

**Town of Marshville
Town Council Meeting
Monday, April 1, 2013, 7:00 PM
Marshville Town Hall**

REGULAR MEETING MINUTES

Council Members Present: Mayor Franklin Deese, Mayor Pro-Tempore Matthew Jefferson, Council Members Norma Carpenter, Margaret Bivens and Gary Huntley. Council Member Dora Bridget was absent.

Staff Present: Town Manager, Amanda Reid; Town Clerk/Finance Officer, Tonya Johnson and Chief of Police, Carl Webber.

Call to Order/Invocation/Pledge of Allegiance

Mayor Deese called the meeting to order at 7:01 pm and noted the presence of a quorum. The invocation was offered by Council Member Bivens. The Pledge of Allegiance was offered by all in attendance.

Adoption of Agenda for the Meeting

The Town Manager requested to add to the agenda as Item #8 the discussion and possible action for a Resolution for Addition to Senate Bill 287 Regarding Notice Publication Requirements for Local Governments. The motion was made by Council Member Carpenter, seconded by Council Member Bivens and passed unanimously. A motion to adopt the agenda with the addition of Item #8 was made by Council Member Bivens. The motion was seconded by Council Member Huntley and passed unanimously.

Public Comment

Mr. Erby Laney of 8519 Hwy. 74, Marshville addressed the Town Council regarding the water pump station situated on his property and informed council members of a article he recently submitted to The Home News. According to Mr. Laney, the water pump station was erected on the property in 1972 when the property was owned by Mrs. Laney's uncle and aunt who were never charged for water consumption. Mr. Laney stated he received two calls from the Town Manager notifying that he would have to begin paying for water consumption. Mr. Laney commented that he has mowed the property for years and expects the Town of Marshville to compensate him for the use of his land and mowing. Mr. Laney commented that the dilapidated condition of the water pump station is a problem at his property and neighboring properties, He concluded by stating he feels his complaint is legitimate. The Town Manager commented that Mr. Laney contacted an attorney and the attorney initiated contact with her. She responded by turning the matter over to the town attorney. Mr. Laney responded that a friend who is an attorney wrote a letter for him addressing this issue. Mayor Deese commented that a letter written on letterhead and signed by an attorney has to be considered a potential legal issue and turned over to the town attorney regardless of the intention. The Town Council can appreciate his concern.

Consent Agenda

- March 11, 2013 Town Council Budget Retreat Minutes
- March 18, 2013 Town Council Minutes
- Revised Council Meeting Calendar

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

Discussion regarding Request for Street Closure – Union County Library

The Town Manager stated the purpose of the requested street closure is for Day of the Children, a community event hosted by the Marshville Branch of the Union County Library scheduled for Saturday, April 27, 2013 from 12:00 pm – 4:00 pm. The consensus of the Town Council was to grant the request to close a portion of Hasty Street between Olive Branch Road and Phifer Street.

Discussion and possible action regarding Proclamation for Establishing April 2013 as Child Abuse Prevention & Sexual Assault Awareness Month

The Town Manager referenced information in the agenda packet provided by Ms. Pamela Caskey, Region Director, Safe Alliance regarding events and programs aimed at child abuse and sexual assault awareness and prevention including a proclamation declaring April as child abuse prevention and sexual assault awareness month. Chief Webber commented on The Tree House Children's Advocacy Center and the tremendous resource and asset it is to both children and law enforcement. Chief Webber, acting on behalf of Ms. Caskey, thanked the Town Council for the proclamation. A motion to approve the Proclamation for Establishing April 2013 as Child Abuse Prevention and Sexual Assault Awareness Month was made by Council Member Bivens, seconded by Council Member Huntley and passed unanimously.

Discussion and possible action regarding Proclamation for Establishing May 2013 as Lyme Disease Awareness Month

The Town Manager stated the request for this proclamation came from a gentleman in Raleigh who believes it necessary to call attention to and establish awareness of Lyme disease since the number of cases reported in North Carolina continues to rise. A motion to approve the Proclamation for Establishing May 2013 as Lyme Disease Awareness Month was made by Council Member Bivens, seconded by Council Member Carpenter and passed unanimously.

Discussion and possible action regarding Resolution Asking for Addition to Senate Bill 287 Regarding Notice Publication Requirements for Local Governments

The Town Manager stated this is a recently filed local bill while a state bill addressing similar concerns has been introduced. The Town of Marshville has the opportunity to attach to the local bill if the Town Council desires. Senate Bill 287 would allow municipalities to advertise by e-notification instead of posting notices in newspapers. The Town Manager stated that this would not completely eliminate newspaper advertising but would offer the town alternative option to meet any time or financial constraint. John Edmondson, editor of The Home News, commented that adequate notification is important in keeping the public informed and it is likely many Marshville citizens don't have access to internet or a computer. Mr. Edmondson stressed his objection to this bill and urged the Town Council to do some further study before approving a resolution. Mayor Deese clarified that this is a local bill that the Town of Marshville has the opportunity to attach to for electronic notification in lieu or in addition to publication in newspapers. The town may not have another opportunity to pursue the option depending on the status of the bill. After some discussion, it was the consensus of the Town Council to leave the notice publication as is and not pass the resolution.

It was the consensus of the Town Council to move the Town Manager's Report and Mayor and Town Council Member Comments before the closed session.

Town Manager's Report

The Town Manager reported work is underway on the FY2013-2014 budget and legislative changes and other constraints will present a challenge. She also informed the Town Council that the process of hiring an intern is still ongoing as she awaits contracts from the University and finalizes discussion with the Town of Wingate about possibly sharing an intern.

The Town Manager reported on numerous legislative updates and changes proposed by the North Carolina General Assembly. The most concerning are those regarding municipal revenues that could reduce the town's revenue sources by approximately \$150,000 resulting in a possible ten cent tax increase to make up the deficit. A memorandum to the Mayor and Town Council detailing the legislative updates is hereby incorporated and made a part of these minutes by attachment.

Mayor and Town Council Member Comments

Mayor Deese reported that he and the Town Manager met with Senator Tucker and Representative Brody at Town Hall Day in Raleigh recently. Upcoming changes in the legislature present obstacles for the towns in terms of finances and authorities. Additionally, Governor Pat McCrory's proposed budget reduces allocations

to grant funding agencies that the town has historically relied upon for assisting in the financing of capital projects. Mayor Deese urged the council members to contact legislators.

Council Member Bivens thanked the Town Manager for the job she is doing.

Adjourn

A motion to adjourn was made by Council Member Bivens, seconded by Council Member Huntley and passed unanimously. There being no further comments the meeting adjourned at 8:45 pm.

These minutes approved this 15th day of April, 2013.

By: _____

Franklin Deese
Mayor

Attest: _____

Tonya D. Johnson
Town Clerk

TOWN OF MARSHVILLE

2013 Calendar

January '13						
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February '13						
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April '13						
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August '13						
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December '13						
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Unless otherwise publicized, all meetings will begin at 7:00 p.m. at the location indicated below.

Scheduled Regular Meetings 1st Mondays

Holiday Schedule (Town Offices closed)

Date	Description
1/1/13	New Year's Holiday
1/21/13	ML King Day
3/29/13	Easter Holiday
5/27/13	Memorial Day
7/4/13	July 4th Holiday
9/2/13	Labor Day
11/11/13	Veterans Day
11/28/13	Thanksgiving Day
11/29/13	Thanksgiving Holiday
12/24/13	Christmas Holiday
12/25/13	Christmas Holiday
12/26/13	Christmas Holiday

Special Meetings

Date	Description

Scheduled 2nd Monthly Meeting

Date	Description
1/15/13	Regular Meeting
2/19/13	Regular Meeting
3/19/13	Regular Meeting
4/16/13	Regular Meeting
5/20/13	Regular Meeting
6/17/13	Regular Meeting
7/15/13	Regular Meeting
8/13/13	Regular Meeting
9/10/13	Regular Meeting
10/14/13	Regular Meeting
11/18/13	Regular Meeting
12/18/13	Regular Meeting

Public Hearings

Date	Description

< 1st Monthly Meeting
< 2nd Monthly Meeting

**TOWN OF MARSHVILLE PROCLAMATION
DECLARING APRIL AS CHILD ABUSE PREVENTION MONTH &
SEXUAL ASSAULT AWARENESS MONTH**

Whereas, preventing child abuse and neglect, and sexual violence is a community problem affecting both the current and future quality of life of our community;

Whereas, Union County Department of Social Services accepted 1,293 reports of child abuse representing over 2851 children in 2012;

Whereas, more than 635 victims and family members were served through Safe Alliance's Victim Advocacy and Clinical Services during FY2012;

Whereas, 98% of the children served by the Tree House Children's Advocacy Center were sexually abused by a trusted relative or other known person and 15% of the children served were sexually abused by other children in FY2012;

Whereas, 89% of sexual assault victims were under the age of 19; 63% of children served were under the age of 13; 23% were under the age of 5.

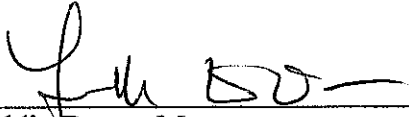
Whereas, child abuse and neglect not only cause immediate harm to children, but are also proven to increase the likelihood of criminal behavior, substance abuse, health problems, and risky behavior thereby increasing the cost of community support services;

Whereas, all citizens should be protected from sexual and physical violence;

Whereas, Safe Alliance's Victim and Clinical Services programs exists because of partnerships created among social service and healthcare agencies, schools, faith communities, civic organizations, law enforcement agencies, and supportive members of Union County;


Therefore, the Town of Marshville Town Council do hereby proclaim April as Child Abuse Prevention Month & Sexual Assault Awareness Month and call upon all citizens, community agencies, faith groups, medical facilities, elected leaders and businesses to increase their participation in efforts to support families, thereby preventing & reporting child abuse and sexual violence thereby strengthening the communities in which we live.

IN WITNESS THEREOF, I have hereunto set my hand and caused the Seal of the Town to be affixed this 1st day of April, 2013.



Franklin Deese, Mayor

ATTEST:



Tonya Johnson, Town Clerk



**TOWN OF MARSHVILLE PROCLAMATION
FOR MAY 2013 AS LYME DISEASE AWARENESS MONTH**

Att. 2569c

Whereas, infected ticks carrying the bacteria, *Borrelia burgdorferi* which causes Lyme disease, continue to spread throughout North Carolina as 3 counties are now classified as "endemic" for Lyme disease; and

Whereas, the total numbers of both suspected and confirmed Lyme disease cases reported to our state health department continues to rise each year with over 1000 case events reported in 2012; and

Whereas, ticks commonly found in North Carolina have been known to transmit Lyme disease, Rocky Mountain Spotted Fever, Ehrlichiosis, STARI, Babesiosis and Anaplasmosis to residents; and

Whereas, the North Carolina Division of Public Health encourages physicians and health care providers to consider the diagnosis of Lyme disease in patients who present the symptoms of infection, even if the patient has no travel history outside of North Carolina; and

Whereas, Lyme disease is difficult to diagnoses because it imitates other conditions and no reliable laboratory test can prove who is either infected or bacterial-free, which often leads to under-diagnosis or misdiagnosis; and

Whereas, early indicators of infection include: "bullseye" looking rash with flu-like symptoms, characterized by chills, headache, fatigue, muscle and joint aches and swollen lymph nodes; and

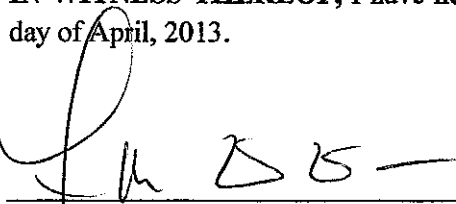
Whereas, weeks or months later, patients with untreated or under-treated Lyme disease can suffer from permanent and sometimes life-threatening damage to the brain, joints, heart, eyes, liver, spleen blood vessels and kidneys. For this reason it is imperative that all who may be exposed to Lyme disease receive immediate treatment; and

Whereas, the best solution to reduce the risk of contracting Lyme disease is awareness and education about the seriousness of this illness and the need for our residents, especially children, to practice personal preventive techniques when engaging in outdoor activities - such as frequent tick checks, use of tick repellant and proper tick removal; and

Whereas, the warm summer months are considered the most active time for ticks and when the majority of residents are exposed to ticks during outdoor activities. Therefore it is important that residents are aware of the potential for acquiring Lyme disease in our town and the preventive measures they can take to minimize the risk of infection.

Therefore, the Town of Marshville Town Council do hereby proclaim May as Lyme disease awareness month for the Town of Marshville.

IN WITNESS THEREOF, I have hereunto set my hand and caused the Seal of the Town to be affixed this 1st day of April, 2013.



Franklin Deese, Mayor

ATTEST:



Tonya Johnson, Town Clerk





Town of Marshville

Att. 2569d

201 West Main Street • Marshville, NC 28103
P - 704.624.2515 • F - 704.624.0175

Memorandum

Date: April 1, 2013
To: Mayor Frank Deese, Marshville Town Council
From: Amanda Reid, Town Manager
Re: Legislative Updates

As the pace of action at the General Assembly continues to increase, there are many issues that will have direct impact on N.C. cities and towns to maintain financial stability and service levels.

FY 2013–2014 Municipal State Collected Revenue Estimates Released

Although these estimates assume that the General Assembly will make no changes in 2013 to the formula that govern municipal shares of State-collected revenues, **you should be aware that significant changes to local revenue sources have been proposed as part of bills introduced in the General Assembly to accomplish broad modernization of the State and local tax systems.** It is too early in the legislative session to know which, if any, of these changes will be adopted and whether they would affect FY 13-14 revenues.

BILLS REGARDING FINANCE & REVENUES:

Bill: SB 394 – Lower Tax rates for a Stronger NC Economy

Status: Passed first reading in the Senate, Referred to Committee on Finance

The bill would eliminate at least \$320 million in existing municipal revenue while providing an unspecified amount of new revenue through an expanded sales tax base. The League supports expansion of the sales tax base to include services, but opposes measures that eliminate or reduce municipal taxing authority and state-collected municipal revenues. **The bill does not** hold cities and towns harmless if the proposed reductions in municipal revenues are not replaced by additional revenues flowing from an expanded sales tax base.

The bill would make the following changes that reduce municipal revenues:

Change:	Approximate Reduction in Revenues
Reduce the local sales tax on food from 2% to 1% percent effective July 1, 2015, thereby decreasing municipal revenues by over \$40 million.	\$6,050.00
Eliminate the State and local franchise taxes on electricity and natural gas, and subject sales of those items to the full state and local sales tax rates. As a result, cities would no longer receive over \$200 million in utility franchise tax revenue from those items. While additional revenue would be provided from the sales tax on electricity and natural gas, cities would share those new sales tax revenues with counties. Cities would continue to be prohibited from levying local privilege taxes on companies providing these services. The change would be effective January 1, 2014.	\$127,000.00
Eliminate all State and local business privilege license taxes, including local beer and wine privilege taxes, effective for fiscal years beginning July 1, 2014. Beer and wine permittees would still need to get a local license, but municipalities could only charge a reasonable fee. The loss of privilege license tax authority would reduce municipal revenues by over \$60 million.	\$4,000.00
Eliminate the \$22 million local distribution from beer and wine excise taxes	\$11,000.00
Total Approximate Reduction in Revenues	\$148,050.00

Bill: HB 389/SB 307 Restore Hold Harmless Sales Tax Funds

Status: Passed first reading in the Senate, Referred to Committee on Rules and Operations of the Senate

This bill would restore hold harmless tax funds for 2013-2016. The bill provides for the following payment:

- 2013: 100% of difference
- 2014: 75% of difference
- 2015: 50% of difference
- 2016: 25% of difference

The General Assembly repealed \$333.4 million in reimbursement payments to local governments, effective July 1, 2002. The legislation included a "hold harmless" provision providing payments to those local governments whose estimated revenue from the sales tax is less than the value of their repealed reimbursements. At the time the Transitional Hold Harmless was enacted, it was expected that sales tax revenues would grow sufficiently by 2012 so that few local governments would still be receiving payments, and that any remaining payments would be small.

Because the reduction in sales tax revenues caused the Transitional Hold Harmless to increase, cities and towns receiving the payment are more dependent upon this source of revenue in 2012 than was expected when the expiration of the tax after 2012 was established.

The loss of revenue to the Town of Marshville if the Transitional Hold Harmless expires will be approximately \$7,300.00

Bill: SB 363 Business Tax Reduction and Reforms

Status: Passed first reading in the Senate, Referred to Committee on Finance

This bill would eliminate the ability of cities to levy privilege license taxes. The elimination would be effective for taxes imposed for fiscal years beginning on or after January 1, 2015. Tax reform legislation to improve the business climate in North Carolina is at the top of the General Assembly's agenda this year. Elimination of the local privilege tax will be considered an easy way to reduce business taxes with no consequences to the State budget.

The loss of revenue to the Town of Marshville if the new legislation passes would be approximately \$4,000.00.

BILLS REGARDING OPERATIONS & CONTROLS:

Bill: HB 150 Zoning/Design & Aesthetic Controls

Status: Passed in House, Passed 1st reading in the Senate, Referred To Committee on Rules and Operations of the Senate

HB 150 would eliminate cities' ability to impose aesthetic controls over 1- and 2-family dwellings in all zoning districts (with limited exceptions), unless these controls are agreed to by the developer. Municipal officials across the state have spoken out against the bill, saying it would undermine their ability to provide the neighborhood protections their citizens have requested and promote economic development by preserving the character of their community.

A number of questions about the bill were raised during the House debate, including concerns that the bill would allow homes in established neighborhoods near universities to be converted in to rooming houses. Legislators also noted that citizens in existing neighborhoods had requested and were supportive of many of the provisions that would be eliminated by this bill.

Bill: SB 332 – Government Transparency Act & SB 331 Sunshine Amendment

Status: Passed first reading in the Senate, Referred to Committee Judiciary Issues

The Government Transparency Act bill would amend current general statutes to amend what information is considered public record as it relates to personnel. A general description of the reasons for each promotion, demotion, transfer, suspension, separation, or other change in position classification with that area authority, a copy of the written notice of the final decision if action results in dismissal and the release of performance evaluations.

This bill would negatively impact municipalities' ability to conduct open and honest performance evaluations and reduce feedback available from them. Performance evaluations would become generalized. Those conducting evaluations would need to use extreme caution in comments so as not to harm the reputation of the organization or personnel. Additionally, reprimands would lack necessary documentation to argue any claims filed against the Town. This bill would increase the liability of the Town in personnel related matters.

The Sunshine Amendment would place before voters a constitutional amendment declaring a constitutional right to access to public records and meetings not specifically exempted. The amendment would also require a two-thirds vote of the General Assembly for future exemptions to this provision, making it unnecessarily difficult for future legislators to address specific situations related to public records or public meetings in the future.

Bill: SB 125 – Public Meeting/Records Violations

This bill amends the Public Records Law to make it a Class 3 misdemeanor to deny access to public records or prevent copying of them. It also makes violations of the Open Meetings Act a Class 3 misdemeanor. This bill would delay the production of public records and increase the costs associated with producing such records as municipalities would need to work through attorneys to ensure that they are not in violation of the law. Current laws provide sufficient protection for those wrongly denied access to public records by entitling them to any attorney fees.

Bill: HB 224 Asheville Extraterritorial Jurisdiction and Annexation

Status: Introduced to the House and referred to the Committee on Government and the Finance Committee.

HB 224 would prohibit the City of Asheville from exercising any extraterritorial jurisdiction. Asheville's ability to exercise ETJ would cease on April 1, 2013. The current Asheville ETJ regulations would stay in place for 60 days or until Buncombe County adopts regulations for the area, whichever is sooner.

Additionally, Section 2 of the bill also prevents Asheville from initiating any annexation proceedings. This prohibition includes voluntary annexations that are requested by landowners. This bill in its entirety pertains only to the City of Asheville.

Bills: SB 287 - Notice Publication by Some Local Govs.

SB 186 - Notice Publication by Counties and Cities.

Status: Passed in House, Passed 1st reading in the Senate, Referred To Committee on Rules and Operations of the Senate

SB287 is a local bill that was introduced by Senator Trudy Wade out of Guilford County. This bill would allow for electronic notices to be used in lieu of newspaper advertisement for all meetings that require legal notices. With respect to our own budget this will save a considerable amount of money every year in advertising.

SB186 is a statewide bill that has been introduced that would allow for the same provision, the League is fairly certain that this bill will not make it through though.

GOVERNOR'S BUDGET PROPOSAL

Governor Pat McCrory released his proposed budget for the FY 13-15 biennium Wednesday.

- While the budget makes no changes to the Powell Bill program, declining gas consumption is projected to keep Powell Bill funding flat into FY 13-14 and cause it to decline over the next two years.
- Also in the transportation area, a two percent reduction to public transportation funding is proposed, following a cut of 9 percent over the last two years. The Small Urban Construction program, which provides \$7 million for urban projects on the State system, was proposed for elimination.
- In the Natural Economic Resources budget, the Clean Water Management Trust Fund, which was reduced from a \$100 million appropriation to \$10 million over the last two years, is proposed for reduction in FY 13-14 and elimination in FY 14-15.
- The Parks and Recreation Trust Fund and Solid Waste Trust Fund, both of which make grants to local governments, would see their funding cut by over half.
- The NC Rural Center's funding would be cut by 60 percent. If this budget is adopted by the N.C. General Assembly, rural businesses and communities lose the potential for creating 2,000 new jobs in the next year. That loss would be multiplied every year that the reduction continues.

- ALL funds to the Golden LEAF Foundation would be diverted. Golden LEAF receives funds from the Master Settlement Agreement with cigarette manufacturers (not tax dollars) and invests them. Over time, Golden LEAF has earned almost \$300 million in investment income used to support the majority of grantsmaking. This move would have North Carolina join the ranks of states that have used their Master Settlement Agreement funds to patch budget holes, and that have little to show for that move. Two years ago, the General Assembly acted to divert some, but not all, of the incoming Golden LEAF payments to help bridge state budget gaps. The Governor's budget recommendation would divert all of the funds that the Golden LEAF Foundation would normally receive beginning in April 2014 and thereafter.
- In some positive news, the Main Street Solutions Fund, which supports downtown development in smaller cities and towns, would receive \$900,000 in each year of the biennium.

FEDERAL CHANGES

Tax Exemption on Municipal Bonds

Need to support House Resolution 112 celebrating the importance of municipal bonds.

Since the beginning of the federal income tax in 1913, the interest on most "public purpose" general obligation and revenue bonds issued by state and local governments has been exempt from federal income taxation. Proposals have been put forth to change that as a way to reduce the federal deficit and simplify the nation's tax code.

Tax-exempt municipal bonds are the most important tool available for financing municipal infrastructure projects. States and local governments nationwide have financed more than \$1.65 trillion of infrastructure investment since 2003. Nearly \$258 billion of that went toward water and sewer facilities. Almost \$178 billion of that went toward roads, highways and streets.

The White House has proposed a 28 percent cap on the exemption, while the Simpson-Bowles Commission has recommended its elimination. Estimates have indicated that the cap would have cost North Carolina governments an additional \$3.0 billion between 2003 and 2012, while the repeal of the tax-exempt status would have cost \$8.5 billion over the same time period.

Internet Sales Tax - Amendment regarding the Marketplace Fairness Act

Bipartisan legislation has been filed in both the House and the Senate (H.R. 684/S. 336) to give states and local governments the authority to collect sales taxes on remote sales, including online purchases. Estimates are that states and local governments in N.C. lost out on more than \$436 million in 2012 alone by not being able to collect these taxes.

Town of Marshville

Public Comments Sign-Up Sheet

Regular Meeting

Date: 4-1-2013

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

	PRINT NAME	ADDRESS	TOPIC OF DISCUSSION	PHONE #	EMAIL ADDRESS
1	ELROY LANEY	8519 Hwy 74	Water Pump Station	7046241334	MARSHVILLE NC
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**Town of Marshville
Town Council Meeting
Monday, April 1, 2013, 7:00 PM
Marshville Town Hall**

REGULAR MEETING AGENDA

1. Call to Order/Invocation/Pledge of Allegiance

2. Adoption of Agenda for the Meeting

3. Public Comment

Please sign in at the podium. Before speaking, state your name and address. Please limit comments to two minutes.

4. Consent Agenda

- March 11, 2013 Town Council Budget Retreat Minutes
- March 18, 2013 Town Council Minutes
- Revised Council Meeting Calendar

5. Discussion regarding Request for Street Closure – Union County Library

6. Discussion and possible action regarding Proclamation for Establishing April 2013 as Child Abuse Prevention & Sexual Assault Awareness Month

7. Discussion and possible action regarding Proclamation for Establishing May 2013 as Lyme Disease Awareness Month

8. Closed Session - NCGC§ 143-318.11.

(a)(4) To discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body, including agreement on a tentative list of economic development incentives that may be offered by the public body in negotiations.

9. Town Manager's Report

10. Mayor and Town Council Member Comments

11. Adjourn

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