

**Draft Minutes of the
Mineral Springs Town Council
Special Meeting
March 14, 2024 – 7:30 p.m.**

The Town Council of the Town of Mineral Springs, North Carolina, met in Special Session at the Mineral Springs Town Hall located at 3506 Potter Road S, Mineral Springs, North Carolina, at 6:30 p.m. on Thursday, March 14, 2024.

Present: Mayor Frederick Becker III, Mayor Pro Tem Valerie Coffey, Councilman Jerry Countryman, Councilwoman Janet Critz, Councilwoman Lundeen Cureton, Councilwoman Bettylyn Krafft, and Councilman Jim Muller.

Absent: None.

Staff Present: Town Clerk/Zoning Administrator Vicky Brooks and Administrative Assistant/Deputy Town Clerk Sharelle Quick.

With a quorum present at 6:30 p.m. on March 14, 2024, Mayor Becker called the special meeting to order.

1. Review of a Nuisance Ordinance – Action Item

Mayor Becker explained the council would be looking at the preexisting nuisance ordinance and getting ideas on moving forward with possibly adopting a modified one. Mayor Becker stated he thought the most important part for discussion was on page two, items one through seven, which were the specific nuisances declared. The council will discuss how they want to handle what they want to keep or what they want to add.

Councilman Muller explained that he had spent a good bit of time looking the basic document over and he thought it was a good one. Councilman Muller was not on the council when it was adopted, but he believed he was part of the planning board and the steering committee on it. Councilman Muller stated he thought there were two main issues with the original passing of the document. The first being that it tried to be too much, it tried to be all encompassing. The other issue was that nobody had the foresight to think that anybody would use it as a weapon. Councilman Muller explained his thought for the process, as the council went through the items, was to scale it down to simply health and safety and to take out anything related to property values. The buildings that were eyesores and were a big part of the town's reaction responding to the survey worried about property values, there was the height of grass, and things like that. Councilman Muller thought the council should strike out anything that was simply related to property values and focus simply on health and safety. The other thing Councilman Muller wanted to add to help curb or prevent abuse was to talk with the folks that helped with the original plan to see if there was a way to incorporate language to prevent abuse of the system. Councilman Muller suggested including having anyone that would report would need to prove that it directly affected them, so that the town doesn't have anyone driving all over town looking for violations to report, "it has to be something that directly affects them." Another idea would be if someone was proven to be abusing the system, a fine could be put in for people who abuse the system.

Councilwoman Krafft arrived, and Mayor Becker recapped what Councilman Muller discussed.

Councilman Countryman commented that a good place to start would be "at the start." Looking at Section A, under Administration, there was a lot of verbiage in that paragraph that could go away. When talking about health and safety, it is very specific and it could be brought to an end there, and not discuss the other things in that statement that follows.

Councilman Muller asked if Councilman Countryman meant to strike out “comfort, happiness, emotional stability, etc.”

Councilman Countryman responded that he thought when the council wrote the nuisance ordinance that they were trying to do the best they could for the community, but at the same time in doing that they opened the door for abuse, because not everything was going to appeal to everyone, and somebody could find a reason to be offended.

Mayor Becker agreed with Councilman Countryman and pointed out it was not only malicious abuse that the town experienced, but it didn't necessarily fit what the town's vision was, because the council wasn't trying to be quite as picturesque, a little postcard community. There are people that work with home businesses, which is regulated through zoning, so they have to do certain things where it is not hideous. The town does tend to be just a little bit more forgiving, but at the same time they don't want to be junky, they want to walk that line, not becoming an HOA townwide.

Councilman Muller stated that he thought that one thing the council would want to consider going forward was that none of this was intended originally or should be intended to be punitive, so in the end the council could look at what they want to include, then look at how to set up the fees and fines.

Councilwoman Krafft asked Councilman Muller what he wanted to take out of Section A, was it starting at “adversely affects the general health”.

Councilman Muller responded, “health and security of others”, and he would leave it there, everything after that.

Councilwoman Krafft clarified Councilman Muller meant to take out “happiness.”

Councilman Muller stated, “happiness, welfare, emotional stability.”

Councilwoman Critz arrived and asked where the council was.

Councilman Countryman read “for the purpose of this ordinance the term nuisance shall mean or refer to any condition or any use of property or act or omission affecting the condition and use of the property which threatens or is likely to threaten the safety and health of the public.”

Councilman Muller stated he would include “security.”

Mayor Becker suggested “general welfare”, because it was in the US Constitution and it was a “catch all”, without being too pushy.

Councilman Countryman suggested if the words “general welfare” were used, “security” could be eliminated. Councilman Countryman explained what bothered him about this process was that the council starts into it and pretty much agrees to it and then starts picking it apart and it starts getting bigger.

Councilwoman Krafft stated that she liked “general welfare” because it was broad and already used.

Councilman Countryman agreed it should be “health, safety, and general welfare.”

Mayor Becker asked the council to keep in mind what would be presented at the next meeting would probably contain N-Focus or whoever was going to help the town draft the final copy. Mayor Becker suggested the council not add too much to it.

Councilwoman Critz asked Ms. Brooks if N-Focus was available and interested in working with the town.

Ms. Brooks responded yes.

Councilman Muller commented that Section B, the Declaration of Public Nuisance had “health, safety, and general welfare.”

Mayor Becker noted that “morals” was in there for some strange reason.

The council agreed the “morals” could be eliminated.

Councilman Muller referred to the individual items and suggested that items one and two (trash, garbage, food waste, and open collection of combustible items, mattresses, boxes, etc.) should stay, because that is directly related to health and safety. Item three could be struck altogether.

Councilwoman Coffey disagreed with item three being struck.

Councilman Countryman referred to item two, which contained “brush” and noted this was a rural community and everyone has brush in their yards occasionally from yard cleaning. Is it appropriate that “brush” stays in there or would it just be another loophole where somebody could get on somebody’s case?

Councilwoman Coffey responded that she thought it was important for it to stay, because people have piles of brush all over their property sometimes, old heaps that have been there for a long time which could be combustible.

Councilwoman Critz agreed but thought the council should come up with something.

Councilman Muller pointed out that the last line said, “which are threatening to cause a fire hazard.” Two tires behind a garage is not a fire hazard, but two hundred tires behind a garage is a problem.

Councilwoman Critz asked if the council was going to make an exhaustive list to go along with it or was it going to be left up to interpretation.

Several council members responded “no.”

Councilman Countryman commented that it was going to be specifically minimized because the problem last time was too much.

Councilwoman Critz explained she was talking about the area of combustible (trash and brush) and the excessive nature of it. Councilwoman Critz was not talking about what got the town in trouble last time, which she thought was the inclusion of structures/buildings and the height of different weeds and grass. Those were the ones that seemed to be the ones that were grabbed hold of and were being misused.

Councilman Countryman agreed, but based on Councilman Muller’s explanation, he liked item two, including brush and he did not think anything needed to be put in there about it being excessive. If it is a fire hazard, it is what it is.

Councilwoman Coffey explained item six was referenced and she thought it was important that it had to be there, because a burned structure was a hazard. There could be vagrants going in there or it could be a place for people to hide, crime, it could be a lot of things in dilapidated buildings and that needed to be dealt with.

Councilwoman Critz asked how the town could adjust it from last time, so that it did not become low hanging fruit.

Mayor Becker commented that the town didn’t do it, but what turned out to be the case last time was a county provision for certain unsafe attributes of structures that the county would enforce where they had to be boarded up, so people could not use them as a hiding place. The county would not necessarily force a property owner to demolish a building because it looked bad, but they did require them to take certain steps. Mayor Becker explained that was what the county did at Todd’s grocery, it had to be boarded up and secured, so people could not get in. Those were the buildings that really sparked the whole thing, even though nobody liked it and it did not satisfy the

people that wanted the buildings torn down, it did satisfy the county requirement that the properties be secured and posted for no trespassing. There were some other buildings that people elected to demolish because they were falling apart.

Councilwoman Coffey asked if that stipulation was still in place with the county.

Mayor Becker responded as far as he knew, but it could be investigated.

Councilwoman Coffey commented the town would need to follow that.

Councilman Muller suggested item six be struck and if the question of a burned building came up, the town would refer to the county for enforcement and would not have to touch it.

Councilwoman Coffey asked if that would look like Mineral Springs was not trying to address hazardous places.

Councilman Muller commented number six could be replaced with a blanket statement that any burned or dilapidated building would be referred to the county for action.

Mayor Becker suggested before that language was put in, the town would have to make sure it would be okay with the county code enforcement department.

Councilwoman Critz asked Ms. Brooks if it was okay with her to call Mark Griffin.

Ms. Brooks agreed.

Councilman Countryman asked if the council could go through the ordinance by number.

In reference to number three, Councilwoman Krafft stated that she did not know that she wanted people going around with a yard stick measuring everything.

Councilwoman Critz noted this was one of the ones that was abused also.

Councilwoman Coffey commented that the town does have people that do not mow their properties and it is a problem, because it creates snakes, rats, and all kinds of things for their neighbors. Property owners that lease out their properties need to have that (keeping up the property) in their leases, but the town can't make them do that. If the property isn't being kept up, then somebody needs to enforce it, because sometimes Councilwoman Coffey thought there was 24 inches of growth at a property on Lee Massey Road, it is a trailer that is not kept, unless they have someone in it and then it is only half kept, because they are responsible for it.

Councilwoman Critz commented that she had a situation last summer in Valley Farms where they had a gathering and the land used was a vacant field and some people went in there and mowed part of it where they were going to have food, tables, and chairs; they encountered snakes, mice, and quite a few things. Number one, Councilwoman Critz did not think it exceeded the 24 inches, so it's not imaginary, they really are there and it's just at what level does the town need to action as a council.

Councilwoman Coffey responded that she thought that came up with N-Focus.

Ms. Brooks clarified it was one of the options that N-Focus gave the council.

Councilman Muller believed the original number was 18 and the council decided on 24.

Mayor Becker noted that N-Focus was a little more focused on more suburban or urban municipalities and Mineral Springs was a little less.

Councilman Muller commented that the council could reword it with help from N-Focus, take out the 24 inches, because you are going to have people going around with tape measures.

Councilwoman Coffey responded that people don't have the right to go on other people's property.

Councilman Muller stated it could be a blanket statement or more general statement, “any overgrown properties that are conducive to rats, snakes.”

Councilwoman Coffey asked who would make that determination.

Mayor Becker commented that snakes, mice, and voles are going to be there. It’s part of nature, and our homebased flock of hawks eat those, so how to determine that there is a field that has some snakes in it, or voles.... [overtalking]

Councilman Muller stated that his gut feeling was to strike number three, because it is a visual, an aesthetic.

Councilwoman Krafft agreed.

Councilwoman Coffey disagreed.

Councilwoman Critz asked Councilwoman Coffey if she felt that it was good the way it was worded.

Councilwoman Coffey responded she was interested in what Councilwoman Krafft had to say.

Councilwoman Krafft commented that she was interested in striking it altogether, because we are going to have rats, snakes, voles, rabbits, turtles, foxes, and whatever, we have them now. Councilwoman Krafft stated her yard was kept reasonably well and they have all kinds of those critters. Today alone, Councilwoman Krafft was out walking, talking on her telephone and she saw turtles, mice, and a garter snake, they are just everywhere, they are coming out, its spring.

Councilwoman Critz noted that you don’t want to do away with that, because it is a part of our rural texture here, it’s a part of our lifestyle/community. Councilwoman Critz thought what Councilwoman Coffey was thinking and Councilwoman Coffey could correct her if she was wrong, but Councilwoman Critz thought what the council was thinking here was not doing anything in any situation that, just because there might be snakes and rats, but something that goes to an extreme, where it could be a health situation and also maybe even damage property values to the people living next to it.

Councilman Muller stated that was what the council needed to be careful to stay away from. Revising the nuisance ordinance is for health and safety; property values/aesthetics does not fall under that. Councilman Muller suggested it could be reworded to say, “if it is so overgrown that it’s a fire hazard”, putting it into the frame of health and safety rather than aesthetics.

N-Focus will be able to assist with that wording.

Councilman Countryman stated that if a number was put in the wording, the final product did not need to be less than 24 inches.

Councilwoman Coffey agreed with that, but noted the town needed number three. It is paramount.

Councilman Countryman noted from a clarification standpoint, reading further into number three, it is exclusive of trees, shrubs, and fields that are used for agriculture. It is pretty limited when you look at what kind of property that might be at risk. If you have a full acre field that is a hay field, you are going to grow that field and it is excluded. There are a number of houses throughout the community that are adjacent to a field that ends up being a hay field. Number three would be for a residential neighborhood where somebody is not maintaining their property rather than just an open field.

Councilwoman Krafft thought what could be added to the verbiage was “in a residential neighborhood,” or tie it to a certain zoning.

Councilman Countryman asked Ms. Brooks to put some notes on her sheet that N-Focus could look at that.

Ms. Brooks clarified that the rest of the language pretty much exempts everything, except your neighborhoods.

Councilwoman Critz commented if the language stayed the same, someone is going to call and clarify whether it falls within the purview.

In reference to number four, Councilman Countryman commented that based on the way it was written, he could think of a very specific piece of property where this was an issue, because it was visible, not behind a fence, and it was not secluded.

Councilman Muller addressed that from the view of safety and security, eliminating the aesthetics and the property values. A suggestion was made to add the words at the end of item four, "or a physical hazard exists." If someone had five washing machines in his front yard side by side it was not a problem, but if he stacked them up ten high, there would be a physical hazard.

Councilwoman Critz mentioned there is a problem when they were not stacked, because children can get in them and not get out and die.

Councilman Muller stated if the council reintroduced the nuisance ordinance, and it was keyed specifically toward safety and security, he thought the town would have a better chance of it not being abused.

Councilwoman Critz commented there was enough evidence that domestic animals and children can get in a variety of appliances.

Councilman Muller responded that the places in mind would only be required to put them behind a fence, so the general public could not wander to them.

Councilwoman Critz asked if the council should say, "put them in a structure."

There was an agreement of some council members that a fence was adequate.

Councilwoman Krafft noted it was not accomplishing anything by just requiring a fence, other than you don't have to look at it.

Councilwoman Coffey suggested that it would be to "attempt" to secure from access to children, there is not a perfect anything.

Mayor Becker referred back to the county's standard on nuisance structures, which only required them to be boarded up, but if somebody wanted to break in, the security is not Fort Knox. There is a limit to what can be done.

Councilwoman Critz thought it was important to make sure those things were secured.

Councilman Muller commented it should be that they are made to make an effort, so they are less accessible.

Councilwoman Cureton asked about the place next to her where there is a lot of stuff piled up, and they continue to pile it up.

Councilwoman Critz suggested that N-Focus could go look at that and figure out what to do.

Councilman Countryman asked if number four was going to left as is or if it would be amended.

Councilman Muller suggested it should be amended by adding where a physical hazard exists, possibly remediation would be behind a fence, which would shield it from view and create an obstacle.

Councilwoman Critz noted that the issue here is that it goes beyond an aesthetic.

Councilman Muller clarified it was a safety and security, because it was an enticement.

Councilwoman Coffey referred back to what Councilman Muller said about adding safety and security to item four, which would cover this particular item.

Referring to item number five, Councilwoman Critz put it in a nutshell saying it was basically eliminating construction materials being stored rather than them being there for a project.

Councilman Muller added that it has an exception for being behind a screen, fence, or wall. Councilman Muller did not see where number five needed to be amended, it was all geared toward safety and security; keeping people from getting hurt.

Mayor Becker noted that it specifically said rear yard, entirely concealed and closed.

Moving onto item number six, Councilman Countryman stated he thought it was going away.

Councilwoman Coffey, responded, "no."

Councilman Muller responded that it depended on whether it could be referred to the county.

In referring to item number seven, Councilman Muller stated that it said in the first sentence, "health or safety hazard."

Mayor Becker added that it was not just an old car, it had to meet specific dangers.

Councilwoman Critz commented that the town does allow home businesses and asked Ms. Brooks if that could be any kind of motor vehicle repair in residence, because you would have to have this stuff on your property all the time in order to do that. Does zoning allow an auto repair shop by right or did it have to be a conditional use permit?

Ms. Brooks responded that it was not allowed, it was not a home occupation. Ms. Brooks clarified that someone could work on their own personal car.

Councilman Countryman suggested that number seven, by the number, would technically be all that was needed as a statement, because everything that falls after that (A through I), would not be needed.

There was a discussion by the council on whether "A" through "I" was necessary for nuisance vehicles in item seven and it was determined that those items brought clarity to item seven with the exception of "B".

Councilman Muller stated that he thought that anyone issuing a complaint should attest that it affects them personally. Any complaint that is lodged should have to show that it affects the complainant personally.

Councilwoman Coffey commented that would come into play for N-Focus to do the investigation. Councilwoman Coffey did not agree with Councilman Muller.

Councilwoman Critz commented that one reason to not eliminate the ability to report a complaint anonymously is in case the complainant is afraid of the violator.

Councilman Muller clarified he was going back to what happened initially where one person took it upon himself to drive all over town and look for violations.

Councilwoman Coffey commented that what the town would have to do was to be the people that say, "alright, if this is your position, if this is what you are going to do, and put the town through this, we are going to go ahead and take the next step, let's just see you in court." The town needs to stop folks.

Councilman Muller commented that people are shown to be abusing the system should receive a fine themselves.

Councilwoman Coffey responded she did not know how that would work, but Attorney Griffin could give the council some insight on that; it is a legal question.

Councilwoman Krafft did not believe a single individual could be singled out. If you put a process in for them to be able to complain, you can't not let that process happen.

Mayor Becker asked the council if Section "C" through "H" of the administrative procedures were developed by N-Focus and could stay pending the recommendation from them.

Councilman Muller responded that it needs to go back to N-Focus possibly by adding the directive to them to help the town develop a way to keep it from being abused.

Councilwoman Coffey stated that may be impossible.

Councilman Muller responded if that was the case, he did not see there was a way to re-implement the nuisance ordinance.

Councilwoman Coffey suggested that it be re-implemented and to use the court system to eradicate the issues.

Councilwoman Critz commented that large municipalities and counties have to do that and they have to have ways to control it and manage it when it is being abused.

Councilman Muller stated that large municipalities had the resources that Mineral Springs does not.

Councilman Muller motioned to have staff work on scheduling some work with N-Focus on the next step and Councilwoman Critz seconded. The motion passed unanimously. Ayes: Coffey, Countryman, Critz, Cureton, Krafft, and Muller. Nays: None.

2. Adjournment – Action Item

At 7:25 p.m. Councilwoman Coffey motioned to adjourn the meeting and Councilman Muller seconded. The motion passed unanimously. Ayes: Coffey, Countryman, Critz, Cureton, Krafft, and Muller. Nays: None.

Respectfully submitted by:

Vicky A. Brooks, CMC, NCCMC, Town Clerk

Frederick Becker, Mayor