

Town Council Members

Jerry Countryman - 2009 ~ Janet Critz - 2009 ~ Lundeen Cureton - 2011

Peggy Neill - 2011 ~ Melody LaMonica - 2009

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Town of Mineral Springs  
Mineral Springs Town Hall  
3506 Potter Road ~ Mineral Springs  
Town Council  
Regular Meeting  
August 13, 2009 ~ 7:30 PM

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Agenda

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1. **Opening**

The meeting will be called to order, an invocation will be delivered, and the Pledge of Allegiance will be recited.

2. **Public Comments**

The Town Council will hear comments from members of the public on any matters of interest to them during this ten-minute period.

3. **Approval of Town Council Minutes and Monthly Reports**

The Town Council has been mailed copies of July 9, 2009 minutes, the June 2009 tax report, the 2008-2009 tax settlement, and the June 2009 finance report; the council will approve them if correct.

- A. July 9, 2009 Minutes
- B. June 2009 Tax Collector's Report
- C. 2008-2009 Tax Settlement
- D. June 2009 Finance Report
- E. Tax Collector Order of Collection and Recharge of Prior Years' Taxes

4. **Consideration of Seeking Civil Penalties Assessed to Billy C. Privatte**

The council will consider whether or not they wish to pursue collecting the civil penalties assessed to Mr. Billy C. Privatte on Tax Parcel #06-057-010 located in the Valley Farms area.

5. **Discussion and Consideration of a Donation from a Local Band**

The council will discuss a benefit concert being held by Mineral Springs-based band "All Thue Above" and consider accepting a contribution from the benefit and designating it to a community project.

6. **Annexation**

The council will consider adopting a policy position on municipal annexation to forward to the North Carolina League of Municipalities.

7. **Consideration of an Ordinance Regulating Town Hall Hours of Operation and Other Town Hall Use Policies**

The council will consider adopting O-2009-01 regulating town hall hours of operation and other use policies.

8. **Union County Commissioner Governance Advisory Committee Report and Consideration of Appointing an Alternate Representative**

Councilwoman Janet Critz will give a report on the Union County Commissioner Governance Advisory Committee. The council will consider appointing an alternate representative to the committee.

9. **Mayoral Proclamation Designating September 17<sup>th</sup> – 23<sup>rd</sup> Constitution Week**

The mayor will issue a proclamation designating September 17<sup>th</sup> through the 23<sup>rd</sup>, 2009 Constitution Week.

10. **Consideration of Authorizing the Town Clerk/Administrator the Discretion to Hire or Terminate Office Assistant/Deputy Town Clerk and Consideration of Going into Closed Session per G.S. 143-318-11 (6)**

Councilwoman Peggy Neill will request that the council consider authorizing the town clerk the latitude to hire and/or terminate the office assistant/deputy town clerk. The council may consider going into closed session per G.S. 143-318-11 (6) if necessary.

11. **Other Business**

12. **Adjournment**

Town of Mineral Springs  
Town Hall  
3506 S. Potter Road  
Town Council  
Public Hearings / Regular Meeting  
July 9, 2009 ~ 7:30 PM

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*Minutes Draft*

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The Town Council of the Town of Mineral Springs, North Carolina, met in Public Hearings and Regular Session at the Mineral Springs Town Hall, Mineral Springs, North Carolina, at 7:30 p.m. on Thursday, July 9, 2009.

**Present:** Mayor Frederick Becker III, Councilwoman Janet Critz, Councilman Jerry Countryman, Councilwoman Lundeen Cureton (arrived at 7:41 p.m.), Councilwoman Melody LaMonica, Councilwoman Peggy Neill, Town Clerk/Zoning Administrator Vicky Brooks, and Attorney Bobby Griffin.

**Absent:** Mayor Pro Tem Valerie Coffey, Tax Collector Libby Andrews-Henson and Deputy Town Clerk Christina Squires

**Visitors:** John Easton, Graham Herring, Bill Howard, Bettylyn Krafft, Mike LaMonica, Tim McDougall, Chris Platé, and Grey Styers.

With a quorum present Mayor Becker called the Regular Town Council Meeting of July 9, 2009 to order at 7:37 p.m.

1. **Opening**

- Councilman Countryman delivered the invocation.
- Pledge of Allegiance.

2. **Public Hearing – Conditional Use Permit (CUP-09-01)**

- Mayor Becker explained that the first order of business is two public hearings; the first public hearing is on a Conditional Use Permit (CUP-09-01), which is a telecommunications tower application and as a Conditional Use Permit hearing, this is a quasi-judicial hearing; therefore, witnesses or anybody who wants to speak will be sworn in and give sworn testimony and what the council is looking for is documentary evidence, very specific findings in order for them to make their decision on the suitability of this application. There are very specific Findings of Fact that the council will have to make later in the meeting based on the input from the public hearing. The input in the application and the recommendation of the planning board are all factors that, among others, are considered. “We have guidelines for the speakers, there is no set time limit in this type of public hearing; however, I reserve the right to ask a speaker to wrap up if it becomes repetitious or the evidence is not evidence that the council can consider legally.”
- Mayor Becker opened the Conditional Use Permit (CUP-09-01) Public Hearing at 7:40 p.m.

- Note: For the Public Hearing and the deliberations of Agenda Item #8, these minutes represent a verbatim transcript of the proceedings.
- **Mayor Becker swore in Zoning Administrator Vicky Brooks.** [Ms. Brooks explained that] Mr. Bill Howard of American Tower Corporation made a presentation to Mineral Springs Planning Board on June 15, 2009 for a 195' monopole telecommunications tower. The proposed site is located at 6809 McNeely Road. The planning board unanimously recommended that the town council consider approval of this application on parcel #06-084-006D. Among the findings that the planning board noted was that if the proposed tower was nestled in the trees and concealed as much as possible it would not have a negative impact on adjoining/adjacent property owners; increasing the coverage area could actually be a benefit to the community whereby allowing motorists to communicate with 911 services, which speaks to the public safety aspect. American Tower Corporation has presented the town with all of the documentation for this Conditional Use Permit. The proposed tower is compliant with the Mineral Springs Zoning Ordinance. Since the proposed tower is located in the Precision Instrument Runway Approach Zone of the Airport Overlay District, which is found in Article 3, Section 3.1.4, I personally contacted Mr. Chris Platé of the Monroe Regional Airport and asked for his assistance in determining the height limit for that location. Using our zoning ordinance, Mr. Platé determined that the maximum height for that location is 700'. Officially, Mr. Bill Howard has submitted an affidavit of mailing that states that he has notified the adjoining property owners of the public hearing; the letters were deposited United States Mail on June 23<sup>rd</sup>, which satisfies our 14 day requirement. Additionally I sent a notice of public hearing to all adjoining property owners on June 22<sup>nd</sup>, the public hearing has been duly advertised in the Enquirer-Journal, a notice was placed on the property, and one has been placed at the town hall. This is a Conditional Use Permit proceeding, any evidence must be entered into the record, anyone giving testimony must be sworn in and the council will address Findings of Fact, which have been included in the agenda packet and decisions must be based on evidence heard here tonight.
- [Mayor Becker explained that] we don't need to ask questions of people at this time, what we would normally do in a situation like this would be after we heard everybody who is going to speak at the public hearing, we close the public testimony portion of the public hearing, but we don't close the public hearing, that then allows the witnesses who have testified, including the zoning administrator, any other people who have to be available for additional questions from the town council; the public hearing is still officially open for that purpose, we also can ask some questions during the hearing, but we try to allow the people who are presenting to not break their flow too much, unless we really have ask a question, which the council can do, but the more we can put off to the actual deliberation probably the easier it goes for the witnesses.
- [Mayor Becker asked Ms. Brooks if we should enter, at this time, a copy of the application and all of its accompanying paperwork as an Exhibit. Ms. Brooks responded yes. Mayor Becker entered the application and accompanying paperwork as Exhibit 1.]
- **Mayor Becker swore in Mr. Grey Styers.** Mr. Grey Styers – 1117 Hillsborough Street – Raleigh, North Carolina. Mr. Styers testimony is as follows: *I am the North Carolina Zoning Counsel for AT&T Mobility and it's, Bill is the contractor with*

American Tower Corporation and Mr. Howard is speaking after me and he'll go through the specific points of the application and how it complies with all of the requirements of your ordinance. As zoning counsel, I'll kind of serve as master of ceremonies ("MC") of the witnesses. We have two other witnesses on the list that could be presenting tonight, Mr. Tim McDougall, who is an FAA compliance director for American Tower Corporation from Boston, Massachusetts. Mr. McDougall is here in the back corner, he's here primarily to answer questions and to discuss any aviation issues that you might have. Mr. Graham Herring, who is a North Carolina Real Estate Broker and has prepared a real estate impact assessment, is here this evening, Mr. Herring is here. We're also delighted to have tonight, who is not on the list, but I want to introduce to you Conrad and Ellie Baker, who are here this evening. Mr. and Mrs. Baker own the property that they are leasing to American Tower to sublease to AT&T, long time Union County residents, have been very supportive and great to work with. We can't locate towers just anywhere we would like to, we don't have the power of eminent domain or condemnation, we have to find a landowner, such as Mr. & Mrs. Baker, who have some property that will allow us to meet all of the requirements of your zoning ordinance and that will lease that property for the location of a facility to what we are proposing this evening, so we could not be here without the support of Mr. and Mrs. Baker, which we appreciate very much. AT&T was assessing it's coverage a little over two years ago in this area and recognized that there was some real problems with the quality of coverage in western Union County. We have a license from the FCC to provide coverage through our licensed area; at that time it was called Cingular Wireless, we now, because of the merger, are called AT&T Mobility, we recognize that we had customers who are living in the area, who live in the area and were buying AT&T, at that time Cingular phones, who were driving to and from their homes or to and from their offices and were having dropped calls. And if you have cell phones you know how frustrating that is, or if you're trying, if you've got teenage children like me and you're trying to keep track of them and you're calling to tell them you're going to be a few minutes late to pick them up from school and you can't make a call, it's a real problem. So we had a number of sites and we really started looking at co-locating them on existing towers, we were very successful in Weddington and other areas to find existing towers that we can co-locate on, but the reality is that when you're putting together a network it's like putting pieces in a jigsaw puzzle and they've got to fit together and if you put pieces around and using existing towers, sometimes there's a hole in the middle, where that piece, there is no tower there and what we have tonight is a hole in our coverage network that we are trying to fill and we, our engineers have done a thorough analysis that Mr. Howard will explain to you, explaining why we really are going to need that location. The good news is that the facility will not only serve AT&T, we're not, AT&T is not building the facility, it's one of our contractors, American Tower Corporation, and they're in the business for leasing space for multiple carriers, so it would not only serve AT&T, it would also serve T-Mobile or Sprint or Sprint Nextel or Verizon or other companies that are also looking to expand and improve their service in the area. So that's why we were very enthusiastic with the planning board support and we appreciate that and have been working on this site for probably close to a year, we had to have a good site, we think this is an excellent site as Mr. Howard will explain with the pictures and

everything and it's been great working with Vicky and all of her cooperation working with us through this process. So I may come back up here if there is a rebuttal or to answer questions or and again we may provide some additional information about the airport issues after Mr. Platé speaks, after he speaks, clarifying the issues that may be opened by his comments. But we appreciate your consideration; I'll be back in a few minutes. Mayor Becker thanked Mr. Styers. Mr. Styers added that Mr. Herring and Mr. McDougall are here primarily to answer questions, so they can be sworn in when appropriate to answer questions, but they are not going to have a formal presentation.

- **Mayor Becker swore in Mr. Bill Howard.** Mr. Howard's testimony is as follows: *Mayor Becker, members of the council, my name is Bill Howard as Grey has introduced me and I am a development agent for American Tower Corporation. Before I begin my presentation, I have what I think, in addition to our application that was filed, I have a series of Exhibits here that I think will help work through what we are trying to accomplish and why we are here. Grey has given a good introduction of what it is we're trying to accomplish. I'd like to open my remarks by talking about what specifically brings us to the town of Mineral Springs. Inside the first page of our Exhibits here is labeled "Exhibit 1: coverage without the proposed site" and there is a lot of information as presented here, but let me bring it down to its essence. Each one of these five sites here that are shown here with the center antennas are existing AT&T installations in and around the town of Mineral Springs, these are all towers that are owned by other companies, these are towers where AT&T has co-located on the structure, I think that's important, because we don't build towers where they are not necessary and what we've got in terms of existing coverage right here is one where AT&T has maximized the use of every single facility that's out there in terms of telecommunications towers and as a point of interest if you look in the lower right hand corner, the site that is marked 074-302, let me explain to you what's going on with each one of these sites. You'll see the green coverage around the nearest tower itself, that is in-building coverage, because of the proximity of the tower, where it's located we can get in-building coverage in that area, as you get further away from the tower, you'll see the blue areas that is not in-building, that is going to be basically in-vehicle coverage, you'll be able to pick it up in your car, but because the continuation of the signal you're not going to get inside buildings. Then you go to the yellow, which is basically outdoor, red is a combination of outdoor and the white gets us into no coverage whatsoever. So you can see that there is a very large area in the center here where we have no facilities, we have no ability to provide coverage from the existing facilities. Now one of the points of information that I want to make about this is 074-302, that tower right there is the one right outside the town council doors, we are already located on that, we're doing the best we can at that location, but you'll see as we go further west on Highway 75 and as we get north from Highway 75 because of the distance, because of the topographical gradation distances, we simply cannot get the coverage that we need. With this site, at this location, we can accomplish what's shown on the next page and that is "Exhibit 2: coverage with proposed site", you'll see that we're getting residential in-building coverage and comprehensive in-vehicle coverage along and adjacent to Highway 75. Not only that, we're able to provide signal continuity between the site to the west 074-293 and 074-302, which is over here, and what that means as your*

*travelling along Highway 75, you're not going to get dropped calls, you're not going to be in a situation where you can't get a signal, we were able to make a successful signal handoff between the towers. One of the things that I would like to point out on this Exhibit 2 is that no site accomplished everything and you'll see with our proposed site, which is the one labeled 074-092, we're getting good coverage in the area where we need it, but it is by no means ideal coverage, even further to the north there, you'll see there's an area where we are not going to have much of a signal handoff with the site to the north, you're not going to get the in-building coverage up there, but we're also at a height where we meet the town ordinances, we meet the FAA requirements, we're not impacting the airport operations and this part of the delicate balancing act that goes into every one of these sites. It gives us the coverage that we need, it successfully ties into it along the Highway 75 corridor, comprehensive, seamless, and dependable service. As I indicated earlier, we obviously try to make most use out of the existing sites that are out there, we are already located on and operating from the nearest communications towers in this area. The third page of the Exhibit is a report from the FCC, you'll see that there are no existing towers within a mile of our proposed location, there's nothing there, we're already on and operating from the nearest ones out there. And this is why we are here before you this evening asking for your approval of one new telecommunications tower. Let me turn to the specifics of the site. As Grey indicated, a great deal as to be factored in to what it is we're trying to accomplish and the locations that we choose. As I'm sure that you all are already aware, Article 13, Section 13.7 of the town ordinances, there is a long list of development standards that we have to meet when we come in and try to build these towers. There are height restrictions, there are setback restrictions, there are camouflage restrictions in terms of screening and buffering. What we are proposing to you tonight is actually one of the best sites that I've seen in a very long time. We are located in the middle of 11.92 acres of rural residential land that is undeveloped; part of it, the land that is owned by Mr. and Mrs. Baker, part of it is used for agricultural purposes, but there is a large tree stand, which you will see on the next page of the Exhibit, where inside of which we do propose to place the communication tower and I'll take just a minute to explain why we have done that, because hand-in-glove with the tower ordinance here in the town, you also have your tree preservation ordinance and yet there is a portion of the tower ordinance that says you want these towers in stands of trees, not in open fields, so what we've done with this specific location is to try to balance all of those, which you all asked us to do in our site selection. And the tower itself is located in the stand of trees, it is not in the open field. That allows us to make use of the existing vegetation that is out there to help screen and buffer the facility, and yet by the same token under the tree ordinance, we have to be very careful what kind of impact we have on that and you'll see in our engineering drawings that I've submitted, there's a landscape plan, there is the tree survey, inside the lease area of American Tower, there are 77 mature trees with a diameter of 12 inches or greater, of those, with this location we only have to take out three. And I think that is an important point, because again it underscores how carefully engineered this has been to meet the various requirements the town has both in the tower ordinance and in the landscaping ordinance. Turning from the aerial of the site and where it is located, the next two pages of our Exhibit here are my poor attempt to*

actually walk you through the site and how we propose to get there. As you will see on the site plan, which is Sheet C1 of the engineering drawings, Mr. and Mrs. Baker actually own a couple parcels here; the first one is what we would use as our access road from McNeely, there's already a dirt path there, so we're taking advantage of that, we're not clear-cutting any trees to get out on the property and then we're going through the master parcel, down into the tree stand and you'll see that our lease area basically, I'm sorry, the tower compound area will be inside and taking advantage of the tree stand to the west and to the south and then we'll have supplemental plantings on the east and the north side of this. Just for ease of reference what, there's a couple of dimension lines on here and these are important for the following reasons, the inner ring here is the tower setback under the tower ordinance and that is we have to be full height tower height from every property line and not only do we have to be full tower height, we have to lease that entire fall zone is what they call it. So that's what the inner ring is, we are 195' removed from the nearest property line, that inner dimension is our entire lease area. Under the tower ordinance, it is one where there can be no further subdivision, no sub-leases, no further development in there, we have fulfilled that commitment, Mr. & Mrs. Baker have filled that commitment, that this entire area once the tower is built will remain as it is. The second dimension that you see on the site plan is a 300' dimension from the center of the tower and under the town ordinance that's how far away we have to be from any established residences and you'll see that we more than meet that with all the adjoining properties, in fact the 300', the nearest residence up here looks like it is approximately 360'/370' away. So the importance of this site plan is to show that we meet every ordinance setback the town ordinance establishes both in terms of the tower setback and in terms of the residential setback. And as I have discussed, we carefully balanced the tree ordinance as well as the tree preservation that you have asked us to take care of. The next two pages of pictures are ones that are again, my attempt to walk you in, the first from what would be the access road from McNeely Road south through the parent parcel into the lease area, looking directly into the tree stand where our lease area will be, what is the lower right hand page of this first page of photographs, that's actually taken inside the lease area, that is where the tower will be located. And it gives you an idea I think of the depth and maturity of the tree vegetation that is there on the site. The next page of pictures is simply looking east and west along the parcel from where the compound will be located, I do think it's important to know that shown in the lower left hand portion there that this is not, our proposal is not new to the area in terms of infrastructure, there is already an existing power line easement which runs through that parcel and you see that there in the lower left, where it shows the northwest/southeast power line easement, which runs all across that parcel, through the next parcel, across Collins Road. That final picture there on the lower right is looking directly west from Collins Road to what will be the lease area. As I've mentioned in my remarks there are numerous development standards that are required by the tower ordinance here in the town. I don't intend to take up the time here this evening to go through each and every one of those, they have been analyzed I think in detail in our application; there is not a single one, I'm proud to say that there is not a single one of those development requirements as to which we are seeking a variance or a deviation or any kind of relief from the board. This has been extraordinarily well



*engineered, extremely well sited and it meets every one of the requirements that you've asked us to consider for this. In addition to the tower development standards, we also have a higher level, or a different level of regulations that we need to comply with, obviously first and foremost of which are the Federal Aviation Administration. The next couple of pages of the Exhibits that I've handed out are the FAA's official determination showing that with our proposed height, at that location there is no hazard to air navigation into or out of the local airports. In fact it is short enough and is located far enough away that there is no lighting, there is no marking that is required on this tower and that is also something that the town asked us to consider under the ordinance saying that... Mayor Becker: Just my one question, is the FAA information in this packet of information or is it the... Mr. Howard: It should be. Mr. Styers: Both actually, it's both in the application and... Councilwoman LaMonica: It's right behind the photograph. [Mayor Becker's packet did not include the FAA information and he was given another packet]. Mr. Howard's testimony continued: *the importance of the FAA determination is that as a Federal Regulatory matter in this location with the relatively short height, because it is less than 200', there is no threat to air navigation and most importantly from the town's perspective, we do not have to light this and we do not have to mark this, it will in almost every respect be very short, dark, quiet, and minimal impact. In terms of impact I do want to point out some questions were raised at the planning board, well what kind of traffic will this generate. This is not a manned facility, there are no personnel that will be employed here, this is not a store front; following construction, on average, this site may be visited perhaps once every month or bi-monthly at the most. By one truck or two for maintenance and monitoring purposes, it is a secure site, the fence compound is locked against unauthorized access and with the distance from the road there will be no traffic impacts, no personnel impacts, no lights, no noise, anything generated from our proposal here. Without going through all of the details of the ordinance I would like to turn to one of the largest questions raised with respect to the overall Conditional Use that we're asking for here tonight and that is what about the impact on any adjoining properties or any other properties in the area, the last couple of pages of the Exhibits are the impact study from Mr. Graham Herring that Grey himself made reference to in his opening remarks and again without going into detail, let me explain that Mr. Herring is a licensed North Carolina Real Estate Broker, he has a number of years in property impact and valuation issues. I've had the pleasure of working with Mr. Herring for a number of years as well; he's conducted an exhaustive study of our proposal at this location and I would like to just read into record his conclusion on the question on what kind of impact this will have, you'll see it there on the next to last page of his impact study. Mr. Graham concludes that this telecommunications facility, built as planned, will not be substantially injurious to the value of adjoining properties or other properties in the general vicinity. Also that this location with the separation from residential arterials located south of the proposed site, the rural nature and farming uses and mixed uses nearby, heavily wooded areas and the proposed development of the site there should be no concerns regarding any aesthetic negative aspects on scenic roadways or other unique natural features. As Grey indicated, Mr. Herring is here in person to extent any questions you may have about that in specific. I think I would like to at this point ask that our application that was filed be entered into the**

*record of the proceedings here this evening, along with the Exhibits that I have handed out to each of you. I'm more than happy to answer any questions, but I also don't want to extend the proceedings because I do know that there are others that would like to be heard as well.* Mayor Becker: In light of that, Madam Clerk, we just, for clarity we'll call the application Exhibit 1, we'll call this entire document Exhibit 2 and then it can be identified by Exhibit 2-2, 2- for the interior portion, that way we don't have any conflict of numbers, we'll enter. Attorney Griffin: Which one do they want to be submitted as the official Exhibit for your transcript, 7 or? Mayor Becker: Has to be one that is complete. Mr. Howard: It should be [inaudible]. Attorney Griffin: You present whichever one you want... [Mr. Howard presented the Exhibit to Ms. Brooks] Councilwoman LaMonica: Can we do questions now or... Mayor Becker: If it's something that you feel you need to ask, as I said earlier, if there are points that you want clarified because there may be more questions later, but a few very specific questions, feel free. Councilwoman LaMonica: With regard to the FAA regulations and compliance, I know Monroe is scheduled to go through some changes at the airport as far lengthening the runways and those kinds of things, I honestly don't know the timeframe, are these standards in compliance with those planned future changes or are they just in compliance with the current view. Mr. Styers: Can we have another witness sworn in to answer that question? Because the best person to answer that question has not been sworn in yet. Mayor Becker: Right, although do we have any additional questions then of Mr. Howard at this time. Councilwoman LaMonica: Okay, alright. Mayor Becker: because if we don't, we can then swear in the next witness and keep these witnesses under oath for the deliberation phase. Any other? Councilwoman LaMonica: I did have just some general questions about some of the neighborhood reaction and response from the neighbors. In looking at the maps, it looks like the Beadnell's, the Mendez family and Massey family and such, have any of them signed up or provided any kind of direct feedback to us about these plans or proposals, I know you sent out the letters. Ms. Brooks: I actually haven't heard from anyone, except Mr. Chris Stiwinter and he is actually across McNeely Road, he is not an adjoining property owner. Mayor Becker: I don't see any of those on the sign in sheet, we may ask for... Mr. Howard: If I may on that subject, the letters I sent out, I think they have been provided, I know I provided copies of all of those to you, Ms. Brooks, the letters that I sent out were very detailed, they introduced who we were, what we were trying to accomplish. I provided all of the adjacent property owners with a copy of the site plan. Mayor Becker: do you have that Exhibit C1. Mr. Howard: Yes, all of that was provided to them along with my contact information and I asked them and encouraged them to give me a call if they had any questions or concerns and I will state under oath that I have not heard from any of the people that received these letters. Ms. Brooks: Mayor Becker, this is the affidavit of mailing, so do you want to go ahead and enter that as Exhibit 3. Mr. Howard: I would like to introduce that as Exhibit 3. Mayor Becker: Number 3 for the affidavit of service. That should be on the record as well as on the testimonial record. Any other questions councilwoman. Councilwoman LaMonica: No, I'm fine. Mayor Becker: Okay we may get your other questions answered after we swear in the next person and would that be. Mr. Styers: Well what we are thinking, Mr. Chris Platé is here from the airport, so it may be worth it at this point and the thinking on the side for this, letting Mr. Platé speak on behalf of the airport

and then we'll swear in Mr. McDougall who is here from Boston to address some of the other details for your Information. Mayor Becker: So Mr. McDougall you're fine again with shifting the order and we'll, the order is not etched in stone as long as everyone agrees. Then I'll swear you in, Chris.

- **Mayor Becker swore in Mr. Chris Platé.** Mr. Platé is from the Monroe Regional Airport. Mr. Platé's testimony is as follows: *Mr. Mayor, Councilmembers, Mr. Griffin, Ms. Brooks, thank you for the opportunity to come speak to you tonight regarding the tower. To answer your first question the runway is being expanded right now, there's 15 additional 100', 1,500' going onto the runway five, which brings it closer to this site. There's also plans for an additional 750' on top of that at some point in time, years in the future, but we're making actual plans for that. Even with those extensions, this tower should meet the ordinance that is in place; the agreement between the City of Monroe and the Town of Mineral Springs. But on the principle, I just wanted to say the City of Monroe seeks to oppose and limit any navigational hazard, trees, towers, anything that come within that Precision Instrument Approach Zone that we have agreed with you goes. This tower does exist outside of the outer marker for the airport, or at least the current outer marker. While we are not in favor of any navigational hazard going up, based on the current agreement that we have between the two cities and combined with the FAA determination, we really have no reason to oppose the tower.* Councilwoman LaMonica: And that is based on the current guidelines as well as the future build out plan, at the completion of that. Mr. Platé: Everything that we are considering from this point on is the maximum build out of the airport. Councilwoman LaMonica: The 1,500' and the 75'. Mr. Platé: Yes. Councilwoman LaMonica: Okay, got it. Councilwoman Critz: But you're saying that at the maximum build out it will be within the permit. Mr. Platé: It still should be fine, it should be about 500' and actually I don't know exactly, I think based on that determination, it should be around 500' between, where the, the point you don't want penetration, so it should have plenty of room. Councilwoman Critz: I have a question along this line, but I know that we have at least one neighbor that flies in and out of Mineral Springs in a helicopter, and not that I want lighting, but how do people like that receive information about additional obstacles, because we have low flying airplanes that come in from the JAARS area and then we have the one resident and there may be more than one, it is just that I'm aware of one that actually lands in Mineral Springs in a helicopter. So how is that addressed? Mr. Platé: I know that on the charts, there are towers that are identified, but they have to be a certain height, usually under 200', I don't even think they are on the chart, I could be wrong about that, but [inaudible]. So from an ultimate safety, sure lighting probably wouldn't be a bad idea, but it does not, it's not within our agreement and nothing I would ask you to consider. Councilwoman Critz: I'm not advocating the lighting; I'm just saying how does something like that get communicated to people who are flying low. Mr. Platé: If it's not on their map, they will not know about it if they are not familiar, that I'm aware of. [Mr. Styers stood to comment] Mayor Becker: You're still under oath and you know with this flow as easily as possible. Mr. Styers: I would just address that quickly myself. I am currently not a licensed pilot myself, I have been. Mayor Becker: By the way this is Mr. Styers testifying again, for the record. Mr. Styers: I have been in the past, I cannot hold myself as an aviation expert, but I can speak somewhat of personal experience. The pilots and of

helicopters or airplanes or otherwise who regularly fly in and out of any location are going to know where the, whether it's tall silos, whether it's a cell tower, whether it's a radio tower, they are absolutely going to know that. Everyone has one of these [holds up a navigational map] in their cockpit and but it's primarily for areas that you are not familiar with. There are Federal Aviation regulations about the height that you can fly over habited areas quite frankly. You can fly over the desert and over the ocean about as low as you want to, but over habited areas, the Federal Aviation specifically will instruct all pilots, fixed wing, helicopter, as well as lighter than air airships to have to be at least 500' above ground level and maps like this will make sure you know what the highest ground level point is, if there is a hill, it's actually marked so you know where that ground level is, because you need to stay 500' off of that. Now the issue is landings and the take offs, that's the issue obviously, because you are below 500' and if someone is flying in the area and knows the area, they'll know where to safety take off and land, and we have several thousand cell towers in North Carolina. In this area we've got three cell towers that are much taller than this one, we've got 211', 287', and another one, you know pilots in the area just know where those towers are. The FAA publishes for any airfield approach and takeoff guidelines and information that all pilots in the area receive and know what elevations they need to be at. And again, since I'm not an aviation expert, I think it would be appropriate to have Mr. Tim McDougall sworn in who is an expert to talk about what those guidelines are in to and out of airfields and how the FAA posts those for all pilots. So that's my personal experience as a, and I use to, I began flying in and out of the Morgantown, North Carolina Airport, small airport and if you fly in and out of there you just know where the structures, you know where the shopping centers are quite frankly and you avoid congested areas. Helicopter pilots particularly are sensitive to not wanting to fly over certain areas where the noise from the helicopter can cause complaints, because they don't like complaints and I recently represented a number of heliports and they were particularly cognizant of places to take off and land, they are very sensitive to the noise areas, so the helicopters are the most navigable of any airship in terms of horizontal and so they actually are the most maneuverable getting in and out, the more restricted flights are fixed wing and that's why I would like Mr. McDougall to be sworn in and talk a little about what the regulations are, how the FAA posts that information. Mayor Becker: Okay thank you. Mr. McDougall.

- **Mayor Becker swore in Mr. Tim McDougall.** The testimony of Mr. McDougall is as follows: *Good evening. As Grey mentioned earlier I am with American Tower. My job there is to make sure that all of our towers are compliant with FAA regulations and in the case of this particular tower we did that by sending in the initial filing to the FAA to let them know we were planning on constructing a tower in this given location and what we received back from them is what we already received and I will hand out a copy of it.* Mr. Styers: That's supposed to be Exhibit 3. Mayor Becker: Actually it's 4. Mr. Styers: 4, I'm sorry. Mr. McDougall continued his testimony: *This has a little bit of additional information that I'll show you. This will hopefully explain some of the issues involved. Again, what you're looking at on page one is the FAA determination of the no hazard. We submitted the filing to the FAA so that they could review the site and gauge its impact on any airport in the area and it was by sending in that filing that public notice was essentially given to*

anybody who would be using the local airports and we sent in this filing, the FAA has a division that works with them that tracks these structures on the maps that Grey was referring to. We send in the information, the FAA gets to review it and they pinpoint the location of each of these structures, whatever structure it may be, a building, a tower such as what we are talking about here, they pinpoint it on the map so that anybody flying out of the local airports will know exactly where the tower is. In regards to your comment about helicopters, well the FAA reviews only send in filings like this one. As far as it concerns helicopters, what they are concerned with is whether or not the structure is going to be within 1,500' of a landing facility. This one here is significantly further away so what we have here is a structure that's approximately 5.5 miles away from the Monroe facility and it's going to be charted as well, so anybody that is using a helicopter at these landing facilities, first of all they know where it is and the FAA has already defined it as a no hazard so that the person operating the helicopter they know exactly where it is and if they additionally follow minimum altitudes for flying they have to stay at least 500' above ground level and in some cases it might be 1,000', so this particular structure wouldn't impact anyone using it. With that being said what I can draw your attention to on the first page of this determination is what I've squared off in red there, that's where the FAA is announcing that this proposed tower is not going to have any impact whatsoever on any local airports. It states right in there that it does not exceed any obstruction standards and what that means is this tower would not present a physical obstruction to any air traffic or an electromagnetic one which is basically the radio frequency coming off of this tower that would interfere with any air navigation equipment used by the airport or any pilots flying in and out of the local airport so that is what this essentially telling us. Councilwoman Critz: A question please. Mr. McDougall: Yes. Councilwoman Critz: Not within our town borders, but shortly out of them there's a housing residential area called Aero Plantation where there's actually a runway as a part of their residential development where people can own their airplane; keep them in their garages and take off in their backyards and have you taken that in to consideration, are those registered with them? Mr. McDougall: Is it a private airfield? Councilwoman Critz: It is. Tim McDougall: The FAA does not... Mayor Becker: It does have an NC number though I believe it is private. Mr. McDougall: if it's a private airport the FAA doesn't necessarily take it in to consideration, but it is at the same time charted on any aeronautical map so its going to be available in any area. Councilwoman LaMonica: Tim, I actually have the same question with regards to the JAARS facility in Waxhaw, which of course gets more traffic than Aero Plantation, but you know it's not that far away. Is that part of the FAA review as well or do they also fall in to a private type designation for an airport? Mr. McDougall: That one I believe would fall under a private designation. Councilwoman LaMonica: It does? Mr. McDougall: Actually, what was it again? Councilwoman LaMonica: JAARS ... J-A-A-R. Mr. McDougall: No ... No, this one completely taken into consideration and it has absolutely no impact on that one as well. I believe it is to the southwest? Councilwoman LaMonica: That is correct. Mr. McDougall: This takes that one in to account as well and it had no impact on it. Councilwoman LaMonica: Your tower is probably smack dab between the two, between Monroe Regional and JAARS. Mr. McDougall: It is. If you had these plotted on a map it is essentially right in between each of them and it does not,

would not exist in either of their protected airspaces, okay, and other... Mr. Styers: I'd like to stop at that unless you have more information for questions. Mr. McDougall: All right, thank you. Mr. Styers: I would just say that both Aero Plantation and JAARS are on the aeronautical charts and again once you, the orientation, I hadn't looked at this myself until you just mentioned it, it shows orientation of the runway and both orientation of the JAARS and the Aero Plantation runways they will have what is called a left turn pattern in both of them which means you will actually be approaching Aero Plantation with southwest wind well north of this site and on JAARS you would be approaching at southwest approach south of this site, so it is outside of the pattern of both landing facilities. Mayor Becker: For the record, that last testimony was Mr. Styers again, following Mr. McDougall. Attorney Griffin: You wish to enter that as an Exhibit? Mr. Styers: I would like for it to be an Exhibit, yes. Mayor Becker: Oh, so, the aviation chart. Attorney Griffin: He's giving testimony based on it, so it's up to him, I mean... Councilwoman Critz: Can we just make note, can you get like the identify public ... Mayor Becker: It is a public document. Councilwoman Critz: A number to identify this, a map number? Mr. Styers: It's a North Carolina Aeronautical Chart and it is a public document, you can print a copy I suppose. We're happy to answer more questions, but we would ask, and I think that's all the witnesses. Councilwoman Critz: I'm satisfied. Mr. Styers: That's all the witnesses that signed up. Mayor Becker: Yeah, well ... and you said Mr. Herring may or may not. Mr. Styers: He's here available to answer questions. Mayor Becker: Ok. Mr. Styers: Just in conclusion the obvious special use permit as Mayor Becker explained needs to be based upon documentary evidence submitted to you. I will say I met with Mr. Platé this morning at his office, we have had a good dialogue with the airport, I talked with the city attorney in Monroe this afternoon about this hearing tonight, we've got a good understanding that it is important that the airport consistently state their policy on the record. Councilwoman Critz: Right, we understand that. Mr. Styers: So, having complied with all the requirements of your ordinances, explained by Ms. Brooks and with the documentary evidence that is submitted to you, we feel that we have met all of the requirements, but specifically as it pertains to towers, as generally as it pertains to special use permits regarding property values, harmony, general health safety and welfare, as to specific requirements a witness submission by evidence for you and with no evidence to the contrary, we will respectfully and appreciatively ask that you vote to approve our application and thank you for your consideration. Mayor Becker: Just making sure that there's no evidence to the contrary, we're a little flexible with sign-up, and people do arrive late and I would like to see if there are additional witnesses who did not sign up, who have something to say one way or the other.

- **Mayor Becker sworn in Ms. Bettylyn Krafft.** The testimony of Ms. Krafft is as follows: *I'm Bettylyn Krafft and I live at 6805 Pleasant Grove Road. I'm also a member of the planning board. The reason I thought I might speak is because you asked questions about property owners and had anybody been contacted. I got contacted today by 5 property owners...people having concerns about the tower and just having questions more than anything. I personally have two pieces of property off Pleasant Grove which runs right there next to McNeely and one piece of property on Nablus Drive so when this was first presented I, as many of you know I don't like change or am against as much change as possible but after*

seeing the presentation; looking at all of the documents and our ordinances this was pretty much a no-brainer for me. It works with all of our ordinances, they have gone beyond the call of duty I do believe in presenting the facts and how they want to nestle it in the trees and goes along with everything we talked about with the Land Use Plan. What I did have was a couple of people who came by to see me right before I left to come here and I basically pulled the GIS map up and showed them where the property was, where the tree line was, where the tower was going to be located and I see that none of them came tonight so I think that I was able to answer most of the questions. I had all of the documents, most of what you guys were presented with today and showed them basically the facts and it was pretty cut and dry. The one property owner and I do not have their name, they're in the corner, they're the first house down Nablus Drive. They are out of town, they did email at least three neighbors concerned about this and two of the neighbors I've spoken in depth with, one of them is the one who came by to see me and they were emailing them and I said there's a website with the GIS map and I have not heard anything before I left. I just want to present that and answer your questions. Mayor Becker: Okay, thank you Bettylyn. Councilwoman Critz: If we have more questions as we get through the end of this, are you going to stay like as part of the planning board? Mayor Becker: It'll be helpful to have that planning board input as something we can question or they can question. Councilwoman Critz: Yes because Valerie is sick tonight. Mayor Becker: Thank you very much Bettylyn and no further comments or testimony at this time? Hearing none. What I would propose doing is closing the public testimony portion, leaving the public hearing officially open until the conclusion of the deliberations, which then allows additional questions and answers to be placed on the record of the witnesses that are under oath and if it were an extreme case we would be able to swear in new witness, we only have witnesses who have testified. Attorney Griffin: If you've declared the witness list closed, I think you ought to stick with it. Mayor Becker: Ok, that is what it will be then. Attorney Griffin: I mean after all the notice requirements have been complied with in the ordinance and the rules have been followed up to this point about notice being here to testify. Mayor Becker: To make sure we're doing what we need to do legally and to make sure everyone has their opportunity to testify and we don't miss some data we might need. Very good, thank you. That's where we stand with the hearing.

- Mayor Becker closed public testimony portion of the Conditional Use Permit (CUP-01-09) Public Hearing at 8:32 p.m.

### 3. **Public Hearing – Proposed Text Amendments**

- Mayor Becker opened the Proposed Text Amendments Public Hearing at 8:33 p.m.
- Ms. Brooks explained that the proposed text amendments are to Article 3 and Article 4 of the Zoning Ordinance. The amendments from Article 3 were derived from an applicant who is in the Downtown Overlay that inquired about placing a ground sign at their property; in reviewing the ordinance, Ms. Brooks found that they were not allowed to have a ground sign and this seemed unrealistic. Ms. Brooks explained this to the planning board and they unanimously recommended the proposed text amendments. Ms. Brooks explained that the proposed text amendment to Article 4 was derived from a previous Conditional Use Permit/Downtown Development Applicant who misunderstood the simplicity of the

“accessory structure” regulations; they did not understand that the submission of a Conditional Use Permit or a Downtown Development Application, that they had to come back to the town to get specific approval for anything they wanted to do on the property. The planning board unanimously recommended adding language to Article 4 under accessory structures to clarify that. Mayor Becker closed the Proposed Text Amendments Public Hearing at 8:35 p.m.

4. **Public Comments**

- There were no public comments.

5. **Approval of Town Council Minutes and Monthly Reports**

A. **May 11, 2009, May 14, 2009, and June 11, 2009 Minutes**

- **Councilwoman Critz** made a **motion** to approve the May 11, 2009 minutes as written and **Councilman Countryman** seconded. The motion passed unanimously as follows:

Ayes: Countryman, Critz, Cureton, LaMonica and Neill  
Nays: None

- **Councilwoman Cureton** made a **motion** to approve the May 14, 2009 minutes as written and **Councilwoman Neill** seconded. The motion passed unanimously as follows:

Ayes: Countryman, Critz, Cureton, LaMonica and Neill  
Nays: None

- **Councilman Countryman** made **motion** to approve the June 11, 2009 minutes as written and **Councilwoman LaMonica** seconded. The motion passed unanimously as follows:

Ayes: Countryman, Critz, Cureton, LaMonica and Neill  
Nays: None

B. **May 2009 Tax Collector's Report**

- **Councilwoman Critz** made a **motion** to approve the May 2009 Tax Collector's Report as presented and **Councilwoman LaMonica** seconded. The motion passed unanimously as follows:

Ayes: Countryman, Critz, Cureton, LaMonica and Neill  
Nays: None

C. **May 2009 Finance Report**

- **Councilwoman Cureton** made a **motion** to approve the May 2009 finance report and **Councilwoman Critz** seconded. The motion passed unanimously as follows:

Ayes: Countryman, Critz, Cureton, LaMonica and Neill  
Nays: None



6. **Consideration of Planning Board Applications**

- Mayor Becker explained that Ms. Lisa Stiwinter had to withdraw her application, because there could be a conflict of interest since she is employed as a Planner with the City of Monroe's Planning Department. The remaining two applicants were present for this meeting. Mr. Mike LaMonica introduced himself and explained that he was Ms. LaMonica's husband. Councilwoman Critz asked Mr. LaMonica if he was currently serving on the Planning Board or if he ever had. Mr. LaMonica responded that he was not currently and has not in the past; however, he does serve on the Board of Adjustment. Mr. LaMonica shared that he has been working toward becoming a "full-fledged" volunteer firefighter for the community. He has been watching Councilwoman LaMonica go through her drill with planning and zoning and knows what the objectives are on the Board of Adjustment dealing with appeals.
- Mr. John Easton introduced himself and explained that he had been living in Mineral Springs for the last three years (on Pleasant Grove Road). Mr. Easton expressed his interest in being on the planning committee. Councilwoman LaMonica asked Mr. Easton to tell the council a little bit about his interest and concerns for the future of Mineral Springs. Mr. Easton responded that Mineral Springs is a small town. He has been in Waxhaw for 30 years and has seen how it has progressed and has some concerns that are good and bad. Mr. Easton said that he couldn't say it had all been bad for sure, but it has grown in leaps and bounds and he doesn't want to see a small town like Mineral Springs overstep or outgrow before its ready. Mr. Easton plans on being here another 10 to 15 years and he wants to make sure that things are done in order. Councilwoman Critz pointed out that Mr. Easton was in construction. Mr. Easton responded that he had been in construction for 42 years (give or take a few). Councilwoman Critz asked if some of Mr. Easton's concerns had to do with being involved in that field. Mr. Easton explained that he had designed and built new homes up in Baltimore and three Sears stores in 3 counties up there. Mr. Easton further explained that he knew what works and what doesn't; things are changing constantly and they're really going to start changing with this new administration. Councilwoman Neill noted that one of Mr. Easton's goals was for the Mineral Springs Land Use Policy to refrain from overcrowding homes and asked if he liked large lots and homes that have space and if he was in favor of bringing in new business and development. Mr. Easton responded that when he came here 30 years ago he called his wife and said "this is the most beautiful place you ever saw in your life", everybody was on an acre lot; it was gorgeous". "It's not that way now, it has really changed and I think it's a money change, they want to collect the money as revenue and that's not really the way to go, not long term anyhow", Mr. Easton said. Councilwoman Critz pointed out that Mr. Easton has never attended a Planning Board meeting or a Town Council meeting and asked if he was aware of the town's conservation zoning. Mr. Easton responded no; the largest thing that he has been involved in is the Methodist Church over here and the planning on those three buildings.
- Mayor Becker pointed out that Councilwoman LaMonica did not have a financial interest in whether or not Mr. LaMonica was appointed to the board, since the Planning Board is not paid. Attorney Griffin stated that she would have to vote unless the council excused her from doing so. Councilwoman Critz felt that there

was no reason to ask Councilwoman LaMonica to excuse herself; however, she would excuse her if she wanted to be excused. Mayor Becker opened the floor for discussion on these applicants. Councilwoman Critz explained that for her it came down to two really nice citizens offering their time, energy, and possibly some small finances to serve the community; it is a hard choice. Mr. LaMonica has been involved in the whole process, has come to some meetings with the conservation zoning, and has a bit of an advantage going in the process as far as knowing some of the background of what the town has done and worked hard for. Councilwoman Neill commented that there will be other openings down the road and perhaps Mr. Easton could come to some planning board meetings and council meetings. Councilwoman Critz asked Ms. Brooks how many members the town currently had on the planning board. Ms. Brooks responded that it is a nine member board and currently we have eight members. Mayor Becker added that there is a vacant seat, because Roxana Shell was getting married and moving. Councilman Countryman commented that Councilwoman Critz made a couple of excellent points; Mr. LaMonica has experience and has been involved in the process; however, Mr. Easton is the opportunity for a new face/new interest/new enthusiasm that brings new thought to the program. It would also demonstrate the fact that the council is certainly open to having new citizens become involved in the process; Councilman Countryman encouraged that.

- **Councilwoman Critz** made a **motion** to appoint Mr. John Easton to the planning board [vacant seat which expires in January of 2012] and **Councilman Countryman** seconded. The motion passed unanimously as follows:

Ayes: Countryman, Critz, Cureton, LaMonica and Neill

Nays: None

#### 7. **Consideration of a Town Hall Landscaping Maintenance Contract**

- Mayor Becker explained that there were two proposals for landscaping; Mr. Newell and Mr. Medlin. They were not aware of each other's price; however, they were identical. Mr. Newell is currently doing the town signs and has done them for the past six to eight years. Mr. Medlin has done some work for some people; both seem to be good candidates. Councilwoman Neill commented that she was very satisfied with the work Mr. Newell has been doing with the town signs; "we never have to worry about it, we never have to ask has this been done, it's always done, and it always looks wonderful". Councilwoman Critz agreed that Mr. Newell has served this council well. Councilwoman Neill stated that with all things being equal and Mr. Newell is also a Mineral Springs resident; "if it's not broken, don't fix it".
- **Councilman Countryman** made a **motion** to accept Mr. Newell's contract proposal and appoint him as the town's lawn care maintenance person. Councilwoman LaMonica offered that she had the opportunity to work Mr. Medlin on a residential and personal level and he was phenomenal to them; they didn't have to think twice. It didn't matter if it was covered in a contract or it needed to be done; he is very flexible, dependable, also lives in Mineral Springs. Councilwoman Cureton commented "I had a good man that worked on my yard and he did a real good job and then he stopped. I got one now that I hate to see him coming. I made him cut it because I couldn't cut it myself because it was too high so if you

got someone who is good, you better keep them". **Councilwoman Critz** seconded Councilman Countryman's motion. The motion carried as follows:

Ayes: Countryman, Critz, Cureton, and Neill

Nays: LaMonica

8. **Consideration of a Conditional Use Permit (CUP 09-01) Submitted by American Tower Corporation**

- Mayor Becker: and that gives the chance to consider the Conditional Use Permit and I did have a couple of questions that I wanted to ask. And I have a couple of visual aids even and if I have hard copies, I may have to give them to Vicky as Exhibits. But, several, just two questions really, one of them involves, in our ordinance we, the very last section of the ordinance says that the council in considering a CUP, especially a tower CUP, they may request changes in height, location, screening, any characteristics if they feel it will be a more harmonious situation, and I'm just curious and I'm not, I just want to get these thoughts out, is there any flexibility on, well two things, one of them would be the height of the structure, and I'll show you some, the reason I'm asking this is. Let's see if I can get these [diagrams on the projector] to open. About six years ago, AT&T actually did apply for a Conditional Use Permit on a site about 1,500' northeast of this one, the elevation was. Well here's the site [shown on screen], actually here's the map, this is the RF (radio frequency) map that was presented at that time and as you know from your own experiences, it's exactly the situation you're in now, there really has not been a tower to fill that hole, that hole was there in 2003 and that hole, as you can see from your maps is still there and you see the co-locations, I believe the, this is your one right behind us, this is the, you know, the SBA right behind us, this is the American Tower's tower down there west of Waxhaw. These are the two towers and these are the ones that interest me, you have the one in, at the end of Waxhaw Indian Trail Road at Newtown Road, which is up here right in Wesley Chapel, there it is, and then you have this one over here which is at Potter Road and Newtown Road and those are both Crown Castle towers and AT&T is located on both of those towers now and is getting service as you have shown in your RF map and each of those towers are about 150' and they're currently co-located with two antennas on them and there seems to be room for some more, I don't know that, so the elevation of those sites are actually quite a bit lower, but then again so is the surrounding elevation, so you are obviously selecting your, your, your elevation heights based on a lot of factors. The Crown Castle tower that was proposed in the center of the circle near your current site was on about 19' higher, it was 659' above sea level and your site is about 640' I believe. Mr. Styers: Correct. Mayor Becker: Yeah, according to the documentation, I'll mark this radio frequency map Exhibit 5. Ms. Brooks: Yes. Mayor Becker: And you can have copies of these from the clerk later, I only have one copy. Mr. Styers: And what's and how long ago was this map. Mayor Becker: This goes back to 2003, this was AT&T's application in, it's was heard in September of 2003, it was denied by this council for reasons, those reasons I don't think matter, because it was, that has nothing to do with this application, I'm more concerned about the characteristics of the tower itself, nothing to do with what the testimony at that meeting was, because this isn't that meeting. However this was entered into evidence so this was on the

record at that time. Now my next question is that, as I said the heights of those towers are 149' and 150' and at the time that applicant said, I'll try to zoom in on that, and again this goes to a very important factor in your application. They said that the tower at that height in a very similar location was designed not to just co-locate one carrier but up to three carriers thus eliminating the need for future towers, so exactly, you say you may go up to four, but does this look reasonable just, just from your from your experience? Mr. Styers: Well, you know, let me address this several different ways, the first is three years ago this phone [holds up his own cell phone] didn't exist. Three years ago the types of antennas that would be in place on towers were very different from the types of antennas that we're using today. Three years, quite frankly, in an industry which is progressing as rapidly and as fast as wireless telecommunications, might as well be two generations ago quite frankly, so the technology is evolving, the consumer demand is evolving. Three years ago there were more landline phones in North Carolina, a whole lot more landline phones than there were wireless phones, that's not true anymore, so the analysis that is applied is the best analysis that our engineers can put together today, the best analysis for the antennas, they specify the types of antennas they want to use, they specify the types of antennas that can help me find your Town Hall tonight because I had GPS to help me navigate on Pleasant Grove Road and Collins Road to find my way to the town and here tonight, it allows me to get emails here and what we're finding is that we get complaints when people can't cancel their landline phones and replace them with wireless phones to use the free long distance and all the hours that they have, so the analysis that may or may not have been presented, and I was not familiar with - Mayor Becker: Right. I'm not trying to blind side you and expect you to second guess because you weren't with AT&T necessarily. Mr. Styers: It is a different, it is a different age and all I can speak to is the evidence that we put together for tonight's tower that we presented for the vote to stand and the best efforts that our engineers exercise. Now long term most jurisdictions that I've appeared before want to minimize the number of towers. I'm going to make the assumption that's the goal for Mineral Spring to minimize the number of towers. When I first stood in front of my first board in 1996 for a tower the very first GSM 1900 MGHZ tower in the state of North Carolina but at that time Bellsouth DCS, if you remember that home phone, I said we think that someday just about everyone's going to have a cell phone and we're going to use it almost like landlines and our kids are going to have it and we'll get all kinds of data, I mean that's what I was being told but I wasn't sure whether that was going to be true or not. 12 years later, 13 years later we're there. I don't know what 13 years from now is going to, to, my crystal ball is not that clear but, what I know is that we're trying to provide the best infrastructure that we can provide, you know, you can't ride the trains without the rails, you can't turn on the lights without the power lines, you can't use these cell phones without some support structure for the antennas to be in the air. And our engineers are telling us and, and, that, that given the ordinance they would like to have more height. They would like to have 225' or more quite frankly they would like for it to be lit. Mayor Becker: Even those 211' towers is lit so. Mr. Styers: You can see there is still some yellow on this map, you can see here we're barely getting in to green in home coverage on Hwy 75. Our engineers are willing to work with this, they have to because that is how your ordinance is written, as Bill explained, this is not ideal, we would like to have

some more height, but this is, this is something that we can live with. This is something we feel like fits the empty puzzle piece well and will provide a platform for other carriers and I mentioned T-Mobile, Sprint Nextel, Verizon and others who will want also to expand coverage and the smaller, the other thing is, I'll tell why in the story and I hate that I digress. Mayor Becker: No, No, because we need this information I think. Mr. Styers: I remember before, my first ever cell tower, I remember February 7, 1995, I was in court in Wilmington and I had one of these bag phones, anyone remember the phone that came in the bag? And very few people had the number to that bag phone, I didn't give it out to very many people so 7pm at night I'm driving back from Wilmington on February 7, 1995 and the phone rings, I'm on I-40 coming back, the phone rings and it startles me, nobody ever called my number. Councilwoman Critz: And it cost you a fortune to talk on it. Councilman Countryman: \$2.00 a minute. Mr. Styers: And I picked it up and my wife said, it was my wife and she said "Where are you?" and I said "I'm coming around Smithville. I should be there in about 45 minutes. Would you like me to pick up Chinese on the way home or whatever?" and she said "No, I would like for you to come straight home. My water just broke and in fact I'm heading to the hospital and I want you here for the birth of my second child." That was a big phone that was a really big phone. The smaller the phones get the less power they have to transmit and receive a signal from an antenna and so the smaller the phone, this is the first phone I've ever had that didn't have a belt clip. I can put this in my pocket and I don't know how many of you have phones that are this size or smaller and that you like to carry in a pocket, that means they cannot transmit a signal far enough, as far as they use to when they were bigger phones because the transmitters in these smaller handsets are smaller, so for all those reasons, you know, the application we filed is not without reason, we, if we could live with 160', if we could live with 140', if we could live with 150' those are what our engineers will tell us to do to, seek here. They would have liked to have had something more than 200', they understood your ordinance and said they could live with 195' so that's the purpose of our application, so that's where we are tonight. Mayor Becker: So that would be your testimony that, that it would severely hamper the purpose of this tower to go below 195', is that your. Mr. Styers: That's my testimony and that ultimately you'll have more towers in your jurisdiction and Mr. Howard may have something to add. Mr. Howard: Grey has made a great point here and I think you can see it right there in the evidence that we have presented to you. If you look at Exhibit 1, and this gets to the towers you were talking about and starting at the upper right hand corner, which is site 074-091 that is one of the Crown co-lo's that Mayor Becker referred to. The tower is only 150' in height and AT&T is co-located on that tower at 137'. Now if you look at the amount of coverage we're getting there at 137' and then go over here to 074-293 where we are at the tower height is 267' and AT&T is at 200', look at the difference in coverage that you're getting and so the reasons that Grey has talked about we are threading a climbing needle here but if you were to drop that down from the 195' that we've requested then what you are going to end up with is instead of the single continuity along Highway 75 and what we're getting in terms of a fairly large reasonable area of residential in building service, what you're going to head to is spotty service and compromised service like you see up there at the Crown co-lo tower. Mayor Becker: That's, that's very helpful. Councilwoman Critz: I don't think,

you know, this council denies or under-estimates the lack of service here. I had a recent situation where I found myself, I barely get a signal at my home, but I do and I recently found myself in the woods alone, which I enjoy doing, but in a situation where there was some coyotes that I was not enjoying and I couldn't get a signal and the only thing I could have done with this cell phone was throw it at them, so I don't think anybody is denying that. I think what we have a committed concern here and have always. I mean, I think if you know anything about Mineral Springs you know that we are conservation minded and that everything we've done from day one has been in that direction and when, and Bobby please, am I free to reference, the previous in our actions for the other cell tower as far as our concerns about aesthetic integrity. Attorney Griffin: [inaudible] should be based on this application and what it will and will not do referencing your zoning and codes. Councilwoman Critz: Ok, staying consistent, you know, consistency is a battle worth winning, we have always and in every situation had a concern for the aesthetic rules, aesthetic integrity of the community and I think Mr. Countryman was probably one of the loudest voices in that direction and some of our past issues and I just, I think that, that the point that we'd probably all be coming from here is when we're asking you this, the question is not to be nitpicky but it is to say, you know, when someone is coming in to Mineral Springs or we're driving through the community or the people, the residents that live the closest to it how can it best be unnoticed to, least impact, the rule integrity of what we have and I appreciate so much the care that you've taken for the trees, how you are going to use existing paths in to there and not just bulldoze a wide, I appreciate all of that. I guess what we are just asking is there some additional way either to lower the size, the height of the tower or to add some type of camouflage. I don't know what is available to you so I'm asking are there other things that can be done. Mr. Styers: Let me address that in two ways and we are very cognizant of how special Mineral Springs ordinance and concern is. You have one of the strictest ordinances, I'm trying to think of another jurisdiction in NC that requires the tower company to lease the entire radius circle and then have a no subdivision provision commitment by the Baker's to that. I'm not so sure that I know of another ordinance in NC that has that requirement. We are absolutely cognizant of, of, and quite frankly that's, I don't come to a lot of cell phone zoning hearings, that's the only reason I'm here tonight quite frankly, and so we recognize that. Bill used the metaphor "threading the needle", this has not been an easy process because the eye that's in your needle is fairly small, as you've designed it, as you want it to be and all we can rely upon, and I think Mr. Griffin will advise you to this, we have to rely upon the written requirements of your ordinance and when our engineers, such as Mr. Howard who worked with folks such as Ms. Brooks to try and find how we thread that needle, how do we comply with all the requirements of your ordinance and how can we go forward with the application so that Mr. Howard can stand up here and say we're not asking for variation or deviation or variance of a single one of your requirements, so let me say that in preface, there are some things that we can do and that I feel very comfortable in saying subject to Mrs. Baker's condition and I also tossed out an idea that we can do but I will tell you why I don't think that we should. The first that we can do is that you have a fairly stringent buffering requirement, we can meet that with additional plantings on the north and east sides. If you look at the area here, I don't think we need buffer on the west or the

south. Councilwoman Critz: Right. Mr. Styers: But we are leasing the entire area of the radius so it's quite frankly in our control. Now we are going to let Mr. & Mrs. Baker lease that land for farming as they have in the past. Councilwoman Critz: Right. Mr. Styers: And everything that we plant in that field prevents them from, decreases the value of that property as farm land, however, something that we can do, for example, could you point to L1 of the landscaping. Mayor Becker: And that was going to become my second question, what could relate to L1 plus something else, I was going to ask you about which I'll get to. Mr. Styers: One thing that we can do certainly is increase the width of the landscape buffer on the north and the east side. Currently we have one row of trees; we got them spaced pretty close together. We can expand that, I think you'll be very, I, I can say certainly if we, especially if we space the, my, my personal opinion, someone who likes to plant trees in our backyard, is that you'll be better served if we didn't plant the stuff quite as close together. Councilwoman Critz: Exactly. Mr. Styers: And we increased the width of the buffer. Now I would have to ask Mrs. Baker if they agree with that. I believe that they would and she's nodding yes, so I believe that is something we can do. Councilwoman Critz: And have you, at all, spoken to the landowner here with any consideration of being able to maintain that aspect of the frontal buffer? Mr. Styers: Bill do you want to talk to the Baker's for a moment about that so they understand what the issue is? Mr. Howard: Sure. Mayor Becker: And actually it is 2 separate ones looking at what Councilwoman Critz pointed at. For the record she pointed at an adjoining property of road frontage. It was not owned by Mr. & Mrs. Baker. Councilwoman Critz: Yes, I'm assuming from questions that I asked earlier to Mayor Becker that is, belongs to another landowner but it actually forms part of your frontal road buffer it's not under the Baker's, I didn't know if you had actually considered that and had talked to that landowner at all. Mr. Styers: We have not. Councilwoman Critz. Okay. Mayor Becker: It's a 2 step question as well, since you brought it up let me go to the next picture and this might be easy since Mr. & Mrs. Baker are here, let me go to the next picture [a cross-section diagram] and that's 2 pictures and we'll, we'll look at, you've seen these before at various hearings like this. Please take this as something not drawn by a surveyor for recording. Please take it for what I mean it and we'll call it Exhibit 7. Mr. Styers: Yep, well, ok. Mayor Becker: And this is the. Mr. Styers: I would object to these being in evidence but I, I, for illustration purposes I understand the point. I have to make certain objections for my clients. Mayor Becker: That's okay, they do that, and the reason this in here is not, it's, it's not to, it's not really for dimensional purposes, it's an example and what it, what, what I'm, it's accurate enough that I believe that those trees and those trees that are shown, this was taken from the house directly across from the entrance compound and those people, now I'll say for the record that property owner wasn't here; has not raised any objections; did not bring any competent appraisal, any evidence against your proposal so I, I, I'm making that clear, this is more informal suggestion. That is the closest, most inline visibility point and the, if they have no trees in the front yard that screen of trees at McNeely Road is the critical screen, there's nothing else, I mean it's, it's, and with the angles a screen close to the point of view or the point of standing, being closer to it is better, a 65' tree, which is roughly the height of those mature trees that are there now, just probably in the summer obscures the entirety of a 195' tower for that house and really for people's yards on either side also. It's

a very, it's an extremely good buffer and it's there and so my other, this is my second, Councilwoman Critz actually mentioned in terms of going even further which you're probably not at liberty to do because you're dealing with a different landowner, however, I refer back to L1 where you actually have said this is the landscape plan. All those trees in the leased area on the other side of the tower are part of the landscaped plan and won't be removed, you've, you've offered that as a permanent part of the landscape plan which makes it a permanent part of the Conditional Use Permit. Is there any possibility, and again it may affect Mr. & Mrs. Baker since they own this road frontage parcel, could the trees on that parcel, since it is the same owner, be considered, be, be included as part of the landscape plan so that those trees are protected also and that they, they, they can't be removed? Mr. Styers: let me ask the Baker's, let me go back, I, I understand the point exactly Mayor Becker: It would nice to go both sides. Mr. Styers: You drive down the middle of the road you can't, you'll never be able to see this tower. Mayor Becker: But you do when you're further, when you're further. Mr. Styers: You'll see it from Collins, you'll never see it from, never see it from, I'll say under oath, I don't think you'll ever see it from McNeely. Mayor Becker: Well you will as you're, as you're, as you're on the other end, as you're down, all over Collins, you'll see it. Councilwoman Critz: I think what we're trying to accomplish here is maximizing the coverage and minimizing the view and I, and just coming to some realistic way of doing that. Mayor Becker: So make an assurance that those trees won't, that you won't remove them and you've already said if there's enough width of the existing path that you can make your right of way. You said you didn't promise it, but you said you thought you could make it without having to remove any of those trees. Mr. Styers: Well we won't have to remove any of those trees. Mayor Becker: But yeah if they can actually make, as part of the landscape plans that there's no, that they have to be retained and then the next guy over, if you look at C1 of your site plan, they have their own trees in their backyard and they aren't here with any concerns either and I would, I would venture to say that if they drew a little map like this from their house with the trees in their backyard and the tower, they wouldn't see the tower either because their own trees are close enough to their house, so I think that so many of the closest residences have these existing screens. That one, it's the property owner's responsibility to protect it. The one where the access road is: maybe your Conditional Use Permit language and the Baker's can protect it. Mr. Howard: I have taken a note to speak with Mr. & Mrs. Baker who are both here this evening and I would point out that their agency authorization for us is also included in Exhibit 1 to our application. They have agreed that as a part of the required landscaping for the communication tower they will maintain the trees on the adjacent parcel where our access road will be going through and for the record that parcel number is 06-084-115, so those trees will be maintained, other than as required for the access road including these and also the trees that lie along the northern portion of our tower parcel you'll see the slight tree edge there up along 300' diameter those will also be maintained as well. I would point out so that the record is clear that we did not do a tree survey of the access road. It is distinctly possible that in order to meet the required width and the fire code of Union County and those kinds of things there may need to be a little widening of that road that is right there. Obviously we'll keep that to a minimum, do what is required to meet the fire and emergency access and the access road. With



that exception and understanding both the Baker's and American Tower Corporation are in agreement that the trees on that northern adjoining parcel will be maintained as part of the landscaping for our tower. Mayor Becker: I, I, I think that, I think that. Councilwoman Critz: That answers my questions except for the fact that is it and I don't know there's any way we can require you, I don't. Mr. Styers: But what you can do, let me. Councilwoman Critz: Okay. Mr. Styers: What you can, what, what, hang on, the question, Mr. Griffin may tell you that it's hard to enforce and it won't have much teeth. Councilwoman Critz: But you don't have that landowner here and you haven't had that previous contact. Mr. Styers: And we don't have a contract with him. We have a contract with the Baker's. They are receiving value for working with us. We don't have a contract with the Fite's. What I will commit to you today because my credibility is at stake here and I am under oath. Councilwoman Critz: Right, I realize that. Mr. Styers: I will commit to you today that we will try to, and Bill kick me if I go too far here, we will try to contact the Fite's and we will talk to them in good faith about your requests and our preference that they not cut the trees. I do have a question because I don't know all the provisions of your ordinance. I'm assuming that in your development ordinance you have fairly stringent streetscape buffer requirements. I'm going to make a wild guess here. Mayor Becker: Yes and no. Councilwoman Critz: It depends on if it's, you know, if you're talking about a subdivision development or you're talking about personal private land, so it does vary. Mr. Styers: Well certainly you would not have any ordinance that would prevent someone from planting trees on their own property. Councilwoman Critz: That's correct. Mr. Styers: But if the Fite's were ever to develop that property around Collins your, your streetscape landscaping ordinance, your streetscaping would kick in and probably would require preservation of existing trees along public right-of-ways driveways. Mayor Becker: It's not so much that but it is the RR, as you know the RR zoning district which is a conservation zoning district and 33.3% of the land has to be set aside as conservation land and one of the preferred things to be conservation is existing, existing mature trees. Mr. Styers: So, not that that gives you the guarantees but I toss that out as a, as a, as some comfort that if that property were to be developed, subdivided, by the Fite's on the corner of Collins Road that you have provisions in place. You can also place conditions on site plans as well, but we, we'll try to contact the Fite's and talk to them, excuse me, about some type of conservation easement. Councilwoman Critz: Because for us to try to zone something on just that one spot would be spot zoning and. Mr. Styers: Well you can't do that, it's not before you, the Fite's have no application and Mr. Griffin may advise you that you could not impose a requirement on a piece of property that isn't subject to the application before you. Mayor Becker: I don't believe we can legally. Councilwoman Critz: I was wondering if you, I was wondering if it was a consideration on your part. Mr. Styers: We can, we can, I, we have no legal ability to force someone else to do something. We can, we can go to them and talk to them about that, I think it's reasonable for us to try and contact them. This is like Mr. Howard said, this is, we felt, we felt pretty excited, knowing how difficult this board was, no offense, and how difficult your ordinance was, we were pretty excited when we found a site that we thought you would be pleased with quite frankly, but we can, I would say double the width of the landscape buffer on the north and east sides. I would say increase the number of

plantings by 50%. I don't think you need to double the plantings because they will grow. Mayor Becker: Grow in between the existing plantings. Mr. Styers: Stagger them; double the width of the landscaping buffer on the northeast side; increase the plantings by 50%; require that the existing trees on the parcel to the north owned by the Baker's be maintained and preserved except where required for public safety access. Councilwoman Critz: We understand. Mr. Styers: And then require us to have good faith discussion with the Fite's about a conservation easement of the trees on the road as well. Quite frankly, I don't know how we can go much further than that. I'm open to suggestions. Mayor Becker: Very good. It does answer my, it does answer or address the questions I had for you and I know that some of them Councilwoman Critz came up with as well. Mr. Styers: That's probably, I'm trying, I'm, I'm here to try and think of other things we can do and we can have those discussions. We have, we, we can go through your land records find the Fite's last known address, send them a certified letter, ask them to contact us and talk to them about whether they would be willing to provide conservation easement on that strip of trees, and they may say yes, it doesn't hurt to ask. Councilwoman Critz: Right and, and, you know, everything that we have done as a council, we have done driven by the community. We've had town hall meetings. We've done 2 surveys in less than 10 years. We're driven by what we believe is representation, true representation, of the majority of the community and so I'll be honest with you, when I first heard "cell tower" immediately I was like, "Oh no. Here we go again" and then the more I saw the effort you were putting into this the more I realized this was a different situation all together and that you were respecting, if, if, if you are not on the same page you were at least respecting our, what our efforts to here were but I also felt committed and compelled to come here tonight to see if there were any gaps that we could fill even better. Mr. Styers: The other thing I would point out is that you have a very well informed, well educated, technologically astute sensory here. AT&T had a proposal, not in this jurisdiction but another jurisdiction in western Union County which I'll not name, and we had a proposal and I suggested to AT&T that we have a community deal to try and gauge the reaction of the community. We had about 120 people to come to that meeting to express their opposition. I will tell you we withdrew that application and started working for alternatives. I think it's also very, very telling that as informed, engaged, well educated and technologically astute as your community is here the fact that we could come here and not have a single resident come testify is about as good of a testimonial as I can think of with the fact that we picked a good site, under the circumstances, under the technical limitations that we have with trying to provide coverage. Now I've said at other hearings, if I could find an anti-gravity beam what we need is the antennas up at the height, we don't need the towers. Councilwoman Critz: Find out a way to use satellites. Mr. Styers: But the fact that we can find a site that we didn't have a packed full room really made me feel pretty good. Councilwoman Neill: Communication technology is so important. I mean every one of us has these and... Councilwoman Critz: And none of my children, three grown children, have a landline. Councilwoman Neill: and we like, driving down the road and not having our calls dropped, being on the phone in our houses, but it's also our job to benefit the public good and that is what we're trying to do more than anything. Communication is important but we're trying to have a good balance. Mr. Styers: Let me ask Mr. Howard one question [whispering]. I wanted

to make sure that ATC, before it got too far ahead, the landscaping proposal, increasing the landscaping 50%, the width and he has confirmed that is absolutely acceptable. Mayor Becker: Thank you, any other questions? If you have no questions of the witnesses. Councilwoman Neill: Oh, I do want to ask something, if this is approved when would you notify the other carriers. Mayor Becker: You can get on ATC's website. Mr. Howard: I want to take just a minute to tell you I touched on that, tried to touch on that in the application here but. Mayor Becker: We don't all have AT&T is what she's saying. Mr. Howard: American Tower is not a service provider; that is AT&T. American Tower is in the business of vertical real estate, it's the same thing as horizontal real estate, our real estate goes up. We do our best when we are marketing, advertising and trying to get additional carriers in to use these towers and it not only benefits the company from a proprietary stand point, it benefits all of you, and that is something I did want to mention that I think I may have overlooked in my preliminary remarks. It's not just AT&T that is going on this tower, both with this height and with this structure and this compound location it will be at least 3 additional, so you made reference to somebody who said, "Well you know we might get 3 total", we'll have 4 total on this tower, all right, and again that goes to the question of height, well you start dropping that down, you start eliminating usable elevations as well, so we're here for the long haul, we actively market these sites as this area grows, as other carriers come in to the area, and or they find capacity issues, you will find more people using this site. The nice thing of it is, this will allow them to get through here, get established, get their service up very quickly, it's always quicker to co-locate than it is to build a new tower. We're going through the painful process now but as these other carriers come in, the space is available on the tower, the space is available inside the compound and I think your co-location applications are administrative review by Vicky Brooks, so you would not have to hear from us again. Advertising, marketing, co-location, we are all conjoined interest in maximizing the use of this tower. Mr. Styers: If I were a betting man, I would say, my, my experience we'd probably get one additional carrier per year until this is loaded. Next year you'll have 2. Year after that you'll have 3, year after that you'll have 4. The other good thing is, these antennas, believe it or not the antennas, like phones are getting smaller, the antennas are getting smaller. We are designing it for 4 today; we may be able to get 5 or 6. Mayor Becker: You had an antenna plan as part of your application packet and a 60 inch total height of the antenna, that's really small. Mr. Howard: Yeah, they are and Grey made a great point, I mean obviously the total final structure capacity of this tower is going to depend on loading and surprisingly most of the loading on these structures is not from the antennas themselves, what it is the coaxial cable that runs up inside that is extremely large and extremely heavy that is what puts all the loading on these towers, but as antennas diminish and depending on what the other carriers' requirements are, it's distinctly possible that we could get more than 4 but that's based on what future carriers requirements are and we certainly don't want to be over promising to you. We can say categorically at a minimum we'll have 4 carriers on there. Mayor Becker: Okay, when we deliberate this particular permit, we must go through a lengthy Findings of Fact process, one at a time and we have to have a separate motion for each Finding of Fact, stating that, well we'll read each one and we have to do them, preferably we will list some specific reasons if we have specific reasons. You'll find, as we find on these CUP's, that

there are some findings of fact that are not relevant to this particular application therefore you can find in the affirmative because it's not relevant, it's pretty obvious where those are and we know where the relevant findings are going to be and what we need to do is begin with the first Finding of Fact. Attorney Griffin: Mayor, Council already knows this but I think it's relevant to have on the record again. Council should consider only the application, exhibits, testimony that has been presented that is relevant to this application and not any outside comments or any oral comments that are not relevant to the application in this decision making process and its vote here this evening. Mayor Becker: Yes, that is an important reminder in any quasi-judicial process that is a specific requirement.

- The council went through the Findings of Fact as follows:
  - a) The use will not materially endanger the public health or safety if located where proposed and developed according to the submitted plan.

Mayor Becker: This is the submitted plan with the agreed upon increase in the compound buffer and the protection of the street buffer on the Baker's property and the effort to possibly increase the street buffer on the Fite property, so we say the plan is submitted with those amendments. Okay, so how do we, what kind of discussion do we have on number A. Councilwoman Critz: Well, I mean, I don't think that we really discussed this, as far as what the public has heard, but in our packet, we were provided with substantial information affirming the safety of the cell tower, although I don't think we've had really any open discussion. Mayor Becker: It was in the written evidentiary material, RF discharge, collapse performance, I think are two crucial public safety considerations. Councilwoman Critz: And those were addressed within our packet. Mayor Becker: You feel those were addressed. Councilwoman Critz: Yes, but I just wanted to state it for the record, because we didn't discuss for the members of the public here that we do have substantial information in our packets provided to us by American Tower Corporation.

**Councilwoman Critz made a motion to find in the affirmative on Finding A and Councilwoman Neill seconded.** Councilwoman LaMonica: I would also like to note that they are in compliance with FAA guidelines. Mayor Becker: Very important, for the record. We have in the submitted application materials RF and collapse issues are addressed and in both the submitted materials and the presentations, the FAA and the Monroe Airport people and other airports have been addressed. *The motion passed unanimously as follows:*

*Ayes: Countryman, Critz, Cureton, LaMonica and Neill  
Nays: None*

- b) The use meets all required conditions and specifications.

Mayor Becker: The next is the use meets all required conditions and specifications. Councilman Countryman: I think they certainly communicated in terms of all of our zoning requirements that they have not only met the specifications, but have certainly given indications of going beyond in some cases, so. Councilwoman Neill: They meet every single one of them, point by

point by point. Councilman Countryman: And I would like to commend these individuals as well for their thoroughness and their communication skills, they were quite proficient. Mayor Becker: Any further discussion on the specifications finding based on again, the written point by point and the oral point by point addressing every condition in the ordinance.

**Councilman Countryman** made a **motion** to find in the affirmative on Finding B and **Councilwoman LaMonica** seconded. The motion passed unanimously as follows:

Ayes: Countryman, Critz, Cureton, LaMonica and Neill  
Nays: None

- c) The use will not substantially injure the value of adjoining or abutting property, or the use is a public necessity.

Mayor Becker: The third is that the use will not substantially injure the value of adjoining or abutting properties or the use is a public necessity. That's or not and. Councilwoman Neill: I find that in the affirmative. Mayor Becker: Yeah we had... Councilwoman Critz: The only information, I mean, they provided substantial information by their own Real Estate Representative and we were presented no evidence to the contrary. Mayor Becker: Okay, so I'm going to write down that the applicant provided affirmative evidence toward that with written testimony. Councilwoman Critz: Right and there has been no evidence presented to us here tonight. Mayor Becker: No contrary evidence provided.

**Councilwoman Cureton** made a **motion** to find in the affirmative on Finding C and **Councilwoman Neill** seconded. The motion passed unanimously as follows:

Ayes: Countryman, Critz, Cureton, LaMonica and Neill  
Nays: None

- d) The location and character of the use, if develop according to the plan as submitted and approved, will be with the area in which it is to be located and will be in general conformity with this Ordinance and the Town of Mineral Springs Land Development Plan.

Mayor Becker: Okay, the location and character of the 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 this Ordinance and the Town of Mineral Springs Land Development Plan. Councilwoman Neill: I find that in the yes, this site, they specifically and carefully chose a large undeveloped parcel of land, near but not adjacent to the road, there are numerous hardwoods that provide natural screening and buffering. Councilwoman Critz: In addition to that, this was probably the most talked about aspect tonight is that they are going above and beyond and have even added additional commitments tonight to maintain the road frontage, tree

road frontage and to even increase the plant buffer. Mayor Becker: So we have, we have some, do you believe we have testimony that the large undeveloped parcel with wooded buffers, the natural hardwood screening including a substantial street buffer, and adding additional commitments all contribute to finding in the affirmative for that. Councilman Countryman: And I think it's important to note to that not only did they meet them, but they didn't request a single variance to any of the ordinances that we proposed. Mayor Becker: And no variances.

**Councilwoman Neill** made a **motion** to find in the affirmative on finding (d) and **Councilwoman Critz** seconded. The motion passed unanimously as follows:

Ayes: Countryman, Critz, Cureton, LaMonica and Neill  
Nays: None

- e) Additional review criteria, as stated in the Ordinance, shall also be considered and addressed where required.

Mayor Becker: This is one of those N/A, additional review criteria as stated in the Ordinance shall be considered and addressed where required. Councilman Countryman: I don't see it has being required, I think it's not appropriate. Mayor Becker: Therefore, it says where required and it's not required we can make a motion to find in the affirmative on that one. Councilman Countryman: So moved. Attorney Griffin: You would find that it is not required, not in the affirmative that it shall be required, but you would make a motion that. Councilman Countryman: It was not required. Attorney Griffin: That is correct, not in the affirmative. Mayor Becker: Yeah the Finding is in the affirmative, but. Attorney Griffin: The motion should not be if you're going to find.... Mayor Becker: The motion is in the Finding that it meets that Finding. Attorney Griffin: I think the motion is that it shall not be required.

**Councilman Countryman** made a **motion** that Finding E is not required and **Councilwoman Cureton** seconded. The motion passed unanimously as follows:

Ayes: Countryman, Critz, Cureton, LaMonica and Neill  
Nays: None

- f) Any deviation from the terms of this Ordinance will result in a project that is at least equal to or better than what would be accomplished under the strict application of this Ordinance.

Mayor Becker: Any deviation from the terms of this Ordinance will result in a project that is at least equal to or better than what would be accomplished under the strict application of this Ordinance. Attorney Griffin: They're not asking for any deviations, so. Mayor Becker: So again not applicable. We vote that that's not applicable or we ask for a motion that that is not applicable.

**Councilman Countryman** made a **motion** that Finding F is not applicable and **Councilwoman Neill** seconded. The motion passed unanimously as follows:

Ayes: Countryman, Critz, Cureton, LaMonica and Neill  
Nays: None

- g) Any deviation from the terms of this Ordinance will not adversely affect the right of other abutting or nearby property owners in any material manner.

**Councilman Countryman** made a **motion** that Finding G is not applicable, there is no deviation and **Councilwoman LaMonica** seconded. The motion passed unanimously as follows:

Ayes: Countryman, Critz, Cureton, LaMonica and Neill  
Nays: None

- Mayor Becker: Which then brings us to based on the above Findings of Fact of the tabulated votes of the sitting members regarding each and every one of the Findings of Fact of the requirement of our Ordinance is that we cannot find any applicable findings in the negative. If we find any applicable findings in the negative according to our Ordinance, then we cannot vote to grant the permit; however, if we find all of the applicable findings in the affirmative, we are in a position to grant the Conditional Use Permit. I have a question of the attorneys, should we include the conditions that we discussed verbally in that ....should we immortalize those in that section, those three. Attorney Griffin: Yes. Mayor Becker: So it was taken on today is July 9, 2009 and we are considering granting the Conditional Use Permit conditionally with the following conditions (1) adding a second layer, doubling the compound buffer with 50% more plants staggered; (2) preservation of trees on access parcel; and (3) a good faith effort to communicate with the Fite family and request preservation of the existing trees and will provide the certified letter (copy) and evidence of mailing to clerk.
- **Councilwoman LaMonica** made a **motion** to approve the Conditional Use Permit (CUP 09-01) conditionally with the following conditions; (1) adding a second layer doubling the compound buffer with 50% more plants staggered; (2) preservation of trees on access parcel; and (3) a good faith effort to communicate with the Fite family and request preservation of the existing trees and will provide the certified letter (copy) and evidence of mailing to the clerk. **Councilwoman Neill** seconded the motion. The motion passed unanimously as follows:

Ayes: Countryman, Critz, Cureton, LaMonica and Neill  
Nays: None

## 9. Consideration of Proposed Text Amendments to the Zoning Ordinance

- **Councilwoman LaMonica** made a **motion** to accept the proposed text amendment changes as outlined to add new language to Article 4, Section 4.9 as outlined in our memo, that we modify Article 3, Section 3.1.3 (d)(4)(f)(1), that we modify Article 3, Section 3.1.3 (d)(4)(f)(3) and that we add the language to Article 3,

Section 3.1.3 (d)(4)(f) as outlined in the memo. The proposed text amendments are consistent with the town's adopted comprehensive plan, the town's land use plan adopted October 12, 2006 and the vision plan referenced and contained therein. The land use plan recommends that the town establish a system of periodic review of the town's ordinances to be sure that they are up-to-date and as effective as possible. The proposed text amendment changes are reasonable and advances the public interest. **Councilman Countryman** seconded the motion. The motion passed unanimously as follows:

Ayes: Countryman, Critz, Cureton, LaMonica and Neill  
Nays: None

- The text amendments are as follows:

Add the following language to Article 4, Section 4.9

**4.9.9 Accessory uses or structures on properties that have obtained a Conditional Use Permit or a Downtown Development Permit shall be subject to Article 6, Section 6.8 or Article 3, Section 3.1.3 (c) (8), whichever is applicable.**

Modify Article 3, Section 3.1.3 (d)(4)(f)(1)

Only wall signs (or signs on canopies) and information kiosks are allowed in the Downtown Development Overlay **Non-Highway** District.

Modify Article 3, Section 3.1.3 (d)(4)(f)(3)

All other types of signs are prohibited in the Overlay District with the exception of signs exempted in Section 8.2 **and as noted in Section 3.1.3 (4) (f) (4) below.**

Add the following language to Article 3, Section 3.1.3 (d)(4)(f)

**4) Freestanding signs in the Downtown Development Overlay Highway District or other downtown overlay district areas that have not been established with Build-to-line and Zero Front Setbacks shall be in accordance with Section 8.7, specifically approved by the Zoning Administrator and limited to 20 square feet.**

## 10. **Consideration of Revising Resolution 2009-03**

- Mayor Becker explained that the council adopted the Carolina Thread Trail resolution. The Union County Commissioners have gotten all wrapped up with "we'll never use eminent domain for trail access". Mayor Becker stated that it would be very rare to use eminent domain for trail property acquisition; however, he didn't know why the town would want to adopt a resolution saying that we would never do this sort of thing without knowing all of the facts. Mayor Becker informed the council that it was his recommendation that Mineral Springs does not modify the resolution. Mayor Becker explained that a resolution doesn't mean that the town would never do it; it just means that, at this time, they have gone on record saying that they are opposed to ever doing it. The only change in the resolution that has already been adopted is on the last couple of sentences of the last page. Councilwoman LaMonica asked Attorney Griffin what it was that they are trying to do by adding this language. Attorney Griffin responded that it was his understanding that a lot of the landowners along Rocky River were just outraged



that the county would have the authority to go out and condemn their land to provide this trail and they fought this pretty heavy. They were for the trail, but it's a voluntary participation and it should not be a governmental action matter. That was really the basis for it and the board felt they were justified. Councilwoman LaMonica recommended that Mineral Springs accept the change. Attorney Griffin advised that this doesn't bind the future councils to change this; it's a nice political statement letting everybody off the hook on the ninth floor stating that they're not going to go out and start taking your land and giving it to conservator or trail folks, that's it's still going to be your land until you voluntarily give it over. Councilwoman Critz responded that if they [county commissioners] have been under heat and they feel a need to do this, just to clarify where they're going with this, then she thought Mineral Springs should back them up. Mayor Becker stated that was up to the council; they can adopt the resolution, Ms. Brooks will re-issue the resolution with the changed language, and he will sign it.

- **Councilwoman LaMonica** made a **motion** to adopt the new thread trail language with this change and that we give Mayor Becker the authorization to sign it and **Councilwoman Critz** seconded. The motion passed unanimously as follows:

Ayes: Countryman, Critz, Cureton, LaMonica and Neill  
Nays: None

- The modified version R-2009-03 is R-2009-08 is as follows:

#### **TOWN OF MINERAL SPRINGS**

##### **RESOLUTION OF SUPPORT FOR THE CAROLINA THREAD TRAIL R-2009-08**

**WHEREAS**, the Town of Mineral Springs is committed to maintaining and enhancing quality of life for its citizens and recognizes that the Carolina Thread Trail will contribute to quality of life by weaving together communities via a regional network of trails and greenways eventually connecting fifteen counties and millions of citizens; and

**WHEREAS**, many communities in our region have taken a lead in planning and/or building local trails and greenways, and those efforts can be greatly enhanced by being connected to a larger regional network of trails; and

**WHEREAS**, trails and their green buffer areas will help improve the quality of the air we breathe by preserving trees and vegetation and by promoting non-motorized transportation, and will enhance the quality of our water through natural buffers and mitigation of storm water run-off; and

**WHEREAS**, trails and greenways provide key amenities to neighborhoods and safe areas for our citizens and children to travel, exercise, play and connect with nature away from heavily trafficked areas; and

**WHEREAS**, trails have significant impact on the economic viability of the region through increased levels of tourism, enhanced property values, added jobs related to the construction of and along the trail, as well as enhanced ability to attract and retain businesses to the region due to improved quality of life; and

**WHEREAS**, trails and greenways are freely accessible community assets offering opportunities for recreation and exercise to everyone, including children, youth and families, and provide safe

places for people to experience a sense of community and create stronger social and family ties; and

**WHEREAS**, there is no second chance to protect the Carolinas' great resources in this unique way for our children, grandchildren and great grandchildren, and the cost of these invaluable resources will only increase in the future; and

**WHEREAS**, private funding is available to communities from the Carolina Thread Trail for planning and construction of regional trails, and this private funding will leverage public funding from federal, state and various sources;

**NOW, THEREFORE, BE IT RESOLVED** that the Town of Mineral Springs supports the Carolina Thread Trail and is committed to working with neighboring communities and with the Carolina Thread Trail to plan, design and build a system of trails that will connect our communities, people and special regional points of interest for years to come; provided, however, that the Town of Mineral Springs expressly rejects the use of eminent domain for acquisition of property to be used for trails;

**AND, BE IT FURTHER RESOLVED** that this resolution supersedes and replaces Resolution R-2009-03, adopted March 12, 2009.

**ADOPTED** this 9<sup>th</sup> day of July, 2009.

*S/Frederick Becker III*  
Mayor Frederick Becker III

Attest:

*S/ Vicky Brooks*  
\_\_\_\_\_  
Vicky Brooks, Town Clerk

**11. Other Business**

- Councilwoman Neill commented that she didn't know if the council could do anything about this tonight, but she suggested that Ms. Brooks put a little sign outside the town hall door posting the hours, that the door is locked during the day, and to please ring the door bell. Councilwoman Neill explained that Ms. Brooks had an incident this week with someone getting irate about the door being locked [while Ms. Brooks was alone in the building]. Attorney Griffin advised the council that they need to make a statement [that the public hall is not open except certain hours, because this is a public place] and then adopt an ordinance so that it can be enforced. Councilwoman Neill added that it was after 2:00 p.m. and Ms. Brooks shouldn't have been here, she was just here. Mayor Becker noted that the door was locked for Ms. Brooks' protection. Attorney Griffin responded that he understood that, but as a citizen, he would question why his public town hall was not open. Mayor Becker stated that it was open, all he had to do was buzz the door and Ms. Brooks would let him in. Attorney Griffin responded that he understood what Mayor Becker was saying, it was for Ms. Brooks' protection; however, this is a public facility. Councilwoman Critz asked Attorney Griffin if a sign can be put out there saying that the town hall is open during such and such hours, please ring buzzer if the door is locked. Mayor Becker clarified that the door was normally open unless one of the people are alone. Attorney Griffin responded yes they can try that. Ms. Brooks pointed out that the whole reason that the town

got the door system the way they did was so that it could be kept locked and then people could ring the bell for service. Mayor Becker added that the door could be locked if needed and there is an intercom where people could not be inconvenienced at all; they are able to communicate and be let in. Councilman Countryman stated that Attorney Griffin has all of the legalities, but as long as the town communicates what the business hours are and instructs the community of those parameters, it should be fine. Ms. Brooks explained that there is a notice out there that says "ring for service" and the hours are now posted. Councilwoman Critz asked if they should place something on the agenda for next month and come up with something to approve. Attorney Griffin responded that they should do it in that fashion, then it is not one person doing it; it is by council action that they have thought about it and that it is reasonable and they have communicated what their decision is. Attorney Griffin added that they may also want to have certain areas prohibited, except for authorized personnel, so that you don't have citizens coming in and running through everyone's desk. Councilman Countryman suggested that they may want to consider placing signs or some other type of written way to put signs on Ms. Brooks' door and Mayor Becker's door that says "authorized personnel only". Attorney Griffin responded yes, and that should be adopted by the council also. Councilman Countryman commented that what he was hearing Attorney Griffin saying is that the council needs to adopt some ordinances. Attorney Griffin responded yes, otherwise you can't call the sheriff and say get them out of here, because the council hasn't taken any action for that to happen; it's a public facility.

- Councilwoman Neill informed the council that there was a personnel matter that needed to be discussed. Attorney Griffin asked if it was an evaluation for closed session. Mayor Becker responded that he thought it would have to be a little bit of closed session, but nothing as long and drawn out as the last time the council discussed personnel in closed session. Attorney Griffin responded that he thought the council was getting the notion of how to handle this properly; they just have to communicate and make the motion to do it.

12. **Adjournment**

- **Councilwoman Cureton made a motion to adjourn and Councilwoman Neill seconded. The motion passed unanimously as follows:**

*Ayes: Countryman, Critz, Cureton, LaMonica and Neill*

*Nays: None*

- The meeting was adjourned at 10:26 p.m.
- The next regular meeting will be on Thursday, August 13, 2009 at 7:30 p.m. at the Mineral Springs Town Hall.

Respectfully submitted by:

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Vicky A. Brooks, Town Clerk

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Frederick Becker III, Mayor

## **Town of Mineral Springs**

# **FINANCE REPORT JUNE 2009**

Prepared for:

The Mineral Springs Town Council

By:

Frederick Becker III  
Finance Officer

**August 13, 2009**

# Cash Flow FY2008 YTD Incl Recvbl/Paybl

7/1/2008 Through 6/30/2009

8/5/2009

Page 1

Category Description	7/1/2008- 6/30/2009
<b>INCOME</b>	
Bank Post Errors	
Bank Post Error Correction	75.00
Bank Post Error Occurrence	-75.00
TOTAL Bank Post Errors	0.00
Deposit Corrections	
Correction	5.00
Occurrence	-5.00
TOTAL Deposit Corrections	0.00
Dup Prop Tax	
Receipts	1,904.06
Refunds	-1,412.05
TOTAL Dup Prop Tax	492.01
Franchise	
Cable	2,315.00
Util	154,872.00
TOTAL Franchise	157,187.00
Gross Receipts Tax	937.43
Interest Income	13,478.57
Other Inc	
Zoning	9,312.00
TOTAL Other Inc	9,312.00
Prop Tax 2008	
Receipts 2008	61,591.86
Refunds 2008	-5.64
Ret Check 2008	-90.01
TOTAL Prop Tax 2008	61,496.21
Prop Tax Prior Years	
Prop Tax 1999	
Receipts 1999	14.66
Refunds 1999	-14.66
TOTAL Prop Tax 1999	0.00
Prop Tax 2000	
Receipts 2000	18.01
TOTAL Prop Tax 2000	18.01
Prop Tax 2001	
Receipts 2001	39.61
Refunds 2001	-39.61
TOTAL Prop Tax 2001	0.00
Prop Tax 2002	
Receipts 2002	71.22
Refunds 2002	-37.75
TOTAL Prop Tax 2002	33.47
Prop Tax 2003	
Annexation 2003	22.19
Receipts 2003	26.21
TOTAL Prop Tax 2003	48.40
Prop Tax 2004	
Receipts 2004	170.28
TOTAL Prop Tax 2004	170.28
Prop Tax 2005	
Receipts 2005	164.24
TOTAL Prop Tax 2005	164.24
Prop Tax 2006	
Receipts 2006	801.78
Refunds 2006	-55.38
TOTAL Prop Tax 2006	746.40

# Cash Flow FY2008 YTD Incl Recvbl/Paybl

7/1/2008 Through 6/30/2009

8/5/2009

Page 2

Category Description	7/1/2008- 6/30/2009
Prop Tax 2007	
Receipts 2007	1,038.38
Refunds 2007	-21.52
TOTAL Prop Tax 2007	1,016.86
TOTAL Prop Tax Prior Years	2,197.66
Sales Tax	
Cable TV	21,244.76
Refunds	
State	398.52
TOTAL Refunds	398.52
Sales & Use Dist	16,724.29
telecommunications	7,479.00
TOTAL Sales Tax	45,846.57
Veh Tax	
Int 2005	2.63
Int 2006	4.83
Int 2007	31.66
Int 2008	34.74
Int 2009	0.00
Tax 2005	8.34
Tax 2006	23.46
Tax 2007	517.89
Tax 2008	4,367.83
Tax 2009	69.03
TOTAL Veh Tax	5,060.41
<b>TOTAL INCOME</b>	<b>296,007.86</b>
<b>EXPENSES</b>	
Uncategorized	0.00
Ads	1,032.88
Attorney	6,812.92
Audit	3,100.00
Capital Outlay	
Equipment	12,963.24
Furniture	16,872.88
Town Hall	25,885.55
TOTAL Capital Outlay	55,721.67
Community	
Donation	8,000.00
Maint	2,935.00
Special Events	771.75
TOTAL Community	11,706.75
Dues	3,856.25
Elections	467.00
Emp	
Bond	550.00
FICA	
Med	1,140.41
Soc Sec	4,876.24
TOTAL FICA	6,016.65
Payroll	1,139.92
Withholding	
State	137.76
TOTAL Withholding	137.76
Work Comp	605.77
TOTAL Emp	8,450.10
Fire Protection	8,500.00
Ins	3,019.50

# Cash Flow FY2008 YTD Incl Recvbl/Paybl

7/1/2008 Through 6/30/2009

8/5/2009

Page 3

Category Description	7/1/2008- 6/30/2009
<b>Newsletter</b>	
Post	245.76
Printing	350.14
<b>TOTAL Newsletter</b>	<b>595.90</b>
<b>Office</b>	
Clerk	25,740.00
Council	7,200.00
Deputy Clerk	5,986.90
Equip	4,722.66
Finance Officer	13,130.00
Maint	1,767.00
Mayor	4,800.00
Misc	333.62
Post	750.98
Supplies	4,302.27
Tel	4,863.07
Util	1,229.90
<b>TOTAL Office</b>	<b>74,826.40</b>
<b>Planning</b>	
Administration	13,002.00
Misc	5,646.84
<b>TOTAL Planning</b>	<b>18,648.84</b>
Street Lighting	1,649.07
<b>Tax Coll</b>	
Adv	595.00
Bill	263.77
Bank	5.00
<b>TOTAL Bill</b>	<b>268.77</b>
Post	657.43
Sal	8,916.00
<b>TOTAL Tax Coll</b>	<b>10,437.20</b>
<b>Training</b>	
Officials	665.00
Staff	450.00
<b>TOTAL Training</b>	<b>1,115.00</b>
Travel	2,350.43
<b>TOTAL EXPENSES</b>	<b>212,289.91</b>
<b>TRANSFERS</b>	
FROM MM Sav CitizensSouth	415,000.00
FROM MM Sav First Trust	97,519.07
FROM MM Sav Min Spgs	9,000.00
TO Check Min Spgs	-424,000.00
TO MM Sav CitizensSouth	-97,519.07
TO CWMTF Grant Project Fund	-14,750.00
TO Town Hall Capital Project Fund	-484,393.42
<b>TOTAL TRANSFERS</b>	<b>-499,143.42</b>
<b>OVERALL TOTAL</b>	<b>-415,425.47</b>

# Account Balances History Report

(Includes unrealized gains)

As of 6/30/2009

8/5/2009

Page 1

Account	6/30/2008 Balance	7/31/2008 Balance	8/31/2008 Balance	9/30/2008 Balance	10/31/2008 Balance	11/30/2008 Balance	12/31/2008 Balance
<b>ASSETS</b>							
<b>Cash and Bank Accounts</b>							
Check Min Spgs	11,995.48	2,341.51	4,730.14	32,784.58	40,842.16	15,807.57	71,445.50
MM Sav CitizensSouth	642,682.29	644,031.88	635,374.83	636,666.00	638,002.96	639,299.46	565,453.68
MM Sav First Trust	95,872.71	96,060.63	96,254.34	96,442.17	96,636.65	96,825.23	97,001.47
MM Sav Min Spgs	14,451.15	9,456.57	9,458.54	9,460.51	9,462.48	9,464.45	9,466.42
CWMTF Grant Project Fund	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Town Hall Capital Project Fund	0.00	0.00	0.00	0.00	0.00	0.00	0.00
<b>TOTAL Cash and Bank Accounts</b>	<b>765,001.63</b>	<b>751,890.59</b>	<b>745,817.85</b>	<b>775,353.26</b>	<b>784,944.25</b>	<b>761,396.71</b>	<b>743,367.07</b>
<b>Other Assets</b>							
State Revenues Receivable	46,222.47	43,934.72	42,444.89	0.00	0.00	0.00	0.00
<b>TOTAL Other Assets</b>	<b>46,222.47</b>	<b>43,934.72</b>	<b>42,444.89</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
<b>TOTAL ASSETS</b>	<b>811,224.10</b>	<b>795,825.31</b>	<b>788,262.74</b>	<b>775,353.26</b>	<b>784,944.25</b>	<b>761,396.71</b>	<b>743,367.07</b>
<b>LIABILITIES</b>							
<b>Other Liabilities</b>							
Accounts Payable	4,756.88	846.17	466.37	466.37	466.37	466.37	466.37
<b>TOTAL Other Liabilities</b>	<b>4,756.88</b>	<b>846.17</b>	<b>466.37</b>	<b>466.37</b>	<b>466.37</b>	<b>466.37</b>	<b>466.37</b>
<b>TOTAL LIABILITIES</b>	<b>4,756.88</b>	<b>846.17</b>	<b>466.37</b>	<b>466.37</b>	<b>466.37</b>	<b>466.37</b>	<b>466.37</b>
<b>OVERALL TOTAL</b>	<b>806,467.22</b>	<b>794,979.14</b>	<b>787,796.37</b>	<b>774,886.89</b>	<b>784,477.88</b>	<b>760,930.34</b>	<b>742,900.70</b>



# Account Balances History Report

(Includes unrealized gains)

As of 6/30/2009

8/5/2009

Page 2

Account	1/31/2009 Balance	2/28/2009 Balance	3/31/2009 Balance	4/30/2009 Balance	5/31/2009 Balance	6/30/2009 Balance
<b>ASSETS</b>						
<b>Cash and Bank Accounts</b>						
Check Min Spgs	1,144.72	6,280.19	40,677.67	5,636.42	45,752.70	7,699.84
MM Sav CitizensSouth	566,535.24	527,465.03	408,239.75	338,754.05	259,118.26	337,008.19
MM Sav First Trust	97,129.45	97,235.45	97,338.07	97,430.09	97,516.41	0.00
MM Sav Min Spgs	9,468.39	9,468.39	9,472.33	9,474.30	5,475.60	5,476.53
CWMTF Grant Project Fund	0.00	0.00	0.00	0.00	0.00	0.00
Town Hall Capital Project Fund	0.00	0.00	0.00	0.00	0.00	0.00
<b>TOTAL Cash and Bank Accounts</b>	<b>674,277.80</b>	<b>640,449.06</b>	<b>555,727.82</b>	<b>451,294.86</b>	<b>407,862.97</b>	<b>350,184.56</b>
<b>Other Assets</b>						
State Revenues Receivable	0.00	0.00	0.00	0.00	0.00	45,103.29
<b>TOTAL Other Assets</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>45,103.29</b>
<b>TOTAL ASSETS</b>	<b>674,277.80</b>	<b>640,449.06</b>	<b>555,727.82</b>	<b>451,294.86</b>	<b>407,862.97</b>	<b>395,287.85</b>
<b>LIABILITIES</b>						
<b>Other Liabilities</b>						
Accounts Payable	466.37	466.37	466.37	466.37	466.37	3,779.73
<b>TOTAL Other Liabilities</b>	<b>466.37</b>	<b>466.37</b>	<b>466.37</b>	<b>466.37</b>	<b>466.37</b>	<b>3,779.73</b>
<b>TOTAL LIABILITIES</b>	<b>466.37</b>	<b>466.37</b>	<b>466.37</b>	<b>466.37</b>	<b>466.37</b>	<b>3,779.73</b>
<b>OVERALL TOTAL</b>	<b>673,811.43</b>	<b>639,982.69</b>	<b>555,261.45</b>	<b>450,828.49</b>	<b>407,396.60</b>	<b>391,508.12</b>

Mineral Springs Monthly Revenue Summary 2008-2009

TOWN OF MINERAL SPRINGS									
REVENUE SUMMARY 2008-2009									
Source	Budget	Receivable	Rec'd YTD	% of Budget	July	August	September	October	November
Property Tax - prior	\$ 1,200.00	\$ (997.66)	\$ 2,197.66	183.1%	\$ 37.00	\$ 37.04	\$ 166.71	\$ 172.32	\$ 632.25
Property Tax - 2008	\$ 61,115.00	\$ (381.21)	\$ 61,496.21	100.6%	\$ -	\$ -	\$ 355.24	\$ 15,847.20	\$ 12,870.95
Dupl. Property Tax	\$ -	\$ (492.01)	\$ 492.01		\$ -	\$ -	\$ -	\$ 299.57	\$ 1,360.56
Franchise Taxes: cable	\$ -	\$ (2,315.00)	\$ 2,315.00		\$ 574.00	\$ -	\$ -	\$ 575.00	\$ -
Franchise Taxes: utility	\$ 172,000.00	\$ 17,128.00	\$ 154,872.00	90.0%	\$ -	\$ -	\$ -	\$ -	\$ -
Fund Balance Approp.	\$ -	\$ -	\$ -		\$ -	\$ -	\$ -	\$ -	\$ -
Gross Receipts Tax	\$ -	\$ (937.43)	\$ 937.43		\$ -	\$ 70.75	\$ 60.99	\$ 180.93	\$ 108.80
Interest	\$ 10,000.00	\$ (3,478.57)	\$ 13,478.57	134.8%	\$ 1,542.93	\$ 1,538.63	\$ 1,480.97	\$ 1,533.41	\$ 1,487.05
Sales Tax	\$ 42,600.00	\$ (3,246.57)	\$ 45,846.57	107.6%	\$ -	\$ -	\$ 1,727.97	\$ 1,486.42	\$ 1,465.03
Vehicle Taxes	\$ 5,010.00	\$ (50.41)	\$ 5,060.41	101.0%	\$ -	\$ 480.85	\$ 458.40	\$ 385.80	\$ 538.93
Zoning Fees	\$ 12,000.00	\$ 2,688.00	\$ 9,312.00	77.6%	\$ 550.00	\$ 2,820.00	\$ 425.00	\$ 495.00	\$ 125.00
Other	\$ 500.00	\$ 500.00	\$ -	0.0%	\$ -	\$ -	\$ -	\$ -	\$ -
<b>Totals</b>	<b>\$ 304,425.00</b>	<b>\$ 8,417.14</b>	<b>\$ 296,007.86</b>	<b>97.2%</b>	<b>\$ 2,703.93</b>	<b>\$ 4,947.27</b>	<b>\$ 4,675.28</b>	<b>\$ 20,975.65</b>	<b>\$ 18,588.57</b>
	<b>December</b>	<b>January</b>	<b>February</b>	<b>March</b>	<b>April</b>	<b>May</b>	<b>June</b>	<b>June a/r</b>	
Property Tax - prior	\$ -	\$ 547.36	\$ (72.99)	\$ 169.98	\$ 394.57	\$ 113.42	\$ -	\$ -	
Property Tax - 2008	\$ 16,901.13	\$ 9,863.64	\$ 970.36	\$ 2,326.78	\$ 1,753.09	\$ 322.04	\$ 285.78	\$ -	
Dupl. Property Tax	\$ 155.23	\$ (741.61)	\$ (423.66)	\$ (117.78)	\$ (35.08)	\$ (5.22)	\$ -	\$ -	
Franchise Taxes: cable	\$ -	\$ -	\$ -	\$ 626.00	\$ -	\$ 540.00	\$ -	\$ -	
Franchise Taxes: utility	\$ 47,664.00	\$ -	\$ -	\$ 38,222.00	\$ -	\$ -	\$ 33,986.00	\$ 35,000.00	
Fund Balance Approp.	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Gross Receipts Tax	\$ 66.20	\$ -	\$ 84.25	\$ 45.07	\$ 35.87	\$ 161.88	\$ 52.84	\$ 69.85	
Interest	\$ 1,332.43	\$ 1,211.51	\$ 1,035.79	\$ 881.28	\$ 608.29	\$ 451.83	\$ 374.45	\$ -	
Sales Tax	\$ 8,591.44	\$ 1,154.35	\$ 1,224.34	\$ 9,280.57	\$ 1,323.28	\$ 1,253.81	\$ 8,689.38	\$ 9,649.98	
Vehicle Taxes	\$ 423.68	\$ -	\$ 377.96	\$ 403.58	\$ 376.43	\$ 944.71	\$ 286.61	\$ 383.46	
Zoning Fees	\$ 100.00	\$ 175.00	\$ 3,297.00	\$ 100.00	\$ 325.00	\$ 125.00	\$ 775.00	\$ -	
Other	\$ -	\$ (5.00)	\$ 5.00	\$ (75.00)	\$ 75.00	\$ -	\$ -	\$ -	
<b>Totals</b>	<b>\$ 75,234.11</b>	<b>\$ 12,205.25</b>	<b>\$ 6,498.05</b>	<b>\$ 51,862.48</b>	<b>\$ 4,856.45</b>	<b>\$ 3,907.47</b>	<b>\$ 44,450.06</b>	<b>\$ 45,103.29</b>	<b>\$ -</b>

Mineral Springs Budget Comparison 2008-2009

TOWN OF MINERAL SPRINGS									
BUDGET COMPARISON 2008-2009									
Appropriation dept	Budget	Unspent	Spent YTD	% of Budget	July	August	September	October	November
Advertising	\$ 1,800.00	\$ 767.12	\$ 1,032.88	57.4%	\$ -	\$ 205.22	\$ 55.04	\$ 52.55	\$ 102.61
Attorney	\$ 16,000.00	\$ 9,187.08	\$ 6,812.92	42.6%	\$ 300.00	\$ 1,904.02	\$ 1,525.00	\$ 300.00	\$ 300.00
Audit	\$ 3,200.00	\$ 100.00	\$ 3,100.00	96.9%	\$ -	\$ -	\$ -	\$ -	\$ -
Community Projects	\$ 12,000.00	\$ 293.25	\$ 11,706.75	97.6%	\$ -	\$ -	\$ 525.00	\$ 220.00	\$ 320.00
Contingency	\$ 3,000.00	\$ 3,000.00	\$ -	0.0%	\$ -	\$ -	\$ -	\$ -	\$ -
Dues	\$ 4,725.00	\$ 868.75	\$ 3,856.25	81.6%	\$ 2,379.00	\$ 850.00	\$ -	\$ 20.00	\$ 251.00
Elections	\$ 800.00	\$ 333.00	\$ 467.00	58.4%	\$ -	\$ -	\$ -	\$ -	\$ 467.00
Employee Overhead	\$ 9,000.00	\$ 549.90	\$ 8,450.10	93.9%	\$ 1,188.51	\$ 1,115.67	\$ 567.96	\$ 572.06	\$ 571.41
Fire Department	\$ 8,500.00	\$ -	\$ 8,500.00	100.0%	\$ -	\$ -	\$ -	\$ -	\$ -
Insurance	\$ 3,500.00	\$ 480.50	\$ 3,019.50	86.3%	\$ 3,009.62	\$ -	\$ -	\$ -	\$ -
Newsletter	\$ 2,400.00	\$ 1,804.10	\$ 595.90	24.8%	\$ -	\$ -	\$ -	\$ -	\$ -
Office	\$ 101,260.00	\$ 26,433.60	\$ 74,826.40	73.9%	\$ 5,098.88	\$ 5,380.05	\$ 4,973.50	\$ 5,501.79	\$ 5,551.43
Planning & Zoning	\$ 30,376.00	\$ 11,727.16	\$ 18,648.84	61.4%	\$ 1,473.00	\$ 1,073.00	\$ 3,930.00	\$ 2,097.84	\$ 1,115.00
Street Lighting	\$ 1,800.00	\$ 150.93	\$ 1,649.07	91.6%	\$ -	\$ 144.08	\$ 144.08	\$ 130.39	\$ 136.56
Tax Collection	\$ 10,716.00	\$ 278.80	\$ 10,437.20	97.4%	\$ 743.00	\$ 743.00	\$ 1,472.17	\$ 748.00	\$ 743.00
Training	\$ 3,000.00	\$ 1,885.00	\$ 1,115.00	37.2%	\$ -	\$ -	\$ -	\$ 650.00	\$ 90.00
Travel	\$ 3,000.00	\$ 649.57	\$ 2,350.43	78.3%	\$ -	\$ -	\$ 143.14	\$ 142.03	\$ 1,272.84
Capital Outlay	\$ 89,348.00	\$ 33,626.33	\$ 55,721.67	62.4%	\$ -	\$ 715.00	\$ 4,248.87	\$ 950.00	\$ 1,421.68
<b>Totals</b>	<b>\$ 304,425.00</b>	<b>\$ 92,135.09</b>	<b>\$ 212,289.91</b>	<b>69.7%</b>	<b>\$ 14,192.01</b>	<b>\$ 12,130.04</b>	<b>\$ 17,584.76</b>	<b>\$ 11,384.66</b>	<b>\$ 12,342.53</b>
<b>Off Budget:</b>									
Tax Refunds			\$ 1,412.05						
Interfund Transfers			\$ 499,143.42						\$ 29,793.58
<b>Total Off Budget:</b>			<b>\$ 500,555.47</b>		<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 29,793.58</b>

Mineral Springs Budget Comparison 2008-2009

Appropriation dept	December	January	February	March	April	May	June	June a/p
Advertising	\$ 50.06	\$ -	\$ 50.06	\$ 350.06	\$ -	\$ -	\$ 37.31	\$ 129.97
Attorney	\$ 600.00	\$ 300.00	\$ 300.00	\$ 383.90	\$ 300.00	\$ 300.00	\$ 300.00	\$ -
Audit	\$ 3,100.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Community Projects	\$ 200.00	\$ 200.00	\$ -	\$ 200.00	\$ 670.00	\$ 321.08	\$ 8,850.67	\$ 200.00
Contingency	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Dues	\$ 166.25	\$ 190.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Elections	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Employee Overhead	\$ 575.28	\$ 674.69	\$ 562.99	\$ 575.28	\$ 572.30	\$ 805.37	\$ 668.58	\$ -
Fire Department	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 8,500.00	\$ -
Insurance	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 9.88	\$ -
Newsletter	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 595.90	\$ -	\$ -
Office	\$ 5,368.00	\$ 5,035.10	\$ 5,397.08	\$ 6,732.08	\$ 6,697.26	\$ 8,449.19	\$ 9,892.97	\$ 749.07
Planning & Zoning	\$ 1,822.00	\$ 1,073.00	\$ 1,073.00	\$ 1,073.00	\$ 1,073.00	\$ 1,073.00	\$ 1,773.00	\$ -
Street Lighting	\$ 136.56	\$ 137.93	\$ 136.56	\$ 136.56	\$ 136.56	\$ 136.56	\$ 136.56	\$ 136.67
Tax Collection	\$ 743.00	\$ 743.00	\$ 743.00	\$ 743.00	\$ 743.00	\$ 935.03	\$ 743.00	\$ 595.00
Training	\$ 245.00	\$ (145.00)	\$ -	\$ -	\$ -	\$ -	\$ 275.00	\$ -
Travel	\$ -	\$ 101.80	\$ -	\$ 98.84	\$ -	\$ -	\$ 347.84	\$ 243.94
Capital Outlay	\$ 1,900.00	\$ 1,425.00	\$ 2,375.00	\$ 1,425.00	\$ 7,553.98	\$ 20,600.75	\$ 11,381.31	\$ 1,725.08
	<b>\$ 14,906.15</b>	<b>\$ 9,735.52</b>	<b>\$ 10,637.69</b>	<b>\$ 11,717.72</b>	<b>\$ 17,746.10</b>	<b>\$ 33,216.88</b>	<b>\$ 42,916.12</b>	<b>\$ 3,779.73</b>
<b>Off Budget:</b>								
Tax Refunds	\$ 72.19	\$ 741.61	\$ 423.66	\$ 117.78	\$ 35.08	\$ 21.73	\$ -	\$ -
Interfund Transfers	\$ 78,357.60	\$ 71,559.00	\$ 29,689.10	\$ 124,866.00	\$ 91,543.31	\$ 14,122.48	\$ 59,212.35	\$ -
	<b>\$ 78,429.79</b>	<b>\$ 72,300.61</b>	<b>\$ 30,112.76</b>	<b>\$ 124,983.78</b>	<b>\$ 91,578.39</b>	<b>\$ 14,144.21</b>	<b>\$ 59,212.35</b>	<b>\$ -</b>

# June 2009 Cash Flow Incl. Paybl/Recvbl

6/2/2009 Through 6/30/2009

8/5/2009

Page 1

Category Description	6/2/2009- 6/30/2009
<b>INCOME</b>	
Franchise	
Util	68,986.00
TOTAL Franchise	68,986.00
Gross Receipts Tax	122.69
Interest Income	374.45
Other Inc	
Zoning	775.00
TOTAL Other Inc	775.00
Prop Tax 2008	
Receipts 2008	285.78
TOTAL Prop Tax 2008	285.78
Sales Tax	
Cable TV	10,434.73
Refunds	
State	398.52
TOTAL Refunds	398.52
Sales & Use Dist	3,929.11
telecommunications	3,577.00
TOTAL Sales Tax	18,339.36
Veh Tax	
Int 2006	0.00
Int 2007	1.76
Int 2008	10.48
Int 2009	0.00
Tax 2006	0.00
Tax 2007	16.41
Tax 2008	572.39
Tax 2009	69.03
TOTAL Veh Tax	670.07
<b>TOTAL INCOME</b>	<b>89,553.35</b>
<b>EXPENSES</b>	
Uncategorized	0.00
Ads	167.28
Attorney	300.00
Capital Outlay	
Furniture	3,106.39
Town Hall	10,000.00
TOTAL Capital Outlay	13,106.39
Community	
Donation	8,000.00
Maint	400.00
Special Events	650.67
TOTAL Community	9,050.67
Emp	
FICA	
Med	110.40
Soc Sec	472.07
TOTAL FICA	582.47
Payroll	86.11
TOTAL Emp	668.58
Fire Protection	8,500.00
Ins	9.88
Office	
Clerk	2,145.00
Council	600.00

## June 2009 Cash Flow Incl. Paybl/Recvbl

6/2/2009 Through 6/30/2009

8/5/2009

Page 2

Category Description	6/2/2009- 6/30/2009
Deputy Clerk	513.00
Equip	1,405.38
Finance Officer	2,140.00
Maint	328.33
Mayor	400.00
Post	238.33
Supplies	1,620.08
Tel	838.68
Util	413.24
<b>TOTAL Office</b>	<b>10,642.04</b>
Planning	
Administration	1,073.00
Misc	700.00
<b>TOTAL Planning</b>	<b>1,773.00</b>
Street Lighting	273.23
Tax Coll	
Adv	595.00
Sal	743.00
<b>TOTAL Tax Coll</b>	<b>1,338.00</b>
Training	
Officials	275.00
<b>TOTAL Training</b>	<b>275.00</b>
Travel	591.78
<b>TOTAL EXPENSES</b>	<b>46,695.85</b>
<b>TRANSFERS</b>	
FROM MM Sav CitizensSouth	20,000.00
FROM MM Sav First Trust	97,519.07
TO Check Min Spgs	-20,000.00
TO MM Sav CitizensSouth	-97,519.07
TO CWMTF Grant Project Fund	-7,800.00
TO Town Hall Capital Project Fund	-51,412.35
<b>TOTAL TRANSFERS</b>	<b>-59,212.35</b>
<b>OVERALL TOTAL</b>	<b>-16,354.85</b>

# June 2009 Cash Flow Report Actual

6/1/2009 Through 6/30/2009

8/5/2009

Page 1

Category Description	6/1/2009- 6/30/2009
<b>INCOME</b>	
Franchise	
Util	33,986.00
TOTAL Franchise	33,986.00
Gross Receipts Tax	52.84
Interest Income	374.45
Other Inc	
Zoning	775.00
TOTAL Other Inc	775.00
Prop Tax 2008	
Receipts 2008	285.78
TOTAL Prop Tax 2008	285.78
Sales Tax	
Cable TV	5,234.73
Refunds	
State	398.52
TOTAL Refunds	398.52
Sales & Use Dist	1,279.13
telecommunications	1,777.00
TOTAL Sales Tax	8,689.38
Veh Tax	
Int 2006	0.00
Int 2007	1.50
Int 2008	3.81
Tax 2006	0.00
Tax 2007	13.21
Tax 2008	268.09
TOTAL Veh Tax	286.61
<b>TOTAL INCOME</b>	<b>44,450.06</b>
<b>EXPENSES</b>	
Uncategorized	0.00
Ads	37.31
Attorney	300.00
Capital Outlay	
Furniture	1,381.31
Town Hall	10,000.00
TOTAL Capital Outlay	11,381.31
Community	
Donation	8,000.00
Maint	200.00
Special Events	650.67
TOTAL Community	8,850.67
Emp	
FICA	
Med	110.40
Soc Sec	472.07
TOTAL FICA	582.47
Payroll	86.11
TOTAL Emp	668.58
Fire Protection	8,500.00
Ins	9.88
Office	
Clerk	2,145.00
Council	600.00
Deputy Clerk	513.00
Equip	1,405.38

# June 2009 Cash Flow Report Actual

6/1/2009 Through 6/30/2009

8/5/2009

Page 2

Category Description	6/1/2009- 6/30/2009
Finance Officer	2,140.00
Maint	28.33
Mayor	400.00
Post	238.33
Supplies	1,380.28
Tel	838.68
Util	203.97
<b>TOTAL Office</b>	<b>9,892.97</b>
Planning	
Administration	1,073.00
Misc	700.00
<b>TOTAL Planning</b>	<b>1,773.00</b>
Street Lighting	136.56
Tax Coll	
Sal	743.00
<b>TOTAL Tax Coll</b>	<b>743.00</b>
Training	
Officials	275.00
<b>TOTAL Training</b>	<b>275.00</b>
Travel	347.84
<b>TOTAL EXPENSES</b>	<b>42,916.12</b>
<b>TRANSFERS</b>	
FROM MM Sav CitizensSouth	20,000.00
FROM MM Sav First Trust	97,519.07
TO Check Min Spgs	-20,000.00
TO MM Sav CitizensSouth	-97,519.07
TO CWMTF Grant Project Fund	-7,800.00
TO Town Hall Capital Project Fund	-51,412.35
<b>TOTAL TRANSFERS</b>	<b>-59,212.35</b>
<b>OVERALL TOTAL</b>	<b>-57,678.41</b>



# Register Report

6/1/2009 Through 6/30/2009

8/5/2009

Page 1

Date	Account	Num	Description	Memo	Category	Clr	Amount
<b>BALANCE 5/31/2009</b>							<b>45,752.70</b>
6/2/2009	Check Min ... EFT		Debit Card (Lab Safety Supp...	Floor Mats (FY2008)	Office:Supplies	R	-396.28
6/2/2009	Check Min ... 3050		Freeman Surveying	1.3852 ac. subdiv. Co...	Planning:Misc	R	-700.00
6/2/2009	Check Min ... 3051		Verizon Wireless	221474588-00001 (FY...	Office:Tel	R	-111.10
6/2/2009	Check Min ... 3052		Centralina Council Of Gover...	I/N 31440 Quasi-judici...	Training:Officials	R	-275.00
6/2/2009	Check Min ... 3053		Charlotte Glass Tinting, Inc.	I/N 2523 ScotchShield...	[Town Hall Capital Projec...	R	-3,560.00
6/2/2009	Check Min ... 3054		Xerox Corporation	I/N 040071891 Copy P...	Office:Supplies	R	-27.03
6/2/2009	Check Min ... 3055		Xerox Corporation	I/N 040655659 Copy P...	Office:Supplies	R	-27.03
6/2/2009	Check Min ... 3056		Windstream	061 348 611 777 (FY2...	Office:Tel	R	-399.16
6/2/2009	Check Min ... 3057		Postmaster	Bulk Mailing Fee #2 (F...	Office:Post	R	-185.00
6/2/2009	Check Min ... TXFR		Transfer Money	transfer (FY2008)	[MM Sav CitizensSouth]	R	20,000.00
6/2/2009	Check Min ... EFT		Debit Card (Postmaster)	Change service piece...	Office:Post	R	-19.50
6/3/2009	Check Min ... 3058		The Rental Depot	Tent & Chair Rental (F...	Community:Special Events	R	-205.91
6/3/2009	Check Min ... 3059		Book Construction	Final Application (FY2...	[Town Hall Capital Projec...	R	-46,458.70
6/3/2009	Check Min ... 3060		Golden Leaf Nursery	Plants & Landscaping ...	[Town Hall Capital Projec...	R	-718.75
6/3/2009	Check Min ... EFT		Debit Card (WalMart)	Food supplies (FY2008)	Community:Special Events	R	-79.33
6/4/2009	Check Min ... EFT		Debit Card (Golden Leaf Nur...	Plants & Landscaping ...	[Town Hall Capital Projec...	R	-74.90
6/5/2009	Check Min ... 3061		Frito-Lay	Chips for open house ...	Community:Special Events	R	-35.28
6/5/2009	Check Min ... EFT		Debit Card (WalMart)	5 x 7 picture frames (F...	Office:Supplies	R	-12.81
6/5/2009	Check Min ... EFT		Debit Card (Food Lion)	Cole Slaw (FY2008)	Community:Special Events	R	-20.36
6/5/2009	Check Min ... EFT	S	Debit Card (WalMart)	Produce	Community:Special Events	R	-10.89
				Mounting Strips	Office:Supplies	R	-16.24
6/5/2009	Check Min ... EFT		Debit Card (Nicholson Farms)	Tomatoes (FY2008)	Community:Special Events	R	-7.34
6/5/2009	Check Min ... EFT		Debit Card (Frontier Meat)	Hamburgers, Hot Dog...	Community:Special Events	R	-173.40
6/5/2009	Check Min ... EFT		Debit Card (Avast)	Antivirus software (FY...	Office:Supplies	R	-51.89
6/6/2009	Check Min ... EFT		Debit Card (Petro Express)	Ice (FY2008)	Community:Special Events	R	-35.04
6/9/2009	Check Min ... EFT		Debit Card (Postmaster)	Change service piece...	Office:Post	R	-21.50
6/9/2009	Check Min ... EFT		Debit Card (CVS)	Freezer Bags (FY2008)	Office:Supplies	R	-3.51
6/12/2009	Check Min ... 3062		Freeman Surveying	Survey & Plat, Tracts ...	[CWMTF Grant Project F...	R	-7,800.00
6/12/2009	Check Min ... 3063		Clark, Griffin & McCollum, LLP	I/N 1408 (6/09) (FY20...	Attorney	R	-300.00
6/12/2009	Check Min ... 3064		Interlocal Risk Financinc of NCCust	#02005 Property ...	Ins	R	-9.88
6/12/2009	Check Min ... 3065		The Enquirer-Journal	03101532-000 (FY2008)	Ads	R	-37.31
6/12/2009	Check Min ... 3066		Duke Power	2105124368 Book Co...	Office:Util	R	-146.78
6/12/2009	Check Min ... 3067		Frederick Becker III	3/09 & 4/09 reimburse...	Travel	R	-188.24
6/12/2009	Check Min ... 3068		Union County Public Works	84361*00 (FY2008)	Office:Util	R	-57.19
6/12/2009	Check Min ... 3069		Hummingbird Lawn Care	I/N 6059 Sign & Lawn ...	Community:Maint	R	-200.00
6/12/2009	Check Min ... 3070		Duke Power	2035221941 Street Li...	Street Lighting	R	-136.56
6/12/2009	Check Min ... 3072	S	Vicky A Brooks		Travel	R	-159.60
					Community:Special Events	R	-83.12
6/12/2009	Check Min ... 3071		**VOID**	misprint (FY2008)		R	0.00
6/13/2009	Check Min ... EFT		Debit Card (Lowe's)	Break-in board-up ply...	Office:Maint	R	-24.42
6/15/2009	Check Min ... EFT		NC Department of Revenue	4/09 (FY2008)	Sales Tax:Sales & Use D...	R	1,279.13
6/15/2009	Check Min ... EFT	S	NC Department of Revenue		Franchise:Util	R	33,986.00
					Sales Tax:telecommunic...	R	1,777.00
					Sales Tax:Cable TV	R	5,234.73
6/17/2009	Check Min ... 3073		Mineral Springs Volunteer Fi...	Annual Payment (FY2...	Fire Protection	R	-6,500.00
6/17/2009	Check Min ... 3074		Waxhaw Comm. Vol. Fire De...	FY2008-09 Fire Protec...	Fire Protection		-2,000.00
6/17/2009	Check Min ... 3075		Catawba Lands Conservancy	Membership contributi...	Community:Donation		-2,500.00
6/17/2009	Check Min ... 3076		Council On Aging In Union C...	FY2008 Contribution (...	Community:Donation		-1,000.00
6/17/2009	Check Min ... 3077		Hospice Of Union County	Fiscal Year 2008 Cont...	Community:Donation	R	-1,250.00
6/17/2009	Check Min ... 3078		American Red Cross	contribution FY2008 (...	Community:Donation		-1,000.00
6/17/2009	Check Min ... 3079		United Family Services	Contribution FY2008-0...	Community:Donation		-750.00
6/17/2009	Check Min ... 3080		Union County Community Art...	Fiscal year 2008-09 co...	Community:Donation	R	-500.00
6/17/2009	Check Min ... 3081		Turning Point	FY2008-09 Contributio...	Community:Donation	R	-750.00
6/17/2009	Check Min ... 3082		Windstream	061 348 611 777 (FY2...	Office:Tel	R	-164.29
6/17/2009	Check Min ... 3083		Windstream	061 345 970 777 (FY2...	Office:Tel	R	-53.03
6/17/2009	Check Min ... 3084	S	HSBC Business Solutions		Office:Supplies	R	-62.96
				Fireproof File, chair m...	Capital Outlay:Furniture	R	-1,381.31

# Register Report

6/1/2009 Through 6/30/2009

8/5/2009

Page 2

Date	Account	Num	Description	Memo	Category	Clr	Amount
				Label Machine	Office:Equip	R	-106.74
6/17/2009	Check Min ...	3085	Literacy Council Of Union Co...	FY2008 Contribution (...	Community:Donation	R	-250.00
6/19/2009	Check Min ...	EFT	Debit Card (Office Max)	Copy Paper (FY2008)	Office:Supplies	R	-48.02
6/20/2009	Check Min ...	EFT	S Debit Card (Office Depot)	Printer, Adding Machine	Office:Equip	R	-367.85
					Office:Supplies	R	-28.63
6/22/2009	Check Min ...	3086	Artistic Signs	Town Hall Sign-Final ...	[Town Hall Capital Projec...	R	-600.00
6/22/2009	Check Min ...	EFT	Debit Card (Lowe's)	Concrete mix for sign (...	Office:Maint	R	-3.91
6/23/2009	Check Min ...	EFT	Debit Card (Postmaster)	Postage (Niblock Plats...	Office:Post	R	-4.95
6/23/2009	Check Min ...	EFT	Debit Card (OfficeMax)	Finance Office items (...	Office:Supplies	R	-76.26
6/25/2009	Check Min ...	DEP	Deposit	#382 (FY2008)	Prop Tax 2008:Receipts ...	R	285.78
6/25/2009	Check Min ...	DEP	S Deposit	#382a	Veh Tax:Tax 2006	R	0.00
				#382a	Veh Tax:Int 2006	R	0.00
				#382a	Veh Tax:Tax 2007	R	13.21
				#382a	Veh Tax:Int 2007	R	1.50
				#382a	Veh Tax:Tax 2008	R	268.21
				#382a	Veh Tax:Tax 2008	R	-0.12
				#382a	Veh Tax:Int 2008	R	3.81
				#382a	Gross Receipts Tax	R	52.84
				#382a	Other Inc:Zoning	R	775.00
				#382a	Sales Tax:Refunds:State	R	398.52
6/28/2009	Check Min ...	EFT	Debit Card (WalMart)	Misc. supplies (FY2008)	Office:Supplies	R	-15.92
6/29/2009	Check Min ...	3087	Dell Business Credit	687945021200241260...	Office:Equip		-930.79
6/29/2009	Check Min ...	3088	Forms & Supply, Inc.	I/N 9061425-0 office s...	Office:Supplies		-538.44
6/29/2009	Check Min ...	3089	Forms & Supply, Inc.	I/N 9065990-0 office s...	Office:Supplies		-75.26
6/29/2009	Check Min ...	3090	LandAmerica Lawyers Title	Option payment #3, T...	Capital Outlay:Town Hall		-10,000.00
6/29/2009	Check Min ...	EFT	S Advantage Payroll	Salary 6/09	Office:Clerk	R	-2,145.00
				Supplement 6/09	Office:Clerk	R	0.00
				Hours 6/09	Office:Deputy Clerk	R	-513.00
				Salary 6/09	Office:Finance Officer	R	-2,140.00
				Salary 6/09	Office:Mayor	R	-400.00
				Salary 6/09	Office:Council	R	-600.00
				Salary 6/09	Planning:Administration	R	-1,073.00
				Salary 6/09	Tax Coll:Sal	R	-743.00
					Emp:FICA:Soc Sec	R	-472.07
					Emp:FICA:Med	R	-110.40
					Emp:Payroll	R	-86.11
6/29/2009	Check Min ...	3091	Verizon Wireless	221474588-00001 (FY...	Office:Tel		-111.10
6/30/2009	Check Min ...	EFT	Debit Card (Postmaster)	Postage (General Mail...	Office:Post		-7.38
<b>TOTAL 6/1/2009 - 6/30/2009</b>							<b>-38,052.86</b>

<b>BALANCE 6/30/2009</b>	<b>7,699.84</b>
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<b>TOTAL INFLOWS</b>	<b>64,075.73</b>
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<b>TOTAL OUTFLOWS</b>	<b>-102,128.59</b>
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<b>NET TOTAL</b>	<b>-38,052.86</b>
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# Town Hall Capital Project Fund

10/1/2008 Through 6/30/2009

8/5/2009

Page 1

Date	Account	Num	Description	Memo	Category	Clr	Amount
<b>BALANCE 9/30/2008</b>							<b>0.00</b>
11/7/2008	Town Hall ...		Opening Balance		[Town Hall Capital Projec...		0.00
11/7/2008	Town Hall ...		Book Construction	Application #1 (FY2008)	Town Hall Construction		-27,945.00
11/7/2008	Town Hall ...		Book Construction	Application #1 (FY2008)	[Check Min Spgs]		27,945.00
11/25/2008	Town Hall ...		Boyle Communications	Cabling Pmt #1 (FY20...	Town Hall Construction		-1,848.58
11/25/2008	Town Hall ...		Boyle Communications	Cabling Pmt #1 (FY20...	[Check Min Spgs]		1,848.58
12/9/2008	Town Hall ...		Book Construction	Application #2 (FY2008)	Town Hall Construction		-78,357.60
12/9/2008	Town Hall ...		Book Construction	Application #2 (FY2008)	[Check Min Spgs]		78,357.60
1/9/2009	Town Hall ...		Book Construction	Application #3 (FY2008)	[Check Min Spgs]		71,559.00
1/9/2009	Town Hall ...		Book Construction	Application #3 (FY2008)	Town Hall Construction		-71,559.00
2/3/2009	Town Hall ...		NCDENR	Erosion Control Applic...	[Check Min Spgs]		130.00
2/3/2009	Town Hall ...		NCDENR	Erosion Control Applic...	Town Hall Construction		-130.00
2/13/2009	Town Hall ...		Book Construction	Application #4 (FY2008)	Town Hall Construction		-29,559.10
2/13/2009	Town Hall ...		Book Construction	Application #4 (FY2008)	[Check Min Spgs]		29,559.10
3/13/2009	Town Hall ...		Book Construction	Application #5 (FY2008)	Town Hall Construction		-124,866.00
3/13/2009	Town Hall ...		Book Construction	Application #5 (FY2008)	[Check Min Spgs]		124,866.00
4/13/2009	Town Hall ...		Business Interiors	I/N 6096 Window Sha...	[Check Min Spgs]		1,304.87
4/13/2009	Town Hall ...		Business Interiors	I/N 6096 Window Sha...	Town Hall Construction		-1,304.87
4/13/2009	Town Hall ...		Book Construction	Application #6 (FY2008)	Town Hall Construction		-85,842.00
4/13/2009	Town Hall ...		Book Construction	Application #6 (FY2008)	[Check Min Spgs]		85,842.00
4/21/2009	Town Hall ...		Carrot-Top Industries	Flagpole Light (FY2008)	Town Hall Construction		-446.44
4/21/2009	Town Hall ...		Carrot-Top Industries	Flagpole Light (FY2008)	[Check Min Spgs]		446.44
5/4/2009	Town Hall ...		Conder Flag Company	I/N 135043 Flagpole p...	Town Hall Construction		-1,291.43
5/4/2009	Town Hall ...		Conder Flag Company	I/N 135043 Flagpole p...	[Check Min Spgs]		1,291.43
5/15/2009	Town Hall ...		Boyle Communications	Cabling Pmt Final (FY...	Town Hall Construction		-4,313.38
5/15/2009	Town Hall ...		Boyle Communications	Cabling Pmt Final (FY...	[Check Min Spgs]		4,313.38
5/21/2009	Town Hall ...		Sonitrol Security Services, Inc	Burglar & Fire Alarms ...	Town Hall Construction		-5,088.77
5/21/2009	Town Hall ...		A. R. Byrd Company, Inc.	Council Desk: Extra Tr...	Town Hall Construction		-205.00
5/21/2009	Town Hall ...		Artistic Signs	Sign Deposit (Bal=\$60...	Town Hall Construction		-223.90
5/21/2009	Town Hall ...		A. R. Byrd Company, Inc.	Council Desk: Extra Tr...	[Check Min Spgs]		205.00
5/21/2009	Town Hall ...		Artistic Signs	Sign Deposit (Bal=\$60...	[Check Min Spgs]		223.90
5/21/2009	Town Hall ...		Sonitrol Security Services, Inc	Burglar & Fire Alarms ...	[Check Min Spgs]		5,088.77
6/2/2009	Town Hall ...		Charlotte Glass Tinting, Inc.	I/N 2523 ScotchShield...	[Check Min Spgs]		3,560.00
6/2/2009	Town Hall ...		Charlotte Glass Tinting, Inc.	I/N 2523 ScotchShield...	Town Hall Construction		-3,560.00
6/3/2009	Town Hall ...		Book Construction	Final Application (FY2...	[Check Min Spgs]		46,458.70
6/3/2009	Town Hall ...		Golden Leaf Nursery	Plants & Landscaping ...	[Check Min Spgs]		718.75
6/3/2009	Town Hall ...		Book Construction	Final Application (FY2...	Town Hall Construction		-46,458.70
6/3/2009	Town Hall ...		Golden Leaf Nursery	Plants & Landscaping ...	Town Hall Construction		-718.75
6/4/2009	Town Hall ...		Debit Card (Golden Leaf Nur...	Plants & Landscaping ...	[Check Min Spgs]		74.90
6/4/2009	Town Hall ...		Golden Leaf Nursery	Plants & Landscaping ...	Town Hall Construction		-74.90
6/22/2009	Town Hall ...		Artistic Signs	Town Hall Sign-Final ...	[Check Min Spgs]		600.00
6/22/2009	Town Hall ...		Artistic Signs	Town Hall Sign-Final ...	Town Hall Construction		-600.00
<b>TOTAL 10/1/2008 - 6/30/2009</b>							<b>0.00</b>

**BALANCE 6/30/2009** **0.00**

**TOTAL INFLOWS** **484,393.42**

**TOTAL OUTFLOWS** **-484,393.42**

**NET TOTAL** **0.00**

# CWMTF Grant Capital Project Fund

3/1/2009 Through 6/30/2009

8/5/2009

Page 1

Date	Account	Num	Description	Memo	Category	Clr	Amount
<b>BALANCE 2/28/2009</b>							<b>0.00</b>
3/31/2009	CWMTF Gr...		Opening Balance		[CWMTF Grant Project F...		0.00
4/13/2009	CWMTF Gr...		Excel Civil & Environmental ...	Phase I Site Assessm...	Land Acquisition Costs:R...		-1,450.00
4/13/2009	CWMTF Gr...		Integra Realty Resources	Appraisals (FY2008)	Land Acquisition Costs:R...		-2,500.00
4/13/2009	CWMTF Gr...		Excel Civil & Environmental ...	I/N 2-09-29007 Cataw...	[Check Min Spgs]		1,450.00
4/13/2009	CWMTF Gr...		Integra Realty Resources	Appraisals (FY2008)	[Check Min Spgs]		2,500.00
5/21/2009	CWMTF Gr...		Carroll Rushing & Company	Survey Tracts D & E (...	Land Acquisition Costs:S...		-3,000.00
5/21/2009	CWMTF Gr...		Carroll Rushing & Company	Survey Tracts D & E (...	[Check Min Spgs]		3,000.00
6/12/2009	CWMTF Gr...		Freeman Surveying	Survey & Plat, Tracts ...	Land Acquisition Costs:S...		-7,800.00
6/12/2009	CWMTF Gr...		Freeman Surveying	Survey & Plat, Tracts ...	[Check Min Spgs]		7,800.00
<b>TOTAL 3/1/2009 - 6/30/2009</b>							<b>0.00</b>
<b>BALANCE 6/30/2009</b>							<b>0.00</b>
<b>TOTAL INFLOWS</b>							<b>14,750.00</b>
<b>TOTAL OUTFLOWS</b>							<b>-14,750.00</b>
<b>NET TOTAL</b>							<b>0.00</b>

June 2009

Revenue Details

TO:  
MINERAL SPRINGS

RE:  
Direct Deposit Notification

Within three business days, pending agency funding approval, your bank account will receive a direct deposit of \$1279.13 for payment number 45PR0000480803. It is your responsibility to confirm that this deposit was made and is available for your use.

These funds were paid by the following agency:

DEPARTMENT OF REVENUE

TAX DISTRIBUTIONS

PO BOX 871

REVENUE BLDG

RALEIGH, NC

27602-0871

Agency Contact Phone: 919-733-6800

Please direct all questions regarding this payment/deposit to the agency contact phone number listed directly above. This agency maintains information regarding your payment records. Any questions concerning payment amount and invoice information/documentation should be directed to the agency's Accounts Payable office and they will be happy to assist you with your inquiries.

PLEASE DO NOT REPLY TO THIS EMAIL.

CONTACT THE PAYING AGENCY AT THE NUMBER LISTED ABOVE.

Invoice Number	Inv Date	Invoice Amount	Discount Amount	Net Amount
SAL061509	06/10/09	\$1279.13	\$00.00	\$1279.1
SALES & USE TAX DIST.-TAX QUESTIONS?: 919-733-7644				
TOTAL:				\$1279.1

This notification was sent from the North Carolina Office of the State Controller. If this notification has been sent in error, please contact the agency listed above to make corrections.

TO:  
MINERAL SPRINGS

RE:  
Direct Deposit Notification

Within three business days, pending agency funding approval, your bank account will receive a direct deposit of \$40997.73 for payment number 45PR0000480804. It is your responsibility to confirm that this deposit was made and is available for your use.

These funds were paid by the following agency:

DEPARTMENT OF REVENUE

TAX DISTRIBUTIONS

PO BOX 871

REVENUE BLDG

RALEIGH, NC

27602-0871

Agency Contact Phone: 919-733-6800

Please direct all questions regarding this payment/deposit to the agency contact phone number listed directly above. This agency maintains information regarding your payment records. Any questions concerning payment amount and invoice information/documentation should be directed to the agency's Accounts Payable office and they will be happy to assist you with your inquiries.

PLEASE DO NOT REPLY TO THIS EMAIL.

CONTACT THE PAYING AGENCY AT THE NUMBER LISTED ABOVE.

Invoice Number	Inv Date	Invoice Amount	Discount Amount	Net Amount
FRAN061509	06/05/09	\$40997.73	\$00.00	\$40997.73
FRANCHISE & UTILITY TAX DIST - TAX QUESTIONS?: 919-733-7644				
TOTAL:				\$40997.73

This notification was sent from the North Carolina Office of the State Controller. If this notification has been sent in error, please contact the agency listed above to make corrections.

ELECTRIC FRANCHISE	33,986.00
TELECOM SALES TAX	1,777.00
VIDEO SALES TAX	5,234.73
	<hr/>
	40,997.73

# Nonprofit and Governmental Entity Claim for Refund State and County Sales and Use Taxes

North Carolina Department of Revenue

Complete all of the information in this section.

Legal Name (First 32 Characters) (USE CAPITAL LETTERS FOR YOUR NAME AND ADDRESS)				Account ID
TOWN OF MINERAL SPRINGS				
Mailing Address				Federal Employer ID Number
PO BOX 600				562164326
City	State	Zip Code	County	Period Beginning (MM-DD-YY)
MINERAL SPRINGS	NC	28108	UNION	07-01-05
Name of Person We Should Contact if We Have Questions About This Claim			Contact Telephone	Period Ending (MM-DD-YY)
RICK BECKER, FINANCE OFFICER			(704) 843-5870	06-30-06
Fill in the circle that describes your organization.				
<input type="radio"/> Nonprofit entity as defined in G.S. 105-164.14(b) (Semiannually) <input checked="" type="radio"/> Governmental entity as defined in G.S. 105-164.14(c) (Annually)				

1. Name of Taxing County  
(If more than one county, see instructions and attach Form E-536)

	State	County
--	-------	--------

2. Total Purchases of Tangible Personal Property for Use on Which North Carolina State or County Sales or Use Tax Has Been Paid Directly to Retailers <i>(Do not include tax paid, purchases for resale, or items described in Line 3)</i>	5693.17	5693.17
3. Amount of Sales and Use Tax Paid Directly to Retailers on Purchases for Use <i>(Do not include tax paid on any of the following: - electricity, piped natural gas, or telephone services - the purchase, lease, or rental of motor vehicles - local occupancy or local prepared food and beverage taxes - scrap tire disposal or white goods disposal taxes - reimbursements to employees or individuals)</i>	256.19	142.33
4. Amount of Sales and Use Tax Paid Indirectly on Building Materials and Supplies as Shown on Contractors' Statements	0.00	0.00
5. Amount of Use Tax Paid Directly to the Department of Revenue by Your Organization <i>(Do not include tax collected and remitted on taxable sales made by your organization)</i>	0.00	0.00
6. Total Tax (Add Lines 3, 4, and 5. County tax must be identified by rate on Line 8)	256.19	142.33
7. Total Refund Requested (Add State and county tax on Line 6)	<b>\$</b>	398.52

8. Allocation of County Tax on Line 6 (Enter the county tax paid at each applicable rate. If you paid more than one county's tax, see the instructions and attach Form E-536)

	Food 2% Tax	County 2% Tax	County 2.5% Tax	Mecklenburg Transit .5% Tax
▶	0.00	0.00	142.33	0.00



8310104004

THIS MULTITONE AREA OF THE DOCUMENT CHANGES COLOR GRADUALLY AND EVENLY FROM DARK TO LIGHT WITH DARKER AREAS BOTH TOP AND BOTTOM

B01051654

SALES AND USE TAX REFUND

2006      DATE 05/28/2009      CHECK NO. 0801051654      66-1059-531

PAY: THREE HUNDRED NINETY-EIGHT AND 52/100 DOLLARS

TO THE ORDER OF:

TOWN OF MINERAL SPRINGS  
PO BOX 600  
MINERAL SPRINGS NC 28108-0600

AMOUNT  
\*\*\*\*\*398.52

*Elizabeth W. Colcord*

State Treasurer, Raleigh, North Carolina  
Payable at Par Through Federal Reserve System

This Check Should be Cashed Within Six Months

⑈01051654⑈ ⑈05310594⑈ ⑈0000088⑈

VERIFY THIS NUMBER BLEEDS THROUGH TO BACK OF CHECK



Town of Mineral Springs  
 Tax Collector  
 Elizabeth Andrews-Hinson  
 P.O. Box 600  
 Mineral Springs, NC 28108

0.00 Motor Veh. Tax 2005  
 0.00 Motor Veh. Tax - Interest  
 0.00 Motor Veh. Tax 2006  
 0.00 Motor Veh. Tax - Interest  
 13.21 Motor Veh. Tax 2007  
 1.50 Motor Veh. Tax - Interest  
 268.21 Motor Veh. Tax 2008  
 3.81 Motor Veh. Tax - Interest  
 0.00 Motor Veh. Tax 2009  
 0.00 Motor Veh. Tax - Interest  
 (0 12) Motor Verh Tax Refunded

286.61 TOTAL PAYABLE FOR  
 May 2009

County of Union, Monroe, NC 28112

Check Number: 00387663

Invoice Date	Invoice Number	Description	Invoice Amount
06/08/2009	0911vehgr	Gross Veh.Rental Recpts-May09	\$52.84
06/08/2009	0911VEH	VEH TAX FOR MAY09	\$286.61

  

Vendor No.	Vendor Name	Check No.	Check Date	Check Amount
10870	TOWN OF MINERAL SPRINGS	00387663	06/11/2009	339.45

THIS DOCUMENT HAS A VOID PANTOGRAPH, MICROPRINTING AND AN ARTIFICIAL WATERMARK.



**County of Union**  
 500 North Main Street  
 Monroe, North Carolina 28112

**BB&T**  
 Branch Banking and Trust Company

Vendor Number: 10870  
 Check Date: 06/11/2009  
 Check Number: 00387663  
 66-112  
 531

\*This disbursement has been approved as required by the Local Government Budget and Fiscal Control Act.\*

VOID 60 DAYS FROM DATE OF ISSUE

\$339.45

Pay Three Hundred Thirty Nine Dollars and 45 cents \*\*\*\*\*

To The  
 Order Of

TOWN OF MINERAL SPRINGS  
 E. ANDREWS-HINSON, TAX COLLECT  
 PO BOX 600  
 MINERAL SPRINGS NC 28108

*Larry Openden*  
 Chairman Board of Commissioners MP  
*Kari D Nelson*  
 Finance Director MP

⑈00387663⑈ ⑆053101121⑆ 0005102369108⑈

STATE OF NORTH CAROLINA  
COUNTY OF UNION

## Town of Mineral Springs

### ORDER OF COLLECTION 2009 MUNICIPAL PROPERTY TAXES

To the Tax Collector of the Town of Mineral Springs:

You are hereby authorized, empowered, and commanded to collect the taxes set forth in the tax records filed in the office of the Town Clerk and in the tax receipts herewith delivered to you, in the amounts and from the taxpayers likewise therein set forth. Such taxes are hereby declared to be a first lien upon all real property of the respective taxpayers in the Town of Mineral Springs, and this order shall be a full and sufficient authority to direct, require, and enable you to levy on and sell any real or personal property of such taxpayers, for and on account thereof, in accordance with law.

Witness my hand and official seal, this 13<sup>th</sup> day of August, 2009.

---

Frederick Becker III, Mayor

Attest:

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Vicky Brooks, Town Clerk

UNIT: TOWN OF MINERAL SPRINGS

**Municipal Scroll**

YEA	2009	TAX SCROLL	Print Date: 8/6/2009	<b>Union Count</b>			TAX SCROLL	Page 1
PARCEL NUMBE	TAXPAYER - NAME	PROPERTY CLASS	ROUTING NUMBE	NET ASSESSED VALUE	TOWN TAX			
PROPERTY TYPE	DDRESS	TAX SET	TAX BILL NUMBER	EXEMPT VALUE	LATE LIST PENALT			
TOWNSHIP	PROPERTY DESCRIPTION	UNIT	LENDE	SENIOR CITIZEN VALUE	ASSOCIATED TAX			
DEED REFERENCE		SSOCIATED UNIT	CCOUNT NUMBE	DISABLED VALUE	ASSOCIATED LATE LIST			
CREAGE			DEFERRED VALUE	HISTORIC VALUE	SPECIAL ASSIGNED FEE			
				LATE LIST VALUE	TOTAL MUNICIPAL TAX			

UNIT: TOWN OF MINERAL SPRINGS

**Grand Totals:**

Total number of Tax Receipts:	1,676
Total Number of Real Estate	1,438
Total Number of Personal Properties	238
Total Real Estate Value:	235,031,415
Total Personal Value:	20,472,216
Total Late List Value:	1,317,200
Total Taxable Value:	255,503,631
Total Senior Citizen Value:	1,725,325
Total Disabled Value:	0.00
Total Historic Value:	0
Total Deferred Value:	15,217,160
Total of all Exempted Properties:	12,946,775
Total Late List Penalty:	33.23
Total Town Tax:	63,877.89
Total Associated Late List Penalty:	0.00
Total Associated Town Tax:	0.00
Total Special Assigned Fee:	0.00
Total Municipal Taxes:	63,911.12

## STAFF REPORT CIVIL PENALTIES

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**CIVIL PENALTY IMPOSED ON:** Billy C. Privatte

**ADDRESS:** 1715 Privette Road  
Matthews, North Carolina 28105

**TAX PARCEL:** 06-057-010

**PROPERTY LOCATION:** Valley Farms

**ZONING DISTRICT:** AR

**VIOLATION:** Storage of unlicensed/un-operational vehicles outside of an enclosed structure

**TOWN COUNCIL MEETING DATE:** August 13, 2009

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**VIOLATION HISTORY:** In January of 2009, after receiving a letter of complaint and performing a site visit, a notification of violation was sent to Mr. Billy Privatte informing him of a violation to Section 4.9.8 of the Mineral Springs Zoning Ordinance. Section 4.9.8 states: *The following activities shall not be regarded as accessory to a residential principal use and are prohibited in residential districts. 1) Storage outside of a substantially enclosed structure of any motor vehicle that is neither licensed nor operational.* In performing the site visit, I found that Mr. Privatte was storing an unlicensed/un-operational motor home and a Chevrolet Trail Blazer on his property outside of an enclosed structure. In addition to violating Section 4.9.8 of the Zoning Ordinance, I also informed Mr. Privatte that “Junkyards and Auto Salvage Facilities” were not a “use” allowed by the town’s Zoning Ordinance.

Mr. Privatte failed to respond in any way to the zoning violation notifications that he received. In June of 2009, I began the process of issuing civil citations for each day of violation from that point forward. In all I sent Mr. Privatte 25 civil citations in the amount of \$50 each totaling \$1,250. On Saturday, July 10, 2009, Mr. Privatte contacted me to let me know that he would be removing the motor home in the next couple of days; a site visit was made on Monday, July 13, 2009 to confirm removal.

Mr. Privatte is very concerned about the civil citations; I informed him that it is now up to the Mineral Springs Town Council whether or not they wish to pursue collection of the penalties. I have discussed this with Attorney Bobby Griffin. In addition, I corresponded via email with David Lawrence from the Institute of Government. Mr. Lawrence explained that at this point the council has two choices about how to collect the money. First, to bring an action before a magistrate for the accumulated penalties. Second, to seek to collect the money through the debt setoff process. Mr. Lawrence stated that either action would require an authorization from the council. If the council fails to take action, the money simply goes uncollected, which amounts to abating the penalties; he doesn’t believe that it requires anything more than the failure to authorize more positive efforts at collection. Attorney Griffin tended to agree with Mr. Lawrence, although he found no cases on point. The only case he could find is that settlement (i.e. forgiveness) may be part of a court order. Inaction just means that it goes un-enforced, which was Attorney Griffin’s initial inclination.

Since the town’s primary goal is abatement of violations, there have been other instances where no court or magistrate action was initiated to collect civil penalties after the violations were abated. I am requesting guidance from council on what further action, if any, should be taken.

# MEMO

To: Mineral Springs town council  
From: Rick Becker  
Date: 8/6/09

Re: Benefit Concert Proposal by Bill Trimble

Mineral Springs Residents Bill and Donna Trimble of Helen Drive contacted me last week about a musical band that their sons perform in. The band (“All Thee Above”) has become quite successful in Charlotte and in Long Island, NY: they have performed in both cities, and recently won a Charlotte “Battle of the Bands” event.

The band is performing on August 13, 2009 (our meeting night) at a benefit concert at the Visualite Theater in Charlotte for a local infant with medical problems, and Mr. and Mrs. Trimble suggested that they also designate a portion of the benefit’s proceeds to the Town of Mineral Springs. The Trimbles expressed pride at being from Mineral Springs, and believe that they should “give back” to their community as their sons’ band grows in popularity.

We didn’t discuss the amount of the proposed contribution to the town, but I suggested to Mr. Trimble that perhaps the permanent landscaping around the new town hall sign (we are currently awaiting a proposal from Ken Newell for this) on South Potter Road might be a visible and appropriate community project.

I told the Trimbles that I had never given any thought to this sort of thing, and that it was certainly something that the town council should discuss and learn more about. I let him know that we would be grateful for any sort of donation to community projects, and that Council should be able to provide some guidance.

# MEMO

To: Mineral Springs town council  
From: Rick Becker  
Date: 8/6/09

Re: Annexation Legislation

As you know, changes to NC annexation statutes have been a big issue this legislative session. The NC League of Municipalities, our advocacy organization, has been actively lobbying for changes to the law – changes that would completely prohibit “low-service” municipalities such as Mineral Springs from pursuing involuntary annexations under *any* circumstances.

In January 2009, this council adopted a resolution opposing such exclusionary proposals, and addressed it to the League as well as directly to members of the Joint Legislative Commission on Municipal Annexation, a study committee that had been convened some time ago by the NC General Assembly.

On January 22, 2009, the Commission – in spite of strong lobbying by the League, and possibly partially in response to our efforts – *voted down* any sort of “minimum services” provision in their final report to the General Assembly. At the time, I considered this a huge victory for small towns in general and Mineral Springs specifically.

Unfortunately, the League did not even respond in any substantive fashion to our resolution and, even when provided with the “cover” of the Commission’s report, persisted in their strong advocacy *for* excluding small towns from annexation authority and *against* the interests of Mineral Springs and similar towns...and in opposition to the Commission’s final recommendation. Since that time, the quality of my relationship with the League has varied between “chilly” and “completely dysfunctional”.

An unexpected “breakthrough” occurred in July, when the NC House passed a bill (HB524) that retained the League’s pet provision of excluding small towns from annexation authority, but also added a referendum provision which was completely against the League’s position. Also, at this point in the General Assembly’s calendar, it appears that the Senate will not take up the matter this session, and annexation reform will be carried over to next year’s session. This impasse provided an opportunity for the re-opening of communication between the League and me, and I was able to make some suggestions that would *limit* annexation by low-service municipalities without cutting us out entirely.

I have prepared a revised “position paper” for Council’s consideration, and included it immediately following this memo. After the position paper, I have included the most recent chain of emails between League representatives and me. It is, to me, a *very* favorable sign that the NCLM’s Ellis Hankins wrote “I like this paragraph:...” in response to one of my proposals. This is the closest thing to a productive conversation Mr. Hankins and I have had in over six months, and I believe that Council should take this opportunity to reassert the town’s position on annexation by low-service towns in preparation for the 2010 legislative session.

# Town of Mineral Springs

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## Position on changes to municipal annexation statutes August 13, 2009

To the North Carolina League of Municipalities:

The Mineral Springs town council finds that municipality-initiated annexation is an extremely valuable mechanism that allows for orderly growth and comprehensive planning, both of which result in a healthy municipality and well-served residents.

The Mineral Springs town council further finds that statutory authority to pursue such annexations should not be dependent on the level or type of municipal services provided by a municipality. As the governing body of a "low-service" municipality, Council has considered the following factors in making this finding:

**Mineral Springs provides a planning department and regulates zoning and subdivision within the town.** Planning and related regulatory ordinances represent an essential municipal service, a service that protects citizens' quality of life, property value, and well-being. Dismissively referring to towns such as ours that may only provide these planning services as "paper towns" is insulting and unacceptable to both the governing boards and staffs of these municipalities as well as their citizens.

**The low level of service provided by Mineral Springs reflects strong citizen input.** Resident surveys conducted in 2000 and 2005, with nearly 40% response rate, strongly supported continuing the town's low level of services and low tax rate, and encouraged enhanced planning and regulation of development.

**Inability to annex bordering areas hampers a town's ability to properly and uniformly plan for and benefit from growth.** County planning is frequently less detailed or comprehensive than municipal planning; some counties do not even regulate zoning. It is important for municipalities to have the ability to ensure compatible development patterns as the municipality reaches outward, regardless of whether or not the municipality provides some other arbitrarily chosen services.

**With lower services come lower taxes.** Complaints by "to-be-annexed" citizens that they will be paying additional taxes without receiving benefits are contradicted by the fact that low-service municipalities typically have extremely low tax rates; Mineral Springs, for example, has an *ad valorem* tax rate of 2.5 cents per \$100, a bargain in exchange for receiving the benefits of a comprehensive plan, the services of a planning and zoning staff, the amenity of conservation land, greenways, and open space, and the advocacy and partnership of a local governing board.

**Lower-tax municipalities are not necessarily "in competition" with neighboring higher-service municipalities.** Mineral Springs, for example, has entered into a long-term annexation agreement with the neighboring city of Monroe, setting forth in advance the boundaries of any future annexations.

**Involuntary annexation is sometimes a necessary supplement to voluntary annexation.** In 2003, many nearby residents petitioned Mineral Springs for annexation. However, it is almost impossible to get 100% subdivision cooperation, and often owners of undeveloped tracts do not want to be annexed at a given time. The result is a part of the municipality consisting of a patchwork of "donut holes", jagged boundaries, and jurisdictional nightmares. Mineral Springs elected to involuntarily annex the entire area that encompassed the petitioners' neighborhoods, resulting in a geographically sensible and legislatively manageable new area of the town.

**The General Assembly's own study commission explicitly rejected a "minimum services" requirement.** On January 22, 2009, the Joint Legislative Commission on Municipal Annexation considered multiple policy proposals, including proposals that, in order to pursue municipality-initiated annexations, annexing municipalities must provide a minimum number of services. The commission voted down such proposals and its final report expressed *no recommendation* that such a service requirement be included in future annexation legislation.

The Mineral Springs town council recognizes that there are municipal officials throughout the state as well as members of the General Assembly who have expressed concerns that annexations by low-service municipalities could be subject to abuse. With those considerations in mind, the Mineral Springs town council suggests the following provisions be included in future annexation legislation:

- 1. Prohibit annexation by low-service municipalities within 1 mile of the principal corporate limits of a municipality with a population of 10,000 or more according to the most recent decennial census unless one of the following conditions has been met: 1) there is an annexation agreement in effect between the two municipalities, and the territory proposed for annexation is all within the agreed-upon annexation territory of the annexing municipality; or 2) the municipality adjacent to the annexing municipality has approved, by governing board resolution, the annexation by the annexing municipality.**

Population and distance numbers are flexible, of course, and subject to modification based on input from municipal officials and legislators as new legislation is developed. However, the provision described above ensures that low-service municipalities would not be "in competition" with their higher-service neighbors, and that the low-service municipalities would be working more in cooperation with *all* their neighbors than they have been in the past. Such a provision would encourage joint planning and the adoption of annexation agreements between adjacent municipalities, and would benefit both municipal governments and municipal residents by promoting a non-adversarial annexation environment.



**2. Eliminate any *general* referendum requirement for annexations, but consider retaining a specific referendum requirement for low-service municipalities.**

There appears to have been more concern on the part of legislators, some municipal officials, and the League of Municipalities about the annexation activities of low-service municipalities than there has been about the annexation activities of larger municipalities. Also, case law resulting from a single NC Supreme Court opinion has appeared to go against the authority of low-service municipalities to annex, although current statutes include no minimum service requirement.

If these concerns persist, it would be better for municipalities specifically and the state of North Carolina's prosperity in general for any referendum requirement – which has the potential to severely hamper municipal growth and economic development statewide – to either be eliminated entirely or, if legislators' concerns about low-service municipalities cannot be addressed in any other fashion, to be limited *only* to municipalities that provide fewer than the two “meaningful services” described in recent proposed legislation, specifically House Bill 524.

The Mineral Springs town council recognizes that it might be desirable to hold small, low-service municipalities to a different standard than larger municipalities are held to, in order to satisfy concerns over conflicts with neighboring municipalities and concerns over provision of adequate benefits to annexed residents. However, the Mineral Springs town council finds that the people of this state would be better served by the imposition of stricter requirements and a higher level of regulation upon such low-service municipalities rather than the *total* prohibition of municipality-initiated annexation by such municipalities.

Frederick Becker III, Mayor  
Valerie Coffey, Mayor *pro tem*  
Jerry Countryman, council  
Janet Critz, council  
Lundeen Cureton, council  
Peggy Neill, council  
Melody LaMonica, council

**RE: Special Legislative Update on Annexation - NCLM**

Friday, July 24, 2009 11:31 AM

From: "Ellis Hankins" &lt;EHANKINS@NCLM.ORG&gt;

To: "Mayor Rick Becker" &lt;msncmayor@yahoo.com&gt;

Cc: "Kelli Kukura" &lt;kkukura@NCLM.ORG&gt;

Mayor—

Thank you for your follow-up.

I like this paragraph:

“Prohibit annexation by low-service municipalities within 1 mile of the principal corporate limits of a municipality with a population of 10,000 or more according to the most recent decennial census unless one of the following conditions has been met: 1) there is an annexation agreement in effect between the two municipalities, and the territory proposed for annexation is all within the agreed-upon annexation territory of the annexing municipality; or 2) the municipality adjacent to the annexing municipality has approved, by governing board resolution, the annexation by the annexing municipality.”

I do suspect that some city councils would prefer that the population number be 5,000 or more, and that the distance be 2 miles instead of one.

We would strongly prefer that none of our town councils endorse a referendum provision of any kind. It would be too easy for that to be made applicable to all annexations.

“Far fewer and more difficult annexations, especially for smaller towns and cities” is not the League’s stated goal. Again, that was simply our short hand summary of what the pending bill does.

We are always pleased to receive policy proposals from member municipalities, which we will happily refer to one of the two standing legislative action committees for discussion and a potential recommendation to the Board of Directors and membership.

## Ellis Hankins

Executive Director  
NC League of Municipalities  
PO Box 3069  
Raleigh, NC 27602  
919-715-4000  
[ehankins@nclm.org](mailto:ehankins@nclm.org)  
[www.nclm.org](http://www.nclm.org)



Promoting excellence in municipal government

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From: Mayor Rick Becker [mailto:msncmayor@yahoo.com]  
Sent: Friday, July 24, 2009 9:05 AM  
To: Ellis Hankins; Kelli Kukura; Jennifer Webb  
Cc: Vicky (town) Brooks; Jason deBruyn  
Subject: Re: Special Legislative Update on Annexation - NCLM

Ellis,

I will be proposing some meaningful suggestions to the Mineral Springs town council at their August meeting. As a low-service municipality, I would see some or all of the following provisions being reasonable restrictions on annexation authority for such towns:

Require a referendum for municipality-initiated annexations by municipalities that do not provide two of the listed services

Prohibit annexation by low-service municipalities within 1 mile of the principal corporate limits of a municipality with a population of 10,000 or more according to the most recent decennial census unless one of the following conditions has been met: 1) there is an annexation agreement in effect between the two municipalities, and the territory proposed for annexation is all within the agreed-upon annexation territory of the annexing municipality; or 2) the municipality adjacent to the annexing municipality has approved, by governing board resolution, the annexation by the annexing municipality.

Please remember that the joint legislative commission on municipal annexation voted down the services provision. In my opinion, that was the perfect opportunity for the League to go along with that commission recommendation - you would be able to say, after all, that you were simply moving in the direction of the commission's wishes. I was very disappointed that the League did not take that opportunity to help the smaller towns like ours.

Since the League's stated goal is "far fewer and more difficult annexations, especially for smaller towns and cities, I see us assisting you in that goal by making the bar *higher* for us. We feel that our annexations, few and far between as they would be, would stand on their own merits and would both pass a referendum and meet with the approval of our neighbors. If they *couldn't* meet those conditions, they wouldn't take place. What could be better than that? No controversy!

By offering to "take the referendum bullet" for you, we smaller towns might assist you in requiring referenda in some cases, satisfying the "referendum lust" of some annexation opponents. By requiring approval of neighboring larger municipalities, we would satisfy the concerns of the larger cities that low-tax towns like ours are "stealing their potential tax base" from them.

Ellis, we are not asking for a "free ride". We are simply asking that we *not* be placed in a position where we *can not grow at all*. That is patently unfair and unjustified, and blatantly discriminates

against a small group of municipalities who are extremely responsive to the needs and desires of their citizens. We are willing to be subjected to *much* more stringent requirements, as long as we are not cut out completely.

I challenge you to find examples, aside from the ridiculous *Nolan* case (which you know as well as I do had *nothing* to do with the merits of annexation and *everything* to do with a "connected" and recalcitrant developer) where municipality-initiated annexations have met with resistance from affected residents. If there are any, they are few. Your attempt to stifle the low-service municipalities is a "solution" to a problem that doesn't exist. The resistance to annexation is, and always has been, the result of annexed county residents' concerns about increased taxation.

*Give* Clodfelter our offer to subject ourselves to a referendum. *Give* Clodfelter our willingness to annex near higher-service municipalities only with their approval. *Challenge* him to demonstrate how involuntary annexation by low-service towns, under those conditions, in *any* way harms North Carolina citizens.

As I said, I will be attempting to draft a position statement for the Mineral Springs town council to propose to the League. You talk about "compromise"; let's seek a compromise that, while "raising the bar" even higher for low-service municipalities, still allows us some opportunities for growth.

-Rick Becker  
Mayor

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(704) 243-0506 fax  
www.mineralspringsnc.com

--- On **Thu, 7/23/09**, **Ellis Hankins** <[EHANKINS@NCLM.ORG](mailto:EHANKINS@NCLM.ORG)> wrote:

From: Ellis Hankins <[EHANKINS@NCLM.ORG](mailto:EHANKINS@NCLM.ORG)>  
Subject: Re: Special Legislative Update on Annexation - NCLM  
To: [msncmayor@yahoo.com](mailto:msncmayor@yahoo.com), "Kelli Kukura" <[kkukura@NCLM.ORG](mailto:kkukura@NCLM.ORG)>  
Cc: [mrvickybrooks@aol.com](mailto:mrvickybrooks@aol.com), [jbclivingwater@windstream.net](mailto:jbclivingwater@windstream.net),  
[kimbermann2002@yahoo.com](mailto:kimbermann2002@yahoo.com), [valeriecoffey@aol.com](mailto:valeriecoffey@aol.com), [maljr34@aol.com](mailto:maljr34@aol.com),  
[peggyneill27@carolina.rr.com](mailto:peggyneill27@carolina.rr.com), [jdebruyn@theej.com](mailto:jdebruyn@theej.com), [mayortracey@yahoo.com](mailto:mayortracey@yahoo.com),  
[johnciaramaella@marvinnc.org](mailto:johnciaramaella@marvinnc.org), [mayoranderson@townofweddington.com](mailto:mayoranderson@townofweddington.com),  
[daune@creativeplus.com](mailto:daune@creativeplus.com), [mayorjones@bizec.rr.com](mailto:mayorjones@bizec.rr.com)  
Date: Thursday, July 23, 2009, 11:49 AM

Mayor--

Thank you for your message, and many previous ones.

This annexation discussion has been a running battle. We are not particularly "proud" of anything in this bill--we were simply describing what the bill does. We have been working hard to keep the bill from becoming significantly worse and even more restrictive, and we have not been entirely successful on the House side. We certainly cannot accept the bill with the referendum provision.

Probably no bill will be enacted this year, and maybe not next year. We do not expect that the Senate will take it up this year. But because this is such a contentious issue, it is in the best long term interests of our cities and towns to have a reasonable bill enacted, to settle this issue for a while.

I realize that you believe there should be no restrictions on use of annexation authority based on services offered or not offered. But I can tell you that if a bill eventually is enacted, one of our challenges will be to stop some legislators from raising that bar higher, to require provision of more services in order to annex. One member who wants to do that is Sen. Dan Clodfelter, co-chair of the Senate Finance Committee, and we have been resisting his efforts on that issue.

Bottom line: We understand and respect your position, but frankly there is nothing we can do about this restriction, along with some other provisions that we believe are overly restrictive.

Ellis Hankins  
Exec Dir, NCLM  
919-715-4000

----- Original Message -----

From: Mayor Rick Becker <msncmayor@yahoo.com>  
To: League Bulletin; Ellis Hankins; Kelli Kukura; Jennifer Webb  
Cc: Vicky (town) Brooks <msvickybrooks@aol.com>; Janet Critz <jbclivingwater@windstream.net>; Jerry Countryman <kimbermann2002@yahoo.com>; Valerie Coffey <valeriecoffey@aol.com>; Melody LaMonica <maljr34@aol.com>; Peggy Neill <peggyneill27@carolina.rr.com>; Jason deBruyn <jdebruyn@theej.com>; Tracey Clinton <mayortracey@yahoo.com>; John Ciaramaella <johnciaramaella@marvinn.org>; Nancy Anderson <mayoranderson@townofweddington.com>; Daune Gardner <daune@creativeplus.com>  
Sent: Thu Jul 23 10:11:01 2009  
Subject: Re: Special Legislative Update on Annexation - NCLM

You say: "HB 524 without the referendum provision would make for far fewer and more difficult annexations, especially for smaller towns and cities."

You're actually proud of that fact? That's the version of HB 524 you wanted? Well, at least you're now admitting that you intended to "stick it" to small towns all along, but isn't your organization supposed to advocate for us "smaller towns and cities" too? Did I miss some change? I recall just paying the 2009-10 NCLM dues for the "small town" of Mineral Springs; did you send that invoice in error?

I think it's time for the League to reevaluate its commitment to member municipalities who aren't the Big Cities.

-Rick Becker  
Mayor

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www.mineralspringsnc.com

--- On Wed, 7/22/09, League Bulletin <LeagueBulletin@NCLM.ORG> wrote:

From: League Bulletin <LeagueBulletin@NCLM.ORG>  
Subject: Special Legislative Update on Annexation - NCLM  
To: "League Bulletin" <LeagueBulletin@NCLM.ORG>  
Date: Wednesday, July 22, 2009, 5:58 PM

finallegbulhead3p.jpg

Special Update

July 22, 2009

House passes HB 524 – Annexation – Omnibus Changes with referendum provision allowing one year for gathering signatures

The House today (July 22) passed HB 524 – Annexation – Omnibus Changes. The House approved an amendment, made by Rep. Dollar, allowing up to one year to obtain the signatures necessary to call for a petition on city-initiated annexations.

We are very disappointed in the vote today, which was 89-27 in favor of the bill.

We very much appreciate the eloquent words of Rep. Kelly Alexander, who spoke in support of cities and towns.

Municipal officials were willing to accept, on behalf of their municipal residents, significant new restrictions on annexation and more stringent requirements that will result in fewer annexations. HB 524 without the referendum provision would make for far fewer and more difficult annexations, especially for smaller towns and cities. With the referendum requirement, the legislation will lead to the effective elimination of annexation as a tool to manage this state growth and provide needed services in this state's urban areas. Municipal officials cannot support the bill in its present form although their goal remains reasonable annexation reform that has a chance of passing this session.

The House passage of the bill is especially disappointing in light of how municipal officials listened to concerns expressed by citizens, how many reforms the officials proposed and how many substantive changes that municipal officials accepted.

Municipal officials have agreed to reform measures during every step of the legislative process, but the referendum requirement goes far beyond reasonable.

We negotiated in good faith. What the House passed is not acceptable, and we will strongly oppose this version of the bill.

Please note: We will publish a list of how House members voted on HB 524 on [www.nclm.org](http://www.nclm.org)

<<http://www.nclm.org/>> (click on Legislative Action Center) and in the next Legislative Bulletin.

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**AN ORDINANCE ESTABLISHING  
TOWN HALL HOURS OF OPERATION AND  
OTHER TOWN HALL USE POLICIES  
O-2009-01**

**Section 1. Town Hall Hours of Operation**

The Mineral Springs Town Hall will be staffed and open to the public on Monday, Tuesday, and Thursday from 10:00 a.m. to 2:00 p.m. with the exception of any Federal holidays that occur on the aforementioned days of the week. Town staff is granted the authority to use the Town Hall during periods when it is not open to the public and to schedule appointments during the “off hours”. These hours of operation shall be posted in a conspicuous place near the principal entrance to the building.

**Section 2. Public Areas**

The lobby, internal hallway, and rest room facilities are considered “public areas” and shall be accessible to members of the general public while they are conducting official town business with town staff during the official hours of operation. The conference room and council meeting room, while also considered “public areas”, shall only be accessible to members of the general public during official meetings or at the discretion of staff. Interior offices, maintenance areas, and closets are not considered “public areas”, and shall be made accessible to the general public and outside maintenance personnel only with staff permission and supervision.

**Section 3. Door Locking**

The Mineral Springs Town Council recognizes possible safety issues with employees working alone in the Town Hall; therefore, the Town Council grants employees who are working in the Town Hall alone, at the employees’ discretion, authority to keep the doors locked and to utilize the speaker system/door opener provided for allowing entrance to the building.

**Section 4. Staff-Approved Uses of the Town Hall**

The Mineral Springs Town Council recognizes that while the Town Hall is a public facility, it is not intended that it serve as a “community center”; maintenance, security, and staffing considerations place practical limits on the types of uses that may be made of the Town Hall. Therefore, the Town Council authorizes the Finance Officer and Town Clerk to approve and schedule official meetings of governmental and public safety entities at the Town Hall facility. Council also authorizes any town boards, committees, or other bodies created by and serving under authority of the Mineral Springs Town Council to schedule



meetings at the Town Hall in cooperation with staff. Meetings and uses by all other persons or entities must be specifically approved by the Mineral Springs Town Council.

**Section 5. Effective date**

This ordinance will be effective on the date of adoption.

**ADOPTED** this 13th day of August, 2009. Witness my hand and official seal:

---

Frederick Becker III, Mayor

Attest:

---

Vicky A. Brooks, Town Clerk

*Constitution Week*  
*Proclamation*  
*September 17<sup>th</sup> – 23<sup>rd</sup>, 2009*

*Whereas*, The Constitution of the United States of America, the guardian of our liberties, embodies the principles of limited government in a Republic dedicated to rule by law; and

*Whereas*, September 17, 2009 marks the two hundred twenty-second anniversary of the framing of the Constitution of the United States of America by the Constitutional Convention; and

*Whereas*, it is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary, and to the patriotic celebrations which will commemorate it; and

*Whereas*, Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week

*Now, Therefore* I, Frederick Becker, III, by virtue of the authority vested in me as mayor of the Town of Mineral Springs in the State of North Carolina do hereby proclaim the week of September 17 through 23 as

**CONSTITUTION WEEK**

*And* ask our citizens to reaffirm the ideals the Framers of the Constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through the guardian of our liberties.

*In Witness Whereof*, I have hereunto set my hand and caused the Seal of the Town to be affixed this 13<sup>th</sup> day of August of the year of our Lord two thousand and nine.

\_\_\_\_\_  
Frederick Becker III, Mayor

ATTEST:

\_\_\_\_\_  
Vicky A Brooks, Town Clerk