

**Town of Marshville  
Town Council Meeting  
Monday, August 19, 2013, 7:00 PM  
Marshville Town Hall – 201 West Main St.**

**SPECIAL MEETING MINUTES**

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

**Staff Present:** Town Manager, Amanda Reid; Town Clerk/Finance Officer, Tonya Johnson; Police Chief, Carl Webber; Lieutenant, Matt Tarlton and Park Director, Alan Thifault

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

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

**Adoption of Agenda for the Meeting**

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

**Public Hearing to Receive Input - Non Contiguous Annexation for property located on Hasty Rd.**

A motion to open the public hearing regarding the request for non-contiguous annexation for property located on Hasty Road was made by Council Member Huntley, seconded by Council Member Bivens and passed unanimously.

The Town Manager stated that CW Horne Family Limited Partnership and Rhonda Keziah submitted a petition for voluntary non-contiguous annexation into the town limits of Marshville. The property located on Hasty Road consists of just over 36 acres. The two adjoining properties have been presented as a recombination plat as described in Attachment A and shown on Attachment B. The Town Manager reviewed considerations for Non-Contiguous Annexation as established by NC General Statutes: that the Petition must be signed by the property owners; the nearest point on the proposed satellite corporate limits cannot be not more than three miles from the primary corporate limits of the town; the property may not be closer to the primary corporate limits of another city; the property can be provided the same services as those located within the primary corporate limits; specific restrictions on subdivisions; the area of the property may not exceed ten percent (10%) of the area within the primary corporate limits and that That the public health, safety and welfare of the town and the area proposed for annexation will be best served by the annexation.

The Town Manager stated the purpose of this meeting is to receive public input on the request for annexation and for the Town Council to take action regarding the request to extend the corporate limits of the town to include the property described in the petition. She noted that if the Town Council accepts the annexation request, zoning needs to be applied by the Town within 60 days. If the 60 day window passes without the Town applying zoning, it is considered unzoned and use is unrestricted. The Planning Board will make a recommendation on zoning for the Town Council to approve or amend, but the Town Council may not consider proposed use or zoning on the property at this time. The establishment of zoning allows for certain uses by right. Mr. Bill Duston, Chief Planner, with N-Focus Planning and Design was recognized and explained the annexation and zoning process and procedures. Mr. Duston emphasized that the public meeting is solely for annexation.

**Public comments:**

- Anita Helms, 4200 Secrest Shortcut Road, Monroe, expressed opposition to the annexation indicating knowledge of a proposed use of the property. Mayor Deese informed Ms. Helms that the use of the property was not the issue before the council, only the question of annexation. Ms. Helms reiterated her opposition stating she felt there were too many unknowns.

- Danny Baker, 2015 Hasty Road, Marshville, stated that his residence is adjacent to the proposed annexation site and expressed opposition alluding to factors including increased traffic, noise, lights and an outside public address system. The Town Manager reiterated that the only decision before the Town Council was the question of annexation. Any question regarding use would be addressed after zoning is applied to the property. Mayor Deese added that concerns regarding use could be heard at other forums.
- Paula Stegall, 8110 Hwy. 74 East, Marshville, stated that her issue was with trust and she did not feel that the town lacked transparency regarding the process. Ms. Stegall also questioned the purpose of the annexation and how often the Town entertains annexation requests. Mayor Deese replied that legislative changes in recent years put restrictions on annexation and one of the only ways for a town to grow is by voluntary annexation. The Town Manager commented that any petition for annexation found to be valid is required to be processed by the town.
- Jim Rowell, 516 East Union Street, Marshville, commented that annexation is a way to grow if properly handled. Mr. Rowell questioned whether the Town of Marshville could afford to provide services to this property in light of needed upgrades to the town's current infrastructure. Mr. Rowell also questioned how the public health, safety and welfare of this town would be best served by this annexation and stated opposition to the annexation.
- Doris Taylor, 1525 Landsford Road, Marshville, referred to a recent article in the Home News and suggested that future articles use different language and be more understandable to provide clarity to the readers.
- Louis Lotharp, 820 Hasty Road, Marshville, stated he had no opposition to the annexation.
- Cindy Lunsford, 310 Ross Street, Marshville, requested clarification of the zoning process and inquired about the Planning Board members as well as the process for a special use permit. Mayor Deese explained that issuance of a special use permit requires a quasi-judicial hearing before the Board of Adjustment and that some members of the Planning Board also serve as Board of Adjustment members. Mr. Duston added that evidence must be presented and decisions by the Board of Adjustment are appealed to the court system.

Council Member Carpenter made a motion to deny the request for voluntary satellite annexation of the Hasty Road property. The motion died due to lack of a second. A motion to approve Ordinance 13-009, To Extend the Corporate Limits of the Town of Marshville and Incorporate by Annexation a Non-Contiguous Area into the Town of Marshville, North Carolina was made by Council Member Bivens and seconded by Council Member Huntley. The motion carried 3 to 1 with Council Member Carpenter opposed.

Mayor Deese stated that zoning for the annexed property is scheduled for Thursday, August 22, 2013 at the Planning Board meeting. A public hearing should be called for Tuesday, September 3, 2013 at 7:00 p.m. at Town Hall to consider zoning for the property annexed. A motion calling for a public hearing for Tuesday, September 3, 2013 at 7:00 p.m. at Town Hall for the establishment of zoning for the annexed property was made by Council Member Huntley, seconded by Council Member Bridget and passed unanimously.

#### **Second Public Hearing - Application for Community Development Block Grant (CDBG) Infrastructure Funds**

A motion to open the public hearing regarding Application for Community Development Block Grant (CDBG) Infrastructure funds was made by Council Member Carpenter, seconded by Council Member Bridget and passed unanimously. The Town Manager introduced Mr. Bill Lester, an engineer with LKC Engineering, to present information regarding the CDBG grant application. Mr. Lester explained this is the second public hearing required to apply for CDBG funds for economic development. The total project cost is \$1,117,000 with \$532,000 requested in CDBG funds and \$557,000 in NC Rural Center funding. The Town of Marshville will need to commit to provide for the remaining \$28,000 in

matching funds. Mr. Lester stated the project includes two regional pump stations upgrades and infrastructure to serve Anderson Health Services, Inc. and the amount of grant funding is dependent on job creation. Council Member Carpenter questioned why Anderson Health Services, Inc. could be mentioned pertaining to the grant application but not annexation and where the \$28,000 for the town match would come from. The Town Manager stated that the grant funding required job creation and the town's match would come from the Enterprise fund balance. At this time Mayor Deese opened the floor to hear public input concerning the CDBG grant application.

*Public comments:*

- Paula Stegall, 8110 Hwy. 74 E., Marshville, asked for clarification regarding the purpose of the grant funds and stated that the town was applying for a grant for property on Hasty Road. Ms. Stegall questioned the amount of acreage being annexed. Mr. Lester confirmed the intent of the grant is for the Town of Marshville to provide water and sewer. The Town Manager added that the property is approximately 36 acres and grant funds are for the extension and upgrade of lines and pump stations.
- Anita Helms, 4200 Secrest Short Cut Road, Monroe, questioned the grant application placement on the agenda before knowing whether the property would be annexed. She stated she supports improving infrastructure but feels the grant application should be postponed until zoning has been applied. Ms. Helms also stated that if the company is nonprofit it would not be subject to property taxes and she is concerned about possible decreases in property values and increased fear and concern of property owners. The Town Manager replied that the application was for federal funding and would require substantial time to process and complete environmental documents. Additionally, infrastructure is funded through the enterprise fund and paid by users of the system.
- Cindy Lunsford, 310 Ross Street, Marshville, questioned whether Anderson Health Services is profit or nonprofit. The Town Manager replied that it is a business and for profit entity. Rev. Lunsford posed a series of questions including (1) who directs the facility, (2) the location of the facility, (3) who would write the grant and (4) if other projects that serve young people have been considered that would also create jobs. The Town Manager responded that the staffing is unknown at this time, the location is a site that abuts the Town of Marshville property and the town would work with engineers and professional grant writing staff. The Town Manager reported that the Town of Marshville has been preliminary approved for funding by the N.C. Rural Center through a preapplication process. Mayor Deese added that other projects have been considered for youth, but nothing has come to fruition for such projects. Council Member Huntley inquired about the number of new jobs created to which Mr. Lester replied 133 full time jobs and 30 part time jobs.

A motion to approve Resolution 13-006, Town of Marshville Resolution Approving Administrative Guidelines and Policies for FY 2013 Community Development Block Grant to Serve Anderson Health Services, Inc. and move forward with submitting the grant application was made by Council Member Bivens and seconded by Council Member Bridget. The motion carried 3 to 1 with Council Member Carpenter opposed.

Mayor Deese informed the Town Council that a motion is needed to approve the following for the NC Rural Center Economic Development Grant Application:

- Resolution to apply for funding;
- Re-affirm Memorandum of Understanding;
- Re-affirm MBE and Conflicts of Interest;
- Certification by Chief Elected Official;
- Budget Ordinance;
- Commitment of Funds – 2013-2014 Budget;
- Approve Bill Lester, Jr., PE with LKC Engineering to write, submit, and administer the Marshville Economic Development grant.

A motion was made by Council Member Bridget and seconded by Council Member Huntley to approve the aforementioned documents to move forward with the Rural Center Economic Development Grant application. The motion carried 3 to 1, with Council Member Carpenter opposed.

**Discussion and possible action regarding Economic Development Incentive Grant**

A motion to approve the Economic Development Incentive Grant between Marshville Farm, LLC and the Town of Marshville was made by Council Member Carpenter, seconded by Council Member Bivens and passed unanimously.

**Discussion and possible action concerning the Monroe Bypass**

Ms. Fern Shubert was recognized and addressed the council and members of the public concerning the Monroe Bypass. A handout prepared and read by Ms. Shubert is hereby referenced and incorporated herein as part of these official minutes.

**Adjourn**

A motion to adjourn was made by Council Member Bivens and seconded by Council Member Huntley. The meeting adjourned at 8:35 pm.

These minutes approved this 3<sup>rd</sup> day of September, 2013.

By: \_\_\_\_\_

Franklin Deese, Mayor

Attest: \_\_\_\_\_

Tonya D. Johnson, Town Clerk