



## Town of Marshville Town Council Meeting

Monday, January 9, 2017, 7:00 PM  
Marshville Town Hall

### REGULAR MEETING MINUTES

**Present:** Mayor Frank Deese; Mayor Pro-Tempore Virginia Morgan; Council Members Margaret Bivens, Norma Carpenter, Jim Rowell and Ernestine Staton

**Staff Present:** Town Manager, Dr. Robyn Stuber; Town Clerk, Tonya Johnson; Police Chief, Matt Tarlton; Public Works Director, Ricky Bourne; Town Attorney, Bobby Griffin

#### **Call to Order/Invocation/Pledge of Allegiance**

The meeting was called to order at 7:01 pm by Mayor Frank Deese. The invocation was given by Councilwoman Carpenter. The Pledge of Allegiance was given by everyone.

#### **Adoption of Agenda for the Meeting**

Councilwoman Staton made a motion to add to the agenda a discussion concerning the park playground equipment. The motion was seconded by Councilwoman Bivens and passed by unanimous vote. Mayor Deese stated that this will be added as agenda item #9 (all other items moved down).

Councilman Rowell made a motion to adopt the agenda with the above addition. The motion was seconded by Mayor Pro-Tempore Morgan and passed by unanimous vote.

#### **Public Comment**

Ms. Helen Estes – 304 Austin St., Monroe, NC, addressed the council concerning sewer charges. Ms. Estes stated that her brother resides at 613 Elaine Street in Marshville and that his utility bills are off the chart. Ms. Estes asked what the council is going to do for the Marshville residents regarding high bills. Mayor Deese explained that the town is currently in a lawsuit with Union County regarding sewer charges. The town is doing all it can. The costs have to be passed along. Ms. Estes stated that her complaint is based on all the charges on the monthly bill over and above actual consumption. Councilwoman Carpenter advised Ms. Estes to make sure there are no plumbing issues. Ms. Estes stated that she already reported a leak to the landlord. Town Manager Stuber commented that N.C. Rural Water will be conducting a rate study for the town to see what it can do. Mayor Deese assured Ms. Estes that the town is doing all it can.

Ms. Toni Austin – 907 Hasty Road, Marshville, addressed the council regarding open burning by some residents. She stated that some residents are burning in their yard and that she has photos. Ms. Austin requested that the council develop a burning ordinance. Mayor Deese commented that this request can be put on a future agenda for discussion.

#### **Consent Agenda**

- **December 5, 2016 Regular Meeting Minutes**
- **Budget vs. Actual Report – November 2016**

Councilman Rowell made a motion to accept the consent agenda and the items thereon. The motion was seconded by Mayor Pro-Tempore Morgan and passed by unanimous vote.

### **ESA - Solar Farm Workshop**

Town Manager Stuber prefaced this presentation by reminding the council that this is for the purpose of providing information only.

Mr. Colin Terrant introduced himself as the attorney for ESA Renewables. Mr. Javier Latre introduced himself as representative/employee of ESA Renewables, a solar energy company.

Mr. Terrant stated that he has been involved with ESA in solar projects in other states. The main concern is whether solar is safe. He explained that a solar farm is quiet, passive and brings stability. Mr. Terrant explained that a solar farm can be decommissioned and the property returned to its original state. He commented that ESA wants to be a good neighbor wherever it goes. Mr. Terrant stated that renewable energy is the wave of the future. North Carolina is the second largest solar production site in the U.S., behind California.

Mr. Latre stated that ESA Renewables was one of the first renewable energy companies doing business in North Carolina. Councilman Rowell asked Mr. Latre about the decommission process. Mr. Latre stated that it depends on the owner of the site. The typical time frame for a solar farms is fifteen years.

Councilman Rowell asks Mr. Latre to explain how long the panels last and how they are removed and disposed of. Mr. Latre commented that all the components are metal frames and are easily dismantled. The panels are constantly being improved and become obsolete quickly. Panels are typically used for fifteen years. The panels are recycled. If the panels are not recycled, they can be disposed of at a landfill. This would be the owner's responsibility.

Mr. Terrant explained that a solar farm can be by land purchase or lease. In the lease option, the land owner maintains ownership and control of the property. Mayor Deese asked if decommissioning is part of the agreement between the land owner and the developer. Mr. Terrant stated that a Decommissioning Plan can be requested prior to the issuance of a permit. Town Manager Stuber interjected that the town can request a plan but cannot enforce it. Discussion ensued regarding recourse if a Decommission Plan is not adhered to. Mr. Terrant stated that practical recourse would be to sell the equipment since it is valuable. Legal recourse could result if the permit conditions were not met, making the permit invalid. A suit could be filed to stop operation and to remove the equipment.

Attorney Griffin asked what happens if the lease is expired and neither party does anything. He added that he thinks this question deserves some study.

Mr. Latre stated that the solar farm equipment is completely safe. It is valuable and people usually don't leave something of value. Mr. Latre added that ESA Renewables wants to do good business. It is important to choose an area with a substation or electric nearby. Site selection requires adequate acreage.

Mr. Terrant stated that in North Carolina there is a monopoly on who can sell power. Solar power is becoming cheaper. Mayor Deese asked if you put solar panels at your house do you have to sell the power to Duke Energy. Mr. Latre explained how residential solar panels work and how you pay for the solar power. Mr. Latre stated that the taxes on solar energy stay in the town.

Mayor Deese thanked Mr. Terrant and Mr. Latre for bringing this information to the council.

### **Name CCOG Delegate and Alternate for 2017**

Mayor Deese asked Mayor Pro-Tempore Morgan if she would continue to serve as the CCOG Delegate for 2017. Mayor Pro-Tem Morgan agreed. Councilman Rowell made a motion to appoint Mayor Pro-Tem Morgan as CCOG Delegate for 2017 and Mayor Deese as Alternate. The motion was seconded by Councilwoman Staton and passed unanimously.

### **Discussion and possible action regarding lease of 129 W. Main St.**

Town Manager Stuber informed the council that Affordable Cleaners is late paying its lease payment and owes the town \$2,025. A letter has been drafted to terminate the lease and to request the lease payments due to date. The manager reported that she has attempted to talk with Mr. Parker numerous times. The manager of Affordable Cleaners is interested in entering into a lease agreement. Mayor Deese commented that he has also attempted to contact the owner. Mayor Deese stated that he has talked with the manager of Affordable Cleaners and the manager wants to take over the business. Mayor Deese stated that the manager is willing to pay what Mr. Parker owes but will need the ability to pay in installments. He would like to enter in to a new lease agreement. Town Manager Stuber stated that the current lease would need to be terminated.

Councilman Rowell made a motion to terminate the lease agreement with Affordable Cleaners and to send a letter to Mr. Parker requesting payment, and to authorize Town Manager Stuber to move forward with a new lease agreement with the appropriate parties. The motion was seconded by Councilwoman Bivens.

Attorney Griffin questioned what happens if Mr. Parker doesn't vacate the premises. Councilwoman Staton asked if the council would have to take the issue to court. Town Manager Stuber stated that if the council authorizes her to move forward, she will work with the town attorney regarding the eviction process and a new lease.

Councilman Rowell amended the previous motion to move forward with the eviction process for Affordable Cleaners, and to authorize the manager to send the letter after the manager works with the town attorney for proper wording. The motion was seconded by Councilwoman Bivens and passed by unanimous vote.

### **Discussion and possible action regarding lien placed on 823 Hasty Rd.**

Town Manager Stuber reported that with each day that passes the lien increases. The lien was filed with the Register of Deeds, but not with the Clerk of Court or the Tax Assessor's office. The lien wasn't caught until after the property was sold. Attorney Griffin added that there was nothing on public record to show that there was a lien against the property. It seems an unfair situation. There were some error in the recording process. Councilman Rowell stated that the title company wants to settle so he made a motion that the town accept \$8,250.00 from the title company to remove the lien from the property. The motion was seconded by Mayor Pro-Tempore Morgan and passed by unanimous vote.

### **Discussion concerning park playground equipment**

Councilwoman Staton reported that the covering on the metal on some of the park playground equipment is splitting open. This is hazardous and could result in a possible lawsuit if a child gets hurt. Councilwoman Staton stated that this needs to be looked into and addressed immediately. She added that the playground equipment may need to be closed until such time that repairs are made. Town Manager Stuber informed the council that the park intern, Ashley Proctor, is looking into minimum equipment standards. Mayor Deese directed Public Works Director Ricky Bourne to rope off the equipment until repairs can be made.

### **Discussion of Council priorities for FY 17-18**

Town Manager Stuber stated that staff is preparing to begin working on the FY2017-18 budget. She asked the council members that if they have specific requests to please let her know ahead of time so they can be incorporated into the budget. Councilman Rowell commented that Mr. Ricky Bourne, the new Public Works Director, needs an opportunity to assess the infrastructure needs. He added that a significant amount of funds are going toward the sewer lawsuit. Councilwoman Staton commented that there has been requests to pave Faulkner Street. Councilwoman Bivens commented on the need for sidewalks behind the drug store. Mayor Deese stated that council needs to have a budget workshop. Town Manager Stuber stated that she will have some dates available at next month's meeting.

### **Set date for a work session to review proposed amendments/revisions to the Town's Personnel Policy**

Mayor Deese stated that council needs to call a special meeting for a work session to review the town's Personnel Policy. It was the consensus of the council to set the date for the work session on Thursday, January 19, 2017 at 3:00 pm at the Marshville Community Center.

### **Town Manager's Report**

Town Manager Stuber commented that her January Manager's Report was included in the agenda packet. She reminded council members of the Martin Luther King, Jr. Breakfast event on Monday, January 16, 2017 at 6:00 am.

Town Manager Stuber reported that she has called North Carolina Rural Water to schedule a rate study. She will be working with Mr. Marty Wilson.

Town Manager Stuber reported that Ashley Proctor, the park intern, is working really hard and has several events planned.

Town Clerk, Tonya Johnson distributed copies of the FY2015-16 Audit. She stated that she will arrange for Mrs. Deneal Bennett to attend the February meeting to review the audit.

### **Mayor and Town Council Member Comments**

Mayor Deese commented that council needs to approve a resolution to ratify the January 5, 2017 court action. This requires council approval. Mayor Deese read the resolution. Mayor Pro-Tempore Morgan commented that she is bothered by item #4. Mayor Deese stated that it is what the judge said from the bench. Councilman Rowell made a motion to adopt Resolution 16/17-02 Authorizing Execution of a Consent Order with Union County for Sewage Payment with the added wording, "to fully comply with the court order", as recommended by Attorney Griffin. The motion was seconded by Councilwoman Staton and passed by unanimous vote.

Councilwoman Carpenter reminded the council of an ABC Board meeting on January 10, 2017 at 11:00 am at the Marshville Community Center.

**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 of employee.**

At 8:42 pm a motion was made by Councilwoman Carpenter to go into closed session per the statute cited above. The motion was seconded by Councilman Rowell and passed by unanimous vote. At this time staff and members of the public were excused.

**Action resulting from the Closed Session**

There was no action as a result of the closed session

**Adjourn**

Councilwoman Carpenter made a motion to adjourn at 9:31 pm. The motion was seconded by Mayor Pro-Tempore Morgan and passed by unanimous vote.

These minutes approved this 6<sup>th</sup> day of February, 2017.

By: \_\_\_\_\_

Franklin D. Deese, Mayor

ATTEST: \_\_\_\_\_

Tonya D. Johnson, Town Clerk

# Public Comments Sign-Up Sheet

Date: 01/09/2017

Please **print** your name, topic of discussion, and contact information for the record.

PRINT NAME	ADDRESS	TOPIC OF DISCUSSION	PHONE #	EMAIL ADDRESS
1 HELEN ESTES	304 AUSTIN ST. MONROE	SEWER CHARGES	704.343.0313	HelenEstes@canoilinc.com
2 Jimi Austin	907 Hasty Rd	Pipe Ordinance	704 6242526	TCSPA3@hotmail.com
3 <del>THANKA PATE</del>	349 CRESTADIMWAY, LAKEWOOD FL	BOAR	407 4744133	16th Ave. - new address
4 <del>Colin Farent</del>	101 N. 51 <sup>st</sup> St. Suite 400 Duncanville, TX	Seven	910/815-7135	Colin Farent
5				
6				
7				
8				
9				
10				
11				
12				
13				
14				
15				



## 2016-2017

Budget	YTD		Percent
	as of 11/30/16		
88,775.00	27,445.22		31%
271,600.00	109,110.01		40%
171,235.00	42,127.50		25%
30,050.00	15,343.34		51%
721,150.00	326,105.94		45%
130,105.00	47,239.66		36%
112,990.00	38,395.79		34%
212,585.00	60,423.40		28%
98,800.00	42,690.01		43%
10,000.00	0.00		
0.00	0.00		
0.00	0.00		
<b>1,847,290.00</b>	<b>708,880.87</b>		<b>38%</b>

## 2015-2016

Budget	YTD		Percent
	as of 11/30/15		
73,100.00	26,107.74		36%
258,500.00	91,722.54		35%
151,725.00	54,552.64		36%
24,150.00	4,285.40		18%
688,075.00	272,398.78		40%
127,350.00	42,496.48		33%
62,800.00	24,079.83		38%
252,680.00	113,403.54		45%
87,050.00	27,129.97		31%
10,000.00	0.00		
0.00	0.00		
0.00	0.00		
<b>1,735,430.00</b>	<b>656,176.92</b>		<b>38%</b>

FUND 10 EXPENDITURES	
Expenses	
10-4100 Governing Body	
10-4200 General Government	
10-4500 Community Development	
10-5000 Public Buildings	
10-5100 Police	
10-5600 Streets & Highways	
10-5700 Powell	
10-5800 Sanitation	
10-6200 Parks & Recreation	
10-6600 Contingency	
10-9800 Transfer to Enterprise Fund	
10-9840 Transfer to 40 Fund	
<b>Total Expenses for Fund 10</b>	

## 2016-2017

FUND 10 REVENUES	
Revenues	
10-3010-0000 Ad Valorem Taxes	
10-3010-0100 Motor Vehicles	
10-3010-0500 Prior Year Tax Collect	
10-3170-0000 Tax Penalties & Interest	
10-3250-0000 Privilege Licenses	
10-3260-0000 Vehicle Rental Tax	
10-3290-0000 Interest on Investments	
10-3317-0000 Controlled Substance Tax	
10-3318-0000 Police Grant	
10-3318-0050 Pedestrian Planning Gr	
10-3318-0200 CMAQ Revenue	
10-3319-0000 Police Calendar Sales	
10-3319-0100 Police Protection Rev	
10-3319-0200 National Night Out Proceeds	
10-3350-0000 Miscellaneous	
10-3350-0100 Sale of Fixed Asset	
10-3350-0200 Cash Short	
10-3360-0000 Insurance Proceeds	
10-3360-0100 Reimbursement Proceeds	
10-3370-0000 Franchise Tax - Utilities	
10-3370-0100 Franchise Tax - Cable TV	
10-3370-0200 Solid Waste Disposal Tax	
10-3430-0000 Powell Bill Allocation	
10-3450-0000 Local Option SalesTax	
10-3450-0010 Sales Tax Art. 39	
10-3450-0020 Sales Tax Art. 40	
10-3450-0030 Sales Tax Art. 42	
10-3450-0040 Sales Tax Art. 44	
10-3450-0050 Sales Tax Hold Harmless	
10-3450-0200 Beer & Wine Tax Distr	
10-3491-0000 Planning/Zoning Fees	
10-3510-0000 Court Cost Fees & Charges	
10-3590-0000 Refuse Collection Fees	
10-3610-0000 Cemetery - Sale of Lot	
10-3610-0100 Cemetery - Donations	
10-3610-0200 Cemetery - Grave Opening	
10-3650-0000 Recreation Activity Fees	
10-3650-0100 Grant for Park	
10-3650-0120 Community Development	
10-3650-0130 Skatepark Donations	
10-3650-0200 Park Concessions	
10-3650-0300 Facilities Rental Fee	
10-3710-0400 Late Fee	
10-3834-0000 Property Leases	
10-3984-0000 Transfer From 40 Fund	
10-3990-0000 Encumbered Fund Balance	
10-3990-0100 Encumbered Powell Bill	
10-3990-0200 Encumbered Cont. Substance	
10-3990-0300 Encumbered Solid Waste	
Total Revenues for Fund 10	

Budget	YTD	Percent
as of 11/30/16		
707,850.00	179,273.08	25%
75,877.00	38,298.74	50%
12,000.00	8,273.08	69%
4,500.00	1,079.90	24%
0.00	10.00	
0.00	0.00	
100.00	17,820.81	17821%
0.00	0.00	
0.00	13,549.87	
0.00	0.00	
0.00	0.00	
280.00	0.00	
900.00	1560.00	173%
0.00	0.00	
1700.00	909.21	53%
4,000.00	2,000.00	50%
0.00	0.50	
0.00	0.00	
0.00	0.00	
195,000.00	45,505.04	23%
0.00	0.00	
1,550.00	828.05	53%
68,600.00	34,369.48	50%
0.00	0.00	
90,000.00	35,476.53	39%
55,000.00	24,283.89	44%
45,000.00	18,758.47	42%
0.00	3,417.96	
52,000.00	24,732.94	48%
11,000.00	0.00	
3,000.00	440.00	15%
1,200.00	945.04	79%
198,000.00	82,509.11	42%
29,250.00	7,250.00	25%
0.00	2200.00	
0.00	0.00	
16,600.00	417.00	3%
0.00	0.00	
0.00	0.00	
0.00	0.00	
0.00	0.00	
3,000.00	1,649.99	55%
0.00	0.00	
49,000.00	20,448.16	42%
0.00	0.00	
107,301.00	0.00	
112,990.00	0.00	
0.00	0.00	
1,592.00	0.00	
1,847,290.00	566,006.85	31%

## 2015-2016

Budget	YTD	Percent
as of 11/30/15		
670,384.00	172,673.71	26%
69,550.00	34,209.54	49%
11,000.00	8,513.04	77%
4,500.00	2,229.89	50%
0.00	25.00	
0.00	0.00	
3,800.00	179.48	5%
0.00	0.00	
13,549.00	0.00	
0.00	0.00	
0.00	0.00	
300.00	280.00	
900.00	972.00	108%
0.00	0.00	
1,650.00	1,693.70	103%
0.00	533.38	
0.00	0.75	
0.00	0.00	
0.00	0.00	
185,000.00	47,892.23	26%
0.00	0.00	
1,600.00	767.05	48%
69,500.00	34,830.46	50%
0.00	0.00	
80,000.00	33,353.92	42%
55,000.00	23,503.08	43%
42,000.00	17,715.04	42%
0.00	2.66	
52,000.00	23,575.08	45%
10,500.00	0.00	
2,000.00	1,430.00	72%
1,100.00	770.68	70%
183,500.00	83,353.09	45%
3,750.00	0.00	
0.00	0.00	
0.00	0.00	
500.00	285.32	57%
0.00	0.00	
0.00	0.00	
0.00	0.00	
0.00	0.00	
2,500.00	1,140.00	46%
0.00	0.00	
65,000.00	25,392.16	39%
0.00	0.00	
142,734.00	0.00	
62,800.00	0.00	
0.00	0.00	
313.00	0.00	
1,735,430.00	515,321.26	30%



# 2016-2017

FUND 30 REVENUES			
Revenues	Budget	YTD as of 11/30/16	Percent
30-1350-0000 Utility Refunds	0.00	0.00	
30-2290-0100 Contrib. - Spec. Rev.	0.00	0.00	
30-3290-0000 Interest on Investments	100.00	244.25	244%
30-3350-0000 Miscellaneous Income	0.00	289.82	
30-3350-0100 Sales of Fixed Assets	0.00	0.00	
30-3350-0300 Donated Assets	0.00	0.00	
30-3350-0400 Grant Proceeds	0.00	0.00	
30-3360-0000 Insurance Proceeds	0.00	0.00	
30-3360-0100 Reimbursements Proceeds	0.00	0.00	
30-3710-0000 Charges Utilities Water	689,000.00	287,694.94	42%
30-3710-0100 Charges Utilities Sewer	768,000.00	327,514.12	43%
30-3710-0200 Charges-County Sewer Inc.	106,000.00	35,327.17	33%
30-3710-0300 Delinquent Fees	18,000.00	8,225.00	46%
30-3710-0400 Late Fees	28,000.00	14,810.00	53%
30-3710-0500 Returned Check Fee	0.00	475.00	
30-3710-0600 Service Initiation Fee	3,625.00	1,300.00	36%
30-3710-0700 Service Call Fee	0.00	0.00	
30-3710-0800 After Hours Reconnect	0.00	20.00	
30-3710-0900 Tampering Fee	0.00	0.00	
30-3730-0000 Tap Fees - Water	6,000.00	0.00	
30-3730-0100 Tap Fees - Sewer	42,000.00	0.00	
30-3740-0000 Bad Debts	0.00	0.00	
30-3750-0100 Capacity Fees - Water	7,200.00	0.00	
30-3750-0200 Capacity Fees - Sewer	39,500.00	0.00	
30-3800-0000 Capital Contributions	0.00	0.00	
30-3940-0000 Transfer From Gen Fund	0.00	0.00	
30-3990-0000 Encumbered Fund Balance	96,700.00	0.00	
Total Revenues for Fund 30	1,804,125.00	675,900.30	37%

FUND 30 EXPENDITURES			
Expenses	Budget	YTD as of 11/30/16	Percent
30-5310 Safety	0.00	0.00	
30-6601 Contingency	5,000.00	0.00	
30-7000 Transfer	0.00	0.00	
30-8280 Water Operations	648,199.00	168,117.61	26%
30-8290 Sewer Operations	1,150,926.00	353,678.49	31%
Total Revenues for Fund 30	1,804,125.00	521,796.10	29%

# 2015-2016

FUND 30 REVENUES			
Revenues	Budget	YTD as of 11/30/15	Percent
30-1350-0000 Utility Refunds	0.00	0.00	
30-2290-0100 Contrib. - Spec. Rev.	0.00	0.00	
30-3290-0000 Interest on Investments	1,500.00	147.86	10%
30-3350-0000 Miscellaneous Income	0.00	353.00	
30-3350-0100 Sales of Fixed Assets	0.00	0.00	
30-3350-0300 Donated Assets	0.00	0.00	
30-3350-0400 Grant Proceeds	0.00	0.00	
30-3360-0000 Insurance Proceeds	0.00	0.00	
30-3360-0100 Reimbursements Proceeds	0.00	4,021.45	
30-3710-0000 Charges Utilities Water	0.00	0.00	
30-3710-0100 Charges Utilities Sewer	655,400.00	284,962.60	43%
30-3710-0200 Charges-County Sewer Inc.	759,000.00	334,373.50	44%
30-3710-0300 Delinquent Fees	0.00	0.00	
30-3710-0400 Late Fees	18,000.00	9,500.00	53%
30-3710-0500 Returned Check Fee	25,000.00	14,300.00	57%
30-3710-0600 Service Initiation Fee	0.00	300.00	
30-3710-0700 Service Call Fee	3,500.00	1,750.00	50%
30-3710-0800 After Hours Reconnect	0.00	0.00	
30-3710-0900 Tampering Fee	0.00	40.00	
30-3730-0000 Tap Fees - Water	0.00	557.00	
30-3730-0100 Tap Fees - Sewer	10,800.00	0.00	
30-3740-0000 Bad Debts	31,500.00	3,500.00	11%
30-3750-0100 Capacity Fees - Water	0.00	0.00	
30-3750-0200 Capacity Fees - Sewer	12,900.00	0.00	%
30-3800-0000 Capital Contributions	29,600.00	3,297.00	11%
30-3940-0000 Transfer From Gen Fund	0.00	0.00	
30-3990-0000 Encumbered Fund Balance	0.00	0.00	
Total Revenues for Fund 30	1,547,200.00	657,102.41	42%

FUND 30 EXPENDITURES			
Expenses	Budget	YTD as of 11/30/15	Percent
30-5310 Safety	0.00	0.00	
30-6601 Contingency	5,000.00	0.00	
30-7000 Transfer	0.00	0.00	
30-8280 Water Operations	700,600.00	204,926.38	29%
30-8290 Sewer Operations	841,600.00	163,050.67	19%
Total Revenues for Fund 30	1,547,200.00	367,977.05	24%

**RESOLUTION**  
**AUTHORIZING EXECUTION OF**  
**A CONSENT ORDER**  
**WITH UNION COUNTY FOR SEWAGE PAYMENT**

**WHEREAS**, the Town of Marshville sends a portion of their consumer sewage through the East Side Regional Wastewater System, operated by Union County, and

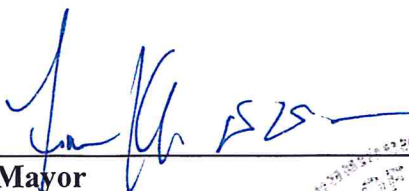
**WHEREAS**, the Town of Marshville does not have a contract with Union County for sewage transmission, and

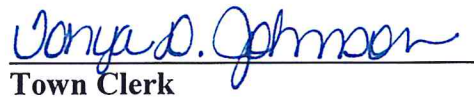
**WHEREAS**, the Town Council of the Town of Marshville wishes to continue to utilize the East Side Regional Wastewater System, and

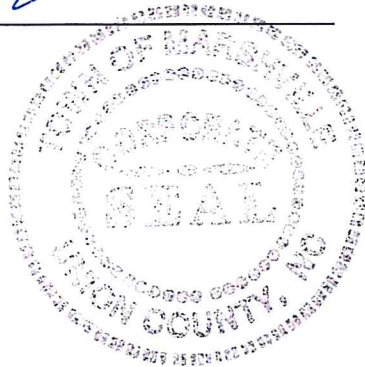
**WHEREAS**, the Town Council has agreed to approve and ratify a consent order given in open court by the Honorable Robert Ervin, Superior Court Judge presiding on the case, on January 5, 2017.

**NOW, THEREFORE BE IT RESOLVED** by the Town Council of the Town of Marshville that the attached consent order by and between the Town of Marshville and Union County is hereby ratified, *nunc pro tunc*, allowing minor changes to be authorized and executed by the Mayor to fully comply with the order.

**So resolved this the 9<sup>th</sup> day of January, 2017.**

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Town Clerk



**PRE-AUDIT**

*This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act (NCGS 159-28).*

*Sonya D. Ophman*  
Finance Officer

*01/09/2017*  
Date

FILED

2017 JAN 24 PM 12: 24

STATE OF NORTH CAROLINA COUNTY, C.S.C. IN THE GENERAL COURT OF JUSTICE  
COUNTY OF UNION BY AP SUPERIOR COURT DIVISION  
16-CVS-938

UNION COUNTY,

Plaintiff,

v.

TOWN OF MARSHVILLE,

Defendant.

## CONSENT ORDER

THIS MATTER coming on to be heard and being heard by the undersigned Superior Court Judge on motion of Plaintiff County for Defendant Town's Mayor, Council Members and Manager to Show Cause why they should not be held in contempt for failing to obey the Preliminary Injunction Order entered against the Town by this Court on October 10, 2016;

THE COURT having heard testimony of witnesses for the Town as well as both parties' counsels' argument; and,

IT APPEARING to the Court that Plaintiff County has agreed to authorize extending sewer services to Defendant Town at the rate of \$3.20 per thousand gallons, and that the Town is willing to pay said rate subject to having a right to amend its counterclaim to add a claim asserting that the County's rate is arbitrary and capricious;



AND IT FURTHER APPEARING to the Court that:

1. The Plaintiff's offer and Defendant's acceptance of said offer shall satisfy the Court's preliminary injunction order, and;
2. Therefore, the Court need not proceed with the contempt hearing.
3. The parties, through counsel, have consented to the entering of this order.

NOW, THEREFORE, it is ORDERED, ADJUDGED and DECREED, by and with the consent of the parties to this action that:

1. Effective January 5, 2017, Plaintiff County shall transmit, treat and dispose of the wastewater deposited into the East Side Regional Wastewater System by Defendant Town and bill Defendant Town therefore at the rate of \$3.20 per thousand gallons;

2. Defendant Town shall timely pay for the services described in Paragraph 1 above of the decretal portion of this Order, specifically, Defendant Town shall pay each month's bill on or before the due date thereon (which shall not be less than 15 days from the bill's date of issue).

3. Defendant Town shall have twenty (20) days from the filing of this Order to amend its Counterclaim by adding a claim asserting that Plaintiff County's billing rate is arbitrary and capricious.

4. Any issue of additional connections for the Town are hereby left to the parties' engineers to determine.

5. Since the parties' agreement outlined herein achieves compliance with the Court's preliminary injunction going forward, the Court hereby dismisses the Show Cause against Defendant Town, its Mayor, Council Members and Manager.

6. This arrangement shall remain in force for the duration of the litigation.

7. Both parties' respective boards shall meet to ratify the parties' agreement outlined herein.

This the 18<sup>th</sup> day of January, 2017, *nunc pro tunc* the 5<sup>th</sup> day of January, 2017.

**A TRUE COPY**

CLERK OF SUPERIOR COURT  
UNION COUNTY

BY Sandy Heger  
Assistant Deputy Clerk Superior Court

[Signature]  
The Hon. Robert Ervin  
Superior Court Judge Presiding

**BY AUTHORITY OF OUR INDIVIDUAL CLIENTS, WE CONSENT:**

[Signature]  
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*Attorneys for Plaintiff Union County*

*Attorneys for Defendant Town of Marshville*

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# TOWN OF MARSHVILLE

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est. 1877

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## MEMORANDUM

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**TO:** MAYOR AND ELECTED OFFICIALS  
**FROM:** MANAGER STUBER  
**SUBJECT:** JANUARY MANAGER'S REPORT  
**DATE:** JANUARY 3, 2017

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Throughout December 2016, the majority of time has been spent on getting Ricky Bourne and Ashley Proctor up to speed within their respective departments, along with getting Ricky up to speed with the sewer dispute. I can report that staff and members of the public have both commented on Ricky and Ashley breathing new life into the Town and that they are very excited about the future.

We have started our social media presence and am proud to say that we have quite a following on Facebook, with over 300 friends, allowing this to be a great option for getting word out about events and pertinent information. We have received messages and various comments from residents and visitors that appreciate the information. The primary responsibility for posting lies with Parks and Recreation – Ashley is doing a great job coordinating this. Additionally, we have numerous events in the works for the beginning of 2017, including live music Thursdays, craft fairs, and a chili cook off event.

The Town staff will take information from the Council meeting, along with their own ideas and figures to begin preparing the FY 17-18 budget. Town Finance Officer Tonya Johnson has brought forth a lot of good ideas about how to proceed and we are excited to work toward those goals. Information about a budget retreat will be forthcoming, once department staff meet to discuss their thoughts on needed improvements and projects.

Town staff is also in the works of creating an inventory of items that are not used or necessary. This list will be finalized, with estimated amounts and will reach Council for auction approval in the next few months. Each department has been stock-piling items and we feel it is time to clean house of these items.

Lastly, while changes have not occurred to the Town website to date, it will be a priority in the near future to add a Calendar of Events, update pertinent information and start to keep a better system of updates and improvements in place.