

**Marshville Town Council Public Hearing for
Rezoning Request RZM-07-002
And Regular Town Council Meeting
7:00 P.M. Monday, May 7, 2007
Marshville Town Hall
201 West Main Street, Marshville, NC**

Present: Mayor Franklin D. Deese, Mayor Pro-Tem Dora Bridget, Council Members Ned Beachum, Margaret Bivens, Doug High, Jr., and Gail Kiker, Attorney Bobby Griffin, Director of Public Works Bivens Steele, Town Administrator Carl Webber, Park Director Alan Thifault, Interim Town Clerk/Finance Officer Ron McAdam, and Town Clerk/Finance Officer Shelley Maness.

Mayor Deese opened the Public Hearing and welcomed everyone. It was explained that the Public Hearing was to consider rezoning tax parcels 02-310-028, 02-310-027, 02-310-026 and 02-310-025 from R-10 and HI to B-1.

Jerry Clark - representing one of the three owners of the Marshville Plaza Shopping Center located on Hwy. 74. Mr. Clark stated that the reason the plaza was built in the late 1980's was because the Town of Marshville needed economic development. Clark and his two partners purchased land from Chris Horne to build a shopping center because Marshville had invited him to do so. He stated that if CVS moves out of the shopping center it would create an 8,450 sq. ft. vacancy that he believes will be difficult to lease. He feels that this vacancy, along with the vacant out-parcel, will have a negative impact on the other businesses in the shopping center. Mr. Clark pointed out that improvements have been made to create a "neighborhood" shopping center. He requested that Council deny the rezoning.

Bill Moseley - representing his company that develops new locations for CVS stores. It is Mr. Moseley's opinion that the current facility is outdated and cannot offer expanded services due to size limitations. CVS is currently going away from in-line stores and moving to freestanding locations that allow for drive-thru pharmacy windows. Council Member Kiker asked Mr. Moseley if CVS would leave the shopping center if the rezoning were denied. Mr. Moseley stated that he could not say that for sure, but feels that CVS will eventually move out of the shopping center.

Aaron Efird - owner of parcels that are being considered for rezoning. Mr. Efird said that CVS is not interested in one of the lots and he plans to develop that lot at a later date. TA Webber pointed out that this is a total rezoning of the property from residential and highway industrial to business commercial. If the zoning is passed the property will be zoned B-1 whether CVS purchases the land or not.

Mayor Deese held the meeting open for five additional minutes to allow for any late attendees wishing to speak. There being no further comments, the public hearing was closed at about 7:30 p.m.

Mayor Deese opened the regular council meeting and welcomed everyone. All council members and staff present at the public hearing were also present at the council meeting.

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

Mayor Deese welcomed Parks Director Alan Thifault and Town Clerk/Finance Officer Shelley Maness. Mayor Deese then swore the Town Clerk/Finance Officer into office.

Public Comments: None.

Department Head Comments: DPW Steele reported that water quality and pressure has been down because of leaks in the water system. Park Director Thifault said it has been an interesting two weeks. Chief Gaddy was excused from the meeting due to a homicide investigation.

Mayor Deese requested a motion to add to the agenda Item 9A to allow a funding request presentation by Turning Point. Council Member Bivens made motion, second by Mayor Pro-Tem Bridget. Vote: All Ayes.

Motion was made by Council Member Beachum to adopt the Agenda, second by Council Member Bivens. Vote: All Ayes.

Mayor Pro-Tem Bridget made motion to adopt the Consent Agenda, second by Council Member High. Vote: All Ayes.

Agenda Item number 7. Funding Request/Presentation – American Red Cross. American Red Cross was not present to give their funding request presentation.

Agenda Item number 8. Funding Request/Presentation – Council on Aging. Linda Smosky, representing Council on Aging, thanked the Town of Marshville for previous funding. Ms. Smosky pointed out that the older population is growing in Union County and will, in the future, equal or surpass the younger population. There is a waiting list for their services that continues to grow. Ms. Smosky gave an overview of the services that the Council on Aging provides to the aging population of Union County. She stated that CDBG funding did not increase this year although their financial requirements did.

Agenda Item number 9. Funding Request/Presentation – United Family Services. Pam Caskey, representing United Family Services, spoke about the services provided by the organization including counseling for consumer credit and sexual assault. Ms. Caskey talked about the “Tree House” which is a children’s advocacy center. She stated that the center has eliminated redundant interviews and waiting times for abused children. The “Tree House” is nationally accredited and will see over 400 children this year. Council Member Bivens asked what percentage of funding comes from Union County. Ms. Caskey stated that they received \$20,000.00 from Union County and \$5,000.00 from the City of Monroe.

Agenda Item number 9A. Funding Request/Presentation – Turning Point. Ginny Langston, representing Turning Point, gave an overview of the services provided by the organization. The services include housing and education assistance to victims of domestic violence. They served approximately 500 women and children last year with 30 coming from the Marshville area. Ms. Langston thanked Council for past support and hopes for continued support.

Mayor Deese thanked all of the presenters for their time and reminded Council to keep these and other funding requests in mind for the upcoming budget.

Agenda Item number 10. Consider Rezoning Request RZM-07-002. TA Webber stated that the application is in order and has the approval of the Planning Board and town staff. He further stated that this is a rezoning request to B-1 only and should be considered without regard to any particular business that may occupy the property in the future. Mayor Pro-Tem Bridget made motion to accept the Planning Board's recommendation to rezone to B-1, second by Council Member Kiker. Vote: All Ayes.

Agenda Item number 11. Award Contract for Sewer Rehabilitation Project. TA Webber stated that the bids for the project were opened on April 27, 2007. There were three bids tendered and two responses. Hobbs, Upchurch & Associates, P.A. recommended accepting the lowest bid from Southeast Pipe Survey in the amount of \$43,666.00. DPW Steele would like to add 320 feet to the contract to cover the next manhole cover and creek crossing which will further reduce sediment in the system. DPW Steele stated that the budget for this project is \$71,000.00. Including the extra 320 feet, the project will still be under budget. The additional 320 feet will cost approximately \$9,000.00. Council Member Beachum asked if the liner would decrease the flow rate. The engineer from Hobbs, Upchurch & Associates stated that the flow will stay the same or increase. Council Member Bivens asked if the technology is new and she was told that it has been in existence for several years. Mayor Pro-Tem Bridget made motion to award the bid to Southeast Pipe Survey, Council Member Bivens second. Vote: All Ayes. A motion was then made by Council Member Beachum to add the 320 feet to the project, second by Council Member Bivens. Vote: All Ayes.

Agenda Item number 12. Minimum Housing Code Enforcement Program presentation by James Luster. Mr. Luster gave a brief summary of the properties currently in the code enforcement program. The State gives local communities the authority to enforce safe and sanitary housing for its residents. This includes structural damage, foundation, plumbing, heating, water, electrical, weatherproofing and sanitation. Cosmetic appearance is not a housing code issue. Mr. Luster then talked about two properties that continue to be in non-compliance and are being recommended for legal action. Foundation material needs to be removed from the property located at 833 Hambrick at an estimated cost of \$1,500.00. The second property located at 200 S. Carelock St. will require an asbestos survey and possible removal, along with demolition and removal of the structure at an estimated cost of \$6,000.00 to \$10,000.00. Title searches need to be completed before Council can take any action. Mr. Luster stated that it is generally a one-year process to enforce minimum housing code on any property. This length of time is required to ensure the Town of Marshville is protected from any future liability. All cost of enforcement will be at the expense of the Town. The Town can place liens on the property and recoup the cost if and when the

property is sold. A discussion took place regarding properties located on Bost St. (apartments) and Shady Lane. The Bost Street apartments are being considered for donation to the Town of Marshville. An insurance settlement is pending on the Shady Lane property and Mr. Luster is hopeful that demolition will take place shortly after the settlement. Motion to proceed with code enforcement of properties located on 833 Hambrick and 200 S. Carelock Street was made by Council Member High, second by Council Member Bivens. Vote: All Ayes.

Agenda Item number 13. Consider waiving any utility deposit that would apply to any new utility account for eligible new full-time Union County Public School teacher who is teaching at one of the public schools within the corporate limits of the Town or at Forest Hills High School. Mayor Deese reminded Council that they said they would do what they could to support the UCPS system when Superintendent Ed Davis made his presentation. Council Member Bivens asked if Union County or the State of North Carolina could reimburse Marshville for the amount of the water deposits since teachers are State employees and work for Union County. Council Member Kiker said if Council waives the deposit for teachers then Council should waive the deposit for businesses in Marshville. Council Member Beachum wondered if the deposit waiver would be much of an incentive to a teacher. Mayor Pro-Tem Bridget asked what is the amount of the water deposit. TA Webber answered that the deposit amount is \$150.00 for a renter and no deposit is required for a homeowner. The motion to waive the utility deposit for teachers was made by Council Member High, second by Mayor Pro-Tem Bridget. Vote: failed 3 to 2.

Mayor Deese called for a five-minute recess around 9:00 p.m.

Mayor Deese called the meeting back to order at about 9:10 p.m.

Agenda Item number 14. Consider Resolution in support of Clean Water Bonds. TA Webber told the board that Marshville was the only locality in Union County to receive Clean Water funds from the 1998 bond. The Clean Water Bond referendum will be on the ballot in November, provided that pending legislation is passed, in the amount of \$500 million. Mayor Pro-Tem made motion to adopt the resolution to support the Clean Water Bond referendum, second by Council Member Bivens. Vote: All Ayes.

Agenda Item number 15. Approve amended CMAQ grant which will provide funds to allow CATS to operate 74X Express bus to Marshville with 2 runs in the morning and 2 in the evening. TA Webber stated that Marshville was approved in 2004 for a grant in the amount of about \$6,000.00 for 4 bus runs each in the morning and afternoon. The grant was approved but, after being reviewed by Union County and CATS, the amount of the grant needed had increased by 495%. A grant amendment was approved that sets Marshville's share in the amount of \$3,582 and would allow for 2 bus runs each in the morning and afternoon. Council Member Bivens made motion to approve the amended CMAQ grant, second by Mayor Pro-Tem Bridget. Vote: All Ayes.

Agenda Item number 16. Discuss disposition of 107 N. Elm St., town-owned building, now vacant. TA Webber stated that the building occupies all the land; therefore, no parking is

available. This reduces the commercial value of the property. Council Member Kiker suggested Council sell the property through the bidding process. Council Member Bivens stated that the value of the building would increase over time and she would like to see the building rented. Council Member High made motion to keep the property, second by Council Member Bivens. Vote: Passed 4 to 1.

Agenda Item number 17. Discuss Summer Camp program as proposed by Park and Recreation Director. Park Director Thifault stated that he distributed 1,400 summer camp flyers but received little response in regard to volunteers. PD Thifault would like to use money already in the budget to pay or reward on some basis the volunteers to encourage participation. The total cost would be dependent upon registration. Council Member Beachum asked if PD Thifault had contacted Wingate University for volunteers. PD Thifault said that he had but it is too late for this year. Council Member Kiker wanted to know the plans for transporting kids in stormy weather, background checks for counselors and liability insurance. Council Member Kiker also asked why Council was not informed earlier about the plans for a summer camp. PD Thifault said he has contacted two churches in the area about using buses to transport the campers from the park to the Community Building in the event of inclement weather. PD Thifault also stated that he had placed a letter in each Council Member's box on April 25, 2007 and had not received any response. PD Thifault stated that he was under the assumption that he could implement new programs because it was something stressed by the interview committee. PD Thifault informed Council that all volunteers would have to be approved and recommended by the school in which they attend. Attorney Griffin suggested that in the future an outline on each program be presented to Council before implementation. TA Webber asked Council if a department head is required to present a formal request or just a memo to proceed with new implementations. Mayor Deese asked Council if PD Thifault has permission to proceed with the camp. The Mayor also suggested limiting the number of campers to 50. Mayor Pro-Tem Bridget made motion to approve PD Thifault to use funding already in the budget, up to \$4,000.00, to pay for volunteers for summer camp, second by Council Member High. Vote: All Ayes. Council Member High then made a motion to proceed with the summer camp, second by Mayor Pro-Tem Bridget. Vote: All Ayes.

Agenda Item number 18. Prioritize TIP projects to be considered by Rocky River RPO, approve list of non-TIP minor transportation improvements to be forwarded to NCDOT. TA Webber was asked to forward to NCDOT a list of Council's top choices for TIP projects to be implemented and a list of non-TIP minor transportation improvement projects. Council selected the following TIP projects: Monroe Bypass Connector, C49-73, C49-72, C49-71. Council chose the following non-TIP projects: sidewalk/bike path addition on East Union Street, line of site improvement at Union Street & Olive Branch Road and widen White Street radius at US 74.

Comments:

Council Member Beachum recommended that TA Webber follow-up with Bob Chandler to see if he will donate property to the Town. Council Member Beachum also asked if the Town could proceed with purchasing the temporary fence at the park without waiting to

receive grant funds. TA Webber said that he should know something by May 10th. Council Member Beachum concluded his comments by stating that the car sitting out front needs to be sold.

Council Member Bivens informed Council that the Historic Commission met Tuesday. Funds are available to repair the gazebo in the cemetery. The Historic Commission plans to move forward with the Town Hall beautification project, which will include a waterfall and benches. Trashcans in town have already been replaced or rebuilt, although comments are still being made that the cans are unsightly. Council Member Bivens concluded with a request for more police presence on Bost Street.

Council Member High welcomed PD Alan Thifault aboard and commended him for doing a good job so far.

Council Member Kiker questioned the current contract for mowing at the cemetery stating that it went quite some time without being mowed and it looked bad. TA Webber stated that the Town pays \$535.00 per mowing and that the cemetery is supposed to be mowed every two weeks. TA Webber acknowledged that, due to cold weather, there was an occasion when more than two weeks passed before the cemetery was mowed. Council Member Kiker suggested Council take a look at the budget and consider having the cemetery mowed weekly. TA Webber reminded all Council Members that he needed budget request sheets as soon as possible.

Mayor Pro-Tem Bridget had no comments.

Interim Clerk/Finance Officer McAdam had no comments.

Clerk/Finance Officer Maness thanked everyone for the opportunity to serve the Town of Marshville.

TA Webber reminded Council of upcoming events. Town Hall Day will be held on Wednesday, May 9th and A Day in the Park will be held Saturday, May 12th. TA Webber informed Council that cell phone company Cricket would like a contract to lease six antenna spaces on top of the water tank with the same terms as Cingular's current contract, which includes a three percent increase annually. Council gave approval to proceed with negotiations. TA Webber also mentioned that there would be a Tree Board meeting Thursday, May 10th.

Mayor Deese reminded Council that budget time is coming up and each member should study the Budget vs. Actual report. TA Webber will have a tentative budget ready in two weeks. A budget must be approved by June 30th. Council should move forward in a steady pace. Mayor Deese informed Council that he would assemble a "wellness center" committee and will likely request money in the budget.

Agenda Item number 20. Closed Session per NCGS 143-318.11 (a) (6) 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 was made by Council Member Bivens, second by Council Member High to go into closed session. Vote: All Ayes. Council went into closed session about 10:45 p.m.

Mayor Deese called council back into regular session about 11:10 p.m. No action was taken as a result of the closed session.

There being no further business the meeting was adjourned.

These minutes approved this ____ day of _____, 2007

Franklin D. Deese
Mayor

Attest: _____
Shelley Maness
Town Clerk