

**Town of Marshville
Town Council Meeting
Monday, September 19, 2011
7:00 PM
Marshville Town Hall – 201 W. Main St.**

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, DPW Bivens Steele, Chief Carl Webber, PD Alan Thifault, and Attorney Bobby Griffin. Also present was John Edmondson, editor of *The Home News*.

Open/Welcome/Invocation/Pledge of Allegiance

Mayor Frank Deese opened the meeting of the Marshville Town Council at 7:00 pm and welcomed everyone in attendance. An invocation was given by CM Ned Beachum. All gave the Pledge of Allegiance.

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

There were no public comments.

Adopt Agenda

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

Consent Agenda

a. Receive Budget Report as of 8/31/2011

b. Approve Minutes from 8/14/2011 Special Meeting, 8/21/2011 Special Meeting, 8/24/2011 Continued Meeting, 9/6/2011 Recessed Meeting, and 9/12/2011 Continued Meeting

A motion to accept the consent agenda was made by CM Ned Beachum and seconded by MPT Margaret Bivens. Vote: All ayes.

Discussion and possible action regarding citizen's petition for voluntary annexation

Interim TM James Bennett informed council that the property that is the subject of the voluntary annexation is 1021 Forest Drive, Marshville. The current tax value of the property is \$103,500 and the site area is .61 acre. Projected revenue to the town would be a one-time \$300 fee for advertising, a \$3,200 tap fee as well as annual property taxes of approximately \$424.00. The owner is requesting annexation due to problems with the conventional sewer system. Interim TM Bennett stated that he's spoken with both John Phelps and Kim Hibbard with the NCLM regarding new legislation as it pertains to annexation. He was informed that, in their opinion, the new legislation has no bearing on this voluntary annexation. The owner of record of the property is Horne Enterprises. Interim TM Bennett conveyed that it is the recommendation of staff that council approve the annexation.

CM Matthew Jefferson commented that Horne Enterprises is a future potential investor in the town of Marshville and it is his desire to treat them accordingly. It was the consensus of the council to follow the protocol to annex the requested property.

Mayor Deese asked for a motion to direct Interim TM James Bennett to proceed with the protocol for the requested voluntary annexation of the property known as 1021 Forest Drive, Marshville. The motion, as stated in the previous sentence, was made by CM Ned Beachum and seconded by MPT Margaret Bivens. Vote: All ayes.

Discussion and possible action regarding water purchase contract with Anson County

Interim TM James Bennett informed council that we have received the contract from Anson County and it has been reviewed by Attorney Griffin. It is a ten year contract with no substantive changes. Interim TM Bennett commented that staff recommends that council approve the contract. Attorney Griffin interjected that this contract is a continuation of the old contract for an additional ten years at the same rates. A motion was made by CM Ned Beachum to approve the contract and to authorize the Mayor and the Clerk to sign said contract. The motion was seconded by MPT Margaret Bivens. Vote: All ayes.

Discussion and possible action regarding a language revision to Item #6 of the proposed Text Amendment RZA11-02 specifying vehicle weight restrictions on transport vehicles parked at produce stands

Mayor Deese stated that the Planning Board recommended a text change in the Marshville Land Use ordinance to regulate produce stands. The council sent the recommendation back to the Planning Board with concerns that some of the language (Article XI, Section 180F, Item #6) is too strict. Some council members felt that, as written, a local farmer could not sell his/her produce from the back of his/her truck. The council requested that the Planning Board loosen the language. The Planning Board voted not to change their recommendation on the proposed text amendment and resubmitted it with its original content. Mayor Deese informed council that language has been drafted to try to suit the council's intent. Interim TM Bennett stated that Article XI, Section 180F, Item #6 will be amended to add gross vehicle weight (GVW) of 10,000 pounds to allow a small pickup truck to be allowed to park and sell produce. Mayor Deese asked council if they are in agreement on the proposed language amendment. CM Jefferson commented he feels this is suitable. It was the consensus of council that the proposed language amendment is suitable.

Call for a 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 – Staff recommends date for public hearing be October 3, 2011

A motion to call for a 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 for the Town Council meeting on Monday, October 3, 2011 at 7:00 pm at Town Hall was made by CM Dora Bridget. The motion was seconded by MPT Margaret Bivens. Vote: All ayes.

Set dates for Grant Exploration

Interim TM Bennett informed council of a conversation that took place between Mr. James Luster and himself in which he discovered that the Town of Morven received grant dollars. Interim TM Bennett asked council to think of projects in Marshville that grant dollars could be used for. He further expressed his desire to set a date to get together and determine priority project(s). MPT Bivens asked what, in addition to water & sewer lines, could grant dollars be used for. Interim TM Bennett responded that he's uncertain but can investigate. Mayor Deese commented that we need to set a date preferably as soon as possible because grant money is not always readily available. CM Dora Bridget suggested the date for grant exploration be Monday, September 26, 2011. Mayor Deese commented that if this date is agreeable then council can direct him to call for a special meeting. A motion was then made by MPT Margaret Bivens to direct Mayor Deese to call for a special meeting of the Marshville Town Council for Monday, September 26, 2011, at 7:00 pm at Town Hall for the purpose of discussing and deciding grant projects to pursue. The motion was seconded by CM Dora Bridget. Vote: All ayes.

Code Enforcement update – information only as provided by Mr. James Luster

Interim TM Bennett commented that Mr. James Luster provided everyone with a Code Enforcement Case Update handout. Interim TM Bennett conveyed information that a meeting regarding an Elm Street property has to be rescheduled due to the owner having surgery. CM Jefferson asked about updates on the other ten to

twelve properties Mr. Luster is supposed to be working on. Interim TM Bennett replied that he will obtain an update from Mr. Luster regarding the other properties. Interim TM Bennett informed council that he has visited several of the properties. CM Jefferson requested that arrangements be made for Mr. Luster to address the Council. Mayor Deese reminded council that they have to inform Mr. Luster of the properties they want him to inspect. Chief Carl Webber commented in regards to the Elm Street property. He stated that because it is the subject of a fire the evidentiary status has to be investigated. Mayor Deese stated that as the ordinance reads, the process cannot begin unless a complaint is made against a property at Town Hall. Attorney Griffin interjected that code enforcement issues must follow due process. He recommended researching the ordinance and having a special session to decide how aggressively council desires to proceed with code enforcement. CM Jefferson stated he doesn't think this list is fair. He further expressed his opinion that code enforcement is about public safety. He feels this council needs to do something or stop talking about it. Mayor Deese asked council whether they want a special meeting to determine how they desire to move forward with code enforcement. He asked if they wanted to include this discussion at the special meeting already called for Monday, September 26, 2011. Mayor Deese asked Attorney Griffin if council can amend the previous motion to which Attorney Griffin replied that council can make a motion to amend a previous motion.

A motion amending the previous motion calling for a special meeting to include receiving a report from Mr. James Luster and pursuing with a discussion of that report and a discussion of the code enforcement ordinance in general was made by CM Dora Bridget. The motion was seconded by MPT Margaret Bivens. Vote: All ayes.

Discussion and possible action regarding AT&T Cellular Tower contract

Interim TM Bennett informed council that the original contract was with Cingular and was entered into on 6/28/2006. He read an excerpt from the contract regarding the renewal of the lease term. In reviewing the new lease Marshville would be giving up \$259 +/- per month. Staff recommended leaving the lease as it is at the current time and not accepting the new lease proposal. Mayor Deese commented that it is not in Marshville's best interest to sign the new lease agreement. It was the consensus of council to continue in the current lease agreement with AT & T.

Discussion and possible action regarding approval of a Golf Cart ordinance to be added to the Marshville Code of Ordinances

Chief Carl Webber commented there have been several years of discussion regarding the regulation of golf carts on public streets. Chief Webber referenced NCGS 160A-300.6, which regulates golf carts. He further commented that he borrowed/reviewed a golf cart ordinance from the City of Monroe. Chief Webber reviewed a proposed golf cart ordinance with the mayor and council. He pointed out the proposed ordinance would require an owner to complete a golf cart registration form to be kept on file at the Marshville Police Dept. Mayor Deese asked if the town would have to pay the golf cart fees to the Union Co. Public Schools. Chief Webber replied that we would not because the registration fee is a fee and not a penalty. The proposed ordinance also requires that golf cart operators be 16 years of age and possess a valid driver's license. Attorney Griffin commented that a public hearing is not required; however, council may want to allow for public input. The proposed draft, as written, promotes safety. CM Jefferson questioned the driver's license requirement and how many golf carts we have riding around town. Some discussion ensued among council. MPT Margaret Bivens suggested we invite public input. A motion to call for a public hearing to be held on Monday, October 3, 2011 at 7:15 pm, or immediately following the other public hearing, regarding adding a golf cart ordinance to the Marshville Code of Ordinances was made by MPT Margaret Bivens. The motion was seconded by CM Dora Bridget. Vote: All ayes.

Comments

PD Alan Thifault commented that things are running good since Mr. Bennett arrived. DPW Bivens Steele had no comments.

Chief Carl Webber commented that the crowd was down at the Boll Weevil Festival due to weather. He reported there were no issues or incidents.
FO Tonya Johnson had no comments.

Mayor Deese commented the need to discuss whether or not department heads need to attend every meeting. Now that the form of government has changed to Council-Manager, the manager deals directly with the department heads. Mayor Deese expressed his appreciation to staff for the work they do.

CM Ned Beachum thanked DPW Bivens Steele and his department for cleaning up after the Boll Weevil Festival. He stated that he spoke with someone from C & C Metals regarding their interest in getting streetlights. *Interim TM Bennett was directed to look into this.* CM Beachum also mentioned the issue of prayer. Attorney Griffin commented that the constitution does not prohibit prayer. The legislative issue regarding prayer is that you shouldn't be required to pray a particular way.

CM Jefferson agreed that department heads shouldn't have to attend every meeting. It should be up to the manager. He commended the town employees for their efforts at the Boll Weevil Festival. CM Jefferson commented that the entertainment has been lined up for the Veterans' Day event.

CM Dora Bridget & MPT Margaret Bivens had no comments.

Interim TM Bennett commented that the Veterans' Day event is scheduled for November 12, 2011. He also informed council of plans to recognize employees/staff on their birthday by giving birthday cards. This is a gesture to show appreciation.

Mayor Deese thanked Interim TM Bennett for doing a good job thus far. He also commended staff for the job they did during the period of time Marshville was without a manager.

Adjourn

At 8:20 pm CM Dora Bridget made a motion to adjourn. The motion was seconded by MPT Margaret Bivens.
Vote: All ayes.

There being no further comments, the meeting was adjourned.

These minutes approved this 3rd 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.*