

**Town of Marshville
Town Council Meeting
Monday, August 22, 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

Followed by:

REGULAR MEETING

Present: Mayor Deese, MPT Margaret Bivens, CM Ned Beachum, CM Matthew Jefferson, CM Dora Bridget, 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*.

Public Hearing

Open/Welcome/Invocation/Pledge of Allegiance

At 7:00 pm Mayor Deese welcomed everyone and called to order the public hearing. MPT Margaret Bivens gave the invocation. All gave the Pledge of Allegiance.

Open and hold Public Hearing for 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

Mayor Deese commented that, as recommended by the Planning Board, the purpose of the public hearing is to hear any comments from the public regarding defining and establishing guidelines for produce stands.

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

There were no public comments.

Close Public Hearing

Mayor Deese closed the public hearing at 7:09 pm.

Regular Meeting

Open/Welcome

At 7:09 pm Mayor Deese opened the regular meeting of the Marshville Town Council and again welcomed those attending.

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

Charles Griffin – 413 S. Elm St., Marshville. Mr. Griffin addressed the Mayor and council members regarding the number of times he's been without water in the past months. He stated that he's affiliated with Tracy's restaurant. Mr. Griffin directed several questions to DPW Bivens Steele regarding water availability. He inquired if we are using the concrete water tank, and whether that water is usable. DPW Bivens Steele replied that it is not. He further commented that the main

problem during a leak is to isolate the area that has to be fixed. Mr. Griffin inquired as to how much water is used on an average day to which DPW Steele replied approximately 280,000 gallons. Mr. Griffin asked whether we can cut off the water and still supply water from the tank. He stressed the need to be able to isolate leaks and still have water. DPW Steele replied that it depends on where the leak is. In the case of the most recent water main break on Hwy. 74, a valve malfunctioned. We need to do some valve repairs. Mayor Deese commented that there may be some money budgeted for water line repairs. Mayor Deese asked DPW Steele to look into this and bring information back.

Adopt Agenda

Mayor Deese stated that before adoption of the agenda there needs to be added (as Item #9) a discussion and possible action regarding Public Hearing RZA11-02 Text Change to amend sections 15, 146, and 180F of the Marshville Land Use ordinance. A motion was made by MPT Margaret Bivens to add as item #9 discussion and possible action regarding 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. The motion was seconded by CM Dora Bridget. Vote: All ayes.

CM Jefferson made a motion to add to the agenda a discussion regarding a Liquor-by-the-Drink Referendum to go on the November election ballot. The motion died for lack of a second.

CM Ned Beachum made a motion to adopt the agenda with the addition of Item #9, discussion and possible action regarding RZA11-02 Text Change to amend sections 15, 146, and 180F of the Marshville Land Use ordinance pertaining to produce stands. The motion was seconded by MPT Margaret Bivens. Vote: 3 to 1 (CM Matthew Jefferson opposed).

Consent Agenda Items:

- a. Approve Minutes of August 8, 2011 meeting
- b. Receive Budget Report as of 07/31/2011

CM Dora Bridget made a motion to approve the consent agenda as received. The motion was seconded by CM Ned Beachum. Vote: All ayes.

Discussion and possible action regarding 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

Nadine Bennett, with CCOG, gave a brief explanation of the proposed text amendment. CM Ned Beachum commented that he would like to see us designate a farmers' market area for produce growers. Nadine Bennett replied by saying that would have to go back to the Planning Board. She further commented that it would be a little tricky to approve this proposed change and then have to go back and remove the language. She commented that a farmers' market is more difficult. CM Matthew Jefferson stated his opinion that the requirements of this proposed amendment are pretty stringent. MPT Margaret Bivens agreed with CM Beachum in that she would like to see a farmers' market. Mayor Deese informed council that their options are (1) to approve the text amendment as presented, or (2) send it back to the Planning Board to either "loosen" the language or look into a farmers' market. MPT Margaret Bivens stated that she would like to go over this with the Planning Board. Mayor Deese felt we should just send this back to the Planning Board and let them do their job. He asked members of the council if they prefer to table this action and send it back to the Planning Board. CM Jefferson spoke

out that it's not a big deal to him. He's ok with the proposed text amendment. He feels the Planning Board works hard.

A motion was made by MPT Margaret Bivens 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. The motion was seconded by CM Matthew Jefferson. Vote: 2 to 2 (CM Ned Beachum and CM Dora Bridget opposed).

Mayor Deese commented that he personally doesn't have a problem with the proposed text amendment but when members of the council have questions or concerns then he feels the need for further investigation. Mayor Deese opposed the approval of RZA11-20 Text Change to amend sections 15, 146, and 180F of the Marshville Land Use ordinance pertaining to produce stands. He recommended it be sent back to the Planning Board.

Closed Session per NCGS 143-318.11.(6) To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee . . .

CM Ned Beachum made a motion to go into closed session per N.C.G.S. 143-318.11(a)(6) To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee. . . The motion was seconded by CM Dora Bridget. Vote: All ayes.

Mayor Deese decided to have comments before the closed session discussion therefore; a motion was made by CM Ned Beachum to come out of closed session. The motion was seconded by MPT Margaret Bivens. Vote: All ayes.

Comments

PD Alan Thifault informed council that the evening exercise class will be moved to Tuesday and Thursday evenings. He hopes for better participation. He's also inquiring about getting WI-FI at the park. CM Jefferson thanked Alan for putting together a piece of exercise equipment that was donated. Mayor Deese asked if we are getting participants to sign a release. PD Alan Thifault replied that releases are being signed by the exercise class participants.

DPW Bivens Steele informed council that there will be some activity along Hwy. 74 due to a fiber optic line being run from Charlotte to Wilmington.

Chief Webber informed council that he has completed an inventory of the evidence locker at the Police Dept. and is working on the disposition of some of that evidence. He commented that the Police Dept. has been working with the Pilgrim's Pride incident. Mayor Deese commended Chief Webber. MPT Bivens also commended Mayor Deese for representing the Town of Marshville.

Clerk/FO Tonya Johnson informed council of some recent training she attended for CitiPak. She gave them information on a software upgrade that may be available sometime within the year. She commented that it appears very comparable to products Radford Thomas was looking at with other software vendors. She reminded council that she will be in a finance officer's class at the School of Government during the week of August 29 – September 1. Clerk/FO Johnson requested that council members let her know of their plans to attend the annual NCLM conference so she can make reservations and get everyone registered. She also reminded council of the Farm City Celebration.

Mayor Deese informed council that Radford Thomas had written a letter to both CSX and DOT regarding the annual Boll Weevil Festival. He told council that we received a response back from DOT approving the requested street closings.

There were no further comments.

At 7:53 pm a motion to go into closed session per N.C.G.S. 143-318.11(a)(6) To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee ... was made by CM Dora Bridget. The motion was seconded by MPT Margaret Bivens. Vote: All ayes.

At this time department heads were excused.
Mayor Deese called for a brief recess at 7:53 pm.

CLOSED SESSION

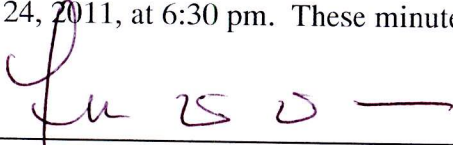
At 8:50 pm a motion to come out of closed session was made by MPT Margaret Bivens and seconded by CM Ned Beachum. Vote: All ayes.

OPEN SESSION


In open session CM Matthew Jefferson made a motion to recess the meeting to reconvene Wednesday, August 24, 2011, at 6:30 pm at Town Hall. The motion was seconded by CM Dora Bridget. Vote: All ayes.

There being no further comments the meeting was recessed at 8:50 pm to reconvene Wednesday, August 24, 2011, at 6:30 pm. These minutes approved this the 6th day of September, 2011.

By: _____


Frank Deese, Mayor

Attest: _____


Tonya Johnson, Clerk

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