

**Town of Mineral Springs**  
**Town Hall**  
**3506 S. Potter Road**  
**Town Council**  
**Public Hearings / Regular Meeting**  
**June 14, 2018 ~ 7:30 PM**

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**Minutes**

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The Town Council of the Town of Mineral Springs, North Carolina, met in Public Hearings / Regular Session at the Mineral Springs Town Hall, Mineral Springs, North Carolina, at 7:30 p.m. on Thursday, June 14, 2018.

**Present:** Mayor Frederick Becker III, Mayor Pro Tem Bettylyn Krafft, Councilwoman Valerie Coffey, Councilman Jerry Countryman, Councilwoman Janet Critz, Councilwoman Lundeen Cureton, Councilwoman Peggy Neill (arrived at 7:42 p.m.), Town Clerk/Zoning Administrator Vicky Brooks, Attorney Bobby Griffin and Deputy Town Clerk/Tax Collector Janet Ridings.

**Absent:** None.

**Visitors:** Charles Bowden, Matt Covington, Melanie D. Cox, Bertha Craig, Shelia Crunkleton, Thomas Marcham, Jim Muller and Diane Richardson.

With a quorum present Mayor Frederick Becker called the Regular Town Council Meeting of June 14, 2018 to order at 7:33 p.m.

**1. Opening**

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

**2. Public Hearing – CUP 18-01 – Marcham**

- Mayor Becker opened the CUP 18-01 Public Hearing at 7:35 p.m.
- Mayor Becker swore in Zoning Administrator Vicky Brooks, Melanie Cox, Bertha Craig, Thomas Marcham, Jim Muller and Diane Richardson.
- Ms. Brooks explained there was a conditional use permit before the council this evening. Mr. Marcham has applied for a 4,000 square foot barn and was also requesting that the setbacks that we have in our ordinance be shortened, which she would let him get into. Ms. Brooks submitted Mr. Marcham's application as evidence. Ms. Brooks stated there was a certification in the agenda packet that she had done all of the notifications that were required of her. Ms. Brooks explained that a planning board member was present, Jim Muller, and he would testify on behalf of the planning board as to what their recommendation was. Ms. Brooks noted her staff report was also in the agenda packet explaining the recommendation by the planning board, which was to recommend approval of this 4,000 square foot barn and to allow for the minimized setbacks as long as there was no lighting in the back of the barn and no livestock or horses were kept in the barn itself, because of these setbacks.

- Ms. Brooks noted Councilwoman Krafft was exiting the council table, because she also serves on the planning board and has heard this case and you can't have ex parte communication.
- **Councilwoman Critz made a motion to allow Councilwoman Krafft to recuse herself and Councilwoman Coffey seconded. The motion passed unanimously as follows:**

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

- Mayor Becker stated Councilwoman Krafft was excused and explained this is a quasi-judicial hearing, which is more like a court-type hearing than a normal town council deliberation; therefore, that is why witnesses are sworn in and why if somebody had heard information outside of this hearing they cannot deliberate on it, which is why the council was allowing Councilwoman Krafft (as planning board member) to recuse herself from this deliberation.
- Ms. Melanie Cox: *"Good evening mayor and council. My name is Melanie Cox, I am an Attorney with Cox Law Firm in Waxhaw and I represent Mr. Marcham. Before we begin I wanted to just do a brief inquiry to see if anyone else knew anything about the property, had a fixed opinion. It's 5608 Eubanks Street, because this is a quasi-judicial hearing. I have some pictures that I am going to hand to you all and as you can see with the application before you, there was an old dilapidated barn on the property. This property is in excess of 12 acres and what Mr. Marcham wants to do is to construct a 4,000 square foot barn. We have got pictures of what that barn is going to look like as well. It is for agricultural purposes, but solely for the storage of agricultural equipment. He does not plan on having animals there whatsoever, so there should not be any odors or waste from the property. No loud noises, nothing of that sort. If I can approach with these photographs".* Mayor Becker granted permission and asked if she had enough to give Ms. Brooks for the record. Ms. Cox continued *"and he does have horses on the property, but not in this barn, the horses are on the other side of the property. So the first picture is the dilapidated structure, which has been removed, the second is a depiction of what the barn is going to look like once constructed if the CUP is granted and the third picture shows the buffer and the area on his property where he intends to locate this barn and we are requesting as one of the conditions that he be allowed to set the property back 130 feet from the adjoining property owner's residence as opposed to the 200 feet. The reason for that is eventually he is going to build a new residence on his property and when he tears his old house down and puts a new house on there, in order for everything to work, those setbacks to work, we need it to be 130 feet as opposed to 200 feet, as opposed to just moving the barn forward then it would not leave room for his house".* Councilwoman Critz asked if there was a trailer or small house or something in the background. Ms. Cox responded that is the adjoining property owner's residence. Councilwoman Critz asked if it was a home or a trailer. Mr. Marcham responded he believed it is a home, not a trailer, it's a modular. Councilwoman Critz clarified that it is a home and it is occupied. Mr. Marcham responded "yes". Ms. Cox continued her testimony *"one thing I wanted to point out is if he was be, if he wanted to build his residence there, the setback for this zoning district would be 40*

feet and 15 feet, so we think 130 feet is more than reasonable. He's got a sufficient buffer there and he is agreeing to the condition of not having any animals in the barn. As far as the outdoor lighting, when I was going through your zoning ordinance, Section 4.10 speaks to outdoor lighting and the regulations and we feel that this section would sufficiently cover the lighting issue. You know, he may need to put a couple lights on the back, certainly nothing fluorescent or anything that is going to impose onto the other adjoining property owner's property, but he may want to put a few lights back there and feels that 4.10 would sufficiently protect the property owner. As far as the Findings of Fact, you have the applicant before you and his survey that shows where on the property it's going to be going, we believe that it will not materially endanger public health or safety if located where proposed and developed according to the submitted plan. That it's going to be used for the storage of agricultural equipment and it will be built according to plans. We believe that it meets the required conditions and specifications. The side and rear and front setback is met, it is just that one setback that we are asking you to change from 200 feet to 130 feet. He is not housing any livestock, there will be not waste removed from the structure. Letter C – we contend the use will not substantially injure the value of adjoining or abutting property owners. As you can see from the pictures, this is an improvement to the property, we believe it is aesthetically pleasing and will impact improve the value of the property and not have a negative effect on any of adjoining property owners or D – location and character, we believe it is in harmony with the area which it is located. It's in general conformity with the ordinance and the land use development plan. Construction of this barn will maintain the open space and rural character of the Town of Mineral Springs and ensure that Mineral Springs small town charm, rural heritage and scenic vistas are preserved for future generations and that's from your land use plan. We don't contend there are any additional review criteria. For section f – the deviation, we believe that moving the setback will result in a project that is at least equal to or better than would be accomplished under the strict application of the ordinance, also keeping in mind that there will be no animals in the barn, no odors or noise, that a natural buffer already exists, that the construction of this barn is an improvement to the property and again if he was building a house it would only be a 50-foot back yard setback and a 15-foot side yard setback. That would be our evidence". Mayor Becker was looking at the little survey and was trying to get his bearings, it obviously showed the barn in the same location as the original one and was bigger. If we look at where basically the number 0.2 appears, that doesn't apply to the setback obviously, is that the position of one of the setbacks that we are measuring from the corner of the barn to the property line. That's where one of the 50 feet is? Ms. Cox responded no, it's actually from the back of the barn to the adjoining property owner's residence, is where the 200..... Councilwoman Critz clarified it wasn't to the property line, it was to their home. Ms. Cox responded the ordinance states to their home. Mayor Becker asked if that was the 130. Ms. Cox responded "yes". Mayor Becker asked about the 50. Ms. Cox responded "oh, the 50 would be. Mayor Becker asked if that was from the corner of the barn, is it the very most extreme corner which is 50-feet and then that's the closest point. Ms. Cox responded "yes". Mayor Becker asked is there one basically where that arrow says proposed 50 by 80 and there is an arrow, is that basically another 50-feet to the..... Mr. Marcham responded yes, it would be no closer than 50. Mayor Becker asked if in each of those cases that 50-foot setback refers to those two

corners of the barn. Mr. Marcham responded yes, it will be at least 50-feet. Mayor Becker asked if it were clear to the council where those setbacks were located. Mayor Becker asked if there was anything else from the applicant and reminded them they were under oath and the hearing was open, so they could certainly be recalled.

- Jim Muller: *"Good Evening. I just wanted to speak as a representative of the planning board to give you a little bit of the thought process that went into our recommendation for approval of this conditional use permit. Ms. Cox did a very good job of laying out the details, I don't know if I can add much to it. We did feel that with the building being an improvement of what was there, that the building going in the same place and with the condition that the building will not produce any odor, noise, farm animals, waste, the reduction in setback would be offset by the appearance of a nice new shiny building. When we spoke about exterior lighting on the back side of the barn, it was under the assumption, under the premise of spot lights and flood lights. One of the discussions we had on the planning board was several of the members are dealing with neighbors who have lights beaming into their bedroom windows at night, that's what we wanted to avoid when we recommended the condition of no lighting on the exterior on the back side. If we need a little 60-watt or 100-watt bulb outside of a door, by all means for safety, we don't have an issue with that, but we want to make sure that they are not going to have quartz halogen lights beaming in their neighbors' windows. But we did feel that being that the barn is going in the same location, the old barn did fall within the proper zoning ordinance as far as setbacks. The larger barn, the quality and aesthetics of the larger barn was enough of an offset to recommend the conditional use permit with the reduced setbacks. That's all I have from the planning board."*
- Diane Richardson: *"Good to see the council and members of the community. I am Diane Richardson and I am from Morganton, NC originally born and raised here in Mineral Springs and this is my husband Lorenzo Richardson and I guess our major concern is we are not on the, we are on the other side of railroad tracks on Highway 75 going out of town and everything. Our major concern is my husband and I, we are planning on selling our home and we want to move back here and so we were just wanting to know the basic information which you know you and her speaking and the council speaking we were able to get answers to the questions that we are looking for other than Ms. Brooks communication; we know each other and everything so that pretty much basically where we are tonight. We just want to listen and learn".* Mayor Becker thanked Ms. Richardson. Councilwoman Critz asked if the property Ms. Richardson wants to come back and build was adjacent to this property. Ms. Richardson responded *"okay, well, you know when you are going out of Mineral Springs, that line of houses there, my cousin Rob and his Bertha live right there and Clara Morrow's property that's where our land is. We are on the other side, in other words their property will come up to the tracks and ours is the space of land and the road and on Highway 75".* Mayor Becker commented from what you are seeing here, the barn itself is actually sort of on the further side of the property from even where is close to you, okay. Ms. Richardson responded *"I think that is basically, we just want to sit and listen"*.
- Bertha Craig: *"I'm basically the same as, trying to get information however but not knowing any of this information before we received this letter. It was quite difficult*

*for us to even understand and follow the Attorney and the gentleman who owned the land. So, this is the only information that we had other than this and like she said we live on the other side however, I want to know how close is that to the railroad, first of all, then so I really want to question a little bit, then how close is it to us. Will we see the building, I understand they say it's for agriculture, there are many things in agriculture that is a hazard other than just the equipment? I mean I don't want them to put something in that building and it blows, and it blows and damages our property or the air or whatever. Are we going to verify what is in that building? It is just that people move to the country because we want to be in the country. We don't want, Mineral Springs to be Waxhaw or Monroe or Charlotte, we are here for Mineral Springs; you see my point. So, I am not, not knocking them doing it, I just want to well know and then they started out with 200 feet now it's 130 feet you know too many changes in this short period of time that I sit here and I didn't know what I was going to say to you guys, I didn't know what I was, there is nothing planned, I am not a country a girl, I come from Birmingham, however I lived in New York and lot of years so this is my point, I come here for the country, I don't want to come here in the country and when I know anything I am blowed up from fertilizer, it's the truth I mean come on, fertilizer is dangerous, there are many things. Are we going to verify what is there, you know, you hear all types of things that are happening today that people get these oversized buildings and then they tell us one thing and then they do another so my point is, is this going to be verifiable and will we know really what is going on in that building? We don't want no pot grown, we don't no cocaine, I mean I am calling it the way it is. I come from a large city and I do know a lot of things that do happen that we don't plan. Country people, you know, sometimes we just trust people and what they say. I have no reason not to trust them, don't misunderstand me but I just think understanding is the best way and I may be looking at [inaudible] according to this picture I'm getting which is very limited, this little square, is that little square in my view. Where my house is, where this is, this is very vague to me. It does not give us a really enough information to be just right across the highway. How close will they be to the train. We are getting all the fumes from the train. What other fumes will we be getting? So, basically, I'm here to just trying to get information, not to deny him the privilege of what he needs to do for himself and his family, but we would like to be partners with him and you start our being a partner by understanding what we need to do and that way we don't be against one another. Understanding is the first thing according to God's word is get an understanding in everything and once we have an understanding I think this could go forward. Thank you very much".*

- Mayor Becker thanked Ms. Craig and commented he believed that during the council deliberations they would make a point of trying to get some detail about those distances and Ms. Craig would be able to hear some of those details.
- Mayor Becker asked if anybody else was signed up to speak or if anyone else wished to speak. Hearing none, Mayor Becker stated he would not close the public hearing, because "that's why it's open and I believe the applicant can address some of the questions that have come up and it will help anybody who has questions".
- Ms. Cox testified: *this is, I believe RA20 zoning district and in that zoning district barns are allowed as a "use by right" and only because it's over 2,500 square feet*

*that we are here to ask for a Conditional Use Permit. Bams are a "use by right" and the only reason we are here and he just can't just, the zoning administrator just can't sign off on it is because of the size. In the ordinance, it specifically states barns shall not exceed 35 feet in height and it states that structures housing in the commercial production of poultry or livestock and waste removed from any structure shall be located no closer than 150 feet from any property line, well he has stated he is not going to have any waste, he is not going to have any livestock, he is not going to have any poultry so that should not be an issue. When we were here, I believe it was May 21<sup>st</sup> before the Planning Board, is when we amended our application to 130 feet so it wasn't just tonight that we decided to do that. I understand you weren't here then but we made that change some time ago and I think Mr. Marcham can answer some questions about whether or not you will be able to see it".*

- Mr. Marcham testified: *"those were all good questions. I would like to address, excuse me, I had throat surgery so sometimes my throat goes. I am pretty sure your property is on the other side of the tracks on Highway 75. This property, I know there is a buffer because I can't see the tracks from my property and I can't see any of your houses on that side of the road, you know because of the tree buffer that is there for the railroad tracks. From where the railroad tracks are there is probably have, if you are standing on the tracks, there is an easement that goes on my property, my pasture is on that side, on your side and I have at least, I would say, 200, 250 feet to the easement, from there I have another whole pine forest that is probably 40 yards deep of 100-foot trees. It's another probably 60 yards to the house and the barn that I'm talking about building is probably another 40 yards behind that so you know unless it was that one time of year when all the trees were completely, I couldn't see, I can barely see the train as it comes through my property and it backs up right against my property". Ms. Craig stated that really answers a lot for her. Mayor Becker responded that was good, that's why we are here and these things are important. Mr. Marcham continued his testimony "also as far as animals go, I have horses, they are on, like I said I have an easement road that divides my property, I let the people who live behind me get to it, I have horses on what I'll call your side of the easement road. Between the tracks and between my easement road so if you smell something, that could be my horses but I have had them there for six, seven years. I don't have any other animals, I don't plan on having animals, farming is not what I do for a living, I just have horses so the only thing that is going to be in that barn is, I have never been opposed to conditional use with livestock the only thing that is going there I have an expensive tractors, I have expensive implements, I have a car dealer, I am a Mercedes Benz dealer so I have some cars I might put in there but 90% of it is going to be for my tractors and my equipment and my cars so". Mayor Becker commented very good and thanked Ms. Craig. Mr. Marcham added to his testimony "one other thing, it's a concrete barn so you know you would never have animals in a concrete barn or a concrete floor".*
- Mayor Becker noted the hearing would be left open during the deliberation/consideration in item #3, if the council had any specific questions of the applicant.

3. **Consideration of Conditional Use Permit 18-01 Submitted by Thomas Marcham**

- Mayor Becker explained the way the council always does this is to go through the Findings of Fact and they are looking to find in the affirmative if they can for each of the Findings of Fact. The applicant has given the council their actual testamentary reason why they feel that they met those. The council has to consider based on what they have heard here and only what they have heard here and the written evidence that has been admitted into evidence here. Mayor Becker opened the discussion with item #A – the use will not materially endanger the public health or safety if located where proposed and developed according to the submitted plan.
- Councilwoman Critz referred back to the application as it was submitted to the council and stated she had a couple of concerns: it does say “no” exterior lighting on the back side or neighbor side of the building, so in writing, the application that had been submitted in the council agenda packet does not allow for any lighting even in conjunction with, in other words, this is one of the applicant’s conditions and they are referencing part of the zoning ordinance on lighting. Councilwoman Critz directed this question to Ms. Brooks and Attorney Griffin. Mayor Becker responded that was the planning board recommendation he thought – “that’s a response”. Ms. Brooks responded it was not his application, it was a recommendation from the planning board. Councilwoman Critz commented she realized that; it was on the back of the application. Councilwoman Critz stated her point/question was: “we can’t reference the zoning ordinance that is being referenced to allow lighting when the planning board is recommending with no lighting or either that or we’ve got to change this wording, am I correct”. Ms. Brooks responded the planning board recommended, it is the council’s decision to either follow these, which you would make a motion to accept conditions, if the council does not agree that they shouldn’t have lights that was strictly up to the town council. Councilwoman Critz directed the following to Attorney Griffin and Ms. Brooks “I am going to ask both of you along with myself and other council members to go way back in our memories and a situation where we had a barn put up”. Attorney Griffin responded he was thinking that would not be relevant. Councilwoman Critz continued “my point is when it was being evaluated it was quite clear it wasn’t a barn, so in other words, he is making this clear, that it’s not a barn, that it’s going to be a cement floor that would not house animals, it’s an accessory structure, so why are we putting it under, I’m confused why we’re...” Ms. Brooks apologized for not having the ordinance in front of her, but the fact that he was keeping farm equipment in it qualifies it as a barn, it doesn’t specify what else you can keep in the barn, it doesn’t say you can’t keep his Mercedes or whatever else in it, as long as the barn is being used for his farm equipment and he has testified that he is using it for his farm equipment. Councilwoman Critz responded she realized that and she was not trying to play the devil’s advocate. Mayor Becker referred to Ms. Brooks and noted he didn’t know if it was in the application, but she was under oath, so she could testify to this – “is this property considered, is it in agricultural use according to its tax value, its tax status, is it an exempt agricultural use on the property, is that a matter of record that you have knowledge of or not”. Ms. Brooks asked what Mayor Becker meant. Ms. Cox stated she could answer that and she thought that was part of the council packet. Mayor Becker clarified he had not seen it. Ms. Cox testified “*he does have the farm structure use affidavit from Union County and from the state and we have his*

*North Carolina Department of Revenue conditional — extension. Is that what you were asking?"* Mayor Becker responded yes, that is what he was asking – is the property considered in agricultural use. Ms. Cox responded he is a bona fide farm. Ms. Brooks asked Ms. Cox if she wanted that submitted as evidence in this hearing. Mayor Becker commented it probably should be just for the record and she was under oath. Councilwoman Critz stated it was confusing to her that he's got this exemption, but he clearly stated, she assumed honestly, that he was not a farmer when he was speaking just a few minutes ago. Councilwoman Critz was confused by that and confused why we are not calling this an accessory building as opposed to a barn. Mayor Becker asked Mr. Marcham to come forward again if he wanted and try to clarify that. Mr. Marcham testified *"I have a North Carolina Tax Exempt, where they recognize me as a bona fide farmer. There were certain things I had to meet in order to get that tax number. They give you the first three years to get your farm ready and again you don't have to have crops, you could grow hay, I could sell livestock, I could sell horses. There's certain different things that make you qualified for this. When I went through this and I first thought I was under, I first got the North Carolina exemption I had to fill out the proper form, then Union County had me fill out a farm affidavit, which they approved, and I think we submitted it all to Ms. Brooks, so I'm not a full-time farmer, but I am going to have a, I have the name of a farm, I have a tax number, I am going to show income on that through the sale of horses or cows or hay, but I have a couple of years to get my farm going, that's the state I am in, but I am not a full-time farmer, no"*.

- Councilwoman Coffey asked for clarification and referred back to Mr. Marcham's earlier presentation – "you will have animals in that barn"? Mr. Marcham responded, "absolutely not". Councilwoman Coffey responded, "concrete floor, okay". Mr. Marcham testified *"I have another barn on the property, on the far side where my horses go, so I will never have horses, I would not spend the money to have horses in there or you know have any animals in a concrete barn and as far as the lighting, I don't care, I have no plans of putting up spot lights. I'm a good neighbor, I don't want to blind anybody or that, I'm talking, I might have a lean-to on the back of the building to put farm implements, harrows or whatever underneath there. I'm talking a couple of light bulbs along the way underneath, so I don't kick it or trip or if there is an animal back there or something, I don't need big spot lights"*. Councilwoman Coffey responded she was going to speak to that as well, because she believed (as a safety issue) there needs to be some type of lighting back there just from a safety standpoint. Councilwoman Critz commented the only question she had about it was if they were reducing the setback, then they have to be even more conscientious of lighting. Councilwoman Coffey responded true, but it could be low lighting, like he said, he is only going to have a couple. Mr. Marcham testified *"it can be lighting that shines down, I don't need it to shine out and there is a big buffer of 100-foot trees there as there is, but I agree that I even put more bushes in to be a good neighbor. It's kind of uphill anyway, but I need light that just shines down, I don't need it to illuminate"*. Councilwoman Neill asked if Mr. Marcham was talking about full cut off light fixtures with no light from the top or sides that just shines down. Mr. Marcham responded, "just a couple of lights under my lean-to back there". Councilwoman Cureton stated she would just like to say on Lee Massey Road there are lights, big bright lights and they shine in her window. Councilwoman Coffey asked if Councilwoman Cureton was talking about the school. Mayor Becker responded, "that's the school". Councilwoman Cureton



responded, "yeah, the school, they shine in the window". Mr. Marcham commented he was talking a regular light bulb. Councilwoman Cureton responded, "but this is not necessarily the school, it's the soccer field". Mayor Becker commented it won't be like that. Mr. Marcham commented he was not talking those types of fixtures, he was talking regular screw in light bulbs underneath the... Mayor Becker added just a light fixture under a lean-to, a porch light, so-to-speak.

- Ms. Brooks explained she wanted to stand corrected, the ordinance does say "a barn is a large building used exclusively for the storage of grain, hay or other farm products and/or sheltering of livestock, horses and farm equipment". Councilwoman Coffey responded that he stated to the point that he will be housing equipment. Councilwoman Critz referred back to the word "exclusive" and stated it wouldn't include cars and wouldn't include a cement floor. Mayor Becker responded it could be a cement floor and Ms. Brooks concurred. Councilwoman Critz stated it would be very hard on animals. Councilwoman Coffey stated he was not going to have any animals in there, they didn't say you had to have animals. Mayor Becker commented "equipment and supplies". Councilwoman Coffey continued they didn't say you must have animals in there, it said you could have. Councilwoman Critz stated her point was, she didn't want to open a pandora's box here, but we have worked hard. Councilwoman Critz stated "I was on the planning board before I was elected to this council in 2001 and served concurrently for several years, helped with the current zoning that we have, partnered with UNCC Charlotte. I was one of the liaisons, worked hard, very familiar, we don't want Mineral Springs to be anything but Mineral Springs, which is why we went to excessive time, finance partnering with the University and excess work to get our land use plan and our ordinance to where we could, it would reflect what we are trying to do here. My concern is if we start calling something a barn that's not a barn and you may say this is splitting hairs, it's a technicality, but I'm not sure it is". Mr. Marcham testified "well I mean if it stores grain and it stores tractors and it stores trucks I pull my carts with, that's a barn. I understand all the hard work you have put in, but I am doing the same thing. I'm investing a large sum of money to try to make this..." Councilwoman Critz responded, "correct, and that's my big question". Mr. Marcham stated the county and the state say it's a barn. Councilwoman Critz responded "that doesn't negate the definition in our land use plan or our determination here, so I am not trying to, like I said, I'm not trying to throw a wrench into this, but I'm, I feel personally like there needs to be more clarity here. I think we need to look at this as an accessory building and it doesn't mean you have to go back to square one, it just means you have to go back as far as you need to go back. Now, that's my opinion, there's more council members on this board and then there is Ms. Brooks who's, Ms. Brooks and Attorney Griffin have been through this whole thing from day one". Mayor Becker stated "we have some more clarification Mr. Marcham". Ms. Cox testified "*if we were to call it as an accessory building in an agricultural use, then in R20, it would be a use by right and so we wouldn't be here asking for a conditional use permit where you all have the power to put conditions on it in terms of animals and lighting or buffers or whatever else you find appropriate. Now granted, it's, you know, larger than the footprint of the house, but the plan is eventually to build a much bigger house, so it would not exceed those*". Councilwoman Critz responded "but right now it would". Ms. Cox responded, "right". Councilwoman Critz added "so, you could not build it by right, right now even as an accessory building". Ms. Cox responded, "that size".

Councilwoman Critz commented "correct, so we are still back to the same question. Is giving you the 4,000 square feet, but calling it, I want to see us call it what it should rightly be called according to our..." Ms. Cox read the town's definition of agricultural uses, "the commercial production of plants and animals use for demand including, but not limited to, forages and sod crops, grains and seed crops, dairy animals and dairy products, poultry, poultry livestock including beef cattle, sheep, swine, horses, ponies, mules or goats or any mutation of hybrids of" and then it goes on about "nuts and fruits, floral ornament products". Ms. Cox noted that Mr. Marcham could make it 2,499 square feet and have pigs there, which certainly wouldn't be as favorable as to what he is doing. Councilwoman Critz responded she was not questioning the favorability at all. Ms. Cox asked if she could finish the definition of agricultural uses, "so included in this definition of agricultural uses and agricultural accessory buildings and sales of agricultural products grown or raised on the premises, not included in this definition are the commercial slaughtering of animals for marketing and farm tenant dwellings. Uses which will not be deemed agricultural uses include zoos, kennels, riding stable and academies, non-domesticated and animals commonly perceived as threats to humans". Ms. Cox stated she thought it specifically said what is not an agricultural use and what is, which included the storage of farm equipment. Councilwoman Critz responded she thought Ms. Cox answered a question that wasn't asked, she was not questioning the agricultural definition, she was questioning should this be an agricultural accessory building or a barn. Councilwoman Coffey asked Ms. Brooks to re-read the definition that she read to the council, because she wants to understand that it could be any one item on that list, that it doesn't have to be all inclusive of that list and she believed that is what she heard, but she could be wrong. Ms. Brooks read "a large building used exclusively for the storage of grain, hay and other farm products and/or the sheltering of livestock, horse or farm equipment". Councilwoman Coffey responded it doesn't have to be all inclusive, it could be one category of the equipment per se, it doesn't have to include all of those. Ms. Brooks responded no, it doesn't have to include all of those items. Councilwoman Coffey stated that was her point, it can absolutely be equipment. Ms. Brooks concurred "nothing but tractors". Councilwoman Coffey responded that was the clarity she needed and she just wanted to be sure. Councilwoman Critz commented that was where her question came in, because his own statement was there will be things in this barn, she assumed on a regular basis, that don't fall under that category. Mr. Marcham asked, "like what". Councilwoman Critz responded "cars". Mr. Marcham stated, "cars, trucks, I use them to do my..." Councilwoman Critz offered that he wouldn't use a Mercedes to work in agricultural. Mr. Marcham responded he didn't say he had Mercedes in there. Councilwoman Coffey offered he never said that. Mr. Marcham continued he said he was a Mercedes dealer and he was not a full-time farmer, but he has trucks and gators. Councilwoman Critz responded "but you said you would, you mentioned your cars". Mr. Marcham testified *"again, I might pull a car in there if it was raining or my truck, you know, I am not coming in here under false pretenses. This is a barn, I have a lot of expensive tractors, a lot of expensive equipment that I need to protect from the elements and I have hay and I have grain and other things that have to do with my horses that need to be put inside. I had to meet certain qualifications in the state and the county in order to be looked at as a bona fide farm"*.

- Councilwoman Coffey referred to Councilman Countryman and stated she hadn't heard from him. Councilman Countryman responded under the definition that Ms. Brooks just read he didn't have a problem with it. Councilman Countryman thought there were a number of farmers in this area that have barns that park trucks in them, that park SUV's in them that they use in their agricultural business. Councilman Countryman stated he could certainly understand the view point of using it as a storage facility for a car collection, that would be a different ballgame, but he didn't see a problem, personally, with using it to store a tractor and the implements to go on a tractor to store any other motorized vehicle that's used in maintaining the property, because to him that's what farmers do. Councilman Countryman reiterated he understood the concern and would say that as long as this facility is not used as a car collection facility, but it is truly used to store farm equipment, he didn't have any issue with it.
- Mayor Becker stated he had one question that he didn't know if it was evidentiary or not. "Is this rendering you provided a good faith rendering of what the building actually looks like, this isn't conceptual, this really is, this is sort of from the architectural drawing"? Mr. Marcham responded, "that's exactly it". Mayor Becker responded, "it's very barn like in character, I don't believe our definition requires that, but that just sort of lends a little bit Councilwoman Critz toward it has a barn appearance, it's not a commercial metal building, if this is truly a good faith rendering of what the actual architectural design calls for, if that is any clarity at all". Councilwoman Coffey commented that she highly respected the concerns of everyone, but she is just going back to what the council has to do, they have to stand by the zoning ordinance as it is; if he meets this, then our personal views and feelings don't come into this at all. Councilwoman Coffey doesn't even speak to them. Councilwoman Critz commented this wasn't her personal opinion, she is not stating that it's how she feels. Councilwoman Coffey noted she was referring to herself, not Councilwoman Critz. Councilwoman Critz explained when she stated "that it is a personal opinion", she was stating it is her interpretation of our zoning ordinance and how it is worded. Councilwoman Critz reiterated it is her interpretation and not like a feeling she has here; "we are not talking about feeling". Councilwoman Coffey apologized and clarified she wasn't speaking pointedly to Councilwoman Critz about feelings, she said what we have to do and her real statement was meant broadly for everyone, that we must stay with the zoning ordinance, we must speak exactly to it. Councilwoman Critz stated that was her point. Mayor Becker responded, "and you may feel Councilwoman Critz, it doesn't have to be unanimous, you may feel that, because you are uncomfortable with aspects of the definition of the application that you can't find in the affirmative in some of the Findings of Fact. That certainly could, your concerns could be addressed in that fashion, I think, right Attorney Griffin". Councilwoman Critz responded, "they could, but they also needed to be discussed, because I go back to the point that this is an interpretation thing for me, not an emotional feeling. I have no emotion here at all. I love barns, I love animals, I have two horses, I have other animals. This to me, what I don't want to see happen, because it has happened to us on more than one occasion where in good faith we have worked with people trying to accomplish one thing when another thing actually happened and that is what I am trying to make clear here, that I don't want to open the door to the next whatever it be called, a barn or something, I just want to be sure that we

are doing what we really need to do by dotting all of our I's and crossing all of our t's, that's all I'm trying to ask here. Attorney Griffin, am I being too meticulous". Attorney Griffin responded he thought you base it on the evidence presented and don't discuss your personal inner feelings about something. You can vote the way you wish, but the decision should be based on the evidence presented from the proponents for it and if you don't hear evidence to the contrary, you know what evidence is before you to make a decision about. How you feel within your soul and your heart is up to you, the evidence is before you. Councilwoman Critz responded, "including what has been read from our zoning ordinance". Attorney Griffin agreed.

- Mayor Becker asked the council if they could move on or if there were any other questions. Mayor Becker asked Councilwoman Critz if she was as satisfied as she could be, for better or for worse. Councilwoman Critz responded they could belabor this, on what she didn't see any need. Mayor Becker asked if Councilwoman Critz was a comfort level where she thought she could move on with the deliberations. Mayor Becker stated if no one had any questions or concerns they would start working on the Findings, which were based on the evidence that they have heard here and seen submitted into evidence here.

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

*Councilman Countryman made a motion that it will not endanger public health or safety if it is located where it is proposed to be located. Mayor Becker added that was basically based on the descriptions from the applicant. Councilman Countryman responded, "yes and obviously the information provided by the planning board and by our zoning administrator, I see nothing that makes it hazardous to public health or safety based on what is being submitted". Councilwoman Cureton seconded the aforementioned motion by Councilman Countryman. The motion passed unanimously as follows:*

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

*Nays: None*

B. The use meets all required conditions and specifications.

*Councilwoman Neill made a motion to find in the affirmative, that it meets all required conditions and specifications based on information from recommendations and information from the planning board, zoning administrator and the applicant and Councilman Countryman seconded. The motion passed unanimously as follows:*

*Ayes: Coffey, Countryman, Critz, Cureton and Neill.*

*Nays: None*

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

**Councilman Countryman made a motion stating we saw no evidence that it would injure and based on the document that was submitted into evidence as to what the new barn looks like, it would be a significant improvement to property and probably to any adjoining property and Councilwoman Neill seconded. The motion passed unanimously as follows:**

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

- 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 Coffey found in the affirmative on "d" and the Facts of Findings are based on the presentation by the applicant, his Attorney, our Zoning Administrator as well as the full recommendation of the planning board, unanimous recommendation and Councilwoman Cureton seconded. The motion passed as follows:**

**Ayes: Coffey, Countryman, Cureton and Neill  
Nays: Critz**

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

Ms. Brooks stated there was no additional review criteria.

**Councilman Countryman made a motion finding in the affirmative as there is no additional review criteria and Councilwoman Coffey seconded. The motion passed unanimously as follows:**

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

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

**Councilwoman Coffey made a motion to find in the affirmative, it should not at all and that is based on the evidence in application, the applicants statement along with his attorney and Councilman Countryman seconded. The motion passed unanimously as follows:**

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

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

***Councilwoman Neill made a motion to find in the affirmative based on information and testimony from the applicant, findings from the planning board and information from our Zoning Administrator. Mayor Becker stated that the board heard no testimony that it would have a negative affect on the abutting property owners. In the absence of evidence, you have to find in the affirmative. Councilman Countryman seconded the aforementioned motion by Councilwoman Neill. The motion passed unanimously as follows:***

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

***Nays: None***

- Mayor Becker explained that was all of the Findings of Fact and they have found almost unanimously with one exception that these Findings of Fact are met. This gives the council the opportunity to grant the permit or to grant it conditionally. The council has not really talked about the conditions, but they definitely want to state those conditions, so Mayor Becker will have Councilwoman Coffey to re-state those. Councilwoman Coffey responded she was very concerned that there will be lighting and that will be a major safety hazard. Councilwoman Coffey thought the council should grant it with the condition that they be allowed some low lighting. Ms. Brooks commented they would be, so the council does not have to make it a condition; that was the planning board recommendation and the council doesn't have to follow it. Mayor Becker reiterated the council doesn't need to add a condition about the lighting, because they will have to follow our ordinance; however, there is the condition about livestock in the building, including horses. Mayor Becker asked if the council wished to impose that condition. Councilman Countryman thought it was fair. Councilwoman Critz felt they could/should, also just because Mr. Marcham has made it very clear verbally and made the point to say that this is not going to turn into a storage facility for anything other than farm equipment that the council should also, the fact that it won't have livestock, make clear that it won't become a storage facility for anything other than farm equipment as defined in our land use plan that Ms. Brooks read. Mayor Becker clarified that the council will maintain that the applicant will maintain the farm equipment and material storage use. Councilwoman Critz responded, "yeah, the definition of the barn that Ms. Brooks read from the land use plan". Ms. Brooks clarified that was the ordinance. Mayor Becker commented "even though it means meeting the ordinance, it was specifically said that it would be, it does not hurt to leave that condition in there..." Councilwoman Critz reiterated "the definition" if we are going... Mayor Becker continued "to make sure that we continue it to be the use of farm equipment". Councilman Countryman asked if there would be a need to reiterate that. Attorney Griffin explained the council may impose whatever stipulations they wish if they incorporate the ordinance, because he understood the ordinance they can put livestock and other things in there. Councilwoman Critz responded so they are making that exemption. Attorney Griffin responded it seemed to him the council would put that in their limitations. Mayor Becker commented they did put in the livestock limitation. Ms. Brooks noted the council was saying that they are going to follow the barn rules. Mayor Becker added that puts livestock back in. Councilwoman Critz stated she said specifically for storage. Mayor Becker added "maintain the farm equipment use" and asked, "how's that". Councilwoman Critz

responded, "I said specifically for storage is concerned it will fall under the purview of the zoning ordinance. Specifically of storage for equipment is concerned for a farm". Mayor Becker asked if the council could simply just say "to maintain the farm equipment storage use. Is that suitable to you and your attorney". Ms. Cox responded, "if you could include supplies". Mayor Becker responded, "oh, farm equipment and supplies and materials, grain, hay, so add to maintain the farm equipment, supplies and materials storage use". Ms. Brooks commented, "how it's defined". Mayor Becker responded it also includes.... Councilwoman Critz offered since that came into question, especially by her and she was just trying to clarify it. Mayor Becker commented, "don't turn it into a cabinet shop". Ms. Brooks noted that would be a violation of the ordinance. Councilman Countryman commented that was why nothing needs to be said about it; it's in the ordinance. Ms. Brooks added, "without specifying anything". Councilwoman Critz commented if Attorney Griffin didn't feel it was necessary she wouldn't. Mayor Becker clarified they would strike that, because they have to follow what the conditional use permit says. If something changes, there will be a violation and Ms. Brooks will get a letter from someone and she'll address with the applicant. It will be like a regular zoning complaint. The council will not worry about that, they will just put the "no livestock or horses" condition in. The lights have been addressed meeting the ordinance. Mayor Becker asked if the council had a motion to grant the conditional use permit conditionally with that "no livestock or horses" condition.

- ***Councilwoman Coffey made a motion to grant the Conditional Use Permit conditionally with no livestock or horses condition and Councilman Countryman seconded. The motion passed unanimously as follows:***

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

- Mayor Becker closed the public hearing at 8:40 p.m.
- Councilwoman Krafft reentered the meeting.

#### **4. Public Hearing – 2018-2019 Proposed Budget**

- Mayor Becker opened the 2018-2019 Proposed Budget Public Hearing at 8:42 p.m.
- Mr. Charles Bowden – 6409 Pleasant Grove Road. *"My name is Charles Bowden and I am a resident of the Town of Mineral Springs. I just got one comment. It's related to the budget, not that I am opposing anything in the budget. I looked at you all's comment on the budget last month – I wasn't here. You all seem to have a lot of concern about giving yourself a pay raise that you were afraid somebody was going to say something. Well, I am probably the only person that would ever say anything and I just want your mind at ease, I am not opposed to you giving yourself a pay raise, matter of fact, as I was sitting here thinking you ought to pay yourself enough money and maybe some of these fine folks out here decide they want your job. You all just raise it as high as you want. Thank you very much".*
- There being no further comments on the 2018-2019 Proposed Budget Public Hearing, Mayor Becker closed the hearing at 8:43 p.m.

#### **5. Public Comments**

- Charles Bowden – 6409 Pleasant Grove Road.

6. **Consent Agenda**

- ***Councilwoman Neill made a motion to approve the consent agenda as presented containing the following:***
  - A. *May 10, 2018 Special Meeting Minutes and May 10, 2018 Regular Meeting Minutes*
  - B. *April 2018 Tax Collector's Report*
  - C. *April 2018 Finance Report*

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

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

7. **American Red Cross – Sheila Crunkleton**

- Ms. Sheila Crunkleton from American Red Cross thanked the council for allowing her to come and speak to them again this year. This year has been a year of truly unprecedented disasters, which affects our local Red Cross, because their volunteers are responding to those natural disasters the same as they are to local house fires. Last August, we had Harvey come through and then less than a week later we had Irma. Harvey created enough rainfall to fill the great Salt Lake twice. It cost us about one hundred billion in damage. Irma cut electricity to one out of every twenty-two Americans, damaged and destroyed over one hundred and ninety five thousand homes in Florida alone. Maria created the biggest humanitarian crisis in Puerto Rican history, destroying communications, electricity, water and supplies for 3.5 million Americans. With all of that going on within just a couple of weeks' time period, we also had western wild fires (they had people in California), we had Tropical Storm Jose and Hurricane Nate and then we had the Las Vegas shootings. You will see the Red Cross a little more in some of the other disasters, but with something like the Las Vegas shooting you are not going to see the Red Cross, because they play a background role in that. Ms. Crunkleton explained her Disaster Program Manager Karen Long was deployed there for 18 days running the family reunification center; that is where Red Cross plays a key role. The Red Cross is used to dealing with counselors and nurses and they were there for the families and helping them go through that time; that is a key role Red Cross is learning. The Red Cross is working here in Union County with their Emergency Management on how they are going to handle these mass casualties incidents, but Ms. Crunkleton hoped they never have to figure that out, she hoped they never have to experience it, but they have to be ready if that time comes. At one time last year, within a couple of weeks' time period, Ms. Crunkleton had volunteers locally in Texas, Florida, Puerto Rico, California, Las Vegas and supporting responses right here in North Carolina. Catawba County got hit hard by tornadoes two weeks in a row and they did not have an Executive Director during that time period, so Ms. Crunkleton was the one that was called to have to support them. At 9:00 p.m. Ms. Crunkleton got a phone call asking for her to come help them open a shelter; it is their volunteers that are there helping. Ms. Crunkleton stated she wanted to make one thing clear, the Red Cross does not open shelters, Emergency Management decides to open shelters and the Red Cross supports them in that.



Along with their partners in law enforcement, DSS and the Health Department, they all come together. There are prearranged locations that they know about now, just like when the train derailed here in Mineral Springs, they had prearranged locations they knew if they needed it; this is something they work on year-round. With the disasters they are responding to here locally they are not deploying people to these natural disasters or local family house fires or trees on houses, they are here to support them.

- Every eight minutes across this country, the Red Cross is responding to a family house fire. From July 1<sup>st</sup> to April 30<sup>th</sup>, they responded to 171 family house fires alone. After a fire, the goal is immediate response. If people call the Red Cross three weeks after they have had a house fire, unless there are extenuating circumstances, they did not need the American Red Cross, because they are “emergency response” and are meant to be there within that first three days to make sure they have a safe place to stay, that they have money for food and clothing. If they lost essential medicines (non-narcotic), they work on the narcotics and can also bring in mental health support. The Red Cross can help them to move forward, to start that road to recovery; their goal is not leave people in hotels, it is to get them back in life and get them back into what they do.
- The Red Cross is 90% volunteer led, Ms. Crunkleton is the only paid staff in Union County and she manages six counties. Ms. Crunkleton does live in Union County, so she spends the majority of her time here. Red Cross has amazing volunteers. Since January 1<sup>st</sup> of this year until today, they have entered over 29,000 volunteer hours in their volunteer connection services. That means they’re there, they are the ones in the middle of the night, they are amazing people. When you consider a volunteer’s worth is \$22.14 an hour, you times that by 29,000 hours; that’s a lot and they are worth a tremendous amount. Every organization needs volunteers and Red Cross is incredibly blessed with the ones they have.
- Ms. Crunkleton showed a video that they had Chain Reaction do for them; it is meant to show the great work their volunteers do. The video was shot at their new location about two weeks after they moved in. Their new location is on Pedro Street, which is right off Skyway Drive in Monroe. It’s a great location and Ms. Crunkleton invited everyone to come by and see them.
- The Red Cross also works locally with smoke alarms; they have also worked with the Chief [fire department]. If someone does not have working smoke alarms in their homes, they will come in and work with the local fire department and will provide them with smoke alarms and they will install them free of charge. The Red Cross will make sure people have them, that they are trained, that they have a family response plan, and that they are going to know what to do should they have a fire. This is meant to save lives and to give a warning. There are too many fatalities in fires and they need to be stopped. The Red Cross just installed their one millionth smoke alarm nationally and they are very proud of that. Ms. Crunkleton encouraged anyone who didn’t have smoke alarms to call her or the Chief.

## **8. Catawba Lands Conservancy – Matt Covington**

- Catawba Lands Conservancy (CLC) Director of Land Acquisitions Matt Covington thanked the council for having him. Catawba Lands Conservancy is the local land trust serving about a six-county region, the lower Catawba Watershed and their

mission is to save land and connect to live nature. As much as the gentleman who spoke earlier complained about change coming, CLC is looking at that issue and trying to preserve some of the natural areas and some of the farm land we will still have in our region.

- The CLC has permanently preserved nearly 16,000 acres in the six-county region. They focus their efforts on water-quality projects, wildlife habitat, preserving farm land and connecting life's nature. The connect life's nature is done through the CLC's partnership with the Carolina Thread Trail (CTT). Mr. Covington mentioned Mineral Springs Greenway has a segment of the CTT. The CTT will ultimately connect to a large 1,500-mile network they are working, slowly, but working on connecting and getting everyone built in.
- Mr. Covington showed a PowerPoint presentation. Mr. Covington showed a map of the 15-county region around Charlotte Metro. In 1976, all of the developed land was approximately two percent of the region. In 2006, a 30-year period, over 20% of the land had been developed, almost a million acres. Based on the current projections and growth patterns through a study CLC has done in partnership with UNC Charlotte, they are expecting that number to increase by 2030 and be almost 40% of our land will be developed. This shows the importance of the work the CLC does, it is particularly important for this region because Union County is one of the fastest growing counties in the state, if not the fastest growing for several years now. The work the CLC has done in Union County includes protecting about 1,253 acres and 100 miles of trail planned (five and a half already on the ground). Mr. Covington showed a map of some Howey properties and he mentioned some of CLC's great partners that were sitting in the audience. Mr. Covington stated if you guys have ever been to Queen's Cup, these folks know about the organization and they have worked with the CLC in the past.
- Mr. Covington explained the CLC has had some turnover in staff, Andy Kane had been with them for a long time and was a great resource for them has retired. Although Mr. Kane is retired, the CLC is keeping him on board for a few projects he was working on. The CLC does have Bret Baronak, he is the new project director for the CTT, he has a planning background, great to work with and they are hoping he can push the number of five miles up significantly during the near term. Last year, in cooperation with some great partners, like the Town of Mineral Springs, they had a workday and nature hike here in the town. The reason they get a lot of projects done is through volunteers helping manage their property and their trails, so it was a great event with some good help. The CLC has preserved property in perpetuity and a lot of time that means proactively working on trails and cleaning up greenways, but it is also reacting, they have to deal with neighbors who are not so nice with their land use and cause problems on some protected property that the CLC has preserved over the years. Mr. Covington showed a slide of the Waxhaw Creek preserve, CLC property just south of here, which is about 130 acres. A developer came in and didn't follow codes for his erosion control and there was massive flooding on the CLC property and one of their creeks got badly damaged. They spent a lot of time going over it with them and coming up with a plan to restore that creek and fix all the damage. Mr. Covington stated his job is to go out and work with landowners and to get new conservation moving and conservation projects going, but a lot of what they are doing now is just working with the developments going on around us and trying to prevent that from

damaging the nature resources that have been protected. Mr. Covington pointed out that they added one new protected property in Union County last year, a 23-acre property, which seems small, but the reason it was important to the CLC was that it is a state significant nature heritage area, which is basically the soil that's a real specific type of geography and ecology for this region. The property is on South Potter Road and will eventually host a segment of the CTT. It's not large enough for them to put a trail on the ground yet, but that are hoping to get in there soon. Mr. Covington mentioned the Yadkin River Keeper sued the North Carolina Department of Transportation over the Monroe Bypass a few years ago; while they ultimately lost the lawsuit, one of the claims was settled outside and they were awarded a million dollars for land conservation for water quality protection in the Yadkin River basin. They gave that money to the CLC to do land protection work within certain watersheds that were affected by that Monroe bypass. Mr. Covington explained he wasn't able to announce it just yet, but they have been working with the landowner in one of these creeks and once they get the deal signed off he will be back next year to let the council know. The deal is that they are going to work with a farmer to protect a 340 acre farm and put in 100 foot stream buffers on all the streams on the project, so it's going to be a win for protecting farm land around here, but also protecting water quality.

- The forecast for the CLC is looking pretty good, in their history the average annual acreage they protect every year is about 600 acres. This year they are looking to be above that slightly for the projects that they have onboard. One of them is due to that large property they have going on in Union County. "Thing are looking up", Mr. Covington said. The real estate market is tough, but they are doing their best to get the land they can protected and they wouldn't be able to do the work that they do without help from volunteers. If anyone is at all interested in what they do, they definitely encourage them to get involved. There are a lot of volunteer opportunities, like that trail workday that they had here; "we'd love to do that again with you guys". Mr. Covington stated he had a bunch of recreational opportunities, they were able to hire a fulltime program manager, who is helping with the kayaks, kites, paddles to get people out on the land they protected to see the benefits of protecting our natural resources. Mr. Covington announced they have a couple big events coming up if anybody is interested in hanging out and benefiting the CLC and CTT in October. They will have two big dinner sort of festival events where they will have bands playing; it's a big fundraiser for the organization. There is information on their website.
- Mr. Covington thanked the council for their support. "We are not able to do the work that we do without support from our donors and you guys have been very helpful over the years and we really appreciate that", Mr. Covington said. Mayor Becker commented that he just wanted to say, "we definitely want you to come back, the really important thing - that was an initiative starting in last year to have one of these workdays and guided hikes, so we will be knocking on your door, we want you back".

## 9. **Consideration of 2017-2018 Nonprofit Contributions**

- Mayor Becker noted the council had the spreadsheet and reminded them that they did this a little differently this year, because they are very limited in how much money they have, because they had a hard cap on it. Mayor Becker didn't pencil

anything in on the spread sheet; he wanted the council to look at previous years and see what we have. It all doesn't have to be spent; it will go into our fund balance for the next year.

- Councilwoman Critz stated she would like to see the town stay at \$2,500 with the Catawba Lands Conservancy and the only one she would like to see the town go up on is Council on Aging, last year with such a tight budget town decreased them and she would like to see that go back to \$2,000. Councilwoman Critz would also like to see the town stay at \$2,000 for Turning Point and \$1,500 for American Red Cross. This will put the town about \$2,000 under budget. Mayor Becker commented they were looking at an initial recommendation of \$2,500 for Catawba Lands Conservancy, \$2,000 for Council on Aging, \$1,500 for Red Cross, \$2,000 for Turning Point and \$300 for the Literacy Council Spelling Bee, which totals \$8,300. The budget for this year is \$9,850, so that is \$2,500 under budget. Councilwoman Coffey recommended \$2,000 for Red Cross, because there has been a lot of disasters. After a consensus of the council, Mayor Becker read the list again as \$2,500 for Catawba Lands Conservancy, \$2,000 on Council on Aging, \$2,000 on Red Cross and \$2,000 on Turning Point for a total of \$8,800 keeping us at \$2,000 under budget.
- **Councilwoman Critz made a motion that we accept the nonprofit contributions as you just read and Councilwoman Coffey seconded. The motion passes unanimously as follows:**

*Ayes: Coffey, Countryman, Critz, Cureton, Krafft and Neill*

*Nays: None*

#### 10. **Consideration of the 2018-2019 Budget Ordinance**

- Mayor Becker noted the 2018-2019 budget ordinance was in the agenda packet. It is what was presented and there have been no changes. Mayor Becker highlighted the budget for members of the audience: the council did get raises from \$100 a month to \$150 a month, which was the first raise for the town council in 14 years; the mayor did not qualify for a raise; it is still \$400. The tax rate remains 2.5 cents per \$100 of valuation, so there is no tax increase. The entire budget (capital and operating expense) is \$349,990. Councilwoman Neill asked when was the last time that changed was. Mayor Becker responded it has been a good 10 years, we reduced it three times from four cents, to three cents, to two point five cents; it's been at two point five cents for a long time.
- **Councilwoman Countryman made a motion to and Councilwoman Critz seconded. The motion passed unanimously as follows:**

*Ayes: Coffey, Countryman, Critz, Cureton, Krafft and Neill*

*Nays: None*

- Mayor Becker noted it was a quick approval, but the council has done two months of deliberations on these numbers; these isn't the first time they have seen it.
- The budget ordinance is as follows:

STATE OF NORTH CAROLINA  
TOWN OF MINERAL SPRINGS

AN ORDINANCE TO ESTABLISH A BUDGET

FOR FISCAL YEAR 2018-2019  
O-2017-08

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

**Section I. Appropriations.** The following amounts are hereby approved in the General Fund for the operation of the Town government and its activities for the fiscal year beginning 7/1/2018 and ending 6/30/2019, in accordance with a Chart of Accounts to be established for the Town:

ADMINISTRATIVE & GENERAL GOVERNMENT: <b>\$308,772.00</b>		
Advertising	\$1,800.00	
Attorney	\$9,600.00	
Audit	\$4,850.00	
Charities and Agencies	\$10,300.00	
Community Projects	\$26,000.00	
Contingency	\$3,000.00	
Employee Overhead	\$28,500.00	
Fire Protection	\$12,000.00	
Office and Administrative	\$144,704.00	
Planning and Zoning	\$56,368.00	
Street Lighting	\$2,000.00	
Tax Collection	\$2,450.00	
Training	\$3,000.00	
Travel	\$4,200.00	
CAPITAL:		<b>\$41,218.00</b>
Capital outlay	\$41,218.00	
<b>TOTAL APPROPRIATIONS:</b>		<b>\$349,990.00</b>

**Section II. Estimated Revenues.** It is estimated that the following revenues will be available in the General Fund for the fiscal year beginning 7/1/2018 and ending 6/30/2019:

Property taxes	\$67,005.00
Interest	\$1,800.00
Other income	\$3,000.00
Sales taxes	\$267,900.00
Vehicle taxes	\$7,285.00
Zoning fees	\$3,000.00

**TOTAL ESTIMATED REVENUES: \$349,990.00**

**Section III. Property Tax Levy.** A tax in the amount of \$0.025 per \$100.00 of assessed valuation is hereby levied on property within the Town of Mineral Springs which was listed for property taxes in Union County, North Carolina as of January 1, 2018.

ADOPTED this 14th day of June 2018. Witness my hand and official seal:

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

Attest:

\_\_\_\_\_  
Vicky A. Brooks, Clerk

**11. Consideration of Approving an Agreement with Benchmark for an Assessment of the Town's Zoning and Subdivision Ordinances**

- Ms. Brooks explained that Benchmark recommended that the town not go to the Unified Development Ordinance, but that they just go through our current ordinances to make sure they are up-to-date and we can add a few things, make things easier to understand and perhaps put solar panels in our ordinances, things like that, things we're kind of behind on. Ms. Brooks believed sometimes accessory structures should be allowed to be more than half the square footage of the house in certain circumstances, Ms. Brooks hasn't figured out what those circumstances would be, but she knew they have to be out there. Benchmark has proposed looking over the ordinances, to meet with staff, meet with the planning board just to get ideas on what we needed so that they can come back and give us a Scope of Services for the actual price. Mayor Becker asked if this was pretty standard for how these proposals and scopes are developed. Ms. Brooks responded yes.

Mayor Becker asked if there was always a charge even for the amount of review that's required to produce the scope. Ms. Brooks responded yes, it is very time consuming to go through ordinances to know what you are looking at and what you could potentially be changing. Councilwoman Critz mentioned the town hadn't spent any money in 12 years. Mayor Becker commented it will cost more than this after the scope is designed, we'll have that framework and they will come back with another proposal for full amount. Ms. Brooks responded yes, and they will give you more details on what they plan on doing after we complete this process. They were highly recommended by Lake Park; this is what they do for a living. Mayor Becker stated Benchmark has been around, they have done work for other jurisdictions in the county. Mayor Becker thought it was a fresh set of eyes, we've been using COG and N-Focus, which are really all the same people. Mayor Becker stated he likes the idea of using a slightly different focus to sort of look where people haven't looked before. Councilman Countryman asked if there was a cost beyond the \$4,750. Ms. Brooks responded yes. Mayor Becker responded a big cost afterward, but that's a whole separate approval after we get this phase done. Councilwoman Krafft commented this is basically just starting the framework of review, which is needed to have some help and guidance on some things that are not in our ordinances that we need to have. Mayor Becker shared it was about a 10-week process. Councilman Countryman clarified that the \$4750 was a 10-week process. Mayor Becker commented there was a lot more to go after we get that framework developed. Councilwoman Critz shared that 12 years ago the town spent approximately \$10,000 with UNC Charlotte and that was the bargain of the century and asked what we were looking at here long term. Ms. Brooks guesstimated \$25,000 or \$30,000. Councilwoman Critz commented the town has that much or more. Ms. Brooks responded we do and we haven't spent any money in 12 years working on our ordinances. Mayor Becker commented we did the code for conditional districts, but no major rewrite. Councilwoman Critz commented that this is one of the things, when they set up the workshop where she is going to briefly share from the veterans class at government school, that they were hitting hard giving example after example, if you wind up with a problem and its staring you in the face you're dead in the water already, so the real goal for any municipality or county is to be forward thinking, forward looking, forward planning. Councilwoman Critz really thought, as much as she hated to spend money like this, is very necessary. Ms. Brooks concurred and noted what Attorney Griffin had said in a previous meeting "zoning is what we do", so we need to keep it up-to-date. Councilman Countryman asked if the intent and the expense this organization will bestow upon us, will they rewrite the ordinances for us ultimately or are they just going to provide us some ideas that the planning board has to go through that process again. Ms. Brooks responded no, they will do it, but it will also be from the input of your planning board and the public; it is a team effort, but they are the experts behind it. If the town says "this is kind of what we want" they know how to do it. For example, the town wants to add solar farms to our ordinance, we could all sit around the planning board meeting and look at each other and not know how to do that, they will know how to do that. Ms. Brooks commented solar farms are our future, so we should be a little proactive in deciding whether we want to have those or not.

- **Councilwoman Coffey made a motion that we approve the proposal with Benchmark for phase one and Councilwoman Krafft seconded. The motion passed unanimously as follows:**

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

**12. Consideration of an Audit Contract with Kendra Gangal CPA, PLLC**

- Mayor Becker stated the audit was \$4,850 for this year.
- **Councilman Countryman made a motion to contract with Kendra Gangal, CPA for the municipal audit required by the Local Government Commission and Councilwoman Coffey seconded. The motion passed unanimously as follows:**

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

**13. Consideration of Town Clerk/Zoning Administrator Attending Annual Conferences**

- Ms. Brooks explained there were two conferences this summer, one is for zoning officials and one is for municipal clerks.
- **Councilman Countryman made a motion to send Ms. Brooks to class as required and the travel expenses and Councilwoman Krafft seconded. The motion passed unanimously as follows:**

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

**14. Consideration of Calling for a Special Meeting for a Presentation by Councilwoman Critz and Mayor Becker and a Workshop**

- After some discussion about dates for a special meeting/workshop, there was a consensus of the council to meet at 6:30 p.m. until approximately 8:00 p.m. on Thursday, July 19<sup>th</sup>. Councilwoman Critz will coordinate with Ms. Brooks on getting sandwiches, etc.
- **Councilwoman Neill made a motion to call for a special meeting at 6:30 p.m. at the Mineral Springs Town Hall for the purpose of working on a presentation from Councilwoman Critz on the municipal government class that she took and Councilman Countryman seconded. The motion passed unanimously as follows:**

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

**15. Update on Two CRTPO Transportation Projects**

- Mayor Becker updated the council on the Charlotte Regional Transportation Planning Organization (CRTPO). Mayor Becker attends the meeting every third Wednesday, it is a regional planning organization that is the liaison with the NCDOT and many other agencies mostly for road planning, it involves rail, bike, pedestrian, transit and aviation also. It's a Metropolitan Planning Organization (MPO), which is called CRTPO. In general, Mayor Becker does not bring

information back from them, most of it does not directly involve Mineral Springs; a lot of it goes through their staff and we are basically approving their recommendations. Mayor Becker explained there were two projects that needed to be brought to the council's attention. Mayor Becker wanted to get a recommendation from the council on one of them and one of them is just "for your information", because it is heating up again. The first one is the NCDOT rail division's proposal to add a 14,000+ foot siding between downtown Waxhaw and McNeely Road at this point. That was not the original proposal that CRTPO approved in September for further study, it was very vague, it said a 14,000-foot siding east of Waxhaw in unincorporated Union County. In April, it came back from NCDOT with a high score, and said "including a grade separation (meaning a bridge) at Collins Road and closure of Collins Road at the crossing". A few days later when they were prodding for more information, it was "well, we actually will probably either close McNeely Road or Collins Road and put the grade separation at the one we don't close". Mayor Becker stated these are projects that might be six to eight years out. Mayor Becker explained he met with Commissioner Helms from the county, Mayor Maher from Waxhaw and Bjorn Hansen the Union County Transportation Planner and they all came to the conclusion that we have been blindsided and we've gotten these changes in two weeks. We're not in a position to want to make any recommendations, we want NCDOT rail division to come back and give more detail. There is a process called assigning local input points to these projects that have come back for scoring. We [Commissioner Helms, Mayor Maher and Mayor Becker] are recommending that with so little information shared and so many unanswered questions and potential negative impacts on the region, that more discussion and study are needed, and as such the jurisdictions of Waxhaw, Mineral Springs and Union County request that the Technical Coordinating Committee (TCC), which is a CRTPO subcommittee, will request the NCDOT Rail Division to work with the region to develop a set of solutions that will positively impact the areas very specific challenges, its economic development plans and vision and the needs of CSX, specifically, we would like to see NCDOT commit to a study of need and benefit to the county and municipalities and then until this project is redefined with clarity, zero local input points be allocated to this project at this time. Mayor Becker stated it was not a huge blow to them, but it's our recommendation, which they may not take, they may assign input points anyway, these are comments we're going to make on the CRTPO's comment website. This is a big project that we don't know anything about, so they would like them to tell more about it before we endorse them moving forward on it. Mayor Becker asked the council if there was an agreement on the rail issue.

- ***Councilman Countryman made a motion that we do not make any recommendations and require them to do a far greater study than they have provided already (by signing onto the statement) and Councilwoman Krafft seconded. The motion passed unanimously as follows:***

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

- The statement is as follows:

Comment on CSX siding Regional Tier Non-Highway project, SPOT ID #R171148:



"Construction of a 14,000-foot (or longer) rail siding to alleviate block crossings in Waxhaw. The project includes a grade separation of SR 1326 (Collins Road) and closure of existing at-grade crossing (Crossing #638 879D) near Waxhaw"

The jurisdictions of Waxhaw, Mineral Springs, and Union County understand the importance of and need for an additional rail siding. We view that as a major assist to economic development if done in concert with the short and long-term vision of the County's economic development work plan. That said:

- There has not been any analysis nor consideration of this project and its relationship to the regional transportation plan and specifically the potential Waxhaw Parkway future project. A grade separation at Collins Road where a few hundred cars maximum travel daily may not represent the best solution to current challenges and projected needs.
- No discussions have taken place between the economic development teams of CSX and Union County to discuss the importance of rail siding placement within that specific corridor, nor does it seem to take into account CSX's own layout for this area (as suggested in the Duke Energy Site Readiness Study – Shannon Farm). The need for it to complement and provide for the local economic development potential is critical. We are very concerned about protecting the land identified for future economic development and its need for rail siding access.
- No impact analysis has taken place to understand the value and impact on Waxhaw, Mineral Springs, and Union County.

With so little information shared and so many unanswered questions and potential negative impacts on the region, we are believe that more discussion and study are needed. As such, the jurisdictions of Waxhaw, Mineral Springs, and Union County request that:

- The TCC formally request the NCDOT Rail Division to work with the region to develop a set of solutions that will positively impact the area's very specific challenges, its economic development plans/vision, and the needs of CSX. Specifically we would like to see NCDOT commit to a study of need and benefit to the county and municipalities.

Until the project is redefined with clarity, ZERO local input points be allocated to this project at this time

- Mayor Becker explained the other project is the Waxhaw Parkway, in conjunction which he provided the council with maps. It's been in the works for 20 years. Mr. Gardner has talked about it, because the latest proposed alignment goes through Storybook Farm, goes through the houses of several of Mr. Gardner's neighbors, comes through the Collins Road area and really impacts the Hernig Farm; it doesn't look like a great location. Mayor Becker has talked to the Union County Transportation Planner Bjorn Hansen and he said "well, you know, we don't really determine the location until it's scored and then until it's moved to the Transportation Improvement Plan (TIP) and it's funded". Mayor Becker didn't like that answer, that may be true, but he thought we needed to insert a little more of our desires on NCDOT and on CRTPO. As recently as today, Mayor Becker was talking to Mayor Maher about that and he told Mayor Becker that he doesn't personally have a strong feeling about an alignment, he wants to arrive at an alignment that doesn't negatively impact existing people, that does work for both jurisdictions. Mayor Becker stated he was going to take Mayor Maher's word for that and hopes to have some conversations with him and when CRTPO is opening a comment period for the Waxhaw Parkway, which is going to be in a few months, Mayor Becker is hoping they might be able to have a joint comment from Mineral Springs recommending a route like the green route on the map he presented to the council, which goes through pretty much undeveloped land, it hugs the property lines, so that it doesn't cut people's property in half. We want to see that we get the DOT to focus on routes like that rather than just haphazardly drawing a line on a map and the next thing you know you've got the right-of-way crew from NCDOT telling you they want your property; we can do better than that. Mayor Becker plans to meet with Mayor Maher and the CRTPO. There are public comments, you can log on to CRTPO. Mayor Becker thought some of the information is on there. Mayor Becker knows that Mr. Gardner did send a letter to residents, totally independently of Mayor Becker, as a concerned citizen; that has some information

on how to communicate with CRTPO. Mayor Becker encouraged individual citizens/council members to do that; communication is key. If this project is going to be built 10 years from now, it can't take place in a vacuum. It's on the map, it's on the table, but we've never discussed it before as a board. CRTPO didn't discuss it, because it didn't score, it may score this year, it may not, but we need to stop worrying about when it scores and have a proactive solution that we are advancing. Councilwoman Krafft asked if the town could do something in our next newsletter as things clear up a little bit and we have a little bit more information, at least keeping the residents informed from the council, just so they know we are working on it. Mayor Becker responded "an official thing". We may not have information for the newsletter that comes out before the festival, because CRTPO isn't really scoring us that early, so it may be a subsequent newsletter; it does affect a lot of Mineral Springs, even though most of it doesn't hit Mineral Springs, it's right on our edge, it hits some new residents and it affects our region, it affects where traffic gets dumped off. We will see about updates on the rail project too; we'll see what they come back to us with on that. Councilwoman Critz explained that she had gotten a couple of phone calls and a visit today from someone who received the Gardner letter and the first question that she got was "who are these people", so she felt that something coming from the town to rubber stamp what Mr. Gardner had said will validate what he was saying, because they are wondering who in the world is saying this and can they trust what is being said, so it would be to our advantage to follow up and come behind the letter and say "this is real, this is the situation". Even if we don't have the specifics exactly, we could still let them know this is happening. Mayor Becker stated he thought we needed to do that, especially on these two projects, because they are the biggest ones. As things come out of CRTPO that affect us, Mayor Becker will try to be more forthcoming. We cover a three-county region and when there is an intersection in northern Iredell County he isn't has inclined to bring information on that back to this board and he will go along with what the Iredell County people are recommending, because we are a regional organization.

**15A. Consideration of a Resolution Opposing Senate Bill 802**

- Mayor Becker stated he had an apology and a request for the board. This is somewhat irregular for us, because something came up just before this meeting. We don't normally put items on the agenda that aren't on the agenda. Mayor Becker passed out the information and explained a day ago he found out that Senator Tommy Tucker had introduced a bill in the North Carolina Senate to deannex eight properties from Wesley Chapel, because the owners of that property don't think they are going to like Wesley Chapel zoning. That bill was introduced on the 10<sup>th</sup> and on the 12<sup>th</sup> he added a property in Mineral Springs to be removed from Mineral Springs by legislative order at the state level. It so happens that property is Mr. Marcham's property. Mayor Becker asked Attorney Griffin and we were obligated to conduct a quasi-judicial proceeding, so we couldn't bring that issue in, we had to go through that process, that whole hour of deliberation; we have a quasi-judicial obligation. If that bill passes, then he won't be in Mineral Springs and he won't have to obey anything we did, he'll be in Union County jurisdiction and he can do whatever they'll let him do. We couldn't use that as a factor about our deliberations on the merits on the case unfortunately. Councilwoman Neill stated he went to Tommy Tucker prior. Mayor Becker

responded he evidently went to Mr. Tucker, obviously didn't tell, things we didn't know, and we couldn't know, that would be ex parte information that would "poison the well" and could open us to a lawsuit if we didn't do it. Councilwoman Critz went on record to say, "this is Tommy Tucker throwing arsenic in the well on his way out of town". Councilwoman Neill added this was very underhanded and she is not surprised. Mayor Becker responded he has done this before, he's not the only one, but he seems to be the primary mover on these de-annexations, he's done it to Wesley Chapel in previous years, he's done it to Marvin, he's threatened Wesley Chapel with other ones, he's hinted threats to Weddington, in fact Weddington and Wesley Chapel both adopted resolutions in the past couple of days. Wesley Chapel actually knew about it on the 8<sup>th</sup> and they adopted a resolution opposing this bill. The bill passed the Senate yesterday, he introduced it, he then referred it to the finance committee of which he is the chair, which then approved it at the committee level, which then went to the full senate, who then, because it's a local act, it only applies to Union County, they all said "oh, if Tommy Tucker wants it, that's his county", they approved it 42-1. It wasn't even party lines, everybody said "whatever you want Senator Tucker". Mayor Becker wanted the council to remember the name Terry Van Duyn, a senator from Asheville, who voted no and he has not contacted Senator Van Duyn yet, but he intended to. We operate in North Carolina as municipalities under very strict regulations from the state, we can't do things independently, we're granted very limited powers, we can't impose a sales tax if we wanted to, we can't do certain things in zoning, we could only do what the legislature has given us permission to do, so we're held very very strictly to their requirements and we abide by their requirements almost always, we have as far as Mayor Becker knows. So, it's kind of a slap in the face for the legislature to come back to us and say "we don't care, we're just going to throw our weight around and we're just going to take parcels out of your town". Councilwoman Krafft asked what was the purpose of going through all of the..... Councilwoman Critz responded, "in case it doesn't happen". Mayor Becker responded if the bill falls through and we had not done it, there would be a lawsuit against us for failing to conduct our conditional use permit hearing as our ordinance requires us to do; we had to. Mayor Becker stated he didn't even know about it until two days ago and he asked Attorney Griffin what we should do, bring it up to the council before the hearing and Attorney Griffin advised the town not to. Mayor Becker introduced the proposed resolution and read the final line "be it further resolved that we strongly oppose Senate Bill 802 in its present form" (not going to stop it from happening). We will file it with our four representatives in the house and our two senators. Mayor Becker continued the final line in the proposed resolution "be it further resolved that the Town of Mineral Springs opposes all such arbitrary and capricious deannexation procedures by the North Carolina General Assembly and hereby petitions the North Carolina General Assembly to limit or cease the practice". Mayor Becker asked if there were any reason not to say that. Attorney Griffin responded, "it's not illegal". Councilwoman Critz stated she liked it. Mayor Becker commented it's not illegal for them to do that, because he learned 20 years ago almost to the day when we asked Bobby Griffin (who advised us on our incorporation) - could the legislature do such and such? - and Attorney Griffin who had served on the legislature said "Rick, the legislature can do whatever it wants". Mayor Becker thinks that is still the operative rule and unfortunately, they are

abusing it at a lot of levels these days. Mayor Becker asked the council if they had a chance to look over the resolution and if they wanted to adopt it.

- **Councilwoman Critz made a motion to adopt the resolution R-2018-03 as written and Councilwoman Neill seconded. The motion passed unanimously as follows:**
- The resolution is as follows:

**TOWN OF MINERAL SPRINGS**

**RESOLUTION IN OPPOSITION TO NORTH CAROLINA SENATE BILL 802  
"WESLEY CHAPEL/MINERAL SPRINGS DEANNEXATIONS"**

**R-2018-03**

**WHEREAS**, North Carolina Senate Bill 802 was introduced by Senator Tommy Tucker to remove eight specified parcels from the corporate limits of the Village of Wesley Chapel and parcel 06-015-013 from the corporate limits of the Town of Mineral Springs and the bill has passed the Senate and is expected to be considered in the House; and

**WHEREAS**, no contact was initiated, and no discussion was held with either Mineral Springs staff or elected officials by Senator Tucker's office prior to the introduction of this bill; and

**WHEREAS**, such arbitrary and capricious deannexation of properties from duly-chartered municipalities threatens the integrity and effectiveness of the detailed and comprehensive long-term planning that is undertaken by those municipalities on behalf of all residents; and

**WHEREAS**, the North Carolina general statutes impose significant restrictions, limitations, and obligations on the exercise of local powers by the state's municipalities; and

**WHEREAS**, when municipalities are acting in good faith by following all applicable laws and requirements of the State of North Carolina as promulgated by the general statutes and the state constitution, those municipalities should be allowed to exercise their duly-authorized powers without undue interference by the state legislature; and

**WHEREAS**, the municipal government is the level of government in North Carolina that is closest to the residents of the state's municipalities, and the elected officials of those municipalities are strictly accountable to those residents;

**NOW, THEREFORE, BE IT RESOLVED** by the Mineral Springs Town Council that the Town of Mineral Springs strongly opposes Senate Bill 802 in its present form; and

**BE IT FURTHER RESOLVED** that the Town of Mineral Springs opposes all such arbitrary and capricious deannexation procedures by the North Carolina General Assembly and hereby petitions the North Carolina General Assembly to limit or cease the practice.

**ADOPTED**, this the 14<sup>th</sup> day of June, 2018.

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

Attest:

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

- Councilwoman Critz suggested everyone on the council call the League tomorrow.
- Mayor Becker mentioned he forgot to have the council vote on whether this item could be added to the agenda, but there is no statute.

**16. Staff Reports**

- There were no staff reports.

**17. Other Business**

- Councilwoman Cureton commented that on July the 4<sup>th</sup>, they are going to be opening their park in Western Union Park, going to have a ribbon cutting at 3:00 p.m. and they would love for everyone to come. It's very nice and if anybody has

any contributions/donations they will accept them. It is at the end of Lee Massey Road.

18. **Adjournment**

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

*Ayes: Coffey, Countryman, Critz, Cureton, Krafft and Neill*


*Nays: None*

- The meeting was adjourned at 9:53 p.m.
- The next regular meeting will be on Thursday, July 12, 2018 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