



VILLAGE OF MARVIN

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

VILLAGE COUNCIL REGULAR MEETING MINUTES

February 12, 2019 – 6:30 pm
Banks Fellowship Hall, 10012 New Town Road

AGENDA ITEM

1. Call to Order:

Mayor Pollino called the Council Regular meeting at 6:30 pm and verified a quorum was present.

Those Present: Mayor Joe Pollino, Mayor Pro Tem Nick Dispenziere, Council members: Kim Vandenberg, Mary Shkut and Robert Epps

Those Absent: None

Mayor Pollino requested a hard stop to adjourn the meeting at 9:30 pm with the Closed Session starting at 9:30 pm.

Staff Present:

Christina Alphin, Administrator
Barbie Blackwell, Clerk
Rohit Ammanamanchi, Planner
Melanie Cox, Attorney

2. Adoption of the Agenda:

Council made the following amendments to the Agenda and Consent Agenda:

- Ms. Alphin, Administrator, requested to add a Budget amendment to New Business as Item I.
- Councilwoman Shkut requested the following amendments:
 - Table all the meeting minutes.
 - Remove Item B under New Business until the work session.
 - Remove Item A under New Business.
 - Table the survey questions until the work session to give Planning Board another chance for review.
- Council tabled Item E “Review Planning Board Application” until the work session.
- Councilwoman Vandenberg requested moving Item F the ETJ discussion to the work session.
- Council renumbered Items A-E under New Business on the agenda with the Budget Amendment renumbered as Item E.
- Council tabled all reports 1-4.

ACTION: Mayor Pro Tem Dispenziere and Councilwoman Shkut made a motion to approve the agenda as amended. The motion passed with unanimous consent of Council.

3. Pledge of Allegiance

Council led the Pledge of Allegiance

4. Public Comment Period

No one spoke.

PRESENTATIONS

No presentations.

REPORTS AND UPDATES

1. Planner Update Welcomed Rohit Ammanamanchi

Ms. Alphin introduced Rohit Ammanamanchi as the new planner. She noted that he is doing an excellent job.

CONSENT ITEMS:

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

A. Call for a Public Hearing for Trail Standards & Ordinance to be held February 28 at 11 am at the Village Hall:

B. Consider adoption of Meeting Minutes for: 5/31/18, 8/9/18, 8/30/18, 9/27/18, 10/10/18, 10/25/18, 11/13/18:

Council tabled and directed the Clerk to make the necessary revisions for them to review and approve at the work session.

C. December 2018 Treasury Report

D. Options for Fire Tax Recommendation:

Ms. Alphin stated to Council the recommendation was for a for Self-funding Fire Tax.

ACTION: Councilwoman Shkut made a motion to approve the consent agenda as amended. The motion passed with unanimous consent of Council.

NEW BUSINESS ITEMS

A. Discussion and Consideration of Financial Records Location, Retention, and Access

Ms. Alphin confirmed that she found the financial documents located in the finance folder on the V: drive.

Councilman Epps requested that any documents relating to financial records are easily accessible for public records requests by the Administrator and the Clerk and should be kept on the V: drive. He noted that he would like the V: drive to be more organized and a smoother process for obtaining records. Financial documents and other files should be backed up and updated regularly.

B. Discussion of Appointing CCOG Delegate and Alternate:

Mayor Pollino agreed to continue serving as the Delegate on the CCOG Board of Delegates. Councilwoman Shkut agreed to serve as the CCOG Alternate.

ACTION: Councilwoman Vandenberg made a motion to appoint Councilwoman Mary Shkut as the CCOG Alternate. The motion passed with unanimous consent of Council.

C. Discussion of Law Enforcement Contract:

Ms. Alphin reported that she met with the Union County Sheriff's office. She explained: They are requesting one more deputy to help cover the Village, which would be an additional cost of \$100,000 to the current contract and would increase the tax rate to roughly 1-cent.

Councilwoman Vandenberg explained she and Mayor Pollino met with several Council members from Town of Weddington and Village of Wesley Chapel regarding the County's request for an additional officer plus a supervisor at the expense of the municipality. Mayor Pollino noted that they brain stormed ideas of either combining forces and collectively create a stronger contract to give each municipality more voice and more control in the contract negotiations.

After a lengthy discussion, Council said they were open to further discussions and contract negotiation with the Union County Sheriff's office.

D. Discussion of Council Calendar Revision:

Council discussed changing their June 6 meeting to June 4 due to scheduling conflict.

ACTION: Councilwoman Vandenberg made a motion to move the June 6 meeting to June 4 due to scheduling conflicts. The motion passed with unanimous consent of Council.

Council discussed changing the time of their work sessions with a hard stop time at 2 pm.

ACTION: Councilwoman Vandenberg made a motion to change the time of the work session meeting from 10 am to 11 am with hard stop at 2 pm. The motion passed with unanimous consent of Council.

E. Budget Amendment to Increase Legal Fees:

Ms. Alphin passed out a Budget Amendment to cover the cost of additional legal fees. She explained: The amendment is a good estimated amount based on trends that would last a couple of months. She noted the professional services amount requested is \$50,000, which changes the total from \$137,000 to \$187,000. She noted that the professional services include: the attorney, AMT, CCOG Survey Contract, Auditor, Computer Guy, Tax Bill, and Planner Consultant. She noted the attorney fees are at the bottom. The attorney on-call is requesting \$50,000. She noted that the original budget was at \$30,000 she presented a budget amendment for another \$50,000 for a projected amount of \$130,000. She noted originally \$30,000 was moved back in December for planning purposes but did not want to spend it for another purpose without Council’s knowledge. Ms. Alphin stated that she is pulling \$20,000 from fund balance and repurposing the \$30,000 already budgeted for a different use, which is a total of \$50,000. Ms. Alphin referred to an email she sent to Council on February 4, which said that \$55,000 was spent to date on attorney fees is roughly \$19,747 to Cox, \$652 for another lawsuit to Cox, \$16,000 to another law firm for a law suit and the rest would be general expenses totaling \$37,340 related to the lawsuit.



OR-2019-02-01

AN ORDINANCE AMENDING THE GENERAL FUND BUDGET ORDINANCE

BE IT ORDAINED by the Village Council of the Village of Marvin, North Carolina that the following amendment be made to the annual budget ordinance for the fiscal year ending June 30, 2019:

SECTION 1. To amend the General Fund Budget, the appropriations are to be changed as shown:

TYPE	BUDGET ACCOUNT	AMOUNT	FROM	TO
Expense	Professional Services	\$20,000	\$137,825	\$157,825
Fund Balance	Unassigned Fund Balance	(\$20,000)	\$522,023	\$502,023

Reason: To appropriate unassigned fund balance for attorney fees that are expected to be in excess of the amount budgeted. Attorney fees are included in the Professional Services budget line item and are to be changed as shown below:

TYPE	SUB ACCOUNT AFFECTED	AMOUNT	FROM	TO
Expense	Professional Services - Attorney Fees On Call Services (a/c 50011)	\$50,000	\$80,000	\$130,000
Expense	Professional Services - Planning / Zoning Consultant (a/c 5006)	(\$30,000)	\$34,900	\$4,900
Revenue	Fund Balance Appropriated	\$20,000	\$50,000	\$70,000

SECTION 2. Copies of this budget amendment shall be furnished to the Clerk to the Governing Board, and to the Budget Officer and the Finance Officer for their direction.

Adopted this 12th day of February 2019.

Joseph E. Pollino Jr., Mayor
Village of Marvin

Attest:

Barbara R. Blackwell, NCCMC
Clerk, Village of Marvin

Councilwoman Shkut noted that she approves of the general policy but wanted to be careful, when appropriating funds, that requirements of the policy are not overlooked. She questioned the steps for appropriation or making sure the funds are available when a policy is adopted. She also asked who makes the decisions on how the funds are used and what actions Council uses to spend those funds, where is the oversight. Who oversees the management of the funds for the Village? What are the checks and balances for the expenses.

Mayor Pro Tem Dispenziere noted that it is the Council that provides the checks and balances for the Village funding.

After a lengthy discussion Council made the following motions:

Village Attorney explained: This resolution was drafted based on the NC Statute §160A-167 that allows municipalities to have this type of policy for an insurance company to pay legal fees. Council directed the attorney to create a resolution to appeal to the insurance company's denial to pay legal fees.

ACTION: Mayor Pollino made a motion to request the attorney to draft a resolution to appeal to the insurance company their decision to refuse to approve the Villages claims to pay legal fees for Council to review and approve at their work session to resolve the budget issues. The motion passed by unanimous consent of Council.

ACTION: Councilwoman Vandenberg made a motion to approve the budget ordinance OR-2019-02-01 to amend the General Fund Budget Ordinance. The motion received a tie vote of 2-yeses and 2-nays. Mayor Pro Tem Dispenziere and Councilwoman Vandenberg voting in favor and council members Shkut and Epps voting opposed. Mayor Pollino broke the tie voting in the affirmative.

Village Attorney noted that the ordinance would need to be on the next work session agenda because the ordinance needed a 2/3 vote the first time it is introduced to pass. Ms. Cox also noted at the next meeting Council only needed a simple majority for the ordinance to pass.

UNFINISHED BUSINESS ITEMS

A. Review of Survey Questions

ACTION: By unanimous consent of Council this item was tabled and sent back to the Planning Board for further review.

VILLAGE HALL

A. Ms. Alphin handed out an updated project timeline and the activity and expenditures sheet that details the information for the Urban Architectural Group Contract Amendments with estimated costs for the following:

1. **Detail Sheet Revisions:** Cost: NTE \$1500
To change detail sheets to reflect elevations (façade) options for “White” and “Stone” Options – this is needed in order for contractors to effectively bid prices on these options. Council will reserve the right to choose at the bid opening which option they want to go with.
2. **Detail Sheet Revisions:** (if an alternate is chosen after bid taken) Cost: Est. \$1500
To change minor detail in other detail sheets (to clean up any changes needed from a change in façade)
3. **Bidding Service:** Cost: \$95/hr (Est. \$2k-5k)
To help in RFP creation, notice, pre-bid meeting, bid opening, bid assessment, etc.
4. **Other Services** – Meetings
5. **Contract Administration** - \$6,000
6. **Spec Manual** – Est. \$6500

Ms. Alphin noted the architect suggested having a specs manual that identifies in detailed construction specifications for each project. However, the specs for the project are already identified in the back of the construction plans for the new Village Hall.

ACTION: Councilwoman Shkut made motion to approve the activity and expenditures on the sheet titled Urban Items for Decisions on Contract Amendments as presented minus the specification sheets as amended. The motion passed with unanimous consent of Council.

AGENDA ITEMS

A. Review of Action Items:

- Send the CCOG office address to the Mayor and Councilwoman Shkut.
- Ms. Alphin will contact Waxhaw to discuss sharing police service with the Village of Marvin.
- Ms. Cox will draft a resolution appealing the NCLM decision to pay legal fees.

B. Council Comments:

Councilwoman Shkut: She thanked everyone for their patience with her inquires. She thanked staff for all their work. She apologized for not being able to attend the retreat due to high fever and asked Council to forgive her absence.

Councilman Epps: He thanked Christina and Barbie for a good meeting and for preparing the Village Hall information.

Councilwoman Vandenberg: She thanked staff for a good retreat, appreciated all the delicious food and the hard work staff did in preparation of the meeting. She welcomed and shared her excitement to have Rohit as the new planner.

Mayor Pro Tem Dispenziere: He thanked staff for the retreat and working together. He wished that Council could have gotten more accomplished. He was good with all the work staff did in preparing for the meeting, so Council could move forward and staying on track. He thanked Ms. Cox for her service as the Attorney for the Village of Marvin. It was a good meeting. Keep moving forward.

Mayor Pollino: He thanked staff for the good meeting, good food and for staff's hard work. He welcomed Rohit Ammanamanchi as the new planner. He thought the retreat was productive. He shared that he had received several calls regarding cancelled meetings. He asked Council to please respond to the Clerk's email when asked for a quorum checks to ensure there are no cancelled meetings.

He also asked to add discussion for rules of minutes. Review at the work session on how we do the minutes. Mayor feels that if Council just gets back to preparing and reviewing simple high-level minutes. He added it was good to see the officers out on a rainy day at Marvin/New Town Roads.

C. Closed Session in pursuant of NCGS §143-318.11(a)(3) to preserve the attorney-client privilege between the attorney and the public body of the lawsuit – Shkut v. Village of Marvin 18 CVS 1853:

ACTION: Mayor Pollino made a motion to move into closed session pursuant of NCGS §143-318.11(a)(3) to preserve the attorney-client privilege between the attorney and the public body of the lawsuit – Shkut v. Village of Marvin 18 CVS 1853. The motion passed with unanimous consent of Council.

ACTION: Councilwoman Shkut requested to recuse herself from the closed session.

ACTION: Council accepted Councilwoman Shkut's request to recuse herself from the closed session.

ACTION: Councilwoman Vandenberg made a motion to come out of closed session at 10:30 pm.

ACTION: The motion passed by unanimous consent of Council.

ADJOURNMENT

ACTION: Councilwoman Vandenberg made a motion to adjourn the meeting at 10:30 pm. The motion passed with unanimous consent of Council.