

**Town of Marshville
Town Council Meeting
Monday, August 5, 2013, 7:00 PM
Marshville Town Hall – 201 West Main St.**

REGULAR MEETING MINUTES

Council Members Present: Mayor Franklin Deese, Mayor Pro-Tempore Matthew Jefferson, Council Members Norma Carpenter, Margaret Bivens, Gary Huntley and Dora Bridget

Staff Present: Town Manager, Amanda Reid; Town Clerk/Finance Officer, Tonya Johnson; Town Attorney, Bobby Griffin and Police Chief, Carl Webber

Call to Order/Invocation/Pledge of Allegiance

Mayor Deese called the meeting to order at 7:00 pm and gave the invocation. The Pledge of Allegiance was offered by all in attendance.

Adoption of Agenda for the Meeting

Mayor Deese informed Council of three items to be added to the agenda for discussion and possible action. Council Member Bridget made a motion to add to the agenda a call for a second Public Hearing to receive public input for a possible CDBG Grant. The motion was seconded by Council Member Bivens and passed unanimously. Council Member Huntley made a motion to add the discussion and possible action concerning an Economic Development Incentive Grant. The motion was seconded by Council Member Carpenter and passed unanimously. Council Member Carpenter made a motion to add the discussion and possible action concerning calling a special meeting for August 19, 2013. The motion was seconded by Council Member Bivens and passed unanimously. The aforementioned items were added as items #11, #12 and #13, respectively.

A motion to accept the agenda with the additions was made by Council Member Bridget, seconded by Council Member Huntley and passed unanimously.

Public Comment

Fern Shubert of 505 S. Elm Street, Marshville, addressed the Town Council concerning the Monroe Bypass. Ms. Shubert read a prepared statement which is by reference hereby incorporated into these minutes (See Attachment).

Erby Laney of 8519 Hwy. 74 E., Marshville, addressed the Town Council concerning the pump station located on his property. Mayor Deese informed Mr. Laney that discussion regarding his request would be added to the agenda for the September 3, 2013 meeting at which time the Council will render a final decision.

John Edmondson of High Ridge Church Road, Marshville, commented that the council meeting minutes do not specify contract amounts. Mr. Edmondson stated this information is public record and the specifics of the contracts should be included in the minutes. The Town Attorney clarified that only action of the Town Council is required to be recorded in the official minutes and any contract or agreement is public record and available for inspection. The Town Manager stated that minutes could not be amended to reflect discussion that did not occur, however, the contracts would be attached to the minutes and are also available for inspection in accordance with public records law.

Mary Harrell of Marshville Blvd., Marshville, appealed to the Council regarding high water bills. Mayor Deese explained that effective July 1, 2013 rate increases went into effect. Ms. Harrell was invited to come by Town Hall to have her account reviewed by staff and discuss utility rate changes.

Consent Agenda

- July 1, 2013 Town Council Meeting Minutes
- June 30, 2013 Budget Report

A motion to approve the consent agenda and the items thereon was made by Council Member Bivens, seconded by Council Member Bridget and passed unanimously.

Discussion and possible action regarding NC DOT request for Speed Limit Ordinances

The Town Manager stated that according to direction received from the NC Department of Transportation the Town needs to pass several ordinances to concur with NCDOT speed limits. At a previous meeting the Town Council consensus was to oppose increases in speed limits within the corporate limits. The ordinance before the council only confirmed the existing speed limits. A motion to approve Ordinance Number 13-03 Altering Speed Limits Established for Vehicles under the Provisions of North Carolina General Statutes 20-141, upon US 74 (Marshville Blvd), or Parts Thereof, within the Corporate Limits of the Town of Marshville and to authorize the Mayor to sign said ordinance was made by Council Member Bridget, seconded by Council Member Bivens and passed unanimously.

Discussion and possible action regarding Street Closures- Boll Weevil Festival

The Town Manager stated she and Chief Webber have been working with the Marshville Chamber of Commerce regarding street closures for the annual Boll Weevil Festival. This year's festival will begin at 9:00 am and conclude at 9:00 pm. Street closure procedure has changed whereby the event organizer is required to submit street closure information to the NCDOT. A motion to grant the request to close streets for the Boll Weevil Festival as shown on the map provided and to authorize the Town Manager to provide the information to the Marshville Chamber of Commerce for submission to the NCDOT was made by Council Member Huntley, seconded by Council Member Bridget and passed unanimously.

Discussion and possible action regarding Interlocal Agreement with Union County regarding Tax Billing and Collections

The Town Manager referenced a memo in the agenda packet summarizing the tax billing and collections process staff currently uses which is performed manually and is extremely time consuming. She reported additional complications with the new tax software and compatibility challenges. Union County currently collects motor vehicle taxes for the town so the agreement would be extended to include personal and real property. The town would still be responsible for attempting to collect 2002 - 2012 delinquent taxes. Union County's collection rate for property taxes is 98.71% which is comparable if not slightly higher than the town's current collection rate. The Town Manager reported that this transition will not decrease current staff levels however some job responsibilities and functions will be reorganized. Mayor Deese asked if the agreement will need to be renewed each year. The Town Manager stated the agreement will be in effect until terminated by either party and may be terminated effective July 1st of each year. A motion to approve the Interlocal Agreement with Union County for tax billing and collections was made by Council Member Carpenter and seconded by Council Member Bridget. The motion carried 4 to 1. Council Member Bivens opposed.

Discussion and possible action regarding request for Non Contiguous Annexation

The Town Manager presented a petition to the town for voluntary non-contiguous annexation and referenced a memo regarding the request prepared by Mandy Edwards, Planning, and Zoning & Subdivision Administrator. Council Member Carpenter inquired about the costs involved in providing water and sewer to the property. The Town Manager reported services are already located in the area and she has preliminary estimates for the extensions and upgrades that are necessary to apply for grant funding. Council Member Carpenter questioned the Town Manager regarding zoning and special use permits. The Town Manager stated that the town is limited to ten percent of its area for non-contiguous annexation. If the property is not developed the town still has an allowance for non-contiguous annexation and the property is still subject to taxes. Council Member Carpenter questioned the certainty of revenue for the town and stated she does not favor non-contiguous annexation. Mayor Pro-Tem Jefferson also expressed concern regarding return on investment. The Town Manager stated that the town would require performance agreements for any development. Mayor Deese commented that grant funding is based on job creation and that recent legislative changes limit annexation authority. Council Member Bivens commented on the difficulty for businesses and industries to locate

in Marshville. A motion to accept the petition for annexation and further to direct the Town Clerk, by resolution, to investigate the sufficiency of the petitions pursuant to Article 4A of NCGS 160A governing non-contiguous annexation was made by Council Member Bridget and seconded by Council Member Bivens. The motion carried 4 to 1 with Council Member Carpenter opposed. The Town Clerk presented a Certificate of Sufficiency to the Town Council.

A motion to approve a resolution fixing the date of public hearing to receive public input on question of annexation pursuant to Article 4A of NCGS 160A governing non-contiguous annexation for August 19, 2013 at 7:00 pm at the Marshville Town Hall was made by Council Member Bivens, seconded by Council Member Bridget and passed unanimously.

Discussion regarding Final Draft Charlotte Regional Transportation Planning Organization (formerly MUMPO) Memorandum of Understanding

The Town Manager reviewed the draft of the MOU for the Charlotte-Mecklenburg Transportation Planning Organization (formerly MUMPO). The Town Manager clarified that the TCC (Technical Coordinating Committee) member cannot be an elected official and must be a staff member and that elected officials serve on a TAC (Transportation Advisory Committee). The Town Manager informed the Town Council that the local match would be approximately \$1,000 and dependant on jurisdictions participating. The consensus of the Town Council was to support the MOU and participate in the planning organization.

Discussion regarding possible revisions to the Town of Marshville Code of Ordinances

The Town Manager reported that John Ganus, Code Administrator, has worked to provide revisions to the ordinances relating to minimum housing and code enforcement. Mr. Ganus provided a brief explanation of the recommended changes to multiple ordinances. He also explained that the town can keep civil penalty fines however, fines for criminal penalties must be turned over to the school system. The Town Attorney stated he did not see issues with the revisions as presented. A motion to set a public hearing to receive public input regarding revisions to the Town of Marshville Code of Ordinances relating to minimum housing and code enforcement for September 3, 2013 at 7:00 pm at the Marshville Town Hall was made by Council Member Carpenter, seconded by Council Member Bridget and passed unanimously.

Discussion and possible action regarding fixing date of Public Hearing for a CDBG Grant Application

A motion to set a public hearing to receive public input concerning a CDBG Grant application for August 19, 2013 at 7:00 pm at the Marshville Town Hall was made by Council Member Bivens, seconded by Council Member Huntley and passed unanimously.

Discussion and possible action concerning an Economic Development Incentive Grant

The Town Manager explained that this grant is for Marshville Farm, LLC a solar development off of West Union Street that received a special use permit in February. In exchange for voluntary annexation into the corporate limits of the Town of Marshville, the grant will award Marshville Farm, LLC an amount not to exceed \$20,000 over a five year period and will reimburse planning and inspection fees (estimated to be \$260). Mayor Deese stated the grant must be approved in order for Marshville Farm, LLC to seek voluntary annexation. The Town Manager commented on additional tax revenue for the Town of Marshville. Council Member Carpenter stated she would like more time to review the incentive grant and asked for action to be postponed until the August 19, 2013 special meeting. A motion to table the Economic Development Incentive Grant until the August 19, 2013 special meeting was made by Council Member Bivens, seconded by Council Member Carpenter and passed unanimously.

Discussion and possible action concerning calling a special meeting for August 19, 2013

Mayor Deese asked for a special meeting to be called for Monday, August 19, 2013 for (1) a public hearing for a voluntary non-contiguous annexation, (2) a public hearing for a CDBG grant application and (3) discussion and possible action regarding an Economic Development Incentive grant. A motion

to call a special meeting for a public hearing to receive public input regarding a voluntary non-contiguous annexation, a public hearing to receive public input concerning a CDBG grant application and action regarding an economic development incentive grant on Monday, August 19, 2013 at 7:00 pm was made by Council Member Bivens, seconded by Council Member Bridget and passed unanimously.

Mayor Deese called for a brief recess at 8:40 pm. The meeting reconvened at 8:45 pm.

Mayor Deese stated that the motion calling for a special meeting needs to be amended to include the discussion and possible action concerning the Monroe Bypass. A motion to amend the motion to call a special meeting on Monday, August 19, 2013 at 7:00 pm be amended to include the discussion and possible action concerning the Monroe Bypass was made by Council Member Bivens, seconded by Council Member Bridget and passed unanimously.

Town Manager's Report

The Town Manager referenced items in the agenda packet containing information and events including a garbage and recycling calendar, the 1st Annual Marshville Beachfest event, a housing code enforcement update provided by John Ganus, a copy of the Monroe Union County Economic Development Work Plan and a compilation of solid waste collection and billing information from other municipalities.

Mayor and Town Council Member Comments

The Town Clerk informed council members that the Town's FY 2012-2013 audit will begin August 19th. Council Member Bivens commented on citizen complaints concerning animal control and vicious dogs and stated the council may need to revisit the issue. The Town Manager stated that Marshville's police department does not handle any kind of animal control limiting their enforcement of ordinances. Chief Webber added that the county does not have an animal at-large ordinance and volunteered to speak with a county representative and relay information to the Town Manager.

Closed Session – Personnel: NCGS 143-318.11 (a) (6.) Closed Sessions: To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee... A motion to go into closed session per NCGS 143-318.11 (a) (6.) was made by Council Member Bivens, seconded by Council Member Carpenter and passed unanimously. At this time members of the public, the Town Attorney and the Town Clerk were excused.

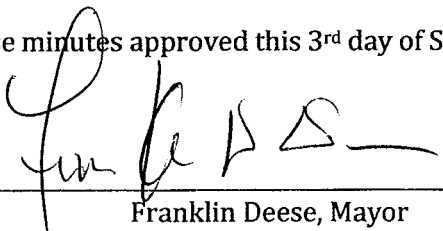
Action resulting from closed session

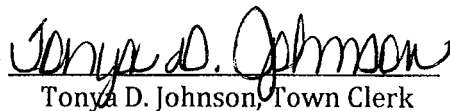
As a result of the closed session, a motion to accept the employment contract with changes between the Town Manager and the Town of Marshville was made by Council Member Bridget, seconded by Council Member Bivens and passed unanimously.

Adjourn

A motion to adjourn was made by Council Member Carpenter and seconded by Council Member Huntley. The meeting adjourned at 9:38 pm.

These minutes approved this 3rd day of September, 2013.

By:  _____
Franklin Deese, Mayor

Attest:  _____
Tonya D. Johnson, Town Clerk