



Town of Marshville Town Council Meeting

Monday, February 6, 2017, 7:00 PM
Marshville Town Hall

REGULAR MEETING MINUTES

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

Staff Present: Town Manager, Dr. Robyn Stuber; Town Clerk, Tonya Johnson; Public Works Director, Ricky Bourne; Police Chief, Matt Tarlton; Park Intern, Ashley Proctor

Call to Order/Invocation/Pledge of Allegiance

The meeting was called to order at 6:59 pm by Mayor Deese. The invocation was given by Mayor Deese. The Pledge of Allegiance was given by everyone.

Adoption of Agenda for the Meeting

Mayor Deese stated that a budget amendment needs to be added to the agenda for this evening's meeting. The purpose of the budget amendment is to move funds from the Enterprise Fund to a Capital Project. A motion was made by Council Member Staton to add to the agenda BA #2017-10. The motion was seconded by Council Member Rowell and passed by unanimous vote. The budget amendment was added to the agenda as item #6.

A motion to approve the agenda with the addition of BA #2017-10 was made by Council Member Rowell. The motion was seconded by Council Member Staton and passed by unanimous vote.

Public Comments

There were no public comments.

Consent Agenda

A motion to accept the consent agenda and to approve the items thereon was made by Mayor Pro-Tem Morgan. The motion was seconded by Council Member Rowell and passed by unanimous vote.

Presentation of the FY2015-16 Financial Audit

Mayor Deese introduced Ms. Deneal Bennett, CPA with J.B. Watson & Co., PLLC. Ms. Bennett reviewed the town's FY2015-16 audit report. She stated that the town's audit report received a clean opinion. Ms. Bennett explained that due to some GAAP (Generally Accepted Accounting Principles) changes more internal control testing was performed. She stated that due to the town's small size, there is always a comment in the report referring to the lack of segregation of duties. Ms. Bennett reported that, compared to last fiscal year, the expenses have increased. She explained that this is likely due to a Marshville Small Town Main Street project, several property acquisitions, the purchase of vehicles and equipment, and the Police Department operating a full staff. Ms. Bennett guided the council through the audit report and explained several reporting changes regarding retirement and LEO Separation Allowance. Ms. Bennett stated that the Union County litigation is disclosed in the detail notes of the audit report.

Mayor Deese thanked Ms. Bennett for the services provided by her firm and for coming to the meeting to review the audit report.

Discussion and action concerning Budget Amendment #2017-10, Appropriation from Enterprise Fund to a Capital Project

Mayor Deese reported that this budget amendment is to transfer funds from the Enterprise Fund to a Capital Project to cover expense incurred to date for surveying and engineering design costs. Once loan proceeds are received from the funding agency these funds will be transferred back into the Enterprise Fund. A motion to approve BA #2017-10 was made by Council Member Rowell. The motion was seconded by Mayor Pro-Tempore Morgan and passed by unanimous vote.

Discussion and action concerning Budget Amendment #2017-08 Stark Law Group and Turrentine Law Firm, PLLC (attorneys for the Union County sewer lawsuit)

Budget Amendment #2017-08 was presented to appropriate additional funds to cover legal expenses related to the Union County lawsuit. A motion to approve BA #2017-08 was made by Council Member Rowell. The motion was seconded by Council Member Carpenter. Council Member Rowell stated that this council needs to do something to resolve this matter. The town cannot continue to pay these fees. Finance Officer, Tonya Johnson reported that to date \$187,900.86 have been spent on legal fees concerning the Union County lawsuit. Council Member Rowell stated that he does not feel as though he knows what is going on. Mayor Deese agreed that it is a lot of money.

Town Manager Stuber stated that the attorneys are working on motions. She stated that Union County's attorney, Mr. Bishop, filed a motion to dismiss one of the town's claims. Discussion ensued. Council Member Rowell expressed that the council needs more information from the attorneys for the amount of money the town is paying them. Council Member Rowell stated that the citizens of Marshville are being raped by the amount of money being spent.

Town Manager Stuber informed the council that she had a meeting scheduled for February 15, 2017 with the county manager. However, due to a scheduling conflict, County Manager Coto has rescheduled the meeting for March 1, 2017.

Council Member Staton also expressed that the town is spending a great deal of money for attorney's fees. Mayor Deese commented that anything the council asks for costs money. Council Member Rowell requested to receive a monthly update, preferably by the third week of each month.

Town Manager Stuber requested to meet with the county if the county wants a staff with staff meeting. Mayor Deese stated that he prefers a meeting between the Commission and the Council. Attorney Griffin commented that it appears black and white to him. The parties should be talking as it could move the process forward. Discussion ensued.

Attorney Griffin asked the council if they are going to have that much control over the manager. He asked if the council wants a report from the attorneys or from the manager. It was the consensus of the council that the manager prepare a monthly report. Mayor Deese warned Town Manager Stuber to keep her guard up when talking with County Manager Coto.

Council Member Rowell made a motion to approve BA #2017-08 Stark Law Group and Turrentine Law Firm, PLLC. The motion was seconded by Council Member Carpenter and passed by unanimous vote.

Discussion and possible action regarding approval of the FY2016-17 Audit Contract

The Finance Officer reviewed the proposed audit contract, pointing out that there is only a slight difference of approximately \$500 in the cost, as compared to last year's contract. A motion to approve the FY2016-17 Audit Contract was made by Mayor Pro-Tempore Morgan. The motion was seconded by Council Member Bivens and passed by unanimous vote.

Set date for FY2017-18 Budget Retreat

Town Manager Stuber reviewed dates for a budget retreat. Suggested dates are March 14-15, March 20-21, or March 21-22. Discussion ensued. Council Member Staton commented that she is unable to attend a day long retreat. She prefers afternoons or a Saturday retreat. Mayor Deese commented that he will check his schedule. A tentative date for the retreat is March 24 & 25, 2017 (subject to change).

Discussion and possible action concerning the park playground

Town Manager Stuber handed out and reviewed a report received from a State Certified Park Inspector. She reported that swings have been taken down and the playground equipment blocked off. Town Manager Stuber reported that Marshville's park doesn't have the right kind of mulch. Town Manager Stuber reviewed the report and pointed out all of the issues/deficiencies identified.

Town Manager Stuber stated that staff is looking into grants and that the cost to make the park compliant with state requirements is likely to be in the six digits. The manager stated that a Landscape Architect with LKC Engineering is helping with a park plan for a grant application.

Council Member Staton commented that Dilworth Park uses tire mulch. Council Member Rowell suggested obtaining quotes for the purchase of new equipment. He suggested staff call the county park director. Discussion ensued regarding grants.

Town Manager Stuber asked the council how much input they want in this matter. She asked if staff should put together a presentation. Mayor Deese stated that he would like to see a presentation and cost estimates. He added that he will speak with someone at Centralina Council of Government regarding funding opportunities. Mayor Deese recommended that staff and Council Member Staton work together to prepare a presentation and to obtain cost estimates. Council Member Rowell thanked Ashley Proctor for the informative report.

CDBG Project Overview

Town Manager Stuber commented that this council allows Union County to use Marshville's population in order to obtain more CDBG funding. Marshville has not submitted any projects to date. Town Manager Stuber explained that the funds may be used for water, sewer, and sidewalk projects. She stated that the town's CIP (Capital Improvement Plan) has been reviewed by herself and Public Works Director, Ricky Bourne. A map from the CIP plan was provided.

The manager discussed several projects. She discussed an issue with the sewer system at Kathy Lane, pointing out that all of the mobile homes are on one tap. Public Works Director, Ricky Bourne elaborated on the sewer issue at Kathy Lane. Discussion was had regarding the area at Allen Drive and Cherio Lane. The manager also discussed a sidewalk project at Carelock and Elizabeth Avenue. Town Manager Stuber commented that the town meets the threshold for CDBG. She reported that last year the Town of Wingate received approximately \$200,000.

Mayor Deese stated that he thinks the town should apply and that sewer should be a priority. He added that we should push the county for money. Mayor Deese commented that an official from Union County stated that the Town of Marshville would get money but were overlooked because we did not submit an

application to receive funds. Mayor Deese stated that the town can submit to CDBG as long as it doesn't submit for the same project. Discussion ensued.

Town Manager's Report

Town Manager Stuber reported on efforts to move forward in the sewer dispute. She reported that the town will begin paying for sewer treatment as of January 5, 2017, as directed in the Consent Order.

The manager reported that NC Rural Water has begun a rate study and will be looking into various options.

The manager reported that there have been several water main leaks/breaks and that staff has handled those occurrences well. She is working with Public Works Director, Ricky Bourne on streamlining duties within the Public Works department.

The manager reported that Town Hall staff has to deal with a lot of angry, irate customers. She desires to work with staff and council members to come up with a public outreach plan to communicate/educate customers concerning their bills.

The manager reported that she and Public Works Director, Ricky Bourne, are working with some Union County data that they have come across. The Inflow and Infiltration Project bid deadline is Thursday, February 9, 2017. The booster pump station project is in the design phase.

The manager reported that department heads are working on FY2017-18 budget requests. She is reviewing contracts and stated that some contracts will be going out for bid.

Town Manager Stuber reported that she has talked with folks from the Economic Development Commission regarding natural gas. Monroe has a cost for installing a line with an eight year payback. The town would likely have to come up with \$150,000. The manager stated that there may be a planning meeting in March. Council Member Rowell reported that he has a list of businesses that would likely switch to natural gas. Discussion ensued regarding natural gas. The manager reported that the Economic Development Commission will look into Gold Leaf grant opportunities.

The manager reported that since the adoption of the new MDO (Marshville Development Ordinance) last year (February 1, 2016), some issues have come up. The plan requires that the Technical Review Committee review everything over 2,400 square feet. The Technical Review committee is currently members of the Planning Board, but it should be made up of staff. The Planning Board is working on a text amendment to present to council at the March meeting. Discussion ensued regarding the role of the Technical Review Committee.

Council Member Carpenter stated that Carolina Wood Products wants to demolish two old buildings and construct a new building. The ordinance is very restrictive and the process is lengthy and burdensome. Town Manager Stuber explained that the Technical Review Committee makes a recommendation to the Planning Board. The Planning Board, in turn, makes a recommendation to the Town Council. Discussion ensued regarding the best way to streamline the process.

The manager reported that the US Census department wants to update its contact information for the town. She suggested changing the contact person from the mayor to the manager. This recommendation was the consensus of the mayor and council.

Mayor and Town Council Member Comments

Council Member Bivens stated that she receives complaints from citizens regarding high water bills. She expressed that she doesn't see the sense in base rates. Council Member Bivens commented that the town needs to discuss a dog policy.

Council Member Carpenter reported an issue with big trucks speeding through town. Marshville needs to become established as a speed trap to slow down traffic.

Council Member Carpenter asked if there is any way the town can get a marquee sign to advertise community events. The events need more publication. She added that Ms. Doris Wheeler is going to be doing a news column on Marshville.

Council Member Carpenter reported that she will be participating in a conference call with the Union County representatives from the CRTPO (Charlotte Regional Transportation Planning Organization).

Council Member Carpenter emphasized that the planning ordinance is going to have to be revisited.

Council Member Carpenter reported that the Marshville Chamber of Commerce dinner was good and was well attended.

Council Member Rowell reiterated Council Member Carpenter's remarks that the Chamber banquet was well attended. He reported that he has been elected as a chamber officer and suggested that the council appoint the manager or another council member to serve in his current position.

Council Member Rowell questioned if the manager has come to a decision regarding acceptance of the full time Town Manager job offer. Mayor Deese stated that Dr. Stuber has not come to a decision because he just provided the document to her. She is currently reviewing the employment document.

Council Member Staton reported that on March 25, 2017 the USTA (tennis) is coming to Marshville. This event will interfere with the tentative budget retreat. The event will likely last until 1:00 or 2:00 pm.

Council Member Staton emphasized that some items being discussed during meetings needs to be on the agenda.

Mayor Pro-Tempore Morgan complimented the Town of Marshville staff.

Mayor Deese informed the council that Town Hall Day is March 29, 2017. He urged any member interested in attending to let the town clerk know so that registration/reservations can be made.

Mayor Deese complimented the staff for the report of a clean audit.

Adjourn

Council Member Rowell made a motion to adjourn at 9:00 pm. The motion was seconded by Council Member Staton and passed by unanimous vote.

These minutes approved this 6th day of March, 2017.

By: _____

Frank Deese, Mayor

ATTEST: _____

Tonya D. Johnson, Town Clerk

