



VILLAGE OF MARVIN

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VILLAGE OF MARVIN

Council/Parks, Recreation, and Greenways Board Joint Meeting Minutes

August 30, 2018

10004 New Town Road, Village Hall

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

Quorum was determined with the following PRG Board members in attendance: Chair Mary Sipe, Vice Chair Andy Wortman, John Baresich, Viswanathan Sivarama, and Bob Nunnenkamp.

The following staff was present:

Barbie Blackwell, Village Clerk

Christina Alphin, Village Administrator

Melanie Cox, Village Attorney

Derek Durst, Village Park Manager

Mayor Pollino called the Village Council/Parks, Recreation, and Greenways Advisory Board joint meeting on August 30, 2018 at 9 a.m. at the Village Hall to order.

Chair Sipe called the Village of Marvin Parks, Recreation, and Greenways Advisory Board meeting to order at 9 a.m. on August 30, 2018.

Motion: Mayor Pollino made a motion to recess the meeting and move over to a larger venue next door.

Vote: The motion passed unanimously.

Mayor Pollino reconvened the Village Council/Parks, Recreation, and Greenways Board meeting.

Chair Sipe reopened the Parks, Recreation, and Greenways Board meeting.

ADOPTION OF VILLAGE COUNCIL AGENDA

Councilman Epps requested removal of item A under Unfinished Business “Consider Adoption of Ordinance to consider amending Village Charter to allow Mayor to vote on all matters.”

Mayor Pollino requested adding quick Administration Update between Public Hearing and New Business Items to ask a couple of questions.

Councilman Epps retracted his request to remove the discussion of Unfinished Business (a) “Consider Adoption of Ordinance to consider amending Village Charter to allow Mayor to vote on all matters.” He requested that Council table both the Public Hearings to an evening

meeting where more people could attend such as the next regular meeting on September 11, 2018, at 6:30 p.m. Ms. Blackwell stated the meeting would need to be re-advertised if the public hearings were not held.

Mayor Pollino stated there are people present at the meeting ready to speak who have taken time off work plus there has been ample time to submit emails which are planned to be read. The Public Hearing can still be held, but Council does not have to vote on it today, and discussion can be held on the September 11 meeting. Today's meeting has a hard stop at 10:45 a.m. and he would like to get through as much as possible with PRG. Mayor Pollino believes Mayor Pro Tem Dispenziere wants to be involved in the rest of the Unfinished Business matters. Public Comments on September 11 can be used to voice concerns.

Councilwoman Shkut stated the clock starts once the Public Hearing is held, as of that point Mayor Pollino would follow the clock in terms of the statute. By tabling the Public Hearing and starting the clock on the next day, the Mayor can provide more chance for the public to weigh in. Councilwoman Shkut did not say one way or the other where she is standing, but she does not want anyone to be misled to think that tabling does not make a difference.

Councilman Epps stated his goal is to give the residents the most opportunity to chime in on this consideration to change the Charter to allow the Mayor to vote because he is against changing the Village Charter to give the Mayor a tool that was not available in the 20 years since the Village was incorporated. Councilman Epps suggested tabling it. The public who are present to speak can still provide their comments and will be on record.

Mayor Pollino and Ms. Blackwell stated public comments would not be on record if it was not a Public Hearing. Ms. Blackwell stated there is no Public Comment period during today's meeting. Councilwoman Shkut stated Public Comment can be added. Councilman Epps requested that Public Comment be added to the Agenda and table the actual Public Hearing until the Regular Meeting. Mayor Pollino asked if there should be a vote on tabling Unfinished Business items altogether.

Councilman Epps asked the Village Attorney to comment on the process of the Public Hearing. Ms. Cox stated her recommendation is that the Public Hearing be opened. Council can have their discussion at the next meeting. That would avoid having to re-advertise. The clock will start, but there is plenty of time.

Motion: Mayor Pollino made a motion to table the Public Hearing. Councilman Epps requested that his motion to add Public Comment be first.

Motion: Councilman Epps made a motion to add Public Comment to the agenda.

Mayor Pollino stated there is never Public Comment in Work Sessions. Discussion ensued between Ms. Alphin and Ms. Blackwell that there is not enough time to re-advertise before the

September 11 meeting, 10 days' notice needed, advertisements are not run every day. Councilman Epps suggested it can be advertised for the October Regular Meeting.

Vote: The motion carried a tie vote with 2-yeses and 2 noes. Council members Shkut and Epps voting yes while council members Dispenziere and Vandenberg voting no. Mayor Pollino voting in opposition of the motion to break the tie vote. The motion failed.

Motion: Mayor Pollino made a motion to table Unfinished Business Items (a), (b), (c), (d), (e), and (f) until the September 11 meeting because of time constraints.

Councilman Epps stated he did not want to remove discussion of Unfinished Business Item (a) if the Public Hearing had not been removed because he considers it censorship.

Motion: Mayor Pollino made a motion to remove Item (a) Public Hearing from the agenda and table it until October.

Vote: The motion carried a tie vote with 2-yeses and 2-noes. Council members Shkut and Epps voting yes while council members Dispenziere and Vandenberg voting no. Mayor Pollino voting in opposition of the motion to break the tie vote. The motion failed.

Mayor Pollino noted the Public Hearing remains on the agenda.

Motion: Councilman Epps made a motion to table Item (a) Public Hearing until the September 11 meeting. He believes the advertisement can be advertised within the 10-day requirement.

Ms. Alphin and Ms. Blackwell stated there is not enough time to re-advertise it within the 10-day required by statute because the Enquirer Journal (EJ) does not publish every day. The Public Hearing could be opened, recessed and reconvened on September 11 without being re-advertised. Ms. Blackwell stated the EJ requires two business days for any advertisement...

Councilwoman Shkut stated that is not true. She said, "Motion on the table".

Vote: The motion carried a tie vote with 2-yeses and 2-noes. Council members Shkut and Epps voting yes while council members Dispenziere and Vandenberg voting no. Mayor Pollino voting in opposition to break the tie vote. The motion failed.

Councilman Epps does not want to remove Unfinished Business Item (a). Since a Public Hearing will be held, he believes Council should discuss it. Mayor Pollino stated due to time constraints, discussion will be moved to September 11, which more of the public could be in attendance and speak during Public Comments.

Councilman Epps asked why sheriff deputies are present. Ms. Alphin responded she asked Deputy Swan to be present just for sake of large populations. Councilman Epps wondered if the Village was spending money for their presence. Deputy Swan stated they are on duty and there is no extra cost. Councilman Epps stated they are being tied up at a meeting when they could be out serving the public. Deputy Swan said, "he is serving the Village of Marvin by attending the meeting".

Motion: Mayor Pollino made a motion to approve the Agenda as amended.

Vote: The motion carried a tie vote with 2-yeses and 2 noes. Council members Shkut and Epps voting yes while council members Dispenziere and Vandenberg voting no. Mayor Pollino voting in opposition to break the tie vote. The motion passed by majority vote to approve the agenda as amended.

ADOPTION OF PARKS, RECREATION, GREENWAYS (PRG) AGENDA

Chair Sipe requested to move item 2, item 4, and item 5 below item 10 on the PRG Board agenda because of time constraints, which is page 48 of the agenda packet.

Motion: Mr. John Baresich made a motion to adopt the PRG Board Agenda to move Items 2, 4, and 5 down below Item 10.

Vote: The motion passed unanimously. The Agenda has been approved as amended.

CONSENT AGENDA

Motion: Mayor Pollino made a motion to approve the Consent Items.

Councilwoman Vandenberg requested a change to consent item (a) the 05/08/2018 Meeting Minutes on #12 to include her last name in the motion. The 05/31/2018 Budget Adoption Minutes were not in her agenda packet for review. She requested to pull them.

Mayor Pollino requested pulling the 05/31/2018 Meeting Minutes from the Consent Agenda.

Councilwoman Shkut requested to remove and table Consent Item (b) "Consider approval of changes to Rules of Procedures" and move to Unfinished Business at the next meeting.

Mayor Pollino requested correction on 05/08/2018 Meeting Minutes item #15 of Council Comments remove the “let” and the comment should read “Just send me an email.”

Mayor Pollino questioned the meeting time of 5 pm for the Public Hearing on the Budget in the 05/25/2018 Meeting Minutes. Ms. Blackwell confirmed the time was correct.

Motion: Mayor Pollino made a motion to approve the Consent Agenda as amended.

Vote: The motion passed unanimously.

PUBLIC HEARING

Motion: Mayor Pollino made a motion to open the Public Hearing to consider OR-2018-08-02 an Ordinance to consider amending the Village Charter to allow the Mayor to vote on all matters.

Vote: The motion carried a tie vote with 2-noes and 2-yeses. Council members Shkut and Epps voting no while council members Dispenziere and Vandenberg voting yes. Mayor Pollino voting in the affirmative to break the tie. The motion failed.

Council proceeded with the Public Hearing

Councilman Epps questioned the Mayor’s ability to break a tie on a change that substantially affects his ability to vote. Ms. Cox responded yes. Councilwoman Shkut stated the Mayor can vote because there is no financial interest.

Public Comments:

Ms. Kim Vandenberg of 806 Capington Lane rose to speak. She thanked all the public who have reached out to her and communicated their concerns. She feels that many people are getting misinformation when it comes to changing the Charter to allow the Mayor to vote on all issues. She has heard everything from egos to a power grab, etc. She stated this is far from the truth. She stated this change would allow our small Council to ensure that all of Council will be heard in matters concerning the Village.

She explained currently if there is a tie, a two to two split, the Mayor will vote to break the tie. With a change in the Charter to allow the Mayor to vote on all items, the outcome would be the same as if all of Council is present, nothing would change, the Mayor would vote to break the tie. If a Councilmember is missing and the Mayor votes, it would be a two to two vote with the vote not passing. The same issue can be brought up and voted on again when all of Council is present. By having the Mayor vote on all items, it protects the transparency of Council and

would prevent a coup of any meetings going forward. She has heard this is not being transparent, but she does not think taking advantage of the absence of a councilmember and exploiting that absence is transparent at all. She stated there have been emails circulating and websites and different propaganda that say no towns in North Carolina do this. She has found a number, Lewisville, Gastonia, Oriental, Leland, and others. Locally, other municipalities have more than five members of council. Marvin, Weddington, and Wesley Chapel only have five that are in Union County. She stated by having such a small council, if one person is out, then the Council is run by only two people. By allowing the Mayor to vote, it ensures that all voices of Council and its constituents will be heard.

Mr. Ralph McLeod of 3525 Banyan Way rose to speak. He is speaking against the proposal to grant voting privileges to the Mayor on all issues instead of voting as a tie breaker. He stated he checked with communities larger, smaller, and roughly the same size as Marvin, they all allow an elected Mayor to vote only in the event of a tie. He stated the vast majority of communities in North Carolina operate this way.

He questions why the Mayor wishes to vote on all issues. Currently, if two of the four councilmembers vote in accordance with the desires of Mayor Pollino, he can break the tie and have the decision go according to his desires. The only reason he can see for his wish to vote on all issues is if in the future there might be new councilmembers that oppose him, but even then, he could still break the tie unless there were three new members that oppose a given issue, then his vote would not matter. He believes the whole issue raises the question about transparency in Marvin's government, which he believes is an issue of concern with many citizens of Marvin. He stated if there is a provision for an elected Mayor to vote on all issues, it does not mean that it would be the best path for a Village government which is already under a cloud of mistrust. He believes that the fact that the overwhelming majority of communities in North Carolina has not chosen to adopt this provision speaks for itself. He believes it is neither a good nor a wise choice for the Mayor and Village Council to adopt. He would like to hear directly from the Mayor at some point regarding his rationale for wanting to adopt this provision.

Mr. John Baresich of 3315 Sandalwood Drive rose to speak. He said it has been his pleasure to serve the Village of Marvin in numerous capacities over the past 17 years. He has served numerous years as chairman of both the Board of Adjustments and Parks, Recreation, and Greenway Board. He and many others have worked on groups that have studied and first recommended our tree ordinances, the Master Plan, and the study and the execution of many of the voluntary annexations that helped make Marvin what it is today. Through all this time he has gotten to know and interact with almost every mayor, councilman, board member, and staff member in the Village of Marvin. He may not have voted or hired every single one of them, but in almost every single instance he can say he has been proud to work with them and call them his friends to this day. He has not come across anyone in Marvin, mayor, council, or staff who has served the Village to get rich. He stated they all have a wealth of ideas and issues that they brought to the table to improve Marvin to the benefit of all its residents and they have done this under the current government structure. He stated there will always be differences between people on ideas and issues, and the job of our local government is to debate and vet those ideas and issues in an open and transparent way.

He believes the issue regarding the change in the Charter and the voting rights of the Mayor is one that is being hastily implemented, mainly given the bad blood and personality disputes that go back to both sides to a fiercely fought election process. He believes there are thoughtful, legitimate changes that could be made to the Charter which could be considered such as a larger Board with a form of district and at-large representation. He believes that any change to the Charter should be done with full openness and transparency, so the entire community can weigh in, not rushed and debated at a 9 a.m. meeting on a Thursday. He respectfully requests that Council take a step back and have a continuous of this Public Hearing until the next regularly scheduled Council so that more people can have their voices heard.

Mr. Ed Hill of 3405 Rainbow Drive rose to speak. He thanked everyone for their service to the community. He feels the Village is blessed to have them to participate so actively. He is opposed to this change. He sees no justification for it whatsoever. He asked why Marvin needs to be different than the standard in the State. He asked why Marvin needs to be different than other local communities that are like Marvin. He believes in recent months we have been a spectacle in the Charlotte community for all the wrong reasons. He stated at one point our government was shut down because of inactivity of the Council led by our Mayor. He stated we do not need that kind of publicity. He stated we are a beautiful community and we need to have the positive influence that we have always had before. He stated at a recent Village Council meeting, our Mayor threatened to forcibly remove Councilwoman Shkut from the head table. He believes that was outrageous. In the meantime, the local television cameras were rolling, and we made the local news. He said we do not need this, and we do not need to give our Mayor more authority. He thinks this is a bad idea and he opposes it.

Mr. Paul McDevitt of 3306 Oak Brook Drive rose to speak. He said he echoes what has been said. He feels like this is an effort for the Mayor to pack the Council. He thinks the Mayor is rushing this to exploit the unfortunate health situation of one of the Village Councilmembers. He asked if the Mayor's personal interest in real estate in Marvin has been disclosed. He does not see an explanation for the rush. He said we have been in this status for 20 years. He said efforts to delay this until October failed miserably using the charade with the Mayor being the tie-breaking vote. He said if Village Councilmembers step down then the Mayor can pack the Council with members who are pro-development, pro the Mayor's position, and the Mayor will get his agenda. He hopes the Mayor's agenda is not feathering his own nest.

Ms. Heather Danenberg rose to speak. She does not think it is a good idea. In a municipality of only 6,000 people, she does not think it is appropriate to have the Mayor vote. Looking at Charlotte, she said Mayor Vi Lyles only votes if there is a tie and so given the size of Charlotte in proportion to the size of Marvin, she asked why we feel that we need to have a mayor that votes in everything. She stated we have elected Village Councilmembers based on what we feel they are going to do to serve the good of Marvin. She does not think it is necessary for the Mayor to be able to cast a vote in every situation. She does not think that it serves the people. She thinks it seems a little self-serving, especially given the fact that our municipality in scale is much smaller than anything else in the State and also it is not the norm. If there was some extenuating circumstance of why this was needed or how it is going to better serve the population, that could be considered, but to her it does not appear to be that way.

She asked Council to think of their votes and to remember to not be shortsighted. She reminded Council how they vote and proceed impacts not only today but the future, future councilmembers, future mayors. She reminded Council that by giving the Mayor authority to vote today is not just Mayor Pollino, but whoever comes after him. Councilmembers may agree with Mayor Pollino today, but may not agree with the mayor 5, 10, 20 years down the road. She asked the Council to be outstanding individuals of integrity and do the right thing. She told Council they were voted into office by people who trust you so vote the way they want you to. This is not a self-serving endeavor; Council is here to serve the people and she really does not feel that giving the Mayor the vote in every situation is doing that.

Mr. Robert Epps rose to speak. He thanked everyone for coming. He is speaking as a resident. He is a councilmember, but he is also a resident and has been for 14 years. He is opposed to the Mayor giving himself an authority that other villages do not have, other towns do not have, and the State statute does not allow for it. He hopes everyone has done their own research instead of depending just on little bits of information. He brought information that could be found on the Village website and he encourages the public to do so. He asked that the public not believe any one person and to do their own research. He believes everyone should be asking whose idea was it, Mayor Pollino, Councilman Dispenziere, or Councilwoman Vandenberg. He encouraged the public to call and ask them, their phone numbers are on the website, although the numbers may change when they get different phones. He states he has yet to hear good justification. He states this came up after Councilwoman Shkut was appointed to Councilman Ron Salimao's Council seat. He states the Mayor still has the majority as it was witnessed today, but that is not enough.

At the April 10, 2018 meeting, Mayor Pollino put on the Agenda "Discussion and Consideration of amending Council's Rules of Procedure to add a new rule 'Supermajority Required for Appointments, Removals, Hiring, and Firing' and to amend the Village of Marvin's Personnel Policy and Hiring Authority Policy to reflect this new rule." It was no longer about a two to two vote, he stated the Mayor wanted everything to be a three to two vote, so he would always have the majority. This is a resolution clarifying Mayor and Council rules that was drafted in 2009 and amended in 2011 with Councilman Dispenziere's name on it, which he assumes was when he was mayor. He found it in the Rules of Procedure packet at the last retreat meeting. He found it again in the Rules of Procedure packet at last year's meeting. He did not search any further than that. He would like to read it, but there is not enough time, so he brought copies. He wanted to highlight that it states the Village Council has not delegated any other authority to the Mayor, included but not limited to the authority to give direction to employees, contractors, or persons or entities subject to the regulatory authority of the Village. He stated we have a Council-Mayor form of government. He provided 10 copies of that document, which is public record. He also provided his copy of the Agenda from the April 10 meeting.

Mr. Michael Lavelle of 1000 Medinah Court rose to speak. He wanted to remind everyone that Councilman Epps was first appointed before he ran for Council. When Councilman Epps was appointed, he had to fill out the application and he had to go through the process. There were many people who wanted to become a councilperson in the Village of Marvin. Councilman Epps was chosen amongst the very well-qualified candidates. He does not understand why Councilman Epps thinks it is okay for when he was appointed to go through the process and

interview all candidates that are qualified to become a Village Councilperson, but now Councilman Epps wants to appoint it on a two to one vote when Councilman Dispenziere is not present. He asked, "why change that process?" "Why can it not be the way it was?" He asked Councilman Epps to ask himself that question. He believes Councilman Epps is contradicting himself. He stated Councilman Epps talked about not changing the process for the past 20 years of allowing the mayor to vote.

He stated the public has been inundated with a lot of emails, listening to Marvin and different emails, and he wants the public to ask themselves how they got their email address. He stated he signed up for the Village News, but now others have his email address. He asked how that is possible. He stated he looked at Twitter today and saw Marvin Village News. He questioned if it is the official publication of the Village of Marvin. He stated it is not. He asked if there is a copyright on the Village logo.

Councilman Epps interrupted to ask why Mr. Lavelle was asking questions. Councilwoman Shkut called point of order. Mr. Lavelle requested that his timer be stopped because he states he was rudely interrupted by Councilman Epps. Mayor Pollino stated Mr. Lavelle is only asking rhetorical questions. Mayor Pollino stated we need to hear the public and reminded Staff and Council to refrain from responding. If public is asking a question, make it rhetorical and Staff can answer later.

Mr. Lavelle resumed. He stated if there is a copyright on the Village Seal, then the Village needs to investigate because somebody took that seal and put it on the Marvin Village News and people can be misled to believe that this is an official publication from the Village of Marvin since they have the Village of Marvin seal. He states when you read the site, it is propaganda, so he asked why we are allowing that to happen. He stated we should investigate who is doing that, who is behind it. He knows Council is not allowed to respond, but he would like Council to ask each Councilmember the following questions: Are you behind Marvin Village News? Have you had anything to do with Marvin Village News? Do you know who is responsible for Marvin Village News? He said it looks very, very familiar. He has seen that font. He stated the webpage looks a lot like Councilman Epp's election, it is very similar. He stated it is not an accusation, it is an opinion. He said it is the same thing with Listening to Marvin which he believes has a political slant to it. He told the public to just remember where they are getting their news from, think about where that news is coming from, and do their own research and see where truth is and where lies are.

Ms. Margaret Shapiro stated she did not have anything more to add.

Mayor Pollino stated there are a number of emails that will not be read due to time constraints but can be submitted for the record. Mayor Pollino thanked the public for their comments.

Councilwoman Shkut said nobody asked the Council to schedule a Public Hearing on a Charter amendment at a work session. She stated the PRG joint meeting was scheduled almost one year ago. She believes that Mayor Pollino scheduling the Public Hearing at the PRG joint meeting and then act as if he is concerned about PRG having enough time for their meeting is disingenuous.

Mayor Pollino stated he agrees with some of the things that were said. He would like the debate to be held September 11 when more people can attend and provide feedback. The public has the opportunity to speak in Public Comment on September 11 and then Council will go in discussion.

Councilman Epps addressed Ms. Blackwell, stating even though it is public record, since he referenced a document, he wanted to insert it in public record as part of the minutes. Mayor Pollino stated anyone who wants to put their information that they spoke of today or anything else in public record, feel free to give it to the Village Clerk. Councilwoman Shkut asked if a motion was needed because she would like to be sure that each of the written comments that were submitted and requested to be part of the Public Comment be entered into the record. There was unanimous consensus of Council. Mayor Pollino stated there is still time up until September 11 to submit written comments.

Motion: Mayor Pollino made a motion to close the Public Hearing.
Vote: The motion passed unanimously.

ADMINISTRATOR'S UPDATE

Ms. Alphin stated she just received an ADA report on the Reasons' property yesterday, so she has not had time to review it. She stated Council can review it at their leisure. She does not have an official synopsis yet because she just received the ADA report yesterday afternoon. Councilman Epps wanted the public to know that the Council is looking at purchasing the Reasons' property instead of building a Village Hall. This will be further discussed on September 11.

NEW BUSINESS

PRG Agenda

Chair Sipe asked if everyone had a copy of the Agenda. Councilwoman Shkut asked what page, and Chair Sipe responded it is on page 48. Mayor Pollino stated the meeting had a hard stop at 10:45 because Councilman Dispenziere has an appointment at 11:00. Councilman Epps suggested Councilman Dispenziere could be excused so the meeting could continue. Chair Sipe asked if Councilman Dispenziere needed to leave, since they still have a quorum, to excuse Councilman Dispenziere since there had been two postponements.

FIVE-YEAR PARK CAPITAL IMPROVEMENT PLAN

a. Priorities

Chair Sipe reminded Council that a couple of months ago, Mr. Durst, Park Manager, brought a recommendation for an idea of adding a toddler playground to the park and Council asked PRG to consider where their priorities for capital projects for the park. At their last meeting,

Mr. Durst was asked, to the extent he could, to assign dollar amounts would be. The dollar amounts that have been provided by Mr. Durst have not really been reviewed, but she did have a chance yesterday to look at them and she thinks they would not change their opinion as far as priorities.

PRG #1 priorities lakeside corridor makeover. They have previously discussed putting a pavilion or some sort of covered structure on the old home site. It has a nice vista down to the lake. They have not gone into detailed research. They are not making decisions today. They are just giving their opinion on what they think the priorities might be, which Council can change at any time. Mr. Durst also provided an example which is on the next page of the handout. They have not talked about materials. The example is metal. They might want to do something that is more like the structures that are currently in the park. They discussed having picnic tables, it would be open, and it would have a grill for people to use.

Because the home site has a septic system, water, and electricity, the second item would be having additional bathrooms down there, which would make it a lot more usable by the public for events if they want to rent the pavilion. It also makes it more convenient for community garden people and other people in the park would not have to walk all the way up; however, it is a big-ticket item. Mr. Durst pulled the numbers from the last bathrooms. They do not know if they could use the septic system, so it might be less. Both items do not have to be done. The pavilion and the bathrooms could be reviewed separately. Priority would be to definitely do the pavilion first. If they consider the bathrooms and get the funding, that would make the pavilion a lot more attractive.

Items with small dollar amounts could be handled within the annual park budget, and that is what PRG recommends. They do not need to be part of the capital plan.

Priority #2 would be the barn corridor makeover, which is the area where the toddler playground would be put. Chair Sipe stated that is a lower priority for them.

Mr. Durst had someone look at the current aging playset. There are probably five years left on the existing playset. Capital budget five years out will probably have to include replacement.

Priority #3 is the equipment additions and storage that they have talked about before.

b. Impact from Greenway Maintenance

Chair Sipe stated one of their issues is as they build greenways they will need someone to maintain them. Currently, the Park staff is doing maintenance with their own personal vehicles. She does not think they can ask Park staff to continue to use their personal vehicles to haul equipment around to maintain greenways. If they add another piece of equipment, they need a third bay in the garage, so it is a domino effect.

Councilman Epps stated the truck issue has been brought up for a few years now. He has a problem with the Town buying a truck because of the liability, the insurance, the truck itself,

the maintenance, to maintain a trail that could be subcontracted for a fraction of the cost. Calculating the amount spent over 10 years, at which time 2 trucks may be needed by then, spread that cost over 10 years and there is still no break even on buying a vehicle. He does not think they should spend money on buying a truck. He believes they should be looking for ways that the staff does not have to use their own vehicles.

Mr. Durst noted the park manager position includes code enforcement. Are you asking that staff have confrontations with the public in their personal vehicle? Councilman Epps asked were there a lot of confrontations with the public while doing code enforcement? Councilman Epps stated for the record, it is a small village, once they see you, they know who you are. Mr. Durst stated he has good skills to deescalate any confrontations with the public.

Councilman Epps stated the Finance Officer brought up vehicle purchase a few years ago and the math does not work. Councilman Epps asked how many hours a week is Mr. Durst conducting Code Enforcement? Mr. Durst replied that some weeks it is 1-2 hours while some weeks it could be 5 to 6 or even 10 hours, depending on when and the nature of complaints. Councilman Epps is in favor of corridor makeover, playground improvements, and things that have a direct benefit to the Village residents, but things that make staff's jobs a little easier with a huge price tag needs to be further discussed.

Chair Sipe stated it is priority #3. She believes the trailer has become an issue. The one that they have is too small, but that would be handled under the annual budget.

Mr. Baresich stated, "There are more trails coming up. In some of the earliest cases, there are subdivisions that are to some degree maintaining trails for us, especially along the loop. In many of the newer cases, they are only required to give us the land and we are responsible for maintenance. Concern has been to start planning for these things so that as more greenways come on board, a truck and adequate trailer would be more useful for those purposes but also for other work. They have little utility vehicles to utilize within the park but having a truck on site would be helpful when spreading mulch".

He also stated, "Previously, they were spending a lot of money just to have the park mowed. When they switched from contracting to having in-house personnel, they were able to use Village employees on the ground to have somebody there that is paying attention to our interest at the park. Maintaining park and greenways puts eyes on the greenways where typically those are places where things can happen such as vandalism. Having a presence of Village employees on trails on a regular basis for maintenance shows we care what trails look like, so we are going to minimize our vulnerability to insurance claims from debris and it keeps an eye on the trails to make sure they are safe for all residents. It is not always about the bottom line dollar amount, but it is more about Village presence being there to keep an eye on things and make sure that we identify potential pitfalls on trails as they come. That would circumvent any kind of issues on greenways and they want them to be the best greenways in the area".

Councilman Epps requested to review for the budget on the maintenance of the park and not just for park manager. That would allow a comparison of apples to apples. If the cost is \$5000 more a year to have Village employees on the trail, he is in favor. If the cost is \$50,000 more, it needs further discussion.

Councilwoman Shkut declared a point of information. She confirmed that Items A through F were tabled. She believes the public that are still present are expecting Council to be discussing the Charter amendment and she wanted them to know there will not be any further discussion.

Mayor Pollino clarified to the public that Council would not be voting on the Charter amendment. He stated he was glad the public is present. Councilwoman Shkut stated the public is welcome to stay, but she just wanted the public to know that there will not be any further discussion on the Charter amendment.

Chair Sipe stated Items 4 and 5 are brand new and have not been discussed by the PRG Board. She would like PRG to discuss these items in more detail at their next meeting before discussing with council.

Chair Sipe stated one item that had been mentioned that is not listed on the Agenda is changing the entrance sign at the park so it is perpendicular to the road and more visible. Mr. Durst explained: He is researching the signage rules. He also noted the signage may need to be two sided. Currently, there is only one sign. She does not have cost information. She stated a lot of people drive by the park and they do not know it is there because the sign is on the fence.

Ms. Sipe explained: Council previously asked PRG for their priorities. She said that once Council agrees or disagrees Mr. Durst can go into more detail with all the facts, and then come back with a plan to the Council. PRG does not want Mr. Durst expending his time if Council disagrees with PRG priorities. Councilwoman Shkut suggested putting these on an Agenda for discussion.

Ms. Alphin stated priorities were discussed in a PRG meeting. She is planning to prepare a Capital Improvement Plan for the entire Village. At that point, Council would adopt the CIP. If Council disagrees, then it could be added on the Agenda. Council has final say if it gets approved. Ms. Alphin stated if Councilman Epps or anyone else wants to have further discussion about vehicles or equipment, that is a discussion they can have, then it would need to be approved in the budget.

FIVE-YEAR GREENWAY & TRAIL PLAN

- a. Priorities – If one gets stalled, can another begin?

Chair Sipe stated greenway construction plan for years one through five is recommended in the following order. Tullamore Phase 1 has already been completed. The second item, Amber Meadows, the developer put the trail in and PRG believes they did not do a very good

job, so they were asked to rebuild it and they have agreed. Chair Sipe stated there is a quote for how much it would be to build it to the same standards that have been adopted, which is basically the Tullamore Standard for a Natural Trail. The estimate was approximately \$17,000 to rebuild it. As far as she knows, the developer has agreed to fund \$11,000.

Chair Sipe stated there is a fund balance of \$127,000. They had always been told that it was just a fund for greenways and was not assigned to specific greenways. One of the Consent Agenda items states currently the Town Hall Trail and the Tullamore Parking Lot are the ones that are making up that fund. Staff is proposing to have a fund that would include Tullamore Phase 2, Innisbrook, the Town Hall, and Amber Meadows. Last year, the Town Hall greenway was supposed to be built, but it got postponed because of the roundabout so PRG could not do anything. Currently, since the fund is specific, if something gets delayed, they cannot do anything else. Chair Sipe states she totally supports that Consent Item. Councilwoman Shkut asked which Consent Item. Chair Sipe responded rather than the budget being just the Town Hall or just the Tullamore Trail Phase 2, that it would cover Tullamore Phase 2, Innisbrook, the Town Hall, or Amber Meadows so it gives PRG flexibility. Mayor Pollino stated it would be the same funds, just relabeled. Chair Sipe stated it gives PRG the ability to work on their number one priority. If one gets stalled, they will not be limited like they were last year when they could not do anything.

Chair Sipe stated the Preserve developer, she thinks it is Toll Brothers, has agreed to build the Town Hall Trail for them. Their residents really want it, so they said they would be willing to pay for it and do it totally to our standards. They are writing up the contract now and it has all our trail standards.

Mayor Pollino stated the trail is like a pathway to nowhere, it just ends. Mayor Pollino asked if there is a possibility that part of that trail can be extended from to the right and go along the back side of the houses. Chair Sipe stated they had recommended it go on a tree line that would be behind the houses. Currently our easement is to go down the main road and then they cut through some houses. Chair Sipe thought that was bad and it would be better to have it in the tree line where you are not disturbing people. The tree line is behind the backyards of the homes. Toll Brothers came back and said no, they would not want to do that because the peoples' properties back up to that tree line. They stated they do not have the right to do it. Councilwoman Shkut stated the 25-foot preservation area should be there. Chair Sipe stated that is what she thought, but they are saying no. PRG never really liked that idea, but apparently at some point the Village years ago agreed to that.

Chair Sipe stated if Town Hall is to be the house, they need to figure out how people are going to cross the street. Mayor Pollino stated it would make sense to move the trail to higher ground, better terrain, and it is a straight line from the end of the sidewalk straight back to where it would pick up the other trail. He offered revisiting it at the next meeting and somebody can be appointed to talk to Toll Brothers. Councilwoman Shkut stated for the record that the problem with having items on the Consent Agenda and not having a clear plan ahead of time, final plats were approved but there really was not a clear plan as to where they were going to install the trails. Councilwoman Shkut stated for the record we need to be

careful when we approve things like that. Chair Sipe stated the final approved plan for their subdivision showed the greenway going down that street.

Chair Sipe stated Tullamore Phase 2 is currently getting a new survey done and ready to go on that very soon. The estimate is \$12,000 to finish. It was previously delayed because of the retention water issues. The engineer suggested putting a pipe down and raising the ground a little bit. Councilwoman Shkut asked if we are spending money to build and construct a trail there and Chair Sipe replied yes. Councilwoman Shkut stated for the record she has always been a little confused why the funding has gone to construct trails there because per their plat that was something the developer was supposed to provide, and it was supposed to be natural. Chair Sipe stated that is one of her Agenda items. Chair Sipe has found in the Ordinances where it says that the developers are supposed to pay for trails within subdivisions and she does not understand why we agreed to pay for Tullamore. Chair Sipe stated nobody knows why we committed to it, but we are just finishing what we committed to.

Chair Sipe stated Innisbrook has been planned for years. There were some issues with the filing of the easement. Councilwoman Vandenberg lives there and told PRG that the HOA is talking about constructing paths within their neighborhood and they were supposed to meet in August to discuss maybe changing where our trail goes. They are redoing the sewer lines in front of Innisbrook, so we cannot really do anything until that is done. Councilwoman Vandenberg stated the HOA does not want the easement moved. They still want it on the street. She believes when Ms. Robertson was the interim administrator, she met with them and there was some concern about it going to nowhere on both ends and not connecting to anything. Chair Sipe stated their view is that you build what you can as you can. Marvin is going to be an entity for hopefully 100 years more and over time those little pieces that they could not get an easement from, maybe in 20 years we can. For example, the little house between the Preserve and Innisbrook currently will not allow us to build a trail there. Chair Sipe believes if you do not go ahead and do things when you can, you lose the right over time and people forget.

Chair Sipe stated Priorities #2 would be things that they would like to pursue next such as looking at Village Hall and Town Hall Trail and connect to the Loop. This would be the next section F that would go down Waxhaw-Marvin Road/Providence Down South toward the Broadmoor subdivision. Broadmoor has agreed to do the section in front of their development. What is needed next, if Council agrees to the priorities, she is asking Council to consider, they need to start getting facts on how much is it going to cost, where is the funding going to come from, where is it going to go exactly. She said it is supposed to go on the west side according to all of our records. Easements from the property owners will be needed. There is about \$14,000 from Wyndmoor. Chair Sipe is asking Council to give PRG some direction. They have never had these priorities formally approved by Council and she needs to make sure they are in agreement. They do not want to expend the staff's time to go out and get estimates if Council does not agree with the priorities.

Councilwoman Shkut asked staff what they have currently to utilize. Ms. Alphin stated there is a reserve account. It would have to be appropriated to whatever it is that they want to

expend, but it is a capital reserve account, so they cannot expend it unless Council appropriates it. There is \$127,000 right now in that bucket. Councilman Epps thought there was an allocation for the Village Hall Trail that goes to the Village property. Chair Sipe stated that one of the Consent Items was to lump all the #1 priorities together so they could shift those dollars around. If the developer pays for it, that money is freed up.

The #2 Priorities probably would have to be at least in next year's budget or capital plan to reallocate those funds. Chair Sipe stated her goal would be to have it ready when the budget is done for next year. PRG has zero involvement in that and she believes that is a mistake. Chair Sipe believes PRG should be able to give input to the budgeting process for the next year.

Ms. Alphin stated the fund balance of \$127,000 looks like it is roughly the capital project balance, \$72,000 for the Marvin Loop Extension Town Hall Trail and then \$55,000 for Tullamore. Councilman Epps asked where Ms. Alphin has been pulling the money to research buying the house on the corner. Ms. Alphin replied contingency. She stated we either have to do a budget amendment to pull it from reserve or she can pull it from the \$50,000 contingency. She has not had any expenditure other than \$900 for the engineer report that was done a couple weeks ago. She will have to pay for the recent ADA report. If there is not enough in engineering or wherever it was pulled from originally and she pulls it from contingency, she has to report that back to Council. Councilman Epps asked if there was a likelihood that the capital money PRG is expected to use will shrink. Ms. Alphin responded no. She said the capital money that PRG has for the trails is earmarked for their trails and Council cannot touch it. Ms. Alphin addressed Councilman Epps and told him capital project budgets cannot be interchanged once they are approved. If there is a capital project budget for Village Hall, she cannot move that to Greenways or vice versa. Whatever is spent on Town Hall will not affect the PRG capital project at all.

Chair Sipe stated the next item is section G Waxhaw Marvin Road/Broadmoor. They have \$23,000, but they need information about how much it is going to cost, where the money is going to come from, and so forth.

Chair Sipe stated she was surprised that Marvin is responsible for the approved greenway (section U) the preserve plat. PRG put it as a lower priority since they did not know about it unless Council feels different about prioritizing. She assumes we have all the easements because it is within the subdivision and they signed off on it, so they would be able to do it immediately whereas Items F and G need easements and surveys.

Chair Sipe stated Priority #3 would be three or four years out, Crane Road, Waxhaw-Marvin Sedgefield and then, The Chimneys. Discussion ensued regarding Crane Road being an unsafe road by the schools. Mayor Pollino asked if there a way to seek funds federally or statewide when it involves going by or taking it to a school. Councilwoman Shkut stated we applied for that and it was not approved because it was not within the jurisdiction of Marvin. Mr. Baresich stated they have discussed other types of monies that are out there. For example, one of the options is along the powerlines because there are huge powerlines that cut through Waxhaw-Marvin Road over to Crane all the way up to Providence Road. That

would require working with individual home owners to a great degree, but there are monies available. Councilwoman Shkut asked Mr. Baresich if we still have the easement through The Chimneys and he replied yes.

Chair Sipe asked about postponing to a new date. Chair Sipe will be out of the country all of September. She will work with Ms. Alphin and PRG board members to schedule another date that works for everybody. Ms. Alphin asked if clarity is needed on the Master Plan to see if they want to prompt staff to move forward. Chair Sipe would rather wait. Mayor Pollino asked if Chair Sipe would like to schedule a Special Meeting because sometimes work sessions have other things included. Chair Sipe would prefer a Special Meeting. Mr. Baresich would like to know if Council would consider reinstalling a Council Liaison to the PRG board. Councilwoman Vandenberg offered to return as liaison. Councilwoman Shkut believes it should be voted on as a separate Agenda item.

ADJOURNMENT

Motion: Chair Sipe made a motion to adjourn.
Vote: The motion passed unanimously.

Motion: Mayor Pollino made a motion to adjourn.
Vote: The motion passed unanimously.

Adopted: _____

*Joseph E. Pollino Jr., Mayor
Village of Marvin*

*Barbara R. Blackwell, NCCMC
Clerk, Village of Marvin*