



Village Council Regular Meeting Minutes

July 8, 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, 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

Councilman Baresich participated remotely via Zoom.

Moved by Councilman Lein

To allow council members to participate remotely.

Vote: Motion Passed Unanimously

C. ADOPTION OF THE AGENDA

- Remove Closed Session

Moved by Councilman Deatherage

To adopt the agenda as amended.

Vote: Motion Passed Unanimously

D. ADOPTION OF THE PREVIOUS MINUTES

Moved by Councilman Marcollese

To adopt the minutes from 6/26/25 (Work Session) as presented.

Vote: Motion Passed Unanimously

E. PLEDGE OF ALLEGIANCE

Mayor Pollino led the pledge of allegiance.

F. PUBLIC COMMENT PERIOD

Tori Comiskey (312 Painted Turtle Court): Mrs. Comiskey stated her family is suing the Village of Marvin, the Marvin Creek HOA, and Kim Vandenberg to stop construction of the Preserve-Marvin Creek Connector Trail. She claimed the trail is not on the Village's master plan and construction halted in January 2024 due to missing environmental/engineering studies. She asserted that her family attempted to resolve the issue but ultimately filed suit in January 2025 due to continued conflict. She noted that a temporary restraining order is in place pending the outcome of a recently held preliminary injunction hearing. She stated the Marvin Creek HOA was added to the lawsuit and criticized the Village for attempting to include all Marvin Creek property owners. She stated that an October 2024 survey conducted by the Marvin Creek HOA reportedly showed resident opposition to the trail. She noted the Marvin Creek HOA President has twice requested the return of the easement and that the Preserve at Marvin HOA Board was entirely replaced over the issue. She asserted that most residents oppose the trail and that no records of resident support exist.

G. FEEDBACK FROM PREVIOUS PUBLIC COMMENT PERIOD

Mayor Pro Tempore Vandenberg read aloud a statement addressing residents who harassed her son on Nextdoor, claiming she was using his account. She noted she was embarrassed and disturbed by the willingness of residents to bully children online. She told the residents to pick on someone their own age, adding that she can take the harassment.

H. PRESENTATIONS

- 1. Recognition of Finance Director Jill Carilli's Completion of Certification Exams with the NC Government Finance Officer Association**

TIME STAMP 12:30

Christina Amos, Village Manager, announced that Finance Director Jill Carilli has passed her certification exams needed to receive her NC Local Government Finance Officer Certification. Ms. Amos noted that Ms. Carilli will officially receive her certification in January of 2026. Council and Staff congratulated Ms. Carilli on her accomplishment.

I. CONSENT AGENDA

Moved by Mayor Pro Tempore Vandenberg

To approve the consent agenda as presented.

Vote: Motion Passed Unanimously

1. Information Only: Deputy's Report

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

2. Consider Adoption of Resolution Accepting the Estates at Marvin Branch Roads

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

To approve the Street Acceptance Petition and adopt a Resolution to assume maintenance of Ellison Way within the Estates at Marvin Branch Subdivision.

A RESOLUTION TO ASSUME MAINTENANCE OF ALL ROADS WITHIN THE ESTATES AT MARVIN BRANCH SUBDIVISION

WHEREAS the Village of Marvin desires to provide certain services including, but not limited to, maintenance of subdivision streets within Marvin, including those listed below; and

WHEREAS JCH NC, LLC has submitted a Road Acceptance Petition for Marvin to accept all the roads in the Estates at Marvin Branch subdivision and Marvin's Engineer has found the roads to be acceptable.

NOW, THEREFORE, BE IT RESOLVED by the Marvin Village Council that the Village of Marvin shall take over the road maintenance for road listed below in the Estates at Marvin Branch subdivision:

STREET NAME	MILEAGE
Ellison Way	0.313

Adopted this the 8th day of July 2025.

3. Consider Full Bond Release for the Estates at Marvin Branch

(See attached Item 13, which is included as a reference in these minutes.)

To approve and release the full amount of the Performance Bond for the Estates at Marvin Branch (Bond Number: 3805089).

4. Consider Adoption of Amendment to the General Fund Budget Ordinance for Road Maintenance

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

To adopt the amendment to the General Fund Budget Ordinance for Road Maintenance as presented.

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, 2026:

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

TYPE	BUDGET ACCOUNT	AMENDMENT AMOUNT	FROM	TO
EQUITY	10. Unassigned Fund Balance	\$54,000	\$54,000	\$0
REVENUE	Transfer in from Unassigned Fund Balance	(\$54,000)	\$50,000	\$104,000
EXPENSE	40. Road Maintenance/Resurfacing	\$54,000	\$150,000	\$204,000

Reason: 1. This budget amendment pulls out \$54,000 of budgeted expenses for FY25 that were not completed by year end and were converted to fund balance as of 7/1/25. 2. Pulling the funds out and adding them to the FY26 Budget since these expenses will occur this Fiscal Year instead.

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 8th day of July 2025.

J. PUBLIC HEARING

1. Public Hearing for CZ-2025-1 to Consider Adoption of an Ordinance Approving the Development Agreement and Rezoning the 3.022-Acres at 10018 Marvin School Road from Rural-Residential (RR) to Heritage District Commercial Only (HD-CO-CZ)

TIME STAMP 13:30

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

Mayor Pollino opened the public hearing.

Hunter Nestor, Planning Director, presented his staff report for the proposed conditional rezoning of 10018 Marvin School Road from Rural Residential (RR) to Heritage District Commercial Only (HD-CO). He noted the surrounding uses of property, including the Village Hall and the Preserve subdivision. He stated recapped that four buildings are proposed in two phases. He noted that the developer has increased the proposed buffer to 25 feet and has agreed to remove an existing fence and install a new one on the property line. He then spoke on open space and tree preservation. He noted that an easement has been dedicated for the Marvin Loop Greenway and that the developer will either construct said portion of the greenway or pay a fee-in-lieu. He then spoke on water and sewer connectivity and the previously held neighborhood meeting. He noted that the proposal meets all ordinance requirements and then spoke on the development agreement.

Attorney Chris Duggan, representing the applicant, spoke on the proposal. He asked for the Council's approval, noting that the applicant has listened to the feedback from the Planning Board, Council, and residents. PB, Council, and residents. Councilman Lein thanked the applicant for listening to the residents and board feedback.

Mr. Nestor emphasized that the proposal is a site specific plan that is tied to property, and that no changes could be made to the plan without going through this process again. He noted that staff recommended approval, and that the Planning Board voted 6-1 to recommend approval with conditions. He read the conditions aloud, noting that they have been incorporated into the development agreement.

Conditions:

- Rezoning Plan Exhibits and Attachments. All exhibits and attachments, as submitted by the applicant, shall be incorporated as part of this rezoning.
- Compliance with all the terms and conditions of the included Development Agreement.
- All NCDOT and Village traffic engineering comments and recommendations shall be considered with the Construction Documents.
- Consult with NCDOT on potential road improvements along Marvin School Road.
- Require a detailed lighting and landscape plan with construction documents to be reviewed by the Village for compliance with Chapter 152: Outdoor Lighting of the Village Ordinances.
- Easement for Marvin Loop will be dedicated per the site plan to the Village.
- Consider fee-in-lieu or potential improvements of the Marvin Loop to be installed by developer.
- Require a maintenance plan and agreement for parking, landscaping, buffer, etc.
- Increase the rear buffer to 25' and installation of new fence along the property line (contingent upon the Preserve HOA allowing the removal of fence on their property).
- Applicant will continue to work with the Village and Preserve HOA on stormwater improvements.

Mayor Pro Tempore Vandenberg asked if a monument for the Marvin Heritage District was included in the development agreement. Mr. Nestor confirmed that an easement for a Heritage District monument was included in the agreement, as well as language pertaining to a potential cost share for the construction of the monument.

Please see the attached staff report regarding "Public Hearing for CZ-2025-1 (ROMS Investment LLC)" from Hunter Nestor, dated July 8, 2025, for more information.

Public Comments:

Steven Black (1927 S. Tryon Street, Charlotte): Mr. Black stated he was an attorney representing the Preserve at Marvin HOA. He thanked the developer for listening but noted three issues that remain unresolved, stormwater drainage, sewer connectivity, and trail connectivity. He noted that the Preserve HOA wants to solve these issues and for the property to be developed responsibly relating to stormwater.

Mr. Black's allotted three-minute time limit elapsed. The Council agreed by unanimous consent to allow the next speakers to yield their time to Mr. Black.

Mr. Black continued noting that the developer needs sewer connectivity across the Preserve's common open space. He then highlighted that the Village's connection from Village Hall to the Preserve Trail is an issue of contention to be resolved by both the Village and the HOA. He asked the Council to either delay the vote and continue working on stormwater and the other outlying issues OR let it at least be known that these issues were raised publicly by the Preserve HOA.

The Council noted that the existing trail connection from Village Hall to the Preserve Trail has no relevance to the proposed conditional rezoning. Village Attorney Chaplin Spencer noted that stormwater will be addressed in greater detail during construction document review phase and that sewer connectivity is a county issue, not part of the rezoning process.

Kristen Conway: (12017 Carolina Cherry Lane, Preserve): Mrs. Conway had yielded her time to Mr. Black.

Vamsi Vemuri (6004 Tea Olive Road, Preserve): Mr. Vemuri had yielded his time to Mr. Black.

Mayor Pollino closed the public hearing.

The Council deliberated the proposal in depth.

Moved by Mayor Pro Tempore Vandenberg

To Adopt an Ordinance Approving a Development Agreement and Conditional Zoning Map Amendment (CZ-2025-1) to Rezone the 3.022 Acres Located at 10018 Marvin School Road, Marvin, NC 28173 (Parcel 06-225012) from Rural-Residential (RR) to Marvin Heritage District Commercial Only (MHD-CO-CZ), AND adopt the following Land Use

Consistency and Reasonableness Statement; AND authorize the Mayor to execute the development agreement.

Vote: Motion Passed Unanimously

AN ORDINANCE OF THE VILLAGE OF MARVIN, NORTH CAROLINA

AN ORDINANCE TO REZONE 10018 MARVIN SCHOOL ROAD, MARVIN, NC 28173 (PARCEL NUMBER: 06-225012) AS MARVIN HERITAGE DISTRICT – COMMERCIAL ONLY AND APPROVING THE DEVELOPMENT AGREEMENT WITH ZONING CONDITIONS

BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF MARVIN:

SECTION 1. That the Official Zoning Map referenced in Article I of the Marvin Development Ordinance is hereby amended to rezone the 3.022 acres property located at 10018 Marvin School Road, Marvin, NC 28173 (Parcel Number 06-225012) from Rural-Residential (RR) to Marvin Heritage District Commercial Only (HD-CO) with zoning conditions set forth herein.

SECTION 2. That the Development Agreement attached hereto between ROMS INVESTMENTS LLC and the Village of Marvin governing the use and development of tax parcel 06-225012 as approved and the Mayor is authorized to execute the Development Agreement.

SECTION 3. The development and use of the property hereby rezoned shall be governed by the Development Agreement including the terms and conditions set forth therein, the predetermined ordinance requirements applicable to such district category, the approved site plan, exhibits and attached documents presented and approved for the district at the time of adoption of this Ordinance, and any additional approved rules, regulations and conditions, all of which shall constitute the zoning regulations for the approved district and are binding on the property as an amendment to the regulations and to the Zoning Maps.

SECTION 4. That this ordinance shall become effective upon its adoption.

This ordinance shall be effective July 8th, 2025 and ordered published as provided by law.

Adopted this 8th day of July 2025.

**STATEMENT OF CONSISTENCY AND REASONABLENESS FOR THE
CONDITIONAL ZONING MAP AMENDMENT APPLICATION CZ-2025-1**

WHEREAS, the Marvin Village Council adopted “2020 Land Use Plan” herein after referred to as “the Plan”, adopted in accordance with G.S. 160D-501 on October 11, 2020; and

WHEREAS, the Village Council finds it necessary to maintain consistency with the Plan and establish modern land use and development standards and specifications; and

WHEREAS, prior to adopting or rejecting any zoning ordinance or amendment thereto, the Village Council must, in accordance with G.S. 160D-605, adopt a statement describing whether its action is consistent with an adopted comprehensive plan and explain why the Village Council considers the action taken to be reasonable and in the public interest.

THEREFORE, The Village Council finds that the proposed rezoning of the located at 10018 Marvin School Road, Marvin, NC 28173 (further identified by parcel numbers 06-225012) from Rural-Residential (RR) to Marvin Heritage District Commercial Only (MHD-CO) is consistent with the goals and recommendations of the Village of Marvin 2020 Land Use Plan and the Marvin Heritage District Small Area Plan in that it designates the subject property as the Marvin Heritage District – Commercial Only.

The rezoning is deemed reasonable in the way it will facilitate carrying out the goals of the Plan through each of the following:

1. Cultivating a sense of community and creating a gathering place within the Heritage District,
2. Maintaining rural character and heritage,
3. Providing development adjacent to existing neighborhoods that is compatible in terms of intensity, scale, and architecture,
4. Providing conservation land or fee-in-lieu for future greenway connections and additional pedestrian-oriented amenities,
5. Creating a walkable, compact core of neighborhood-friendly commercial, retail and public uses and spaces,
6. Proposing and further incorporation of appropriate traffic calming strategies, and

7. Providing shared parking solutions/options and future vehicular connectivity within the district.

Recommended by the Planning Board on the 20th day of May 2025 and hereby adopted by the Village Council *this 8th day of July 2025.*

2. Public Hearing to Consider Adoption of an Ordinance Extending the Corporate Limits of the Village of Marvin, to Annex the 28.11-Acre Property Located at 9802 Rea Road (Parcel: 06-198002A)

TIME STAMP 57:30

(See attached Item J2, which is included as a reference in these minutes.)

Mayor Pollino opened the public hearing.

Hunter Nestor, Planning Director, noted that the Village received an annexation petition for 9802 Rea Road, Parcel 06-198002A from RTS Investors II, LLC. Mr. Nestor briefly recapped the annexation process. Mr. Yow asked the Council to hold off on any action until the conclusion of the final public hearing on the associated conditional rezoning proposal.

Public Comments:

Caroline Katz (225 Tyndale Court, Somerset): Mrs. Katz spoke against the proposed annexation and conditional rezoning, noting the Union County permits have expired. She stated that commercial development could lag behind construction of the residential portion. She referenced another Raley Miller development project and noted that its commercial component lagged behind and became a blight on the community. She stated that residents are not interested in dense development. She urged the Council to use their leverage to get more out of the developer.

Cassandra Wiselka (518 Pembroke Lane, Somerset): Mrs. Wiselka spoke on against the proposed annexation and conditional rezoning, noting the proposal was too dense and would negatively impact Marvin area schools which are overcrowded. She noted that the development could result in school district being redrawn, pushing current students out of Marvin are schools. She stated she did not believe the school impact study to be accurate. She questioned the traffic study, noting that the study needs to measure peak times. She emphasized that development must be balanced and well-planned.

Mayor Pollino closed the public hearing.

Mr. Yow reminded the Council that they would hold the vote on the annexation ordinance after the next public hearing on the conditional rezoning.

3. Public Hearing for CZ-2025-2 (Marvin Commons) to Consider Adoption of an Ordinance Approving the Development Agreement and Rezoning the 28.11-Acres at 9802 Rea Road (Parcel 06198002A) from Union County B-2 (PUD6-B2) to Marvin Mixed-Use 2 CZ (MU-2-CZ)

TIME STAMP 1:08:05

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

Mayor Pollino opened the public hearing.

Hunter Nestor, Planning Director, deferred to the applicant to present. Bridget Grant of Moore & Van Allen presented the proposal. She spoke on the reasoning for annexing, citing liquor by the drink. She reviewed the three development areas, single-family homes, townhomes, and commercial space. She noted that two conceptual plans were provided and included in the development agreement, with the primary difference being the inclusion of a grocery anchor. She noted that greenspace replaces a previously planned road connection to Tintinhull Lane. Mrs. Grant noted that the developer has increased the buffer from 20 to 25 feet with average of 30 feet based on feedback received. She recapped other changes from community feedback, including increased buffers, narrowed uses, limited hours of operation, full brick townhomes, increased rear yard setbacks from 10 to 25 feet for the single-family homes, and the removal of any service station (gas station) from the proposal.

Mayor Pro Tempore Vandenberg briefly left the room and returned at approximately 7:21pm.

The Council discussed the proposal in depth with the developer and their representatives, including regarding buffers and tree preservation. Mrs. Grant and Mark Kime of CEC noted that under this proposal the buffers would be replanted thicker, nearing 100 percent opacity.

Mr. Nestor read aloud additional prohibited uses agreed upon by the developer, noting that the uses are listed in the staff report and development agreement.

The Council asked regarding the sale price of the townhomes. Rob Kreisher of Jones Homes estimated the homes to sell for more than \$1 million each.

The Council asked the developer to address the concern that the townhomes would be towering over the Somerset subdivision. Mr. Kime noted that the property will be graded and that retaining walls will be constructed. He further noted that the base floor of the townhomes would be between 3-10 feet lower than the base floor of the homes in Somerset.

The Council asked the developer to discuss their traffic study. Thomas Shirley of Kimley Horn discussed trip generation used in the calculations for the traffic impact analysis. He then noted that the traffic impact analysis provides initial recommendations, but that NCDOT makes the ultimate decision regarding required intersection improvements.

The Council asked the developers to estimate the timeline for residential and commercial construction. Mr. Kreisher noted that homebuilding will begin in spring 2026 with the first residents moving in in fall of 2026. David Miller of Raley Miller properties noted that the commercial site work/grading will be performed concurrently with the residential development with the commercial construction to begin by the end of 2026 with a total development time of 1-3 years, depending on phasing.

Mr. Nestor then finished presenting his staff report, discussing architecture, tree preservation, buffers, open space, parking, sidewalks, and water and sewer. He noted that all application requirements have been met and that the required neighborhood meeting was held. He stated that staff recommended approval. He noted that the Planning Board moved to recommend approval with conditions, but that the motion failed with a tied vote of 3-3.

The Council asked when the developer would know if the development would contain a grocery anchor. Mr. Miller stated that he would likely know within six months if a Harris Teeter or another grocery anchor would be located on the property.

Please see the attached staff report regarding "Public Hearing for CZ-2025-2 (Marvin Commons)" from Hunter Nestor, dated July 8, 2025, for more information.

Public Comments:

Mayor Pollino thanked everyone for attending and participating. He acknowledged the wide range of feedback received regarding the development proposal, including from non-Marvin residents. He stated that the Village Council's primary responsibility is to Marvin residents and taxpayers. He stated that the property will eventually be developed and that it is in the Village's best interest to have a seat at the table. He emphasized that by expanding the Village's commercial base, the Village can diversify its revenue streams, helping to maintain low residential tax rates. He also noted that the development would promote local shopping, keeping sales tax revenue in Union County, rather than Mecklenburg County. He stated that the Council welcomes respectful input, but that the voices of Marvin residents must carry the most weight.

Kelly Rubottom (8912 Whittingham Drive, Somerset): Mr. Rubottom spoke against the proposed conditional rezoning, noting that his property abuts the proposal. He stated he did not believe the developer to be honest. He stated he purchased his home with a 60-foot buffer in mind, which was required by the previously approved proposal by Union County. He asked the Council to deny the conditional rezoning request.

Akiner Tuzuner (8910 Whittingham Drive, Somerset): Mr. Tuzuner spoke against the proposed conditional rezoning, noting concerns with building height and traffic. He stated that the development would be densest in all western Union County. He then spoke on why he loves his property and the surrounding area.

Forrest Kelley (9024 Tintinhull Lane, Somerset): Mr. Kelley spoke against the proposed conditional rezoning. He noted that he understood that the property would eventually be developed. He stated that the proposal differed significantly from previous proposals. He noted that his wife started a petition that received 763 signatures. He estimated that at least 684 signatures could be considered legitimate and that the majority reside in Marvin, the surrounding area, or the 28173 zip code. He noted that he prefers the County's regulations over the Village of Marvin's.

Andrew Katz (225 Tyndale Court, Somerset): Mr. Katz spoke against the proposed conditional rezoning, noting that much of Somerset's feedback was not included in the proposal. He argued that the development proposal is ambiguous, citing possible undesirable uses, density, and building height. He noted he was not anti-development. He asked the

Council to be considerate of Somerset residents, and to ask for a more detailed plan from the developer.

Mayor Pollino closed the public hearing.

The Council deliberated the proposal, thanking Marvin and Somerset residents for providing feedback.

Councilman Marcolese asked Mr. Nestor if approving this development would set a precedent for future proposals. Mr. Nestor noted that all proposals would have to proceed through the conditional rezoning process and that the final decision would be with the elected governing board.

Mayor Pro Tempore Vandenberg asked Mr. Nestor if the proposal was the densest in all of Marvin and western Union County at 2.67 units per acre, as was stated during the public comments. Mr. Nestor stated that this was incorrect, as the Courtyards at Marvin is the densest development in Marvin. He noted that the development, which was rezoned in the mid-2010s as an individual conditional district (ICD) had a density of 2.9 units per acre. He noted that he was not familiar with the density of non-Marvin residential developments.

Mayor Pro Tempore Vandenberg asked Mr. Miller if it was abnormal for commercial tenants to not commit to a development plan before approval. Mr. Miller stated that commercial tenants will not commit unless a development plan is approved.

Councilman Lein noted that a "No" vote means that the Village yields its ability to have a say in the future development of the property. He thanked the public for the feedback received via email and thanked one gentleman for sending a very detailed and unique email that was not copied and pasted, in contrast to most other emails received.

Councilman Marcolese spoke against density, noting the number of homes built in Marvin since he entered office in 2019. He stated he was done with development and wanted to focus on addressing traffic concerns.

Mayor Pollino spoke on "losing a seat at the table," referencing a previous de-annexation along Rea Road. He then spoke on the importance of annexation and his previous opposition to a proposal for the subject property that featured a large movie theater.

Moved by Mayor Pro Tempore Vandenberg

To Adopt an Ordinance Extending the Corporate Limits of the Village of Marvin, to Annex the 28.11-Acre Property Located at 9802 Rea Road (Parcel: 06-198002A).

Opposed (1): Councilman Marcolese

Vote: Motion Passed (5 to 1)

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE VILLAGE OF MARVIN, NORTH CAROLINA

WHEREAS, the Marvin Village Council has been petitioned under NCGS 160A-58.1, to annex the area described below; and

WHEREAS the Marvin Village Council has by resolution directed the Village Clerk to investigate the sufficiency of the petition; and

WHEREAS the Village Clerk certified the sufficiency of the petition and a public hearing on the question of this annexation was held at Marvin Village Hall at 6pm on Tuesday, July 8, 2025, after due notice by the *Enquirer Journal* on June 28, 2025, and July 5, 2025; and

WHEREAS the Marvin Village Council finds that the area described therein meets the standards of NCGS 160A-58.1(b), as follows:

1. The nearest point on the proposed satellite corporate limits is not more than three (3) miles from the primary corporate limits of the Village; and
2. No point on the proposed satellite corporate limits is closer to the primary corporate limits of any municipality other than the Village of Marvin; and
3. The area is so situated that Village will be able to provide the same services within the proposed satellite corporate limits that it provides within the primary corporate limits; and
4. No subdivision, as defined in NCGS 160A-376, will be fragmented by this proposed annexation; and
5. The area within the proposed satellite corporate limits, when added to the area within all other satellite corporate limits, does not exceed ten percent (10%) of the area within the primary corporate limits of the Village; and

WHEREAS the Marvin Village Council further finds that the petitions have been signed by all the owners of real property in the areas who are required by law to sign; and

WHEREAS the Marvin Village Council further finds that the petition is otherwise valid, and that the public health, safety, and welfare of the Village and of the area proposed for annexation will be best served by annexing the area described.

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

Section 1. By virtue of the authority granted by G.S. 160A-58.2, the following described non-contiguous territory is hereby annexed and made part of the Village of Marvin as of July 8, 2025.

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 2. Upon and after July 8, 2025, the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in the Village of Marvin and shall be entitled to the same privileges and benefits as other parts of the Village of Marvin. Said territory shall subject to municipal taxes according to NCGS 160A-58.10.

Section 3. The mayor shall cause to be recorded in the office of the Register of Deeds of Union County, and in the office of the Secretary of State in Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the Union County Board of Elections, as required by NCGS 163-288.1.

Adopted this 8th day of July 2025.

Moved by Mayor Pro Tempore Vandenberg

To Adopt an Ordinance Approving a Development Agreement and Conditional Zoning Map Amendment (CZ-2025-2) to Rezone the 28.11-acres located at 9802 Rea Road (Parcel 06-198002A) from Union County B-2 (PUD6-B2) to Village of Marvin Mixed-Use 2 CZ (MU-2-CZ); AND authorize the Mayor to execute the development agreement upon final attorney review; AND that the proposed conditional zoning map amendment and development 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 (1): Councilman Marcollese

Vote: Motion Passed (5 to 1)

AN ORDINANCE OF THE VILLAGE OF MARVIN, NORTH CAROLINA

AN ORDINANCE TO REZONE 9802 REA ROAD (PARCEL NUMBER: 06-198002A) FROM UNION COUNTY B-2 (PUD6-B2) TO VILLAGE OF MARVIN MIXED-USE 2 CZ (MU-2 CZ) AND APPROVING THE DEVELOPMENT AGREEMENT WITH ZONING CONDITIONS

BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF MARVIN:

SECTION 1. That the Official Zoning Map referenced in Article I of the Marvin Development Ordinance is hereby amended to rezone the 28.11-acre property located at the 9802 Rea Road (Parcel Number:06-198002A) from Union County B-2 (PUD6-B2) to Village of Marvin Mixed-Use 2 CZ (MU-2 CZ), with zoning conditions set forth herein.

SECTION 2. That the Development Agreement attached hereto between RTS INVESTORS II and the Village of Marvin governing the use and development of tax parcel 06-198002A as approved and the Mayor is authorized to execute the Development Agreement.

SECTION 3. The development and use of the property hereby rezoned shall be governed by the Development Agreement including the terms and conditions set forth therein, the predetermined ordinance requirements applicable to such district category, the approved site plan, exhibits and attached documents presented and approved for the district at the time of adoption of this Ordinance, and any additional approved rules, regulations and conditions, all of which shall constitute the zoning regulations for the

approved district and are binding on the property as an amendment to the regulations and to the Zoning Maps.

SECTION 4. That this ordinance shall become effective upon its adoption.

This ordinance shall be effective July 8th, 2025 and ordered published as provided by law.

Adopted this 8th day of July 2025.

K. UNFINISHED BUSINESS

There was no unfinished business.

L. NEW BUSINESS

There was no new business.

M. REVIEW OF ACTION ITEMS

There were no action items.

N. REVIEW OF THE MAYOR PRO KIM LIST

Council reviewed the Ongoing Action Item List and made revisions.

O. COUNCIL COMMENTS

Mayor Pollino: He congratulated Ms. Carilli for passing her exams. He thanked staff and law enforcement for their hard work. He stated he was praying for those affected by the floods in Texas. He noted he recently kayaked down the French Broad River and saw debris from Hurricane Helene 20 feet high in the trees. He noted how well Asheville and other Western North Carolina towns are recovering from last year's floods. He expressed the desire to do more for Western North Carolina and suggested bringing the topic to the next WUMA Meeting. He thanked everyone for participating in the public hearings, noting that most were not Marvin residents. He thanked Council for their work in advance of the meeting.

Mayor Pro Tempore Vandenberg: She concurred with others' comments regarding the excellent work of Public Works. She thanked all staff for their hard work. She thanked the other Councilmembers for being cordial, even when there are disagreements.

Councilman Baresich: He recognized the hard work of the Public Works Department.

Councilman Deatherage: He thanked the staff, especially Mr. Nestor for his hard work for the meeting.

Councilman Lein: He also recognized the hard work of Public Works, noting how Marvin Efird Park is well-maintained. He also thanked all staff for their hard work.

P. CLOSED SESSION

No closed session occurred.

Q. ADJOURNMENT

Moved by Mayor Pro Tempore Vandenberg

To adjourn the meeting at 8:53pm.

Vote: Motion Passed Unanimously

Joseph E. Pollino Jr.

Mayor

Austin W. Yow

Village Clerk & Assistant to the Manager