

**Marshville Town Council
Public Hearing for Rezoning RZA-8-001/Text Amendment -
Downtown Business Overlay District
Public Hearing for Fiscal Year 2009 Budget
followed by Regular Council Meeting
7:00 P.M. Monday, June 16, 2008
Marshville Town Hall
201 West Main St., Marshville, NC**

Present: Mayor Franklin D. Deese, Mayor Pro-Tem Gail Kiker, Council Members Ned Beachum, Dora Bridget, Margaret Bivens, and Denise Whitley, Town Attorney Bobby Griffin, Director of Public Works Bivens Steele, Town Administrator Carl Webber, Police Chief Mike Gaddy, and Town Clerk/Finance Officer Shelley Maness. Park Director Alan Thifault arrived late due to sickness.

**Public Hearing for
Rezoning RZA-8-001/Text Amendment – Downtown Business Overlay District**

Mayor Deese opened the Public Hearing on Rezoning/Text Amendment establishing a Downtown Overlay District at approximately 7:00 p.m. and welcomed everyone in attendance. Mr. Rusty Johnson gave the invocation. All gave the Pledge of Allegiance.

The Public Hearing was closed after being held open for several minutes with no public comments.

Public Hearing for Fiscal Year 2009 Budget

The Public Hearing on Fiscal Year 2009 Budget was opened at approximately 7:05 p.m.

Chris Griffin, BLVFD Fire Chief, addressed Council and stated that they had not planned for Council's proposal to donate a vehicle and give less funding. He said that they desperately needed the money to operate and could use more, not less, funding. Mr. Griffin said that they really didn't need the vehicle.

Mayor Deese asked Mr. Griffin to provide TA Webber with information regarding a contingency plan that deals with a train being stopped on the tracks during an emergency situation.

Council Member Bivens asked Mr. Griffin to explain the fire department's funding structure. Mr. Griffin stated that their funding came from several sources including fire fees and donations from the Town and the County in addition to rent income from EMS.

Gladys Kelly of S. Elm Street complimented TA Webber and staff for preparing the proposed budget. Ms. Kelly's particular concern was in regards to funding for mowing services at the cemetery. Ms. Kelly said she visited the cemetery often and sometimes it did not look good. She hoped sufficient funds would be budgeted so that the cemetery could be mowed more often.

Rusty Johnson of 115 Shady Lane said that the Mayor's proposal for a Wellness Center was a good idea, but he felt that the \$3,000 for a feasibility study would be better spent on something "we know will work" and that citizens have asked for.

There being no further comments regarding the FY 2009 budget, the public hearing was closed at approximately 7:20 p.m.

Regular Meeting

Mayor Deese opened the regular meeting at approximately 7:20 p.m. and welcomed everyone in attendance.

There were no public comments.

Department Head Reports:

PD Thifault was not available to offer his report.

DPW Steele said that the Consumer Confidence Report (CCR), the Town's annual water quality report, would be printed in the newspaper that week. He also reported that the S. Elm Street sidewalk project had begun and the fence had been installed at the Veteran's Memorial.

Chief Gaddy reported that there had been numerous complaints about skateboarders downtown. He noted that officers took several skateboards the previous Friday. He asked Council to keep the issue in mind when considering the Downtown Overlay Districting. Chief Gaddy said that, otherwise, things had been relatively quiet.

Mayor Pro-Tem Kiker was concerned about fireants at the park as well as overgrown grass and weeds on the hill behind Field #2. DPW Steele said he would talk to PD Thifault about it, but it should not be a problem to have those issues resolved.

TA Webber notified Council that PD Thifault was not in attendance due to sickness.

Adopt Agenda:

Council Member Bivens made a motion to add to the agenda a discussion of COG's Planning Services agreement, second by Council Member Whitley. Vote: All Ayes. (Added as Item #14).

Council Member Bridget made a motion to add to the agenda a discussion of a sidewalk easement agreement with a citizen on S. Elm Street, second by Mayor Pro-Tem Kiker. Vote: All Ayes. (Added as Item #15).

Council Member Whitley made a motion to add to the agenda a discussion of Union County Public Works' proposed waterline services, second by Council Member Bivens. Vote: All Ayes. (Added as Item #16).

Council Member Bivens made motion to adopt the agenda as amended, second by Council Member Beachum. Vote: All Ayes.

Consent Agenda:

The consent agenda included only approval of the minutes from the May 29, 2008 Special Meeting and the June 2, 2008 Regular Meeting. Council Member Bivens made motion to approve the consent agenda as presented, second by Mayor Pro-Tem Kiker. Vote: All Ayes.

Infrastructure Grants update; water system planning grant forms – Mrs. Mary Beck, Hobbs Upchurch. Mrs. Beck reported that the NC Rural Center Planning Grant application for water was due in June. She also noted that the Town should receive notification soon regarding approval of the Sewer Rehabilitation Grant application. Mrs. Beck reviewed a summary sheet of actions that the board must take to move forward with the planning grant application and to reapply for the rehabilitation grant in the case that the Town does not get approved in the current cycle. TA Webber pointed out that the Town Attorney had previously advised against blanket approvals, therefore, each item was voted on separately as follows:

Rural Center Supplemental Grant (Re-)Application:

- *Approve submittal of a Letter and packet of Intent to the NC Rural Center by June 28, 2008.* Motion by Council Member Bivens, second by Council Member Whitley. Vote: All ayes.
- *Approve resolution to apply for funding.* Motion by Mayor Pro-Tem Kiker, second by Council Member Bivens. Vote: All ayes.
- *Approve Memorandum of Understanding.* Motion by Council Member Bivens, second by Mayor Pro-Tem Kiker. Vote: All ayes.
- *Re-affirm MBE and Conflicts of Interest.* Motion by Council Member Whitley, second by Council Member Bivens. Vote: All ayes.
- *Approve certification by Chief Elected Official.* Motion by Council Member Beachum, second by Council Member Bivens. Vote: All ayes.
- *Approve Authorization/Resolution of water/sewer fees - \$50.28 combined water/sewer for 5,000 gallons.* Motion by Council Member Whitley, second by Council Member Bivens. Vote: All ayes.
- *Approve Project Budget Ordinance – Commitment of Funds.* Motion by Council Member Bivens, second by Mayor Pro-Tem Kiker. Vote: All ayes.

TA Webber pointed out that the above action should be contingent upon not being awarded the grant that is currently under review by the NC Rural Center. Council Member Whitley made such motion, second by Council Member Bivens. Vote: All Ayes.

Rural Center Planning Grant Application:

- *Approve submittal of a Letter and packet of Intent to the NC Rural Center by June 28, 2008.* Motion by Council Member Whitley, second by Council Member Bivens. Vote: All ayes.
- *Approve resolution to apply for funding.* Motion by Council Member Whitley, second by Council Member Bivens. Vote: All ayes.
- *Approve Memorandum of Understanding.* Motion by Council Member Beachum, second by Mayor Pro-Tem Kiker. Vote: All ayes.

- *Re-affirm MBE and Conflicts of Interest.* Motion by Council Member Whitley, second by Council Member Bivens. Vote: All ayes.
- *Approve certification by Chief Elected Official.* Motion by Mayor Pro-Tem Kiker, second by Council Member Whitley. Vote: All ayes.
- *Approve Authorization/Resolution of water/sewer fees - \$50.28 combined water/sewer for 5,000 gallons.* Motion by Council Member Whitley, second by Council Member Beachum. Vote: All ayes.
- *Approve Project Budget Ordinance – Commitment of Funds.* Motion by Council Member Whitley, second by Mayor Pro-Tem Kiker. Vote: All ayes.

Request for Street closing for Old Skool Kustoms Grand Opening on June 28 from 10:00 a.m. until 5:00 p.m. (Main Street from Raleigh Street to Elm Street. Event to include car/bike show and entertainment. Mr. Diaz requests permission to use parking lot at Old Town Hall for display of vehicles.) Mr. Jesse Diaz addressed Council and requested street closure to hold a “family-oriented” grand opening event. After discussion, Council Member Whitley commented that access to Affordable Cleaners would be blocked if Main Street were closed to Raleigh Street. Mr. Diaz said that it did not have to extend that far. Council Member Whitley made motion to allow street closure of Main Street from the east side of the Police Department to Elm Street and also to allow use of the Old Town Hall parking lot, second by Mayor Pro-Tem Kiker. Vote: All ayes.

Action on establishment of Downtown Overlay District as recommended by Planning Board. Council Member Whitley made a motion to approve the Downtown Overlay District as recommended by the Planning Board, second by Council Member Bivens. Vote: All ayes.

Stating that he was concerned about skateboarders on church property, Pastor Alex Martin asked if there was any possibility of extending the Overlay District to include First Baptist Church. Mayor Deese said that the Planning Board would need to sign off on it before Council would approve it, but the boundary could be amended. Attorney Griffin clarified that Council had just approved the overlay district, not any restrictions on the district. He also noted that even if a skateboard ban was applied to the district, it may not apply to the church since the property is not considered public property.

Resolution requesting Union County Board of Commissioners to fill vacancy on Marshville Planning Board/Board of Adjustment for ETJ representation. TA Webber informed Council of the General Statute that gives City Councils the authority to make the appointment of an ETJ representative on the Planning Board/Board of Adjustment if the Board of County Commissioners fails to do so within 90 days of receiving a resolution from Council requesting such action. Council Member Whitley made a motion to approve the resolution requesting Union County Board of Commissioners to fill vacancy on Marshville Planning Board/Board of Adjustment for ETJ representation, second by Council Member Bivens. Vote: All Ayes.

Proposal by CPI for monitored alarm system for Town Hall. TA Webber reviewed two proposals from CPI for a monitored alarm system. The more basic option was \$475 for equipment and installation and a monthly fee of \$39.95. The second option offered two-way voice communication monitoring for an additional \$100 in equipment cost and \$10 per month additional service fee. Both options include under the counter panic buttons. TA Webber said

that the Town was eligible for a \$250 reimbursement through a NCLM safety grant. After some discussion, it was the consensus of Council to have TA Webber obtain additional quotes.

Execute Municipal Agreement with NCDOT pertaining to Pedestrian Planning Grant award. TA Webber explained that this agreement would have to be executed in order to move forward with the Planning Grant that had recently been awarded to the Town. Council Member Bivens made a motion to execute the Municipal Agreement with NCDOT pertaining to the Pedestrian Planning Grant award, second by Council Member Whitley. Vote: All ayes.

Budget Amendment FY 2008, \$4,300 from General Fund Encumbered Fund Balance to Police Appropriations – Clerk/Finance Officer Maness. C/FO Maness explained that Controlled Substance Tax revenues are restricted funds and are included as a reserved portion of Fund Balance. The proposed budget amendment would appropriate such funds to cover FY 2008 expenditures. Council Member Whitley made a motion to approve the budget amendment, second by Council Member Bivens. Vote: All Ayes.

Budget Amendment FY 2008, \$407 from Elected Officials to Legal – Clerk/Finance Officer Maness. C/FO Maness explained that the Legal budget needed to be increased to cover the additional retainer fees resulting from Council's request to have the Town Attorney attend two meetings per month. The Elected Officials budget would be decreased to offset the increase to the legal budget. Mayor Pro-Tem Kiker made a motion to approve the budget amendment, second by Council Member Whitley. Vote: All Ayes.

COG Planning Agreement. TA Webber explained that the original proposal was just under \$20,000. Following a conversation with Mr. Greg Francis, TA Webber was presented with a new proposal of \$17,772 that included a much more detailed scope of services. The contract included 30 member hours. Council Member Whitley made a motion to approve the COG Planning Services agreement in the amount of \$17,772, second by Council Member Bivens. Vote: All Ayes.

Easement on S. Elm Street. TA Webber explained that a property owner on S. Elm Street was concerned about the possibility of damage to some very mature trees that serve as a buffer on the property. The property owner wanted the Town to agree to replace any tree that may die as a result of the sidewalk installation. The property owner made very detailed specifications as to how the trees were to be replaced. The estimated cost was \$300 per tree. DPW Steele said that the existing buffer was 40 feet long. Council Member Bivens asked if they could bypass the property when installing the sidewalk. DPW Steele confirmed that they could skip over the property. TA Webber pointed out that the property owner had two adjoining properties on S. Elm Street. DPW Steele suggested skipping over both properties. Council Member Bivens made a motion to direct the contractor to skip sidewalk installation for the two parcels owned by Henry T. and Susan Drake totaling 266.79 feet along S. Elm Street, second by Council Member Whitley. Vote: All Ayes.

Union County Public Works proposed waterline services. TA Webber referred to a letter from Union County Public Works advising the Town of their plan to provide water service to customers in Eastern Union County and requesting notification of any objection that the Town may have. TA Webber pointed out that these customers may request sewer service from the Town at some point and that the Town would not be able to apply its policy of turning off utility

service in the case of non-payment. DPW Steele did not foresee that being a problem, but did feel the issue should be addressed. After some discussion, Mayor Pro-Tem Kiker made a motion to direct TA Webber to contact Mr. Honeycutt and let him know that Council is taking the matter under advisement and will consider it at a future meeting, second by Council Member Bivens.

Vote: All Ayes.

Mayor Deese called a five-minute recess at approximately 8:40 p.m. The meeting reconvened at approximately 8:50 p.m.

Discuss FY 2009 Budget. Mayor Deese suggested going through the latest version of the proposed budget one department at a time to determine if there were any objections. There were no objections to the proposed budget for either of PD Thifault's departments. Before PD Thifault was dismissed, Mayor Pro-Tem Kiker asked him to bring back to the next meeting the previously discussed proposal for skateboard ramps on the tennis court. Mayor Deese asked TA Webber to add such discussion to the next agenda.

After some discussion about the proposed new police vehicle, it was the consensus of Council to leave \$23,000 in the budget, but required the Chief to get their approval before making the purchase. TA Webber noted that the latest version of the proposed budget did not include funds for a columbarium and did include the full \$15,000 for Beaver Lane VFD.

In response to Mayor Deese's request, TA Webber said that "Dues and Subscriptions" charges were mostly membership fees. He noted that most magazine subscriptions that the Elected Officials and staff received were free.

TA Webber said that he had included \$3,000 for the feasibility study in Elected Officials – Contracted Services. After some discussion regarding the Wellness Center and plans to conduct the feasibility study, the majority of Council agreed to move forward with the study. Council Member Whitley was opposed to the matter.

Other budget decisions included:

- \$9,000 to remain in the budget for Christmas decorations
- Remove funding for donations to non-profits
- COLA increase to match the State (2.5% proposed)
- \$45,000 in salaries and adjustments to other salary-related line items to cover cost of new Assistant Police Chief position

TA Webber reviewed in detail the revenue portion of the proposed budget for the General Fund. Highlights of the review were:

- Police grant revenues fund 50% of one officer's salary. The Town would be at risk of losing the revenue if a position was eliminated.
- A garbage collection rate increase to \$14.50 per can per month was proposed to offset the increase in the Town's cost of providing the service.
- The tax rate was proposed to remain the same at \$0.38.
- Prior to changes agreed upon during the current meeting, \$291,611 was the amount of encumbered fund balance in the General Fund.

Mayor Deese asked Council if there were any objections to the garbage collection rate increase or the proposed tax rate of \$0.38. There were no objections.

TA Webber reviewed in detail the revenue portion of the proposed budget for the Enterprise Fund, including the proposed rate schedule. Encumbered fund balance of \$87,540 was shown for the Enterprise Fund. Water and sewer rates were proposed to increase to offset the cost of operations. A conservation pricing, or increasing block rate, was proposed for residential water rates, but not for commercial usage. Mayor Deese felt that there should be some level of conservation pricing on even commercial usage. TA Webber noted that the rate structure for larger meters was proposed to change from a declining block rate to a uniform block rate, which means that those customers would pay more.

No increase was proposed for sewer tap fees. After some discussion on the matter, Council agreed that the rates should stay the same for the FY 2009 budget but they should seriously consider increasing the fees the following year.

Although no increase was proposed, Council agreed that burial plots fees for “other than Marshville residents” should be increased to \$1,500. Fees for Marshville residents would remain unchanged.

Mayor Deese pointed out the significant proposed increase in Interest on Investments in both funds totaling \$63,000. He thanked C/FO Maness for her diligence in making those investments and acknowledged that the revenue helped a great deal.

TA Webber said that he would need a few days to compile the changes agreed upon by Council and to create the budget ordinance document. Council Member Whitley made a motion to recess the meeting to a time and place certain, being Monday, June 23, 2008 at Town Hall, second by Council Member Bivens. Vote: All Ayes.

The meeting recessed at approximately 10:30 p.m. and reconvened on Monday, June 23, 2008 at Town Hall. All Council Members were present for the reconvened meeting.

Mayor Pro-Tem Kiker asked to add funds to the FY 2009 budget for the Veteran’s Memorial. She said that she had assumed the fence would surround the memorial, but later realized only a 60 foot section on one side of the memorial had been installed. Mayor Pro-Tem Kiker noted that only \$1,800 of \$5,000 budgeted was spent in the FY 2008 budget. DPW Steele said that it would cost approximately \$5,100 to install the additional fencing.

TA Webber said that \$15,000 was proposed in the Elected Official’s budget for economic development, but \$5,000 of that would be paid in FY 2008. With those “extra” funds, there should be enough to cover the cost of additional fencing.

TA Webber said that the only additional change to the budget was a slight increase in the COLA increase, up to 2.75% to reflect the State’s decision. A discussion followed regarding the effective date of COLA raises. C/FO confirmed that the increases could be made retroactive to July 1, 2008.

Council Member Bridget made a motion to adopt the budget ordinance as presented by TA Webber and to discuss COLA and merit raises at a later meeting, second by Council Member Whitley. Vote: All Ayes.

There being no further comments, the meeting was adjourned at approximately 7:20 p.m.

These minutes approved this ____ day of _____, 2008.

Franklin D. Deese
Mayor

Attest: _____
Shelley H. Maness
Town Clerk