



Town of Marshville
Town Council Meeting
 Monday, October 2, 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, Town Manager; Tonya Johnson, Town Clerk/Finance Officer; Matt Tarlton, Police Chief; Emily Huneycutt, Parks & Recreation Director; and Town Attorney Bobby Griffin

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 Carpenter. The Pledge of Allegiance was given by everyone.

Adoption of Agenda for the Meeting

A motion was made by Mayor Pro-Tem Morgan to add a closed session per NCGS 143-318.11 (a) (3) to consult with the attorney. The motion was seconded by Council Member Staton and passed by unanimous vote. This was added as agenda item #14.

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

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 open the public hearing was made by Council Member Bivens. The motion was seconded by Mayor Pro-Tem Morgan and passed unanimously.

Richard Smith, the town's Planning/Zoning/Subdivision Administrator, stated that this hearing is at the request of ESA Marshville NC, LLC, represented by Mr. Colin Tarrant. The Planning Board heard the request at its May 10th and August 14th meetings. The Town Council heard the request at its July 10th meeting. The recommendation of the Planning Board is to deny the request. Mayor Deese commented that nothing has changed since the last public hearing. There is no new information.

Mr. Tarrant requested to be heard before the public comment period. He stated that he has attempted to work with the Planning Board. Mr. Tarrant handed out a proposed revision to the text amendment application. Council Member Rowell stated that this proposal should go before the Planning Board and is not appropriate for this meeting. Mr. Tarrant responded that the Planning Board is not interested in hearing the proposed amendment. Attorney Griffin interjected that the council has the right to make amendments.

Mr. Tarrant explained the proposed amendment, stating that it creates a Conditional Use District for each existing zoning district. Mayor Deese asked Mr. Tarrant if he would still have to get the property rezoned to industrial. Mr. Tarrant explained that the proposed amendment would allow you to apply for rezoning and a conditional use permit at the same time. This would make the process simpler. Mr. Tarrant stated that he believes that solar deserves its own category. He emphasized that residential has been removed in this proposal.

Council Member Carpenter questioned why this information is just being received this evening, pointing out that there should have been time to review the information. Mr. Tarrant stated that the concerns of the public were heard and he tried to address those concerns. He explained that under the current ordinance there is only one category for energy production. He stated that solar doesn't fall under uses as the other energy production facilities and asked that solar be its own category. Mr. Tarrant commented that they are willing to remove solar from residential and only allow for solar in the agricultural and industrial districts. Mr. Tarrant stated that heavy industrial overlay would no longer be required for solar. Discussion ensued.

Marty Stancil, of 6820 Austin Grove Church Road, Marshville, thanked the council for listening. He stated that he represents the group of residents that is opposed to solar farms in any district in the Town of Marshville city limits and extra-territorial jurisdiction (ETJ)). Mr. Stancil pointed out the negative affect on long-term health, hindrance of the creation of a larger tax base, and no new job creation in the community. Mr. Stancil also brought up the issue of who is responsible for removing the equipment when a solar farm is decommissioned.

A motion to close the public hearing was made by Council Member Bivens. The motion was seconded by Mayor Pro-Tem Morgan and passed by unanimous vote.

Council Member Staton made a motion to accept the recommendation from the Planning Board to deny the requested text amendment ZTA 2017-03 because 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 motion was seconded by Council Member Rowell and passed by unanimous vote.

Mayor Deese commented to Richard Smith that maybe the Planning Board should discuss removing solar from the Land Use Plan altogether.

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

A motion was made by Council Member Bivens to open the public hearing on the above referenced text amendment. The motion was seconded by Council Member Staton and passed by unanimous vote.

Richard Smith, Planning/Zoning/Subdivision Administrator, commented that this is a continuation of proposed membership changes as previously presented. The text amendment would allow the following changes: current membership of the Planning Board and the Board of Adjustment would change from nine (9) members to seven (7) members, with (2) members residing in the ETJ; the regular monthly meeting day would change from the second Thursday of each month to the second Monday of each month; the election of officers would occur in April rather than January. The Board of Adjustment also recommends that the council appoint Fred Burton as a regular member to the Board of Adjustment and to appoint Sue Helms and Frances Griffin as alternates to this board.

There were no public comments. A motion to close the public hearing was made by Council Member Bivens. The motion was seconded by Council Member Staton and passed by unanimous vote.

Council Member Rowell made a motion to accept the recommendation of the Planning Board to approve ZTA 2017-04 Planning Board and Board of Adjustment Membership because the Planning Board found 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.

Public Comment

Chuck Rorie – 905 Forest Drive, Marshville, NC

Mr. Rorie stated that he represents Top Quality Builders, who wants to build on a lot on Forest Drive. Mr. Rorie stated that he was shocked at the price for the water and sewer fees which were approximately \$9,500. Mr. Rorie reported that the tax value on the property is only \$14,000.

Gail Kiker – 903 Hasty Road, Marshville, NC

Ms. Kiker stated that the town's fees are too high. She stated that a former manager acted unethically and raped citizens with these outrageous fees. Ms. Kiker stated that the residents were not provided information about the implementation of capacity fees. Ms. Kiker stated that no one can afford to build in Marshville.

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

Ms. Griffin asked why the town doesn't annex property, pointing out that it would increase the customer base. Mayor Deese explained to Ms. Griffin that municipalities can only entertain voluntary annexation. Based upon legislation, town's cannot force anyone to annex.

Consent Agenda

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

Discussion/Action Regarding Capacity Fees

Mayor Deese stated that the council is not in a position to discuss capacity fees this evening. He stated that there have been legislative changes concerning capacity fees and some requested information has not been received to date. A motion to table this discussion was made by Council Member Staton. The motion was seconded by Council Member Bivens and passed unanimously.

Discussion/Action Regarding Setting Date for Annual Christmas tree Lighting

A motion to accept staff's recommendation to set the Christmas Tree Lighting for Friday, December 1, 2017 at 6:30 pm was made by Council Member Rowell. The motion was seconded by Council Member Carpenter and passed unanimously.

Discussion/Action Regarding Revised Solid Waste Cart Ordinance and Appeal Process

The manager presented the revised ordinance as directed by the council at the previous month's meeting. He stated that the ordinance has been reviewed by Attorney Griffin. Attorney Griffin asked if this ordinance is replacing an existing ordinance. Mayor Deese replied that it is. Council Member Staton commented that the ordinance should have an item that deals with

penalties. Council Member Rowell pointed out that the ordinance refers to Section 10.99 to see the penalties.

The manager stated that staff is trying to come up with solutions to deter illegal dumping at the park. Some suggestions have been posting a sign and also installing a camera.

A motion to adopt the Solid Waste Cart Ordinance and Appeal Process to replace the previous ordinance was made by Council Member Carpenter. The motion was seconded by Mayor Pro-Tem Morgan and passed 4 to 1 (Council Member Rowell opposed).

Discussion/Action Regarding Water and Sewer Service Request

The manager explained that if the resident doesn't annex into the town through voluntary annexation, then the town would be land-locking itself. Voluntary annexation would result in property taxes paid to the town. Council Member Carpenter commented that with Union County's new district, the town can't provide services since the property is not inside the town limits. Attorney Griffin commented that it is up to the property owner to request annexation. The manager was directed to convey this information to the property owner.

Department Head Reports

Chief Tarlton reported that the Boll Weevil went well with no reported problems. He informed the council that Anderson Healthcare now has four residents. At this time they are not yet fully staffed. Chief Tarlton informed the council that Anderson Healthcare is a level 4 facility (level 5 is prison). He reported that the police department has responded to several calls.

Town Manager's Report

A manager's report was included in the agenda packet.

Mayor and Town Council Comments

Council Member Bivens commended Dakota Craig for his work to repair a water leak on Elizabeth Avenue. She stated that the employee worked after hours and alone to repair the leak.

Council Member Carpenter stated that the museum needs donations.

Council Member Staton commended Parks and Recreation Director, Emily Huneycutt, for a job well done so far. Council Member Staton reported that staff did a good job cleaning up after the Boll Weevil.

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. The motion was seconded by Council Member Staton and passed by unanimous vote. The clerk was excused from the closed session.

Action as a Result of the Closed Session

There was no action taken in open session.

Adjournment

At 8:55 pm, Council Member Carpenter made a motion to adjourn the meeting. The motion was seconded by Council Member Bivens 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
Public Hearing Date: 10/2/2017

Please **print** your name and contact information for the record.

PRINT NAME	MAILING ADDRESS	PHYSICAL ADDRESS (if different)	PHONE #	EMAIL ADDRESS
1 Marty Stancill	6820 Austin Grove Ch. Rd. Marshville	same	704-576-8559	Mstancill@Carolina.rr.com
2 Barbara Stancill				
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TOWN OF MARSHVILLE

est. 1877

TO: Town Council

FROM: Richard Smith, Planning Advisor

DATE: September 13, 2017

RE: **Public hearing for ZTA 2017-03 Add Electric Energy Production (solar) to the Table of Use Chart**

A. Actions Requested

1. Motion that the requested change to the *Town of Yadkinville's Zoning Ordinance* is consistent with Town policy
2. Motion to approve, deny, or table ZTA 2017-03

B. Required Votes to Pass Requested Actions

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

C. Proposed Amendments

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. Hearing and Possible Courses of Action

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

- **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.
- **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.
- **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.

Planning Board/Board
of Adjustment
Membership Changes

Town of Marshville Public Comments Sign-Up Sheet

Public Hearing

Date: 10/2/2017

Please **print** your name and contact information for the record.

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TOWN OF MARSHVILLE

est. 1877

TO: Town Council

FROM: Richard Smith, Planning Advisor

DATE: September 13, 2017

RE: Public hearing for ZTA 2017-04 Planning Board and Board of Adjustment Membership

A. Actions Requested

1. Motion that the requested change to the *Town of Marshville's Development Ordinance* is consistent with Town policy
2. Motion to approve, deny, or table ZTA 2017-04

B. Required Votes to Pass Requested Actions

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

C. Proposed Amendments

At the June 8, 2017 meeting, the Planning Board discussed several items related to theirs and the Board of Adjustment's meeting dates, organizational structure and by-laws. After deliberating on these items, the Planning Board recommended for Town Council to consider the following changes:

Planning Board

- Recommend a text amendment to the Marshville Development Ordinance for their membership to include seven (7) members total with five (5) members being in-town residents and two (2) members residing in the ETJ. This would be a change from the current membership of nine (9) total members with two (2) of these members residing in the ETJ. Their by-laws would need to be amended to reflect this if the text amendment is made.
- Recommend amending their by-laws so that their regular monthly meeting day is changed from the second Thursday of each month to the second Monday of each month.
- Recommend amending their by-laws so that the election of officers occurs in April rather than January.

Board of Adjustment

- Recommend a text amendment to the Marshville Development Ordinance for the BOA membership to include seven (7) members total with five (5) members being in-town residents and two (2) members residing in the ETJ. This would be a change from the current membership of nine (9) total members with two (2) of these members residing in the ETJ. Their by-laws would need to be amended to reflect this if the text amendment is made.
- Recommend amending their by-laws so that their regular monthly meeting day is changed from the second Thursday of each month to the second Monday of each month.
- Recommend amending their by-laws so that the election of officers occurs in April rather than January.
- Recommend for Council to appoint Fred Burton as a regular member to the BOA and to appoint Sue Helms and Frances Griffin as alternates to this Board.

Town Council Action

Town Council reviewed this request at their July 10, 2017 meeting. Following a brief discussion on the matter, Town Council directed staff to bring this proposed text amendment and by-law amendments to the Planning Board for action.

As a result, the requested action is to amend the Town of Marshville Development Ordinance, Article 4.2-2 Planning Board Membership to change the total members from nine (9) to seven (7), with five (5) members residing within the Town limits and two (2) members residing in the Town's extraterritorial jurisdiction; and Article 4.3-2 Board of Adjustment Membership to change the total members from nine (9) to seven (7), with five (5) members residing within the Town limits and two (2) members residing in the Town's extraterritorial jurisdiction. These proposed amendments are highlighted in the attachments.

D. Policy Issues

Proposed changes or amendments to the text of this chapter (MDO) 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.

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)

E. Recommendations and Alternative Courses of Action

The request is consistent with the Town of Marshville 2035 Land Use & Comprehensive Master Plan Strategies Goal – of improving the effectiveness of Town government and achieving greater autonomy through the fostering of greater coordination and consensus among Town officials, governing boards, and citizens on development decisions. The objectives include encouraging planning coordination among local governments, developers, and the public in making growth and development decisions and coordinating intergovernmental planning in the areas of land use, economic development, public utilities, and tourism.

Staff Recommendation

Staff recommends review of the proposed text amendment and approval of amending the ordinance as presented.



Planning Board Recommendation

The Planning Board reviewed this request at their August 14, 2017 meeting and made the following recommendation:

- **Recommend Approval:** The Planning Board found 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.

Town Council

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

- **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.
- **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.
- **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.

ARTICLE 4

BOARDS AND COMMISSIONS

4.1 Boards and Commissions Established

The following boards and commissions are hereby established to carry out the duties and responsibilities set forth in this ordinance and in fulfillment of the goals and purposes of this ordinance:

(A.) Planning Board

(B.) Board of Adjustment

(C.) Technical Review Committee

These boards and commissions may establish and adopt their own bylaws and rules of procedure, provided they are not inconsistent with the rules of procedure outlined in the Suggested Rules of Procedure for Small Local Government Boards, published by the Institute of Government or the rules adopted by the Town Council.

4.2 Planning Board

4.2-1 Authority. There is hereby created a planning agency, pursuant to NCGS 160A-361 to be known as the Town of Marshville *Planning Board*.

4.2-2 Membership.

The *Planning Board* shall consist of ~~nine~~ **seven** members, ~~seven~~ **five** members residing within the Town limits, and two members residing in the Town's area of extraterritorial jurisdiction. Members residing inside the Town limits shall be appointed by the Marshville Town Council. Members residing in the Town's extraterritorial area shall be appointed by the Union County Board of Commissioners.

4.2-3 Powers and Duties. The *Planning Board* shall have the following powers and duties:

- (A.) To provide recommendations to the Town Council with regard to map amendments (rezoning), text amendments, watershed waivers, and other matters on which the Council seeks advice;
- (B.) To develop and update a Land Use Plan and/or Comprehensive Master Plan for the territory under its Jurisdiction, subject to specific direction from the Town Council;
- (C.) To render opinions and make recommendations on all issues, requests, and petitions related to the Marshville Development Ordinance and Town Plan 2035 that may be adopted from time to time and that require approval by the Town Council; and

- (D.) To make such other studies and plans and review such other related matters as directed by the Town Council.

4.3 Board of Adjustment

4.3-1 Authority. Pursuant to NCGS 160A-388, there is hereby created a *Board of Adjustment*.

4.3-2 Membership.

(A.) Number of Members. The *Board of Adjustment* shall consist of ~~nine~~ **seven** members, ~~seven~~ **five** members residing within the Town limits, and two members residing in the Town's area of extraterritorial jurisdiction. Members residing inside the Town limits shall be appointed by the Marshville Town Council. Members residing in the Town's extraterritorial area shall be appointed by the Union County Board of Commissioners.

(B.) Alternates. The Town Council may, in its discretion, appoint alternate members to serve on the *Board of Adjustment* in the absence or temporary disqualification of any regular member or to fill a vacancy pending appointment of a member. Alternate members shall be appointed for the same term, at the same time, and in the same manner as regular members. Each alternate member, while attending any regular or special meeting of the board and serving on behalf of any regular member, shall have and may exercise all the powers and duties of a regular member. (G.S. 160A-388(a))

4.3-3 Powers and Duties. The *Board of Adjustment* shall have the following powers and duties:

- (A.) To hear and decide appeals from an order, denial of a permit or other written decision made by an administrative official charged with enforcing this Ordinance;
- (B.) To hear and decide requests for variances from the zoning provisions of this Ordinance in cases where special conditions would make strict and literal interpretation result in a loss of privileges shared by other properties within the same zoning district;
- (C.) Upon receiving authority from the Marshville Town Council, to act as the Watershed Review Board in hearing and deciding appeals from any decision or determination made by the Enforcement Officer in the enforcement of the Watershed Protection Ordinance as set forth in Article 19 of this Ordinance;
- (D.) To hear and decide appeals and requests for variances from the requirements of the flood control provisions of this Ordinance, as set forth in Article 18; and
- (E.) To hear and decide all matters referred to it or upon which it is required to pass under this Ordinance.

Town of Marshville

Public Comments Sign-Up Sheet

*Regular Meeting

Date: Oct. 23, 2017Please **print** your name, topic of discussion, and contact information for the record.

	PRINT NAME	ADDRESS	TOPIC OF DISCUSSION	PHONE #	EMAIL ADDRESS
1	Chuck Rorie	905 Forest Dr.	Tap Fee	704-320-5205	Chuck.Rorie1975@gmail.com
2	Jail K.H.R	903 Hobbs Rd	" "	704-320-5177	Jail.K.H.R. @caroline.nc.gov
3	Marlene Griffin	317N Elm St Marshville	Annexation	704-219-9470	marlene654123@gmail.com
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