



VILLAGE OF MARVIN

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VILLAGE COUNCIL MEETING MINUTES

December 10, 2019 – 6:30 p.m.
Village Hall/Reconvened at Banks Fellowship Hall
Regular Meeting

A. AGENDA ITEM

5 MINUTES

TIME STAMP: 00:02 (R-1)

1. Call to Order

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

Clerk's Note: A quorum of Council was present. The attendance was recorded as follows:

Board Members Present: Mayor Pollino, Mayor Pro Tem Dispenziere, and Councilwoman Vandenberg

Board Members Absent: Councilman Epps and Councilwoman Shkut

Staff Present:

Christina Amos, Administrator

Barbie Blackwell, Clerk

Rohit Ammanamanchi, Senior Planner/Zoning Administrator

Chaplin Spencer, Attorney

Mayor Pollino requested a motion to recess the meeting and move over to Banks Fellowship Hall, 10012 New Town Road at 6:31 p.m.

MOTION-1: Councilwoman Vandenberg made a motion to recess the meeting and move over to Banks Fellowship Hall.

VOTE-1: The motion passed with a 2-0 vote.

TIME STAMP: 00:06 (R-2)

Mayor Pollino requested a motion to reconvene the meeting at 6:40 p.m. in Banks Fellowship Hall. He verified the quorum of Council was present.

Board Members Present: Mayor Pollino, Mayor Pro Tem Dispenziere, and Councilwoman Vandenberg

Board Members Absent: Councilman Epps and Councilwoman Shkut

Staff Present:

Christina Amos, Administrator

Barbie Blackwell, Clerk

Rohit Ammanamanchi, Senior Planner/Zoning Administrator

Chaplin Spencer, Attorney

MOTION-2: Mayor Pro Tem Dispenziere made a motion to reconvene the meeting at 6:40 p.m. in Banks Fellowship Hall.

VOTE-2: The motion passed with a 2-0 vote.

TIME STAMP: 00:19 (R-2)

2. Adoption of the Agenda

The Council removed items C.5, C.7, C.9, F.1, G.1, G. 4, H, and I from the agenda until the January 14, 2020 meeting due to an insufficient number of voting council members for financial and ordinance decisions present at the meeting.

MOTION: Councilwoman Vandenberg made a motion to adopt the Agenda as amended.

VOTE: The motion passed with a 2-0 vote.

3. Pledge of Allegiance

The Council led the Pledge of Allegiance.

4. Public Comment Period

(All citizens are welcome to speak during the public comment period. Please sign-in if you wish to address Village Council and submit a written copy of your comments to the Clerk to be properly recorded in the minutes. Each speaker or group are asked to limit comments to 3 minutes. Village Council may request that one person speak on behalf of large groups expressing the same opinion. Although the Village Council is interested in hearing your concerns, speakers should not expect Village Council action or deliberation on subject matter brought up during the Public Comment segment. Thank you for your consideration of the Village Council, staff and other speakers. NCGS §160A-81.1.)

No one signed up to speak.

B. REPORTS AND UPDATES

10 MINUTES

1. Administrator's Report

No report was given.

2. Planner's Report

No report was given.

TIME STAMP: 05:59 (R-2)

3. Roads Report

Ms. Christina Amos, Village Administrator, gave a brief report that NCDOT has delayed construction of the roundabout for New Town/Marvin Road due to funding and not scheduled to begin until 2021. She stated that notification will go out to the public to inform them of the delay.

4. Deputy's Report

The Council reviewed the report presented in their packets.

TIME STAMP: 07:51 (R-2)

5. Planning Board Chair Report

Chairman John Jones reported the Planning Board reviewed the Community Survey and will be incorporating the survey results into the new Land Use Plan.

Mr. Rohit Ammanamanchi, Senior Planner, stated he has not discussed the timeline with the Planning Board but he proposed a completion date for the Land Use Plan is April or May 2020. He also introduced a request for Council to appoint a Council Liaison to the Planning Board.

6. PR&G Chair Report

No report was given.

Councilwoman Vandenberg reminded everyone that Marvin's Annual Tree Lighting Event is Saturday, December 14 from 4-6 p.m.

C. CONSENT AGENDA

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

5 MINUTES

TIME STAMP: 11:43 (R-2)

1. Call for a Public Hearing to Consider Ordinance for Tree Planting Mitigation to be held on January 14, 2020 at 6:30 p.m. in Village Hall (10004 New Town Road)

2. Call for a Public Hearing to Consider Marvin Gardens I-CD Residential Subdivision Preliminary Construction Plat on January 14, 2020 at 6:30 p.m. in Village Hall (10004 New Town Road)

3. Call for a Public Hearing on to Consider CUP #18-12146 Marvin Creek Tennis Court Lighting on January 14, 2020 at 6:30 p.m. in Village Hall (10004 New Town Road)

4. Approval of Meeting Minutes for: 9/10/19; 9/26/19; and 10/8/19

5. ~~Approval of Resolution RS-2019-12-01 of Support of Critical Intersections~~

The Council removed this item from the Consent Agenda until the January 14, 2020 meeting.

6. Approval of Minor Subdivision Application #19-12273 "The Interlude"

7. ~~Approval of General Fund Budget Ordinance OR-2019-10-01 Revised~~

The Council removed this item from the Consent Agenda until the January 14, 2020 meeting.

8. **Approval of October 2019 Treasury Report**

9. **Approval of October and November 2019 Tax Refunds**

The Council removed this item from the Consent Agenda until the January 14, 2020 meeting.

MOTION: Councilwoman Vandenberg made a motion to adopted the Consent Agenda as amended.

VOTE: The motion passed with a 2-0 vote.

D. PUBLIC HEARING

10 MINUTES

TIME STAMP: 11:54 (R-2)

1. Council held a Public Hearing to Consider TUP #19-12314 for Marvin Tree Lighting Event on December 14, 2019 from 4-6 p.m. at Marvin Efird Park.

MOTION-1: Councilwoman Vandenberg made a motion to opened the Public Hearing to Consider TUP #19-12314 for Marvin Tree Lighting Event on 12/14/19 from 4-6 p.m. at Marvin Efird Park.

VOTE-1: The motion passed with a 2-0 vote.

PUBLIC COMMENT:

None one signed up to speak.

MOTION-2: Councilwoman Vandenberg made a motion to close the Public Hearing.

VOTE-2: The motion passed with a 2-0 vote.

Discussion and Approval:

Council discussed this item at length and made the following motion:

MOTION-3: Councilwoman Vandenberg made a motion to approve TUP#19-12314 for Marvin Tree Lighting Event for 12/14/19 from 4-6 p.m. at Marvin Efird Park and Council finds the following finding of facts to be true:

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

VOTE-3: The motion passed with a 2-0 vote.

E. VILLAGE HALL

0 MINUTES

No report was given.

F. UNFINISHED BUSINESS

15 MINUTES

1. ~~Statement of Economic Interest Form, Code of Ethics Policy, and the Employee Statement of Interest Form~~

The Council removed this item until the January 14, 2020 meeting.

G. NEW BUSINESS ITEMS – PART I – OPEN SESSION

10 MINUTES

1. ~~Reappointment of John Baresich to the PR&G Board for a 2-year term expiring 9/1/2022~~
Mayor Pro Tem Dispenziere requested this item be removed until the January 14, 2020 meeting.

TIME STAMP: 17:31 (R-2)

2. **Discussion and Consideration of 2020 Council Regular Meeting Schedule for Adoption**

The Council requested changing the meeting time for the Work Session meetings from 10 a.m. to 9 a.m. Council agreed to adopt the new 2020 Council Regular Meeting Schedule per the statute and amend the dates if necessary when the new council members were installed.

MOTION: Councilwoman Vandenberg made a motion to approve the 2020 Council Regular Meeting Schedule as amended.

VOTE: The motion passed with a 2-0 vote.

TIME STAMP: 20:55 (R-2)

3. Discussion and Consideration of 2020 Holiday Schedule for Adoption

MOTION: Councilwoman Vandenberg made a motion to approve the 2020 Holiday Schedule as presented.

VOTE: The motion passed with a 2-0 vote.

4. ~~Discussion and Consideration of Appointment of Marvin Delegate and Alternate to the Centralina COG Board of Delegates~~
Mayor Pro Tem Dispenziere requested this item be removed until the January 14, 2020 meeting.

H. CLOSED SESSION

1. ~~Recess into Closed Session pursuant of NCGS §143-318.11(a)(3)(6) to consult with Village Attorney retained by the public body to preserve Attorney-Client privilege between the Attorney and the public body regarding case 3:19-cv-00639 Smith v. Pollino, et al and to discuss Personnel:~~

The Council removed this item from the Consent Agenda until the January 14, 2020 meeting.

I. NEW BUSINESS ITEMS — PART II — OPEN SESSION

30 MINUTES

1. ~~Discussion and Appointment of Legal Representation for case 3:19-cv-00639 Smith v. Pollino, et al:~~

The Council removed this item from the Consent Agenda until the January 14, 2020 meeting.

J. AGENDA ITEMS

5 MINUTES

TIME STAMP: 20:07 (R-2)

1. Review of Action Items

- Add Resolution for Support of Critical Intersections, Budget Ordinance, Tax Refunds and reappointments on the January 14, 2020 agenda.
- Councilwoman Vandenberg and Mr. Ammanamanchi will discuss having an outdoor tent at the next PR&G meeting for the next Tree Lighting Event.
- Ms. Amos will inquire about the \$250,000 given to NCDOT for the third roundabout.
- Mr. Ammanamanchi and Mr. Jones will coordinate dates for a joint session with Council and further discuss a Council Liaison for the Planning Board in January.
- Add the Closed Sessions on the January 14, 2020 agenda.

2. TIME STAMP: 20:55 (R-2)

Council Comments

Councilwoman Shkut submitted the following email for the record. (*See attached Email is hereby incorporated as reference into these minutes.*)

Mayor Pro Tem Dispenziere: He thanked staff for all their work and helping him over the years. He congratulated Jamie Lein, Bob Marcolese and Joe Pollino and wished them well.

Councilwoman Vandenberg: She thanked staff for always doing a great job. She thanked Mayor Pro Tem Dispenziere for his many years of service and has enjoyed working with him for the pass 2-years.

Mayor Pollino: He expressed that he will save his final remarks at the swearing in ceremony. He stated that he is hopeful there will be a swearing in ceremony and apologized to the newly elected members that it could not be conducted tonight (12/10/19). He shared that Mayor Pro Tem Dispenziere was a source of knowledge to him and informed him of the expectations of his position as Mayor. He expressed his appreciation for his support and his years of service with the Village of Marvin.

Mayor Pollino explained an election protest was filed is the reason the swearing in did not occur and Attorneys advised individuals not to attend or make any comments regarding the proceedings.

K. ADJOURNMENT

MOTION: Councilwoman Vandenberg made a motion to adjourn the meeting at 7:10 p.m.

VOTE: The motion passed with a 2-0 vote.