

Village Council Regular Meeting Minutes

July 12, 2022, 6:00 p.m. Marvin Village Hall, 10006 Marvin School Road

Members Present: Mayor Pollino, Mayor Pro Tempore Vandenberg,

Councilman Deatherage, Councilman Lein, Councilman

Marcolese

Members Absent: Councilman Wortman

Staff Present: Christina Amos, Austin W. Yow, Chaplin Spencer, Jamie

Bays, Hunter Nestor, Derek Durst

A. AGENDA ITEMS

1. Call to Order & Determine Quorum

Mayor Pollino called the meeting to order at 6:03pm and determined a quorum was present.

2. Consider Allowing Councilmembers to Participate Remotely (If applicable)

No one participated remotely.

3. Adoption of the Agenda

Mayor Pro Tempore Vandenberg requested to make the following changes:

- Add Unfinished Business Item: "Discussion of Angel Tree Program"
- Add Unfinished Business Item: "Discuss and Consider Entering Continuing Service Agreement with Schneider Tree Care for Monthly Borer Spray and Nutrient Feeding"
- Add New Business Item: "Discussion of Email Newsletter Name"

Moved by Mayor Pro Tempore Vandenberg

To adopt the agenda as amended.

Vote: Motion Passed Unanimously

4. Pledge of Allegiance

Mayor Pollino led the pledge of allegiance.

5. Public Comment Period

No one signed up to speak.

B. **PRESENTATIONS**

No presentations occurred.

C. <u>REPORTS AND UPDATES</u>

1. Manager's Report

TIME STAMP 2:55

a. Acoustic Panels

Christina Amos, Village Manager, explained that she has received a quote for \$60,000 to install acoustic sound panels in the Council Chambers. She stated that she is expecting a second quote to come, but is also exploring options to do the work in house. She noted that she will bring this item back when she has more pricing information.

b. Greenway Fog Seals

Ms. Amos explained that the cost of the greenway fog seals came in at a cost of approximately \$20,910 for this year. She noted that the Village only budgeted \$15,000. She noted that the Village would not have to RFP for this project, as it falls under an existing all-inclusive contract.

c. State Funding Received

Ms. Amos stated that State Representative Willis and State Senator Johnson have secured \$150,000 for infrastructure and an additional \$500,000 for a park to be located within the Marvin Heritage District.

2. Planner's Report

TIME STAMP 8:25

a. Marvin Loop Update

Hunter Nestor, Planning & Zoning Administrator, explained that the Marvin Loop Trail project is progressing on schedule. Ms. Amos stated that staff

has been working with NCDOT on getting crosswalks installed at the future Marvin Road / New Town Road roundabout.

b. Preserve Internal Trail Update

Mr. Durst stated that 2/3 of the Preserve Internal Trail has been completed. He explained that there is potential for a trail spur to connect to the sidewalks in Marvin Creek. Mr. Nestor explained that the easement for the Innisbrook Connector needs to be signed. He added that he expects this to occur in the next month.

3. Roads Report

No report was given.

4. Deputy's Report

TIME STAMP 14:50

(See attached, Item C4, which is included as a reference in these minutes).

Deputy Montgomery gave his report on calls, stops, and patrols from the previous month. Mayor Pollino asked Deputy Montgomery or Deputy Gallis if they could attend future Coffee with Council events. Deputy Montgomery then explained that the radar trailer that the Village ordered has been delayed, but is expected to arrive on July 21.

5. Planning Board Report

TIME STAMP 13:15

Councilman Marcolese explained that the Planning Board conducted their preliminary review of the Jones Homes' Heritage at Marvin conditional rezoning proposal at their previous meeting. He noted that they also reviewed a special use permit application and discussed establishing a Civic conventional zoning district.

6. PR&G Board Report

TIME STAMP 20:20

Mayor Pro Tempore Vandenberg explained that the PR&G Board discussed National Night Out at their previous meeting. She noted they also discussed a plaque honor young residents and Eagle Scouts who have completed projects for the Village.

D. <u>CONSENT AGENDA</u>

Moved by Mayor Pro Tempore Vandenberg

To approve the consent agenda as presented.

Vote: Motion Passed Unanimously

1. Consider Adoption of Revised Village Council Meeting Schedule

(See attached, Item D1, which is included as a reference in these minutes).

To approve the revised Village Council Meeting Schedule as presented.

2. Consider Adoption of Council Minutes from the 5/26/22 (Work Session) and 6/7/22 (Regular) Meetings

(Adopted minutes may be viewed online).

To adopt the minutes from 5/26/22 and 6/7/22 as presented.

3. Consider Adoption of Closed Session Minutes from the May 26 Work Session

To adopt the Closed Session Minutes from 5/26/22.

4. Consider Acceptance of Certificate of Sufficiency and Consider Adoption of Resolution Fixing Date of Public Hearing on Voluntary Annexation (2 Weddington Chase Parcels)

(See attached, Item D4, which is included as a reference in these minutes).

RS-2022-07-01

Resolution Fixing Date of Public Hearing on Question of Annexation Pursuant to N.C.G.S. 160A-31

Whereas, petitions requesting annexation of the area described herein have been received; and

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

Whereas, the Clerk has certified 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 will held at the Village Hall at 6pm on Tuesday, August 9, 2022.

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

BEING all of Lot 245 of WEDDINGTON CHASE, Phase 2, Map 4, as same is shown on map thereof recorded in Plat Cabinet I at File #251 of the Union County Public Registry.

BEING all of Lot 214 of WEDDINGTON CHASE, PHASE 2, MAP 2, as same is shown on a map thereof recorded in Plat Cabinet Hat File 772 in the Union County Registry.

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 12th day of July 2022.

To accept the Certificate of Sufficiency and Adopt the Resolution Fixing Date of Public Hearing on Voluntary Annexation as presented.

5. Consider Adoption of Resolution Ratifying the Updated Charter of the Centralina Regional Council

TIME STAMP

(See attached, Item D5, which is included as a reference in these minutes).

RS-2022-07-02

<u>A Resolution Ratifying The Updated Charter Of Centralina Regional</u> Council

Whereas, the Village of Marvin is a member of Centralina Regional Council (Centralina), A Council ff Governments serving the needs of the nine-county region that includes Anson, Cabarrus, Gaston, Lincoln, Iredell, Mecklenburg, Rowan, Stanly and Union Counties; and

Whereas, on February 9, 2022, the Centralina Board of Delegates adopted a resolution amending the organization's charter to add language prohibiting private entities from benefitting from or having an interest in the organization's earnings or assets; and

Whereas, each member government must endorse the charter as Centralina's governing document.

Now, Therefore, Be It Resolved by the Marvin Village Council that the Village of Marvin hereby ratifies the amended Centralina Regional Council Charter.

Adopted this 12th day of July 2022.

To adopt the Resolution Ratifying the Updated Charter of the Centralina Regional Council as presented.

E. PUBLIC HEARING

1. Open the Public Hearing for Special Use Permit Application#22-12905 for a Detached Accessory Structure Located Outside the Setbacks, located at 909 Woodland Forest Drive as Required per §151.054(B)

TIME STAMP 22:45

(See attached, Item E1, which is included as a reference in these minutes).

Moved by Mayor Pro Tempore Vandenberg

To open the public hearing.

Vote: Motion Passed Unanimously

Austin W. Yow, Village Clerk and Assistant to the Manager, swore in Mr. Nestor who was testifying on behalf of the applicants.

Mr. Nestor explained that the Village received a special use permit application from Dan and Deborah Whitt of 909 Woodland Forest Road for an 20x 20 detached accessory structure to encroach into the front yard. He explained that the surrounding uses were all R-Marvin Residential.

He explained that a recently adopted text amendment allows for the structure to be placed beyond the front building line of the principal structure if an SUP is acquired.

He explained that the building would be adequately screened and that he has received no feedback from the public. He then reviewed the findings of fact and confirmed that the applicant is fully compliant. He recommended approval as presented, noting that the Planning Board also unanimously recommended approval as presented.

The Council asked questions of Mr. Nestor regarding the ordinance and the public notification requirements.

Moved by Mayor Pro Tempore Vandenberg

To close the public hearing.

Vote: Motion Passed Unanimously

Moved by Mayor Pro Tempore Vandenberg

To approve the request for Special Use Permit Application #22-12905 to Allow a Detached Accessory Structure to be Located in the Front Yard at 909 Woodland Forest Dr per §151.054(B) and find the following:

- 1. The proposed special use will not materially endanger the public health or safety if located where proposed and developed according to plan;
- 2. The proposed special use meets all required conditions and specifications;
- 3. The proposed special use will not substantially injure the value of adjoining or abutting property, or the use is a public necessity;
- 4. The location and character of the proposed special use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in general conformity with the Village of Marvin Code of Ordinances and the Village Land Use Plan.

And the Special Use Permit must comply with the Following Conditions:

- a. The exterior appearance of the detached accessory structure shall be similar to the principal structure
- b. The proposed detached accessory structure shall not exceed 50% of the first-floor area of the principal dwelling.

Vote: Motion Passed Unanimously

F. VILLAGE HALL

No report was given.

G. <u>UNFINISHED BUSINESS</u>

 Discuss and Consider Establishment of Wayfinding and Branding Committee

TIME STAMP 36:30

Ms. Amos explained that after the committee is created, applications will be accepted from the public to be considered for appointment.

Moved by Mayor Pro Tempore Vandenberg

To establish a Wayfinding and Branding Committee composed of five members to be appointed for the duration of the project work.

Vote: Motion Passed Unanimously

Moved by Mayor Pro Tempore Vandenberg

To appoint Councilman Andy Wortman as the Wayfinding and Branding Committee's Council Liaison.

Vote: Motion Passed Unanimously

2. Discuss and Consider Approval of Purchase of Gorilla Shed for Village Hall Storage

TIME STAMP 39:25

(See attached, Item G2, which is included as a reference in these minutes).

Derek Durst, Public Facilities Manager, reminded the Council that staff is seeking to purchase an 8x12 storage shed to be constructed at Village Hall for additional storage for maintenance equipment. The Council discussed this item in depth, focusing on the storage needs of staff and the location.

Council agreed by consensus to table this item until feedback is received through the future master plan process.

3. Discussion of Angel Tree Program

TIME STAMP 48:30

Mayor Pro Tempore Vandenberg explained that the Village is planning to get names for the program on November 1. She also stated that Council can help put up a Christmas Tree on October 27 following the Council Work Session.

4. Discuss and Consider Entering Continuing Service Agreement with Schneider Tree Care for Monthly Borer Spray and Nutrient Feeding

TIME STAMP 50:25

Mr. Durst explained that Union County Urban Forester was concerned that the grading work recently completed in front of the Village Hall may have damaged the roots of the large trees. He stated that the Village should consider working with a tree service to care for the trees. Mr. Durst then explained the pricing for the service, \$200 monthly for the borer spray and \$500 per nutrient feeding. He noted an additional cost if an additional tree on the other side of the property was added into the scope of work.

Council asked Mr. Durst to send the quote to the Urban Forester for evaluation before making a formal decision.

H. <u>NEW BUSINESS</u>

1. Discuss and Consider Adoption of Ordinance to Amend Chapter 96:
Nuisances of the Marvin Code of Ordinances

TIME STAMP 54:40

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

Mr. Nestor explained that this repealing and replacing the nuisance chapter in the Marvin Code of Ordinances. He noted that Village Attorney Chaplin Spencer has reviewed and revised the proposed language. Mr. Spencer noted that the proposed revisions are much more robust than the existing ordinance. Council discussed this item in depth.

OR-2022-07-01

AN ORDINANCE OF THE VILLAGE OF MARVIN, NORTH CAROLINA

AN ORDINANCE TO AMEND CHAPTER 96: NUISANCES OF THE VILLAGE OF MARVIN CODE OF ORDINANCES

WHEREAS, the present general and permanent ordinances of the Village of Marvin are inadequately arranged and classified and are insufficient in form and substance for the complete preservation of the public peace, health, safety and general welfare of the municipality and for the proper conduct of its affairs; and

WHEREAS, the Acts of the Legislature of the State of North Carolina empowers and authorizes the Village of Marvin to revise, amend, restate, codify and compile any existing ordinances and all new ordinances not heretofore adopted or published and to incorporate such ordinances into one ordinance in book form; and

WHEREAS, the Legislative Authority of the Village of Marvin has authorized a general compilation, revision and codification of the ordinances of the Village of Marvin of a general and permanent nature and publication of such ordinance in book form; and

WHEREAS, it is necessary to provide for the usual daily operation of the municipality and for the immediate preservation of the public peace, health, safety and general welfare of the municipality that this ordinance take effect at an early date; and

NOW, THEREFORE, **BE IT ORDAINED** by the Village Council for the Village of Marvin, North Carolina that TITLE IX: GENERAL REGULATIONS, CHAPTER 96: NUISANCES of the Code of Ordinances of the Village of Marvin, North Carolina is hereby amended by adding, new sections of the existing text and inserting in lieu thereof the following:

Exhibit A, Chapter 96 Ordinance Replacement

This ordinance shall be effective upon adoption and ordered published as provided by law.

Adopted this day of <u>12th</u> of <u>July 2022.</u>

Moved by Mayor Pro Tempore Vandenberg

To adopt the proposed ordinance Amending Chapter 96: Nuisances of the Marvin Code of Ordinances.

Vote: Motion Passed Unanimously

2. Discussion of Agenda Packet Review and Meeting Preparation

Council agreed by consensus to table this item until the July 28 Council Work Session.

3. Discussion of Email Newsletter Name

TIME STAMP 1:03:00

Mr. Yow asked the Council to select a new name for the Village's email newsletters. Council discussed this item in depth and agreed by consensus that the name of the newsletter should be "Marvin Wise" and to include the Marvin Day Owl.

I. OPEN TOPICS

TIME STAMP 1:10:20

Village Hall Fence

Mayor Pro Tempore Vandenberg asked when the fence will be moved to screen the generator. Council asked Ms. Amos to contact the generator service provider to ascertain how much space is needed to service the generator.

J. AGENDA ITEMS

1. Review of Action Items

- Mr. Yow will order a plaque to commemorate John Jones service on the Planning Board.
- Mr. Yow will set up online applications for the newly-established Wayfinding & Branding Committee.
- Mr. Yow will name the new email newsletters "Marvin Wise" and include the Marvin Day Owl.
- Ms. Amos will speak to the generator service provider to learn the space needed to service the generator, in preparation for moving the fence.
- Mr. Durst will send the tree feeding quote to the Union County Urban Forester for evaluation.

2. Review of Ongoing Action Item List

Council reviewed the Ongoing Action Item List and made revisions.

3. Council Comments

Mayor Pollino: He concurred with Councilman Lein's comments. He then thanked staff for their hard work, including Mr. Durst for being in attendance.

Mayor Pro Tempore Vandenberg: She thanked park staff in recognition of Park & Recreation Staff Appreciation Week.

Councilman Deatherage: He thanked staff for their hard work.

Councilman Lein: He thanked State Senator Todd Johnson and State Representative David Willis for securing the additional funds for Marvin projects. He thanked law enforcement for their service. He reflected on his friend, 1st Sergeant Hugh Cannady on his retirement from the NC Highway Patrol.

K. <u>CLOSED SESSION</u>

No closed session occurred.

L. <u>ADJOURNMENT</u>

Moved by Mayor Pro Tempore Vandenberg

To adjourn the meeting at 7:22pm.

Vote: Motion Passed Unanimously

Joseph E. Pollino Jr Mayo	
Mayo	Joseph E. Pollino J
	Mayo

Village Clerk & Assistant to the Manager