, whether verbal or in writing.

III. Retention of Recordings

Data obtained during a recording can be subject to public records, in certain circumstances, as governed by G.S. §132-1.4. Recordings obtained that are related to criminal or internal investigations may not be subject to public records laws as governed by G.S. §132-1.4 or G.S. §160a-168. The below retention records can be reviewed from the North Carolina Department of Cultural Resources, Municipal Records Retention Schedule.

- A. Audio or Video recordings that are **not** made part of a case file should be destroyed after 30 days. This may include permanently deleting the file from the hard drive or system management tool.
- B. Audio or Video recordings made part of a **Felony** case history file are subject to the following retention:
 - 1) Destroy after 20 years if no litigation, claim, audit or other official action involving the records has been initiated. If official action has been initiated, destroy after completion of action and resolution of issues involved.
 - 2) Retain in officer records concerning unsolved cases until solved, and then follow disposal methods in subsection 1) above.
- C. Audio or Video recordings made part of a **Misdemeanor** case history file are subject to the following retention:
 - 1) Destroy records concerning solved malicious misdemeanor cases after 3 years if no litigation, claim, audit, or other official action involving the records has been initiated. If official action has been initiated, destroy in office after completion of action and resolution of issues involved.
 - 2) Retain in office records concerning unsolved malicious misdemeanor cases until solved, and then follow disposition instructions in subsection 1) above.
 - 3) Destroy in office records concerning all misdemeanor cases not covered in subsection 1) or 2) after 3 years if no litigation, claim, audit or other official action involving the records has been initiated. If official action has been initiated, destroy after completion of action and resolution of issues involved.

- D. Audio or Video recordings made part of an **Internal Affairs Investigation** are subject to the following retention:
 - 1) Transfer records of substantiated cases as applicable to Personnel Records retention (30 years from date of separation).
 - 2) Destroy in office records concerning unsubstantiated cases when administrative value ends. A permanent record shall be kept in the official Human Resources file as required by law. For purposes of administrative value it shall be the guideline of this agency to retain such reference files for up to two years past the conclusion of such case.
- E. Audio or Video recordings made part of **Citizen Complaint or Administrative Investigation** are subject to the following retention:
 - 1) Destroy in office 1 year after resolution, unless the complaint would otherwise be subject to Subsection D. 1) or 2) above.

IV. **Recording Media Control and Management**

- A. DVS recordings containing information that may be of evidentiary value in criminal or civil proceedings shall be subject to security, chain of custody, and storage procedures.
- B. Because DVS recordings may be considered evidence they shall not be released to any outside agency or individual, or duplicated for such dissemination, without the prior consent of the Chief of Police or his designee.
- C. Any recording that has not been saved as evidence shall be purged from the server at the end of 90 days, and in accordance with the North Carolina Records and Retention laws.

V. **Editing and Duplication of Files**

- A. All personnel are prohibited from editing, altering or intentionally damaging any DVS file, or equipment.
- B. If an officer or supervisor wishes to copy a file, that officer shall request duplication in a memo which shall be forwarded to the Chief of Police or his designee. Officers are prohibited from releasing files to, or permitting duplication of files by, any third parties except as otherwise provided in this order.
- C. If any third party requests a copy of a file, this request shall be forwarded directly to the Chief of Police. The Chief of Police or his designee must approve the request. If the request is granted to a third party or to the court system, all officers involved shall be notified as soon as possible.

VI. **Maintenance of DVS Units**

- A. If a DVS Unit is in need of repair, the officer shall submit a request for repair to the Police Chief who will make arrangements for repairs.
- B. A patrol vehicle will not normally be taken out of service while awaiting repairs on the DVS Unit.

CLARK, GRIFFIN & MCCOLLUM, L.L.P.

2749c5

ATTORNEYS AT LAW

ATTORNEYS

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(1927-2001)

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September 16, 2015

Honorable Frank Deese, Mayor
Town of Marshville
PO Box 626
Marshville, NC 28103

Fern Shubert, Town Manager ✓
Town of Marshville
201 W. Main Street
Marshville, NC 28103

Matt Tarlton, Police Chief
Town of Marshville
113 West Main Street
Marshville, NC 28103

Honorable Margaret Bivens
603 Washington Street
Marshville, NC 28103

Honorable Norma Carpenter
412 Norma Street
Marshville, NC 28103

Honorable Gary Huntley
1130 Unarco Road
Marshville, NC 28103

Honorable Virginia Morgan
P.O. Box 646
Marshville, NC 28103

Honorable Jim Rowell
124 E. Main Street
Marshville, NC 28103

Tonya Johnson, Clerk/Financial Office
Town of Marshville
201 W. Main Street
Marshville, NC 28103

Dear Mayor and Council Members:

Chief Tarleton and I met this morning and reviewed the Standard Operating Policies document that was distributed to Council last meeting on Tuesday, September 8, 2015.

Two sections were specifically questioned:

First: Section III. Retention of Recordings, E. 1.

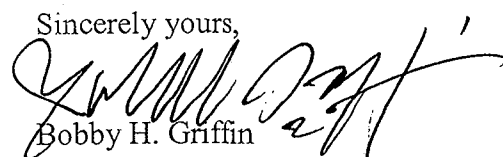
In my opinion, that subsection, in context, is appropriate and does not necessarily need to be changed. If a "citizen complaint" or "administrative investigation" has been resolved and does not rise to the level to keep the number of years of other recordings in other sections of Section 111, then there is no need to keep those "resolved" innocuous recordings more than one year beyond the date resolved.

Second: Section V. Editing and Duplication of Files, C.

In my opinion, that subsection, again in context, is appropriate and does not necessarily need to be changed. Town of Marshville will furnish, obviously, any recording it keeps within the time frames already outlined in the Retention Policy and not otherwise prohibited from sharing, to a third party. If Town of Marshville has not retained a recording, pursuant to the time frames in Retention Policy, it again, obviously, would not have a copy to provide. I think this section only applies to records lawfully kept (within the stated timeframes) and can be lawfully released...all pursuant to this policy.

So, in my opinion the policy/procedures appear reasonably good for Town of Marshville to commence its new program of "In Car videos for traffic stops and other field encounters by patrol personnel."

Sincerely yours,



Bobby H. Griffin

BHG/pm

TASER International

Protect Life. Protect Truth.

17800 N 85th St.
Scottsdale, Arizona 85255
United States
Phone: (800) 978-2737
Fax:

MATT TARLTON
(704) 624-6767
704-624-2045
mtarlton@marshvillepd.org



2749d

Quotation

Quote: Q-27947-1
Date: 9/23/2015 12:53 PM
Quote Expiration: 9/30/2015
Contract Start Date*: 8/1/2015
Contract Term: 5 years

Bill To:
Marshville Police Dept
113 W. Main Street
Marshville, NC 28103
US

Ship To:
MATT TARLTON
Marshville Police Dept
113 W. Main Street
Marshville, NC 28103
US

SALESPERSON	PHONE	EMAIL	DELIVERY METHOD	PAYMENT METHOD
Tanner McCormick	480-905-2000	tmccormick@taser.com	Fedex - Ground	Net 30

*Note this will vary based on the shipment date of the product.

Hardware and Year 1 Unlimited
Payment Due Net 30

QTY	ITEM #	DESCRIPTION	UNIT PRICE	TOTAL BEFORE DISCOUNT	DISCOUNT (\$)	NET TOTAL
4	73002	CAMERA SYSTEM, AXON BODY	USD 399.00	USD 1,596.00	USD 0.00	USD 1,596.00
4	70023	EVIDENCE.COM DOCK, AXON SINGLE BAY	USD 249.00	USD 996.00	USD 0.00	USD 996.00
4	85079	TASER ASSURANCE PLAN ETM/ EVIDENCE.COM DOCK ANNUAL PAYMENT	USD 36.00	USD 144.00	USD 0.00	USD 144.00
4	85123	EVIDENCE.COM UNLIMITED LICENSE YEAR 1 PAYMENT	USD 948.00	USD 3,792.00	USD 0.00	USD 3,792.00
80	85110	EVIDENCE.COM INCLUDED STORAGE	USD 0.00	USD 0.00	USD 0.00	USD 0.00
Hardware and Year 1 Unlimited Payment Due Net 30 Total Before Discounts:						USD 6,528.00
Hardware and Year 1 Unlimited Payment Due Net 30 Net Amount Due:						USD 6,528.00

Year 2 Evidence.com Payments Due
2016

QTY	ITEM #	DESCRIPTION	UNIT PRICE	TOTAL BEFORE DISCOUNT	DISCOUNT (\$)	NET TOTAL
4	85124	EVIDENCE.COM UNLIMITED LICENSE YEAR 2 PAYMENT	USD 948.00	USD 3,792.00	USD 0.00	USD 3,792.00
80	85110	EVIDENCE.COM INCLUDED STORAGE	USD 0.00	USD 0.00	USD 0.00	USD 0.00

QTY	ITEM #	DESCRIPTION	UNIT PRICE	TOTAL BEFORE DISCOUNT	DISCOUNT (\$)	NET TOTAL
4	85079	TASER ASSURANCE PLAN ETM/ EVIDENCE.COM DOCK ANNUAL PAYMENT	USD 36.00	USD 144.00	USD 0.00	USD 144.00
Year 2 Evidence.com Payments Due 2016 Total Before Discounts:						USD 3,936.00
Year 2 Evidence.com Payments Due 2016 Net Amount Due:						USD 3,936.00

Year 3 Evidence.com Payments Due
2017

QTY	ITEM #	DESCRIPTION	UNIT PRICE	TOTAL BEFORE DISCOUNT	DISCOUNT (\$)	NET TOTAL
4	85125	EVIDENCE.COM UNLIMITED LICENSE YEAR 3 PAYMENT	USD 948.00	USD 3,792.00	USD 0.00	USD 3,792.00
80	85110	EVIDENCE.COM INCLUDED STORAGE	USD 0.00	USD 0.00	USD 0.00	USD 0.00
4	85079	TASER ASSURANCE PLAN ETM/ EVIDENCE.COM DOCK ANNUAL PAYMENT	USD 36.00	USD 144.00	USD 0.00	USD 144.00
Year 3 Evidence.com Payments Due 2017 Total Before Discounts:						USD 3,936.00
Year 3 Evidence.com Payments Due 2017 Net Amount Due:						USD 3,936.00

Year 4 Evidence.com Payments Due
2018

QTY	ITEM #	DESCRIPTION	UNIT PRICE	TOTAL BEFORE DISCOUNT	DISCOUNT (\$)	NET TOTAL
4	85126	EVIDENCE.COM UNLIMITED LICENSE YEAR 4 PAYMENT	USD 948.00	USD 3,792.00	USD 0.00	USD 3,792.00
80	85110	EVIDENCE.COM INCLUDED STORAGE	USD 0.00	USD 0.00	USD 0.00	USD 0.00
4	85079	TASER ASSURANCE PLAN ETM/ EVIDENCE.COM DOCK ANNUAL PAYMENT	USD 36.00	USD 144.00	USD 0.00	USD 144.00
Year 4 Evidence.com Payments Due 2018 Total Before Discounts:						USD 3,936.00
Year 4 Evidence.com Payments Due 2018 Net Amount Due:						USD 3,936.00

Year 5 Evidence.com Payments Due
2019

QTY	ITEM #	DESCRIPTION	UNIT PRICE	TOTAL BEFORE DISCOUNT	DISCOUNT (\$)	NET TOTAL
4	85127	EVIDENCE.COM UNLIMITED LICENSE YEAR 5 PAYMENT	USD 948.00	USD 3,792.00	USD 0.00	USD 3,792.00
80	85110	EVIDENCE.COM INCLUDED STORAGE	USD 0.00	USD 0.00	USD 0.00	USD 0.00
4	85079	TASER ASSURANCE PLAN ETM/ EVIDENCE.COM DOCK ANNUAL PAYMENT	USD 36.00	USD 144.00	USD 0.00	USD 144.00
Year 5 Evidence.com Payments Due 2019 Total Before Discounts:						USD 3,936.00
Year 5 Evidence.com Payments Due 2019 Net Amount Due:						USD 3,936.00

Subtotal	USD 22,272.00
Estimated Shipping & Handling Cost	USD 36.29
Estimated Tax	USD 1,503.36
Grand Total	USD 23,811.65



**Town of Marshville
Town Council Meeting
Monday, October 5, 2015, 7:00 PM
Marshville Town Hall**

AGENDA

- 1. Call to Order/Invocation/Pledge of Allegiance**
- 2. Adoption of Agenda for the Meeting**
- 3. Public Comment**
Please sign in at the podium. Before speaking, state your name and address and limit comments to two minutes.
- 4. Consent Agenda**
 - Minutes – September 8, 2015 Regular Meeting
 - Budget Report – June 30, 2015
 - Budget Report – July 31, 2015
 - Budget Amendment 2016-02 Dept. 5100 – Professional Services/Legal
- 5. Public Hearing to receive input on a petition to change the zoning from R-10 (Residential) to B-2 (Community Business) for the property located at the corner of US Hwy 74 and Long Street – Union Co. PID #02321001**
 - Motion to Open Public Hearing
 - Presentation of Information from Staff
 - Public Comment
 - Town Council Questions and Comments
 - Motion to Close Public Hearing
 - Town Council action
- 6. Small Town Main Street – Mr. Bob Morgan**
- 7. Discussion regarding Planning Board member attendance at scheduled meetings**
- 8. Schedule workshop/session to determine reallocation of resources due to personnel changes**
- 9. Discussion and possible action regarding termination of the cell tower lease agreement and transfer of ownership of the equipment between Cricket Communications and the Town of Marshville**
- 10. Action regarding approval of General Order #41A, Subject: Digital Video Systems, to the Marshville Police Department Standard Operating Policies**
- 11. Discussion and possible action regarding contract with Taser International for Body Camera Digital Video System**
- 12. Update on sewer negotiations**
- 13. Discussion of the Marshville Development Ordinance** *(Please bring your Development Ordinance notebook)*

- 14. Discussion regarding an annual Veterans’ Day event – *Council Member Rowell*
 - 15. Set date for the Annual Christmas Tree Lighting – *staff recommends Friday, December 4, 2015*
 - 16. Town Manager’s Report
 - 17. Mayor and Town Council Member Comments
 - 18. Closed Session *(per NCGS 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 prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee. General personnel policy issues may not be considered in a closed session. A public body may not consider the qualifications, competence, performance, character, fitness, appointment, or removal of a member of the public body or another body and may not consider or fill a vacancy among its own membership except in an open meeting. Final action making an appointment or discharge or removal by a public body having final authority for the appointment or discharge or removal shall be taken in an open meeting.)*
 - 19. Adjourn
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Upcoming Meetings & Events:

Planning Board/Board of Adjustment Meeting – Town Hall 10/08/15 7:00 pm