



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

November 14, 2017 – 6:30 p.m.

Village Hall, 10004 New Town Road

Agenda – Revised

1. **ADOPTION OF AGENDA**
2. **PLEDGE OF ALLEGIANCE**
3. **PUBLIC COMMENT**
4. **CONSENT AGENDA**
 - a. Adopt the September 2017 Treasury Report
 - b. Adopt the Meeting Minutes*
 - i. ~~July 11, 2017 (revised)~~
 - ii. ~~July 27, 2017 (revised)~~
 - iii. ~~August 8, 2017 (revised)~~
 - iv. ~~August 14, 2017 (revised)~~
 - v. ~~August 24, 2017~~
 - vi. ~~August 31, 2017 (revised)~~
 - c. Deputy's Report
 - d. Call for a Public Hearing on December 12, 2017 at 6:30 pm at the Village Hall, 10004 New Town Road, (*Purpose is to hear Conditional Use Permit Application #17-11979, 3000 Groves Edge Lane, Marvin, NC.*)
5. **PUBLIC HEARINGS**
 - a. Discussion and Consideration of Temporary Use Permit #17-11972 (*TUP #17-11972 Tree Lighting Ceremony on December 9, 2017 from 4-6 pm.*)
 - b. Discussion and Consideration of Abandoning Rising Road (*Closure of Rising Road, located entirely within the Three Pond Acre Subdivision.*)
6. **ADMINISTRATOR'S REPORT**
7. **UNFINISHED BUSINESS**
 - a. Discussion and Consideration of revisions to P-2017-10-02 Abandoning Rural Roads offered for public dedication
8. **NEW BUSINESS**
 - a. Discussion and Consideration of the new Village Hall Sign (*Councilman Epps*)
 - b. Update on Village Hall Design and Build Project
 - c. Discussion and Consideration on the Canterfield Paving Parameters (*SR 2840, Paving / Maintaining 0.03 miles of roadway at the end of Streamside Lane.*)
 - d. Discussion and Consideration of permitting Tiny Tots Soccer Clinics
 - e. Discussion and Consideration of the 5-year Greenway Development Plan
 - f. Discussion and Consideration of Council Retreat format (*Councilman Epps*)
 - g. Discussion and Consideration of holiday hours for Marvin Efirm Park
 - h. Discussion and Consideration of Development Pre-meeting processes*
9. **UPDATE ON COMMUNITY OPEN HOUSE**
10. **REVIEW ACTION ITEMS** – Quarterly review of action items
11. **ADJOURNMENT**

*Revised at the meeting.



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VILLAGE OF MARVIN Council Regular Meeting Minutes November 14, 2017 10004 New Town Road, Village Hall

Mayor Pollino called the meeting to order at 6:30 p.m.

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

The following staff was present:
Barbie Blackwell, Village Clerk
Melanie Cox, Village Attorney
Mary Shkut, Interim Planner

ADOPTION OF AGENDA

Councilman Salimao and Councilman Epps requested Meeting Minutes be tabled until the next meeting.

Councilman Epps requested that *(h)* "Development and Consideration of Development Pre-meeting Process" be added to New Business.

Ms. Shkut explained Conditional Use Permit #17-11979 listed under Consent Agenda to the Council.

Motion: Councilman Dispenziere made a motion to adopt the Agenda as amended.

Vote: The motion passed unanimously.

PLEDGE OF ALLEGIANCE

The Council led the Pledge of Allegiance.

PUBLIC COMMENT

No one was signed up to speak.

CONSENT AGENDA

- a. Adopt the September 2017 Treasury Report.
- b. Deputy's Report.

- c. Set a Public Hearing for December 12, 2017 at 6:30 pm at the Village Hall, 10004 New Town Road, to hear and approve Conditional Use Permit Application #17-11979.

Motion: Councilman Salimao made a motion to approve the Consent Agenda as revised.

Vote: The motion passed unanimously.

PUBLIC HEARINGS

- a. Discussion and Consideration of Temporary Use Permit #17-11972.

Motion: Councilman Epps made a motion to open the Public Hearing at 6:43 p.m.

Vote: The motion passed unanimously.

No one was signed up to speak.

Motion: Mayor Pro Tem Beaty made a motion to close the Public Hearing at 6:43 p.m.

Vote: The motion passed unanimously.

Ms. Blackwell explained it would take approximately six hours to set up for the tree lighting event and one hour to clean up afterward. Staff estimated 300 people would attend. She said Santa would be there; school bands, choirs, and local musicians would play Christmas carols; and crafts and activities were planned for children with snacks and drinks provided. She stated it satisfied the Temporary Use Permit restrictions and Marvin Zoning Ordinance §151.051(D). Ms. Blackwell said information would be sent out via multiple emails on MailChimp and put on the website.

Mayor Pollino stated he wanted to make sure everyone knew Santa was only there for an hour. Councilman Salimao asked that information be sent out to the HOAs because he considered this one of the better town events. Councilman Epps asked if there was signage and Ms. Blackwell answered a banner used in the past would be put out.

Council members discussed the high school band and choral groups and asked if they had been contacted. Ms. Shkut stated they were but were reviewing timing due to previously scheduled events, so she did not have an answer for them.

Ms. Shkut explained the Council had to vote on each finding of fact when they made a motion and voted.

Motion: Mayor Pro Tem Beaty made a motion in accordance with Marvin Zoning Ordinance, §151.051(D), to issue Temporary Use Permit #17-11972 for public event tree lighting to be held on December 9, 2017. Be it noted that the proposed temporary use will not materially endanger the public health, welfare and safety; the

proposed temporary use will not have a substantial negative effect on adjoining properties; and the proposed temporary use is in harmony with the general purpose and intent of the Ordinance and preserves its spirit.

Vote: The motion passed unanimously.

b. Discussion and Consideration Rising Road closure.

Motion: Mayor Pro Tem Beaty made a motion to open the Public Hearing at 6:53 p.m.

Vote: The motion passed unanimously.

No one was signed up to speak.

Motion: Mayor Pro Tem Beaty made a motion to close the Public Hearing at 6:53 p.m.

Vote: The motion passed unanimously.

Ms. Shkut stated the Council called for a Public Hearing on November 14th with a Resolution of Intent to withdraw the public dedication of the Three Pond Acre Subdivision road, thereby making it a privately-maintained road. She told the Council she went through the approved plat and the Maintenance Agreement, which contained all the required provisions and ensured maintenance of the road was shared amongst the owners. She stated the road was part of a rural subdivision, which was a stipulation of the Council, and would be servicing no more than six homes. She then recommended approval.

Mayor Pollino asked how many homeowners there currently were and Ms. Shkut answered there was one, but any time a lot was sold, the prospective homeowner would sign the Covenants and take on the shared maintenance of the road.

Councilman Salimao pointed out the Resolution did not actually reference Three Pond Acres was a rural subdivision, so Ms. Shkut suggested adding language to the first paragraph, which would stipulate the road was within a rural subdivision. Councilman Salimao said he was okay with this.

Motion: Councilman Salimao made a motion for adoption of Resolution of Intent, RS-2017-10-01, to close a street/road and to approve the private driveway, Rising Road, located in the Three Pond Acre Subdivision.

Vote: The motion passed unanimously.

ADMINISTRATOR'S REPORT

Ms. Shkut stated the Senior Vice President of Marvin Gardens reached out and told her they probably would not submit the next phase of their development until 2018 because they were

fairly busy. He told her the Village would get a draft project timeline and a tentative store opening date soon.

Mayor Pro Tem Beaty asked that the timeline be posted to the website when it was received because Council members received a lot of questions about it.

Ms. Shkut stated a Development Manual with policies around development applications and how they worked was created for residents, applicants, and Village Staff. She drafted one from the retreat, and if everyone was in agreement, she would bring it to the next meeting. Mayor Pro Tem Beaty asked if the manual had hot links to the codified Ordinances and references and Ms. Shkut told him they could add them.

Ms. Shkut discussed Lot 51 at Providence Road Estates and explained the builder now sought access through a lot that had not been annexed and was technically in Unincorporated Union County. She investigated the Union County Ordinances and had some ideas how that might be problematic and said she would keep the Council posted. Councilman Epps said anything they could do to protect the subdivision and asked if they had considered consolidating their HOA. She answered there was an umbrella HOA with subgroups underneath that each had very similar Covenants. She believed there might be some issues with passing a road off as a development in a subdivision.

Ms. Shkut told the Council she was working on the last set of amendments from the Planning Board and the Land Use Plan would be done at their next meeting. She hoped to have the final version in December. Mayor Pro Tem Beaty asked if there were any comments from the public information meeting and she answered she would disclose them during the Community Open House portion.

Motion: Councilman Epps made a motion to suspend the rules to add a budget amendment for landscaping at the Tullamore Subdivision.
Vote: The motion passed unanimously.

Ms. Shkut stated she hoped the Council would welcome a new employee who had a lot of skills the Village could utilize. She had already completed the backlog of Parks, Recreation, and Greenway and Planning Board Minutes and had taken on some tree lighting event tasks, including passing out flyers to the schools that day. The PRG Board was thrilled to have a liaison and Staff was happy because they had been stretched thin.

After a brief mention of mulch, Councilman Salimao pointed out the original mulch was rubberized while the newer mulch was not and was harder. Mayor Pro Tem Beaty explained there were reports the rubberized mulch contained toxic materials, which was why they moved away from it.

Ms. Shkut stated she had begun to sketch out some newer processes for the Village she believed would work.

Mayor Pollino asked if all work was done on the V Drive. Ms. Shkut said everyone worked on their individual computers and then moved completed documents to the V Drive. Mayor Pro Tem Beaty stated the V Drive needed to move to the cloud because it had more storage and allowed access to everything. Discussion followed on the benefits of moving the V Drive to the cloud.

Ms. Shkut informed the Council the first round of landscaping was installed at the Tullamore Subdivision. The remainder of the budget was being held in reserve to make sure the plants thrived, as well as for additional screening that might be needed per the Zoning Ordinance for parking lot screening. Mayor Pollino asked if the Village did the planting itself and was told Mr. Durst had hired the Village Landscaper to do the digging. Councilman Epps explained the plants were warrantied. Irrigation around the area was discussed.

Ms. Shkut stated they were ready to begin seeking bids for the Village Hall, but because it was a fairly large project, she wanted to consult with the Village Attorney. Councilman Epps suggested working with the architect as well to get a detailed scope that should lessen the amount of change orders. Councilman Salimao proposed holding a special meeting to discuss the scope when it was ready.

Ms. Shkut encouraged members to read her update attachment regarding the roundabout construction. Councilman Epps stated he was told end of spring and thought part of the holdup was the easement process. Councilman Salimao requested this information be put on the website as soon as she was given dates. Council members discussed having information accessible via their phone system, so Staff would not have to address traffic-related questions.

Mayor Pollino stated he and Councilman Dispenziere attended a CRTPO meeting, where they asked about the roundabouts because he was concerned how much notification they could give the surrounding areas. Councilman Dispenziere concurred and added they could be told a start date of February 1st with an end date of April 15th but all that meant was they had to complete the work by April 15th, not that they would definitely start on the 1st.

Mayor Pollino asked if it was possible to complete the roundabouts before Providence Downs was allowed to close the neighborhood off, which would push 3,000 to 4,000 cars onto Marvin School Road.

Ms. Shkut then read information she was given about detours and law enforcement at different intersections during peak hours. She was told NCDOT could create their own construction schedule as to when a closure would take place and which roundabouts were built and when. She said NCDOT planned to reach out to the Board of Education for its preference on which roundabout to complete first as only one would be completed during the summer months.

She stated NCDOT would send out press releases about a week before the first closure and they planned to have message boards advising upcoming closures.

NCDOT planned to install irrigation conduit in the roundabout circles but not the median island. If the Village wanted conduit into the medians, it would have to develop a landscaping plan for NCDOT to approve, which all Council members agreed they wanted.

Ms. Blackwell stated a breakdown of NCDOT's cost versus the Village's for the three subdivisions was in their packets. Councilman Salimao told Ms. Blackwell he would like a maintenance agreement as well. Mayor Pollino asked if the Village took over the roads once they were complete. Councilman Epps requested this information also be put on the website once the contract was signed.

Ms. Shkut received an application from an Eagle Scout group requesting permission to build a pathway that would [add a loop 1:20:00] to the school entrance without having to go through the parking lot. They provided plans and a PowerPoint presentation to her and also reached out to the Board of Education. She told the Council she would keep them apprised of the project.

UNFINISHED BUSINESS

- a. Approval of P-2017-10-02 Policy for Abandoning Rural Roads offered for public dedication.

Ms. Shkut explained the only policy changes included a definition of rural subdivisions and clarification the policy pertained exclusively to rural subdivisions. Staff also changed the wording in the application.

Motion: Mayor Pro Tem Beaty made a motion to suspend the rules to amend Unfinished Business (a) "*Discussion and Consideration of revisions to P-2017-10-02, Abandoning Rural Roads offered for public dedication,*" to (a) "*Discussion and Consideration of revisions to P-2017-10-01, Abandoning Rural Roads offered for public dedication.*"

Vote: The motion passed unanimously.

Motion: Councilman Salimao made a motion to approve amended policy, P-2017-10-01, as presented.

Vote: The motion passed unanimously.

NEW BUSINESS

- a. Discussion and Consideration of the new Village Hall Sign.

Councilman Epps presented the cost breakdown for installing a single versus double-sided sign, as well as deer cameras in front of the new Village Hall. He said he was happy to initiate the project but hoped Ms. Shkut or Mr. Durst could meet with the sign company. Council members voiced their opinions and discussed the type of sign, colors, and its location.

Motion: Councilman Epps made a motion to purchase at future site of Marvin Village Hall a sign not to exceed \$750 installed. The sign will be ordered and installed as soon as possible with funds taken from the Village Hall budget. The sign must adhere to the Village of Marvin Sign Ordinance.

Vote: The motion passed unanimously.

b. Update on Village Hall Design and Build Project.

Ms. Shkut had samples of the architect's recommended exterior changes and Council members discussed colors and materials.

c. Discussion and Consideration on the Canterfield Paving Parameters.

Councilman Salimao asked if this was part of Canterfield's driveway and Mayor Pro Tem Beaty answered it was a cul-de-sac with curb before the driveway into the parking lot. The Council considered why this was left out of the resurfacing project and if it should be included.

Motion: Councilman Salimao made a motion to add the 0.03 cul-de-sac to the Canterfield paving parameters.

Vote: The motion passed unanimously.

d. Discussion and Consideration for permitting Soccer Shots Soccer Clinics.

This was brought up to the Parks, Recreation, and Greenway Board who passed it on to the Council.

Councilman Salimao stated Soccer Shots sounded like a business. Ms. Shkut explained it was like a photography license, where it was a private business that paid a \$100 fee for their pass to take photos in the park. Councilman Salimao asked if they paid the fee and Ms. Shkut told him they purchased a \$100 professional pass. She said this was temporary until the spring because their fields were under construction. The children in the group were no older than 6 years old.

Mayor Pro Tem Beaty asked if the Village was indemnified and Ms. Cox answered a release needed to be signed.

Councilman Dispenziere stated some Council members had promised residents it would be a passive park and not used for sports and asked how they would regulate that. Ms. Shkut answered the Village policy needed to be better defined. Mayor Pollino suggested limiting the amount of children.

The Council discussed passing it back to the PRG Board to look into different usages and send those suggestions back to the Council. Ms. Shkut told the Council she had the original

approved site plan, which contained a list of permitted uses. She recommended an actual list of approved uses be created.

Motion: Councilman Salimao made a motion to approve temporary use of the Park by Soccer Shots clinics until May 30, 2018, with the condition they sign a release and indemnification. The clinic will not exceed 15 children.

Vote: The motion passed unanimously.

e. Discussion and Consideration of the 5-year Greenway Development Plan.

Ms. Shkut stated the Parks, Recreation, and Greenway Board referenced a 5-year Plan in its last meeting but she realized the list had not been provided to and/or approved by the Council. She felt it was important to have the Council's approval of the list before moving forward and provided the map in their packets for review.

Mayor Pro Tem Beaty stated they needed to remove (A) because it was private property. Members then discussed the remainder of the list items.

Ms. Shkut asked Council members if there were any changes they would make to the list. If they were in agreement with it, she could then discuss particular tasks.

The Council directed Ms. Shkut to have easements and planning design done and then get estimates for surveys. Ms. Shkut stated the PRG Board was anxious to move forward and she felt she was holding them back.

Ms. Shkut confirmed moving forward with the Tullamore trail and then the Preserve. Members discussed whether funds should be made available to the PRG Board.

Councilman Salimao stated the Council would commit to funding the two segments not to exceed \$100,000. Once they had an estimate, they would insert the cost.

f. Discussion and Consideration of Council Retreat format.

Councilman Epps suggested saving money by not going to Firethorne for a two-day retreat. He felt Council could accomplish its goals in a one-day meeting on a Friday in January or February and then meet with the Planning and Parks, Recreation, and Greenway Boards individually within a couple of weeks of the retreat. The other Council members stated they agreed with this.

Ms. Shkut was directed to look at scheduling a day at the end of January, so the Council could meet with one Board in February and the other in March.

g. Discussion and Consideration for holiday hours for Marvin Efird Park.

Ms. Shkut told Council members in an effort to be conservative, the Finance Officer advised part-time hourly workers should not work on any holiday because they would get time-and-a-half. Council members stated they were okay paying time-and-a-half for a part-time employee to cover shifts for the solitary full-time employee. A round table dialogue followed regarding the days the Park should be open or closed.

Motion: Councilman Salimao made a motion to approve Marvin Efir Park would be closed on Thanksgiving, Christmas Eve, Christmas, New Year's Eve, and New Year's days.

Vote: The motion passed unanimously.

h. Discussion and Consideration of development pre-meeting processes.

Councilman Epps stated there was a tendency for developers to get the false impression a plan would be approved and suggested before approaching the Council, they get online to check the Ordinances to see if their project was viable. He did not want to waste everyone's time for a pre-meeting or special meeting on something that did not fit the Ordinances.

Mayor Pollino said developers used to come to meetings as part of the Agenda and present their ideas so they would know before they spent money if their ideas could work. He suggested they could save developers time and money by having them check the Ordinances first to see if the proposed project abided by them. If the plan was just outside the Ordinances or they felt they could get it through with a conditional use, they could come to a meeting.

Ms. Shkut suggested Council members tell developers to meet with the Administrator and follow the process to keep themselves out of the conversation.

Mayor Pro Tem Beaty suggested giving a set amount of time for a developer to come before the full Council to give a conceptual pitch before they moved forward and made an investment.

Councilman Epps suggested everyone make notes to be brought to the next meeting for discussion. The subject was tabled until the next meeting.

UPDATE ON COMMUNITY OPEN HOUSE

Ms. Shkut stated she had put information about the public information meeting on the website, emails were sent, and two Open House banners were placed outside. At the meeting, they showcased the Village Hall posters on one side of the room and the Land Use Plan maps with a slideshow on the other. She said about 30 people attended and there were lots of questions but only six comment sheets were filled out. Mayor Pollino passed along a compliment he had heard on how nicely it was set up.

Residents asked about long-term versus short-term costs, why the Council did not wait until the road problems were fixed first, if other sites were considered, what indoor facilities were

provided, and how much it would cost annually to maintain. They wanted to ensure the building was not too big, suggested letting the public vote on it, and thought more parking was needed if the meeting room was to be used by the public. Others were very excited and impressed and loved the details presented. She said some needed to have the Hall architecture explained to them but understood and were okay with it once it was.

Ms. Shkut stated what she heard most often was residents wanted to hear and see the facts for themselves. Some residents said they had not heard about the Hall beforehand and wanted to make sure they were heard.

Regarding the Land Use Plan, Ms. Shkut stated residents were overwhelmingly relieved after viewing pictures. They were pleased with redevelopment concepts and liked that uses looked unconventional. They were more concerned about commercial development of any kind and did not want higher-density developments because traffic was their biggest issue.

When residents were told the Plan was driven by their survey results, they had a lightbulb moment. They were also concerned with how far the Village Hall District extended in proximity to their property.

Councilman Epps said he liked that information was gathered clinically and added he would like to see more mailers or newsletters sent out. Mayor Pollino suggested all residents could be contacted by having the mailers be sent to the HOAs for distribution. Discussion ensued between members on how to reach more residents consistently.


REVIEW ACTION ITEMS

1. Update Development Manual on website to include hot links.
2. Check what type of mulch is at the park.
3. Work on connecting irrigation in the back of the Tullamore parking lot and Canterfield [to share irrigation 3:38:00].
4. Put roundabout dates on website as soon as they are available and provide NCDOT contact information, as well as tech drawings.
5. Add resurfacing costs to the website.
6. Village Attorney to approve [Powell 3:39:11] contract numbers.
7. Ask Parks, Recreation, and Greenway Board to define professional pass.
8. Research NCDOT and check with Lisa regarding flashing light and crosswalk at Woodcliff.
9. Bring back development pre-meeting process for discussion and consideration at December's meeting.
10. Send out more quarterly newsletters to residents in the mail and email to HOA Presidents.
11. Give Ms. Vandenberg a copy of this meeting's packet.
12. Add widening of Providence Downs' roads and how much the Village will contribute for discussion at December's meeting.
13. Have Mr. Durst do a drive-through of the streets to see where site lines have not been cleared of obstructions and clear those the Village is responsible for.


ADJOURNMENT

Motion: Councilman Salimao made a motion at 10:17 p.m. to adjourn.
Vote: The motion passed unanimously.

Adopted: April 10, 2018



Joseph E. Pollino Jr., Mayor



Barbara R. Blackwell, Clerk

