

**Town of Marshville  
Town Council Meeting  
Monday, July 7, 2014  
Marshville Town Hall – 201 West Main St.**

## **REGULAR MEETING MINUTES**

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

**Staff Present:** Town Manager, Fern Shubert; Clerk/Finance Officer, Tonya Johnson; Police Chief, Matt Tarlton; Director of Public Works, Bivens Steele; Director of Utilities, Alicia Melton; Detective, Felix Blakney; Community Development Director, Alan Thifault and Town Attorney, Bobby Griffin

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

Mayor Deese called the meeting to order at 7:00 pm and welcomed those in attendance. The invocation was offered by Council Member Huntley. The Pledge of Allegiance was given by everyone.

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

A motion to adopt the agenda as presented was made by Council Member Rowell, seconded by Mayor Pro-Tem Morgan and passed unanimously.

### **Public Comment**

Alisa Alston of 1319 Dr. Blair Road, Marshville, addressed the council concerning safety at the intersection of Hasty Road and Elm Street. Ms. Alston reported that people are not stopping at the stop sign on Hasty Road and there have been several near accidents. Ms. Alston urged the council to look into a caution light or some other safety means to prevent accidents.

Gary Sikes of 1939 Cedar Grove Church Road, Polkton, addressed the council to explain the Anson-East Union Counties NC Missional Network Aquaponics Cooperative Project and to request a letter of support. The cooperative is applying for grant money and needs community support. The cooperative will provide low-income neighbors with knowledge, skills and resources to produce fresh fish and vegetables for their families and neighbors. Some of the produce will be sold to generate funds that will go back into the cooperative.

Representative Mark Brody stated he came to the meeting to listen and observe what is going on in Marshville.

### **Consent Agenda**

- June 2, 2014 Town Council Minutes - Regular Meeting (Recessed until June 9, 2014)
- June 16, 2014 Town Council Minutes – Special Meeting
- June 24, 2014 Town Council Minutes – Special Meeting
- May 2014 Budget Report

A motion to approve the consent agenda and the items thereon was made by Council Member Carpenter, seconded by Council Member Rowell and passed unanimously.

### **Discussion and action concerning Resolution 14/15-01 - Approval of the 2012 Local Water Supply Plan for the Town of Marshville**

The Town Manager stated that the state requires that this resolution be passed. Director of Utilities, Alicia Melton, stated that the resolution is for 2012. The 2013 Local Water Supply Plan was submitted in April, 2014 but has not yet been approved. A motion to approve Resolution 14/15-01 – Approval of the 2012 Local Water Supply Plan for the Town of Marshville and to authorize Mayor Deese to sign said resolution was made by Council Member Rowell, seconded by Mayor Pro-Tem Morgan and passed unanimously.

### **Discussion and possible action regarding Resolution 14/15-02 – Resolution Authorizing the Sale of Surplus Property by Public Auction**

The Town Manager reported that the old truck that was being driven by Alan Thifault is no longer useful to the town since Alan has a new vehicle for his department. Therefore, it was requested that the 2000 Ford Ranger be sold as surplus property. A motion to approve Resolution 14/15-02 – Resolution Authorizing the Sale of Surplus Property by Public Auction and to authorize Mayor Deese to sign said resolution was made by Council Member Rowell, seconded by Council Member Bivens and passed unanimously.

### **Discussion and possible action concerning an Amendment to the Personnel Policy to include Longevity Pay**

The Town Manager stated that this action is in accordance with the direction of the council per the FY2014-2015 Budget. The amendment to the Personnel Policy reinstates longevity pay as it was previously in the Personnel Policy. Council Member Huntley stated that longevity pay should apply to every person. Mayor Pro-Tem Morgan commented that longevity pay was installed to keep good employees. Mayor Deese pointed out that during the budget discussions it was stated that council pay should be taken and longevity pay given back to the employees. Mayor Deese stated he thinks this is the point Council Member Huntley is making. A motion to amend the Personnel Policy to include longevity pay was made by Council Member Rowell, seconded by Mayor Pro-Tem Morgan and passed with a 4 to 1 vote (Council Member Huntley opposed). Council Member Rowell recommended that a committee be organized to review the Personnel Policy for needed updates.

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

The Town Manager reported that measures are being taken to make the town more attractive and business friendly. The town has an ordinance permitting "Sandwich Boards" during hours of operation. The Town Manager also reported that she is looking into tax credit districts as well as National Register districts.

The Town Manager reported code enforcement is progressing and by next month there may be some properties to demolish.

The Town Manager commented on a survey by "Raleigh at Your Service" pointing out the high ranking of walkability/connectivity and alternate modes of transportation. Council Member Bivens pointed out that Marshville has a need for sidewalks on the west side of town. Mayor Deese commented on the need for sidewalks throughout the entire town but would agree that there are fewer sidewalks on the west end of the town limits. Council Member Rowell pointed out that a sidewalk to the park via E. Union Street was discussed in the Pedestrian Plan.

Council Member Rowell was in agreement with Ms. Alston's comments concerning the safety issue on Elm Street and suggested that the NCDOT District 10 Engineer be contacted.

Mayor Deese asked if it is the consensus of the council to have the Town Manager work with Rev. Cindy Lunsford concerning the cooperative project. All council members were in agreement.

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

Council Member Rowell questioned Community Development Director, Alan Thifault concerning a code enforcement case.

Council Member Carpenter reported that there was a good turnout for the Marshville Museum's birthday celebration.

Council Member Bivens stated that she talked to citizens about the mini-park and most felt that a shelter would attract loiterers. It was suggested that some plantings at the mini-park be completed in the fall. Council Member Bivens reported a littering problem on Carelock Drive and Sturdivant Street. Council Member Bivens also reported that the problem of basketball goals in the streets has been remedied.

Mayor Pro-Tem Morgan referenced a meeting being hosted by Union County for the Union County Parks and Recreation Comprehensive Master Plan and stated she is glad to see the county doing something.

Council Member Huntley stated he hopes this council will be fair in its dealings and that the council should see evidence to be certain of things.

At 7:50 pm a motion to go into closed session per *NCGS 143-318.11. Closed sessions - (a) (5) To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (ii) the amount of compensation and other material terms of an employment contract or proposed employment contract,* was made by Council Member Bivens. The motion was seconded by Council Member Huntley and passed unanimously. The Town Manager, Town Clerk, Town Attorney, Public Works Director and Director of Utilities were invited to attend the closed session.

#### **CLOSED SESSION**

##### **Action Resulting from Closed Session**

A motion to execute the Memorandum of Understanding between Town of Marshville and Erby W. & Janice G. Laney and to authorize Mayor Deese to sign the agreement was made by Council Member Rowell, seconded by Mayor Pro-Tem Morgan and passed with a 4 to 1 vote (Council Member Huntley opposed).

##### **Adjourn**

A motion to adjourn was made by Council Member Rowell. The motion was seconded by Council Member Huntley and passed unanimously.

There being no further comments the meeting adjourned at 8:00 pm.

These minutes approved this 4<sup>th</sup> day of August, 2014.

By: 

Frank Deese, Mayor

Attest:

  
Tonya Johnson, Town Clerk



# 10: General Fund Revenues

Revenues Sources		FY 2013-2014 Budget	YTD	Variance	Percent
10-3010-0000	Ad Valorem Taxes	722,100.00	756,872.12	34,772.12	105%
10-3010-0100	Motor Vehicles	57,500.00	76,462.70	18,962.70	133%
10-3010-0500	Prior Year Tax Collect	10,200.00	11,758.22	1,558.22	115%
10-3170-0000	Tax Penalties & Interest	3,700.00	5,244.35	1,544.35	142%
10-3250-0000	Privilege Licenses	1,500.00	3,217.75	1,717.75	215%
10-3290-0000	Interest On Investment	8,500.00	334.84	(8,165.16)	4%
10-3317-0000	Controlled Sub Tax	0.00	0.00	0.00	
10-3318-0000	Police Grant	8,812.30	8,812.30	0.00	100%
10-3319-0000	Police Calendar Sales	300.00	340.00	40.00	113%
10-3350-0000	Miscellaneous	4,450.00	7,182.89	2,732.89	161%
10-3350-0100	Sale Of Fixed Assets	9,911.00	0.00	(9,911.00)	
10-3350-0200	Cash Short	0.00	5.13	5.13	
10-3360-0000	Insurance Proceeds	41,154.37	41,504.59	350.22	101%
10-3360-0100	Reimbursement Proceeds	4096.92	39.28	(4,057.64)	1%
10-3370-0000	Franchise Tax - Utilities	170,000.00	128,604.22	(41,395.78)	76%
10-3370-0100	Franchise Tax - Cable TV	2,800.00	1,247.00	(1,553.00)	45%
10-3370-0200	Solid Waste Disposal Tax	1,500.00	1,347.58	(152.42)	90%
10-3430-0000	Powell Bill Allocation	67,000.00	68,638.65	1,638.65	102%
10-3450-0000	Local Option Sales Tax	0.00	0.00	0.00	
10-3450-0010	Sales Tax Art. 39	52,000.00	58,780.73	6,780.73	113%
10-3450-0020	Sales Tax Art. 40	41,100.00	41,427.02	327.02	101%
10-3450-0030	Sales Tax Art. 42	28,900.00	31,334.54	2,434.54	108%
10-3450-0040	Sales Tax Art. 44	0.00	17.84	17.84	
10-3450-0050	Sales Tax Hold Harmless	40,000.00	43,317.80	3,317.80	108%
10-3450-0200	Beer & Wine Tax Distribution	10,000.00	10,443.24	443.24	104%
10-3491-0000	Planning/Zoning Fees	1,000.00	2,460.00	1,460.00	246%
10-3510-0000	Court Costs Fees & Charges	1,500.00	1,079.74	(420.26)	72%
10-3590-0000	Refuse Collection Fees	193,000.00	178,809.51	(14,190.49)	93%
10-3610-0000	Cemetery - Sale of Lot	5,000.00	3,000.00	(2,000.00)	60%
10-3610-0100	Cemetery - Donations	0.00	0.00	0.00	
10-3610-0200	Cemetery - Grave Opening	0.00	0.00	0.00	
10-3650-0000	Recreation Activity Fee	2,200.00	674.00	(1,526.00)	31%
10-3650-0100	Grant For Park	0.00	0.00	0.00	
10-3650-0120	Park Donation	0.00	0.00	0.00	
10-3650-0130	Skate Park Donations	0.00	0.00	0.00	
10-3650-0200	Park Concessions	0.00	0.00	0.00	
10-3650-0300	Facilities Rental Fee	2,500.00	2,796.67	296.67	112%
10-3710-0400	Late Fee	0.00	50.00	50.00	
10-3834-0000	Property Leases	49,200.00	45,531.96	(3,668.04)	93%
10-3984-0000	Transfer From 40 Fund	0.00	0.00	0.00	
10-3990-0000	Encumbered Fund Balance	109,147.31	0.00	(109,147.31)	
10-3990-0100	Encumbered Powell Bill	72,320.00	0.00	(72,320.00)	
10-3990-0200	Encumbered Cont. Substance	0.00	0.00	0.00	
10-3990-0300	Encumbered Solid Waste	0.00	0.00	0.00	
Total Revenues 10		1,721,391.90	1,531,334.67	(190,057.23)	89%

## 10: General Fund Expenditures

Expenditures by Dept.		FY 2013-2014 Budget	YTD	Variance	Percent
10-4100	Governing Body	87,675.00	63,522.55	24,152.45	72%
10-4200	General Government	356,815.31	306,562.93	50,252.38	86%
10-4500	Community Development	98,800.00	65,591.97	33,208.03	66%
10-5000	Public Buildings	19,920.00	3,437.85	16,482.15	17%
10-5100	Police	574,413.67	512,703.04	61,710.63	89%
10-5600	Streets & Highways	211,510.00	138,411.21	73,098.79	65%
10-5700	Powell Bill	72,320.00	41.72	72,278.28	
10-5800	Sanitation	184,780.00	136,085.17	48,694.83	74%
10-6200	Parks & Recreation	105,157.92	76,389.21	28,768.71	73%
10-6600	Contingency	10,000.00	-	10,000.00	
10-7000	Trnasfer	-	-		
Total Expenditures 10		1,721,391.90	1,302,745.65	(418,646.25)	76%

### 30: Enterprise Fund Revenues

Revenues Sources		FY 2013-2014 Budget	YTD	Variance	Percent
30-2290-0100	Contrib Spec Rev Fund	0.00	0.00	0.00	
30-3290-0000	Interest On Investment	7,500.00	134.33	(7,365.67)	2%
30-3350-0000	Miscellaneous Income	0.00	0.00	0.00	
30-3350-0100	Sale Of Fixed Assets	0.00	0.00	0.00	
30-3350-0300	Donated Assets	0.00	0.00	0.00	
30-3350-0400	Grant Proceeds	0.00	0.00	0.00	
30-3360-0000	Insurance Proceeds	0.00	134.85	134.85	
30-3710-0000	Charges Utilities Water	503,339.00	510,888.84	7,549.84	101%
30-3710-0100	Charges Utilities Sewer	564,283.00	521,537.74	(42,745.26)	92%
30-3710-0300	Delinquent Fees	10,800.00	23,750.00	12,950.00	220%
30-3710-0400	Late Fee	30,000.00	23,226.15	(6,773.85)	77%
30-3710-0500	Returned Check Fee	0.00	809.29	809.29	
30-3710-0600	Service Initiation Fee	3,250.00	4,275.00	1,025.00	132%
30-3710-0700	Service Call Fee	0.00	0.00	0.00	
30-3710-0800	After Hours Reconnect	0.00	525.00	525.00	
30-3710-0900	Tampering Fee	0.00	550.00	550.00	
30-3730-0000	Tap Fees - Water	10,500.00	0.00	(10,500.00)	
30-3730-0100	Tap Fees - Sewer	7,000.00	0.00	(7,000.00)	
30-3740-0000	Bad Debts	0.00	0.00	0.00	
30-3800-0000	Capital Contributions	0.00	0.00	0.00	
30-3940-0000	Transfer From Gen Fund	0.00	0.00	0.00	
30-3990-0000	Encumbered Fund Balance	174,541.97	0.00	(174,541.97)	
Total Revenues 30		1,311,213.97	1,085,831.20	(225,382.77)	83%

### 30: Enterprise Fund Expenditures

Expenditures by Dept.		FY 2013-2014 Budget	YTD	Variance	Percent
30-5310	Safety	-	-	-	
30-6601	Contingency	5,000.00	-	5,000.00	
30-7000	Transfer	-	-	-	
30-8280	Water Operations	586,028.76	460,208.02	125,820.74	79%
30-8090	Sewer Operations	720,185.21	505,474.69	214,710.52	70%
Total Expenditures 30		1,311,213.97	965,682.71	(345,531.26)	74%





**RESOLUTION  
APPROVING THE TOWN OF MARSHVILLE  
2012 LOCAL WATER SUPPLY PLAN**

WHEREAS, North Carolina General Statute 143-355 (I) requires that each unit of local government that provides public water services or plans to provide such services shall, either individually or together with other such units of local government, prepare and submit a Local Water Supply Plan; and

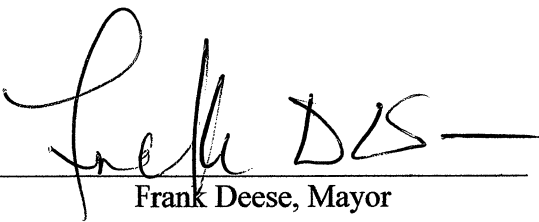
WHEREAS, as required by the statute and in the interests of sound local planning, a Local Water Supply Plan for the Town of Marshville has been developed and submitted to the Mayor and Town Council for approval; and

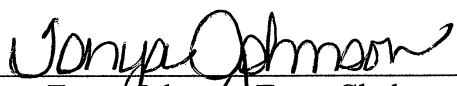
WHEREAS; the Mayor and Town Council of the Town of Marshville finds that the Local Water Supply Plan is in accordance with the provisions of North Carolina General Statute 143-355 (I) and that it will provide appropriate guidance for the future management of water supplies for the Town of Marshville, as well as useful information to the Department of Environment and Natural Resources for the development of a state water supply plan as required by statute;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Town Council of the Town of Marshville that the Local Water Supply Plan entitled the 2012 Marshville Local Water Supply Plan dated March 25, 2013 is hereby revised and approved and shall be submitted to the Department of Environment and Natural Resources, Division of Water Resources; and

BE IT FURTHER RESOLVED that the Mayor and Town Council intends that this plan shall be revised to reflect changes in relevant data and projections as least once every five years or as otherwise requested by the Department, in accordance with the statute and sound planning practice.

Approved, this the 7th day of July 2014.

  
\_\_\_\_\_  
Frank Deese, Mayor

ATTEST:   
\_\_\_\_\_  
Tonya Johnson, Town Clerk





**TOWN OF MARSHVILLE  
RESOLUTION AUTHORIZING THE SALE OF SURPLUS PROPERTY  
BY PUBLIC AUCTION**

**WHEREAS**, the Town of Marshville is authorized by North Carolina General Statute (NCGS) 160A-266 to dispose of real or personal property belonging to the town by public auction and,

**WHEREAS**, there exists certain items of personal property belonging to the Town of Marshville which are surplus to the needs of the town and,

**WHEREAS**, NCGS 160A-270 describes the procedure to be followed to affect such sale,

**WHEREAS**, be it resolved by the Marshville Town Council that the Town Manager is hereby authorized to dispose of the following items of personal property by public auction to be held at 7:30 p.m. on Saturday, July 26, 2014 at Hall's Auction Barn, 217 North Elm Street, Marshville, NC. Auctioneering service is not to exceed 10% of the sale price for vehicles and 20% of the sale price for other items. Terms are Cash at Time of Sale.

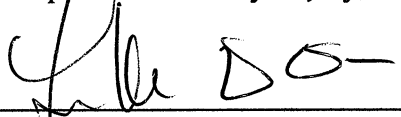
Description of Items determined to be surplus property:

2000 Ford Ranger – VIN 1FTYR10V7YTB26988

**WHEREAS**, it is understood that the Town authorizes Hall's Auction Barn to collect proceeds due the Town and remit the auction proceeds to the Town less the auctioneering service fee and,

**NOW, THEREFORE BE IT RESOLVED** that the Marshville Town Council hereby declares said property as surplus and authorizes the Town Manager to sell said property at public auction.

Adopted this 7<sup>th</sup> day of July, 2014.

  
\_\_\_\_\_  
Franklin Deese, Mayor

Attest:

  
\_\_\_\_\_  
Tonya Johnson, Town Clerk





**-PUBLIC NOTICE-**

In accordance with G.S. 160A-270 and pursuant to Resolution #14/15-02 of July 7, 2014, the Town of Marshville proposes to take bids at public auction on Saturday, July 26, 2014 at 7:30 pm at Hall's Auction Barn, 217 North Elm Street, Marshville, NC for the following personal property:

2000 Ford Ranger – VIN 1FTYR10V7YTB26988

Terms are Cash at Time of Sale. The highest bid, if it complies with the terms of the sale, will be accepted and the sale consummated.

Inquiries may be directed to Marshville Town Hall at 704-624-2515.

Tonya Johnson, Town Clerk



## TABLE OF CONTENTS

ARTICLE I. POLICY	5
ARTICLE II. GENERAL PROVISIONS	6
Section 1. Purpose	6
Section 2. Coverage	6
Section 3. Definitions	6
Section 4. Merit Principal	7
Section 5. Responsibility of the Town Council	7
Section 6. Responsibility of the Town Manager	7
ARTICLE III. CLASSIFICATION PLAN	9
Section 1. Adoption	9
Section 2. Allocation of Positions	9
Section 3. Administration of the Position Classification Plan	9
Section 4. Amendment of Position Classification Plan	9
ARTICLE IV. THE PAY PLAN	10
Section 1. Adoption	10
Section 2. Maintenance of the Pay Plan	10
Section 3. Use of Salary Ranges	10
Section 4. Payment at a Listed Rate	10
Section 5. Salary of Trainee	11
Section 6. Pay Rates in Promotion, Demotion, Transfer, Reclassification, and Completion of Probationary Period	11
Section 7. Pay Rates in Salary Range Revisions	11
Section 8. Pay for Part-Time Work	12
Section 9. Compensatory Time	12
Section 9.1 Longevity Pay	14
Section 10. Payroll Deductions	14
Section 11. Merit Bonus System	14

**Section 9.1. Longevity Pay**

After completion of five (5) years of acceptable aggregate Town service, employees are eligible to receive longevity pay. Longevity pay is an annual lump sum payment and annual leave days awarded based on a percentage of the salary or yearly accumulative hourly pay, determined by length of aggregate service.

<b>YEARS OF TOTAL TOWN SERVICE</b>	<b>LONGEVITY PAY RATE</b>
05 – 09 YEARS	0.5% OF SALARY
10 – 14 YEARS	1.0% OF SALARY + 1 LEAVE DAY
15 – 19 YEARS	1.5% OF SALARY + 2 LEAVE DAYS
20 – 24 YEARS	1.75% OF SALARY + 3 LEAVE DAYS
25+ YEARS	2.0% OF SALARY + 3 LEAVE DAYS

Upon completion of the required total service time as outlined in the above chart, payment will be made on the payroll next following the anniversary date of an eligible employee's employment date with the Town of Marshville.

**Section 10. Payroll Deductions**

The Town Council may authorize payroll deductions other than those specifically mandated or authorized by Federal or State Act.

**Section 11. Merit Increase System**

When the quality of an employee's performance is worthy of special recognition, the employee may be rewarded with a merit increase. Merit pay raises shall be granted by the Town Manager and shall be based on the quality of the individual's work performance.

Following successful completion of an employee's probationary period, the quality of his or her performance shall continue to be reviewed and appropriate instruction and counsel shall be provided in methods for improving job performance.

Merit increases will not be awarded automatically. When an employee's productivity, behavior, attendance or quality of work need to be improved, the Town Manager shall deny a merit increase, and the employee shall be told where improvement needs to be made.

The Town Manager may grant merit increases to deserving, full-time employees in accordance with the following provisions:

- (a) When a new employee has completed the initial probationary period.
- (b) Merit increases may be in the form of an increase to an employee's base salary, a one-time, lump-sum payment above an employee's base salary, or a combination of the two. Merit increases will be above any cost of living adjustments.



**Memorandum of Understanding  
Between  
Town of Marshville  
And  
Erby W. & Janice G. Laney**

This agreement describes the mutual understanding between "Erby W. & Janice G. Laney" (of Union County, North Carolina) hereinafter referred to as "the Laney's" and "Town of Marshville" hereinafter referred to as "Marshville", for the purpose of fully compensating the Laney's for making available to Marshville continued use and access as needed to permit maintenance to the pump station on Highway 74 that is partially located on their lot at 8519 Highway 74, Marshville, NC 28103.

This agreement shall begin on July 8, 2014 and end-on July 07, 2017. It may be modified or terminated at any time through written agreement by both parties. Should either party fail to meet the obligations assumed under this agreement, the other party may give written notice and unless the breach is promptly remedied, the agreement may be terminated thirty days from the date of the notification of failure to comply.

The Laney's agree to provide Marshville with:

1. Continued use of the land on which Marshville's pump station is located
2. Access through and on their property as needed for maintenance, upkeep and/ or repairs to the pump station and associated utilities (water line, electric line)
3. Maintenance of the property around the pump station in the same manner they have historically maintained it as part of their yard

The Town of Marshville agrees to:

1. Pay the Laney's \$100 per month for the usage of the property and their maintenance of the grounds around the pump station, payable in an annual lump sum of \$1200 due on or before every July 15, (beginning July 15, 2014 and each 15<sup>th</sup> day of July thereafter during this initial term) for three years;
2. Not expand the footprint of the existing pump station or store equipment or materials on their property outside of the pump station, except temporary storage or usage during repair and/or emergencies;
3. Minimize their utilization of the Laney's land, using it only for needed ingress, egress, and as needed for repairs, upkeep and maintenance to the existing pump station and associated utilities;
4. Repair (reasonable wear expected and excepted) any damage to the Laney's property caused in the process of managing or repairing the pump station, including, but not limited to, filling any ruts that might interfere with mowing

Marshville is in the process of acquiring land for a larger pump station and it is anticipated a replacement station will be completed within three years.

After three years, this agreement will continue on a month to month basis unless either party gives 30 days written notice of a desire to renegotiate the terms of the agreement or to terminate the agreement. Unless notice is given, Marshville will pay the Laney's \$100 per month on or before the 15<sup>th</sup> of each month starting with July 2017.

The Town of Marshville appreciates the Laneys' patience in working to conclude a mutually beneficial resolution to an unfortunate lack of records documenting any previous agreement.

(Approved by Marshville Town Council on 7<sup>th</sup> day of July, 2014, and)

Signed for the Town of Marshville by:

Fern H Shubert  
Fern H Shubert, Town Manager

Date 7-8-2014

Attest: Donna Johnson  
Town Clerk

Date 7-8-2014

Agreement accepted by Erby W. & Janice G. Laney:

Erby W. Laney  
Erby W. Laney, 8519 Hwy 74, Marshville, NC 28103

Date 7-8-2014

Janice G. Laney  
Janice G. Laney, 8519 Hwy 74, Marshville, NC 28103

Date 7-8-2014

Attest: Donna Johnson  
Town Clerk

Date 7-8-2014

# Town of Marshville

## Public Comments Sign-Up Sheet

Regular Meeting

Date: 7-7-2014Please **print** your name, topic of discussion, and contact information for the record.

PRINT NAME	ADDRESS	TOPIC OF DISCUSSION	PHONE #	EMAIL ADDRESS
1 Alisa Alston	1319 Dr Blar Rd	Cashon Light over Elms St	7046243965	kthrice3@aol.com
2 Gary Sikes	1939 Cedar Grove Rd	Polkton	254-2226	gsikes7@gmail.com
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