

**Town of Marshville
Town Council Meeting
Monday, October 15, 2012, 7:00 PM
Marshville Town Hall – 201 W. Main St.**

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 for medical reasons.

Staff Present: Town Manager, Amanda Reid; Town Clerk/Finance Officer, Tonya Johnson; Town Attorney, Bobby Griffin; Director of Public Works, Bivens Steele; Chief of Police, Carl Webber; Lieutenant, Matt Tarlton; Park Director, Alan Thifault and Utility Account Analyst, Alicia Melton.

Call to Order/Invocation/Pledge of Allegiance

The meeting was called to order at 7:00 pm by Mayor Deese. The invocation was offered by Council Member Bivens. The Pledge of Allegiance was offered by all in attendance.

Adoption of Agenda for the Meeting

Mayor Deese requested to move agenda item 4 Public Comment to 6, just after Discussion and possible action regarding amending Tax Collections to include the collection of Nuisance Abatement fees and adjust the agenda accordingly. A motion was made by Council Member Carpenter to amend the agenda as discussed. The motion was seconded by Council Member Bridget and passed by unanimous vote. A motion to adopt the agenda with the approved change was made by Council Member Bridget, seconded by Council Member Carpenter and passed by unanimous vote.

Presentation of information by Mr. James Luster

- North Carolina Catalyst Program – CDBG Grant
- Minimum Housing Update

Mr. James Luster, of Centralina Council of Governments, stated the \$500,000 NC Catalyst Program grant application has been awarded to the Town of Marshville. The town can expect to receive a start-up package in the next few weeks that will include the grant agreement. Council Member Bivens asked about a limit on the number of applications to which Mr. Luster responded there is no limit. Mr. Luster referenced a handout explaining conflicts of interest and stated relatives of employees or elected officials require approval of the Department of Commerce. He further stated the Department of Commerce works with small towns and understands that there may be these conflicts. Mayor Pro-Tem Jefferson asked for an explanation of the matching funds. Mr. Luster stated the Town of Marshville must match 5%, or \$25,000 to participate in the 30-month program and the Department of Commerce recommends the \$25,000 be paid as near the beginning of the program as possible. If this is a financial constraint, the Town can request a waiver to budget the money over two fiscal years. Mayor Pro-Tem Jefferson questioned where the money will come from. Mayor Deese commented that a budget amendment will be necessary.

Mr. Luster then provided council with an update regarding minimum housing at which time he made the council aware of several properties in which a title search is being performed in order to begin the administrative search warrant process. The properties are 805 W. Main Street, 823 Hasty Street, and 210 W. Union Street. Mayor Deese thanked Mr. Luster.

Adoption of the Consent Agenda for the Meeting

- October 1, 2012 Town Council Minutes
- September 30, 2012 Budget Report
- Set public hearing regarding text amendment RZA12-05, to Sections 46 and 172 of the Land Use Ordinance regarding “Bed and Breakfast Facilities” for November 5, 2012
- Set public hearing regarding text amendment RZA12-06, to Sections 15, 146 and 180 of the Land Use Ordinance to allow and regulate “Solar Energy System – Small” for November 5, 2012

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

Discussion and possible action regarding amending Tax Collections to include the collection of Nuisance Abatement fees

Mayor Deese commented that Tax Collector, Debbie Morton is out of town, but will be charged to collect nuisance abatement fees upon her return to work later this week. Mayor Deese read the charge to collect nuisance abatement fees into the minutes. A motion to present the charge to Tax Collector Morton and to authorize the Mayor to sign the charge was made by Council Member Bivens. The motion was seconded by Council Member Bridget and passed by unanimous vote

Public Comment

Major Ryan Stafford, of 1829 Dickerson Blvd. #105, Monroe, addressed the council regarding any assistance the Veterans Council can provide for a Veterans Day Event for the Town of Marshville. The Town Manager stated she will contact Mr. Stafford regarding this. Mayor Pro-Tem Jefferson commented on the success of the event last year and the need to honor our veterans. He asked that this body help get an event organized.

Prior to any other public comments, Mayor Deese made a statement regarding utility bills. He informed members of the public who were present that the Town recognizes that problems with utility billing exist and investigation is underway. He assured members of the public that measures have already been taken to address the issue. A part-time Utility Account Analyst has been hired to review and research accounts, meter reading has been divided among the public works staff for better internal control and a contract executed with an independent firm to review town policies and procedures. Mayor Deese stated that staff is working to correct affected accounts and making adjustments for both overbilling and underbilling. Mayor Deese explained that North Carolina General Statute holds that we must bill for services and requires the town to collect for these services. Adjustments are being calculated, accounts investigated, and customer follow up completed. Mayor Deese commented that he expects council to authorize the Town Manager to set up payment plans to assist in the payment of utility bills and assured the public that staff is working diligently to correct any errors.

Gail Kiker, of 912 Forest Drive, Marshville, addressed council regarding high utility bills and stated that both she and her tenants are upset. Ms. Kiker stated she hired a plumber and no plumbing issues exist. She told the Town Council about calling Town Hall on several occasions requesting a water bill for a particular tenant and was told there was no bill and, furthermore, she was told by an employee that the meter wasn't read and the bill was based on an average. Ms. Kiker requested a legitimate meter reading.

Clyde Caudle, of 301 Woodberry Drive, Wingate, addressed council regarding his tenant's water bill in excess of \$600. Mr. Caudle asked what could be done. Mayor Deese suggested Mr. Caudle come to Town Hall and meet with the Town Manager. The Town Manager asked Mr. Caudle to leave contact information and she will research his account.

Geraldine Barrino, of 818 King Street Ext., Marshville, commented that most of her questions have been answered as she listened to the responses to others concerns. Ms. Barrino stated her bill usually runs a certain amount and she has had no changes. Mayor Deese explained overbilling and underbilling issues to Ms. Barrino. Ms. Barrino questioned how the Town is billing for water if meters are not being read. Mayor Deese stated this is being looked into by the utility auditors and based upon the findings appropriate action will be taken.

Mary Harrell, of 6109 W. Marshville Blvd., Marshville, addressed council regarding high water bills for her and her brother and stated the plumbing has been checked by a plumber and there is no problem. Ms. Harrell stated at one time she noticed water shooting out of the meter and reported it. Ms. Harrell is concerned about the high bill since she lives on a fixed income.

Emma Moffett, of 803 Crestway, Marshville, stated she will bring her bill to Town Hall tomorrow for discussion.

Susan Stafford Tomberlin, of 621 Morgan Place, Marshville, stated that many of her questions have been answered in listening to the responses given to others. Ms. Tomberlin stated that she sees the Town is trying to correct issues but wonders how far back this problem goes. She expressed interest in a payment plan for the high bill.

Rupert Ashcraft, of 706 Bivens Lane, Marshville, stated that he will bring his bill to Town Hall tomorrow for discussion.

Rosa Grace, of 914 S. Austin Street, Marshville, stated her bill has increased and she is the only person in her household.

Denetter Barbour, of 521 Van Eudy Rd., Marshville, addressed council regarding a high bill in the amount of \$814. Ms. Barbour stated she cannot afford to pay the bill and it creates a financial hardship.

Delores Sturdivant, of 316 Cherio Street, Marshville, asked council if rates have changed and feels her bill is too high.

Cary Johnson, of 709 Circle Drive, Marshville, stated the water bills are outrageous and inquired how quickly residents will be expected to pay these high bills.

Mary Harrell asked if residents should hire an attorney. Mayor Deese commented that expenses would be incurred in hiring a lawyer and asked that residents wait to see if the Town handles this issue to their satisfaction. Mayor Deese stated that each must do what they feel led to do.

RECESS (8:00 pm)

RECONVENE (8:08 pm)

Update on September Utility Billing and audit, possible action authorizing the Town Manager to offer payment plans and extend additional adjustments

The Town Manager referenced a press release to be issued regarding measures taken to address issues surrounding utility billing. She informed council that the audit should be completed by October 31, 2012 and the hopes to present the results at the November 5, 2012 council meeting. The Town Manager requested authorization to extend payment plans to customers that have received a high utility bill. Payment plans will be determined on a case by case basis. Mayor Pro-Tem Jefferson questioned how we can accurately bill if meters are not being read. The Town Manager stated the customers are being given the benefit of the doubt based

upon individual account review and average consumption and pointed out the need to establish a payment plan that will be feasible to both the customer and the town. Mayor Pro-Tem Jefferson stated that this council offers representation to citizens in return for taxes paid and services provided. He stated we have lost public money and public trust. The Town Manager stated the Town's enterprise fund is taking a hit on this issue as well; taking money that could be used for infrastructure needs. She explained this is the purpose of contracting with an independent firm specializing in utilities. The firm has been tasked with identifying and citing any deficiencies in our current system. Mayor Deese stated we can regain public trust by admitting our mistakes and by working to correct the problems. The Mayor cautioned against acting prematurely until the town has received the results from the independent firm. Attorney Griffin stated the Town Manager is acting lawfully and commended her for steps taken regarding this issue, as she is working legally and administratively to resolve the issue.

A motion was made by Mayor Pro-Tem Jefferson to empower the Town Manager to make payment plans and extend additional adjustments on a case by case basis for utility billing. Council Member Carpenter seconded the motion. Council Member Bivens questioned how the town can bill for something a customer did not use. The Town Manager stated each account would have to be reviewed on a case by case basis. She further stated she has been cautioned against the word "use" and added that water has gone through the meter, readings reviewed and consumption noted. Attorney Griffin stated the Town Manager is not going to arbitrarily pull figures out of the air. The motion passed by unanimous vote.

Town Manager's Report – Ms. Amanda Reid

NCLM – The Town Manager reminded council of the upcoming League Conference which begins October 21.

Community Center Policy & Rates – The Town Manager stated this information will be discussed next month.

Crosswalk Update – The Town Manager reported work is being done to finalize the scope of work and schedule for crosswalks installation.

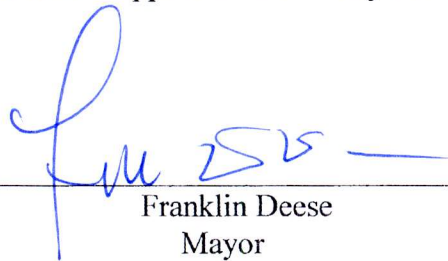
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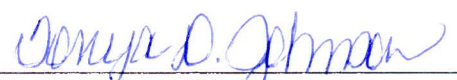
Council Member Carpenter stated we have a capable Town Manager that she believes can handle the utility issues. Council Member Bivens stated the town should invest in electronic meters. Mayor Deese commented that this technology is expensive and he and the Town Manager are looking into the possibility of grant funding for such a transition.

Adjourn

A motion to adjourn was made by Council Member Bivens. The motion was seconded by Council Member Bridget and passed by unanimous vote. There being no further comments the meeting adjourned at 8:29 pm.

These minutes approved this 5th day of November, 2012.

By: 
 Franklin Deese
 Mayor

Attest: 
 Tonya D. Johnson
 Town Clerk