

**Marshville Town Council Public Hearings  
& Regular Meeting  
7:00 P.M. Monday, June 18, 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, Director of Public Works Bivens Steele, Town Administrator Carl Webber, Park Director Alan Thifault, Police Chief Mike Gaddy, and Town Clerk/Finance Officer Shelley Maness.

**Public Hearing Regarding Zoning for Helms Efird Road Property**

Mayor Deese opened the public hearing at approximately 7:00 p.m. and welcomed everyone in attendance.

Public Comments:

Edward Haigler, Helms Efird Rd. property owner, asked to have the property zoned for business use between Helms Efird Road and Highway 74. He would like to be able to sell his land to a business should one desire his property. He would like the remainder of his property to be zoned for business as well instead of being zoned part residential and part business.

Vernon Haigler, Helms Efird Rd. property owner, reiterated what his brother Edward Haigler had said and asked Council to consider zoning the property as business.

There being no further comments, Mayor Deese closed the public hearing at approximately 7:05 p.m.

**Public Hearing Regarding Petition for Annexation of Earl James Property**

Mayor Deese opened the public hearing at approximately 7:05 p.m. and welcomed everyone in attendance.

Public Comments:

Earl James informed Council that he was in attendance to answer any questions that they may have.

There being no further comments, Mayor Deese closed the public hearing at approximately 7:08 p.m.

**Public Hearing Regarding FY 2008 Recommended Budget**

Mayor Deese opened the public hearing at approximately 7:08 p.m. and asked for any comments. There being none, Mayor Deese closed the public hearing at approximately 7:10 p.m.

## **Regular Council Meeting**

Mayor Deese called the meeting to order at approximately 7:10 p.m. and welcomed everyone in attendance. Council Member Bivens gave the invocation. All gave the Pledge of Allegiance.

There were no public comments.

### Department Head Comments:

PD Thifault said that everything is going good with summer camp. He has utilized the Community Building on extra hot days or when the weather was stormy. PD Thifault had received a lighting proposal and planned to forward it to Council Member Beachum. Council Member Bivens said that she was pleased with her visit to the camp.

DPW Steele reported that the sidewalk on West Phifer Street connecting to Autumn Care has been completed. DPW Steele had also completed the Annual Water Quality Report and said that it will be published in the newspaper. Council Member Beachum commented that the sidewalk looked nice and he saw that it was being used.

Chief Gaddy announced that a grant for police car cameras was approved. He mentioned that the air had been out at the Police Office, but has been fixed. Also, Darryl Gerald from Anson County had been hired. Mr. Gerald could not be at the meeting because he was in a class. Chief Gaddy said that he would be at the next meeting. Council Member Bivens asked if cameras would be installed in all cars and Chief Gaddy answered yes. Mayor Deese asked how many officers were there and Chief Gaddy responded that there were eight counting himself.

### Adopt Agenda:

At the recommendation of TA Webber, Mayor Pro-Tem Bridget made motion to add to the agenda two budget amendments and one service contract amendment, second by Council Member High. Vote: All Ayes.

Council Member Bivens made motion to add to the agenda a discussion of the Helms Efir Road property, second by Council Member Beachum. Vote: All Ayes.

Mayor Pro-Tem Bridget made motion to approve the agenda as amended, second by Council Member High. Vote: All Ayes.

### Consent Agenda:

The consent agenda included only the minutes from the June 4, 2007 meeting. Council Member High made motion to approve the consent agenda, second by Council Member Bivens. Vote: All Ayes

Annexation Ordinance in regards to the Earl James et al Petition for Annexation. TA Webber reviewed the background and status of the petition, reminding Council that the Clerk had issued a Certificate of Sufficiency and that the next step would be to make a decision and set an effective date should they decide to annex the property.

Council Member Bivens made motion to annex the Earl James property effective June 30, 2007, second by Council Member Kiker. Vote: All Ayes.

Consider Zoning for Helms Efird Property. Mayor Deese recalled that the Planning Board had recommended that the property in consideration between Helms Efird Rd. and Highway 74 be zoned as either R-40 or RA-40. He also mentioned that DOT has bought part of the property to make a service road. Of the remaining property, what is zoned as Highway Corridor would not be a sufficient amount for a business to consider purchasing. Therefore, the Haigler brothers would like to see the entire property zoned Highway Corridor.

TA Webber noted that the Planning Board has met and discussed zoning of this property, but he had not received a memo of recommendations. TA Webber used a map to further explain the property in question and the issues that surround it. Mayor Deese asked if both pieces (land north of Helms Efird Rd. and land south of Helms Efird Rd.) had to be considered at the same time or if each could be voted on individually. Council Member Bivens questioned if Council could make a decision without waiting for further information. TA Webber replied that Council could make a decision at that time or wait for a recommendation. Council Member Kiker pointed out that two members of the Planning Board were in the audience. Neither could recollect what decision the Planning Board had made.

Council Member Bivens made motion to change the portion of land between Highway 74 and Helms Efird Road (north of Helms Efird Road) back to Highway Corridor, second by Council Member Kiker. Vote: All Ayes.

Mayor Pro-Tem Bridget made motion to table the discussion on the property south of Helms Efird Road until recommendation from Planning Board is received, second by Council Member Beachum. Vote: All Ayes.

Proposal from CCOG for Planning Services for FY 2008. TA Webber explained that the proposed budget included \$20,193 for planning services and the proposal came in (after proposed budget was submitted to Council) at \$15,390.

Council Member Beachum made motion to authorize Mayor Deese to enter into the agreement as presented, second by Council Member Bivens second. Vote: All Ayes.

Proposal from CCOG for Minimum Housing Code Enforcement Services for FY 2008. TA Webber explained that the proposed budget included \$10,953 for planning services and the proposal came in at \$10,423.

Council Member Bivens made motion to authorize Mayor Deese to enter into the agreement as presented, second by Council Member Beachum. Vote: All Ayes.

Authorize town employees to enter property at 507 Olive Branch Street to abate Public Nuisance: Grass and weeds in excess of 24 inches in height. TA Webber stated that the property at the intersection of Olive Branch and College Street has been in foreclosure for approximately five years and is now abandoned. The company that holds the note on the property has occasionally had the front yard mowed, but most likely has not been mowed this year. TA Webber believed that the back yard had not been mowed since the property had been

vacated and is in definite violation of the Town's nuisance ordinance. TA Webber said that this was an unusual circumstance in that the property owner is an investment group out of Charlotte that has disbanded and all efforts to contact them have been unsuccessful. The mortgage holder, Countrywide Mortgage, has been notified of the issue and asked to bring the property into compliance. The company has made promises, but has yet to do anything. According to TA Webber, the Town Attorney says that a lien can be placed on the property, but Council should not expect to ever get the money back. For this reason, it was recommended that the Town authorize the Public Works Department to mow the property. DPW Steele confirmed that it would take approximately three hours labor at \$75 per hour. Council Member Beachum commented that the property is an eyesore and the Town should take care of it. Council Member Bivens asked if the town could profit from this kind of abatement and if something needed to be changed to do so. TA Webber explained that, in this case, it is hard to know who to go after. Mayor Deese said that something like that would probably have to come from the state level.

Mayor Pro-Tem Bridget made motion to allow Town employees to enter the property on 507 Olive Branch and direct them to abate the public nuisance, second by Council Member Bivens. Vote: All Ayes.

Speed Hump petition Godwin Street. Mayor Deese acknowledged that, according to the petition, one hundred percent of the residents had signed the petition requesting a speed hump be installed on Godwin Street. TA Webber has not had a conversation with any of the residents, but the petition appeared to be properly executed. He confirmed that there was money in the budget to install the speed hump. Mayor Pro-Tem Bridget made motion to install the speed hump on Godwin Street, second by Council Member Kiker. Vote: All Ayes.

Park and Ride agreement with Christ Bible Teaching Center to provide parking for riders of 74X bus service expansion. TA Webber has met with CATS representatives to show them a number of properties with potential for the Park & Ride service. Christ Bible Teaching Center was selected as the most feasible. CATS has asked the Town to be the agent that would secure the property for their use. The attorney has reviewed and approved the agreement. Council Member Bivens asked how much the church would receive. TA Webber confirmed that it will cost \$5.00 per space per month, so the church will receive \$125.00 per month. The CMAQ grant would provide the funding for it.

Council Member Bivens made motion to accept this version of the lease agreement and authorize Mayor to execute the agreement if acceptable to Chris Bible Teaching Center, second by Council Member High. Vote: All Ayes. John Edmundson of the *Home News* asked when it would start. TA Webber replied that he did not know for sure, but it could be July or possibly November.

#### Budget Amendments:

Clerk/Finance Officer Maness explained that there were two budget amendments that needed to be approved prior to fiscal year end. C/FO Maness further explained that when the Town had approved an increase of \$100,000 in the Town's contribution to the Marshville - Anson County Sewer Project, the project ordinance was not amended to reflect the increase. Since the project has been completed, the actual contribution needed was only \$54,551. The project ordinance

amendment would account for that amount. The second amendment in the amount of \$11,329 would account for the final sewer project expenses coming out of the enterprise fund. It was likely an oversight that nothing was budgeted for the final project expenses in the FY 06/07 budget. The proposed amendment would correct that.

Mayor Pro-Tem Bridget made motion to approve both budget amendments, second by Council Member High. Vote: All Ayes.

Amended Planning & Zoning Service Contract. TA Webber received a letter from CCOG that states the Town will go over the estimated amount of the FY 06/07 contract by approximately \$768, partly due to research into a bona-fide farms exemption for the Town and its new ETJ as well as a staff-initiation ETJ-wide rezoning study. Mayor Pro-Tem Bridget made motion to increase the Planning and Zoning Service contract for this year by \$768, second by Council Member Kiker. Vote: All Ayes.

Mayor Deese called for a five-minute break at approximately 8:05 p.m. The meeting was called back to order at approximately 8:15 p.m.

#### Budget Discussion.

TA Webber explained that he would develop a budget ordinance based on the forth-coming discussion and present it to Council to be adopted at the next meeting. Each department head explained any significant changes to their particular budgets from FY 06/07 to the proposed FY 07/08 budget. There were no significant changes in the overall budget for each department. A 2.8% COLA increase was proposed for all employees not on a pay scale. Based on offer made at time of employment, PD Thifault & C/FO Maness may receive up to a 10% salary increase upon completion of their six-month probationary period. The full amount of this increase is proposed in the budget.

Other items discussed regarding the proposed budget were:

- Council Member Bivens proposed buying the old Alltel building to be used as a Parks & Recreation facility. Discussion included:
  - building may not be available for purchase
  - maybe not the best location for such a facility
  - would lose tax revenue
  - no changes were made to the FY 07/08 budget regarding this proposal
- Council Member Bivens proposed installation of a swimming pool at the park. Discussion included:
  - an alternative could be a water slide or “water park”
  - a rough estimate for a 40x40 swimming pool is about \$300,000
  - liability issues and insurance costs
  - Ball Field #1 and land across the street as possible locations
  - to be reconsidered for next year’s budget
  - no changes were made to the FY 07/08 budget regarding this proposal

- Mayor Pro-Tem Bridget asked about increasing the flow of sewer to Anson County. Discussion determined:
  - County has the capacity, but it's a matter of getting it to them
  - would need to have a discussion with Mary Beck about the issue
  - no changes were made to the FY 07/08 budget regarding this issue
- Council Member Bivens proposed several specific paving/curbing projects. Discussion included:
  - there is \$175,000 in the budget for unspecified projects of this kind
  - specific projects will be approved by Council
  - no changes were made to the FY 07/08 budget regarding this proposal
- Council Member Bivens proposed to purchase a columbarium for the cemetery. Discussion included:
  - more people are being cremated and a place should be offered for burial of the remains
  - currently, cremated remains are being buried in the ground at the cemetery at no cost
  - Council agreed to add \$13,800 to the budget for the purchase of the columbarium
  - Council agreed to charge \$500 per unit

Mayor Deese called a Special Meeting for June 25, 2007 at 7:00 p.m. to adopt the budget ordinance to be presented by TA Webber, which will include the changes just discussed.

Comments:

There were no comments from Mayor Pro-Tem Bridget, Council Members High and Kiker, Clerk/Finance Officer Maness or TA Webber.

Council Member Beachum reported that the County has approved or is working toward approving the museum.

Council Member Bivens reported that code enforcement was being done on the Bost Street apartments and that they have been sold.

There being no further comments, the meeting was adjourned at approximately 10:25 p.m.

These minutes approved this \_\_\_\_ day of \_\_\_\_\_, 2007

\_\_\_\_\_  
Franklin D. Deese  
Mayor

Attest: \_\_\_\_\_  
Shelley Maness  
Town Clerk