

**Town of Marshville  
Town Council Meeting  
Monday, November 5, 2012, 7:00 PM  
Marshville Town Hall – 201 West Main Street**

**Council Members Present:** Mayor Frank Deese, Mayor Pro-Tem Matthew Jefferson, Council Members Norma Carpenter, Dora Bridget and Margaret Bivens. Council Member Gary Huntley was absent due to medical reasons.

**Staff Present:** Town Manager, Amanda Reid; Town Clerk/Finance Officer Tonya Johnson; Town Attorney, Bobby Griffin; Chief of Police, Carl Webber; Park Director, Alan Thifault

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

The meeting was called to order at 7:04 pm by Mayor Deese. The invocation was offered by Council Member Carpenter. The Pledge of Allegiance was offered by all in attendance.

**Adoption of Agenda for the meeting**

A motion to adopt the agenda as received was made by Council Member Bivens. The motion was seconded by Council Member Carpenter and passed by unanimous vote.

**Public Comment**

Mr. Chris Carelock, of 6113 West Marshville Boulevard, Marshville, addressed the council regarding a high utility bill. Mr. Carelock informed council that his aunt is Mary Harrell and she advised him to have a prepared statement. Mr. Carelock stated that no one is home during the day and yet he has a \$347.83 water bill. Mr. Carelock asked the council for a solution. Mayor Deese suggested to Mr. Carelock that he make an appointment to come in and meet with the Town Manager.

Ms. Mary Harrell, of 6109 West Marshville Boulevard, Marshville, addressed the council regarding high utility bills. Mayor Deese responded that the town is working with a third party firm to identify and address utility issues. Mayor Deese asked the Town Manager to have the Public Works Director check the meter at 613 Sturdivant Street.

Ms. Kathleen Gordon, of 309 West Main Street, Marshville, stated that in 1994 it was found that Union County had overbilled the Towns of Marshville and Wingate for water. She believes there should be more oversight in regards to Union County's billing and questioned why Marshville is not allowed to read the meter from Union County. She requested that someone take her to the location and allow her to read the meter herself. Ms. Gordon stated she may look into a class action lawsuit. Mayor Deese clarified that the issue with Union County was related to sewer, not water and that the Town is diligently working to resolve utility issues. Ms. Gordon was not satisfied with the Mayor's remarks.

**Review and Discussion of Agenda Items Requiring a Public Hearing**

**Public Hearing to receive input on RZA12-05, an amendment to Sections 146 and 172 of the Land Use Ordinance regarding Bed and Breakfast Facilities**

A motion to open the public hearing was made by Council Member Bridget. The motion was seconded by Council Member Carpenter and passed by unanimous vote. The Town Manager reviewed information provided by Ms. Diane Dil and explained the amendment allows Bed and Breakfast establishments in the HC (Highway Corridor) zoning districts with a special use permit from the Board of Adjustment. The Town Manager also reviewed changes and revisions to Article XI: Supplementary Use Regulations (amended Text Amendment RZA12-05 attached herein for reference). There were no public comments. Mayor Pro-Tem Jefferson questioned what defined an accessory building and whether a Bed and Breakfast establishment has to have a commercial kitchen. The Town Manager stated the kitchen does not have to be a commercial kitchen, but does is required to be inspected by the Health Department according to statute. The Town Manager defined an accessory building as a shed or outbuilding on the premises. Planning Board Chair, Ms. Virginia Morgan, stated the Planning Board is trying to get the ordinance in sync with state statute. There being no further comment, a motion to close the public hearing was made by Council Member Bridget. The motion was seconded by Council Member Bivens and passed by unanimous vote.

A motion to approve Text Amendment RZA12-05, an amendment to Sections 146 and 172 of the Land Use Ordinance regarding Bed and Breakfast Facilities was made by Council Member Carpenter. The motion was seconded by Council Member Bivens and passed by unanimous vote.

**Public Hearing to receive input on RZA12-06, an amendment to Sections 15, 146 and 180 of the Land Use Ordinance to allow and regulate “Solar Energy System – Small”**

A motion to open the public hearing was made by Council Member Bridget. The motion was seconded by Council Member Bivens and passed by unanimous vote. The Town Manager commented that this proposed text amendment is in response to a request from the Town Council regarding solar energy systems (amended Text Amendment RZA12-06 attached herein for reference). There being no comments, a motion to close the public hearing was made by Council Member Bridget. The motion was seconded by Council Member Carpenter and passed by unanimous vote.

A motion to approve Text Amendment RZA12-06, an amendment to Sections 15, 146 and 180 of the Land Use Ordinance to allow and regulate “Solar Energy System – Small” was made by Mayor Pro-Tem Jefferson. The motion was seconded by Council Member Bridget and passed by unanimous vote.

**Adoption of the Consent Agenda for this meeting**

- Meeting Minutes from October 15, 2012
- Tax Releases
- Budget Amendment #2013-05 (Salary for Utility Billing Analyst)
- Resolution Concerning Loss of “Transitional Hold Harmless” Reimbursement Funds
- Resolution in Support of Kilah’s Law

A motion to adopt the consent agenda with the items thereon was made by Council Member Bivens. The motion was seconded by Council Member Carpenter and passed by unanimous vote.

**Appointments/reappointments to the Planning Board and Board of Adjustment**

- Virginia Morgan – Term expires November 2012
- Susan Drake – Term expires November 2012
- Brian Weber – Term expires November 2012

The Town Manager stated that several of the Planning Board member’s terms are set to expire and council can reappoint the members for an additional term. The Town Manager commended the members for a job well done and for their willingness to serve. The Town Manager recommended reappointing Virginia Morgan, Susan Drake and Brian Weber, each for an additional three year term. Mayor Pro-Tem Jefferson thanked the Planning Board for their hard work and dedication. A motion was made by Council Member Bridget to reappoint Virginia Morgan, Susan Drake and Brian Webber to the Planning Board and Board of Adjustment, each for an additional three year term. The motion was seconded by Council Member Bivens. The motion passed by unanimous vote.

**Discussion and possible action regarding contract for Planning and Housing Code Enforcement services and budget amendment for services for the remaining FY 2012-2013**

The Town Manager referenced a memo she prepared along with a letter and a contract from N-Focus for planning services for the remainder of FY2012-13 and a possible budget amendment for those planning services. The Town Manager explained that the contract with Centralina Council of Governments (CCOG) had been amended to reflect a four month term. This amendment was done to allow her an opportunity to evaluate the level of service and the Town’s needs. The Town Manager commented that CCOG staff may be overcommitted and has not met expectations for levels of service. She has contacted other companies that provide planning services and requested proposals from them. The Town Manager feels the need for a more solidified presence by planning services staff and recommended that council accept the proposal presented by N-Focus Planning and Design to provide those services pending an amendment to some language in the contract and, further, to authorize the Town Manager to execute the contract. Mayor Deese stated this action will require a budget amendment for \$6,200 and that N-Focus Planning will provide more hours for planning services. A motion was made by Council Member Bridget to authorize the Town Manager to execute the contract with N-Focus conditional upon changes to be approved by the Town Attorney and to approve the budget amendment for \$6,200. The motion was seconded by Mayor Pro-Tem Jefferson and passed by unanimous vote.

### Discussion and possible action regarding Public Works Part Time Seasonal Employee Job Description

The Town Manager requested approval of a part-time/seasonal public works employee and stated the need for some assistance in the Public Works Department. She further explained that a part time/seasonal employee will help alleviate overtime and the need for public works employees to work on holidays. The Town Manager explained this will not require a budget amendment at this time. A motion to approve the job description for a Public Works Part Time Seasonal Employee was made by Mayor Pro-Tem Jefferson. The motion was seconded by Council Member Carpenter and passed by unanimous vote.

### Town Manager's Report

- *Utility Report* - The Town Manager reported that the final utility evaluation report should be received on or before the 16<sup>th</sup> of November and staff from Raftelis Financial Consultants will present findings at the November 19<sup>th</sup> Town Council meeting.
- *Organizational Restructuring and Job Descriptions* – The Town Manager reported that she is working with staff to complete an organizational chart and restructuring. Additionally, job descriptions are being reviewed and updated to assist in identifying areas of improvement and consolidation and establish qualifications for new staff members.
- *Meter Reading* – The Town Manager reported that she is reaching radio read meters, steps for transition to this equipment, costs, and possible grant funding.
- *NC Catalyst Grant* – The Town Manager reported that there is a meeting scheduled with DCA staff on November 16<sup>th</sup> to review the grant award and packet and Community Development Block Grant guidelines.
- *Crosswalks* – The Town Manager reported that work on crosswalks has begun.
- *Veterans' Day* – The Town Manager reminded everyone of the Veterans' Day event scheduled for Saturday, November 10, 2012, at noon at the Veterans' Memorial.

### Comments

The Clerk/Finance Officer reported that as of November 5, 2012, \$175,882.21 has been collected in property taxes.

Council Members Carpenter, Bivens, and Bridget commented that they enjoyed the NCLM Annual Conference and commended Mayor Deese on his speech.

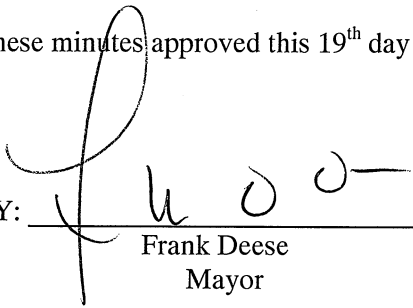
Mayor Deese stated he received a letter from County Manager, Cindy Coto, to inform him that the county has hired a transportation planner. He understands their frustration behind utility bills and assured them that staff is working diligently to address issues in a fair, equitable and legal way and asked for the public's patience.

### Adjourn

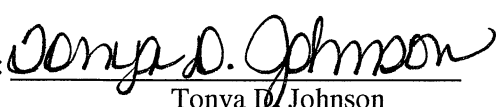
A motion to adjourn was made by Council Member Carpenter. The motion was seconded by Council Member Bivens and passed by unanimous vote. There being no further comments the meeting adjourned at 7:52 pm.

These minutes approved this 19<sup>th</sup> day of November, 2012.

BY:

  
Frank Deese  
Mayor

ATTEST:

  
Tonya D. Johnson  
Town Clerk

Diane Dil  
Centralina Council of Governments  
525 N. Tryon Street, 12<sup>th</sup> Floor  
Charlotte, NC 28202  
(704) 348-2731  
(704) 347-4710 (fax)  
ddil@centralina.org

Att. 2536a

Centralina Council of  
Governments

# Memo

To: Amanda Reid, Town Manager  
From: Diane Dil, AICP, Land Use Administrator  
Date: 10/29/12  
Re: Land Use Ordinance Text Amendments

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In October the Planning Board reviewed two proposed text amendments. They voted unanimously to recommend both for approval by Town Council. The two amendments are:

1. Text amendment RZA12-05, to Sections 146 and 172 of the Land Use Ordinance regarding "Bed and Breakfast"
2. Text amendment RZA12-06, to Sections 15, 146 and 180 of the Land Use Ordinance to allow and regulate "Solar Energy System - Small"

## **Text Amendment RZA 12-05 (Amended)**

### **Staff Comments**

In August 2012, the Planning Board reviewed a proposed ordinance amendment to allow Bed and Breakfast establishments in the HC zoning district. It was approved unanimously as written. Prior to taking this amendment before the Town Council, Town Manager Amanda Reid requested that I research how other towns regulate Bed and Breakfast establishments and consider proposing additional regulations.

**The Planning Board reviewed this text amendment at their regular meeting on October 11, 2012. The amendment was approved unanimously.**

### **Proposed Text Changes**

### **Article X Permissible Uses**

Section 146 Table of Uses is hereby amended by adding an "S" into the HC column of Use 1.520 Bed and Breakfast Establishments.

### **Article XI: Supplementary Use Regulations**

Section 172 Bed and Breakfast *Facilities*.

- a) As indicated in the Table of Permissible Uses, Bed and Breakfast establishments are permissible with a special use permit in R-10 *and HC* zoning districts and with a zoning permit in most business districts. ~~The remaining provisions of this section apply just to such uses in the R-10 district.~~
- b) *In the R-10 zoning district*, the building that houses the dwelling unit may not be expanded by more than ten percent of its original floor area, nor may rooms for rent be added onto or created within accessory buildings.
- c) *In the R-10 zoning district*, not more than one sign advertising the existence of a bed and breakfast operation may be erected on the lot where such use is located. No side of this sign may exceed four square feet in surface area. The sign may not be internally illuminated. *In all other zoning districts, the exterior advertising shall conform to the sign regulations set forth in the Town of Marshville Land Use Ordinance.*
- d) *The facility shall be located in a structure originally constructed as a single-family dwelling.*
- e) *The owner of the bed and breakfast or a resident manager shall live on the premises and maintain the dwelling as a primary residence.*

- f) *No cooking facilities, other than microwaves and coffeemakers shall be allowed in the lodging units.*
- g) *Two off-street parking spaces shall be provided for the dwelling unit, and one space shall be provided for each lodging unit. Parking area(s) in or adjacent to residential use districts shall be screened by vegetation, fencing or walls so that vehicles are not visible from the street or from adjacent properties. The applicant shall submit a site plan which shall indicate where the parking is to be located and the manner in which it is to be screened.*
- h) *The property owner must obtain all applicable permits from the Union County Department of Environmental Health prior to the issuance of a zoning permit.*
- i) *The facility shall meet all building and fire codes, as well as all applicable requirements, including any and all applicable state and local regulations. (NCGS 130A-248)*

## **Text Amendment RZA 12-06**

### **Staff Comments**

In August 2012, the Planning Board reviewed a proposed ordinance amendment that regulates "Solar Energy Production Facility." Town Council reviewed the proposed text amendment at their August 20, 2012 meeting and requested that an ordinance amendment be written that specifically addresses solar collectors as an accessory use.

**The Planning Board reviewed this text amendment at their regular meeting on October 11, 2012. The amendment was approved unanimously.**

### **Proposed Text Change**

### **Article II Basic Definitions and Interpretations**

**Section 15 – Definitions is hereby amended by adding the following definition in alphabetical sequence:**

Solar Energy System – Small. Any ground, pole or roof mounted solar device that absorbs and accumulates solar radiation for use as an alternative source of energy. The energy generated by the small energy system shall be used for direct consumption on the subject property only.

### **Article X Permissible Uses**

**Section 146 Table of Uses is hereby amended by adding a new use to be inserted as follows:**

The use "Solar Energy System – Small" will be added to the Utilities Section as 17.501. This use shall be permitted as an accessory use by right in all zoning districts.

### **Article XI: Supplementary Use Regulations**

**Section 180 is hereby amended by adding the following supplemental regulations.**

Solar Energy System – Small  
Ground or Pole Mounted

- Ground or pole mounted solar devices may only be located in the rear yard. Ground or pole mounted solar devices shall be placed so that no individual component extends into the rear setback.
- Ground or pole mounted solar devices shall not exceed 12 feet above the ground when oriented at maximum tilt.
- Shall be mounted onto a pole, rack, or suitable foundation, in accordance with manufacturer specifications, in order to ensure the safe operation and stability of the system. The mounting structure (fixed or tracking capable) shall be comprised of materials approved by the

manufacturer, which are able to fully support the system components and withstand adverse weather conditions.

- Multiple mounting structures shall be spaced apart at the distance recommended by the manufacturer to ensure safety and maximum efficiency.
- Any glare generated by the system must be mitigated or directed away from an adjoining property or adjacent road when it creates a nuisance or safety hazard.
- It shall be demonstrated that the small solar energy system shall not unreasonably interfere with the view of, or from, sites of significant public interest such as a public park, a state designated scenic road, or historic resources.
- Any electrical wiring used in the system shall be underground (trenched) except where wiring is brought together for inter-connection to system components and/or the local utility power grid.
- No ground-mounted small solar energy systems shall be affixed to a block wall or fence.

#### Roof-Mounted

- Roof-mounted small solar energy systems shall include integrated solar shingles, tiles, or panels as the surface layer of the roof structure with no additional apparent change in relief or projection (the preferred installation), or separate flush or frame-mounted solar panels attached to the roof surface.
- Separate flush or frame-mounted small solar energy systems installed on the roof of a building or structure shall not:
  - project vertically above the peak of the sloped roof to which it is attached; or
  - project vertically more than 5 feet above a flat roof installation.
- The combined height of a roof-mounted system and the principal structure to which it is attached may not exceed the maximum height for the relative zone, in which it is located.
- It shall be demonstrated that the placement of the system shall not adversely affect safe access to the roof, pathways to specific areas of the roof, and safe egress from the roof.
- Any glare generated by the system must be mitigated or directed away from an adjoining property or adjacent road when it creates a nuisance or safety hazard.
- Roof-mounted small solar energy systems shall not be considered as rooftop equipment and therefore do not require any screening that would prohibit the solar energy system to function normally.

#### Appearance:

- The small solar energy system shall remain painted or finished the color or finish that was originally applied by the manufacturer.
- All signs, other than the manufacturer's identification, installer's identification, appropriate warning signs, or owner identification on a small solar energy system shall be prohibited. Not more than one manufacturer label bonded to or painted upon the solar energy system shall be permitted.



**Code Compliance:** A small solar energy system shall comply with all applicable construction and electrical codes.

## **PUBLIC HEARING NOTICE**

The Town of Marshville will conduct a public hearing beginning at 7:00 P.M. on Monday, November 5, 2012 at the Marshville Town Hall, located at 201 West Main Street, Marshville, NC to consider the following text amendments:

1. RZA12-05 – An amendment to Sections 146 and 172 of the Land Use Ordinance regarding Bed and Breakfast Facilities.
2. RZA12-06 – An amendment to Sections 15, 146 and 180 of the Land Use Ordinance to allow and regulate "Solar Energy System - Small."

The general public is invited to attend the public hearing and make comment. For more information, call Diane Dil, Land Use Administrator, at (704) 348-2731 during regular business hours.

The Town of Marshville does not discriminate on the basis of disability. If you need an auxiliary aid or service or other accommodations in order to attend or fully participate at this meeting, please contact the Town Manager at (704) 624-2515 as far in advance of the meeting as possible so that your request can be considered.

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PLEASE PLACE THIS AD IN THE LEGAL ADVERTISED SECTION OF THE HOMETOWN NEWS THE **WEEKS OF OCTOBER 22 AND OCTOBER 29**. SEND INVOICE AND AFFIDAVIT TO AMANDA REID, TOWN MANAGER, TOWN OF MARSHVILLE, 201 WEST MAIN STREET, MARSHVILLE, NC 28103.

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TOWN OF MARSHVILLE  
TAX RELEASES  
2012

02-176-004A60	Griffin Industries, Inc. Exemption approved	\$2,198.22
02-206-991	Western Poultry Contractors, Inc. Business didn't open until 3/1/2012	\$112.75
		<hr/> \$2,310.97

For presentation and approval at November 5, 2012 Marshville Town Council Meeting.

# Town of Marshville

## AMENDMENT

#2013-05

### 2012 - 2013 Budget Ordinance

**BE IT ORDAINED** by the Marshville Town Council that the 2012-2013 Budget Ordinance be amended as follows:

#### Section 2. Appropriations - General Fund

Decrease 10-5000	Public Buildings	\$ 51,851.28
<b>Total Decrease</b>		<b>\$ 51,851.28</b>

Increase 10-9800-0000	Transfer to Ent. Fund	\$ 51,851.28
<b>Total Increase</b>		<b>\$ 51,851.28</b>

#### Section 4. Appropriations - Enterprise Fund

Increase: 30-8280	Water Operations	\$ 51,851.28
<b>Total Increase</b>		<b>\$ 51,851.28</b>

#### Section 5. Revenues - Enterprise Fund

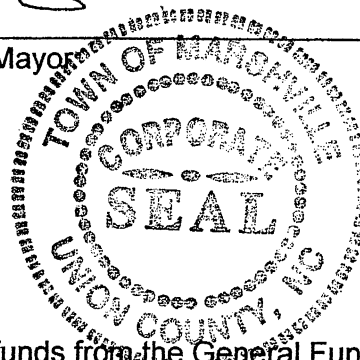
Increase: 30-3940-0000	Transfer from Gen. Fund	\$ 51,851.28
<b>Total Increase</b>		<b>\$ 51,851.28</b>

Adopted this 5th day of November 2012.

  
Franklin D. Deese, Mayor

ATTEST:

  
Tonya Johnson, Town Clerk



This Budget Amendment provides for: Transfer of funds from the General Fund to the Enterprise Fund to transfer a job position from Dept. 10-5000 Public Buildings to Dept. 30-8280 Water Operations. This budget amendment takes into consideration wages and associated payroll expenses.

## DETAIL FOR BUDGET AMENDMENT 2013-05

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Budget amendment provides for the transfer of funds from the General Fund to the Enterprise Fund to re-allocate a job position from Dept. 10-5000 to Dept. 30-8280.

Decrease	10-5000-0200	\$39,000.00	Salaries
	10-5000-0202	\$250.00	Christmas Bonus
	10-5000-5600	\$600.00	Employee Safety Awards
	10-5000-0500	\$3,048.53	Soc. Sec. Expense
	10-5000-0600	\$4,796.28	Group Ins. Expense
	10-5000-0700	\$2,797.47	Retirement Expense
	10-5000-0701	\$1,359.00	401K Retirement Expense
		<u>\$51,851.28</u>	
Increase	10-9800-0000	\$51,851.28	Transfer to Enterprise Fund
Increase	30-8280-0200	\$45,155.28	Salaries
	30-8280-0202	\$250.00	Christmas Bonus
	30-8280-5600	\$600.00	Employee Safety Awards
	30-8280-0500	\$3,048.53	Soc. Sec. Expense
	30-8280-0700	\$2,797.47	Retirement Expense
		<u>\$51,851.28</u>	
Increase	30-3940-0000	\$51,851.28	Transfer from General Fund

**RESOLUTION OF MARSHVILLE TOWN COUNCIL  
CONCERNING LOSS OF "TRANSITIONAL HOLD HARMLESS"  
REIMBURSEMENT FUNDS**

**Whereas**, in 2002 the General Assembly authorized an additional local option sales tax, and repealed existing reimbursements to local governments resulting from earlier repeal of the inventory tax base of local governments; and

**Whereas**, as part of the 2002 repeal of reimbursements, 122 municipalities and 17 counties had negative budget impacts from the combined repeal of reimbursement and new sales tax have received transitional hold harmless payment for ten years, and

**Whereas**, the growth in sales tax over the ten year period of reimbursement is less than projected, resulting in continuing losses to local governments receiving "transitional hold harmless" payments unless the ten year period is extended; and

**Whereas**, the 2011 – 2012 State Budget does not include extension of the "transitional hold harmless" period to protect those local governments from losses caused by the 2002 repeal of reimbursements; and

**Whereas**, the town budget shortfall will shift the burden to the General Assembly's inaction on extension of "transitional hold harmless" payments to the Town of Marshville citizens and taxpayers.

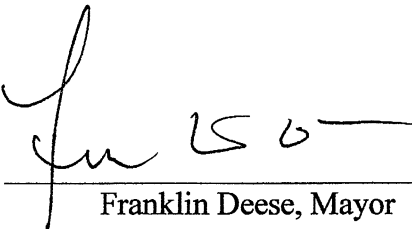
**NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF MARSHVILLE THAT:**

The North Carolina General Assembly is urged to restore "transitional hold harmless" payments to local governments for a reasonable period of time to allow growth in sales tax revenue to replace "transitional hold harmless" payments, as envisioned in 2002 when reimbursements to local governments were repealed.

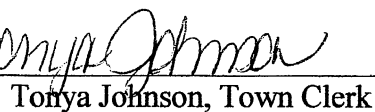
Local delegation of the General Assembly is urged to support restoration of "transitional hold harmless" payments to local governments for a reasonable period of time to allow sales tax revenue to grow to replace the "transitional hold harmless" payments.

The North Carolina League of Municipalities is urged to make restoration of "transitional hold harmless" payment one of its highest legislative goals in the 2013 Session of the General Assembly.

Adopted by the Marshville Town Council this 5<sup>th</sup> day of November 2012.

  
Franklin Deese, Mayor



  
Tonya Johnson, Town Clerk

**RESOLUTION OF THE MARSHVILLE TOWN COUNCIL  
IN SUPPORT OF KILAH'S LAW**

**WHEREAS**, preventing child abuse and neglect is a community problem affecting both the current and future quality of life of a community; and

**WHEREAS**, child abuse and neglect not only cause immediate harm to children, but are also proven to increase the likelihood of criminal behavior, substance abuse, health problems and risky behavior; and

**WHEREAS**, all citizens should become involved in supporting families to provide safe, nurturing environments for their children giving them the opportunity to grow up to be caring, contributing members of the community; and

**WHEREAS**, effective child abuse prevention programs succeed because of partnerships created among social service agencies, schools, faith communities, civic organizations, law enforcement agencies, and the business community; and

**WHEREAS**, the Town of Marshville supports the efforts of the Justice for all coalition in its goal of getting child abusers off the streets and its mission of making Kilah's law come to fruition.

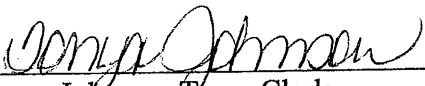
**Now therefore**, be it resolved by the Town Council of Marshville, North Carolina the we fully support the spirit and efforts to create this law which will bring tougher penalties to those who inflict permanent debilitating physical injury to a child and encourage all citizens and Elected Officials of the State to join us in our efforts.

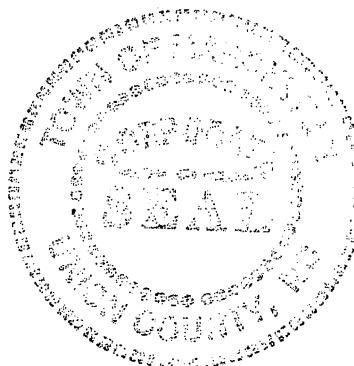
Adopted by the Marshville Town Council this the 5<sup>th</sup> day of November, 2012.

By

  
Franklin Deese, Mayor

Attest:

  
Tonya Johnson, Town Clerk



**Kilah's Law** ~ To introduce tougher state and federal sentencing guidelines for permanent and debilitating physical injury to a child which resulted from abuse and to register those found guilty as a "Child Abuser" with state and local municipalities...

**Our Goal** ~ To foster local, state and federal support through a grass roots approach, and to introduce tougher sentencing guidelines for permanent and debilitating physical injury to a child which occurred from abuse. Currently this crime falls under a **Class C felony** with a **44-92 month** possible sentence. With **your help** we want to raise the sentencing guidelines to a **higher class of felony** giving the judicial system the tools they need to implement punishment to fit the magnitude of the crime...

**Next Steps** ~ "How you can help" ?

Visit <http://teamkilah.wordpress.com/>

Sign the petition-

<http://www.change.org/petitions/stop-child-abusers-stop-child-abusers-make-them-register-just-like-sex-offenders>

Donate @ PayPal- visit Team Kilah on the web... <http://teamkilah.wordpress.com/>



Created by **The Justice For All Coalition**,  
Jeff Gerber- Founder

**The Kilah Davenport Foundation**  
(in process)

**Team Kilah, The Honorable Michael Alvarez,**  
Mayor of Indian Trail and all our friends



November 1, 2012

**MEMORANDUM TO:** Mayor and Town Council  
**From:** Amanda Reid, Town Manager  
**Regarding:** Planning Services Contract

The Town Council voted to approve an amended contract with Centralina Council of Governments (CCOG) for planning services on July 2, 2012. The contract was amended to reflect a 4 month term that expired on October 31, 2012. The shorten term was to allow for an establishment of expectations and evaluation of needs and services. I have worked to evaluate the services provided by CCOG staff, solicited proposals from other organizations providing contract planning staff, and compare service levels and costs.

I believe the CCOG staff has not met the expectations or needs of the community. At this time I would invite the council to review the attached letter and draft agreement for services from N-Focus Planning & Design. I have conveyed the needs of the Town, checked company references with other municipalities, and reviewed staff resumes. Additionally, attached you will find a breakdown of hourly costs for services provided by 3 organizations (N-Focus, Benchmark, and CCOG). I believe execution of the proposed agreement including 2 days a week for on-site professional planning and 2 days a month for on-site professional code/minimum housing enforcement would be in the best interest of the Town. This option will provide professional planning to prepare the Town for future growth and sustainability, consistent and regular enforcement and follow up on minimum housing violations and training of and coordination with town staff. Please note that this contract will require a budget amendment which is also attached.

Please feel free to contact me over the weekend if you have questions regarding this or other Town matters.

Regards,

Amanda Reid  
704.320.7778 – cell  
[areid@marshville.org](mailto:areid@marshville.org)



Local Government Resource for Planning • Urban Design • Public Administration

October 29, 2012

Mr. Amanda M. Reid, Town Manager  
Town of Marshville  
201 West Main Street  
Marshville, NC 28103-1105

**RE: Planning, Zoning & Subdivision Administration and Housing Code Enforcement**

Across the country, small and medium size towns, cities and counties are seeking cost saving ways to fulfill the needs for local government services without increasing cost. NFocus provides part-time and flexible staff to jurisdictions with simple solutions to meet both everyday needs and unique challenges.

The staff in smaller jurisdictions must be very diverse in their training and level of experience handling complex issues while addressing both old and new challenges every day. These demands often lead to turn-over among small jurisdictions and a loss of talent just when the person seems to become effective.

The solution comes from people with experience in public service and the expertise to craft and implement local policies, an ability that sets NFocus staff apart from consultants. We call our services the “elastic city hall”. This approach is simple to understand, yet new to many jurisdictions. It began in 1986 as a response to the demand for professionals in planning and related duties serving municipalities and counties in the Carolinas.

The elastic staff model is built to provide the “*right person on the right assignment*”. This approach assures that a smaller community has access to personnel experienced in the widest variety of local government issues, techniques, and solutions. A local government can set an annual budget for the right level of service desired and then receive the local planning, public works, code enforcement, GIS/IT, or related staff tailored for the jurisdiction.

Depending upon the desired level of service, a schedule for consistent office hours *on-site and within your jurisdiction* can be established for these staff members to provide responsive services in a timely manner. As demands in subsequent fiscal years, increase that level of service can be increased, or as demand decreases, that level of service can be reduced while maintaining a stable budgetary expense. In any scenario, these professional staff members can provide a level of service and accessibility allowing the local government to share talented professionals with other units of local government.

Whether it’s a planner preparing a new plan or ordinance, or a public works engineer handling a local infrastructure challenge, or an urban design professional designing a new downtown streetscape, or a technician updating the GIS mapping, or a civil code officer handling a complaint to city hall about a nuisance in town, our staff can meet the needs, save money, and provide the level of expertise you desire.

The services can be summarized and grouped under the following classifications:

- City/Town/County Planning
- Landscape Architect/Urban Design
- GIS Mapping and IT
- Zoning/Subdivision/Development Administration
- Public Works Professionals
- Infrastructure Planning and Operations
- Economic Development
- Code Enforcement

The flexibility to increase or decrease services depending on demand is available. The staff usually does serve another jurisdiction; however, the individuals fulfilling these duties will be reserved for your level of service throughout the duration of the period of service.

All functions we staff shall be in accordance with the laws of North Carolina. The personnel assigned may serve as agents of the unit of local government for the purpose of providing professional services, and to conduct investigations and research on behalf of the unit of local government. The head of each department shall see that all laws of the State, the unit of local government Charter, and the ordinances, resolutions, and regulations of the governing board/council concerning his/her department are faithfully executed within the unit of local government. (Restated to reflect §N.C.G.S. 160A-155)

This model provides for on-site professional service during normal Town Hall office hours Monday through Friday and during official meetings of the elected board/council and appointed boards and commissions of the unit of local government as determined by the agreed upon schedule. The schedule will be determined and agreed upon prior to the beginning of the services. All materials produced by the staff assigned to the jurisdiction shall be the property of the jurisdiction and shall be filed on-site in the offices of the jurisdiction. Official jurisdiction seal will appear on all products and no company logos or credit is attached to maps, plans, ordinances or documents.

The person(s) providing these services shall have graduated from a college or university with a degree in public administration, planning, engineering, architecture, landscape architecture, environmental sciences or law enforcement, or related field and shall have professional experience in the public sector, or an equivalent combination of education and experience as necessary to fulfill the projects assigned.

The persons providing services shall report their activities directly to the designated person or board within the jurisdiction.

The local government makes preset equal payments, based upon biweekly scheduling to reduce cost. The fee is inclusive of personnel costs including salary, benefits, taxes, professional development and certifications, cellular communications, and human resource management cost. Computer equipment and software is provided where needed. Travel to/from the jurisdiction is included; however, mileage reimbursement for travel to conduct project activities for the unit of local government shall be reimbursed at the current federal rate per mile.

The unit of local government may terminate agreements for any reason.

NFocus does not include non-compete provisions in employment contracts with employees. However, if the local government decides to hire staff to provide the services identified in the agreement and offers a position to an NFocus employee, we require the unit of local government provide us with 60 days notice to provide us with adequate time to make any staffing changes necessitated by the local government's actions.

**References:** Municipalities currently served include:

- Granite Quarry, NC
- Lake Lure, NC
- New London, NC
- Denton, NC
- Midland, NC
- Tabor City, NC
- Brunswick, NC
- Fair Bluff, NC
- Creedmoor, NC
- McAdenville, NC
- Sharpsburg, NC
- Rockwell, NC
- Cornelius, NC
- Stallings, NC

Please feel free to contact me with any questions that you may have. I may be reached at (704) 933-0772 or by cellular telephone at (704) 793-7205.

Sincerely,

*F. Richard Flowe*

F. Richard Flowe, AICP, President/CEO  
N-Focus Planning & Design, Inc.

# FY 2012-2013 PLANNING SERVICES COMPARISION

	Hours per week	Bi weekly payment	Total Fee for Remaining FY 12-13	Hourly Rate
N-Focus - On site service	8	\$631.83	\$10,741.09	\$39.49
	16	\$1,263.66	\$21,482.17	\$39.49
	20*	\$1,538.37	\$26,152.21**	\$38.46
Benchmark - No on site; satellite service only	8	\$1,040.00	\$17,680.00	\$65.00
	16	\$2,080.00	\$35,360.00	\$65.00
	20	\$2,600.00	\$44,200.00	\$65.00
Benchmark - On site	8	\$1,176.48	\$20,000.00	\$73.53
CCOG	4*	\$1,153.86	\$20,000.00**	\$144.58

\* CCOG hours do not include hours for minimum housing as they are not consistent or tracked.  
N-Focus hours include a certified Code Enforcement Specialist 2 days per month.

\*\* Code Enforcement services included in costs

# Town of Marshville

## AMENDMENT

#2013-06

### 2012-2013 Budget Ordinance

**BE IT ORDAINED** by the Marshville Town Council that the 2012-2013 Budget Ordinance be amended as follows:

#### Section 2. Appropriations - General Fund

Increase:	10-4100	Elected Officials	\$ 6,200.00
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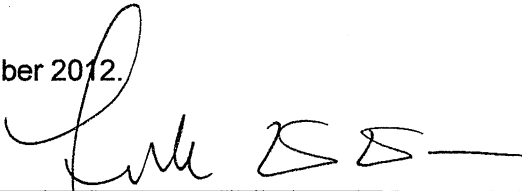
<b>Total Increase</b>			<b><u>\$ 6,200.00</u></b>
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#### Section 3. Revenues - General Fund

Increase:	10-3990-0000	Enc. Fund Balance	\$ 6,200.00
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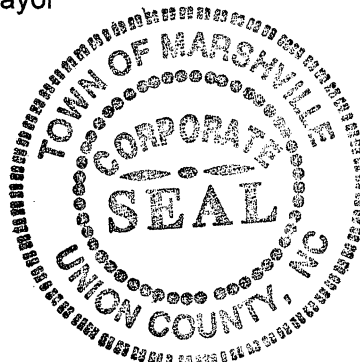
<b>Total Increase</b>			<b><u>\$ 6,200.00</u></b>
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Adopted this 5th day of November 2012.

  
 Franklin D. Deese, Mayor

ATTEST:

  
 Tonya Johnson, Town Clerk



This Budget Amendment provides for:

- 1) Appropriation to cover additional costs for contracted services for Planning/Zoning services to N-Focus for the remainder of FY2012-2013.

## Part Time Seasonal Laborer

Att. 2536g

<b>Department:</b>	Public Works	<b>Pay Type:</b>	Hourly
<b>Supervisor/ Reports to:</b>	Public Works Director	<b>Pay Range:</b>	\$8.50-\$10.00
<b>LSA Status:</b>	Non exempt	<b>Maximum Hours per Week:</b>	29

*Class specifications are intended to present a descriptive list of the range of duties performed by employees in the class. Specifications are **not** intended to reflect all duties performed within the job.*

### **SUMMARY**

Perform manual labor and variety of maintenance tasks for the streets, sewer or water divisions within the Public Works Department.

### **DUTIES and RESPONSIBILITIES**

Essential and other important responsibilities and duties may include, but are not limited to, the following:

#### **Essential Job Functions:**

- Perform manual labor and heavy lifting under all weather conditions.
- Assist full-time employees in various maintenance and repair tasks, including, but not limited to: mowing, clipping, trimming, cleaning equipment, materials and buildings, painting, operating equipment, shoveling, weeding, digging, filling potholes, driving, cement work, traffic control, sewer cleaning, etc.
- Safely operate various motorized and non-motorized equipment and tools.
- Drive or transport assigned vehicles and/or equipment to various job sites, as needed.
- Read and follow verbal instructions and written procedures, such as operating manuals, department procedures, and safety guidelines for mechanical equipment and tools.
- Work effectively and cooperatively with the general public, staff members and outside agencies.
- Arrive to work on-time and meet attendance requirements.
- Wear required uniforms and personal protective equipment as assigned and directed.

#### **Other Functions:**

- Refers residents and customers with questions and complaints to supervisors or appropriate personnel.
- Report maintenance problems, safety hazards and customer complaints to supervisors.
- Other duties as assigned.

#### **Competencies:**

To perform the job successfully, an individual should demonstrate the following competencies:

- Customer Service - Employee must be able to work in situations with hostile customers while maintaining tact and professionalism and adhering to prescribed departmental policies and procedures.
- Oral Communication - Effective communication skills are essential due to the variety of public interfaces required for this position. Must be able to represent personal view or position, but be flexible and able to carry out actions which may contrast with personal preference.
- Written Communication - Writes clearly and informatively; edits work for spelling and grammar; presents numerical data effectively; able to read and interpret written information.
- Teamwork - Balances team and individual responsibilities; exhibits objectivity and openness to others' views; contributes to building a positive team spirit.
- Organizational Support - Follows policies and procedures; supports organization's goals and values. The position requires frequent interaction with the general public and Town staff.
- Judgment - Exhibits sound and accurate judgment; includes appropriate people in decision-making process; makes timely decisions.

- Initiative - Volunteers readily; undertakes self-development activities; seeks increased responsibilities; takes independent actions and calculated risks; looks for and takes advantage of opportunities; asks for and offers help when needed.
- Professionalism - Must be able to interact with others using tact, patience and courtesy. The individual in this position must maintain a customer service orientation, be courteous and diplomatic in the exchange information, and present a positive image of the Town to its customers.
- Quality - Demonstrates accuracy and thoroughness.
- Adaptability - Adapts to changes in the work environment.
- Attendance/Punctuality - Is consistently at work and on time; ensures work responsibilities are covered when absent.

## **QUALIFICATIONS**

### **MINIMUM QUALIFICATIONS:**

- Must be at least eighteen (18) years of age.
- Must have a valid driver's license with a good driving history.

### **DESIRED QUALIFICATIONS:**

- Previous Public Works Maintenance experience for a local, state or county government.
- Working knowledge of safety requirements for assigned tasks.

### **KNOWLEDGE, SKILLS AND ABILITIES:**

- Knowledge of public works maintenance functions and repairs.
- Knowledge of a using a variety of tools, equipment and materials used.
- Knowledge of general safety procedures.
- Ability to read written instructions such as operating manuals and instructions for mechanical equipment.
- Ability to verbally communicate effectively with co-workers, supervisors, and the general public to relay information, report concerns, and to provide directions.
- Ability to establish and maintain effective working relationships and deal tactfully with internal and external customers, co-workers, and partnering agencies, etc.
- Ability to perform basic mathematical computations, including addition, subtraction.

## **SUPERVISION RECEIVED**

Receives direction from the Public Works Director

## **ADDITIONAL REQUIREMENTS**

Final candidates must satisfactorily complete a thorough criminal background and reference check process and other appropriate testing and requirements. A completed application must be received by the posted deadline.

The Town of Marshville will not discriminate against or harass any employee or applicant for employment because of race, creed, color, religion, national origin, sex, disability, age, marital status, sexual orientation, participation in local commission, or status with regard to public



## Town of Marshville

## Public Comments Sign-Up Sheet

Regular Meeting

Date: Nov. 5, 2012Please **print** your name, topic of discussion, and contact information for the record.

	PRINT NAME	ADDRESS	TOPIC OF DISCUSSION	PHONE #	EMAIL ADDRESS
1	Chris Carabats	6113 West Marshville Blvd	water bill	952-2339-5889	
2	May Marshall	6109 west Marshville Blvd	water bill		
3	Kathleen Jordan	309 west Main St			
4					
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15					

**Town of Marshville  
Town Council Meeting  
Monday, November 5, 2012, 7:00 PM  
Marshville Town Hall – 201 W. Main St.**

**REGULAR MEETING AGENDA**

- 1. Call to Order/Invocation/Pledge of Allegiance**
- 2. Adoption of Agenda for the meeting**
- 3. Public Comment**

*Anyone may speak on any issue. If you are here to speak at a public hearing, please wait until the public hearing has been opened for public comment on that particular item. Before speaking, please state your name and address. Please limit comments to two minutes.*

- 4. Public Hearing to receive input on RZA12-05, an amendment to Sections 146 and 172 of the Land Use Ordinance regarding Bed and Breakfast Facilities**
  - Motion to open Public Hearing
  - Presentation of information from staff
  - Public Comment
  - Council questions and comments
  - Motion to close Public Hearing
  - Council action regarding the amendment to the Marshville Land Use Ordinance
- 5. Public Hearing to receive input on RZA12-06, an amendment to Sections 15, 146 and 180 of the Land Use Ordinance to allow and regulate “Solar Energy System – Small”**
  - Motion to open Public Hearing
  - Presentation of information from staff
  - Public comment
  - Council questions and comments
  - Motion to close Public Hearing
  - Council action regarding the amendment to the Marshville Land Use Ordinance
- 6. Adoption of the Consent Agenda for this meeting**
  - Meeting Minutes from October 15, 2012
  - Tax Releases
  - Budget Amendment #2013-05 (Salary for Utility Billing Analyst)
  - Resolution Concerning Loss of “Transitional Hold Harmless” Reimbursement Funds
  - Resolution in Support of Kilah’s Law
- 7. Appointments/reappointments to the Planning Board and Board of Adjustment**
  - Virginia Morgan – Term expires November 2012
  - Susan Drake - Term expires November 2012
  - Brian Weber - Term expires November 2012
- 8. Discussion and possible action regarding contract for Planning and Housing Code Enforcement services and Budget amendment for services for the remaining FY 2012-2013**
- 9. Discussion and possible action regarding Public Works Part Time Seasonal Employee Job Description**
- 10. Town Manager’s Report**
- 11. Comments**
- 12. Adjourn**

*\* A brief recess may be called every 45-60 minutes, as desired by Council. \**