

**Town of Marshville  
Town Council Meeting  
Monday, September 26, 2011  
7:00 PM  
Marshville Town Hall – 201 W. Main St.**

**SPECIAL MEETING**

Present: Mayor Deese, MPT Margaret Bivens, CM Dora Bridget, CM Ned Beachum, CM Matthew Jefferson, Interim TM James Bennett, Clerk/FO Tonya Johnson, DPW Bivens Steele, and Police Chief Carl Webber. PD Alan Thifault was absent from the meeting.

Open/Welcome/Invocation/Pledge of Allegiance

Mayor Deese opened the meeting of the Marshville Town Council at 7:00 pm and stated the purpose of the Special Meeting. MPT Margaret Bivens gave the invocation. All recited the Pledge of Allegiance.

Receive code enforcement update report from Mr. James Luster

Mr. James Luster, Code Enforcement Officer with CCOG provided council and staff a Code Enforcement “Active Cases” report and also a copy of Marshville’s ordinance, Chapter J – Building Codes, both of which are attached and made part of the minutes. Mr. Luster reviewed in detail the active cases on the report. Mr. Luster report that property #3 is in the process of being sold. Mayor Deese suggested the new owner be given ample time to bring the property into repair. He request that Mr. Luster inform council as to when the transfer of ownership takes place. The owner of property #5 has requested voluntary burning by BLVFD. Interim TM Bennett commented that he spoke with Chris Griffin and they are waiting on asbestos removal. Mr. Luster stated that asbestos removal is the owner’s responsibility. Mayor Deese questioned whether an investigation is in process since the structure was damaged by fire. Chief Webber replied that he believes the investigation has concluded and it is okay to proceed with code enforcement. MPT Margaret Bivens commented that the Fire Dept. should know someone to contact regarding asbestos removal. Mr. Luster commented that the property owner has been cooperative. He was directed to stay abreast of the asbestos removal process with the owner. Mr. Luster reported the issue with property #6 is the underpinning of a recently installed storage building. The owner removed the old deteriorated building and installed a new one. The underpinning is not a safety & health issue according to Mr. Luster based upon its current use. He commented that underpinning is more of an appearance issue. Replacing the storage building corrected the safety/health concerns. Mr. Luster reported to council that the owner of property #8 requested leniency until he has funds available to bring the house into repair. CM Jefferson informed council that he talked with the owner and he has made some improvements. CM Jefferson further commented that the structure is a very old house and he doesn’t think it would ever meet code. Mayor Deese suggested the owner be put in contact with someone from the Union County Historical Society. He asked Interim TM Bennett to give the owner a call and suggest he contact the Historical Society. MPT Bivens stated that she has served on the Historical Society and it doesn’t buy properties. MPT Bivens commented that anybody can maintain the exterior of their property. Mr. Luster urged council to be consistent in their actions with property owners. Mr. Luster reported regarding property #8 that the owners are considering



a voluntary burning but there is an issue with the title of the property. Mr. Luster reported that a minor is involved regarding ownership. He recommended a title check to identify and notify the proper owners if the Town chooses to proceed. Mr. Luster reported that at the present time the property is not closed and boarded up. Mayor Deese asked if the owners are cleaning up the exterior. Mayor Deese and the Council directed Mr. Luster to contact the owners to request they board up and secure the property and clean up the exterior. Mr. Luster reported futile attempts to make contact with the reported owner of property #9. CM Jefferson asked what could be done regarding an abandoned property. Mr. Luster replied that attempts to contact the owner and notifications are necessary. You are required to give a good faith effort to make contact. The property can then be posted and advertised. Mr. Luster recommended consulting with the attorney and performing a title search. Mayor Deese asked if council would have to make a motion to authorize Mr. Luster to proceed with steps toward demolition. He inquired about instructing Tonya or Debbie to contact Union County regarding payment of taxes on this property. We need to build an irrefutable case for abandonment before proceeding with demolition. MPT Bivens commented that most all the properties on the list are vacant houses and this council needs to be consistent.

CM Dora Bridget made a motion to direct staff to research the property in question and bring a report back to council for review so as to decide how to proceed with a course of action to take. The motion was seconded by CM Ned Beachum. CM Jefferson commented on several other properties that warrant research. Mayor Deese commented that the motion was stated incorrectly. CM Dora Bridget clarified the previous motion by stating her intent to direct staff to research the properties in question: 805 West Main Street, 210 W. Union and 823 Hasty Rd. to find out who pays taxes and when the taxes were paid. The motion was seconded by CM Ned Beachum. Vote: All ayes.

CM Jefferson asked if council can direct Mr. Luster to take other action once council receives the information requested from staff. CM Dora Bridget commented that council may need to consult with the attorney so as not to over step our boundaries. Mr. Luster commented that once he's given direction and receives the title search report, he meets with the attorney. CM Jefferson stated that the paper-pushing process is too slow! Mayor Deese expressed his desire to receive the report back from staff. He reminded council that every action is going to cost the Town money. He urged moving cautiously. Mayor Deese feels it is prudent to wait on the information. He commented that he understands frustration because some of these properties have been on the list for years.

Mr. Luster commented regarding property #10 that the biggest concern is exterior paint. He reiterated the importance of consistency from the council. He stated that the objective of code enforcement is health and safety. MPT Bivens commented that we may need a policy addressing painting and aesthetics. Mr. Luster informed council that a hearing was held on 08/23/2011 regarding property #11. He has access to units 5, 6, 7, 7, 19 and 28 and reported work in progress. He stated that these units are not in compliance with code. Units 19 and 28 are occupied. Units 5, 6 and 7 are vacant. They cannot be occupied until they are brought into compliance. Mayor Deese expressed concern about units 19 and 28 being occupied. Mr. Luster explained that since the safety and health issues are not life threatening the occupants do not have to be removed. CM Jefferson asked if all the apartments could be inspected for compliance. Mr. Luster replied that code enforcement issues are on a complaint basis. He commented that council could go through a process to get an administrative search warrant. CM Bridget stated



that two out of forty is not a high number (of complaints). Mayor Deese again stressed proceeding cautiously. CM Beachum tried to recall how long ago the owner informed council that as tenants move out he would get the units up to code and contact Mr. Luster. Mayor Deese asked if council should have Interim TM Bennett write the owner a letter reminding him to contact Mr. Luster when a tenant moves out so the vacant unit can be inspected. Again, Mr. Luster expressed the need for consistency. He explained that you can't notify only one apartment owner. There should be a policy. Mayor Deese suggested talking to the attorney about creating policy for inspecting apartments. Mr. Luster commented that he thinks the council could set policy. Mayor Deese and the council agreed to direct staff to talk to the attorney and NCLM regarding a policy for inspecting apartments.

At 8:45 pm Mayor Deese called for a five minute recess.

The meeting reconvened at 8:53 pm.

#### Discussion and possible action regarding the Code Enforcement Ordinance for Marshville

Mayor Deese asked if any council member has anything they want to discuss regarding code enforcement. Chief Webber pointed out that Mr. Luster's Code Enforcement Report of Active Cases reflects an incorrect email address for the Town of Marshville. The corrected email address, [marshvilletownhall.@windstream.net](mailto:marshvilletownhall.@windstream.net), was noted by Mr. Luster. Interim TM Bennett asked if council desires Mr. Luster to attend meetings quarterly to provide updates. CM Ned Beachum commented if Mr. Luster attends an evening meeting he could switch his daytime hours at Town Hall. It was the consensus of the council that Mr. Luster attends meetings once per quarter to provide updates. CM Jefferson apologized to Mr. Luster for his harshness. He feels that this process of code enforcement is arduous and filled with red tape. Citizens don't understand why nothing takes place and they express that in the voting booth. Mr. Luster was appreciative and commented that he doesn't take it personally. He commented that it is his objective to protect the town from any potential liability. MPT Bivens commented on the need to implement policies so council can direct Mr. Luster to move forward on the issue of code enforcement.

#### Grant exploration

Interim TM Bennett thanked DPW Bivens Steele for being at this meeting. He stated our purpose to explore grants that can be used for Marshville. Interim TM Bennett informed council that in talking with Mr. Luster he learned that the Town of Morven received \$2M in non-matching grant dollars. He conveyed to council that he asked DPW Steele to recommend several needed projects. The suggestions he received from DPW Steele were (1) to replace small waterlines and sewer lines along the intersection of Bivens and King St. and to resurface the street and (2) to replace small water lines and clay sewer lines along Hill St. Interim TM Bennett commented that Mr. Luster has suggested that grant money may be available for water/sewer projects. CM Jefferson asked about water problems in the downtown area. DPW Steele replied that we can get water from Wingate so downtown is not really a problem. DPW Steele commented that he would like to see another line run along Hwy. 74 to get the lines out from underneath the road. Another possible project is a new main line from Water Plant Rd. to Stegall Rd. on the east side of town. Mayor Deese commented on the possibility of Legacy Park and economic development on East and West Hwy. 74. He stated that our future lies with Anson County as it concerns water and sewer. He feels that we need to improve the lines going east toward Legacy Park. CM Dora Bridget reminded council that previous discussions seem to have

determined that we don't have the capacity to service any possible commercial growth in terms of water and sewer. Another possible project that was suggested was to partner with Anson County on water and sewer grants. Mr. Luster commented that sidewalks can be pursued as part of the grant.

The following list of possible projects for which to seek grant dollars was devised:

- (1) Downtown water area
- (2) Replace small water lines and clay sewer lines along Hill St.
- (3) Replace small water & sewer lines along the intersection of Bivens and King St.
- (4) Water Plant Rd. to Stegall Rd. – improve water lines in eastern end of town
- (5) Partner with Anson Co. on water and sewer grants

Interim TM Bennett asked each council member to prioritize the list of possible projects. Once completed the projects were narrowed based upon priority. Mr. Luster commented that there are two grant agencies from which to seek money. They are the Department of Commerce and the NC Rural Center. A preliminary application would be required by each agency. Mr. Luster recommended choosing the project that is the top priority. Mayor Deese asked it is the desire of the council to direct staff, DPW Steele, and Mr. Luster to pursue water and sewer lines along Bivens and King St. Chief Webber pointed out that Water Plant Rd. to Stegall Rd. is the main line supplying Marshville with water. It seems that should be a top priority. Mayor Deese stated this project would move the lines from the middle of the road to the north side of Hwy. 74. DPW Steele pointed out that this would also allow for additional fire hydrants, which are supposed to be every 1,000 feet. Mayor Deese asked council if they desire to direct Mr. Luster to move forward to pursue grant dollars for Water Plant Rd. to Stegall Rd.

A motion to direct staff to work with Mr. Luster to prepare an application to submit to either the Department of Commerce or the NC Rural Center, depending on their determination to which would be most favorably obtained, to try to secure grant dollars for Water Plant Rd. to Stegall Rd. was made by MPT Margaret Bivens. The motion was seconded by CM Ned Beachum.  
Vote: All ayes.

Mr. Luster informed the mayor and council that the Town needs to be prepared to secure project specifications and estimates. Chief Webber asked Mr. Luster is a preliminary engineering report would be needed to which he replied that it would.



Adjourn

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

The meeting was adjourned at 10:00 pm.

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

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

Frank Deese, Mayor

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

Tonya Johnson, Town Clerk

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

