

MINUTES
Town of Marshall Board of Alderman
Regular Meeting
February 19, 2024
6:00 p.m.

In attendance were Mayor Aaron Haynie, Aldermen Billie Jean Haynie, Thomas Jablonski, Aileen Payne, Christiaan Ramsey and Laura Ponder Smith. Also in attendance were Town Administrator Forrest Gilliam and Town Attorney Jamie Stokes.

Mayor Haynie called the meeting to order at 6:01 p.m.

Item 1

Upon motion by Alderman Jablonski, seconded by Alderman Ramsey, the Board voted 5-0 to approve the agenda as presented.

Item 2

Upon motion by Alderman Haynie, seconded by Alderman Payne, the Board voted 5-0 to approve the minutes from the January 22, 2024 Regular Meeting.

Item 3

Mayor Haynie confirmed that a quorum of the Board of Aldermen was present. Forrest Gilliam, Town Administrator, stated that notice was properly advertised for the public hearing for the Proposed Text Amendment, ZTA – 2023-04 - Increasing density and requiring parking for multi-family dwellings, and prohibiting one and two-family dwellings on the first floor and ground level in the Central Business District.

Upon motion by Alderman Haynie, seconded by Alderman Smith, the Board voted 5-0 to open the public hearing. The hearing was opened at 6:03 p.m.

Forrest Gilliam, Town Administrator, presented a staff report on the proposed Text Amendment and Plan Consistency statement as recommended by the Planning Board. There were no questions from Board members regarding the staff report.

Mayor Haynie asked if anyone from the public wished to speak on the proposed text amendment. Vivian Long, of 140 Sams Road, asked clarifying questions about residences on the first floor in a floodplain and asked why there was a difference in the treatment of single and two-family dwellings from multi-family dwellings. Mr. Gilliam explained that floodplain restrictions still apply to any parcel that is in the floodplain, and that the flood ordinance requirements include minimum built elevations for habitation, as well as other structural requirements. Those standards from the flood ordinance still apply, and will be specific to the elevation of each parcel. Depending on the parcel, the flood requirements might cause the first floor of a building to be elevated several feet, or might eliminate the possibility of any dwelling on the first floor. The proposed text amendment to the Unified Development Ordinance is in addition to any requirements of the flood ordinance. Regarding the difference in treatment for single/two-family dwellings and multi-family dwellings, Mr. Gilliam shared that the recommendation of the Planning Board was intended to incentivize density in the Central Business District while also encouraging retail and office use on the ground floor where such density cannot be achieved.

There being no further comment from the public, Mayor Haynie asked for a motion to close the public hearing. Upon motion by Alderman Haynie, seconded by Alderman Jablonski, the Board voted 5-0 to close the public hearing at 6:10 p.m.

The public hearing for the proposed text amendment having properly been held, Mayor Haynie asked for a motion to approve the Consistency Statement and Ordinance for Text Amendment ZTA-2023-04 (Increasing Density for multi-family dwellings in the C-B Central Business District). Upon motion by Alderman Jablonski, seconded by Alderman Smith, the Board voted 5-0 to approve the Consistency Statement and Ordinance for Text Amendment ZTA-2023-04.

Item 4

Representatives of The Davis-Sexton American Legion Post 317, led by Mr. Eugene Ipo, along with supporting remarks from Mr. Tony Ponder and Mr. Richard Cox, made a presentation requesting consideration for changing the name of Bridge Street to either Legion Way or Davis-Sexton Way. The Post in Marshall is named for two men from Madison County who died in combat during World War II. Information on the history of the local post, as well as the national history of the American Legion, was shared with the Board. The street is maintained by the North Carolina Department of Transportation, which will have the final say on any renaming. There is a process by which a local government can request a name change to NCDOT, after consulting with Madison County Addressing to confirm that the proposed name would not cause any confusion for emergency responders. After discussion about the two alternatives for a new name, the consensus of the Board was a preference for Davis-Sexton Way.

Upon motion by Alderman Smith, seconded by Alderman Payne, the Board voted 5-0 to authorize the Town Administrator to begin the process of working with the appropriate county and state agencies to request the name change. Once details are worked out the Board will vote on a final resolution requesting the change at a future meeting.

Item 5

Following up on information shared at the December meeting, the Board discussed the Town's policy for dealing with abnormally high water bills due to customer water leaks. A review of policies in surrounding water utilities shows similar policies, in which the utility will forgive a portion of the bill as long as the customer shows that they have made the repairs to correct the problem. The billing adjustments are usually limited to only once within a one-year or three-year period, and are restricted only to underground leaks, faulty appliances, and other items beyond the customer's control. After discussion, the consensus of the Board was to make no change to the Town's policy regarding customer leaks at this time.

Item 6

Forrest Gilliam, Town Administrator, updated the Board regarding the emergency waterline interconnection with Mars Hill, the state appropriation for sewer improvements and expansion, and upgrades to the wastewater treatment plant.

The Town of Marshall, Town of Mars Hill, and Madison County have all approved the interlocal agreement that covers the procedures for design, construction, and ownership of the new waterline, as well as the procedures for each town to purchase or sell water in the event of an emergency once construction of the line is complete and ownership of the line is transferred to each town. Engineers are submitting designs for permit approval to the state, with a goal of having permit approval and final plans ready for construction bidding this summer. Staff from the three local government entities are holding monthly meetings with engineers to maintain progress on the project.

Staff from the two towns and the county are also meeting regarding the \$15 million sewer appropriation received by the county for improvements to and expansion of each town's sewer system. The funding will support multiple projects, and will not involve an interconnection of the two sewer systems. Initial projects being discussed for Marshall include Phase I

repairs to the wastewater treatment plant as well as extension of sewer service on NC 213 to the intersection with Silver Mill Road and French Broad Electric. Engineers are refining project estimates for both projects. Estimates will be used to form interlocal agreements describing each project, which will then be approved by the Town and submitted to the State. Once approved, the County and Town will move forward on the specific project covered by each agreement. The County will oversee each project, including procurement of services, in consultation with each town.

Mr. Gilliam provided an update regarding the grant application submitted in the fall for improvements to the wastewater treatment plant. The total estimated project cost is \$2,317,636, with the Town providing a twenty percent match of \$463,527, and the U.S. Department of Commerce Economic Development Administration (EDA) funding the remaining eighty percent of the project. The initial funding applied for was from a special allocation available to counties impacted by Tropical Storm Fred in 2021. The disaster supplemental funding required a twenty percent match, rather than the standard fifty percent local match for EDA grants. The applications for the EDA disaster funding exceeded total funds available for the program, and Marshall's project was not funded. The Town does not have sufficient funds to cover a fifty percent match under the standard EDA grant program, however, the federal Appalachian Regional Commission (ARC) has a grant that will cover thirty percent of the project, maintaining the Town's original twenty percent match, if the Town receives both the ARC and EDA grants. The Town submitted a pre-application to ARC at the end of October to cover the thirty percent funding gap, and was invited in December to submit a full application. The full application is due on February 29th. If the Town is successful on both grant applications, the \$2,317,636 project would be funded fifty percent by EDA funds (\$1,158,818), thirty percent by ARC funds (\$695,291), and twenty percent by Town funds (\$463,527).

Since the submittal of the initial EDA application and the ARC pre-application, the Town's engineers and Town staff have identified a multi-phase alternative for improvements to the wastewater treatment plant that would reduce the Phase One cost from \$2,317,636 to \$1,623,000. A project of this size could likely be funded from a portion of the County's \$15 million in sewer funding from the state, and the Town can pursue other funding for the next phases of work at the plant. An additional advantage to the more limited Phase One project is that EDA notified the Town in early February that the plant's location in a floodplain may cost the proposal points when being scored against other projects that are not located in a floodplain. Initial discussions with the County indicate an openness to this concept, but a final decision will depend on the other estimated costs for projects funded from the \$15 million. Because this will not be known prior to the February 29 deadline for submitting a full application to ARC, Mr. Gilliam recommended that the Town proceed with the ARC application, which can later be modified or withdrawn if it is clear that it is more efficient to use the available state/county funding.

Upon motion by Alderman Ramsey, seconded by Alderman Haynie, the Board voted 5-0 to authorize the Town Administrator or his designee to partner with appropriate agencies to write and apply for a grant to the Appalachian Regional Commission for improvements to the wastewater treatment plant. The request to the Appalachian Regional Commission is for \$695,290.80, contingent on the Economic Development Administration funding \$1,158,818, and the Town funding \$463,527.20. The Town Administrator is authorized to confirm the local match commitment for the Town of Marshall for an amount no greater than \$500,000 for the purposes of improving the municipal wastewater treatment plant.

Item 7

A report the Tax Collection and Water/Sewer collection rates for the month of January was presented to the Board.

A proposed release of property taxes and discovery of property taxes related to the County's foreclosure for delinquent taxes on the Malinda Frisby Heirs property (PIN 9706-66-7175) was presented to the Board. Upon motion by Alderman Jablonski, seconded by Alderman Smith, the Board voted 5-0 to approve the release of taxes in the amount of \$3,557.21 (taxes owed for years outside enforced collections window/above the proceeds of the sale net of attorney costs) and the

discovery of taxes in the amount of \$230.19 (taxes owed for 2023 that will be billed to the new owner) for the Malinda Frisby Heirs property.

The financial report for the month of January was presented to the Board.

Upon motion by Alderman Ramsey, seconded by Alderman Jablonski, the Board voted 5-0 to approve Budget Amendment # 2024-005, which budgets additional revenues to the General Fund based on actual receipts year-to-date. The increased revenue is offset by an increase to Contingency. Money from Contingency cannot be spent without approval of the Board of Aldermen.

Upon motion by Alderman Haynie, seconded by Alderman Smith, the Board voted 5-0 to approve Budget Amendment #2024-006. The budget amendment removes funds budgeted earlier in the fiscal year for the local match for repairs at the wastewater treatment plant due to such an expense not being realized in the current fiscal year. The budget amendment also records an increase in Miscellaneous Revenue that is offset with an increase to Contingency in the Water and Sewer Fund. Money from Contingency cannot be spent without approval of the Board of Aldermen.

A proposal for a Town of Marshall Easter Egg Hunt, co-sponsored with the Town by First Baptist Church, Marshall, was presented to the Board. The event would be held on the island on Saturday, March 30 at 10:00 a.m. with a backup date of Saturday, April 6 in the event of inclement weather. The event would be open to children ages preschool through fifth grade, with sections of the island being split into three sections for different age groups. The Town and First Baptist will jointly solicit donation of Easter eggs, candy, and prizes, as well as the recruitment of volunteers for the day of the event. The Town and First Baptist will also assist with publicity. The Parks and Recreation Committee is supportive of the event and will assist with efforts on behalf of the Town.

Upon motion by Alderman Payne, seconded by Alderman Haynie, the Board voted 5-0 to co-sponsor the Marshall Easter Egg Hunt with First Baptist Church, Marshall.

Reports from Boards and Community Organizations

Downtown Marshall Association – Hollie West, President, and Alexandra Arden, Director, presented on behalf of the Downtown Marshall Association.

In planning for DMA's Mermaid Festival, scheduled for Saturday, June 1st, DMA is requesting that water be allowed in the parade in an area isolated to Jerry Plemmons Way. Water was banned in the parade as a condition of the event receiving an event permit from the Town beginning in 2023 after multiple complaints in 2021 and 2022 from event participants and town residents simply traveling through town during the event that they were sprayed, as well as concerns about safety for children and adults running in and out of moving vehicles chasing each other or being chased by water guns. A children's play area with water is still located on the island, but is not a part of the parade itself. The Town received positive feedback from multiple individuals about the absence of water in 2023, and DMA has received multiple requests that water be allowed again. DMA stated that event attendance was lower in 2023 than 2022, and they believe the lack of water has led to a change in the atmosphere that makes the parade less attractive. There were still thousands of people who attended the 2023 event, which stressed the resources of the Town's police force with regard to enforcement of parking and alcohol violations. Discussion took place regarding safety concerns and the reasonableness of expecting parade participants to respect the boundaries of water and non-water sections, and the practical inability to do anything to those who don't follow the rules. DMA acknowledged that the crowd is too big to control what everyone is doing. Additional discussion took place among board members, staff, and DMA representatives, but no decision was made.

DMA is proposing a summer concert series on the island, which would be called “Island Nights in Marshall” and would be held one Saturday evening each month in July, August, September, and October. The event time would be from 6:00 p.m. until 9:00 p.m. and would feature a mix of bands. DMA would work with the Town to clearly mark the field as a no parking area, and would pay all required fees to the Town and for police coverage. DMA is making an additional request for alcohol sales and consumption on Town property in an age-restricted section of the basketball court that would be roped off during these events. Discussion took place regarding the existing Town ordinance that prohibits the consumption of alcohol on Town or other public property within Town, whether there is authorization under state statute to permit alcohol sales or consumption on public property, the requirement for a public hearing to approve any change to an ordinance, the availability of off-duty police officers to be paid to provide additional security, the impact to downtown businesses selling food and alcohol on the same nights, the advisability of making the change based on potential liability issues and the likely diversity of opinion about the issue among town citizens, options for any proposed ordinance revision that would appropriately limit the approval to single events, and other similar matters. Further discussion took place to determine whether there is interest from the Board in pursuing potential revised ordinance language and then scheduling a public hearing to consider such a proposed ordinance. Alderman Jablonski stated that he was in favor with moving forward with that process to hold a public hearing. Mayor Haynie asked if anyone else on the Board wished to second Alderman Jablonski’s suggestion. There was no second to Alderman Jablonski’s proposal to move forward with additional steps toward a public hearing.

Board of Adjustment – Met February 12. Elected officers for 2024: Benjamin Smith, Chairman, Kenny Ray, Vice Chairman, Secretary position remains vacant.

Planning Board – Meeting March 4

Parks and Recreation – Met February 7. Parks and Recreation Committee is asking for a briefing from the County Parks and Recreation Department regarding potential plans for a County-operated multi-use recreation facility in the Marshall area, and whether there are potential ways to partner. Town staff is also working to get information from the County on how to proceed with use of a portion of the island gym sale proceeds to rehabilitate the basketball court on the island. The Parks and Recreation Committee has suggested erecting a volleyball net in a corner of the former baseball field in order to maintain space for other uses on the rest of the field. Staff will work to determine a location that preserves other use of the field and has the appropriate distance from other uses on the island.

Department Reports

Fire Department – Report in packet

Police Department – Chief Mike Boone referred to his written monthly report in board member packets and stated 2024 Police calendars and the initial check with the Town’s proceeds from ads sold for the calendars have been delivered. Chief Boone also stated that he has signed a mutual aid agreement with the Mars Hill Police Department.

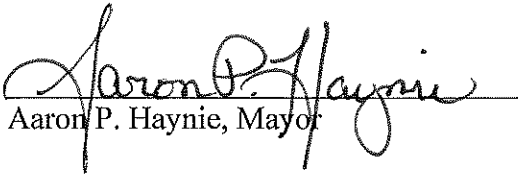
Public Works Department – Jamie Chandler referred to his written monthly report in board member packets. The Maintenance crew is working to find leaks in the system that have increased during the winter months.

Public Comment – No one signed up for public comment.

Upon motion by Alderman Haynie, seconded by Alderman Ramsey, the Board voted 5-0 to enter into closed session for the purposes of attorney-client privilege, personnel, and property.

Upon motion by Alderman Haynie, seconded by Alderman Jablonski, the Board voted 5-0 to return to open session.

Upon motion by Alderman Ramsey, seconded by Alderman Smith, the Board voted 5-0 to adjourn at 8:58 p.m.


Aaron P. Haynie, Mayor


Forrest Gilliam, Town Administrator