



## VILLAGE OF MARVIN

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### VILLAGE COUNCIL MEETING MINUTES

March 28, 2019 – 11 am – Village Hall  
Work Session

#### AGENDA ITEM

**TIME STAMP: 00:10**

**1. Call to Order:**

Mayor Pollino called the meeting to order at 11:30 am. He verified a quorum was present. He requested the meeting to adjourn at 2 pm.

**Council Members Present:** Mayor Pollino, Councilwoman Vandenberg, Councilwoman Shkut and Councilman Epps.

**Council Members Absent:** Mayor Pro Tem Dispenziere

**Staff Present:**

Christina Alphin, Village Administrator

Barbie Blackwell, Village Clerk

Rohit Ammanamanchi, Village Planner

**TIME STAMP: 00:23**

**2. Adoption of the Agenda:**

- Councilwoman Vandenberg requested the following amendments:
  - Move the AMT presentation before the public hearings.
  - Add the Village Attorney's Resignation/Legal Services as item #8.
- Councilwoman Shkut requested the following
  - Remove the Resident Proposal for Investigation and tabled until the April 10 regular meeting.
  - Remove the Conflict of Interest and Disclosure Form and tabled until the April 10 regular meeting allowing for review by Administrator and Council.
  - Requested to pull and table item #11 "August 9, 2018 meeting minutes" to the April 10 regular meeting.
- Councilman Epps requested the following amendments:
  - Table item #3 "Consider resolution of intent to amend the Charter and add one Council member and electoral districts with one AT-Large member and the Mayor" to the April 10 regular meeting to include Mayor Pro Tem Dispenziere into the discussion.

**ACTION:** Councilwoman Vandenberg made a motion to approve agenda as amended. The motion passed with a 3-0 vote.

#### PRESENTATION

**TIME STAMP: 10:16**

**1. AMT – Road Resurface Standards:**

Ms. Alphin explained the intent of the resurfacing contract was to tie it the roads and the curb/guttering to ensure they are smooth, neat and precise. She noted that the engineers were informed about two major complaints regarding the last resurfacing project, which was (1) the variance from the curb/gutter to the asphalt and (2) the second was the manhole covers outlined in concrete located in the Weddington Chase Subdivision. She also noted that these are still within NCDOT's standards, but staff has created a flow chart to illustrate how NCDOT's standards work in addressing these issues.

Mr. Phillip Moxley, AMT/Village Engineer, presented a chart of NCDOT's road resurfacing standards. He handed out preliminary drafts of the asphalt build up on the gutters in Canterfield Creek. He explained that NCDOT was not accustomed to towns including their own resurfacing standards in its contracts. He noted that AMT would reference the Village's standards in the next NCDOT contracts. He suggested adding provisions for curb/gutter and the manhole tie-in specifications into the agreements for performing the

road resurfacing design with NCDOT. He also suggested involving AMT at the start of the road project with NCDOT to ensure Marvin's standards were followed regarding curb/gutter and other road issues throughout the resurfacing process. AMT would ensure that any necessary repairs are caught during the inspection process. Mr. Moxley noted that NCDOT would not repair curb/guttering during the resurfacing but would repair it either before or after with Powell Bill funding.

**Discussion:**

- Ms. Alphin shared a flow chart outlining the resurfacing design process for NCDOT projects. She explained the flow chart includes NCDOT standards and would need to include Marvin's standards for the new curb/gutter and manhole tie-in specifications.
- Ms. Alphin shared the Village's Pavement Condition Index prepared by AMT in 2016. The index identified the roads that would need to be resurfaced to bring them up to NCDOT standards before Marvin accepts them. Ms. Alphin noted her understanding from Council was to review and revise the Village's policies and standards for road resurfacing.
- Councilwoman Shkut noted for the record, after a conversation with former Councilman Salimao, he told her that recently Firethorne had not been on the list. All the roads in Firethorne, except for Berwick Court and Seminole, had been paved and did not need to be done.
- Mr. Moxley explained AMT's philosophy was to resurface a whole subdivision rather than part of the subdivision.
- Councilwoman Shkut handed out a draft she prepared of the average score ratings on the roads in each subdivision in Marvin. She also shared the Village of Marvin's Road Acceptance Policy P-2016-09-01 approved by the Village Council on 9-28-16, which are different from the roads currently being proposed. She noted that she did not want to accept any roads that were platted as private roads such as: Providence Roads Estates, Heritage Oaks and Woodland Forest.
- Councilwoman Vandenberg suggested that AMT redo the rating scores of the roads. She also suggested that curb/guttering should be done at the same time the road was resurfaced.
- Mr. Moxley noted the 4-year plan was originally drafted when Marvin was researching paving the roads using bonds.
- Councilman Epps noted that Council's original goals were to pave some roads every other year in order to spend the Powell Bill funds within 5-years, which would provide Council and staff time to evaluate and update as needed.
- Mr. Moxley explained that NCDOT conducts an average rating on roads every 2-years.
- Council directed Ms. Alphin to contact Lee Ainsworth at NCDOT informing him that Marvin still had issues with Providence Roads Estates and Heritage Oaks. That Marvin would be willing to sign an agreement removing the acceptance portion for Providence Road Estates, anything in Firethorne designated as Marvin roads, and Heritage Oaks. The Village would be willing to accept ownership of Woodland Forest, all of Beechwood, and all of Firethorne that NCDOT maintains upon resurfacing. This would give staff a year to work with Providence Road Estates and Heritage Oaks on compliance with the Village's standards for acceptability.

Ms. Alphin suggested the following contract language for the motion to Council: Remove Providence Road Estates from the contract, remove Heritage Oaks from the contract, remove all Marvin share of Firethorne that is provided in Exhibit A upon all acceptance of the other roads in Firethorne, Beechwood and Woodland Forest upon resurfacing the roads. She noted that any roads that has NCDOT will remain such as Beechwood and Woodland Forest. The Village would accept all those roads upon resurfacing. She explained: This would give staff time to research the plat issues of Heritage Oaks and Providence Road Estates and address them in a subsequent year.

Ms. Alphin noted to Council that AMT would submit a cost for the new pavement conditions index study by the April meeting. Staff would provide them with the parameters to do the index. Council would decide if they want to enter into the agreement and then create an 8-10-year plan. Staff would revise the policy for Council to review and approve.

**ACTION:** Councilwoman Shkut made a motion to add the Village of Marvin Road Manual to the NCDOT Agreement, including manhole tie-ins and anything else in accordance to what was discussed in the meeting. The motion passed with a 3-0 vote.

**PUBLIC HEARING**

**TIME STAMP: 5:17**

- 1. To consider TUP #19-12224 for Marvin Movie Night on May 17, 2019 from 6-10:30 p.m. at Marvin Efird Park (8909 New Town Road, Marvin NC 28173):**

Council conducted a public hearing to consider TUP #19-12224 for Marvin Movie Night scheduled for May 17, 2019 at Marvin Efird Park from 6-10:30 p.m.

**ACTION-1:** Councilman Epps made motion to open the public hearing. The motion passed with a 3-0 vote.

**PUBLIC HEARING COMMENT:**

No One was signed up to speak.

**ACTION-2:** Councilwoman Vandenberg made a motion to close the public hearing. The motion passed with a 3-0 vote.

**Discussion and Consideration:**

Staff noted the rain date was scheduled for May 31, 2019 from 6-10:30 p.m. for the event.

The Council did not have any additional questions.

**ACTION-3:** Councilman Epps made a motion to approve TUP #19-12224 for Marvin movie night on May 17, 2019 from 6-10:30 p.m. at Marvin Efird Park 8909 New Town Road in Marvin, NC 28173. Councilwoman Shkut amended the motion to add the rain date for May 31, 2019 and give the Village Administrator to ability to amend this schedule time, if necessary, due to rain. The motion passed with a 3-0 vote.

**To consider TUP #19-12237 for Marvin's First Annual Moonlight Egg Hunt on April 6, 2019 from 6:30-9:30 p.m. at Marvin Efird Park (8909 New Town Road, Marvin NC 20173):**

Council conducted a public hearing to consider TUP #19-12237 for Marvin's First Annual Moonlight Egg Hunt scheduled for April 6, 2019 at Marvin Efird Park from 6:30-9:30 p.m.

**ACTION-1:** Councilman Epps made motion to open the public hearing. The motion passed with a 3-0 vote.

**PUBLIC HEARING COMMENT:**

No One was signed up to speak.

**ACTION-2:** Councilwoman Vandenberg made a motion to close the public hearing. The motion passed with a 3-0 vote.

**Discussion and Consideration:**

Staff presented the staff report for TUP #19-12237. Staff noted the Beta Club from the High School will be volunteering at the event. Council did not have any additional questions.

**ACTION-3:** Councilwoman Shkut made a motion to approve TUP #19-12237 to allow the Marvin Moonlight Egg Hunt to be held at Marvin Efird Park on April 6, 2019 from 6:30-9:30 p.m. with the option to adjust the actual event time at the discretion of the Village Administrator. The motion passed with a 3-0 vote.

**ITEMS OF DISCUSSION**

- 1. Presentation of FY 2020 Contracts:**

Ms. Alphin shared a list of contract renewals over \$60,000. She explained the Procurement Policy, as part of the budget, required the Council's approval for any renewal contracts over \$60,000.

**TIME STAMP: 2:10:36**

**Consider Resolution of Intent to Assume Maintenance of NCDOT Roads within Provident Estates, Beechwood, Firethorne Country Club, Heritage Oak Lane, and Woodland Forest Drive and authorize Village Administrator to Enter Agreement with NCDOT:**

Ms. Alphin presented the Resolution of Intent RS-2019-03-02 to Council for consideration and approval to resume maintenance of NCDOT roads within Providence Estates, Beechwood, Firethorne Country Club, Heritage Oak Lane, and Woodland Forest Drive and authorized Village Administrator to Enter an agreement with NCDOT for road resurfacing.

**ACTION:** Councilwoman Shkut made a motion in consideration of Council's decision to revise Marvin's Street Resurfacing Program to reflect the 8-year maintenance and adoption plan to take the time to revisit and reconstruct recent policies based on engineering criteria along with balancing responsible limitations of expenditures, the Council proposes the approval of the resolution with amendments and the agreement with NCDOT with amendments as follows: that Council remove these subdivision roads in Providence Estates remove Heritage Oaks remove all roads in Firethorne with Marvin designation: Spyglass, Baltusrol, Shinnecock, Firethorne Country Club, Medinah, and Berwick Court. That Council accept all roads in Firethorne that are designated with NCDOT designation per the staff report as well as accepting Beechwood and Woodland Forest. Reach out to residents in Providence Estates and Heritage Oaks and take steps in amending their plat, so they can be put on the road schedule and at no cost to the Village should NCDOT feel they want to resurface other roads at their cost within the Village of Marvin as long as they are public roads, then the Village of Marvin commits in considering incorporation of those newly paved roads in the Marvin road plan.

The motion passed with a vote of 2-1 with Councilwoman Vandenberg opposing the motion.

Councilwoman Vandenberg noted she voted no because she does not want to make decisions on which roads to pave.

**3. Consider Resolution of Intent to amend the Charter to add one Council member and Electoral Districts with one At-Large member and the Mayor:**

**ACTION:** Council, by unanimous consent, tabled this item until their regular meeting on April 10.

**4. Discussion of ETJ:**

**ACTION:** Councilwoman Vandenberg made a motion to table the ETJ discussion until the May Work Session meeting. The motion passed with a 3-0 vote.

**5. Discussion and Consideration of Procurement Policy:**

**ACTION:** Councilwoman Vandenberg made a motion to table the Procurement Policy and add it to the consent agenda for the April meeting. The motion passed with a 3-0 vote.

**6. Discussion and Consideration of General Policy for Initiating Development:**

**ACTION:** Councilwoman Shkut made a motion to approve the General Policy for Initiating Development amendments and the policy number to P-2019-03-01 and amend the policy adoption date to March 28, 2019 amend the policy title by removing the word "General" and amend paragraph A to remove the first 2 sentences and bring paragraphs B and C into accordance with the same submittal requirements delineated in zoning ordinance §151.251 and remove all references to the word "encourage." The motion passed with 3-0 vote.

Councilwoman Shkut amended her motion to include paragraph C and remove the word "encourage" in paragraphs 2 and 3.

**7. Discussion and Consideration of Resident Proposal for Investigation:**

**ACTION:** Council, by unanimous consent, tabled this item until the April 10 regular meeting during the agenda adoption.

**8. Discussion of Conflict of Interest and Disclosure Form:**

**ACTION:** Council, by unanimous consent, tabled this item until the April 10 regular meeting during the agenda adoption.

**9. Discussion and Consideration of Legal Services, Contracts Policies and Expenditures:**

Councilwoman Shkut requested tabling discussion for this item until the regular meeting on April 10.

**ACTION:** Councilwoman Vandenberg made a motion to table the Discussion and Consideration of Legal Services, Contracts Policies and Expenditures until the April 10 regular meeting. The motion passed with a 3-0 vote.

9. **For Information Only February 2019 Treasury Report:**

The February 2019 Treasury Report was presented to Council for information only. Staff requested no action from Council.

11. **Discussion and Consideration for Approval and Adoption of the August 9, 2018 Council Regular Meeting Minutes:**

**ACTION:** Council, by unanimous consent, tabled this item until the regular meeting on April 10 during the agenda adoption.

12. **Discussion and Consideration of Attorney resignation/legal services:**

Melanie Cox resigned her position as the to the Village Attorney to the Village Council effective April 30, 2019 but would serve as Interim Attorney during the transition, if needed.

**ACTION-1:** Council, by unanimous consent, accepted Ms. Cox's resignation.

**ACTION-2:** Councilwoman Shkut made a motion to direct the Administrator to advise and draft a scope of services on the appropriate bid document for legal services and distribute bids to Council for review. The motion passed with a 3-0 vote.

## REPORTS AND UPDATES

1. **Administrator's Report:**

- **I-CD Ordinance:**

Ms. Alphin reported the amendment for removing the I-CD from the Village Ordinances was sent to American Legal. American Legal will update the Village ordinances and email a copy of the supplement page.

- **Roundabout (RAB) Maintenance:**

Ms. Alphin requested Council's approval to get quotes or bids on mowing the RAB's and new Village Hall property.

**ACTION-1:** Council, by unanimous consent, approved the Village Administrator's request to obtain quotes or bids for the RAB and new Village Hall property mowing.

Councilwoman Vandenberg requested to be excused from the meeting at 2 pm.

**ACTION-2:** Council made a motion to excuse Councilwoman Vandenberg from the meeting. The motion passed with a 2-0 vote.

**TIME STAMP: 2:51:18**

2. **Planning Report:**

Mr. Ammanmanchi gave a brief report on the following:

**Barcroft**

Barcroft developers and contractors met with Village staff, Arborist, and Engineer as required per 150.103, and the land development permit was returned signed and construction could commence. Certain comments about tree mitigation and drainage were mentioned and will be addressed.

**NC-16 Widening**

He stated that he attended the public and officials meeting for the NCDOT Providence Road Widening project. They addressed the New Town Road concerns by changing the plan allowing through movement on New Town Road instead of their previous plan to use only Right Turns and no Left-Turns would be allowed on to Providence Road. He asked them to revise their plans to accommodate the future Marvin Gardens development. He stated that NCDOT was rebranding the project as "Reduced Conflict Corridor" instead of "Super Street". He stated that Travis Preslar [TJpreslar@ncdot.gov](mailto:TJpreslar@ncdot.gov) was the contact person for the project and more information could be found on their website at <https://publicinput.com/nc-16-providence>.

**Commercial Corridor-Conditional District (CC-CD)**

He stated the owner has two lots on the corner of Bonds Grove Church Road and Providence Road and has expressed interest to rezone them to Commercial Corridor-Conditional District (CC-CD). Village staff met with the owner and the developer on March 18. He stated the total lot size is roughly 9.6 acres, but the Providence Road Project would slightly reduce the lot size. The site plans included small-scale two-story retail and office with a day-care as the anchor. No action was requested from Council but would be on a future meeting agenda.

**Critical Intersections**

He stated that he would be attending the Union County Critical Intersections meeting. He would share the information at the next Council meeting.

The list below are the four (4) Critical Intersections in Marvin:

**Unfunded 2016 Critical Intersections:**

-Bonds Grove Church & Providence

**Funded Intersections:**

-Marvin & New Town

**2019 New Recommended Critical Intersections:**

-Marvin & Joe Kerr

-Waxhaw-Marvin & Bonds Grove Church

**VILLAGE HALL**

**TIME STAMP: 2:31:40**

**1. Update:**

Ms. Alphin handed out the Architect Agreement with proposed amendments for additional services for Council to discuss and approve. *(See the attached proposed Architect Agreement hereby incorporated into these minutes.)*

The Council discussed #5 Construction Administration Phase.

**ACTION-1:** Councilwoman Shkut made a motion to approve the agreement and contracted services with Urban Architect Group for the project scope and the scope of services provided by the Administrator. The motion passed with a 2-0 vote.

**ACTION-2:** Councilwoman Shkut made a motion to amend her previous motion to add a provision to remove 3, 4, and 5 should the Village decide not to accept any of the bids that are submitted from the compensation schedule. The motion passed with a 2-0 vote.

Ms. Alphin handed out the bid tabulation sheet to record the bids opened at the Bid Opening meeting on April 1 at 12 noon and a picture of the new Village Hall for Council to review. *(See the attached bid tabulation sheet and Village Hall options hereby incorporated into these minutes.)*

**AGENDA ITEM**

**Review of Action Items:**

- **Move the following agenda items to the April 10 Regular Meeting:**
  - Consider the Resolution of Intent to amend the Charter to add one Council Member and electoral districts with one At-Large member and the Mayor.
  - Resident Proposal for Investigation.
  - Conflict of Interest and Disclosure Form
  - August 9, 2018 meeting minutes
  - Procurement Policy
  - Discussion and Consideration of Legal Services, Contracts Policies and Expenditures
- Moved the ETJ discussion to the May work session.
- Rohit Ammanamanchi will send any information on the Providence Road widening project to Councilwoman Shkut.

**Council Comments:**


- **Councilman Epps:** He thanked staff for a good meeting. He thanked everyone for excusing his tardiness.
- **Councilwoman Shkut:** She thanked staff for the work they have done and nice to see things progressing. She is glad that Council pulled out all the road issues. She apologized for her tardiness and appreciated everyone's patience. It was great to have the engineers attending.
- **Mayor Pollino:** He stated a phone call would be helpful to make ensure that the meeting would take place. He thanked staff. He stated that the Town of Waxhaw was hosting the Critical Intersection meeting and the public was invited to attend.

ADJOURNMENT

**ACTION:** Councilwoman Shkut made a motion to adjourn the meeting at 2:50 p.m. The motion passed with a 2-0 vote.

Adopted: 8.9.19

  
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Joseph E. Pollino Jr., Mayor

  
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Barbara R. Blackwell, NCCMC  
Clerk, Village of Marvin

