

**Marshville Town Council
Public Hearing – Amendment to Land Use Ordinance
Bona Fide Farm Exemption
And Regular Meeting
7:00 P.M. Monday, August 20, 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, and Doug High, Jr., Director of Public Works Bivens Steele, Town Administrator Carl Webber, Park Director Alan Thifault, Police Chief Mike Gaddy, Town Clerk/Finance Officer Shelley Maness and Tax Collector Carolyn Haigler. Council Member Kiker was excused from the meeting by Mayor Deese.

Public Hearing on Amendment to Land Use Ordinance: Bona Fide Farms exempt

Mayor Deese welcomed everyone in attendance and opened the public hearing at approximately 7:00 p.m. The meeting was held open for several minutes to allow time for anyone arriving late. Mr. Mike Stegall asked if he would have to register his farm to be exempt. TA Webber explained that it would be the same process that he currently follows with the County. There being no further comments, the public hearing was closed at approximately 7:10 p.m.

Regular Meeting

Mayor Deese opened the regular meeting at approximately 7:10 p.m. and again welcomed everyone in attendance

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

Public Comments:

There were no public comments.

Department Head Comments:

PD Thifault announced that summer camp was officially over with no incidents to report. He felt that the camp was a success and looks forward to next year. He also reported that Senior Aerobics began that day with a new instructor from Enterprise Workout Center in Monroe, NC. The next meeting will be Thursday, August 23rd at 9:00 a.m. The regular schedule will be determined by the instructor and those attending the class.

DPW Steele reported that the Church Street sidewalk project was basically finished. He said that everything was going good and there were no water problems with Anson County.

Chief Gaddy stated that the cameras have been ordered but have not arrived. Mayor Pro-Tem Bridget asked how many cars have computers on board and Chief Gaddy answered that there

were three cars and four licensed users, but they were working on grants to get more. Mayor Deese asked about the number of cameras in cars and Chief Gaddy confirmed that only two cars currently have them, but they will be in all cars once the cameras arrive.

Adopt Agenda:

TA Webber brought it to Council's attention that the first regularly scheduled meeting in September falls on Labor Day, a Town-observed holiday. He asked that an item be added to the agenda to reschedule the meeting. In addition, he also requested a discussion of the Farm City Festival and a training session being offered by Centralina COG. Council Member Bivens asked to include a discussion regarding the selection of a person to serve on the Union County Museum Planning Committee.

Council Member Bivens made motion to approve the aforementioned additions to the agenda, second by Council Member High. Vote: All Ayes.

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

Consent Agenda:

The consent agenda included only the minutes from the August 6, 2007 meeting. Council Member High made motion to approve the consent agenda, second by Mayor Pro-Tem Bridget. Vote: All Ayes.

Adopt Amendment to Land Use Ordinance establishing Bona Fide Farms Exemption. TA Webber explained that this issue came up during the ETJ process. As a result of the ETJ, there are a number of farms under the jurisdiction of the Town. However, Marshville does not have a Bona Fide Farms Exemption in its Land Use Ordinance, as Union County and many other municipalities do. The exemption states that if the land is not used for farm purposes it is not exempt from regulation. Floodplain regulations will still apply as it does in all land use applications. The ordinance defines a bona fide farm as any tract (or tracts of land under common ownership or control) ten acres in size or greater on which a party is actively engaged in a substantial way in the commercial production or growing of crops, plants, livestock or poultry. Mayor Deese clarified that essentially nothing has changed for farm owners now included in the ETJ since the same exemption applied when they were under the County's jurisdiction. Mayor Pro-Tem Bridget made motion to adopt the amendment to the Land Use Ordinance establishing the Bona Fide Farms Exemption, second by Council Member High. Vote: All Ayes.

Charge Tax Collector to collect 2007 Property Taxes. Mayor Deese read the charge to collect 2007 property taxes to Mrs. Carolyn Haigler, Tax Collector. He also acknowledged her 20 years of service with the Town. Mayor Deese congratulated Mrs. Haigler and thanked her for the job she has done and continues to do for the Town of Marshville. He attributed the high collection rate to her diligence and persistence. Mrs. Haigler received a round of applause for her accomplishment.

Approve agreement with Hobbs Upchurch for professional services related to waterline extension/loop on White Street. Adopt resolution exempting this project from the requirements of G.S. 143-64.31. DPW Steele explained that this was a waterline that was budgeted for this year. The waterline would be approximately 1,670 feet and would connect White Street to Hasty Road. The agreement would allow Hobbs Upchurch to start the drawings on the project. Council Member Bivens made motion to approve the agreement with Hobbs Upchurch, second by Council Member Beachum. Vote: All Ayes.

Council Member Bivens made motion to adopt the resolution exempting the project from the requirements of G.S. 143-64.31, second by Council Member High. Vote: All Ayes.

Authorize staff to abate public nuisance involving grass and trash at 109 College Street and 122 Shady Lane. TA Webber informed Council that each of the properties remain in violation of the Town's nuisance ordinance even after notification letters were sent. He pointed out that the 109 College Street property was a repeat offender. TA Webber asked for Council's authorization to allow staff to enter the properties and abate the nuisance as provided by the Code of Ordinances. Council Member High made motion to authorize staff to abate the public nuisances at 109 College Street and 122 Shady Lane, second by Mayor Pro-Tem Bridget. Vote: All Ayes.

Discuss impending vacancy on Planning Board/Board of Adjustment. Mayor Deese reported that Mr. Rick Carpenter, chairman of the Planning Board/Board of Adjustment, wished to step down as chair, but offered to stay on the board as a regular member until a replacement could be found. TA Webber said that the Planning Board will meet again the second Thursday in September and he suggested that Mr. Carpenter call for a vote to select a new chair at that meeting. TA Webber pointed out that there had been no applicants to serve on the Planning Board from the area of ETJ. Mayor Deese suggested advertising the vacancy. Council Member Beachum asked if anyone in the ETJ area could serve and TA Webber confirmed that was correct, so long as they were appointed by the County.

Proposal to add additional street lighting to Hill Street. TA Webber reported that he received a phone call request for additional lighting at one end of Hill Street. He explained that normal procedure is to have Duke Energy do an analysis, so long as the street is a public street, as is Hill Street. A Duke Energy engineer has proposed to add one additional light at a cost of \$7.72 per month. Council Member Bivens made motion to authorize staff to enter agreement with Duke Energy to install one additional street light on Hill Street, second by Council Member High. Vote: All Ayes.

Memorandum of Understanding from Union County Public Schools to participate in an effort to establish standard regulatory requirements and land use regulations for new schools, renovations and mobile classrooms. TA Webber stated the he and Mayor Pro-Tem Bridget attended a meeting on Monday, August 13th with the representatives of Union County Public Schools. UCPS would like to establish uniform regulatory standards for building new schools, renovations and mobile classrooms throughout Union County. TA Webber pointed out that the dates proposed in the Memorandum of Understanding are not very realistic. TA Webber refers to a resolution he had drafted as an alternative to the Memorandum of Understanding. The resolution acknowledges the struggles and difficulties that UCPS face in dealing with multiple jurisdictions and offers to work with UCPS to develop such Land Use

Regulations for schools, but is not time restrictive. After some discussion, Mayor Deese recommended that Council adopt the resolution as opposed to the Memorandum of Understanding. Mayor Pro-Tem Bridget made motion to adopt the resolution drafted by TA Webber, second by Council Member High. Vote: All Ayes.

Consider request by residents for extension of sidewalk on South Elm Street. TA Webber referred to a written request for an extension of the sidewalk on South Elm Street and informed Council that no action had been taken on the issue. He stated that he had not communicated with any other residents to determine how far the residents would like the sidewalk extended. TA Webber explained that if Council chose to pursue this request, the next step would be to secure an engineering firm to become involved and provide cost estimates. Council Member Bivens felt that the other residents of South Elm Street should be contacted and also wanted to have the engineers look into her previous request to have a sidewalk along Elizabeth Avenue in front of Elizabeth Baptist Church. Mayor Deese felt that the full scope of the project should be determined by polling the residents before the engineers are contacted. He asked that TA Webber bring back a report on these two projects at one of the next two meetings. Council Member Beachum requested that a sidewalk on Old Hwy 74 (from Hambrick to Hasty Rd.) also be considered. He stated that, prior to the Church Street sidewalk, it had been 23 years since the Town has constructed a new sidewalk. He recalled that Council had established a plan several years ago to construct one sidewalk each year. Mayor Deese felt that it would be best to establish a “wishlist” of sidewalk projects, determine the level of interest from residents, and then prioritize the list. He asked that Council Members provide TA Webber with a list of sidewalk project recommendations by August 31st. TA Webber mentioned that it may be best to have the engineers involved earlier in the process to determine if a project is even feasible prior to surveying residents. Mayor Deese agreed then offered his own suggestion for a sidewalk on West Main Street.

Establish September meeting date. Since the first regularly scheduled meeting date in September would fall on a holiday (Labor Day), Council agreed to move the meeting date to Tuesday, September 4th as opposed to Monday, September 3rd.

Discuss Farm City Festival. Mayor Deese acknowledged that the Town usually attends the Farm City Festival each year and asked if Council wanted to continue their support again this year. TA Webber pointed out that this year there would be two choices for seating: “Gold” seating at \$160 per table and “regular” seating at \$120 per table. Mayor Deese requested a motion to support and attend the Farm City Festival. Mayor Pro-Tem Bridget made such motion, second by Council Member Bivens. Vote: All Ayes. Mayor Deese polled Council to determine the seating preference. The majority voted for “regular” seating at \$120 per table.

Discuss Centralina COG’s training session for Planning Board members. Mayor Deese stated that he feels strongly about training and thought this would be a good opportunity for the Planning Board members. TA Webber said that a date had not been set, but that it would be scheduled for sometime late-September. Mayor Pro-Tem Bridget made motion to direct staff to extend the invitation to the Planning Board, second by Council Member Bivens. Vote: All Ayes.

Discuss Union County Museum Planning Committee. Mayor Deese explained that the Historic Commission plans to establish a Union County Museum Planning Committee and

they would like for Council to appoint someone to that committee. Council Member Bivens suggested appointing a member of Marshville's Museum Committee to serve on the Union County committee. Mayor Deese directed Council Member Beachum, who is chairman of the Marshville Museum Committee, to determine if anyone is willing to participate. If there is no interest from the committee, then Council will appoint someone.

Comments

Council Member Beachum commented that the new sidewalk looked neat and nice and he saw that it was being used.

Council Member Bivens reported that the Historic Commission is recommending a type of rock to be used for the water fountain and it will be considered at the next meeting.

Council Member High reported that the gates at the railroad track on Unarco Road were malfunctioning, staying down much of the time. Chief Gaddy said that CSX had been contacted several times about the issue. TA Webber mentioned that he had recently met the new train master and that he would make contact with him about the issue. Council Member High also pointed out that the crepe myrtle trees were blocking the view of traffic and needed to be trimmed.

Mayor Pro-Tem Bridget had no comments.

Clerk/Finance Officer Maness said that she and staff were continuing to work on year-end reports and also year-end checks and balances on things such as liability accounts.

Administrator Webber reminded Council that the NCLM's Annual Conference will be in Fayetteville in the middle of October. He stated that he had already reserved some hotel rooms, but will need to know who all plans to attend to determine if additional rooms need to be reserved. TA Webber also pointed out that Mike Reece had invited Council and staff to attend a Habitat House dedication at 606 Allen Circle on Saturday, August 25th. He mentioned that Beaver Lane Fire Department will hold a fundraising breakfast that same morning. TA Webber reported that James Luster has contracted for an asbestos survey to be completed on the property that Council recently approved an ordinance to demolish or remove located at 200 S. Carelock. The cost is about \$500 and is the first step that must be done before demolition. TA Webber had met earlier that day with a traffic engineering firm in regards to the complaint received on Union Street. They will be developing the scope of the work and making recommendations. He also met with Duke Power the previous week regarding the overgrowth of vegetation and said it is their responsibility to take care of that. TA Webber concluded by informing Council that the School of Government will offer the class "Essentials of Municipal Government" January 8-10, 2008 in Charlotte. The class is for new or veteran elected officials.

Mayor Deese asked TA Webber to continue to move forward on the Union Street issues.

There being no further comments, the meeting was adjourned at approximately 8:25 p.m.

These minutes approved this ____ day of _____, 2007

Franklin D. Deese
Mayor

Attest: _____
Shelley H. Maness
Town Clerk