

Town of Marshville

Town Council Meeting

Monday, July 11, 2016, 6:30 PM

Marshville Town Hall

Regular Meeting Minutes

Council Members (CM) Present: Mayor Deese; Mayor Pro-Tem Morgan; Council Members Margaret Bivens, Ernestine Staton, and Jim Rowell. A quorum was present. Council Member Norma Carpenter (arrived at 6:40 pm)

Staff Present: Town Manager, Fern Shubert; Tax Collector/Asst. Clerk, Debbie Morton; Police Chief, Matt Tarlton; Town Attorney, Bobby Griffin(arrived at 6:54 pm); Parks and Recreation Director Eddie Mitchell(arrived at 7:50 pm)

Call to Order/Invocation/Pledge of Allegiance

The meeting was called to order at 6:30 pm by Mayor Frank Deese. Mayor Deese gave the invocation. The Pledge of Allegiance was given by everyone.

Adoption of Agenda for the Meeting

CM Bivens made a motion to add the discussion of yard sales within the city limits. The motion was seconded by CM Staton. The motion carried by unanimous vote. This was added as agenda item #8 with the remaining items moved down.

A motion to adopt the agenda with the items added was made by CM Staton and seconded by CM Rowell. The motion carried by unanimous vote.

Public Comment

Ms. Pam DeMaria, 1108 Hunters Trail Drive, Indian Trail, NC addressed the council regarding her candidacy for Board of Union County Commissioners. She stated that she would be a voice for Union County Education as her first job was a teacher. Public Safety is a big concern of hers. Ms. DeMaria is concerned about jobs in North Carolina moving to South Carolina and desires to find solutions for the community. She has visited and interviewed some of the Marshville businesses (Old Thyme Market and the museum) and has made a short video of the area. Ms. DeMaria expressed that she has fallen in love with this town. Her website is pandemaria.com.

Consent Agenda

A motion to accept the consent agenda and approve the items thereon was made by CM Bivens. The motion was seconded by CM Staton and passed by unanimous vote.

Public Hearing to amend Article 8 related to removing telecommunications towers from the Main Street (MS) District

CM Rowell made a motion to open the public hearing. The motion was seconded by CM Staton and passed by unanimous vote.

Robyn Stuber, the town's Assistant Planning Administrator stated the change will not affect any existing towers but would prevent the installation of new pole towers in the downtown area. Planning Board (PB) Chairperson, Susan Drake added that huge towers aren't needed and should be located outside the downtown area.

There were no public comments.

There being no further comments, CM Bivens made a motion to close the public hearing. The motion was seconded by CM Morgan and passed unanimously.

A motion to approve amendment of Article 8 related to removing telecommunications towers from the Main Street (MS) District and to adopt an ordinance to amend the above was made by CM Rowell. The motion was seconded by CM Morgan and passed unanimously.

Public Hearing regarding a zoning map amendment requested by ESA Renewables, Union County Parcel ID #02-142-019 and 02-314-014-90, to change the zoning from Single Family Residential (SFR-1) to Industrial (IND)

CM Station made a motion to open the public hearing. The motion was seconded by CM Bivens and passed by unanimous vote.

Planning Board Chairperson Drake described the solar farm as visually benign, but stated that if the IND zoning is allowed and then the HIO (Heavy Industrial Overlay) zoning granted, the property could be used for chemicals, asbestos, radio-active material, hazardous waste, and/or heavy metal production. HIO would not be compatible with the current neighborhood, should the solar farm decide to withdraw. Chairperson Drake urged the council to take into account the community as a whole. The Planning Board and Town Council must walk a fine line when considering rezoning matters. Chairperson Drake stated that you want the property owner to exercise the best use for their property. You want to encourage new business and you want to exercise protectionism for the people who are already here. Mayor Deese questioned why we would group solar farms in the same category as hazardous operations. A solar farm is a benign open-air operation.

Public Comments

Crysta Allen, 105 Braswell St., Marshville, spoke to the council regarding her concerns about the current and the proposed solar farms. She stated that she received notification of the public hearing as a property owner and is in disagreement. Ms. Allen admitted that she doesn't know the danger of it, but would want to know about it before a larger farm locates right next to her property.

Lindsay Herord, 4155 St. Johns Parkway, Ste. 1100, Sanford, FL is with ESA Renewables. She stated that notices were sent to residents within 500 feet of the above property. Ms. Herord stated that she was surprised by the Planning Board's denial to rezone the property from SFR-1 to IND. She stated that she is present to answer any questions.

Colin Tarrant, 101 N. 3rd Street, Wilmington, NC is the attorney for ESA Renewables and pointed out that the requested change is consistent with the town's land use plan. There is a railroad track nearby and the land use plan shows this would be a perfect spot of future industry. Mr. Tarrant told the council that they were only requesting the zoning be changed from SFR-1 to IND, as the request for HIO would have to be made at a later date. In order to get to the next step, we must request rezoning for 650 W. Union Street. He will support the Board's decision to table the vote if more information is needed.

Mayor Deese strongly suggested that the council table the matter until further research could be done.

There being no further comments, CM Rowell made a motion to close the public hearing. The motion was seconded by CM Station and passed unanimously.

CM Bivens made a motion to table the zoning map amendment requested by ESA Renewables, Union County Parcel ID #02-142-019 and 02-314-014-90, to change the zoning from Single Family Residential (SFR-1) to Industrial (IND). The motion was seconded by CM Staton. The motion passed by a vote of 4-1, with CM Rowell opposing.

Discussion and possible action concerning sewer litigation

Town Manager Shubert told members of the council that its attorneys are talking to Union County and to the courts. Marshville is willing to pay its share. Town Manager Shubert explained that whatever amount that is paid in the interim will be adjusted from the total, once we get the information that has been requested. Mayor Deese stated that the attorneys have determined that the Town of Marshville needs to pay something. This board needs to authorize the attorneys to negotiate a payment plan pursuant to the approval of this council before payments are made. Mayor Pro-Tem Morgan made a motion to authorize the attorneys to negotiate a payment plan and present it for council approval. The motion was seconded by CM Bivens and passed unanimously.

CM Rowell stated that Union County filed a new response and he wants a copy. He told Town Manager Shubert that council needs copies. Mayor Deese told the manager to make sure every council member receives copies of all correspondence. The manager stated that she would follow through with this request.

Discussion on yard sales within the city limits

CM Bivens stated that a Marshville resident, Nancy Gillespie, was asked to move her yard sale from the old Radio Shack parking lot. Mayor Deese said you must have permission from the owner. Assistant Planning Administrator, Robyn Stuber, stated that yard sales are limited to 3 times annually from noon on Friday to noon on Monday. No permit is required, but yard sales are only allowed in AG, SFR, R/MST, and MSP districts.

Discussion and possible action regarding a job description and salary range for a Public Works Director

Town Manager Shubert referenced the proposed job description in everyone's agenda packet. The Public Works Director must have two certifications: at least a B Distribution and Cross-Connection certification from the NC Operator Certification Program and a Grade 2 NC Water Pollution Control System Operator Certification. We currently have a part time person, Tommy Kost, who possesses those certifications. We need to hire someone as soon as possible. Mayor Pro-Tem Morgan commented that the manager needs to clarify the job description. Mayor Pro-Tem Morgan gave suggested clarifications to the manager. CM Rowell feels that this is the manager's job. The manager stated that the starting salary needs to be \$45K-\$60K per year. The town needs somebody that knows public works, not just book knowledge, but someone that will look at the old lines, meter readings and water loss.

The motion was made by CM Rowell to accept the job description with minor changes at an annual pay rate of \$45K-\$60K. The motion was seconded by Mayor Pro-Tem Morgan and passed unanimously.

Discussion and possible action concerning beginning a search for a Town Manager

Mayor Deese reported that he has contacted seven headhunters in North Carolina, but has yet to receive a response. He has requested proposals from each and will give each council member copies when acquired.

Town Manager's Report

No comments.

Mayor and Town Council Member Comments

CM Bivens – No comments.

CM Carpenter – We need to plan town functions better. The Business Insider Launch Party, hosted by Town of Marshville Parks Director, Eddie Mitchell, was scheduled the same time as this council meeting.

CM Rowell – Reminder that National Night Out is August 2 from 5:00 pm – 8:00 pm. We are working with WSOC for school tools boxes. Cindy Lunsford, Pastor at Marshville UMC is participating also. The Marshville Chamber meeting is Thursday at 12 noon at Dave's Pizza.

CM Staton – The town sign needs to reflect the correct time for meetings. She agrees to table the rezoning decision and requests additional council meetings to discuss items on the agenda. CM Carpenter agrees. CM Staton wants to add an agenda item to the August Council Meeting to discuss and vote on reinstating work sessions.

Mayor Pro-Tem Morgan – Urges the police department to be extra safe. There has been another killing in Michigan. The Comprehensive Transportation Meeting will be held on August 3 from 10:00 am to 1:00 pm at the old armory in Monroe.

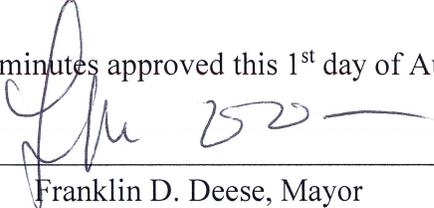
Mayor Deese – Rural Economic Development inspected Anderson Healthcare. All documents are in order. They're moving forward which is a good thing. The grant should be fulfilled by June 2017. CM Carpenter was unaware of the Anderson tour. CM Staton said the cottages, classrooms and cafeteria were nice. Mayor Deese said they would try to arrange to get council together later for a tour, when they are closer to completion. He will contact them to see when they will start hiring. CM Staton added they will hire locally.

Adjourn

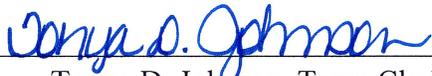
A motion to adjourn was made by Council Member Rowell. The motion was seconded by Council Member Staton. There being no further comments the meeting adjourned at 8:00 pm.

These minutes approved this 1st day of August, 2016.

By: _____


Franklin D. Deese, Mayor

ATTEST:



Tonya D. Johnson, Town Clerk