

VILLAGE OF MARVIN
Regular Council Meeting Minutes
June 6, 2017 – Village Hall
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Mayor Pollino called the regular meeting to order at 6:30 p.m.

Quorum was established with the following members in attendance: Mayor Joe Pollino, Councilman Robert Epps and Councilman Ron Salimao.

Following members were absent: Mayor Pro Tem Beaty, Councilman Dispenziere

The following staff was present:

Robyn Stuber, Administrator/Planner

Barbie Blackwell, Clerk

Christine Robertson, Finance Officer

Derek Durst, Park Manager

John Underwood, Village Engineer

Melanie Cox, Village Attorney

ADOPTION OF AGENDA

Councilman Salimao requested the removal of item 8.c. Councilman Epps requested item 4.a the May 25 meeting minutes be removed from the consent agenda for changes and discussion under unfinished business item 7.c.

Councilman Epps asked where Mr. Underwood was on the agenda. Dr. Stuber noted he will present item 6 and available for item 7.b discussion but could be moved up if necessary.

Mayor Pollino asked if item 7.a the General Fund Budget Ordinance discussion could be moved to item 6.a before the update on the Subdivision Road Process making it item 6.b.

Mayor Pollino asked Councilman Salimao why he requested the removal of the Planning Board Appointment.

Councilman Salimao noted that he needed more time review the application before considering the appointment. He noted that Council will let staff know when to place it back on the agenda.

Motion: Councilman Salimao moved to adopt the agenda as amended.

Vote: The motion passed with a unanimous vote.

PLEDGE OF ALLEGIANCE

Council led the Pledge of Allegiance.

PUBLIC COMMENT

Ms. Luanne Sherron from Union Power Cooperative gave a brief presentation and handed out materials regarding the services that UPC provides. She also handed out a map that shows all the power meters and subdivisions. She also noted that Mr. Will Ortiz would be willing to make a presentation to the Village Planning Board on the appropriate landscape options along the right of ways.

PUBLIC HEARING ON THE VOLUNTARY ANNEXATION OF PARCELS 06-156-006R, 06-156-094 AND 06-156-102 IN THE WEDDINGTON CHASE SUBDIVISION

Mayor Pollino requested a motion to open the public hearing for public comments.

Motion: Councilman Salimao moved to open the public hearing at 6:44 pm.

Vote: The motion passed with a unanimous vote.

There was no one signed up to speak.

Mayor Pollino requested a motion to close the public hearing.

Motion: Councilman Salimao moved to close the public hearing at 6:45 pm.

Vote: The motion passed with a unanimous vote.

DISCUSSION AND CONSIDERATION OF VOLUNTARY ANNEXATION

Council noted this is three more of the Weddington Chase residents that wish to be annexed into Marvin.

Motion: Councilman Salimao moved to approve the voluntary annexation of parcels 06-156-006R, 06-156-094 and 06-156-102 in the Weddington Chase Subdivision. Councilman Salimao also requested that staff send out Welcome letters and park passes to the new residents.

Vote: The motion passed with a unanimous vote.

DISCUSSION AND CONSIDERATION OF THE 2017-2018 VILLAGE OF MARVIN GENERAL FUND BUDGET ORDINANCE #OR-2017-06-01 (Item 6.a)

Ms. Christine Robertson noted there had been no changes to the 2017-2018 Village of Marvin General Fund Budget Ordinance #OR-2017-06-01 since its first introduction at the public hearing during a Council Work Session on May 25, 2017.

Councilman Salimao stated, "We should feel good as a group that there is no tax increase for the ninth year in a row. We are increasing services by doing roads and subdivisions for the first time ever. We are still building and maintaining trails. We have a robust program in the park and improving in that area. Investing in state roads by adding two roundabouts and moving them along for safety. We continue investing in safety by placing police officers at the roundabouts." Councilman Salimao added, "It is a really good budget and we should feel good about it."

Dr. Stuber noted there has not been any public comments on the budget.

Mayor Pollino commented that no one has come in to speak or complain about how Council manages the budget.

Councilman Epps agreed with Councilman Salimao on his comments. The fiscal responsibilities over the years have built assets within the Village such as the Village Park, Village Hall construction beginning soon, and maintaining roads. These are all things that are being done without raising taxes.

Councilman Salimao requested Ms. Robertson to get the net asset report out to Council when it is available from the Auditors. He indicated that net assets maybe over \$4 million and the Village was about \$200,000 six years ago. Ms. Robertson noted at the end of last fiscal year June 30, 2016, net assets were \$5,350,000 but 10 years prior in June 30, 2006, net assets were \$440,000.

Councilman Epps noted that 10 years ago the Village was spending every dollar on staff and attorney fees.

Motion: Councilman Salimao moved to approve the 2017-2018 Village of Marvin General Fund Budget Ordinance #OR-2017-06-01 as presented.

Vote: The motion passed with a unanimous vote.

UPDATE ON SUBDIVISION ROAD PROCESS (*Item 6.b*)

Dr. Stuber noted in her Administrator's Report Council will discuss the Canterfield Creek resurfacing project, the Weddington Chase agreement and Oakwood Estates.

Open Bid Process:

Mr. John Underwood, Village Engineer, gave a brief update on the bid process for the Canterfield Creek resurfacing. The bid opening was held on June 1, 2017 at 10 am at the Village Hall. Mr. Underwood noted only one bid was received from Lynches River Contracting. Their bid was roughly \$100,000 over the Engineer's estimate cost for the project. Mr. Underwood pointed out some reasons for low turnout of bids were visibility of the advertisement and contractors were tied up with other projects. Mr. Underwood noted the project would need to be rebid and he would need to research alternative bid processes to ensure a better turnout for the project. Mr. Underwood felt the estimate was accurate but will review it again before rebidding.

Mr. Underwood will provide Council with recommendations for feedback regarding combining the three subdivisions to increase road quantity before rebidding, which will reduce the projects unit cost. Mr. Underwood encouraged Council to consider putting the blanket agreement for liquid asphalt into place, which gives them the ability respond better to road improvements. Mr. Underwood noted a link to a listserv that all contractors use to research upcoming projects. He also noted that the Village is mandated by state statues to advertise in the local newspaper. Councilman Epps shared "Blue Book" another website that he generally uses to research construction projects. Mr. Underwood also noted that 98% of the contractors get their projects through these websites and not the newspapers.

Dr. Stuber noted the next bid process will be placed on the contractors listserv, the Village website and the newspaper. Dr. Stuber asked Council if they wanted her to fold the Canterfield Creek into the blanket agreement, which was an option several months ago, to reduce the cost and guarantee more work for the contractors. She also asked Council if they wanted her to bid it by combining Weddington Chase, Oakbrook Estates, and Canterfield Creek together to increase road quantity for the project.

Mr. Underwood noted that he is compiling a list of all the local vendors that may be a responsible bidder. He also noted that he will call or send them literature regarding the project. Mr. Underwood noted the best time to rebid the project would be in the winter months.

Mr. Underwood noted to Council would receive staff feedback on alternative methods for rebidding the Canterfield Creek project. He also noted that he will draft a letter from Council regarding the process.

Councilman Epps noted that he is in favor of discussing ways for rebidding the project by rolling Canterfield Creek into the blanket agreement to get a reduce price for the project.

Mr. Underwood requested time to vet alternatives prior to rebidding the project. He plans to give Council an update within the next week.

Councilman Epps noted that he was more interested in price rather than timing.

Mr. Underwood gave a brief update on Oakbrook Estates. He is waiting on a response from Brett Canipe, the new NCDOT Division Maintenance Engineer, regarding estimates for the roads in Oakbrook Estates. He noted that Mr. Canipe mentioned there may be additional funding that NCDOT needs to encumber and maybe interested in funding the Oakbrook Estates project. Mr. Underwood suggested that Council pick the biggest road in the subdivision, 1.07 total miles, to use the funding. Mr. Underwood reported the estimated cost for Oakbrook Drive, .72 miles, is roughly \$90,000 to \$98,000. He plans to ask NCDOT to

team on funding for Oakbrook Drive. He also noted that NCDOT may consider including the remaining subdivision roads once Council approves the Weddington Chase agreement.

Dr. Stuber noted that Phillip Moxley, Division 10, Division Maintenance Engineer, will be joining AMT. Mr. Underwood noted that he will set up meeting with him to discuss funding and the Weddington Chase agreement. He will give an update to Council after the meeting.

Mayor Pollino asked Mr. Underwood to explain the road ranking because he walked into a meeting between Dr. Stuber and John Jones, a resident on Heritage Oaks Lane, regarding the Council moving forward with the bid process for the roads.

Mayor Pollino explained: He drove on Heritage Oaks and Canterfield Creek and it seemed that Heritage Oaks was worse than Canterfield Creek streets. He realized Heritage Oaks was ranked lower than Canterfield Creek and asked Mr. Underwood to explain the ranking process.

Mr. Underwood explained: The original intent for road improvements was mileage per year with the initial goal was five miles until the Council cut that back to two miles per year. Originally, Heritage Oaks was put on the list for year 2019 as a NCDOT teaming project scoring a 70.9. Mr. Underwood noted that the best approach in road repair was to take the entire subdivision. He also noted that the road acceptance plan has been modified several times and teaming with NCDOT allowed the Weddington Chase repairs to be moved up the scale.

WEDDINGTON CHASE UPDATE

Mr. Underwood reported that Weddington Chase is 3.38 total miles. He received the final agreement from NCDOT agreeing to fund \$345,000 to resurface Woodmont, Stone Haven and Hickory Ridge. AMT performed their own estimates of \$214,000 to resurface the remaining roads in Weddington Chase for a total amount of \$560,000. He reported on repair comparisons for the roads that NCDOT agreed to fund: (1) Hickory Ridge, NCDOT estimated \$39,000 and AMT estimated \$8,000, (2) Stone Haven, NCDOT estimated \$245,000 and AMT estimated \$270,000, and Woodmont, AMT estimated \$88,000 and NCDOT estimated \$61,000.

NCDOT FEEDBACK ON MARVIN ROAD & NEW TOWN ROAD (Item 7.b)

Dr. Stuber reported to Council that the Technical Coordinating Committee (TCC) met and voted unanimously on the Surface Transportation Block Grant Program (STBG-DA) budget. Next, the Charlotte Regional Transportation Planning Organization (CRTPO) will review and vote on the budget. The TCC is an appointed group from various Municipalities. CRTPO is a Board comprised of elected officials and is scheduled to meet on June 21 to vote and adopt the STBG-DA project list. Dr. Stuber explained: She received an email from Scott Cole, Deputy Division Engineer stating that once the CRTPO officially adopts the budget and the project is tied to funding, discussions can begin with NCDOT on options for acceleration.

Mayor Pollino asked if the whole project was funded. Dr. Stuber said, "Yes. The Village agreed to allocate \$220,000, NCDOT allocated \$220,000 and the CRTPO would make up the difference in the funding."

Mayor Pollino asked about the agreement in place with CRTPO or NCDOT splitting the cost for the two roundabouts if they go over budget and asked if there would be a similar agreement for the Marvin Road/New Town Road roundabout. Dr. Stuber said she would send an email to ask the question. Mr.

Underwood reported that he did not think the funding is the same because the two roundabout sites were never identified by the CRTPO, but the Marvin Road roundabout is. Additionally, Mr. Underwood noted one of the twin roundabouts was driven by Toll Brothers. Originally, they were going to realign the road but the utility substation complex was there so they decided to allocate funds towards the project.

Mayor Pollino noted the Village has waited five years for the two roundabout project to start. Because of the difference in funding, does the Village have to wait another couple of years for the easements to be completed for Marvin Road?

Dr. Stuber explained: It depends on how fast they work. She was told that if NCDOT has the ability before 2021, they could start some of the design work because funding was already allocated to it and scheduled.

Mr. Underwood noted that he asked Mr. Cole for a timeframe for starting the project. Mr. Cole told Mr. Underwood to wait until the project gets formally approved and funding would be in place before Marvin decides to do the roundabout on their own. "The Village would only be saving months if they put up the money," said Mr. Cole. Mr. Underwood noted that funding would be in place 2021.

Mr. Underwood suggested scheduling a meeting with the division to ask for a timeline for the roundabout project once funding is approved.

Dr. Stuber noted that there is a potential for the project to be accelerated if the funding is tied to it. She said that NCDOT could use some of the funding to start the design work in-house prior to 2021. Mr. Underwood noted the questions that still need to be asked are: "How much can it be accelerated?" and "If money was no object could you build it tomorrow?" However, he noted, the Village would still have to go through the design process no matter how much it was accelerated but it could start within a year after funding gets approved. Currently, NCDOT stated the Village would only save a year if they fund the project.

Councilman Epps noted that was the same answer given by Union County and his reason for pulling the May 25 minutes for discussion. He felt it was important to let the public know why the Village could not fund the project. The funding approval is scheduled for June 21. He clarified, if the Village placed \$1.6 million on the table, the project would not get done significantly quicker. Mr. Underwood answered the Village is probably two years from the process. Councilman Epps noted that people are tying other issues to the traffic circle that are political and have nothing to do with traffic. Councilman Epps wants to be clear to everyone, "If we had the money to lay in front of NCDOT that roundabout is not going to get done any sooner."

Dr. Stuber noted that it might get started within six months to a year, but it depends on how fast they work. She stated it was her understanding that NCDOT could start on some of the design work before funding is available because they do not have to use the funding to pay a constructor. They do some of that work in-house, which could start before 2021.

Dr. Stuber noted to Council a meeting will be scheduled with NCDOT after the funding gets approved on June 21. She also noted that she will send out an email to Council letting them know the meeting date.

Councilman Epps thanked Mr. Underwood for his work on the Weddington Chase project.

ADOPTION OF THE MAY 25, 2017 MEETING MINUTES (Item 4.c)

Councilman Epps requested the minutes to be pulled from the consent agenda for further discussion. He directed staff to provide more detail on the Marvin Road and New Town intersection discussion. He noted, this has no reflection on staff, most citizens would not listen to a four hour recording online but

default to reading the minutes. He requested staff to fix his statement under Council Comments regarding safety. He also requested more details for the Marvin and New Town Roads discussion on whether self-funding would speed up the timeline and the dates that were previously discussed relating to Dr. Stuber's meeting with the TCC. Councilman Epps noted he does not want verbatim minutes but would like the message to be conveyed that Village Council and Village Staff are doing everything they can to expedite the process for the roundabouts.

NEW BUSINESS

8.a. Eagle Scout Projects

1. Preston Simpson will hold a Flag Retirement Ceremony on July 3, 2017, in Marvin Efir Park at 7 pm. Park Manager will oversee the event. Staff will post the event on the Village website and Facebook page.
2. Connor Knox is an Eagle Scout currently working on his Eagle Scout Badge. Mr. Knox presented his community service project to Council, which is the next step in earning his badge. He plans to build an ADA compliant ramp and platform connecting the sidewalk to the playground area in Marvin Efir Park. He reported that the existing bridge is small and rickety and not suitable for children to participate in activities nor for parents to observe their children up close at play. He also noted that the new platform and ramp would be much safer, aesthetically pleasing, and meet the ADA guidelines and standards. Mr. Knox noted the ADA guidelines for the ramp would need to be 36 inches wide and up to 42 inches wide to accommodate handrails. He also noted that if the ramp met at a 90° angle it would need to extend 60 x 60 inches per ADA requirements. He plans to use a decking board material that would withstand the elements, be aesthetically pleasing and less expensive than a wood or metal alternative.

Mayor Pollino asked if the decking board would be made of recycled material.

Mr. Knox said, "Yes and plans to use the Choice Deck Foundations because it was less expensive and eco-friendly."

Mayor Pollino asked Mr. Knox about the timeframe for his project.

Mr. Knox stated, "I have a lot of paperwork that needs to be submitted to my Troop." He anticipated a month or two was needed for completion.

Dr. Stuber asked, "What kind of coordination help do you need from the Park Manager and staff?"

Mr. Knox said, "He needed help with logistics and available space for building the ramp and platform."

Mayor Pollino asked if he plans to build on site or offsite.

Mr. Knox said, "There could be some building offsite but the majority of the work would be done onsite." Mr. Knox noted that other Scout members would provide the labor while he supervised their work on the project.

Mayor Pollino asked about the design work approval for the project.

Mr. Knox said, "He has sketched out the design plans but needs someone to approve them."

Councilman Epps suggested funds to the budget to allow Mr. Underwood, Village Engineer, to review the design work.

Dr. Stuber noted that she will have Mr. Underwood or his firm review Mr. Knox's design plans.

Mr. Durst, Park Manager, noted that the project would be an excellent addition and give for ADA compliant recognition to the Park.

8.b. **Discussion and Consideration of trails and associated maintenance**

Dr. Stuber explained: She noted that staff and Mayor Pollino met with the Tullamore Home Owners Association (HOA) to discuss concerns and landscaping plans relating to the trails and the parking lot in their neighborhood. She noted that staff has worked diligently on clearing the trails and would review next steps for maintenance of the trails that would provide a safe place to walk for residents. She also noted that Mary Sipe from the PR&G drafted a beautification plan for the parking lot and staff would review available funding to determine a start time for the project.

Mayor Pollino noted residents' concerns that they did not want any signage nor the parking lot until the trail was finished. Mayor Pollino noted that he and Mr. Durst met with about eight (8) or Nine (9) HOA members to discuss their concerns regarding the trail. Mayor Pollino also noted that funding would need to be set aside for maintaining the trails.

Councilman Epps asked what timeframe was needed for finishing the trails.

Dr. Stuber recognized Mr. Durst and Willis for their hard work in clearing the Tullamore trail. She noted that Kathy Hitchgo, resident, commented on the appearance of the trail.

Mr. Durst noted a section of the trail along the back side of the Tullamore property needed to be moved and a survey conducted that would complete the trail. Then, the next decision would be hiring someone with equipment to clear out the trail. Additionally, Mr. Durst has asked the Carolina Thread Trail (CTT) to walk the area and provide recommendations for the trails. Mr. Durst noted that Phase I of the trail is cleared from the parking lot to the second entrance of the trail. Additionally, Mr. Durst suggested hiring a subcontractor, purchasing or renting equipment, and a way to transport it if the Village plans to maintain the trails.

Councilman Epps asked Mr. Durst to explain the meaning of maintenance for the trails once they are completed.

Mr. Durst said that Phase II of the trail needs to be created. He noted there is a walking path that developers initially cleared out but it has grown over with vegetation.

Ms. Mary Sipe, PR&G Board, commented on the appearance of the trails prior to Mr. Durst employment with the Village of Marvin. She noted the PR&G initially discussed equipment being used on the trail. The developer's equipment cut down the trees leaving stumps that have grown back. She also noted that PR&G initially created the trail using a bush hog and stumps need to be removed.

Mayor Pollino noted that Pulte agreed to initially cut the trail and the Village would take over and maintain it. He agreed that there needs to be some stump removal on the trail.

Dr. Stuber explained: She said that the Village has the easements and currently it is the only trail the Village maintains. She noted that the initial contract with the developer was to bush hog the trail.

Ms. Sipe apologized for the frustrations that the community is voicing at the Village Staff. She noted that the trail could be maintained better with enough funding.

Dr. Stuber noted that the trails need to be used to keep the vegetation from growing back. She noted once the trail is created only seasonal maintenance would be needed.

Mr. Durst noted if a subcontractor could come out and create a sustainable trail, then the Village staff along with volunteers would be able to maintain it. Mr. Durst noted that he has a meeting scheduled with CTT to discuss their program and ways that the Village can tie into the CTT's long range vision for the Greenway System.

Dr. Stuber suggested to Council to make a decision on future development if developers would be required to create the trails with the subdivision. She also suggested to Council if they want Village staff to create and maintain the trails, then funding would need to be set aside in the budget and transfer the cost into fees. Dr. Stuber noted that she will review the bond and the conditions that Pulte made regarding the fencing along phase II of the trails. She will also review all Tullamore residents' concerns prior to scheduling a meeting with Pulte.

UPDATE ON VILLAGE HALL

Dr. Stuber explained: She spoke with Urban Architecture regarding the sample boards but due to the holidays, the samples have been on backorder and would be sent out by June 9. Final drawings are expected to be completed by June 20. It is estimated that a week or two maybe needed for reviewing and feedback before Urban Architecture would submit them for permitting. ESP stated that the project would be ready for permitting after they finalize changes in the plan and update the maintenance agreement for the permeable pavers. She listed the estimated timeline for the following agencies when the project was ready for permitting:

1. DWQ/DENR – estimated turnaround is 30 days with an additional 35 days for revisions if needed.
2. NCDOT – estimated turnaround is 30 days with an additional 35 days for revisions if needed.
3. UCPW – estimated turnaround is 30 days with an additional 35 days for revisions if needed.
4. Marvin – estimated turnaround would depend on the review process from the Design Review Board (DRB).

Dr. Stuber noted that the project should be ready for open bid process by the end of August 2017.

UPDATE ON THE ANNEXATION AGREEMENT

Dr. Stuber noted that Council had requested Village Staff to research the Annexation agreement process. Dr. Stuber reported that the Village Attorney researched the process and gave a brief update to Council.

Ms. Melanie Cox explained: She wanted Council to be aware the process will take more time for review and did they want her continue her research. She has reached out to the Charlotte Attorney that she dealt with for the Stallings annexation with no response. She spoke Lisa in Weddington but she had not spoken to her Council. She wanted to make sure she has Council's authority to proceed with the process. She said everyone will have to advertise for a public hearing, hold the public hearing, and adopt the ordinance with the new maps.

Dr. Stuber asked for clarification if the agreement and the map have to be amended or just the map.

Ms. Cox noted since the map is referenced in the agreement both the agreement and the map have to be amended and adopted. The map must be on 18 x 24 Mylar paper for recording.

Mayor Pollino asked about the unincorporated land.

Ms. Cox said it depends on whether they want to be in Weddington or Charlotte. She also noted that the process is locked in until 2024 and amending the agreement has the same steps as an original agreement.

Councilman Epps asked why the Village was considering amending the annexation agreement.

Councilman Salimao noted the Village uses Rea Road as a cutoff point between the city limits and County property and wanted to make the agreement reflect clear and clean boundaries.

Ms. Cox clarified the Village was only removing Somerset and Hunter Oaks.

Mayor Pollino clarified only on the Rea Road side up to the swimming pool and Amber Meadows for the amendment on the agreement.

Mayor Pollino noted another concern expressed by Tullamore was they wanted the Marvin Creek sign taken off the gate. They want clarification on who is responsible for the maintenance work on the strip of property located at the gate, which is unincorporated Union County. He also noted that it is unincorporated Union County property and it is the County's responsibility to maintain.

Council gave Ms. Cox the authority to move forward with the process for amending the voluntary annexation agreement.

REVIEW ACTION ITEMS

Send welcome letters and park passes to the Wedding Chase residents.

Councilman Salimao noted to follow-up with the other residents annexed within the last six months with welcome letter and parking passes.

COUNCIL COMMENTS

Councilman Salimao stated: It was a good meeting. It's going to be sad because we will not see each other for 4 weeks. Thanked staff for everything.

Councilman Epps stated: I agree it was a good meeting. Thanked the staff for everything. Thank you Chris for a very clean and easy budget process.

Mayor Pollino stated: Thanked Robyn and Barbie for a good meeting. He understands they are new and there is a learning curve and getting comfortable with Council and the minutes. He said that he walked into a Staff meeting and learned that a meeting was scheduled to have Melody come to answer questions regarding processes and procedures. Thanked the staff for doing a great job. Thanked Chris for a great job on the budget process. He was leaving to go on vacation to do a lot of hiking and trekking. He will take notes of all the trails he goes on. Also, school is ending this Friday, June 9 at the Elementary School with a talent show. He noted that Samantha Picarillo sang the last song a cappella, which gave him chills. He told her father that she needs to be on American Idol. Thanked Connor Knox for his presentation. He is anxious to see the handicapped ramp platform project, which is a great project for him.

Thank you Derek for helping and overseeing all the trail work. He has been a great addition to the Village staff.

ADJOURNMENT

Motion: Councilman Salimao moved to adjourn the regular meeting at 8:33 p.m.
Vote: The motion passed with a unanimous vote.

Adopted: _____

Joseph E. Pollino Jr., Mayor

Barbara R. Blackwell, Clerk