



Town of Marshville Town Council Meeting

Monday, February 6, 2017, 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
 - Minutes – January 9, 2017 Regular Meeting
 - Minutes – January 19, 2017 Special Meeting/Personnel Policy Review
 5. Presentation of the FY2015-16 Financial Audit – *Mrs. Deneal Bennett, J.B. Watson & Co., PLLC*
*****Please bring your copy of the audit that was provided at the January 9, 2017 meeting*****
 6. Discussion and action concerning Budget Amendment #2017-08 Stark Law Group and Turrentine Law Firm, PLLC (attorneys for the Union County sewer lawsuit)
 7. Discussion and possible action regarding approval of the FY2016-17 Audit Contract
 8. Set date for FY2017-18 Budget Retreat
 9. Discussion and possible action concerning the park playground
 10. CDBG Project overview
 11. Town Manager's Report
 12. Mayor and Town Council Member Comments
 13. Adjourn
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Upcoming Meetings & Events:

- February 9, 2017 – Planning Board Meeting 7:00 pm
- February 28, 2017 – ABC Board Meeting, Marshville Community Center 11:00 am



Town of Marshville Town Council Meeting

Monday, January 9, 2017, 7:00 PM
Marshville Town Hall

REGULAR MEETING MINUTES

Present: Mayor Frank Deese; Mayor Pro-Tempore Virginia Morgan; Council Members Margaret Bivens, Norma Carpenter, Jim Rowell and Ernestine Staton

Staff Present: Town Manager, Dr. Robyn Stuber; Town Clerk, Tonya Johnson; Police Chief, Matt Tarlton; Public Works Director, Ricky Bourne; Town Attorney, Bobby Griffin

Call to Order/Invocation/Pledge of Allegiance

The meeting was called to order at 7:01 pm by Mayor Frank Deese. The invocation was given by Councilwoman Carpenter. The Pledge of Allegiance was given by everyone.

Adoption of Agenda for the Meeting

Councilwoman Staton made a motion to add to the agenda a discussion concerning the park playground equipment. The motion was seconded by Councilwoman Bivens and passed by unanimous vote. Mayor Deese stated that this will be added as agenda item #9 (all other items moved down).

Councilman Rowell made a motion to adopt the agenda with the above addition. The motion was seconded by Mayor Pro-Tempore Morgan and passed by unanimous vote.

Public Comment

Ms. Helen Estes – 304 Austin St., Monroe, NC, addressed the council concerning sewer charges. Ms. Estes stated that her brother resides at 613 Elaine Street in Marshville and that his utility bills are off the chart. Ms. Estes asked what the council is going to do for the Marshville residents regarding high bills. Mayor Deese explained that the town is currently in a lawsuit with Union County regarding sewer charges. The town is doing all it can. The costs have to be passed along. Ms. Estes stated that her complaint is based on all the charges on the monthly bill over and above actual consumption. Councilwoman Carpenter advised Ms. Estes to make sure there are no plumbing issues. Ms. Estes stated that she already reported a leak to the landlord. Town Manager Stuber commented that N.C. Rural Water will be conducting a rate study for the town to see what it can do. Mayor Deese assured Ms. Estes that the town is doing all it can.

Ms. Toni Austin – 907 Hasty Road, Marshville, addressed the council regarding open burning by some residents. She stated that some residents are burning in their yard and that she has photos. Ms. Austin requested that the council develop a burning ordinance. Mayor Deese commented that this request can be put on a future agenda for discussion.

Consent Agenda

- **December 5, 2016 Regular Meeting Minutes**
- **Budget vs. Actual Report – November 2016**

Councilman Rowell made a motion to accept the consent agenda and the items thereon. The motion was seconded by Mayor Pro-Tempore Morgan and passed by unanimous vote.

ESA - Solar Farm Workshop

Town Manager Stuber prefaced this presentation by reminding the council that this is for the purpose of providing information only.

Mr. Colin Terrant introduced himself as the attorney for ESA Renewables. Mr. Javier Latre introduced himself as representative/employee of ESA Renewables, a solar energy company.

Mr. Terrant stated that he has been involved with ESA in solar projects in other states. The main concern is whether solar is safe. He explained that a solar farm is quiet, passive and brings stability. Mr. Terrant explained that a solar farm can be decommissioned and the property returned to its original state. He commented that ESA wants to be a good neighbor wherever it goes. Mr. Terrant stated that renewable energy is the wave of the future. North Carolina is the second largest solar production site in the U.S., behind California.

Mr. Latre stated that ESA Renewables was one of the first renewable energy companies doing business in North Carolina. Councilman Rowell asked Mr. Latre about the decommission process. Mr. Latre stated that it depends on the owner of the site. The typical time frame for a solar farms is fifteen years.

Councilman Rowell asks Mr. Latre to explain how long the panels last and how they are removed and disposed of. Mr. Latre commented that all the components are metal frames and are easily dismantled. The panels are constantly being improved and become obsolete quickly. Panels are typically used for fifteen years. The panels are recycled. If the panels are not recycled, they can be disposed of at a landfill. This would be the owner's responsibility.

Mr. Terrant explained that a solar farm can be by land purchase or lease. In the lease option, the land owner maintains ownership and control of the property. Mayor Deese asked if decommissioning is part of the agreement between the land owner and the developer. Mr. Terrant stated that a Decommissioning Plan can be requested prior to the issuance of a permit. Town Manager Stuber interjected that the town can request a plan but cannot enforce it. Discussion ensued regarding recourse if a Decommission Plan is not adhered to. Mr. Terrant stated that practical recourse would be to sell the equipment since it is valuable. Legal recourse could result if the permit conditions were not met, making the permit invalid. A suit could be filed to stop operation and to remove the equipment.

Attorney Griffin asked what happens if the lease is expired and neither party does anything. He added that he thinks this question deserves some study.

Mr. Latre stated that the solar farm equipment is completely safe. It is valuable and people usually don't leave something of value. Mr. Latre added that ESA Renewables wants to do good business. It is important to choose an area with a substation or electric nearby. Site selection requires adequate acreage.

Mr. Terrant stated that in North Carolina there is a monopoly on who can sell power. Solar power is becoming cheaper. Mayor Deese asked if you put solar panels at your house do you have to sell the power to Duke Energy. Mr. Latre explained how residential solar panels work and how you pay for the solar power. Mr. Latre stated that the taxes on solar energy stay in the town.

Mayor Deese thanked Mr. Terrant and Mr. Latre for bringing this information to the council.

Name CCOG Delegate and Alternate for 2017

Mayor Deese asked Mayor Pro-Tempore Morgan if she would continue to serve as the CCOG Delegate for 2017. Mayor Pro-Tem Morgan agreed. Councilman Rowell made a motion to appoint Mayor Pro-Tem Morgan as CCOG Delegate for 2017 and Mayor Deese as Alternate. The motion was seconded by Councilwoman Staton and passed unanimously.

Discussion and possible action regarding lease of 129 W. Main St.

Town Manager Stuber informed the council that Affordable Cleaners is late paying its lease payment and owes the town \$2,025. A letter has been drafted to terminate the lease and to request the lease payments due to date. The manager reported that she has attempted to talk with Mr. Parker numerous times. The manager of Affordable Cleaners is interested in entering into a lease agreement. Mayor Deese commented that he has also attempted to contact the owner. Mayor Deese stated that he has talked with the manager of Affordable Cleaners and the manager wants to take over the business. Mayor Deese stated that the manager is willing to pay what Mr. Parker owes but will need the ability to pay in installments. He would like to enter in to a new lease agreement. Town Manager Stuber stated that the current lease would need to be terminated.

Councilman Rowell made a motion to terminate the lease agreement with Affordable Cleaners and to send a letter to Mr. Parker requesting payment, and to authorize Town Manager Stuber to move forward with a new lease agreement with the appropriate parties. The motion was seconded by Councilwoman Bivens.

Attorney Griffin questioned what happens if Mr. Parker doesn't vacate the premises. Councilwoman Staton asked if the council would have to take the issue to court. Town Manager Stuber stated that if the council authorizes her to move forward, she will work with the town attorney regarding the eviction process and a new lease.

Councilman Rowell amended the previous motion to move forward with the eviction process for Affordable Cleaners, and to authorize the manager to send the letter after the manager works with the town attorney for proper wording. The motion was seconded by Councilwoman Bivens and passed by unanimous vote.

Discussion and possible action regarding lien placed on 823 Hasty Rd.

Town Manager Stuber reported that with each day that passes the lien increases. The lien was filed with the Register of Deeds, but not with the Clerk of Court or the Tax Assessor's office. The lien wasn't caught until after the property was sold. Attorney Griffin added that there was nothing on public record to show that there was a lien against the property. It seems an unfair situation. There were some error in the recording process. Councilman Rowell stated that the title company wants to settle so he made a motion that the town accept \$8,250.00 from the title company to remove the lien from the property. The motion was seconded by Mayor Pro-Tempore Morgan and passed by unanimous vote.

Discussion concerning park playground equipment

Councilwoman Staton reported that the covering on the metal on some of the park playground equipment is splitting open. This is hazardous and could result in a possible lawsuit if a child gets hurt. Councilwoman Staton stated that this needs to be looked into and addressed immediately. She added that the playground equipment may need to be closed until such time that repairs are made. Town Manager Stuber informed the council that the park intern, Ashley Proctor, is looking into minimum equipment standards. Mayor Deese directed Public Works Director Ricky Bourne to rope off the equipment until repairs can be made.

Discussion of Council priorities for FY 17-18

Town Manager Stuber stated that staff is preparing to begin working on the FY2017-18 budget. She asked the council members that if they have specific requests to please let her know ahead of time so they can be incorporated into the budget. Councilman Rowell commented that Mr. Ricky Bourne, the new Public Works Director, needs an opportunity to assess the infrastructure needs. He added that a significant amount of funds are going toward the sewer lawsuit. Councilwoman Staton commented that there has been requests to pave Faulkner Street. Councilwoman Bivens commented on the need for sidewalks behind the drug store. Mayor Deese stated that council needs to have a budget workshop. Town Manager Stuber stated that she will have some dates available at next month's meeting.

Set date for a work session to review proposed amendments/revisions to the Town's Personnel Policy

Mayor Deese stated that council needs to call a special meeting for a work session to review the town's Personnel Policy. It was the consensus of the council to set the date for the work session on Thursday, January 19, 2017 at 3:00 pm at the Marshville Community Center.

Town Manager's Report

Town Manager Stuber commented that her January Manager's Report was included in the agenda packet. She reminded council members of the Martin Luther King, Jr. Breakfast event on Monday, January 16, 2017 at 6:00 am.

Town Manager Stuber reported that she has called North Carolina Rural Water to schedule a rate study. She will be working with Mr. Marty Wilson.

Town Manager Stuber reported that Ashley Proctor, the park intern, is working really hard and has several events planned.

Town Clerk, Tonya Johnson distributed copies of the FY2015-16 Audit. She stated that she will arrange for Mrs. Deneal Bennett to attend the February meeting to review the audit.

Mayor and Town Council Member Comments

Mayor Deese commented that council needs to approve a resolution to ratify the January 5, 2017 court action. This requires council approval. Mayor Deese read the resolution. Mayor Pro-Tempore Morgan commented that she is bothered by item #4. Mayor Deese stated that it is what the judge said from the bench. Councilman Rowell made a motion to adopt Resolution 16/17-02 Authorizing Execution of a Consent Order with Union County for Sewage Payment with the added wording, "to fully comply with the court order", as recommended by Attorney Griffin. The motion was seconded by Councilwoman Staton and passed by unanimous vote.

Councilwoman Carpenter reminded the council of an ABC Board meeting on January 10, 2017 at 11:00 am at the Marshville Community Center.

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 or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer of employee.

At 8:42 pm a motion was made by Councilwoman Carpenter to go into closed session per the statute cited above. The motion was seconded by Councilman Rowell and passed by unanimous vote. At this time staff and members of the public were excused.

Action resulting from the Closed Session

There was no action as a result of the closed session

Adjourn

Councilwoman Carpenter made a motion to adjourn at 9:31 pm. The motion was seconded by Mayor Pro-Tempore Morgan and passed by unanimous vote.

These minutes approved this 6th day of February, 2017.

By: _____
Franklin D. Deese, Mayor

ATTEST: _____
Tonya D. Johnson, Town Clerk

DRAFT



Town of Marshville Town Council Meeting

Thursday, January 19, 2017, 3:00 PM
Marshville Town Hall

SPECIAL MEETING MINUTES

Present: Mayor Pro-Tempore Virginia Morgan; Council Members Margaret Bivens, Norma Carpenter, and Ernestine Staton. Mayor Deese and Council Member Jim Rowell were unable to attend. A quorum was noted.

Staff Present: Town Manager, Dr. Robyn Stuber; Town Clerk, Tonya Johnson

Call to Order/Invocation/Pledge of Allegiance

The meeting was called to order at 3:20 pm by Mayor Pro-Tem Morgan. It was noted that a quorum was present.

Town Manager Stuber stated that the special meeting is to conduct a work session to review, discuss and recommend amendments to the town's Personnel Policy. Discussion ensued. It was suggested that Article IV, The Pay Plan, Section 8. Pay for Part-Time Work be revised to state that less than full-time service is designated up to 31 hours per week.

Discussion ensued regarding temporary help. It was determined that this should be addressed in the Classification Plan.

It was suggested that Article IV. The Pay Plan, Section 12. Safety Bonus be amended to require the signature of the manager as an additional internal control measure.

In Article VI. Work Conditions and Expectations, Section 11. Use of Town-Owned Equipment, it was recommended that the town vehicle should be used for town business prior to and/or instead of using a personal vehicle.

In Article VI. Work Conditions and Expectations, Section 12. Travel and Expense Reimbursements, it was suggested that the per diem be revised to \$50 per day. It was suggested that the policy spell out the documentation that is required to be submitted for travel and expense reimbursements.

In Article VII. Leaves of Absence, Section 5. Sick Leave, (d) Sick Leave – Previous Leave Credit, discussion ensued regarding the transfer of sick leave accrued while working for another public entity.

Town Manager Stuber agreed to write up a draft of the Personnel Policy with the suggested revisions/amendments.

Adjourn

Council Member Carpenter made a motion to adjourn at 3:53 pm. The motion was seconded by Council Member Staton and passed by unanimous vote.

These minutes approved this 6th day of February, 2017.

By: _____
Frank Deese, Mayor

ATTEST: _____
Tonya D. Johnson, Town Clerk

DRAFT

TOWN OF MARSHVILLE

est. 1877

MEMORANDUM

TO: MAYOR AND ELECTED OFFICIALS
FROM: TONYA JOHNSON
SUBJECT: BUDGET AMENDMENT #2017-08
DATE: JANUARY 27, 2017
CC: MANAGER STUBER

The Town of Marshville has retained the legal services of Stark Law Group to represent the Town of Marshville in the sewer suit with Union County. Stark Law Group invoices the town on a monthly basis for legal services rendered.

At the time that the FY2016-17 budget was adopted no appropriation was made for these legal expenses. Therefore, the budget must be amended periodically to encumber funds to cover the legal fees incurred.

This budget amendment provides for an appropriation from the Enterprise Fund Encumbered Fund Balance to the expense line item for Professional Services – Legal (Sewer Operations). This is in compliance with the Local Budget Government and Fiscal Control Act, NCGS 159-8 (a) and 159-13 (a), which authorizes all financial transactions of the local government.

Recommendation: Staff recommends council approval of the proposed amendment to set aside funds to cover the legal fees incurred.

Thank you.

Town of Marshville

AMENDMENT

#2017 - 08

2016 - 2017 Budget Ordinance

BE IT ORDAINED by the Marshville Town Council that the 2016 - 2017 Budget Ordinance be amended as follows:

Section 2: Enterprise Fund

Increase	30-3990-0000	Encumbered Fund Balance	\$35,000.00
Total Increase			<u><u>\$35,000.00</u></u>
Increase	30-8290-4730	Prof. Services - Legal Sewer Operations	\$35,000.00
Total Increase			<u><u>\$35,000.00</u></u>

Adopted this 6th day of February, 2017.

Franklin D. Deese, Mayor

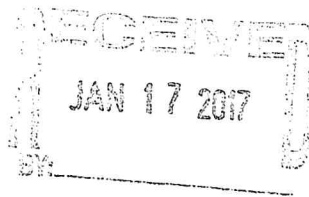
ATTEST:

Tonya Johnson, Town Clerk

This Budget Amendment provides for: Appropriation for legal expenses related to the Union County sewer dispute/lawsuit. This amendment will increase the appropriation for line item #30-8290-4730 Professional Services - Legal. This will cover approximately 1 to 2 months of legal expenses incurred by the town to Stark Law Group, PLLC and Turrentine Law Firm, PLLC.

Stark Law Group, PLLC

6011 Farrington Road STE 300
Chapel Hill, NC 27517



Invoice
submitted to:

Tonya Johnson
201 West Main Street
Marshville, NC 28103

January 12, 2017

In Reference To: Town of Marshville
Invoice #29351

Professional Services

		<u>Hrs/Rate</u>	<u>Amount</u>
11/7/2016	SCK review petition to Sup. Ct.; review transcript for case cite errors	1.70 \$255.00/hr	433.50
11/8/2016	SCK Draft Notice of Arrangement for Transcript	0.60 \$255.00/hr	153.00
11/14/2016	SCK review response to petition; review emails; WRC	0.40 \$255.00/hr	102.00
11/15/2016	SCK Preparing Record on Appeal; WRC	2.80 \$255.00/hr	714.00
11/21/2016	SCK file and serve record on appeal; WRC	1.30 \$255.00/hr	331.50
11/23/2016	SCK prepare proposed record on appeal; talk with Karlene re conference call; respond to email from judge re conference call; WRC	3.20 \$255.00/hr	816.00
11/28/2016	SCK complete proposed record on appeal and serve; WRC	1.80 \$255.00/hr	459.00
11/29/2016	SCK research for conference call; send second amended complaint to Robyn; talk with Robyn re status; WRC	2.20 \$255.00/hr	561.00

		<u>Hrs/Rate</u>	<u>Amount</u>
12/3/2016	SCK E-mail Bishop re appellate mediation	0.20 \$255.00/hr	51.00
12/5/2016	SCK Initial review of contempt documents; talk with Karlene; Drafting documents	0.40 \$255.00/hr	102.00
12/6/2016	SCK WRC Review filing on contempt; review case from Ct of App; talk with Karlene re writ of prohibition; research based on contempt	2.60 \$255.00/hr	663.00
12/7/2016	SCK WRC Conference call with judge; research legislative immunity;	4.40 \$255.00/hr	1,122.00
12/8/2016	SCK WRC Review of public hearing notice and statue regarding water and sewer district; e-mail to Marshville re district	0.30 \$255.00/hr	76.50
12/11/2016	SCK WRC Prepare answer to Second Amended Complaint; Send draft of section for petition to Karlene	2.30 \$255.00/hr	586.50
12/12/2016	SCK Drafting documents -- brief for preliminary injunction appeal	1.90 \$255.00/hr	484.50
12/13/2016	SCK WRC review writ; review with Karlene	0.90 \$255.00/hr	229.50
12/14/2016	SCK WRC Review and send answer to Karlene	0.90 \$255.00/hr	229.50
12/15/2016	SCK WRC Send Answer to Robyn for execution of verification; complete appeal information sheet and consent to mediation form; edit petition for writ	3.50 \$255.00/hr	892.50
12/16/2016	SCK Drafting documents -- Draft Brief	3.00 \$255.00/hr	765.00
12/17/2016	SCK Drafting documents - Appellate Brief	2.70 \$255.00/hr	688.50
12/18/2016	SCK Drafting documents - Appellate Brief	4.00 \$255.00/hr	1,020.00
12/19/2016	SCK Drafting documents - Appellate Brief	5.70 \$255.00/hr	1,453.50
12/20/2016	SCK Drafting documents Appellate Brief; prepare and mail Answer	5.20 \$255.00/hr	1,326.00
12/21/2016	SCK Filing documentation -- Appellate Brief	1.80 \$255.00/hr	459.00

		<u>Hrs/Rate</u>	<u>Amount</u>
12/28/2016	SCK Send answer to amended complaint to Robyn; talk with Lester re hearing; prepare subpoena for Lester; Consultation	3.30 \$255.00/hr	841.50
12/29/2016	SCK Drafting documents finalizing record on appeal for motions; prepare for hearing; review information from Lester	1.10 \$255.00/hr	280.50
12/30/2016	SCK Reviewing documents -- proposed contract; conference call with Mayor and Manager	1.70 \$255.00/hr	433.50
12/31/2016	SCK Drafting documents memoranda for hearing	2.30 \$255.00/hr	586.50
1/2/2017	SCK Drafting documents questions for witnesses; preparing exhibits; research on contempt	4.40 \$255.00/hr	1,122.00
1/3/2017	SCK Drafting documents -- review edits on memo; prepare for show cause hearing; talk with Robyn and Mayor	3.60 \$255.00/hr	918.00
1/4/2017	SCK Telephone conference with Town Council; meet with Mayor and Manager in Marshville	6.10 \$255.00/hr	1,555.50
1/5/2017	SCK Attend Hearing -- show Cause Hearing in Monroe	8.00 \$255.00/hr	2,040.00
1/6/2017	SCK Drafting documents - revised record on appeal and supplemental record	2.90 \$255.00/hr	739.50
1/8/2017	SCK Drafting documents supplement to ROA	2.40 \$255.00/hr	612.00
	For professional services rendered	<u>89.60</u>	<u>\$22,848.00</u>
	Additional Charges :		
11/28/2016	Filing Fee		10.00
11/30/2016	Printing RECORD 798 pages paid to NC Court of Appeals		1,396.50
12/28/2016	postage		6.94
12/29/2016	UPS		21.86
12/30/2016	1594 copies for record on appeal		239.10
1/3/2017	Printing Appellant Brief		106.75
1/4/2017	Hampton Inn on 1/4/17		132.98
	Total additional charges		<u>\$1,914.13</u>

Tonya Johnson

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	<u>Amount</u>
Total amount of this bill	\$24,762.13
Accounts receivable transactions	
12/19/2016 Payment - thank you. Check No. 34745	<u>(\$5,027.50)</u>
Total payments and adjustments	(\$5,027.50)
Balance due	<u><u>\$19,734.63</u></u>

Due upon receipt

This is a bill for services rendered. Thank you for letting us serve you. Our Tax ID Number is 56-1768431. Contact us within 30 days after the receipt of this notice if you dispute any portion. All sums will be presumed valid if no response is received.

Turrentine Law Firm PLLC
920 Paverstone Drive, Suite-B
Raleigh, NC 27615
Telephone: 888-308-3708
Fax: 888-308-3614

January 09, 2017
Invoice No. 6302

Tonya Johnson
Town Clerk/Finance Officer
201 West Main Street
Marshville, NC 28103

Client Number: 120043 Tonya Johnson
Matter 7020 Town of Marshville
 For Services Rendered Through 1/9/2017.

Fees				
<u>Date</u>	<u>Timekeeper</u>	<u>Description</u>	<u>Hours</u>	<u>Amount</u>
11/28/2016	KST	Research; revwd and amended proposed issues on appeal.	0.80	\$204.00
12/1/2016	KST	Revwd 2nd Amended Complaint; research	1.00	\$255.00
12/5/2016	KST	Began revw of Union's Motion to Show cause and accompanying docs recwd; emld client; research	1.90	\$484.50
12/6/2016	KST	Completed revw of docs; emls w/ client; research; prep w/ CK for CMS call with judge	2.70	\$688.50
12/7/2016	KST	CMS cll w/ judge; conf cll w/ Council; Mayor cld; emls w/ client; research	3.30	\$841.50
12/7/2016	KPV	cld mayor & town mgr LMOR; recvd return call from mayor; set up conf call	0.30	\$22.50
12/8/2016	KST	Revwd MTD for filing; drafted cvr ltr to Clerk, filed & served; ; revwd issue of UC pub hearing set; emls w/ Bishop re mediation; emld client; client cld	5.50	\$1,402.50
12/9/2016	KST	Mayor retrnd cll; checked out mediator recommended by Bishop; sent client's resp to Bishop re mediation;	2.00	\$510.00
12/9/2016	KPV	cld union co clerk of ct	0.30	\$22.50
12/12/2016	KST	Worked on writ of Prohibition	5.80	\$1,479.00
12/13/2016	KST	Completed writ; emld CK; revwd Answer; emls w/ Bishop; discussed with CK changes needed for writ; research	7.10	\$1,810.50

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12/14/2016	KST	Discussed w/ CK changes needed for Answer; amendments md; delivered executed answer to CK	2.20	\$561.00
12/15/2016	KST	Writ work; TT CK; amended writ	7.80	\$1,989.00
12/16/2016	KPV	Final filing prep	1.20	\$90.00
12/16/2016	KST	Exhibit work; filed w/ clerk; served via email & USPS; copies to client	4.40	\$1,122.00
12/19/2016	KST	Mayor cld; TT Council re Writ of Prohibition	0.30	\$76.50
12/20/2016	KST	Brief work	2.10	\$535.50
12/28/2016	KST	Research; TT Manager; emls to Manager (cont drafting timeline); TT CK; rcvd & rwd County's resp to writ;	2.90	\$739.50
12/29/2016	KST	Show cause hearing prep; more emls to Manager; Manager cld; TT CK; rwd cases in Co's res to writ; cld COA; began drafting contract	6.30	\$1,606.50
12/30/2016	KST	Clerk rwd cll; research; completed MV's contract; emld CK; strategy session w/ CK; emld client; conference cll w/ Manager & Mayor; Bishop cld; Mgr. & Mayor approved contract w/ amendments; amended contract & emld to Bishop	5.50	\$1,402.50
1/2/2017	KST	Rwd brief for filing; md changes	0.80	\$204.00
1/3/2017	KST	TT clients; set up conf cll	0.30	\$76.50
1/4/2017	KST	Rcvd & rwd Bishop's res to MV's offered contract; conf cll w/ Council; cll w/ Mgr & Mayor; hearing prep; travel to MV; witness prep with Mayor and Manager; rcvd new material from Bishop; rwd; research; final hearing prep based on new docs from Bishop	13.50	\$3,442.50
1/5/2017	KST	Final hearing prep; court hearing; met w/ council members individually; travel time	8.60	\$2,193.00
1/7/2017	KST	Return Mayor's cll	0.70	\$178.50
Billable Hours / Fees:			87.30	\$21,937.50

Timekeeper Summary

Timekeeper KPV worked 1.80 hours at \$75.00 per hour, totaling \$135.00.

Timekeeper KST worked 85.50 hours at \$255.00 per hour, totaling \$21,802.50.

Cost Detail

<u>Date</u>	<u>Description</u>	<u>Amount</u>	<u>Check No.</u>
10/7/2016	Union County Clerk - Cert file copy fee ch#8418	\$219.50	
12/1/2016	Transcription Fee	\$194.00	6302
	Payee: Patrice Lee		
12/9/2016	Court Cost or Filing fee (Certified File)	\$31.75	8444
	Payee: Union County Clerk of Superior Court		
1/9/2017	Photocopies	\$206.50	
1/9/2017	Postage	\$14.86	
1/9/2017	Postage: Fedex	\$142.55	
1/9/2017	Travel & Maintenance Expenses	\$191.78	
	Total Costs	\$1,000.94	

Current Invoice Summary

Prior Balance:	\$984.94	
Payments Received:	(\$984.94)	Last Payment: 12/30/2016
Unpaid Prior Balance:	\$0.00	
Current Fees:	\$21,937.50	
Advanced Costs:	\$1,000.94	
TOTAL AMOUNT DUE:	\$22,938.44	

Thank You for Letting Us Serve You. Payment Due Upon Receipt
All accounts 10 or more days past due are subject to a 1.5% interest charge on the balance due. Please do not send cash in the mail. Make check payable to: Turrentine Law Firm, PLLC; remember to include your client number on your check.

Thank you.

TOWN OF MARSHVILLE

est. 1877

MEMORANDUM

TO: MAYOR AND ELECTED OFFICIALS
FROM: TONYA JOHNSON
SUBJECT: FY2016-17 AUDIT CONTRACT
DATE: JANUARY 27, 2017
CC: MANAGER STUBER

As required by NCGS 159-34, the town has its accounts audited each year after the close of the fiscal year in accordance with generally accepted accounting principles (GAAP). The town engages J.B. Watson & Co., PLLC for auditing and bookkeeping services.

The Contract to Audit Accounts requires council approval. Once approved by the governing board, the contract must be submitted to the secretary of the Commission for approval.

The proposed audit contract is for the fiscal period beginning July 1, 2016 and ending June 30, 2016. The proposed fee is \$11,000 plus \$125 per hour for any Single Audit* procedures, if applicable (this is a \$250 increase from FY2015-16). The proposed fee for preparation of the financial statements is \$4,000 (an increase of \$250 from FY2015-16).

* The Single Audit, also known as the OMB A-133 audit, is a rigorous, organization-wide audit or examination of an entity that expends \$750,000 or more of Federal assistance (commonly known as Federal funds, Federal grants, or Federal awards) received for its operations. This means that the audit will the town's special projects for which funding has been awarded.

Recommendation: Staff recommends council approval of the proposed Contract to Audit Accounts as provided by J.B. Watson & Co., PLLC.

Thank you.

TOWN OF MARSHVILLE

est. 1877

MEMORANDUM

TO: MAYOR AND ELECTED OFFICIALS
FROM: MANAGER STUBER
SUBJECT: BUDGET RETREAT
DATE: JANUARY 30, 2017

As we move forward with our budgeting process, we need to look at our calendars to schedule a budget retreat. I believe that one day and one afternoon will be enough time to accomplish this exercise. Our goal is mid-late March.

Staff suggests these dates:

Tuesday, March 14th & Wednesday March 15th
Monday, March 20th & Tuesday, March 21st
Tuesday, March 21 & Wednesday, March 22nd

TOWN OF MARSHVILLE

est. 1877

MEMORANDUM

TO: MAYOR AND ELECTED OFFICIALS
FROM: MANAGER STUBER
SUBJECT: MARSHVILLE MUNICIPAL PARK
DATE: JANUARY 30, 2017

After the January Council meeting, Mr. Bourne instructed Public Works staff to put caution tape around the equipment mentioned at the Council Meeting. I had instructed our Park and Recreation intern, Ms. Proctor, to pull the state playground standards and do a full review of the park. She mentioned that there is a state certification for playground inspectors. I did my own research and asked a state certified park inspector to come review our park.

Mid-January, Council woman Staton visited the park with Council woman Bivens and, upon inspection, it looked as if the original caution tape on the large jungle gym equipment was removed. At that point, I was called to the site and reviewed the park with Ms. Proctor. She had completed her review and we went over the equipment together. At that time, we instructed Public Works to rope off the larger jungle gym equipment and get quotes for repair work we knew we needed at the park.

On January, 26th, Mr. Billy Fields, who is a state certified playground inspector, came to review the park. Upon his review, the park equipment needed to be dismantled, and all equipment replaced. A number of larger issues came to light, the first of which being that the surfacing material under all equipment was incorrect and inadequate. The other large issue is that he found our park equipment to be rusting from the inside out, causing integrity issues.

Attached to this memo is a copy of Ms. Proctor's initial review of the playground equipment. We should receive a recommendation list from Mr. Fields within the next week and I hope to have copies for all Council members at the February meeting.

In the meantime, staff is looking into grant opportunities to replace the park equipment. Staff has also been instructed to put together fundraising ideas to help fund the park renovations.



Marshville Municipal Park

PLAYGROUND EQUIPMENT SAFETY ASSESSMENT

Ashley Proctor | Parks and Recreation Intern | January 19, 2017

North Carolina Playground Standards and Regulations

Using the combination of the U.S. Public Playground Safety Handbook (2015) and the American Section of the International Association of Testing Material (ASTM), I performed a playground equipment safety assessment for our municipal park on January 18, 2017. I used the playground safety checklist that national parks use during their safety audits.

The assessment breaks down what are general hazards and what the condition the playground equipment should be in. They are categories are broken down into eight sections. The sections are:

- General Hazards, Stairways and Ladders, Platforms, Slides, Swings, Climbing and Upper Body Equipment, Rotating and Rocking Equipment, and Surfacing

GENERAL HAZARDS

Standards: Marshville Park Not Met: Recommendations:

<p>Sharp Points, Corners and Edges:</p> <ul style="list-style-type: none"> • No sharp points, corners, or edges on any component of playground equipment. • Exposed open ends of all tubing shall have caps or plugs that cannot be removed without tools 	<ul style="list-style-type: none"> • Exposed edges on stairs of big playground (ages 5 to 12) • Missing handle on swinging monkey bars • Missing cap on pole near long slide on bigger playground (age 5 to 12) 	<ul style="list-style-type: none"> • Repair stairs with new plastic coating, • Replace missing handle on monkey bars. • Replace cap.
<p>Protrusions and Projections:</p> <ul style="list-style-type: none"> • Exposed bolt ends should not protrude more than two threads beyond face of the nut, must be free of burrs and sharp edges 	<ul style="list-style-type: none"> • Swings have exposed bolt ends where the chain attaches to the top of the bar 	<ul style="list-style-type: none"> • Cut or get shorter bolts so bolt ends do not stick out.
<p>Pinch, Crush and Shearing Points:</p> <ul style="list-style-type: none"> • There are no accessible pinch, crush or shearing points on playground equipment. 	<ul style="list-style-type: none"> • Hooks on swings 	<ul style="list-style-type: none"> • Close S hooks on swings.
<p>Tripping Hazards:</p> <ul style="list-style-type: none"> • All anchoring devices such as footings and horizontal bars at the 	<ul style="list-style-type: none"> • Exposed anchoring devices – needs more mulch 	<ul style="list-style-type: none"> • Get more mulch for playground area.

<p>bottom of flexible climbers, to be installed below playing surface</p> <ul style="list-style-type: none"> • Special attention to be given to environmental obstacles such as rocks, roots, and other protrusions from the ground. 	<ul style="list-style-type: none"> • Lack of mulch has caused the wooden slabs to protrude from the ground • Acorns, sticks, and some glass mixed into mulch (bigger playground) 	<ul style="list-style-type: none"> • Fill area to correct depth standards. • Clean out mulch area so it is free from any debris that could cause injuries.
<p>Suspended Hazards:</p> <ul style="list-style-type: none"> • Rope, cable or chain shall be fixed at both ends unless 7 inches or less in length 	<ul style="list-style-type: none"> • Check all swings for attachment to the seat and to the bar 	<ul style="list-style-type: none"> • Check that the swings are attached at correct length.





STAIRWAYS AND LADDERS

Standards:

Marshville Park Not Met:

Recommendations:

<p>Corrosion:</p> <ul style="list-style-type: none"> No corrosion or visible rotting. 	<ul style="list-style-type: none"> Corrosion on steps of larger playground (ages 5 to 12) 	<ul style="list-style-type: none"> Fix plastic coating to stairs and other areas
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	<ul style="list-style-type: none"> Corrosion on walking area of larger playground (ages 5 to 12) Corrosion on steps of smaller playground (ages 2 to 5) 	with exposed corrosion.
<p>Sharp Point, Corners & Edges:</p> <ul style="list-style-type: none"> There are no sharp points, corners, or edges. Wood to be smooth and no splinters. 	<ul style="list-style-type: none"> Edge sticking out of plastic coating on stairs of larger playground (ages 5 to 12) 	<ul style="list-style-type: none"> Fix plastic coating on stairs where the edge is sticking out.
<p>Use Zone:</p> <ul style="list-style-type: none"> Six feet in all directions from perimeter of equipment. 	<ul style="list-style-type: none"> Slides need to be checked 	<ul style="list-style-type: none"> Check the perimeter of all slides.

PLATFORMS

Standards:

Marshville Park Not Met:

Recommendations:

<p>Sharp Point, Corners & Edges:</p> <ul style="list-style-type: none"> There are no sharp points, corners, or edges. Wood to be smooth and no splinters. 	<ul style="list-style-type: none"> Platform on larger playground has some missing plastic causing small edges to be pointed (ages 5 to 12) 	<ul style="list-style-type: none"> Fix plastic coating on platforms.
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SLIDES

Standards:

Marshville Park Not Met:

Recommendations:

<p>Surfacing:</p> <ul style="list-style-type: none"> Adequate drainage provided. 	<ul style="list-style-type: none"> Did not see a place for slides to drain and not sure if mulch will drain properly under slide 	<ul style="list-style-type: none"> Talk to Public Works about draining.
<p>Use Zone:</p> <ul style="list-style-type: none"> Six feet in all directions from perimeter of equipment. Exit region requires special attention. 	<ul style="list-style-type: none"> Slides need to be checked 	<ul style="list-style-type: none"> Check perimeter of slides.

SWINGS

Standards:

Marshville Park Not Met:

Recommendations:

<p>Corrosion and Wear:</p> <ul style="list-style-type: none"> No rotting, corrosion or visible wear on chains and S-hooks. 	<ul style="list-style-type: none"> Corrosion on chains of all the swings and S-hooks 	<ul style="list-style-type: none"> Replace chains or cover so corrosion is not exposed.
<p>Seat Design and Placement:</p> <ul style="list-style-type: none"> All S-hooks to be closed completely. 	<ul style="list-style-type: none"> S-hooks are not closed on toddler swings 	<ul style="list-style-type: none"> Close S hooks.
<p>Structure Design:</p> <ul style="list-style-type: none"> Tot swing to be suspended from structures separate from other swings or suspended in a different bay of the same structure. 	<ul style="list-style-type: none"> Tot swing located near last ball field is on the same pole as a regular swing. 	<ul style="list-style-type: none"> Remove swings near last ball field.



CLIMBING AND UPPER BODY EQUIPMENT

Standards:

Marshville Park Not Met:

Recommendations:

<p>Corrosion:</p> <ul style="list-style-type: none"> No corrosion or visible rotting. 	<ul style="list-style-type: none"> Corrosion on monkey bars Corrosion on exercise bars near skate park 	<ul style="list-style-type: none"> Replace monkey bars or paint them with something to conceal corrosion. Remove exercise bars near skate park.
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ROTATING AND ROCKING EQUIPMENT

Standards:

Marshville Park Not Met:

Recommendations:

<p>Stability:</p> <ul style="list-style-type: none"> Footings are stable and buried below ground level or covered by protective surface. 	<ul style="list-style-type: none"> Frog is sideways and the footing is exposed 	<ul style="list-style-type: none"> Frog was removed.
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<p>Corrosion:</p> <ul style="list-style-type: none"> No corrosion or visible rotting. 	<ul style="list-style-type: none"> Corrosion on horse 	<ul style="list-style-type: none"> Replace or paint horse.
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SURFACING

Standards:

Marshville Park Not Met:

Recommendations:

<p>Critical Height:</p> <ul style="list-style-type: none"> The surfacing material used under and around a particular piece of playground equipment is to have a Critical Height value of at least the height of the highest accessible part of the equipment. 	<ul style="list-style-type: none"> Needs to be looked at 	<ul style="list-style-type: none"> Other loose-fill materials are generally landscaping type materials that can be layered to a certain depth and resist compacting. Some examples include wood mulch, wood chips, sand, pea gravel, and shredded/recycled rubber mulch. Tips: <ol style="list-style-type: none"> Loose-fill materials will compress at least 25% over time due to use and weathering. This must be
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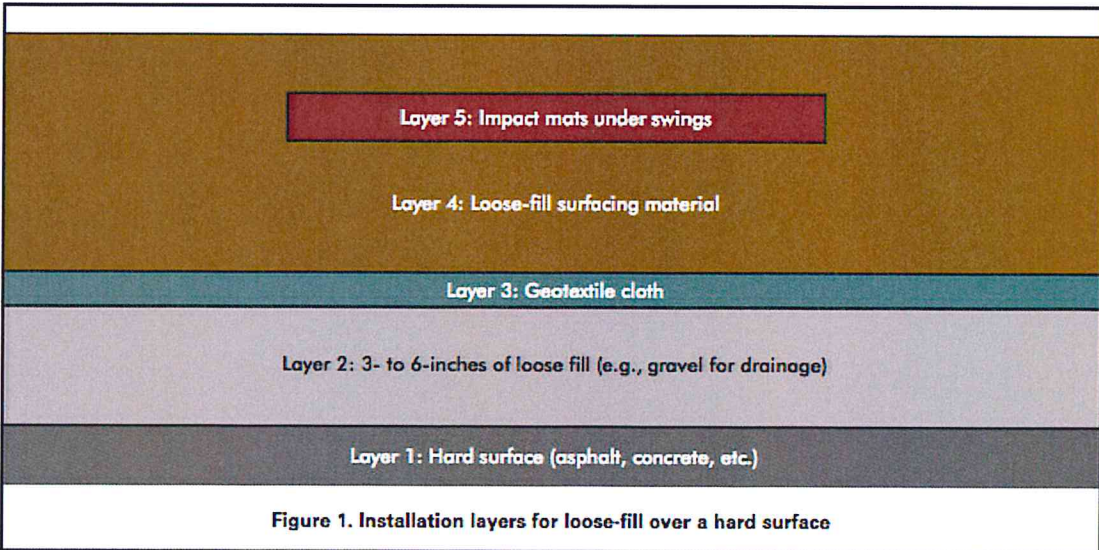
		<p>considered when planning the playground. For example, if the playground will require 9 inches of wood chips, then the initial fill level should be 12 inches.</p> <ol style="list-style-type: none"> 2. Loose- fill surfacing requires frequent maintenance to ensure surfacing levels never drop below the minimum depth. Areas under swings and slides exit are most susceptible to displacement; special attention must be paid to maintenance in these areas. Additionally, wear mats can be installed to these areas to reduce displacement. 3. The perimeter of the playground should provide a method of containing the loose-fill material. 4. Consider making equipment supports with a minimum fill level to aid in maintaining the original depth of material. 5. Good drainage is essential to
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		<p>maintaining loose-fill surfacing. Standing water with surfacing material reduces effectiveness and leads to material compaction and decomposition.</p> <ol style="list-style-type: none"> 6. Critical height may be reduced during winter in areas where the ground freezes. 7. Never us less than 9 inches of loose-fill material expect for the shredded/recycled rubber (6 inches recommended). Shallower depths are too easily displaced and compacted. 8. Some loose-fill material may not meet ADA/ABA accessibility guidelines. For more information, contact the Access Board or refer to ASTM F1951. <ul style="list-style-type: none"> • Wood mulch containing chromated copper arsenate (CCA) treated wood products should not be used; mukch where the CCA-contact is unknown should be avoided •
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<p>Acceptability of Various Surfacing Materials:</p> <ul style="list-style-type: none"> • Earth surfaces such as soils and hard packed dirt are unsuitable for use under and around playground equipment. 	<ul style="list-style-type: none"> • Soil is exposed under equipment 	<ul style="list-style-type: none"> •
<p>Loose-Fill Material:</p> <ul style="list-style-type: none"> • Not to be installed over hard surfaces such as asphalt or concrete. • Requires a method of containment. • Requires good drainage under material. • Requires periodic renewal or replacement and continuous maintenance to maintain proper depth and remove foreign matter. • Refer to Table listing the critical height (expressed in feet) for seven loose fill materials when tested in an uncompressed 	<ul style="list-style-type: none"> • Mulch needs to be replaced • Drainage is questionable. 	<ul style="list-style-type: none"> • Appropriate surfacing material: <ul style="list-style-type: none"> a. Pea gravel b. Sand c. Shredded/recycled rubber mulch d. Wood mulch (not CCA-treated) e. Wood chips • When installing these products, each manufacturer of engineered wood fiber and rubber mulch should provide maintenance requirements for and test data on: <ul style="list-style-type: none"> a. Critical height based on ASTM F1292 impact attenuation testing. b. Minimum fill-depth data. c. Toxicity. d. ADA/ABA accessibility guidelines for firmness and stability based on ASTM F1951

state at depths of 6, 9, and 12 inches. This test was conducted by CPSC staff in accordance with the voluntary ASTM F1292 standard.		
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Table 2. Minimum compressed loose-fill surfacing depths				
Inches	Of	(Loose-Fill Material)	Protects to	Fall Height (feet)
6*		Shredded/recycled rubber		10
9		Sand		4
9		Pea Gravel		5
9		Wood mulch (non-CCA)		7
9		Wood chips		10
* Shredded/recycled rubber loose-fill surfacing does not compress in the same manner as other loose-fill materials. However, care should be taken to maintain a constant depth as displacement may still occur.				



TOWN OF MARSHVILLE

est. 1877

MEMORANDUM

TO: MAYOR AND ELECTED OFFICIALS
FROM: MANAGER STUBER
SUBJECT: COMMUNITY DEVELOPMENT BLOCK GRANTS
DATE: JANUARY 30, 2017

As you know, Marshville entered into an agreement with Union County allowing the County to use our population to obtain Community Development Block Grant (CDBG) funds, which they would manage throughout the County. These funds are designated to be used for water, sewer, and sidewalk projects. Each municipality submits projects to the County, who will then review the projects and make a determination as to which projects get funded or not. While the County oversees the program, they contract with the Centralina Council of Governments (CCOG) to administer the program.

The time to submit applications is open and staff has reviewed the Capital Improvement Plan (CIP), as well as problem areas within Marshville, to create a priority list. The attached map is based off of the Town's CIP. This plan has been reviewed by Mr. Bourne and he supports the priority list within the plan. The majority of 1st priority projects are included in the current North Basin Sanitary Sewer Rehabilitation (I&I), set to bid on February 9th, which we have obtained a low-interest loan to complete.

At this point, we need to focus on the second and third priority areas, as well as areas within a red cloud area that have been added since the original CIP was completed (2014). Staff recommends that we focus on the sewer improvements along Carelock Drive and Elizabeth Avenue, south of US 74. This project could also include sidewalks, if the Council wishes to pursue that option. Secondly, staff would like to focus on Kathy Lane, where a number of trailers have been hooked up with one sewer line and tap for quite some time. It has recently caused numerous issues, with the potential for sewage exposure, that take up a substantial amount of Public Works staff time to remedy. Lastly, staff recommends a project to update/retrofit the larger main on the eastern side of Town, highlighted in a red cloud.

(OVER)

These projects are up for discussion. Staff has suggested these projects due to the CIP and a review of calls and service requests received by the Public Works staff. All projects need to be submitted by mid-February for consideration.