



**TOWN COUNCIL MEETING
MONDAY, SEPTEMBER 4, 2018, 7PM
118 E. UNION STREET
MARSHVILLE TOWN HALL**

Regular Meeting

Present: Mayor Franklin Deese; Mayor Pro-tem Virginia Morgan; Council Members Margaret Bivens, Norma Carpenter, Ernestine Staton, and Gary Huntley

Staff Present: Scott Howard, Town Manager; Ann Sutton, Town Clerk/Finance Officer; Matt Tarlton, Police Chief; Town Attorney Bobby Griffin

Meeting Call to Order: Mayor Franklin Deese

Invocation: Council Member Gary Huntley

Pledge of Allegence: All

Addition to Agenda: Mayor Deese asked to add a Closed Session Meeting to the agenda. Council Member Staton agreed with the motion and Council Member Carpenter seconded the motion. All said yes.

Addition to Agenda: Motion was made to add the proposed Compression Brake Ordinance to the agenda. Council Member Bivens approved with a second by Gary Huntley. All said yes.

Public Comments:

Tracey Stancill proposed to change the Public Comments section of the agenda to the end of the Regular Meetings. This would allow the public to make comments on what had been said during the meeting. Mayor Deese said he did not see a problem with that, but we needed to check to make sure that was ok to do. Council Member Carpenter said that Ms. Stancill was here for agenda item number 5. Ms. Stancill would like to talk to the ETJ issue once it was discussed in case she had questions. Council Member Carpenter also commented that we still need to have people sign in so the council would know what to expect. For instance, someone could sign up to speak on an agenda item number at the time that item is discussed. Mayor Deese said that he understood and we could look into it

Diane Admunson of 118 Hasty Road asked if the podium could be moved so that all the council could be seen. She would also like for the work sessions to continue. It is important for the people to understand an item before it is voted on. Mrs. Admunson also said that she did not see the Manager's Report for public review. Town Manager Howard did not know he was required to publish the Manager's Report for public review. Town Manager Howard said he had it available. Mrs. Admunson would like to see it so she would know what is being done in the town. Town Manager will start giving an oral report each meeting. Mayor Deese asked if an oral report would be sufficient. Mayor Deese commented the oral report would continue for now. Mrs. Admunson questioned whether the stop light on Hwy. 74 and Elm Street could be shorter. It can take nine minutes to change at night. Mayor Deese asked Chief Tarlton to check with NCDOT to see if anything could be done.

Marleen Griffin of 317 North Elm Street asked if any progress had been made to obtain natural gas. She said natural gas is less expensive than propane. Also, the water supply information in the newspapers lately spoke of the water coming to Union County from the Yadkin River. Mrs. Griffin asked "How is that going to affect Marshville? Will our water situation improve?" Mayor Deese assumed that Mrs. Griffin was referring to the water supply coming from Norwood which makes no sense to him when you can go to Anson County and get the same water. Mayor Deese said that right now we do not get our water from Union County. He is not sure if that will change or not. The town is in discussions on the matter. Right now we have a contract with Anson County that will take care of Marshville in the foreseeable future. Concerning natural gas, there are still talks about that. The last talk was with Monroe. We would need to have a feasibility study at \$50,000. Monroe will collect fees to offset their expense. How will we recoup our expenses? We are still talking and negotiating with Union County on this. When we can work that out, the first place natural gas will go is to the businesses and then spread out. If we can get businesses in Marshville, we could make additional revenues to extend natural gas. Mayor Deese said he promises everyone on the board is working towards that goal. Mrs. Griffin asked about the revenues of the ABC Store. Mayor Deese explained the ABC Store revenues would go to the General Fund. Natural gas revenue would go to the Enterprise Fund. You cannot mix the funds together. Mrs. Griffin said that maybe grants could help reduce the burden. Mrs. Griffin thanked the Council for their efforts.

Sonya Huntley of 111-B Glennie Street received a letter concerning the town's undercharging of her water bill. She read the letter to the Council. Mrs. Huntley came to the Town Hall to discuss this. She did not know she was paying her neighbor's bill and her neighbor was paying hers. Mrs. Huntley does not understand why, after four years, she is responsible for our misreading the meters. Mrs. Huntley's water has been turned off several times due to her neighbor not paying her bill. This was due to the mix up of meter readings. She said that she tries to pay her bill; she just paid \$800.00 for rent. Mrs. Huntley said that she pays her water bill when she receives it. We send her a water bill and she pays that water bill. She asked how was she to know that the meters were being read incorrectly. Council Member Bivens asked for Mrs. Huntley's address again, 111-B Glennie Street. Mayor Deese reviewed the information he heard. From 2014, Mrs. Huntley was

getting her neighbor's bill and her neighbor was getting Mrs. Huntley's bill. Mrs. Huntley's water has been turned off twice. Mayor Deese asked what happened the first time the water was turned off. Mrs. Huntley said that we must have her confused with Ms. Wanda. Ms. Wanda did not pay her bill so they cut Mrs. Huntley's water off. Mrs. Huntley said the town was notified twice, once in June and once in August when the water was cut off. The bills went to the correct address; the bill Mrs. Huntley got had Ms. Wanda's reading. Council Member Carpenter asked if both bills were being paid, why any money is owed. Town Manager said that we have one customer that is over paying and one customer that has been under paying. The person that was overpaying has been paid back. Council Member Staton said that if we were sending her a bill, she can only pay what she was asked to pay. "So, at this point, if this happened to me and I was paying my bill on time; no one has said anything about it; I don't know how to read a meter; I would have no reason to question what I am paying. Why should she be responsible for \$658.71?" Town Manager Howard said that this had happened some years ago. It is in our policy that if someone buys water and has service from us that they must pay for water used. We do not get our water free; we buy it from Anson County. Council Member Staton said the town made the mistake. Mrs. Huntley did not make the mistake. Council Member Staton understands that the policy say if you use water you pay for the water. Mrs. Huntley did not know she was not paying for the water. Town Manager Howard said when this happened before, we went by policy. If we don't go by policy, what do we go by? Council Member Morgan said that we have to go by policy, and the mistake was ours. So, he is going by policy, but the mistake was the towns. Town Manager Howard said that we have tried to cost share and put a payment plan in place. That is the only leeway I have. If the Council wants to do something else, you can vote on it. The meters are right beside each other, I have told our employees to mark them. Mayor Deese said his concern was the four years. Why had this not been caught before? Mrs. Huntley said it was our job to check the meter. Her job was to pay her bill. Mrs. Huntley checked with her neighbor today and Mrs. Wanda had not been called. She has not gotten a reimbursement check. Clerk Sutton said the check was probably being processed this week because we got the final bits of information last week. Mayor Deese said that we will discuss this again. "We will talk with the School of Government to make sure we do the right thing" said Mayor Deese. Right now he could not give her an answer without further research. When we have that, we will bring it back to the table and discuss it again. Mayor Deese asked the council to give staff direction to not cut Mrs. Huntley's water off until the issue is resolved.

Mayor Deese closed Public Comments.

Monroe Expressway Presentation by Warren Cooksey

Warren Cooksey is a representative of the North Carolina Turnpike Authority. The Monroe Expressway will open within the next 90 days. This is the first government that he has made this presentation to. The I-77 Expressway will be coming to our area also before the end of the year. There will be no toll booths. This will be an electronic system. A traveler will go under a gantry; there is no stopping. There are three ways to pay the toll. One is to pay in advance. The other is to pay after you travel. The easiest and cheapest way to travel is with a Quick Pass Transponder. There is also the postpaid way to pay which is by mail.

The gantry cameras will take a picture of your license plate as you pass under the gantry and send you a bill by mail or by email. The Quick Pass Transponder will be 35% less expensive than the other two methods. The NC Turnpike Authority will give you a sticker type transponder when an account is open for \$20.00. This transponder will work with Sun Pass in Georgia and Florida. The hard case transponder Quick Pass EZ will be \$7.40 and it will work with Sun Pass in Georgia and Florida as well as with the Sun Pass Turnpike Authorities along the east coast. Bills can be paid by credit card, check, phone, or at a customer service center. Payment is guided by the NC Statutes. If you do not pay the first invoice in a timely manner, a second invoice will be sent with a \$6.00 late fee. If not paid again, a third invoice will be sent with a \$25.00 fee added. If a fourth invoice is sent another \$6.00 is added and the customer will not be able to get a license plate until paid. You will be able to avoid 25 traffic signals on Hwy 74 by taking the expressway. One driving from start to finish in a two axle vehicle would pay as little as \$2.54 one way. This should save you around 15 minutes. Council Member Staton asked if there would be a cost for paying online. Mr. Cooksey said no. There will be one transponder per license plate. There can be no more than five vehicles per account. Mayor Deese thanked Mr. Cooksey for the presentation.

Blair Israel presentation of the ETJ

Mr. Israel said that this discussion was meant to determine if we can lessen the building requirements for the ETJ. He asked if the discussion was to be about a particular parcel or the ETJ in general. Council Member Carpenter said this would be a general discussion. ETJ stands for extra territorial jurisdiction; land outside the town limits, but still under the town authority. Mr. Blair said the majority of the land in the ETJ is agricultural. The Unified Development Ordinance zoning ordinance describes this area as for agricultural and agricultural related activities. The protection of these lands aids in preserving the character of the town. Development density is low to preserve agriculture and to discourage large lot development. Minimum lot size is 5 acres. Much of the ETJ area is included in the adopted 2035 plan. The 2035 plan describes the plan for the area. There are two areas in the ETJ that show a medium density strategy. In order to achieve the adopted 2035 Plan, it is encouraging development in the downtown core. Current efforts such as the 2018 Pedestrian Plan will encourage growth and a bigger tax base. The purpose of the ETJ is to maintain the town's character. However, in the ETJ there are areas that you may want to change to medium residential. Mr. Israel would like direction to take back to the Planning Board so the Planning Board can make recommendations to the Board. Council Member Carpenter said that she asked Mr. Israel to look into the ETJ ordinance because people are having to cut off five acres of land to give to family members if they live in the ETJ. Council Member Carpenter asked what comes first the houses or the retail. Mr. Israel pointed out that what he just spoke of was a portion of the ETJ, not all of it. If you look at the land map of the ETJ, it is primarily agriculture. Do we want to rezone that? Would it be consistent with the town's 2035 plan? There are a couple of areas that show possible rezoning in the future. Israel suggested the Planning Board review the Comprehensive Plan to see if we need to rezone that area. Council Member Carpenter asked if we should wait to see if we were approached by a developer. Mayor Deese felt like the ordinance was set to wait on a developer and see if what they brought was what we

wanted in the town. Then we could change the zoning. Mr. Israel said there is so much possibility for development in the downtown area. All people have different desires of living styles. The Town of Marshville has the opportunity to develop to the needs of people based on the 2035 Plan. Mr. Israel will take the ETJ ordinance back to the Planning Board for review and get recommendations.

Discussion and Possible Action on the Rental Contract for the ABC Store

Mayor Deese hoped that everyone was able to read the rental contract for the new ABC Store. He asked if there were any concerns. Council Member Carpenter asked if the rent amount would go up or down as determined by gross receipts. Mayor Deese said it could if we wanted it to. Mayor Deese said we would need to make that decision. Council Member Staton felt the contract was fine. Mayor Deese said the contract sets the minimum projection of revenue. And, from what he understands, the store will open in the middle of October or close to the end of October. A motion was made by Council Member Staton that the lease be accepted as given. Council Member Gary Huntley seconded the motion. Motion was approved by Council Members Staton, Huntley, Carpenter, and Morgan. Disapproval was given by Council Member Bivens. Motion was approved.

Discussion Regarding Contract with Waste Pro

Town Manager Howard contacted Waste Pro. They have a new customer service representative. Town Manager Howard contacted the representative and the government account specialist that were with us when the contract was first received. Obviously, neither of them showed up for this meeting. The reason it is on the agenda is because Council Member Staton wanted to talk about it. Mayor Deese said he was going to contact the Waste-Pro representative, but he forgot. Town Manager did contact him via email. But, Town Manager Howard got no response. Mayor Deese did speak with the representative when Council Member Staton said that trash was strewn on the road near East Union School. The next time Mayor Deese spoke with the representative was when Mr. Belk said that the trash man was too rough with the garbage carts. The representative said he had spoken with the driver before and would speak with him again. A three-way call was made with Waste-Pro, the Mayor, and Mr. Belk to confirm what was said about the driver. "The representative seems to want to provide good customer service," Mayor Deese stated. That was the last time Mayor Deese spoke with the representative. A lady who lives by the park also said trash was thrown at her house. The representative said to please call and let him know. Council Member Staton said that the representative should have addressed the issues. Mayor Deese agreed with Council Member Staton that someone should have come to the meeting to address the situation. Town Manager Howard did say that recently the lead driver did stop by to introduce himself. A citizen said that some people do not put their trash in bags. Mayor Deese said it is the rule to put trash in a bag. Council Member Carpenter pointed out that in the contract, item 13 that Waste-Pro was to donate additional sponsorship and in kind services. Have they done that? Town Manager Howard said he has not been notified that they were helping with the Randy Travis Festival. Mayor Deese said that Waste-Pro has been notified for help. He reminded all that if you need something, you have to ask for it. Waste Pro will not know otherwise. If something is needed at the park, we need to ask. And if they do not help us, we need to point to the contract where it

states Waste Pro will donate or add in kind services. Council Member Bivens asked about recycling. She was reminded that recycling is not required. If you do not want it, you do not have to pay for it. Chief Tarlton said that last year Waste-Pro gave us trash containers for the Randy Travis Festival, but did not bring us recycling containers. Council Member Staton asked if a garbage cart is at a home and no one lives there, who pays for the trash. Town Manager Howard said that no one pays for the service if there is no one there. Town Manager to check on Alice Faulkner's home and the cart there since no one is living in the home. Council Member Bivens asked if the town picked up old mattress and appliances. Town Manager Howard said that the only thing we do not pick up is construction debris. Mayor Deese said that the town will normally pick up tv's, mattresses and appliances.

Discussion on Compression Braking in Town

Jim McCain approached Mayor Deese to say that compression brakes make a tremendous amount of noise near the businesses on Hwy 74 at stoplights. Town Manager Howard researched several towns that have compression brake policies. He handed out an example of a policy. Town Council Member Carpenter said the trucks are going 55 mph on the highway and throttling it down to 35 mph. She can hear the sound at her house in the woods. Town Manager Howard asked how loud an infraction is. He would like the Council to think about it. Town Attorney Griffin questioned how would you enforce it, and how much time will you spend trying to enforce it. You will have problems enforcing it. Midland tries to enforce their Compression Brake Policy. There is a sign up in Midland, but is it working? Will we use a decimeter? Mayor Deese said only tractor trailers use engine compression brakes. A motorcycle does not use compression brakes. I know it will be hard to enforce. We should think about putting a sign up in an attempt to stop the use of compression brakes. We do need to think about it. A motion was made to table this discussion until the next meeting by Mayor Pro-tem Morgan and a second was made by Council Member Staton. All council members agreed unanimously.

Discussion and Action on Continuing the Town Council Work Sessions

Mayor Deese reminded the Board the decision was to try a work session for six months. The work session would be a second meeting in each month. The Council would not take any action during those meetings. We need to decide if we want to continue the work sessions. There was one citizen that thought we should continue them. Mayor Deese asked if the Council wanted to continue. Council Member Bivens felt the sessions should continue. Council Member Staton said tabled items could be discussed at the work sessions. She said that the work sessions helped her better understand the projects at hand. Council Member Carpenter mentioned that some items are better served in a work session. Mayor Deese said that it appears that all would like to keep the work sessions. He asked if it should be set in the same format with no action being taken in work sessions. A motion was made to keep work sessions with Council Member Bivens making the motion and Council Member Staton's second. All agreed unanimously. It was agreed the work sessions would be two weeks after the regular meeting. No action will be taken at work sessions

Manager's Report

Town Manager passed out a printed report. Town Manager Howard said that we had a surprise visit from one of the men with the state sewer. He checked out our system and reminded us that we need to rehabilitate at least 10% of our sewer system every year. In the past this may not have been done, but we have exceeded that since Town Manager Howard has been here; the grants alone have done that. We have dealt with the parking issue with signs at the Town Hall so people doing business at the Town Hall will have a place to park. We had a six month evaluation of one of our Public Works employees. We have lost two police officers and are in the process of gaining those back. We do not always get exit interviews, but the officer said she left because she did not get a cost of living raise. We have researched smoking ordinances. We have been working on the Carelock/Elizabeth grant by putting that out to bid. We have coordinated with the Chamber for the Randy Travis festival. I have signed up for the Small Town Main Street Conference so we can keep our certification. I have been working with the new finance officer to get her up to speed. I have been working with the Chief of Police to get new officers in. The Chief had been gathering applications so we really are in good shape as far as coverage of the town. The town has received a \$25,000 grant for a pedestrian study. We have been working on cross-training. We are working on making sure all our ordinances are the same throughout the books we have. We are working on getting the Old Town Hall updated. We have been working on potholes. There was a water main break that we repaired and flagged; however, we did have one person run over it and cut a tire. We let the insurance company handle that. We have been working on procuring new water sites. We have to contract that out. The auditors are coming next week. The reverse vendor fair is being put together and is scheduled for September 13th. We are working with the Chamber of Commerce and Union County. The reverse vendor fair is where businesses come together to learn about the towns and what each town has to offer. Mayor Deese said that someone called about a pothole on Hamlet Street. One was fixed, but there was another one. And the speed bump there needs to be repainted. Council Member Huntley asked if the letters to the churches went out that requested help for clean-up day. Town Manager Howard said the letters had been sent. He did not receive any responses. Council Member Staton asked when the lettering on the wall of the Old Town Hall would be removed. Town Manager Howard said he would work on getting that taken care of. It was mentioned that Cindy Street was degrading. This information came from a postal carrier. Mayor Deese asked what the names of the two officers we lost were. Town Manager Howard said it was our two women officers that left. Council Member Carpenter praised Town Manager Howard for the good job he does.

Council Comments

Council Member Bivens asked for curb and sidewalks for the residents on north side of town. Mayor Deese said we needed to consider this.

Council Member Carpenter went to the CRTPO meeting the previous Monday night.

Council Member Huntley said the clean-up day was this coming Saturday at 8am.

Council Member Staton said the grass was growing up from the mulch near the swings. Weeds are growing up near the fence of the tennis court and around the trees.

Motion to Enter Into Closed Session per NCGS 143-318.11 (a) (3) at Marshville Town Hall Meeting Room ...

To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged. . .The public body may consider and give instruction to an attorney concerning the handling or settlement of a claim, judicial action, mediation, arbitration, or administrative procedure . . .

Motion was made to go into closed session by Council Member Staton and second by Gary Huntley. All said yes.

Motion to move out of closed session given by Council Member Morgan and seconded by Council Member Carpenter. All agreed unanimously.

Motion was made to adjourn the meeting by Council Member Staton and second by Council Member Carpenter. All agreed unanimously.

Voted and approved as written the ____ day of _____, 2018.

Mayor Franklin Deese

Attest – Town Clerk