



Town of Marshville
Town Council Public Hearing and Regular Meeting
March 4, 2023, 7 PM
Marshville Town Hall
118 East Union Street – Marshville, NC 28103



Public Hearing Agenda

- 1. Call to Order/Invocation/Pledge of Allegiance**
- 2. Open Public Hearing: Rezoning RZA-23-03**
- 3. Staff Presentation**
- 4. Public Input**
- 5. Close Public Hearing**

Regular Meeting Agenda

- 1. Public Comments**
- 2. Adoption of Agenda**
- 3. Consent Agenda**
 - i. February 16th, 2024, Special Meeting Minutes**
 - ii. February 16th, 2024, Work Session Minutes**
 - iii. Resolution by the Town of Marshville For Capital Project Ordinance**
 - iv. Resolution by the Town of Marshville For Offer and Acceptance to receive ARPA Funds**

- 4. Presentation from Union County Schools – Colon Moore and Cathy Brown**
- 5. Discussion/Action regarding Rezoning RZA-23-03 Sign Ordinance**
- 6. Report from Land Use Administrator**
- 7. Discussion on Social Districts**
- 8. Discussion concerning council members attending meetings via Zoom**
- 9. Discussion of Mural Ordinance**
- 10. Manager Comments**
- 11. Council Comments**
- 12. Mayor's Comments**
- 13. Adjournment**

*Planning Board Meeting March 11th, 7 p.m. • Town Council Work Session March 18th, 7 p.m. •
2024 Eggciting and Craftastic Evening of Fun March 21-22 6 p.m. to 8 p.m.*



Town of Marshville
Town Council Work Session
February 19, 2024, 7 PM
Marshville Town Hall
118 East Union Street – Marshville, NC 28103



In Attendance: Mayor Larry Smith, Mayor Pro-tem Ernestine Staton; Council Members Paulette Blakeney, Gary Huntley, Monaca Marshall, and Stephen Passarelli

Staff Attendance: Town Manager Franklin Deese, Town Clerk Ashlie Vincent, and Police Chief Matt Tarlton

Work Session Minutes

Public Comments: None

Adoption of Agenda: Member Passarelli suggested adding a discussion about the background of the rebranding as item 6. Mayor Pro-tem Staton suggested adding discussions about social media comments as item 7, red light and traffic light issues as item 8, and the emergency after-hour number as item 9.

Motion: The motion to adopt the agenda was made by Member Huntley and seconded by Member Marshall—all ayes.

Water and Sewer Presentation:

Manager Deese gave a presentation about water and sewer. The presentation consisted of how much sewer has been processed over the last three years and how much water has been purchased. The presentation showcased how improvements to inflow and infiltration can help reduce the addition of stormwater into the sewer system. The presentation displayed the capacity and future capacity once the sewer system is entirely turned into Anson County.

Member Passarelli asked about the completion date of Phase 1 of the sewer project. Manager Deese stated December 2025 if there are no issues. Member Passarelli asked when Phase 2 would start. Manager Deese said Phase 2 could run congruent with Phase 1, but the state office is behind. Once the proper documentation is sent, the firms can begin to make bid packages to be approved by the state. September or October would be the ideal time to start the next phase.

Financial Snapshot:

The financial presentation explained the difference between the enterprise and general fund, what the funds are used for, and how they are maintained. The presentation covered the fund and cash balance, showcasing the past five years. It broke down the five outstanding debt obligations and the grants awarded to the town.

Discussion on Sidewalk Project:

Manager Deese presented to the council the three designs the firm has completed per their request. The firm needs the council to choose which design to make a bid package. The council had a common consensus to take on the larger plan. Manager Deese stated he could look into outlets for funding and work in phases on the sidewalk project to complete it.

Background on Rebranding:

Member Passarelli asked how the rebranding was rolled out and what is still to come. He stated that the council should be included in the next decisions.

Manager Deese explained the process of hiring the firm, the survey process, and the compiling of the “story of Marshville.” The town had budgeted \$25,000 to replace the signs and banners. The water tower repainting was the last change for the current fiscal year. He is speaking with the company to correct the town logo sign to enlarge the image. Member Marshall asked what the cost was to paint the water tower. Manager Deese responded that it cost \$50,000.

Social Media Comments:

Mayor Pro-tem Staton expressed her concern about town employees' comments back and forth on Facebook pages, saying it could be negative for the town. Member Marshall asked if the employees had reviewed and signed the social media policy. Manager Deese said he would speak with Lakeysha Medlin to find out. He expressed the need to be careful of possibly infringing on their First Amendment rights. Member Passarelli suggested creating an avenue of communication on the town's Facebook page to help with transparency.

Mayor Smith stated that the town staff has made great strides to improve communication with the public by improving the town website, utilizing Facebook, and relaunching the newsletter.

Red lights and Traffic Lights:

Mayor Pro-tem Staton expressed concern about the frequency of people running red lights in the town. Police Chief Tarlton stated that the combination of more cars in town, faster and quieter cars, and distracted driving could contribute to the cause. He and Lt. Fultz are working on a plan to allow for a peak-time officer position. Member Passarelli asked if the town could instate a red-light camera system. Police Chief Tarlton explained the town had a system fifteen years ago but could be looked into reinstating it.

After Hour Emergency Number:

Mayor Pro-tem Staton spoke about her experience using the after-hour emergency number. Police Chief Tarlton explained the protocol. The issue gets called in, and the issue gets reported to the Police Chief to be handled. He will contact Union County to correct the problem Mayor Pro-tem Staton encountered.

Member Marshall asked about the two Public Works employees being sent to classes. Police Chief Tarlton replied they would both take their tests in March and hoped for good results.

Manager's Comments:

- The Chamber of Commerce event is on February 22nd.
- The planning board has sent a request to the town council to appoint one board member to be a part of the Technical Review Committee. Manager Deese explained his reasoning for not including them to the council. The TRC is a staff meeting with potential developers concerning their ideas for future development in Marshville. No decisions are made. Look at their ideas from a technical perspective and make suggestions. If the developer chooses to move forward, an application is submitted to the Land Use Admin and presented to the Planning Board for review.

Mayor Smith asked who is included in the TRC. Manager Deese said it depends on what the application needs. The TRC consists of town manager, Land Use Admin, Public Works, Stormwater engineer, NCDOT representative, sanitation representative, and fire marshal.

Police Chief Tarlton said these meetings save a lot of time and help streamline the process of bringing the best product to the planning board. It helps keep the planning board unbiased.

Mayor Smith stated within his professional experience that that is how it works in most other places. There needs to be some degree of sensitivity when handling these meetings.

A vote on the request from the planning board will be made at another meeting.

Council Comments:

Paulette Blakeney: Respect one another. Glad everyone is feeling better.

Gary Huntley: Thanked the public for coming out. Prayers for his wife.

Stephen Passarelli: Thanked the public for coming out. Please reach out. For new businesses, be sure to join the Chamber of Commerce. Talk about code enforcement at the retreat.

Monaca Marshall: Thanked the public for coming out. Come in and express concern, reach out. Town council phone numbers are on the town website.

Ernestine Staton: Thanked the public for coming out. Available to everyone and will return calls. Be sure to reach out. Striving to work together.

Mayor's Comments:

- Explanation from the Police Chief about the water break
- Retreat on the weekend, come prepared.
- Reminder for Police Chief and Officer McClellan's retirement parties

- Look into posting town meetings on YouTube
- Code enforcement/zoning permit report to council
- Monthly financial report

Adjournment:

Motion: The motion to adjourn the meeting was made by Member Huntley and seconded by Member Marshall—all ayes.

Approved this ____ day of March 2024.

Larry B. Smith, Jr., Mayor

ATTEST

Ashlie Vincent, Town Clerk

**RESOLUTION BY TOWN OF MARSHVILLE
FOR CAPITAL PROJECT ORDINANCE**

Be it ORDERED by the Governing Board of the Town of Marshville, North Carolina, that pursuant to section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital Project Ordinance is hereby adopted.

Section 1: The Project authorized is the construction/rehabilitation of a Wastewater Collection System to be financed by ARPA grant/state grants and reserves.

Section 2: The officers of this unit are hereby directed to proceed with the capital project within the terms of the board resolution, loan documents and the budget contained herein.

Section 3: The following amounts are appropriated for the project (Phase 1):

Engineering	\$700,000
Construction	\$3,300,000
	<u>\$4,000,000</u>

The following amounts are appropriated for the project (Phase 2):

Engineering	\$500,000
Construction	\$3,350,000
	<u>\$3,850,000</u>

Section 4: The following revenues are anticipated to be available to complete this project:

Federal/ARPA Grant (Phase 1) SRP-W-ARP-0186	\$ 4,000,000
State/DEQ WIF Grant (Phase 2)	\$ 3,850,000
Transfer from Wastewater Enterprise Fund (if needed)	<u>\$ _ 150,000</u>
	<u>\$ 8,000,000</u>

Section 5: The finance officer is hereby directed to maintain within the capital project fund sufficient specific detailed accounting records to satisfy the requirements of the grantor agency, the grant agreements, and federal regulations. The terms of the bond resolution also shall be met.

Section 6: Funds may be advanced from the General Fund for the purpose of making payments as due. Disbursement requests should be made to the grantor agency in an orderly and timely manner.

Section 7: The finance officer is directed to report, on a quarterly basis, on the financial status of each project element in section 3 and on the total grant/loan revenues received or claimed.

Section 8: The Budget Officer is directed to include a detailed analysis of past and future costs and revenues on this capital project in every budget submission made to this board.

Section 9: Copies of this capital project ordinance shall be furnished to the clerk to the Governing Board, and to the Budget Officer and the Finance officer for direction in carrying out this project.

Adopted this the ___ day of _____, 20___ at **Town of Marshville**, North Carolina.

✓ _____
Larry Smith, Mayor

(Seal)

ATTEST:

✓ _____
Ashlie Vincent, Town Clerk

**RESOLUTION BY TOWN OF MARSHVILLE
FOR OFFER & ACCEPTANCE
TO RECEIVE ARPA FUNDS**

WHEREAS, The **Town of Marshville** has need for and intends to construct, plan for, or conduct a study in a project described as **Water Asset Inventory Assessment (AIA)**, and

WHEREAS, The **Town of Marshville** intends to request State loan and/or grant assistance for the project,

NOW THEREFORE BE IT RESOLVED, BY THE TOWN COUNCIL OF THE TOWN OF MARSHVILLE:

That **Town of Marshville**, the **Applicant**, will arrange financing for all remaining costs of the project, if approved for a State loan and/or grant award.

That the **Applicant** will provide for efficient operation and maintenance of the project on completion of construction thereof.

That the **Applicant** will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.

That the governing body of the **Applicant** agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the **Town of Marshville** to make a scheduled repayment of the loan, to withhold from the **Town of Marshville** any State funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.

That **Frank Deese, Town Manager**, the **Authorized Official**, and successors so titled, is hereby authorized to execute and file an application on behalf of the **Applicant** with the State of North Carolina for a loan and/or grant to aid in the study of or construction of the project described above.

That the **Authorized Official**, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the **Applicant** has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted this the (4th day of March) at Marshville, North Carolina.

(Signature of Chief Executive Officer)

(Title)

CERTIFICATION BY RECORDING OFFICER

The undersigned duly qualified and acting Town Clerk of the **Town of Marshville** does hereby certify:
That the above/attached resolution is a true and correct copy of the resolution authorizing the filing of an application with the State of North Carolina, as regularly adopted at a legally convened meeting of the **Town Council of the Town of Marshville** duly held on the 4th day of March, 2024; and, further, that such resolution has been fully recorded in the journal of proceedings and records in my office. IN WITNESS WHEREOF, I have hereunto set my hand this 4th day of March, 2024.

(Signature of Recording Officer)

Town Clerk

(Title of Recording Officer)



To: Town of Marshville Town Council and Mayor
 From : Jonathan Wells, Planning & Zoning Administrator
 Date: March 4, 2024
 Subject: **REZONING STAFF REPORT: RZA-23-03**

Property: n.a. – this is a proposed Text Amendment

Applicant name: Jonathan Wells, Planning & Zoning Administrator

Applicant request: A considerable amount of business development – specifically highway commercial and industrial – in Marshville is located along the US74 (Marshville Boulevard) corridor, whose travel speed varies from 35 to 55 miles per hour. Following several expressions of concern from commercial property owners that the 32 square foot maximum sign dimension for flat (building wall-mounted) signs currently in the Marshville Development Ordinance is overly-restrictive, the Planning & Zoning Administrator working with the town Planning Board examined and compared sign ordinances of several peer communities for highway sign maximum dimensions. Two significant factors were discovered: first, that Marshville’s maximum sign dimensions were in fact smaller than peer communities’ ordinances allowed, and second that many peer communities indexed their maximum allowable sign size to the size of the building facades upon which the signs were proposed to be affixed (and not simply to a maximum square foot dimension). See the table below:

Jurisdiction	Max. dimension	Maximum %
Marshville	32 sq. ft.	n/a
Troutman	125 sq. ft.	10%
Stallings	100 sq. ft.	10%
Monroe	500 sq. ft.	*
Waxhaw	None	10%
Union County	250 sq. ft.	30%

- Tied to linear footage of facade, not square footage

Clearly Marshville’s ordinance does not currently recognize the size or massing of a building’s façade when establishing maximum commercial building-mounted sign dimensions.





For perspective, the sign requirements that were in effect prior to the 2016 adoption of the current sign regulations permitted a maximum sign size in ALL commercial districts of 10 percent of the façade area with a dimensional ceiling of 100 square feet.

Working closely with the town Planning Board, several options were explored, using simulated situations as a guide. Some are attached to this report as illustrations.

Planning Board Recommendation: The recommendation of the Planning Board, voted upon during their January 8, 2024 meeting, was to recommend that the maximum requirements for wall-mounted signs be remain 32 square feet but to allow a sign to be *up to 10 percent of the size of the building façade, (or 32 square feet) whichever is larger*. This would apply to C-74 (US 74 Commercial) and IND (Industrial) districts only, with sign requirements for all other zoning districts remaining unchanged. It would also avoid penalizing smaller buildings which would still be entitled to 32 square foot signs, if their facades are smaller than 320 square feet. See proposed changes to Table 17.1 below (in red):

Table 17.1 – Permanent Sign Standards and Criteria

Proposed verbiage in red

Sign Type	Sign Copy Area Allowance (sqft)	Sign Illumination	Minimum Letter Size	Maximum Number	Other Requirements	
Permanent Attached Signs – General						
Blade (or Projecting)		32	Ambient External Internal	6"	One per street or parking frontage per occupancy	Only one sign (blade, V-type or flat) allowed per occupancy per street or parking frontage
V-Type						Internally-illuminated signs: sign face can be illuminated
Flat (or Wall) All districts but C-74 and IND						No attached signage above second story except in monolithic multi-story buildings fronting major thoroughfares.
Flat (or Wall) C-74 and IND						10% of the area of the façade or 32 sqft whichever is larger

Furthermore, the Planning Board felt that the proposed text amendment is considered to be consistent with goal(s) in the *Marshville Town Plan 2035* (adopted in 2016), particularly:

- “Goal: Improve the effectiveness of Town government and achieve greater autonomy through the fostering of greater coordination and consensus among Town officials, governing boards, and citizens on development decisions.”
- “Goal: Develop new recreational and cultural facilities, programs, and events that accommodate a variety of uses and appeal to both Town residents and visitors.”

They therefore unanimously recommended adoption of the companion Consistency Statement depicted below:

“The proposed Text Amendment is considered consistent with the Marshville Town Plan 2035 by continuing to meet the Objective of the Plan ‘To improve the quality of life of the citizens of Marshville by encouraging responsible growth management decisions, protecting the small Town character, developing an attractive community, preserving natural areas and historical assets, and ensuring a healthy local economy’, and to align with the adopted Goals of Sec. 6 (General Development Strategies) to ‘Ensure that Marshville’s development policies are conducive to the long-term vision for the future and adequately control the location and appearance of future development.’. The proposed Map Amendment is also considered consistent with the Future Land Use Map contained in the Marshville Town Plan 2035.”

The full range of Consistency Statement options is attached below.

CONSISTENCY STATEMENTS FOR RZA-23-03 Article 15 “Signs in Certain Business Districts”

If the proposed changes are to be approved AND they are considered to be consistent with the 2035 Plan:

- A. “The proposed Text Amendment is considered consistent with the *Marshville Town Plan 2035* by continuing to meet the Objective of the Plan ‘To improve the quality of life of the citizens of Marshville by encouraging responsible growth management decisions, protecting the small Town character, developing an attractive community, preserving natural areas and historical assets, and ensuring a healthy local economy’, and to align with the adopted Goals of Sec. 6 (General Development Strategies) to ‘Ensure that Marshville’s development policies are conducive to the long-term vision for the future and adequately control the location and appearance of future development.’ It is considered to be reasonable and in the public interest.” *(recommended by Planning Board)*

If the proposed changes are to be approved BUT they are considered to NOT be consistent with the 2035 Plan:

- B. “The proposed Text Amendment is considered inconsistent with the *Marshville Town Plan 2035* in that the proposed amendment is not supportive of one or more of the Objectives and Goals contained within the Plan. However, the proposed change is still considered to be reasonable and in the public interest.”

If the proposed changes are NOT to be approved BECAUSE they are considered to NOT be consistent with the 2035 Plan:

- C. “The proposed Text Amendment is considered inconsistent with the *Marshville Town Plan 2035* in that the proposed amendment is not supportive of the Objectives and Goals contained within the Plan. Furthermore, the proposed changes are not considered to be reasonable and in the public interest.”

If the proposed changes are NOT to be approved EVEN THOUGH they are considered to be consistent with the 2035 Plan:

- D. “Even though the proposed Text Amendment is considered to be consistent with the *Marshville Town Plan 2035* by continuing to meet the Objectives and adopted Goals of Sec. 6 of the Plan, the proposed amendment is not approved in that it is not considered to be reasonable and in the public interest.”

Other:

- E. Other.

CASE STUDY ILLUSTRATIONS:



6605 E. Marshville Blvd. (Achievement Center)
Actual façade size: 468 sq. ft.
Actual sign size: 32 sq. ft. (7% of façade)

Permitted under current ordinance



6605 E. Marshville Blvd. (Achievement Center)
Actual façade size: 468 sq. ft.
Illustrated sign size: 47 sq. ft. (10% of façade)



Subject property: 6349 W. Marshville Hwy. (old Cooper Tire/Amoco site)
Façade size: 1,008 square feet
Depicted sign size: 32 square feet (3 percent of façade size)

Permitted under current ordinance



Subject property: 6349 W. Marshville Hwy. (old Cooper Tire/Amoco site)
Façade size: 1,008 square feet
Depicted sign size: 101 square feet (10 percent of façade size)

Maximum permitted under proposed change