



VILLAGE OF MARVIN

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

VILLAGE COUNCIL WORK SESSION MEETING MINUTES February 28, 2019 – 11 am – Village Hall

AGENDA ITEM

1. Call to Order:

Mayor Pollino called the meeting to order at 11:06 am. Clerk verified a quorum was present.

Those Present: Mayor Pollino, Mayor Pro Tem Dispenziere, Councilwoman Vandenberg, Councilwoman Shkut, with Councilman Epps arriving at 12:55 pm.

Those Absent: None

Staff Present:

Christina Alphin, Village Administrator
Barbie Blackwell, Village Clerk
Rohit Ammanamanchi, Village Planner
Melanie Cox, Village Attorney

2. Adoption of the Agenda:

Councilwoman Vandenberg requested to move item #12 to item #1 “*Consider a Resolution RS-2019-02-03 Honoring Deputy Ed Swan for Service*”.

Councilwoman Shkut requested removing item #2 and change the title of item #14 to “*Reconvene into open session to take actions deemed necessary or appropriate*”.

Mayor Pollino requested to change Item #7 to “*Discussion and Consideration of Planning Board Applications*”.

Council requested changing the titles of Item #3; Item #7; and Item #11 to include “Discussion and Consideration” for those items.

ACTION: Councilwoman Vandenberg made a motion to adopt the agenda as amended. The motion passed with unanimous consent of Council.

3. Public Comment Period:

Christopher Smith, 212 Cattle Ridge Road, Marvin NC 28173, spoke and gave the following statement for the record: “I’d like to thank everyone for taking the time to review my application and qualifications summary for the open position on the planning board. I have been able to meet with almost all of you at some point in the last three weeks, and I very much appreciate your taking the time to meet with me.

I’ve been a resident of Marvin for (save two years in Omaha), since 2011, and I am an informed and engaged resident. As such I think I could bring a lot of value to the board. My previous work and education are well aligned to the skills needed to participate in municipal planning, and I also bring a fresh and diverse perspective.

With the continued evolution of Marvin and its community, I think that we need to rededicate ourselves to fact-based decision making, and the planning board serves to provide practical, unbiased, and data driven guidance to the council and Mayor in service to the community, and I would very much like to participate in that engagement process and be a positive part of the future of our village.

Thanks again for your time and consideration.”

ACTION: Council agreed by unanimous consent and directed the Clerk to only include Public Comment Period on the Work Session Meeting Agenda when Public Comment Period was not conducted at the Regular Meeting.

ITEMS OF DISCUSSION

1. Consider a Resolution RS-2019-02-03 Honoring Deputy Ed Swan for Service*:

Mayor recognized Deputy Ed Swan for his years of service with the Village of Marvin. He presented him with a resolution and gift card from the Village Staff and Village Council.

Deputy Swan expressed his appreciation to Resident, Council and Staff of the Village of Marvin.

Council shared words of gratitude and appreciations for his service.

2. Call for Public Hearings for March 12, 2019 at 6:30 pm at Bank Fellowship Hall:

1. To consider Proposed Trail Standards and Ordinance OR-2019-02-02 to Reflect Developer Trail Standards in Accordance with Master Plan and Direct PRG to Amend Master Plan with Trail Standards
2. To consider Proposed Text Amendments for Swimming Pools and Conditional Use Permits
3. To consider CUP #19-12227 for a pool to be located in the rear yard where it abuts a neighbor's side yard

ACTION: Councilwoman Shkut made a motion to call for a public hearing on all three items. Councilwoman Shkut amended her original motion to add the ordinance number § 151.054 regarding pools and Conditional Use Permits (CUPs). The motion passed with unanimous consent of Council.

3. Discussion of Resident Proposal for Investigation:

Council tabled discussion until their regular meeting on March 12, 2019.

4. Discussion of Resolution of Intent to Request the NCLM to Review its Decision to Deny Coverage in 18 CVS 1853 Shkut v. Marvin et al:

Council tabled discussion to wait for the attorney to arrive at 1 pm.

5. Discussion of ETJ:

Councilwoman Vandenberg reported that she attended a Union County Planning Board meeting. She said, they were discussing an unincorporated section in Union County that butted up to Weddington, Wesley Chapel and possibly Waxhaw. She said, that someone was trying to put a development that did not meet with their ordinances. She asked Village Staff was there anything that could be done to protect the Village against developers in the unincorporated Union County properties that abut up to Marvin that do not meet Village of Marvin's ordinances.

Rohit Ammanamanchi, Village Planner, shared the proposed zoning map that identify the Extra Territorial Jurisdiction (ETJ) areas in unincorporated Union County. He explained: The restrictions could be applied to Marvin's ordinance to extend into an area up to one mile of Marvin's boundaries or equal distance of the next jurisdiction. He also noted that this would double Marvin's current square miles and population, which means the Village would double in size and would need to double its staff to manage the growth.

Ms. Alphin explained: ETJ is NOT annexation. There is no tax increase impacted with establishing an ETJ. The Village would have planning authority and control over development within the ETJ.

Council discussed at length and asked staff to research and gather more information for them to review at their next work session meeting.

Council took no action on this item.

6. Discussion of Election Information:

Ms. Alphin spoke with Union County Board of Election. She explained: Union County BOE needed the referendum language for the ballot by the first week of August. There was no cost for the referendum. She noted that that Weddington and Stallings both have

voting districts. Centralina COG would need at least 4 months to draw the districts.

Council directed staff to do further research on the district and find out the timeline for the process.

7. Review January 2018 Treasury Report:

The January 2018 Treasury Report was presented to Council as information only. No further action was needed.

8. Discussion and Consideration of Planning Board Applications*:

Council discussed the two applications presented in the agenda packet.

Councilwoman Shkut noted that Kristi Maher has been long time community member. She would like to see diversity on the boards to have more women involved. She also noted that Kristi did not realize that someone had already applied for the vacancy. Councilwoman Shkut thanked the applicants that applied.

ACTION: Mayor Pro Tem Dispenziere made a motion to appoint Christopher Smith to the Planning Board effective immediately to fill the unexpired term ending 3/1/2021. The motion passed with unanimous consent of Council.

9. Review Survey Questions:

Ms. Alphin presented Planning Board's recommendations for the survey questions to Council. She explained: There is some clarity in language for questions 13, 14, and 15. She asked them to review each question and provide feedback for any revisions. She noted that Planning Board's recommendation was in green and the alternate question was in red.

Council discussed the questions in length.

Council directed Staff to send the questions back to Planning Board or call a special meeting with the survey committee to discuss and revise the questions before the regular meeting on March 12.

10. Consider Revisions to Budget Ordinance OR-2019-02-01:

Ms. Alphin explained: There was a minor correction made on the budget ordinance introduced to Council at their regular meeting on February 12 that needed approval.

ACTION: Councilwoman Vandenberg made a motion to approve revisions for Budget Ordinance OR-2019-02-01. The motion passed with unanimous consent of Council.

11. Review Meeting Minutes for: 2/23/18 Annual Retreat, 7/10/18, 7/30/18, 5/31/18 (3), 8/9/18, 8/30/18 Joint/PRG, 9/27/18, 10/02/18 Joint/PRG, 10/10/18, 10/25/18, 11/13/18, 12/11/18, 1/8/19, 1/14/19 Recess Meeting, and 1/23/19 Recess Meeting:

Council reviewed the meeting minutes listed. They took the following actions:

Councilwoman Vandenberg noted approval of 2/23/18, 7/10/18 and 7/30/18 with minor corrections.

Councilwoman Vandenberg asked the Clerk to pare down the 8/9/18 meeting minutes to executive summary and check the motions for accuracy.

ACTION: Council Vandenberg made a motion to direct the Clerk to pare down the 8/9/18 meeting minutes to executive summary and check the accuracy of any motions. The motion passed with unanimous consent of Council.

Councilwoman Vandenberg asked the Clerk to pare down the 8/30/18 minutes to high level and check the motions for accuracy.

ACTION: Council Vandenberg made a motion to direct the Clerk to pare down the 8/30/18 meeting minutes to executive summary and check the accuracy of any motions. The motion passed with unanimous consent of Council.

Councilwoman Vandenberg asked the Clerk to pare down the 9/27/18 minutes to executive summary and check the motions for accuracy.

ACTION: Council Vandenberg made a motion to direct the Clerk to pare down the 9/27/18 meeting minutes to executive summary and check the accuracy of any motions. The motion passed with unanimous consent of Council.

Councilwoman Vandenberg requested to table the 10/2/18 meeting minutes.

ACTION: Council Vandenberg made a motion to table the 10/2/18 meeting minutes. The motion passed with unanimous consent of Council.

ACTION: Council Vandenberg made a motion to direct the Clerk to pare down the 10/25/18 meeting minutes to executive summary and check the accuracy of any motions. The motion passed with unanimous consent of Council.

Councilwoman Vandenberg noted to approve the 11/13/18 minutes with minor corrections.
Councilwoman Vandenberg noted to approve the 12/11/18 minutes with minor corrections.
Councilwoman Vandenberg noted to approve the 1/8/19; 1/14/19 and 1/23/19 minutes.

Councilwoman Vandenberg noted approval of the 5/31/18 executive summary meeting minutes that were prepared by staff. She also noted approval of the draft 5/31/18 verbatim minutes adding Councilwoman Vandenberg and Melanie Cox's corrections.

ACTION: Councilwoman Shkut made a motion to consider the verbatim minutes for 5/31/18 Council meeting. The motion passed with unanimous consent of Council.

ACTION: Council Vandenberg made a motion to direct the Clerk to pare down the 10/10/18 meeting minutes to executive summary and check the accuracy of any motions. The motion passed with unanimous consent of Council.

Council asked the Clerk not to reprint the meeting minutes.

12. Discussion and Consider Resolution RS-2019-02-02 to Assume Maintenance of NCDOT Roads within Providence Estates, Beechwood, Firethorne Country Club, Heritage Oak Lane, and Woodland Forest Drive and authorize Village Administrator to Enter Agreement with NCDOT:

Council tabled discussion until March 12. Councilwoman Shkut wanted to ask questions to clear up some confusion about the plated/private roads listed in above mentioned subdivisions before discussion and approval.

ACTION: Councilwoman Shkut made a motion to table all remaining items on the agenda except for Item #13, #14 and Village Hall. The motion passed with unanimous consent of Council.

ACTION: Councilwoman Shkut amended her original motion to rearrange Village Hall discussion of Items #1 prior to the closed session and table Village Hall discussion of Items #3 and #4. The motion passed with unanimous consent of Council.

Councilwoman Shkut requested to recuse herself from discussion and voting during the closed session.

ACTION: Councilwoman Vandenberg made a motion to recuse Councilwoman Shkut from discussion and voting during the closed session. The motion passed with unanimous consent of Council.

ACTION: Mayor Pollino made a motion to take a 2-minute recess. The motion passed with unanimous consent of Council.

ACTION: Councilwoman Vandenberg made a motion to reconvene the meeting. The motion passed with unanimous consent of Council.

13. Enter Closed Session pursuant to 143-318.11(a)(3) to preserve the attorney – client privilege between the attorney and the public body – 18 CVS 1853 Shkut v. Village of Marvin et al:

ACTION: Councilwoman Vandenberg made a motion to go into closed session pursuant to 143-318.11(a)(3) to preserve the attorney – client privilege between the attorney and the public body – 18 CVS 1853 Shkut v. Village of Marvin et al. The motion passed with unanimous consent of Council.

ACTION: Councilwoman Vandenberg made a motion to come out of closed session pursuant to 143-318.11(a)(3) to preserve the attorney – client privilege between the attorney and the public body – 18 CVS 1853 Shkut v. Village of Marvin et al. The motion

passed with unanimous consent of Council.

14. Reconvene into open session to take the following action in the case of 18 CVS 1853 Shkut v. Village of Marvin et al*:

ACTION: Councilwoman Vandenberg to reconvene in open session. The motion passed by unanimous consent of Council.

ACTION: Council agreed by unanimous consent to enter mediation to satisfy Councilwoman Shkut's Attorneys office and that they were satisfied with Judge Huckle as the mediator.

The Clerk will post a Special meeting notice to satisfy the 48-hour statute requirement. Ms. Alphin will contact Council with mediation dates.

REPORTS AND UPDATES

1. Administrator's Report:

- Roads Discussion

ACTION: Council agreed by unanimous consent to table discussion until their next meeting.

2. Planning Report:

ACTION: Council agreed by unanimous consent to table discussion until their next meeting.

VILLAGE HALL

1. Timeline:

Council discussed the extending the timeframe for the RFP before it is published in Sunday's Enquirer Journal from 10 days to 3 weeks.

ACTION: Council agreed by unanimous consent to extend the RFP timeframe from 10 days to 3 weeks.

2. Budget/Phase Detail:

ACTION: Council agreed by unanimous consent to table discussion until their next meeting.

3. Project Manual:

ACTION: Council agreed by unanimous consent to table discussion until their next meeting.

4. Contract:

ACTION: Council agreed by unanimous consent to table discussion until their next meeting.

PRESENTATIONS AND RECOGNITIONS

AGENDA ITEM

Review of Action Items:

ACTION: Council agreed by unanimous consent to table discussion until their next meeting.

Council Comments:

ACTION: Council agreed by unanimous consent to table discussion until their next meeting.

ADJOURNMENT

ACTION: Councilwoman Vandenberg made a motion to adjourn the meeting at 1:57 pm.

***Revisions made at the meeting.**