

Town of Mineral Springs
Town Hall
3506 S. Potter Road
Town Council
Regular Meeting / Public Hearing
January 8, 2015 ~ 7:30 PM

Minutes

The Town Council of the Town of Mineral Springs, North Carolina, met in Regular Session and Public Hearing at the Mineral Springs Town Hall, Mineral Springs, North Carolina, at 7:30 p.m. on Tuesday, January 8, 2015.

Present: Mayor Frederick Becker III, Mayor Pro Tem Janet Critz, Councilman Jerry Countryman, Councilwoman Valerie Coffey, Councilwoman Lundeen Cureton, Councilwoman Melody LaMonica, Councilwoman Peggy Neill, Town Clerk/Zoning Administrator Vicky Brooks and Deputy Town Clerk/Tax Collector Janet Ridings.

Absent: Attorney Bobby Griffin.

Visitors: Charles Bowden, Mike Devine and Suzanne Devine.

With a quorum present Mayor Frederick Becker called the Regular Town Council Meeting of January 8, 2015 to order at 7:34 p.m.

1. **Opening**

- Councilwoman Neill delivered the invocation.
- Pledge of Allegiance.

2. **Public Hearing – Conditional Use Permit (C14-01)**

- Mayor Becker opened the Conditional Use Permit (C14-01) Public Hearing at 7:35 p.m. and explained that this type of public hearing was a quasi-judicial hearing; the witnesses are sworn in to give testimony. It is a more formal process than a normal rezoning or any other thing where the public hearing is more just commentary; therefore, the staff, the applicant and anybody else who expects to speak will be sworn in to give testimony. The council can ask questions, staff will present an overview of the application and the applicant will give the actual details of the presentation for what they are asking to do. This public hearing being quasi-judicial, the council will be looking for evidence pro or con that's factual and testamentary in nature. The Findings of Fact that the council will be looking for are that the use will not materially endanger the public health or safety; that it meets the required conditions; that it will not substantially injure the value of the adjoining properties; and that it is in harmony with the area and with the land development plan. These are the type of criteria that the council is looking to address in order to approve this Conditional Use Permit. The evidence and the testimony would have to be either leading toward making that conclusion or saying that the conclusion

can't be made for some reason and why it doesn't meet it. The council is looking for factual evidence.

- Mayor Becker asked if there would be any council member who had a conflict that had been involved with the process before. Councilwoman Coffey responded that she would have to recuse herself in light of the fact that she serves on the planning board and has heard this and made a decision. Mayor Becker asked if Councilwoman Coffey had a pre-set feeling on it based on her votes at the planning board. Councilwoman Coffey responded at this point for the public hearing, as well as the item #6 (consideration of the use), she will have a seat out front. Mayor Becker asked if the council would need to approve her recusal based on cause.
- **Councilwoman Neill** made a **motion** to allow Councilwoman Coffey to excuse herself based on the conflict and **Councilwoman Cureton** seconded. The motion passed unanimously as follows:

Ayes: Countryman, Critz, Cureton, LaMonica and Neill

Nays: None

- Mayor Becker swore in Mike Devine, Suzanne Devine, Charles Bowden and Vicky Brooks.
- Zoning Administrator Vicky Brooks presented that Mike and Sue Devine have submitted an application for a Conditional Use Permit for a barn, which is 2,500 square feet and which, by our ordinance (Article 5 – Table of Uses), requires a Conditional Use Permit. They further want to have 2,500 square feet of living quarters above the barn, which also goes with the conditional use process. Ms. Brooks asked to submit the application as evidence in this hearing. Ms. Brooks also noted that the planning board had reviewed this and has recommended approval of it on the conditions that there is some kind of fire suppression system in the living quarters of the barn, that there is no storage of hay (other than what is being fed to the horses in the barn) and that the zoning administrator do an annual inspection to make sure they are compliant with our ordinance and the conditional use permit. Councilwoman Critz asked Ms. Brooks to remind her about the other conditional use permit that was done with these same conditions. Ms. Brooks clarified that Councilwoman Critz was referring to the other barn that we have in town that has living quarters above it. Councilwoman Critz responded correct. Ms. Brooks concurred that it was a caretaker quarters and reminded the council that the town had changed the definition of caretaker quarters to allow the property owner to also be in those living quarters. The conditions were the same [on the existing one] as the planning board has recommended for this one.
- Suzanne Devine and Michael Devine introduced themselves. Ms. Devine explained that they owned the property and are the folks that want to live in a barn house. They have 41 acres and there's a back pasture and a front pasture. Basically, in the back pasture they want to have their home and also have their horses. Ms. Devine loves barns; she thinks they are beautiful. "When I am in them I am happy and would like to be close to the animals". Originally, they were going to build a house and a barn, but searching for ideas they came up with.... Ms. Devine mentioned that this has been a very long process; they have been buying this land in pieces for about the last 15 years, so it's been like a 15 year dream. They came up with this idea, just because she thought barns were so beautiful and

it's a good use of the space to not have a footprint of a house and a footprint of a barn. It will have seven stalls downstairs and the upstairs will have three bedrooms (their daughter's room, their room and a guest room), a big open living room, dining room and a kitchen. It is just simple living space. Another thing the Devines want to do is take care of the animals and have a garden ("grow our own food"); kind of simplify things. Ms. Devine pointed out (on the plat) where they were putting the driveway (running up the side) and the square in the middle of the property is Sadie Austin. The Devines have known Ms. Austin for years, after buying the initial 16 acres from Ms. Austin; the Devines bought most of the rest of the property from her. Ms. Austin is somebody the Devines know and get along with very well. Ms. Devine explained that Ms. Austin had written a letter if the council would like it; it says that she is not opposed to it, because she is kind of right smack in the middle of their property. Ms. Devine stated that Ms. Austin has actually said that she is so excited, because her husband had always wanted horses running in that pasture, so she said "Ormond is going to look down and be so glad there's horses back there". Mayor Becker stated that if Ms. Devine had written testimony she could submit it as an exhibit.

- Mr. Devine explained that they did take the time and spoke with a company regarding a sprinkler system. The Devines are totally on board with that. It looked like something (at first) that was a big mystery, because he has never done that sort of thing, but in looking into it, it's not a very complicated thing and the gentleman that Mr. Devine talked to is willing and able to come out here and do that for them. As far as storing hay, they are going to have an outbuilding for hay, so they have taken all these things into consideration. Mr. Devine reiterated what Ms. Devine had stated about this being in the process for a long time and stated that they have had a long time to plan it. "We are not the first people to ever do this, there are a lot of people throughout the states that have done this, there's not too many here in Union County, but there are a few around and we think it is an interesting way to go and we are up for it", Mr. Devine said.
- Ms. Devine added that "it is going to be so cool". There are going to be more of them, so this way the council can go "alright another conditional use for living above the barn". Ms. Devine stated that was really it, unless anybody had any questions or there are more details that they should be providing.
- Councilwoman Neill commented that she thought they had been very thorough. Councilwoman Cureton concurred. Mayor Becker commented that the town is familiar with some of the factors that they are going to have to consider and how this project would mesh with that when it comes time to make that deliberation. The council can ask the Devines any specific questions right now. When we close the hearing later on, we will leave it open for clarification by any of the participants that council can ask during the deliberation process, but otherwise, we would close the hearing after we get to the next speaker, which would be Mr. Bowden. If the council had no questions, Mayor Becker would call Mr. Bowden forward. Councilwoman Critz commented and explained that she was originally on the planning board (when the zoning ordinance was originally formulated) and one of the reasons why they set barns at a conditional use permit was because they had a situation in the community where the boundaries were grossly abused, so they set it to not only protect that from happening again, but to allow this type of thing to be permitted. You want to be sure that the community isn't harmed by things that are done (i.e. damage property values to those around them). You also want to be

sure that you leave yourself....., because throughout the years of multiple surveys, it is very clear that this community wants to maintain a rural atmosphere and Mineral Springs is looking for ways to be unique. We are not Waxhaw, Wesley Chapel or Monroe; we are looking for ways to be unique and yet stay the same. Councilwoman Critz stated that this is a great way to do that and thanked the Devines for being so.... Mr. Devine responded that they appreciated that for sure; it is going to fit in and they have always felt like a good match for Mineral Springs. They have been out here for 15 years, so it kind of feels like this is already their home, even though they do live in Waxhaw.

- Mayor Becker instructed the Devines to pass Ms. Austin's letter on so that people could look at it and then it would be introduced in as evidence, since they don't have Ms. Austin to testify. Mr. Devine stated that she was home with the flu.
- Mr. Charles Bowden - *My name is Charles Bowden and I live about three miles away on Pleasant Grove Road. My personal opinion.* Mayor Becker interrupted by saying that is not something that is legally.... Mr. Bowden continued – *I'm for everybody being able to use their property the way they want to, generally speaking. All right, that's all I can say on that. Part of my questions had already been addressed about Ms. Coffey; I was concerned about the conflict of interest. I do believe we have another conflict of interest that wasn't addressed and that's Ms. LaMonica, her husband is shown to be on the planning board and well look at it – husband and wife are one.* Councilwoman LaMonica clarified that he was actually on the Board of Adjustment. Mr. Bowden continued – *I believe I saw it, well it might have been Adjustment, so he wouldn't be involved. You answered that question, strike that one. I would also like to ask.* Ms. Brooks stated that Mr. LaMonica was on the planning board. Councilwoman LaMonica responded is he on the planning board as well and then apologized, because she thought he was just on the Board of Adjustment as an alternate. Councilwoman Critz stated that she thought this made it clear they have not talked about it. Mr. Bowden responded clearly not. Ms. Brooks added that Mr. LaMonica wasn't in attendance at the meeting where this was addressed. Mr. Bowden continued – *I am just saying that, because I have picked up information from some of the neighbors there that may not be sure about it. I am not sure that he showed up, so they had the opportunity, I guess it don't matter. I would also like to ask this question. Is this personal horses or is this a rental stable.* Mayor Becker questioned whether or not the applicant could answer the question. Mr. Bowden stated *well it makes a difference.* Mayor Becker responded "I think so, yeah". Ms. Devine responded that their plan is to have a few horses of their own and then lease out a few stalls to friends. Mr. Devine responded that it will be a seven stall barn, so it's not an industrial; he didn't want them to be concerned it is an industrial barn. Mr. Bowden continued *seven horses can give away quite a bit of waste.* Mr. Devine responded that there are 41 acres and there is a lot of pasture space; there is a lot of pasture space in the front and in the back, so there should be room for seven horses. Mayor Becker stated for the record, since the applicant may not have heard the question, "was the number of stalls and horses and it is a seven stall barn that's being considered for this application", just to place that on the record. Mr. Bowden continued – *I have one suggestion that you have a sprinkler system for the horses also, because there has been some serious barn fires and a lot of horses were burned up, so maybe you are gone and the horses are there, if some fire and your horse are gone. Other than that I didn't realize it is going to be a hearing based on*

facts, I didn't see that anywhere until I got here, but other than that I'd like to make one other statement then I'll be quiet and you can do what you want and I didn't realize you had already set a precedent with the other barn, which I guess is on McNeely Road, but suppose somebody comes up here and wants to put chickens under the barn or under the house. I served in the Army in Germany and people had cows under the barn or under the house, the barns are under the houses. This is back in the 60's, imagine how that was. So you know, I think you have set a precedent, you've already said it so. Some people like chickens, some like pigs, everything you can think of – just a thought. That's all I can say.

- Mayor Becker asked if anybody else who had not signed up wanted to be sworn in to make statements (testimonial commentary). Ms. Devine gave Mayor Becker the letter from Sadie Austin. Mayor Becker read aloud the letter from Ms. Austin as follows: *To Whom It May Concern: I am Sadie Austin of 4520 Raymond Austin Road in Mineral Springs. My land adjoins Mike and Sue Devine. I don't object to them doing what they want to do. It shouldn't hurt my land. I am sorry I can't make it, I am trying to get rid of the flu; it's not easy. Sadie Austin.* Mayor Becker turned the letter over to the clerk and introduced it as a third item of evidence to go along with the application and the plat.
- Councilwoman Critz stated that she thought it was clear by the number of stalls that they will have that it is going to be a personal endeavor. Councilwoman Critz informed the Devines that Mineral Springs follows the county's guidelines on the appropriate amount of land per animal, which is currently one acre per horse, so the Devine's horses will have exceedingly abundant land. These are things that are studied and set on a broader scale than the town has, so we use other people's information/help/resources.
- With no further commentary, Mayor Becker closed the public hearing at 7:57 p.m. with the understanding that the witnesses are still under oath at the time that the council deliberates and they can be asked for clarification if necessary.
- Mayor Becker thanked everyone for their participation.

3. **Public Comments**

- Charles Bowden – Pleasant Grove Road.

4. **Consent Agenda**

- Town Clerk Vicky Brooks noted that the December 30th minutes needed to be corrected on the first page (the with a quorum present line) – “December 18, 2014” should say “December 30, 2014”.
- **Councilman Countryman** made a **motion** to approve the consent agenda as presented and corrected containing the following:
 - A. *December 11, 2014 Regular Meeting Minutes, December 18, 2014 Special Meeting Minutes and December 30, 2014 Regular Meeting Minutes*
 - B. *November 2014 Tax Collector's Report*
 - C. *November 2014 Finance Report*

and **Councilwoman Critz** seconded. *The motion passed unanimously as follows:*

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

Nays: None

5. **Consideration of Adopting the Revised 2014 Emergency Operations Plan**

- Mayor Becker asked Ms. Brooks if she had heard from Mr. Donald Moyé, who responded that she had not. Mayor Becker explained that Mr. Moyé was here at the first December regular meeting to present the county plan, but we did not have a quorum. Mayor Becker instructed Ms. Brooks to notify Mr. Moyé of the next available meeting, so that he can get here and present that plan.

6. **Consideration of a Conditional Use Permit (C14-01) Submitted by Mike and Suzanne Devine**

- Mayor Becker stated that the council will consider this permit with the thought in mind that they can ask Administrator Brooks, the applicant or even Mr. Bowden questions about the testimony that has been heard. The council will have the Findings of Fact that are going to have to be made; however, there wasn't a lot of testimony, but they certainly know what our ordinance calls for and what they as a reasonable person would see as things that may or may not endanger public health and safety. Mayor Becker opened this item up for council discussion as they go through the Findings of Fact.

Findings of Fact

- a. The use will not materially endanger the public health or safety if located where proposed and developed according to the submitted plan.

Councilman Countryman made a **motion** to accept item "a" as acceptable with a positive yes that it will not endanger any public health or public safety and **Councilwoman Cureton** seconded. The motion passed unanimously as follows:

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

Based on there not being any testimony provided that in any way would demonstrate that this building would in any way endanger public health or safety of any individuals around.

Based on this use anticipating people living in a house and horses living in a barn. We have people living in houses and haven't seen any specific endangerments by those uses; this doesn't seem any different from the uses that we have throughout the town, just combined into one.

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

Councilwoman Critz made a **motion** to accept item "b", it is clear by the information that we have been provided from the planning board, as well as the survey that they met all conditions required and specifications required by the Town of Mineral Springs and even have gone above and beyond at the request of the planning board. Mayor Becker asked the administrator if there were any other conditions of the Mineral Springs Zoning Ordinance that is not being met by this application that she was aware of. Ms. Brooks responded no. **Councilman**

Countryman seconded the aforementioned motion by Councilwoman Critz. The motion passed unanimously as follows:

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

Based on the information that was provided by the planning board, the survey and that the applicant has gone above and beyond at the request of the planning board.

Based on there being no negatives from the zoning administrator.

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

Councilwoman LaMonica made a **motion** and reiterated no substantial injury to the value of adjoining property or abutting property or the use is a public necessity. The use will not substantially injure the value of the adjoining property and based on everything that has been presented I would say the answer to that is yes it will not and based on the letter received from Mrs. Sadie Austin, she clearly is in agreement and comfort with the plans as they have been presented under the Conditional Use Permit. Mayor Becker commented that Ms. Austin was clearly the closest property owner at 160 feet from the corner of the barn and he believed there was nobody else closer than 259 feet, so it is very far from its neighbors. **Councilwoman Critz** seconded the aforementioned motion by Councilwoman LaMonica. The motion passed unanimously as follows:

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

Based on everything that has been presented.

Based on the letter received from Mrs. Sadie Austin.

- d. 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 Critz made a **motion** in the affirmative, it is an asset to the Town of Mineral Springs as well as very much in conformity to the plan and ideals of this community. Mayor Becker commented that based on his personal knowledge of the area, they have an area of some very large lots, there are some crops that are planted, there are some areas that are fenced, there are horses that he has seen, he has seen barns in the immediate area, there are similar uses and he hasn't heard any testimony that we don't, so he sees that as a contributing factor. **Councilwoman Cureton** seconded the aforementioned motion by Councilwoman Critz. The motion passed unanimously as follows:

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

Nays: None

Based on this being an asset to the Town of Mineral Springs and it being in conformity to the plan and ideals of this community.

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

Councilwoman Neill made a **motion** in the affirmative that condition is met based on no criteria and **Councilwoman Cureton** seconded. The motion passed unanimously as follows:

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

Nays: None

Based on there not being any additional review criteria.

- 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.

Councilwoman LaMonica made a **motion** in the affirmative as there are no deviations and **Councilman Countryman** seconded. The motion passed unanimously as follows:

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

Nays: None

Based on there not being any deviations.

- 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.

Councilwoman Neill made a **motion** in the affirmative as there are no deviations and will not adversely affect the right of any other abutting or properties based on staff testimony and **Councilman Countryman** seconded. The motion passed unanimously as follows:

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

Nays: None

Based on there not being any deviations.

- Mayor Becker explained that the council has completed the seven findings, heard the testimony, seen the recommendations made by the planning board and heard the applicant's knowledge of those findings. There were some conditions that the planning board recommended. The council can grant the Conditional Use Permit without any of those new conditions, they may grant it using any of those conditions (all of them or other ones), or they can deny the permit, but they do have

an affirmative finding in all of the Findings of Fact, which likely leads them to be able to make an affirmative vote, unless they want to impose some of these conditions.

- **Councilman Countryman** made a **motion** that we accept this proposal in the affirmative and grant the permit based on those conditions that were proposed by the planning board, that obviously the facility have a sprinkling system, that hay may not be stored in the facility and that this facility is inspected on an annual basis by the planning administrator to ensure that it's continually in compliance and **Councilwoman LaMonica** seconded. The motion passed unanimously as follows:

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

Nays: None

- Mayor Becker commented that he was looking forward to a few more horses and people to live with them in Mineral Springs. Councilwoman Critz asked if they had a groundbreaking anticipation. Mr. Devine responded as soon as possible. Ms. Devine responded her guess was in a month or two. Mayor Becker told them good luck and commented that it is a beautiful use on that property in terms of the type of land and the surrounding uses; it is a really exciting opportunity for promoting the agricultural and equestrian values of Mineral Springs.

7. **Finalizing Retreat Agenda Items**

- Mayor Becker asked the council if there was an additional strategy or agenda items that they want to present to staff to help finalize the retreat agenda that is scheduled for the 20th at the Rolling Hills Country Club. Councilwoman Critz asked if the council ever came up with a timeframe of arrival. Councilwoman LaMonica responded 8:00 a.m. to 4:00 p.m. Mayor Becker added that there will be light breakfast item (coffee, danish, fruit) and then a standard buffet lunch, which is the most economical. Councilwoman Critz asked if we didn't have a schedule of what we are going to be discussing and when. Ms. Brooks responded no, that's what the council needs to come up with; she and Mayor Becker will be meeting with Ms. Bennett who is waiting for input from the council so she can finalize the agenda. Mayor Becker asked the council if they had a "wish list" of specific areas of discussion that can be finalized, so Ms. Brooks, Ms. Bennett and he can sit down and see if that will fit into a roughly seven hour session of work.
- Councilwoman Coffey commented that she thought that some of the things they verbalized were a Capital Improvement Plan and information about recruiting business that would fit Mineral Springs. Mayor Becker responded those were two very important ones and as finance officer he could certainly help between the "nuts and bolts" and begin laying out a Capital Improvement Plan, but he hoped that Ms. Bennett and the experts could guide the council into how to structure it for future years.
- Councilwoman Critz commented that we were going to discuss the festival. Mayor Becker responded the festival is an important item to try to nail down with any strategies, any learning from the past and any ideas for the future.
- Mayor Becker explained that the way retreats work is that they will have their flip pages/sharpies and they will just sort of drill you down into getting very general ideas to a little more specific set of work plans. Having a facilitator is key, because they tend to keep you focused. We have these broad general ideas and they will

hone in on those and ask specific questions and make specific suggestions based on their expertise.

- Mayor Becker stated those are three things and asked what else the council felt was important or if the planning board had any specific areas. Councilman Countryman mentioned short and long term plans relative to our community center, downtown development and some type of park/recreational facility/community recreational facility. Mayor Becker responded that's a Capital Improvement Plan item. Councilman Countryman commented that he thought Ms. Bennett will direct the council in that way, because you need to approach it with some short term and long term goal and then establish a plan based on those short terms and long terms objectives. Councilman Countryman is visualizing that the council will "throw stuff against the wall" early in the morning and it kind of runs down and it falls into place and then you go to lunch and then you come back and you start to become very specific and hopefully before it is over we would each kind of take a look at where we are and then make a personal attachment of some of those objectives.
- Councilwoman Critz asked if they would be reviewing the survey results to see if that would point them in the right direction. Mayor Becker responded that he definitely thought they had to have the survey there with them. Councilman Countryman commented that she had already presented it. Councilwoman Critz responded that she thought they were going to look at it in light of larger projects. Mayor Becker stated that we will make sure that we have that survey available for the participants. Councilwoman Coffey commented that her only concern here was that they do not have the agenda so stacked that they don't get to accomplish what they need to; if you have so much that you are looking at, they are going to get lost in that. Councilman Countryman agreed they needed to be focused. Mayor Becker added that Ms. Bennett and the person working with her will say how much effort needs to go into this and this, so they will recommend that the council does this from 8:30 to 10:00 and then you do this from
- Ms. Brooks asked the council if they wanted the planning board involved with the retreat and if they should be prepared to be there all day or just in the morning. Councilwoman Coffey responded that Ms. Brooks had mentioned a half day and that would be fine with the board. Councilwoman Critz responded that they could do either, because solidification might come in the afternoon. Councilman Countryman responded that it would be voluntary. Mayor Becker commented that we could expect them in the morning and we will focus our agenda items on things that the planning board will be most interested in and what is most relevant.
- Mayor Becker asked the council if they were going to call this retreat to order as a special meeting since they will all be together and discussing policy. Ms. Brooks responded she believed it had to be. Councilman Countryman responded he didn't think they had any alternative. Mayor Becker commented that it should also be called as a special meeting of the planning board and they will be called to order in the beginning as a formality.
- **Councilman Countryman made a motion to call for a special meeting on January 20th to work on a quarterly retreat, to work on an operational plan that would include the planning board, particularly for the first half of the day at 8:00 a.m. until 4:00 p.m. at the Rolling Hills Country Club in Monroe, NC and Councilwoman Coffey seconded. The motion passed unanimously as follows:**

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

Nays: None

- Ms. Brooks informed the council that she had been summoned to fulfill her jury duties on January 20th at 1:15 p.m.. Councilman Countryman responded “you gotta do what you’ve got to do – have a nice trip”. Mayor Becker mentioned that it is just down the highway; maybe Ms. Brooks will be able to come back. Councilwoman Coffey commented that Ms. Brooks might be able to get out of that. Ms. Brooks responded that she spoke with somebody today and was told it really depends on the judge, but she would obviously let them know she wasn’t trying to avoid jury duty; they could pick another day for her.

8. Consideration of a Contract with MindMixer

- Mayor Becker explained that he had the chance to participate in the conference call with the MindMixer representative. The reason for the piece of paper from MindMixer that was in front of the council was that the fees that were in the agenda packet suddenly were not correct, because that was from last year when Ms. Brooks first discussed it with them. The numbers the representative quoted on Tuesday during the conference call were like sticker shock; Ms. Brooks said “they don’t go up that much, because it is now 2015”. The representative did send back what the revised fees for 2015 would be if we chose to do this. Mayor Becker pointed out that there was a little background on what it does in the agenda packet; Ms. Brooks talked to these people last year before he did and it sounded very interesting. Ms. Brooks commented that she was a very good saleswoman; the idea of what they are selling is great; however, there are drawbacks. Councilman Countryman stated that they needed to come make a presentation. It was noted that this was a company out of Michigan that didn’t make personal presentations, but they could do one on the phone. Councilwoman Coffey commented that if you take a look at it and research it you may find these organizations are plentiful and everybody has a bank account they need filled. Councilwoman Coffey apologized, but that’s what she reads these seminars and groups like that to be. Councilwoman Coffey is all for being involved in anything that will heighten your awareness and bring awareness to the council, but she personally thought after a little research was done you will find this is not it. Councilwoman LaMonica commented that it’s the demographics of our residents; how many people have computers. Councilwoman LaMonica stated that she didn’t see the fit. Mayor Becker explained that he had discussed that with the MindMixer representative and how surprised Ms. Bennett had been. Here we are in 2014 (at the time) and Ms. Bennett said “we’ve got to do our survey and we’ve got to do the online version with Survey Monkey, because all the towns she does this with are all doing it online now”. When Ms. Bennett came here the council remembers the look on her face when she said “we almost got no responses on Survey Monkey, everyone mailed their stuff in”. Mayor Becker shared that with the MindMixer salesperson; we are unusual even with people who are used to towns, so it depends on whether they have access. The way it works (and maybe Councilwoman Coffey understands it), it’s not our website; it is a separate sort of platform where people have to be able to log onto the Mineral Springs MindMixer site. They (and staff) can pose questions and the council can set up topics for discussion. You end up with a forum type thing. It was very interesting; you can see it in a lot of context. It’s a lot of money and the hurdle would be “could we even get more than 20 people to know about it”.

Councilman Countryman offered “you can just look at this room, this isn’t costing us anything except our time and if we spent \$5,600 we wouldn’t get any better participation”. Councilwoman Critz responded not only that, but she agreed with Councilwoman Coffey and LaMonica’s perspective. It would be appropriate if we had an overflow, a problem or a need; this is creating a website for people to go to that they don’t need. Councilwoman Critz feels that what we have meets the needs of the community right now. At this time, the council should dismiss it and if there is ever a need to come back to something similar to this format; Councilwoman Critz would personally like to see if from a local organization.

- Councilwoman LaMonica offered that the town council could use the festival tent where you have the opportunity to survey folks; you can make it fun, you can find out what they want and you can do that as part of a tent at a festival kind of thing. Someone local could be used to get the information, but just over the course of a few hours as opposed to setting up a whole website; that seems to be more fitting for us. Mayor Becker pointed out that the Town of Wake Forest, NC has a MindMixer site and if anyone was interested they could do a Google search for “Engage Wake Forest”. Mayor Becker explained that he had visited the site and he and Ms. Brooks had to laugh because the first thing people said was “there’s a really ugly building downtown” and “when is somebody going to do something about that” and then “how about burying power lines”. One guy said (it’s a public forum type of thing) “does anybody read these comments”. Mayor Becker commented that was a much bigger jurisdiction than ours; it did occur to him that we might just find that we are like “yelling in the canyon”, because even for them it wasn’t necessarily getting this dialogue that we envision. Mayor Becker asked if the council had a motion; it seems like we are leaning toward “let’s just say no for now”.
- **Councilwoman Critz made a motion that we say no for now to MindMixer and Councilwoman LaMonica seconded. The motion passed unanimously as follows:**

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

9. Consideration of a Budget Amendment

- Mayor Becker noted that this was an easy one, it was in the agenda packet [from December’s cancelled meeting], but never got acted on. Ms. Ridings commented that it [tax payments] is trickling in as the letters have gone out. Mayor Becker added that Ms. Ridings collected two big long-term past due accounts, just by the notification that they would be going to court next week unless she received the money (they were here the next day), so it is working.
- **Councilwoman Coffey made a motion to approve the budget amendment to file small claims court fees and Councilman Countryman seconded. The motion passed unanimously as follows:**

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

- The budget amendment is as follows:

STATE OF NORTH CAROLINA

AN ORDINANCE AMENDING THE BUDGET OF
THE TOWN OF MINERAL SPRINGS
FOR THE FISCAL YEAR 2014-2015
O-2014-01

WHEREAS, NC G.S. 159-15 authorizes a municipal governing board to amend the annual budget ordinance at any time after the ordinance's adoption;

NOW, THEREFORE BE IT ORDAINED by the Council of the Town of Mineral Springs, North Carolina, the following:

SECTION 1. **Appropriations and Amounts.** Amendment #2014-01:

| | | | |
|-----------------|----------------|-----------------|----------------|
| <u>INCREASE</u> | | <u>DECREASE</u> | |
| Tax Collection | \$1,260 | Contingency | \$1,260 |
| Total | \$1,260 | Total | \$1,260 |

SECTION 2. **Effective Date.** This ordinance is effective upon adoption.

ADOPTED this 8th day of January, 2015. Witness my hand and official seal:

Frederick Becker III, Mayor

Attest:

Vicky A. Brooks, Clerk

10. Consideration of Re-Appointing a Board of Adjustment Member

- Ms. Brooks explained that she had spoken with Ms. Sharon Carter who had expressed her interest in serving another term on our Board of Adjustment and it was up to the council if they wanted to reappoint her again. Ms. Brooks noted that we also have a spot that is vacant from a member whose term has expired and she did not believe he wanted to reapply. Councilman Countryman commented that we could satisfy several concerns. Ms. Brooks responded that we do need to get a new Board of Adjustment member; in addition we need an alternate. Ms. Brooks explained that she was looking back at newsletters and last year seemed to be devoted solely to the festival and she didn't have her usual excerpt in there that said we need a Board of Adjustment member; we have needed an alternate for years. Ms. Brooks stated that will go back on the docket of the newsletter. Mayor Becker commented that those would be separate positions, but we would like to fill Sharon Carter's position with Sharon Carter. Councilman Countryman asked if she had definitely shown an interest in being reappointed. Ms. Brooks responded yes she has.
- **Councilman Countryman made a motion to reappoint Sharon Carter for another term on the Board of Adjustment and Councilwoman Neill seconded. The motion passed unanimously as follows:**

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

11. Discussion of a Complaint Submitted to the Town Council in November 2014

- Councilwoman Critz confessed that when the Prices brought this to our attention, she didn't come down Highway 75 except when it was dark or dusk, so she made it

a point to go in that direction at multiple times of the day. The area is not as unsightly as other things we hope will be corrected, but we have no power or jurisdiction over these landowners; we can encourage them. The town has done everything they could to work with the county to get sewer here, so that whatever their expectations or desires are can be fulfilled. Councilwoman Critz thought that is certainly something we can all be very grateful for, but she is in semi-agreement with the Prices in that there is more that we can do there to make it less conspicuous. Councilwoman Critz stated that she didn't think it is was as unsightly as they express it to be, but she did think there was more that the town could do that would not be costly to the town or to our budget that could help with making it less visible. Councilwoman Critz explained that when people come to us with things that they have observed in the community and safety issues we go to the Department of Transportation and do all we can, because it is not within our power to do it, but intercede, because we are their representatives. With the safety issue, the town goes to the fire department or the police. Councilwoman Critz thought that the town could take this on under our beautification and it would not be a tax burden at all. The Steeplechase is an important part of what takes place in our community, it has added value to this area, it's brought people to our area that otherwise probably never would come; this [pump station] is in a location where people enter and exit a lot during the actual race day. Councilwoman Critz thought that anything that the town could do to make it less visible helps all of us on an everyday basis and it would certainly be complementary. "We are not going to cater (and we shouldn't) to any one entity, but I think we would help and certainly would want to help make anything as, you know, appealing to people like the Prices as the ones that own and operate the Steeplechase, as much as we would say the downtown landowners as they start to rebuild and we participate in that, so I don't see it as, you know, showing favoritism or anything else. I don't think we would do anymore or any less than we would do for any other landowner as improvements or rebuilding takes place", Councilwoman Critz said.

- Councilwoman Coffey stated that she was just so excited that it [sewer] had come to fruition and all she could see was progress; it looked like a golden avenue out there, not an eyesore. Councilwoman Coffey explained that she understood what the Prices are feeling, but she would like for our zoning administrator to address this, so that it could be put to bed. Councilman Countryman stated that before it got put to bed, unless he was incorrect, it's really not our responsibility; it's not our property. Councilwoman Coffey stated that was what she [Ms. Brooks] was getting ready to tell us. Councilman Countryman continued that it belongs to the county; they bought it. Councilwoman Coffey responded there's nothing we can do. Councilwoman LaMonica offered that we don't have any jurisdiction. Councilman Countryman responded that he wouldn't go that far. Councilwoman Critz explained that it was just like we decorate the corner. Councilman Countryman commented that if the town did anything, what they need to do is approach the county (we can't just go fix it) and consult with them in order to do anything; if it is our feeling that something does need to be done. The town needs to consider what might be done and then go to the county and say "these are some things that we have heard in our community and this is an attitude that's developing in our community relative to this wonderful new pump station that you've put in our community – we would like your permission to enhance its visibility or lack thereof visibility and we would hope that you would let us do that at city expense by planting some trees or doing

whatever is necessary". Councilman Countryman thought it needed to be understood that we can't just go fix it, because it doesn't belong to us and asked if that was not true. Mayor Becker responded that's definitely true.

- Councilwoman Coffey asked that Ms. Brooks advise the council. Ms. Brooks explained that the county met our landscaping ordinance to the penny. If we now see what they did and we don't like what they did, then perhaps we should change our zoning ordinance, which is something the council could task the planning board with. Councilwoman LaMonica stated that the same thing applies to the type of lighting they put up and asked if they met our requirements. Ms. Brooks responded no, the lighting that they submitted to us was approved because it was compliant, but apparently the light that they put in wasn't the light that they submitted. Ms. Brooks explained that she had informed the county that it wasn't compliant and they asked "how about if we put a motion sensor on it and it just comes on when there are people out there or otherwise it will be off". Ms. Brooks explained that she said "okay, let's do that and see how that works". However, from what Ms. Brooks is being told now, the light is always on, so apparently there is always activity going on. Ms. Brooks will contact her contact in Union County to inform him that it is not working. Ms. Brooks added that she likes to try to be fair and reasonable with people, but this isn't working.
- Councilwoman Critz explained that she realized that we can't just march in there, take over and do it; she was just saying that possibly we could with permission, assist in making this a little less conspicuous. Just like we do things on the corner, which is not our land either, but we do that now with the Optimist Club and we have done it with others (we don't do it solo) like the Mineral Springs Neighbors. These are things that we invest in for the beautification of the downtown area. Councilwoman Coffey mentioned that she had thought of something nice and even suggested that she might just do that "out-of-pocket" herself; it's not a big deal to put up some beautiful screening. Mayor Becker suggested a couple of nice shrubs. Councilwoman Coffey asked if anyone remembered the mixed use development at the corner of Gleneagles Road and Park Road up in Charlotte right next to the country club. There was a huge mound of dirt, but they have this beautiful screening up and you would think that you were driving up to the most luxurious complexes in the world and you see this mound of dirt. Councilwoman Coffey stated that she thought about that in reference to this and suggested the screening. We all want "nice" for Mineral Springs and if Councilwoman Coffey could do something personally she would. In light of that, that's where Councilwoman Coffey had a conversation with our zoning administrator. They [county] did meet the letter of the law; however, if they were open to us doing anything over there, but they probably were not going to be open, which is why she had gotten some advice from the zoning administrator.
- Councilman Countryman commented if the issue was that we need to do a better job through the planning process, it still isn't going to do anything for what's already there, because you can't go back after the fact and say "you did everything you were supposed to, but that wasn't good enough". Councilwoman Critz responded that she didn't think we needed to tell them it isn't good enough, we just need to say "having done this and now it is there and the position it is in, would you be open to us adding some things to enhance the". Councilman Countryman added "the visual of it". Councilman Countryman stated that he thought his point was missed, as he said a moment ago that we need to contact the county and with

them do something to enhance or minimize it's visibility (he is all for that) if that's possible, but regardless of whether we did a good job with the ordinance or not, if we change it at this point that doesn't have any bearing on the current situation. Although it would make things better for future improvements possibly. Councilwoman Critz stated that the truth was "we will never have another pump station in downtown", so this is the only time that we're going to have to consider this particular issue. Ms. Brooks offered that she still thought that they needed to address the landscaping ordinance. If they actually knew how much landscaping went into that piece of property they would be completely amazed; however, they can't "see" everything that the ordinance required. Councilman Countryman responded that maybe we are dealing with two issues. Councilwoman Critz responded yeah, one of the points that she thought Ms. Brooks was making was that she saw the earth being moved, everything being brought in and now we are looking at basically a screening issue. Ms. Brooks commented that unfortunately (or fortunately) it depends on the property. There is a lot of screening on that property, because it is abutting residential and there has to be a buffer, so there is shrubbery planted down the side and there are extra trees in the rear. Mayor Becker commented that in this particular case, nobody lives on this side, so the screening has been done to screen from nothing right now. Ms. Brooks mentioned that part of it was in the floodplain. Mayor Becker added that it won't ever be built on ever, but the ordinance required screening to an abutting property, because it is zoned residential. Councilwoman Critz stated that in her opinion she wasn't sure that the ordinance needed to be changed or that the planning board needed to go through it; "it is what it is and the front of it is very visible and I think in a few years when some of that stuff grows, it will naturally look different". Ms. Brooks stated (in her personal opinion) that working with people, your downtown should be taking off sometime and they are going to have to follow these landscaping rules just like the county did on this piece of property and perhaps we won't like how much landscaping actually has to go into the strip shopping center, would the council then go in and plant plants there as well, because our ordinance wasn't up to that standard. Councilwoman Critz responded no and she thought (personally) the point is not you're not going to rebuild the strip shopping center in any fashion that you would surround it with a chain link fence. Ms. Brooks explained that it was in the Downtown Overlay; therefore, it will have a wrought iron fence. Councilwoman Critz stated that her point was that this is an isolated issue. Ms. Brooks responded it is, but going back over the landscaping ordinance, maybe we won't have another pump station, but we could have another cell tower that has a fence around it. If we don't start addressing that, we are always going to get the same thing. Councilwoman Critz suggested making it conditional for a situation that involves the requirement of fencing. Ms. Brooks added that maybe we could spell out what kind of fencing they could have when it comes to utilities or cell towers.

- Councilwoman Critz wondered if any additional screening of vegetation (like Leland Cypress) be in the way of what the county needs to do out there. Ms. Brooks commented that she didn't think the county would be opposed to the town putting shrubbery in front of the fence, but she didn't know if that was going to fix the problem. Mayor Becker responded that he thought a few large maturing evergreen shrubs in a nice native species (three of four of them) in front of the fence would be very beautiful in a few years and it would not hurt the county's property. It would be very inexpensive; they will not be putting in a 10 foot in diameter shrub, it's

going to have to grow into that and that may not satisfy people. The gate [area] can never have shrubs in front of it; it might need to have Councilwoman Coffey do her little mural of....

- Councilwoman Coffey mentioned that the council had to remember to put themselves in the county's position as well, anything that walks on that property is a liability to them, so we have to realize that and they may not be open to any of this. Councilman Countryman stated that was a very real assumption and if that ended up to be an accurate assumption, the problem was a solved, because we can't do anything about it. "Could we just be grateful that it is there"? Councilwoman Critz responded that she didn't think that this is a situation of not being grateful that it's there, that is not how she takes it. Councilwoman Critz asked if the council could just ask Ms. Brooks to talk to the county and see if it would be a problem to do what Mayor Becker suggested; it would be very inexpensive just to provide some natural screening for the front of the fencing.
- Councilwoman LaMonica commented just to reiterate that Ms. Brooks, as an example of what Mayor Becker had described, the electric company on New Town Road put in a station that is surrounded by a chain link fence where they built up berms, etc. and the landscaping around it is stunning. Does it hide what is going on behind it? No, but we all know it's necessary for the manner in which we live, we like our lights on. The landscaping is extremely well done, which helps to mediate an eye sore.
- Councilwoman Critz stated that the council has so many discussions on ways that they can facilitate beautifying downtown. There has been a great deal of interest in our surveys about it. Councilwoman Critz's suggestion is not to just comply to a small part of our constituency, but a large part of our constituency in our surveys and in conversations at our festival and other places says things about beautifying downtown and if the council can do anything. Councilwoman Critz added understanding that the council can't take over personal property, but this is something that she thought they could do to accentuate in a positive way and it would be expensive, but they obviously need permission. Councilwoman LaMonica commented that all the council could do was ask and all they can do is say no and if they say no "so be it, it's done". Mayor Becker commented if they say yes, the council will move on from there, but they don't want to commit to spending large amounts of money on other people's property.

12. **Staff Reports**

- Ms. Brooks commented that the newsletter should be going out by the end of the month (after the retreat) and if anybody had any suggestions for the newsletter she would be more than happy to hear them.

13. **Other Business**

- Councilwoman Critz asked if there was any way that we could get two [tape recording] machines, so that they could work in tandem, so that Ms. Ridings wouldn't have to change, she could just flip to the second machine. Mayor Becker responded that he would talk with Marion Holloway about an improved situation with the CD recording.
- Councilwoman Critz mentioned that between the November and December meeting we had a Union County Sheriff Deputy (Officer Green) killed and asked if the town could send a letter to the Sheriff's Department recognizing that we realize

that this happened and that we would like to send our condolences as a council/community. In addition, state our appreciation, because they are our safety as far as police is concerned. Mayor Becker responded that we can draft something for the next meeting.

- Councilwoman Cureton mentioned that there was another officer that died and she left behind five kids; she was 39 years old. Councilwoman Cureton stated that she sent her condolences to the husband. Mayor Becker asked if she was a deputy or with Monroe. Councilwoman Cureton responded that she was a deputy; she worked with William Thompson and those guys. Mayor Becker commented/questioned that she wasn't killed, she died of natural causes. Mayor Becker stated that he would research that and put them both together.
- Councilman Countryman directed his comment to Ms. Brooks, since we are in the new year (as a reminder) for the State of North Carolina and asked when the Urban Archery [paperwork] had to be submitted. Ms. Brooks responded that she thought it was by February, but she will check on it.
- Mayor Becker informed the council that both the Union County Board of Commissioners and the Union County School Board has appointed liaisons to the municipalities. For the County Commissioner it was "almost like a new policy" where there was supposed to be a little more outreach. Commissioner Richard Helms had suggested this (Mayor Becker watched the tape of the meeting) and he assigned Commissioner Jerry Simpson to be our county liaison. Obviously, the town can talk to all of them, but Commissioner Simpson is designated for Mineral Springs, Waxhaw and Marvin. For the Board of Education they assigned Leslie Boyd, whom we met at the festival. Ms. Boyd requested Mineral Springs, so she was assigned to Mineral Springs. Mayor Becker explained that Ms. Boyd's contact information is on the Board of Education's website. Councilwoman Critz commented that now that the Board of Education and the County Commissioners are in an "outreach frame of mind", which we have never heard or seen demonstrated before, she thought the town should reciprocate and actually invite them.

14. Adjournment

- **Councilwoman Coffey** made a **motion** to adjourn and **Councilwoman Cureton** seconded. *The motion passed unanimously as follows:*
Ayes: Countryman, Coffey, Cureton, LaMonica and Neill
Nays: None
- The meeting was adjourned at 9:14 p.m.
- The next regular meeting will be on Thursday, February 12, 2015 at 7:30 p.m. at the Mineral Springs Town Hall.

Respectfully submitted by:

Vicky A. Brooks, CMC, NCCMC, Town Clerk

Frederick Becker III, Mayor