

**Town of Mineral Springs**  
**Town Hall**  
**3506 S. Potter Road**  
**Town Council**  
**Public Hearing / Regular Meeting**  
**July 11, 2019 ~ 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 Hearing and Regular Session at the Mineral Springs Town Hall, Mineral Springs, North Carolina, at 7:30 p.m. on Thursday, July 11, 2019.

**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, Town Clerk/Zoning Administrator Vicky Brooks, and Deputy Town Clerk Janet Ridings.

**Absent:** Attorney Bobby Griffin.

**Visitors:** Charles Bowden, Perry Blythe, Erin Burris, Bob Hood, Adrienne Jaquith, and Carrington Price.

With a quorum present Mayor Frederick Becker called the Regular Town Council Meeting of July 11, 2019 to order at 7:32 p.m.

**1. Opening**

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

**2. Public Hearing – Proposed Mineral Springs Development Ordinance and Associated Zoning Map Amendments**

- Mayor Becker opened the Proposed Mineral Springs Development Ordinance and Associated Zoning Map Amendments Public Hearing at 7:33 p.m.
- Mayor Becker explained this was a public hearing on the Mineral Springs Development Ordinance adoption and some zoning map amendments that are associated with the Unified Development Ordinance adoption.
- Benchmark Planning Representative Erin Burris gave a brief overview of where we have been and gotten to with the draft ordinance.

➤ In July of 2018, the Town of Mineral Springs began working on an update to the zoning and subdivision ordinances to ensure that they comply with current statutory requirements, that they are set up to implement the goals and strategies of the adopted Land Use Plan, which was adopted back in 2006, that they incorporated best practices, and that the ordinances are functioning as intended.

- The town council appointed a steering committee from members of the planning board, board of adjustment and town council; they met several times to go over the draft ordinance, discuss different things in that draft and come to a consensus on several of those things.
- The draft ordinance is also accompanied by a set of zoning map amendments.
- Many people received a letter in the mail or have seen the signs on the road, which are required by state law. Any time a town is doing a zoning map amendment, letters have to be sent out to the affected property owners and the adjacent property owners and signs have to be posted in locations that make it clear that there is a change going on.
- One of the strategies in the Land Use Plan that was adopted in 2006 was to have a Town Center area. In the existing ordinance there was a Downtown Overlay (mostly along Waxhaw Highway), which had higher design standards for buildings and the sites along there. The recommendation that came out of the process and the steering committee was that the Downtown Overlay go away. In place of that some of the design standards and in some cases even more design standards would be placed on the parcels that were zoned General Business (GB) and Neighborhood Business (NB) along that area, so it's not an overlay, it just applies to all of those zoning districts equally. The Downtown Overlay would go away and the new Town Center zoning district would be applied to the area (outlined in the dark blue), which would set up for that to be downtown Mineral Springs.
- We did have a public workshop on June 6<sup>th</sup> where we went into a lot more depth on these things. Several comments were received, and the planning board discussed many of those comments and there were also several things that the town council will need to discuss tonight that the planning board made recommendations on.
- The majority of the changes to the ordinance involve implementing strategies in the Land Use Plan; there were also some organizational and formatting changes where we took the zoning ordinance and the subdivision ordinance and put them together into one ordinance, so there was no confusion and contradiction. Whenever you are doing your development, you need to know both and sometimes there were a few contradictions there, so the ordinance works a little bit better when it's all together. The chapters were organized better making sure there were no conflicts there. We also needed to make sure we were following the current state law. Just to inform the board, there was a change just last week, it did not change much but all of the statutory references that are in the draft ordinance to Statute 160A will have to become 160D, so when you adopt it, just know when Ms. Burris is finalizing the document to give the town, those statutory references will have to change. Also, conditional use permits will now be called "special use permits" as specified by statute.
- Another change that was done for development processes was to introduce flow charts, so that a developer or citizen knows exactly what steps are in the process to get something approved (step 1, step 2, step 3); it tells you exactly what's going on in each step.
- Changes were made to the table of uses. Some of the uses were consolidated so there weren't quite so many (to make it a little bit less confusing), and it was alphabetized and has lots of organizational changes. Some provisions were added

for landscaping and building design standards and the sign regulations had to be brought into compliance with some case law from the United States Supreme Court in 2015. That was a pretty big overhaul. Basically, every community in the United States had to change their sign regulations to comply with this case law.

➤ A summary of the changes was provided at the workshop to the planning board as well as the town council.

- Adrienne Jaquith – 2605 Labelle Drive: *“Good Evening. My name is Adrienne Jaquith and I’m here to ask that the town council reconsider adopting the new unified development ordinance as it’s currently proposed, specifically as it relates to not allowing internally lit and LED signs in any capacity within the Town of Mineral Springs. To provide a quick recap, my understanding is that when the steering committee met in April with Benchmark Planning, the topic of internally lit and LED signs was brought up and Councilwoman Coffey reminded the committee that the church had previously requested this type of sign, which had been denied by the town. It was then stated that Western Union Elementary had expressed interest to the planning board and town council for an LED sign as well and Councilwoman Coffey again said that we need to stay with that earlier decision. The discussion then ended and any proposed language to allow for internally lit and LED signs was removed from the Benchmark Planning review material. I was incredibly disappointed to hear about this turn of events. Members of the Western Union Elementary Parent/Teacher Organization, including myself, along with Kristi Williford, the principal of Western Union, had emailed every member of the planning board and town council back in January of this year. At that time, we only heard back from three people, who all encouraged us to work within the existing bylaws and admitted it would likely be an uphill battle to make the change. When we heard that the town would be working with Benchmark Planning to update and amend our zoning and subdivision ordinances and since the topic of internally lit and LED signage has come up previously from businesses and organizations within the town, I decided to wait to submit a text amendment to allow for LED signs in some capacity, as I figured it would absolutely be addressed in the work with Benchmark Planning. Unfortunately, it sounds as though there was no real discussion around internally lit and LED signs beyond the blanket no, because that’s how we’ve been doing it. It seems clear from the outside that there are constituents within Mineral Springs that would like a change made to allow for internally lit and LED signs, yet it appears that the steering committee did not want to listen to the feedback or work with these parties to figure out wording that would be mutually beneficial to both the town and the requester to allow for updated signage while still keeping the charm of our small town. It’s clear from some of the updated buildings in the town center that the town council is open to controlled change. Western Union Elementary has had a long history in the Town of Mineral Springs. Over the last year, UCPS has spent a considerable amount of money to update the interior and exterior appearance of our school. We feel strongly that an LED marquee would be the finishing touch to making our school look like a modern elementary school as others in the county do. LED signs emit less light than the stadium lights that are lit most nights during the week for athletic practices at Western Union Elementary. LED signs have the ability to be turned off and on, so they are not running twenty-four hours. The LED sign is*

*significantly improved communication tool for our school committee, as well as the surrounding community. It also frees up countless hours for our school staff and volunteers to update that outdated marquee as it stands now. An LED sign is a positive change in enhancing the outward appeal of Western Union Elementary. There may come a point in the future where the town council would like to explore purchasing an LED marquee to foster better communication with the community, in which case you would see these benefits as well. I understand that the town council, along with the planning board has expressed concerns in the past related to allowing internally lit and LED signs within the Town of Mineral Springs. I would again like to urge the town council to reconsider adopting the new unified ordinance until additional discussions have occurred around LED signs and how to update the existing ordinances to allow for these signs according to set criteria, such as, only for educational and governmental institutions, only allowing to follow certain guidelines in terms of when the sign could be on or lit or its size, as a few examples. Allowing internally lit and LED signs within our town does not have to mean it's a blanket approval for everyone or that every business and organization within the town will request a sign. I am convinced there's a way for us to work together to come up verbiage that will accomplish the goals of everyone involved and I'm officially volunteering to help be a part of that discussion. Thank you".*

- Jim Muller – 3427 Buckboard Lane: Did not wish to speak.
- Perry Blythe – 2919 Helen Drive: *"Don't worry Rick, my question will be brief. My question is could you please explain the differences in the current zoning and what is being proposed and could you also explain why you feel the need for this change".*
- Bob Hood – 1400 Wyndmere Hills: *"I guess I must have signed up on the wrong sheet there, but while I do have the opportunity to stand before you, I appreciate being able to be informed about this. I own a little tract of land up here on Highway 75. But I guess one of my concerns would be timeframe for development of the property, the impact that it would have on taxes. If there is some reason will not be developed for some years in the future, no doubt the change in zoning is going to have an impact on taxes, so I guess the impact that we'll have on taxes starting whenever this rezoning will take place until the timeframe comes that its, uh, maybe have an opportunity for resale. So, I guess my concern overall would be the impact on taxes, timeframe for development and so forth".*
- Carrington Price – 3830 Potter Road South: *"Good evening. I have to admit that I did not have a chance to review the ordinances, the new ordinances, as they are stated in the long version. So, I just read the summary and that was a very last minute thing, but there was one thing that stood out to me and it's in Section 4.4 about freestanding business kiosks and it says that they are permitted as accessory use within the parking areas of any commercial use in the greater business district. I just want to ask that you reconsider that, because I think it's very vague. I know that in previous years we've had an ice vendor that had a truck in the parking lot there in downtown, we had a container that collected books that you see all over the community that profess to be charity, but they are really profitable kiosks and I think that those are not attractive and do not belong in the center of our community. I think we have a very pretty town and we want it to be even prettier as we grow and develop and I think that a freestanding kiosk as it is, I understand it described here is a little vague and while there are some guidelines, I think there's a way to get around some*

*of these guidelines. It could be a convenience store that puts up an ice truck in the parking lot, because it's selling ice for their store, but in a different location and it's not attractive to our community. So, I think this is a little bit vague, I don't think... If it's a bank with a drive-thru, obviously that's not a problem, that is a freestanding drive-thru machine, that is maybe different, but I think that it would be better to present this as a conditional situational and you have to present your conditional use rather than to just have it as an outlined 'allowed' in your ordinances. Again, this is one thing that stood out of many that are in the new ordinances as outlined now and I'm sure there will be more that come up over the years that we will have to readdress as the community grows. I think it's a good plan for now, but I'm sure there will be things that we need to adjust as the community changes and the town actually does start to develop into something more than it is right now. So, I just wanted to bring that to your attention".*

- Mayor Becker closed the Proposed Mineral Springs Development Ordinance and Associated Zoning Map Amendments Public Hearing at 7:52 p.m.

3. **Public Comments**

- Charles Bowden – 6412 Pleasant Grove Road.

4. **Consent Agenda**

- **Councilwoman Coffey** made a motion to approve the consent agenda, containing the following:

- A. June 13, 2019 Regular Meeting Minutes
- B. May 2019 Tax Collector's Report
- C. May 2019 Finance Report

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

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

*Nays: None*

5. **Consideration of Adopting the Proposed Mineral Springs Development Ordinance and Associated Zoning Map Amendments**

- Ms. Burris explained to the council if they did want to consider the LED signs, there was some language in one of the early drafts, which was part of a 30 to 45-minute deliberation at the steering committee, that she would make available to them. Councilwoman Critz explained she was the liaison between the town and UNC Charlotte in 2006 for the original ordinance and it may appear that Councilwoman Coffey is just brushing off the topic, but nothing can be farther from the truth. The town worked with UNC Charlotte for an entire school year and at that point in time (additional conversation has been had), according to UNC Charlotte, when the town was working with them in 2006, not only did they solemnly encourage the town not to introduce LED lighting in a community that is trying to maintain as a more rural and intimate type of setting in a small communities, they said there was absolutely no documented evidence that LED lights improve any kind of signage information or

abilities. The fact that people may like them or not like them is certainly true, people definitely have opinions, and some might simply like them, and some might simply not like them, but the council is not coming from that perspective, the council is coming from a perspective where they have looked into areas that use them, looked into towns that do not use them, looked at what they provide, looked at the evidence that is factual, and there is to date no factual evidence that these signs actually improve information. Councilwoman Critz continued definitely some people like them and that is for sure and definitely some people don't, but as far as maintaining the type of atmosphere for a small town, in every venue that they have checked and in every resource they have spoken with and gotten in touch with, they have been encouraged to not go in that direction. Councilwoman Critz added she thought what it may have seemed to Ms. Jaquith to be a comment that was just a blanket-less brush-it-off statement really has a lot more research and thought behind it than she realizes.

- Ms. Burris noted that the second question was a broad question that she might need more specific clarification from the gentleman that said it – it was “explain the differences in the current and proposed zoning.” Mr. Blythe responded it was basically the difference between B4/B2 and TC. Ms. Burris asked if Mr. Blythe had a specific property that he owned that was going from B4/B2 to TC and he wanted to know the difference between those two. Mr. Blythe responded he owned property in all of them. Ms. Burris explained the difference was some of the uses allowed in those districts, if there is already an established use on a property, which is not allowed in the Town Center district, then it would be nonconforming, it could continue as it did. The table of uses shows which uses are allowed in the Town Center district and which uses are allowed in what used to be in the B2 and B4 districts, which are now Neighborhood Business (NB) and General Business (GB). Mayor Becker commented there were a number of restrictions on uses that were adherent to the Downtown Overlay and with that being gone those particular restrictions are gone. Ms. Burris continued where the Downtown Overlay is being removed those restrictions...and there are some new building design requirements that sort of take the place of it, but where the Town Center district is replacing B2 or B4 along that corridor there are some differences. Specific uses that are changing (for example) are the General Business district, which was previously B4, allowed “Automotive sales” with a conditional use permit, where the Town Center district would not, you would not be allowed to have “Animal Services” with outdoor kennels, which you could only have with a conditional use permit in all business districts, “Farm/Garden Supply” would not be permitted in the Town Center district. It was pointed out that the new “Town Center” is smaller than what the Downtown Overlay was, and it has a more tailored purpose. Mayor Becker mentioned a lot of the uses allowed in General Business, but not in Town Center are bigger uses (e.g. miniature golf, auditoriums). Ms. Burris added things that might have a little bit more in the way of outdoor storage, most of them there might be a conditional use permit required in the Town Center versus the General Business district. The biggest difference in the Town Center is the building design standards are slightly higher than they are in the other business districts. Mayor Becker emphasized if the property is currently residential nothing will change. Ms. Burris explained single-family residential is a use permitted by right in the Town Center district. The Town Center district is more

of a mixed use district, you can have both businesses and residences based on what is in the Land Use Plan, sort of the layout in there, that is what the town was going for, making it more of a downtown area with some surrounding residential. Mayor Becker mentioned at the time the Downtown Overlay was adopted, the council was more ambitious about the area extending both ways on either side of Potter Road and they wanted that to be a lovely pedestrian friendly downtown and the steering committee, planning board, and Ms. Burris realized that it wasn't realistic to visualize all of that area as the Town Center. It isn't happening now, and it hasn't been happening for 15 years, so a smaller area is being focused on for what the pedestrian friendly Town Center will be.

- Ms. Burris responded to the question about the impact on taxes. Ms. Burris assumed the question dealt with rezoning those properties to Town Center. It certainly would not have an effect on the properties that are already zoned commercial. From what Ms. Burris knows from Cabarrus County when there is a rezoning, it depends on how the tax assessor handles things. Ms. Burris explained in her mind, just because you change letters on a map, it shouldn't change the taxes. The location and potential for the property is more important, but sometimes there are some slight differences whenever you let the tax assessor know this is a residentially zoned property now, but now it could be mixed use, sometimes that does have a slight impact on the taxes. Zoning this area Town Center gives people a clearer picture of the town's intent by implementing the Land Use Plan.
- Ms. Burris responded to the question about the business kiosks. There is an entire page of regulations that goes along with business kiosks in section 4.4.8.2. A business kiosk can't be more than 200 square feet, they have to have a certain amount of space for stacking if it involves a drive-thru, they have to be treated like an accessory structure in the design requirements in the ordinance (materials of the kiosks must match the materials of the principal structure), they have to meet the setbacks of the district, they are only allowed by right in the General Business district and with a special use permit in the Town Center. As a suggestion of the speaker, if the council wanted to, they could make the "allowed by right in the General Business" as conditional.
- Councilwoman Coffey referred to a comment made by Carrington Price and noted that the book collection stand that was there was not sanctioned by the town and if there was someone out there selling ice from a truck that was not sanctioned. The town had a big deal about an ice vendor wanting to come here and they were talking about all of the (construction) people coming through the town at the time and the town did not approve that. Neither one of them were sanctioned by the town and they were dealt with. Ms. Burris added based on the description Councilwoman Coffey just gave, neither one of them would be allowed under business kiosk, it has to be an actual structure.
- Ms. Burris explained there were several items that came up during the steering committee discussions and during the public input meeting. The planning board did take the time to make individual recommendations on these 11 issues to let the council know where they stood, but knowing it was ultimately up to the council to decide. The planning board also recommended approval of the overall ordinance.
- Ms. Burris explained she would go through the individual items and she would defer to Mayor Becker on the direction of voting on each one individually as well. Mayor

Becker felt if the council was going to recommend a specific change, they should make a motion on it each time. Councilwoman Krafft pointed out everything that was "conditional use" had to be changed to "special use". Ms. Burris responded upon adoption, it can be made part of the motion, that she would make it consistent with the new general statute 160D. Ms. Burris also pointed out that the language in the legislation specifically says... Let's say you weren't doing this ordinance change, you wouldn't even have to do a text amendment, it says, "your ordinance is amended, go do it." After adoption, Ms. Burris will make the necessary corrections (special use, references to 160A will go to 160D along with the new section number).

- Ms. Burris and the council went through the individual items as follows:
  - Section 3.4, which deals with the town council acting as the board of adjustment for conditional use permits. The town may choose to have the appointed board of adjustment hear and act on conditional use permits or continue to have the town council act as the board of adjustment to hear and decide upon such requests pursuant to North Carolina General Statutes. The planning board recommended that the board of adjustment hear all conditional use permits (special use permits), whereas the council hears them now. The reasons cited were to keep the board of adjustment engaged, there are full town council agendas, and the legislative nature of council meetings versus the quasi-judicial nature of board of adjustment proceedings. The statutes give you full authority to decide whichever board you want to hear those as long as they are acting as the board of adjustment. Mayor Becker mentioned that this came up with the council a couple of months ago and there was some indecisiveness about which way to go. The council has been hearing conditional use permits over the years and even with more of the comments from the planning board, it does sound like it might be better served to have that independent non-elected board that can be considered impartial hearing those to make it a cleaner, easier process. Mayor Becker added that he has had to chair a lot of quasi-judicial special use permit hearings and they are awkward, there have been recusals, maybe elected officials feel it is harder for them to be impartial because the council is not an appointed board. Mayor Becker likes that recommendation of letting the board of adjustment be in charge of special use permits. Councilwoman Critz asked if the council was assuming that the planning board and the board of adjustment are combined. Mayor Becker responded no. Councilwoman Coffey stated it was her consensus that the council needs to keep the board of adjustment in place and that they hear the special use permits. Any concern about the board of adjustment being up to date on the latest language and uses can be met with more training taking place immediately. There was a consensus of the council to keep the board of adjustment and planning board as individual boards. Councilwoman Critz expressed concerns with the board of adjustment hearing special use permits and noted that she knew the council dotted their "i's" and crossed their "t's" when hearing them. Councilwoman Coffey offered that the board of adjustment is diligent in performing their duties and carrying them out, she just got back involved on that board, and the members are serious about their work.
  - Councilman Countryman made a motion that the board of adjustment hear special use permits in the future and that it not be a duty of the council or the



planning board. Councilwoman Critz asked if that meant the planning board wouldn't see it. Ms. Burris responded if the council does decide that the board of adjustment is going to be handling it, that automatically takes care of number two, it would just be the board of adjustment. Mayor Becker noted there was a motion on the floor and asked if there was a second. Councilwoman Cureton seconded the motion by Councilman Countryman. The council determined that item one and item two were interrelated and they wanted further discussion. Councilman Countryman withdrew his motion. Ms. Burris explained she spoke with Adam Lovelady at the School of Government in person and asked him about the current procedure Mineral Springs has and other jurisdictions in the state, not nearly as many have the board of adjustment doing it, but other jurisdictions have the arrangement Mineral Springs has as far as the planning board making recommendations to the council. It is not a step that is in the statutes, it is not required, as a matter of fact, even when they did this new update, they did not list that as even an option in the statutes, it is silent on it. Typically, when you have an enabling legislation you don't do things that aren't specifically allowed, but there are several other jurisdictions that do the planning board step. It is less common, but it is used by many communities. What is not typical is town council members serving on the planning board, it is not illegal, but it is highly inadvisable, ex officio membership would be recommended instead on the planning board. There are potential problems, especially with the current arrangement regarding more potential of ex parte communication and difficulty obtaining a quorum at the town council level if one has sat at the planning board. There is no problem with the town council acting as the board of adjustment for special use permits, and there is no problem with the board of adjustment acting as the board of adjustment. Ms. Burris noted right now the council was leaning toward keeping the planning board and board of adjustment as separate boards and that was fine, but the way the language is in the ordinance, at any time the council can choose whichever group of people they want to hear special use permits or hear board of adjustment cases, the council can say "we just don't have enough board of adjustment members, so the planning board is now the board of adjustment". The council can do that at any point, because the language is flexible. The statute specifically allows that.

- ***Councilman Countryman made a motion that the board of adjustment be the administrative body for looking at special use permits, and no planning board involved, and Councilwoman Cureton seconded. The motion passed unanimously as follows:***

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

*Nays: None*

- Ms. Burris explained this one involved the text, as well as, the map amendment related to the Downtown Overlay and the Town Center. There was a lot of discussion about it. This would involve removing the Downtown Overlay and introduction of the Town Center Zoning District with more detailed design requirements, which includes the Zoning Map amendment. The intent of the previous Downtown Overlay was to institute more stringent design requirements

for new development within the downtown core. The new development ordinance provides an entire article with detailed and illustrated design requirements (Article 6) applicable to all non-residential development in the Neighborhood Business and General Business districts, with slightly relaxed requirements for the Light Industrial district and slightly more stringent requirements for the Town Center district. Some concern has been expressed by planning board and council members that developments along Highway 75 and within the Town Center zoning district need to retain an additional layer of review beyond administrative even with the additional standards and guidance in the ordinance. Special Use Permits are still required for retail developments over a certain size, as well as many other uses - especially within the Town Center district. The planning board did recommend that the Downtown Overlay be removed and that the new Town Center district be created as shown on the draft amended zoning map and they cited reasons that there were new design requirements that achieved improved building design for commercial zoning districts, and any retail establishment over 3,000 square feet would still be subject to the issuance of a special use permit.

- Mayor Becker asked if that was the language presently in the ordinance. Ms. Burris responded, the language is different, you are taking out an overlay. Mayor Becker clarified what he meant was what's in the draft. Ms. Burris responded, yes. Mayor Becker asked if what was being adopted was already in the draft, no changes were being made. Ms. Burris responded this is what the planning board recommended, it is highlighted in red in the draft, so if the council does change it, she will know what needs to be changed.
- **Councilwoman Neill made a motion to move forward with item three as written and Councilwoman Krafft seconded. The motion passed unanimously as follows:**

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

*Nays: None*

- Mayor Becker asked Ms. Burris if item four had been changed in the table. Ms. Burris responded yes, those changes were reflected, in the draft, for instance drive-thru restaurants may be allowed with conditional use permits, but the planning board recommended that not happen. Everything on the list, where it says "do not allow" or "allow" is reflected in the draft. Mayor Becker stated he was looking at the table with restaurants with drive-thru, it says they would be allowed conditionally in General Business and by right in mixed use and that is not what the town wants based on the planning board recommendation. Mayor Becker instructed Ms. Burris to make sure that came out of the table, because that is not what the town wants.
- Ms. Burris explained there was clarification at the planning board level, and it was noted and if they recommended something be allowed or something not be allowed it was listed and shown in the draft either changed or shown in red. Ms. Burris noted the planning board recommendations are shown in the staff report in front of the council. Ms. Burris explained the planning board recommended the drive-thru uses not be allowed; farmers markets be allowed in the R20 with the conditional use permit just like the other residential districts; and all retail uses

over 3,000 square feet be required to have a conditional use permit, which they do now. Mayor Becker asked about the second item where it says, "agricultural homes" and what it should say is "agricultural uses, home". Mayor Becker asked what the clarification on "dormitories" was. Ms. Burris responded the question was why you allow colleges and universities with a conditional use permit and sometimes dormitories close by (separate from the use), they are only allowed with a conditional use permit.

- **Councilwoman Critz made a motion to approve the recommendations as presented and Councilwoman Coffey. The motion passed unanimously as follows:**

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

*Nays: None*

- Ms. Burris referred to the next item as Section 4.4.2.2 (C) regarding accessory structures with a recommended exception to allow property maintenance sheds without there being a principal structure on the property. The town's ordinance and most ordinances say in order to have an accessory structure, you have to first have a principal structure and typically in a residential district your principal structure is going to be a house. This would allow a small shed for the storage of maintenance items on a property that does not have a house. This came up just before the planning board meeting and they discussed it at length. While 144 square feet may seem like an odd size, it is actually a 12 X 12 shed, anything larger than that would require a building permit. The threshold the planning board chose for the property size was any property of two acres or greater for the maintenance shed. This does not affect barns and agricultural uses; they are already allowed. Councilwoman Critz asked if this was (hypothetically) for someone who has a couple of acres that does not have a home there (yet) and they are trying to keep it maintained. Councilwoman Critz asked how many times this has come up. Ms. Brooks responded not many. Mayor Becker commented if it has come up once, is it an acceptable use for the property, that is really all that matters; it can't really hurt. It gives someone an option to put an accessory maintenance shed on a property if desired. Councilwoman Coffey added if they are packing, they wouldn't have to pack all of those things in their small car or rent a truck to come out to the property.
- **Councilman Countryman made a motion to adopt that provision in 4.4.2.2 and Councilwoman Neill seconded. The motion passed unanimously as follows:**

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

*Nays: None*

- Ms. Burris explained that provisions have been added for banquet and events facilities, which will include specific minimums on lot size and location. The planning board did recommend in addition to what was already in there that banquet and events facilities not be permitted in subdivisions of ten lots or greater to minimize adverse impacts of such facilities within a neighborhood setting. This use is in the table of uses and in Section 4.4.6.2. Councilwoman Critz asked how

a banquet or event was defined. Ms. Burris referred to page 9 -10 for the definition, which states "a facility for lease for private parties, such facilities may or may not provide catering, photography, or similar services associated with private parties' weddings, birthdays, and similar occasions." A "Bed and Breakfast" can be permitted as a banquet facility with them as long as it is approved as part of a special use permit. That provision has to include not being in a subdivision of more than ten lots.

- **Councilwoman Neill made a motion to approve that section and Councilwoman Critz seconded. The motion passed unanimously as follows:**

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

*Nays: None*

- Ms. Burris referred to Section 5.5.3 (H) and explained the question that came up at the public workshop – should up to two rows of parking be permitted in the front yard of non-residential buildings. Previously no parking was permitted in the front of buildings within the Downtown Overlay. The draft ordinance recommends allowing up to two rows of parking in front of the building coupled with improved landscaping standards. The planning board recommendation on this was to allow up to two rows of parking in the front yard of non-residential buildings, except in the Town Center district. The reasons cited were this follows the existing development pattern; it allows greater site design flexibility; and impacts are mitigated with improved landscaping requirements.
- Councilwoman Critz mentioned there is a lesser setback in some of these areas and it is her feeling that the town needs to keep the parking in the rear. The town is already compromising in possibly a very good way of allowing the lesser setback in the front, side and rear. To Councilwoman Critz, it just makes common sense, specifically if they are near the railroad track, because they will want their building as far from the track as they can and put all of the parking in the back. Councilwoman Critz can't imagine how they could landscape it. What the town has now with the parking in front was here already long before the town and was grandfathered there and has no appeal whatsoever, even though they did do more landscaping, "we requested it and they did it." Mayor Becker interjected that they were required. Councilwoman Critz continued, "it was required, it happened, and it was still not appealing."
- Councilwoman Coffey stated she thought the town needed front parking; we are going to need the parking – period. Everybody can't be in the back, that's just not going to work. Councilwoman Neill asked why not. Councilwoman Coffey continued that the town was hoping to attract more people and if that is the case, when all of the traffic comes in here, the new residents that are going to be downtown spending their money – where are they going to park? Councilwoman Coffey asked what the objection was to what they are seeing right now. It is kept clean, it's neat. Councilwoman Coffey enjoyed using it when the little dollar store was over there. Councilwoman Coffey has not visited Millbridge in Waxhaw, even though they are a street and don't have a place in the front, because she doesn't have a desire to drive around to the back of that building; it is not appealing to Councilwoman Coffey. Councilwoman Critz stated that would not

change her desire or intent at all. Here we are not talking about quantity, here they can have just as many parking spaces, but they should be done in the back. Councilwoman Critz isn't saying "limit their parking", or if you are going to do it in the front, it should be done in one row. Councilwoman Cureton asked where Councilwoman Critz was talking about parking. Councilwoman Critz gave an example of a small gourmet grocery opening, you would see the building, there would be a sidewalk, some landscaping, the front of the building, sidewalks around and the parking would be in the rear. Councilwoman Coffey responded that wouldn't be her type of establishment, but that was a personal thing.

- Councilman Countryman asked if there was some restriction or discussion in the ordinance based on the size of the business that "X" amount of parking spaces have to be available. Ms. Burris responded there is a minimum number of parking spaces that is designated for each use in the ordinance. Councilman Countryman asked if that was coupled with the size of the lot where the business is, is there a situation where there isn't enough space based on setbacks in order to have that required parking all in the front or in one row and that it might be necessary to have two rows in order to qualify. Ms. Burris responded it depended on the site, the ordinance doesn't say you have to have two rows in the front, but it allows up to two rows in the front, whereas before it just didn't allow any parking up front. Councilman Countryman stated his point was if that building requires "X" amount of parking spaces, then is there enough space and will it accommodate that "X" number of spaces in one row and if the answer is "no", then they can't have their business. Ms. Burris responded new construction can shift the building on site as necessary, but in some cases, depending on other site constraints they might not be able to shift the parking to the side or rear. What the draft ordinance allows is the flexibility. Councilman Countryman responded that was to his point and if it is well landscaped and that's the only way that building/business can exist, "are we going to not allow that business to exist" by saying "you can't have two rows of parking." Councilman Countryman does not want to do that. Councilwoman Krafft thought the town had to allow more flexibility for the site plans for development to encourage development in the area. Mayor Becker added the town has been concerned that we don't get enough downtown development and the town should try to look for ways to make it easier. Councilman Countryman commented it's one of the things the town has heard for twenty years is that the development of this downtown area and by being, at sometimes, overly conservative, maybe the town has detracted from some of that growth. Councilman Countryman thought by being more flexible the town may enhance the opportunity to see our downtown develop in a little more attractive way, while he does not want a Walmart parking lot in downtown Mineral Springs, but if it is done discreetly and because of all of these new requirements that have been put into the ordinance regarding the appropriate landscaping, he thought it could be done appropriately.
- Councilwoman Critz asked if it could be stated in such a way that it is allowed only as a necessity. The town went through a lot of effort and looked at a lot of designs to come up...we didn't just say "oh hey, let's don't park in front". The town worked with the University and through the Urban Open Space Institute for five years, we had dozens of resource officers from all over the United States at

- our disposal, over 100, in a five-year period. The branding and what that looks like has to be decided. If the town is trying to attract business, Councilwoman Critz has been involved either on the planning board, board of adjustment, town council or concurrently since 1999, she was an original planning board and board of adjustment member prior to being elected. Councilwoman Critz is very well aware, to her knowledge in that 21 year period, no business has been turned away because they couldn't manage parking, so it's not like the town is turning away business, it's not like the town is not trying to attract people, they have sat down with many business people and they have had the University and town hall meetings and we've had them talk to landowners. Councilwoman Critz agreed with Councilman Countryman and Councilwoman Krafft, if there were a situation where there was a legitimate business owner and because of the way the building needed to be positioned, then she was all for having an alternate, but it should not be by right, if the back parking can happen and the landscaping can happen, then the town should hold tight and then if there is a situation where that building can't go there unless that parking is different, then let's be flexible. Don't throw the standards out, let's have some kind of compromise here. Councilwoman Critz asked, "am I making sense?" Ms. Burris responded the draft ordinance does have a built-in provision for alternate design proposals where there may be a situation where it might not work, so if you were to say "no parking in the front", they would still have the ability to ask for an alternative design proposal from the town council. Ms. Burris added anytime you do a visual preference survey, where citizens look at different pictures and see what looks better, obviously the one where you see more building and less parking is usually preferred. Where the "rubber meets the road" when you are doing site design, sometimes that doesn't always work out. It's always good to have flexibility in the ordinance, but it is completely up to the council how they want to handle it. The planning board just recommended that up to two rows of parking be allowed in the front. Councilwoman Critz asked if the council took that out and left it as it was where the parking was in the rear, then that business owner still has every opportunity to come back, if there is an issue, and apply for a special use permit. Ms. Burris responded it would be an alternative design proposal, which is a new provision that has been introduced to the ordinance (landscaping design, building design).
- Councilwoman Coffey commented if she was understanding correctly, all new business would be rear parking if they left it. Councilwoman Critz responded if the town doesn't allow the front parking as a right, it would be rear parking and then if there is a problem, they can apply for an alternative design proposal and their problem can be addressed. Councilwoman Coffey stated she may be overthinking it, but she is trying to envision the Town Center with all back parking, and she was having a problem. Ms. Burris explained the way the planning board recommended it was that two rows of parking would be allowed in all the nonresidential district except the Town Center, they still wanted it to the side and rear in the Town Center. Ms. Burris further explained the planning board thought it would be okay to allow up to two rows of parking in the commercial districts along the highway and the railroad. Councilwoman Coffey explained her whole concern was they were talking about mixed use as well. Ms. Burris referred to the diagram in the draft ordinance, which showed everything on the parking.

Mayor Becker shared that he was confused about "H" on page 5-95 where it says for nonresidential uses outside of Town Center with more than two rows of parking in the front. Mayor Becker asked if any of the proposals would allow more than two rows in the front. Councilwoman Critz suggested that the word "more" be removed. Ms. Burris explained letter "F" tells you how to treat parking in Town Center and letter "H" is talking about non-residential uses outside of Town Center, because you deal with those like you do in "H and F". Ms. Burris stated it could refer to that subsection to make it more clear, but what it is saying is "we are allowing you to have two rows of parking in the front"; however, if for instance, a grocery store would want to build here, you are going to have more than two rows of parking in front (that's the way a grocery store works". Ms. Burris referred to page 5-96 in the draft ordinance, which showed how it would be treated where you have the outparcels screening them. Ms. Burris gave the example of the Harris Teeter in Rosedale and the one in Huntersville, which are part of a nice mixed-use development; a smaller version of that would work nicely here. The Harris Teeter's are pushed back, and several outparcels are in front where it almost looks like a street going in front of Harris Teeter and it is just separated from the parking. This is what the diagram (on page 5-96) is showing and how to still have that more pedestrian environment where your large parking areas are screened. It gives you two options: to greatly increase your street yard; or screen it with outparcels.

- Councilwoman Critz explained during the planning process with the University, three town hall meetings were held by them at the fire department (with 100+ residents each time) they showed actual photographs and the vast majority of constituents, business owners and developers were saying they liked the side and rear parking when they came out of the meetings. Even Mr. Raley, who owned this property, was one of the attendees and thought it was a problem, but he realized at the end of it that it was no longer a problem (this was communicated to the town by Mr. Raley) and he got on board with the design itself and how it looked. Councilwoman Critz asked why and how it can't be made to look that way without having some of these standards in place, while she didn't want to belabor the issue, it was an important part and the constituents were a part of that decision making during those town hall meetings.
- Councilwoman Coffey commented the key thing was what Councilwoman Critz just stated earlier – "my personal opinion doesn't matter", it is what the constituents says that matters. The council votes along the lines of what their constituents want them to do and the Land Use Plan lays it out for the council. Councilwoman Coffey stated what she thought was a moot point.
- Mayor Becker stated he didn't want to belabor it, but he was confused by the text, in the agenda packet staff report, which says the planning board recommended up to two rows of parking can be permitted (no more than), but the draft ordinance says for non-residential uses outside of Town Center with more than two rows. Ms. Burris responded they say the same thing, but two rows is the same thing as with more than two. Ms. Burris will reword it to make them match, but they are both saying you can have up to two rows of parking in front. Mayor Becker stated they both said you could have more than two rows. Ms. Burris responded you can if you do what is in the diagrams on the next page [page 5-97]. Mayor Becker

asked if what Ms. Burris was saying was either with extra landscaping, it would allow up to two rows without any additional landscaping above and beyond and then in theory there could be even more than two rows if it was a big... Ms. Burris responded if the town didn't like option #1, it could be taken out, but option #2 shows the outparcels. Option #2 is basically if somebody wants to build a grocery store, they are going to have to screen with outparcels, because they are going to have more than two rows of parking. Mayor Becker responded just as long as it is made clear we are talking about up to two, depending on what the council finally decides on.

- Councilwoman Critz stated this was not a mountain she was willing to die on, but she would personally (since there is an alternative design proposal) like to see this removed and stick to the side and rear parking. Ms. Burris asked if that was a motion. Councilwoman Critz responded no, she was telling the council this, because she was not willing to die here, but she did want to say that she had strong feelings in that direction. Councilwoman Coffey stated she would like to say it is a motion and she was taking Councilwoman Neill as a second. Councilwoman Neill explained she understood what Councilwoman Critz was saying and she sees Councilman Countryman's point, but she was at those meetings and heard overwhelming support for that. Councilwoman Neill didn't hear anybody stand up and say "oh, oh, oh no, we don't want that, that's horrible". Councilwoman Neill stated she has been to many communities where it works, and she thought the town should stick to their standard.
- ***Councilwoman Critz made a motion in Section 5.5.3 that we remove the option by right of two rows of parking, maintain our side and rear parking standards and that the business owner or building or whatever has the opportunity through the alternative design proposal to come back to us for us to reconsider it if there should be a building complication.*** Mayor Becker asked if that was to specifically direct that it be in that section to mention that parking in front can be considered through the alternative design proposal process (as part of the language). Councilwoman Critz responded, "it's not by right, but it can be considered if necessary, through the alternative design proposal." ***Councilwoman Neill seconded the motion made by Councilwoman Critz.*** Councilwoman Cureton asked for clarification that nobody could park in the front. Mayor Becker responded, "in general, nobody in the front, unless they go through the process of..." Councilwoman Neill added, "they have a loophole." Mayor Becker continued "of going to design proposal to ask for front parking with a submitted design." Councilwoman Coffey stated she was going to vote in the affirmative on this, because it is what the constituents desire. Mayor Becker called for a vote on Councilwoman Critz' motion. ***The vote resulted in a tie as follows: Ayes – Coffey, Critz, and Neill; Nays – Countryman, Cureton, and Krafft.*** With Mayor Becker having to break the tie, he stated he would be deferring to the constituents also, as Councilwoman Coffey said. Mayor Becker stated he had reservations about whether he liked it but was going to vote in the affirmative on it. The motion by Councilwoman Critz passed as follows:

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



- Ms. Burris referred to #8, Section 5.5.5 (b), which was also dealing with rear yard parking. Ms. Burris explained the question was posed – should any overflow gravel parking areas be permitted in the rear yard when all required parking spaces are paved. The provision in the ordinance basically says, “if all of your minimum required parking is paved”, but that would be assuming you were allowed to have parking in the front.
- **Councilman Countryman made a motion to approve the planning board’s recommendation.** Ms. Burris commented this goes away with what the council just did, because you are not allowing any front yard parking; therefore, all of your rear yard parking is going to be your minimum parking. Mayor Becker responded unless there is lots of room in the rear and they want overflow. Councilman Countryman disagreed and asked what if it’s side parking. Mayor Becker responded that must be paved. Ms. Burris responded that was true and they were right. **Councilwoman Critz seconded the motion made by Councilman Countryman. The motion passed unanimously as follows:**

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

- Ms. Burris referred to Section 5.5.9 (C) and asked if trucks over two axles should be permitted to park on residential lots. Ms. Burris explained this mainly has to do with tractor trailers that are over two axles. The planning board recommended that on residentially zoned or used lots, excluding agricultural properties, that trucks with greater than two axles should not be parked on an overnight basis to prevent the adverse impacts of noise to adjacent properties.
- Councilwoman Critz made a motion to approve [there was no second to this motion]. Councilwoman Coffey stated she was of the opinion that the town must allow our residents the right to work and have the financial feasibility to feed and clothe their families and then find a way home. If we are talking lot size that is large enough to accommodate it, decibels are not that high on a truck that it is going to create a major problem for anyone. There are quite a few residents right now that are parking their tractor trailers at their homes and the ones that Councilwoman Coffey knows about have two or more acres. Councilwoman Coffey stated in her opinion it was unconscionable that the town is attempting to place a financial burden on the independent operator, “we cannot do this, please.” Councilwoman Critz commented she was thinking of massive 18-wheelers and asked if Councilwoman Coffey was referring to anything larger than a dually. Councilwoman Coffey responded she was referring to 18-wheelers, they have them right now on three streets (that she knows of) in her neighborhood. They have been there, so they would be grandfathered, because these people have been operating in excess of 27 years. Councilwoman Critz asked if Councilwoman Coffey was saying it is their livelihood and it is not disturbing to the community. Councilwoman Coffey responded, it wasn’t, and it is their livelihood. It would be a serious inconvenience for them to have to find a truck stop. Councilwoman Coffey suggested the restriction be on lot size, “if you’re on a half-acre, I mean come on.” Councilwoman Neill offered her concern would be the damage to road in the community where they live. Councilwomen Coffey and

Cureton responded, "they are not being damaged." Councilwoman Cureton continued that they [18-wheelers] are all over her neighborhood and the roads are not being damaged. Councilwoman Critz asked if the secondary road was holding up to this burden. Councilwoman Coffey responded absolutely. Councilwoman Cureton responded the secondary roads are better than the main roads. Councilman Countryman noted in realistic terms, it is still the responsibility of DOT and not the town's responsibility whether or not they hold up. Councilwoman Cureton commented that DOT will come out and fix potholes. Councilwoman Krafft added there were two over on her side and they are not damaging or hurting anybody. Mayor Becker believed there was one in Valley Farms on Hastings Road that has been doing it for years. Councilwoman Critz explained she didn't even think of him when she read this section, because it says excluding agricultural property and she thinks of Valley Farms as agricultural.

- Mayor Becker asked if the council thought there should be a lot restriction and noted a half-acre was not enough, because the houses are too close together. The Town Center would maybe not be the place for it. Ms. Burris noted the draft ordinance was talking about residentially zoned or used lots. Mayor Becker noted the Town Center is a different zone. Ms. Burris explained if the council was thinking of a threshold of one acre or two acres, it was a big decision that had to be made. The section could be taken out completely or the council can establish a minimum lot size. Councilwoman Critz was grateful for what Councilwoman Coffey said, because she was not thinking that way at all. There needs to be something reasonable, because you have to consider that person's livelihood and you have to consider that person's neighbor, so there needs to be some boundary. Councilwoman Coffey shared the only one that was on a smaller lot was one acre and they haven't had any issues or challenges that she was aware of and they have been there for at least eight years or so (if they are still operative). Mayor Becker asked if they park in the front. Councilwoman Coffey responded on the side. Mayor Becker suggested that council add another restriction – that they have to park in the side or rear yard. Councilwoman Critz clarified side or rear yard and a two-acre minimum. Mayor Becker and Councilwoman Krafft responded, "one acre". Councilwoman Coffey added "one acre minimum, everybody can't afford the two-acres."
- Councilman Countryman explained his issue was if there is somebody that is driving a truck and that is the way they are making their living and they are parking their truck at their house and the town limits it to one-acre and this person lives on a piece of property that is less than an acre, the town just took away their ability to park their truck there. Councilwoman Critz responded the council has to consider the livelihood of people, but they can't throw the neighbor under the bus. Councilman Countryman stated he has been on this council since 1998 and has never heard the first complaint about somebody driving a truck and parking it at their house. Councilwomen Krafft and Critz responded they have, and Councilwoman Neill added that people don't complain. Mayor Becker offered there was a case where they were parking on the street and it was one of those rare streets that is not a DOT street, even though it was in a subdivision there was nothing the town could do about it. Councilwoman Krafft shared there was

on her street and people do complain (not about noise) about him not parking on the side, so it is more out in the middle of the road at times and it blocks... Councilman Countryman responded he would be inclined to go along with the fact that they either have to park in the back or the side as a stipulation, but he wasn't interested in going along with a lot size requirement. Councilwoman Critz restated she thought it should be at least one acre in order to protect the neighbor. Councilwoman Cureton asked what the town was going to do if someone already had less property than an acre. Councilwoman Critz responded they do what everybody else does and finds somewhere else to park it. Councilwoman Cureton noted they would have to pay then, if they park in the backyard or wherever, it doesn't bother her. Councilwoman Critz stated Councilwoman Coffey said that some of them were less than an acre. Councilman Countryman responded that could happen. Councilwoman Coffey offered everything they have is an acre. Mayor Becker commented they have half-acre lots in Western Union, but most of them have two or three lots together. Councilwoman Critz explained if you did (have less than an acre) and had someone pulling in and out of there all the time and you lived next door to that, it would affect your home environment.

- Ms. Burris asked the council to take a second and imagine the future (not what exists now), in the R20 district (half-acre lots) in a subdivision, which would theoretically have covenants that would govern this. But, if it doesn't have covenants, there is a potential to have one parked on half-acre lots. The council can either say they are comfortable with a threshold or not (e.g. side or rear) or they can take it out completely. Councilwoman Krafft stated she didn't think you could limit it on the lot size, especially if you are thinking about this area, because that's what they do. Councilwoman Critz suggested just side and rear parking. Mayor Becker commented they could do side and rear, but don't give a lot size. Councilwoman Critz stated she would retract her motion and let Councilwoman Coffey take the floor.
- **Councilwoman Coffey made a motion that we allow the parking at the side and rear for our tractor trailers, trucks larger than two axles and Councilwoman Cureton seconded. The motion passed unanimously as follows:**

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

*Nays: None*

- Ms. Burris referred to Section 7.5.12 and explained this could be opened up to both sign types that have been discussed this evening. Ms. Burris asked the council if the town wanted to allow feather flags/shark fin signs and suggested the council could discuss LED signs at this time. Ms. Burris noted the planning board recommended permitting one feather flag/shark fin sign per property for non-residential use, treating it just like the real estate type sign, which is a type 1 temporary sign (as listed in the ordinance). Ms. Burris explained the planning board did not recommend anything on LED signs, because it wasn't in the draft, but the steering committee was very specific about not wanting to allow them.
- Mayor Becker asked if there was any time limit implied on the feather signs or could just one be put up as a permanent sign. Ms. Burris responded, "basically",

essentially the town has established four different types of temporary signs. The feather signs were not initially listed as permitted, so that gets pulled back over and gets classified to the type 1 temporary sign, which are allowed to remain in place at all times on any non-residential property. A type 1 temporary sign can be switched out, it can be a feather sign or a little arm sign, which is stuck in the ground. Temporary signs are shown on page 7-10. Ms. Burris explained these were not originally permitted in the steering committee meetings, but after discussions, the planning board decided they wanted to recommend allowing them. Mayor Becker noted the size limit on them was eight square feet. Councilwoman Krafft mentioned it didn't specify what the word "temporary" meant. Ms. Burris explained the time limits are listed as max duration in table 7.1, but with type 1 signs there is no time limit. While it says temporary, it is only temporary in the fact that it's not attached in the ground. The rest of them do have a time limit. Ms. Burris explained this goes back to the case law (Supreme Court case), the problem with type 1 is that you have a situation where at any given time any property can be for sale or you might have a yard that wants to have dancer of the month, so you have to treat them all the same, because of the case law. If the town doesn't want feather flags listed under type 1, the only other place it could go is type 2 and you would have to create a whole new type for it. Ms. Burris was going to put them in type 2 and realized that still limited it to not include commercial uses, it would only be for civic, recreation, and then the corner of every intersection in the town limits. Councilwoman Critz asked if they were typically used more for commercial. Ms. Burris responded everybody seems to want to use them. Some jurisdictions just say, "flat no", "no, you are not going to use them." Most of the ones that Ms. Burris works with said "absolutely not", but the planning board did recommend that they be allowed. Mayor Becker asked if it were one per property. Ms. Burris responded one type 1 sign anywhere on the property at any given time.

- **Councilman Countryman made a motion to accept type 1 sign (feather flag/shark fin signs) and Councilwoman Coffey seconded.** Councilwoman Critz mentioned the LED signs. Mayor Becker pointed out it wasn't a type 1 sign, so those would be a separate discussion. Mayor Becker called for a vote on the motion. *The motion passed unanimously as follows:*

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

*Nays: None*

- Mayor Becker referred to the case law and asked Ms. Burris if municipalities are allowed to say a school or a church can have an LED sign, but a commercial business can't. Ms. Burris responded yes, as long as it is based on the land use of the parcel that it's on, but you can't regulate what it says. Ms. Burris added, you can regulate the zoning district, the land use that's on the parcel, the size, the percentage of the sign that is LED versus the rest of the sign, the brightness, the time that it is on, but you can't regulate what it says. The case law is that you can't regulate the sign based on the content. Mayor Becker clarified signs could be regulated based on the user, such as, a shopping center has a different set of standards for the type of sign they can use, and a school could be different from

a church. Councilwoman Critz asked if the town could approach it on a case by case rather than putting something in the ordinance. Ms. Burris responded no; it has to be addressed in the ordinance as to where that type of sign would be allowed. There is a whole section (page 4-25, section 4.4.3.2) in the ordinance dealing with Union County Public Schools with a whole separate set of zoning standards that the town agreed to a long time ago. If the council just wanted to allow it for schools, it could go in that section. If the town wanted to open it to schools, civic and other institutional uses, they could do that too. Ms. Burris believed that might have been what the draft was.

- Councilwoman Critz asked if she could work together with Ms. Jaquith to see if there was something the town could come up with. Ms. Burris responded the council was welcome to consider it as a separate thing after the ordinance was adopted, because it is basically set up to where it could just be plugged in where it needs to go. Ms. Burris will provide the council with the draft language and the starting point, so they can have a separate work session to do that, but she did not recommend holding up the entire ordinance for this.
- Mayor Becker asked if the town could legally use the Union County Public Schools language and it could have its own sign regulation that wouldn't apply to any other use. Ms. Burris responded there was already a section in there (E on page 4-27) for signs specific to schools and the town would plug it in right there if they just wanted it for the school. Mayor Becker commented that was the legal way it could be allowed only for Union County Public Schools, because that's who that section is applied to. Mayor Becker added that was a good way of looking at a possibility.
- Councilwoman Coffey explained she knew of a school in Monroe that can't put any kind of identifying sign on the grounds, because it is against the county's regulations. Everything has to be on the building. When you have regulations, they need to be followed and there are other ways to deal with that. They could put a beautiful spotlight out there, regulate it with a timer to have it come on, or whatever they wanted. Councilwoman Critz commented she was just saying they could talk, but that didn't mean the town was going to change it. Councilwoman Coffey clarified she was just saying the town didn't need to make provision in this ordinance. Mayor Becker explained the council wasn't going to add LED tonight, but there was a place where it could be. One of the concerns the town has had was that they can't regulate it, if it was going to be at the school, it was going to be at this church, or it was going to be at a grocery store and the council didn't want that to happen, but at least there is a place to put it where it could be considered. Ms. Burris responded the structure is there if the town chooses to. Mayor Becker continued if the town ever did allow it, it could be the only LED sign in town, and it would be legal to do that.
- Councilwoman Critz volunteered to dialogue with Ms. Jaquith. Councilwoman Coffey stated she would love to be on hand for that as well.
- Ms. Burris referred to page 9-9, which dealt with a definition of religious institutions. The previous definition in the ordinance only allowed up to 25 attendees for daycares, schools or daycares accessory to religious institutions or schools even though the town already has one with way more than 25. The planning board recommended removing the cap altogether.

- **Councilwoman Coffey made a motion to remove the cap of 25 attendees at daycares, schools or daycares accessory to religious institutions or schools and Councilman Countryman seconded. The motion passed unanimously as follows:**

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

*Nays: None*

- Mayor Becker explained that was the last of those recommendations, but he and Ms. Brooks had discussed a couple that came to his attention. There was a change in the way building height for sloped roofs was going to be calculated. Ms. Burris responded there were two definitions that were in the ordinance for height and they recommending sticking with the one the town already had, which means she would strike the one that was contradictory, which also means that she needs to either change or remove the diagram in the ordinance, because it doesn't match them. Ms. Burris stated she would attempt to change it, but they might have some graphic issues on that, so if it doesn't match, it is just going to come out.
- Ms. Burris noted she already mentioned conditional use permits becoming special use permits, because of the statute; all of the statutory references to Chapter 160D will be made in any section references in the ordinance and will have to be checked; and any typos will be corrected as the ordinance is gone through one more time. Ms. Burris explained those are not substantive changes, but she did want the council to be aware that was part of the adoption that is not included in their recommendations. Ms. Burris pointed out the planning board, notwithstanding those 11 items, did recommend approval of the Mineral Springs Development Ordinance, finding it consistent with the adopted Land Use Plan and that it implements portions of the plan, specifically strategies to create a Town Center and improve design standards, while emphasizing conservation overall. The proposed ordinance is also consistent with current state statutes and best practices.
- Mayor Becker referred to the residential development types on pages 5-9 and 5-10 where it is restricted to certain things in certain districts (e.g. AR and RR can't have conventional). Mayor Becker didn't believe it was directly addressed in the old ordinance, but it was in the vision plan and he was concerned about the new ordinance not allowing large lot subdivision in anything but AR and RR. Mayor Becker stated he thought the council would allow it in R20 if somebody had a 20-acre parcel they wanted to put five lots on...or if the council would say "no", you can't put those big lots in RA40 or R20. Mayor Becker asked Ms. Burris and the council what they thought. Ms. Burris responded there would be no problem doing that, but she pointed out that large lot subdivision does not have to have paved roads or curb and gutter, so the council should think about that being in the R20 district where it is typically a more urbanized area, but it's fine. Councilwoman Krafft commented she thought the goal was to have more wide-open spaces with larger lots. Mayor Becker commented the odds are if they are zoned R20, they are going to go for the higher density downtown. Mayor Becker mentioned the 30-acre Storybook Farm the town annexed, which is RA40. The town would like them to do a large lot subdivision instead of one-acre lots, it would be better if that is what they wanted to do. Ms. Burris clarified the council wanted to allow large lot in AR, RR, RA40 and R20. Mayor

Becker responded that was his suggestion. The farmhouse group and large lot should be allowed across the board in the residential zones in case somebody wants to do that.

- **Councilwoman Critz made a motion that we allow large lots in all of our residential development areas and Councilman Countryman seconded. The motion passed unanimously as follows:**

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

*Nays: None*

- Councilwoman Critz mentioned the concern that Carrington Price had about freestanding structures and noted the town should have oversight. Ms. Burris responded under GB in the Table of Uses it requires a special use permit and there is an entire page of regulations. Ms. Brooks pointed out there were also regulations in Article 6, page 6.4.13, which tells you those structures have to be in the side and rear yard. Mayor Becker commented that made it even stricter. The council was good with the existing two sets of regulations, which are very stringent. Ms. Price can be told if she needs to know.
- Mayor Becker referred to the overall ordinance and pointed out the recommendation was to adopt what was before the council with the specific changes/provisions that have been adopted at this meeting along with the statutory changes. Ms. Burris commented just to make sure the council was meeting the statute, on page 5-5 (of the staff report), there were specific options and they would need to read the consistency statement that goes with the options.
- **Councilwoman Coffey made a motion to approve the Unified Development Ordinance and it is consistent with the adopted Land Use Plan, the town council finds that Mineral Springs Development Ordinance and its associated map amendments are consistent with the adopted Land Use Plan in that it implements portions of the plan, specifically strategies to create a Town Center and improve design standards, while emphasizing conservation overall, the proposed ordinance is also consistent with the current state statutes and best practices, the development ordinance will become effective on July 12, 2019 and Councilwoman Neill seconded. The motion by passed unanimously as follows:**

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

*Nays: None*

- The Mineral Springs Development Ordinance is a standalone ordinance, which is herein incorporated into these minutes.

## 6. **Consideration of Amending the Mineral Springs Schedule of Fees**

- Mayor Becker explained this was development ordinance fees, some have been increased, and some of them are new. The schedule of fees is independent of the ordinance itself.
- **Councilwoman Critz made a motion to approve the schedule of fees as presented and Councilwoman Coffey seconded. The motion by passed unanimously as follows:**

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

7. **Consideration of Planning Board and Board of Adjustment Appointments**

- Mayor Becker explained the town council had made a decision (for the time being) how the boards will be, so Ms. Brooks gave the options for what would happen with the planning board and board of adjustment nominations, based on what the decision was. Renee Helms and Steven Capobianco are interested in the planning board, but there is only one vacancy on the planning board and two on the board of adjustment. Ms. Brooks explained that Jim Muller was currently shown as an alternate on the board of adjustment, but there was a regular seat open. Ms. Brooks asked Mr. Muller if he wanted to become a regular member and if the council wanted to move him to that position.
- **Councilwoman Coffey made a motion to appoint Renee Helms to the planning board, moving Jim Muller to board of adjustment regular member, to appoint Renee Helms and Steven Capobianco to the board of adjustment alternate and Councilwoman Cureton seconded. The motion by passed unanimously as follows:**

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

- Councilwoman Critz stated she did not want to see the council making any attempts to remove members of the council who are serving on the planning board or board of adjustment successfully, only because of the last two decades of going to training and interacting with the Institute of Government as well. It may not be the most ideal situation in the world, but it is very commonplace in small communities. Councilwoman Critz thought in the town's situation it would render the town in a situation where people that are highly skilled, qualified, and beneficial to their post were being removed. Mayor Becker responded he didn't think the council had considered that and with removing the planning board from hearing special use permits... Councilwoman Critz added that it was just something that Ms. Burris had brought up in her statement. Mayor Becker continued "there are no conflicts". Ms. Burris responded, "it is much less of a problem now."

8. **Consideration of 2018-2019 Audit Contract**

- Mayor Becker explained the Local Government Commission approves this contract; the council has approved the price already (in the budget) in the amount of \$4,730.
- **Councilwoman Coffey made a motion to and Councilwoman Critz seconded. The motion by passed unanimously as follows:**

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

9. **Staff Reports**

- Mayor Becker mentioned the letter from Mayor Horvath in Wesley Chapel that was accompanied by a resolution that they passed (which was passed out to the council prior to the meeting). Mayor Becker explained it was probably something the council



wants to look it. There was a consensus of the council for staff to get a similar resolution prepared for their consideration next month. Mayor Becker explained that Wesley Chapel had been concerned about some recent development where developers are now coming into these pieces of property in between Mineral Springs, Wesley Chapel, and Weddington – properties that are not in those towns - and the county is suddenly approving very high density subdivisions in these 300 acre parcels between Mineral Springs and Wesley Chapel where you have one acre lots, and they are approving massive high density subdivision. The town council in Wesley Chapel has adopted a resolution directed to the county commissioners to slow down and take a look at whether that is an appropriate thing to be doing when these municipalities have worked so hard to try to get some coherence. Wesley Chapel adopted a resolution and sent it to other towns (including Mineral Springs) suggesting they adopt one as well.

10. **Other Business**

- Councilwoman Critz explained every year there is a month in the year that is town clerk appreciation month and tonight the council was officially giving Vicky a little token of their gratitude and appreciation. The town council thanked Ms. Brooks. Councilwoman Neill mentioned the token was from the council personally and not the town. Ms. Brooks thanked the council.
- Councilwoman Krafft asked if there was anything the council needed to know about the festival; there is only one more meeting before it. Ms. Brooks didn't have any updates.
- Councilwoman Cureton invited everyone to go out to the Western Union Community Park.

11. **Adjournment**


- ***Councilwoman Coffey made a motion to adjourn and Councilwoman Critz 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, August 8, 2019 at 7:30 p.m. at the Mineral Springs Town Hall.

Respectfully submitted by:

  
Vicky A. Brooks, CMC, Town Clerk



  
Frederick Becker III, Mayor