



Village Council Regular Meeting Minutes

May 13, 2025, 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, Poulami Das, Jill Carilli, Tyler Huneycutt, Davy Broom

A. CALL TO ORDER

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

B. CONSIDER ALLOWING REMOTE PARTICIPATION

No council members participated remotely.

C. ADOPTION OF THE AGENDA

Moved by Mayor Pro Tempore Vandenberg

To adopt the agenda as presented.

Vote: Motion Passed Unanimously

D. ADOPTION OF THE PREVIOUS MINUTES

Moved by Mayor Pro Tempore Vandenberg

To adopt the minutes from 4/8/25 (Budget Work Session) and 4/8/25 (Regular) as presented.

Vote: Motion Passed Unanimously

E. PLEDGE OF ALLEGIANCE

Mayor Pollino led the pledge of allegiance.

F. PUBLIC COMMENT PERIOD

Ron Hammel (3219 Oak Brook Drive, Oak Brook Estates): Mr. Hammel spoke on speed radar reports in the Deputy's Report. He noted that adding streetlights would only encourage faster speeds. He asked Council to consider installing speed bumps on main roads.

G. FEEDBACK FROM THE PREVIOUS PUBLIC COMMENT PERIOD

TIME STAMP 1:04:35

Mayor Pro Tempore Vandenberg spoke on statements made by residents about Village Staff, including residents calling staff members incompetent and asserting that staff only work 16 hours per week. She noted that the office is open to the public 10am-2pm each day, but staff are working before and after those times. She also noted that Council and Staff are available outside of 10am-2pm by appointment. Ms. Amos noted that the nine full-time staff members cumulatively worked 842 hours in the past two weeks.

Mrs. Vandenberg also spoke on accusations that the Council colludes with developers and HOAs. She invited independent audits of herself and agreed to pay for such audits. She noted that unless residents have evidence, then such statements are only detrimental to the reputations of Council and staff members. Mayor Pollino emphasized that words matter.

H. PRESENTATIONS

1. Signing Ceremony for Mayoral Proclamation Proclaiming May 18-24, 2025, as National Public Works Week

TIME STAMP 1:08:50

(See attached, Item H1, which is included as a reference in these minutes.)

Mayor Pollino read aloud and signed a proclamation proclaiming the week of May 18-24, 2025 as National Public Works Week. Members of the Council expressed their appreciation for the Village of Marvin Public Works Department and its employees.

PROCLAIMING MAY 18–24, 2025 AS NATIONAL PUBLIC WORKS WEEK “ADVANCING QUALITY OF LIFE FOR ALL”

WHEREAS, public works professionals focus on infrastructure, facilities, and services that are of vital importance to sustainable and resilient

communities and to the public health, high quality of life, and well-being of the people of the Village of Marvin; and,

WHEREAS, these infrastructure, facilities, and services could not be provided without the dedicated efforts of public works professionals, who are engineers, managers, and employees at all levels of government and the private sector, who are responsible for rebuilding, improving, and protecting our nation's transportation, water supply, water treatment and solid waste systems, public buildings, and other structures and facilities essential for our citizens; and,

WHEREAS, it is in the public interest for the citizens, civic leaders, and children in the **Village of Marvin** to gain knowledge of and maintain an ongoing interest and understanding of the importance of public works and public works programs in their respective communities; and,

WHEREAS, the year 2025 marks the 65th annual National Public Works Week sponsored by the American Public Works Association/Canadian Public Works Association.

NOW, THEREFORE, I, Joseph E. Pollino Jr., Mayor of the Village of the Marvin do hereby designate the week May 18–24, 2025, as National Public Works Week. I urge all citizens to join with representatives of the American Public Works Association and government agencies in activities, events, and ceremonies designed to pay tribute to our public works professionals, engineers, managers, and employees and to recognize the substantial contributions they make to protecting our national health, safety, and advancing quality of life for all.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the Village of Marvin to be affixed this the 13th day of May 2025.

2. Presentation of Certificate to Village Clerk & Assistant to the Manager Austin Yow in Recognition of Achieving the Paul Craig Athenian Fellowship from the International Institute of Municipal Clerks (IIMC)

TIME STAMP 1:11:35

Mayor Pollino announced that Austin Yow, Village Clerk & Assistant to the Manager, received the Paul Craig Athenian Fellowship from the International Institute of Municipal Clerks (IIMC). He read aloud Mr. Yow's Athenian Leadership Society induction letter and commemorative certificate. The Council congratulated Mr. Yow on his achievement.

3. Presentation on Union County Critical Intersection Phase III Designs and Cost Estimates

TIME STAMP 1:14:55

(See attached, Item H3, which is included as a reference in these minutes.)

Hunter Nestor, Planning Director, explained that the six intersections were identified in the Union County Critical Intersection Program, two of which are in Marvin. Those selected intersections included Joe Kerr & Marvin Roads and Stacy Howie and Waxhaw-Marvin Roads. He noted that construction would be estimated in 2030. He noted that public meetings were held for the intersections. He stated that there were two designs, a double-lane roundabout or a signal interchange with exclusive turning lanes.

It was noted that the 2030 costs for the Joe Kerr/Marvin Road intersection were \$3.93 million for a signal interchange and \$7.10 million for a roundabout. Council discussed the need for two-lane vs one-lane roundabouts. Bjorn Hansen, Union County Senior Planner, spoke noting that a single-lane roundabout would be ill-equipped for the Joe Kerr/Marvin Road intersection. It was noted that the 2030 costs for the Stacy Howie/Waxhaw-Marvin Road intersection were \$6.1 million for a signal intersection and \$10.25 million for a roundabout.

Mayor Pollino appealed Marvin adjacent neighborhoods to annex, as they would directly benefit from these projects. Council spoke on the burden of the project costs on the Village's budget. Mr. Nestor asked the Council to choose a design option for each intersection. The Council agreed that roundabouts were the best options for both intersections.

Moved by Mayor Pro Tempore Vandenberg

To approve Preferred Alternative Number 2 – Roundabout for the intersection of Joe Kerr Road and Marvin Road.

Vote: Motion Passed Unanimously

Moved by Mayor Pro Tempore Vandenberg

To approve Preferred Alternative Number 2 – Roundabout for the intersection of Waxhaw-Marvin Road and Stacy Howie Road.

Vote: Motion Passed Unanimously

I. REPORTS AND UPDATES

1. Manager's Report

TIME STAMP 2:00:20

Staff Salaries vs Grants

Christina Amos, Village Manager, noted that the Village has received more than \$3.9 million in grants from 2022 through 2025, compared to \$2 million appropriated for staff salaries, a net positive of \$1.9 million for the Village.

Suspicious Person Located

Ms. Amos explained that a suspicious person was located earlier that day in woods behind Tom Short Road. She noted that Lieutenant Maye of the Union County Sheriff's Office would explain this further during the Deputy's Report.

No Violations Found on Village Trail System from the US Army Corp of Engineers

Ms. Amos informed the Council that the Village of Marvin received a letter from the US Army Corp of Engineers (USACE) on May 7, which concluded that no violations were found during their on-site federal investigation of the Village Trail system. She noted that the investigation covered trails constructed between September 2019 and March 2025. Specifically, Ms. Amos noted that the USACE determined that the Village of Marvin Trail System did not result in an unauthorized discharge of fill into the waters of the United States and that no federal action was needed.

2. Clerk's Report

TIME STAMP 2:02:55

Publix Logo Replacement Update

Austin Yow, Village Clerk & Assistant to the Manager, informed the Council that the Village had received the final cost-sharing agreement to update the Village's logo on the Publix welcome sign. He informed the Council that there was a typo on the agreement when they approved entering the contract. He noted that Publix intends to replace the logo by July 1, 2026, instead of July 1, 2025.

Mr. Yow asked the Council if they still wished for staff to execute the agreement. Council agreed to move forward with staff executing the agreement.

Public Record Requests Update

Mr. Yow reported that the Village had received 25 public records requests as of May 13, 2025, and was on pace to exceed the 50 requests received in 2024. He noted that Council had previously declined to implement records management software and reiterated the challenges of tracking requests without it.

He estimated spending approximately 30 percent of his time on records requests, many involving multiple departments. He stated that the Village was strictly enforcing its Public Records Request Policy, including the application of IT special service charges for requests requiring technical expertise or estimated to take more than four hours of staff time.

Council discussed the impact of the volume of requests on staff capacity. Mr. Yow estimated that tens of thousands of pages were released in 2024, and about 1,000 in 2025 to date. He stated that most requests originated from a small group of individuals.

Attorney Spencer commented that current public records law has not kept pace with technology and suggested the need for statewide reform.

Mr. Yow emphasized that his intent was to provide an operational update, not to focus on individual requesters.

3. Planner's Report

No report was given.

4. Public Works Report

TIME STAMP 2:13:00

(See attached, Item 14, which is included as a reference in these minutes.)

Davy Broom, Public Works Director, gave the following updates:

The NCDOT approved Marvin's request for abandonment at their April board meeting. The Village of Marvin is now responsible for the maintenance of all roads in Innisbrook at Firethorne, Woodcliff Ct, and various roads in Marvin Creek.

The Fog Seal Project is continuing to move forward. Now that the Village has ownership of the streets being fog sealed, staff is finalizing the contract with Russell Standard. The project is to be completed by the end of September.

Upcoming Abandonment Requests include the roads in Valhalla Farms and Providence Ridge. Information will be shared during the New Business portion of the meeting for council to discuss.

The Stormwater Inventory Assessment that is being performed by AMT Engineering is expected to be completed within the next two weeks. The assessment is complete. AMT has experienced some issues with their mapping program which has caused a delay.

The Wounded Heroes Courtyard project is still moving forward. Staff have been in contact with the Independence Fund representative about potential changes to the courtyard design. They are awaiting the council's feedback and recommendations.

Ms. Amos then briefed the Council on details regarding the Village's ability to control speed limits and through traffic on New Town Road if the Village were to assume control of the portion of New Town Road that extends from the State Line to the roundabouts. It was noted that the Village absolutely can control speed limits but would be limited regarding restricting trucks. Attorney Spencer clarified that the state could override and retake control if they deemed it necessary.

5. Deputy's Report

TIME STAMP 2:21:35

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

Lieutenant Maye presented the UCSO Activity Report for the Village of Marvin from April 2025. He noted that there were no burglaries, citing the hard work of Union County Detectives. He stated that there were two incidents of attempted breaking and entering that failed as the homeowners had locked their doors. He informed the Council that deputies are conducting preventative patrols and traffic stops. He noted that the report does not account for many traffic stops that occur just outside of Marvin's corporate limits.

Lt. Maye then spoke regarding a suspicious person found off Tom Short Road earlier that morning. He noted that a young woman was sleeping in the woods and that deputies found no indications of alcohol, drugs, or any criminal activity. He stated that Deputy Breslin provided the young woman with resources to help her get back on her feet and was sent on her way. He encouraged residents to call 911 if they see anything suspicious and noted that residents can remain anonymous when calling 911.

Mayor Pro Tempore Vandenberg emphasized that residents should call 911 if they see something suspicious and to not contact the Council, as the UCSO can address the concern much faster. She briefly addressed the public comment regarding speeding, noting that the Village is not considering installing streetlights on Marvin Road. She also noted that the Village cannot install speed bumps on Marvin Road, as the Village does not own the road.

Councilman Wortman noted that the Village has budgeted for additional off-duty law enforcement to target issues including speed enforcement. Council thanked the UCSO for their hard work keeping Marvin residents safe.

Lastly, Lt. Maye invited everyone to attend a Law Enforcement Memorial Ceremony on Thursday, May 15 at 12:45pm at the Judicial Center Courtyard.

6. Planning Board Report

TIME STAMP 2:32:35

Councilman Marcolese recapped the previous Planning Board meeting on April 15, noting that the Board discussed the conditional rezoning proposals for Marvin Oaks, the Raley Miller property, and the Design Review Board Review of the Whataburger elevations for Marvin Gardens. He noted no action was taken by the Board on the three topics.

7. PR&G Board Report

Councilman Baresich noted that the May PR&G Board meeting was canceled.

8. Event Planning Report

TIME STAMP 2:34:50

Easter Egg Hunt & Marvin Day Recap

Tyler Huneycutt, Recreation Manager, recapped the Easter Egg Hunt and Marvin Day, noting both events were well attended. He thanked the Marvin Day volunteers and vendors for their help making Marvin Day a success.

5K & Fun Run

Mr. Huneycutt explained that the 5K and Fun Run would be held on Saturday, May 31, with the 5K beginning at 9am and the Fun Run beginning at 10am. He also noted that a health fair would be held starting

at 8am. He informed everyone that registration was open and encouraged residents to sign up.

Other Upcoming Events

Mr. Huneycutt then informed the Council that a Classic Car Show is planned for Saturday, June 21. He also stated that he is still working with Union County Parks and Recreation on planning Marvin Day Camps at Cane Creek Park during the summer. Lastly, he confirmed that National Night Out would be held on Tuesday, August 5 from 5:30-8:30pm and asked for volunteers.

9. Coffee with Council Debrief

TIME STAMP 2:40:25

Councilmen Marcollese and Wortman staffed the Coffee with Council event on Tuesday, April 22 at 6pm. Jill Dunton of Amber Meadows attended and noted her concern about a potential trail connecting the Tullamore/Amber Meadows Trails to the Towns at Audrey subdivision. Councilman Wortman noted that the connection is not planned to be constructed, as the Towns at Audrey was not planning on annexing at this time.

Mayor Pollino and Councilman Lein noted that no residents attended the Coffee with Council event held on Thursday, May 1 at 10am.

10. WUMA Report

TIME STAMP 2:45:30

Councilman Wortman recapped the April WUMA Meeting that was held in Mineral Springs. He noted that the other WUMA municipalities are proceeding with their budget processes. He informed the Council that the May 22 WUMA Meeting in Waxhaw at 7pm will be attended by Union County's state delegation. He encouraged residents to attend and ask questions.

J. CONSENT AGENDA

Moved by Mayor Pro Tempore Vandenberg

To approve the consent agenda as presented.

Vote: Motion Passed Unanimously

1. Consider Adoption of Closed Session Minutes

To adopt the closed session minutes from April 8, 2025.

2. **Consider Call for Public Hearing to be Held on Thursday, May 29, 2025, at 6pm at Marvin Village Hall to Consider Adoption of the Village of Marvin Annual Operating Budget for Fiscal Year 2025-2026**

To call for a public hearing to be held on Thursday, May 29, 2025, at 6pm at Marvin Village Hall (10006 Marvin School Road) to consider adoption of the Village of Marvin Annual Operating Budget for Fiscal Year 2025-2026.

3. **Consider Acceptance of Certificate of Sufficiency and Consider Adoption of Resolution Fixing Date of Public Hearing on Question of Annexation Pursuant to NCGS 160A-58.2 for Parcel 06198002A**

(See attached, Item J3, which is included as a reference in these minutes.)

To accept the Certificate of Sufficiency and to adopt the Resolution Fixing Date of Public Hearing on Question of Annexation Pursuant to NCGS 160A-58.2 as presented.

RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION PURSUANT TO N.C.G.S. 160A-58.2

WHEREAS petitions requesting annexation of the non-contiguous area described herein have been received; and

WHEREAS the Marvin Village Council directed the Village Clerk to investigate the sufficiency of the petitions; and

WHEREAS certification by the Village Clerk as to the sufficiency of the petitions have been made.

NOW, THEREFORE, BE IT RESOLVED by the Village Council of the Village of Marvin, North Carolina that:

Section 1. A public hearing on the question of annexation of the non-contiguous area will be held at Marvin Village Hall (10006 Marvin School Road) at 6pm on Tuesday, July 8, 2025.

Section 2. The area proposed for annexation is described as follows:

Parcel 06198002A (9802 Rea Road, owned by RTS Investors II, LLC)

BEGINNING AT A FOUND #5 REBAR IN THE NORTHERLY R/W MARGIN OF REA ROAD EXTENSION (S.R. # 1306, PUBLIC R/W WIDTH VARIES, DEED BOOK 1061, PAGE 517 OF THE UNION COUNTY REGISTER OF DEEDS), SAID PROPERTY CORNER BEING THE SOUTHWESTERLY CORNER OF LOT 276 OF SOMERSET PHASE

2, MAP 10 (PLAT CABINET F, PAGE 761); THENCE WITH SOUTHERLY LINES OF LOTS 276 AND 277 S86-14-12E 300.34 FEET TO A FOUND #4 REBAR, BEING THE SOUTHWESTERLY CORNER OF LOT 281; THENCE ALONG THE SOUTHERLY LINE OF LOT 281 S86-13-22E 107.62 FEET TO A FOUND #4 REBAR, BEING THE SOUTHWESTERLY CORNER OF LOT 282; THENCE ALONG SOUTHERLY LINE OF LOT 282 S86-15-12E 99.26 FEET TO A FOUND #4 REBAR; THENCE ALONG THE COMMON OPEN SPACE OF SOMERSET PHASE 2, MAP 6 (PLAT CABINET F, PAGE 615), AND LOTS 299 AND 300 (PLAT CABINET F, PAGE 615) S86-14-16E 458.90 FEET TO A FOUND #4 REBAR, BEING THE SOUTHWESTERLY CORNER OF LOT 331 OF SOMERSET PHASE 2 MAP 2 (PLAT CABINET F, PAGE 286); THENCE ALONG THE SOUTHERLY LINE OF LOT 331 AND THE SOUTHERLY R/W MARGIN OF TINTINHULL LANE (60' PUBLIC R/W) S40-33-50E 165.57 FEET TO A FOUND #4 REBAR IN THE EASTERLY R/W MARGIN OF TINTINHULL LANE; THENCE ALONG THE EASTERLY R/W MARGIN OF TINTINHULL LANE A CIRCULAR CURVE TO THE LEFT WITH A RADIUS OF 280.00' AND LENGTH OF 109.95 FEET (CHORD BEARING AND DISTANCE OF N41-21-44E 109.24 FEET) TO A FOUND #4 REBAR, BEING THE SOUTHWESTERLY CORNER OF LOT 332; THENCE ALONG THE SOUTHERLY LINE OF LOT 332 S65-51-02E 175.48 FEET TO A FOUND REBAR AT A FENCE, BEING IN THE WESTERLY LINE OF LOT 356 OF SOMERSET PHASE 2 MAP 9 (PLAT CABINET G, PAGE 615); THENCE ALONG THE WESTERLY LINE OF LOT 356 S04-10-39W 64.19 FEET TO FOUND #4 REBAR; THENCE CONTINUING ALONG THE WESTERLY LINES OF LOTS 356 THROUGH 364 S34-25-20E 744.71 FEET TO A FOUND #4 REBAR IN THE NORTHWESTERLY R/W MARGIN OF TOM SHORT ROAD (S.R.# 2902, PUBLIC R/W WIDTH VARIES, PLAT CABINET I, PAGE 638); THENCE ALONG THE NORTHWESTERLY R/W MARGIN OF TOM SHORT ROAD S56-22-22W 846.75 FEET TO A FOUND #4 REBAR IN THE NORTHERLY R/W MARGIN OF REA ROAD; THENCE ALONG THE NORTHERLY R/W MARGIN OF REA ROAD THE FOLLOWING 6 CALLS:

1. N74-08-18W 113.70 FEET TO A DOT R/W DISK
2. N45-16-45W 114.27 FEET TO A FOUND DOT R/W DISK;
3. A CIRCULAR CURVE TO RIGHT WITH A RADIUS OF 4855.59 FEET AND ARC LENGTH OF 470.19 FEET (CHORD BEARING AND DISTANCE OF N36-53-31W 470.01 FEET) TO A FOUND DOT R/W DISK;

4. N33-14-07W 225.23 FEET TO A FOUND #4 REBAR;
5. N32-47-44W 4.94 FEET TO A FOUND #4 REBAR;
6. N32-47-44W 768.85 FEET TO A FOUND #5 REBAR, BEING THE POINT AND PLACE OF BEGINNING,

CONTAINS 1,225,949 SQ. FT. OR 28.112 ACRES.

Section 3. Notice of public hearing shall be published in the Monroe Enquirer Journal, a newspaper having general circulation in the Village of Marvin, at least 10 days prior to the date of the public hearing.

Adopted this 13 day of May 2025.

4. Consider Adoption of Grant Project Closeout Ordinance for COVID American Rescue Plan Grant (ARPA)

(See attached, Item J4, which is included as a reference in these minutes.)

To Adopt the Grant Project Closeout Ordinance for COVID American Rescue Plan Grant (ARPA) as Presented.

GRANT PROJECT ORDINANCE

**AN ORDINANCE CLOSING THE GRANT PROJECT BUDGET
ORDINANCE OR-2021-10-01**

WHEREAS Capital Project Budget Ordinance OR-2021-10-01 was adopted by the Village Council of the Village of Marvin, North Carolina on the 12th day of October 2021 for the purpose of accepting Coronavirus State and Local Fiscal Recovery Funds; and

WHEREAS \$1,076,933.25 was appropriated for this project and authorized for expenditure; and

WHEREAS the appropriation was spent in full, and all grant proceeds have been expended.

NOW THEREFORE, BE IT NOW ORDAINED by the Marvin Village Council that the Grant project Coronavirus State and Local Fiscal Recovery Fund is hereby closed.

Adopted this 13th day of May 2025.

5. Consider Adoption of Asset Capitalization Policy

(See attached, Item J5, which is included as a reference in these minutes.)

To adopt the Asset Capitalization Policy as presented.

6. Information Only: PR&G Board Review of 2020 Parks and Greenways Master Plan

(See attached, Item J6, which is included as a reference in these minutes.)

7. Discuss and Consider Waving and Reimbursing Rezoning Fees

(See attached, Item J7, which is included as a reference in these minutes.)

To reimburse the rezoning fees for Zoning Map Applications 2024-3 and to waive the rezoning fee for Zoning Map Applications 2025-1 and 2025-2.

8. Consider Adoption of Revised Fee Schedule for Fiscal Year 2025-2026

(See attached, Item J8, which is included as a reference in these minutes.)

To adopt the Revised Fee Schedule for Fiscal Year 2025-2026 as presented.

9. Information Only: Finance Director's March and April 2025 Treasurer's Report

(See attached, Item J9, which is included as a reference in these minutes.)

K. UNFINISHED BUSINESS

1. Discuss and Consider Approval of Updated Trail Standards Presented by Dewberry

Mayor Pollino declared a brief 5-minute break at 7:47pm.

Mayor Pollino reconvened the meeting at 7:52pm.

TIME STAMP 2:53:35

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

Mr. Huneycutt explained that Dewberry had finished updating the Village's trail standards to include in the Village's spec manual. He noted that AMT, the Village's engineering contract, had approved the standards. He asked the Council for approval. Councilman Wortman then noted that a new form of permeable concrete would be used in the construction of Village Hall Park, removing the requirement for a second retention pond.

Moved by Mayor Pro Tempore Vandenberg

To approve the proposed trail standards as presented.

Vote: Motion Passed Unanimously

L. NEW BUSINESS

1. Discussion of Roads in Valhalla Farms and Providence Ridge to be Considered as a Request for Abandonment to NCDOT

TIME STAMP 2:57:30

(See attached, Item L1, which is included as a reference in these minutes.)

Mr. Broom explained that staff are preparing to submit the required documentation for NCDOT to abandon roads to the Village in the Valhalla Farms and Providence Ridge subdivisions. He noted that there are individual parcels along certain roads in these subdivisions that are not within the Village of Marvin and therefore, NCDOT will require those property owners to sign SR-3 forms for the Village to be able to assume the roads. He noted that the affected roads are Prince Valiant Drive, Royster Run, and Astrid Court.

He asked if Council wished for staff to petition NCDOT to abandon only the portions of the roads fully within Marvin or to direct staff to proceed with obtaining signed SR-3 Forms.

The Council discussed this topic in depth and agreed to direct Mr. Broom to move forward with petitioning NCDOT for the abandonment of Nellie Lane and Grigg Lane in Providence Ridge after contacting the HOA to about the Village's intent to not move forward with the abandonment of Royster Run and Astrid Court, as many homes along those streets have not annexed.

The Council also agreed to direct Mr. Broom to move forward with petitioning NCDOT for the abandonment of roads in Valhalla Farms and to

reach out to the two property owners at the end of Prince Valiant Drive to encourage annexation. Should annexation not occur, Mr. Broom will only petition for the abandonment of Prince Valiant Drive to the Village's boundaries.

2. Discussion of Request for No U-Turn Sign for Oak Brook Drive

TIME STAMP 3:06:45

(See attached, Item L2, which is included as a reference in these minutes.)

Mr. Broom explained that the HOA President for Oak Brook Estates reached out to request an ordinance to prohibit U-turns on Oak Brook Drive, as vehicles making U-turns are damaging the neighborhoods' grass. Additionally, he reported that residents are having a hard time exiting the neighborhood during peak school hours, as traffic is stacking to make U-turns. The Council directed Mr. Broom to order a no U-turn sign and to prepare the required ordinance.

3. Discussion of Potential Stream Network Review

TIME STAMP 3:11:25

(See attached, Item L3, which is included as a reference in these minutes.)

Ms. Amos explained that RKK provided a quote for a Village-wide stream analysis. She noted that the project is not currently funded but could serve the community well. Council discussed this topic in depth and agreed not to move forward, citing pushback from neighborhoods associated with the StRAP Grant project.

4. Discuss and Consider Adoption of Resolution of Opposition to HB 765 and SB 688

TIME STAMP 3:18:30

(See attached, Item L4, which is included as a reference in these minutes.)

Mr. Nestor noted that HB 765 and SB 688 have received a lot of opposition from other municipalities and counties. Mr. Nestor and Village Attorney Chaplin Spencer noted that the bills' progress has slowed and may cross over into next year's session.

Moved by Mayor Pro Tempore Vandenberg

To adopt the Resolution of Opposition to House Bill 765 and Senate Bill 688 as presented.

Vote: Motion Passed Unanimously

RESOLUTION OPPOSING CHANGES TO LOCAL PLANNING AND ZONING IN HOUSE BILL 765 AND SENATE BILL 688 BY THE NORTH CAROLINA GENERAL ASSEMBLY

WHEREAS, the North Carolina General Assembly has introduced House Bill 765 and Senate Bill 688 in the 2025 session that changes many aspects of local planning and zoning, contains numerous problematic provisions and detrimentally impacts local government land use authority; and

WHEREAS, local governments have historically been the final guardian of the rights of the people, and local government zoning has made in-person attendance and comment easier for proponents and opponents of zoning decisions, thereby allowing residents to participate in matters that affect them through the Public Hearing Process; and

WHEREAS, HB 765 and SB 688 are pending in the General Assembly will effectively mandate many planning and zoning decisions that are now made by local governments through the public participation process and will drastically change the process and destroy the local community's authority to uphold public health, safety and welfare; and

WHEREAS, Chapter 160D of the North Carolina General Statutes mandates comprehensive planning and zoning, and this Chapter of the Statutes would be severely eroded by passage of HB 765 and SB 688 by diminishing the input and trust of the citizens, including those who voluntarily serve on the Village's advisory boards; and

WHEREAS, zoning regulations are adopted to promote the health, safety, and general welfare of the residents of the Village of Marvin jurisdiction through development regulations. The bills will result in development inconsistent with the community vision established by the 2020 Land Use Plan, small area plans, and other adopted plans; and

WHEREAS, these would supersede and render adopted development standards null, allowing detrimental development to occur regardless of the damage to the environment, municipality, residents, or adjacent properties. Development regulations include provisions to regulate the use

of buildings and land, land development, planned development, development of subdivisions sidewalks, driveways, dimensional building standards; environmental protection such as landscape buffers and open space requirements; and water system management.

NOW, THEREFORE, BE IT RESOLVED that the Marvin Village Council opposes House Bill 765 and Senate Bill 688 for the following reasons:

- Both bills are an egregious overreach in limiting local government land use authority solely to that expressly authorized in the Statutes.
- Both bills remove the ability of local governments to apply certain conditions based upon voluntary consent and prohibit local governments from establishing parameters that uphold public health, safety and welfare.
- Both bills make recovery of damages including punitive damages and attorney fees to any developer against any member of an elected or appointed decision-making body if their decision is deemed arbitrary or capricious. We view this as a direct attempt to discourage elected officials from making decisions in fear of punishment by land developers and limiting the ability to represent the residents.
- SB 688 requires zoning and development regulations to be adopted through quasi-judicial procedures. This marks a significant departure from the traditional legislative process, where locally elected officials exercise broad discretion, engage in ex parte communication, and represent their constituents' interests. By shifting to a quasi-judicial framework, public input is significantly limited, as only individuals with legal standing may participate—thereby reducing broader community involvement and democratic engagement.
- HB 765 creates an unnecessary paperwork burden and additional cost to taxpayers by setting a 14-calendar-day period within which an amendment application must be determined to be complete or deficient. Requires a maximum 90-calendar-day review period for review of an amendment. Failure to decide the application within the 90-day period shall constitute approval.
- HB 765 bans voluntary agreements of conditional rezoning, removes public input from all subdivision decisions and further

removes any ability of residents' concerns to be addressed through the public hearing process.

- HB 765 retracts the authority of local governments to establish or enforce development regulations under the general ordinance-making power established in the Statutes.
- HB 765 adds by right development of 4 units per acre, and 6 units per acre including multifamily structures in all residential zones, as well as by right development of multifamily housing in commercial, business, or industrial zones, in certain cities based on population.
- HB 765 retracts the general ordinance-making power of counties and cities to establish or enforce development regulations.

BE IT FURTHER RESOLVED that copies of this resolution be forwarded to North Carolina Senators, North Carolina Representatives and neighboring municipalities in North Carolina.

Adopted this the 13th day of May 2025.

5. Consider Entering Contract with Lumin Strategies for Supplemental Public Education Communications Not to Exceed \$12,000 with a 10 Percent Contingency

TIME STAMP 3:21:30

(See attached, Item L5, which is included as a reference in these minutes.)

Mr. Yow explained that with the Village's small staff and limited resources, it has been a challenge for Village's communications team to develop consistent communications aimed at proactively educating the public on local issues, Village projects and current events. He noted that staff is asking Council to consider entering an agreement with Lumin Strategies, and if approved, the team at Lumin Strategies would work closely with staff to support the Village's communication team to produce additional project/issue-specific communications to be distributed through the Village's current communication channels, such as Facebook, Instagram, emails sent via MailChimp and posted on the Village's website.

Mayor Pro Tempore Vandenberg addressed misinformation from the public, which referred to staff is incompetent. She stated that the Village staff is not incompetent, but amazing and professional. She encouraged those making these comments to come meet staff. She noted that when

staff must divert resources to address misinformation, they are unable to work on other projects. She stated it was unfortunate that people do not take responsibility for their misinformation.

Council discussed this topic in depth and agreed by consensus to not move forward with the proposal.

M. OPEN TOPICS

TIME STAMP 3:50:45

Councilman Deatherage informed the Council that the Marvin Creek HOA is coordinating efforts with the Tullamore and Amber Meadows HOAs to clean up the landscaping on Tom Short Road a few times each year. The Council welcomed this good news.

N. REVIEW OF ACTION ITEMS

- Mr. Nestor will send the Resolution of Opposition to HB 765 and SB 688 to the appropriate parties.
- Mr. Broom will order a no U-turn sign and prepare an ordinance to prohibit U-turns on Oak Brook Drive.
- Mr. Broom will move forward with petitioning NCDOT for the abandonment of Nellie Lane and Grigg Lane in Providence Ridge after contacting the Providence Ridge HOA about annexation and the opportunity for the Village to assume maintenance of Royster Run and Astrid Court.
- Mr. Broom will move forward with petitioning NCDOT for the abandonment of roads in Valhalla Farms and will reach out to the two property owners at the end of Prince Valiant Drive to encourage annexation. Should annexation not occur, Mr. Broom will only petition for the abandonment of Prince Valiant Drive to the Village's boundaries.
- Mr. Huneycutt will fold the updated trail standards into the Village's spec manual.
- Mr. Yow will update the fee schedule on the Village's website.
- Mr. Nestor and Ms. Carilli will refund rezoning fees that have been paid for conventional rezonings applied for since the adoption of the MDO.
- Mr. Nestor will move forward with the Council's recommendations for roundabouts at the intersections of Joe Kerr/Marvin Road and Stacy Howie/Waxhaw-Marvin Road.

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 staff for their hard work. He highlighted the Council's confidence in staff's work. He stated he would like to approach other towns about petitioning the state legislature to force county residents to cost-share in local infrastructure and traffic projects. He briefly spoke on a resident who installed a fence to block a road. He reminded everyone that graduations are coming up. He congratulated college and high school graduates and encouraged them to be safe and smart and to enjoy their next chapter of life. He appealed to residents who approve of the work being done by staff to let staff know and make a comment.

Mayor Pro Tempore Vandenberg: She thanked staff for their hard work, especially considering rude comments from residents directed towards staff members. She thanked the Council and the UCSO for their hard work. She thanked residents for dialogue on issues and encouraged residents to obtain information from official sources.

Councilman Baresich: He thanked all who attended Marvin Day. He thanked staff for their work on Marvin Day.

Councilman Deatherage: He thanked the staff and fellow Councilmembers for their hard work.

Councilman Lein: He thanked Council and staff for their hard work. He thanked law enforcement for their service. He noted that his son got accepted into medical school.

Councilman Marcolese: He concurred with others' comments.

Councilman Wortman: He concurred with others' comments. He reflected on the success of Marvin Day.

Q. CLOSED SESSION

Moved by Mayor Pro Tempore Vandenberg

To recess into closed session pursuant to NCGS 143-318.11(a)(3)(6) to consult with an attorney retained by the Council to preserve the attorney-client privilege; and to discuss personnel.

Vote: Motion Passed Unanimously

1. **Recess into Closed Session Pursuant to NCGS 143-318.11(a)(3) to Consult with an Attorney Retained by the Council to Preserve the Attorney-Client Privilege**
2. **Recess into Closed Session Pursuant to NCGS 143-318.11(a)(6) to Discuss Personnel**

R. ADJOURNMENT

Moved by Mayor Pro Tempore Vandenberg

To adjourn the meeting at 9:24pm.

Vote: Motion Passed Unanimously

Joseph E. Pollino Jr.

Mayor

Austin W. Yow

Village Clerk & Assistant to the Manager