

**Town of Marshville  
Town Council Meeting  
Monday, December 14, 2015  
Marshville Community Center  
118 E. Union St., Marshville**

**Special Meeting - Recessed**

**Council Members Present:** Mayor Pro-Tem Morgan, Council Members Jim Rowell and Norma Carpenter. Council Member Bivens arrived at 10:00 am. Mayor Deese and Council Member Staton each reported that they could not be present for the meeting. It was the consensus of those present to continue without a quorum since the work session is to review the Marshville Development Ordinance and no action will be taken. It was noted that a quorum was present at 10 am upon the arrival of Council Member Bivens.

**Staff Present:** Town Manager, Fern Shubert; Clerk/Finance Officer, Tonya Johnson; Planning, Zoning & Subdivision Administrator, Richard Flowe

At approximately 9:15 am, Richard Flowe began the discussion of the Marshville Development Ordinance (MDO). Richard discussed development near and around the railroad track and how the plan attempts to address development in that area very strategically.

Richard emphasized that poor placement of a subdivision can kill economic development. The new bypass may act as a catalyst for redevelopment or new development. Richard referenced the maps and explained that agricultural zoning acts as sort of a holding designation.

Mayor Pro-Tem Morgan asked if the county could come in and change the zoning placed on an area, specifically an ETJ area, by the town. Richard stated that is not likely, unless the county goes to Raleigh. Richard pointed out that the Land Use Plan may be amended at any time.

Town Manager Shubert commented that she feels the council needs to look at who owns some of the parcels. There may already be plans for something industrial. Discussion ensued regarding the area on the west side of town and how to control growth and development. It was agreed that some of the area should be planned for industrial and some of the area for agricultural. It was stated that the town's industrial future is most likely from the railroad to Phifer Street.

Town Manager Shubert stated that the newly proposed industrial zoning is bare boned. She inquired about getting a map that shows the assessed value of the properties being discussed. Richard stated that a map would not be difficult. He added that if the town zones prematurely then it may find itself out of the loop. Council Member Rowell stated that water and sewer lines run along the railroad track all the way to Forest Hills High School Road. The town could offer services and request that any potential development annex into the town.

Richard commented that once past Marshville potential developers are going to have difficulty finding locations with access. Businesses tend to locate close to their market or close to their resources (raw materials). Marshville is an ideal industrial location. Residential needs to be kept from consuming the proposed industrial areas. Mayor Pro-Tem Morgan stated that some of the land along Highway 74 is already being purchased. What if residential housing goes up? Richard pointed out that if someone comes in to apply for a zoning or use permit then it is the town's job to protect the property rights as the property is currently zoned. Town Manager Shubert commented that there is no clear answer to any of this. The council is going to have to inform itself as best it can and make decisions accordingly.

Richard asked the council if it desires to lay its cards on the table upfront, or prepare for the future and zone a little more reservedly now. Another approach is to go for it on zoning. Town Manager Shubert expressed concern that this is being looked at in a vacuum, as if it were a perfect world. She pointed out there is already a plan for residential development on the east side. The only towns on the east side are Marshville and Wingate. Discussion ensued regarding the former site study that was Legacy Park. Ultimately, Marshville is only going to control what little bit is in the Town of Marshville. Richard pointed out that the bypass penetrates into Marshville's sphere of influence before access can be gained to other property.

Council Member Rowell commented that properties on Forest Hills High School Road are not part of the Town of Marshville zoning. He thinks zoning will eventually be civic for Forest Hills High School. Richard stated the school is going to have a role in affecting folk's opinion of economic development. On the other side the railroad is a huge asset. Richard expressed his opinion that west side development is the future. He doesn't think Marshville will lose out on anything from here to Monroe. Marshville has utilities, rail and access. The town is positioned well for certain agricultural things. Marshville has a certain set of location dynamics. A legislative body can control the rezoning. Richard reminded council members that, under the current state law, the council is the final say.

Council Member Rowell emphasized that the plan needs to be adopted as quickly as possible. Richard pointed out that the proposed ordinance goes beyond the current ordinance. The biggest decision is on the Land Use Map.

Richard explained zoning in the old days. Industry needs to be protected from residential the same as residential needs to be protected from industry. Mixed use is the buzz right now but towns can't go crazy with it. Neighborhoods and industry no not mix. A 100 acre subdivision can destroy an industrial development. Richard explained that this is why industrial is pushed outward on the Land Use Map.

Council Member Rowell brought up concerns about non-conforming uses. Richard clarified that non-conforming means the use was legal and then the rules were changed. If a use is illegal, there is a provision in the new ordinance that does not let the property off the hook. Existing businesses are protected but violators are not let off the hook.

Council Member Rowell voiced concerns regarding uses allowed within each area. Richard spelled out the various uses as follows: "P" = permitted use by right; "S" = supplemental standard (still a use by right but with additional standards); and "C" = conditional use (more stringent). Richard stated that special uses cannot be denied if the use meets standards. If the desire is for businesses to succeed then there must be good standards in place to ensure businesses are built right from the beginning. Discussion ensued regarding uses as outlined in the proposed ordinance.

Recess (10:30 am)

Reconvene (10:45 am)

Council Member Rowell inquired as to why the future map designates much less industrial area than agricultural area. Richard commented that a lot of the area is being held as agricultural until the town has more information. Council Member Rowell suggested that more area in the rail corridor should be industrial. Richard stated that Phifer ~~Road~~ will likely become very critical to the town's economic development future. Discussions ensued regarding the Land Use Plan, use designations, and the proposed zoning. Town Manager Shubert stated that the town needs to have discussions with Union County's economic development group. Richard suggested they be invited to the December 21, 2015 meeting.

Richard asked the council when it will be prepared to hold the public hearing. Council Member Rowell suggested the public hearing be held January 4, 2016. Town Manager Shubert proposed the public hearing be held on January 19, 2016. Richard stated that the map as well as a half page ad will need to be published for two consecutive weeks prior to the public hearing. It was the consensus of the council to hold the public hearing on January 19, 2016 and then to vote on the Town Plan 2035 and the Marshville Development Ordinance and new zoning map at the February 1, 2016 regular meeting.

Richard reviewed dates. It was decided that the advertisements will be published on January 7 and January 14. The public hearing will be called for January 19, 2016 at 7 pm. The agenda for the February 1, 2016 meeting will include the following two items, (1) approval of the Town Plan 2035 and (2) the Marshville Development Ordinance and new zoning map.

Council Member Bivens requested that the December 21, 2015 meeting be cancelled or rescheduled since she cannot be present. Discussion ensued. It was the consensus of the council to leave the meeting on December 21, 2015 as scheduled.

Richard stated that once the Town Plan 2035 and the Marshville Development Ordinance and new zoning map are voted on and approved, then everything is in place. Any changes will then take place through the rezoning process. Map revisions were discussed (Land Use Map and Zoning Map). On the Land Use Map the industrial area will be extended on the west end of town from Old Hwy. 74 to Phifer ~~Road~~. The zoning map will be amended to extend the area from the railroad north to the creek tributary.

Richard asked what will be the focus of the discussion for Monday, December 21, 2015. Council Member Rowell stated he would like to discuss the Transitional Mixed Use (TMU) designation.

Council Member Rowell made a motion to recess the meeting until Monday, December 21, 2015 at 9 am at the Community Center. The motion was seconded by Council Member Carpenter and passed unanimously.

There being no further comments the meeting recessed at 11:45 am.

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Monday, December 21, 2015  
Marshville Community Center  
118 E. Union St., Marshville**

**Reconvened Meeting**

**Council Members Present:** Mayor Deese, Mayor Pro-Tem Morgan, Council Members Staton, Carpenter, Rowell. Council Member Bivens reported that she would be absent from the meeting.

**Staff Present:** Town Manager, Fern Shubert; Clerk/Finance Officer, Tonya Johnson; Planning, Zoning and Subdivision Administrator, Richard Flowe

Mayor Deese reconvened the meeting at 9:10 am and gave an invocation. The Pledge of Allegiance was given by everyone. At this time Mayor Deese turned the meeting was turned over to Mr. Richard Flowe.

Richard stated that the GIS access issue was worked out and that N-Focus staff has worked on draft maps. He reviewed the proposed changes to the map as discussed at the December 14, 2015 work session. Richard stated

that the map is being touched up to expand industrial area on zoning map.

Town Manager Shubert asked for an updated parcel map to see if the zoning designations are cutting across anyone's property. She expressed concern about dividing an owners land and also reducing the town's taxes.

Mayor Deese expressed concern over changing from agricultural to industrial/commercial. He stated that the only control Marshville has is the zoning. The county benefits from the taxes. Richard replied that the primary zoning will be proposed industrial. Heavy industrial has been moved to an overlay. Mayor Deese commented that he recalled that the council decided to leave agricultural so it could change as needed. Richard stated that at the last meeting some changes were requested. The council indicated that it would like to expand the area on the Land Use Plan to industrial. Council Member Rowell explained that the reason for changing to industrial is to let prospects know that Marshville is ready for businesses to come in. It was pointed out that there doesn't appear to be plans for access on the north side (from the bypass).

Mayor Deese questioned that if an area is zoned agricultural, can't the prospect apply for zoning change. He added that it seems this would still put the town in a negotiating position as far as getting roads put in. Richard explained the role of the Land Use Plan and the role of zoning. The Land Use Plan is often forgotten in smaller towns. Towns shouldn't lead with zoning. The Land Use Plan highlights potential. If an area has infrastructure then it can go ahead and zone however the Land Use Plan calls for. Richard pointed out that sometimes it is best to hold the area back. There is more than one effective strategy.

Council Member Rowell commented that the council is only proposing to extend industrial to the natural boundary on the north side for zoning. Richard explained the proposed boundary changes for the zoning map versus the Land Use Plan. From time to time parcels will be split. Richard stated that using property lines can yield some crazy results in some cases. Council Member Rowell stated that because there is currently no north access, future businesses may use Phifer Street as access from that side. Discussion ensued. Council Member Rowell feels that doing this would make the Union County economic development group work more closely with the Town of Marshville. Mayor Deese stated that the town does need to be in a strategic position.

Richard pointed out reasons that agricultural and industrial are very important. If a town is not careful a 100 acre subdivision can kill a 1,000 acre industrial complex. Zoning is not just about protecting the residential area, but is also about protecting businesses & industry. It is important for the public to see the town's goals for the future when considering the potential that the bypass may bring.

Town Manager Shubert pointed out the importance of good ordinances. The railroad may be one of Marshville's biggest assets. She suggested trying to avoid having residential near the railroad. Discussion ensued. Richard commented that the proposed new ordinance created a TMU (transitional mixed use) district.

Richard asked if there are any other areas that need to be focused on. He stated that he and his staff are preparing to put this draft map in the paper in preparation for a public hearing. Plans are to have this on the February 1, 2016 agenda to be voted on. A public hearing has been proposed to be had on January 19, 2016.

Council Member Rowell asked what was decided for the lot on Cherio Lane. Richard stated that there are conflicting influences there. The council has to determine what it wants to do. Discussion ensued. Town Manager Shubert referenced the Freight Mobility meetings she has been attending. Railroads hate residential. Residents cross the railroad tracks to access the convenience store/gas station and it imposes a danger. Council Member Rowell commented that the business owns the property all the way to the railroad tracks. Richard pointed out that houses should never have been constructed there. Many times rail corridors are not protected by local governments. Council Member Rowell suggested talking with CSX. Mayor Deese agreed.

Council Member Rowell requested to discuss a piece of land owned by Mayor Pro-Tem Morgan. The parcel is

a 2-acre lot that is between commercial business and residential property. Richard pointed out that there is nothing unethical about this discussion. Discussion ensued. Susan Drake, Planning Board Chair, commented that when the Planning Board looked at the property it thought the property was erroneously zoned commercial. Council Member Rowell stated that since the property is already zoned commercial why not leave it commercial. Mayor Deese clarified that the property is located behind CSI and part behind Morgan Street. Mayor Pro-Tem Morgan confirmed that the location is correct. Town Manager Shubert suggested that everything north of Belk Street should be zoned TMU (Transitional Mixed Use).

Town Manager Shubert disclosed that she owns a house on a corner lot on Morgan Street. Access to commercial is going to be Morgan Street. Again, she suggested the property be zoned TMU. Mayor Deese was asked to point out his property as proposed changes are being discussed (from residential to TMU). Discussion ensued. Richard pointed out to Mayor Pro-Tem Morgan that TMU could be considered for the parcel that she is referring to at the end of Morgan Street. Council Member Rowell referenced a statement from the tax assessor that states whatever a property is zoned is how the property is taxed. Discussion ensued about a particular piece of property owned by Mayor Pro-Tem Morgan.

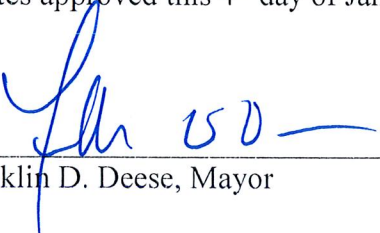
Mayor Deese called for a brief recess at 10:20 am. The meeting reconvened at 10:35 am.

Richard stated that he has nothing else unless the council has more to discuss. The requested changes/revisions will be made to the maps. Richard stated that the law requires publication of a half page ad for the proposed zoning map changes. Richard reviewed the newly revised draft map with the council. Discussion ensued. It was the consensus of the council to change an area to SFR-1.

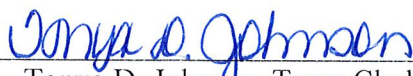
Discussion ensued regarding dates for publications and the public hearing for the Marshville Development Ordinance and new zoning map. Richard stated there will be two votes at the February 1, 2016 meeting, (1) to adopt the Town Plan 2035, and (2) to adopt the Marshville Development Ordinance and new zoning map.

At 10:45 am a motion to adjourn was made by Council Member Carpenter. The motion was seconded by Council Member Rowell and passed unanimously.

These minutes approved this 4<sup>th</sup> day of January, 2016.

By:   
Franklin D. Deese, Mayor

ATTEST:

  
Tonya D. Johnson, Town Clerk

