

**Town of Marshville
Town Council Meeting
Monday, January 5, 2015
Marshville Town Hall – 201 West Main St.**

Regular Meeting

Present: Mayor Deese, Mayor Pro-Tem Virginia Morgan, Council Members Margaret Bivens, Norma Carpenter, Gary Huntley and Jim Rowell

Staff Present: Town Manager, Fern Shubert; Clerk/Finance Officer, Tonya Johnson; Town Attorney, Bobby Griffin; Director of Public Works, Bivens Steele; Director of Utilities, Alicia Melton; Chief of Police, Matt Tarlton; Community Development Director, Alan Thifault

Call to Order/Invocation/Pledge of Allegiance

Mayor Deese called the meeting to order at 7:04 pm and welcomed everyone in attendance. The invocation was given by Council Member Huntley. The Pledge of Allegiance was given by everyone.

Adoption of Agenda for the Meeting

A motion was made by Mayor Pro-Tem Morgan and seconded by Council Member Rowell to add to the agenda as item #9 the discussion of dates for the extension of utility payments due to the previously approved Town Hall closing schedule for software conversion and training. The motion passed unanimously.

A motion to adopt the agenda with the approved change was made by Council Member Rowell, seconded by Council Member Huntley and passed unanimously.

Public Comment

- David Allen, of 1504 Witmore Road, Wingate, NC, addressed the council on behalf of Christ Bible Discipleship Worship Center. Mr. Allen explained that he has requested to have a property located at 408 E. Main Street, Marshville, rezoned to serve as a transitional house that will be used to assist men in the community. Mr. Allen added that he would be applying for a Special Use Permit. Mayor Deese commented that a Special Use Permit request will go before the Board of Adjustment and will not be at the Town Council's discretion.
- Representative Mark Brody, of 5315 Rocky River Road, Monroe, introduced his legislative assistant and daughter, Neva Helms. Representative Brody informed the Town Council that the new legislative session is preparing to get underway. Representative Brody reminded the Town Council that he and Ms. Helms are available to assist the Town of Marshville. Representative Brody commented that legislation was passed last year allowing municipalities to participate in the state healthcare system. A resolution is required requesting that the appropriate committee investigate the benefit to both the state and the municipality.

A motion was made by Mayor Pro-Tem Morgan to direct staff to send written authorization to Ms. Helms to begin the process to investigate whether the State Health Plan would benefit the Town of Marshville. The motion was seconded by Council Member Bivens and passed unanimously.

Consent Agenda

A motion to approve the consent agenda and accept the items thereon was made by Council Member Rowell. The motion was seconded by Council Member Huntley and passed unanimously.

Public Hearing to Receive Input on a petition to change the zoning from R-10 to B-1 for the property located at 106 S. White Street – Union Co. PID #02311001

A motion to open the public hearing was made by Council Member Rowell, seconded by Mayor Pro-Tem Morgan and passed unanimously. Planning/Zoning & Subdivision Administrator, David Flowe, stated that a petition was received by Danny Stegall and Jimmy Stegall requesting to change the zoning of the property located at 106 S. White Street from R-10 to B-1. Mr. Flowe added that the request received a positive recommendation from the Planning Board. There were no comments from members of the public. Council Member Rowell asked if the current improvement meets setbacks. Mr. Flowe responded that the current improvement does meet setback requirements. A motion to close the public hearing was made by Council Member Rowell, seconded by Council Member Huntley and passed unanimously. A motion to approve the petition to change the zoning from R-10 to B-1 for the property located at 106 S. White Street by way of amending the Land Use Ordinance of the Town of Marshville, and, further, to authorize the mayor to sign said ordinance was made by Council Member _____. The motion was seconded by Mayor Pro-Tem Morgan and passed unanimously. Council Member Carpenter moved to amend the motion to include consistency with the adopted Comprehensive Plan. The motion was seconded by Mayor Pro-Tem Morgan and passed unanimously. Council Member Rowell moved that the property and zoning be consistent with the adopted Comprehensive Plan by adoption of the following consistency statement to be signed by the mayor:

The Town Council finds that the zoning map amendment to the property of Stegall and Company, Inc. applying a zoning designation of “B-1” representing the Central Business Zoning District, is consistent with the Marshville Land Use Plan adopted August 16, 2004, as required by NCGS § 160A-383. This amendment is reasonable because the subject property is situated contiguously on three sides with existing commercially zoned land where existing commercial activity is established. This amendment provides consistency between the current Marshville Land Use Ordinance Official Zoning Map, the current uses established adjacent to the property, and the Marshville Land Use Plan adopted August 16, 2004, while allowing the subject property to be used in accordance with the standards of the “B-1” Central Business Zoning District in the future. The amendment allows for the growth and expansion of the economic base of the Town and provides opportunities for local jobs for the community.

The motion was seconded by Mayor Pro-Tem Morgan and passed unanimously.

Discussion and possible action concerning adoption of the Union County Emergency Operations Plan

The Town Manager stated that the Union County Emergency Operations Plan is an update provided by Union County. Council Member Rowell pointed out that Hwy. 205 was not listed as a major road in the revised EOP Plan. Council Member Rowell made a motion to adopt the updated Union County Emergency Operations Plan with the stipulation that the manager inquire with Union County as to why Hwy. 205 was omitted from the list of major roads. The motion was seconded by Mayor Pro-Tem Morgan and passed unanimously.

Discussion and possible action regarding additional lighting at the Mini Park

Director of Public Works, Bivens Steele reported that Duke Energy is supposed to have a streetlight installed on Sturdivant Street by January 7, 2015. Mr. Steele stated he will contact Duke Energy if the light is not up by that date. Mr. Steele reported that the cost for a floodlight will be \$28.46 per month for a three year contract period. Mayor Deese suggested that council see how well the streetlight illuminates the mini park before a decision is made about additional lighting.

Discussion and possible action concerning the Town of Marshville's position regarding Vicious Dogs

Police Chief Matt Tarlton reported that the state statute is not breed specific. Town Manager, Fern Shubert stated that every resident pays county taxes and that the county has an animal shelter and an animal control officer. The manager added that if the town embarks down a different path it could be costly. Mayor Deese commented that the town operates under the county ordinance concerning vicious/dangerous dogs. Mayor Deese questioned what a citizen should do if approached by a vicious/dangerous dog. Town Attorney, Bobby Griffin, stated that the town has an ordinance that applies to dogs running at large. Mayor Deese pointed out that the town's ordinance allows for no more than two dogs over four months old per household. A citizen whose grandson was recently attacked by a vicious dog addressed the council regarding the incident. The manager questioned ways the town could be more proactive if a neighborhood has fear of a dangerous dog such as notifying an owner if complaints are received. The town attorney commented that a carefully drafted letter could be sent to a dog owner regarding a potential concern. Discussion ensued. The town attorney was asked to assist the manager in drafting a letter.

Discussion of dates for the extension of utility payments due to the previously approved Town Hall closing schedule for software conversion and training

Town Clerk/Finance Officer, Tonya Johnson reviewed the previously approved closing dates in February for software conversion and staff training. Approved closing dates are February 12 – 13 and February 16 – 18, 2015. Staff made a recommendation that the delinquency penalty be assessed on February 27th instead of February 20th and that disconnection occur on March 2nd instead of February 23rd. This allows an extension of five days due to the closings. A motion was made by Council Member Rowell to allow the delinquency penalty date to be moved from February 20th to February 27th and the cutoff date from February 23rd to March 2nd and further, to make certain that publication of the changes begins immediately. The motion was seconded by Council Member Bivens and passed unanimously.

Town Manager's Report

- The manager reported that the new Administrative Support Specialist began employment today.
- The manager expressed that the town will begin developing a list of volunteers and organizations who are doing things for the Town of Marshville so their service and/or contributions can be acknowledged by a thank you note.

Mayor and Town Council Member Comments

- Town Clerk/Finance Officer Johnson reported that the new Administrative Support Specialist is Mrs. Paula Beachum. Mrs. Beachum comes to the Town of Marshville with approximately fifteen years of service with her previous employer and has experience in small office management including cash receipts, customer service, accounts payable, accounts receivable and payroll. Town Clerk/Finance Officer Johnson provided members of the council with a Budget Preparation Calendar outlining the upcoming budget process. Town Clerk/Finance Officer Johnson reminded council members of a rate study work

session scheduled for Monday, January 26, 2015 at the Marshville Community Center. Town Clerk/Finance Officer Johnson reported that the FY2013-2014 financial statements have been received and will be reviewed by the town's auditor at the February 2nd council meeting.

- Mayor Pro-Tem Morgan stated this has been a good year and thanked town hall staff. Mayor Pro-Tem Morgan commented that the committee selected to review the personnel policy needs to begin meeting.
- Council Member Bivens expressed concern about garbage and debris around town and suggested the need for a cleanup day. Council Member Rowell suggested looking into community service workers to provide cleanup around town. Council Member Bivens reported that she attended a museum meeting earlier in the day.
- Council Member Huntley wished everyone a Happy New Year and thanked staff.
- Council Member Carpenter concurred that the manager's idea to send thank you notes is a good idea. She informed council of a transportation meeting regarding the Monroe Bypass scheduled for Tuesday, January 6, 2015 at 6:00 pm at the Union County Ag Center. The manager interjected and encouraged the council to attend the transportation meeting if possible. Council Member Carpenter wished everyone a Happy New Year.
- Council Member Rowell conveyed Merry Christmas and Happy New Year sentiments to everyone. He commented on a good year and stated he looks forward to working together in the New Year. Council Member Rowell reported that "Santa Claus" collected over \$500 and donated it to Turning Point.
- Mayor Deese wished everyone a Happy New Year and expressed his wish to move forward into a new year with hope, goodwill and progress.

Adjourn

A motion to adjourn was made by Council Member Huntley and seconded by Council Member Bivens. There being no further comments the meeting was adjourned at 8:12 pm.

These minutes approved this 2nd day of February, 2015.

By: _____

Frank Deese, Mayor

ATTEST: _____

Tonya D. Johnson, Town Clerk