



Town of Marshville

Town Council Regular Meeting

Monday, March 2, 2020 7:00 PM

Marshville Town Hall, 118 East Union St., Marshville, NC 28103

Agenda

1. Call to Order/Invocation/Pledge of Allegiance
2. Public Comment

Please sign in at the podium. Before speaking, state your name, address, and limit your comments to two minutes

3. Adoption of the Agenda
4. Consent Agenda
 - a. Minutes for Approval
 - i. January 6, 2020 Regular Meeting
 - ii. January 13, 2020 Planning and Council Joint Work Session
 - b. Approval of Parks and Recreation Advisory Board Resolution
 - c. Amended Personnel Policy Concerning Comp-Time and Bonus-Time
5. Monroe Expressway Presentation (Warren Cooksey; Turnpike Authority)
6. Discussion and Approval of Marshville Parks and Recreation By-laws
7. Manager's Report
8. Council Members' Comments
9. Mayor Comments
10. Adjournment

Work Session March 16, 2020 - Easter Holiday Friday April 10, 2020 - Easter Egg Hunt April 4, 2020 10am to 12am



Town of Marshville Town Council Regular Meeting

Monday, January 6, 2020 7:00 PM

Marshville Town Hall, 118 East Union St., Marshville, NC 28103

Regular Meeting Minutes

In Attendance: Mayor Larry Smith; Council Members Margaret Bivens, Paulette Blakeney, Gary Huntley, Ernestine Staton, Mayor Pro-tem Virginia Morgan

Staff in Attendance: Town Manager Franklin Deese, Town Clerk Ann Sutton, Police Chief Matt Tarlton, Administrative Assistant Michael Garrison, Town Attorney Bobby Griffin

Call to Order/Invocation/Pledge of Allegiance:

Call to Order by Mayor Larry Smith; Invocation by Council Member Huntley; Pledge of Allegiance given by all

Public Comment:

Norma Moore, Marshville Museum, invited all to visit the museum. She also asked for volunteers to help man the museum for four hours a month.

Adoption of the Agenda:

Additions made to Agenda. Added an employee introduction and a Closed Session.

A motion was made by Council Member Staton to approve the Agenda with the additions. Mayor Pro-tem Morgan seconded the motions. All agreed.

Introduction of Michael Garrison to Council:

Michael Garrison has been with the town for one year. He is an Administrative Assistant working mostly with our utilities. Michael has a Bachelor of Science Degree and a Master's in Public Administration.

Consent Agenda:

Minutes approved;

Work Session 10/21/2019

Continued Work Session 10/22/2019

Special Meeting 10/31/2019

Re-appointment of ABC Commission Board Members:

Bob Morgan – Chairman – 3 years

Stephanie Baumer – CFO – 3 years

Patricia Gauthier – 2 years

Olin Marsh – 1 year
Dora Bridget – 1 year

A motion was made by Council Member Ernestine Staton to approve the Consent Agenda; the second was made by Council Member Blakeney. All agreed.

Fire Fee/Tax Presentation by Patrick Niland, Union County Assistant Manager:

Beaver Lane Volunteer Fire Department is currently a fire fee district. The fee is currently one hundred dollars for residential property and two hundred dollars for a commercial property. This is not enough to sustain the fire district. Union County has presented a resolution to abolish the Fee-Supported Beaver Lane District and establish the Beaver Lane Fire and Rescue Service District of all territory located within the municipal limits of Marshville. This resolution would create a 60/40 funding split, 60% of funding coming from the fire district and 40% of funding would be a county subsidy, which would create less of a tax burden on the rural tax districts. The Chief of the Beaver Lane Fire Department told Mayor Smith that the county's resolution does come with the Beaver Lane Fire Department endorsement. The council decided to review the resolution over the next few days and bring it back to another meeting to take action.

ABC Store Review and Projections:

Chairman Bob Morgan and CFO Stephanie Baumer were at the meeting to make the presentation. Chairman Morgan said that from January 1, 2019, to December 31, 2019, the ABC Spirits Store had grossed about \$885, 222.24. This includes \$60,000 in taxes that were collected and sent to the Department of Revenue. They are trying to come up with a date in which the town will start receiving a distribution for the store. The ABC Board says it takes about five years for a store to make its first distribution to the town. Chairman Morgan feels that the store is on track to meet the five year prediction. Town Manager Deese thanked Chairman Morgan for coming.

Discussion on Litter and Tidiness of Streets:

Town Manager Deese was called by a council member due to the concern of the litter on the streets. Council Margaret Bivens would like some "no littering" signs or something to encourage folks to not litter. Chief of Police Matt Tarlton said that he could get some people who have Public Service, requirements to pick-up trash. Council Member Bivens would like to see litter pickup on W. Union Street. Town Attorney Griffin expressed concern about people walking on private property. This could be an issue. Chief of Police Tarlton will ride around and find the spots that need attention. All seemed fine with that idea. Town Manager Deese will look for an ordinance allowing us to put up signs for littering.

Manager's Report:

Town Manager Deese gave a presentation concerning Planning and Zoning. This was in preparation for the upcoming joint Planning Board and Town Council Work Session that will be held on January 13, 2020. All were encouraged to read the handouts Town Manager Deese gave to them. He also wanted the council to come up with questions for the Planning Board about anything they wanted to see or did not understand. Town Manager Deese discussed leaf and limb pickup and showed pictures of what limbs and leaves around the town. Tickets are available for the MLK breakfast. Everyone has bought their own. CRTPO orientation is in Mooresville this year on the 14th. Town Manager Deese wanted the Board's consideration on whether or not to

pay council members for attending other meetings like CRTPO. The suggested amount would be twenty-five dollars a meeting just like the amount we give all now for attending the work sessions. Town Manager Deese asked who wanted to be in the MLK Parade. He also asked what they would like to ride in.

Mayor Smith questioned as to whether we had a leaf and limb policy. Town Manager Deese said that we do not have a policy. To pick up leaves and limbs is a courtesy.

Ethics Training was discussed again. The Town Clerk will arrange.

Council Members' Comments:

Council Member Blakeney thanked all for coming out.

Council Member Huntley thanked all for coming out.

Council Member Bivens went to the Marshville Museum meeting today.

Council Member Staton said that she received a call from a citizen that said the agenda was not on the Facebook page. She asked if we were going to continue putting the agenda on the Facebook page. All thought that the agenda should go on the Facebook page. Council Member Staton thanked the Police Department for taking care of the children at Christmas.

Mayor Pro-tem wished all a great new year.

Mayor Comments:

Mayor Smith presented Town Manager Deese with a plaque for his years of service as Mayor. He thanked all for coming and encouraged all to join the town for the Planning and Zoning joint meeting with the Town Council.

Closed Session:

A motion was made to go into Closed Session per General Statute 143-318.11 (a) (5)

To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (ii) the amount of compensation and other material terms of an employment contract or proposed employment contract.

by Council Member Staton and seconded by Council Member Huntley. All agreed.

A motion was made to come out of Closed Session by Mayor Pro-tem Morgan and seconded by Council Member Staton. All Agreed

Adjournment:

A motion was made by Council Member Margaret Bivens to Adjourn the Regular Meeting. This was seconded by Council Member Staton. All agreed.

Approved this ____ day of _____, 2020.

Mayor Larry Smith

ATTEST

Town Clerk, Ann Sutton



Town of Marshville Planning Board Meeting/Town Council Work Session

Monday, January 13, 2020 7:00 PM

Marshville Town Hall, 118 East Union St., Marshville, NC 28103

Agenda

Planning Members in Attendance: Chairperson Susan Drake, Planning Board Members Francis Griffin, Tracey Stancill, Brian Weber, Fred Burton, Tom Appenzeller, and Rusty Johnson

Town Council Board Members Present: Mayor Larry Smith, Town Council Members Gary Huntley, Margaret Bivens, Virginia Morgan, Ernestine Staton, and Paulette Blakeney

Staff in Attendance: Town Manager Franklin Deese; Ann Sutton, Town Clerk; and Matt Tarlton, Chief of Police. CCOG Planning and Zoning Administrator Carina Soriano

Planning Board Call to Order:

Planning Board Chair Susan Drake called the Planning Board meeting to order, and Mayor Larry Smith called the Town Council Work Session to order. Council Member Gary Huntley gave the invocation. All recited the Pledge of Allegiance.

All board members introduced themselves. All citizens were thanked for coming to the meeting.

Adoption of the Agenda:

A motion was made to adopt the agenda by PB Member Rusty Johnson and seconded by PB Member Stancill. All said aye.

Mayor Larry Smith asked for a motion to also adopt the agenda. A motion was made by Council Member Staton and seconded by Council Member Huntley. All agreed.

Carina Soriano, town Planning and Zoning Administrator, presented the materials given to the Town Council. The packet of materials included The Technical Specifications Manual, The Town Comprehensive Transportation Plan, the Bicycle and Pedestrian Plan, and the 2035 Plan. The Planning Board would like to have another joint meeting in the future on the 2035 Plan.

Board of Adjustment Appointments:

Planning and Zoning Administrator, Carina Soriano, introduced the ETJ appointments to the Town Council. They are Tracy Stancill and Tom Appenzeller.

Technical Review Committee Appointments:

The Technical Review Committee will consist of Carina Soriano, Planning and Zoning Administrator, Public Works Director Stephen Mull, Town Manager Franklin Deese, and two positions that the town does not currently have, a Town Engineer and a Stormwater Administrator.

Economic Development in the Town and the Chamber of Commerce:

Chairman Drake expressed that it may be time for Town Council to appoint an Economic Development Committee. The Planning Board will work closely with the Chamber of Commerce, Economic Development, and the Council. The Planning Board wants to be included in all planning and would work closely with the Economic Committee if the Council chooses to appoint one.

Both Chairman Drake and Planning and Zoning Administrator Soriano think it is crucial for the Council to review the 2035 Plan to make sure this plan represents where the Council wants the town to go. There has been quite a bit of both commercial and residential interest in the town lately. Changes in the plan need to be addressed as we move along.

Future Planning Board Items to Appear Before Council:

1. Façade Ordinance
2. Food Truck Ordinance
3. Outdoor Storage Ordinance
4. Tiny Home Ordinance
5. Updating the Tree Ordinance
6. Signage Language Update
7. Transitional Mixed Use (TMU) Language Update
8. Rezoning Residential Main Street Transitional (R/MST) to Main Street Periphery (MSP)

Updating of Maps:

The Planning Board will be updating our maps. Planning and Zoning Administrator Soriano will be reviewing the maps we have, update them as necessary, and present them to the Council in the near future. (Possibly May or June)

The Planning Board would like to address the Town Ordinances due to conflicting definitions and information. The Town Manager suggested the possibility of hiring someone to update our ordinances. CCOG could possibly help with a review. We have issues across the current ordinances. Richard Flowe worked on the development of ordinances. He may come in and help get us up to date with his thoughts when these ordinances were created at that time. Chairman Drake thought that it would be a good idea to have a second set of eyes once the ordinances were created or updated. Maybe Mr. Flowe come in once every couple of months to look at them.

Comments and Questions and Answers:

Planning and Zoning Administrator Soriano asked if anyone had preliminary thoughts about the information is given out or suggestions about some of the boards were spoken of.

A question came up about gaming/gambling facilities. Police Chief Tarlton said that Union County had an ordinance in place. He also said that he would look into anything else that might be available concerning the gaming/gambling facilities.

Council Member Staton thought the food truck ordinance should be a priority due to the one-time events we hope to have in the near future. Chairman Drake spoke of produce trucks and food trucks. The town has an ordinance for produce trucks, but this does not cover food trucks. Many things need to be considered with a food truck ordinance. Health inspection requirements for food trucks were mentioned. Chairman Drake told the Council to discuss what they think is important in a Food Truck Ordinance and let the Planning Board know the thoughts so they can create an ordinance based on some of these thoughts. This ordinance will be a priority.

Mayor Larry Smith asked if the Zoning Ordinance was going to be updated on the website? The response was that yes they were. Town Manager Deese said that we are working on updating our maps. Town Manager Deese did not see any point in updating until the map changes were complete. Mayor Smith thought it would be a good idea to have a disclaimer on the website state "please contact Town Hall for the latest updates."

Chairman Drake reiterated that it is important to get someone to help the Planning Department as soon as possible so they can make changes and recommendations asap.

Chairman Drake thanked all for coming.

Adjournment:

A motion was made by a Planning Board member which was seconded. All agreed. Planning Board meeting was adjourned.

A motion was made by Council Member Staton to adjourn the Council Work Session meeting. A second was made and all agreed. Council meeting was adjourned.

8:07 pm

Approved this _____ day of March, 2020.

Larry Smith, Mayor

Ann Sutton, Clerk

RESOLUTION

A RESOLUTION ESTABLISHING A PARKS AND RECREATION ADVISORY BOARD FOR THE MARSHVILLE TOWN COUNCIL

WHEREAS, the Marshville Town Council endeavors to provide excellent service to the citizens of Marshville;
and

WHEREAS, the Marshville Town Council recognizes the substantial benefits from public input regarding the planning, development, and construction of town parks and coordinating community activities on town parks; and

WHEREAS, at the recommendation of the Manager, and with the approval of the Mayor and Town Council, the town feels it is appropriate to establish a Parks and Recreation Advisory Board to make recommendations to the Town Council regarding development of new parks for the Town of Marshville and coordinating community activities and programs for public benefit;

NOW, THEREFORE, BE IT RESOLVED THAT:

Section 1: There is created and established a Parks and Recreation Advisory Board which shall act in accordance with and subject to the provisions, duties, and limitations of this Resolution.

Section 2: The following guidelines are set forth for the Parks and Recreation Advisory Board:

- (1) The Recreation Advisory Board serves at the pleasure of the Town Council in an advisory capacity. The Marshville Town Council shall have authority to create, direct, or dissolve the Park and Recreation Advisory Board as needed.
- (2) The Town Council makes the final determination of which persons sit on the Recreation Advisory Board. The Advisory Board may submit names for consideration, but at no time do they have the power to appoint, fill a vacancy or replace a member without the written consent of the Town Council.
- (3) All members of the Parks and Recreation Advisory Board shall be governed by the attached Town of Marshville By-laws and Rules of Procedure as established in January of the year 2020.
- (4) No member of the Parks and Recreation Advisory Board shall attempt to negotiate on behalf of the Town with any outside agency or individuals regarding any matter before the Town Council and/or the Parks and Recreation Advisory Board without the express written consent of the Town Manager.
- (5) The Parks & Recreation Advisory Board is an advisory body to the Town Council in the matter of parks & recreation facilities, activities, staff structure, and any other topic related to parks & recreation in the town of Marshville area as tasked by the Marshville Town Council.

APPROVED AND ADOPTED, this 2nd DAY OF March, 2020, by the Town Council of the Town of Marshville, North Carolina.

TOWN OF MARSHVILLE, NC:

ATTEST:

Larry B. Smith, Mayor

Ann Sutton, Clerk

PERSONNEL POLICY COMP-TIME CHANGES

- (a) Employees in positions determined to be "exempt" from FLSA (as Executive, Administrative, or Professional staff) will not receive overtime for hours worked in excess of their normal work periods. These employees may be granted occasional bonus leave by their department heads where the convenience of the department allows.
- (b) The following work periods shall be established for the purpose of calculation of compensatory time, overtime earned, and bonus leave time:
 - 1. Law enforcement personnel shall be assigned to a 14 day work period with a fluctuating work schedule and a maximum of 86 work hours before accruing overtime or comp time.
 - 2. All other non-exempt Town employees shall be assigned to a 7-day work period with a maximum of 40 work hours before accruing overtime pay or comp time.
 - 3. Days off for non-exempt Town employees must be requested in writing on the "Town of Marshville Personnel Leave Form," and must be approved by their department head. No comp time can be accumulated while employee is on leave.
 - 4. All exempt Town employees shall be assigned to a 7-day work period with a maximum of 50 work hours before accruing bonus leave time.
 - 5. Days off for exempt Town employees must be requested in writing on the "Town of Marshville Personnel Leave Form," and must be approved by the Manager. No leave time can be accumulated while employee is on leave.
- (c) Employees required to work hours over the maximum allowed in the assigned work period shall be compensated for such overtime hours worked subject to the following provisions:
 - 1. The position does not involve administrative, professional, managerial or other types of work exempt from coverage by FLSA.
 - 2. All overtime shall be earned at a rate of one-and-one-half hours for each hour of overtime worked. All overtime shall be earned at a rate of one-and-one-half times the employee's hourly rate of pay.
 - 3. The maximum compensatory time that may be accrued by any non-exempt employee shall be 50 hours in all Town positions. Once an employee has attained a balance of 50 hours of compensatory time, all additional overtime will be paid at the appropriate rate as specified in paragraph (e) – 2 of this section.
 - 4. The maximum compensatory time that may be accrued by any exempt employee shall be 40 hours in all Town positions. Bonus Leave Time will be accrued on a "use it or lose it" basis. No employee will be allowed to use more than a total of 10 hours (or one day) at a time.

5. Department heads may, with prior approval of the Town Manager, pay employees for overtime work when it is not feasible to permit their absence for the purpose of taking compensatory time off.

Annual, compensatory, sick, and other types of paid leave, and bonus leave shall not be counted as time worked for computing overtime during a work period.

6. A non-exempt employee whose employment is terminated shall receive pay for all compensatory time earned, but not taken.

7. An exempt employee whose employment is terminated shall receive no pay for bonus leave time.

- (f) Supervisors shall be responsible for maintaining the appropriate and accurate time and attendance records detailing hours worked each day and total hours worked each work period. All "time records" must be approved by the department head and delivered to the employee preparing the town payroll. All payment of salaries and wages shall be by direct deposit. In no instance will an employee be paid at a rate other than the one set forth on their currently approved personnel forms.