



## **Town of Marshville Town Council Public Hearing/Regular Meeting**

**March 1st, 2021 7:00 pm  
Marshville Town Hall, 118 East Union St., Marshville, NC  
28103**

### **Public Hearing**

**Present:** Mayor Larry Smith; Mayor Pro tem Virginia Morgan; Council Members Paulette Blakeney, Ernestine Staton, and Gary Huntley

**Absent:** Council Member Margaret Bivens

**Staff Present:** Franklin Deese, Town Manager; Michael Garrison, Interim Town Clerk; Matt Tarlton, Police Chief; 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 7:00 PM. Council Member Huntley gave the opening prayer. Everyone stood and gave the Pledge of Allegiance.

### **Open Public Hearing to Receive Public Comments for:**

- 1. Consideration of Zoning Amendments to the Town of Marshville Official Zoning Map from R/MST to MSP**
- 2. Consideration of Re-zoning of Property on Green St. from SFR-1 to SFR-2**

### **Public Comments for topic R/MST to MSP:**

Mayor Smith opened the public hearing and read a letter from Mr. and Mrs. Perry Rushing, 307 N. Elm Street, stating their opposition to the specific rezoning and stated that the UDO listed online does not seem to match the 2035 Plan. The Rushings state they are not trying to hinder progress, but would like to see plans implemented on the Gateways, 74 Corridor, and Core Downtown Areas while keeping Marshville's Historic Downtown intact.

### **Staff Discussion/Council Questions:**

Manager Deese allowed Ms. Soriano to discuss the proposed changes for the rezoning. Ms. Soriano also explained that the current ordinance available online is not the most recent adopted version and the most recent adopted version is not currently available as we do not have one full ordinance laid out yet.

Manager Deese reminded the Council and Public that since this is a legislative hearing, there will not be a vote tonight.

Mayor Smith then asked Ms. Soriano to clarify what's on the town website and what's not.

Ms. Soriano explained that the most recent version of the approved UDO is not on the town website as we do not currently have an ordinance with the approved 160-D changes in it yet and are currently working to get the latest copy put together and posted to the website.

Manager Deese then explained the reason we do not have that yet is most towns don't have development ordinances listed as one document and have them broken up by articles so a developer can pull different articles at the same time. What Marshville currently has posted on the website is one large PDF and we are currently in the process of having the ordinance divided up by article.

Mayor Smith stated he wanted to make sure that everything posted on the website is accurate.

**Public Comments for topic SFR-1 to SFR-2:**

Mayor Smith opened the public hearing and stated there is a letter from Susan Drake, 306 S. Elm Street.

Manager Deese informed the Mayor and Council that Ms. Drake is on the Planning Board but has recused herself from any discussion on this rezoning issue and that this letter is from her as a private citizen.

Mayor Smith read Ms. Drake's letter concerning environmental concerns regarding an industry discharged materials on this lot sometime in the past and that the Council request an environmental statement of findings and remediation regarding this lot. Also Ms. Drake expressed concerns about the road on this street.

**Staff Discussion/Council Questions:**

Mayor Smith then allowed Ms. Soriano to discuss the background information on this rezoning request.

Mayor Pro tem Morgan asked who would be responsible for building the roads in this area.

Ms. Soriano explained that Green Street is a town owned road and there are certain requirements required by the town but believes it would be up to the developer.

Manager Deese stated that building the streets into the properties is the responsibility of the developers, but we would see if the town would be required to upgrade the road on Green Street or request the developer to take care of that because if it is going to cost more money than the town can spend to develop Green Street then the developer would need to take care of that.

Mayor Pro tem Morgan then asked who pays for the sewer lines.

Manager Deese then explained that in a development it needs to be negotiated who pays for what. If the project exceeds what the town can pay, then the developer would need to pay for it and meet both the town and state standards and then can hand the sewer over to the town for up keep, this is the same for the roads. Ms. Soriano agreed to that statement.

Mayor Smith asked if this has been voted on by the Planning Board.

Ms. Soriano explained this has been voted on by the Planning Board to recommend to approve this rezoning request 4 to 2 and Ms. Drake recused herself from discussion and vote.

Mayor Smith stated that these are the only to written public comments received regarding these two rezonings. Mayor Smith then announced that these two rezoning requests will be voted on at the next meeting, two weeks from tonight.

**Closing of Public Hearing:**

Mayor Smith entertained a motion to close the public hearing. Council Member Staton made motion, Mayor Pro tem Morgan seconded. All ayes. Motion passed unanimously.

### **Regular Meeting**

#### **Call to order:**

Mayor Smith made the call to order to move into the monthly regular meeting and the invocation and Pledge of Allegiance have already been made earlier.

#### **Reading of Public Comments Received by Email:**

Mayor Smith read comments that were emailed in. The first email Mayor Smith read was from Karla Duron, no physical address given, concerning cars and trucks speeding on US-74.

Next, Mayor Smith read an email from Nicole Seville, no physical address given, concerning vehicles speeding and running red lights at the intersection at Main Street and E. Marshville. Ms. Seville requested yellow blinking slow signs 200 feet before the traffic lights on E. 74 and stated that the recent collision that resulted in a death is frightening and unnerving.

#### **Adoption of Agenda:**

Mayor Smith entertained a motion to adopt the agenda.

Manager Deese added that he would like to add the minutes from the February 1<sup>st</sup> Regular Meeting to the consent agenda.

Mayor Smith then entertained a motion to adopt the agenda with the additions to the consent agenda.

Council Member Staton made motion. Mayor Pro tem Morgan seconded. All ayes. Motion passed unanimously.

#### **Adoption of Consent Agenda:**

- Town Minutes:
  - February 1<sup>st</sup>, 2021 Regular Meeting
  - February 15<sup>th</sup>, 2021 Work Session

Mayor Smith entertained a motion to adopt the consent agenda.

Council Member Huntley made motion. Council Member Staton seconded. All ayes. Motion passed unanimously.

Manager Deese requested since Ms. Soriano was still in the Zoom meeting, if the Council wouldn't mind skipping ahead to agenda item 7 regarding the discussion and action of the 122 S. White Street Subdivision. That way Ms. Soriano would be able to leave once the discussion/action was finished.

Mayor Smith asked the Council was fine with that and noted that the address was 122 S. White Street and not S. Main Street as listed on the agenda.

The Council had no problem moving ahead to agenda item 7.

#### **Discussion/Action on 122 S. White Street Subdivision:**

Manager Deese gave Ms. Soriano the floor.

Ms. Soriano gave a quick recap about the subdivision. Ms. Soriano explained that the Technical Review Committee voted to make the recommendation to the Planning Board back in November, and the Planning Board voted 5-2, in December, to recommend to the Town Council a 40ft right-of-way for Griffin Lane and to recommend the property for subdivision with the necessary 10% flexible development standard included. Ms. Soriano then explained that the purpose of tonight's hearing is to consider a 40ft right-of-way for Griffin Lane and the subdivision of 122 S. White Street into two parcels with a 10% flexible development standard for the property measurement and setbacks. Ms. Soriano stated that both of these in order to approve the subdivision, both the right-of-way and 10 % flexible development standard must be approved in order to approve the subdivision and once approved, someone from the Mayor will need to read a matching statement of reasonableness and consistency.

Mayor Pro tem Morgan asked if the applicant is going to build one or two structures on the property.

Manager Deese asked Ms. Soriano if there is enough room to build two structures.

Ms. Soriano stated there is not enough room.

Manager Deese also explained that if the applicant builds over the sewer line or impedes the sewer then it is his problem and not the Town's problem.

Ms. Soriano reminded the Council that there is a duplex on this property that was grandfathered in and is a legal nonconforming structure.

Mayor Smith asked if there was any further discussion regarding the rezoning. There was no further discussion.

Council Member Staton made a motion to approve the subdivision request.

Mayor Smith read the statement of reasonableness and consistency.

Council Member Huntley seconded. All ayes. Motion passed unanimously.

**Closed Session per GS 143-318.11 (a) 3 to consult with Attorney:**

Mayor Smith entertained a motion to move into closed session.

Mayor Pro tem Morgan made motion. Council Member Staton seconded. All ayes. Motion passed unanimously and the meeting moved into closed session.

**Motion to come out of Closed Session:**

Mayor Smith entertained a motion to move the meeting out of closed session:

Mayor Pro tem Morgan made motion. Council Member Huntley seconded. All ayes. Motion passed unanimously and the meeting came out of closed session.

**Action resulting from Closed Session:**

Mayor Smith entertained a motion to vote on the action resulting from the closed session.

Council Member Station made motion to instruct the attorney to stipulate that the amount owed to Union County is \$615,000 based on the rulings of the Court to this point.

Council Member Huntley seconded. All ayes. Motion passed unanimously.

**Mural language to be included in the ordinance:**

Manager Deese explained the moratorium on murals is about to expire and the town is still writing an ordinance and some temporary stop-gap language was sent to him that people could not write anything they want to on the side of a building. This language would be put in the ordinance temporarily until the ordinance could be fully written and voted on. Manager Deese presented the language to the Council.

Mayor Smith suggested correcting some of the language where Marshville is referred to as a "city" and make the corrections to "town".

Mayor Smith entertained a motion to adopt the language with the corrections.

Mayor Pro tem Morgan made motion. Council Member Staton seconded. All ayes. Motion passed unanimously.

Manager Deese then suggested that the Council skip agenda item 9 and go ahead with items 11, 12, and 13 as there will be no action resulting from the closed session for agenda item 9 but there will be a lengthy discussion.

The Council agreed.

**Town Manager Comments:**

Manager Deese explained there will be a presentation via Zoom on the County property evaluations at the next work session. Manager Deese stated that the ABC Board has finished their audit and will have a report soon. Manager Deese explained that the work out area with equipment at the park has been completed and he is just waiting for a date when representatives from Pilgrim's Pride can set a date for a ribbon cutting. Manager Deese explained there was some concern about the safety of some of the machines that were installed and Manager Deese passed around some of the safety and warning signs that have been installed at the workout area.

Next Manager Deese discussed the relation between the Parks & Rec Director Mark Gosnell and the new Finance Director LeAnn Gosnell. Manager Deese explained that he checked the town policy and the policy does allow members of the immediate family to be hired if one does not supervise the other. Manager Deese explained they do not answer to each other, they both answer to him and the hiring is within the policy. Manager Deese also explained that out of the out of the five applicants, Ms. Gosnell had the experience and qualification needed for the position.

Next, Manager Deese explained that there is no code enforcement report this month as today was Michael Garrison's first day as code enforcement officer and he will have his first report next month.

Next Manager Deese explained that he had the town attorney look at the contract for the service line warrantee program and he had an issue with the town indemnifying the company the National League of Cities and them indemnifying the town. Manager Deese said he raised the issue with the representative and he spoke with the company's legal department and they removed that from the contract. Another thing the town attorney had a problem with is with privacy laws. He did not have time today to give the revised contract to the town attorney.

Manager Deese then requested a consensus from the Council to authorize him to approve the final contract so the representative is not kept waiting.

Manager Deese then discussed the survey for the park and the deadline for the survey has been extended to Friday, March 5<sup>th</sup>.

**Council Member Comments:**

Council Member Blakeney thanked everyone for attending the meeting and wished everyone a blessed week and be safe.

Council Member Huntley asked to keep one another in prayers and wished Council Member Bivens to get healthy and stay safe.

Council Member Staton asked everyone to pray for Council Member Bivens and for the family of Jennifer White who was killed in the recent collision. Ms. Staton stated that she has heard a lot of negative comments about the town Police Department, but feels the police are doing a tremendous job and asked them to keep up the good work. Ms. Staton stated that she does have a big problem with the speeding through the school district. Her grandson goes to that elementary school and she is having problems trying to pick him up from school because traffic is going so fast and a lot of other parents are having trouble as well and would like the speeding to be monitored a little more.

Mayor Pro tem Morgan asked Chief Tarlton if the police had a drone car sitting by a light today.

Chief Tarlton stated that he wanted to address the Council real quick. Chief Tarlton explained that Marshville Police has been busy the last six weeks with a missing person and a few shootings and haven't been able to work as much traffic because of that. He further explained that the police haven't been able to work as much traffic this year due to COVID-19 and at least three officers being out with the virus. The police have written around 1,090 speeding tickets this year when the normal is around 1,500. Now that COVID is calming down he expects the police to start working the traffic stops again. The Marshville Police actually wrote 60 tickets in the past two days. Most tickets were for speeding and there were a few written for not stopping at red lights.

Chief Tarlton stated he has spoken with the Principle at the Middle School on 74 about putting an electric speed sign on the edge of the school's property and the Principle said she would get back to us about it. The issue is trying to find a good place to put it with a sustainable power source. This is a much bigger sign with 18 inch, yellow digital letters that will flash when someone is speeding.

Chief Tarlton also stated that he spoke with the Union County Sheriff's Office earlier in the afternoon and they will send their traffic team to Marshville that is just dedicated to working traffic and not going on calls. They will send them down a couple of times a week for a while to work traffic in front of the school and at the lights here in town.

**Mayor Comments:**

Mayor Smith stated he was contacted by one of the board members of a charity organization called Common Heart that they are opening up a Marshville facility and their director would like to say a few words to the Council after COVID-19 clears up. Mayor Smith stated they are looking to expand their board members and are looking for some eastern Union County representation.

Mayor Smith then explained that municipal employees and elected officials are part of the group 3 that is now eligible to receive COVID-19 vaccines.

Mayor Smith then wished condolences to the Jennifer White family. Mayor Smith then explained that Highway 74 is a state maintained highway and the town doesn't control speeds or light on it and the town has to work through the NCDOT and then asked Manager Deese what all has been done.

Manager Deese explained that he has called and spoken to someone named Tony who is the NCDOT engineer for traffic and he is waiting to hear back but also spoke to another person about them possibly coming and checking the traffic lights and making sure they are properly calibrated. Manager Deese also spoke to Chief Tarlton about reaching out to NCDOT and then gave the floor to Chief Tarlton.

Chief Tarlton explained that the drone car was put out along with the small electric speed sign to try and slow people down. He also reached out to the Department of Transportation and the person advised him that the loop at that light has some problems. Its functioning right, but the timer is stuck on a minute with the cycle loop. The light funtions properly but the timer needs to be changed. The NCDOT can't just rest them timer because it is built into the system and the system needs to be rebuilt. He explained that the NCDOT for Union County have been getting a lot of complaints about that light at the school zone. Unfortunatley the state is broke and it can't be worked on until there is money to fix it, and even then it is not high on their priority list to fix. Chieft Tarlton suggested that the town could try doing a resolution and getting them signed by the Board members and sending the resolution to the DOT and other people and try to push that light up higher on the priority list.

Mayor Smith asked Manager Deese if he would draft some sort of resolution or a letter and Manager Deese said he would.

**Closed Session per GS 143-318.11 (a) 5 to direct staff concerning negotioating positions pertaining to possible real estate purchase:**

Mayor Smith requested a motion to go into closed session.

Mayor Pro tem Morgan made motion. Council Member Staton seconded. All ayes. Motion passed unanimously. The meeting moved into closed session.

**Motion to come out of Closed Session:**

Mayor Smith requested a motion to come out of closed session.

Mayor Pro tem Morgan made motion. Council Member Staton seconded. All ayes. Motion passed unanimously and the meeting came out of closed session.

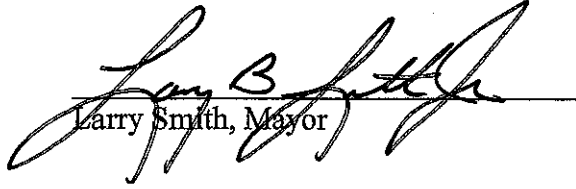
**Action resulting from Closed Session:**

Mayor Smith there was no action resulting from the closed session.

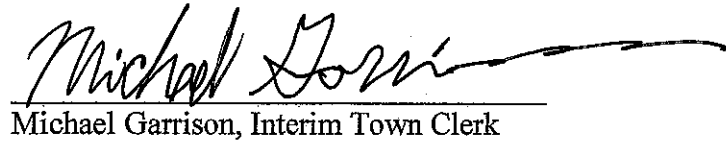
**Adjournment of Meeting:**

Mayor Smith requested a motion to adjourn the meeting. Council Member Huntley made motion. Council Member Morgan seconded. All ayes. Motion passed unanimously. Meeting adjourned at 9:48 pm.

Approved this 6 day of July, 2021 by:

  
Larry Smith, Mayor

ATTEST:

  
Michael Garrison, Interim Town Clerk