



**Town of Marshville  
Town Council Public Hearing  
and Regular Meeting  
July 05, 2023, 7 PM  
Marshville Town Hall  
118 East Union Street – Marshville, NC 28103**

**In Attendance:** Mayor Larry Smith, Mayor Pro-tem Ernestine Staton; Council Member Margaret Bivens, Gary Huntley, Paulette Blakeney, Monaca Marshall

**Staff Attendance:** Town Manager Franklin Deese, Town Clerk Ashlie Vincent, Town Attorney Bobby Griffin

**Call to Order/Invocation/Pledge of Allegiance:** Mayor Smith called the meeting to order. Member Huntley gave the invocation. All shared the Pledge of Allegiance.

## **Public Meeting Minutes**

**Open Public Hearing:** The motion to open the public hearing was made by Mayor Pro-tem Staton and seconded by Member Huntley—all ayes.

**Staff Presentation:** Planning Administrator Wells presented the rezoning petition to the town council. There are five parcels to be rezoned. One parcel will be rezoned from SRF-3 to C74; then, all five parcels will be rezoned to C74 Conditional. The Planning Board recommended the approval of the rezoning 3 to 2 vote with the Consistency Statement B:

*“The proposed Map Amendment is considered inconsistent with the Marshville Town Plan 2035 in that the proposed amendment is not supportive of one or more of the Objectives and Goals contained within the Plan and/or the proposed Map Amendment is considered to be inconsistent with the Future Land Use Map contained in the Marshville Town Plan 2035. However, the proposed change is still considered to be reasonable and in the public interest.”*

Mr. Dudley presented his PowerPoint presentation about QuikTrip to the council.

### **Input from the Public:**

- Tracy Stancill - 6820 Austin Grove Church Rd: She said she is not anti-QT. At the Planning Board meeting, she mentioned that Mr. Dudley said they would have cheaper gas than their competitors. She had visited various QTs to determine this may not always be true. North Carolina is ranked 6<sup>th</sup> in convenience stores. She commented that Marshville might become the gas station capital soon. She pointed out that the vacant service station couldn't be sold until the underground tanks were removed, which required a lot of money. She is concerned that these service stations may close down and become vacant lots with underground gas tanks. It would be land that can't be used. She wants the town to grow responsibly.

- Willie Fleming: Handout of Mr. Fleming's six concerns was presented to the clerk to be recorded.

### **Questions from Council:**

Mayor Smith asked what the conditions were. Mr. Wells said the conditions would be specific to the presented QT site plan. Some details still need to be worked out but will keep the site plan as it is now. The conditions will stay on the parcels until changes are made or removed.

Mayor Smith asked if the power lines would be moved during the construction. Mr. Dudley replied that yes, the lines would need to be moved and would coordinate once there was approval. The landscape plan goes above and beyond but can be adjusted as needed. One adjustment already is an eight-foot fence rather than the original six-foot fence. There will be above and below-ground retention. The trash enclosure can be moved, but keeping the dumpster clean is of great importance. Gas prices change three times a day, adjusting as best they can. The build process could be 32 weeks.

Member Blakeney asked about road safety. Mr. Dudley responded that there is preliminary approval with NCDOT but that he is working on a TIA. Member Blakeney asked about sanitation for food and food inspections. Mr. Dudley explained that frequent manager audits and secret shoppers also come through and audit. Member Bivens asked how many people the store would employ. Mr. Dudley replied that between twenty to twenty-five employees. Member Marshall wondered if there are scholarships offered by QuikTrip to employees. Mr. Dudley said they offer part-time tuition reimbursement. Mr. Fleming asked what happened to the property values of homes around QuikTrip. Mr. Dudley replied that he hadn't seen property values drop but couldn't confirm it will or won't.

Mayor Pro-tem Staton said she was glad to see that they are working with the town.

**Close Public Hearing:** The motion to close the public hearing was made by Member Bivens and seconded by Member Huntley—all ayes.

## **Regular Meeting Minutes**

### **Public Comments:**

- Tracy Stancill: She asked why the Veteran Memorial Marker is being moved. She felt that moving it to the back of the cemetery seemed disrespectful to the veterans still living present on the monument.

**Adoption of Agenda:** Manager Deese requested moving Item 5 up to Item 4 and adding Item 4a, the swearing-in of William Prince to the ABC Board. Mayor Pro-tem Staton added a discussion about weekend emergencies as Item 8a. Manager Deese added a closed session G.S. 143-

318.11(a) (5) to direct staff in terms of negotiation as Item 11a. The motion to adopt the agenda was made by Member Bivens and seconded by Member Huntley—all ayes.

**Consent Agenda:** The motion to adopt the consent agenda was made by Mayor Pro-tem Staton and seconded by Member Marshall—all ayes.

**Swearing in William Prince:**

Mayor Smith swore in William Prince to the ABC Board.

**Appointing Stephen Passarelli to the Planning Board & Board of Adjustments:**

The motion to appoint Stephen Passarelli to the Planning Board and Board of Adjustments for a three-year term was made by Mayor Pro-tem Staton and seconded by Member Blakeney—a 4 to 1 vote. Motion passes.

**Discussion/Action regarding Public Hearing RZA-23-01:**

Mayor Smith commented that we all want a QuikTrip but are concerned about the traffic. He stated that the TIA is important and asked who would approve it. Mr. Wells said that NCDOT would do the approval. He introduced Randy Goddard to speak to the council. Mr. Goddard explained the process of the TIA report and how they will work with QuikTrip and the town.

Mayor Pro-tem Staton asked if they should wait for the study before approving the rezoning. Mayor Smith asked if there was a threshold in the ordinance. Mr. Wells replied that the ordinance doesn't require a completed TIA, but NCDOT has given preliminary approval. Mr. Goddard stated that the site plan couldn't proceed without the approved traffic study. Mr. Wells said the site plan would then be subject to town approval.

The motion to approve the RZA-23-01 map amendment was made by Mayor Pro-tem Staton and seconded by Member Marshall with—a 4 to 1 vote. Motion passes.

**Consistency Statement B:**

*“The proposed Map Amendment is considered inconsistent with the Marshville Town Plan 2035 in that the proposed amendment is not supportive of one or more of the Objectives and Goals contained within the Plan and/or the proposed Map Amendment is considered to be inconsistent with the Future Land Use Map contained in the Marshville Town Plan 2035. However, the proposed change is still considered to be reasonable and in the public interest.”*

**Moving the Memorial Marker from Downtown to Cemetery:**

Manager Deese said it came to his attention that the memorial needed repair. A two-inch water and sewer line underneath needs to be repaired. He was directed to inquire about the expansion of cemetery land. Once the marker is moved, the land could be valuable to someone. The marker will be fine in the cemetery. Mayor Smith asked if moving it would be at the town's expense. Any ideas once the marker is moved? Manager Deese said maybe a bench or more parking. Mayor Smith asked about a timeframe. Manager Deese said it would be on the Public Work's schedule.

The motion to move the Memorial Marker to the cemetery was made by Member Huntley and seconded by Mayor Pro-tem Staton—all ayes.

**Discussion/Action concerning natural gas lines:**

Mayor Smith wanted to get information about natural gas for expansion to the downtown area and further areas.

Manager Deese explained to the council that Monroe assesses the determination of return. One of the issues is access: the back of the building better than the front. There may be a need to have three lines rather than two. A study would need to be done. If they are willing, he could request the study to get an idea of the cost. He could see if there are any grants out there that would help with the cost.

**Discussion/Action pertaining to Mural Ordinance:**

Manager Deese told the council he had the wrong information at the last meeting because he had an outdated sheet. To clarify: The Land Use Administrator would have the final approval. If the applicant wanted to appeal, it would come before the council. Fees need to be set to be put into the fee schedule.

The motion to adopt the mural ordinance as presented was made by Member Bivens and seconded by Member Marshall—All ayes.

**Consistency Statement A:**

*“The proposed Text Amendments to the Marshville Development Ordinance (MDO) are considered consistent with the Marshville Town Plan 2035 by continuing to meet the Objective of the Plan ‘To improve the quality of life of the citizens of Marshville by encouraging responsible growth management decisions, protecting the small Town character, developing an attractive community, preserving natural areas and historical assets, and ensuring a healthy local economy’, and to align with the adopted Goals of Sec. 6 (General Development Strategies) to ‘Ensure that Marshville’s development policies are conducive to the long-term vision for the future and adequately control the location and appearance of future development.’.”*

**Discussion about Weekend/Afterhours Emergency:**

Mayor Pro-tem Staton said there should be a system to update on these types of emergencies. Manager Deese replied that when the staff finds out, they call Matt or himself. Public Works checked and called in workers. It took time to find the problems and fix the leak. Council was contacted as soon as possible and updated on Facebook as soon as possible.

Mayor Pro-tem Staton suggested finding some new way to communicate. Manager Deese said he would try to find someone to do remote robocalls. Mayor Pro-tem Staton also suggested having the emergency number on the phone prompt. Manager Deese said he would get it done.

**Manager’s Comments:**

Member Marshall asked why the town couldn’t have the firework event on July 4<sup>th</sup>. Manager Deese responded that it was because of the availability of the company. He can try to find

another company. Member Marshall pointed out that there is nothing to do in town during the 4<sup>th</sup>, causing citizens to go elsewhere. Manager Deese said he would look into another company for fireworks for the 4<sup>th</sup>.

### **Council Comments:**

Margaret Bivens: She would like to see the beautification committee reinstated. She also thanked everyone for the recognition at the Juneteenth event. Manager Deese said a citizen has come in volunteering to create the committee. He will follow up with that citizen.

Paulette Blakeney: She said she was glad to see everyone. She wished everyone a blessed week and reminded everyone about the Christmas in July pre-ordering event from June 30<sup>th</sup> to July 28<sup>th</sup>.

Gary Huntley: He thanked everyone for coming out and hoped everyone would have a nice week.

Monaca Marshall: T-ball signups: 25 kids. Youth Kickball did not have enough interest. Adult softball registration is open until August 31<sup>st</sup>. Youth 5-12 August 1<sup>st</sup> registration opens.

Ernestine Staton: August 27<sup>th</sup> Back to school painting event at the community center. Ages 8-13, 20 kids max.

### **Mayor's Comments:**

Mayor Smith commented that the fireworks event went well. He reminded everyone about National Night Out on August 1<sup>st</sup>. He stated that the magnitude of decisions is going to get bigger. Do your very best with the information given. Filing for election: Mayor and three seats are up for election.

### **Closed Session:**

Mayor Smith made a motion to go into closed session. It was a unanimous decision.

The motion to end the closed session was made by Mayor Pro-tem Staton and seconded by Member Marshall—all ayes.

No action was taken as a result of the closed session.

### **Adjournment:**

The motion to adjourn was made by Member Bivens and seconded by Member Huntley—all ayes.

Approved this \_\_\_\_ day of August 2023.

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Larry B. Smith, Jr., Mayor

ATTEST

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Ashlie Vincent, Town Clerk

July 5, 2023

The Town Council of Marshville NC

June 17, 2022, I closed on the property at 207 South Elm Street, Marshville because of the serenity and safety it offered. Since that time, I've been intentional to make changes to the property to create a more serene and safer environment. It would make sense for the leadership of QuikTrip to be attracted to our block for the same reason I chose to move there. It's a clean, safe, and charming area where neighbors take pride in the upkeep of their property. I would imagine future customers to QuikTrip would get out of their cars and feel safe on our block. Sadly, what will attract these customers and make them feel comfortable, will rob the immediate residents of our feelings of safety we now enjoy. The idea of a convenient store and gas station, (directly beside my home) bringing so many strangers, has left me concerned for my safety.

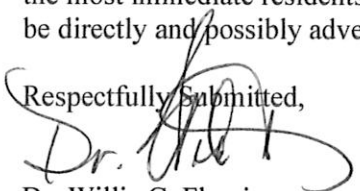
I want Marshville to prosper and grow. I plan to be a full contributing member of this community. I bring 40 years of experience as a retired educator. I have worked as a public-school administrator, a full professor and college administrator. I am also a pastor and Licensed Clinical Mental Health Counselor. I want to support youth programs, mental health initiatives, and the Christian Community at large when I settled here in the community.

The thought of building a gas station right next door to my home has been a major source of stress. My main concerns are:

1. The impact on the property value for me and the immediate residents.
2. My personal safety and the amount of security I am going to need (cameras, additional fencing and lighting around my house, prayer garden and barn.
3. I am concerned about the fencing/borders to my property on the QT side: Will it be at least 8 feet tall and aesthetically appealing? Will there be trees and tall shrubs to create a border that compliments the character of a 108-year-old home and what many consider to be the historic district of Marshville/Downtown/Elm and White Street?
4. What will the builders do as it relates to the grading of the land, to ensure that we don't have any chemical run-offs onto our property?
5. If a gas station is built next door, I will need to do more to control pests, especially rats and other rodents that crawl into dumpsters.
6. I had an additional survey done that shows the current QuikTrip drawings come too close to and appears to even cross my property line.

As you make your decision whether to grant or deny this request. I ask that you consider the potential affects on property value and the safety risk this decision will create for the immediate residents of South Elm Street and White Street. I understand perfectly that this is a tremendous business opportunity for many, so I have not taken this consideration as a personal attack. However, bringing a gas station next door to me, does affect me and so many others personally; especially financially with respects to additional security. Bringing a gas station to this block, will greatly affect the quality of life for many of the most immediate residents of our community. I humbly ask, please, consider the people who would be directly and possibly adversely affected by your decision.

Respectfully Submitted,

  
Dr. Willie C. Fleming  
207 South Elm Street  
Marshville NC 28103