



# VILLAGE OF MARVIN

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

## VILLAGE COUNCIL MEETING MINUTES

September 30, 2021 – 9am  
Village Hall, 10004 New Town Road  
Work Session (Virtual Meeting)

### A. AGENDA ITEMS

#### 1. Call to Order

Mayor Pollino called the meeting to order at 9:03am and determined a quorum was present.

**Present:** Mayor Pro Tem Vandenberg, Councilman Lein, Councilman Wortman

**Present Virtually via Webex:** Mayor Pollino, Councilman Marcolese

**Absent:** None

**Staff Present:** Christina Amos, Austin W. Yow, Hunter Nestor, Jamie Bays, Derek Durst

Mayor Pollino asked Mayor Pro Tem Vandenberg to lead the meeting since he is participating remotely.

#### 2. Consider Allowing Councilmembers to Participate Remotely

**MOTION:** Mayor Pro Tem Vandenberg moved to allow Councilmembers to participate remotely.

**VOTE:** The motion passed unanimously, 4-0.

#### 3. Adoption of the Agenda

Mayor Pro Tem Vandenberg requested to make the following changes:

- Move “Village Hall” to after “Communications”
- Remove Item 2: “Discussion of Additional Roundabout Plantings”
- Remove Item 3: “Discussion and Consideration of Hiring a Part Time Event Planner to Assist with Village Events including Marvin Day Planning and Fundraising”
- Remove Item 8: “Discussion of Trail Markers”

**MOTION:** Councilman Lein moved to approve the agenda as amended.

**VOTE:** The motion passed unanimously, 4-0.

### B. PRESENTATIONS

No presentations occurred.

### C. ITEMS OF DISCUSSION

#### TIME STAMP 2:55

#### 1. Discuss and Consider Waiving Procurement Policy and Awarding Contract for Construction of the Internal Preserve Trail to Blue Ridge Trail Works *(See attached, Item C.1., which is included as a reference in these minutes).*

Derek Durst, Public Facilities Manager, explained that Blue Ridge Trail Works was the only company to provide a quote. He asked Council to waive the three-quote requirement. Council discussed the high-quality work of Blue Ridge Trail Works in depth.

**MOTION:** Councilman Wortman moved to waive the procurement policy and award the contract for the construction of the Internal Preserve Trail to Blue Ridge Trail Works for \$46,035 with \$3,965 in contingency funds.

**VOTE:** The motion passed unanimously, 4-0.

#### TIME STAMP 10:55

#### 2. Discussion of 2022 Marvin Day Celebration

Mr. Durst explained that Councilman Lein attended the previous PR&G Board Work Session, where the Board put together a draft schedule of events for the festival. He added that food trucks and additional events need to be scheduled. Council discussed ideas for additional events, logos, and sponsorships in depth.

#### TIME STAMP 39:40

#### 3. Discussion of American Rescue Plan Act of 2021 Funding

Christina Amos, Village Manager, informed the Board that a resolution and a capital project ordinance will be on the October 12 regular meeting agenda, which will formally accept the relief funds and allow the Village to spend them. Currently, the Village

plans to use the funds for recovering lost revenue, social distancing measures, technology, software, audio/visual for Village Hall, security/access control for the new Village Hall, the water/sewer tap fee for Village Hall, vaccine incentives, hazard pay, water/sewer infrastructure along New Town Road, and for tourism signage. Council discussed the use of these funds in depth.

**TIME STAMP 1:12:30**

**4. Discussion of Future Road Assessment Requests**

Ms. Amos explained that residents and prospective residents have asked the Village to complete a special assessment and accept their roads for maintenance. She noted that this would encourage unincorporated neighborhoods to annex into Marvin. Council discussed this proposal in depth and agreed that it would be acceptable if the Village took out a short-term loan.

**TIME STAMP 1:22:05**

**5. Discussion of Removing Underbrush on Village Hall Project Site**

Councilman Wortman explained that removing the underbrush on site does not add to the Village's allowed disturbed area. He noted that the fall season is a good time to remove the underbrush, as it will not be as thick. Ms. Amos noted that three quotes will need to be received or Council may waive that requirement.

**TIME STAMP 1:28:50**

**6. Discussion of Fall Town Hall Meeting Agenda & Format**

The Village Council briefly discussed possible topics on the agenda for the Fall Town Hall Meeting agenda. They agreed by consensus to have a food truck at the event.

**TIME STAMP 1:37:00**

**7. Review of Council Minutes from the 8/26/21 (Work Session) and 9/14/21 (Regular) Meetings**

Council reviewed the minutes from the 8/26/21 work session and 9/14/21 regular meetings and made no changes. Council asked Mr. Yow to place the minutes on the consent agenda for the October 12 regular meeting.

**D. OPEN TOPICS**

**TIME STAMP 1:37:55**

**1. Firethorne Tree Removals**

Mayor Pollino briefly spoke on many tree removals in Firethorne Country Club. He was especially concerned about potential road damage. Ms. Amos stated that the Village has an ordinance requiring those who damage Village roads to pay for repairs.

**2. Recent Union County Chamber of Commerce Meeting**

Mayor Pollino briefly spoke on his recent attendance at the Union County Chamber of Commerce meeting. He received a gift certificate at the meeting for a free ad in a newspaper. Mayor Pollino donated the ad to the Village to use for Marvin Day in 2022.

**3. Inherit the Land Premiere on Saturday, October 16**

Mayor Pollino inquired if anyone is planning to attend the premiere of the documentary based on Gene Stowe's book "Inherit the Land." The premiere will take place on Saturday, October 16 in Monroe.

**4. Sight Distance Issues at Marvin Road / Heritage Oak Lane Intersection**

Councilman Marcollese briefly spoke on safety concerns relating to traffic and speeding on Marvin Road near his home on Heritage Oak Lane. He highlighted poor sightlines when turning left from Heritage Oak Lane onto Marvin Road. He asked staff if there is anything that can be done about the issue. Ms. Amos stated she would inform NCDOT of the issue.

**5. Vehicle Turnarounds in Village Hall & Church Lots**

Councilman Lein briefly spoke on the large number of vehicles that have been using the driveways of Village Hall and Banks Presbyterian Church to turn around. Council agreed by consensus to purchase "No Turnaround" signs and offer one to the Church.

**E. COMMUNICATIONS**

**TIME STAMP 1:55:00**

**1. Discussion of October 2021 Communications**

Mr. Yow asked Council for their feedback on proposed communications for October. Council added additional topics to the list.

**F. VILLAGE HALL**

**TIME STAMP 1:59:25**

**a. Contingency Fund Update**

Ms. Amos explained that the Village has committed \$150,000 of the \$200,000 contingency funds. She noted that funds will need to be reallocated to contingency, including those recouped from the American Rescue Plan.

**b. Generator Relocation**

Ms. Amos briefed Council on the proposed location of the natural gas generator, just to the west for Village Hall. Council agreed by consensus to the location of the generator.

**c. Change Order for Irrigation**

Ms. Amos explained that she was still waiting on an estimate for this change order from the builder. She expects to have an update at the next meeting.

**d. Audio Visual/Security/Access Control Update**

Ms. Amos explained that the Village was required to go out for bid on these two projects. She stated that the bids are due on Monday, October 4 at noon. She added that the contracts will be on the October 12 Council agenda for approval.

**e. Construction Progress Update**

Ms. Amos explained that the windows have been installed, the framing is complete, and the roofing is in progress. She added that the remaining underground utilities will be installed shortly, the mechanical/electrical and siding work will begin next week, and the generator will be delivered soon.

**G. REPORTS AND UPDATES**

**TIME STAMP 2:12:20**

**1. Manager's Report**

**a. Berwick Court Update**

Ms. Amos stated that the water issue on the corner of Berwick is currently being addressed and will be completed soon.

**b. Pre-Salt Plan**

Ms. Amos explained that the Village needs to plan for winter storms to prevent road damage and to address potential liability issues associated with emergency response during poor road conditions. She added that areas of concern were identified by the Village Engineer and that a plan will be drafted to prepare for winter weather, including pre-salting and plowing. She will bring estimates on the cost back to Council at a future meeting.

**c. Weddington Chase Sidewalk Repairs, Irrigation Damage** *(See attached, Item G.1.c., which is included as a reference in these minutes).*

Ms. Amos reminded Council that they previously decided not to pay for damage to a homeowner's irrigation system that occurred during sidewalk repairs. At the time, Council did not believe the Village's contractor was at fault. She noted that the homeowner recently submitted a statement from the contractor stating that they did cause the damage. She noted, however, that the damage occurred in the Village's right-of-way, where irrigation devices are prohibited. Since the devices are not allowed in right-of-way, Council agreed by consensus to not pay for the damages.

**TIME STAMP 2:19:30**

**2. Planner's Report**

**a. CRTPO Grant Update**

Hunter Nestor, Planning & Zoning Administrator, explained that funds will be available in the next fiscal year for the right-of-way acquisition for the expansion of sidewalks along New Town and Marvin Road. He noted that construction will not begin until fiscal year 2025. Council discussed this in depth and agreed by consensus to move forward with the right of way acquisition in the next fiscal year.

**b. Innisbrook Trail Connection Update**

Mr. Nestor stated he will be meeting next week with the property owner who is willing to provide a trail easement to connect Innisbrook to the Internal Preserve Trail. He stated he will provide an update at next meeting.

**c. Belle Grove Trail Update**

Mr. Nestor explained that other residents from the Belle Grove subdivision have not been as opposed to the proposed trail that would run along the perimeter of the subdivision as those that previously met with him. Council discussed this in depth and agreed by consensus to pursue a fee-in-lieu instead of having the builder construct the trail.

**d. Marvin Heritage District Update**

Mr. Nestor explained that the Planning Board was not ready to make a recommendation on the Marvin Heritage District Small Area Plan. He explained that he plans to schedule an additional Planning Board meeting, so the Board may have additional time to review the Form-Based Code.

e. **Cell Tower Off Rea Road**

Mr. Nestor explained that a 160-foot cell tower is planned to be constructed in unincorporated Union County behind the commercial development along Rea Road that abuts Amber Meadows. He added that a community meeting will be held on Tuesday, October 5 at 7pm online. He stated he encouraged residents of multiple neighborhoods to attend.

f. **Roundabout Lighting**

Mr. Nestor gave a brief update on the Village’s request to have light poles installed at the roundabouts on New Town Road. He stated that Union Power submitted the plans to NCDOT and that NCDOT has returned the plans. He will provide an update at the next meeting.

**H. AGENDA ITEMS**

**TIME STAMP 2:41:30**

**1. Review of Action Items**

- Ms. Amos will execute the contract with Blue Ridge Trail Works for the Internal Preserve Trail.
- Ms. Amos will research short-term loans for future road assessments.
- Ms. Amos will discuss the sightlines at the Heritage Oak Lane / Marvin Road intersection with NCDOT.
- Ms. Amos will set up a meeting with U.S. House Representative Dan Bishop about the infrastructure bill.
- Ms. Amos and Mr. Durst will meet with the Union County Urban Forester about the trees at the Village Hall site.
- Ms. Amos will update Council at their next meeting about the Village Hall Capital Project Ordinance.
- Ms. Amos will move forward with the change orders for the irrigation well and generator location.
- Mr. Yow will put the Fall Clean Up Event on October 16 on the PR&G Board’s agenda for October 5.
- Mr. Nestor will work on revising the tree removal ordinance.
- Staff will get three banners for the Fall Town Hall Meeting and will have a food truck at the event.
- Staff will order “No Turnaround” signs for the Village Hall and Church properties.
- Staff will assess the size of the conference room table for the new Village Hall.
- Staff will search for the National Night Out banners.

**TIME STAMP 2:46:10**

**2. Review of Ongoing Action Item List**

Council reviewed the list and made changes.

**TIME STAMP 2:49:30**

**3. Council Comments**

**Mayor Pollino:** He thanked staff for their hard work. He mentioned how he talked highly of the Village Staff at the Chamber of Commerce. He apologized for not being at the meeting in person. He briefly spoke on the symbolism of the Bluebird for the Marvin Day logo. He highlighted the accomplishments of the Marvin Ridge High School Band, including their competition wins.

**Councilman Lein:** He thanked staff for their hard work on the ARP funds. He thanked Council for their work on various projects for being more effective and efficient.

**Councilman Marcolese:** He concurred with Councilman Lein. He thanked Mr. Nestor for all his hard work on the Marvin Heritage District.

**I. CLOSED SESSION**

No closed session occurred.

**J. ADJOURNMENT**

**MOTION:** Councilman Wortman moved to adjourn the meeting at 12:01pm.

**VOTE:** The motion passed unanimously, 4-0.

Adopted: 11-9-2024



*[Signature]*  
 \_\_\_\_\_  
 Joseph E. Pollino Jr., Mayor  
 Village of Marvin

*[Signature]*  
 \_\_\_\_\_  
 Austin W. Yow  
 Village Clerk & Assistant to the Manager

Item C.1.



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**TO:** Village Administrator, Christina Amos  
**FROM:** Derek Durst, Public Facilities Manager  
**SUBJECT:** Village of Marvin-Budget Amendment  
**DATE:** July 8, 2021

### **Background:**

In CIP 20-21, there was \$50,000 allocated for the construction of the Internal Preserve Trail. Currently staff has received one quote from Blue Ridge Trail Works for this project. Staff has attempted to reach out to other trail builders to inquire about their interest in quoting the project. No other trail builders have responded or said that they would like to bid the project.

### **Current:**

Blue Ridge Trail Works has repeatedly been the lowest bidder on many projects within the Village of Marvin and has done high quality work on these projects. With the established relationship, familiarity with the company, and the trust that staff has in their services, staff feels confident that BRTW would great to move forward with.

### **Suggested Motion:**

Discussion and Consideration of waving the minimum requirement for 3 quotes and allow the Village Manager to execute a contract with Blue Ridge Trail Works for the construction of the Internal Preserve Trail for \$46,035 with \$3,965 in contingency funds.



## Blue Ridge Trail Works, Inc

227 East Front St.  
Statesville, NC 28677  
Cell: 704-929-0151  
brtwinc@gmail.com  
www.blueridgetrailworks.com

North Carolina's Best Choice for Sustainably Built Natural Surface Trails

Client: Village of Marvin, NC - Derek Durst  
Site: The Preserve Trail, Marvin, NC  
Contact Info: 704-930-9857 & parkmanager@marvinncc.org  
Work: Approximately 4,650'+ of Enhanced Natural Surface Trail

### Blue Ridge Trail Works Inc. : Contact Information

BRTW Contact : Scott Brown: 704-929-0151 ([wmscottb93@gmail.com](mailto:wmscottb93@gmail.com))

BRTW Address : 227 East Front St., Stateville, NC 28677

BRTW License #: NC General Contractor License # 74586

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### **Overview-**

Quote is for design & build of approximately 4,650+ linear feet of enhanced natural surface trail on The Town of Marvin's Trail Easement on The Preserve Sub-Divisions Property in Marvin, NC. We will design & Flag a new trail route before the build begins.

### **Scope of Services -**

**A) - Trail Description -** Approximately 4,650+ linear feet of trail in Marvin's Trail Easement on The Preserve's property in Marvin, NC. The trail will be routed as

necessary to place it in a sustainable location & this route will be approved by the town of Marvin & measured before proceeding with the build. The trail will be constructed from native soil and crushed concrete mixed together to form and harden into a sustainable trail tread. Industry best standards for trail design & construction will be employed. The trail tread will be 4' wide with the trail corridor that already exists & will remain the same. Any roots, stumps and other organics will be mechanically grubbed or removed from the tread & placed to the sides so that they do not impede the drainage of water from the tread. The tread will be mechanically compacted & the natural area around the trail will be restored to a natural look.

## **QUOTATION:**

ITEM			AMOUNT
A) Design & ReBuild of a 4' Wide Enhanced Natural Surface Trail on an Existing "Trail" -	Approximately 4,650+ Ln. Ft.	\$9.90 Per Ln. Ft.	\$46,035.00
TOTAL COST -			\$46,035.00

**Terms - \$7,500 Down & bye weekly billing w/ last payment due after Completion**

Agreed to By: **Blue Ridge Trail Works, Inc.** & **Village of Marvin**

Date \_\_\_\_\_

Name \_\_\_\_\_

Signature \_\_\_\_\_

Person	Item Working On	Location	Latest	Next Steps	Contacts
Derek Durst	5K	MES	Made Contact with Race Entry (Tabled until following year)	Map out desired 3.1 route/ Talk with Planner, DOT, and Sheriff about road closures, talk w- Waxhaw/ IT about who does their 5ks, Sign in and play around	
Derek Durst	Walk a thon	MES	Ideas are to raise money for Raptor Center	Per KV Rapter Center is very interested in being involved.	
Derek Durst	Health Fair	MES	Have 6 Vendors who said they would participate	Continue follow ups, goal would be 8-10	Jamie Venturo, Kelly S, 9Round, GOTR, Fit 180, Barre 3, Uplevel, Cheer, CSC, Soccer Shots
Jamie Bays	Blood Drive	MES		Reach out to Red Cross/ Community	
Derek Durst	Alpacas	Joe Kerr- Alpaca Farm	May be dissolving....resident is selling home/ moving	Tabled for now	
Derek Durst	Disc Golf	Park		Talk to Hayden/ Seth about Disc Golf tourney structure	Union County/ IT Parks/ Rec
Krystina Culp	Nature Walks	Park/ Trails	Will be done	Schedule them from 8-10/ 2-4 w Garden Tours	KC to determine
Krystina Culp	T shirts/ Logo		Working on Shirts/Logo Design/Mascot	Are we selling shirts? Is staff wearing shirts? Is the design in progress?	
Bob Nunnenkamp	Garden/ Art Tours		Bob/ Judy will be in Garden Tour	Bob has 5-6 Artists confirmed. Will use Pincic Shelter from 10-2	
Bob Nunnenkamp	Ice Cream		Either at VH at Closing Event	Confirm Vendor & Location & Time	
John Baresich	Securing High School	MRHS	Austin has secured facility. Waiting to confirm cost	Austin submitted application to school for use of the stadium parking area from 11am-12am	
John Baresich	Equinne Showcase	Farms	Spoke w Horse community friend, trying to get a team together		
Dan Wilson/ Andy Wortman	Food Trucks ?		working on organizing a list of local vendors	Need to Layout which type of food truck and where	
Kim Vandenburg	Open House	Firethorne	Working out details with Firethorne as to what all they will offer	Follow up meetings	
Kim Vandenburg	Marsh/ Raptor Center/ Carolina Fowl/	Barn	Display 10a-12p / Games / 45 Min Program, 4p bird release	Follow up w Raptor Center about Free display in exchange w fundraising via Walk a Thon.	
Jamie Lein	Band/ Ending Party		Reaching out to 2 diff bands		
Jamie Lein	Fireworks?		est cost is \$5k		
Joe Pollino	Car Show		In Progress with Contacts. Location TBD		
Bob Marcoleese	Car Show				
Christina Amos	Logistical Support to Whole Event		Developing Sponsorship Structure to be approved	Working with DD to contract a party planner to assist with the event.	
Austin/Staff	Village Hall meet and greet	Village Hall	AY to line up persons for Meet and Greet		
WHOLE TEAM	SPONSORSHIPS	Event	Recruit Sponsors	to be approved by Council Sep 30th or Oct meetings	
WHOLE TEAM	Prizes		Research prizes for certain competitions		



**Administrator**

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**From:** Administrator  
**Sent:** Wednesday, September 29, 2021 11:54 AM  
**To:** Parker, Brett J; Walden, David 'Mike'  
**Subject:** RE: 8037 Stonehaven Dr - Sprinkler Leak Repair

ROW-Right of Way. Residents are not supposed to put anything within the ROW because that area is secured for free ranges of repair activities to address issues as such.

Again, its totally not my call—Council has to make a decision on this which they already have based off the same evidence of the ROW so I really feel like its going to be the same answer, but I will relay your message again. Below is a pic (not exact, but it shows the sidewalk and the property lines). The area outside the sidewalk is where the issue was which is in the ROW so essentially the lines were not placed appropriately to begin with.

I cannot speak for the alleged third party conversations; you are more than welcome to call the company and tell them your assurance, but that is not the Village assuring anything—it would have been in writing and we definitely would not assure something that's within our Right of Way



**From:** Parker, Brett J <Brett.Parker@altisource.com>  
**Sent:** Wednesday, September 29, 2021 11:24 AM