



Town of Marshville Town Council Meeting

Monday, April 7, 2014, 7:00 PM
Marshville Town Hall

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 and limit comments to two minutes.
4. **Consent Agenda**
 - January 23, 2014 Town Council Minutes – Special Meeting
 - March 3, 2014 Town Council Minutes – Regular Meeting
 - Child Abuse Prevention & Sexual Assault Awareness Month Proclamation
 - Budget Amendment 2014-08 – Annual Leave Payout (J. Navarro – Police Dept.)
5. **Public Hearing concerning a proposed ordinance amending the Town of Marshville Land Use Development Ordinance To Correct Inconsistencies And To Align Policy With The Plans And Goals Of The Town**
 - Motion to Open Public Hearing
 - Presentation of Information from Staff
 - Public Comment
 - Town Council Questions and Comments
 - Motion to Close Public Hearing
 - Town Council action
6. **Call for a work session for presentation of the Town Plan 2035– Richard Flowe, Planning Staff**
7. **Approve Budget Report as of February 28, 2014**
8. **Discussion and possible action regarding request for street closure on Hasty St., between Phifer and Church St. for an event hosted by the Lois Edwards Memorial Library on May 3, 2014, 1pm to 4 pm**
9. **Discussion and possible action regarding Ordinance amending the Charter of the Town of Marshville, as set forth in G.S. 160A-101(9) of the Laws of North Carolina, as amended, to adopt the Mayor-Council form of government**
10. **Discussion and possible action regarding an employment contract for the Interim Town Manager**
11. **Town Manager's Report**
12. **Mayor and Town Council Member Comments**
13. **Adjourn**

Upcoming Meetings & Events:

April 10, 2014

Marshville Planning Board Meeting, Town Hall

7:00 pm

April 18, 2014

Good Friday - Town Hall Closed

**Town of Marshville
Town Council Meeting
Thursday, January 23, 2014
Marshville Town Hall – 201 West Main St.**

SPECIAL MEETING MINUTES

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

Staff Present: Town Manager, Amanda Reid; Park Director, Alan Thifault

Call to Order

Mayor Deese called the meeting to order at 6:30 pm. He stated that the consultant from the executive search firm, Developmental Associates would be arriving at 7:00 pm. The meeting was called for 6:30 pm to allow the Town Council the opportunity to discuss what qualification they are looking for in a town manager.

Discussion regarding Desired Qualifications

Mayor Pro Tem Morgan distributed a list she had compiled. She included a list of different leadership styles and stated she preferred the democratic leadership style. She stated she felt the new manager should have experience in various areas of supervision including previous management and supervision of personnel. She also commented that they should have no past arrests. She stated it would be advantageous for the town to consider candidates 50+ or retired at the end of their career. Candidates should have previous management/administrative experience not necessarily in municipal government, but at least business. Candidates should hold a higher education degree in management or something similar, exhibit personal skills, respect the concerns for town citizens and treat them fairly, work well with present supervisors, exhibit honesty and empathy in dealing with people, and have a vested interest in town, possible require them to live in town limits. There was some discussion regarding a residency requirement. Mayor Deese asked if the town would pay relocation expenses if they required residency.

Council Member Bivens stated she supported the council-manager form of government. The Town Council must understand what the manager's job is; to manage the town. Council Member Carpenter commented that she remembered "what if" scenarios from the Essentials of Municipal Government course and the council cannot interfere with personnel. Additionally, it is important for a manager to have the right training and an ideal manager would have a Masters in Public Administration degree. Discussion regarding the differences between a manager and administrator. Mayor Deese clarified that a manager is granted statutory authority by the state. He stated a manager takes the politics out of decision making and the separation of responsibilities is a good thing. One person in charge is better for everyone including staff. Council Member Bivens stated the council should not micromanage to town operations.

Work Session with Dr. Steve Straus, Developmental Associates, LLC

Dr. Steve Straus, Developmental Associates arrived and distributed materials stating he would walk the council through each step of the process, explain those steps, and get commitments to some key dates for future meetings such as for the initial screen, the secondary screen, and the assessment of candidates. He stated he would also like to discuss the challenges and concerns facing the community that the new manager would need to be able to address and conduct a job analysis to obtain feedback from the council on their expectations for the position.

He stated a job advertisement would be sent to the council for review and then be distributed. The council will need to decide if they want to advertise just in North Carolina or look at neighboring states. He will conduct a targeted recruitment process utilizing a variety of methods to achieve an applicant base. Developmental Associates process differs from other organizations because they do not just accept resumes and applications because the comparison is not logical. They require a structured online application to be completed that is based on the feedback on the needs of the community. Every applicant answers the same questions that allows for a more solid application process and shows the applicant willingness to put forth the effort to apply to the position with the town. The applicant list with ratings to provide the best information to make an informed decision is brought to the council for a first review. The council will be asked to narrow candidates down to 10-15 in a first screening.

Developmental Associates then conducts intensive interviews with each of the top candidates (up to 15) using structured questions based on the needs of Marshville along with a detailed scoring system. The interviews are conducted by a consultant who is either a current or retired city manager, so the company ensures that a subject matter expert is evaluating each candidate. The responses of each candidate are recorded and available to the Town Council for review. Independent of the interview, psychologists administer a psychological inventory called the Emotional Intelligence Inventory. This inventory, which is validated for employment, provides information on critical skills of the candidate, such as problem solving, assertiveness, interpersonal relations, and teamwork. The psychologist administers the EQ without knowing the interview results. A third staff member administers an in-depth survey assessing candidates through written challenges they would face as Marshville Town Manager. This survey is also independently scored. All information is compiled on a spreadsheet prior to deciding which candidates to invite to the Town for even more in-depth assessment allowing for a complete ranking for the second screening.

Dr. Straus stated that interviews alone are not significant enough to hire such a key position. Interviews can reveal certain key attributes: knowledge, verbal communication skills, and judgment. Interviews, however, are not able to directly verify other critical skills, such as budget analysis, conflict resolution, project planning, meeting or group facilitation, leadership style, problem solving, writing, or even presentation skills. Developmental Associates promotes the use of assessment centers in conjunction with other methods. In these processes, exercises are designed to simulate the responsibilities of the position, such as making board presentations, developing written project plans, facilitating staff meetings, conducting performance-based role plays, and resolving HR issues with individual departments to directly observe the skills of candidates. The exercises are designed to learn more about a candidate's competencies, skills, and abilities. Assessors will be recruited to evaluate the candidates (Assessors are identified and approved by the Council). Assessors must complete a Statement of Confidentiality and no single assessor will know the overall outcome of the process. That information is provided to the Council only in executive session. Assessors will also be trained on how to apply behaviorally-based rating systems when rating candidates and be specific to the types of exercises the candidates would perform. The last step of the process would include a coaching session with the candidate based on the response to community needs and identifying strengths and weaknesses.

Dr. Straus commented that there are four decision points for the Town Council. Mayor Deese questioned if there was a way to move things forward quicker because the current Town Manager would be leaving at the end of March and the council would like for the new hire to have an opportunity to work with her. Dr. Straus responded that the advertisement period could be shortened and assistance with the initial screen to bring the top 15 candidates to the Town Council would expedite the process. With scheduling, the process should take approximately 60 days. Most manager in a current position would require at least 30 days' to provide notice to their current employer.

Mayor Pro Tem Morgan questioned the accuracy of the emotional test. Dr. Strauss responded that it had been used for over 500 people with positive feedback. It was very accurate because it looks at multiple factors including impulse control, empathy, stress tolerance, optimism, etc.

Mayor Deese asked Dr. Strauss to excuse the council for a moment to allow them some time for discussion. After Dr. Straus stepped out, Mayor Deese commented that the Town Council should not waste the consultant's time if they were going to change the form of government. Discussion ensued. Dr. Straus returned to the meeting. Mayor Deese questioned if the council changed the form of government would he still be able to conduct the process. Dr. Strauss replied that he could, but could not make guarantees. If the change is occurring or there is the possibility of the change during recruitment it may be difficult to get applicants. It would be difficult for candidates to make a commitment to give up a current position for something uncertain. Managers may be used to people asking questions, but not micromanagement. If the council wishes to hire a manager they should support them. Mayor Pro Tem Morgan commented that she has heard complaints that citizens want to go back to a council-mayor system. Dr. Straus responded that there are growing pains that take adjustment during the transition period. When making the change, there is a tendency to want to go back to something familiar. Towns are better off moving forward and will need to commit to the move to a council-manager form of government eventually. Transition back and forth creates an unstable environment.

Council Member Carpenter stated the need for a good fit for the community and likes the psychological component for that reason. Mayor Deese commented that he was elected to move the town forward and he didn't feel like changing the form of government did that. He feels the town should buckle down and move forward. A vocal minority want to go back to the council mayor form of government. He stated that saying a majority of people want the change is one thing, but that it should be proven. He asked that the change be put on the ballot for the public to vote on.

Dr. Straus commented that the Town Council would not want to hire a manager not committed to them and it should be vice versa. The town will not get a solid manager if there is a change or if the town switches back and forth with the form of government. He suggested deciding what form of government the town would have, then beginning the process of finding an appropriate manager or administrator.

Adjourn

At 7:47 pm Council Member Rowell made a motion to adjourn. The motion was seconded by Mayor Pro-Tem Morgan and passed unanimously.

These minutes approved this 7th day of April, 2014.

By: _____
Franklin D. Deese, Mayor

Attest: _____
Tonya D. Johnson, Town Clerk

**Town of Marshville
Town Council Meeting
Monday, March 3, 2014
Marshville Town Hall – 201 West Main St.**

REGULAR MEETING MINUTES

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

Staff Present: Town Manager, Amanda Reid; Town Clerk, Tonya Johnson; Town Attorney, Bobby Griffin; Director of Public Works, Bivens Steele; Park Director, Alan Thifault; Chief of Police, Carl Webber; Tax Collector, Debbie Morton; Utilities Director, Alicia Melton and Police Lieutenant, Matt Tarlton.

Call to Order/Invocation/Pledge of Allegiance

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

Adoption of Agenda for the Meeting

Council Member Rowell made a motion to add to the agenda closed session discussions concerning (1)an Interim Town Manager per *NCGS 143-318.11 (a) (6) To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer of employee . . .*, and (2)the uniform contract per *NCGS 143-318.11 (a) (3) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged.* The motion was seconded by Mayor Pro-Tem Morgan and passed unanimously. Mayor Deese stated that the closed session discussion will replace item #7.

A motion to adopt the agenda as amended was made by Council Member Rowell, seconded by Council Member Carpenter and passed unanimously.

Public Comment

- Mark Traywick, of 8216 Hwy. 74 E., Marshville, reminded and invited members of the Town Council and the public to attend the Small Town Main Street meeting on Tuesday, March 4, 2014 at 5:30 pm at the Community Center.
- Marcus Sutton, of 1515 Hasty Road, Marshville, addressed the town council concerning the proposed Anderson Health Services project. Mr. Sutton stated that the project was previously denied by two other towns and voiced concerns over how the project was handled. Mr. Sutton requested that the Hasty Road annexation be repealed, that the approved zoning of the Hasty Road property be repealed and that the grant application to provide water and sewer to the Hasty Road property be repealed. If these requests are not met, then a detailed timeline of all contracts the former council members, the mayor and the town manager executed from 01.16.2013 until the Hasty Road property was annexed, rezoned and the infrastructure grant was approved with any of the following: Owens Consulting, Anderson Health Care, Sector One Health Care, Cardinal Health Care, C. W. Horne, Alfred Owens, Willie Chancellor, NC Rural Center, NC Department of Commerce as well as the three Union County state elected legislators (Senator Tucker, Representative Arp and Representative Brody) be provided. Mr. Sutton commented that if the latter request is not possible the town council should consider contacting the North Carolina Attorney General's office to request an inquiry/investigation into all aspects of the Anderson Health Care facility that is proposed on Hasty Road.
- Roger Little, of 314 College Street, Marshville, expressed issues with a comment made by Council Member Huntley that the town council shouldn't be burdened with trivial issues. Mr. Little stated that the town council is elected to represent all the citizens and not just certain parts of town.

- Erby Laney, of 8519 Hwy. 74 E., Marshville, stated that the elected officials need to do their job and that small problems should be addressed. Mr. Laney stated that he is in favor of changing the form of government.
- Rev. Cindy Lunsford, of 310 Ross Street, Marshville, expressed heavy-heartedness at the negativity, gossip, and rumors that are running rampant in the Town of Marshville. Rev. Lunsford stated that information concerning Anderson Health Services is available online and at request. She has contacted people to obtain information and answers to questions and she encouraged others to do the same. She has also volunteered to serve on the advisory board.

Consent Agenda

- January 27, 2014 Town Council Minutes – Special Meeting – Budget Retreat
- February 3, 2014 Town Council Minutes – Regular Meeting
- February 17, 2014 Town Council Minutes – Special Meeting – Public Hearing
- Budget Amendment 2014-07: Personnel Costs/Severance
- Budget Report as of January 31, 2014

Council Member Carpenter requested a breakdown of the budget amendment for personnel costs/severance pay. The Town Manager reported the costs include the salary, as agreed upon in the separation agreement, and the related personnel costs such as FICA and retirement. A motion to adopt the consent agenda and approve the items thereon was made by Council Member Carpenter, seconded by Council Member Rowell and passed unanimously.

Public Hearing concerning a proposed ordinance amending the Charter of the Town of Marshville, as set forth in G.S. 160A-101(9) of the Laws of North Carolina, as amended, to adopt the Mayor-Council form of government

A motion to open the public hearing was made by Council Member Rowell, seconded by Council Member Huntley and passed unanimously. The Town Manager stated that information was included in the agenda packet from the School of Government outlining the timeline and steps required to change the form of government.

Public Comment:

- Ernestine Staton, of 913 N. Austin Street, Marshville, commented that the town council shouldn't be so drastic to change the form of government just because the town council doesn't think that the current manager is working out. She stated that the town has had an administrator in the past and that form of government didn't work.
- Mark Traywick, of 8216 Hwy. 74 E., Marshville, stated that he's worked with an interim manager as well as Town Manager Reid concerning the North Carolina Small Town Main Street program and the work Town Manager Reid did with the application was impeccable. Mr. Traywick pointed out that Town Manager Reid was also instrumental in acquiring the services of the N-Focus group and the town now has the Town Plan 2035, which provides a great tool to lay ground work for the future of Marshville. Mr. Traywick stated that the Mayor-Council form of government didn't work before and doesn't understand why the town council would think that it would work now.
- Erby Laney, of 8519 Hwy. 74 E., Marshville, stated that the manager form of government will work if the town has a manager that desires to work with the people.
- Rev. Cindy Lunsford, of 310 Ross Street, Marshville, commented that there seems to be a disconnection in communication and pointed out the need to be more conscious of displaying professionalism.
- Mary Harrell, of 6109 W. Marshville Blvd., Marshville, commended the town manager on doing a wonderful job and expressed concern that the manager has been mistreated. Ms. Harrell stated that Marshville does not need to change the form of government.
- Geraldine Barrino, of 818 King St. Ext., Marshville, commented that she's heard good things about the manager and hopes that this town council can work together in peace and put aside all the interruptions.

The Town Manager distributed a handout from the International City/County Management Association showing the differences in the forms of local government. Council Member Rowell commented that according to the information provided, no action on this matter can be taken tonight. Council Member Bivens stated she appreciated the input from the public. A motion to close the public hearing was made by Council Member Rowell, seconded by Mayor Pro-Tem Morgan and passed unanimously. Council Member Rowell made a motion to add the discussion and possible action concerning an ordinance amending the Charter of the Town of Marshville, as set forth in G.S. 160A-101(9) of the Laws of North Carolina, as amended, to adopt the Mayor-Council form of government to the April 7, 2014 Town Council meeting agenda. The motion was seconded by Mayor Pro-Tem Morgan and passed unanimously.

Discussion and possible action regarding Job Descriptions & Budget Amendments

- **Public Works Crew Member/BA 2014-05 & Administrative Support Specialist/BA 2014-06**

Council Member Rowell stated that the budget amendment for the public works department was not approved at the previous town council meeting because the pay rate was not the amount that was requested by the Public Works Director. Mayor Deese reminded the Town Council that personnel discussions should take place in closed session. Council Member Rowell made a motion to include the discussion and possible action regarding the job description and budget amendment pertaining to public works in the closed session per NCGS 143-318.11 (a) (6). The motion was seconded by Council Member Bivens and passed unanimously.

The Town Manager stated that budget amendment BA 2014-06 provides for an Administrative Support Specialist. The job title and description have been amended and the primary responsibility of this position will be utilities with secondary responsibilities to include providing overall support to Town Hall staff. Mayor Pro-Tem Morgan suggested that this position work directly under the direction of the manager and Council Member Carpenter thought it appropriate that this position work under the direction of the manager or the Town Clerk. Mayor Deese agreed that this position could report to the Town Clerk, but that positions reporting to the Town Manager were reserved for Department Heads. The Town Manager explained that the purpose of the position is to establish and maintain checks and balances for the utility system and that while efforts have been made to provide some level of cross-training the utility system is not the Town Clerk's primary function or responsibility. Mayor Pro-Tem Morgan commented that this information doesn't coincide with discussions had between herself and the manager. Mayor Deese stated that the position becomes a department head if the position reports to the manager. A motion was made by Mayor Pro-Tem Morgan to accept the job description by amending said job description to remove the language, "*independently under the supervision of the Director of Utilities*" and replace with "*under the supervision of the Clerk/Finance Officer*" and to approve budget amendment BA 2014-06. The motion was seconded by Council Member Bivens and passed unanimously.

Closed Session

A motion to go into closed session per NCGS 143-318.11 (a) (6) To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer of employee . . . , and per NCGS 143-318.11 (a) (3) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged, was made by Council Member Rowell. The motion was seconded by Mayor Pro-Tem Morgan and passed unanimously. The Town Attorney, Town Manager, and Public Works Director were invited to attend the closed session. At 8:55 pm a motion to come out of closed session was made by Mayor Pro-Tem Morgan, seconded by Council Member Rowell and passed unanimously. The council then took action in open session.

Open Session

A motion was made by Council Member Bivens requesting that Mayor Deese and Mayor Pro-Tem Morgan bring three names back to the Town Council for consideration as Interim Town Manager. The motion was seconded by Council Member Huntley. The vote was 2 to 3 (Council Members Bivens and Huntley in favor and Council Members Carpenter, Rowell and Morgan opposed) therefore, the motion did not carry.

A motion was made by Mayor Pro-Tem Morgan to approve the Public Works Crew Member job description and budget amendment BA 2014-05. The motion was seconded by Council Member Carpenter and passed unanimously.

Council Member Rowell produced an employment contract and made a motion to hire Fern Shubert as Interim Town Manager until June 30, 2014 at the same salary and with the same benefits, except no paid comp time, as the current manager to complete the budget process and until such time as a manager is hired. Discussion ensued. Concerns that the contract was brought before the Town Council without members or the Town Attorney having an opportunity to review the document were expressed. The Town Attorney stated that the town can only appoint one manager at a time. The Town Attorney added that the council can hire an assistant to the Town Manager without a contract, assuming there is a job description, and that the salary is at the town council's discretion. Council Member Rowell suggested employing Ms. Shubert as the Assistant Town Manager until March 31, 2014. The Town Clerk stated that approval of a job description as well as a budget amendment would be necessary. Council Member Bivens questioned the reasoning in paying an Interim Town Manager the same as the current Town Manager. Mayor Deese commented that the action of the town council should be carried out in the proper way. After some discussion the motion was seconded by Mayor Pro-Tem Morgan.

A motion to amend the previous motion to be effective as of April 1, 2014 was made by Council Member Rowell, seconded by Mayor Pro-Tem Morgan and passed 3 to 2 (Council Members Bivens and Huntley opposed).

Discussion regarding FY 2014-2015 Town Council Goals & Priorities

Mayor Deese requested that the discussion regarding the FY 2014-2015 goals and priorities be tabled until a future meeting. A motion to table the discussion regarding the FY 2014-2015 goals and priorities was made by Council Member Bivens, seconded by Council Member Huntley and passed unanimously.

Town Manager's Report

The Town Manager reminded the town council of the following upcoming meetings:

March 4, 2014	Small Town Main Street Meeting, Community Center	5:30 pm
March 13, 2014	Marshville Planning Board Meeting, Town Hall	7:00 pm
March 17, 2014	Anderson Health Services Informational Meeting	TBD

Mayor and Town Council Member Comments

- The Town Clerk expressed concern over the division and discord among the town council.
- Mayor Pro-Tem Morgan commented that the class she recently attended for newly elected officials was very informative.
- Council Member Huntley stated, "A lie doesn't care who tells it."
- Council Member Carpenter commented that she dislikes the division among the town council. Council Member Carpenter wished Town Manager Reid well.
- Council Member Bivens stated that she is disturbed as well with the division among the town council and desires that the board come together. Council Member Bivens conveyed wishes of good luck to Town Manager Reid.
- Mayor Deese commented on the closing of The Home News and wished John Edmondson good luck. Mayor Deese also wished Town Manager Reid good luck.

Adjourn

At 9:20 pm Council Member Rowell made a motion to adjourn. The motion was seconded by Mayor Pro-Tem Morgan and passed unanimously.

These minutes approved this 7th day of April, 2014.

By: _____
Franklin D. Deese, Mayor

Attest: _____
Tonya D. Johnson, Town Clerk

**TOWN OF MARSHVILLE PROCLAMATION
DECLARING APRIL 2014 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 2,851 children in 2013;

WHEREAS, 731 children, adults and family members impacted by child abuse, sexual assault and victims of other crimes were served through Safe Alliance's Clinical and Victim Advocacy services including The Tree House Children's Advocacy Center during FY2013;

WHEREAS, 99% of the children served by The Tree House Children's Advocacy Center were sexually abused by a trusted relative or other known person and 30% of the children served were sexually abused by other children in FY2013;

WHEREAS, 87% of sexual assault victims were under the age of 19; 67% of children served were under the age of 13; 28% 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 Victims 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, I 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.

Franklin D. Deese, Mayor

Date



We strengthen our community by building a continuum of advocacy and counseling services to empower those struggling with sexual violence, child abuse and emotional trauma.

Union County

Safe Alliance provides The Tree House Children's Advocacy Center, a Rape Crisis Center, a 24-hour rape crisis hotline, safety planning services, hospital accompaniment, case management, systems advocacy, support groups, court advocacy, accompaniment and legal representation. We also specialize in trauma-informed counseling for those struggling with emotional crisis and deliver these services to individuals, couples and families.

Our Mission

We provide hope and healing to people in crisis

The Tree House Children's Advocacy Center

The Tree House Children's Advocacy Center (CAC) is a nationally accredited CAC. Children seen at The Tree House receive a child/teen-friendly forensic interview and medical evaluation. Child and adult survivors served are eligible for trauma informed counseling for those struggling with emotional crisis; play therapy; crisis intervention; 24 hour hotline services; advocacy; case management; coordination; court education and accompaniment; support groups and prevention education. **The Tree House-Child Advocacy Center enhances** community interagency collaboration, coordination, and comprehensive services to ensure children are not re-victimized. Child and adult survivors are better able to recover from the trauma of their victimization through their journey of hope and healing.

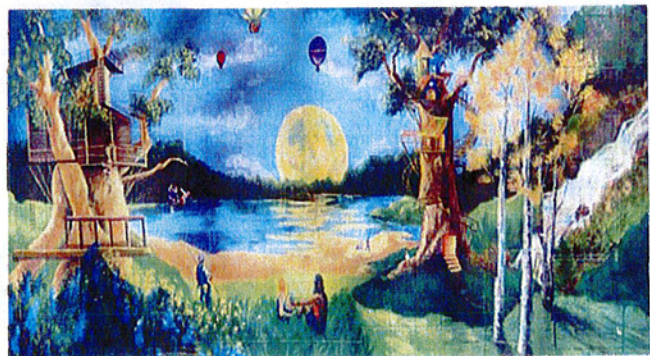
- Child abuse is a community epidemic with long-term consequences for children, family, and society.
- 1 in 4 girls & 1 in 6 boys will be abused by 18.
- 9 out of 10 children do not tell; they may not recognize victimization as sexual abuse.
- 75% of disclosures are accidental.
- 87 of sexual assault victims are under age of 19.*
- 67% of children served are under the age of 13.*
- 28% are under the age of 5. *
- 30% of children are victims of other children.
- 99% of offenders are parents, step-parent, family boy/girl friend, sibling, other relative or know person.*
- Served 731 children, adults & their family members impacted by violence were served. (* FY2013)

Our New Logo: The Lotus Flower

Our logo is the lotus flower that begins life in the mud at the bottom of a pond. It grows upward through the water's waves and currents and blooms into a beautiful flower when it surfaces. We believe this process is symbolic of the inspirational journey our clients travel with Safe Alliance.

People come to us in a crisis that many would define as the worst of their lives. Clients utilize the knowledge, resources and tools gained through their engagement with Safe Alliance to empower themselves and blossom like the lotus flower.

The petals of our lotus flower are the national awareness colors for domestic violence (purple), sexual assault (teal), child abuse (blue) and mental health (green).

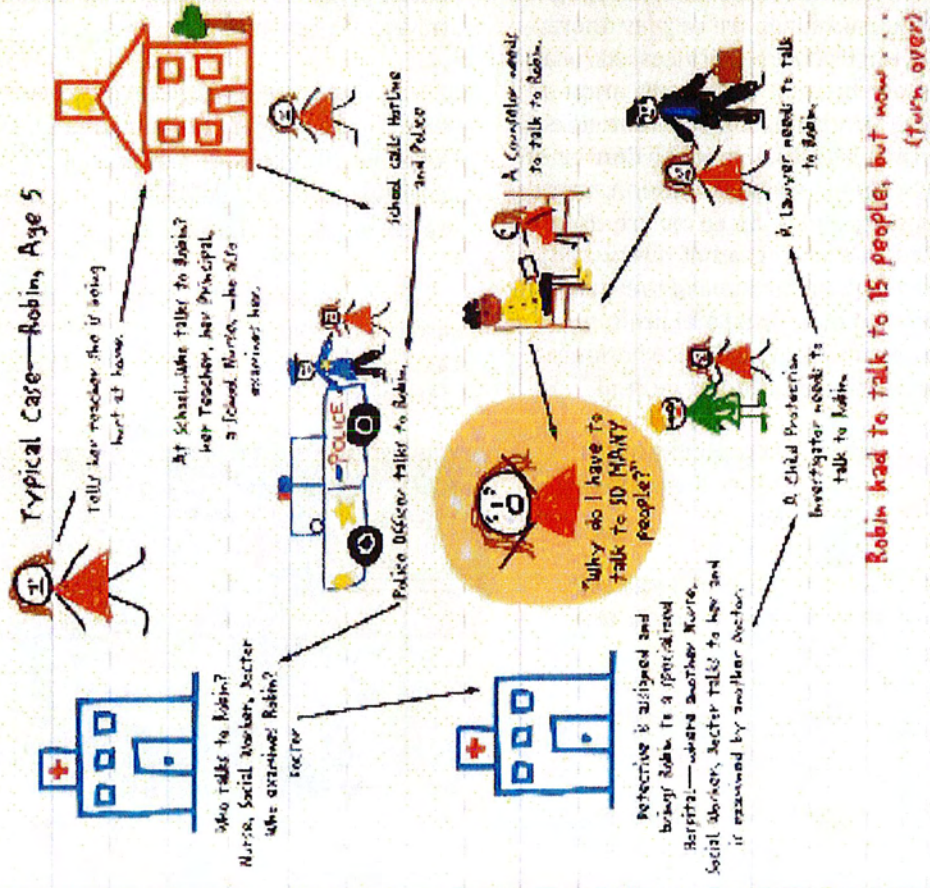


"The Tree House" by Barbara Funderburk

Changing the Child Abuse System



WHAT USED TO HAPPEN WHEN KIDS NEEDED HELP FOR ABUSE

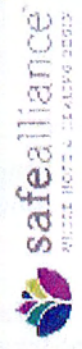
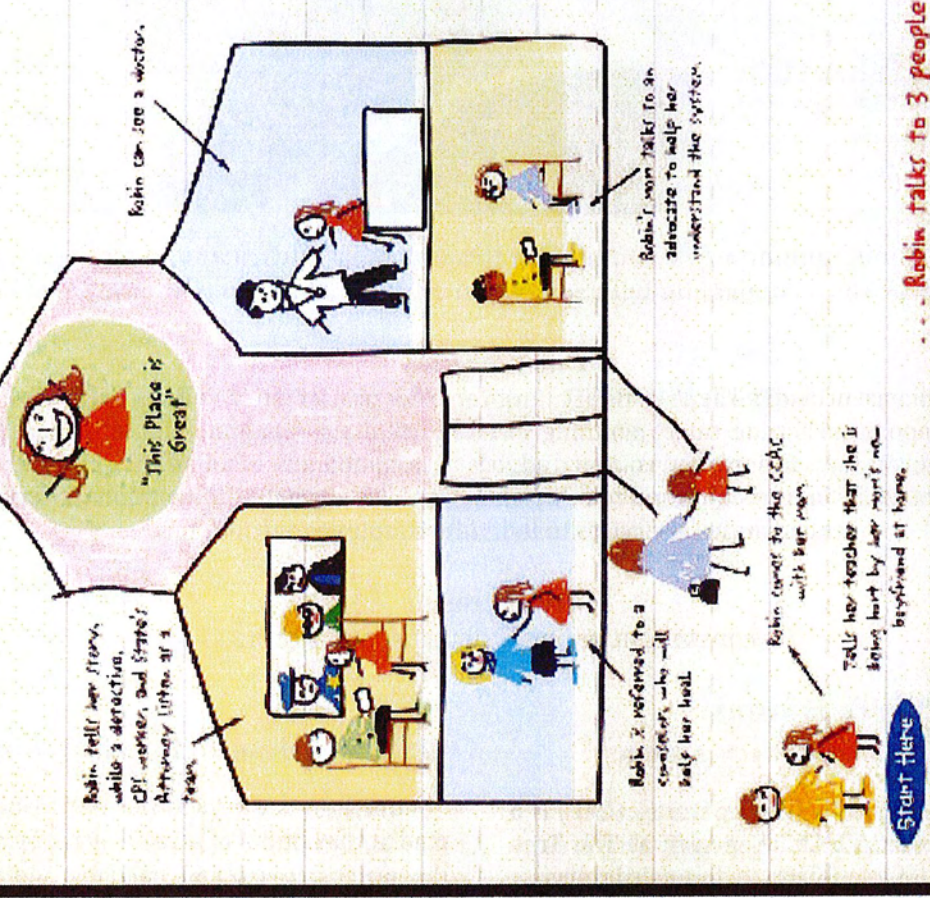


"The Tree House" Children's Advocacy Center

Changing the Child Abuse System



WHAT HAPPENS TODAY WHEN KIDS NEED HELP FOR ABUSE



www.safealliance.org

Town of Marshville

AMENDMENT

#2014 - 08

2013 - 2014 Budget Ordinance

BE IT ORDAINED by the Marshville Town Council that the 2013 - 2014 Budget Ordinance be amended as follows:

Section 1. General Fund

Increase	10-3990	Encumbered Fund Balance	\$3,684.76
Total Increase			<u><u>\$3,684.76</u></u>
Increase	10-5100	Police Department	\$3,684.76
Total Increase			<u><u>\$3,684.76</u></u>

Adopted this 7th day of April, 2014.

Franklin D. Deese, Mayor

ATTEST:

Tonya Johnson, Town Clerk

This Budget Amendment provides for: Annual leave payout due to the voluntary separation from service of a Police Officer.

TOWN OF MARSHVILLE

est. 1877

201 West Main Street • Marshville, NC 28103
Town Hall - 704.624.2515 • Fax – 704.624.0175
www.marshville.org

MEMORANDUM

To: Marshville Mayor & Town Council

From: Miles S. Thomas, Interim Planning and Zoning Administrator

Date: March 17th, 2014

Re: April 7th, 2014 Town Council Meeting
Ordinance Amending the Land Use Ordinance

BACKGROUND INFORMATION

In the course of day-to-day interpretation of the Zoning Ordinance, certain items are found that conflict with other provisions of the Ordinance or do not reflect the continuing plans and goals of the Town. In order to address these issues the Planning Board and Town Council may review these items and take action to correct inconsistencies and update portions of the ordinance to align policy with the direction of the Town.

FINDINGS AND CONCLUSIONS

Two items were found that require the review of this board for consideration to amend the Land Use Ordinance:

Item 1: Height of Accessory Structures

The height of all structures is addressed through Section 186, Building Height Limitations, within the Town's Ordinance. This section does not address the height of accessory structures in relation to existing primary structures, only the total height of any structure on a given lot. In order to address this issue staff suggests the adoption of a resolution within Section 186, to prohibit the height of an accessory structure from exceeding the height of a primary structure in residential only districts.

Item 2: Location of Text Pertaining to the Illumination of Streets & Sidewalks

It appears that text located in Section 242 and 243 of the Land Use Ordinance, has been incorrectly located within the Utilities Ordinance, Article XV. In order to properly locate this text staff suggests that these sections relating to the 'illumination of all public and private streets, roads, sidewalks, and other common areas or facilities' be removed from the Utilities Ordinance and located in Article XIV, Streets and Sidewalks.

PLAN CONSISTENCY AND REASONABLENESS

Staff believes the proposed text amendment is consistent with the Town's Land Use Plan. This statement is reasonable because the changes do not conflict with any policy within the existing Land Use Plan, and serve to amend necessary modifications to the Town's Land Use Ordinance to correct inconsistencies and update portions of the ordinance to align policy with the direction of the town.

The Town of Marshville Planning Board voted unanimously to recommend approval of the text amendments as detailed in Resolution 13-017; affirming plan consistency and reasonableness as detailed.

POLICY IMPLICATIONS

North Carolina General Statute 160A-383 requires that the Planning Board shall advise and comment on whether the proposed amendment is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable. The Planning Board shall provide a written recommendation to the governing board that addresses plan consistency and other matters as deemed appropriate by the planning board, but a comment by the planning board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the governing board.

The Governing Board (Town Council) shall vote whether to adopt a statement of consistency and reasonableness on the proposed amendment.

Actions by the Board – recommended action in **Bold**

- **Motion to approve Resolution 13-017 to amend the Town of Marshville Land Use Ordinance, affirming plan consistency and reasonableness as detailed within this staff report.**
- Motion to approve Resolution 13-017 to amend the Town of Marshville Land Use Ordinance but modifying the text of the Ordinance attached, affirming plan consistency and reasonableness as detailed within this staff report.
- Motion to reject Resolution 13-017 to amend the Town of Marshville Land Use Ordinance, affirming plan consistency and reasonableness as detailed within this staff report.

EXHIBIT A

That Article XII, Section 186, of the Land Use Development Ordinance, Town of Marshville, North Carolina, is hereby amended as follows:

Section 186 Building Height Limitations.

(a) For purposes of this section:

- (1) The height of a building shall be the vertical distance measured from the mean elevation of the finished grade at the front of the building to the highest point of the building.
- (2) A point of access to a roof shall be the top of any parapet wall or the lowest point of a roof's surface, whichever is greater. Roofs with slopes greater than seventy-five percent are regarded as walls.

4. _____

- (3) In no case shall the height of an accessory building/structure exceed the height of the principal building/structure in a residential only district.

That Article XIV, Section 226 and 227, of the Land Use Development Ordinance, Town of Marshville, North Carolina, is hereby amended as follows:

Section 226 Lighting Requirements

(a) Subject to subsection (b), all public and private streets, roads, sidewalks, and other common areas or facilities in developments shall be sufficiently illuminated to ensure the security of property and the safety of persons using such streets, roads, sidewalks, and other common areas or facilities.

(b) To the extent that fulfillment of the requirement established in subsection (a) would normally require street lights installed along public streets, this requirement shall be applicable only to developments located within the corporate limits of a municipality.

(c) All entrances and exits in substantial buildings used for non-residential purposes and in two-family or multi-family residential developments containing more than four dwelling units shall be adequately lighted to ensure the safety of persons and the security of the buildings.

Section 227 Excessive Illumination

Within non-residential districts, lighting within any lot that unnecessarily illuminates any other lot in residential use and substantially interferes with the use or enjoyment of such other lot is prohibited. Lighting unnecessarily illuminates another lot if it clearly exceeds the standard set forth in Section 242 or if the standard set forth in Section 242 could reasonably be achieved in a manner that would not substantially interfere with the use of enjoyment of neighboring properties.

Section 2286 through 235 Reserved

That Article XV, Section 242 and 243, of the Land Use Development Ordinance, Town of Marshville, North Carolina, is hereby amended as follows:

~~*Section 242 Lighting Requirements*~~

~~———— (a) ——— Subject to subsection (b), all public and private streets, roads, sidewalks, and other common areas or facilities in developments shall be sufficiently illuminated to ensure the security of property and the safety of persons using such streets, roads, sidewalks, and other common areas or facilities.~~

~~———— (b) ——— To the extent that fulfillment of the requirement established in subsection (a) would normally require street lights installed along public streets, this requirement shall be applicable only to developments located within the corporate limits of a municipality.~~

~~———— (c) ——— All entrances and exists in substantial buildings used for non-residential purposes and in two-family or multi-family residential developments containing more than four dwelling units shall be adequately lighted to ensure the safety of persons and the security of the buildings.~~

~~*Section 243 Excessive Illumination*~~

~~———— Within non-residential districts, lighting within any lot that unnecessarily illuminates any other lot in residential use and substantially interferes with the use or enjoyment of such other lot is prohibited. Lighting unnecessarily illuminates another lot if it clearly exceeds the standard set forth in Section 242 or if the standard set forth in Section 242 could reasonably be achieved in a manner that would not substantially interfere with the use of enjoyment of neighboring properties.~~

| Section 242 through 243 Reserved

Budget vs Actual
Ending Date: 02/28/2014

Revenues - General Fund		Budget	MTD	YTD	Variance	Percent
10-3010-0000	Ad Valorem Taxes	722,100.00	194,236.20	718,523.93	(3,576.07)	99%
10-3010-0100	Motor Vehicles	57,500.00	5,516.61	51,344.17	(6,155.83)	89%
10-3010-0500	Prior Year Tax Collect	10,200.00	1,889.11	9,485.88	(714.12)	93%
10-3170-0000	Tax Penalties & Intere	3,700.00	963.52	3,458.82	(241.18)	93%
10-3250-0000	Privilege Licenses	1,500.00	15.75	3,072.75	1,572.75	204%
10-3290-0000	Interest On Investment	8,500.00	26.08	245.03	(8,254.97)	2%
10-3317-0000	Controlled Sub Tax	0.00	0.00	0.00	0.00	
10-3318-0000	Police Grant	8,812.30	0.00	8,812.30	0.00	100%
10-3319-0000	Police Calendar Sales	300.00	0.00	340.00	40.00	113%
10-3319-0100	Police Protection Rev	0.00	0.00	2.00	2.00	
10-3350-0000	Miscellaneous	1,450.00	2.00	2,460.97	1,010.97	169%
10-3350-0100	Sale Of Fixed Assets	3,000.00	0.00	0.00	(3,000.00)	
10-3350-0200	Cash Short/Over	0.00	0.00	(3.00)	(3.00)	
10-3360-0000	Insurance Proceeds	38,667.45	0.00	39,017.67	350.22	100%
10-3360-0100	Reimbursement Proceec	0.00	0.00	22.40	22.40	
10-3370-0000	Franchise Tax - Utilit	170,000.00	0.00	87,578.78	(82,421.22)	51%
10-3370-0100	Franchise Tax - Cable	2,800.00	0.00	1,247.00	(1,553.00)	44%
10-3370-0200	Solid Waste Disposal T	1,500.00	391.37	990.75	(509.25)	66%
10-3430-0000	Powell Bill Allocation	67,000.00	0.00	68,638.65	1,638.65	102%
10-3450-0000	Local Option Sales Tax	0.00	0.00	0.00	0.00	
10-3450-0010	Sales Tax Art. 39	52,000.00	5,500.86	43,224.13	(8,775.87)	83%
10-3450-0020	Sales Tax Art. 40	41,100.00	3,904.14	30,242.05	(10,857.95)	73%
10-3450-0030	Sales Tax Art. 42	28,900.00	2,933.60	23,023.09	(5,876.91)	79%
10-3450-0040	Sales Tax Art. 44	0.00	4.87	13.82	13.82	
10-3450-0050	Sales Tax Hold Harmies	40,000.00	3,881.27	32,191.14	(7,808.86)	80%
10-3450-0200	Beer & Wine Tax Distri	10,000.00	0.00	0.00	(10,000.00)	
10-3491-0000	Planning/Zoning Fees	1,000.00	250.00	2,045.00	1,045.00	204%
10-3510-0000	Court Costs Fees & Cha	1,500.00	81.00	807.31	(692.69)	53%
10-3590-0000	Refuse Collection Fees	193,000.00	16,995.54	127,611.62	(65,388.38)	66%
10-3610-0000	Cemetery - Sale Of Lot	5,000.00	2,000.00	3,000.00	(2,000.00)	60%
10-3610-0100	Cemetery - Donations	0.00	0.00	0.00	0.00	
10-3610-0200	Cemetery - Grave Openi	0.00	0.00	0.00	0.00	
10-3650-0000	Recreation Activity Fe	2,200.00	50.00	90.00	(2,110.00)	4%
10-3650-0120	Park Donation	0.00	0.00	0.00	0.00	
10-3650-0130	Skate Park Donations	0.00	0.00	0.00	0.00	
10-3650-0200	Park Concessions	0.00	0.00	0.00	0.00	
10-3650-0300	Facilities Rental Fee	2,500.00	125.00	1,886.67	(613.33)	75%
10-3710-0400	Late Fee	0.00	0.00	50.00	50.00	
10-3834-0000	Property Leases	49,200.00	2,579.12	31,478.16	(17,721.84)	63%
10-3984-0000	Transfer From 40 Fund	0.00	0.00	0.00	0.00	
10-3990-0000	Encumbered Fund Balar	109,147.31	0.00	0.00	(109,147.31)	
Total Revenues for Fund 10		1,632,577.06	241,346.04	1,290,901.09	(341,675.97)	79%

Budget vs Actual
Ending Date: 02/28/2014

Expenses - General Fund	Budget	MTD	YTD	Variance	Percent
4100 - GOVERNING BODY	87,675.00	671.37	39,162.54	48,512.46	44%
4200 - GENERAL GOVT	356,815.31	31,515.40	175,267.43	181,547.88	49%
4500 - COMMUNITY DVLPMNT	98,800.00	5,331.01	48,948.88	49,851.12	49%
5000 - PUBLIC BUILDINGS	19,920.00	48.99	3,018.28	16,901.72	15%
5100 - POLICE	570,316.75	43,190.49	378,976.44	191,340.31	66%
5600 - STREETS	211,510.00	13,224.62	92,268.22	119,241.78	43%
5800 - SANITATION	184,780.00	12,561.46	92,802.40	91,977.60	50%
6200 - PARKS & RECREATION	92,760.00	6,016.81	51,790.73	40,969.27	55%
6600 - CONTINGENCY	10,000.00	0.00	0.00	10,000.00	
9800 - TRANSFER	0.00	0.00	0.00	0.00	
Total Expenses for Fund	1,632,577.06	112,560.15	882,234.92	750,342.14	54%

Budget vs Actual
Ending Date: 02/28/2014

Revenues - Enterprise Fund		Budget	MTD	YTD	Variance	Percent
30-3290-0000	Interest On Investment	7,500.00	13.37	90.35	(7,409.65)	1%
30-3350-0000	Miscellaneous Income	0.00	0.00	0.00	0.00	
30-3350-0100	Sale Of Fixed Assets	0.00	0.00	0.00	0.00	
30-3350-0300	Donated Assets	0.00	0.00	0.00	0.00	
30-3350-0400	Grant Proceeds	0.00	11,900.00	11,900.00	11,900.00	
30-3360-0000	Insurance Proceeds	0.00	0.00	134.85	134.85	
30-3360-0100	Reimbursement Proceeds	0.00	0.00	0.00	0.00	
30-3710-0000	Charges Utilities Wate	503,339.00	47,612.43	374,233.46	(129,105.54)	74%
30-3710-0100	Charges Utilities Sewe	564,283.00	49,093.11	375,843.41	(188,439.59)	66%
30-3710-0300	Delinquent Fees	10,800.00	2,400.00	17,800.00	7,000.00	164%
30-3710-0400	Late Fees	30,000.00	2,610.00	16,576.15	(13,423.85)	55%
30-3710-0500	Returned Check Fee	0.00	75.00	559.29	559.29	
30-3710-0600	Service Initiation Fee	3,250.00	375.00	3,000.00	(250.00)	92%
30-3710-0700	Service Call Fee	0.00	0.00	0.00	0.00	
30-3710-0800	After Hours Reconnect	0.00	60.00	425.00	425.00	
30-3710-0900	Tampering Fee	0.00	0.00	400.00	400.00	
30-3730-0000	Tap Fees - Water	10,500.00	0.00	0.00	(10,500.00)	
30-3730-0100	Tap Fees - Sewer	7,000.00	0.00	0.00	(7,000.00)	
30-3740-0000	Bad Debts	0.00	0.00	0.00	0.00	
30-3800-0000	Capital Contributions	0.00	0.00	0.00	0.00	
30-3940-0000	Transfer From Gen Fund	0.00	0.00	0.00	0.00	
30-3990-0000	Encumbered Fund Balanc	80,041.97	0.00	0.00	(80,041.97)	
Total Revenues for Fund 30		1,216,713.97	114,138.91	800,962.51	(415,751.46)	65%
Expenses - Enterprise Fund		Budget	MTD	YTD	Variance	Percent
6601	CONTINGE	5,000.00	0	0	5,000.00	
7000	TRANSFER	0	0	0	0	
8280	WATER	586,028.76	30,000.65	268,238.68	317,790.08	45%
8290	SEWER	625,685.21	43,261.49	397,234.91	228,450.30	63%
Total Expenses for Fund 30		1,216,713.97	73,262.14	665,473.59	551,240.38	54%

MODIFYING A CITY'S CHARTER

Procedures to amend a charter

There are two alternative ways to initiate a proposed change in a city's charter under the charter change statute. First, the city council can initiate a change by adopting a resolution proposing a change, calling and holding a public hearing, and then adopting an ordinance making the change. (Either the council or the voters can call for a referendum on a council-initiated change; if so, the change does not become effective unless approved by the city's voters.) Second, the city's voters can initiate a change by signing and presenting petitions to the council, which then must call a referendum on the proposed change. If the referendum is successful, the council must adopt an ordinance making the appropriate amendments to the city charter.

Council-initiated changes – basic steps (NCGS 160A-102)

A council that wishes to propose and adopt a charter amendment under the charter change statute must following steps, which are set out in NCGS 160A-102:

ACTION	DATE OF ACTION
<i>Adopt resolution of intent.</i> The first step is to adopt a resolution of intent, describing the change or changes proposed by council. The statute (NCGS 160A-102) directs that the resolution "describe the proposed charter amendments briefly but completely and with reference to the pertinent provisions of NCGS 160A-101."	2/3/14 Regular Meeting
<i>Call a public hearing.</i> At the same time it adopts the resolution of intent, the council must call a public hearing, which must be held within 45 days after adoption of the resolution of intent.	2/3/14 Regular Meeting
<i>Hold the public hearing.</i> At the appointed time, the council must hold the public hearing.	3/3/14 Regular Meeting
<i>Adopt the ordinance.</i> After the hearing, but no earlier than the council's next regular meeting, the council may adopt an ordinance amending the charter.	
<i>Publish notice of the ordinance.</i> Within 10 days after the ordinance is adopted, the city must publish notice of that fact, summarizing the contents and effect of the ordinance.	

Note: If a city council adopts an ordinance amending the city's charter and does not call a referendum on the change, NCGS 160A-103 permits the city's voters to circulate and submit to the council petitions seeking a referendum. If petitions with a sufficient number of signatures (ten percent of those persons registered to vote in city elections or 5,000 persons, whichever is less) are submitted, the council must call a referendum, and the ordinance does not become effective unless the voters approve it in the referendum. Voters must submit such a petition within 30 days after the publication date of the city's notice that the council has adopted the ordinance. The date fixed for the special election shall be not more than 90 days after adoption of the ordinance (NCGS 160A-102).



* Full article and summary with questions and answers can be found at: www.sog.unc.edu/node/432

EMPLOYMENT CONTRACT
INTERIM TOWN MANAGER- TOWN OF MARSHVILLE

This Agreement, made and entered into this _____ day of March, 2014, by and between the Town of Marshville, state of North Carolina, a municipal corporation, hereinafter called "Employer", as party of the first part, and Fern Shubert, hereinafter called "Employee", as party of the second part, both of whom understand as follows:

WITNESSETH:

WHEREAS, Employer desires to employ the services of Fern Shubert as Interim Town Manager of the Town of Marshville; and

WHEREAS, it is the desire of the Town Council, hereinafter called "Council" to provide certain benefits, establish certain conditions of employment and to set working of said Employee; and

WHEREAS, it is the desire of the Council to (1) secure and retain the services of Employee and to provide inducement for her to remain in such employment, (2) to make possible full work productivity by assuring Employee's morale and peace of mind with respect to continued employment, (3) to act as a deterrent against malfeasance or dishonesty for personal gain on the part of the Employee, and (4) to provide a just means for terminating Employee's services at such time as she may be unable to discharge her duties due to age or disability or when Employer may otherwise desire to terminate her employ.

NOW, THEREFORE, in consideration of the mutual covenants herein contained, the parties agree as follows:

Section 1. Duties

Employer hereby agrees to employ said Fern Shubert as Interim Town Manager of the Town of Marshville. Employee shall perform the functions and duties specified in the Town Manager Job Description, by statute, and other legally permissible and proper duties and functions as the Council shall from time to time assign.

Section 2. Term

- A. Nothing in this agreement shall prevent, limit, or otherwise interfere with the right of the Council to terminate the services of Employee at any time, subject to the provisions set forth hereinafter in this agreement.
- B. Nothing in this agreement shall prevent, limit, or otherwise interfere with the right of the Employee to resign at any time from her position with Employer, subject only to the provision set forth hereinafter in this agreement.
- C. Employee agrees to remain in the full-time exclusive employ of the Employer until June 30, 2014, and neither to accept other employment nor become employed by any other employer until said termination date, unless said termination date is affected as hereinafter provided. The term "full-time exclusively employed" shall not be construed to include occasional teaching, writing, consulting or accounting service performed on Employee's time off. Should Employee desire to engage in such occasional activities, she shall notify the Council and request approval, which shall not be unreasonably refused, so long as those occasional activities do not unduly cause interference to Employer.

Section 3. Suspension

Employer may suspend the Employee with full pay and benefits at any time during the term of this agreement pending further proceedings pursuant to disciplinary action.

Section 4. Termination and Severance Pay

- A. In the event the Employee is terminated by the Council before expiration of the aforesaid term of employment and during such time the Employee is willing and able to perform her duties under this agreement, then in that event Employer agrees to pay Employee a lump sum cash payment for the full agreed to term. The Employee shall also remain in the group health plan or under COBRA, and continue receiving the life insurance benefits and any other insurance benefits provided to the Employee prior to separation during

the severance period. In the event the Employee is terminated because of her conviction by a competent tribunal of any illegal act constituting a misdemeanor involving a breach of the public trust, or a felony, then, in that event, Employer shall have no obligation to pay the aggregate severance sum designated in this paragraph.

B. In the event Employee voluntarily resigns her position with Employer before expiration of the aforesaid term of her employment, a notice shall be given, unless parties otherwise agree, Employee would not be entitled to severance pay at Employer's expense.

C. Termination by Employer shall comply with North Carolina law and must be by an affirmative vote of four-fifths (4/5) of the members of the entire council.

Section 5. Salary

Employer agrees to pay Employee for her services rendered pursuant hereto an annual base pay of \$62,000.00 payable in installments at the same time as other employees of the Employer are paid.

Section 6. Hours of Work

It is recognized that Employee must devote a great deal of time outside of the normal office hours to business of the Employer, and to that end Employee will be allowed to take compensatory time off as he shall deem appropriate during said normal office hours. Employee is subject to a normal forty (40) hour week requirement. Employee is expected to maintain effective office time at Town Hall. However, her duties and responsibilities may occur outside of the office, where in her professional discretion she may best execute her duties and responsibilities.

Section 7. Vacation, Sick Leave

Employee shall receive vacation and sick leave at a rate not less than that specified for other general employees in the Employee Personnel Policy and Rules and Regulations for the Town of Marshville.

Section 8. Disability, Health and Life Insurance

Employer agrees to put into force and to make premium payments for Employee for insurance policies for life and disability for employee and medical group coverage for Employee as per coverage provided to all other Town employees.

Section 9. Expenses

Employee shall be reimbursed by Employer for all reasonable and necessary expenses incurred by her in the furtherance of her duties and the business of the Town, not exceeding the amount budgeted therefore each year in the appropriate Town account.

Section 10. Retirement

Employer agrees to participate in the North Carolina Local Government Employees Retirement System and to pay into the system, on Employee's behalf, the percentage equal to that which is provided all general employees of the Town.

Section 11. Indemnification

Employer shall defend, save harmless and indemnify Employee against any tort, professional liability claim or demand or other legal action, whether groundless or otherwise, arising out of an alleged act or omission occurring within the scope of Employee's duties as Town Manager, as long as Employees actions were in accordance with Town of Marshville Policies and Procedures and the laws of the State of North Carolina.

Section 12. Notices

Notices pursuant to this agreement shall be given by deposit in the custody of the United States Postal Service, postage prepaid, addressed as follows:

EMPLOYER: Mayor
Town of Marshville
201 W. Main Street
Marshville, NC 28103

EMPLOYEE: Fern H. Shubert
505 S. Elm St.
Marshville, NC 28103

Alternatively, notices required pursuant to this agreement may be personally served in the same manner as is applicable to civil judicial practice. Notice shall be deemed given as of the date of deposit of such written notice in the course of transmission in the United States Postal Service.

Section 13. General Provisions

- A. The text herein shall constitute the entire agreement between the parties.
- B. This agreement shall be binding upon and inure to the benefit of the heirs at law and executors of Employee.
- C. This agreement shall become effective at 12:01 a.m., 1 April 2014.
- D. Employee understands that should the form of Governance be changed, her title will be Interim Town Administrator.
- E. If any provision, or any portion thereof, contained in this agreement is held unconstitutional, invalid or unenforceable, the remainder of this agreement, or portion thereof, shall be deemed severable, shall not be affected and shall remain in full force and effect.

IN WITNESS THEREOF, the Town of Marshville has caused this agreement to be signed and executed in its behalf by its Mayor Deese, and duly attested by its Town Clerk, and the Employee has signed and executed this agreement, both in duplicate, the day and year first above written.

ATTEST: _____
Clerk
Mayor Frank Deese

APPROVED AS TO FORM

Town Attorney
Employee

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.