

**Town of Marshville  
Town Council Meeting  
Monday, February 1, 2016  
Marshville Town Hall  
201 W. Main St., Marshville**

**Regular Meeting**

**Council Members Present:** Mayor Deese, Mayor Pro-Tem Morgan, Council Members Rowell, Carpenter, Staton, and Bivens.

**Staff Present:** Town Manager, Fern Shubert; Town Clerk/Finance Officer, Tonya Johnson; Public Works Director, Bivens Steele; Chief of Police, Matt Tarlton; Town Attorney, Bobby Griffin; Planning, Zoning and Subdivision Administrator, Richard Flowe; Planning Staff, Robyn Stuber.

**Call to Order/Invocation/Pledge of Allegiance**

The meeting was called to order at 7:12 pm by Mayor Franklin D. Deese who welcomed and everyone in attendance and thanked them for their interest in the Town of Marshville. The invocation was offered by Council Member Margaret Bivens. The Pledge of Allegiance was given by everyone.

**Adoption of Agenda for the Meeting**

Council Member Bivens moved to add to the agenda a discussion of water bills. The motion was seconded by Council Member Staton and passed unanimously. This discussion was added as item #11. Council Member Rowell made a motion to adopt the agenda with the addition of item #11, a discussion of water bills. The motion was seconded by Council Member Bivens and passed unanimously.

**Public Comment**

Chass Helms, of 1142 Hwy. 205, Marshville, addressed the council and requested that his land on Hwy. 74 not be rezoned. Mr. Helms stated he has approximately 40 acres. Mr. Helms told the council that he purchased the property eight years ago and paid more than what agricultural land sells for. Mr. Helms explained that the property is currently listed for sale and it can't be advertised for sale as HC if it is zoned AGRI. Mr. Helms stated that the zoning change will have a negative financial impact. Mayor Deese clarified that the property is currently listed to sell as commercial property. Mr. Helms stated that his Real Estate agent explained that assumptions cannot be made when listing property as to what the future use will be. Council Member Rowell asked why Mr. Helms did not attend the public hearing.

Ronnie Moore, of 930 Hasty Road, Marshville, NC, addressed the council and requested that his property on Hwy. 74 remain zoned HC. The proposed plan will result in a change to AGRI. Mr. Moore stated that he can't list the property as commercial if it is zoned AGRI. Mr. Moore expressed that he wants to see fairness to all the people. He desires what is best for both himself and the Town of Marshville. Mr. Moore questioned why the area in which he owns land is being restricted but other areas are not. He commented that he is seeing red flags. Mr. Moore pointed out that Mr. Helms has property on Hwy. 74 and the railroad. He asked how N-Focus came up

with such nonsense. Mr. Flowe responded that he works with the town but does not make final decisions. Mr. Flowe asked that he not be accused. Mr. Moore expressed concern that someone is not doing their homework. Mr. Moore pointed out that Fern Shubert owns sixty-two acres near Mr. Helm's property. He suggested a conflict of interest. The Town Manager, Fern Shubert, explained how the property in question came to be zoned as it is, referencing Legacy Park. The town has a legal financial commitment to provide water and sewer when and if developed. Mayor Deese commented that these items will be discussed later in the meeting.

### **Consent Agenda**

A motion to adopt consent agenda as presented was made by Council Member Bivens. The motion was seconded by Mayor Pro-Tem Morgan and passed unanimously.

### **Swearing in of ABC Board Members**

Mayor Deese swore in the recently appointed ABC Board Members, Stephanie Baumer, Dora Bridget and Bob Morgan, as required by the ABC Commission.

### **Presentation of the FY2014-15 Financial Audit– *Deneal Bennett, J.B. Watson & Co., PLLC***

Ms. Deneal Bennett, CPA, provided a handout of financial information to the council members for review. Ms. Bennett stated that her firm enjoys working with Town of Marshville staff and that the staff is very efficient. Ms. Bennett briefly went through the financial audit, touching on some of the financial highlights. She pointed out the audit was given a clean opinion, meaning that based upon tests of data the information appears materially correct. Ms. Bennett explained that the MD&A (Management's Discussion and Analysis) is written by management and provides an overview of financial statement. Ms. Bennett explained that GASB 68 was implemented this year and that it has to do with accounting for pension/retirement. A new note to the financial statements deals with pensions. Ms. Bennett discussed internal controls and the lack of segregation of duties. She emphasized that this is common in small towns with fewer staff members. Ms. Bennett stated that there were payroll reporting issues with the new FMS software but that staff has worked with the software company and resolved the issues. Ms. Bennett encouraged any council member to call or email her with questions concerning the audit and financial statements. Mayor Deese thanked Ms. Bennett.

### **Discussion and possible action concerning approval of the FY2015-16 Audit Contract**

Council Member Rowell moved to approve FY2015-16 Audit Contract as presented by J. B. Watson & Co., P.L.L.C. The motion was seconded by Mayor Pro-Tem Morgan and passed by unanimous vote.

### **Discussion and action regarding approval of the Town Plan 2035 – *Richard Flowe, NFocus Planning & Design***

Mr. Flowe informed the council that there have been no changes to the Town Plan 2035 (pointing to the map). He stated that the members of council have heard public comments. Mr. Flowe made a recommendation that any changes be included in the motion to adopt the Town Plan 2035. Mayor Deese pointed out Mr. Helms's property on the map and expressed that the property should not be zoned AGRI. Mayor Deese also pointed out some other AGRI property that should be changed to industrial. Discussion ensued. Council Member Rowell emphasized that this is a future plan. Mr. Flowe pointed out the red areas and stated that TMU areas are largely commercial. Industrial areas are generally areas where you don't have the general public. Mr. Flowe explained how changes can be made between the Land Use Plan and zoning changes. The council reviewed and made changes/revisions to the Town Plan 2035 Land Use Map. Council Member Carpenter expressed that one house per five acres seems a lot. Council Member Staton agreed. Council Member Rowell

made a motion to adopt the Town Plan 2035 Land Use & Comprehensive Master Plan including changes/revisions made to the Land Use map. The motion was seconded by Mayor Pro Tem Morgan and passed by unanimous vote.

**Discussion and action regarding approval of the Town of Marshville Development Ordinance and revised Zoning Map – *Richard Flowe, NFocus Planning & Design***

Mr. Flowe explained that two votes must be taken. There must be a separate motion to adopt the consistency statement. Mayor Deese began a discussion of the zoning map stating that several requests were heard. Discussions ensued regarding the requests that were made during the public hearing. Council Member Rowell feels that Mr. Moore's and Mr. Huggin's property should be changed to C74. They are the only properties that will have an access road once the bypass is complete. Discussion ensued. Council Member Rowell suggested changing Mr. Chass Helm's property to industrial. It was the consensus of the council to change the strip of properties along the railroad to C74. Mayor Deese emphasized that everyone should be treated fairly. Council Member Rowell clarified that once this is voted on, then any changes must go through the re-zoning process.

Mayor Deese referenced land owned by Fern Shubert and questioned why the land is already zoned industrial. Town Manager Shubert spoke to how the property came to be zoned as it is. She referenced a letter of commitment (from years past) from the Town of Marshville to provide sewer to the property if developed. Council Member Rowell commented that it was likely left industrial because of Legacy Park.

Mayor Deese expressed concern about the town not having a seat at the table as future development occurs. Mayor Deese asked Mr. Flowe how much influence the town could have on the development of the property. Mr. Flowe stated that there would have to be overlay zoning. Developers would have to come before the town for rezoning; therefore, the town would have a seat at the table. Mayor Deese questioned potential development that is a use by right. Mr. Flowe gave an example of warehouse distribution center. There is nothing to negotiate except water/sewer for domestic use. Discussion ensued. Council Member Staton recalled back to the early 90's when that was adopted (referring to the letter of commitment). She asked how long the town has to be obligated. Attorney Griffin responded that it should be in the town's ordinances. Town Manager Shubert stated that there was a sewer commitment. Discussion ensued.

Mr. Flowe stated that every request that has been made has been accommodated. Mayor Deese asked if there are any other questions or discussion. Mayor Deese read the Statement of Consistency. Mr. Flowe recommended to remove the words "and" and "text". A motion to adopt the Statement of Consistency with the two corrections was made by Council Member Rowell. The motion was seconded by Mayor Pro-Tem Morgan and passed by unanimous vote. A motion to adopt Marshville Development Ordinance and zoning map with changes was made by Council Member Rowell. The motion was seconded by Mayor Pro-Tem Morgan and passed by unanimous vote.

**Discussion and action regarding the acquisition of property – PID #02301067**

Mayor Deese commented that the manager was instructed to negotiate for a piece of property near the park. Town Manager Shubert reported that Attorney Griffin is working on the title documents. She also reported that the contract is in the works. The purchase price is what the owner was asking, or \$84,900. The projected closing date is expected to be February 8 or 9. Mayor Deese stated that the council needs to approve a budget amendment for the acquisition of the property. It was moved by Mayor Pro-Tem Morgan to approve Budget Amendment 2016-08. The motion was

seconded by Council Member Staton and passed by unanimous vote.

### **Discussion of the water bill**

Council Member Bivens reported that she wasn't home for a month and had a bill as if she had consumed water. She recommended going back to only being charged for actual consumption. Town Manager Shubert stated that this brings up the topic of a budget work session. Town Manager Shubert stated that changes to billing were adopted after North Carolina Rural Water performed a rate study last year. Council Member Rowell stated that to change the billing process would require the adoption of a new fee schedule. Mayor Deese agreed that a budget work session is an appropriate time to discuss water bills and rates.

Town Manager Shubert stated that February 5 was the date set for budget work session. However, that date is too soon and not enough information is available. Town Manager Shubert proposed February 19 or 26 as prospective dates for a budget work session. Discussion ensued regarding a date for a budget work session. It the consensus of the council to call for a special meeting for a budget work session on February 26, 2016 from 3 – 6 pm at Town Hall. The clerk was directed to post notice of the special meeting as required. An additional work session was tentatively set for Saturday, March 19, 2016 at 9 am at Town Hall. Mayor Deese requested that Council Member Staton bring back dates that she will be available to meet.

### **Town Manager's Report**

Town Manager Shubert called on Chief Tarlton for an update from his department. Chief Tarlton reported that a new female officer has been hired. Her name is Romana Marks and she has military experience. Ms. Marks has a degree in Criminal Justice. Ms. Marks will be introduced at the March 7, 2016 council meeting.

Town Manager Shubert called on Public Works Director Bivens Steele for a report from public works. Public Works Director Steele provided an update on the Hwy. 74 Water Line project, informing that plans and encroachment agreements have been given to DOT. He also reported that two employees, Rick Mareth and Braxton Barrett attended water certification school and will test in March. The two have also been signed up for sewer training classes.

Public Works Director Steele also reported that an email from Bill Lester indicated that the town has been awarded money for a booster pump station. Staff is currently working on a location to construct the new pump station.

Town Manager Shubert reported that the town received approval for additional funding for water and for sewer. She stated that council needs to authorize herself or Mayor Deese to sign documents. Council Member Rowell made a motion that either Mayor Deese or Town Manager, Fern Shubert be authorized to sign the documents. The motion was seconded by Mayor Pro-Tem Morgan and passed by unanimous vote.

Town Manager Shubert reported that she has not heard back from the county. She stated that, with Council Member Rowell's help, the sewer documents were uploaded to the town's website for public viewing.

Town Manger Shubert reported that she received an invitation to attend a meeting to discuss intersections. She submitted list of dangerous intersections in Marshville.

### **Mayor and Town Council Member Comments**

Town Clerk/Finance Officer, Tonya Johnson, requested that action be taken to hire someone in Town Hall to train to replace Ms. Melton. Discussion ensued. Council Member Rowell stated that the manager needs to amend the job title and move forward with the personnel issue. All council members agreed with Council Member Rowell.

Mayor Pro-Tem Morgan referenced minutes from the park committee meeting and stated that the meeting went well. She reported that the committee will meet the 4<sup>th</sup> Wednesday of each month at 3 pm.

Council Member Staton reported that she is completing the packet to serve as the town's representative for the CRTPO.

Council Member Rowell reported that the sewer meeting documents have been uploaded to the town's website. Union County provided a copy of the CD and he is working on getting the cd uploaded. Council Member Rowell commented that the article by Luanne Williams with the Home News was good. He reminded everyone of the Chamber Banquet on February. 4, 2016 at 7 pm. Council Member Rowell encouraged council to come by Town Hall to see how hard everyone works. He expressed appreciation to Town Clerk/Finance Officer Johnson.

Council Member Carpenter wished everyone a Happy Valentine's Day. She also expressed her understanding of the need for help at Town Hall. Ms. Carpenter stated that without proper staff, stuff slips through the cracks.


Council Member Bivens reported that the Marshville Museum is doing good things. It is working with school system. Council Member Bivens suggested that the town provide the museum with software and that town look into applying for a grant for the museum. Mayor Deese stated that the Marshville Museum is a 501c (3), and therefore, should apply for the grant.

### **Adjourn**

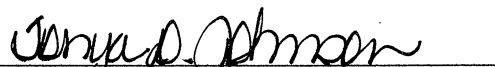
A motion to adjourn the meeting was made by Council Member Rowell. The motion was seconded by Council Member Staton and passed by unanimous vote. There being no further comments the meeting adjourned at 9:40 pm.

These minutes approved this 7th day of March, 2016.

By:

  
Virginia Morgan, Mayor Pro-Tem

ATTEST:

  
Tonya D. Johnson, Town Clerk