

**Town of Marshville
Town Council Meeting
Monday, January 6, 2014
Marshville Town Hall – 201 West Main St.**

REGULAR MEETING MINUTES

Council Members Present: Mayor Franklin Deese, Mayor Pro-Tempore Virginia Morgan, Council Members Norma Carpenter, Margaret Bivens, Gary Huntley and Jim Rowell.

Staff Present: Town Manager, Amanda Reid; Town Clerk, Tonya Johnson; Director of Public Works, Bivens Steele; Park Director, Alan Thifault; Chief of Police, Carl Webber; Director of Utilities, Alicia Melton; Assistant Clerk, Debbie Morton and Police Lieutenant Matt Tarlton. Town Attorney, Bobby Griffin arrived at 7:20 pm.

Call to Order/Invocation/Pledge of Allegiance

Mayor Deese called the meeting to order at 7:00 p.m. Council Member Huntley offered the invocation. The Pledge of Allegiance was offered by all in attendance.

Adoption of Agenda for the Meeting

Mayor Pro-Tem Morgan made a motion to add to the agenda a report from Director of Public Works, Bivens Steele. The motion was seconded by Council Member Bivens and passed unanimously. Mayor Deese stated this item will be added as item #7 and all other items moved down.

Council Member Bivens made a motion to add to the agenda a discussion concerning a basketball goal on Hill Street. The motion was seconded by Council Member Rowell and passed unanimously. Mayor Deese stated this item will be added before the Town Manager's Report.

A motion to accept the agenda with the two additions was made by Mayor Pro-Tem Morgan. The motion was seconded by Council Member Bivens and passed unanimously.

Public Comment

Mark Traywick of 8216 Highway 74 East, Marshville, provided an update concerning the Small Town Main Street program and commented that the next meeting on January 7, 2014 at 5:30 pm at the Marshville Community Center. Mr. Traywick encouraged attendance and involvement.

Erby Laney of 8519 Highway 74 East, Marshville, stated the Town of Marshville has a pump station on his property illegally and he feels he has been misrepresented. Mr. Laney urged the newly elected council members to look into the situation and repeated his request for compensation for the use of his property. Mayor Deese cautioned council members concerning responding to Mr. Laney in the absence of the Town Attorney.

Consent Agenda

- December 2, 2013 Town Council Minutes – Regular Meeting
- Budget Report as of December 31, 2013
- Budget Amendment 2014-03: Elimination of Public Works & Customer Service Representative positions
- Budget Amendment 2014-04: Appropriation of Funds for Insurance Claim from Town Hall Damage

Council Member Rowell commented that he would like a budget report presented once per quarter rather than having it on the consent agenda. Staff was directed to prepare a budget report for presentation on a quarterly basis in the future. Council Member Rowell made a motion to accept the consent agenda and the items thereon. The motion was seconded by Mayor Pro-Tem Morgan and passed unanimously.

Presentation of Capital Improvement Plan & Asset Management Plan, Mr. Bill Lester, LKC Engineering

Mr. Lester reported that the Capital Improvement Plan, Asset Management Plan and mapping updates are currently scheduled to close out in April 2014. The Town of Marshville received a planning grant in July 2013 from the NC Rural Center to complete this project which put the Town in a position to continue to seek grant

funding for capital improvements. Mr. Lester explained the Asset Management Plan is a tool for identifying needs, evaluating useful life and developing replacement strategies. Mr. Lester discussed long term funding needs and the importance of setting aside reserves to offset the cost of replacement of system assets that will be necessary in the future. Mr. Lester also discussed some options to reduce the amount of reserve needed and still set aside funding for needed replacements. The Town of Marshville has applied to the North Carolina Department of Environment and Natural Resources – Drinking Water State Revolving Fund as a funding resource. Mr. Lester referenced a handout that illustrates Sewer System Capital Improvement Projects and the estimated project costs and information from the UNC Environmental Finance Center. Mayor Deese referring to Table 7 in the summary report clarified with Mr. Lester that in order to replace all system assets through customer increases would result in an estimated monthly increase of \$30.37 per customer. Council Member Rowell raised a question concerning eligibility for USDA funds. Mr. Lester stated USDA offers long term loans (40 years maximum) and are based on median household income and the customer rate. Mayor Deese requested an explanation regarding the looping of the system to which Mr. Lester responded that looping allows water to be pushed in two different directions for better flow.

Mr. Lester also stated that the existing booster pump station was constructed when the Town had their own water treatment plant and it is in deteriorated condition. Several locations have been studied and it seems the pump station would be better served east of High Road and Curtis Lane. Mr. Lester reviewed capital improvements projects for the water system and stated the top four items (Booster Pump Station, Highway 74 Water Main Replacement, Old Peachland Road Water Main Extension, and Radio Read Meters) were included in the State Revolving Fund loan request.

Presentation of Fiscal Year 2012-2013 Financial Audit – Ms. Deneal Bennett

Mayor Deese asked that this item be tabled until the February 3, 2014 meeting. A motion was made by Council Member Rowell to table the presentation of the Fiscal Year 2012-2013 Financial Audit until the February 3, 2014 meeting. The motion was seconded by Council Member Carpenter and passed unanimously.

Report from the Director of Public Works – Mr. Bivens Steele

Director of Public Works, Bivens Steele provided council members with job descriptions for Equipment Operator I and Public Works Technician. He explained the job descriptions were approved in years past as part of the personnel policy and need to be amended and updated. Mr. Steele stated his department currently has two vacant positions, Equipment Operator I and Meter Reader. His recommendation is to transition existing personnel into the position of Equipment Operator I with a pay adjustment and evaluation after a six month probationary period. This transition will open up a Technician/Laborer position which Mr. Steele suggested replace the Meter Reader position. The Technician/Laborers could be trained to read meters alleviating the issue of having the same employee reading meters each month. Mr. Steele also recommended cutting one Part-Time Seasonal Laborer position. Mayor Deese questioned the appropriateness of the information provided and asked if personnel recommendations should come from the staff or Town Manager. The Town Attorney stated the Town Manager should recommend personnel changes based upon information received from department heads. A motion was made by Mayor Pro-Tem Morgan that the Town Manager and Director of Public Works work together to update the report and job descriptions and that the information and necessary budget amendment be brought back to the council at the February 3, 2014 meeting. The motion was seconded by Council Member Rowell and passed unanimously.

Discussion and possible action regarding Request for Appointment of an Elected Official to the Marshville Chamber of Commerce Board of Directors

The Town Manager reported that Marshville Chamber of Commerce President, Richard Paschal and the Chamber Board have communicated interest in having an elected official from the Town to serve on the Chamber Board. Mayor Deese asked Council Member Rowell if he would consider serving as Chamber Board representative. In turn, Mayor Deese offered to replace Council Member Rowell as CRTPO representative. Council Member Rowell agreed. The consensus of the council was to accept the appointment of Council Member Rowell to the Chamber Board and the Mayor as Council Member Rowell's replacement as representative to the CRTPO.

Discussion and possible action regarding Fiscal Year 2013-2014 Budget Calendar and Retreat

The Town Manager recommended that the council set the date for a budget retreat for the end of January making is possible for a draft of the FY2014-2015 Budget to be prepared by the end of March. It was the consensus of the council to schedule the Annual Budget Retreat for Monday, January 27, 2014 at the Anson County Airport, beginning at 9 am.

Discussion and possible action regarding Proposals: Executive Search Firms

Mayor Deese stated he was charged by the council with the task of seeking a firm to assist in the search for a Town Manager. A Request for Proposals was prepared and sent to six firms. Mayor Deese reported four of the six Requests for Proposals have been returned from OCS, Developmental Associates, Wilder Consulting, and McSwain & Hadley, LLC. The firms were asked to provide within the proposal a time frame, services description and fees, references, proposed staff plan and estimate. Based upon a review of the proposals Mayor Deese recommended the Developmental Associates proposal. Mayor Deese stated that this firm, although higher than the others at \$16,850, met the criteria and had a history of success in North Carolina searches. This firm's time line is sixty to ninety days and they guarantee results. Council Member Bivens inquired which of the firms has been in business the longest. Mayor Deese commented that none of the companies specified the number of years in business. Council Member Rowell stated that since Mayor Deese was charged to find a search firm the council should trust his judgment. Council Member Rowell made a motion to authorize the Mayor and the Town Manager to move into negotiations of a contractual sense with Development Associates to hire a manager and at some point to execute a contract and for a necessary budget amendment. The motion was seconded by Council Member Bivens and passed unanimously.

Discussion and possible action regarding Exercise Class Fees

The Town Manager stated that information regarding the Exercise Class was requested to be brought back to the council. Five participants attended December classes, only one was a town resident. The instructor is looking at transitioning out and the Parks & Recreation Director has discussed the possibility of exercise videos which he would oversee. Mayor Pro-Tem Morgan asked if there would be a charge for participation in the video classes. The Town Manager stated that the fee can be adjusted if an instructor does not have to be compensated. Council Member Rowell questioned the comparables referenced in the information provided and commented that a better comparable is the Ella Fitzgerald Center which offers free exercise classes for Senior Citizens that reside within the city limits. Council Member Bivens expressed that the adding that \$1 is an insult to the Town. Council Member Bivens commented that to compare the Town of Marshville with the City of Monroe is not a good comparison considering Monroe's tax base and stated that the exercise classes should be offered free of charge rather than to charge \$1. Council Member Rowell made a motion to reduce the fee for the exercise classes to \$1 per class and to inform the instructor that her services are no longer needed and to instruct Alan Thifault, Parks & Recreation Director, to conduct the classes. The motion was seconded by Mayor Pro-Tem Morgan. The vote passed 3 to 2, Council Members Bivens and Carpenter opposed.

Discussion and possible action regarding Solid Waste Contract and Fees

Council Member Rowell stated he has reviewed the fees and asked the Town Manager for an explanation of the breakdown of the solid waste fees. Council Member Rowell stated that a memo dated November 27, 2013 cited NCGS 160A-317, but omitted part of the statute. In a memo dated December 20, 2013 the statute was cited again and the parts previously omitted were included. The Town Manager stated that the memo from November was in regards to exemptions and included statute information regarding exemptions. The Mayor had questioned what exemptions are allowed and relevant data based upon the requested information was provided. The December memo was in regard to fees so it included statute information regarding fees. The Town Manager reported that the Finance Officer brought an error to her attention concerning vendor history used to obtain data. An invoice for Union County Sewer was entered under the vendor number for Union County Landfill. Council Member Rowell asked why the Town is charging more than the cost of collection. Discussion ensued regarding how the incorrect entry for Union County Sewer went unnoticed. Council Member Rowell questioned Sanitation Personnel Costs compared to the amount budgeted. The Town Manager responded that costs include percentages for billing and collection and all other personnel costs

including insurance and taxes. The fee has not changed and costs were estimated based on administrative, landfill, and contract costs. Mayor Deese commented that fault cannot be assigned for a software error and recommended that the Town Manager bring information back to the council. The Town Manager stated she would review the information with staff and provide it to the council at the next meeting. Council Member Rowell stated there is no need for more information and something should be done because he feels customers are being overcharged. Mayor Deese stated if a mistake has been made and if citizens have been overcharged then adjustments can be made in the same manner as the water and sewer accounts were adjusted. Mayor Pro-Tem Morgan made a motion to direct the Town Manager to bring back to the council a breakdown of how each line item for solid waste fees was calculated. The motion was seconded by Council Member Rowell and passed 3 to 2, Council Members Bivens and Huntley opposed.

Discussion and possible action regarding Utility Policy Amendment: Revert to Owner Contract for Continuous Utility Service

The Town Manager explained that each time a tenant vacates a property the owner has to come in and complete an Application for Service to transfer service into the owner's name. This amendment to the Town of Marshville Utility Service Policies and Procedures includes language for Revert-To-Owner Contract for Continuous Utility Service policy to provide a means for utility service to revert back into the owner's name when a tenant vacates a rental property. Participation is not required but, property owners will be required to sign a contract if they desire to have utility services revert back into their name once a property becomes vacant. A motion was made by Council Member Carpenter to approve the amendment to the Utility Service Policies and Procedures manual as presented. The motion was seconded by Council Member Bivens and passed unanimously. A motion was made by Council Member Rowell to approve amendment to page numbers altered in the table of contents in relation to the addition of text and to approve the addition of the Revert-To-Owner Contract for Continuing Utility Service in the Appendix. The motion was seconded by Mayor Pro-Tem Morgan and passed unanimously.

Discussion and possible action regarding Cooperative Education Agreement with SPCC

The Town Manager stated the Cooperative Education Agreement would be between SPCC and the Marshville Police Department to place a Community College student in the Criminal Justice Program with the Marshville Police Department. Mayor Pro-Tem Morgan stated she was familiar with the program and the students would be high school students. The Chief of Police stated the students participating would be adult college students finishing their degree and background checks would be performed. Mayor Pro-Tem Morgan inquired as to the job duties to be performed. The Chief of Police stated the students would not be on active patrol and that duties would be more administrative including learning the filing and computer system. Students would be eighteen years or older and there is no cost to the Town to participate since students would be getting class credit. Council Member Rowell stated he had no issue with participating as long as students are adults and there is no cost to the Town. It was the consensus of the council to direct the Town Manager and Chief of Police to move forward with the Cooperative Education Agreement and bring it back to the council for approval.

Discussion and possible action regarding an Ordinance amending Chapter 32 of the Town of Marshville Code of Ordinances Authorizing the Marshville Police Department to Seek State Access to SBI/DCI Criminal History Record Information for the use in making a Recommendation on the Suitability of a Person or of a Location for an ABC Permit (Public Hearing Required)

The Chief of Police briefly explained the process of how the local governing opinion is submitted to the ABC Board in response to ABC permit applications. The Town must have an ordinance in place authorizing the police department authority to access regarding criminal history information for applicants for ABC permits. Mayor Deese asked if costs were involved with the process and if they would be passed along to the applicant. The Chief of Police stated the cost would be \$35 per application and the Town Manager stated that the fee schedule could be amended to include this. A motion was made by Council Member Rowell to set a public hearing for February 3, 2014 at 7 pm for public input concerning an Ordinance Amending Chapter 32 of the Town of Marshville Code of Ordinances Authorizing the Marshville Police Department to Seek State Access to SBI/DCI Criminal History Record Information for the use in making a Recommendation on the

Suitability of a Person or of a Location for an ABC Permit. The motion was seconded by Council Member Huntley and passed unanimously.

Discussion concerning a basketball goal on Hill Street

Council Member Bivens commented that she received a call from a citizen concerned about the placement of a basketball goal possibly located on town property. The Chief of Police stated that there is a portable goal in a private driveway on Hill Street. Council Member Rowell commented that the goal is moved into the street when in use.

Town Manager's Report

The Town Manager reported that notification concerning the Town's application to the State Revolving Fund is expected in February. Additionally, the EPA Brownfields Assessment Grant application will be submitted within the week. The annual Chamber of Commerce banquet is scheduled for Friday, February 7, 2014. The Town Manager reported that repairs to the drive through window at Town Hall will be getting underway this week. Negotiations concerning the Union County Sewer Contract continue and a draft should be available soon.

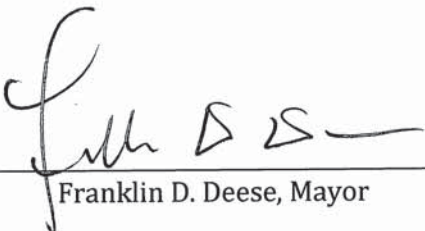
Mayor and Town Council Member Comments


Council Members Bivens commended the Town Manager for the job she has done. Council Members Carpenter and Rowell wished everyone a Happy New Year. Council Member Huntley wished everyone a Happy New Year and conveyed sentiments that this council should work together in 2014 and gain wisdom. Mayor Pro-Tem Morgan proposed that a second meeting be scheduled in January for a presentation by Anderson Health Services and that information and documentation procured by the Town Manager regarding the project is available for information at the meeting. The Town Manager stated the Town cannot require the company to hold a meeting, but that she would make the request to Anderson Health Services. Mayor Deese informed the council of the Martin Luther King Jr. Breakfast on Monday, January 20, 2014 at 6 am at Wingate University.

Adjourn

Council Member Bivens made a motion to adjourn. The motion was seconded by Council Member Rowell and passed unanimously. There being no further comments the meeting adjourned at 9:09 pm.

These minutes approved this 3rd day of February, 2014.

By: 
Franklin D. Deese, Mayor

Attest: 
Tonya D. Johnson, Town Clerk