



Town of Marshville
Town Council Meeting
 Monday, September 11, 2017, 7:00 PM
 Marshville Town Hall

Regular Meeting Minutes

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

Staff: Scott Howard, Interim Town Manager; Tonya Johnson, Town Clerk/Finance Officer; Matt Tarlton, Police Chief; Emily Huneycutt, Parks & Recreation Director. Town Attorney Bobby Griffin was absent due to illness.

Call to Order/Invocation/Pledge of Allegiance

The meeting was called to order at 7:00 pm by Mayor Deese who welcomed everyone. The invocation was given by Council Member Staton. The Pledge of Allegiance was given by everyone.

Adoption of Agenda for the Meeting

A motion was made by Council Member Carpenter to add a closed session per NCGS 143-318.11 (a) (3) to consult with the attorney. The motion was seconded by Mayor Pro-Tem Morgan and passed by unanimous vote.

A motion was made by Mayor Pro-Tem Morgan to add a closed session per NCGS 143-318.11 (a) (6) to discuss personnel matters. The motion was seconded by Council Member Staton and passed by unanimous vote.

A motion was made by Council Member Bivens to add a discussion regarding the unauthorized use (theft) of water. The motion was seconded by Council Member Rowell and passed by unanimous vote.

A motion to adopt the agenda with the approved additions was made by Council Member Rowell. The motion was seconded by Council Member Staton and passed by unanimous vote.

Public Comment

Marlene Griffin – 317 N. Elm Street, Marshville, NC

Ms. Griffin stated that she sees no improvement in the town's garbage collection service and there is no apparent rhyme or reason to their schedule. Ms. Griffin stated that she has a problem paying for a stolen container, as proposed in the revised garbage ordinance. Ms. Griffin commented that once per month for leaf collection is not sufficient.

Toni Austin – 907 Hasty Road, Marshville, NC

Ms. Austin displayed a product that she bought at Wal Mart to aid with the issue of leaves. She stated that the item costs approximately \$14 - \$15.

Marty Stancil – 6820 Austin Grove Church Rd., Marshville, NC

Mr. Stancil stated that solar farms should not be allowed in residential areas. He stated that solar farms pose safety issues.

Tracy Stancil – 6820 Austin Grove Church Rd., Marshville, NC

Mrs. Stancil concurred with the comments made by her husband, Marty Stancil.

Barbara Simpson – 6911 Austin Grove Church Rd., Marshville, NC

Ms. Simpson encouraged the town council not to approve the proposed text amendment on October 2, 2017.

Fern Shubert – 505 S. Elm Street, Marshville, NC

Ms. Shubert stated that the town has storm water issues. Ms. Shubert referenced a document regarding negligence claims by property homeowners against municipalities. She stressed that the storm water issue has to be fixed and that the town is capable of fixing the problem. Mayor Deese told Ms. Shubert that there have been discussions about replacing some pipe. He stated that an engineer may have to be involved.

Consent Agenda

A motion to approve the consent agenda and the items thereon was made by Council Member Rowell. The motion was seconded by Mayor Pro-Tem Morgan and passed by unanimous vote.

Call for Public Hearing for Text Amendment TA 2017-03 ESA Marshville NC, LLC – Add Electric Energy Production (solar) to the Table of Use Chart

A motion to call for a public hearing on the above referenced text amendment to be held at the October 2, 2017 Town Council Meeting was made by Council Member Rowell. The motion was seconded by Mayor Pro-Tem Morgan and passed by unanimous vote.

Call for a Public Hearing for Text Amendment TA 2017-04 Planning Board and Board of Adjustment Membership Changes

A motion was made by Council Member Carpenter to call for a public hearing on the above referenced text amendment to be held at the October 2, 2017 Town Council Meeting. The motion was seconded by Council Member Rowell and passed by unanimous vote.

Request for Providing Water and Sewer Service to Person Outside Town Limits

Scott Howard, Interim Town Manager, reported that an individual who owns land contiguous to the town limits has requested to have water and sewer services extended to his property. The manager stated that this is typically done through voluntary annexation. Mayor Deese stated that Union County recently created a district. He questioned whether the town can offer these services. Mayor Deese suggested that this discussion be tabled in order to gather more information. Discussion ensued. It was the consensus of the council to table this discussion until such time that more information is available.

Discussion/Action on Ordinance Regarding Solid Waste Carts

Scott Howard, Interim Town Manager, presented an ordinance amendment to allow for the new town-owned solid waste carts. The manager stated that the proposed ordinance amendment has been reviewed by Attorney Griffin. Council Member Rowell questioned the section of the proposed ordinance that states that a customer should pay for a stolen cart. He doesn't think that the customer should be held responsible if their cart is stolen. Discussion ensued regarding the ownership of the carts and how to handle situations when carts are reported stolen. Mayor

Deese explained that the new carts are going to be inventoried to obtain serial numbers that can be matched to specific locations/residences. Council Member Rowell stated that a resident can't help if their cart gets stolen. More discussion ensued regarding who should be responsible for paying for stolen carts. Council Member Carpenter agreed that it seems difficult to charge a customer for a stolen cart because they can't help if their cart gets stolen. Council Member Bivens read aloud the list of charges that shows up on the monthly utility bill. Mayor Deese stated that the garbage base covers personnel and equipment for sanitation services. Mayor Deese asked the council how they want to address stolen carts. Council Member Staton commented that there should be no charge for the first report of a stolen cart by a customer. If the same customer reports a stolen cart for a second time, then the customer should pay. It was the consensus of the council to direct the manager to amend the sections of the proposed ordinance regarding stolen carts and to bring the revised ordinance back to the October 2, 2017 council meeting for action.

Discussion/Action on Grace Period for Loose Leaf Collection

Mayor Deese stated that the contractor provides leaf collection service as part of the contract. The citizens are paying for leaf collection in the garbage rate. Discussion ensued. Council Member Rowell stated that an employee earns \$10/hour no matter what job function the employee is performing. He emphasized that the town has always provided leaf pickup and the town should continue to provide leaf pickup. Council Member Rowell referenced a cost breakdown handout provided by the manager and stated that the figures are FEMA figures paid to contractors. He stated that the numbers are outrageous. Council Member Rowell commented that the town purchased a leaf machine approximately two years ago and it is not being utilized. Mayor Deese pointed out that since the contractor provides leaf collection service, staff could be doing other jobs. Council Member Bivens stated that the town needs to utilize the leaf machine. She stated that it is burdensome to bag leaves. Council Member Carpenter commented that people are upset about this and that the town should continue to provide leaf pickup. Council Member Staton asked if the contract could be amended to remove leaf collection services. She stated that if the town uses public works staff to collect leaves then we shouldn't pay the contractor for the same service. Mayor Deese reported that the prior contractor also provided leaf collection. Mayor Deese stated that he doesn't know if leaf collection can be negotiated separately.

A motion was made by Council Member Carpenter that town staff continue to provide leaf pickup. The motion was seconded by Council Member Rowell. The motion carried with a 4 to 1 vote (Council Member Staton opposed).

Discussion/Action on Lack of Applicants for Director of Public Works Position

Scott Howard, Interim Town Manager, informed the council that there have been very few qualified applicants. The position requires certain certifications. The manager reported that the feedback from several applicants is that the pay range is too low. Discussion ensued regarding the salary range for a similar position in similar towns. Council Member Rowell asked what figure the applicants are looking for. Mayor Deese asked what the salary is for Wingate's Public Works Director. Chief Tarlton stated that Wingate's assistant director of public works makes \$60,000 and the director makes more than that. Council Member Rowell stated that we need to get someone certified. Council Member Carpenter asked about utilizing a contracted service provider. Discussion ensued. The manager stated that he is talking with a company that provides this type of service. Mayor Deese suggested offering a probationary salary with an increase in six months. Discussion ensued concerning how much of an increase the budget can handle. Council Member Rowell suggested that range be \$55,000 - \$65,000 based upon

experience/qualifications. He also suggested that the salary range be put in the job advertisement and that the position be re-advertised. This was the consensus of the council.

Town Manager's Report

The manager introduced the new Parks & Recreation Director, Emily Huneycutt. The manger reported that the agenda packet included a manager's report.

Department Head Reports

Emily provided some information about herself to the council.

Tonya Johnson, Town Clerk/Finance Officer, reported that the auditors completed their on-site work for the FY2016-17 audit.

Matt Tarlton, Police Chief, reported that Tip-A-Cop will be Friday, October 13, 2017 from 11:00 until 2:00 pm at the Wagon Wheel. The officers will serve as waiters/waitresses to raise money for the Levine Children's Hospital.

Mayor and Town Council Comments

Council Member Staton reported that trash is still an issue at the park.

Council Member Rowell stated that the Boll Weevil is this Friday and Saturday. The festivities will include a gazebo dedication and dedication of the new Randy Travis signs. Council Member Rowell reported that Randy Travis will be in town for the event.

Council Member Carpenter welcomed Emily.

Discussion/Action Regarding Unauthorized Use of Water

Council Member Bivens reported that she caught a water tank truck filling up from a hydrant in front of her house. She stated that the truck was stealing water. Council Member Bivens reported that she called town hall and a police officer came out. Discussion ensued regarding ways to lock hydrants and how to prevent unauthorized use of water.

Closed Session

Council Member Rowell made a motion to go into closed session per NCGS 143-318.11 (a) (3) 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...; and 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 or employee. The motion was seconded by Mayor Pro-Tem Morgan and passed by unanimous vote. The manager and the clerk were invited to remain in the closed session.

Action Resulting from Closed Session

A motion was made by Council Member Rowell to extend the interim manager's contract from September 23, 2017 until September 25, 2017. The motion was seconded by Council Member Bivens and passed by unanimous vote.

A motion was made by Mayor Pro-Tem Morgan to call for a special meeting on Monday, September 25, 2017 at 7:00 pm at the Marshville Town Hall for closed sessions per NCGS 143-

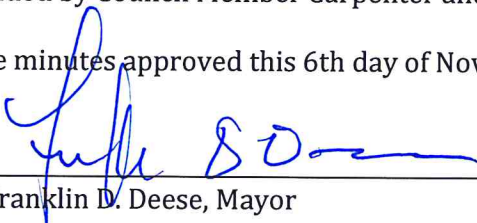
318.11 (a) (3) to consult with an employed or retained attorney, and per NCGS 143-318.11 (a) (6) for personnel matters. The motion was seconded by Council Member Rowell and passed unanimously. The clerk was directed to advertise the special meeting.

Adjournment

At 8:55 pm, Council Member Rowell made a motion to adjourn the meeting. The motion was seconded by Council Member Carpenter and passed unanimously.

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

By: _____


Franklin D. Deese, Mayor

ATTEST: _____


Tonya D. Johnson, Town Clerk

Town of Marshville

Public Comments Sign-Up Sheet

Regular Meeting Date: 09-11-2017

Please **print** your name, topic of discussion, and contact information for the record.

PRINT NAME	ADDRESS	TOPIC OF DISCUSSION	PHONE #	EMAIL ADDRESS
1 Marlene Griffin	317N Elm St Marshville, NC PO Box 2245 Monroe, NC	garbage leaf collection	704-219-9470	marlene654123@gmail.com
2 10N. Flushin	907A Flushin	leaf pick up	104 624-2526	tesha3@hotmail.com
3 Marty Stancill	6820 Austin Grove Church Rd. Marshville NC	Solar Farms	704-624-3724	
4 May Stancill	11 11 11	Solar Farms	11	
5 Barbara Simpson	6911 Austin Grove Ch. Rd. Marshville, N.C.	Solar Farms	704-282-9650	barbara.simpson72@gmail.com
6 Ken Stancill		Storm water		
7				
8				
9				
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15				

TOWN OF MARSHVILLE
TAX RELEASES

The following is a release for taxation of 2005 taxes per General Statute-105-378.
Limitation on use of remedies. "(a) Use of Remedies Barred. – No county or municipality may maintain an action or procedure to enforce any remedy provided by law for the collection of taxes or the enforcement of any tax liens (whether the taxes or tax liens are evidenced by the original tax receipts, tax sales certificates, or otherwise) unless the action of procedure is instituted within 10 years from the date the taxes become due.

Taxes older than 10 years are as follows:

2005

Allen, John W. Heirs & Rosa Lee	186.09
Armfield Landys L. & S. McBride Heirs	18.24
Covington, Castro Heirs	57.76
Harrill, Willie	18.24
Hyatt Surveying	323.11
J & R Lawn Care, Inc.	72.11
Killough, William E	1.14
King, Isiah	12.16
Marsh, Ricky	113.51
Maske, Iller Mae	60.80
Maske, Vernon J. & wife Sondra	61.56
R.A. Thomas Gas Company	76.53
Rushing, Charlie & Kathleen Sarah	136.27
Sturdivant, Elizabeth	15.20
Sturdivant, Elizabeth	18.24
Sturdivant, Lucy Heirs & Elizabeth	156.60
Taylor, Ricky Marsh	81.97
Taylor, Ricky Marsh	60.80
Torrance, D. K. & etals c/o Lola Good	22.80
Wardell, Josephine	18.24
Wardell, V. Heirs c/o Josephine Wardell	18.24
Watson, Betsy Simpson	63.40

2005 RELEASES	\$ 1,593.01
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For presentation at September 11, 2017 Town Council meeting.

Approved 9-11-2017
(23)

TAX CHARGE FOR FISCAL YEAR 2017-2018

TO: Stan C. Duncan, Tax Administrator for the County of Union

You are hereby authorized, empowered, and commanded to collect the taxes set forth in the 2017 tax records as filed in the Office of Tax Administrator, and in the tax receipts delivered to the Tax Administrator's Office in August 2017, in the amounts and from the taxpayers likewise therein set forth. Such taxes are hereby declared to be first lien on all real property of the respective taxpayers in the Town of Marshville. You are further authorized, empowered, and commanded to collect the 2017 taxes charged and assessed as provided for by law for adjustments, changes, and additions to the tax records and tax receipts delivered to you which are made in accordance with law.

This Order shall be a full and sufficient authority to direct, require, and enable you to levy on and sell any real or personal property and attach wages and/or other funds of such taxpayers, for and on account thereof, in accordance with the law.

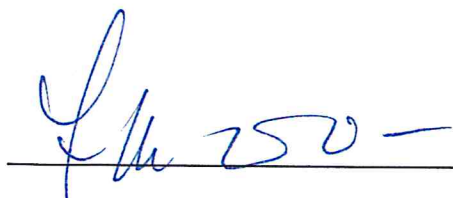
The Tax Charge will be adjusted monthly according to releases, discoveries, and motor vehicle billings.

Tax Charge

General Tax	\$817,768.76
Late List Penalties	\$470.74
Total Tax	\$818,239.50

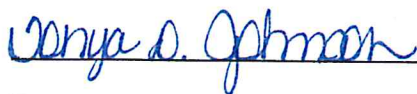
SIGNATURE PAGE

Witness my hand and official seal this 11th day of September, 2017



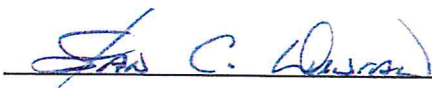
Mayor of Marshville

Attest:

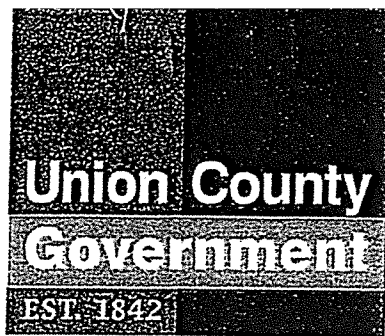


Town Clerk

Accepted:



Stan C. Duncan, Union County Tax Administrator



Revenue Division
500 N. Main St.
Suite 119
Monroe, NC 28112

2927d

T. 704.283.3848

www.unioncountync.gov

PRELIMINARY REPORT FOR FISCAL YEAR 2016-2017

TO: Town of Marshville Council Members
The Honorable Franklin D. Deese, Mayor

FROM: Stan C. Duncan, Interim Tax Administrator
Vann Harrell, Division Director, Revenue

RE: Annual Tax Settlement

DATE: August 2, 2017

In compliance with N.C.G.S. 105-373(a)(3), attached hereto is a report entitled "Settlement for Current Real Estate and Personal Property Taxes for Fiscal Year 2016-2017" dated August 2, 2017, setting forth my full settlement for all real and personal property taxes in my hands for collection for the fiscal year 2016-2017.

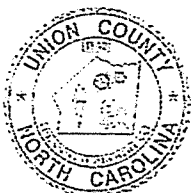
In compliance with N.C.G.S. 105-373(a)(4)(b), attached hereto is a report entitled "Fiscal Year 2016-2017 Settlement for Delinquent Real and Personal Property Taxes for Tax Year 2013 - 2015" dated August 2, 2017, setting forth my full settlement for all delinquent real and personal property taxes collected during the fiscal year 2016-2017.

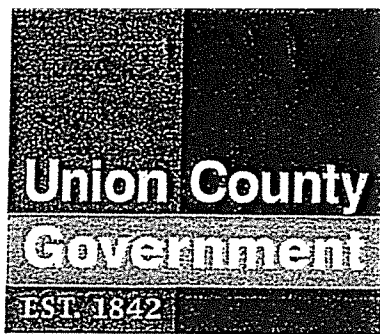
Be advised that all delinquent accounts from current and prior years will remain in the hands of the Collector for further collection activities pursuant to the North Carolina General Statutes.

Further, I hereby certify that I have made diligent efforts on behalf of the Town of Marshville to collect the taxes owed by the delinquent taxpayers in such a manner that is reasonably necessary as prescribed and allowed by law.

Respectfully Submitted,

Stan C. Duncan, Interim Tax Administrator





Revenue Division
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2927d1

**SETTLEMENT FOR CURRENT REAL AND PERSONAL PROPERTY TAXES FOR
FISCAL YEAR 2016-2017**

TO: Town of Marshville Council Members
The Honorable Franklin D. Deese, Mayor

FROM: Stan C. Duncan, Interim Tax Administrator
Vann Harrell, Division Director, Revenue

DATE: August 2, 2017

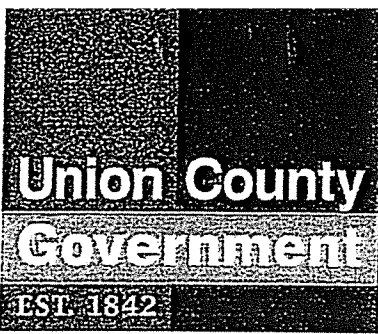
CHARGES TO TAX COLLECTOR

1. Total amount of all taxes & late list penalties placed in the Tax Collector's hands for collection for the year:	\$ 805,025.66
2. All interest, costs, and fees collected by the Tax Collector	\$ 2,685.91
TOTAL:	\$ 807,711.57

CREDITS TO TAX COLLECTOR

1. All sums deposited by the Tax Collector to the credit of the taxing unit or receipted for by the proper official:	\$ 782,503.49
2. Releases allowed by the governing body:	\$ 6,286.00
3. The principal amount of outstanding real and personal property taxes:	\$ 18,922.08
TOTAL:	\$ 807,711.57





Revenue Division
500 N. Main St.
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Monroe, NC 28112

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2927d2

SETTLEMENT FOR DELINQUENT REAL AND PERSONAL PROPERTY TAXES FOR FISCAL YEAR 2016-2017

TO: Town of Marshville Council Members
The Honorable Franklin D. Deese, Mayor

FROM: Stan C. Duncan, Interim Tax Administrator
Vann Harrell, Division Director, Revenue

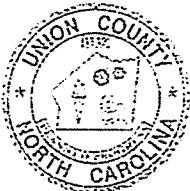
DATE: August 2, 2017

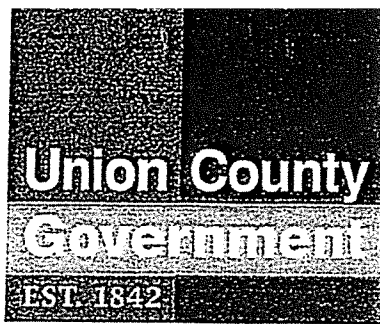
CHARGES TO TAX COLLECTOR

1. Total amount of all taxes & late list penalties placed In the Tax Collector's hands for collection for the year:	\$	31,932.67
2. All interest, costs, and fees collected by the Tax Collector	\$	1,414.59
TOTAL:	\$	33,347.26

CREDITS TO TAX COLLECTOR

1. All sums deposited by the Tax Collector to the credit of the taxing unit or receipted for by the proper official:	\$	13,693.89
2. Releases allowed by the governing body:	\$	502.85
3. The principal amount of outstanding real and personal property taxes:	\$	19,150.52
TOTAL:	\$	33,347.26





Revenue Division
500 N. Main St.
Suite 119
Monroe, NC 28112

2927d3

T. 704.283.3848

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**FY 16-17 Breakdown of Settlement for Delinquent Real and Personal Property Taxes for
Tax Year 2013 – 2015**

Charges to the Collector					
	Beginning Balance	Levy Added	Supplementals	Total Balance	
2015	\$ 16,200.31	\$ -	\$ -	\$	16,200.31
2014	\$ 8,751.35	\$ -	\$ -	\$	8,751.35
2013	\$ 6,981.01	\$ -	\$ -	\$	6,981.01
	\$ -	\$ -	\$ -	\$	-
	\$ -	\$ -	\$ -	\$	-
	\$ -	\$ -	\$ -	\$	-
	\$ -	\$ -	\$ -	\$	-
	\$ -	\$ -	\$ -	\$	-
	\$ -	\$ -	\$ -	\$	-
	\$ -	\$ -	\$ -	\$	-
Totals	\$ 31,932.67	\$ -	\$ -	\$	31,932.67

Credits to the Collector						
	Sums Deposited	Releases	Writeoffs	Balance of credits to Collector	Principal amount outstanding	
2015	\$ 7,791.02	\$ 105.60	\$ -	\$ 7,896.62	\$	8,303.69
2014	\$ 2,036.48	\$ 209.33	\$ -	\$ 2,245.81	\$	6,505.54
2013	\$ 2,451.80	\$ 187.92	\$ -	\$ 2,639.72	\$	4,341.29
	\$ -	\$ -	\$ -	\$ -	\$	-
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	\$ -	\$ -	\$ -	\$ -	\$	-
	\$ -	\$ -	\$ -	\$ -	\$	-
	\$ -	\$ -	\$ -	\$ -	\$	-
Totals	\$ 12,279.30	\$ 502.85	\$ -	\$ 12,782.15	\$	19,150.52



**TOWN OF MARSHVILLE PROCLAMATION
RECOGNIZING SEPTEMBER 17 – 23, 2017
AS CONSTITUTION WEEK**

WHEREAS: The Constitution of the United States of America, the guardian of our liberties, embodies the principles of limited government in a Republic dedicated to rule by law; and

WHEREAS: September 17, 2017, marks the two hundred thirtieth anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS: It is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary, and to the patriotic celebrations which will commemorate it; and

WHEREAS: Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week,

NOW, THEREFORE I, Franklin D. Deese, by virtue of the authority vested in me as Mayor of the Town of Marshville, Marshville, North Carolina do hereby proclaim the week of September 17th through 23rd as

CONSTITUTION WEEK

and ask our citizens to reaffirm the ideals the Framers of the Constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the Town of Marshville to be affixed this 11th day of September of the year of our Lord two thousand seventeen.

Signed: _____

Franklin D. Deese, Mayor

Attest: _____

Tonya D. Johnson, Town Clerk



Proclamation

WHEREAS, suicide is the 10th leading cause of death in the United States and the 2nd leading cause of death among individuals between the ages of 10 to 34; and

WHEREAS, in the United States, one person completes suicide every 12.3 minutes, resulting in more than 44,000 suicides each year (Centers for Disease Control; 2015 data); and

WHEREAS, suicide is the only leading cause of death in the United States that has increased every year for the past decade; and

WHEREAS, it is estimated that there are over 1.1 million suicide attempts each year; and

WHEREAS, in 2015, North Carolina experienced 1,406 deaths by suicide; and

WHEREAS, over 90% of the people who die by suicide have a diagnosable and treatable mental health condition, although often that condition is not recognized or treated; and

WHEREAS, suicide results in an estimated \$51 billion in combined medical and work loss costs nationally (Centers for Disease Control; 2015 data); and

WHEREAS, suicide results in an estimated \$1.39 million in combined medical and work loss costs in North Carolina annually (Centers for Disease Control; 2015 data); and

WHEREAS, the stigma associated with mental health conditions and suicidality works against suicide prevention by discouraging persons at risk for suicide from seeking life-saving help and further traumatizes survivors of suicide loss and people with lived experience of suicide; and

WHEREAS, organizations such as The American Foundation for Suicide Prevention envision a world without suicide, and are dedicated to saving lives and bringing hope to those affected by suicide, through research, education, advocacy and resources:


NOW, THEREFORE, I, Franklin D. Deese, do hereby proclaim September 10-16, 2017, as

“NATIONAL SUICIDE PREVENTION WEEK”

In Marshville, NC, and commend its observance to all citizens.

WITNESS MY HAND and the official Seal





Mayor

TOWN OF MARSHVILLE

est. 1877

TO: Town Council

FROM: Richard Smith, Planning Advisor

DATE: September 5, 2017

RE: Call for public hearing for TA 2017-03 Add Electric Energy Production (solar) to the Table of Use Chart

A. Action Requested

Call for the public hearing on this text amendment request to be held at the October 2, 2017 Town Council meeting.

B. Required Votes to Pass Requested Action

A majority vote is needed to approve (deny) the requested action.

C. Proposed Amendment

Basic Information

Applicant(s): Colin Tarrant, ESA Marshville NC, LLC (Franklin Howey, Jr.)

Applicable Sections: Table 8.1 Table of Uses, Section 2 – Manufacturing & Industry of the Marshville Development Ordinance

Mr. Colin Tarrant, on behalf of ESA Marshville NC, LLC and Franklin Howey, Jr. has requested the Town of Marshville to amend the Marshville Development Ordinance Table 8.1 Table of Uses, Section 2 – Manufacturing & Industry of the Marshville Development Ordinance to add “Electric Energy Production (solar)” as a new category in the ordinance subject to issuance of a conditional use permit (CUP) in the Agriculture (AG), Single Family Residential 1, 2 & 3 (SFR-1, SFR-2, & SFR-3), and Industrial (IND) zoning districts.

Staff Recommendation

Staff recommended review of the proposed text amendment. Staff did not, however, recommend amending the ordinance as requested by the applicant.

Planning Board Recommendation

The Planning Board reviewed this request at the May 10, 2017 meeting and made the following recommendation:

- **Recommend Denial:** The Planning Board found that the amendment is not consistent with the Town of Marshville Land Use Plan and does not consider the action to be reasonable and in the public interest.

Town Council Action

The Town Council held the public hearing and reviewed this request at their July 10, 2017 meeting. Following the public hearing and discussion on the matter, ***Town Council referred this proposed text amendment back to the Planning Board for further consideration.*** Direction given by Council was for the Planning Board to consider adding conditional zoning to the ordinance. Further, Town Council asked the Planning Board to consider the zoning districts where this use might be permitted conditionally. Town Council expressed concerns about permitting this use in the residential districts, but indicated the use might be appropriate in the Agriculture (AG) and Industrial districts as a conditional use, either through conditional zoning or the issuance of a conditional use permit.

Proposed Text Amendments after Town Council discussion

Amend the Marshville Development Ordinance to add Conditional District zoning. Amend Table 8.1 Table of Uses, Section 2 – Manufacturing & Industry of the Marshville Development Ordinance to add “Electric Energy Production (solar)” as a conditional use in the Agriculture (AG) and Industrial (IND) zoning districts. This use would be permitted with the issuance of a Conditional Use Permit by the Town Council or as part of an AG or IND Conditional Zoning district.

These proposed amendments are highlighted in the attachments.

Planning Board’s Subsequent Recommendation

As per the Town Council’s direction, the Planning Board reviewed this request further at their August 14, 2017 meeting and made the following recommendation:

- **Recommend Denial:** The Planning Board found that the amendment is not consistent with the Town of Marshville Land Use Plan and does not consider the action to be reasonable and in the public interest. The Planning Board recommended no amendment to the ordinance related to this particular use. Further, the Planning Board decided to consider the Conditional Zoning District text amendment at a later date separately from the solar farm text amendment request.

D. Policy Issues

Article 5, Section 5.1, 5.2 and 5.3-4(C)3(d) of the Town’s zoning provisions states the following policy guidelines:

The Marshville Town Council may amend, supplement, modify, or repeal any provision of this ordinance or amend the zoning maps according to the procedure established by G.S.160A-384. Such amendments

shall be evaluated for compliance with the Town's Land Use Plan, Comprehensive Master Plan and other applicable adopted plans, and may require a land use plan and/or comprehensive master plan amendment to ensure compatibility between the plan(s) and the amendment. Amendments and modifications shall be acted upon by the Town Council, after recommendation from the Planning Board.

Proposed changes or amendments to the text of this chapter may be initiated by the Marshville Town Council, the Marshville Planning Board, the Board of Adjustment, the Planning, Zoning and Subdivision Administrator, any owner of a legal or equitable interest in land located in the Town or its extraterritorial jurisdiction, or any resident of the Town or its extraterritorial jurisdiction.

Upon reviewing all pertinent information, the Marshville Town Council may:

- (a.) Adopt the proposed amendment;
- (b.) Reject the proposed amendment;
- (c.) Continue the consideration of the request to their next regularly scheduled meeting or other agreed upon time;
- (d.) Refer the proposed amendment back to the Marshville Planning Board for further consideration or hearing; or**
- (e.) Modify the proposed amendment.

Comprehensive Plan Consistency

According to the Marshville Development Ordinance, Article 5.3-3(G) Content of recommendation and statement of consistency, any recommendation made by the Marshville Planning Board to the Marshville Town Council pursuant to this section shall be in writing and shall include a statement describing whether the proposed amendment is consistent with the comprehensive plan that has been adopted by the Town and any other officially adopted plan that is applicable, and shall address any other matter deemed appropriate by the Planning Board. A comment by the Planning Board that a proposed amendment is inconsistent with the Town's Land Use Plan, Comprehensive Master Plan and other adopted plans for the area affected shall not preclude consideration of approval of the proposed amendment by the Town Council. (G.S. 160A-383)

"AG District Intent- The Agriculture District is established to protect lands used for agricultural production, agricultural based businesses and related activities. Farm land is a defining element of Marshville's identity and the protection of these lands aids in preserving the character of the Town. Permitted uses are limited, with an emphasis on uses that are agricultural in nature. Development density is very low to encourage preservation of agricultural lands while discouraging large lot residential development. The Agriculture District can also be used to protect open spaces.

IND District Intent- The Industrial District is established to provide locations for industrial uses that, due to the scale of the buildings and/or the nature of the use, cannot be integrated into the community. Uses within the Industrial District are buffered from adjacent uses. The dominant uses in this district are manufacturing and warehouse storage. Small scale manufacturing and storage that is compatible with less intensive uses can and should be located in other non-residential or mixed use districts. The

Industrial District is reserved for uses which require very large buildings and/or large parking and loading facilities. Allowed building and lot types are Highway Commercial and Civic Building.

Medium density residential uses are encouraged within the remaining residential areas served by Town water and sewer. Recognition of the need for secondary living units in specific circumstances to aid in housing extended families during the coming decades of population shifts with increases in the senior (baby boomer) population. Town Plan 2035 encourages future residential development to be efficient use of buildable land, avoiding environmentally sensitive areas, to increase the return on the investment in the infrastructure serving the Town.

Industrial development is limited to the Industrial Park and shall be permitted elsewhere within employment centers shown on the Town Plan 2035 - Land Use Plan. Town Plan 2035 encourages future manufacturing and employment opportunities to ensure that future generation have opportunities for local employment and tax base diversification. The plan does not call for, but only identifies, areas less suited for neighborhoods and better suited for employment so that residential development in those parts of the Marshville community do not forever lose the opportunity to meet a future need when that time comes."

The Board must determine if solar farms fit the intent of the AG and/or IND districts and the Medium density and/or Industrial development land use designations. Some of the areas with these designations may be appropriate for this use. Allowing it as a Conditional Use will allow the Town to evaluate the appropriateness of the proposed solar farm locations on a case-by-case basis either through the issuance of a Conditional Use Permit through the quasi-judicial hearing process or as a Conditional Zoning district approved legislatively by the Town Council.

E. Recommendation and Alternative Courses of Action

After calling for and holding a public hearing and reviewing the proposed text amendment, the Town Council is requested to take action using one of the following motions:

- **Recommend Approval:** The Town Council finds that the proposed text amendment is consistent with the Town of Marshville Comprehensive Plan and considers the action to be reasonable and in the public interest. –or- The Town Council finds that the proposed text amendment is not consistent with the Town of Marshville Comprehensive Plan, but considers the action to be reasonable and in the public interest.
- **Recommend Approval with changes:** The Town Council finds that the amendment is not fully consistent with the Town of Marshville Comprehensive Plan, but the changes agreed upon will make it fully consistent and considers the action to be reasonable and in the public interest.
- **Recommend Denial:** The Town Council finds that the amendment is not consistent with the Town of Marshville Comprehensive Plan and does not consider the action to be reasonable and in the public interest.
- **Defer:** The amendment needs additional consideration.

MARSHVILLE PLANNING BOARD

June 8, 2017 Minutes

2927g4

Planning Board By-laws discussion and recommendations

Current By-laws have the Board at 9 members but Chairwoman Drake asked opinions of the members. Vice Chair Traywick asked if the membership was lowered to 7 would Quorum stay at 5 to which Richard Smith said if it was lowered to 7 then the Quorum would change to 4. Susan Drake pointed out if it was changed to 7 and later they found as the Town grows they needed more members, they could vote to increase membership. Time of meeting was then talked about. After further deliberation, it was recommended for the motion to be to go from 9 members to 7, meetings would be the 2nd Monday of the month at 7:00 pm, and that they would like April instead of January as election of officers. Frances Griffin made the motion, Fred Burton seconded, and it was voted unanimously.

The recommendations for Board of Adjustment were that election of officers would be in April or the 1st meeting thereafter, Fred Burton be appointed as a permanent member, Frances Griffin and Sue Helms to be appointed as alternates, and the meetings would be the 2nd Monday of the month at 7:00 pm. Rusty Johnson made the motion, Vice Chair Mark Traywick seconded, and it was voted unanimously and it will be forwarded to Town Council for consideration.

Public Comments

Toni Austin at 907 Hasty Rd commented that there needed to be a Fire Ordinance in Town. The smoke is bad for the environment and people with health issues. She said that CVS no longer sales cigarettes. Also the states of Rhode Island and Hawaii have burning ordinances in addition to Monroe, Waxhaw, and Indian Trail she believed. Richard Smith said that the towns he works with that have burn ordinances typically have full time fire personnel or someone to enforce those rules. Part of the issue would be who would enforce the ordinance. Chairman Drake suggested she and Richard would meet and look and see if there is anything they can do and will also check with the County.

There were no more questions or comments so Chairman Drake asked for a motion to adjourn. Rusty Johnson made the motion, Vice Chair Mark Traywick seconded, and it was voted unanimously.

TITLE V: PUBLIC WORKS

Chapter

- 50. GARBAGE AND REFUSE COLLECTION**
- 51. WATER AND SEWERS**
- 52. EMERGENCY DROUGHT RESPONSE**

CHAPTER 50: GARBAGE AND REFUSE COLLECTION

Section

Garbage and Refuse

- 50.01 Definition
- 50.02 Garbage required to be promptly removed
- 50.03 Garbage required to be in containers
- 50.04 Wet garbage
- 50.05 Deposit of garbage in public places and on private property
- 50.06 Transportation of garbage and slops by private persons
- 50.07 Hour for placing cans
- 50.08 Removal of dead animals
- 50.09 Garbage collection rates
- 50.10 *Solid Waste Carts*
- 50.11 *Review Process*

GARBAGE AND REFUSE

' 50.01 DEFINITION.

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

GARBAGE. Includes all refuse, animal, fruit and other vegetable matter, all tin cans, glassware and crockery in which any matter has been put up or stored and all rags, waste paper, floor sweepings and other combustible refuse, except building material, scraps and tree trimmings.
(Prior Code, Ch. G, Art. II, ' 1)

' 50.02 GARBAGE REQUIRED TO BE PROMPTLY REMOVED.

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

Garbage and Refuse Collection

' 50.03 GARBAGE REQUIRED TO BE IN CONTAINERS.

(A) At each place where garbage is to be gathered and a charge is made by the town, the customer shall place the garbage in an approved container with a lid. ~~For residential customers, the container shall be 96 gallons in capacity and all trash must be in bags. For commercial customers, the container shall be no larger than 96 gallons in capacity and shall have a maximum weight of 60 pounds.~~ The container shall be placed so as to be handled without workers of the town or its contractor entering the building/dwelling of a customer. It shall be understood by the town workers or its contractor that when any other than an approved container is used, it is intended by the customer that it (the container) too is to be removed. ~~in no way is to exceed the aforementioned maximum capacity or weight.~~

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

(Prior Code, Ch. G, Art. II, ' 3)

' 50.04 WET GARBAGE.

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

(Prior Code, Ch. G, Art. II, ' 4)

' 50.05 DEPOSIT OF GARBAGE IN PUBLIC PLACES AND ON PRIVATE PROPERTY.

***REMOVE**

~~No person or persons shall collect, handle, haul or transport on any of the streets, alleys, public ways or places of the town, any garbage without first having procured a permit therefore.~~

~~(Prior Code, Ch. G, Art. II, ' 5) Penalty, see ' 10.99~~

' 50.06 TRANSPORTATION OF GARBAGE AND SLOPS BY PRIVATE PERSONS.

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

(Prior Code, Ch. G, Art. II, ' 6) Penalty, see ' 10.99

' 50.07 HOUR FOR PLACING CANS.

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

Garbage and Refuse Collection

scheduled for removal and removed from the edge of the street the same day by 7:00 p.m.
(Prior Code, Ch. G, Art. II, ' 7)

' 50.08 REMOVAL OF DEAD ANIMALS.

Dead animals found on town owned public streets and property will be removed by the town.
(Prior Code, Ch. G, Art. II, ' 8)

' 50.09 GARBAGE COLLECTION RATES.

Every resident and business in the corporate limits of the town that elects garbage pickup shall pay a garbage disposal fee, shall pay a garbage fee, with the fee being posted upon a schedule to be kept by the town. The charge of the fee shall be entered on the monthly water and/or sewer bill utility bill of each resident and business customer and if any resident or business customer shall refuse to pay his, her or its garbage disposal fee utility bill, his, her or its water and/or sewer the service shall be discontinued until the fee shall have has been paid.
(Prior Code, Ch. G, Art. II, ' 9)

50.10 SOLID WASTE CARTS

- (A) The town will only collect solid waste from rollout containers originally furnished by the town
- (B) Rollout containers are the property of the Town. The responsibility of replacing or repairing a rollout container is as follows:
 1. The Town will replace or repair carts that are damaged by; normal wear and tear, if the damage is covered by the manufacturer's warranty, or where the container is damaged by Town Personnel or its contractor through no fault of customer. The customer is responsible for paying for any repairs or replacement cost not covered under the manufacturer's warranty if the originally assigned container is damaged beyond normal wear and tear, or is stolen, or missing.
 2. If a customer disputes a finding by Town Staff, the customer may submit a written dispute within 5 business days to the Town's Public Works Director. The Public Works Director shall make the final and binding decision on any and all disputes including, but not limited to, issues of what constitutes normal wear and tear, whether to repair or replace a container, whether damage was caused by the negligence of Town Personnel, or Town's assignees, or any other issues.
 3. Customer is responsible for notifying the Town when customer is moving or terminating account and making the rollout container available for pickup by Town personnel or its assignees. This pickup time will be at a mutually convenient time. If the container is stolen/missing or damaged when Town personnel or its contractor arrives for container pickup, customer is responsible for paying for replacement or repair cost if not covered under manufacturer's warranty.

Garbage and Refuse Collection

- (C) Cart fee is part of the utility bill and, as such, is subject to all collection methods as an unpaid utility bill. This includes, but is not limited to, discontinuance of utility services and entering the debt in the North Carolina Debt setoff program.

50.11 REVIEW PROCESS

- (A) 1. Any customer who contests notice of service termination an account balance or the amount of a bill shall be able to appeal a decision, based on the following order of sequence:
- a. Notice must be filed within five (5) days of notice.
 - b. First Review: To Customer Service Representative.
 - c. Second Review: To the Customer Service Supervisor (Town Clerk);
 - d. Final Review: A written request to the Town Manager, whose decision is final.
2. The Town Manager or his/her designee may establish payment arrangements or provide a waiver of penalties for cases of billing error resulting from improperly programmed computers, malfunctioning meters, where proper notice was not given, procedures were not followed by city employees, or any other similar errors not caused by the fault of the customer.

Town Manager's Report

- In process of working with subcontractor on water tower space renter changing some small equipment that would no noticeable visual impact, but may well lead to more rent revenue for Town
- Establishing relationship with Union County Chamber of Commerce- advertising on their site, leveraging their assets, etc.,
- Orienting New Employee
- Project Manager for the \$202,600 Grant
- Completed Various Public Works Reports
- Part of Group that Evaluated and Chose Highway 74 Corridor Study
- Collaborated with Attorney Griffin on several issues
- Dealt with Renters
- Submitted Yearly "Small Town Main Street Report"
- Dealing with entities requesting sewer and water services and other public works issues