



# VILLAGE OF MARVIN

10004 New Town Road | Marvin, NC | 28173 | Tel: (704) 843-1680 | Fax: (704) 843-1660 | www.marvinnc.org

## VILLAGE COUNCIL REGULAR MEETING January 9, 2018 – 6:30 p.m. Village Hall

### Agenda

1. **ADOPTION OF AGENDA**
2. **PLEDGE OF ALLEGIANCE**
3. **PUBLIC COMMENT**
4. **PRESENTATION OF EAGLE SCOUT PROJECT PLAN BY BRENDAN MALONEY**  
*(Pumpkin Patch Addition to Community Garden Area)*
5. **ADMINISTRATOR'S REPORT**
6. **PLANNING BOARD UPDATE**
7. **CONSENT AGENDA**
  - a. Adopt Regular Meeting Minutes\*
    - ~~July 11, 2017 (revised)~~
    - ~~July 27, 2017 (revised)~~
    - ~~August 8, 2017 (revised)~~
    - ~~August 14, 2017 (revised)~~
    - ~~August 24, 2017~~
    - ~~August 31, 2017 (revised)~~
8. **PUBLIC HEARINGS**
  - a. Proposed Text Amendments to §151.051 Temporary Structures and Uses  
*(Allowing Temporary Structure when a new home is replacing an old/temporary home.)*
    1. Discussion and Consideration of Proposed Text Amendments
  - ~~b. Temporary Use Permit #17-12011 to allow existing home as an interim dwelling  
*(1303 Larkridge Court; permitting existing home as an Interim Temporary Structure during new home construction.)*~~
    - ~~1. Discussion and Consideration of TUP #17-12011~~
9. **MOVE INTO CLOSED SESSION PURSUANT TO NCGS 143-318.11 (A)(1)(6) TO DISCUSS PERSONNEL MATTERS\***
10. **UPDATE ON SUBDIVISION ROAD PROCESS**
11. **UNFINISHED BUSINESS**
  - ~~a. Confirmation and Discussion of Council Retreat\*~~
  - b. Discussion and Consideration of Revised 2018 Council Meeting Schedule
  - c. Discussion and Consideration of Subdivision Roads and NCDOT Agreement.
  - d. Discussion and Consideration of Development Manual and Pre-Meeting Process
12. **NEW BUSINESS**
  - a. Discussion and Consideration of NC 16 Widening and Bicycle/Pedestrian Accommodations and Village Commitment
  - b. Discussion and Consideration of Standardization of Trails
  - c. Discussion and Consideration of Sports Clinics at Marvin-Efird Park
  - c. Discussion and Consideration of Council Comments
13. **UPDATE ON VILLAGE HALL**
14. **ADJOURNMENT**

\*Revised at the meeting



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## VILLAGE OF MARVIN Council Regular Meeting Minutes January 9, 2018 10004 New Town Road, Village Hall

Mayor Pollino called the meeting to order at 6:32 p.m.

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

The following staff was present:

Melanie Cox, Village Attorney

Christine Robertson, Interim Administrator

Kelley Moore, Deputy Clerk/ Zoning Administrator arrived at 7:24 pm

### ADOPTION OF AGENDA

Councilmen Salimao and Epps suggested moving “*Update on Subdivision Road Process*” and “*Closed Session*” to earlier in the meeting so the public in attendance would not have to wait to hear the results of these discussions.

Mayor Pollino requested Meeting Minutes be tabled until the next work session.

**Motion:** Mayor Pro Tem Dispenziere made a motion to adopt the Agenda as amended.

**Vote:** The motion passed unanimously.

### PLEDGE OF ALLEGIANCE

The Council led the Pledge of Allegiance.

### PUBLIC COMMENT

**Ms. Tiffany Chepul of 1221 Larkridge Court** rose to speak. She stated she lived adjacent to the lot for which the Temporary Use Permit would be discussed and expressed her support for it. She said it made no sense to see her neighbors move twice and she had great confidence in their razing the old structure and building the new one according to plan. She then asked about the December Village Council meeting audio recording and if it would be put on the website.

**Ms. Kathy Hitcho of 218 Walkers Bluff Court** rose to thank the Council for the trail that was built in the Tullamore subdivision. She stated residents do want walking trails and what was in the original vision of Marvin.

She then shared that Amber Meadows had its first HOA meeting and Pulte was asked when the walking trails would be installed. They told residents the Village was responsible for them; however, Pulte was supposed to build one trail behind the retention wall. She showed the Council a map of the area, which contained a Union County sewer easement. She explained residents walked this easement area and others have gone off-roading in the floodplain and over the sidewalk, which was a concern because the future irrigation would be located there. She suggested a trail connecting the pocket park around to the walkway of the second entrance.

Lastly, she expressed frustration at staff turnover because it had dragged out the process of determining what landscaping was owed to Tullamore through three Administrators. The Board member who had spent a lot of time working on the issue was no longer on the Board and now they had to start from zero. She stated there were complications to residents when office staff moved around so much.

**Mr. Michael Shkut of 9610 Belmont Lane** rose to thank Brian Beaty for his many years of service to the Village. He stated Mr. Beaty served with integrity on the Planning Board, the Council, and as Mayor Pro Tem.

#### **PRESENTATION OF EAGLE SCOUT PROJECT PLAN BY BRENDAN MALONEY**

Mr. Brendan Maloney stated he represented Troop 101 and their proposed project was a pumpkin patch at Marvin Efir Park located between the Troop 77 garden and the shed. He estimated it would take about 2-3 days in April or May and they expected to have fully grown pumpkins by October. Mr. Maloney explained the patch would be 2 rows about 7.5 inches wide and 120 feet long.

Councilman Epps said he walked those paths with his dogs and he loved to see the troop names all over the Park.

Mayor Pollino asked if it would be fenced off and Mr. Maloney stated it would not. Mayor Pollino asked if they were concerned about protecting the patch from wildlife and Mr. Maloney answered he had not thought about it. Mayor Pollino asked if the pumpkins would be sold and Mr. Maloney stated they were just helping with the project and he was not sure if pumpkins would be sold.

Councilman Epps asked if Parks, Recreation, and Greenways Board were in favor of the project and was told they and the troop had worked together and felt it was a great way for the troop to take resources and put them to use.

- Motion:** Councilman Epps made a motion to suspend the rules to add Liam Gully to the Agenda.
- Vote:** The motion passed unanimously.

Mr. Liam Gully stood as a representative of Troop 120 and stated they hoped to create 10 wooden post signs and markers for the Marvin Efir Park trail system as their project. Mr. Gully

showed the Council some sign examples made out of aluminum so they would not rust and cedar so they would not rot. He explained any name could be carved with different stencils and they could be painted any color.

Council members explained Mr. Gully would need to go before the Parks, Recreation, and Greenways Board but all thought it was a nice presentation and a great idea.

#### **ADMINISTRATOR'S REPORT**

Ms. Robertson stated she placed information regarding the Ethics for Local Government Officials course in Council members' packets. She explained members were required to take it within 12 months of election or reelection, and after the course was completed, she needed a copy of the signed certificate.

Council members were told there was no audio recording from the December 12<sup>th</sup> regular meeting. Ms. Robertson asked members to provide her with a copy of any notes they might have taken from that meeting.

Mayor Pollino stated he took notes, and if there were any others, they might be able to match them up with the Agenda.

Ms. Robertson also stated she was having a problem accessing Mail Chimp and the residents' list. Councilman Epps stated he could ask Ms. Shkut for it. She explained they had to pay for the Mail Chimp and were looking into moving it if need be.

Ms. Robertson then apprised the Council she had interviewed and offered the Planner position to Lara Carnow on a part-time basis.

Ms. Robertson asked Council members for direction on how to recognize past volunteers for their service to the Village. Discussion ensued and it was agreed past volunteers for the Village Council, Planning Board, and Parks, Recreation and Greenways Board would receive their names on plaques, gift certificates, and a certificate of acknowledgement. Ms. Robertson stated she would get some plaque estimates.

Ms. Robertson reported Ms. Cox had asked her to mention there would be a hearing held on January 24<sup>th</sup> for the road abandonment in the Providence Downs subdivision. Ms. Cox explained she was just making the Council aware of the hearing but they were not required to have representation or to attend.

Ms. Robertson brought the number of vacancies on the various Boards to the Council's attention. Discussion was held on possible placements for those Boards. Ms. Robertson stated they were also searching for an attorney who could be used on an as-needed basis for the Board of Adjustment.

- Motion:** Councilman Epps made a motion to suspend the rules to appoint Brian Beaty to the Board of Adjustment as an alternate with a term expiring 3/1/2019.
- Vote:** The motion passed unanimously.

#### **PLANNING BOARD UPDATE**

Ms. Robertson reported the Planning Board did not meet in December but she met with the three new members and gave them information and spoke to them about how the office worked. The Board was set to meet the following Tuesday night.

She said they were still working on the Agenda but there were only a few items to discuss in addition to continuing discussion on the Land Use Plan. She stated she would also discuss the expiring terms with them.

Mayor Pollino asked if the new members attended the training session and she told him they had.

Councilwoman Vandenberg asked if Lara would attend the upcoming meeting and was told Ms. Robertson believed she would.

#### **CONSENT AGENDA**

Meeting Minutes were tabled until the next work session.

#### **PUBLIC HEARINGS**

- Motion:** Councilman Epps made a motion to open the Public Hearing.
- Vote:** The motion passed unanimously.

**Mr. Jim Vaca of 1303 Larkridge Court** rose to speak. He stated he was building a new home behind his current one and his family was hoping to relocate once it was complete. They planned to donate what materials they could before removing the structure.

Councilman Salimao asked how long before they could move into the new home and Mr. Vaca told him the new home would be done about March 1<sup>st</sup> and they would take between 30-45 days to move.

Mr. Vaca explained the reason he was before the Council was a Certificate of Occupancy was required before they could move into the new home. However, the Village Ordinance does not allow for two homes on one property.

- Motion:** Councilman Epps made a motion to close the public hearing.
- Vote:** The motion passed unanimously.

- a. Proposed Text Amendments to §151.051 Temporary Structures and Uses.

Councilman Epps stated he had no problem with the text amendment but asked when the 90-day period began. He said going forward, they would need a firm starting point for the 90 days.

Members discussed the proposed text amendment, specifically section B(b), and added language stating the 90 days began the day the Certificate of Occupancy was issued. The 60 days language was removed from the amendment.

Discussion then ensued regarding the Temporary Use Permit and when it should be applied for. Councilman Epps stated he thought the 6 months already in the text amendment was sufficient time, and if it was not, the permit could be renewed.

Councilman Epps then suggested approving the permit for the Vacas but stated work should continue on the text amendment by the new Planner. Mayor Pollino stated he hoped the edits would be complete by the work session in two weeks.

**Motion:** Councilman Epps made a motion to approve the text amendment as written.

**Vote:** The motion passed unanimously.

**Motion:** Councilman Epps made a motion to approve “While it is not specifically stated in the Village of Marvin Land Use Plan, it is among objectives of the Village Council to have a Code of Ordinances that promotes regularity, efficiency, and consistency and the health, safety, and general welfare of the community and to be in conformity with North Carolina General Statutes. The Land Use Plan also calls for residential density that does not exceed one home per acre. The proposed text amendment offers a reasonable solution to challenges posted by local residents without compromising the longstanding tenet of the Village’s Land Use Plan.”

**Vote:** The motion passed unanimously.

b. Temporary Use Permit #17-12011 to allow existing home as an interim dwelling

**Motion:** Mayor Pro Tem Dispenziere made a motion to open the public hearing.

**Vote:** The motion passed unanimously.

No one rose to speak.

**Motion:** Mayor Pro Tem Dispenziere made a motion to close the public hearing.

**Vote:** The motion passed unanimously.

Councilman Epps wanted a condition of the Temporary Use Permit that demolition would occur 90 days from Certificate of Occupancy.

**Motion:** Councilman Epps made a motion to approve Temporary Use Permit 17-12011 on the condition that the structure will be demolished within 90 days of the new home's Certificate of Occupancy issuance. The proposed temporary use will not materially endanger the public health, welfare, and safety. The proposed temporary use will not have a substantial negative effect on adjoining properties and the proposed temporary use is in harmony with the general purpose and intent of the Ordinance and preserves its spirit.

**Vote:** The motion passed unanimously.

#### **MOVE INTO CLOSED SESSION PURSUANT TO NCGS 143-318.11 (A)(1)(6) TO DISCUSS PERSONNEL MATTERS**

**Motion:** Councilman Epps made a motion to move into closed session pursuant to NCGS 143-318.11 (A)(1)(6) to discuss personnel matters.

**Vote:** The motion passed unanimously.

Council moved into closed session at 7:55 pm.

**Motion:** Councilman Epps made a motion to move into open session at 9:16 pm

**Vote:** The motion passed unanimously.

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

Ms. Robertson stated she received the contract from NCDOT to repave the roads and work was expected to be done by October 31<sup>st</sup>. She also stated that subdivision roads would be discussed further under agenda item 11.c.

#### **UNFINISHED BUSINESS**

##### **a. Confirmation and Discussion of Council Retreat**

A brief discussion was held about the location and lunch.

At this point it was noted that action had not been taken from the closed session. A discussion was held about posting for the clerk position.

**Motion:** Councilman Epps made a motion to immediately post a job listing for Village Clerk using the current posting and adding that the position remains open until filled.

**Vote:** The motion passed unanimously.

Council then continued the discussion about the retreat. All agreed they were fine with having the retreat at Firethorne given that there is no additional charge for the room rental. Council agreed to table further discussion of the retreat until the work session so they can discuss an outline of the goals.

**Motion:** Councilman Epps made a motion to table confirmation and discussion of the Council retreat.

**Vote:** The motion passed unanimously.

b. Discussion and Consideration of Revised 2018 Council Meeting Schedule

Mayor Pollino provided his notes from the December 12th meeting, which contained the dates and time changes for the schedule. Council confirmed that the budget needs to be adopted on May 31<sup>st</sup> due to vacation schedules.

Ms. Robertson explained she scheduled four work sessions prior to May 31<sup>st</sup> and added budget work sessions to the regular meeting schedule, so Council would not need to hold special meetings. A short discussion was had about scheduling the joint meetings with the Planning Board and Parks, Recreation, and Greenways Board. It was agreed that Council would meet with the Planning Board on March 28<sup>th</sup> in the evening and with the PRG Board on June 28<sup>th</sup> which is a 9 am meeting. Ms. Robertson also confirmed that the May 31<sup>st</sup> meeting is at 5 pm since there is a public hearing for the budget at that meeting.

**Motion:** Councilman Salimao made a motion to approve the revised meeting schedule as amended.

**Vote:** The motion passed unanimously.

c. Discussion and Consideration of Subdivision Roads and NCDOT Agreement.

Ms. Robertson explained how the cost sharing was broken down. The Village would pay for Canterfield Creek roads and NCDOT would pay for the roads it felt needed repair. If it believed the roads were further down on its timeline, it would require the Village to pay for them. Ms. Robertson stated the Village Engineer worked with NCDOT on the pricing and the Engineer felt it was much better than anything the Village could get on its own.

She was told once the work was complete, the Village would have to make a Resolution for NCDOT to abandon the repaved roads and the maintenance would then become the Village's responsibility. This will be after the October 31<sup>st</sup> proposed completion date.

Ms. Robertson stated the major roads would be done first and then subdivision roads in the August to October timeframe. Discussion was held regarding subdivision costs for road repaving, including that the Oakbrook Estates and Weddington Chase HOAs would need to pay for the cost of the roads for the lots in their respective neighborhoods that are not in



Marvin. It was agreed that this would be the total cost of the roads for each neighborhood (both the NCDOT and Marvin shares) divided by the total number of lots in each neighborhood, multiplied by the number of lots not in Marvin. Ms. Robertson was directed to send a letter to the HOA presidents with the cost and setting a March 1<sup>st</sup> deadline for payment. Councilman Epps noted that the cost sharing is consistent with what the HOAs have been told all along. Councilman Salimao requested that a copy of the Weddington Chase letter be sent to him since he lives in that neighborhood and wanted to be prepared to answer questions.

**Motion:** Councilman Salimao made a motion to authorize the Interim Administrator to enter into the contract with NCDOT.

**Vote:** The motion passed unanimously.

d. Discussion and Consideration of Development Manual and Pre-Meeting Process

Councilman Epps stated a template was created but never approved. This was in the December 12<sup>th</sup> meeting packet. Staff was asked to review this and bring it to Council for approval at their next work session.

**NEW BUSINESS**

a. Discussion and Consideration of NC 16 Widening and Bicycle/Pedestrian Accommodations and Village Commitment

Mayor Pollino led the discussion and told Council members there was a County meeting scheduled for January 16<sup>th</sup> to discuss the widening, that Council wanted to get PRG input, and that he had also talked to the County planner and the towns of Waxhaw and Weddington. Mayor Pollino discussed his thoughts and concerns about this project and the options. Mayor Pollino stated he was concerned the municipalities would be stuck with a cost based on Union County's decision

Ms. Robertson stated she emailed information to the Parks, Recreation, and Greenways Board members and it would be on their agenda for a meeting to be held the following morning. She stated that she had received comments from two PRG members which she shared with Council.

Council further discussed the financial aspects of the options. It was agreed more discussion would be held following the County meeting.

b. Discussion and Consideration of Standardization of Trails

Councilwoman Vandenberg stated she walked the Amber Meadows trails with Derek Durst, Park Manager, and Andy Wortman from PRG, and they were really bad. Mayor Pollino agreed it was not a walkable trail. Council discussed these trails compared to the new trails we just built at Tullamore.

Councilwoman Vandenberg explained the Parks, Recreation and Greenways Board believed the bond money was returned to Pulte, though the trails were in poor shape, although Council didn't think this had been approved yet. PRG was looking for direction on who needed to approach Pulte about the trails.

Councilman Salimao stated he believed the new Planner should be involved and the original plans checked to see if the trails matched up.

Councilwoman Vandenberg conveyed PRG also wanted direction on standardization for trails being built by new builders. Councilman Salimao stated that we have standards but Council agreed they probably needed to be revised. Mayor Pollino stated that we needed to use the term "aggregate topping" instead of "natural" trails. He then mentioned adding signs that four-wheelers or motorized vehicles were not allowed.

Councilman Salimao said we have three types of trails that we like already - the park, the Tullamore trail, and the loop. These should be the three choices we give to developers.

Councilman Epps suggested staff look into the Pulte bonds and find out what Council agreed to for this trail. Mayor Pollino also stated that there were barbed wire fences that were supposed to be cleaned up by the developer and asked that the Village Planner look into this. Council agreed that once we know the facts then Councilwoman Vandenberg, the Village Planner and Mayor Pollino can meet with Pulte.

c. Discussion and Consideration of Sports Clinics at Marvin-Efird Park

Councilwoman Vandenberg reported that while the Council approved the Soccer Shots clinics, Parks, Recreation, and Greenways wanted a formal, standard policy for all sports clinics.

Councilman Salimao suggested PRG develop a policy and bring it to the Council for approval.

Councilman Epps stated he did not want the passive recreation of the park to be impacted.

d. Discussion and Consideration of Council Comments

Mayor Pollino asked that this comment section be brought back at the next meeting, so members could discuss something without having to put it on the Agenda.

**Motion:** Councilman Epps made a motion to bring Council Comments back.

**Vote:** The motion passed unanimously.


**UPDATE ON VILLAGE HALL**

Ms. Robertson explained the driveway permit application and storm water permit were both signed correctly and resent to NCDOT. She also stated she could not locate the bid package and would ask Urban Architect to resend it. She reported the new Village Planner would help move this forward.

**ADJOURNMENT**

**Motion:** Mayor Pro Tem Dispenziere made a motion to adjourn at 10:15 pm.  
**Vote:** The motion passed unanimously.

Adopted: 4.10.18

  
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*Joseph E. Pollino Jr., Mayor*



  
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*Barbara R. Blackwell, Clerk*