



VILLAGE OF MARVIN

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VILLAGE COUNCIL REGULAR MEETING
February 13, 2018 – 6:30 p.m. Village Hall

Agenda

1. ADOPTION OF AGENDA
2. PLEDGE OF ALLEGIANCE
3. PUBLIC COMMENT
4. ADMINISTRATOR'S REPORT
5. CONSENT AGENDA
 - a. Approve 2017 Tax Refunds as of January 31, 2018
 - b. Adopt Meeting Minutes
 - July 11, 2017
 - ~~July 27, 2017*~~
 - August 8, 2017
 - August 14, 2017
 - August 24, 2017
 - ~~August 31, 2017*~~
 - c. Call for a Public Hearing to be held on March 13, 2018 at 6:30 pm at the Village Hall for CUP#17-12010 for a 24' x 8' porch.
 - d. Renew the Elysian Fields Subdivision Bonds for Water Line Improvements (\$65,156) and Road Improvements (\$90,673) for 2 years expiring 5/27/2020
 - e. Adopt RS-2018-01-01 a Resolution to Assume Maintenance of Certain NCDOT Roads within the Weddington Chase and Oakbrook Subdivisions
6. UNFINISHED BUSINESS
 - a. ~~Discussion and Consideration of Development Manual and Pre Meeting Process*~~
 - b. Discussion and Consideration of NC 16 Widening and Bicycle/Pedestrian Accommodations and Village Commitment
7. NEW BUSINESS
 - a. Discussion and Consideration for reappointment to the Planning Board for a 3 year staggered term expiring 3/1/2021 (*Heather Danenberg and Paul Cappiello*)
 - b. Discussion and Consideration of filling a vacant seat on the Planning Board for a term beginning 3/1/2018 and expiring 3/1/2021
 - c. Discussion and Consideration of appointing an Alternate to the Board of Adjustment for a term expiring 3/1/2019*
 - d. Discussion and Consideration of filling vacant seats on the PRG Board for terms expiring 9/1/18 and 9/1/19
 - e. Discussion and Consideration allowing Council to participate in the Village of Marvin's Healthcare Plan at no cost to the Village (*Council shall pass a resolution reflecting their approval to participate*)
 - f. Discussion and Consideration of using electronic signature services for Village of Marvin documents (*when necessary*)
 - g. Discussion and Consideration of proposed amendments to the Marvin Village Council's Rules of Procedures and Policies and Procedures (*Rule 14 Order of Business: Add: (Council Comments), Rule 40 Meeting Minutes: Add: (The Clerk shall keep Executive Summary minutes of all Council meetings) and Rule 41 Appointments: Replace: (The mayor shall have the right to vote on all appointments that come before the Council) Remove: (only in case of a tie.)**)
 - h. Discussion and Consideration of proposed letter to HOA Presidents from the Village
 - i. Discussion and Consideration of meeting with Landowners in the downtown corridor
 - j. Discussion and Consideration of plaque for Lanny Openshaw
8. UPDATE ON VILLAGE HALL
9. UPDATE ON SUBDIVISION ROAD
10. REVIEW OF ACTION ITEMS
11. COUNCIL COMMENTS
12. MOVE INTO CLOSED SESSION PURSUANT TO NCGS 143-318.11 (A)(6) TO CONSIDER THE QUALIFICATIONS AND CONDITIONS OF INITIAL EMPLOYMENT OF A PROSPECTIVE PUBLIC OFFICER OR EMPLOYEE
13. ADJOURNMENT

*Revised at the meeting

VILLAGE OF MARVIN
Council Regular Meeting Minutes
February 13, 2018 – Village Hall
Executive Summary Minutes

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

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

Councilman Robert Epps was absent.

The following staff were present:

Christine Robertson, Interim Village Administrator / Finance Officer

Barbie Blackwell, Clerk

Derek Durst, Park Manager

Melanie Cox, Village Attorney

1. ADOPTION OF AGENDA

Councilwoman Vandenberg added a new item d. (*under New Business: Board of Adjustment appointment*).

Councilman Salimao added a new item 7.j (*under New Business an Update on the Lanny Openshaw plaque*).

Mayor Pro Tem Dispenziere added a new item 6.c. (*under Unfinished Business an Update on the 2017 Land Use Plan*).

Motion: Mayor Pro Tem Dispenziere moved to adopt the agenda as amended.

Vote: The motion carried with a unanimous vote.

2. PLEDGE OF ALLEGIANCE

Council led the Pledge of Allegiance.

3. PUBLIC COMMENTS

Mr. Sridhar Chefoori, Walkers Bluff Court, spoke of the Tullamore easement area. Mr. Chefoori presented his comments to Clerk for the record. (*See the attached: Public Comment is hereby incorporated by reference and made a part of these minutes*).

Ms. Heather Danenberg of Belmont Lane noted she was up for reappointment on the Planning Board. She requested that Council reappoint her and Paul Cappiello on the Planning Board. She noted that Kelly Cates submitted her application for Planning Board and would be an excellent representative to fill Jennifer Sloten's spot.

4. ADMINISTRATOR'S REPORT

Ms. Robertson presented the following items from her report to Council:

- Deputy Swan's January Report.
- She present a gift card, and a draft proclamation and service certificate in recognition of Brian Beaty. Council directed Ms. Robertson to invite Mr. Beaty to the March 13 meeting if he is available to attend.
- The Village processed 173 credit card transactions for 2017. She noted this service allows individuals to make online payments.
- The Village received the paperwork for the third roundabout, which gives Council 30 days to return the signed agreement along with a check for Marvin's allocation.

5. CONSENT AGENDA

Motion: Mayor Pro Tem Dispenziere moved to adopt the consent agenda as amended.

Vote: The motion carried with a unanimous vote.

Council took the following actions:

- Table the July 27, 2017 work session meeting minutes until the March 13 meeting.
- Tabled August 31, 2017 work session meeting minutes until the March 13 meeting.
- Adopted July 11, 2017 regular minutes with minor revisions.
- Adopted August 8, 2017 regular minutes with minor revisions.
- Adopted August 14, 2017 special called meeting minutes with minor revisions.
- Adopted August 24, 2017 special called meeting minutes.
- Approve 2017 Tax Refunds as of January 31, 2018 (*See the attached: 2017 Tax Refunds Report is hereby incorporated by reference and made a part of these minutes*).
- Call for a Public Hearing to be held on March 13, 2018 at 6:30 pm at the Village Hall for CUP#17-12010 for a 24' x 8' porch (*See the attached: CUP #17-12010 is hereby incorporated by reference and made a part of these minutes*).
- Renew the Elysian Fields Subdivision Bonds for Water Line Improvements (\$65,156) and Road Improvements (\$90,673) for 2 years expiring 5/27/2020
- Adopt RS-2018-01-01 a Resolution to Assume Maintenance of Certain NCDOT Roads within the Weddington Chase and Oakbrook Subdivisions (*See the attached: RS-2018-01-01 is hereby incorporated by reference and made a part of these minutes*).

6. UNFINISHED BUSINESS

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

Motion: Councilman Salimao moved to table discussion until the March 13, 2018 meeting to include Councilman Epps in the discussion.

Vote: The motion carried with a unanimous vote.

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

Motion: Councilman Salimao moved to approve option 1 with bike lanes on both sides.

Vote: The motion carried with a unanimous vote.

c. Update on the 2017 Land Use Plan (*See the attached: RS-2018-01-01 is hereby incorporated by reference and made a part of these minutes*).

Motion: Mayor Pollino moved to request Mr. Paul Cappiello to relinquish the latest revisions he made on the Land Use Plan.

Vote: The motion carried with a vote of 2 ayes and 1 nay. Councilman Salimao was the no vote.

7. NEW BUSINESS

a. Discussion and Consideration for reappointment of Heather Danenberg and Paul Cappiello to the Planning Board for three-year staggered terms expiring 3/1/2021.

Motion: Mayor Pro Tem Dispenziere moved to approve the reappointment of Heather Danenberg and Paul Cappiello to the Planning Board for three-year staggered terms expiring 3/1/2021.

Vote: The motion carried with a unanimous vote.

- b. Discussion and Consideration of filling a vacant seat on the Planning Board for a term expiring 3/1/2021. Applications were submitted from Dale Bishop and Kelly Cates.

Motion: Councilman Salimao moved to appoint Kelly Cates to the Planning Board for three-year staggered term expiring 3/1/2021.

Vote: The motion failed with a vote of 1 aye and 2 nays. Councilwoman Vandenberg and Mayor Pro Tem Dispenziere were the nay votes.

Motion: Councilwoman Vandenberg moved to appoint Dale Bishop to the Planning Board for three-year staggered term expiring 3/1/2021.

Vote: The motion passed with a vote of 2 ayes and 1 nay. Councilman Salimao was the nay vote.

- c. Discussion and Consideration of filling vacant seats on the Parks, Recreation and Greenway Board for terms expiring 9/1/18 and 9/1/19.

Motion: Mayor Pollino moved to appoint Viswanathan Swarama to the PRG for a term expiring 9/1/2019.

Vote: The motion carried with a unanimous vote.

Motion: Mayor Pollino moved to appoint Bob Nunnenkamp to the PRG to serve an unexpired term ending 9/1/2018.

Vote: The motion carried with a unanimous vote.

- d. Discussion and Consideration of filling a vacant Alternate seat on the Board of Adjustment Board for a term expiring 3/1/2019.

Motion: Mayor Pollino moved to appoint Mike Gilboy as Alternate to the Board of Adjustment for a term expiring 3/1/2019.

Vote: The motion passed with a vote of 2 ayes and 1 nay. Councilman Salimao was the nay vote.

- e. Discussion and Consideration allowing Council to participate in the Village of Marvin's Healthcare Plan at no cost to the Village.

Motion: Mayor Pollino moved to table discussion until the March 13 meeting.

Vote: The motion carried with a unanimous vote.

- f. Discussion and Consideration of using electronic signature service for Village of Marvin documents when necessary.

Motion: Mayor Pollino moved to approve the use of electronic signature services for Village of Marvin documents when necessary.

Vote: The motion carried with a unanimous vote.

- g. Discussion and Consideration of proposed amendments to the Marvin Village Council's Rules of Procedures and Policies and Procedures.

Motion: Mayor Pollino moved to approve Rule 14 Order of Business: Add: Council Comments.

Vote: The motion carried with a unanimous vote.

Motion: Mayor Pollino moved to approve Rule 40 Meeting Minutes: Add: The Clerk shall keep Executive Summary minutes of all Council meetings.

Vote: The motion carried with a unanimous vote.

Motion: Mayor Pollino moved to table discussion on Rule 41 Appointments until the March 13 meeting.

Vote: The motion carried with a unanimous vote.

- h. Council discussed and agreed to send out the letter to HOA Presidents and Board Members asking for HOA participation in helping communicating Village information in their neighborhoods.
- i. Council discussed and Mayor Pollino agreed to draft a letter requesting a meeting with Landowners in the downtown corridor
- j. The Park Manager will handle installing the plaque and moving the picture down of Lanny Openshaw at the park.

8. UPDATE ON VILLAGE HALL

Councilwoman Vandenberg met with architects regarding the Village Hall's interior. There is still a lot of brown, which matches the craftsman style of the exterior. Councilwoman Vandenberg would go back to meeting with the architects and ask them to redo the color pallet with blues, grays and greens.

Council asked Ms. Robertson to develop a timeline on the Village Hall to present at their Retreat on February 23.

9. UPDATE ON SUBDIVISION ROAD

Ms. Robertson noted that the letter went out the HOA's regarding their portion of the resurfacing for residents that have not annexed into Marvin. There are 16 residents in Weddington Chase Subdivision that are expected to send in petitions to annex into the Marvin. Council agreed that no refunds would be given for roads after August 1, 2018.

10. REVIEW OF ACTION ITEMS

Ms. Blackwell reviewed the action items addressed in the meeting:

- Make sure the barbed wire was removed on the Tullamore Trail.
- Ask PRG to move the Lanny Openshaw's picture down in the barn, change the park road name to Openshaw Way and install the plaque.
- Address Closed Session minutes from 2-years ago with Melanie Cox.
- Ask PRG to discuss the Farmer's Market design at their next meeting.
- Mayor Pollino requested the Benchmark report letter on the March 13 agenda to discuss the concerns and conflicts in the Code of Ordinance.
- Council directed staff to research who is participating in a healthcare plan in the County.
- Mayor Pollino and Councilwoman Vandenberg will draft a letter to landowners regarding the downtown corridor for Council's approval.

11. COUNCIL COMMENTS

- Councilman Salimao: no comments
- Mayor Pro Tem Dispenziere: no comments
- Councilwoman Vandenberg: no comments
- Mayor Pollino: no comments

12. MOVE INTO CLOSED SESSION PURSUANT TO NCGS 143-318.11 (A)(6) TO CONSIDER THE QUALIFICATIONS AND CONDITIONS OF INITIAL EMPLOYMENT OF A PROSPECTIVE PUBLIC OFFICER OR EMPLOYEE

Motion: Councilwoman Vandenberg moved to go into closed session at 8:50 pm pursuant to NCGS 143-318.11 (a)(6) to consider the qualification and conditions of initial employment of a prospective public officer or employee.

Vote: The motion carried with a unanimous vote.

Council asked Ms. Blackwell, Clerk to leave at 8:50 pm.

MOVE INTO OPEN SESSION

Motion: Councilwoman Vandenberg moved to reconvene into open session at 9:40 pm.

Vote: The motion carried with a unanimous vote.

13. ADJOURNMENT

Motion: Councilwoman Vandenberg moved to adjourn the special meeting at 9:40 pm

Vote: The motion passed with a unanimous vote.

Adopted: _____

4.10.18



Joseph E. Pollino Jr., Mayor



Barbara R. Blackwell, Clerk



Feb 13, 2018

Attention: Village of Marvin

On behalf of the Tullamore Home Owners Association, I am here to inform all the elected officials of the Village of Marvin, that if they need any more work done on their Tullamore easement areas, they should inform the Tullamore HOA Board immediately, so that the board can follow up with Pulte and make sure Pulte is responsible for completing the work, prior to our close out date with them.

Thank You

Sincerely,

Sridhar Chegoori

Tullamore HOA Board Member

Email: tullamorehoaboard@gmail.com

2017 Tax Refunds as 1/31/18

By: Nancy Schneeberger Tax Collector

Date	Amount	Parcel ID	Refund to:
11/2/2017	\$235.60	06-222016a	Wells Fargo
11/2/2017	\$20.75	06-189085	Mary Openshaw
11/13/2017	\$333.40	06-222415	Corelogic
11/15/2017	\$383.70	06-202091	Corelogic
11/15/2017	\$172.25	06-159057	Corelogic
11/15/2017	\$308.90	06-189077	
11/15/2017	\$302.90	06-222260	Corelogic
11/16/2017	\$60.00	06-225386	Corelogic
11/23/2017	\$334.10	06-201684	Corelogic
11/22/2017	\$60.00	06-225278	Corelogic
11/22/2017	\$25.00	06-186455	Corelogic
11/22/2017	\$137.60	06-186456	Corelogic
12/18/2017	\$227.65	06-201308	Corelogic
12/18/2017	\$516.65	06-204131	Corelogic
12/18/2017	\$348.55	06-222289	Corelogic
12/18/2017	\$172.25	06-159057	Corelogic
12/20/2017	\$158.80	06-159047	Corelogic
12/28/2017	\$2.94	06-222570	Corelogic
1/2/2018	\$80.00	06-225345	Moses
1/2/2018	\$8.16	06-222199	Michael Schwartz
1/29/2018	\$2.56	06-222477	Tareq
1/29/2018	\$23.28	06-186408	Barker
1/31/2018	\$3.51	06-240054	Brown
Total	\$3,918.55		

**Village of Marvin
North Carolina**

DATE: February 5, 2018

TO: Mayor and Village Council

FROM: Kelley Moore, Zoning Administrator

SUBJECT: Call for a Public Hearing to consider Conditional Use Permit 17-12010 for an accessory structure greater than two-thirds the size of the principal building footprint.

Actions Requested by the Village Council

The Village Council is requested to call for a public hearing to consider a Conditional Use Permit request allowing for a 24-foot by 10-foot porch (240 square feet) to be added to an existing 27-foot x 48-foot accessory structure (1296 square feet) with an approved 20-foot by 8-foot porch (160 square feet). The total for the accessory structure is currently 1456 square feet.

Background

The applicant is proposing to add a 24-foot by 10-foot porch (240 square feet) to an existing workshop/storage shed accessory structure that is 27-foot by 48-foot (1296 square feet). A 20-foot by 8-foot porch was previously approved in original permit 17-11984. The zoning ordinance would allow a maximum 1477 square feet for an accessory structure, which is 2/3 of the principal building footprint (2/3 of 2216 square feet). On lots greater than three acres, accessory structures that exceed the maximum height or size permitted are subject to conditional use permit as provided for in § 151.100.

A Conditional Use Permit is a process that allows the Planning Board and Village Council to review and approve specific uses while keeping with the intent and purpose of the district without substantial impacts on the surrounding area. This process places conditions or restrictions for approval that minimizes impacts to the surrounding area.

Accessory Uses for residential zoning districts are permitted within the R-Marvin Residential District. A workshop/storage shed is an accessory use and is subject to the following guidelines:

§ 151.054 ACCESSORY USES AND STRUCTURES

(B) *Detached accessory uses and structures.* All accessory structures other than agricultural buildings and swimming pools shall comply with the following:

<i>Setback</i>			<i>Height</i>	<i>Maximum Size</i>
<i>Front</i>	<i>Side</i>	<i>Rear</i>		
All detached structures shall be located behind the established building line of the principal structure	Same as principal structure	10 feet	Height of an accessory structure shall not exceed the height of the principal structure	The total square footage of all accessory detached structures shall not exceed two-thirds of the footprint of the principal building

(C) On lots greater than three acres, accessory structures that exceed the maximum height or size permitted are subject to a conditional use permit as provided for in § 151.100 . Accessory structures that exceed the maximum height or size permitted shall meet the following:

- (1) No accessory structure shall exceed 5,000 square feet.
- (2) Maximum height of any accessory structure shall be 35 feet.

The proposed accessory structure complies with all setback requirements.

The proposed accessory structure would not violate the intent of the R-Marvin Residential District nor would it significantly impact adjoining property owners. The structure is located approximately 20 feet from the side property line. Additionally, significant landscaping exists. This landscaping sufficiently screens the side yard of the adjacent lot.

Analysis

The subject property, 9019 Red Bud Trail, is approximately 5 acres, zoned R-Marvin Residential District and is located in Providence Road Estates. The surrounding property is zoned R-Marvin Residential District and R-40 Union County and is characterized by large lots. This property abuts the South Carolina state line.

Planning Board

The Planning Board reviewed the Conditional Use Permit at their January 16, 2018 meeting. The Board discussion focused on the following:

- Addition of porches doesn't move the accessory building any closer to the property line
- All structures, including both proposed porches, are less than 5,000 square feet and maintain required setbacks
- Addition of porches is adding covered recreational use verses additional living space

The Planning Board unanimously recommended that Conditional Use Permit be granted.

Findings of Fact

In consideration of the request for a Conditional Use Permit, the Village Council shall make the following findings:

1. The use will not materially endanger the public health or safety if located where proposed and developed according to plan;
2. The use meets all required conditions and specifications;
3. The use will not substantially injure the value of adjoining or abutting property or the use is a public necessity;
4. The location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in general conformity with this chapter and the Village Land Use Plan; and
5. Additional review criteria, as stated in this chapter shall also be considered and addressed where required. *(There are no additional review criteria for the proposed use.)*

Recommendation

Staff recommends approval of Conditional Use Permit #17-12010, subject to the following conditions:

1. The accessory structure shall not be used for commercial or industrial uses or warehouse storage related to commercial or industrial uses.
2. The accessory structure shall be a non-habitable structure.
3. The existing older, smaller shed (12'x24') will be removed as indicated on original permit 17-11984.



RS-2018-01-01

**A RESOLUTION TO ASSUME MAINTENANCE OF CERTAIN
NCDOT ROADS WITHIN THE WEDDINGTON CHASE AND OAKBROOK SUBDIVISIONS**


WHEREAS, the Village of Marvin desires to provide certain services including, but not limited to, maintenance of the streets listed below; and

WHEREAS, the Marvin Village Council voted unanimously on January 9, 2018 to enter into an agreement with NCDOT to resurface the roads in the Weddington Chase and Oakbrook subdivisions; and

NOW, THEREFORE, BE IT RESOLVED by the Marvin Village Council that upon completion of the project, the Village of Marvin shall take over the road maintenance for roads listed below in the Weddington Chase and Oakbrook subdivisions:

STREET NAME	SR NUMBER	MILEAGE
Woodmont Drive	2979	0.41
Stonehaven Drive	2983	1.6
Rosemont Way	2980	0.08
Rockland Trail	2981	0.1
Summit View Place	2982	0.14
Hickory Ridge Drive	2984	0.07
Hickory Ridge Drive	2984	0.26
Meadowgate Lane	3161	0.16
Highland Forest Drive	3281	0.42
Brookmont Lane	3282	0.07
Stream View Court	3280	0.13
Oak Shadow Way	3278	0.07
Westmont Way	3279	0.26
Fairburne Court	3283	0.03
Oak Brook Drive	2869	0.72
Oak Bluff Court	2871	0.16
Valley Brook Court	2870	0.19

Adopted this the 9th day of January, 2018.


Joseph E. Pollino Jr., Mayor

ATTEST:


Kelly Moore, Deputy Clerk

