

**Marshville Town Council
Regular Meeting
7:00 P.M. Monday, October 22, 2007
Marshville Town Hall
201 West Main St., 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.

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

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

Public Comments:

Kim Hargett, a school teacher at Marshville Elementary, appeared before Council to request their reconsideration of waiving the water deposit fee for new teachers moving to the area. Ms. Hargett pointed out that this would only affect those teachers that will rent their homes. Ms. Hargett felt that this gesture would help attract teachers to the Town of Marshville. Ms. Hargett also voiced her support for a skateboard park in Marshville.

There was a large crowd in attendance, most of which were there to show their support for a skateboard park. Four young men were chosen to represent these people.

Cam Wright presented Council with two petitions, one signed by youth and one signed by adults, requesting that the Town of Marshville provide an extreme sports facility for its residents. Mr. Wright said that he and his peers were hoping for a skateboard park in the range of \$25,000 to \$50,000. Mr. Wright offered a few suggestions to help pay for the park including holding fundraisers and charging user fees.

Richard Strickland also appeared before Council to request a skateboard park. Mr. Strickland said that he had done research on the internet and found some designs around \$30,000. Mr. Strickland also mentioned that the range of life on such a facility was approximately 10-15 years if left untreated, longer if cared for properly.

Jordan Polk addressed Council and pointed out that signed waivers could be used to limit the Town's liability. Mr. Polk pointed out that a skateboard park would help keep kids in a controlled environment and out of streets and business properties in Marshville.

Corey Gildersleeve suggested building the skateboard park in the soy bean field across from the existing park. Mr. Gildersleeve felt that this site would be large enough for a skate park and basketball courts. Mr. Gildersleeve pointed out that kids skate in the road now which could result in a death. Mr. Gildersleeve felt that a skate park would be a much safer environment.

Mayor Deese acknowledged that he had concerns about liability issues. Although, after talking with TA Webber, he discovered it may not be as big an issue now as it once was. Mayor Deese praised the young men for taking the time to get a petition and to do research on the matter.

The skate park representatives offered to serve on a committee to help research the project. Council Member Kiker asked if the skaters would be satisfied with a skate park if it was not located at the existing park and the skaters responded that they would be. Council Member Bivens felt that the Town already has a liability with the existing park and it should not be much more to add a skate park. Council Member Bivens also commended the group's efforts.

Mayor Deese said that the item will be on the next agenda for discussion.

Department Head Comments:

PD Thifault announced that there would be a concert in the park on Saturday evening (October 27) with "Gimme the Mike" winner Marty Vanderlip as the performer. PD Thifault said that there were seven sponsors of the event and that 1,000 flyers would be going out in the newspaper. PD Thifault reported that softball and baseball events were winding down. He concluded by saying that he looked forward to working on the skate park issue. Chief Gaddy asked PD Thifault how much police support would be needed for the concert. PD Thifault felt that having the Chief himself present and an officer occasionally riding by would be sufficient.

DPW Steele informed Council that leaf pickup would begin that week and that Southern Corrosion would be coming down to do some work on the Cricket antenna. Mayor Pro-Tem Bridget asked if Anson County has given any clue as to how much more water is available to Marshville. DPW Steele replied that every indication says the water supply is in great shape. Mayor Deese added that there is still a need to conserve.

Chief Gaddy reported that the cameras still had not arrived. Updates were being made to them and they should be in soon. Chief Gaddy said that there was nothing else new.

Adopt Agenda:

Mayor Deese requested a motion to add two items to the agenda as follows:

Item 7: Presentation by Bill Duston with CCOG regarding a planning board issue.

Item 8: Discussion to reconsider waiving teachers' water deposit fees.

(Original agenda items to follow.)

Council Member Bivens made such motion, second by Mayor Pro-Tem Bridget. Vote: All Ayes. Council Member High 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 October 8, 2007 regular meeting. Council Member Bivens made motion to approve the consent agenda, second by Council Member Beachum. Vote: All Ayes.

Presentation by Bill Duston with CCOG regarding a planning board issue. Mayor Deese explained that an issue came up with the Planning Board regarding a nonconforming lot. In anticipation that the Planning Board may take action on the issue and bring it before Council, Mayor Deese had asked Greg Francis, Land Use Administrator, to give an update on the rules and regulations concerning the issue. Greg Francis had suggested that Bill Duston, Planning Director for CCOG, address the issue. Mayor Deese explained that Mr. Duston trains people all over the state about Planning Board matters.

Mr. Bill Duston explained that he had talked with Mr. Francis and Mr. Webber regarding the nonconforming lot issue. Mr. Duston first clarified that the language of Marshville's ordinance regarding nonconforming lots is basically in line with ordinances of most other local governments. The ordinance states that the owner of a nonconforming lot (a lot too small for the area in which it is zoned) does have a right to build on the property so long as setbacks are met. Mr. Duston explained that the property in question was in existence as a .43 acre lot prior to being zoned as R-40 which qualifies it as a nonconforming lot. Mr. Duston reminded Council that Marshville's ordinance was modeled after Union County's ordinance. He also pointed out that Council has the power to change the wording of the ordinance, but as it stands the lot in question meets the requirements of a nonconforming lot. Mr. Duston felt that Mr. Francis' decision to issue the permit for the nonconforming lot was correct. He explained that the decision could be appealed within 30 days to the Board of Adjustment if someone affected by the decision felt that an error was made. If such an appeal is made, the permit is put on hold until a final decision is determined.

Council Member Kiker asked Mr. Duston if someone had disputed the issuance of the permit they could have brought it before the Board of Adjustment and everything would have been put on hold and the house could not have been moved. Mr. Duston confirmed that that was correct so long as it was appealed within the 30-day window. He also clarified that there is no state statute requiring the 30-day window; Council can change the timeframe.

TA Webber said that had anyone asked to appeal the decision he would have given them Mr. Francis' phone number, but no such request was made to Town Hall.

Mr. Duston announced that there would be a training session on quasi judicial procedures, how Boards of Adjustment handles things of this nature, etc. to be held at the Levine Senior Center in Matthews on November 29th. He encouraged Council to attend.

Mayor Deese thanked both Mr. Duston and Mr. Francis for attending the meeting.

Reconsider waiver of deposit for utilities for teachers living within the service area. Mayor Pro-Tem Bridget said that she would like to waive the deposit fees for teachers. She commented that teachers do not make much money to begin with and this would be beneficial to the children of this community. Council Member High said that he saw on the news where Charlotte has \$4 million for the purpose of bringing teachers to the area. He pointed out that Marshville doesn't have that kind of money, but this is one small thing that can be done. Mayor Deese acknowledged that this would only affect teachers who will rent in Marshville and that water deposits do not become the Town's money until a customer leaves their residence owing a balance on their account.

Council Member Kiker did not feel that it was fair to others to waive the deposit fee for a specific group of people. She said that there was a large group of people at the last meeting already complaining about their water bills. Mayor Pro-Tem Bridget pointed out that the majority of those people were homeowners, not renters and she did not believe Marshville would see a huge influx of teachers coming to the area.

Mayor Deese felt that the Town cannot do too much for teachers in our area. Council Member Bivens recalled that she may have voted against the request previously, but now felt that it was a small thing the Town can do.

Mayor Pro-Tem Bridget made motion to waiver the deposit required of teachers living within the service area and teaching in Union County Schools, second by Council Member Bivens. Vote: 4 to 1 (Kiker opposed).

Consider appointment of Planning Board/Board of Adjustment representatives from the Extra Territorial Jurisdiction area. TA Webber reminded Council that they had requested Union County to appoint representation from within our area of ETJ to the Town of Marshville's Planning Board and Board of Adjustment. Union County reported that they had made an effort but were unable to do so. General Statute says that under such circumstances the responsibility falls back on the Town. In the Town's effort to seek applications, three were received. However, one applicant rescinded. The two remaining applicants were Dr. Tom Appenzeller and Dr. Byron Ward, both of whom live in the ETJ.

Council Member Bivens made motion to appoint these two applicants to the Planning Board and Board of Adjustment as representatives from the ETJ area, second by Mayor Pro-Tem Bridget. Vote: All Ayes.

Consider adoption of Marshville Tree Ordinance to become a section of the existing Marshville Land Use Ordinance – Set date and time of Public Hearing. Blair Israel of CCOG addressed Council and presented a list of changes to the tree ordinance. Council Member Bivens asked if the changes protect historic trees. Mr. Israel confirmed that the existing ordinance addresses specific trees and the proposed changes would not affect the protections already in place. TA Webber introduced David Grant, Union County Urban Forester, who was also present.

Council Member Beachum made motion to set November 5th at 7:00 p.m. for the Public Hearing, second by Council Member Bivens. Vote: All Ayes.

Consider request by Wanda Jordan of 111A Glennie Street for permission to install "rainwater drainpipes" across her property and onto town-owned property. TA Webber reported that Ms. Jordan's plumber had asked for a letter from the Town authorizing a pipe to be exposed and water to be drained on the Town's property. DPW Steele felt that as long as the pipe was kept on her property there would not be a problem, but he suggested not allowing the infrastructure on Town Property.

Council Member Bivens made motion to deny permission to come across on Town-owned property with pipe, second by Mayor Pro-Tem Bridget. Vote: All Ayes.

Consider an entry in the Marshville Christmas Parade. TA Webber reported that he had received a letter from Jeff Coley with an application to participate in the Marshville Christmas Parade to

be held on November 17th at 3:00 p.m. He pointed out that the Town had two vehicles (the Hybrid and a convertible) in the parade last year. It was the consensus of the board to have two entries again this year.

Consider allowing the Girl Scouts to use the large section of the Community Center on December 8, 2007 from 12:00 p.m. to 6:00 p.m. for training. TA Webber asked to add a related issue to this agenda item to consider an opportunity to host a utility savings workshop in conjunction with the State Energy Office on November 14th in the small side of the Community Center. A number of local governments would be invited to attend. PD Thifault noted that the Girl Scouts would not be selling cookies, simply learning how to sell them.

Council Member Bivens made motion to allow the Girl Scouts to use the Community Center at no charge for their training session, second by Council Member Kiker. Vote: All Ayes.

Comments:

Council Member Beachum asked about the status of the portable fence. PD Thifault responded that it will be ordered as soon as the check is received from Union County; however, there is no rush since there is no use for it until spring. Council Member Beachum also mentioned that he had spoken to an asphalt company at the NCLM Conference and asked DPW Steele if he could look into using their patching product. He also talked to two companies about water meters who both said the Town should consider updating their meters because meters record less flow over time. He pointed out that there are test meters available and he would like to see the Town purchase five or ten of them. Council Member Beachum said he would give the information to DPW Steele who agreed to do some research on the products.

Council Member Bivens echoed Council Member Beachum's comments regarding water meters. She also wants to see sidewalk paving to the park, even if it has to be done in segments to skip over those property owners that wish not to grant easements. Mayor Deese commented that he didn't feel it was safe to walk on Olive Branch Road with or without a sidewalk.

Council Member Kiker said that she was unable to attend the NCLM conference, but was fascinated by the water meter information that was just presented.

Council Member High, Mayor Pro-Tem Bridget and C/FO Shelley Maness had no comments.

Administrator Webber reported that he received a letter from Governor Easley's office asking the Town to cut water consumption in half. TA Webber confirmed that water consumption had reduced by about 20% since imposing the voluntary water conservation measure. TA Webber plans to attend a meeting at the Rural Center on October 24th to see if the Town is eligible to receive grant funding for sewer improvements. He also plans to attend a Regulating Trees and Working Open Space in Counties and Cities workshop on November 16th.

TA Webber mentioned that Council had received information that Duke Energy had received a report from the NC Department of Environment and Natural Resources concerned about the old petroleum storage tanks in the back parking lot of what is now the Police Department. When the Town acquired the property from Duke Energy in 1997, Duke had completed the required reports to the State; however, the State just recently said it needed to be tested again. Some of the test results were above the soil to groundwater standards which means there is potential that

some of the contaminates will leak into the groundwater. Fortunately, the groundwater results were all below the NC groundwater standards and those on the municipal water system would not be affected by any groundwater contamination downtown.

TA Webber mentioned a press release from Anson County's Manager's Office about ACTS plans to run a route from Anson Station on US 74 in Wadesboro to Marshvilles's CATS Park & Ride location beginning Monday, November 5th. TA Webber gave a brief overview of items that had been placed in Council Member's boxes.

TA Webber reported that he had investigated the issue that came up at the last meeting regarding a customer complaint that a phone call was never returned. It was discovered that the meter reader had made personal contact with the customer on two occasions regarding high water usage. No one at Town Hall ever received a phone call or message from the customer. However, the account had been identified as one qualifying for the wholesale adjustment and the adjustment was made to the customer's account prior to the bill being mailed.

TA Webber concluded that he had requested a flyover for the Veteran's Day event, but the service could not be provided this year.

Council Member Bivens commented about how much she enjoyed her visit to Pope Air Force Base during the NCLM Conference.

Mayor Deese agreed and asked TA Webber to draft a letter to the 82nd Airborne to thank them for their presentation at the NCLM Conference. He also reiterated the seriousness of the drought that the State is in and added his plea to the Governor's to please conserve water.

There being no further comments, the meeting was adjourned at approximately 8:40 p.m.

These minutes approved this ____ day of _____, 2007

Franklin D. Deese
Mayor

Attest: _____
Shelley H. Maness
Town Clerk