



Town of Marshville Town Council Regular Meeting

February 01, 2021 7 pm

**Marshville Town Hall, 118 East Union St., Marshville, NC
28103**

Present: Mayor Larry Smith; Mayor Pro tem Virginia Morgan; Council Members Margaret Bivens (via ZOOM), Paulette Blakeney, Ernestine Staton

Absent: Council Member Gary Huntley

Staff Present: Franklin Deese, Town Manager; Michael Garrison, Interim Town Clerk; Bobby Griffin, Town Attorney (via ZOOM); Carina Soriano, Planning & Zoning Administrator (via ZOOM)

Call to Order/Invocation/Pledge of Allegiance:

Mayor Smith called the Meeting was called to order at 7:10 PM. Mayor Smith gave the opening prayer. Everyone stood and gave the Pledge of Allegiance.

Reading of Public Comments Received by Email:

Mayor Smith read the emailed comments from the Bezants of 327 Cross Street, concerning the rezoning of R/MST zoning district decision. Mayor Smith then read an emailed question from Dana West of 533 Olive Branch Rd, asking what the town is doing about the stray cats in town. Next Mayor Smith read an email question from Dee Paschal off 326 Cross Street, asking about the new zoning proposal and how this will affect her selling her house or giving it to her children and replacing her above ground pool with an in ground pool with the new regulations. Also, Ms. Paschal asked about getting speed bumps placed on Cross Street. Lastly, Mayor Smith read emailed comment from Nancie Mandeville of 610 Olive Branch Rd, concerning an increase in robberies, incidents of violence in their neighborhood and the discharging of firearms in town limits and would like to see more communication from the police department with the community.

Adoption of Agenda:

Mayor Smith requested a motion to adopt the agenda. Council Member Staton made motion. Mayor Pro tem Morgan seconded. All Ayes. Motion passes unanimously.

Adoption of Consent Agenda:

Manager Deese stated there was no consent agenda.

Discussion/Action on 122 South White Street Subdivision:

Manager Deese turned the floor over to town Planning & Zoning Administrator Carina Soriano.

Ms. Soriano, via ZOOM, gave background on the on the agenda item explaining that the owners of 122 S. White Street want to divide their 1.05 acre lot into two lots with a subdivision. Ms. Soriano explained that the technical review committee voted unanimously to recommend to the

town Planning Board, and the Planning Board voted 5 to 2 to recommend to the town council a 40 ft. right-of-way for Griffin Lane and to recommend the property for subdivision with the 10% development standard included. Ms. Soriano further explained that the Council would need to approve the right-of-way before approving the subdivision with the development standard.

Mayor Smith asked if there were any questions for Ms. Soriano or Manager Deese.

Mayor Pro tem Morgan asked if the property owners realize that there drainage ditches are there.

Mayor Smith said he would assume so as it is on their survey and there are some storm drainage pipes there as well.

Ms. Soriano explained that when the applicant filled out the paperwork, the applicant did mention their intent to subdivide the property would be to sell Lot 2 and reminded the Council that they will need to consider all uses for the property based on the zoning.

Manager Deese explained that the property is currently zoned SFR-3 and technically they could build another house without subdividing the property and aske Ms. Soriano if that was correct.

Ms. Soriano stated that was correct but they would still need to meet the property setback and didn't think they would be able to do that in its current state.

Manager Deese cautioned the Council that the property owners are allowed to do anything that is allowed by the zoning.

Mayor Pro tem said the main thing bothers her about this is the drainage.

Mayor Smith stated that the cost of development would be on the property owner and it is up to them if they can do it and that all the Council is doing is giving them permission to subdivide it and are not guaranteeing that it is economical or a good idea. Mayor Smith stated he also doesn't believe they can build a house over a storm drain line.

Manager Deese asked if they would still be able to build on the property if the storm drain was rerouted in the front yard or the driveway and still meet the setback requirements.

Mayor Smith said there are several easements recorded on the map.

Manager Deese asked Ms. Soriano to bring up the survey map.

Ms. Soriano brought up the map and Manager Deese pointed out the easements for drainage and the small space to try and get a house or a structure into and that is concerning.

Council Member Staton asked if the owners are aware they can't put anything over the drainage easements.

Manager Deese explained the Council does have the option to table this item until more information is received.

Mayor Smith asked Ms. Soriano if there was a near term plan by 2035 to change the zoning of this property and that all that is being discussed is subdivision of the property.

Ms. Soriano stated there isn't a specific plan for each individual property.

Mayor Smith asked if the proposed lot acreage is .415 was correct.

Ms. Soriano explained the proposed lot would be .383 acres and the current property would become a .55 acre lot.

Mayor Smith stated that even if the subdivision was approved, you only have enough land in that lot to build one structure and asked if that sounded correct.

Ms. Soriano stated that is correct.

Mayor Smith asked if there were any other questions for Ms. Soriano and if the Council would like to make a decision or table this item until more research can be done.

Mayor Pro tem Morgan made motion to table this item until more information can be gathered.

Council Member Staton seconded.

All ayes. Motion passes unanimously.

Mayor Smith then announced that one email comment got lost in the paperwork and did not get read when the other public comments were read and apologized. Mayor Smith then requested to read the comment and have it entered into record. Mayor Smith read the emailed comment from Marlene Griffin of 317 N. Elm Street, concerning the proposed rezoning of N. Elm Street and that she and her neighbors are in favor of the proposed zoning changes.

Discussion/Action of R/MST to Main Street Periphery:

Manager Deese introduced the agenda item and discussed receiving letters from a few citizens requesting that a decision not be made and to call for another public hearing and then gave Ms. Soriano the floor.

Ms. Soriano began giving overview of the agenda item.

Manager Deese then requested to interject and explained that if the Council would like to have another public hearing on this matter then there is no need for her to go over this tonight as she will need to explain all of this at the next public hearing if the Council decides to call another one. Manager Deese then explained that the Council needs to make a decision tonight if they would like to make a decision on the rezoning or table it and have another public hearing.

Council Member Staton recommended to have another public hearing.

Mayor Smith asked if tabling the issue would also need to be part Ms. Staton's motion to hold another public hearing.

Manager Deese explained that there needs to be a vote to table this item and then call for a public hearing concerning this rezoning.

Council Member Staton made a motion to table this item and to call for a public hearing to receive public input concerning rezoning R/MST to Main Street Periphery on March 1st, 2021 at 7:00 pm.

Mayor Pro tem Morgan seconded.

All ayes. Motion passed unanimously.

Mayor Smith announced citizens now have an additional 30 days and encouraged citizens get information to town staff.

Manager's Report:

Manager Deese discussed having speakers come in via a ZOOM meeting and speak to council members in lieu of a budget retreat and asked Council if they would prefer to have the meeting one at a time or a majority in one day.

Mayor Smith asked if these would constitute a public meeting and Manager Deese affirmed it would.

Mayor Pro tem Morgan asked how many meetings are being planned.

Manager Deese stated right now he doesn't have a plan but asked for an indication for what the Council would like to hear and he would see how many meetings would need to be setup. Manager Deese stated that he did buy a webinar that provides an hour long training for elected officials.

Mayor Pro tem Morgan suggested that Manager Deese could bring a few topics concerning budgetary items for the next meeting.

Manager Deese said he would do that.

Council Member Staton said that the cost to bring individuals in for meeting cost money and that costs need to be reasonable.

Next Manager Deese discussed the issue of stray cats and stated that the town does not have an animal control department and rely on the county rules and enforcement and for citizens to call County Animal Control for animal related issues.

Council Comments:

Council Member Blakeney thanked everyone for attending the meeting and also thanked everyone for the well wishes she has received.

Council Member Staton asked for clarification on how voting works when you are not able to attend in person and have to attend virtually due to COVID-19.

Manager Deese explained that you are considered in the meeting, even when attending the open meeting remotely, once you establish yourself present and still have the same right to make motion and vote. If you don't vote it's still considered an affirmative vote because that is the state statute. Manager Deese further explained that if there is a closed session then the member attending remotely would need to be excluded because you don't know the integrity or how many people are in the room with the remote council member.

Council Member Staton then thanked everyone who attended the meeting remotely and stated she hopes to do more positive things for the community.

Mayor Pro tem Morgan discussed the issue of stray cats and stated that cats are natural animals that take care of rodents and to not feed the feral cats and to not kill them. She said to call County Animal Control, but to not kill the cats or we risk being overrun with snakes and rodents

Council Member Bivens stated that she agrees with Mayor Pro tem Morgan and had no other comments.

Mayor Comments:

Mayor Smith announced that the town has a new finance officer and encouraged Council to thumb through the monthly financial snapshots provided by the manager and finance officer.

Manager Deese stated he had another comment to mention and discussed the museum is requesting some cosmetic updates to their ceiling and that's one thing to consider budgeting for. Manger Deese also discussed the collaboration with South Piedmont Community College has looked at the old cleaners building and will be taking it on for a project and have provided a list of requested tools that are needed and the project is moving forward. Manager Deese brought up the issue of calls regarding mud at a cluster box. He stated that since sometimes the police sit at that cluster box to help control traffic speed to go ahead and have some gravel put down, but the cluster boxes are property of the Post Office and it is their responsibility to keep that up. Manager Deese also stated that he spoke with a gentleman about doing a mural for the movie The Color Purple and that there are a few buildings currently being discussed for the mural.

Mayor Smith brought up the issue of the gun fire in town and stated that he has heard it and wants to know that this issue is not being ignored.

Manager Deese stated that he is getting with Chief Tarlton and see what the statutes are what can be done about it.

Adjournment:

Mayor Smith requested a motion to adjourn. Council Member Staton made motion, Council Member Blakeney seconded. All Ayes. Motion passes unanimously. Meeting adjourned at 8:26 pm.

Approved this _____ day of _____, 2021.

Larry Smith, Mayor

ATTEST:

Michael Garrison, Interim Town Clerk