

Public Hearings Related to ETJ
And
Marshville Town Council Meeting
7:00 P.M. Monday April 2, 2007
201 West Main Street, Marshville, North Carolina

Present: Mayor Franklin D. Deese, Mayor Pro-Tem Dora Bridget, Council Members: Doug High, Jr., Margaret Bivens, Gail Kiker and Ned Beachum, Police Chief Mike Gaddy, DPW Bivens Steele, Town Administrator Carl Webber, and Interim Town Clerk / Finance Officer Ron McAdam.

Mayor Deese opened the Public Hearings meeting and welcomed everyone. The Mayor asked TA Webber to explain the purpose of the three Public Hearings. TA Webber started by explaining the principles of ETJ and the fact that when under county control the county could do any zoning it deemed necessary without any requirement to notify the Town of Marshville. This is true even though the Town may not have the sewer capacity to support County zoning.

With this change, the citizens who care about this (East) side of the county will handle the zoning. The town of Marshville wants to exercise ETJ in order to assure that any development in the area is reasonably consistent with available public facilities and maintains the area's rural character.

TA Webber also noted that the county sewer is at capacity now with no plan to expand the current capacity. The Town of Marshville has adequate sewage capacity now because of Anson County, not Union County. He also noted that the county commissioners would appoint the two additional members to the Board of Adjustment and the Planning Board.

He further explained with this change the citizens in the ETJ area would have representation without any additional taxation.

Mayor Deese opened the first public hearing, which is for "The Boundary Ordinance for proposed ETJ area." By state statute the Town of Marshville can have a ETJ boundary within one mile of the town limits. The Planning Board decided not to include any parcels that are not 100 percent in the ETJ boundary area. The two exceptions to this recommendation is parcel number 02117002c because it is only 5400 square feet in size with no road frontage, therefore too small, and parcel number 02145002 because new owner was not notified as required by state statute.

One citizen spoke at this hearing. He thinks the town is biting off more than it can chew. He showed several photos showing abandoned and dilapidated buildings. He is of the opinion that the town has enough problems without taking on more area to zone. He stated this problem has been in existence for many years. Since no one else chose to speak the hearing on the ETJ Boundary was closed.

Mayor Deese then opened the second Public Hearing “Assigning Marshville Zoning to the ETJ area. Most residential property will be zoned R-30 or R-40. It was also stated that council could send back to the planning board any parcel it wants to have reconsidered for a zoning change. One citizen complained about zoning on part of his property. After a brief discussion council said it would have the Planning Board revisit the zoning of this property. One other citizen spoke in favor of the rural character of the area. She said that was the reason she moved here. She said she hoped the council would help to keep the rural character intact. This public hearing was then closed.

Mayor Deese then opened the third public hearing “ Marshville Land Use Ordinance” changes related to ETJ. No one spoke at this hearing so the public hearing was closed.

Mayor Deese called for a ten-minute recess at 8:35 p.m.

After the recess Mayor Deese opened the regular council meeting and welcomed everyone. All Council Members and staff present at the public hearings were also present at the council meeting.

Council Member Bivens gave the invocation. All gave the Pledge of Allegiance.

Department Head Comments: DPW Steele had no comments. Chief Gaddy informed council that officer Ben Davis turned in his two-week notice. He has accepted a position with the Stallings Police Department. Chief Gaddy asked for permission to advertise for this vacant position.

The Mayor then requested a motion to give Chief Gaddy permission to advertise for said vacant position. This item will be agenda item number 7. Mayor Pro-Tem Bridget made the motion to allow advertising of the position. Second was by Council Member High. Vote: All Ayes.

Mayor Deese then requested a motion to adopt the agenda. Mayor Pro-Tem Bridget made motion to adopt the agenda with a second by Council Member Beachum. Vote: All Ayes.

Mayor Deese asked for a motion to accept the Consent Agenda, Motion made by Mayor Pro-Tem Bridget, second by Council Member High. Vote: All Ayes.

Agenda Item number 7. To allow Chief Gaddy to advertise for upcoming police vacancy. Council Member Beachum questioned if the vacancy existed because of salary differences. He said Marshville is a training department for area police departments. Motion to approve advertising was made by Mayor Pro-Tem Bridget, second by Council Member Kiker. Vote: All Ayes.

Agenda Item number 8. Adopt Boundary Ordinance for the proposed ETJ area. Mayor complimented TA Webber on his presentation and explanation of the ETJ ordinance. His presentation seemed to have a calming effect on all in attendance. A great majority of the citizens who had signed up to speak at the hearings declined to do so when their names were called. This was attributed to TA Webber's presentation. Parcel number 02145002 is to be excluded because the current owner did not receive notice of the hearing. Parcel number 02117002c is to be excluded because of its small size. Parcel 02145002 because it is several hundred acres will be addressed for ETJ at a later date. Motion was then made by Council Member Bivens to accept the boundary Ordinance exempting parcel number 02145002 and parcel number 02117002c, second was by Council Member High. Vote: All Ayes. A motion was then made by Council Member Beachum to authorize TA Webber to notify the owner of parcel number 02145002 that his property was to be included in the ETJ at a later date. Second was by Council Member Bivens. Vote: All Ayes. Attorney Griffin reminded TA Webber to be sure to take proper steps necessary to include the parcel.

Agenda Item number 9. Assign Marshville Zoning to the ETJ area. TA Webber discussed HC assignment for the Haigler parcel located on 74 West. Nadine Bennett said zoning was an arbitrary decision. She said to go ahead and assign zoning and have Planning Board to re-examine zoning at a later date. The Town needs to go ahead and assign zoning now because of timing constraints. Motion was made to adopt Marshville Zoning to the ETJ area although the Marshville Land Use Plan does not address the area in the proposed ETJ; we believe that the proposed zoning for the area is not inconsistent with the spirit of the LUP. The future land use map suggests that the parcels at the outside of town should be lower density residential and that the areas along Highway 74 should be highway commercial. Mayor Pro-Tem Bridget made motion, second by Council Member High. Vote: All Ayes. Mayor Deese suggested that the Planning Board revisit the zoning of the Haigler property.

Agenda Item number 10. Adopt changes to the Marshville Land Use Ordinance related to ETJ. Motion made to Adopt changes to the Marshville Land Use Ordinance related to the ETJ. Although the Marshville Land Use Plan does not address the area in the proposed ETJ, we believe that the proposed zoning for that area is not inconsistent with the spirit of the LUP. The future land use map suggests that the parcels at the outside of the Town should be lower density residential and that the area along Highway 74 should be highway commercial. Council Member Bivens made motion, second by Council Member High.. Vote: All Ayes.

Agenda Item number 11. Adopt Resolution Requesting Appointments to Marshville Planning Board and Board of Adjustment. Mayor Pro-Tem Bridget made the above motion, second by Council Member Bivens. Vote: All Ayes.

TA Webber made the statement that the property owners in the ETJ area were properly notified of these Public Hearings. The list of mailing labels will be added to the record.

Comments:

Council Member Beachum asked the Chief if he had any current candidates available for the job. Chief Gaddy said he would review applications on hand.

Council Member Bivens asked Chief Gaddy about enforcement of junk cars. The Chief said there are laws on the books. When a junk car is discovered a verbal warning is given at the time. If the landowner takes no action, a written warning is given 30 days later. Council Member Bivens requested the Chief to check out junk cars on the corner of Carelock Drive and Sanford Street. Council Member Bivens also stated she is receiving a lot of complaints about dogs running loose. She said there was a problem with an aggressive pit bull on Booker Street. The owner said she could not leave her house because of the dog. She had called 911 and was told the County could not do anything because the Town has a lease law and the County does not. Chief Gaddy said that was wrong. The County is required to detain any aggressive animal if called.

Council Member High said TA Webber made an excellent presentation to all citizens explaining ETJ.

Council Member Kiker stated there was not a sign on Highway 74 and Main Street pointing to downtown Marshville. She also said she was asked by the athletic commission if volunteers could use the town equipment for park maintenance until a director is hired. TA Webber stated he had received a call from the president saying it was not a problem with him using his own equipment for park maintenance. DPW also had been told the same thing. Council Member Kiker also does not like the term "the bottoms" saying it sounds degrading and is a poor label. She would like the citizens in that area to be encouraged to clean up the area. Mayor Deese stated that he was born in the bottoms and there is indeed a lot of really good people who have and still do live there.

Mayor Pro-Tem Bridget had no comments.

Interim Clerk/Finance Officer McAdam had no comments.

TA Webber commented that Interim Clerk/Finance Officer McAdam is doing a good job with the accounting and is coming along on the clerk side. He also reminded council that

budget worksheets, special projects or other budget items needed to given to him by 04/30/2007. He also reminded Council that the town staff is available to help with problems and that Council should call on the staff anytime that they need to. He also stated that the county should respond to any and all aggressive animal complaints immediately. Aggressive animals can be impounded. He also needs any transportation issues that Council wants to be considered at the next transportation meeting. Mayor Deese complimented Council and staff on handling the public hearings. He said it shows that the Council cares about the Town of Marshville. He encouraged the Council to keep it up.

There being no further business the meeting was adjourned.

These minutes approved this ____ day of _____, 2000.

Franklin D. Deese
Mayor

Attest: _____
Ron McAdam
Interim Town Clerk

