

**Town of Marshville  
Town Council Meeting  
Monday, October 3, 2011  
7:00 PM**

**Marshville Town Hall – 201 W. Main St.**

**PUBLIC HEARING:**

**RZA11-02 Text Change to amend sections 15, 146, and 180F of the Marshville Land Use ordinance to define and establish allowable districts and regulations for produce stands; and to add a Golf Cart ordinance to the Marshville Code of Ordinances**

**Followed by:**

**REGULAR MEETING**

PRESENT: Mayor Frank Deese, MPT Margaret Bivens, CM Dora Bridget, CM Ned Beachum, CM Matthew Jefferson, Interim TM James Bennett, Clerk/FO Tonya Johnson, DWP Bivens Steele, Chief Carl Webber, Atty. Bobby Griffin. Also present was John Edmondson, editor of *The Home News*. PD Alan Thifault was excused from the meeting.

**Public Hearing**

**Open/Welcome**

Mayor Deese opened the meeting at 7:00 pm and welcomed those attending. He extended an invitation for anyone who may want to sign up to speak at either of the Public Hearings or the regular meeting.

**Open and hold public hearing for RZA Text Change to amend sections 15, 146, and 180F of the Marshville Land Use ordinance to define and establish allowable districts and regulations for produce stands**

Mayor Deese opened the public hearing session as it pertains to RZA11-02 Text Change to amend sections 15, 146, and 180F of the Marshville Land Use ordinance to define and establish allowable districts for produce stands.

**Public comments: Limited to 3 minutes per person, 15 minutes total, if any**

Rusty Johnson – 115 Shady Lane, Marshville spoke on behalf of the Planning Board. He commented that the proposed text change was presented at the 8/22/2011 council meeting. It was sent back to the Planning Board because the council felt the language in Item #6 was too strict. After some discussion the Planning Board voted to resubmit the recommendation to council with no changes. It was the decision of the council to change Item #6 to reflect a GVW restriction of 10,000 lbs. Mr. Johnson requested that the minutes reflect that the decision to amend Item #6 was not the decision of the Planning Board. Mayor Deese thanked Mr. Johnson and the Planning Board for their hard work. He further commented that it was council's decision to amend Item #6 to include gross vehicle weight.

**Close public hearing**

There being no further comments Mayor Deese declared the public hearing closed at 7:04 pm.

## **Public Hearing**

### **Open and hold public hearing to consider adding a Golf Cart ordinance to the Marshville Code of Ordinances**

Mayor Deese opened the Public Hearing to consider adding a Golf Cart ordinance to the Marshville Code of Ordinances at 7:04 pm.

### **Public comments: Limited to 3 minutes per person, 15 minutes total, if any**

Gail Kiker – 912 Forest Drive, Marshville, spoke in favor of golf carts. She requested the council consider handicap folks who can't obtain a driver's license when discussing/considering the proposed Golf Cart ordinance.

### **Close public hearing**

There being no further comments, Mayor Deese declared the public hearing closed at 7:05 pm.

## **Regular Meeting**

### **Open/Welcome/Invocation/Pledge of Allegiance**

Mayor Deese opened the regular meeting of the Marshville Town Council at 7:05 pm and welcomed everyone attending. CM Ned Beachum gave the invocation. All gave the Pledge of Allegiance.

### **Public comments: Limited to 2 minutes per person, 10 minutes total, if any**

Mark Brody – 5315 Rocky River Rd., Monroe introduced himself as a candidate for the state House seat for the 55<sup>th</sup> District

### **Adopt Agenda**

CM Ned Beachum made a motion to adopt the agenda as received. The motion was seconded by MPT Margaret Bivens. Vote: All ayes.

### **Approve minutes of September 19, 2011 council meeting**

MPT Margaret Bivens made a motion to approve the minutes of the September 19, 2011 council meeting as received. The motion was seconded by CM Dora Bridget. Vote: All ayes.

### **Receive Clerk's Certificate of Sufficiency regarding Petition for Voluntary Annexation Horne Enterprises, and set date and time of Public Hearing as required in NCGS 160A-31(c)**

Clerk/FO Johnson presented the Certificate of Sufficiency to the council and commented that the information regarding the property to be annexed has been checked through public records. She also presented a resolution fixing the date of the Public Hearing on the request for annexation of 1021 Forest Drive for Monday, October 17, 2011 at 7:00 pm at Town Hall. A motion was made by CM Dora Bridget to adopt the resolution and seconded by MPT Margaret Bivens. Vote: All ayes.



**Consideration and approval of RZA11-02 Text Change to amend sections 15, 146, and 180F of the Marshville Land Use ordinance to define and establish allowable districts and regulations for produce stands**

Diane Dil, Planner, of CCOG commented that the change to item #6 of the proposed text amendment RZA11-02 was a staff recommendation (to include a gross vehicle weight of 13,000 lbs). It was not a recommendation from the Planning Board. Mayor Deese commented that council discussed the proposed text amendment and decided at the last meeting to change the language in item #6 to allow for a gross vehicle weight of up to 10,000 lbs. A motion to approve RZA11-02 Text Change to amend sections 15, 146, and 180F of the Marshville Land Use ordinance to define and establish allowable districts and regulations for produce stands was made by MPT Margaret Bivens. The motion was seconded by CM Ned Beachum. Vote: All ayes.

**Consideration and approval of a Golf Cart ordinance to be added to the Marshville Code of Ordinances**

Mayor Deese commented that Chief Webber worked hard on the proposed golf cart ordinance. A motion to approve and add the Golf Cart ordinance to the Marshville Code of Ordinances was made by CM Matthew Jefferson. The motion was seconded by CM Dora Bridget. Vote: All ayes.

Chief Webber asked if the ordinance is effective as of today since the vote is unanimous. Attorney Griffin commented that there should be a motion made stating the effective date of the ordinance. At that time CM Matthew Jefferson made a motion to make the Golf Cart ordinance effective as of today, October 3, 2011. The motion was seconded by CM Dora Bridget. Vote: All ayes.

**Discussion and approval of Budget Amendment 2012-01 to revise the estimated Police Grant revenue for FY2011-2012**

Interim TM James Bennett commented that the budget amendment is to correctly reflect revenues in the budget line item for Police Revenue. He explained that it is unclear with cuts in the police department budget whether the Town's portion of the grant was budgeted for in the salaries line item. Interim TM Bennett explained that the GHSP grant funding is for three years and after the initial year the Town's portion of matching funds increases. Interim TM Bennett requested that council allow staff to make the adjustment from Encumbered Fund Balance. CM Matthew Jefferson asked to hear from Chief Webber. Chief Webber stated that due to his employment date in late June he did not have anything to do with the budget process. He did reiterate that this grant is a declining grant. CM Ned Beachum commented that the grant is a win-win situation for the Town of Marshville. CM Ned Beachum made a motion to approve Budget Amendment 2012-01 to revise the estimated Police Grant revenue for FY2011-2012. The motion was seconded by MPT Margaret Bivens. Vote: All ayes.

**Discussion and possible action regarding CMAQ Sidewalk Project proposed changes in scope of work**

Mayor Deese commented on the challenges of obtaining easements in order to complete the original CMAQ sidewalk project along Old Hwy. 74. He stated that we are now looking into changing the scope of work. Interim TM James Bennett explained that due to the inability to obtain easements and submit the appropriate paperwork in a timely manner the funding went from 100% to 80%. He went on to inform council that the former town manager submitted a



letter requesting to change the scope or work for the project. Interim TM Bennett commented that he and DPW Bivens Steele have come up with two possible projects, one being along the Hwy. 74 corridor and the other along East Union Street. DPW Bivens Steele commented that to work along Hwy. 74 would be DOT right-of-way and would not be as difficult regarding easements. He further stated that cost estimates would need to be obtained. Interim TM Bennett commented that both grants would possibly cover the cost of the project and the Town's portion would be 20%. Mayor Deese questioned whether Powell Bill money can be used. DPW Bivens Steele commented that it can. He also informed council that Hobbs & Upchurch will be here this week to look at the projects. Interim TM Bennett commented that funds are available in the budget for engineering. CM Matthew Jefferson asked how this is going to affect us for future sidewalk projects. He feels we need to consider whether this is our big project. He reminded council that based upon the recent survey results the #1 sidewalk priority is a sidewalk to the park. DPW Bivens Steele pointed out that we can apply for another grant in the amount of \$150,000. The grant application is due by the end of October 2011 for grant dollars to be received in FY2016-2017. Mayor Deese commented that he's an advocate of a sidewalk on E. Union to the park. However, DOT doesn't want to give us land for the sidewalk. They will only paint a line. Mayor Deese expressed his concern regarding the safety of pedestrians. CM Jefferson stated that a painted line is better than nothing. Interim TM Bennett commented that the E. Union Street project would still require obtaining some easements which may pose a problem. Mayor Deese asked if we could paint the line using Powell Bill money and use grant dollars for another project. DPW Bivens Steele replied that we can. Mayor Deese asked if the council desires to direct staff to look at Hwy. 74 and obtain price estimates for that project and also to obtain estimates for the Town to do E. Union Street using Powell Bill funds. DPW Bivens Steele commented that it would be a good idea to have Hobbs & Upchurch look at both projects. MPT Margaret Bivens commented that she has a problem that there are no sidewalks on the west side of town. She feels we haven't tried hard enough to get sidewalks in that area of town. Mayor Deese commented that he understands MPT Bivens' concerns. However, he also understands property owners not wanting to give up land for easements. Mayor Deese stated he doesn't agree with the Town paying for easements. CM Ned Beachum asked, in regard to the Hwy. 74 sidewalk project, if it would begin at East Union or Food Lion. Mayor Deese commented that the council can decide once the cost estimate for the project is received. A motion to direct staff to secure from Hobbs & Upchurch a preliminary cost for the Hwy. 74 sidewalk project and the E. Union Street sidewalk/road diet project and bring back to council for discussion and possible action was made by \_\_\_\_\_. The motion was seconded by MPT Margaret Bivens. Vote: All ayes.

Mayor Deese commented that there is a time element involved since changing the scope of the project. He asked if the council is in agreement to direct Interim TM Bennett to contact Dana Stoogenke and make her aware that we would like the CMAQ dollars to be applied to the Hwy. 74 sidewalk project. A motion was made by MPT Margaret Bivens and seconded by CM Dora Bridget to direct Interim TM James Bennett to contact Dana Stoogenke and make her aware we want CMAQ grant dollars to be applied to the Hwy. 74 sidewalk project. Vote: All ayes.



**Discussion and possible action regarding contract from CCOG for 2011 Community Development Block Grant Infrastructure Planning Services**

Mayor Deese commented that this contract from CCOG is based upon the discussion at the special meeting on 09/26/2011 regarding a water/sewer project. Interim TM Bennett handed out a revised Page 7. He explained that the revision is based upon a review of the contract by Attorney Griffin. Interim TM Bennett conveyed to council that after conversations with Mr. James Luster, he feels we meet most of the criteria for receiving grant dollars. The cost to begin the application process is \$6,984. Mayor Deese asked what is the council's pleasure regarding this. CM Dora Bridget made a motion to direct CCOG to move forward in pursuing a CDBG grant for the Town of Marshville. Attorney Griffin interjected that this is a contract therefore the motion include such. The motion was amended as follows: A motion to enter into a contract from CCOG for 2011 Community Development Block Grant Infrastructure Planning Services with the change to page 7, and to direct CCOG to move forward in pursuing the grant for the Town of Marshville was made by CM Dora Bridget. The motion was seconded by CM Matthew Jefferson. Vote: All ayes.

Mayor Deese asked Attorney Griffin who should sign contracts since we've changed to a Council-Manager form of government. Attorney Griffin replied that it would be the mayor.

**Comments**

CM Matthew Jefferson commented that we haven't discussed the recent survey in an open council meeting. He thinks we should have a discussion on the survey results. Mayor Deese asked CM Jefferson if he is suggesting a session with Mr. Mitchell to which CM Jefferson responded that he doesn't think it necessary for Mr. Mitchell to be present. CM Beachum questioned whether Mr. Mitchell would charge a fee for coming to discuss the survey. Mayor Deese replied that he would check the agreement with Insight Research.

Chief Webber informed council he will be travelling to Raleigh to pick up printers for several cars that were received with grant dollars. This will enable the use of e-citations. He also informed council of several GHSP events, which satisfy the grant requirements. The police dept. held a child safety seat workshop at Happy Days Daycare in Marshville and also a DWI checkpoint on Hasty Rd.

MPT Margaret Bivens asked Chief Webber about an ad for a police officer. Chief Webber commented that it is not a new position but rather filling a vacancy.

Clerk/FO Tonya Johnson reminded council of the upcoming NCLM Annual Conference in Raleigh on October 23-25. She informed council that reservations are in order and will be distributed at the next council meeting on 10/17/2011. Clerk/FO Johnson also made council aware of issues relating to the dot matrix printer. It ceased to function and staff is looking into other ways to print utility bills, accounts payable and payroll checks.

Interim TM James Bennett informed council that some changes have been made to the Town's website. He asked council to choose either 12/09/2011 or 12/16/2011 as a date for the Christmas Dinner. It was the consensus of the council to schedule the Christmas Dinner on 12/16/2011 at the Community Center.

Interim TM Bennett commented that the Veterans' Day event scheduled for November 12, 2011 is coming together. He informed council that the Christmas Parade is scheduled for November 26, 2011, and the Tree Lighting service is scheduled for November 18, 2011 at 6:00 pm. Interim TM Bennett also informed council that ½ of the Powell Bill allocation was received in the amount of \$33,463.93. Lastly, Interim TM Bennett informed council of a meeting with Eddie Williams with Duke Energy regarding a request from C&C Metals to get a streetlight(s). Mr. Williams informed ITM Bennett that they are eligible for two streetlights at a cost of \$28.

MPT Margaret Bivens commented that she received a request from a citizen requesting streetlights on W. Union Street.

Mayor Deese read an invitation from BLVFD inviting council members to attend their annual meeting scheduled for Tuesday, October 4, 2011.

### Adjourn

A motion to adjourn was made by MPT Margaret Bivens and seconded by CM Ned Beachum.  
Vote: All ayes.

There being no further comments the meeting was adjourned at 8:16 pm.

These minutes approved this 17<sup>th</sup> day of October, 2011.

BY: \_\_\_\_\_

Frank Deese, Mayor

ATTEST: \_\_\_\_\_

Tonya D. Johnson, Town Clerk

*\*A brief recess may be called every 45-60 minutes, as desired by Council.*