

**Town of Marshville
Town Council Meeting
Monday, March 7, 2016
Marshville Town Hall
201 W. Main St., Marshville**

Regular Meeting

Council Members Present: Mayor Pro-Tem Morgan, Council Members Jim Rowell, Norma Carpenter, Ernestine Staton, and Margaret Bivens. Mayor Deese called in to report his absence from the meeting.

Staff Present: Town Manager, Fern Shubert; Town Clerk/Finance Officer, Tonya Johnson; Public Works Director, Bivens Steele; Chief of Police, Matt Tarlton. (Town Attorney, Bobby Griffin, was absent due to a previously announced engagement).

Call to Order/Invocation/Pledge of Allegiance

The meeting was called to order at 7:02 pm by Mayor Pro-Tem Morgan. The invocation was offered by Council Member Bivens. The Pledge of Allegiance was given by everyone.

Adoption of Agenda for the Meeting

Council Member Staton moved to add to the agenda discussion and possible action regarding work sessions and a budget retreat. The motion was seconded by Council Member Bivens and passed unanimously. Mayor Pro-Tem Morgan stated that these discussions would be added as agenda items #12a and 12b.

A motion to adopt the agenda with the approved changes was made by Council Member Rowell. The motion was seconded by Council Member Carpenter and passed by unanimous vote.

Public Comment

Todd Johnson, of 3118 E. Lawyers Road, Marshville, addressed the council regarding his candidacy for the 9th Congressional District. Mr. Johnson stated that he previously served as a Union County Commissioner from 2010 until 2014. Afterwards, he served as the 8th Congressional District Chairperson. Mr. Johnson recently announced his intention to run for the 9th District Congressional seat. Mr. Johnson pointed there is now a new map redrawing congressional districts that was recently approved. Mr. Johnson reported that the 9th District stretches all the way to Fayetteville. Mr. Johnson stated that there has been no representative in Washington from Union County in many years. He commented that the election not about parties. Rather, it is about what is best for this district. Mr. Johnson pointed out that Union County almost lost the hospital. He also stated that unemployment was out of control and taxes too high. Mr. Johnson conveyed that as a Commissioner, he vowed to cut taxes and did that. Mr. Johnson declared, "If I tell you something you will know that I stand on my word. I will listen to you." Mr. Johnson concluded his remarks commenting that he covets the prayers and support of the Marshville Town Council.

Consent Agenda

A motion to accept the consent agenda and the items thereon was made by Council Member Rowell. The motion was seconded by Council Member Staton. Town Manager Shubert emphasized Sunshine Week and the importance of transparency in government. The motion passed by unanimous vote.

Police Department Updates

Chief Tarlton introduced the new Patrol Officer, Romana Marks. He stated that Officer Marks was recently sworn in and will complete 500 hours of training with Officer Spurlock. Officer Marks has a degree in Criminal Justice. Officer Marks thanked members of the council for the opportunity to serve Marshville.

Chief Tarlton reported that two radar units should arrive within a couple of weeks. The radar units were received through points earned from check points the Town of Marshville Police Department participated in.

Chief Tarlton reported that within the past week, three officers attended a one day school concerning laws regarding tractor trailer trucks.

Chief Tarlton reported that he and Town Manager Shubert have been studying the stop light issues in Marshville.

Discussion and action regarding approval of amended Taser Policy in accordance with new NC Standards – *Chief Matt Tarlton*

Chief Tarlton mentioned a recent court case resulting in revisions/amendments to Taser Policies. State law no longer allows tasering as a means to make someone compliant. There must be eminent threat against the officer. The Marshville Police Department policy has been revised/amended and has been reviewed/approved by the town attorney. Town Manager Shubert commented that she has spoken with the attorney regarding the policy and the attorney stated that the revised policy was very well written. A motion to adopt the amended Taser Policy in accordance with the new North Carolina Standards was made by Council Member Rowell. The motion was seconded by Council Member Carpenter and passed by unanimous vote.

Parks & Recreation Updates

The town manager introduced Mr. Eddie Mitchell as the new Parks and Recreation Director for the Town of Marshville. Town Manager Shubert pointed out that Mr. Mitchell has quite an unusual background.

Mr. Mitchell introduced himself and commented that he has been in the states for 33 years. He came to play professional soccer in Dallas, Texas. Mr. Mitchell reported that he has a huge sports background and community background. Mr. Mitchell has hosted radio shows and written several books. He has put on many tournaments. Mr. Mitchell informed the council about a charity that he does with young children. Mr. Mitchell stated that he currently resides in Charlotte but has plans to move to Marshville.

Town Manager Shubert commented that the town owns a house on Main Street that was purchased as property for a recycle center. She is considering allowing Mr. Mitchell to move into the house since it is not currently being utilized. The house needs some updates which can be done by the public works department. The manager commented that Mr. Mitchell realizes that the Town of Marshville doesn't have excessive funds for programs. Mr. Mitchell volunteered to move to Marshville and the manager feels the town should work to accommodate him. It was the consensus of the council to allow Mr. Mitchell to move into the house on Main Street and to reside there for up to one year.

Council Member Rowell reported that the town also acquired land on East Union Street in order to

expand the Marshville Park. The house has basically no value. Council Member Rowell reported that Mr. Mike Reece with Habitat for Humanity will demolish the house and will use whatever materials it can reuse or resale, and will make the property ground ready. Mr. Reece can have the demolition completed by September 30, 2016. Habitat for Humanity agrees to do this in exchange for a 4 inch sewer tap and a ¾ inch water tap at another location. Council Member Rowell and Mr. Reece stated that a written proposal exists.

Town Manager Shubert stated that Habitat for Humanity needs to provide a hold harmless agreement as suggested by the town attorney per a telephone conversation. Council Member Rowell made a motion to accept the agreement and terms with Habitat for Humanity to clear the house by September 16, 2016 in exchange for a 4 inch sewer tap and a ¾ inch water tap (at another location when and where needed). The motion was seconded by Mayor Pro-Tem Morgan.

Council Member Staton expressed concern that the manager and some members of the council are speaking for the attorney in his absence. Council Member Staton expressed concern that the council is moving too fast on this issue. Council Member Staton emphasized that she is uncomfortable voting on certain things without the town attorney being present to speak for himself. The motion carried with a 3 to 2 vote (Council Members Staton and Bivens opposed).

Discussion and action regarding request for a street closure

Bivens Steele, Director of Public Works, stated that a request has been received from Marshville United Methodist Church to close Church Street on Saturday, March 19, 2016 from 12 pm until 4 pm for an Easter Egg Hunt. A motion was made by Council Member Carpenter to grant the street closure. The motion was seconded by Council Member Rowell and passed by unanimous vote.

Discussion and action regarding payout of additional accrued annual leave time to former manager

Town Manager Shubert stated that she was not around when her predecessor's employment contract was negotiated. The council held a closed session discussion regarding this issue last week. The consensus of the council was that it would be better to pay out the disputed amount to avoid potential litigation. It was agreed that before the disputed amount is remitted, the attorney will prepare a hold harmless agreement stating that this payout settles any and all claims with this former employee. A motion to pay out annual leave in dispute, not to exceed \$3,000, provided that the former employee executes a hold harmless agreement was made by Council Member Carpenter. The motion was seconded by Council Member Rowell and passed by a unanimous vote.

Discussion and possible action regarding the AT&T Tower Lease proposal

Town Manager Shubert reported that she received a proposal from a representative from Black Dot for our cell tower lease. She expressed that she has a problem with the offer explaining that approximately one year ago the offer was to increase the lease amount and to extend the lease. Town Manager Shubert requested that the council give her direction on how to proceed. She added that after reviewing the proposal she does not recommend it. Council Member Rowell asked whether the town has a lease agreement with AT & T. The manager stated that the town does and that the agreement is renewable every five years. The manager reported that she negotiated an amendment in 2014 which resulted in an increase in the lease payments. The manager reported that she has not been contacted by AT & T but by a consultant (Black Dot).

The manager informed the council that an application was received by a company that wants to put up another tower. This leads her to think that the town's tower may be more valuable. Town Manager Shubert stated that if the council considers Black Dot's proposal then other companies

should be allowed to bid. It was the consensus of the council to leave the tower lease with AT & T as is.

Public Works Updates

Director of Public Works, Bivens Steele, reported that public works staff is tearing down the old Union Street building. He reported that plans are to begin the sidewalk project in April.

Bivens Steele, Director of Public Works, pointed out that in June 2015, the council passed an ordinance for no thru trucks. The ordinance omitted Raleigh Street. The clerk recommended holding a public hearing in April since a public hearing was had when the ordinance was considered last June. Bivens Steele, Director of Public Works, recommended that council and staff consider other streets that may need to be included in the ordinance amendment.

Town Manager Shubert stated that heavy trucks need to be kept off municipal streets. The town's roads are not adequate to handle fully loaded tractor trailer trucks. Discussion ensued.

Council Member Rowell made a motion to call for public hearing on Monday, April 4, 2016 at 7:00 pm at Town Hall to amend the traffic schedule ordinance. The motion was seconded by Council Member Carpenter and passed by unanimous vote.

Set dates for FY2016-2017 Budget Work Sessions

Town Manager Shubert stated it is going to be difficult to schedule budget work sessions without Mayor Deese's input. The manager commented that the council should tell the Union County Commissioners to figure out what they are going to do. The county doesn't follow the contract or federal law. Council Member Staton commented that she is available to meet on Saturday's during the month of April. She asked whether budget information will be available if work sessions are scheduled. The manager pointed out there are still many moving parts to the budget.

Town Council Work Sessions

Council Member Staton suggested that the council conduct work sessions prior to a regular council meeting. She expressed concern that some issues that come up are gone through too hurriedly. Council Member Staton expressed that a work session will make the council better prepared for the regular meeting. Council Member Rowell stated that the council voted to eliminate work sessions.. Council Member Carpenter recalled that eliminating work sessions was a recommendation by the former manager. Council Member Staton commented that she would like to see work sessions included in the budget for the next fiscal year. She explained that she's not always comfortable voting on certain issues because she doesn't feel fully informed. Many times information is not received until a meeting and then council members are expected to vote at the same time.

Council Member Staton stated that next year the council needs to plan a budget retreat, a time to get together and prepare the budget. The manager stated that last year there was concern that the budget process began too late so this year it was started earlier. Council Member Staton commented that once all the budget information is available then council needs to have a budget retreat. Discussion ensued.

Town Manager's Report

The manager stated she has no further comments.

Mayor and Town Council Member Comments

Council Member Carpenter reported that she attended the CRTPO workshop and meeting in

February at which time she met a gentlemen from the Turnpike Authority. Council Member Carpenter reported that the Museum is moving along. She wished everyone a Happy Easter.

Council Member Rowell reported that there will be a Small Town Main Street meeting on Tuesday, March 8, at 12:00 pm at the Community Center. Small Town Main Street meetings will be held the second Tuesday of each month at 12:00 pm at the Community Center. Council Member Rowell reported that Tuesday, March 15, 2016, the newly appointed ABC Board will meet. The ABC Board requested that two additional members be appointed until a determination is made as to whether Marshville gets an ABC store.

Council Member Rowell reported that on April 4, 2016 beginning at 11:00 am at Kate Clyde's Catered Creations, there will be an Economic Development Visioning Session. This will be a joint meeting of the Marshville Chamber of Commerce, the Monroe/Union Economic Development staff, N-Focus Planning & Design staff, the Small Town Main Street Committee, the President of Wingate College, Mayor Deese, Town Manager Shubert, and Town Clerk/Finance Officer, Tonya Johnson. The Home News and the Enquirer journal are also invited.

Council Member Rowell explained that the purpose of the meeting is to get everyone on the same page as a result of anticipated growth from the bypass.

Council Member Rowell reported that the Park Committee will meet on March 16, 2016 at 3:00 pm at the Community Center.

Council Member Rowell gave honorable mention to the Town Hall staff, commending their hard work.

Council Member Staton welcomed Mr. Mitchell and wished everyone a Happy Easter.

Town Manager Shubert reported that Mayor Deese received a letter from Governor McCrory regarding the 77 Toll Road. She stated that the council can provide feedback according to the letter. Council Member Carpenter stated that Marshville has one vote.

Adjourn

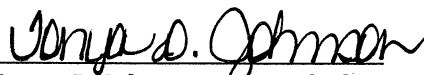
A motion to adjourn the meeting was made by Council Member Bivens. The motion was seconded by Council Member Staton and passed by unanimous vote. There being no further comments the meeting adjourned at 8:14 pm.

These minutes approved this 4th day of April, 2016.

By: 

Franklin D. Deese, Mayor

ATTEST:


Tonya D. Johnson, Town Clerk

Town of Marshville

Public Comments Sign-Up Sheet

Regular Meeting Date: 3/17/2010

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

	PRINT NAME	ADDRESS	TOPIC OF DISCUSSION	PHONE #	EMAIL ADDRESS
1	Todd Johnson	3118 E Lawyers Rd	9th Congressional	704-989-3139	vote.todd.johnson@gmail.com
2					
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					
14					
15					

15/16-03

TOWN OF MARSHVILLE SUNSHINE WEEK OPEN GOVERNMENT PROCLAMATION

WHEREAS, Sunshine Week is a national initiative to promote the importance of open government and freedom of information; and

WHEREAS, North Carolina has two Sunshine Laws to promote transparency in government: the Open Meetings Law and the Public Records Law; and

WHEREAS, every citizen in our participatory democracy has an inherent right of access to government meetings and public records; and

WHEREAS, an open and accessible government is vital to establishing and maintaining the people's trust and confidence in their government and in the government's ability to effectively serve its citizens; and

WHEREAS, the protection of every person's right of access to public records and government meetings is a high priority of the Town Council of the Town of Marshville; and

WHEREAS, the Town Council of the Town of Marshville is committed to openness and transparency in all aspects of its operations and seeks to set a standard in this regard; and

WHEREAS, the Town Council of the Town of Marshville commits during this Sunshine Week, March 13-19, 2016, and throughout the year 2016 to work diligently to enhance the public's access to government records and information and to ensure that all meetings are fully noticed and open to the public.

NOW, THEREFORE, I Franklin D. Deese, Mayor and on behalf of the members of the Marshville Town Council do hereby proclaim March 13-19, 2016 as Sunshine Week and encourage all of our staff and officials to follow the letter and the spirit of the Sunshine Laws as we carry out our daily duties.

IN WITNESS THEREOF, I have hereunto set my hand and caused the Seal of the Town of Marshville to be affixed this 7th day of March, 2016.

By: Virginia Morgan
Virginia Morgan, Mayor Pro-Tem

Attest: Tonya D. Johnson
Tonya D. Johnson, Town Clerk



2015-2016

FUND 10 REVENUES

Revenues	Budget	YTD as of 01/31/16	Percent
10-3010-0000 Ad Valorem Taxes	670,384.00	493,010.34	74%
10-3010-0100 Motor Vehicles	69,550.00	45,749.68	66%
10-3010-0500 Prior Year Tax Collect	11,000.00	12,040.26	109%
10-3170-0000 Tax Penalties & Interest	4,500.00	2,761.27	61%
10-3250-0000 Privilege Licenses	0.00	30.00	
10-3260-0000 Vehicle Rental Tax	0.00	0.00	
10-3290-0000 Interest on Investments	3,800.00	271.31	7%
10-3317-0000 Controlled Substance Tax	0.00	0.00	
10-3318-0000 Police Grant	13,549.00	0.00	
10-3318-0050 Pedestrian Planning Gr	0.00	0.00	
10-3318-0200 CMAQ Revenue	0.00	0.00	
10-3319-0000 Police Calendar Sales	300.00	280.00	93%
10-3319-0100 Police Protection Rev	900.00	972.00	
10-3319-0200 National Night Out Proceeds	0.00	0.00	
10-3350-0000 Miscellaneous	1650.00	2,244.08	136%
10-3350-0100 Sale of Fixed Asset	0.00	0.00	
10-3350-0200 Cash Short	0.00	0.75	
10-3360-0000 Insurance Proceeds	15614.00	18,290.20	
10-3360-0100 Reimbursement Proceeds	0.00	-2676.00	
10-3370-0000 Franchise Tax - Utilities	185,000.00	107,474.96	58%
10-3370-0100 Franchise Tax - Cable TV	0.00	0.00	
10-3370-0200 Solid Waste Disposal Tax	1,600.00	767.05	48%
10-3430-0000 Powell Bill Allocation	69,500.00	69,660.91	100%
10-3450-0000 Local Option SalesTax	0.00	0.00	
10-3450-0010 Sales Tax Art. 39	80,000.00	46,369.12	58%
10-3450-0020 Sales Tax Art. 40	55,000.00	32,277.82	59%
10-3450-0030 Sales Tax Art. 42	42,000.00	24,628.51	59%
10-3450-0040 Sales Art. 44	0.00	5.43	
10-3450-0050 Sales Tax Hold Harmless	62,000.00	32,200.20	62%
10-3450-0200 Beer & Wine Tax Distr	10,500.00	0.00	%
10-3491-0000 Planning/Zoning Fees	2,000.00	2,301.00	115%
10-3510-0000 Court Cost Fees & Charges	1,100.00	1,007.29	92%
10-3590-0000 Refuse Collection Fees	183,500.00	116,420.19	63%
10-3610-0000 Cemetery - Sale of Lot	3,750.00	1,500.00	40%
10-3610-0100 Cemetery - Donations	0.00	0.00	
10-3610-0200 Cemetery - Grave Opening	0.00	0.00	
10-3650-0000 Recreation Activity Fees	500.00	325.32	65%
10-3650-0100 Grant for Park	0.00	0.00	
10-3650-0120 Community Development	0.00	0.00	
10-3650-0130 Skatpark Donations	0.00	0.00	
10-3650-0200 Park Concessions	0.00	0.00	
10-3650-0300 Facilities Rental Fee	2,500.00	1,865.00	75%
10-3710-0400 Late Fee	0.00	0.00	
10-3834-0000 Property Leases	65,000.00	38,177.76	59%
10-3984-0000 Transfer From 40 Fund	0.00	0.00	
10-3990-0000 Encumbered Fund Balance	202,734.00	0.00	
10-3990-0100 Encumbered Powell Bill	121,800.00	0.00	
10-3990-0200 Encumbered Cont. Substance	313.00	0.00	
10-3990-0300 Encumbered Solid Waste	0.00	0.00	
Total Revenues for Fund 10	1,870,044.00	1,047,954.45	56%

2014-2015

Budget

Budget	YTD as of 01/31/15	Percent
727,000.00	582,234.56	80%
58,200.00	43,097.14	74%
11,000.00	7,934.41	72%
4,500.00	2,451.36	54%
2,500.00	2,382.00	95%
0.00	0.07	
7,000.00	199.87	3%
0.00	188.75	
0.00	0.00	
0.00	0.00	
0.00	0.00	
300.00	330.00	110%
0.00	968.00	
0.00	210.00	
2,300.00	2,383.40	104%
0.00	4455.00	
0.00	1.66	
0.00	2,299.80	
0.00	14.32	
170,000.00	94,922.97	56%
1,600.00	0.00	%
1,500.00	750.49	50%
69,000.00	70,095.76	102%
0.00	0.00	
61,000.00	46,237.15	76%
47,000.00	32,659.04	69%
30,000.00	24,594.48	82%
0.00	11.24	
48,000.00	32,666.29	68%
10,000.00	0.00	%
1,000.00	2,895.00	290%
1,200.00	645.88	54%
196,500.00	117,397.82	60%
3,750.00	3,750.00	100%
5940.00	5940.00	
0.00	0.00	
300.00	320.00	107%
0.00	0.00	
200.00	200.00	
0.00	0.00	
0.00	0.00	
2,200.00	1,669.17	76%
0.00	0.00	
63,100.00	33,761.92	54%
0.00	0.00	
20,950.00	0.00	
56,000.00	0.00	
0.00	0.00	
9922.00	0.00	
1,611,962.00	1,117,667.55	69%

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	
Total Expenses for Fund 10	

2015-2016

Budget		YTD	Percent
		as of 01/31/16	
	73,100.00	40,293.10	55%
	258,500.00	130,677.29	51%
	211,725.00	68,736.01	32%
	24,150.00	6,740.74	28%
	703,689.00	388,201.60	55%
	127,350.00	60,721.49	48%
	121,800.00	31,683.09	26%
	252,680.00	141,895.18	56%
	87,050.00	36,513.37	42%
	10,000.00	0.00	
	0.00	0.00	
	0.00	0.00	
	1,870,044.00	905,461.87	48%

2014-2015

Budget		YTD	Percent
		as of 1/31/15	
	73,990.00	35,536.62	48%
	255,200.00	123,701.26	48%
	136,505.00	83,158.71	61%
	37,400.00	29,717.41	79%
	602,625.00	335,639.94	56%
	149,940.00	74,678.45	50%
	56,000.00	14,756.22	26%
	218,485.00	122,805.12	56%
	71,817.00	31,274.27	44%
	10,000.00	0.00	
	0.00	0.00	
	0.00	0.00	
	1,611,962.00	851,268.00	53%

2015-2016

FUND 30 REVENUES	
Revenues	
30-1350-0000 Utility Refunds	
30-2290-0100 Contrib. - Spec. Rev.	
30-3290-0000 Interest on Investments	
30-3350-0000 Miscellaneous Income	
30-3350-0100 Sales of Fixed Assets	
30-3350-0300 Donated Assets	
30-3350-0400 Grant Proceeds	
30-3360-0000 Insurance Proceeds	
30-3360-0100 Reimbursements Proceeds	
30-3710-0000 Charges Utilities Water	
30-3710-0100 Charges Utilities Sewer	
30-3710-0300 Delinquent Fees	
30-3710-0400 Late Fees	
30-3710-0500 Returned Check Fee	
30-3710-0600 Service Initiation Fee	
30-3710-0700 Service Call Fee	
30-3710-0800 After Hours Reconnect	
30-3710-0900 Tampering Fee	
30-3730-0000 Tap Fees - Water	
30-3730-0100 Tap Fees - Sewer	
30-3740-0000 Bad Debts	
30-3750-0100 Capacity Fees - Water	
30-3750-0200 Capacity Fees - Sewer	
30-3800-0000 Capital Contributions	
30-3940-0000 Transfer From Gen Fund	
30-3990-0000 Encumbered Fund Balance	
Total Revenues for Fund 30	

Budget	YTD	Percent
as of 01/31/16		
0.00	0.00	
0.00	0.00	
1,500.00	237.95	16%
0.00	353.00	
0.00	0.00	
0.00	0.00	
0.00	0.00	
0.00	4,021.45	
0.00	0.00	
655,400.00	392,069.22	60%
759,000.00	462,800.75	61%
18,000.00	12,950.00	72%
25,000.00	19,800.00	79%
0.00	425.00	
3,500.00	2,425.00	69%
0.00	0.00	
0.00	80.00	
0.00	557.00	
10,800.00	1,200.00	
31,500.00	7,000.00	
0.00	0.00	
12,900.00	1,441.00	
29,600.00	6,594.00	
0.00	0.00	
0.00	0.00	
0.00	0.00	
1,547,200.00	911,954.37	59%

2014-2015

Budget	YTD	Percent
as of 01/31/15		
0.00	-2179.34	
0.00	0.00	
9,000.00	101.61	1%
0.00	0.00	
0.00	0.00	
0.00	0.00	
0.00	0.00	
0.00	0.00	
0.00	41.79	
571,600.00	387,794.36	68%
759,170.00	448,392.12	59%
18,000.00	13,050.00	73%
25,000.00	16,121.12	64%
0.00	525.00	
3,500.00	2,625.00	75%
0.00	0.00	
0.00	200.00	
0.00	686.00	
4,800.00	0.00	
14,000.00	0.00	
0.00	0.00	
0.00	0.00	
0.00	0.00	
0.00	0.00	
0.00	0.00	
1,405,070.00	867,357.66	62%

FUND 30 EXPENDITURES	
Expenses	
30-5310 Safety	
30-6601 Contingency	
30-7000 Transfer	
30-8280 Water Operations	
30-8290 Sewer Operations	
Total Revenues for Fund 30	

Budget	*YTD	Percent
as of 01/31/16		
0.00	0.00	
5,000.00	0.00	
0.00	0.00	
700,600.00	288,054.61	41%
841,600.00	236,221.37	28%
1,547,200.00	524,275.98	34%

Budget	YTD	Percent
as of 01/31/15		
0.00	0.00	
5,000.00	0.00	
0.00	0.00	
640,900.00	269,872.75	42%
759,170.00	219,096.02	29%
1,405,070.00	488,968.77	35%

**Total Outstanding Payables to Union Co. Sewer as of 01/31/2016 = \$

Marshville Police Department General Order**Number 24****TASER**

Revised February 23, 2016

TASER Usage and Deployment Guide

In accordance with North Carolina General Statute 15A-401 (d), a Marshville Police officer is justified in using force upon another person when and to the extent that he/she reasonably believes it necessary:

- To prevent the escape from custody or to affect the arrest of a person who the officer reasonably believes has committed a criminal offense, unless the officer knows that the arrest is unauthorized.
- To defend him/her or a third person from what the officer reasonably believes to be the use or imminent use of physical force while effecting or attempting to affect an arrest or while preventing or attempting to prevent an escape.
- The following graduated levels of force represent steps in the use of force decision-making process:

1. Step One *Professional-Verbal Command*

The officer assumes control of the situation through announced and/or uniformed appearance and professional bearing. If presence alone fails, the officer begins verbal persuasion, dialog, and command warning if necessary.

2. Step Two *Soft Empty Hand Control*

The officer places hand(s) on the suspect and advises the suspect that he/she is under arrest. Any resistance beyond this point is unlawful and must be countered by the officer.

3. Step Three *OC Spray*

Officers may utilize the OC Spray to temporarily subdue the suspect. The officer must discontinue the use of the OC spray once the suspect is in compliance with the directives or is in immediate control of the officer.

4. Step Four *TASER*

Officer may deploy the TASER device in either probe or drive stun mode, only when an individual presents an immediate danger to the officer or a third person. The TASER device should not be used to gain compliance of a subject who is non-combative and presents no immediate danger.

5. Step Five *Mechanical Compliance*

Usual methods of mechanical compliance include wrist-locks and arm bar or other "come along" techniques. These techniques counter joint pressure using leverage that may be applied using handcuffs, the PR-24 baton. Orthopedic injury may occur at this step.

6. Step Six *Impact*

Impact weapons are used only when mechanical control methods are ineffective or inappropriate. Authorized impact weapons include the PR-24 baton and the ASP baton, which an officer may carry only after being trained. When practical, blows should be initially directed toward soft tissue areas such as the back of the legs or buttocks prior to a strike at a joint or bone. Force used by the officer should be appropriate to the force used against the officer.

7. Step Seven *Deadly Force Using Firearm*

An officer will apply deadly force using a firearm only to protect himself/herself or others from death or serious injury, or to apprehend a fleeing felon when all other means of apprehension have been exhausted and the suspect presents an imminent risk to the community. When practical, a verbal warning will be given. Officers' reactions will be dictated by the hostile actions of the suspect and the need for immediate control.

I. Definitions

- **TASER** – a conducted energy weapon as defined by the US Department of Defense as “weapon systems that are explicitly designed and primarily employed so as to incapacitate personnel or material, while minimizing fatalities, permanent injury to personnel, and undesired damage to property and the environment” that is designed to produce and emit electrical pulses which affect the central nervous system and the muscular-skeletal system. It is important to note that the Department of Defense policy does not require or expect non-lethal weapons “to have zero probability of producing fatalities or permanent injuries”. Rather, non-lethal weapons are intended to significantly reduce the probability of such fatalities or injuries as compared with traditional weapons which achieve their effects through physical destruction of targets.
- **Probe** – A metallic tubular shaped object with an affixed point on one end that is deployed from a TASER and designed to penetrate clothing and skin.
- **Hit** – The act of receiving an electrical impulse from a TASER.
- **Deployment** – The activation of a TASER resulting in the arcing of the unit, and/or the discharge of an air cartridge whether or not the probes make contact with their intended target, and/or using the drive stun technique. The mere display of the TASER is not considered deployment.
- **Drive Stun** – The deployment of a TASER without an air cartridge attached, or with a spent air cartridge attached, while the TASER makes contact against its intended target.
- **AFID Tags (Anti Felon Identification Tags)** – Small circular, colored pieces of paper that have a serial number printed on them that is identical to the serial

number of the air cartridge that they were deployed from. These are used to trace back to the original purchase of the air cartridge.

- Less Lethal Force – Force used to subdue or render a subject non-threatening, with a lower probability of effecting fatal consequences.
- Violent Subject – A subject through his actions refuses to follow commands either by verbally threatening violence and/or by his body language showing that he intends violence to prevent the officer from performing his duties.

II. Purpose of Training

- The purpose of training is to provide officers with the theory and practical training necessary to effectively and safely operate the TASER as a conductive energy weapon.

III. Certification Requirements

- In order to carry a TASER device on duty, officers of the Marshville Police Department are required to complete an in-service department TASER training course, or complete a TASER Instructor course through TASER International, pass a written and practical exam, and complete an annual TASER refresher course.

IV. Deployment Guide

- All officers of the Marshville Police Department will comply with the Marshville Police Department general Orders Manual's policy on the Use of Force when utilizing the TASER device in the field.
- TASER devices will only be issued, handled, or deployed by officers who have successfully completed a TASER training program and have been certified in its use.
- TASER devices should be used as instructed in the training course, and only in accordance with agency policy.
- As with any level of force applied by a Marshville Police officer to effect an arrest or control a subject to prevent them from harming themselves, the public, and/or law enforcement, officers will utilize only the amount of force necessary in each particular situation. The TASER will be handled with a high degree of care and discretion. The TASER will not be used in a playful manner, on or off duty.
- TASER devices shall not be used in conjunction with Oleoresin Capsicum and/or Chemical Munitions that are flammable based (alcohol, oil, etc.). If deploying officer is in doubt of the flammability of the base of the Oleoresin Capsicum and/or Chemical Munitions, the officers shall not deploy the TASER.

- TASER devices shall not be used if the subject has a flammable liquid or explosive vapor (i.e. gases found in sewer lines) on him or in the immediate area surrounding him.
- Whenever a TASER is to be deployed, it is the responsibility of the deploying officer to make certain that officers on the scene understand that the TASER is being deployed prior to its deployment, if possible. When possible, this shall be accomplished through the warning announcement "TASER! TASER!" to alert other officers, as well as provide the subject an additional opportunity to cease the conduct that has given rise to the deployment of the TASER.
- When on duty, Marshville Police officers will carry TASER and ensure it is in proper working order.
- Officers may carry the TASER on the strong draw side or the cross draw side of the duty belt. The placement of the TASER on the duty belt will not interfere with the drawing action of the service weapon from its holster, the radio from its pouch, or the Oleoresin Capsicum from its holster.
- The TASER should only be deployed when a police officer is confronted with a circumstance that creates an immediate risk to safety and that is reasonably likely to be reduced by use of the TASER. Such circumstances may include the following:
 1. Violent or threatening behavior.
 2. Flight to avoid arrest/detention in circumstances where an officer reasonably perceives that allowing the suspect to run would create an immediate safety risk to themselves or others.
 3. Other situations where an officer can articulate an immediate safety risk that is reasonable likely to be resolved by use of the TASER.

The TASER should not be deployed in situations where subjects are non-compliant or resistant, unless the non-compliance or resistance creates an immediate risk to safety that can be diminished by use of the TASER.

V. Probe Removal

- Once the subject has been safely secured, the deploying officer shall place protective gloves on and remove the probes as trained.
- Of one (1) or more of the probes have penetrated the subject's eye, face, neck, breast (female), or groin, emergency medical personnel shall remove the probes or transport the subject to the nearest medical facility for probe removal. The deploying officer or his designee shall remain with the subject.
- Officers will be trained in probe removal and should only do so as indicated in said training.

VI. Post Deployment

- The spent cartridge(s), probes, and two (2) or more of the AFID tags shall be collected and preserved as evidence.

VII. Reporting and Documentation

- Officers will immediately report the use of a TASER device to their immediate supervisor who will contact the Lead Supervisor. The Lead Supervisor will make a determination on whether to contact the Chief of Police.
- Officers who deploy the TASER device will submit a departmental Use of Force Report and an Incident report to his immediate supervisor at his/her first opportunity.

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Subject: Fwd: MUMC Easter Egg Hunt request for Church Street to be clos3d
From: Bivens Steele <bstele@marshville.org>
Date: Thu, Mar 03, 2016 12:07 pm
To: tjohnson@marshville.org

Sent from my iPhone

Begin forwarded message:

From: Amy and Brandon Crist <eutslandscaping@hotmail.com>
Date: March 3, 2016 at 11:37:56 AM EST
To: "bstele@marshville.org" <bstele@marshville.org>
Subject: MUMC Easter Egg Hunt request for Church Street to be clos3d

Dear Town of Marshville,
Marshville United Methodist Church will be hosting an Easter Egg hunt for surrounding families of Marshville on Saturday, March 19, 2016 from 1 to 3 pm. To ensure the safety of our community we are requesting that Church Street be temporarily closed from 12 to 4 pm.

You may contact Amy Crist with your decision as well as any questions /concerns you may have.

Thank you for your consideration.

Sincerely,

Amy
704.201.2411 (mobile)

Sent from my Verizon Wireless 4G LTE smartphone

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