

## VILLAGE COUNCIL MEETING MINUTES

November 9, 2021 – 6pm Village Hall, 10004 New Town Road Regular Meeting (Virtual Meeting)

## A. AGENDA ITEM

## 1. Call to Order

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

Present: Mayor Pollino, Councilman Wortman

**Present Virtually via Webex:** Councilman Marcolese **Absent:** Mayor Pro Tem Vandenberg, Councilman Lein

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

## 2. Consider Allowing Councilmembers to Participate Remotely

MOTION: Councilman Wortman moved to allow Councilmembers to participate remotely.

**VOTE:** The motion passed unanimously, 2-0.

## 3. Adoption of the Agenda

Mayor Pollino requested to make the following changes:

• Remove Unfinished Business Item: "Discussion of 2022 Marvin Day Celebration"

MOTION: Councilman Wortman moved to adopt the agenda as amended.

**VOTE:** The motion passed unanimously, 2-0.

## 4. Pledge of Allegiance

Mayor Pollino led the pledge of allegiance.

5. Public Comment Period (See attached, Item A.5., which is included as a reference in these minutes).

Gary Vail, 1032 Jaspar Lane: Mr. Vail spoke in opposition to the proposed cell tower near the Tom Short and Rea Road intersection in unincorporated Union County. He stated his intentions to attend the County meetings with many of his neighbors to state the community's opposition. He thanked the Mayor and Council for being patient and for considering a resolution to oppose the tower.

Bob Vogel, 1031 Jaspar Lane: Mr. Vogel asked for residents to be kept informed about the tower,

## **B. PRESENTATIONS**

## TIME STAMP 9:30

1. Discuss & Consider Adoption of Proclamation to Honor the Life and Legacy of Raymond "Ray" Charles Davies Williams (1948-2021)

# PROCLAMATION

**2021-11-01** November 9, 2021

TO HONOR THE LIFE AND LEGACY OF RAYMOND "RAY" CHARLES DAVIES WILLIAMS (1948-2021)

Whereas, The Marvin Village Council, on behalf of all Marvin residents, acknowledges the deep sadness felt by members of our community by the loss of Ray Williams, who passed away on October 8, 2021; and

Whereas, Ray was a man of many passions, but none surpassed horses, in which he developed a profound understanding of equine behavior and gentle techniques that could successfully bring out a horse's true potential; and

Whereas, Ray was the driving force behind the Marvin Area Recreation Equine Show, which for many years brought great attention to Marvin's equine heritage; and

Whereas, Ray served as the Chairman on both the Planning Board and the Parks, Recreation, and Greenways Board for many years; and

Whereas, Ray was a life-long student and teacher, as he loved sharing his knowledge about horses just as much as he loved learning something new; and

Whereas, Ray will be deeply missed by his wife, Terry, his brother, Richard, and the Marvin Community.

**Now therefore**, I, Joseph E. Pollino, Jr., Mayor of the Village of Marvin, do hereby proclaim Mr. Williams birthday, the 19th day of February as:

### "RAY WILLIAMS DAY"

in the Village of Marvin, in recognition of his life and his significant contributions to the Marvin Community.

In witness thereof, I have hereunto set my hand and caused the Seal of the Village of Marvin to be affixed this 9th day of November 2021.

**MOTION:** Councilman Wortman moved to adopt the Proclamation to Honor the Life and Legacy of Raymond "Ray" Charles Davie Williams (1948-2021).

**VOTE:** The motion passed unanimously, 2-0.

Mayor Pollino read the proclamation aloud and presented a signed copy to Mrs. Terry Williams. Mr. Williams wife, Terry, and brother, Richard thanked the Village Council for the proclamation.

## C. REPORTS AND UPDATES

## **TIME STAMP 16:15**

## 1. Manager's Report

Christina Amos, Village Manager, briefly discussed asking Council to call a special meeting on Friday, November 19 at 11am to discuss solid waste services.

## **TIME STAMP 17:15**

## 2. Planner's Report

a. Code Enforcement Report (Information Only) (See attached, Item C.2., which is included as a reference in these minutes).

## **TIME STAMP 17:35**

## 3. Roads Report

Ms. Amos explained that staff is preparing a brine and storm plan for the December meeting.

## **TIME STAMP 18:40**

**4. Deputy's Report** (See attached, Item C.4., which is included as a reference in these minutes).

## **TIME STAMP 19:15**

## 5. Planning Board Chair Report

Mr. Nestor explained that the Planning Board recommended approval of the MHD Small Area Plan. He added that the Board will discuss the form-based code at their next meeting. He then stated that the MHD Strategic Plan Committee recommended the form-based code to the Planning Board.

## 6. PR&G Board Chair Report

No report was given.

## D. CONSENT AGENDA (Consent items may be considered in one motion and without discussion except for those items removed by a Councilmember)

## **TIME STAMP 21:15**

MOTION: Councilman Marcolese moved to approve the consent agenda as presented.

**VOTE:** The motion passed unanimously, 2-0.

- 1. Consider Adoption of Village Council Minutes from the 9/30/21 (Work Session), 10/12/21 (Regular), and 10/14/21 (Fall Town Hall) Meetings (Adopted Minutes are available online.)
- 2. Consider Approval of Final Plat for Rural Subdivision Application 21-12637 (The Gates at Marvin) (See attached, Item D.2., which is included as a reference in these minutes).
- 3. Consider Approval of Classification and Compensation Plan (See attached, Item D.3., which is included as a reference in these minutes).

## E. PUBLIC HEARING

## **TIME STAMP 21:30**

1. Open the Public Hearing to Consider Adoption of the Marvin Heritage District Small Area Plan

MOTION: Councilman Wortman moved to open the public hearing.

**VOTE:** The motion passed unanimously, 2-0.

a. Consider Recessing the Public Hearing until a Future Council Regular Meeting at 6pm at Village Hall, Date TBD MOTION: Councilman Wortman moved to recess the public hearing until the December 14 Council Regular Meeting at 6pm at Village Hall, 10004 New Town Road.

**VOTE:** The motion passed unanimously, 2-0.

## F. VILLAGE HALL

## **TIME STAMP 25:25**

## **Construction Progress**

Ms. Amos explained that quick progress is being made with the construction. She explained that the well drillers are only achieving ten gallons per minute at 500 feet down, so staff will need to adjust the irrigation plans. Councilman Wortman explained that they are working on the sewer line connection, but inspections have slowed down that process. Council briefly discussed landscape lighting.

## G. Unfinished Business

## **TIME STAMP 29:40**

1. Discuss and Consider Adoption of Resolution to Oppose Union County CZ Application 2021-06 (Rea Road Cell Tower) (See attached, Item G.I., which is included as a reference in these minutes).

Mr. Nestor explained that staff has prepared a resolution to oppose the proposed cell tower, acknowledging the public input from Marvin residents. He stated that the Union County Planning Board will receive a copy of the resolution, in addition to the public comments from the previous meeting. Council discussed the proposed tower in depth.

## RS-2021-11-01

## A RESOLUTION OPPOSING UNION COUNTY CONDITIONAL ZONING APPLICATION 2021-06 (CITYSWITCH CELL TOWER)

WHEREAS, the Marvin Village Council's purpose is to represent the desires of its residents and to serve as a voice for the greater good of the community and support the same for neighboring municipalities; and

WHEREAS, a conditional zoning application for property located at 9921 Rea Road (Tax Parcel ID: 06201007A) is being presented to the Union County Board of County Commissioners to amend the existing Conditional Zoning 2017-002 to allow a 160-foot monopole wireless communication tower; and

WHEREAS, the subject property abuts the Village of Marvin municipal limits, specifically the Amber Meadows and Tullamore subdivisions; and

WHEREAS, the Marvin Village Council recognizes that many Marvin residents are not in favor of this proposal and that the proposed tower puts a burden on the surrounding residential properties; and

WHEREAS, the proposed application would not be compatible or be in harmony with the existing residential area; and

WHEREAS, this proposed tower can pose a threat to the public health, welfare, safety, environment, and property values either directly through the facility themselves or indirectly by causing changes to the subject property and the surrounding parcels; and

WHEREAS, this proposal may violate existing environmental stream buffer requirements on the property and surrounding properties; and

WHEREAS, the Marvin Village Council understands the need of additional wireless communication facilities in our area to improve service;

**NOW, THEREFORE, BE IT RESOLVED** that the Marvin Village Council does hereby request that the Board of County Commissioners of Union County consider the well-being, quality-of-life, financial security, and safety of existing residents and taxpayers in the area of this proposed application; and

**BE IT FURTHER RESOLVED** that the Marvin Village Council does hereby request that the Board of County Commissioners of Union County deny the proposed application.

Adopted this the 9th day of November 2021.

The Village Council agreed by unanimous consent to allow Councilman-Elect Wayne Deatherage to speak. Mr. Deatherage briefly spoke on the proposed tower.

**MOTION:** Councilman Wortman moved to approve the Resolution to Oppose Union County CZ Application 2021-06. **VOTE:** The motion passed unanimously, 2-0.

## H. NEW BUSINESS

## **TIME STAMP 59:20**

## 1. Discussion of December 2021 Communications

Austin W. Yow, Village Clerk & Assistant to the Manager, presented the draft list of communication topics for December 2021. Council reviewed the list and added additional topics.

## **TIME STAMP 1:02:45**

2. Review and Consider Adoption of Village Council Minutes from the 10/28/21 (Work Session) Meeting (Adopted Minutes are available online.)

Council reviewed the minutes from the 10/28/21 Village Council Work Session Meeting and made revisions.

**MOTION:** Councilman Wortman moved to adopt the Village Council Minutes from the 10/28/21 Work Session Meeting as amended.

**VOTE:** The motion passed unanimously, 2-0.

## I. AGENDA ITEMS

## **TIME STAMP 1:05:30**

- 1. Review of Action Items
  - Mr. Yow and Mr. Nestor will readvertise the recessed public hearing.
  - Mr. Nestor will send the resolution of opposition to the cell tower to the County and to WUMA.

## 2. Review of Ongoing Action Item List

Council reviewed the list and made revisions.

## **TIME STAMP 1:11:30**

## 3. Council Comments

Mayor Pollino: He stated he was humbled by the election results and thanked residents for their votes. He congratulated Mr. Deatherage on his election to the Council. He then congratulated Mayor Pro Tem Vandenberg and Councilman Wortman on

their reelection. He then thanked Gary Vail, Tonya McCally, and their residents for their input on the proposed cell tower. He thanked staff for their hard work.

**Councilman Marcolese:** He congratulated Councilman-Elect Deatherage, Councilman Wortman, Mayor Pro Tem Vandenberg, and Mayor Pollino on their recent election victories. He spoke on the positive work of the Village Council. **Councilman Wortman:** He thanked everyone that voted for him and the other Councilmembers in the previous election.

## J. CLOSED SESSION

No closed session occurred.

## K. ADJOURNMENT

MOTION: Councilman Wortman moved to adjourn the meeting at 7:20pm.

**VOTE:** The motion passed unanimously, 2-0.

Adopted: 17-14-2021

Village of Marvin

Joseph E. Pollino Jr., Mayor

Austin W. Yow

Village Clerk & Assistant to the Manager



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# PUBLIC COMMENTS AND VISITOR SIGN-UP SHEET Village Comment Regular Meeting

DATE: 1/79/21 TIME: 6 m

written copy of your comments to the Clerk to be properly recorded in the minutes. Each speaker or group are asked to limit comments to 3 minutes. The PUBLIC COMMENT- All citizens are welcome to speak during the public comment period. Please sign-in if you wish to address the Council/Board and submit a speakers should not expect action or deliberation on subject matter brought up during the public comment segment. Thank you for your consideration of the Board may request that one person speak on behalf of large groups expressing the same opinion. Although the Board is interested in hearing your concerns, Council/Board, staff and other speakers. NCGS §160A-81.1.

4,44	Con	Item	A.
Email Address (optional) (Please let staff know if you do not want your email public)	Tonga McCally agreende		
Topic you wish to address during Public Comment	Tower Rea Rd		
Do you wish to speak during public comment?	WES NES		
Full Address	My Vril		
First & Last Name	CARY VAIL Tonya McCelly		



VILLAGE OF MARVIN

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Email Address (optional) (Please let staff know if you do not want your email public)									
Topic you wish to address during Public Comment									
Do you wish to speak during public comment? Yes/No							2		
Full Address	1								
First & Last Name									



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# CODE ENFORCEMENT / ZONING CASE ACTIVITY SUMMARY (11/2/21)

HOCATION 9807 Joe Kerr Rd (Beside Derek Durst) Tom Short Rd. / Amber Meadows HOA 10507 New Town Rd. 2102 South Providence Rd. 2004 Waxhaw-Marvin Rd. 1308 Larkridge	r Rd Durst) cd./ cs.HOA wn Rd. each Rd. arvin Rd. chool Rd	CASE TYPE  Nuisance Violation (Tree Limbs / Brush against fence) Nuisance Violation (Landscape Maintenance) Nuisance Violation (Vacant Home / Overgrown Lot) Nuisance Violation (Overgrown Lot) Nuisance Violations Overgrown Grass / Weeds / Stagnant Water (portable pool) Nuisance Violation (Overgrown Grass / Weeds / Stagnant Water (portable pool) Nuisance Violation (Overgrown grass / weeds)	Issued NOV 9/8/21  Violation Corrected / Case closed  Met onsite with Amber Meadows HOA rep.  Will continue to monitor  NOV issued 8/16/31 – Compliance deadline 8/31/21.  Grass cut / weeds and brush cleared / Case closed  Issued initial notice 5/27/21 – Grass cut  Violation corrected  Case Closed  Case Closed  Notice issued – Grass Compliance deadline - 8/28/21.  Grass abatement has been initiated  NOV deadline for weeds/stagnant water is 9/22/21  Grass overgrown again / Issued new notice 10/22/21  Grass/weeds overgrown again / Issued new notice 10/22/21  Met owner (Krystina Culp) at property.
		(Road frontage lot maintenance)	Koad frontage maintenance is underway.  Owner agreed to continue maintaining area and staff will continue to monitor.

November 2, 2021 Code Enforcement Update 1

12.	348 Kindling Wood Land	Noise Violation	Received complaint of dogs habitually barking 3:00am - 6:00am.
		Dogs barking early morning (3:00am – 6:00am)	Received evidence of violation occurring Issued NOV 10/22/21
13.	9720 Robinwood Lu.	Potential Nuisance Violation	Received complaint of construction debris and other trash around the property. Site visit conducted. No evidence of Nuisance violations.
14.	103 Barlow St.	Potential Nuisance Violation	Complaint filed regarding plastic trellises installed in rear yard.  Trellises not approved by HOA Fresident, Site visit conducted.  This is not a nuisance violation. No further action.
15.	9614 Belmont Lane	Lighting Ordinance Violation and No Zoning Permit Issued	Complaint filed regarding lighting system installed in rear yard to illuminate basketball court. No permit issued. Warning Letter issued on 10/22/21and property owner applied for Zoning Permit and was issued approved Zoning Permit

Item C.4.

# **Eddie Cathey**

# **Sheriff of Union County**

3344 Presson Road

Monroe, North Carolina 28112



Telephone: (704) 283-3789

FAX: (704) 292-2700

Email: eddiecathey@co.union.nc.us

## **Deputy Report October 2021**

911 Hang up calls

46

**ACCIDENT PD** 

6

- 3200 Block Waxhaw Marvin Rd.
- Marvin Rd. @ Joe Kerr Rd. X-2
- Newtown Rd. S.Providence Rd. X-2
- 8000 Stonehaven Dr.

## ACCIDENT PI

4

<ul> <li>Marvin School Rd. @ New Town</li> <li>Waxhaw Marvin @ Bonds Grove</li> <li>New Town Rd @ S Providence I</li> <li>Waxhaw Marvin @ Barlow St.</li> </ul>	e Rd
ALARMS LAW	9
BUSINESS CHECKS	8
BURGLARY TO VEHICLES	
DOMESTIC DISTRURBANCE	2
LARCENY	1
PREVENTATIVE PATROL	339
RADAR PATROLS	12
SUSPICIOUS VEHICLE	4
TRAFFIC STOP	29
TOTAL CALLS FOR SERVICE	532



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DATE:

November 2, 2021

TO:

Village Council

FROM:

Hunter Nestor, Planner and Zoning Administrator

SUBJECT: Final Plat for The Gates at Marvin Rural Subdivision

## **Action Requested**

Jones Homes is seeking Final Plat for the 6 Lot Rural Subdivision located at 18.0940 Acres located on the corner of Waxhaw-Marvin Road and Stacy Howie RD (Parcel Number: 06228003L).

## Background

Jones Homes has submitted their Final Plat for the 6 Lot Rural Subdivision located at 18.0940 Acres located on the corner of Waxhaw-Marvin Road and Stacy Howie RD (Parcel Number: 06228003L). Planning Staff has determined that the Final Plat is in conformity with the approved submitted preliminary plat and construction hans and meets all requirements of the Marvin Code of Ordinance.

Back in February and March of 2021. An application was submitted to amend the Rural Subdivision language. Village Council voted to amend the language for Rural Subdivisions to the new language below/

- (1) A subdivision that meets all of the following requirements:
  - (a) Involving not more than eight lots;
  - (b) With a parent tract of at least 10 acres;
  - (c) Minimum lot sizes are two acres;
  - (d) A minimum of half of the resulting lots are larger than 2.5 acres; and
  - (e) No more than one new road is created

## Sketch Plan

Per the process in Village of Marvin Code of Ordinances § 150.048 PROCEDURE FOR SECURING APPROVAL FOR RURAL SUBDIVISIONS, the Zoning Administrator administratively approved the proposed sketch plan in April of 2021 and directed the applicant to begin working on their preliminary plat and construction plans.

## **Preliminary Plat and Construction Plans**

Per the process in Village of Marvin Code of § 150.048 PROCEDURE FOR SECURING APPROVAL FOR RURAL SUBDIVISIONS. The Planning Board reviewed and discussed The Gates at Marvin Preliminary Plat and Construction Plans during their regular scheduled Planning Board meeting on August 17, 2021.



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The Planning Board unanimously voted to recommend approval of the preliminary plat and construction plan for the Gates at Marvin subdivision, contingent upon submission of the landscape and tree mitigation plan and contingent upon approval from the Village Engineer and outside agencies. NC DOT reviewed the plans, and the only comment was for the applicant to combine the driveways along Waxhaw-Marvin Road. The applicant made the revisions to their plans, and it does not alter the design or overall plans other than the drive-way and tree mitigation to comply with DOT Comments.

A Public Hearing for the Preliminary Plat and Construction Plans was held by Village Council on September 14<sup>th</sup>, 2021, during their regular scheduled council meeting. The Village Council unanimously voted to approve the preliminary plat and construction plans for the Gates at Marvin, contingent upon outside agency approval.

## **Final Plat**

Per the process in Village of Marvin Code of § 150.048 PROCEDURE FOR SECURING APPROVAL FOR RURAL SUBDIVISIONS, Approval of the final plat shall be obtained from the Village Council. If approved, action by the Village Council shall be noted on three prints of the final plat. It shall be noted on the final plat that "Any additional subdivision of parcels identified on this plat shall be undertaken using the major subdivision process." One print shall be returned to the subdivider. Two prints shall be retained by and become a permanent record of the village, one for the Village Clerk, one for the Zoning Administrator.

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## **LOCATION:**

18.0940 Acres located on the corner of Waxhaw-Marvin Road and Stacy Howie RD (Parcel Number: 06228003L)

	Existing Land Use	Zoning Designations
Subject Property	Vacant	R-Marvin Residential
North	Residential	Union County R-40
South	Residential	Union County R-40
East	Providence Down South	Union County R-40
West	Residential/Vacant	Union County R-40
		Lancaster County, SC Rural
		Neighborhood (R-N)

The Gates at Marvin Rural Subdivision consists of 6 Lot Rural Subdivision located at 18.0940 Acres. The overall density is .33 residential units per acre. The average lot size is 3.05 acres. The minimum lot size is 2 acres, and more than half of the lots are over 2.5 acres which qualifies the subdivision to follow the Rural Subdivision standards and ordinances outlined in 151.081. All lots meet the minimum lot widths as well as the front, side, and rear yard setbacks.



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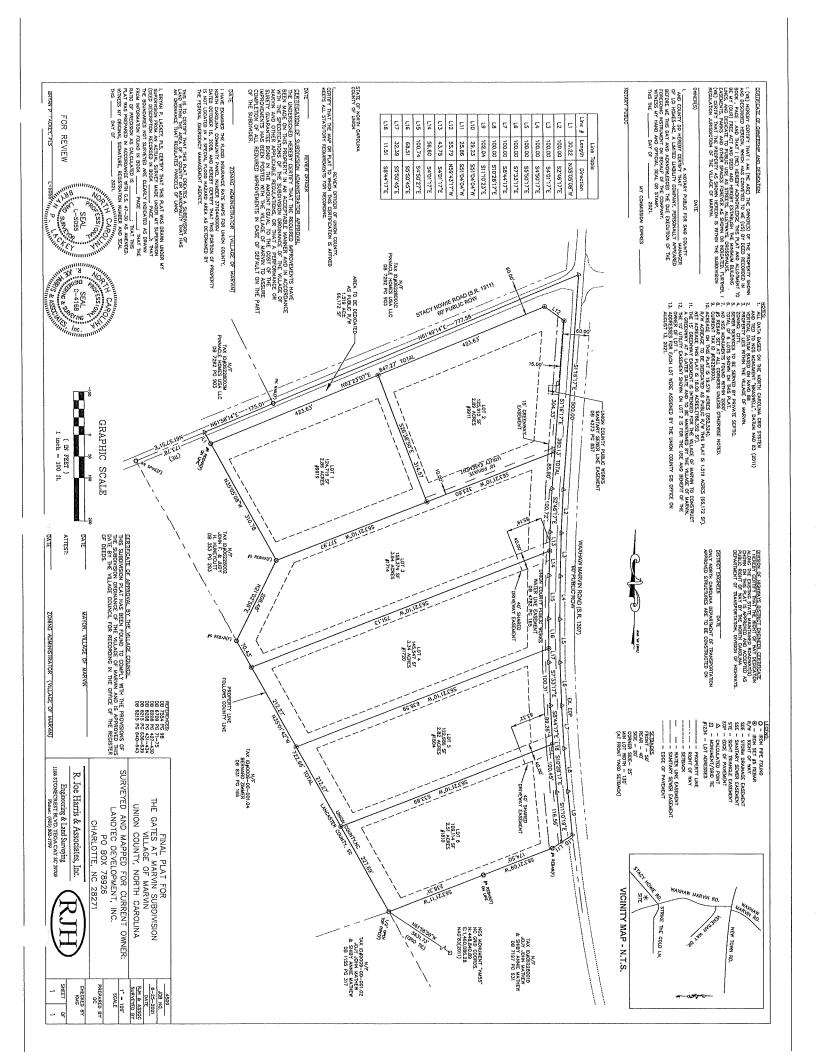
## **Review and Discussion**

Approval of the Final Plat shall not authorize the clearing and land disturbing activities, as well as commencement, installation, and construction of improvements in accordance with the approved preliminary site & civil design plans. The applicant is to get a land development permit.

The Land Development Permit is needed to begin this work. the applicant can obtain a Land Development as they have met and complied with all conditions, if any, on the approved preliminary/construction plat, are satisfied.

## **Staff Recommendation**

Staff recommends approval of the Final Plat for the Rural Subdivision.



Iten D.3.



# VILLAGE OF MARVIN

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TO:

Mayor and Village Council

FROM:

Christina Amos, Village Manager

**SUBJECT:** 

Classification/Compensation Plan

DATE:

November 4, 2021

## **Background**

NCGS 160-162 allows municipalities to maintain compensation schedule authorizing manager to hire within those ranges as stated within. The plan can be adjusted and modified as needed.

## Current

Last adopted in November of 2020; the revisions proposed include a 2% cost of living adjustment that was budgeted and allocated in July 2021. Additionally, it includes provision to allow part time positions to be created as needed without Council action.

## Requested Action

Consider Approval of Classification and Compensation Plan

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ADOPTED 11/10/2020	Number of		FΥ	FY 21 Rates	Ra	tes		FY	22	COL	<b>FY 22 COLA 2%</b>	%
Class Title	Positions		Minimum*	ı		Max	Maximum*	Minimum*			3	Maximum*
Village Administrator/Manager	רם	_	\$ 79,000.00			\$ 13	133,000.00	\$ 80,580.00			\$	\$ 135,660.00
Asst. to Manager/Administrator	0		\$ 47,000.00			\$ 7	79,000.00	\$ 47,940.00			\$	80,580.00
Tax Collector/Office Assistant	ъ		\$ 31,000.00			\$ 4	41,000.00	\$ 31,620.00	<u> </u>		\$	41,820.00
Office Assistant	0		\$ 31,000.00			\$ 4	41,000.00	\$ 31,620.00			❖	41,820.00
4		_						\$ -			❖	t
City Clerk	Ъ		\$ 43,000.00			\$ 7	72,000.00	\$ 43,860.00	)		43	73,440.00
								\$ -			↔	t
Communications Specialist	0		\$ 30,000.00			\$ 5	51,000.00	\$ 30,600.00	_		-ζ>	52,020.00
Finance Director	בי		\$ 61,000.00			\$ 11	110,000.00	\$ 62,220.00			Ş	112,200.00
Accounting Tech	ם		\$ 31,000.00			\$ 4	41,000.00	\$ 31,620.00			\$	41,820.00
								\$ -			\$	1
Engineer	0		\$ 73,000.00			\$ 12	122,000.00	\$ 74,460.00	F		\$	124,440.00
Planning and Zoning Manager	Н		\$ 49,000.00			\$ 8	82,000.00	\$ 49,980.00	H		\$	83,640.00
Planning Technician	دسر		\$ 33,000.00			\$ 5	56,000.00	\$ 33,660.00	-		\$	57,120.00
Code Enforcement Officer	0		\$ 31,000.00			\$ 5	52,000.00	\$ 31,620.00			\$	53,040.00
		_						\$ -	_		\$	1
Misc. Part Time Employees	5							\$ -			\$	40,000.00
Park Attendant (Maintaince Worker 1)	3		\$ 20,000.00			\$ 3	37,000.00	\$ 20,400.00	-		\$	37,740.00
Park Attendant (Equipment Operator)			\$ 23,000.00			\$ 3	39,000.00	\$ 23,460.00			\$	39,780.00
Park Attendant (Custodial Worker)			\$ 20,000.00			\$ 3	37,000.00	\$ 20,400.00			\$	37,740.00
Park Supervisor	P.	_	\$ 30,000.00	1		\$ 5	51,000.00	1	10		·S	52,020.00
Public Facilities Manager	در		\$ 34,000.00			У	57,000.00	\$ 34,680.00	+		Ş	58,140.00
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\*All minimums/maximums will be equated hourly based on these annual 40 hours/week salaries for part time employees when applicable
Sources: Compiled from CCCOG's 2020 Salary Study 2020 and 2019 NC League of Municipalities - Report Center: Salaries for Municipalities with Populations between 5,000-9,999 Updated 11/8/2021 to reflect 2% COLA AND MISC. PART TIME

Iten G.1.



# VILLAGE OF MARVIN

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DATE:

November 2, 2021

TO:

Village Council

FROM:

Hunter Nestor, Planner and Zoning Administrator

SUBJECT: Resolution to oppose Union County CZ Application 2021-06 (Rea Road Cell Tower)

## **Action Requested**

The Village Council adopt a resolution opposing Union County CZ Application 2021-06 (Rea Road Cell Tower). A Resolution will be provided by Staff during the Council Meeting.

## Background

In April of 2021, Union County Planning Department received an inquiry from representatives CitySwitch, LLC to work with Union County to file the appropriate applications to request and seek approval for the construction of a 160-foot monopole telecommunications tower, with a 10-foot lightning rod for an overall height of 170 feet, proposed to be located at 9927 Rea Road (Parcel ID: 06201007A). At that time no formal application was submitted with the County and County Planning Staff only had preliminary conversations with the applicant on their proposal.

During these discussions, the County informed the applicant that the Village of Marvin is immediately west of the site. The County also informed them of the Village's goal of creating connectivity through its pedestrian trials and have worked with the neighborhoods to build trails in our common areas. The County recommended to the applicant to include an easement designated in the site plan proposal to allow for a trail to connect the proposed North McBride Branch Greenway (See Village of Marvin Parks and Greenway Master Plan) to cross the creek and connect to the commercial area along Rea Road. This was very preliminary, but the County wanted to see if this was even an option.

The Village were not involved in this suggestion from the County until the applicant agreed to add the trail easement and County Staff reached out to Village of Marvin Planning Staff to know where the easement should go. This was still preliminary conversations and at this time, no formal application has been submitted to the County. This was all conceptual and an application still had to applied for. The Village had no specifics on the proposal other than a potential conditional zoning application was expected by Union County Planning Department for a Telecommunication Tower along Rea Road.

The County received the formal application and supplemental materials regarding the proposed development in July of 2021. The applicant had to revise the submittal and resubmitted the current application for the development in August 2021. The Village was not notified on the specifics of the project until September 27<sup>th</sup>, 2021, when the Village along with the surrounding property owners and



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developments, including the Amber Meadows Subdivision, received a letter from representatives of CitySwitch. This letter was to notify the recipients that an application for a 160-foot monopole telecommunications tower, with a 10-foot lightning rod for an overall height of 170 feet, proposed to be located at 9927 Rea Road (Parcel ID: 06201007A). Even though some of the other surrounding residential developments located in Marvin including Tullamore and Canterfield Creek, are potentially going to be impacted by this, the letter was only required to go to the adjacent properties that were within so many feet of this potential project.

Village Planning Staff did not have the full specifics of the project at this time but reached out to the County to gather information. Village staff also informed the Amber Meadows and Tullamore communities of the meeting and encouraged them to attend. Staff informed the Village of Marvin Council during their Work Session Meeting held on September 30, 2021 that a Virtual Community Meeting was scheduled for October 5<sup>th</sup> at 7PM. Staff also informed them of the little information they had on the proposed development at that time.

The community meeting held on October 5<sup>th</sup>, 2021 is a requirement of the Union County Conditional Zoning process. The meeting was held virtual and was hosted by the applicant. The purpose of this meeting is for the applicant to present on their proposed application and allowed for the attendees to ask questions about the proposal and give their comments and concerns. The Union County Planning Board was at the virtual meeting but only as a witness to hear the comments and concerns from the residents that attended. The Planning Board was only allowed to chime in if there is a question regarding the process. All of this is documented and becomes a part of their application to be heard by the Union County Planning Board and Board of County Commissioners. Nothing about this proposal has been approved at this time and this is the first step in the process.

Once the applicants hear the concerns/solutions from the residents, they can make any adjustments or no adjustments and send their application to the Union County Planning Board. The Planning Board can make recommendations but, they do not have the authority to deny the request. After this meeting the Union County Planning Board will review the application, and this is potentially going to be during the December Union County Planning Board meeting.

Currently, the Village has received the application and supplemental material and are reviewing the full proposal and is continuing to get updates from County Planning Staff and making sure the Marvin Residents are informed and are properly notified when the County is holding meetings with this application proposal on the agenda.



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Overview

## LOCATION:

4.7820Acres located at 9927 Rea Road (Parcel ID: 06201007A)

	Existing Land Use	Zoning Designations
Subject Property	Vacant	Union County B-2 CZ
North	Residential	Union County R-6 CZ
South	Amber Meadows/Greenway	Marvin R-Residential
East	Commercial	Union County B-2 and B-2 CZ
West	Residential(Amber Meadows)/Greenway	Marvin R-Residential

## **Review and Discussion**

## What can the Village do?

This request is on a property located within Union County and not within the Village of Marvin Limits. The Village does not have any direct authority to regulate but this proposed application does impact the Village. Village Council and Staff will review the application materials and gather the input from our residents. Based off the information gathered and the comments from our residents, the Village Council plans to adopt a resolution to support or oppose the application before the Board of County Commissioners vote on the application. The Village will support community desires and do what we can to protect our residents' interest.

## Tentative Union County Timeline and What Marvin Residents Can Do

Outlined below the steps that all residents can go through to voice their concerns about this zoning request. The direct contact for this request will be County Planner Bjorn Hanson. The below meetings are tentative and are contingent upon if the applicant makes any revisions to the proposal from the comments received during the October 5<sup>th</sup> Community Meeting. Once the Union County Planning Board receives either the current application or an updated application it will still be a 2-to-4-month process before the Union County Board of Commissioners vote on the application. The Village of Marvin will continue to notify its residents on upcoming meetings (if different from below) and continue to gather information and update the public on the application status.

The Village had encouraged its residents to attend the meetings and provide comments and ask questions on the project and how this will potentially impact you. The Village will do what we can as well to support our residents and protect their interest.



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1. December Union County Planning Board Meeting - Tentative December 7th

Residents can come speak but must register online. The Planning Board does not have the power to deny the request. Once the planning board has received the updated application, they will review and make a recommendation to the Commissioners and then it will go in front of County Board of Commissioners for a Public Hearing and then a vote. The adopted Resolution and the public comments received will be packaged and submitted to the County and will be apart of the packets for the County Planning Board and Commissioners.

# 2. December/January County Board of Commissioners meeting & Public Hearing (Only 1 Public Hearing)

All adjoining property owners will be notified of the Public Hearing. The Village of Marvin will also notify its residents on the Public Hearing and the date and time. It is here that residents will be able to come to the county meeting and speak about the zoning request. It is also a recommended to have every resident email each commissioner their concern about the request. They should also copy the Planning Commission as well.

If Marvin Residents would like to email the County Commissioners, the link is provided below. The email subject should be the "Conditional Zoning Application CZ-2021-006" It is recommended that the email start with Your name, address, and Zoning Application # and then your comments and concerns.

## 3. January/February County Board of Commissioners meeting

At this meeting that the County Commissioners will vote on this zoning modification. No public comments may be made regarding this subject at this meeting. Once the Board votes, it is final.