

MINUTES

Town of Marshall Board of Alderman

Regular Meeting

August 21, 2023
6:00 p.m.

In attendance were Mayor Nancy Allen, Aldermen Billie Jean Haynie, Thomas Jablonski (arrived at 6:04 p.m.), Aileen Payne, Christiaan Ramsey, and Laura Ponder Smith. Also in attendance were Town Administrator Forrest Gilliam and Town Attorney Jamie Stokes.

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

Item 1

Upon motion by Alderman Ramsey, seconded by Alderman Payne, the Board voted 4-0 to approve the agenda as presented.

Item 2

Upon motion by Alderman Haynie, seconded by Alderman Smith, the Board voted 4-0 to approve the minutes from the July 17, 2023 Regular Meeting and the August 1, 2023 Special Meeting.

Item 3

The Town contracts with Land of Sky Regional Council of Governments to provide zoning administration. Land of Sky wishes to assign Kaitland Finkle, who is an experienced planner employed by Land of Sky, to the Town of Marshall to fulfill the duties as outlined in the 10-hour per week contract approved at the July regular meeting of the Board of Aldermen. There is no change needed to the contract, since the agreement is between the Town and Land of Sky. However, the Town does need to appoint Ms. Finkle as zoning administrator in order for her to be authorized to approve and deny permits in accordance with the Town's Unified Development Ordinance.

Upon motion by Alderman Haynie, seconded by Alderman Smith, the Board voted 4-0 to appoint Kaitland Finkle as Zoning Administrator for the Town of Marshall.

Alderman Jablonski arrived at 6:04 p.m. and was present for the remainder of the meeting.

Item 4

Lindsey Giglio, Fund Development Coordinator for Beacon of Hope, presented a proposal for Beacon of Hope to organize a scarecrow competition that would serve as a fundraiser for the local nonprofit. The proposal is for businesses, individuals, and other organizations to donate to Beacon of Hope to sponsor a scarecrow that the sponsor would decorate. Beacon would like to display the entries along the trail on the Island throughout the month of October leading up to their October 26 grand reopening of their new location on U.S. 25-70. Downtown businesses and property owners would be able to display their entries at their place of business downtown. After discussion with the Board Ms. Giglio agreed to leave the scarecrows up at least through Halloween and possibly the first week of November. The consensus of the Board was to allow the use of the Island trail for the competition. Board members and staff expressed an interest in helping promote entries. Ms. Giglio asked about sidewalk clearance rules in front of downtown businesses, and Mr. Gilliam stated that town ordinances require that a clearance of four-feet wide needs to be maintained at all sections of sidewalk, but there would be room for displays as long as that width for clearance is maintained. Ms. Giglio will provide the list of

rules for entries as well as promotional materials to Kaitland Finkle, Zoning Officer, who will ensure that all Town requirements for events and other standards are met.

Item 5

Forrest Gilliam, Town Administrator stated that staff are working with the Town's engineers and Land of Sky to create the preliminary engineering report and to complete the grant application to the U.S. Economic Development Administration for improvements to the wastewater treatment plant. The Board will authorize the application prior to submittal.

Item 6

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

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

Discussion took place regarding the schedule for fall and winter Town sponsored events. After discussion, the consensus of the Board was to hold Halloween Safe Treat from 5:00 p.m. until 7:00 p.m. on Tuesday, October 31st, to hold the annual Veterans Day Observance at 11:00 a.m. on Saturday, December 11th, and to hold the Christmas Parade at 11:00 a.m. on Saturday, December 9th. Mayor Allen shared a request from the American Legion to shift the schedule for the Town's Memorial Day observance in 2024 from 11:00 a.m. in order for the American Legion to be able to participate in a ceremony scheduled for 11:30 a.m. in Black Mountain. The Board agreed to hold the 2024 Memorial Day ceremony at 9:00 a.m.

Mr. Gilliam shared with the Board an overview of areas that Kaitland Finkle, Zoning Officer, will be reviewing pertaining to special events policies and ordinances for the Town. Over the next few months Ms. Finkle will consult with Town departments and other stakeholders to come up with a draft recommendation to modify or supplement the Town's existing policies surrounding special events, including fee costs, special requirements for larger events, and the treatment of profit and non-profit events.

Mr. Gilliam provided an update to the Board on staff work that has taken place since the Board's July discussion of issues with after hours trespassing on the island. Three additional signs have been erected stating that the Island is closed after dark, and Mr. Gilliam and Chief Boone are evaluating cost options for camera upgrades and additional cameras on the island.

Reports from Boards and Community Organizations

Downtown Marshall Association

John Davis, Hollie West, and Alexandra Arden were present with the Downtown Marshall Association (DMA).

DMA is planning to host a haunted house as part of Safe Treat on Halloween.

Jingle Mingle on Main will be held on December 14th from 5:00 p.m. to 8:00 p.m.

The 4th of July celebration was a success and work is underway to repeat and improve the event for next year. The Town is grateful to DMA for its work in coordinating the event, and DMA expressed gratitude for the work of the Town as well.

The Downtown Marshall Association's annual Mermaid Festival took place in June. Hollie West shared that their crowd size estimate is down slightly from last year, but still estimated between 3,000 and 4,000 people were in attendance throughout the day.

Ms. West stated that the elimination of water guns in the parade did slow the mood and asked for consideration of a compromise in which water would be a feature during part of the parade. Discussion took place among Board members and Ms. West about options, including hose misters or having the fire department spray people in a designated area. Ms. West stated that the water exchange between participants in the parade had been one of the features that made the event unique in the past. Mr. Gilliam stated that he did not believe it would be practical to allow people who are riding in the parade to be able to squirt water in only one section and expect that they wouldn't do it everywhere, but a stationary source of water where people riding in the parade are sprayed and people standing on the side of the road know they could be sprayed by that source, might work. Chief Boone recommended that if there is a zone where water is allowed it should be on Jerry Plemmons Way, where traffic is one way and there will not be non-parade traffic mixed in with the parade. This could also shift some of the crowd from the courthouse area, which was very congested the past two years. Discussion also took place about the benefit of additional signage in advance of the event that would be posted at more entrances to town, notifying people that the event will take place and suggesting they take an alternate route.

Ms. West shared plans DMA has been discussing for other improvements for next year's event. This would include a Frequently Asked Questions document as well as a list of acceptable and unacceptable behaviors. In addition to the emergency medical tent that was provided on the island, they would also add one somewhere downtown. They would also add more restrooms and more trash cans.

Questions came from the Board regarding topless women and other attire that is inappropriate for a family event. DMA shared that they knew of one individual who was not wearing her top, and while DMA agrees that it was inappropriate, North Carolina law does not outlaw such behavior.

All agreed that eliminating illegal parking on shoulders, identifying additional satellite parking locations, providing more shuttles, and encouraging the use of shuttles, would be beneficial. DMA asked for consideration of using the field on the island for parking.

Discussion took place regarding the size of the crowd in proportion to the resources that Marshall has from a Police, public safety, and public works standpoint. Ms. West stated that the crowd size is approaching the limit for what DMA can handle. Mr. Gilliam pointed out that the Town's Special Events Policy recommends that permitted events that take place on more than one street have two security personnel for the first 500 people in attendance, and an additional one security personnel for each additional 250 people. Following this policy, a crowd of 3,000 would require 12 security personnel, and a crowd of 4,000 would require 16 security personnel. The Town had four officers working this year's event, and a fifth on regular patrol. Chief Boone stated that if he worked all full-time and reserve officers for the event he could have six to eight officers, which would meet the standard for 2,000 people from the policy.

Chief Boone also emphasized the need to keep the parade separated from the spectators, especially at and near the courthouse where the largest crowd tends to gather and where non-parade vehicular traffic is present. He suggested barricading the sidewalk in order to keep pedestrians out of the street, but stated this would be a lot of work to accomplish. Having any water feature shift to Jerry Plemmons Way might also help with the crowd at the courthouse. Chief Boone also stated that additional officers will allow additional foot patrol during the parade, as well as more officers for parking enforcement.

All of these issues will be revisited in the coming months in advance of next year's event.

Board of Adjustment – No meeting

Planning Board – Met August 7

Parks and Recreation – Met August 9

Mr. Gilliam shared that the Parks and Recreation Committee is discussing potential use of the proceeds from the County's sale of the gym on the island. Per a 2022 interlocal agreement, the proceeds are held by the County for use by the Town for youth recreation projects. There is no timeline on the use of the funds. The most immediate need that would fit the parameters of the funding would be to resurface the basketball court on the island, which staff is gathering estimates on.

Department Reports

Fire Department – No report.

Police Department – Chief Mike Boone stated that in addition to research into additional cameras on the island, he is also getting cost information on in-car cameras and body cameras for presentation at a future meeting. He stated that the Department has recently signed a mutual aid agreement with the Mars Hill Police Department. Among other things this could be useful with getting additional off-duty officers to help with the Mermaid event. The Chief also shared copies of recent ordinances passed in Mars Hill regulating panhandling, camping in parks, and other parks matters. Chief Boone, Attorney Stokes, and Mr. Gilliam will get together to review these and other ordinances and come back with more refined drafts and additional discussion for the Board.

Public Works Department – Jamie Chandler shared the Unaccountable Water Rate for the month of July, which was five percent.

Zoning Department – Kaitland Finkle shared that the Planning Board is reviewing the Unified Development Ordinance in several areas and will likely be recommending some technical revisions to the ordinance that would come before the Board of Aldermen later this year. She also shared that the Board of Adjustment is holding a hearing on Monday, August 18th at 6:00 p.m. for a special use permit for a proposed campground at the corner of Frisby Road and Redmon Road.

Public Comment

There was no public comment.

Upon motion by Alderman Smith, seconded by Alderman Ramsey, the Board voted 5-0 to enter into closed session pursuant to North Carolina General Statute 143-318.11(a)(3), to consult with an attorney employed or retained by the Town in order to preserve the attorney-client privilege, which privilege is hereby acknowledged for the suit Gregory et. al. vs. Town of Marshall et. al. and the suit Firley v. Town of Marshall, and pursuant to North Carolina General Statute 143-318.11(a)(5) and (a)(6) for the purpose of discussing Property and Personnel.


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

Upon motion by Alderman Haynie, seconded by Alderman Smith, the Board voted 5-0 to approve the contract addendum for Forrest Gilliam for contracted service as Town Administrator. The contract reflects the rate budgeted for Fiscal Year 2023-2024.

Upon motion by Alderman Payne, seconded by Alderman Smith, the Board voted 5-0 to change the title of Michelle Massey from Deputy Town Clerk to Deputy Finance Officer, effective immediately.

Upon motion by Alderman Smith, seconded by Alderman Ramsey, the Board voted 5-0 to authorize Forrest Gilliam, Town Administrator to send a will-serve letter to Madison County Economic Development regarding water and sewer availability for the proposed industrial site on Long Branch Road.

Upon motion by Alderman Ramsey, seconded by Alderman Haynie, the Board voted 5-0 to adjourn at 7:52 p.m.



Nancy Allen, Mayor



Forrest Gilliam, Town Administrator