



## Town of Marshville Town Council Meeting

Monday, November 3, 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**
  - October 6, 2014 Town Council Minutes - Regular Meeting
  - Budget Amendment 2015-03 - Police Department - New Roof
5. **Discussion and possible action concerning authorizing the Manager to work with Representative Brody on inquiring into the benefits of joining the State's Health Plan**
6. **Discussion and possible action regarding lease or rental of town owned property (107 N. Elm Street)**
7. **Call for a Public Hearing to receive public input on a petition to allow Solar Energy Facilities in RA-40 zones - Planning staff recommends Monday, December 1, 2014 at 7 pm at the Town Hall**
8. **Discussion and possible action regarding a Petition for Voluntary Annexation - Contiguous to Corporate Limits - corner of CM James & Hasty Road, PID 021450126**
9. **Discussion and possible action regarding an amendment to the Utilities Service Policies and Procedures Manual (language to allow/authorize the Director of Utilities to change cutoff dates and publicize notice thereof in unusual circumstances)**
10. **Discussion and possible action concerning the FMS Software Upgrade scheduled for February, 2014**
11. **Discussion and possible action regarding revisions to the Town of Marshville Code of Ordinances - Amendment to Title V: Public Works, Chapter 50. Garbage and Refuse Collection, Section 50.09**
12. **Town Manager's Report**
13. **Mayor and Town Council Member Comments**
14. **Adjourn**

Upcoming Meetings & Events:

<i>November 4, 2014</i>	<i>Election Day</i>	
<i>November 11, 2014</i>	<i>Veterans' Day Event</i>	<i>11:00 am</i>
<i>November 13, 2014</i>	<i>Marshville Planning Board Meeting, Town Hall</i>	<i>7:00 pm</i>
<i>November 22, 2014</i>	<i>Marshville Christmas Parade, Downtown Marshville</i>	<i>2:00 pm</i>
<i>December 5, 2014</i>	<i>Annual Christmas Tree Lighting Ceremony</i>	<i>6:30 pm</i>

Town Hall Closings:

<i>November 11, 2014</i>	<i>Veteran's Day</i>
<i>November 27-28</i>	<i>Thanksgiving Holiday</i>

**Town of Marshville  
Town Council Meeting  
Monday, October 6, 2014  
Marshville Town Hall – 201 West Main St.**

**Regular Meeting**

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

**Staff Present:** Town Manager, Fern Shubert; Clerk/Finance Officer, Tonya Johnson; Town Attorney, Bobby Griffin; Director of Public Works, Bivens Steele; Director of Utilities, Alicia Melton; Tax Collector/Asst. Clerk, Debbie Morton; Chief of Police, Matt Tarlton; Community Development Director, Alan Thifault

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

Mayor Deese called the meeting to order at 7:05 pm and welcomed everyone in attendance. The invocation was given by Council Member Huntley. The Pledge of Allegiance was given by everyone.

**Adoption of Agenda for the Meeting**

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

**Public Comment**

Leslie Boyd, of 10011 Chimney Drive, Waxhaw, introduced herself as an at-large candidate running for the Union County Board of Education. Ms. Boyd provided some information regarding her background and education. Ms. Boyd stated expressed her desire to represent all of Union County and to bring a fresh voice to education in Union County.

Mark Traywick, of 8216 Hwy. 74 E., Marshville, announced the Small Town Main Street meeting scheduled for Tuesday, October 7, 2014 at the Marshville Community Center. Mr. Traywick stated that Ms. Sherry Adams will be present and encouraged everyone to attend.

Mary Harrell, of 6109 W. Marshville Blvd., addressed the council on behalf of residents upset about high water bills. Ms. Harrell stated that it is a disgrace to Marshville that people can't even afford to wash their clothes. Ms. Harrell asked what can be done to lower water bills.

Bill Whitley, 7712 Pleasant Hill Church Road, introduced himself as the Director of Union County Parks and Recreation and spoke concerning the Union County Parks & Recreation Comprehensive Master Plan. Mr. Whitley commented that he utilized the Boll Weevil Festival to publicize the Plan. Mr. Whitley stated that he will provide notification of a meeting scheduled in November once the details become available.

**Consent Agenda**

- September 2, 2014 Town Council Minutes - Regular Meeting
- Budget Report – July 2014 & August 2014
- Budget Amendment 2015-02 – Marshville Cemetery
- Proclamation Recognizing October 2014 as Domestic Violence Awareness Month
- Release of Utility Debt

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

**Public Hearing to Receive Input on request for Voluntary Contiguous Annexation – Hasty Road Property, Union County PIN 021450126**

A motion to open the public hearing was made by Council Member Rowell, seconded by Council Member Bivens and passed unanimously. The Town Manager stated that this public hearing is concerning a petition to annex a parcel on Hasty Road, Union County PIN 021450126, that was presented at a prior meeting and that there are no known issues concerning the property. The Town Manager conveyed that the petitioner has requested that council action be tabled while the petitioner obtains more information. There were no comments or questions. A motion to close the public hearing and to table the matter until a further time that the petitioner can get more information was made by Council Member Rowell, seconded by Mayor Pro-Tem Morgan and passed unanimously.

**Public Hearing to Receive Input regarding revisions to the Town of Marshville Code of Ordinances – Amendment to Title V: Public Works, Chapter 50. Garbage and Refuse Collection, Section 50.09.**

A motion to open the public hearing was made by Council Member Rowell, seconded by Council Member Carpenter and passed unanimously. The Town Manager stated that the proposed amendment to the garbage ordinance has been discussed with Peggy Poston of Waste Connections. The Town Manager explained that the proposed amendment is an effort to simplify an issue for business owners who are also residents and for new businesses coming to Marshville. Mayor Deese asked the manager if she's spoken with anyone from the School of Government. Mayor Deese commented that there were concerns when this issue was looked into previously. Mayor Deese stated that he could not recall the information from before and could not comment on the specific item of concern that was raised. At this time public comments were heard concerning the garbage ordinance.

Robert Morgan, of 2331 Pleasant Grove Church Rd, stated that his parents are required to push a garbage can more than 120 yards to the street. Mr. Morgan stated that garbage was made mandatory and he was told that he must pay whether the service is utilized or not. Mr. Morgan stated that business owners don't mind paying but that being forced and offered no choice leaves a bad taste. Mr. Morgan thanked the council for looking into the issue.

Peggy Poston, of 4086 Charles Williams Lane, Granite Falls, NC, introduced herself as the representative for Waste Connections. Ms. Poston commented that the proposed amendment to the ordinance will not be a burden to Waste Connections and that the company wants to be supportive of whatever the council decides.

Council Member Rowell commented that some business owners that are also residents contract for dumpsters and still have to pay for garbage services. Council Member Rowell stated that the council needs to work out a way to help these business owners. Mayor Deese stated that he can't comment on the issue because he is waiting for information from a representative from the School of Government. Mayor Deese recalled that when this issue came up before concerns arose about certain legalities. The Town Manager commented that the issue may have to do with treating certain classes equally. The Town Manager stated that the proposed amendment only applies to businesses that contract for dumpster service. Town Attorney Griffin stated that it is lawful for a town to require solid waste participation. He also commented that, upon a cursory examination of the law, if a person has contracted otherwise then the town cannot force them to pay town fees. Mayor Deese stated that he just wants to be certain that the town is within its legal rights. The Town Manager suggested that the public hearing be closed and any action tabled until information can be received from personnel at the School of Government concerning the issue.

Carol Moss, of 616 Olive Branch Road, expressed objection to paying \$18.20 per month for garbage service. Ms. Moss stated that her water bill with garbage exceeds her electric bill. Ms. Moss commented that her son-in-law has a dumpster at a business in Monroe and will pick up her trash. Mayor Deese



commented that Ms. Moss's situation does not apply because she is not business owner who is also a resident.

Betty Colston, of 835 Hasty Road, stated that Marshville's utility bills are too high and the fees are ridiculous. Ms. Colston expressed her opinion that the elected officials don't understand because they've got it made.

A motion to close the public hearing was made by Council Member Bivens. The motion was seconded by Council Member Huntley and passed unanimously. Mayor Pro-Tem Morgan requested to recuse herself from voting due to a conflict. Her request was accepted by the council.

Council Member Rowell made a motion to adopt the proposed ordinance revision based upon the cursory explanation from the town attorney. The Town Manager explained the proposed change to the garbage ordinance at the request of Council Member Bivens. Mayor Deese asked if he, as a business owner and a resident, contracts for a dumpster can he allow other residents to use his dumpster and opt out of garbage service. The Manager stated that he can share the cost of the dumpster with others upon written authorization on file. Mayor Deese reiterated that he could allow residents to use his dumpster and, in turn, the residents could opt out of garbage service. The Manager stated that is her understanding.

Council Member Rowell withdrew the motion to adopt the proposed ordinance revision and made a motion to table the issue until a later date. The motion was seconded by Council Member Carpenter and passed unanimously. (Mayor Pro-Tem Morgan recused herself from voting due to a conflict).

#### **Designation of Authorized Voting Delegate and Alternate Voting Delegate for the NCLM Annual Business Meeting, Monday, October 13, 1:30 pm**

Mayor Deese stated that the council needs to appoint delegates for the NCLM Annual Business Meeting in order to vote at Tuesday's meeting. Mayor Pro-Tem Morgan was selected as the voting delegate and Council Member Carpenter was selected as the alternate voting delegate.

#### **Tentative Award of the Hwy. 74 Sidewalk Contract upon approval from NC DOT**

The Town Manager reported that bids for the sidewalk project were received and the low bid came in at \$148,580. The engineer's recommendation is to go with the low bid received from Armen Construction. The Town Manager stated that, according to the engineer, the contractor is competent. Council Member Rowell inquired about a time line for completion of the project. Public Works Director Bivens Steele commented that the projected time frame for completion of the project is ninety days. Council Member Rowell made a motion to tentatively award the bid for the Hwy. 74 Sidewalk Contract to Armen Construction for the low bid of \$148,850, pending NC DOT approval. The motion was seconded by Mayor Pro-Tem Morgan. Prior to the vote a member of the public, Fred Burton of 708 E. Union Street, Marshville, a retired NC Dot Civil Engineer, inquired about the parameters concerning the construction. The Town Manager stated that the engineer is not present and informed Mr. Burton that his inquiry will be passed on to the engineer. The motion carried with a unanimous vote.

#### **Discussion and possible action concerning early termination of the Lease Agreement for 107 N. Elm Street**

The Town Manager reported that the tenant leasing the property at 107 N. Elm Street originally requested to extend the lease for another year but due to a financial hardship he has now requested early termination of the lease agreement. The Manager stated that she has talked with the tenant and he agrees to pay the amount currently owed by the end of the year. Council Member Rowell asked that once the lease is terminated can another tenant lease the building. The Manager replied that the building could be advertised for lease. Mayor Deese questioned whether there should be a formal agreement terminating the lease. The Manager stated that there is a signed letter in the agenda packet from the tenant requesting to terminate the lease. Council Member Rowell made a motion that staff draft a document expressing the terms for early termination of the lease agreement including the date, amounts and terms of repayment of

any amounts currently owed to the town. The motion was seconded by Council Member Carpenter and passed unanimously.

**Discussion and possible action concerning authorization to formally request that natural gas be extended to Marshville customers on the same basis it is extended to Monroe customers**

The Town Manager referenced a brochure included in the agenda packet from the City of Monroe regarding Natural Gas. The brochure states that a typical residential customer could save \$1,000 each year. The Manager recommended that the council continue to pursue the City of Monroe and/or Piedmont Natural Gas to get natural gas to Marshville to help lower the heating costs for the residents of Marshville. Council Member Rowell commented on several meetings he has attended with engineers from the Natural Gas division of the City of Monroe and with Chris Plate who works with the economic development group. Council Member Rowell reported that there is a natural gas line at East Union Middle School. Council Member Rowell stated that the City of Monroe has a policy on how to get natural gas that includes certain requirements. Incentives are also offered to encourage homeowners to make the switch to natural gas. Council Member Rowell commented that a formal request puts the City of Monroe in the mode to come out and resurvey, research locations for a line and determine the costs involved. Council Member Rowell commented that Piedmont Natural Gas also has a line in the vicinity. Council Member Rowell added that the town has some good allies including the Superintendent of Union County Schools and some members of the Board of Education. Council Member Rowell reported that he's been given some preliminary figures from the Superintendent that would result in a savings of an estimated \$100,000 per year in energy costs for Marshville Elementary School. Natural gas can benefit the Town of Marshville by aiding in the recruitment of new businesses. Mayor Deese clarified that the manager is requesting authorization to prepare a formal request to be signed by the mayor requesting that the Town of Marshville be added to the City of Monroe's Natural Gas and further, to authorize the manager to have discussions with the utilities commission. A motion was made by Mayor Pro-Tem Morgan to authorize the mayor and the manager to sign letters to submit to Piedmont Natural Gas and to the City of Monroe to explore what can be done to get natural gas to Marshville. The motion was seconded by Council Member Carpenter and passed unanimously.

**Discussion and Possible Action concerning adding Randy Travis's name to the "Welcome to Marshville" Signs**

Council Member Bivens stated that she had issue with the signs being changed without the approval of the council. Council Member Bivens expressed the possibility of Randy Travis' name on another sign in town since he did contribute to the Town of Marshville. Council Member Carpenter stated that the signs should be left as they are. Council Member Rowell commented that this issue has been misconstrued and that the new manager made a decision to replace damaged signs. Council Member Rowell stated that there is discussion about placing a Randy Travis sign at the Marshville Museum. Council Member Rowell stated he has nothing against Randy Travis but he doesn't think Randy Travis' name should be on the welcome sign. Council Member Huntley stated that he has nothing against Randy Travis but he doesn't feel taxpayer money should be spent in that manner and that the council should be careful about putting any person's name on a welcome sign. Mayor Pro-Tem Morgan agreed with Council Member Rowell and Huntley. The Town Manager commented that this issue has been a learning experience and that she meant no disrespect to the council. The Manager stated that she did not think this was of any significance and merely asked staff to replace the damaged sign. Mayor Deese commented on the manager's remark that the other sign didn't look good, stating that is a matter of opinion. The Town Manager clarified that her comment was directed toward the damaged condition of the sign. Mayor Deese stated that he has no problem with Randy Travis' name being on the welcome sign and that the town could have capitalized on Randy Travis' name if Marshville had things to draw people to town. Mayor Deese added that Randy Travis is the most famous person from Marshville.

**Set date for the Annual Christmas Tree Lighting – staff recommends Friday, December 5, 2014**

A motion was made by Council Member Rowell to set Friday, December 5, 2014 at 6:30 pm as the date for the Annual Christmas Tree Lighting. The motion was seconded by Council Member Carpenter and passed unanimously.

**Discussion regarding the annual Veterans' Day event – November 11, 2014**

Council Member Rowell commented on the recently discovered WWII monument at the Marshville Cemetery. Council Member Rowell reported that donations received from an Eagle Scout project are being used to put up a flag and some lights at the monument. Council Member Rowell informed council of plans for a Veteran's Day service at the cemetery, followed by a short memorial service at the Veteran's Memorial uptown and then a reception at the Marshville Museum. The Town Manager stated that Ms. Ruby Stegall and Mr. Toby Kiker have been working at the Marshville Cemetery and donations have contributed to the installation of a new fence. The Manager encouraged council members to go visit the cemetery. Council Member Rowell commented that workdays at the cemetery are scheduled for Saturday, October 11 and October 18, 2014.

**Town Manager's Report**

- October is Domestic Violence Awareness month.
- Crown Castle, a company that manages cell tower leases has expressed interest in managing the leasing of the Town of Marshville's water tower lease sites.
- Surplus auction of the old Fire Truck brought \$2,025.00 after commission.
- The Community Development Director assisted in organizing a blood donor event held at the Community Center
- Rate Study/Capacity Fees - The Manager reminded the council of discussions at a prior meeting to contract with LKC Engineering to perform a rate and capacity fee study. NC Rural Water will perform a rate study at no charge. The Manager stated that we don't want to run people out of Marshville with high rates and that staff is engaging with Union County in an attempt to work on the sewer rates. The Manager stated that the town is applying for a grant for system improvements.
- Fire Hydrant is being repaired/replaced on East Union Street

**Mayor and Town Council Member Comments**

Mayor Pro-Tem Morgan requested that the town look into online bill pay and professional services for a good web page for the town.

Council Member Huntley commented that October is breast cancer month. He thanked members of the public for their presence. Council Member Huntley thanked staff.

Council Member Rowell commented that the Boll Weevil event was good. He reminded everyone of the Veteran's Day event scheduled for November 11, 2014 at 11:00 am. Council Member Rowell commented on plans for Halloween Night in Downtown with trunk or treating, a hayride and a hotdog supper.

Council Member Carpenter provided an update on the Marshville Museum happenings and stated that volunteers are needed. Council Member Carpenter commended staff for their hard work.

**Adjourn**

A motion to adjourn was made by Council Member Huntley, seconded by Council Member Rowell and passed unanimously. There being no further comments the meeting adjourned at 8:40 pm.

These minutes approved this 3<sup>rd</sup> day of November, 2014.

By: \_\_\_\_\_  
Frank Deese, Mayor

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



# Town of Marshville

## AMENDMENT

#2015 - 03

2014 - 2015 Budget Ordinance

**BE IT ORDAINED** by the Marshville Town Council that the 2014 - 2015 Budget Ordinance be amended as follows:

### Section 1. General Fund

Increase	10-3990-0000	Encumbered Fund Balance	\$16,000.00
<b>Total Increase</b>			<b><u><u>\$16,000.00</u></u></b>
Increase	10-5100-7200	Capital Outlay - Building	\$16,000.00
<b>Total Increase</b>			<b><u><u>\$16,000.00</u></u></b>

Adopted this 3rd day of November, 2014.

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Franklin D. Deese, Mayor

ATTEST:

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Tonya Johnson, Town Clerk

This Budget Amendment provides for: Cost to replace roof on the Police Department building.

**PROPOSAL**

**PIEDMONT COMMERCIAL ROOFING, INC.**

**315 Cherio Street**

**P.O. Box 502**

**Marshville, NC 28103**

**704-624-5544      704-624-5979 (Fax)**

**pedmontroofing@charlotte.twcbc.com**

**SC License No. 15203**

**NC License No. 31603**

**DATE:** October 6, 2014

**PROPOSAL SUBMITTED TO:**

**NAME OF Project**

Town of Marshville

Marshville Police Dept

Attn: Bivens

Marshville, NC

**We hereby propose to furnish all the materials and perform all the labor necessary for the completion of:**

3050 SF of roof area as listed. Remove existing EPDM membrane and sheet metal, leaving existing insulation in place. Overlay existing insulation with ½" HD ISO-Gard insulation and mechanically attach all insulation to deck. Install .060 TPO white membrane, Fully Adhered System, with a ten year warranty. Install new 24 Ga. prefinished galv. gutter, gravel stop/fascia, eave, downspouts, and coping.

**All material is guaranteed to be as specified and the above work to be performed in accordance with the drawings and specifications submitted for above work and completed in a substantial workmanlike manner for the sum**

Sixteen Thousand Dollars.....(\$16,000.00)

**Any alteration or deviation from above specifications involving extra costs, will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents, or delays beyond our control.**

Submitted by: *Piedmont Commercial Roofing, Inc.*

By: Mike Stewart



	USES DESCRIPTION	RC 80	RA 40	R 40	R 30	RA 20	R 20	R 10	R8	R6	B1	B2	B3	B4	HC	B6	LI	HI	
14.410	Less than one acre (non-commercial)	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	
14.420	One acre or greater		Z	S	S												Z	Z	
<b>15.000</b>	<b>Miscellaneous Public and Semi-Public Facilities and Related Uses</b>																		
15.100	Post Office										Z	Z	Z	Z	Z	Z			
15.200	Airports and Airstrips																		
15.210	County owned or operated airport		S	S	S	S	S	S	S								S	S	
15.220	Other Publicly owned or operated airport																S	S	
15.230	Privately owned airport																S	S	
15.240	Airstrip	S	S	S	S	S	S	S	S								S	S	
15.300	Sanitary landfill																		
15.310	County owned or operated (3/8/2001)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	
15.320	Other																	S	
15.400	Military Reserve, National Guard Centers																S	S	
15.500	Water Supply Reservoirs	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	
15.600	Demolition landfill																		
15.610	Off-site waste disposal		S														S	S	
15.620	On-site waste disposal	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	
<b>16.000</b>	<b>Dry Cleaner, Laundromat</b>										Z	Z		Z	Z	Z			
<b>17.000</b>	<b>Utility Facilities</b>																		
17.100	Neighborhood		S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	
17.200	Community or Regional		S														S	S	
17.300	Wastewater treatment facilities owned or operated or by an agreement by the town (12/3/2001)	Z	Z	Z	S	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	
17.400	Electric Substations	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	
17.500	Solar Energy Production Facility		S	S	S	S											S	S	
<b>18.000</b>	<b>Towers and Related Structures</b>																		
18.100	Towers and antennas fifty feet tall or less and receive only earth stations	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	
18.200	Towers and antennas more than fifty feet tall	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	Z	
<b>19.000</b>	<b>Open Air Markets, (farm and craft markets, flea markets, produce markets)</b>		S							S	S		Z	Z					
<b>20.000</b>	<b>Funeral Home</b>										Z		Z						
<b>21.000</b>	<b>Cemetery and Crematorium</b>																		
21.100	Cemetery not on same property as church	S	S	S	S	S	S								S				
21.200	Cemetery on same property as church	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z			
21.300	Crematorium																S	S	
<b>22.000</b>	<b>Nursery Schools; Day Care Centers</b>	S	S	S	S	S	S	S	S	S	Z	Z	Z	Z	Z	Z	S	S	
<b>23.000</b>	<b>Temporary Structures Used in Connection with the Construction of a Permanent Building or for Some Non-Recurring Purpose</b>	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	
<b>24.000</b>	<b>Bus Station; Train Station</b>										S		S	S					
<b>25.000</b>	<b>Commercial Greenhouse or Nursery</b>																		
25.100	No on-premises sales		Z	S	S	S					Z	Z		Z	Z		Z	Z	
25.200	Sales of products grown on premises		Z	S	S	S					Z	Z		Z	Z		Z	Z	
25.300	On-premises sales, including related accessory products		S								Z	Z		Z	Z		Z	Z	
<b>26.000</b>	<b>Special Events</b>	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	
<b>27.000</b>	<b>Combination Uses</b>	Z/S/D																	
<b>28.000</b>	<b>Planned Unit Developments</b>	Permissible only in planned unit development districts (Subsection 138) with major development permit																	
<b>29.000</b>	<b>Off Premises Signs</b>														Z		Z	Z	
<b>30.000</b>	<b>Subdivisions</b>																		
30.100	Major	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	
30.200	Minor	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	
<b>31.000</b>	<b>Stockyards, slaughterhouses, rendering plants</b>																		



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# TOWN OF MARSHVILLE

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est. 1877

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## TEXT AMENDMENT 2014-02

### Town of Marshville Utility Service Policies and Procedures Manual Section 3 - Rates, Fees, and Application of Fees, E. Delinquency Fee

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#### **E. Delinquency Fee**

A delinquency fee, as set forth in the current fee schedule, may be applied to any utility account whose balance is greater than ~~\$10.00~~ <sup>1</sup>**\$19.99** on the 10<sup>th</sup> day following the due date. This includes accounts where only a partial payment has been received during the month. This fee may also be applied to any account whose payment arrangement is defaulted. The delinquency fee may be applied to applicable accounts at 5:00 p.m. at the close of business no earlier than 10 days following the due date. In the instance the 10<sup>th</sup> day following the due date occurs on a weekend day or holiday, the delinquency fee will be applied after 5:00 p.m. on the following business day. <sup>2</sup>When necessary as determined by the Town Manager or Director of Utilities, the date the delinquency fee may be applied may be extended to no further than 20 days past the due date (e.g. system upgrades, extended holiday schedules). Payments received after this time, whether in person, by mail, or in the drop-box will still be deemed delinquent.

A delinquency fee is in direct relation to scheduled service disconnection due to non-payment. This fee must be paid, along with any balance due, in order to have services re-instated if disconnection for non-payment occurs. Personal checks are not an acceptable form of payment to reestablish service after disconnection occurs for nonpayment.

<sup>1</sup> Changing the maximum account balance to \$19.99 will allow customers to accrue \$9.99 of a current balance and a late penalty without a delinquency penalty being charged or service being disconnected.

<sup>2</sup> There are certain times in which the cut-off date falls too closely to extended holidays. Examples include Thanksgiving and Christmas where offices are closed for two and three days following days of scheduled disconnection. By amending the policy, management will have the authorization to reschedule the date of delinquency penalty application when necessary for fairness to customers.

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Recommended Action: To make a motion to approve the proposed amendment to the Utility Service Policy relating to delinquency penalty procedures and to amend page numbers altered in the table of contents in relation to the addition of text.



## **Proposed change to Section 50.09 Garbage Collection Rates:**

The ordinance dealing with garbage collection rates which provides an exception to the fee being included on the customer's water bill states "Exceptions will be granted to multifamily dwellings and businesses that contract independently for garbage removal services.

The proposal being considered is changing the ordinance to state "Exceptions will be granted to **residents**, multifamily dwellings and businesses that contract independently for **dumpster** services."

The addition of the word "residents" is proposed so that residents who operate businesses that contract for dumpsters do not feel they are being "double billed."

The phrase "garbage removal services" is being replaced with "dumpster" to make it clear the exception only applies to contracts for dumpster type garbage disposal, so that we do not permit a proliferation of individual cans.

This change was discussed with Peggy Poston of Waste Connections and she said that it was acceptable. We have scheduled a meeting later this month to discuss possible improvements to garbage service, including the possibility of a recycling center.

**TITLE V: PUBLIC WORKS**  
**Chapter 50. Garbage and Refuse Collection**

**§50.01 DEFINITION.**

For the purpose of this subchapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

**GARBAGE.** Includes all refuse, animal, fruit and other vegetable matter, all tin cans, glassware and crockery in which any matter has been put up or stored and all rags, waste paper, floor sweepings and other combustible refuse, except building material, scraps and tree trimmings.<sup>1</sup>

**§50.02 GARBAGE REQUIRED TO BE PROMPTLY REMOVED.**

No garbage that has become decayed or that shall otherwise be a menace to health or cleanliness shall be allowed to remain in any dwelling house, hotel, boarding house, safe, restaurant, lunch stand, fruit stand, meat market, store or other building or on any premises a longer time than shall be reasonably necessary to remove and deposit the same in a can or cans as hereinafter provided in this subchapter.<sup>2</sup> Penalty, see §10.99

**§50.03 GARBAGE REQUIRED TO BE IN CONTAINERS.**

(A) At each place where garbage is to be gathered and a charge is made by the town, the customer shall place the garbage in an approved container with a lid provided by the town. ~~For residential customers, the container shall be no larger than 20 gallons in capacity and shall have a maximum weight 50 pounds. For commercial customers, the container shall be no larger than 30 gallons in capacity and shall have a maximum weight of 60 pounds. The container shall be placed so as to be handled without workers of the town entering the building of a company or home. It shall be understood by the town workers that when any other than an approved container is used, it is intended by the customer that it (the container) too is to be removed and in no way is to exceed the aforementioned maximum capacity or weight.~~

(B) Any limbs or trees shall be a maximum of four feet in length and shall be no greater than four inches in diameter at its largest circumference.<sup>3</sup>

**§50.04 WET GARBAGE.**

All wet garbage shall have the liquid drained off and shall be wrapped in paper or other combustible material before it is placed in the garbage can, thus preventing smell and the breeding of flies in summer and freezing and adhesion to the can in winter.<sup>4</sup>

~~**§50.05 DEPOSIT OF GARBAGE IN PUBLIC PLACES AND ON PRIVATE PROPERTY.**~~

~~No person or persons shall collect, handle, haul or transport on any of the streets, alleys, public ways or places of the town, any garbage without first having procured a permit therefore.<sup>5</sup> Penalty, see §10.99~~

~~**§50.06-05 TRANSPORTATION OF GARBAGE AND SLOPS BY PRIVATE PERSONS.**~~

~~No person shall throw, place or deposit any garbage in any street, alley, public place or private property within the city limits, except in garbage cans or garbage vehicle as~~

<sup>1</sup> (Prior Code, Ch. G, Art. II, §1)

<sup>2</sup> (Prior Code, Ch. G, Art. II, §2)

<sup>3</sup> (Prior Code, Ch. G, Art. II, §3)

<sup>4</sup> (Prior Code, Ch. G, Art. II, §4)

<sup>5</sup> (Prior Code, Ch. G, Art. II, §5)

provided in this subchapter.<sup>6</sup> Penalty, see §10.99

**~~§50.07-06~~ HOUR FOR PLACING CANS.**

Garbage cans or similar containers containing garbage and trash, for removal shall be placed on the premises from which the same are to be removed at or before 7:00 a.m. on the day scheduled for removal.<sup>7</sup>

**~~§50.08-07~~ REMOVAL OF DEAD ANIMALS.**

Dead animals located on public streets and public property, excluding NC Department of Transportation Right of Way will be removed by the town staff.

**§50.09 GARBAGE COLLECTION RATES.**

Every resident and business in the corporate limits of the town shall pay a garbage disposal fee, with the fee being posted upon a schedule to be kept by the town. The charge of the fee shall be entered on the monthly water and/or sewer bill of each resident and business and if any resident or business shall refuse to pay his, her or its garbage disposal fee, his, her or its water and/or sewer service shall be discontinued until the fee shall have been paid.<sup>8</sup> Exceptions will be granted to multifamily dwellings and businesses that contract independently for garbage removal services.

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<sup>6</sup> (Prior Code, Ch. G, Art. II, §6)

<sup>7</sup> (Prior Code, Ch. G, Art. II, §7)

<sup>8</sup> (Prior Code, Ch. G, Art. II, §9)