

VILLAGE OF MARVIN
Council Regular Meeting Minutes
November 13, 2018 – Village Hall

Mayor Pollino called the regular meeting to order at 6:30 pm at the Village Hall.

Those present: Mayor Joe Pollino, Mayor Pro Tem Nick Dispenziere, and Councilmembers Mary Shkut and Kim Vandenberg

Those Absent: Councilmember Robert Epps

Others Present:

Christina Alphin, Village Administrator
Melanie Cox, Village Attorney
Kelley Moore, Zoning Administrator

1. ADOPTION OF AGENDA

Councilmember Vandenberg made a motion to move Public Hearings before presentations to allow staff members present for that portion to leave afterwards.

Councilmember Shkut made a motion to move Items D “Discussion of Responding to Citizen Email/Request/Unsubscribing to Notification Systems” and E “Email Distribution Myth Debunked: Spurious Correlations and Defamation Laws” and E from new business items. She stated she did not receive a report on Item D beforehand.

There was discussion regarding keeping the two aforementioned items on the agenda to discuss.

Mayor Pro Tem Dispenziere stated he would like to have further information and evidence to discuss the two items. He preferred to remove for those reasons.

Time Stamp 04:40

Mayor Pollino made a motion to remove the two items from the agenda. With Councilmember Vandenberg voting in opposition of the motion and Mayor Pro Tem Dispenziere and Councilmember Shkut voting in favor, the motion passed by majority vote.

Councilmember Shkut made a motion to table 5/31/2018 minutes (Consent Item E) until the December meeting due to changes that are needed.

Mayor Pro Tem Dispenziere made a motion to remove Village Hall A “Appraisal Update” and B “Review of Proposed Expenses.”

Motion: Mayor Pro Tem Dispenziere moved to adopt the agenda with the suggested changes with Councilmember Vandenberg voting in opposition of the motion.

Vote: The motion carried with a majority vote.

2. PLEDGE OF ALLEGIANCE

Council led the pledge of allegiance.

3. PUBLIC COMMENT

Paul McDevitt, 3306 Oakbrook Drive, thanked [Mayor Pro Tem Dispenziere] who took a contrary position [in the proposed charter change]. He presented a sign he made.

Mike Shkut, 9610 Belmont Lane, thanked [former Councilmember Salimao] for his contribution and services (particularly the park) and roads. Marvin is benefiting from his service. His hope is that the bottom line can be the forefront of the Council. He read the following excerpt submitted on behalf of George Killian-read excerpt.

Appreciation note for Ron

From: George Killian (gkillian834@gmail.com)
To: mshkut@yahoo.com
Date: Tuesday, November 13, 2018, 12:42 PM EST

I would like to thank Ron for his years of service to and for the residents of Marvin. Because of his willingness to serve Marvin has increased in its assets tremendously. The knowledge he has in finances has increased the coffers of Marvin because of his never ending service. Ron will be missed greatly and it is our loss that he is no longer on the council. To know Ron was to know that he deeply loved Marvin and its residents. Ron, thank you from the depths of my heart for your service.

Your friend, George Killian, 9121 Valley Brook Ct., Waxhaw.

Kristy Maher, 8306 Belmont Lane, thanked [Mayor Pro Tem Dispenziere] for his efforts. She also thanked [former Councilmember Salimao] in having Marvin's best interest at heart. She stated he assured he knew what residents wanted first hand and continued to serve public as his decisions were made for the people. She discussed the progress of the park and representation of the community. She stated the New Town Gardens [Marvin Gardens] was one that broke the stalemate and got that development approved.

4. PUBLIC HEARING

1) TUP 18-12137 Annual Tree Lighting Event at Marvin Efirid Park

Mayor Pro Tem Dispenziere made a motion to open the public hearing which carried by unanimous consent.

Proponent Comments:

None

Opponent Comments:

None

Councilmember Shkut made a motion to close the public hearing which carried by unanimous consent.

a) Consider approval TUP Consider TUP 18-12137 Annual Tree Lighting Event at Marvin Efird Park

Kelley Moore, Zoning Administrator, discussed components of the event and stated it has been on the agenda for some time now. She discussed advertising and requested approval of the permit.

Mayor Pollino inquired on the donation amount received for this event.

Christina Alphin, Village Administrator, stated donations received were in the amount of approximately \$2,000. She stated a budget amendment will be in the next agenda for the increase in revenues and expenditures for these respective line items.

Mayor Pollino inquired if the event will have an ice sculpture and snow this year.

Ms. Alphin stated yes.

Motion: Mayor Pro Tem Dispenziere moved to approve the permit as presented.

Vote: The motion carried with a unanimous consent.

2) TUP 18-12163 for Temporary Sales Office in Belle Grove Subdivision

Time Stamp: 17:00

Mayor Pro Tem Dispenziere made a motion to open the public hearing which carried by unanimous consent.

Proponent Comments:

None

Opponent Comments:

None

Mayor Pro Tem Dispenziere made a motion to close the public hearing which carried by unanimous consent.

Ms. Moore stated the sales office will be in Lot 3 (within the garage of the model home) of the subdivision. She discussed the staff analysis in detail. She discussed set-back requirements, ADA requirements, signage. She stated code allows temporary use permits to be in place for 1 year.

Ms. Moore discussed the following findings of fact:

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

Staff recommends approval of Temporary Use Permit #18-12163 to allow a temporary Sales Office inside a model home in the Belle Grove subdivision, subject to the following conditions:

1. The Temporary Use Permit shall expire on November 13, 2019. The applicant may apply for an extension prior to the expiration date.
2. At the end of the sales period, the Sales Office shall be converted back to residential use.
3. The parking area shall only be used for Sales Office parking.
4. The sign used for the Sales Office must meet the following requirements (from 151.146 of Marvin Code – Ground Signs):
 - (A) No part of a ground sign including projections may extend into or over an existing public right-of-way.
 - (B) Except in the O, B, CC, MX and MX-2 Districts, ground signs are permitted so long as the building or structure in which the activity is conducted is set back at least 30 feet from the street right-of-way.
 - (C) All ground signs must be secured to the ground or affixed so as not to create a public safety hazard.
 - (D) The sign shall be located so as to not impair traffic visibility.
 - (E) The maximum area of the ground sign shall be 20 square feet
 - (F) No part of the sign shall be located closer than five feet to any adjacent side lot line.

There was discussion of the sales agent.

Ms. Moore stated she believes the builder is the sales agent.

There was discussion of parking/low traffic situation.

a) Consider approval of TUP 18-12163 for Temporary Sales Office in Belle Grove Subdivision

Motion: Councilmember Shkut made a motion to find all findings of fact to be in compliance with ordinance and moved to approve the permit as presented with the conditions listed herein.

Vote: The motion carried with a unanimous consent.

5. PRESENTATIONS

1) RECOGNITION OF YEARS OF SERVICE OF FORMER COUNCILMEMBER RON J. SALIMAO

Time stamp: 24:00

Councilmember Shkut discussed history of her relationship with Councilmember Salimao which started with the planning board. She discussed him being responsible, goal orientated, and serving for the greater good. She praised his ability to have a constructive conversation and applauded his ability therein. His motivations have never been questioned and discussed his ability to promote government while also looking after the wellbeing of residents. She is grateful for his service and discussed his work to formulate plans to serve constituents. She thanked him for serving his community better and doing so with more heart and less money. She discussed political uprisings on all sides and his ability to still strive throughout. She stated his is a trusted colleague and friend greatly thanked him for serving the community.

Mayor Pro Tem Dispenziere discussed his history with Councilmember Salimao which started in 2008. They have had a long-standing and accomplished relationship. He also discussed his accomplishments with the park. He stated his tasks were always done for the good of the people and to keep Marvin working toward projects with constituent's interests at heart. He values time together and he wants to get passed issues. He stated the village will miss former Councilmember Salimao.

Councilmember Vandenberg stated she not get to work with former Councilmember Salimao long, but he has left his mark in Marvin.

Mayor Pollino stated getting involved before elections. He applauded efforts in park including manual labor. He stated his efforts will not go unnoticed.

Mayor Pollino presented a plaque of recognition to former Councilmember Salimao for his service.

Former Councilmember Salimao applauded his wife's efforts for her support. He discussed the financial position and net assets of the Village upon his arrival. He discussed roads and town hall. He discussed group efforts in accomplishing tasks and the need to work as a team to accomplish tasks.

2) SUPERSTREET PRESENTATION

Time stamp: 36:00

Jonathan Cates, Professional Engineer/Senior Transportation Engineer and Nick Ramirez, Professional Engineer/Associate gave a general presentation of superstreets and details of traffic patterns within. They presented examples of various superstreets in different areas in North Carolina. He stated NCDOT has proposed a median U-turn (not a superstreet) along Providence Road along the Marvin Gardens development which eliminates all left turns at intersections which lowers cycle lengths of the traffic light. Cycles are approximately 45 seconds as opposed to 2-3 minutes which keeps traffic flow moving. Median U-turns allow thru traffic.

There was discussion of staking ability and concerns.

Mayor Pollino expressed concerns and discussed cities that are pushing back on superstreet designs.

Time stamp: 59:00

Mayor Pollino discussed the back entrance of Weddington Chase. He discussed traffic patterns from there.

Asa Harris, Marvin Gardens Developer, discussed traffic signals at southern entrance of Marvin Gardens before the median U-turn is implemented. He stated they met with NCDOT regarding a left turn from the U-turn at the southern entrance if they can do the necessary analysis to make show it can be supported with staking. Kimley Horne engineering did some analysis for Marvin Gardens. He discussed coming back with findings after additional research and meeting with Kimley Horne and NCDOT.

Councilmember Shkut discussed the need for overhead lighting on these roads as it is hard to see at night.

Mr. Cates stated there are light regulations in place which have to be met and discussed the need to also meet city ordinance.

Mr. Ramirez discussed the Town of Rolesville and that rural freeways are how they are treating these U-turns. He discussed pedestrian access being accommodated in the proposal from NCDOT.

Councilmember Shkut feels these areas are less inviting for pedestrians when it is not lighted.

Councilmember Shkut discussed traffic patterns of Woodmont school and the need for patterns of movement instead of stagnation.

There was additional discussion of municipalities pushing back from superstreets.

The consultants from AMT encouraged dialogue with NCDOT and have engineer come up with analysis; ultimately NCDOT will have ultimate authority since it is their road, but conversation with the district and division engineers and a third-party engineer analysis would be beneficial.

Councilmember Shkut inquired if there was anything in design that he would recommend.

Mr. Cates stated he would have to look at the numbers in more detail and determine through a more in-depth analysis.

Councilmember Shkut stated it may be worth looking at if Council is inclined.

Mr. Cates stated they were just in the area earlier and traffic was already staking back in the area.

There was discussion of future impacts and adding more through lanes if needed.

Mr. Cates stated the proposal was based on 2040 forecasts.

There was discussion of Publix's desire to have effective traffic flow near shopping center. They will continue to analyze numbers and work with NCDOT.

Melanie Cox, Village Attorney, discussed both the Town of Stallings and Matthews adopting resolutions to stop superstreets due to them being out of conformance with land-use plans.

Councilmember Shkut stated the Village should look at NCDOT and their pedestrian plans in the area.

Mr. Harris stated the analysis being conducted by Kimley Horne should be done within next few weeks and they will be happy to share with staff.

Councilmember Shkut stated AMT could take an additional look at the numbers if Council is inclined to [authorize further research].

6. ADMINISTRATOR REPORT

Time stamp: 01:14:10

Christina Alphin, Village Administrator, stated the greenway construction agreement was completed and construction began this week; the land-use plan update is still awaiting input from the survey which should be completed in the next week or two (Council will approve before it is released). She discussed quasi-judicial training for the Planning Board and Village Council. She discussed the work with Marvin Gardens over the last few weeks.

7. PLANNING UPDATE

John Jones, Planning Board Chair, stated a swimming pool permit was issued last month. He also discussed the proposed changes with Marvin Gardens; all of which were favorable to the [Planning Board/Design Review Board] with approval subject to the forester's recommendations. He stated the survey subcommittee has meet with the PRG board. He discussed being out for surgery after the thanksgiving holiday. He stated he met with the administrator about the transition without a planner.

8. PRG UPDATE

Mary Sipe, PRG Board Chair, discussed being on the survey subcommittee and obtaining questions; she is adding three questions and removing one. She discussed updating the Master Plan that was completed in 2008; a lot has changed since then. She stated if it will be expensive to update, but they are hopping to make it more focused and come to Council at a later date with a recommendation. She stated the National Wildlife Federation is moving along; it is not going to be as hard as initially thought and she is hoping to have the program in place by spring. She also discussed roundabout plantings and memorials being explored. A concept plan will be done; however hardscape would be approved by the Planning Board. She discussed the need for lighting in the roundabouts.

Mayor Pollino stated there is conduit to water and electric to the roundabouts; however, approval from NCDOT would need to be obtained. He discussed the lack of desire to have signage within the roundabout.

9. DEPUTY REPORT

Time stamp: 01:23:30

Ed Swan, Union County Sheriff (Village of Marvin designated officer), stated the administrator had asked him to focus on speed enforcement last month. He stated there were 56 traffic stops last month (mostly all by him). He discussed details of individual traffic citations. He stated he would like to see off-duty traffic enforcement. He discussed the immense need on Joe Kerr and Marvin School. He is concerned with safety in these areas. He stated car breaking and entering's have been low this year. He discussed increase in fraud during this time of the year. He discussed specific phone and computers apps to steal identities.

There was discussion of mailbox theft being turned over to the US post office.

There was discussion of fireworks at night being in conjunction with Indian holidays.

10. ROADS UPDATE

1) Discussion of 3rd Temporary Solutions to Marvin Road/New Town Road Intersection

Ms. Alphin stated this item is for the proposed 3rd Roundabout. The Village is spending a lot of money at this intersection in off-duty law enforcement. An agreement was entered earlier this year with NCDOT and has been held up on attempts to reconcile a private party issue. She stated NCDOT is conducting a traffic analysis but will potentially be proposing a right in/right out as a temporary solution until the roundabout is conducted. This would impact a right in/right out at the Meadowlark subdivision.

Mayor Pollino discussed details of traffic patterns.

Ms. Alphin stated NCDOT will not allow the right in/right out if it creates other problems elsewhere; the traffic analysis will dictate.

There was discussion of saving funds on law enforcement if this is selected.

Ms. Alphin stated decisions can be made once the analysis is back.

Councilmember Shkut stated she is interested in numbers. She is unaware where the first turnaround would be going towards South Carolina.

2) Update on FY 17-18 Road Resurfacing Update

Ms. Alphin stated road resurfacing was completed in Canterfield Creek, Weddington Chase, and Oakbrook. Concerns have been expressed to the engineer who is working with NCDOT to resolve punchlist items. She stated a more comprehensive update will be done next week. She stated next year's list is going out for bid shortly. She stated this amount is already budget in this year. She stated the start date would be around fall of 2019.

3) Discussion of Speed Limit on Marvin Road at Joe Kerr Road

Ms. Alphin stated there is currently a traffic analysis is being conducted in this area. The potential for pedestrian refuge shall be determined once this analysis is complete. She stated this would need to be budgeted in next year's budget.

11. CONSENT AGENDA

Clerks Note: Item E below was removed in a previous motion.

CONSENT ITEMS:

Consent Agenda Items may be considered in one motion and without discussion except for those items removed by a Council member

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|----|--|-----------------------------|
| A. | Call for a public hearing to be held on December 11, 2018, at 6:30 pm at Village Hall to consider a Conditional Use Permit Application #18-12167 to allow a swimming pool to be located in the side yard..... | Kelley Moore |
| B. | Consider approval RS-2018-11-01 Resolution Fixing Date of Public Hearing on Question of Annexation Pursuant to N.C.G.S. 160A-31 for voluntary annexation petition for Weddington Chase Parcels 06-156100, 06-156114, 06-156235,06-156146,06-156283, 06-156110,06-156217,06-156214, 06-156085,06-156082,06-156113, 06-156225, 06-156357, 06-156053..... | Barbie Blackwell |
| C. | Call for a public hearing to be held on December 11, 2018, at 6:30 pm at Village Hall to consider Weddington Chase Voluntary Annexation Petitions..... | Barbie Blackwell |
| D. | Consider approve OR-2018-11-01 An Ordinance Prohibiting Use of Village Seal/Logo..... | Christina Alphin |
| E. | Consider adoption of meeting minutes: 5/31/18 Budget Adoption..... | Barbie Blackwell |
| F. | Consider approval of 2018 Tax Refunds..... | Nancy Schneeberger |
| G. | Consider adoption of General Fund Budget Ordinance Amendment OR-2018-11-02..... | Christine Robertson |
| H. | Consider Approval of October 2018 Treasury Report..... | Christine Robertson |

Motion: Mayor Pro Tem Dispenziere made a motion to approve the consent agenda as amended with Item E tabled until the December meeting.

Vote: The motion carried with a unanimous consent.

12. UNFINISHED BUSINESS

Time stamp: 01:44:56

A) Discussion of Consideration of Planner Options

Christina Alphin, Village Administrator, stated she provided a memo within the agenda packets. She stated the position work demands reflect that of a full-time equivalent unless the contractual

services [in planning] increase. She stated she believes some cost savings could be generated with a full-time planner to alleviate the need to call upon the engineer so frequently. She stated the Village of Marvin was the only municipality in her research (of 29 municipalities with 5,000-9,000 in population) that had less than 10 full-time employees within like sized municipalities with similar services. She stated the Village is still operating with the same level of resources as it did in 2002 when the population was 1,700 while planning demands have continued to increase. The average salaries were analyzed with a range of \$50,000-\$75,000. The numbers within the packet include benefits. She also stated subcontractors are averaging at least \$90/hr. She discussed short term issues as well. She stated her recommendation is to hire a full-time planner and transfer \$50,000 from a prospective acquisition line item. She stated \$22,000 is left in the salary line item for the Planner at current. That amount combined with the \$50,000 transfer would allow a part time consultant to be hired in the interim and to go ahead advertise for a full-time position. She stated the full-time position would be in perpetuity.

Mayor Pollino stated he is somewhat hesitate due to the Village being almost built out. He does see the benefit, but he inquired if there is the potential for another part time person. He stated there is only one commercial development upcoming.

Ms. Alphin stated part-time planner are hard to find. She thinks it would take time to find a part time person and a lot of money would be spent in the interim.

Councilmember Shkut stated she has been on the Planning Board for years and has always tried to reconcile the demands with the resources and there is often a shift in the workload. She discussed an array of issues and tasks associated with properties that are already built out. She does not believe the premise that the Village is built out alleviates the concern to have more resources to deal with land use issues. She still has a list of ordinances that need to be revised that have not been touched since 2010. A full-time planner is not necessarily doing only new development, but also keeping up with older tasks as well. She is shocked the Village has managed this long with a part time planner. In terms of the budget, she wanted to reserve comments for others.

Mary Sipe, PRG Board Chair, stated she believes no progress has been made on greenways is because reliance on part time people. She discussed the 2013 survey results where people wanted more greenway space. She discussed easements not being recorded properly in the past because professional planners have not been placed.

Ms. Alphin discussed the list of tasks the previous planner was tasked with during her time. There are several tasks that occur day-to-day that go unrealized. She discussed details of day to day duties. She discussed natural overlap in some duties.

Mayor Pollino inquired if there is money to cover a full-time person.

Ms. Alphin stated there is a deeper discussion to be had at the retreat regarding Powell Bill funding and the potential to change up the road resurfacing schedule. She stated Powell Bill funds have to be spent in 5 years and after the current plan is done, there will be excess of \$600,000-\$700,000 that needs to be spent within a few years (as projected). She stated there is the potential to look at changing the plan and allowing more funding to be spent in General Fund activities. She recommended changing the plan to a 7-8 year or more plan and that would be her

projection to bring in the funds to pay for the full-time position. If Council is not in line to do this, she stated the funding from the prospective acquisition line item can be used to fund this position in perpetuity (if this is not earmarked for something else for future years in which she is unaware). She stated \$35,000 was budgeted in this year for a part time planner and if the \$50,000 is moved from prospective acquisition line item, that totals \$85,000.

Mayor Pollino stated it would be nice to get direction before the holidays. He stated he would hate to bring on a full-time planner and then the workload decreases in two years. He discussed comparable sized municipalities with like services. He is in favor in moving to positive direction if the funding is there for the person.

Ms. Alphin stated she is currently analyzing municipalities with like services in order to compare effectively. She stated even though the village doesn't have certain services (like Public Works), the administrative burden is still present in oversight of those operations such as roads in managing the contracts, agreements, dealing with complaints, etc. She stated she would bring her analysis to the Council at the retreat. She reiterated her question if Council is okay with moving forward with a full-time hire understanding the position is in perpetuity with the expectation of finding monies to fund in future budget years which could include reorganization of street resurfacing, prospective acquisition funding, and/or contingency funding.

There was discussion of Powell Bill funding.

Councilmember Shkut stated there has been a 40% increase in personnel since last year and she is wondering if a deeper analysis needs to be done.

Mayor Pro Tem Dispenziere stated this is because Planning has not been budgeted in the amount it really has needed to be budgeted.

Councilmember Shkut stated as much as she believes a fulltime planner is needed, she is nervous about the funding. She believes a broader inventory of job duties.

Mayor Pro Tem Dispenziere stated there needs to be a certain level of expertise in a Planning position.

Ms. Alphin stated there needs to be a level of continuity of operations.

Councilmember Shkut stated she believes there needs to be a full-time planner. She does not know if the way personnel placements have been the most efficient way in response to filling positions due to turnover. She stated certain positions may need to be melded together.

There was discussion of assessing workloads.

Ms. Alphin stated if there is hesitancy, an on-call planner can be hired in the interim until a decision is made.

Mayor Pro Tem Dispenziere stated it just seems the on-call option seems to be expensive for not much in return.

Time stamp: 02:15:30

Councilmember Shkut stated she would like to reduce the hiring rate at \$60,000-\$70,000 range. She stated she would make a motion to authorize this contingent upon review of internal structuring within the new year. She wants to word this so that it does not agree to up the budget \$60,000-\$75,000 per year.

Mayor Pollino stated he is fine starting in this range, but as we found with the administrator position, that person may not exist at that rate.

There was discussion of the difference between Senior Planner and Planner.

Ms. Alphin clarified the increase for this level of position would reflect a net increase of approximately \$40,000 per year (not \$60,000-\$70,000) due to \$35,000 already being budgeted for a part time planner.

Motion: Councilmember Shkut made a motion to authorize the administrator to advertise for a full-time planning position with a range not to exceed \$65,000 with a condition added to review internal office structure at the retreat within the new year and assess allotment of internal resources.

Discussion: Ms. Alphin stated she would need to come back for final approval after the analysis is completed because she would hate to hire someone and then the analysis is conducted and not to Council's liking.

Amendment: Councilmember Shkut clarified the motion should not be contingent upon that aforementioned analytical condition as expressed and retracted that part of her motion. She wanted to make it known that she is hesitant to adjust budgeting and forecasting. Councilmember Shkut amended the motion to allow the administrator to authorize an increase of \$5,000-\$10,000 if needed.

Vote: The motion carried with a unanimous consent.

Ms. Alphin inquired on short term options. She inquired if a third-party contractor is of interest.

There was discussion of considering the consultant hire in December after we see what type of applications are received.

B) Update on Website Proposals

Ms. Alphin stated this item will be pushed to the December or January meeting and she just wanted to inform Council.

Mayor Pollino stated he received a call from the former Mayor of Weddington and discussed the potential for a community links page (with links to other community organizations).

Ms. Alphin requested Council to email the Village Clerk, Barbie Blackwell, with other town websites that they liked so she could see as a comparison.

13. NEW BUSINESS

Time stamp: 02:28:30

A) Discussion and Consideration of Marvin Gardens ICD

Asa Harris, Marvin Gardens Developer, briefly discussed the most recent history of the project. He stated there were two conditions imposed on the approval from the Design Review Board; one being a decorative fence and they have one within the graphics and the other was the urban forester's approval. His comments came in very shortly before the Design Review Board in which did not allow them time to address before that meeting. His formal approval has not been submitted, but his agreement has been communicated.

Bill Fisher, Marvin Gardens Architect, presented all architectural conceptual designs in comparison to the previously approved design. All materials remain the same. The parapet size was increased to hide mechanical. The store is not as wide as initially approved and parapets were added to the increased depth. He discussed aesthetic components in depth. He displayed images of a new second level mezzanine (with a 2/3 covered area) for outside dining or coffee breaks. He stated they added planter boxes.

There was discussion of what would be seen from the road.

Mr. Fisher stated the signage would be the same family of materials for the store; however, the intent is to not see much from the road.

Mayor Pollino discussed garbage being visible at the Starbuck near the Kohls development and desires not to have similar issues with the out parcels at this property.

Mr. Fisher stated the out parcels will all be constructed later.

Councilmember Shkut stated she was impressed on the fact they caught on to the mechanical and hiding with the parapets. She asked if they are seeking Design Review Board (DRB) approval on all the buildings in Envelope A (to include that of the garden/sitting area).

Mr. Harris stated approval is sought for everything submitted (two retail buildings including Publix and for all site improvements exclusive of residential).

Councilmember Shkut wanted to confirm DRB approval was being sought for the garden plan as well. She stated she had questions about the plantings and lighting in the garden area but wanted to make sure they were seeking approval of that before she asked. She did not see the planting list in the submittal.

Mr. Harris stated yes. He stated the garden plan was in the DRB presentation, but they did not have color. He stated they will be coming back for outparcel approval later.

Councilmember Shkut stated she wanted to discuss the stormwater in outparcel #2 and the retention pond. She did not understand why this was in the approval for this submittal. The Civil Engineer (name unknown) for Marvin Gardens stated the main reason the fencing being submitted now is the access roads and impervious services of the main construction have to be treated somewhere and the drainage goes to this area. The pond is unseen from the road.

Councilmember Shkut stated the retention pond is delineated, and she would like to reserve judgment on the fencing [type] until she knows what will go in the outparcels. She discussed the pond in detail.

Mr. Harris discussed and displayed an image of the proposed fencing type which consisted of an agrarian typed split rail fence proposed and plantings to cover. He clarified the DRB did not see the image, but they discussed this type of fence.

There was discussion of having wire behind so people could not enter.

Mr. Harris discussed the fact that the fencing is climbable, and the pond falls back on Mecklenburg County stormwater regulations in which did not require a high unclimbable pool fence.

Councilmember Shkut discussed a chain-link fence within the texts.

There was a clarification this was a typo.

Councilmember Shkut inquired if DRB recommended this fence type.

John Jones, Planning Board Chair, stated there was conversation, however the picture was not available.

There was discussion of retention versus detention.

Councilmember Shkut inquired with the two planning board members in attendance (Kelly Cates and John Jones) if they suggested a fence type as a replacement for the initially proposed chainlink.

Ms. Cates stated they were okay with the proposed fence (pasture fence).

Mr. Jones discussed looking at the original plans and the proposed plan was much more detailed than what was previously approved.

Councilmember Shkut discussed a development standard around the fencing.

Mr. Harris stated he believes the proposal complies with that standard.

Councilmember Shkut stated she feels hesitate to give approval for one element without looking at the entire Parcel #2.

Mr. Harris stated the pond has to be constructed.

Councilmember Shkut stated that is ok if it is part of the construction plans; but in terms of design review, it feels cleaner to look at it all together.

Mr. Harris stated that outparcel may not be constructed until way after the primary retail. He stated if they do not fence now, they would have a pond with no fence or landscaping.

Councilmember Shkut expressed understanding. She inquired on the planter boxes within the presentation. She inquired if the materials for the planter boxes are delineated as well.

There was discussion of the planter boxes to adhere to the development standards.

Mr. Harris stated they were not planning to come back for approval for planter boxes.

Councilmember Shkut stated she understands, she just wanted clarification it can be inferred they would be within the same material in accord with the other approved materials.

Councilmember Shkut inquired on the pavers and concrete.

There was detailed discussion of the asphalt and concrete design and makeup which are within the construction plans.

Councilmember Shkut inquired on the lamp posts within the garden area.

Mr. Harris stated the lighting plan is in the last two pages of the construction plans.

Councilmember Shkut discussed the dumpster enclosures. She inquired if there were separate landscape plans for the dumpster area.

Plans were inspected and briefly discussed.

Councilmember Shkut discussed the mitigation plan and inquired if there were any changes in buffer plans.

The civil engineer reported there were no changes to the buffer. There are 4-5 trees being removed with 12 to replace. The forester is now in agreement with their plans.

There was discussion of the mitigation plans.

Councilmember Shkut inquired if the mitigation plan was amended [since submitted to DRB].

The civil engineer stated yes.

There was clarification the files sent out to Council on Friday were the amended plans to be considered tonight.

Councilmember Shkut stated she is concerned that because the mitigation plan comes with the zoning approval, the ordinance will be updated, and the mitigation and landscape plan will need to be within that ordinance. She stated the arborist does not have approval authority so same thing goes with the ordinance change (is in adding those to the rezoning approval).

There was discussion of the signage coming back to DRB and Council for approval.

Councilmember Shkut discussed the grading of Access 4.

The civil engineer stated the grading is at NCDOT's standards. AMT has conducted a preliminary review of the plans.

Mayor Pollino discussed the Planning Board recommending approval based on the arborist's approval.

Councilmember Shkut stated she is not seeking Council to do a second review. She discussed the need to have the stamp of approval [within a rezoning amendment].

There was discussion of the trees removed from the mitigation plan.

Councilmember Shkut inquired if the mitigation plan goes into the residential plan.

The civil engineer stated yes.

There was discussion of all trees in the mitigation plan being numbered and working with the arborist.

There was discussion of the height of the Publix building changing to 32.4'.

Councilmember Shkut stated there was a development standard where no parking space would be no less than 40' away from a canopy tree and she saw 60' in the plans; she does not know if that was an amendment proposed or not.

The civil engineer stated the parking lot mimic the approved plan except the depth changed slightly so if anything, they are closer.

Councilmember Shkut believes the administrative amendments should fall under the old code (she believes that was part of the initial approval). She read eligibility for administrative amendment standards as originally approved.

Melanie Cox, Village Attorney, discussed the buffer area. She inquired if the plans are altered if trees are being put back in place of the ones being removed.

There was discussion of the landscaping in general and mitigation was approved.

There was discussion of the mitigation plans being submitted last week which included the species and number of mitigation trees. All Councilmember received the digital version on Friday.

Ms. Cox recommended making approval contingent upon the condition the developer follow through with the mitigation plan submitted Friday.

There was discussion of changing the ordinance to reflect changes in the exhibits (just procedural).

Time stamp: 03:24:23

Motion: Councilmember Shkut made a motion to approve the Design Review exhibits that have been submitted for review for Marvin Gardens Individual Conditional District and that approval will incorporate all exhibits provided in the digital submittal from 11/9/2018 including updates to the landscape and mitigation plan

as well as all applicable exhibits within the construction plan, and that the chain link fence surrounding the stormwater pond at Outparcel 2 be replaced with a fence in harmony with the agrarian theme and similar to what was submitted for review.

Vote: The motion carried with a unanimous consent.

B) Discussion and Consideration of Law enforcement

Councilmember Vandenberg stated she has received a lot of complaints about mail theft and increase demands in law enforcement. She wanted to discuss the idea to meet constituents needs.

There was detailed discussion of events and public requests.

Time stamp: 03:39:00

Mayor Pollino proposed a cost share program with Home Owner's Associations (HOA) within the community. There is a desired feeling in the community to feel safe and instead of hiring a full-time officer, the Village could see if HOA's are interested in assisting. He discussed this being a discussion in the past and issues around billing that preventing moving forward.

There was discussion of options to hire more law enforcement and still having the feeling of law enforcement of presence.

Ms. Alphin recommended having a meeting with the HOA group that is coordinated by Mike Gilboy and discussing options to them to gather input.

There was discussion of logistics and issues associated with hiring an off-duty officer.

Ms. Alphin suggested three (3) options to include: hire one full-time officer at one cent on the tax rate; allow HOAs to hire out an officer on their time to address isolated issues without assistance or coordination from the Village; or pitch the idea to the HOAs and see how they feel.

Mayor Pro Tem Dispenziere stated he has had citizens say to him that they would rather pay a little more and have more police protection.

There was discussion of officers going anywhere within Union County even if they are on-duty within the Village.

Councilmember Vandenberg recalled no coverage during the hurricane. She wanted to bring the issue to Council to discuss options.

There was discussion of perception of coverage and if citizens would feel like they are getting their money's worth if one additional officer is hired.

There was discussion of questioning this in the community survey.

There was discussion of pitching the idea to the HOAs or not.

Council directed the Administrator to keep the survey question and see if there is interest and then make this a part of the budget discussion for FY 19-20.

C) Discussion and Consideration of Sewer Extension

Ms. Alphin stated NCDOT has been working with a private property owner to reconcile a septic issue. She discussed the potential to have to run sewer to the proposed third roundabout if the septic issue cannot be resolved. She stated NCDOT has inquired if the Village would be interested in cost sharing this project. She discussed the 50% overrun in the overall project if the cost exceeds initial estimates.

Mayor Pollino discussed using tax payer dollars to pay for sewer expansion and he does not understand how the Village could be on the hook.

Ms. Alphin stated her understanding is the project is at a stale until they can figure out how to get sewer to the area or resolve the septic issue. She stated the lowest cost option is to relocate the septic field along the private property which has not been resolved. She stated the other options include purchasing the front lot [of Meadowlark Road] and provide [driveway] easement; to run sewer; or to redesign and pay relocation of utilities on the Ardrey property and maybe on the Reasons property.

Councilmember Shkut stated is concerned there was a meeting with NCDOT and interested landowners in June and there seemed to be a rush to build by 2019 which was why they needed to get plans solidified. She stated she left that meeting thinking they were going to shift the design southeast away from subject property with septic issues. The updated plan has yet to be received. She wanted to know what happened with moving the design off the subject property.

Ms. Alphin stated they have not officially stated they were not changing the design; though they have verbally stated on the phone the design was not changing. She stated this was a result of utilities discovered on both sides that would have to be relocated. She stated she can get an official update from them and present findings.

Councilmember Shkut stated the lack of planning with the community. She wants to have a meeting with an update on the project.

There was discussion of other interest in the area for sewer extension.

Kelly Cates, Planning Board member, discussed a potential development (rural subdivision) within the area.

Time stamp: 04:11:00

There was discussion of having a special meeting for the roundabout meeting if possible. Councilmember Shkut made a motion to discuss the Roundabout at the December 11th meeting with interested stakeholders.

11. UPDATE ON VILLAGE HALL

A) ~~Appraisal Update~~ REMOVED

Ms. Alphin passed out the appraisal report for the Reasons property for Council's perusal, if desired.

B) ~~Review of Proposed Expenses~~ REMOVED

C) New Construction Permit Update

Time stamp: 04:17:40

Ms. Alphin discussed a memo within the agenda packet having all the permit statutes to date. She also discussed her impression of the intent was to move forward with RFPs soon and she will continue to work with the finance officer and the architect to obtain necessary information together. She discussed the need to approve the final façade.

D) Discussion of New Steps for New Village Hall

Councilmember Vandenberg inquired if the board wanted to wait until Councilmember Epps could be in attendance.

Councilmember Shkut stated she has spoken at length with Councilmember Epps about his desires. She discussed the history of the façade of new village hall. She discussed the details of the changes of each façade proposed. She expressed Councilmember Epps desire to move forward on the project without continuous amendments; he will go with the façade chosen by Council. She discussed the styles of architecture which inspired her to create a variation of look based on what she felt the desires of Council were. She stated she thought the intent was to not change the floor plan, but to change the façade.

There was discussion of the input of the Planning Board.

Councilmember Vandenberg discussed the history regarding input from the Planning Board and where their recommendations went.

There was in depth discussion of the history of how the design changed over time with Council and the individual desire of each councilmember.

There was discussion of changing the entire design.

Councilmember Shkut stated she went through the land-use plan draft and conducted an architectural study and she found that Colonial was the most frequented type in Marvin.

There was discussion of working with the architect.

There was discussion of the Reason property being under contract and the seller being confident in the proposed sale.

Mayor Pro Tem Dispenziere stated he would like to get the new construction project started as soon as possible.

There was discussion of the cost to change the façade.

Councilmember Shkut stated the construction plans of the previous plans were expensive and these would have to be done if the plans changed totally.

Time stamp: 04:37:00

There was discussion of the elevation of the landscape and potential to add a second floor to change design.

There was discussion of having members of the Council to meet with the architect about proposed changes.

Mayor Pollino and Councilmember Shkut agreed to meet with the architect in order to discuss alternative façade plan options.

Councilmember Shkut inquired when Council desires to go to bid for the project.

There was discussion of early part of the year (depending on how much plans changed).

There was a consensus to pursue a statelier presence and move away from a farmhouse or government style building with a goal for RFP at first of year.

14. AGENDA ITEMS

A) REVIEW OF ACTION ITEMS

Ms. Alphin stated 1) schedule meeting with NCDOT about the third RAB at the December 11, 2018 meeting or special meeting (if possible); 2) Marvin Gardens site plans to be updated on the website; 3) keep law enforcement question in the survey and discuss at the retreat; 4) NCDOT presentation of Traffic Analysis of Joe Kerr and Marvin; 5) Continue to assess employee workloads; and 6) Post planning position.

There was discussion of speaking with the HOA's or not for the law enforcement plan.

Councilmember Shkut stated we needed to make sure the trail construction standards in the Master Plan.

Ms. Alphin stated this item is in the January meeting.

Councilmember Shkut discussed update on road resurfacing at the next meeting.

B) COUNCIL COMMENTS

Tabled.

~~C) Closed Session Pursuant to NCGS 143-318.11 (a) (6) to Discuss Personnel Matters~~
REMOVED (Note: Ms. Alphin passed out performance evaluation forms for herself to be conducted by members of Council)

15. ADJOURNMENT

Motion: Councilmember Vandenberg moved to adjourn the meeting at 11:21 p.m.

Vote: The motion passed with a unanimous vote.

Adopted: _____

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

*Christina Alphin, CMC
Deputy Clerk, Village of Marvin*