

**Town of Marshville
Town Council Meeting
Monday, August 20, 2012, 7:00 PM
Marshville Town Hall – 201 W. Main St.**

Council Members Present: Mayor Frank Deese, Mayor Pro-Tem Matthew Jefferson, Council Members Norma Carpenter, Dora Bridget and Margaret Bivens. Council Member Gary Huntley was absent due to medical reasons.

Staff Present: Town Manager, Amanda Reid; Town Clerk/Finance Officer, Tonya Johnson; Town Attorney, Bobby Griffin; Chief of Police, Carl Webber; Director of Public Works, Bivens Steele

Call to Order/Invocation/Pledge of Allegiance

The meeting was called to order at 7:01 pm by Mayor Deese. The invocation was offered by Council Member Bivens. The Pledge of Allegiance was offered by all in attendance.

Adoption of Agenda

A motion to adopt the agenda for the meeting as received was made by Council Member Bridget. The motion was seconded by Council Member Bivens and passed by unanimous vote.

Public Comments

There were no public comments.

Public Hearing to Receive Input on RZA12-04, an amendment to Sections 15, 146 and 180 of the Marshville Land Use Ordinance to allow and regulate “Solar Collection Systems”

A motion to open the public hearing was made by Council Member Bivens. The motion was seconded by Council Member Carpenter and passed by unanimous vote. The Town Manager commented that some of the regulations in this proposed text amendment would be very restrictive or don't apply and recommended (1) changing the minimum setback in Article XI, Section 180, 1 (a) from 100' to 50' and (2) changing the minimum fence height in Article XI, Section 180, 7 (d) from 8' to 6'. Council Member Carpenter expressed her concern that a ten acre minimum seems too restrictive. The Town Manager commented that she and Ms. Dil are working to come up with a definition that will differentiate between commercial use versus residential use. The Town Attorney interjected that it is of utmost importance to be in agreement on the definition in Article II, Section 15. Discussion included adding language to the end of the first sentence as follows, *“An area of land or other area used for a solar collection system principally used to capture solar energy and convert it to electrical energy exclusively for resale and not for use on that land.”* Mayor Deese suggested the creation of a separate ordinance that pertains only to residential use. Mayor Pro-Tem Jefferson commented that he did not want to discourage the use of solar energy and doesn't think residential use should be as restrictive. Ms. Susan Drake of 306 S. Elm St., Marshville, who currently serves on the Planning Board, suggested the proposed amendment be returned to the Planning Board for further review and to allow the Planning Board to develop an ordinance for private property use. Mayor Deese requested action from the council. A motion to send Amendment RZA12-04 back to the Planning Board was made by Council Member Bridget. The motion was seconded by Council Member Bivens. The Town Manager stated the amendment was already approved by the Planning Board and feels the Planning Board needs to look more specifically at residential use as a separate use. The motion was withdrawn by Council Member Bridget. A motion was made by Mayor Pro-Tem Jefferson to change the wording of the definition, modify the setbacks and fence height and to remove some of the wording regarding anti-reflective coating as recommended by the Town Manager. The motion died due to lack of a second. Discussion ensued regarding separate ordinances, one to regulate use of solar energy on a property and one intended for facilities that would sell solar energy. The Town Manager recommended removing from the proposed Amendment RZA2012-04 information that is specific to the collection and use of solar energy on a

property and to have the Planning Board develop an ordinance for this purpose. A motion to close the public hearing was made by Council Member Bivens. The motion was seconded by Council Member Carpenter and passed by unanimous vote.

A motion to charge the Town Manager to (1) remove all reference to solar collector systems from this ordinance; (2) re-word the definition in Article 2, Section 15; (3) change the setback in Article XI, Section 180, 1 (a) from 100' to 50'; (4) remove the language after the word "listing" in Article XI, Section 180, 7 (h); (5) change the fence height requirement in Article XI, Section 180, 7 (d) from 8' to 6'; and also to direct the Planning Board to develop an ordinance addressing a solar collection system was made by Council Member Bivens. The motion was seconded by Council Member Bridget and passed by unanimous vote.

Adoption of the Consent Agenda for the Meeting

- August 6, 2012 Town Council Minutes
- Approve order of collection for Town of Marshville 2012 property taxes
- Budget Report as of June 30, 2012
- Budget Report as of July 31, 2012

A motion was made by Council Member Carpenter to adopt the consent agenda as presented with the items thereon. The motion was seconded by Council Member Bridget and passed by unanimous vote.

Discussion and possible action regarding allocation to the Marshville Museum and Cultural Center

A motion to authorize the Town Manager to allocate \$1,500 to the Marshville Museum and Cultural Center as agreed upon at the previous council meeting was made by Mayor Pro-Tem Jefferson. The motion was seconded by Council Member Carpenter and passed by unanimous vote.

Discussion and possible action regarding water line project on Austin Grove Church Road

The Town Manager reviewed a map and proposal for the Austin Grove Church Road water line project and reported that some of the easements had been signed. She stated that property owners are on board with the project. The Town Manager recommended the installation of a 6 inch line and pointed out several benefits including fire protection services and potential for future growth. The Director of Public Works stated the line would tie into an existing 6 inch line at Van Eudy Road and he also recommended installation of a 6 inch line. The Town Manager informed the council this project will require a budget amendment. A motion to proceed with the installation of a 6 water main relocation project on Austin Grove Church Road was made by Council Member Bridget. The motion was seconded by Council Member Bivens and passed by unanimous vote.

A motion to approve Budget Amendment 2013-01 for \$85,500 to appropriate funds to complete a 6 inch water main relocation project on Austin Grove Church Road was made by Council Member Bridget. The motion was seconded by Council Member Carpenter and passed by unanimous vote.

Closed Session to Discuss Matter under Privilege with the Town Attorney

§ 143-318.11. Closed sessions. (a) (3) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged. General policy matters may not be discussed in a closed session and nothing herein shall be construed to permit a public body to close a meeting that otherwise would be open merely because an attorney employed or retained by the public body is a participant. The public body may consider and give instructions to an attorney concerning the handling or settlement of a claim, judicial action, mediation, arbitration, or administrative procedure...

In open session a motion was made to go into closed session per *NCGS 143-318-11 (a) (3)*, as cited above, by Council Member Bivens. The motion was seconded by Council Member Carpenter and passed by unanimous vote.

Closed Session (8:00 pm)**Open Session (8:11 pm)****Possible action resulting from closed session**

A motion to approve Budget Amendment 2013-02 for \$5,492.10 to increase Encumbered Fund Balance and a Police Dept. line item to appropriate funds for an unemployment insurance claim was made by Council Member Carpenter. The motion was seconded by Council Member Bivens and passed by unanimous vote.

Town Manager's Report – Ms. Amanda Reid

Blackboard Connect – The Town Manager updated the council on progress with the service.

NCLM Annual Conference – The Town Manager informed the council that the League conference will be in Charlotte on October 21-23 and asked that anyone planning to attend should let the Town Clerk so registration/reservations can be made.

NC Division of Community Assistance – The Town Manager informed council of this beneficial resource available at minimal cost to the town. She would like to set up a joint meeting with the Planning Board.

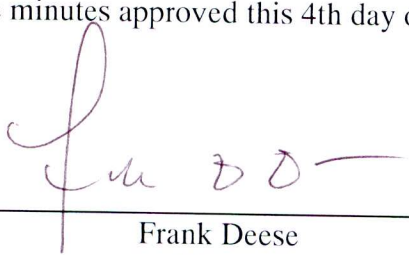
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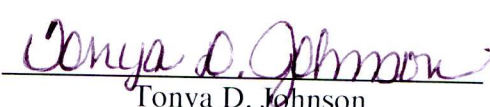
Mayor Pro-Tem Jefferson commented on the need for crosswalks as well and stated the Bolt Street ally needs attention.

Adjourn

A motion to adjourn was made by Council Member Bivens. The motion was seconded by Council Member Carpenter and passed by unanimous vote. There being no further comments the meeting adjourned at 8:19 pm.

These minutes approved this 4th day of September, 2012.

By: 
 Frank Deese
 Mayor

Attest: 
 Tonya D. Johnson
 Town Clerk