

**Town of Marshville
Town Council Meeting
Tuesday, September 2, 2014
Marshville Town Hall – 201 West Main St.**

Regular Meeting

Present: Mayor Deese, Mayor Pro-Tem Virginia Morgan, Council Members Margaret Bivens, Norma Carpenter, and Gary Huntley. Council Member Jim Rowell was absent. Mayor Deese noted that a quorum was present.

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; Detective, Felix Blakney and Code Enforcement Officer, John Ganus.

Call to Order/Invocation/Pledge of Allegiance

Mayor Deese called the meeting to order at 7:07 pm and welcomed those in attendance. The invocation was given by Council Member Huntley. The Pledge of Allegiance was given by everyone.

Adoption of Agenda for the Meeting

Council Member Bivens made a motion to add a discussion concerning the water and sewer rates. The motion was seconded by Council Member Carpenter. Town Manager Shubert suggested that this discussion be incorporated into agenda item 9. The motion carried with a unanimous vote. A discussion concerning the water and sewer rates was added to the agenda as item 9A.

A motion to adopt the agenda with the addition of a discussion of water and sewer rates was made by Council Member Bivens, seconded by Council Member Huntley and passed unanimously.

Public Comment

Gail Kiker of 903 Hasty Road, Marshville, NC addressed the council concerning the need for sidewalks along Old Hwy. 74. Ms. Kiker reported an occurrence in which a pedestrian's dog got away and she barely avoided an accident due to an oncoming vehicle. Ms. Kiker urged the council to look into sidewalks for this area. Mayor Deese stated that easements are required from the property owners in order to construct sidewalks and this process of obtaining easements has been an issue in the past.

Consent Agenda

- August 4, 2014 Town Council Minutes - Regular Meeting
- Budget Amendment #2015-01 – National Night Out donations
- Proclamation – Constitution Week September 17–23, 2014
- 2002 Tax Releases – Taxes owed older than 10 years
- Union County Tax Collections - Order of Collection Tax Charge for FY2014-2015
- Union County Tax Collections - Tax Settlement Report for FY2013-2014

The Town Clerk pointed out a correction to the August 4, 2014 minutes. A motion to approve the consent agenda and the items thereon with the aforementioned correction to the minutes was made by Council Member Huntley. The motion was seconded by Council Member Carpenter and passed unanimously.

Approve Resolution 14/15 - 05 to Surplus Property –1974 Ford Fire Truck

The Town Manager stated that years ago a fire truck was given to the town. The fire truck is not being utilized by the town and would likely be better suited in the hands of someone who has a use for it. Council Member Bivens commented that the fire truck was given to the town as an old relic. A motion to approve Resolution 14/15-05 to Surplus the 1974 Fire Truck was made by Mayor Pro-Tem Morgan. The motion was seconded by Council Member Carpenter and passed 3 to 1 (Council Member Bivens opposed).

Discussion and possible action regarding Ordinances to Demolish and Remove Dilapidated Dwellings – John Ganus, Code Administrator

- 823 Hasty Road
Code Enforcement Officer John Ganus reported that the property at 823 Hasty Road has been in disrepair for a long time. Mr. Ganus reported that he met with the owners but no action has been taken to bring the property into compliance with minimum housing codes. Mr. Ganus stated that if the ordinance to demolish is approved the fire department will burn the house on November 8, 2014 as a training exercise. Council Member Carpenter asked if a lien will be placed on the property. Mr. Ganus replied that a lien will be placed on the property to cover all costs incurred. No asbestos inspection will be required unless the demolition is approved.
- 805 West Main Street
Code Enforcement Officer John Ganus reported that attempts have been made to contact the owners of the property at 805 West Main Street; however, false addresses were given. If the demolition is approved the fire department will burn the property as a training exercise scheduled for December 6, 2014. Mayor Deese questioned how a burn can be scheduled if an asbestos inspection has not been performed. Mr. Ganus stated that the fire department has to go through the state fire marshal to schedule burning exercises and goes ahead and gets on the schedule.
- 210/144 West Union Street
Code Enforcement Officer John Ganus reported that the property at 210/144 West Union Street is too close to another dwelling to burn. The owner of the property cannot be located and the property appears to have been abandoned. Mr. Ganus reported that the property is in severe condition. Mayor Deese asked if the fees associated with demolition can exceed the value of the property. Mr. Ganus stated that the town can foreclose on properties. Attorney Griffin briefly explained the foreclosure process adding that the town has been working on this process for years and he hopes the council will continue to move forward in the process. Council Member Huntley asked about a demolition date. Mr. Ganus stated that if the demolition is approved the first step will be to proceed with an asbestos inspection.

A motion to approve the ordinances to demolish and remove dilapidated dwellings at 823 Hasty Road, 805 West Main Street and 210/144 West Union Street was made by Mayor Pro-Tem Morgan. The motion was seconded by Council Member Bivens and passed unanimously.

Discussion and possible action regarding Resolution Requesting State Revolving Fund Assistance for Water System Improvements – Bill Lester, LKC Engineering

Mr. Lester reported that approximately one year ago the town approved a resolution to submit an application to the State Revolving Fund for water system improvements. Some grant money may be available as well as 0% interest loan funds. The organization places a very high emphasis on projects for which funding is being requested to be “shovel ready”. LKC Engineering was hired by the town to perform some design and engineering work and now the town may be in a better position for a 0% loan. The project scope of work includes replacement of a deteriorated water main on Highway 74, replacement

of the booster pump station and a water main loop. All the projects are part of the Town of Marshville's CIP/Asset Management Plan. Mr. Lester stated that this year's application will not include radio read meters. Mr. Lester reported that the loan request is in the amount of \$1,439,500 and covers all of the work mentioned above. Mayor Deese commented that the town's application was not funded last year because the town was not shovel ready. Mr. Lester added that permit requests have been submitted and the permits should be received by the time to submit the application. Council Member Carpenter reiterated that the town is applying to borrow \$1,439,500. Mr. Lester affirmed the amount and added that there is the possibility of some grant funds. Director of Utilities, Alicia Melton asked if the town can apply for other grant funds to offset the costs of the loan. Mr. Lester stated that if grant funds are received then the town would not accept that portion of the loan. A motion to approve the resolution requesting State Revolving Fund Assistance for Water System Improvements and to authorize the mayor to sign said resolution was made by Council Member Huntley. The motion was seconded by Council Member Bivens and passed unanimously. Mr. Lester added that applying for the loan does not negate the town from applying for other grant opportunities that may come along. The Town Manager commented that negotiations are ongoing for a site for a new pump station. The manager requested authorization to work with the town attorney to draft an agreement confirming the purpose for the land to be purchased, as requested by the property owner.

Discussion and possible action regarding Petition for Voluntary Annexation - Contiguous to Corporate Limits – Union County PIN 021450126

The Town Clerk reported that the sufficiency of the petition for voluntary contiguous annexation of Union County PIN 021450126 has been verified. A motion to approve Resolution 14/15-06 Fixing the date of Public Hearing on the question of Annexation for Monday, October 6, 2014 at 7:00 pm at Town Hall was made by Council Member Carpenter. The motion was seconded by Council Member Bivens and passed unanimously.

Discussion and action concerning engaging LKC Engineering to provide a study of capacity fees

The Town Manager stated that the town's base rate may be too high and that the town needs to bill based more upon consumption. The Town Manager stated that the town needs to study capacity fees and feels it would be a good investment for the town to contract with Bill Lester, LKC Engineering, to perform a study of capacity fees. Council Member Bivens stated that she has received complaints about high water rates and suggested some public education information providing an explanation of the water rates. Council Member Bivens stated that she doesn't believe that all the meters are being read. The Town Manager agreed with Council Member Bivens on the public information component. Mayor Deese suggested that Mr. Lester provide a proposal for a study. Mayor Deese added that at some point the issue with Union County is going to have to be resolved. The Mayor expressed that the public education information should wait until after the study is completed. Mayor Deese stated that the Enterprise System should be a user pay system and sometimes there are explanations for high bills. Council Member Bivens asked the Public Works Director how often meters are changed. Public Works Director Steele stated that meters are typically changed out every 12 to 15 years. A citizen present at the meeting, Lee Snodgrass, asked about the type of study to be performed and what aspects the study will include. The Town Manager stated that capacity will be a part of the study and gave a brief explanation of an issue with Union County that occurred in the past. The Town Manager reported that a request for records from Union County has been made. Mr. Lester commented that the study will look at water and sewer rates and provide examples of rate structures, as well as capacity issues and fees.

Discussion and possible action concerning the Town of Marshville's Code of Ordinances, Title V: Public Works, Chapter 50. Garbage and Refuse Collection

The Town Manager proposed a minor change to the garbage ordinance. Currently, if a resident is a business owner and a resident and contracts for a dumpster the resident still has to pay for a garbage container at their residence. The Town Manager proposed changing the text in Section 50.09 Garbage Collection Rates to state, "Exceptions will be granted to **residents**, multifamily dwellings and businesses that contract independently for ~~garbage removal~~ **dumpster** services." The Town Manager commented that the addition of the word "residents" is proposed so that residents who operate a business that contracts for a dumpster do not feel they are being "double billed". The phrase "garbage removal services" is being replaced with "dumpster" to make it clear that the exception only applies to contracts for dumpster type garbage disposal, so as not to permit a proliferation of individual cans. The Town Manager reported that this proposed change was discussed with Peggy Poston of Waste Connections who found the proposed changes to be acceptable. The Town Manager added that a meeting with Peggy Poston is scheduled for later this month to discuss improvements to garbage services and the possibility of a recycling center. The Town Manager recommended that the council move to set a date for a public hearing to consider the proposed change to the garbage ordinance. Mayor Deese commented that the town contracts with Waste Connections and remits garbage collection fees to Waste Connections. As the ordinance is written, if you are a resident and have a dumpster then you pay for both the can and the dumpster. An amendment to the ordinance will change that. Attorney Griffin asked how a business will be defined and if the business is an LLC or a corporation how will the town determine the owner. Mayor Deese commented that a resident could get a signed letter from a business that contracts for a dumpster to use the dumpster and not pay for garbage services. Mayor Deese stated that the council needs to talk its way through this issue and be fair. A motion to call for a public hearing to be held on Monday, October 6, 2014 at 7:00 pm at Town Hall to hear public input on a proposed change to the Town of Marshville Code of Ordinances, Title V: Public Works, Chapter 50. Garbage and Refuse Collection, Section 50.09 was made by Mayor Pro-Tem Morgan. The motion was seconded by Council Member Huntley and passed unanimously.

Town Manager's Report

- **Hwy. 74 Sidewalk Project**
The Town Manager reported that the pre bid meeting for the Hwy. 74 Sidewalk Project is scheduled for Wednesday, September 3, 2014. She added that walkability is essential to the prosperity of a community and noted several sections of town that need sidewalks. The Town Manager stated that she has talked to staff about putting sidewalks where easements can be obtained.
- **NC Small Town Main Street**
The Town Manager reported that meetings will resume on Thursday, September 11, 2014 at 6:00 pm at the Community Center.
- **Natural Gas**
The Town Manager provided a handout about natural gas and commented that she and Council Member Rowell have been working to get natural gas to Marshville adding that prospective businesses tend to consider the availability of natural gas.
- **Welcome to Marshville Signs**
The Town Manager reported that both the Charlotte Observer and Fox News reported on the new Town of Marshville welcome signs. Likewise, calls have been coming in from Randy Travis Fan Club members concerning the disrespect shown toward Randy Travis in removing his name from the sign. The fan club may be interested in raising funds to preserve the old sign to be donated or displayed at the Marshville Museum. Mayor Deese also commented on receiving emails and messages from fan club members expressing their

disappointment that Randy Travis's name was removed from the sign. Mayor Deese asked if Randy Travis's name could be put back on the sign. The Town Manager stated that the negative perception in The Charlotte Observer was that the sign was removed while Randy Travis is down on his luck. However, the sign was replaced due to damage. Mayor Deese stated that he could recall that the sign was damaged at the time it was installed. Mayor Deese pointed out that the sign was removed/replaced without the consent of the council and expressed his opinion that Randy Travis's name should be put back on the sign. Mayor Deese suggested a discussion at the next council meeting concerning whether to put Randy Travis's name back on the sign.

Mayor and Town Council Member Comments

Mayor Pro-Tem Morgan expressed appreciation to the town employees for their hard work. Mayor Pro-Tem Morgan also commented on the Randy Travis complaints.

Council Member Huntley echoed Mayor Pro-Tem Morgan's appreciation to the staff. Council Member Huntley commented that Randy Travis was a classmate.

Council Member Carpenter commented that a recent reception at the Marshville Museum was a success and that the museum is a gem to the Town of Marshville.

Council Member Bivens commended the Marshville Police Department for doing a great job hosting the National Night Out event.

Mayor Deese reported that he and the Town Manager engaged in a telephone conference with a representative from Communities of Distinction concerning a television piece about the Town of Marshville. The cost required would be \$19,800.00. Mayor Deese commented that although it would be good publicity, the town is just not ready.

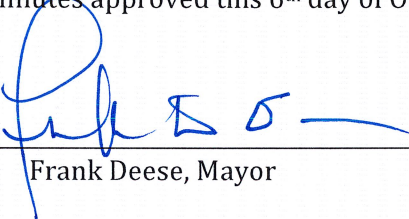
Mayor Deese reminded everyone of the Boll Weevil Festival scheduled for Saturday, September 20, 2014.

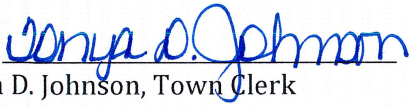
Mayor Deese stated that the National Night Out was a success.

Adjourn

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

These minutes approved this 6th day of October, 2014.

By: 
Frank Deese, Mayor

ATTEST: 
Tonya D. Johnson, Town Clerk

