

**VILLAGE OF MARVIN**  
Regular Council Meeting Minutes  
May 18, 2017 – Village Hall  
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Mayor Pollino called the meeting to order at 6:35 p.m.

Mayor Pollino immediately recessed the meeting to Banks Fellowship Hall.  
Mayor Pollino reconvened the meeting at Banks Fellowship Hall at 6:42 p.m.

Quorum was determined with the following members in attendance: Mayor Joe Pollino, Mayor Pro Tem Brian Beaty, Councilman Nick Dispenziere, Councilman Robert Epps and Councilman Ron Salimao.

No members were absent.

The following staff was present:  
Robyn Stuber, Administrator/Senior Planner  
Melanie Cox, Attorney  
Melody Graham, Consultant

#### **ADOPTION OF AGENDA**

Mayor Pro Tem Beaty added a new item 6 (*Presentation by Bjorn Hansen, Union County Transportation Planner*) and removed Consent Agenda item 4.f (*Call for Public Hearing on Conditional Use Permit #17-11882*).

**Motion:** Mayor Pro Tem Beaty moved to adopt the agenda as amended.  
**Vote:** The motion carried with a unanimous vote.

#### **PLEDGE OF ALLEGIANCE**

#### **PUBLIC COMMENT**

Tiffany Chepul, 1221 Larkridge Ct.

Ms. Chepul spoke about the Marvin Rd./New Town Rd. intersection and the need for improvements to this intersection. She provided her comments for the record, along with emails from Marvin landowner Russ O'Dell and NCDOT Division 10 Engineer Scott Cole (*See Attached: Ms. Chepul's comments and emails are hereby incorporated by reference and made a part of these minutes*).

Jennifer Slotten, 1110 Meadowlark Ln.

Ms. Slotten stated: She agrees with everything that Ms. Chapul stated. This intersection is a huge safety issues for Meadowlark Farms and for everyone who travels through the area. She wanted to read the email she received from David Willis on behalf of the Marvin Creek HoA regarding the Marvin Rd./New Town Rd. intersection. She read the email for the record.

Statement on behalf of the Marvin Creek HOA

The residents of Marvin Creek are concerned about the current road conditions along Newtown Rd. The road conditions at the intersection of Newtown and Marvin Rds should be the number one priority for the Village at this time. We request that all other Village projects be put on hold until

this is resolved. We would like to hear from the council on potential resolutions for this intersection. It impacts all of Marvin and our home values will begin to suffer if we do not start to act now.

Thank you for your time and consideration.

Regards,  
Marvin Creek HOA Board

Ron Stewart, 3314 Banyan Way

Mr. Stewart stated: He agrees with all the comments that have been made regarding the Marvin Rd./New Town Rd. intersection. He was recently involved in an accident while trying to avoid the traffic at this intersection. This is a bad intersection. It is a safety concern and definitely needs improvements. The sooner this can be remedied, with a stop light or a round-about, the better. It will save someone's life.

**CONSENT AGENDA**

**Motion:** Councilman Salimao moved to adopt the Consent Agenda as previously amended.

**Vote:** The motion passed with a unanimous vote.

The following actions were taken:

- Adopted the 1/3/2017 Regular Meeting Minutes
- Adopted the 4/25/2017 Regular Meeting Minutes
- Called for a Public Hearing to be held Thursday, May 25 at 5 p.m. at Village Hall for the 2017-18 Village of Marvin General Fund Budget Ordinance #OR-2017-06-01
- Accepted the Certificate of Sufficiency for Voluntary Annexation of Parcels 06-156-006R, 06-156-094 and 06-156-102 in the Weddington Chase Subdivision (*See Attached: The Certificate of Sufficiency for Voluntary Annexation is hereby incorporated by reference and made a part of these minutes.*)
- Called for a Public Hearing on the Voluntary Annexation of Parcels 06-156-006R, 06-156-094 and 06-156-102 in the Weddington Chase Subdivision to be held Tuesday, June 6, 2017 at 6:30 p.m. at Village Hall

The Council agreed to amend the agenda to move the Public Hearing on Temporary Use Permit #17-11869 to the first public hearing.

**PUBLIC HEARING ON TEMPORARY USE PERMIT #17-11869 FOR A PRIVATE FIREWORKS DISPLAY FOR FIRETHORNE COUNTRY CLUB TO BE HELD JULY 4, 2017 FROM 9:30-10 P.M. AT FIRETHORNE COUNTRY CLUB**

**Motion:** Mayor Pro Tem Beaty moved to open the public hearing on Temporary Use Permit #17-11869 for a private fireworks display for Firethorne Country Club to be held July 4, 2017 from 9:30-10 p.m.

**Vote:** The motion carried with a unanimous vote.

No one signed up to speak.

**Motion:** Mayor Pro Tem Beaty moved to close the public hearing.  
**Vote:** The motion carried with a unanimous vote.

## **DISCUSSION AND CONSIDERATION OF TUP #17-11869**

Dr. Stuber presented the staff report.

### Staff Report

The Council shall hold a public hearing prior to considering a Temporary Use Permit to allow a private fireworks display to be held at the Firethorne Country Club on July 4, 2017 at approximately 9:30 p.m.

The applicant, East Coast Pyrotechnics, is proposing a private fireworks display for Firethorne Country Club on July 4, 2017 beginning around 9:30 p.m. The duration of the display is estimated at 20 minutes. Approximately 500 persons are expected to attend. The applicant has provided a Certificate of Liability Insurance and a Federal Explosives License Permit.

A site map of the display area will be provided. The fireworks will be detonated at a location that is approximately 350 feet from Marvin Road, approximately 440 feet from the nearest residence and approximately 600 feet from the designated viewing area.

Per the Marvin Zoning Ordinance, §151.051, the Village Council may issue a temporary use permit for public events such as festivals, concerts, carnivals, circuses, fireworks displays, etc. only after a public hearing has been conducted. Before issuing the temporary use permit, the Village Council shall make the following determinations:

1. The proposed temporary use will not materially endanger the public health, welfare and safety.
2. The proposed temporary use will not have a substantial negative effect on adjoining properties.
3. The proposed temporary use is in harmony with the general purpose and intent of the ordinance and preserves its spirit.

In addition, the Village Council may authorize conditions regarding duration of the use, hours of operation, signage, lighting, temporary structures, etc. and such conditions shall be made part of the temporary use permit issued. The applicant shall be responsible for acquiring any permits required by other local, state, or federal agencies prior to the issuance of the temporary use permit by the Village of Marvin. Violations of such conditions shall be considered a violation of this Ordinance.

The Marvin Noise Ordinance exempts noise resulting from any event held in recognition of a community celebration, or national, state, or county events or public festivals or parades. The Noise Ordinance also exempts noise from lawful fireworks and noise makers on holidays and at religious ceremonies.

Parking for the event will be available at the Firethorne Country Club.

In addition to obtaining approval for the display from the Village of Marvin, the Applicant shall be responsible for obtaining a permit to allow the Public Exhibition of Pyrotechnics from the Union County Fire Marshal. The Fire Marshall shall determine the staffing of fire officials on site during the display.

According to Village Ordinances, notification of the public hearing will be mailed to all adjacent property owners. Staff will additionally send notice to surrounding HOAs and area horse owners and will notify the Marvin Estates HOA so they can close their private roads if desired.

Staff recommends approval of Temporary Use Permit 17-11869 to allow a private fireworks display to be held at the Firethorne Country Club on July 4, 2017.

Suggested Motion: Motion to approve TUP 17-11869 to allow a private fireworks display to be held at the Firethorne Country Club on July 4, 2017, finding in the affirmative for the following determinations:

1. The proposed temporary use will not materially endanger the public health, welfare and safety.
2. The proposed temporary use will not have a substantial negative effect on adjoining properties.
3. The proposed temporary use is in harmony with the general purpose and intent of the ordinance and preserves its spirit.

And with the following conditions:

1. The applicant shall be responsible for acquiring any permits required by other local, state, or federal agencies
2. The applicant hire a Union County Sheriff's Deputy for the event
3. Parking is not allowed along Marvin Road to the extent that the Village can allow this.

**Motion:** Councilman Epps moved to approve TUP #17-11869 to allow a private fireworks display to be held at the Firethorne Country Club on July 4, 2017, finding in the affirmative for the following determinations:

1. The proposed temporary use will not materially endanger the public health, welfare and safety.
2. The proposed temporary use will not have a substantial negative effect on adjoining properties.
3. The proposed temporary use is in harmony with the general purpose and intent of the ordinance and preserves its spirit.

And with the following conditions:

1. The applicant shall be responsible for acquiring any permits required by other local, state, or federal agencies
2. The applicant hire a Union County Sheriff's Deputy for the event
3. Parking is not allowed along Marvin Road to the extent that the Village can allow this.

**Vote:** The motion passed with a unanimous vote.

#### **PUBLIC HEARING ON PROPOSED ZONING FOR VOLUNTARY ANNEXATION OF PARCELS LOCATED IN BEECHWOOD, WEDDINGTON CHASE AND PROVIDENCE RIDGE/WILLOW OAK SUBDIVISION**

**Motion:** Councilman Salimao moved to open the public hearing on proposed zoning for voluntary annexation of parcels located in Beechwood, Weddington Chase and Providence Ridge/Willow Oak subdivisions.

**Vote:** The motion passed with a unanimous vote.

No one signed up to speak.

**Motion:** Mayor Pro Tem Beaty moved to close the public hearing.

**Vote:** The motion passed with a unanimous vote.

#### **DISCUSSION AND CONSIDERATION OF PROPOSED ZONING FOR VOLUNTARY ANNEXATION**

Dr. Stuber presented the staff report.

##### Staff Report

The Village Council voluntarily annexed the following parcels at the March 30, 2017 regular meeting after holding a public hearing: 06-210-038 (Beechwood), 06-156-069, 06-156-098, 06-156-104, 06-156-111, 06-156-203, 06-156-236, 06-156-244, 06-156-302, 06-156-335 (Weddington Chase), and 06-186-135 (Providence Ridge/Willow Oak). Per NCGS 160A-360(f), when a municipality annexes an area regulated by County zoning and planning regulations, powers of enforcement remain in effect until (a) the municipality has adopted regulations for the area or (b) a period of sixty days has elapsed following the annexation, whichever is sooner.

The Planning Board met on April 18 and recommended that the parcels be zoned as follows to fall in line with their existing neighborhoods:

- Parcels 06-210-038 (Beechwood) – R Marvin Residential District
- Parcels 06-156-069, 06-156-098, 06-156-104, 06-156-111, 06-156-203, 06-156-236, 06-156-244, 06-156-302, 06-156-335 (Weddington Chase), and 06-186-135 (Willow Oak) – RUC Marvin Residential Union County

Property owners and adjacent property owners were notified of the rezoning public hearing via first class mail; a legal notice was published in the Enquirer Journal and the neighborhoods were posted with a re-zoning sign, per Village Code and NCGS.

Suggested Motion: Motion that Parcel 06-210-038 (Beechwood) be zoned as R Marvin Residential District and that parcels 06-156-069, 06-156-098, 06-156-104, 06-156-111, 06-156-203, 06-156-236, 06-156-244, 06-156-302, 06-156-335 (Weddington Chase), and 06-186-135 (Willow Oak) be zoned as RUC Marvin Residential Union County.

**Motion:** Councilman Epps moved to rezone Parcel 06-210-038 (Beechwood) as R Marvin Residential District and to rezone parcels 06-156-069, 06-156-098, 06-156-104, 06-156-111, 06-156-203, 06-156-236, 06-156-244, 06-156-302, 06-156-335 (Weddington Chase), and 06-186-135 (Willow Oak) as RUC Marvin Residential Union County.

**Vote:** The motion passed with a unanimous vote.

#### **PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE VILLAGE OF MARVIN ZONING MAP**

**Motion:** Councilman Dispenziere moved to open the public hearing on proposed amendments to the Village of Marvin Zoning Map.

**Vote:** The motion passed with a unanimous vote.

No one signed up to speak.

**Motion:** Councilman Dispenziere moved to close the public hearing.

**Vote:** The motion passed with a unanimous vote.

#### **DISCUSSION AND CONSIDERATION OF PROPOSED AMENDMENTS TO THE VILLAGE OF MARVIN ZONING MAP**

Dr. Stuber presented the staff report.

##### Staff Report

The Planning Board met on April 18, 2017 and recommended that the Village Council adopt the attached Zoning Map. This map reflects changes in the Marvin since the last update, such as the parcel that was de-annexed and reflecting recent Conditional Zoning District change for Marvin Gardens.

**Motion:** Councilman Epps moved to adopt the Village of Marvin Zoning Map as presented (*See Attached: The Zoning Map is hereby incorporated by reference and made a part of these minutes*).

**Vote:** The motion passed with a unanimous vote.

**PRESENTATION BY BJORN HANSEN, UNION COUNTY TRANSPORTATION PLANNER**

Mr. Hansen gave a PowerPoint presentation on general transportation issues within Union County and discussed the partnership the County hopes to have with municipalities in addressing transportation issues. He reviewed and discussed available data and mapping capabilities; participating in the Charlotte Regional Transportation Planning Organization (CRTPO); and the Union County priority intersection program. He reviewed priority projects and future road projects. He discussed the possible Marvin and New Town roads intersection improvements and explained that the project will go before the CRTPO technical committee in approximately five weeks and will then go to the CRTP Steering Committee at the end of June.

The Council discussed Union County transportation issues in depth. They discussed the possible timeline for the Marvin Road intersection improvements. Councilman Epps stated that the most frustrating thing about this intersection is that we have to wait for a fatality in order to get DOT to prioritize the project. Mr. Hansen agreed. He added: It's horrible to say that, but it really is part of the calculation. Other sites that have been approved have a higher crash history. Those get priority.

Mayor Pollino asked about possible construction timeframe. Mr. Hansen explained: As long as the design remains the same, then the project, once approved, should be fairly routine. The project is projected for 2021 funding. This means construction would likely begin in 2023. The first year would be design and acquisition. DOT cannot build in the winter, so it pushes it back.

Councilman Epps stated: Even if the Village of Marvin funded the project, it still wouldn't be constructed for three years, right? Mr. Hansen stated: The Village could go ahead and build this project and then get reimbursed once the project is confirmed as a funded project. You would have to have a mutual agreement executed and in place. This can take some time. The problem with this is that the Village is then taking on all the responsibility for the project. Any cost overruns become the Village's responsibility. The road building business is a risky endeavor and the Village would have to administer the entire project. You would likely not end up saving any time on the project.

Councilman Epps stated: This is the kind of information that needs to get out to the public. Someone sent an email that said work on the Village Hall should stop and the Council should focus on road improvements for Marvin Rd. The dual traffic circles were funded in 2012 in the amount of \$600,000 of Village funds. Nothing has happened. He understands that this is because of the process. He is not blaming DOT. It is important to note that there is a group in the Village that has wanted to stop the Village Hall project long before the roundabout became a topic. This group wants to stop the town hall and it has nothing to do with the roundabout. Shame on the group for taking something that is a safety issue and trying to tie it into stopping the town hall that they want to do for their own private reasons. These are two separate issues and one has nothing to do with the other, but this group wants to stop the town hall for their own selfish reasons. They are playing on people's emotions with the roundabout, in order to get what they want with the town hall.

The Council continued the discussion on roads. The Council opened the conversation to the audience for questions and general discussion. They thanked Mr. Hansen for his time. Mr. Hansen departed the meeting at 7:45 p.m.

## **DISCUSSION AND CONSIDERATION OF POLICY P-2016-09-28 – ROAD ACCEPTANCE POLICY**

Dr. Stuber presented two draft road acceptance plans. One plan includes roads in newer subdivisions and the second plan excluded newer subdivision roads.

The Council discussed the two plans and discussed road acceptance in depth. They agreed to adopt the plan excluding the newer subdivision roads. They agreed that if NCDOT agrees to partner with the Village on the Oakbrook roads, then they will re-adopt the plan in order to include new subdivision roads.

**Motion:** Councilman Salimao moved to approve the 2017-05-18 Five-Year Road Acceptance Plan (*See Attached: The 5-Year Road Acceptance Plan is incorporated by reference and made a part of these minutes*).

**Vote:** The motion passed with a unanimous vote.

Mayor Pollino called for a brief recess at 8:10 p.m.  
Mayor Pollino reconvened the meeting at 8:15 p.m.

## **DISCUSSION AND CONSIDERATION FOR OPTIONS FOR ROAD IMPROVEMENTS FOR MARVIN AND NEW TOWN ROADS**

Dr. Stuber explained: There has been talk about stopping the Village Hall project in order to pay for the Marvin Road round-about. We do not have the necessary funding in the Village Hall line item to do the Marvin Rd. round-about project.

Councilman Epps stated: The resident that was here earlier speaking about an email... she explained that she was referencing a different email from my earlier recollection. The email that I saw was from that same group of landowners that want to stop the Village Hall project. They've tied themselves to the roundabout now. This is a real same because it is a safety issue and has nothing to do with the Village hall. The town hall project has been in the planning stages for 10 years.

Dr. Stuber added: She spoke with a contact today from Huntersville. They were going to self-fund a road project, but ended up not doing so. He talked her through the process for self-funding a project. You basically have to follow the federal standards if you want any reimbursement. Larger towns have the staff to follow these standards. We do not have the staff or the knowledge of the process. We would have to do an environmental assessment, right-of-way acquisition, follow the correct processes and right timeline. We would still be looking at four years if everything went according to plan.

The Council discussed possible options for improving the Marvin/New Town roads intersection. These include:

- Possible 3-way stop as a temporary measure. NCDOT is working on a report for this.
- Re-allocate resources from completed RAB project to Marvin Rd. intersection (off-duty traffic patrol funds)

- Investigate and improve site lines
- Increase traffic patrol/enforcement at intersection for traffic violations (speeding, etc.)
- Speed/Radar sign – place at New Town Rd. (Councilman Epps will see about fixing sign)
- Speak with new Waxhaw Town Manager about participating in traffic control with off-duty officers. See if they would be willing to participate in cost or possibly assigning Waxhaw officers.
- Mayor to reach out too elected State officials to see if they can assist
- DOT performed minor improvements to intersection but gravel is still bad – check to see if there is anything they can do to improve this (tar and pitch?). Lines should be repainted as well.

### **UPDATE ON VILLAGE HALL**

Dr. Stuber explained: We are almost ready for permitting for the Village Hall. She met with the civil engineer and discussed options for the parking area. Asphalt is much less expensive and comes in around \$69,000. Permeable pavers look much better and are better for the environment, however, the cost is substantially more at \$227,000. She recommends using the pavers for the farmers market area and the driveway, using asphalt everywhere else. The cost for this would be \$37,000, in addition to the asphalt cost. This would treat stormwater in areas that wouldn't otherwise be treated and will also add a visual separation of the areas. She believes it is important to be good stewards of the environment and this is a way to improve water quality. The Council agreed to go with the permeable pavers.

Councilman Salimao stated: It is important to note that every town in Union County has a town hall. The least expensive came in at 1.23 million. The Council's goal was to keep this project under 1 million dollars. The Council understands the importance of being good stewards with taxpayer funds. The Council has worked toward building a town hall for the past 20 years. The current building does not work. It does not meet safety standards nor ADA standards. This is not something we want to do, but feel it is something that needs to be done and something that will benefit our community moving forward. We've planning for this and have the funds set aside for it.

Councilman Epps agreed. He added: He is tired of hearing that Marvin is a paper town. A Village Hall makes the statement that Marvin is a town. The current town hall is not safe. It cannot fit crowds for meetings. Building a town hall is building for the future.

Councilman Salimao agreed and added: The Village Hall can be used for community events. There are a number of neighborhoods that don't have a clubhouse. The Village Hall can be used for HoA meetings and other events. The farmers market is a way to bring people together. This was an important goal in the survey to residents – the building of a sense of community.

### **UPDATE ON SUBDIVISION ROAD PROCESS**

Dr. Stuber stated: She has put out the advertising for the Canterfield Creek project. The bids are due June 1. She is working on the DOT agreement for the Weddington Chase project as well. In



addition, she is working on a process for subdivision street signs that she will present to Council for approval.

### **ADMINISTRATOR'S REPORT**

Dr. Stuber explained that she covered all of her items throughout the meeting.

### **REVIEW ACTION ITEMS**

Ms. Graham reviewed the action items:

- Amend agenda as adopted
- Adopted minutes – sign, seal, add attachments, scan, post to web and file
- Public Hearing legal notices
- Update zoning map with newly annexed properties
- Post adopted zoning map to website – print new map for office
- Annexation process for additional parcels in Weddington Chase
- Road Acceptance plan
- Letter to Weddington Chase HoA – Update on newly annexed properties and number of lots still in unincorporated Union County
- Letter to other subdivision HoA's with lots in unincorporated Union County – update

### **COUNCIL COMMENTS**

Mayor Pro Tem Beaty thanked everyone for their time.

Councilman Dispenziere thanked Ms. Graham for attending the meeting and helping out. He thanked staff for all the hard work. He added: Staff is working hard to keep things moving along. There is a lot going on and a lot to be juggled. The new Clerk comes on board soon and he hopes that will help ease some of the burden. The Council had a good discussion on roads. There are definite safety concerns for everyone. It was good to discuss possible options for safety improvements that might help in the meantime. We are looking at a 3 to 4 year timeframe for road improvements to Marvin Rd., no matter what the Council does.

Councilman Epps thanked Ms. Graham for filling in. He added: Thanks to staff, especially Dr. Stuber, for staying on top of all the projects. There is a lot going on. He appreciates the professionalism and the expertise in working with Union County and NCDOT. He tends to get emotionally wrapped up in the frustrations that surround the road issues. He is really worried that someone will be fatally injured on these roads.

Councilman Salimao stated: It's good to be back after his vacation, especially after traveling to a third world country. It reinforces how lucky we are to live in this Country. The Council set goals three years ago. Two of those goals were to begin taking over subdivision roads and the Village Hall project. He is glad to see that the Village is moving forward with the roads. This is a major

service for our residents. The Village Hall has been discussed for a long time. The Council has been financially planning for this for years in order to make it possible. It was important to Council to be able to fund these without any tax increase. Thanks to staff for assisting in these goals. Thanks again to Ms. Graham for filling in.

Mayor Pollino offered his appreciation to Ms. Graham for filling in. He added: Thanks to staff for all the hard work. School will be out in sixteen days. We will see some improvement in our traffic after that, but it is still a concern and still a safety issue. He met with Tullamore residents and had the Park Manager, Mr. Durst, sit in as well. He was very helpful and knowledgeable. The Tullamore HoA is taking over from the developer. He would like to have them come to a future Council meeting to discuss their concerns. He is pleased that Mr. Hansen was able to attend the meeting to discuss Union County transportation issues. It was good to have a number of residents attend as well. He is still reaching out to residents about vacancies on volunteer boards. He met with Mr. Smith, the contract planner today. He is glad to have him in the office assisting.

**MOVE INTO CLOSED SESSION PURSUANT TO NCGS 143-318.11(A)(1)(6) TO ADOPT THE 214/2017, 2/20/2017 AND 4/25/2017 CLOSED SESSION MINUTES AND TO DISCUSS PERSONNEL MATTERS**

**Motion:** Councilman Epps moved to go into closed session at 8:50 p.m. pursuant to NCGS 143-318.11(a)(1)(6) to adopt the 214/2017, 2/20/2017 and 4/25/2017 closed session minutes and to discuss personnel matters.  
**Vote:** The motion passed with a unanimous vote.

**RECONVENE INTO OPEN SESSION**

**Motion:** ?? moved to reconvene into open session at ?? p.m.  
**Vote:** The motion passed with a unanimous vote.

**ADJOURNMENT**

**Motion:** ?? moved to adjourn the meeting at ?? p.m.  
**Vote:** The motion passed with a unanimous vote.

Adopted: \_\_\_\_\_

\_\_\_\_\_  
*Joseph E. Pollino Jr., Mayor*

\_\_\_\_\_  
*Barbie Blackwell, Clerk*