



Village Council Regular Meeting Minutes

July 9, 2024, 6:00 p.m.

Marvin Village Hall, 10006 Marvin School Road

Members Present: Mayor Pollino, Mayor Pro Tempore Vandenberg, Councilman Baresich, Councilman Deatherage, Councilman Lein, Councilman Marcolese, Councilman Wortman

Staff Present: Christina Amos, Austin W. Yow, Chaplin Spencer, Hunter Nestor, Jill Carilli, Tyler Huneycutt, Davy Broom

A. CALL TO ORDER

Mayor Pollino called the meeting to order at 6:01pm and determined a quorum was present.

B. CONSIDER ALLOWING REMOTE PARTICIPATION

No council members participated remotely.

C. ADOPTION OF THE AGENDA

- Add Consent Agenda: "Consider Dissolving the Marvin Day Planning Subcommittee and Allow Staff to Proceed with a Volunteer Working Group AND Consider Adoption of the July 9 Marvin Day Planning Subcommittee Meeting Minutes."

Moved by Mayor Pro Tempore Vandenberg

To adopt the agenda as amended.

Vote: Motion Passed Unanimously

D. ADOPTION OF THE PREVIOUS MINUTES

Moved by Mayor Pro Tempore Vandenberg

To adopt the minutes from 6/27/24 as presented.

Vote: Motion Passed Unanimously

E. PLEDGE OF ALLEGIANCE

Mayor Pollino led the pledge of allegiance.

F. PUBLIC COMMENT PERIOD

(See attached, Item F, which is included as a reference in these minutes.)

Lauren Thomas (3025 Groves Edge Lane, Marvin Creek): Mrs. Thomas submitted the following comment to be entered into the minutes: "As a result of the Village's 6/27 NFIP Terry Foxx's presentation: I staked the flood line near the Marvin Creek Connector Trail and re-route trail with blue flags. These blue flags coincide with the latitude/longitudinal coordinates from the FRIS map's upper edge of FEMA Zone AE/special flood hazard area. I also staked the back property lines of the most impacted homeowners near the Connector Trail and re-route trail with red flags. These red flags serve to ensure the rebar that already existed at each homeowner's property line is more visible.

I discovered that the back of the private properties of 3009, 3013, and 3017 Groves Edge Lane line up with the special flood hazard area. In this photo, I'm pointing to the rebar at the back corner of 3013 Groves Edge Lane (made visible by the red flag) and the proximity to the special flood hazard area (blue flag). I imagine this was an intentional planning decision when the Ezzells subdivided their property to sell to a neighborhood developer prior to 2004. Marvin Branch creek is a few feet behind the camera.

Flagging demonstrates:

1. The Village's Marvin Creek Connector Trail path was constructed on the FRIS special flood hazard area. NFIP Terry Foxx's simple definition of a floodplain violation seems to match.
2. The Village's publicly proposed trail reroute from 5/7/24 (see photo below) will not be possible without the additional permission of specific Marvin Creek homeowners at 3009, 3013, and 3017 Groves Edge Lane. These three private property owners signed the April 16th concentrated petition opposing the Connector Trail and the re-route, as did the 100% of the 17 most impacted private property owners along the Connector Trail in Marvin Creek & Preserve neighborhoods.

A new Marvin Day mascot? I mentioned this informally to Tyler Huneycutt after the June 27th meeting. I would like to formally propose that the Carolina Heelsplitter (*Lasmigona decorata*) be strongly considered as the Marvin Day mascot because it is a unique natural heritage species in the Village of Marvin that is on the brink of extinction. Lost from the record books since the 1800's, the species was rediscovered in 1987. It was listed as federally endangered in 1993 and designated critical habitat in 2002. The Carolina Heelsplitter is an endangered freshwater mussel and the alteration and/or removal of stream buffers along the Six Mile Creek watershed are detrimental to its survival. It is the

ultimate underdog story for our shared community. Thank you for considering this new information."

Ron Hammel (3219 Oakbrook Drive, Oakbrook): Mr. Hammel spoke on the budget for the next fiscal year, noting an increase in the cost of the deputy contract. He read from the Deputy's Report, noting the number of speeders on Marvin Road, Marvin School Road, and Waxhaw-Marvin Road.

G. PRESENTATIONS

There were no presentations.

H. REPORTS AND UPDATES

1. Manager's Report

No report was given.

2. Planner's Report

No report was given.

3. Roads Report

No report was given.

4. Deputy's Report

TIME STAMP 9:40

(See attached, Item H4, which is included as a reference in these minutes.)

Deputy Swan presented his report from June, noting that the funds received from traffic citations is given to the schools and courts. He then emphasized the need for residents to stop leaving their keys and valuables in their vehicles, as vehicle thefts are continuing. He also advocated that neighborhoods use FLOCK Camera System, noting how instrumental the systems have been with apprehending thieves. The Council then discussed prohibiting door-to-door soliciting with Deputy Swan.

5. Planning Board Report

TIME STAMP 27:45

Councilman Marcollese briefed the Council on the previous Planning Board Meeting, which was held on Tuesday, June 18. He noted that the

Board discussed the Heritage at Marvin subdivision monument sign and the zoning map amendment for 1802 Summit View Place.

6. PR&G Board Report

TIME STAMP 28:35

Councilman Baresich briefed the Council on the previous PR&G Board Meeting, which was held earlier that day. He noted that the Board discussed the awarding of the StRAP Grant Funds that will be used for the Marvin Branch. He also noted that the Board discussed light pollution, the Village's Tree Ordinance, trail maintenance issues and how to report said issues. Mayor Pro Tempore Vandenberg noted that PR&G Board Member Bob Nunnenkamp resigned today. She thanked him for his service to the Marvin community.

7. Event Planning Report

TIME STAMP 33:20

Night Owls: Stargazing at Marvin Efird Park

Tyler Huneycutt, Recreation Activities Coordinator, reminded the Council that the stargazing event is scheduled for Friday, July 12, weather permitting. He noted that there were currently 15 registrants.

National Night Out

Mr. Huneycutt then noted that National Night Out was scheduled for Tuesday, August 6. He asked Council Members to volunteer for the event.

Park Passport

He then reminded the Council about the Park Passport, a partnership with Union County Parks and Recreation, where Union County residents are encouraged to visit numerous parks within Union County.

Marvin Day 2025

He noted that the Marvin Day Planning Subcommittee has recommended to not have fireworks at Marvin Day 2025, noting the required space, cost, and attendance levels. Mr. Huneycutt then informed the Council that the subcommittee was to hold a separate event for the 30th anniversary, but to include a photo op location at Marvin Day. Mrs. Carilli noted that any excess funds saved from not having fireworks could be used for an anniversary event.

8. Coffee with Council Debrief

No report was given, as a Coffee with Council event had not occurred since the last meeting.

9. WUMA Report

TIME STAMP 48:05

Councilman Wortman briefed the Council on the previous WUMA Meeting which was held in Marvin on Thursday, June 27. He noted that Marvin resident Jill Jaynes inquired about a traffic safety grant. He noted that Weddington is hiring two additional deputies for a total of five deputies, allowing for 24 hour coverage. He added that Susanna Wedra is the new Waxhaw Delegate. Lastly, he stated that WUMA members discussed topics for future meetings.

I. CONSENT AGENDA

Moved by Mayor Pro Tempore Vandenberg

To approve the consent agenda as amended.

Vote: Motion Passed Unanimously

1. Consider Adoption of Ordinance Amending the General Fund Budget for Deputy Contract

(See attached, Item I1, which is included as a reference in these minutes.)

To Adopt the Ordinance Amending the General Fund Budget for Deputy Contract as presented.

OR-2024-07-01

An Ordinance Amending the General Fund Budget Ordinance

Be it Ordained by the Village Council of the Village of Marvin, North Carolina that the following amendment be made to the annual budget ordinance for the fiscal year ending June 30, 2025:

Section 1. To amend the General Fund Budget appropriations as shown.

TYPE	BUDGET ACCOUNT	AMENDMENT AMOUNT	FROM	TO
Expense	10. Training Travel	(\$6,064)	\$14,600	\$8,536

Expense	30. Deputy Contract	\$6,064	\$255,564	\$261,628
---------	---------------------	---------	-----------	-----------

Reason: 1. Final County Budget resulted in a higher deputy contract than they proposed in March. This budget amendment helps cover the shortfall.

Section 2. Copies of this budget amendment shall be furnished to the Clerk to the Governing Board, and to the Budget Officer and the Finance Officer for their direction.

Adopted this 9th day of July 2024.

2. Consider Adoption of Revised FY24-25 Fee Schedule

(See attached, Item I2, which is included as a reference in these minutes.)

To adopt the Revised FY24-25 Fee Schedule as presented.

3. Consider Revising Planning Board Member Terms to Comply with Article 4 of the Marvin Development Ordinance.

(See attached, Item I3, which is included as a reference in these minutes.)

To amend the terms of the following Planning Board Terms: Michael Lavelle, to expire on 3/1/2027; Will Owens, to expire on 3/1/2026; Marcus Williams, to expire on 3/1/2025; John Jones, to expire on 3/1/2025.

4. Consider Appointment of Planning Board Members to the Board of Adjustment with Revised Terms to Comply with Article 4 of the Marvin Development Ordinance

(See attached, Item I4, which is included as a reference in these minutes.)

To appoint Kelly Cates and Richard Holzberg to the Board of Adjustment as Regular Members with Terms Expiring 3/1/2027; to appoint Ken Marino as a Regular Member with a Term expiring 3/1/2026; to appoint Michael Lavelle as an Alternate Member with a Term expiring 3/1/2027; and to appoint Will Owens as an Alternate Member with a Term expiring 3/1/2026.

5. Consider Reappointment of Members to the PR&G Board AND Consider Revising PR&G Board Member Terms

(See attached, Item I5, which is included as a reference in these minutes.)

To reappoint Jen Castellucci to the PR&G Board for a term expiring 3/1/2027; to reappoint Jennifer Barbara for a revised term expiring

3/1/2026; to revise the term of Kristyna Culp to expire 3/1/2026; and to revise the term of Christina Traub to expire 3/1/2025.

6. Consider Dissolving the Marvin Day Planning Subcommittee and Allow Staff to Proceed with a Volunteer Working Group AND Consider Adoption of the July 9 Marvin Day Planning Subcommittee Meeting Minutes

To dissolve the Marvin Day Planning Subcommittee, allowing staff to proceed with a volunteer working group.

To adopt the July 9 Marvin Day Planning Subcommittee Meeting Minutes as presented.

J. PUBLIC HEARING

1. Public Hearing for Zoning Map Amendment 2024-1

TIME STAMP 51:45

(See attached, Item J1, which is included as a reference in these minutes.)

Mayor Pollino opened the public hearing.

Mr. Nestor informed the Council that Mr. Bill Laughlin is requesting to rezone his property at 1802 Summit View Place from SFR-3 to SFR-1, noting that the requested zoning is inconsistent with the surrounding zoning. He noted that staff is researching and may be initiating a zoning map amendment to rezone all of Weddington Chase Phase I as SFR-2. Mr. Bill Laughlin, the applicant noted that he would be agreeable to rezoning the property to SFR-2. Mr. Nestor noted that the Planning Board voted to not recommend the rezoning to SFR-1, as doing so would create nonconformities. Village Attorney Chaplin Spencer recommended considering rezoning all of Phase I of Weddington Chase to SFR-2 at one time, rather than one parcel. Mr. Nestor noted that the applicant held their neighborhood meeting on June 25; there were six attendees and no opposition to the proposed rezoning. Councilmembers voiced their preference to rezone Phase I together, rather than one parcel.

Mayor Pollino closed the public hearing.

Moved by Mayor Pro Tempore Vandenberg

To adopt an ordinance amending the official zoning map to rezone the subject property located at 1802 Summit View PL, Marvin, NC 28173

(Parcel Number: 06156140) from Single Family Residential (SFR-3) to Single Family Residential (SFR-2) and find that the proposed zoning map amendment is consistent with the Village of Marvin 2020 Land Use Plan and other officially adopted Village plans and is reasonable and in the public interest.

Opposed (6): Mayor Pro Tempore Vandenberg, Councilman Baresich, Councilman Deatherage, Councilman Lein, Councilman Marcolese, and Councilman Wortman

Vote: Motion Failed (0 to 6)

Mr. Nestor noted that staff would bring the rezoning of Phase 1 of Weddington Chase to the Council for consideration in August or September.

K. UNFINISHED BUSINESS

1. Discussion of Coffee with Council Dates (July - September)

TIME STAMP 1:15:05

(See attached, Item K1, which is included as a reference in these minutes.)

Austin Yow, Village Clerk & Assistant to the Manager, asked the Council to sign up for Coffee with Council events for July, August, and September. Two councilmembers signed up for each event date.

L. NEW BUSINESS

There was no new business.

M. OPEN TOPICS

TIME STAMP 1:48:50

Catawba Land Conservancy

Councilman Deatherage asked if the Council was interested in him reaching out to the Catawba Land Conservancy to see what land conservation efforts were possible in Marvin. There were no objections. Councilman Deatherage stated he would reach out to invite representatives from Catawba to an upcoming work session.

N. REVIEW OF ACTION ITEMS

- Mr. Nestor will continue to research rezoning Phase 1 of Weddington Chase to SFR-2.
- Councilman Deatherage will contact the Catawba Land Conservancy.
- Mr. Yow will send out Coffee with Council calendar invites.
- Mr. Yow will process the reappointments and term changes.

O. REVIEW OF THE MAYOR PRO KIM LIST

Council reviewed the Ongoing Action Item List and made revisions.

P. COUNCIL COMMENTS

Mayor Pollino: He thanked Mr. Nunnenkamp for his service on the PR&G Board and the Marvin community. He thanked Deputies Swan and Keziah and the Village Staff for their hard work. He then reminded residents to reach out to the Union County Sheriff's Office when leaving town for vacation, as the Sheriff's Office will monitor your property. He then briefly spoke on the draft community survey drafted by a resident closely working with staff. Lastly, he stated he was in Seabrook near Charleston celebrating Independence Day. He highlighted the high-quality event that Seabrook held and hoped that Firethorne would be interested in hosting a similar event in conjunction with Marvin Day in the future.

Mayor Pro Tempore Vandenberg: She thanked Mr. Nunnenkamp for his service on the PR&G Board and for his work establishing MARSH.

Councilman Baresich: He noted he had spoken to all of the Annexation Study Committee applicants. He stated he looked forward to working with the group.

Councilman Deatherage: He noted that he had called all of the Annexation Study Committee applicants, but had not heard back from two of them.

Councilman Lein: He thanked Mr. Nunnenkamp for his service on the PR&G Board. He thanked Village Staff and Deputies Swan and Keziah for their hard work.

Q. CLOSED SESSION

No closed session occurred.

R. **ADJOURNMENT**

Moved by Mayor Pro Tempore Vandenberg

To adjourn the meeting at 7:29pm.

Vote: Motion Passed Unanimously

Joseph E. Pollino Jr.

Mayor

Austin W. Yow

Village Clerk & Assistant to the Manager