

Town of Mineral Springs
Town Hall
3506 S. Potter Road
Town Council
Regular Meeting
February 12, 2015 ~ 7:30 PM

Minutes

The Town Council of the Town of Mineral Springs, North Carolina, met in Regular Session at the Mineral Springs Town Hall, Mineral Springs, North Carolina, at 7:30 p.m. on Tuesday, February 12, 2015.

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

Absent: Councilwoman Lundeen Cureton.

Visitors: Leslie Boyd and Donald Moyé.

With a quorum present Mayor Frederick Becker called the Regular Town Council Meeting of February 12, 2015 to order at 7:31 p.m.

1. **Opening**

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

2. **Public Comments**

- There were no public comments.

3. **Consent Agenda**

- **Councilwoman LaMonica** made a **motion** to approve the consent agenda as presented containing the following:

- A. *January 8, 2015 Regular Meeting Minutes and January 20, 2015 Special Meeting Minutes*
- B. *December 2014 Tax Collector's Report*
- C. *December 2014 Finance Report*

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

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

4. **Consideration of a Resolution (R-2015-01) in Memory and Honor of Mr. Robert Neill**

- Mayor Becker noted that our community and our dear friend Peggy Neill have both suffered a tremendous loss of Bob Neill who was one of the founding members of this town. Mr. Neill was an early planning board member, planning board chair, board of adjustment member and a volunteer fire fighter. Mayor Becker asked the council to adopt a resolution in memory and honor of Robert Neill. After reading the resolution out loud, Mayor Becker thanked Councilwoman Neill for being a loyal devoted member of this board and a loving wife to Bob; “we were so fortunate”. Councilwoman Neill thanked Mayor Becker.
- **Councilman Countryman made a motion to adopt the Resolution (R-2015-01) in memory of Bob and Councilwoman Neill seconded. The motion passed as follows:**

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

- The Resolution (R-2015-01) is as follows:

*Town of Mineral Springs
Resolution in Memory and Honor of Robert Neill
R-2015-01*

WHEREAS, the Mineral Springs Town Council, for itself, the Mineral Springs Board of Adjustment, the Mineral Springs Planning Board, and the citizens of the Town of Mineral Springs, expresses its profound sense of loss at the passing of Robert (Bob) Neill; and

WHEREAS, we recognize Bob for his life of compassion, generosity and dedication to our community, and, most particularly, his service to the Town;

WHEREAS, he served as a member of the Board of Adjustment and Planning Board from 2001 until 2013; in both capacities he exhibited integrity, commitment and understanding; and

WHEREAS, the Town Council of the Town of Mineral Springs is deeply grieved at the loss of its friend and public servant, but is grateful for the opportunity of having known and worked with him;

NOW, THEREFORE, be it resolved by the Town Council of the Town of Mineral Springs, North Carolina, that we express to the family of Robert Neill our deepest and most heart-felt condolences; that, as a token of respect and esteem, this Resolution shall be incorporated into the permanent records of this Council.

ADOPTED this 12th day of February, 2015.

Frederick Becker, III, Mayor

Valerie Coffey, Councilwoman

Melody LaMonica, Councilwoman

Mayor Pro Tem, Janet Critz

Jerry Countryman, Councilman

Peggy Neill, Councilwoman

Attest:

Vicky Brooks, CMC, NCCMC, CZO, Town Clerk

- Councilwoman Neill thanked the council and stated that she was deeply honored and really appreciated the resolution; Bob would have been very honored as well.
- Councilwoman Critz added for Councilwoman Coffey and those in the audience that couldn't be there, the Mineral Springs Fire Department did an amazing remarkable job of honoring Bob. Councilwoman Critz stated that she did not know how Sheriff Cathey and the City of Monroe pulled it off, but she thought that we should somehow thank them (as a town) for their presence in the procession; there were more police officers than she has ever seen in a procession. In addition they were at intersections for safety; they stood outside of their cars at attention. It made you realize what an honor and a privilege it is to serve in a small community where values and traditions are still upheld, appreciated and practiced. Councilwoman Critz reiterated that the town owed our fire department and our police officers some sort of letter or something of appreciation for the extra effort they went to on Bob's behalf; it was a reflection on all and it was deeply appreciated. Mayor Becker responded that he would see about working on something; "it doesn't have to be a hasty thing, because we have all the time in the world". The council may see something next month that the town can send to Sheriff Cathey and the new Monroe Police Chief.

5. Consideration of Adopting the Revised 2014 Emergency Operations Plan

- Mayor Becker introduced Mr. Donald Moyé from Union County who would be giving the council a little briefing on the Emergency Operations Plan update. Mr. Moyé explained that he was the Risk Management Coordinator and he was here this evening requesting the adoption of the revised 2014-2015 Emergency Operations Plan. This plan has been in the works for a few years. In 2012, the North Carolina Legislature did some revisions to Statute 166-A (Emergency Management Act) and with those revisions they had to do some adjustments within the plan itself. The plan was adopted in 2008, which was the last revision and adoption by the county and municipalities. In 2012, when the changes were made to the Emergency Management Act (166-A) and subsequently the county government, Union County Government had some reorganization and with that some responsibilities changed within the Emergency Operations Plan as well. The Emergency Services Department is now comprised of the Fire Marshall's Office, 911 Emergency Communications Center and the Executive Director which is a new position within the county that has some additional responsibilities within the Emergency Operations Plan. The plan is required by FEMA to ensure that the State of North Carolina, as well as the local counties and municipalities have an Emergency Plan in place. The plan specifically deals with local issues, for example, if we were to have an emergency (Mineral Springs is known for the rail incident, which is a local issue) the local responders would come. When we talk about the Emergency Operations Plan (it is a local plan); every event starts locally and so the local responders would come. If at any time they were unable to or if they didn't have enough resources to handle the disaster they would make a call to the county and the county's resources would come into play and at that point the county might open up the Emergency Operations Center, which is located at the Union County Government Center. The Mineral Springs Mayor or any other first responder (could be the fire chief) as well as Sheriff Cathey would come into the Emergency Operations Center and they would work from that area to decide what other types of resources may be needed in relationship to whatever incident might

be at hand in Mineral Springs. If it could be handled locally, then it would be handled locally. If they had to implement the Emergency Operations Plan, then that's where these entities would come into play relative to the Plan itself. Mr. Moyé explained that the "basic plan" talks about who is responsible and what responsibilities they may have in the event that they have to introduce the Plan for the incident.

- As Mr. Moyé travels around the county to the municipalities, the question always talks about locally – "how is this plan affecting us specifically". Mr. Moyé wanted to share the processing of what would occur if the Emergency Operations Plan had to come into play. They do have situations that occur pretty regularly where the Sheriff and his deputies, as well as the fire department here in Mineral Springs have incidents and when issues come into play (while they may not have to open up the Emergency Operations Center itself), they are actively engaging with each other; we know each other, so if an incident was to occur we would be able to act accordingly.
- In the Emergency Operations Plan there are checklists as well as annexes. One of the annexes that was changed is the Annex of Public Health; they added a couple of levels of responses that they may have for the public health side. The sheltering annex had a slight change in relationship to when they may respond. The checklists are pretty standard and they follow what you should do in an event of a hurricane or a tornado (for example); those types of checklists are in the Plan.
- The Plan is a FEMA requirement, which is from the State 166-A Act. In fact, if an event occurred in the Town of Mineral Springs, you would want to have the Emergency Operations Plan that would be adopted and subsequently funds that would become available for recouping any loses that may have occurred is the key issue in relationship to the Emergency Operations Plan itself.
- Councilwoman Critz asked where the center was located. Mr. Moyé responded the Emergency Operations Center is located in the Union County Government Center at 500 N. Main on the 3rd floor. Councilwoman Critz asked if it was mobile or if they always kept it there, because of their resources. Mr. Moyé responded that they do have a mobile Emergency Operations Center as well, but that particular one was located at the center because it is obviously a fixed facility. They do incorporate the resources that they use, which again would be the Sheriff's. They have an Emergency Operations Center, which they used at Cane Creek last month when they had an issue there. There were first responders that were there at that time.
- Mr. Moyé explained that inside the Emergency Operations Plan there are also a couple of resolutions that will help out in relationship to something that happens in Mineral Springs and the mayor decides he wants to have some restrictions within the town; there is a template that will assist, so the mayor can make a declaration in relationship to that issue. It will work with legal, as well as the county manager if she would decide to have a declaration. There is a declaration from the State, as well as from the President, which would work its way down.
- Mayor Becker commented that it seemed straight forward; their department is a point of contact for him as the mayor to communicate with if there was something specific to Mineral Springs. There is an overall County Operations Plan that supports Mineral Springs not only during the State of Emergency, but critically (if you have tied into that properly) for recouping possible costs. Mr. Moyé responded that was correct and that could be any local incident that would occur.

- Councilwoman Critz commented prior to Hurricane Hugo talking about a hurricane here seemed a little bit crazy, but we all know that’s certainly untrue. “Do you have things that you have learned in a situation like that, that you like could improve upon the plan, in other words, if something like that were foreseen, the possibility, would you contact the municipalities with a general plan – like an ounce of prevention is worth a pound of cure”. Mr. Moyé responded right and he will speak to some of that on the Hazard Mitigation Plan which is the next item. Specifically hurricanes are predicted (they have a two, three, four or five day advance notice), so they know what direction it would come, so at that point the information would come out; it can’t be pinpointed specifically, but let’s say it might be coming down Highway 75 then they would ensure the officials here would be aware of what was happening specifically. One of the issues that comes about after the incident has gone through would be downed trees and lines, so the debris management concept, which is part of the Plan itself, will have individuals go out and make some assessments. They will be able to come and bring the resources in, order vendors to clean up the roadways to make them passable; all of that is funded – the dollars go out, but then they would be recouped by way of the Emergency Operations Plan, as well as the Hazard Mitigation Plan.
- **Councilwoman Coffey** made a **motion** to adopt the revised [2014 Emergency Operations Plan] as presented by Mr. Moyé and **Councilman Countryman** seconded. *The motion passed unanimously as follows:*

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

6. Consideration of a Resolution (R-2015-03) to Adopt the Cabarrus Stanly Union Regional Hazard Mitigation Plan

- Mr. Moyé explained that back in 2012 he remembered coming in with Neal Spear, the Fire Marshall for the council to adopt the Hazard Mitigation Plan. Subsequently over the last year and a half, the State of North Carolina decided that they want to regionalize some of the plans throughout the State and with that Union County, Cabarrus County and Stanley County have grouped together regionally and have their plan together now. This is the plan we have before us and it is called the CSU Regional Hazard Mitigation Plan. Mr. Moyé explained that the county plan is good for five years, so they will be good for a few more years. The CSU Regional Hazard Mitigation Plan allows the three counties to resource together if needed in the event of a hazard. The Plan talks about hazards and which hazards are likely specific for our county (i.e. flooding, thunderstorms, cold weather). The cold weather is one that we have coming up next week, which is one of the hazards that we will see here. All the hazards are given a scale of likely/unlikely. When you start talking about tornadoes, which can drop inland anywhere; one was seen in Raleigh in 2012, so it can happen.
- This plan is similar to the plan we had previously, but this one is rather lengthy (800 pages, which includes three different counties. Union County has 14 municipalities and Cabarrus has about 7 or 8.
- Mr. Moyé explained that he was requesting that the council adopt the 2015 CSU Regional Hazard Mitigation Plan resolution that he put together. Mayor Becker commented that he remembered starting the process way back when Neal Spear was in, so this has been going on behind the scenes for quite some time. The

town was onboard with it way back when we started and it seemed that we didn't have a choice; that is how FEMA and the State structured it and now want it restructured. Mr. Moyé responded that it's a good day for them; it's their safety net for any financial responsibilities that may come in the event of any disaster. Union County is comfortable with it; it's a pretty comprehensive plan and they will have the resolution and one more public meeting that will occur, which is when representatives from each of the cities are given notice to actually come for final output (that is a regulation requirement from FEMA). FEMA gave their approval on the condition that the county has all the cities adopt a resolution and that a public meeting was held. The public meeting will be held in Cabarrus County, because they are the host county.

- **Councilwoman Neill** made a **motion** to approve the CSU Regional Hazard Mitigation Plan with our Resolution (R-2015-03) and **Councilwoman LaMonica** seconded. The motion passed unanimously as follows:

Ayes: Coffey, Countryman, Critz, LaMonica and Neill

Nays: None

- The Resolution is as follows:

TOWN OF MINERAL SPRINGS

RESOLUTION TO ADOPT THE CABARRUS STANLY UNION REGIONAL HAZARD MITIGATION PLAN

R-2015-03

WHEREAS, the Town of Mineral Springs is vulnerable to an array of natural hazards that can cause loss of life and damages to public and private property; and

WHEREAS, the Town of Mineral Springs desires to seek ways to mitigate the impact of such hazard risks; and

WHEREAS, the development and implementation of a hazard mitigation plan can result in actions that reduce the long-term risk to life and property from natural hazards; and

WHEREAS, it is the intent of the Mineral Springs Town Council to protect its citizens and property from the effects of natural hazards by preparing and maintaining a local hazard mitigation plan; and

WHEREAS, it is also the intent of the Mineral Springs Town Council to fulfill its obligations under Chapter 166A of the North Carolina General Statutes, the North Carolina Emergency Management Act, and Section 322 of the Federal Disaster Mitigation Act of 2000 in order to remain eligible to receive state and federal assistance in the event of a declared disaster affecting Mineral Springs; and

WHEREAS, Mineral Springs, in coordination with Cabarrus County, Concord, Harrisburg, Kannapolis, Midland, Mount Pleasant, Stanly County, Albemarle, Badin, Locust, Misenheimer, New London, Norwood, Oakboro, Red Cross, Richfield, Stanfield, Union County, Fairview, Hemby Bridge, Indian Trail, Lake Park, Marshville, Marvin, Monroe, Stalling, Unionville, Waxhaw, Weddington, Wesley Chapel, and Wingate, has prepared a multi-jurisdictional hazard mitigation plan with input from the appropriate local and state officials; and

WHEREAS, the North Carolina Division of Emergency Management and the Federal Emergency Management Agency have reviewed the Cabarrus Stanly Union Regional Hazard

Mitigation Plan for legislative compliance and have approved the plan pending the completion of local adoption procedures.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of Mineral Springs hereby:

1. Adopts the Cabarrus Stanly Union Regional Hazard Mitigation Plan; and
2. Agrees to take such other official action as may be reasonably necessary to carry out the proposed actions of the Plan.

ADOPTED this the 12th day of February, 2015.

Frederick Becker III, Mayor

ATTEST:

Vicky Brooks, CMC, NCCMC, Town Clerk

7. Union County Board of Education Liaison Leslie Boyd

- Mayor Becker introduced Union County Board of Education Vice-Chair Leslie Boyd. Ms. Boyd is here to give the council a little bit of an update on what Union County Public Schools are doing. Ms. Boyd thanked the council and stated that it was nice to be here. Ms. Boyd was here a few months ago; it was nice to come and feel welcome. Ms. Boyd attended the anniversary festival and it was wonderful. Ms. Boyd explained that she was adamant that she wanted to be the liaison to the Town of Mineral Springs. Ms. Boyd is also the liaison to the County Commissioners, she serves on the Strategic Planning and Technology Committee, Finance Committee, Policy Committee, as well as being the Vice-Chair. Ms. Boyd stated that she was really busy, but one of the things that she was committed to do when she campaigned is that she wanted to come out to the towns and she is committed to coming out at least once a quarter, which will be her coming to the council to report what she thinks might be important. In between those visits, Ms. Boyd certainly hopes that if the town is going to plan any new developments or anything that they think will affect the schools that they invite her to the table when the discussions are happening. This is certainly their town, but she would love to be able to add some “well did you think about this and think about that”. Anytime the council needs a question answered, Ms. Boyd informed them to please send her an email or call her (she will leave her card, but the information is all on the website as well).
- Ms. Boyd stated that she wanted to briefly talk about a few things:
 - Community Construction and Equity Plan (CCEP). This is their five-year plan where they are addressing school needs, construction plans and their long term plan. It is what they will go to the County Commissioners with and say “this is our plan and this is why we need funding”. As part of the plan, they have to get creative and decide what our future school numbers are going to look like. The policy states that an elementary school has a core capacity of 900, a middle school is 1,200 and a high school is 1,600. They are in a situation now where they are seeing exponential growth and little or no money, so they really need to be creative. The board has now voted that the core capacity for an elementary school can be 1,000, a middle school is 1,600 and a high school is

2,200. This doesn't mean that they will shove children into school unless there is some retrofit. For example, Western Union has a cap of around 778; you wouldn't see a thousand kids there unless we expanded the cafeteria, the media center, etc. Looking at the CCEP, you will be glad to see some Western Union and Parkwood improvements included.

- A through F. This has been a big thing with the schools, in the 2012/2013 school year they [legislators] adopted a ready initiative and common core; last year was their second full year of this plan. It's important to know that schools have always had percentages on their end of grade, but in 2013 they decided to apply weights to them and assign A through F letter grades to those percentages. You have your school achievement, which they weight at 80% and then school growth is weighted at 20%. We would like to see this weighting changed to 50-50 in order to more accurately reflect the growth in achievement at each school, which is such an important measure of how well a school is doing.
- Legislative Agenda for Union County. On February 24th, they will be going to Raleigh with two board members, Dr. Ellis and two or three community members to meet with [Representative] Craig Horn and [Representative] Dean Arp and show them their agenda and emphasize what Union County wants (i.e. the driver's education unfunded mandate which currently represents an additional financial responsibility of \$700,000 for Union County, more local control over the school calendar, and revisit the A through F grading system to revise it to 50/50).
- ADM [Average Daily Membership] Funding Continuation Budget. An area that has high growth isn't factored in the money that they give you for your teaching. They will be asking for that to be factored in and built into the budget. We also will ask to bring teacher pay at least to the national average, and restore funding for teacher assistants.

8. **Discussion of the Proposed Community Center and Downtown Park**

- Mayor Becker noted that one of the first things that came out of the council retreat was that they wanted to fast track the work on the downtown mini-park, so he quickly threw the language in the Request for Services together and he would certainly appreciate any input. The Request doesn't have to be sent out prior to next month, so the council could really study it or he could go ahead and send something out this month. We have a good timeframe, because we don't want to break ground on that little park until September 21st, which is the Monday after the festival, because obviously we don't want to have anything going on there since we will want to use that property as we had used it last year for the festival. Hopefully when the park is designed and built it is going to have walkways, shrub patches and so forth, which will actually enable us to continue to use that site for future festivals as well and it won't compromise that ability.
- Mayor Becker presented the brief technical aspects of the Request for Services. When you are looking for architect and engineer professionals, you actually are not required to take the lower bid and in many cases they [Statutes] require you to ask for qualifications and rank them based on qualifications, but that doesn't usually come into play on smaller jobs, because every landscape designer is probably legally qualified to do it. They [Statutes] do allow you to waive those qualifications for jobs under \$50,000, which is what Mayor Becker is proposing for the design

work (not construction); he expects the design work on this would be \$10,000 to \$20,000. Mayor Becker gave an example that the whole building design [town hall] was \$38,000, which is way below the threshold for requiring “qualification bidding”, so with that in mind the town doesn’t have to accept the lowest bid. We can say “give us a proposal – knock my socks off”, just like Stuart Wallace did with the rendering of this building. We just want these guys to show us some preliminary plans that look interesting.

- The reason Mayor Becker came up with these three was that Wirth was very good for Wesley Chapel for their first park (Dogwood Park); it’s a different type of park from ours, but they are very qualified. Brad Horvath [Wesley Chapel Mayor] said they are very good to work with. Stewart and Withers & Ravenel are both sponsors of the Carolina Thread Trail Forum and if you look at their curriculum they are doing very big projects. Mayor Becker explained that he did talk to people from both of those firms and told them that we are talking about a small project (less than a half-acre) in the \$100,000 construction range; they are interested. It will be interesting to see how somebody can do something creative with a small space.
- Mayor Becker stated that he was just looking for guidance from the council on what we should do next: should he send out the Request for Proposal now or does the council want to digest it for a month. Councilman Countryman responded no move on. Mayor Becker asked if the language was good. Councilwoman Critz responded absolutely. Mayor Becker explained that he will add one thing that he did not put in there, which was that the row of cedar trees are “hands off” and are to be completely preserved. The area with mixed trees and shrubs around the fence will have flexibility. Mayor Becker asked the council if there was anything else we should be looking for in ideas for the consultant coming up with. Councilwoman Coffey responded that she thought that we want to be absolutely certain that they visit ADA compliance; we don’t want to end up with a “snafu” such as Romare Bearden [Park in downtown Charlotte] has done. Mayor Becker commented that he thought these people will know, but he will make it clear at the construction document phase that we would bring in Disability Rights and Resources. Councilwoman Coffey responded that it was imperative in the planning also. Mayor Becker responded that he did mention that it must be fully ADA compliant. Mayor Becker noted that we will bring Donna Tooill [from Disability Rights and Resources] in the review of any plans that come up and he will emphasize that.
- Mayor Becker reiterated that the Request for Proposal will be amended to include the cedar trees and that it has to be fully compliant with ADA. Mayor Becker will get it sent out to those three and we will see what comes back; he is giving some time, because we are asking for conceptual designs, which the council will not consider until the April meeting. This gives us time to select a consultant and we could have some kind of little charrette in the summer where the public could actually see the development and offer input. As small as it is, it’s amazing how somebody can say something that you never thought of.

9. **Consideration of a Resolution (R-2015-02) for the North Carolina Department of Transportation Division of Highways Request for Addition to State Maintained Secondary Road System**

- Mayor Becker commented that this was a surprise to him and Ms. Brooks to see the first phase of the Copper Run roads being adopted by the NCDOT this early in the construction. It is a formality that the town must adopt this resolution.
- **Councilwoman LaMonica made a motion to proceed to adopt this Resolution (R-2015-02) for Copper Run roads to move to the NCDOT for maintenance and Councilwoman Critz seconded. The motion passed unanimously as follows:**

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

- The Resolution is as follows:

TOWN OF MINERAL SPRINGS
NORTH CAROLINA DEPARTMENT OF TRANSPORTATION
DIVISION OF HIGHWAYS
REQUEST FOR ADDITION TO STATE MAINTAINED SECONDARY ROAD SYSTEM
R-2015-02

North Carolina
County: Union

Road Description: Saddleridge Drive (0.2 miles), Huntcliff Drive (0.4 miles) and Crofton Drive (0.5 miles) in the Copper Run Subdivision in the Town of Mineral Springs in Union County, North Carolina.

Road Location: Off of SR1327 (Camp Ground Road, AKA Pleasant Grove Road) as indicated on the attached map.

WHEREAS, the attached petition has been filed with the Town Council of the Town of Mineral Springs in the County of Union requesting that the above described road(s), the location of which has been indicated in red on the attached map, be added to the Secondary Road System; and

WHEREAS, the Town of Mineral Springs Town Council is of the opinion that the above described road(s) should be added to the Secondary Road System, if the road(s) meet minimum standards and criteria established by the Division of Highways of the Department of Transportation for the addition of roads to the System; and

NOW, THEREFORE, be it resolved by the Town Council of the Town of Mineral Springs that the Division of Highways is hereby requested to review the above described road(s), and to take over the road(s) for maintenance if it meets established standards and criteria.

ADOPTED this 12th day of February, 2015.

Frederick Becker, Mayor

Attest:

Vicky A. Brooks, CMC, NCCMC, CZO

- Mayor Becker referred to Ms. Brooks and stated that he didn't remember the wording of our ordinance, but he didn't think this would happen by next month; it takes the NCDOT a little while. The town does have the road escrow money, which will be subject to return when the roads are fully accepted; we have documentation from NCDOT. Mayor Becker asked Ms. Brooks if it required a specific council vote to return those funds when we have that paperwork from NCDOT. Ms. Brooks responded no. Mayor Becker explained that would be something we will be doing, because that [money] has been sitting in a separate bank account and as soon as those requirements are met they will get their money back.

10. **Consideration of Participating in 2016 Urban Archery Season**

- Councilman Countryman commented that he would take a moment to explain what this is, because it's important to the community. For the last three years, Mineral Springs has had what's referred to be by the Department of Natural Resources an "Urban Archery Season". North Carolina offers hunters (like himself) a typical hunting season that begins the second week of September (generally) and goes through the end of December. The season closes on January 1st; traditional hunting season is over at that time for deer hunting. They have begun to offer a program called the Urban Archery Deer Season, which take a two week break and begins about the middle of January and concludes the middle of February. It is open only to archers within communities that have requested approval of that program to help manage deer populations. For those of you who live in Union County and live in Mineral Springs probably you are aware that there are a lot of deer in the area and the reality is that there are probably more deer in the area than there need to be; there are particularly a lot more female deer in the area than there need to be. If you look at property management, people that market deer hunting areas, the ratio that they like to maintain is 1 to 1. The doe population in Union County was communicated to Councilman Countryman by one of the local game management people to be as much as 20 or 30 to 1. While Councilman Countryman stated that he wouldn't go into all the negative details that presents for the deer themselves, it certainly presents a problem for people. Just in comedic comment, Councilman Countryman explained that Ms. Brooks could attest to that fact, because over the last many years Ms. Brooks feeds deer and loves deer in her yard and wouldn't let him come shoot them, but they attacked her car the other day and now they are not most favorable – literally running into her car, she didn't run her car into a deer, but the deer attacked her car. The point is that that's a real problem; some of us will remember not too long ago sadly that a lady on Highway 16 was killed by a deer coming through her windshield impaling her. The point of this Urban Archery Season is to continue the harvest of those animals and provide food and a sporting outlet for archers only after the general gun season concludes; it's a good program. Mineral Springs has opted to be in that program for the last three years.
- **Councilman Countryman** made a **motion** to adopt the need to once again institute the Urban Archery Program for the 2015-2016 hunting season and authorize Ms. Brooks to sign and send it to the DNR and **Councilwoman Critz** seconded. The motion passed unanimously as follows:

Ayes: Coffey, Countryman, Critz, LaMonica and Neill

Nays: None

11. **Discussion and Consideration of Additional Plantings at the Pump Station**

- Mayor Becker explained that the council touched upon this last month and he has printed out a couple of suggested plants if they were going to consider going forward with any of this. Mayor Becker emailed his native plant specialist, Lisa Tompkins that happens to live by him to get advice; he was looking at a Florida Anise, which is a red evergreen shrub. Just to bring people up to speed – if the council is thinking of doing anything on this site, they have to say who is going to pay for it: should the taxpayers have to pay for it or do people on this council want to chip in money to dress up the pump station a little bit more. If the council decides that someone is willing to do that, his recommendation was evergreen broad leaf plants that will grow six feet high to be placed against the 26' long piece of fence. There is a planting strip there about 26' X 11' where you could put a row of five broad leaf evergreen shrubs. Mayor Becker pointed out that Michael Caldwell (County Engineer) graciously submitted a suggested plan to Ms. Brooks and they are very flexible on what you plant. Most of the areas that Mr. Caldwell said we could plant stuff in isn't needed, because there is nothing to screen; they already have plenty of screening between the site and the woods. The front has Crape Myrtles, which are going to look great. However, right there in front of that fence we could put some evergreen broad leaf shrubs and Mayor Becker thought if you put them in big now it might make a difference.
- Mayor Becker explained that he had done that much research, but it becomes a policy question. The council has gone back and forth; the county met the ordinance and there is nothing they didn't do that they were supposed to do. The question becomes how much is really the town's responsibility and does the council want to pursue it.
- Mayor Becker looked at the Florida Anise and thought it was a nice plant and Lisa said "yes, it is a very nice plant", but it is relatively slow growing. We could get 10 to 15 gallon ones that might be three feet high and will cost \$50 to \$60 a piece and in five years they might still be three feet high (Mayor Becker was exaggerating, but they are not a fast grower). Ms. Tompkins recommended for a site like this a Wax Myrtle, which is a native evergreen that can be a shrub or a tree. Councilwoman Critz asked if he had pictures. Mayor Becker responded that he didn't get any pictures of the Wax Myrtle, but Ms. Tompkins recommended it; they are relatively common and grow relatively quickly. Mayor Becker explained that was his input and he would leave it to the council to decide if they want to do anything or just let it ride.
- Councilwoman LaMonica asked if we knew what we are looking at as far as a budget is concerned on how many we would need of these Wax Myrtles. Mayor Becker responded that he was recommending a plant that will be put five feet apart, which would be five of them along there, but he didn't know what the cost of the Wax Myrtle would be. The Alyssum is a little more expensive plant and it was looking like they would be in the \$60 range from the wholesalers; the Wax Myrtle could be cheaper. Councilwoman LaMonica asked if he was thinking \$250 approximately and then the labor to put them in. Mayor Becker responded exactly. Councilwoman Coffey commented that we could put them in. Ms. Brooks mentioned ongoing maintenance. Mayor Becker responded of course there is the

question of maintenance, but we are hoping that the shrubs won't be a manicured thing and we won't be pruning them like a hedge; we want a plant that is just going to grow. If it dies, the county is going to want us to take that dead thing out at our expense; Mr. Caldwell said the county would not be responsible for any plantings put in by the town, so we are taking on a little responsibility that is above and beyond that we might want to take on. Councilwoman Coffey commented that as far as the responsibility of the Town of Mineral Springs – there is none, because she didn't think it should be something that the town should be responsible for. If this is going to be done, we as private citizens want to do it; that is the way Councilwoman Coffey thought it should go. Councilwoman Coffey added that she couldn't see it and in all good faith and consciousness if they do "Katie open the gate", because they're coming. Councilwoman Critz explained that she understood what Councilwoman Coffey was saying and she doesn't disagree with what she was saying, but she has a little bit different take and that is that we have vested and invested hundreds at this point, even thousands of dollars over the years into beautification of our downtown area that we didn't have to do, but we chose to do it – purchasing flowers that Mayor Becker has planted and faithfully watered. There were other things that the town has done for downtown beautification, so Councilwoman Critz sees this as no more than an extension of that, if we were talking thousands of dollars she would not give this a consideration. Councilwoman Critz explained that she did get to go by the location that Councilwoman LaMonica had referred to on New Town and what jumped out to her when she saw it (although she didn't know what their requirements were) was that what they did made it a much more appealing area. It has sort of been a token of this council as our philosophy towards our downtown; we know that we can't completely beautify our downtown, but we have done what we could do in the small areas that we worked with and we have spent hundreds, even thousands at this point on things such as flowers. So to Councilwoman Critz it falls in that same category, because we're not talking thousands of dollars, we are talking \$250 or less to make something more appealing. Councilwoman Critz stated that she was not saying that we need to increase the qualification or the expectations for future development, but she would like to say that she would like to leave the door open, she doesn't see us ever wanting to totally pull out of our involvement of the beautification on downtown (of our signs on our poles or our Christmas decorations or our other things that we do). To Councilwoman Critz this is just a small extension of that in a different venue, but she looks at it as just part of our whole philosophy of downtown beautification; this is just a situation that has given them a chance to do something. That is how Councilwoman Critz sees it.

- Councilwoman Coffey referred to the reference point that Councilwoman Critz made about the pump station [on New Town] and commented that their ordinances may have been different and they have been met to the letter of the law, so let's investigate that versus just believing that the county went all out for that area and not just for this one. Our administrator has stated they met it to the letter of the law. If we need to go back to the table and change some things in the ordinance then that's what needs to happen. Councilwoman Coffey stated that she heard what Councilwoman Critz was saying about the Christmas decoration and the plants downtown; that's kind of for the town. Councilwoman Coffey is wavering when it comes to a request from one constituent and move on it, because that is going to be a problem. Councilwoman Critz responded that's no difference, it's just

like the people with the barn that want to live above it, until someone comes to us with the situation, we don't, that's why these are living documents, that's why we have options. We have never had a pump station before; we've never had a barn request like this before. Until someone comes to us with a situation to cause us to look at it and rely on our constituents to bring things to our attention that we may or may not see. "We rely on our constituents to come to us with, like the barn situation with options that you and I may not choose to live in personally, but are certainly willing to consider to be acceptable and safe under our, so I don't see it different than anything else, just like the efforts I went to and some of the rest of us went to that we had a few, just a few constituents come to us about certain intersections that were dangerous and we spent hours talking to the Department of Transportation and to other people to see how we might could influence change there in a positive way. I don't see that any different than any other, we get requests, that's what we are, we are their representatives, I don't see it any differently", Councilwoman Critz said.

- Councilwoman LaMonica explained that the point that she finds herself back into on this that makes a difference to her is the ownership of the property; we are not decorating..... Councilwoman Critz interjected that we don't own the corner or the poles. Councilwoman LaMonica offered that those were more commercial, but this is truly private property that they are responsible for and we are looking at beautifying their property on a very permanent basis and that is kind of different; it steps over that line of it. Councilwoman LaMonica commented that is how she looks at it and how do you differentiate between one instance of private property versus another. Mayor Becker clarified that it is private in the sense that access isn't permitted, but it is a public taxpayer owned entity that owns the property, so it is one of those not like we are beautifying Mr. Kaltsounis's shopping center and he's profiting personally from taxpayer dollars; this is a public agency that owns it, so there is a slight difference. The key is it doesn't belong to the Town of Mineral Springs and that is the fine line that we've observed. Councilwoman LaMonica responded it is a gray area. Mayor Becker commented there is no question that you are correct in that regard.
- Attorney Griffin offered an observation that to him it raises a question that the council should address with an ordinance going forward at least. Attorney Griffin didn't know what the council was going to do about it, but their ordinance is the way a town operates and not giving away money and not going out and planting flowers; you require things through an ordinance by people within your jurisdiction. If they are going to renovate property then they meet these conditions and you have planting whatever if you are going to do that. This is really the way the council should address this in the long run. Councilwoman Critz stated that her point was until it was brought to her attention she didn't come downtown a lot in the day time, but she made an effort at multiple times during the day and she does think it could and should be screened better than it is, but she would not have paid attention had it not been drawn to her attention. While Councilwoman Critz doesn't travel that way, many of the council's constituents do. Councilwoman Critz offered that she agreed with Attorney Griffin, this is the first pump station we have ever had and it's a little hard to have foreseen. If you would have asked her to envision the pump station she wouldn't have. Councilwoman Critz wasn't saying that the ordinance failed or that someone didn't do what they should, she was just saying that she is not sure how they could have foreseen it.

- Councilman Countryman commented that Councilwoman Critz's point is a very valid point, but at the same time the county obviously adhered to the ordinances that were in place as we wrote them based on what we thought they needed to be. If in fact we find out that it didn't turn out the way we want it then it's imperative that we change the ordinance. The thing that concerns Councilman Countryman was that as much as he would love to see some improvement made there, he is totally against it, because it will set a precedent that's not appropriate. If the town gives approval to a subdivision, or somebody builds a building or whatever the situation may be which conforms to the ordinances that we have in place at the time and someone else comes by for whatever their reason might be and says "I don't like that" and "we need to do something else", we can't be in a position as a community to set that precedent and have to deal with each of those potential incidents. We have to have an ordinance that stands and if the ordinance isn't good enough based on the ultimate outcome that we have seen then we need to change the ordinance. Councilman Countryman stated that if we need to decorate the front of that fence, then somebody needs to step up on a personal basis and take care of it, but it's not the city's obligation to do that or to put itself in a position that it could be blackmailed into doing it at every other opportunity that somebody found they didn't like what it looked like. Councilwoman Critz asked to clarify what she said, because she thought that she was being misrepresented here. We have never been in the business of assisting developers in sprucing up their property, but as long as she has been on this board (since 2001), we have actively participated in and even initiated downtown beautification, so she is not stepping out of the realm of something we have not been active in from day one. Councilwoman Critz sees this as a continuation of that, she is not insinuating nor implying that she would want this council to step out of that venue. Councilman Countryman responded that he didn't take it that way. Councilwoman Critz continued that even if the council chose right at this moment to ask Ms. Brooks and Councilwoman Coffey to work with the planning board and change the ordinance, it wouldn't be applicable to this situation and the truth is we are not going to have another pump station to deal with, so it would be a waste of their time and of no value to the situation at hand.
- Councilwoman Coffey asked how many trees we would need. Councilwoman Critz responded five. Councilwoman Coffey asked what was seen as the potential cost. Mayor Becker responded maybe \$250 plus. Councilwoman Coffey responded okay, we are going private on this and she will take the challenge of raising the money. Councilwoman Critz responded that's how we have done some. Mayor Becker stated if we can do private funding, maybe we put it to bed. Councilman Countryman stated that he would commit \$50 himself. Councilwoman LaMonica mentioned getting them planted. Councilwoman Critz commented that the town has partnered with Mineral Springs Neighbors to raise funds for beautification before. Councilman Countryman noted that the town didn't pay the bill, which is the point.
- Mayor Becker referred to Councilwoman Neill and mentioned that she had not had a chance to say anything. Councilwoman Neill responded that she was torn – she sees Councilwoman Coffey's point and Councilwoman Critz's point. Mayor Becker commented that they could make it happen by a little fundraiser that Councilwoman Coffey is going to take the lead on. Not just the council, but members of the community might kick in. Councilwoman Coffey responded no she is not going to the community; she will not bring the constituents that they serve into this.

- Attorney Griffin offered that he thought the question was is this going to be a town project. Councilwoman Coffey, Councilman Countryman and Mayor Becker responded no. Attorney Griffin responded planting or anything else. Councilwoman Coffey and Mayor Becker responded no. Mayor Becker offered that the town has provided the guidelines of what the county will allow and that's where the town's role ends. Ms. Brooks commented that she thought they will have to ask the county for permission since it is [not a town function]. Councilwoman Coffey responded okay, no problem.
- **Councilwoman LaMonica made a motion that we take no action as the Town of Mineral Springs and Councilman Countryman seconded. The motion passed unanimously as follows:**

Ayes: Coffey, Countryman, Critz, LaMonica and Neill

Nays: None

- Mayor Becker commented that if something happens it will be something that the town had nothing to do with.

12. Consideration of Purchasing a Steeplechase Advertisement

- Mayor Becker noted that it was that time of the year to consider our advertising in the Queen's Cup brochure for \$300; we have been doing it every year since we had a motto.
- **Councilwoman Neill made a motion to put the full page ad in for \$300 and Councilman Countryman seconded. The motion passed unanimously as follows:**

Ayes: Coffey, Countryman, Critz, LaMonica and Neill

Nays: None

13. Staff Reports

- There were no staff reports.

14. Other Business

- There was no other business.

15. Adjournment

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

Ayes: Countryman, Coffey, Critz, LaMonica and Neill

Nays: None

- The meeting was adjourned at 9:01 p.m.
- The next regular meeting will be on Thursday, March 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