

Town of Mineral Springs
Town Hall
3506 S. Potter Road
Town Council
Public Hearing / Regular Meeting
April 9, 2015 ~ 7:30 PM

Minutes

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, April 9, 2015.

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

Absent: Councilwoman Valerie Coffey.

Visitors: Dan Blackman, Charles Bowden, Barbara Faulk, John Petinarides, Pat Petinarides, Jennifer Stringfellow and Jon Wood.

With a quorum present Mayor Frederick Becker called the Regular Town Council Meeting of April 9, 2015 to order at 7:32 p.m.

1. Opening

- Councilman Countryman delivered the invocation.
- Pledge of Allegiance.

2. Public Hearing – Proposed Text Amendment

- Mayor Becker opened the Public Hearing on the Proposed Text Amendment at 7:33 p.m.
- Planning Director Vicky Brooks explained that this proposed text amendment was to the Subdivision Ordinance. It will be adding Section 110 #6 and is described as the division of a tract of land that was created by recombining two or more lots shown on a subdivision plat filed with the Union County Register of Deeds prior to the Town of Mineral Springs February 27, 2007 major rezoning where that rezoning resulted in a more restrictive zoning classification for that subdivision. Such division of land shall result in lots of the exact size, shape and dimensions as shown on the original subdivision plat and shall not create any nonconforming setbacks. Property ownership shall be the same as listed on February 27, 2007.
- Ms. Brooks further explained what had happened and what brought this about was that Mr. & Mrs. Petinarides applied for the text amendment after she had denied their request for the resubdivision of their lots. At this time, the Petinarides lot is 2.382 acres; after that major rezoning that the town did in February of 2007, their property went from RA40 to RR. RA40 requires 40,000 square feet [lots] and RR

requires 60,000 square feet [lots]. At the time of the recombination the Petinarides thought that later when they wanted to subdivide their property back out to its original lot lines it wouldn't be a problem; however, it became a problem, so they applied for this text amendment hoping that the council will approve it.

- The planning board heard this request for the proposed text amendment and by a vote of 3 to 1 they voted in favor of recommending it to the town council. The planning board felt that it was consistent with the Land Use Plan. The Statement of Reasonableness and Consistency that was approved by the planning board found that it will not increase the density of the established subdivision that existed prior to the town's major rezoning in February of 2007 on a plat that was filed with the Union County Register of Deeds. The planning board further stated that it was consistent with the town's plan, because the plan speaks to existing subdivisions being zoned as closely as possible to the platted subdivision that existed and in some cases that just wasn't possible.
- Ms. Brooks pointed out that Mr. & Mrs. Petinarides were present this evening and they may wish to speak on this for themselves.
- Mayor Becker asked if there was anyone signed up to speak at the Public Hearing and Ms. Brooks responded "we do not". Mayor Becker explained that this is a legislative decision and not a quasi-judicial one, so the council does not require testimony. If Mr. or Mrs. Petinarides have anything they wish to say that would be fine. Mayor Becker asked if the council needs to hear anything else. Mayor Becker referred to Ms. Brooks (for clarification) that a text amendment does apply, not just to their particular 2.38 acre lot, but it would really apply to any piece of property in a similar situation anywhere in the town... (there are probably not very many). Ms. Brooks responded "that is correct". Mayor Becker continued "...that exists and this is in a subdivision (a platted subdivision is their case). Ms. Brooks responded "yes". Mayor Becker stated that it wouldn't necessarily apply to just raw land that is sitting out there, because that doesn't correspond to a platted subdivision on record in the Register of Deeds office. Ms. Brooks responded "correct". Mayor Becker commented that this really only takes place then in a subdivision that has been platted and recorded. Ms. Brooks responded "correct".
- Mayor Becker stated that if there is nobody who wishes to speak at the Public Hearing he could close the Public Hearing and the council will deliberate this at the time that it's on the agenda.
- Mayor Becker closed the Public Hearing on the Proposed Text Amendment at 7:38 p.m.

3. **Public Comments**

- Mr. Charlie Bowden – 6409 Pleasant Grove Road.
- Jennifer Stringfellow – 4329 Forest Springs Drive.

4. **Consent Agenda**

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

- A. March 12, 2015 Regular Meeting Minutes
- B. February 2015 Tax Collector's Report
- C. February 2015 Finance Report

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

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

5. **Consideration of the Proposed Text Amendment**

- Mayor Becker explained that this is the consideration of the proposed text amendment that was the subject of public hearing and that he would open it up to the council and any further questions they may have of Ms. Brooks about whether to approve this amendment. There is a Statement of Reasonableness and Consistency for the council to adopt if they choose to. Councilwoman Critz commented that she shared some of Bettylyn Krafft's concerns (having been the liaison for the town with the University during the process of creating the conservation zoning), because the town was compelled by them [University] that once we put these standards in place that we hold them evenly. Councilwoman Critz further commented that she understands the way the text amendment is worded that it will only be applicable to a similar situation and asked Ms. Brooks if there are other existing situations that this would apply to and if so what was her estimated amount. Ms. Brooks responded that she could think of one off the top of her head; it was a recent recombination. There are a couple of recombinations in Brantley Oaks, but she believed in those cases they actually built their houses toward the middle of the lot, so it wouldn't apply; if that is not an accurate statement then there are potentially a couple in Brantley Oaks that this could fall back onto. Councilwoman Critz stated/asked even if it did, it would not be inconsistent with the other homes within that existing subdivision. Ms. Brooks responded no.
- **Councilman Countryman** made a **motion** to approve the Statement of Reasonableness and Consistency as its written here and **Councilwoman LaMonica** seconded. The motion passed as follows:

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

- The Statement of Reasonableness and Consistency is as follows:

TOWN OF MINERAL SPRINGS

**STATEMENT OF REASONABLENESS
AND CONSISTENCY**

Subdivision Ordinance – Article 1 – Introductory Provision

In reference to the proposed text amendment to Article 1 of the Mineral Springs Subdivision Ordinance.

The Mineral Springs Planning Board recommends to the Mineral Springs Town Council that the proposed text amendment is "**reasonable**" as it will not increase the density of an established subdivision that existed prior to the town's major rezoning on February 27, 2007 on a plat filed with the Union County Register of Deeds. The proposed text amendment will only allow the property owner of record on February 27, 2007 to reestablish the lot lines set forth on the original subdivision plat, if the lot(s) had in the interim been recombined by the property owner.

The Mineral Springs Planning Board recommends to the Mineral Springs Town Council that the proposed text amendment is "**consistent**" with the Mineral Springs Land Use Plan adopted October 12, 2006 and the Vision Plan contained therein, because the plans speak to existing subdivisions being zoned as closely as possible to their platted lot sizes. In some cases during the rezoning process it wasn't feasible to rezone all subdivisions with a zoning district that encompassed all lots in a particular subdivision to the new zoning district, which created nonconforming lots of record.

ADOPTED this the 9th day of April, 2015.

Frederick Becker III, Mayor

Attest:

Vicky A. Brooks, CZO

- Mayor Becker commented that the council found that the amendment would be reasonable and consistent. With that in mind, does the council have a motion to approve the amendment or deny it?
- **Councilwoman LaMonica made a motion to approve the amendment as submitted and Councilman Countryman seconded.** Councilwoman Critz stated that she would just like to point out for people that are in attendance that the way it is worded it is not going to allow compromise in the hard work that was put into place to create the outcome (which is to maintain the rural aesthetic value of this community as a whole), so the work that was put into place was done not to create a hardship for landowners and the community, but was to uphold the values that people had expressed in the multiple surveys and town hall meetings. The community was included in every step of the way, “so thank you for being patient and working with us, so we can do it right, it is important that we do it right”. Mayor Becker commented that he would (since we have a motion on the floor) just by way of further discussion, just say again a point of information, a little historical point, about the rezoning of the Brantley Oaks Subdivision from RA40 to RR (Rural Residential; 60,000 square foot low density designation, that his recollection was that the reason that the planning board recommended that at the time and the contract Zoning Administrator Nadine Bennett did so was because Brantley Oaks as a subdivision sort of fell into what a conservation subdivision in the RR zoning district would be. In other words – it had lots that were mostly one acre, but it had roughly 80-some-odd lots. Mayor Becker stated that he believed Councilwoman LaMonica could agree, on a size of roughly 120-some-odd acres, so we had that 2 to 3 ratio, so basically the way it was platted at the time it actually fit that subdivision, so he thought the reasoning going back was “well it sort of fit into RR, even the lots themselves were one acre mostly, 1.1 or 1.2, you had the additional open space that you would have had in a conservation subdivision, so by allowing these couple of lots that got recombined just go back to what they were platted as still carries them into that sort of existing RR conservation density”. Mayor Becker asked if anyone else had any questions or comments. Councilwoman LaMonica commented that she just wanted to recognize the planning board for doing such a great job in writing this text, because they took a wonderful approach at navigating what could be opening Pandora’s box and really made sure the risk was limited and we kept the spirit of what the zoning direction was back in 2007, which was based on what the residents told us they wanted. “I think we have done a marvelous job from a planning board perspective in navigating and getting things done for both our residents and in keeping to the original spirit of the zoning, so thank you”, Councilwoman LaMonica said. Councilwoman Neill commented that she did have her reservations, but they have all been cleared up. Mayor Becker stated that we have a motion and a second and called for a vote. *The*

mentioned motion by Councilwoman LaMonica passed unanimously as follows:

Ayes: Countryman, Critz, Cureton, LaMonica and Neill

Nays: None

- The text amendment is as follows:

MINERAL SPRINGS SUBDIVISION ORDINANCE

Addition:

Section 110 #6

The division of a tract of land that was created by recombining two or more lots shown on a subdivision plat filed with the Union County Register of Deeds prior to the Town of Mineral Springs February 27, 2007 major rezoning, where that rezoning resulted in a more restrictive zoning classification for that subdivision. Such division of land shall result in lots of the exact size, shape and dimensions as shown on the original subdivision plat and shall not create any nonconforming setbacks. Property ownership shall be the same as listed on February 27, 2007.

- Mayor Becker thanked the council for considering this and Ms. Brooks for working so closely with the planning board to get a really carefully crafted change that sort of allows this to occur. Mayor Becker also thanked Mr. and Mrs. Petinarides for their cooperation through this process.

6. Downtown Park Design

- Mr. Dan Blackman thanked the mayor and council for having them. Mr. Blackman explained that he was the Project Manager and Land Planning Designer with Stewart; he was joined tonight by Jon Wood, Vice President and Manager of Landscape Architecture with Stewart from the Charlotte office. Mr. Blackman pointed out that the council had the packets in front of them that explained their qualifications and background. Mr. Blackman shared an interesting conversation that he had with Mayor Becker when they first met at the Carolina Thread Trail Conference. Stewart was there as vendors and exhibitors, as well as one of their members being there giving a lecture. Stewart was very much involved in the trail system with the Carolina Thread Trail and is overall very proud of their work. One of the first things that Stewart does is stand out there in the exhibit hall to make sure that they approach folks that are there to let them know what they do and announce themselves. Yes, we have 131 employees and offices in Durham, Charlotte, Richmond, Virginia and they are headquartered in Raleigh. Mr. Blackman explained that Mayor Becker said that was fine and he went on to tell him a little bit more and that they do some land planning, they have civil engineers, landscape architects, structural engineers and some transportation folks, Mayor Becker said that sounds great/fantastic, but does Stewart ever do anything in a small town. Mr. Blackman explained that he paused for a second and then immediately said “well yes, in fact we do, that’s where our life blood is”. Stewart is working on a project in Waxhaw, an urban park. Wesley Chapel is another master plan that they have worked on. They are working in Huntersville on a small downtown urban park, which will be on two acres of property there. Mr. Blackman and Mayor Becker started in again on their conversation and Mr. Blackman said “well that’s where the life blood of the neighborhood is, it’s grand and it’s fun, it really feels great to present a very large master park plan that has recreation fields

that covers expanses and acres of land, but when it comes down to it the piece of property that gets the most interaction, draws the most groups of people, draws the most tiebacks to what a community is about, are those small in-town parks that have character and have a theme and start to interact with people of all ages, it is not just about the soccer team out there taking up a large tract of property, it's about the entire community and so for us these small community parks, even as the Monks Corner one that we worked on years ago, these are all part of what we do". That neighborhood park are those little pocket areas where groups of people come and interact; it's more about that interaction and having an opportunity to celebrate your town. Celebrate who you are and come together as a community, those are the important things. Those are the things that are remembered and those are the things that create memories for various age groups. Even though Stewart is a large company, it's always very important for them to work with one of the smaller towns; that is more fulfilling for them.

- Mr. Blackman referred to the concept plan that they developed (in the agenda packet) and explained that they thought that they tried to account for all of the elements that were asked to be included and they tried to adapt to the slogan "Conservation by Design" that the town uses on their website and also to describe what Mineral Springs is about. You can see a lot of the characteristic of the elements that they have chosen are in keeping with the rural theme. They have heard about the rural aesthetics tonight and Mr. Blackman thinks that it is appropriate for this property. The major features includes sidewalk trails (loop trails) that are intended for multiple users that are six feet wide with proposed offsets for benches. The sidewalk is a little over 500 feet, which means you can walk around it 10 or 11 times to get in a full mile. Also included is a fair amount of landscaping, lawn areas with perennial shrubs and some flowering trees. On the north top side is the stand of cedars that already exist and another grouping of oak trees that are there. The entrance of the park is midway in the parking area, which is highlighted with an arbor and that opens up to a fountain that sits at the intersection of where the trails all meet and it leads into the playground area and back over to the parking. One of the requests was to include a temporary restroom facility, which has been done, but they dressed it up a little bit to make it feel a little more comfortable and part of a green space in nature, so they are proposing an arbor. Mr. Blackman explained that they would have to go through the design process and he will walk through each of those steps (they can also be seen in the manual). These are the original ideas, first thoughts and impressions, but they fully expect them to shift and change by the time of the complete set of construction documents if the council chooses to go with Stewart.
- Mr. Blackman informed the council that they had put together a proposed budget based on their initial cost budget estimates; however, he pointed out that at the last minute they went back and double-checked some of their numbers and they are a little bit higher than what was shown on the proposal to the council. Mr. Blackman explained that he wanted to make this very clear, because it is important that they are trying to hit a target budget and some of the features that were selected in the original conceptual plan did go over budget. Mr. Blackman took full blame for this, because he inaccurately calculated on the square yardage of the concrete walks. The \$9,800 for the concrete walks is a more accurate number. Mr. Blackman wants the council to understand that there will be adjustments and adaption to the

early conceptual levels, but they feel these are strong numbers. They put in a lot of elements that they really dug into to try and understand fully the depth of what will have to happen with construction; at this point there are no utilities on the property proposed, but he thought it falls within a range. There is a 10% contingency and Mr. Blackman felt that is well within a range of tract they are aiming for an \$80,000 park. There is also some plant materials, shrubs, ground covers, and perennials where there they do have some opportunity to mix and match. The budget is in front of the council, which actually has quantities that are associated with them; some of those things will shift and move, which is anticipated throughout the process. Stewart believes this is a real plan, it's a doable plan and it's a viable plan that meets the criteria; we are very close with taking the contingency out and we are right there in line with the budget proposed.

- Mr. Blackman went through their project approach:
 - Task 1 -
 - Step 1 – is the Schematic Design. The approach is to prepare a conceptual plan that is truly viable. There was no interaction or input from the council or the general public. Stewart would like to share the conceptual plan with the public and receive some input and ideas to see if there is anything that needs to be modified in the plan and its direction and scope.
 - Step 2 – would be to take that information to council and the citizens and go back and revise conceptual plan if there is a need to do so. Stewart will return to the council for a review to make sure that they are all in alignment with what the construction documents would be.
 - Step 3 – included in the proposal for services is the field survey, so that they can understand all of the utilities and make sure that they are well within setback, property lines, easements, etc. This is a very important part of the planning process and it will be the base map information that we build things off of and have a very accurate construction set of plans that they can build. This needs to happen very soon.
 - Task 2 – Is the preparation of construction documents after approval on what the conceptual plan is. The intention is to meet and update their cost estimates at the 50% level and at the 100% level. There would also be a meeting with council and staff at the 100% level.
 - Task 3 – Would be permitting agency review. Stewart would work with the town to make sure that their plans are in compliance with any zoning or building requirements and they would also submit these plans to Union County for their approval. In addition, if there are ADA accessibility requirements that need to be submitted for approval Stewart will do that as well.
 - Task 4 – Is assistance with bidding. They would prepare all of the advertisements, set up the pre-bid meetings and help review all the tabulations as they come in. They would issue a Notice to Proceed with the town's approval based on the selected contractor. Stewart would also help with the construction in several ways: they would do the preconstruction meeting; they would do field inspections twice a month, which comes with a report; hold a construction meeting once a month that is recorded and documented; they would review pay applications, answer any requests for information from the contractor and any additional understandings that need to happen; if there were any change orders they would see those through, close to the ending of the

project there would be a substantial-completion punch list that they would prepare and an inspection that goes along with that; they would itemize each and every item that has to be finished in order for the contractor to be closed out, finished and paid; and then following that would be a final inspection and closing of the documents.

- Mr. Blackman explained that they have proposed a relatively vigorous schedule with the schematic design starting in mid-April. There needs to be an advertisement for public meetings to make sure they are well attended to get the input that is needed. There is an anticipated September 21st ribbon cutting (not ribbon cutting, but...) Councilwoman LaMonica commented to correspond with the festival. Mr. Blackman agreed and continued that as soon as the festival is finished it's time to start digging dirt and getting the construction of this park done.
- There are a couple milestone meetings that have been included. The first two are very important – it's in the schematic phase to meet with the council to make sure that we have a full understanding of the program and then also to meet with the public to get their conceptual plan. Then meeting again with staff and council to make sure they have addressed all the needs. There will be various meetings throughout. Marked half-way through are the construction documents and at the end construction documents and then towards the end of the bidding phase.
- Mr. Blackman opened the floor for any questions and stated that his request was for the ability to work with the town on this park and to get approval of their proposal.
- Councilwoman Critz commented that she thought she could speak for the whole council in saying that they all appreciate the extent to which Stewart has provided an abundance of quality information. Councilwoman Critz offered a "tiny bit" of background that would clear up the town's expectations. In 2004-2005 she became a member of Urban Open Space Institute and Mayor Becker became one the following year. This was funded by the Knight Foundation through UNC Charlotte where elected officials all over (within about a 100 mile radius of Charlotte) could apply and be accepted as candidates to participate in a three day training where they brought in resources people from literally all over the country (including Hawaii). One of her resource team members was Steve Coleman, who, at the time, was that head of Parks and Recreation for Washington, D.C. It was a five year plan program; they invited all of the alumni back each program to participate in some of the sessions and dinners for networking. All of that was to say that one of the things that stuck with Councilwoman Critz about Mr. Coleman was he said "that after over 100 years of surveying New York, that New Yorkers, not visitors, but those that live in New York, the number one asset that they declare has been the same for over 100 years and that is Central Park". Councilwoman Critz stated that she didn't really personally need to be reinforced, but she felt like it was a real benefit to know that; "that you're not just one kind of little extremist over here who loves the outdoors". People need the outdoors; it's something within all of us that needs to interact with nature. The town has done three surveys since we were conceived (one was very recent) in which this was actually the spring board for this project, because in all of them (including our town hall meetings) we were the senior and graduate project for UNC Charlotte 2005-2006 and the class came to our town three times and had town hall meetings and we went to the University multiple times; it was intense and wonderful, but the community as a whole

reiterated over and over again the importance to them. Not just those of us who sit here, we sit here as public servants, we sit here as elected officials who are entrusted to represent them, but we do so not only based on what they tell us personally, but on this information we have gathered collectively over the years and in the last survey that we just did there was a greater focus than in the previous surveys and in previous conversation for this type of a park. There has been great support for the greenway and great support for our conservation zoning and the principle behind it and the fact that we want to design and not just to have whatever is going to develop happen. We want to design what happens and we want to do it in a way that complements our community as a whole, so with extraordinary percentage of people in favor of this through these venues that we have interacted the spring board was the last survey where people really made it very clear that not everyone is going to walk the greenway even though they might like it and support it, they might not necessarily get out there as much as some others, but that there is a large percentage that would love a peaceful and accessible lovely park in a general location where anyone could come and so we were compelled to move forward, because the community compelled us. Councilwoman Critz explained that she thought it was important to have another town hall meeting; it's a fabulous idea. We have done surveys, but we haven't had another town hall meeting in a while, so she is looking forward to that; it's good for you to know that you're involved in something that has a lot of support and a lot of people have enthusiasm for. Councilwoman Critz stated that she really appreciates the extent that Stewart has gone to present this to the council.

- Councilwoman LaMonica asked Mr. Blackman if a port-a-potty was standard for a park this size, because she has to agree with Mr. Bowden and she is not sure she would have put that in a plan given that it is a smaller park where they are probably going to be there for an hour. Mr. Blackman responded is that normal, with no other facilities nearby, it is. Councilwoman LaMonica commented that she was just thinking of maintenance as far as maintaining, neatness, cleanliness and odor. Mr. Blackman responded that it could be something that can be added later as needed. It was his understanding there may be an expansion or move to update the "stone building" behind us, but until that is brought to the forefront then this would serve as a temporary. Mr. Jon Wood offered that there are a lot of new options out there for smaller restroom facilities to get away from that port-a-potty. There is a potential option during office hours to let folks use the restroom in the building here. Councilwoman LaMonica commented that the town hall is not open full-time, so there is security. Mr. Wood commented that there are ways to work through that. Councilwoman LaMonica asked if lighting was being recommended, although she doubted that the park would be open 24/7. Mr. Blackman responded that he probably would, but for the entire facility, he didn't think it needs to be lit to be used, but lit more for security; if there is a desire to have lighting. Councilwoman LaMonica commented that she just noticed that it was missing, so she wasn't sure what the logic was on that. Councilwoman LaMonica asked if Mr. Blackman had a rough idea on something of this size, scale and level of features what the cost to maintain would be. It's one thing to build it and something else to make the commitment long term. Mr. Blackman responded that he would have to put some thought into that. Mayor Becker addressed the port-a-potty issue, because we asked them to put that in there; they didn't think that up. Wesley Chapel has their slightly larger park and right now their restroom facilities are port-a-potty, which are

the permanent ones; he didn't think they were enclosed at all – they are just out there. Mayor Becker explained that when we upgrade the “rock building”, which Ms. Brooks and he are still in negotiation with Union County Environmental Health about drain field locations and being able to expand that, in theory as long as the plan allows for a little bit of space around the temporary unit we could construct a free standing ADA-accessible proper permanent bathroom made out of similar stone with a similar roof to mimic the “rock building”, but again the door facing the playground, it is not facing our town hall and that could then tie right into that same septic system that is going to be used by the community center. That is the shorter term solution to get rid of the port-a-john after a year or two rather than farther out as long as we have space, because a permanent one would be a little bit bigger. It wouldn't be just the 4 x 6 handicapped size port-a-john, it would be a 10 x 12 building, so we would have to make sure we have room for that on the site, but we could plan ahead to add that at some future time when we have utilities. Councilwoman LaMonica asked if this would be more of a phase-one kind of approach. Mayor Becker responded that he thought so and that he remembered at the retreat there was so much pressure to put the port-a-john at the [greenway] trailhead, but we haven't done that yet. Part of the reason we haven't done it yet is because we have been held hostage, we've tried to get our ADA-accessible parking lot prepared and because of one person we are unable to do that and we can't put a bathroom facility there until we have the parking. Mayor Becker knows that the council was very interested in having that very important thing (from the retreat), so we certainly didn't want not to have bathrooms at this park. Councilwoman Cureton commented that she thought it was a good idea, because if you are out there a long time you are going to need to go to the bathroom; kids are going to want to go to the bathroom. Mayor Becker commented that we were concerned about having them coming in and out of the town hall; all those kids might be a little disruptive for the work flow. Councilwoman Cureton commented that if you have people coming in and out of the town you will have complaints then for sure. Mr. Wood commented that it is one of those things that vary in each town. Matthews had Squirrel Lake Park and they have a port-a-potty that mom's wouldn't even let their kids go in; they say “go out in the woods”. There is a park that they did that is in a field across the street from town hall and there are no restrooms. The park is a little bit bigger (1 1/3rd acre), but if they have a special event they will bring something in. That was a big discussion about the master plan in Wesley Chapel; they were going to use the house and then as they finally evolved into detail design they moved away from the house because there were issues with that, so they ended up with the other. The City of Salisbury specifically puts port-a-potties in their parks and puts a little fencing around them and they have had great success with that; it served its purpose.

- Mayor Becker stated that he thought it was important if the town wanted to retain Stewart on the basis of the contractual term outlined in the proposal they would obviously want to approve at the bid price and they need to look at those meetings. The end of April is difficult and we can't start construction at the beginning of September, so the whole timeline gets pushed out about two weeks, which will give us time to do a direct mail notification to our citizens; it could be a newsletter or a card. A newsletter could be done if we have an early May meeting. The Kick-Off meeting and the public input meeting could be back-to-back on the same evening on a Monday or Tuesday (at 6:00 p.m., 6:30 p.m. and 7:30 p.m.) if that is

something that would work for Mr. Blackman. Councilwoman LaMonica asked Mr. Blackman for clarification where exactly in the step-by-step process does the “go or no go” decision need to take place for Stewart. Mayor Becker responded now. Councilwoman LaMonica commented we talk to our residents and we get feedback from them for “go or no go” on the park before we contract. Councilwoman Cureton responded no. Councilwoman Critz responded that she didn’t think, but she felt pretty strong no to that. Mr. Blackman responded maybe he was misunderstanding the “go or no go” on the park – whether the town contracts with Stewart to help design the park or whether the town goes forward with building the park at all? Councilwoman LaMonica responded go forward with building; we had talked about getting additional feedback from residents and she thought that was critical before proceeding with building. Councilwoman Critz responded that she thought we were moving forward if she understood what they decided at our retreat. We are moving forward to this step, because we were compelled by the public from the survey, so she didn’t think there is a question about coming to this position. Councilwoman Critz believed what they wanted to clarify with the public at the town hall meeting was “does it meet the public’s expectation and desire as far as the design”. The concept of doing it was answered at our retreat. “We unanimously agreed that we were moving forward with this project, so I don’t think that’s a question”, Councilwoman Critz said. Councilwoman LaMonica responded that’s the part that was missing for her; she didn’t realize that it was “cast in stone”. Mayor Becker responded yes, but they could still cancel the whole thing. Councilwoman Critz responded that it was a decision they made unanimously at the retreat and then this would be to tweak the design and make sure that we are actually fulfilling the desires of the community to the best of our ability. “Is this the best or is their input going to sway the design slightly”. Councilwoman LaMonica commented that her concern more than anything was as far as a “go or no go” decision on Stewart was getting into a financial obligation before we have closure from the community and if we are confident we have closure from the community. Councilwoman Critz responded that she thought that Ms. Bennett and Ms. Parker made it very clear that the percentage of people that expressed the desire was so high there would be no reason for us to question. Councilwoman Neill added there was no doubt. Mayor Becker explained that the town has been committed to two things happening: the Community Center and the park to go along with it. The park is a little less expensive and doesn’t have the problems inherent with the septic system that we are still fighting that battle on, so the park gives us that phase one of our downtown amenities. People seem to think “you’ve got that greenway out on McNeely Road” and “why don’t you have anything in the center of town”. Mayor Becker believed that is why we sort of made our minds up that we wanted to put the park here and the question just becomes who is going to design it and what’s going to be in it. Councilwoman Neill added that we are being guided by the survey again. Councilwoman Critz explained that she felt like COG was very confident that the percentage of people that spoke out was to the point that we should not not move forward; it was clear to move forward. Councilwoman LaMonica commented that there is limited risk on our part as far as going into a town hall and having feedback and have it be totally what you are doing. Councilwoman Critz responded absolutely. Mayor Becker noted that’s the risk we take in elected office; we find that our ideas aren’t always to the liking of 100% of our constituents. Councilwoman Critz responded that she didn’t know, at our town

hall meetings during the process with UNC Charlotte some things were surprising to her: we have tremendous attendance with major positives along with a few negatives and in the end there were some converts through the education and learning. We are not going against the flow, we are going with the flow – will there be some negative, yes, there always is, but the majority of people are going to be excited. Mr. Blackman commented that the council was doing their due diligence getting approval of the community to move forward with the park.

- **Councilwoman Critz** made a **motion** to accept the contract as presented to us by Stewart in the amount of \$25,980 plus \$1,000 in reimbursable expenses under the terms of Appendix 1 and Councilwoman Neill seconded. The motion passed unanimously as follows:

Ayes: Countryman, Critz, Cureton, LaMonica and Neill

Nays: None

7. Consideration of Scheduling a Downtown Park “Kick-Off” Meeting and Citizen Input Meeting

- Mayor Becker suggested the first Monday or Tuesday in May (4th or 5th), because we know Monday and Tuesday is good for some council members and that gives us time to get the newsletter mailed. Councilwoman LaMonica noted that she would be travelling on the 5th. Mayor Becker pointed out that the special meeting would be at 6:00 p.m. (Kick-Off) for a strategy meeting with Stewart and then the public input would be at 7:00 p.m. Councilwoman Cureton noted that she would not be available.
- **Councilwoman Critz** made a **motion** to call for a Special Meeting on May 4th at 6:00 p.m. at the Mineral Springs Town Hall for the purpose of conducting the initial Kick-Off meeting for the park plan and **Councilwoman LaMonica** seconded. The motion passed unanimously as follows:

Ayes: Countryman, Critz, Cureton, LaMonica and Neill

Nays: None

8. Union County Community Arts Council

- Ms. Barbara Faulk from Union County Community Arts Council stated that she appreciated the council for allowing her to come in and sit in on their business; she has been coming here for quite a few years and wanted to say how grateful Union County Community Arts Council is for the support that the town provides them. Ms. Faulk referred to the package of information that was sent to the council and the latest newsletter that she distributed this evening. Ms. Faulk called the council's attention to the breakfast for the Arts on Friday, May 8th and stated that if any of them could come join them they would love to have them; it's a little quick showcase of what the arts council does in Union County.
- Ms. Faulk briefly went over some statistics of what the Arts Council does. They serve every school in Union County on an equal basis. Every elementary school in the county received the same quality and number of programs, as well as the middle schools and high schools. There are 31 elementary schools, 9 middle schools and 1 charter school; we are proudly serving approximately 21,000 students every year and have been doing so since 1980. Ms. Faulk stated that she

had been there for quite some time and still has a passion for what she does and she believes very strongly that the arts are as important as education.

- Ms. Faulk explained that when she comes to Mineral Springs to ask for funding/support it's specifically for the residents of Mineral Springs; it is not for people who live in any other part of the county. The Community Arts Council serves approximately 300 high school students in the Parkwood School District, approximately 3,100 in the middle school district and approximately 3,000 in the elementary school district right here in the Parkwood School District. New this year and the reason Ms. Faulk asked for a slight increase in funding is because this year alone they have provided a \$500 grant to Western Union Elementary for the purchase of musical instruments in their classrooms for their music instruction. Funding for the arts continues to decrease and Ms. Faulk hates to see it on a local level, as well as on the state/nation level. When we can work with individual schools to give them money that they can improve their education process in their school, Ms. Faulk thought that was what we should be doing; there is no question about it. Parkwood High School was also given a \$500 grant this year for an interesting metal art project in one of their engineering shop classes. The funding was requested by a teacher that had a project with his engineering and metal work students; it was art-based and teaches them what they need to learn in that particular curriculum with an added art component, so we will have a permanent piece of art work that Parkwood High students did. Ms. Faulk explained that she wanted to call the council's attention to those particular things, because they were specific. Ms. Faulk has every reason to believe that next year the arts council will fund every school that applies to them and give them up to \$500. Last year they funded 16 of the schools and it is catching on, so Ms. Faulk expects that they are going to be funding even more this coming year.
- Ms. Faulk explained that 92% of their budget goes into programming and only 8% is administrative, so they are very fiscally conservative and very in tune with the cultural needs of the county in working with other art groups (symphony and theater groups). Ms. Faulk thinks that they try to do Mineral Springs proud and try to represent them very well and she hopes the council knows they will continue to do that.
- Councilwoman Critz thanked Ms. Faulk for her persistence; there's not enough tenacity in the arts and there have been a lot of studies done that shows the benefit to children's lives and their educational and social abilities, as well as their success in their adult life when they have been exposed to the arts.

9. **Consideration of a Capital Project Ordinance**

- Mayor Becker explained that when the town does these Capital Project Ordinances it really is just a way of authorizing funding over two fiscal years. We have \$27,000 for engineering [now] and then construction that is going to be going through February or March [2016]. The best way the town has found to do that is with a Capital Project Ordinance, which allocates the money to just be in a separate block for just this project; it doesn't mean we are going to spend that whole amount. Mayor Becker also explained that he had "thrown" a little bit extra above and beyond what the initial estimates were from Mr. Blackman just to allow us to add some of those amenities that may come up at the public meeting; for example a

water fountain which is handicapped accessible. The Capital Project Ordinance authorizes the expenditure, but it doesn't require the expenditure.

- **Councilman Countryman** made a motion that the board approves the Capital Project Ordinance at the level of \$127,000 and **Councilwoman Cureton** seconded. The motion passed unanimously as follows:

Ayes: Countryman, Critz, Cureton, LaMonica and Neill

Nays: None

- The Capital Project Ordinance is as follows:

STATE OF NORTH CAROLINA
TOWN OF MINERAL SPRINGS

PROJECT ORDINANCE AUTHORIZING DESIGN AND CONSTRUCTION OF A PARK ADJOINING THE TOWN HALL

O-2014-02

Pursuant to section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following project ordinance is hereby adopted:

Section 1: The project involves the design and construction of a multi-use park consisting of approximately 16,000 square feet on property owned by the Town of Mineral Springs adjacent to the town hall at 3506 South Potter Road. This park is intended to serve the broadest possible cross-section of citizens, with paved walkways, sitting and picnic areas, open lawn areas, and play and activity features.

Stewart Incorporated, located at 200 South College Street, Suite 720, Charlotte, North Carolina has been selected to provide design, permitting, construction bid assistance, and construction management services for this park project.

The Design, Permitting, and Bidding phases are expected to take place from April 10, 2015 through August 31, 2015, with the Construction phase expected to take place from September 2015 through February 2016.

Section 2: It is estimated that the following revenues will be available to complete those projects described in section 3:

General Fund Balance	\$127,000
Total	\$127,000

Section 3: The following amounts are appropriated for the projects of the Downtown Park Capital Project fund:

Design and Professional Services (Item #1)	\$27,000
Construction, Amenities, and Fixtures (Item #2)	\$100,000
Total	\$127,000

Section 4: The Finance Officer is authorized to make periodic payments to Stewart, Incorporated for services provided under "Item #1" based on the work completed in each billing cycle, as specified in the agreement between the town and Stewart

Section 5: The Finance Officer is authorized to make periodic payments for work under "Item #2" to any contractor or contractors approved by the Mineral Springs town council as a result of the Construction Bid process. These payments shall be made only as invoiced in contractor pay requests approved by Stewart in its construction management function. The Finance Officer is authorized to approve change orders of up to One Thousand Dollars (\$1,000.00) for any individual change. Contracts or change orders above that amount must be approved by the town council.

Section 6: The Finance Officer is hereby directed to maintain within the Downtown Park Capital Project Fund sufficient detailed accounting records for the project authorized.

Section 7: The Finance Officer is directed to report annually on the financial status of the Downtown Park Capital Project Fund.

Section 8: The Finance Officer is authorized to transfer funds as required from the General Fund balance into the Downtown Park Capital Project Fund.

Section 9: Copies of this Downtown Park Capital Project Ordinance shall be filed with the Town Clerk and the Finance Officer.

ADOPTED this the 9th day of April, 2015.

Frederick Becker III, Mayor

Attest:

Vicky A. Brooks, Clerk

10. 2015-2016 Budget – Proposed Departmental Appropriations

- Mayor Becker offered if he was looking a little bit preoccupied, it was because he didn't have a calculator, so he had to use his old fashioned pencil and paper and he was convinced that apparently there is no right way to make these projections for some people. This year the salary numbers in white [shown on the proposed departmental appropriations] are the fixed salaries, which he actually put in with the 3% possible increase that this board usually asks for; it is more transparent. Mayor Becker stated that he thought that would satisfy a little bit, but he was very concerned that somehow, because of the way that he was breaking down the finance officer's salary (because of the workers comp issue that is detailed at length in the memo) that maybe he did a math error and had asked himself to get a 9% increase as somebody earlier this evening claimed that he did. Mayor Becker did the math and there is not a 9% [increase] reflected, it's 3%; he didn't make a math error and he wanted to let the council know that.
- The 2015-2016 budget is very similar to last year's budget. Mayor Becker has added to the Park and Greenway Maintenance, because we are going to have more for both this park and the greenway trailhead. Elections – the council can see. Special Events – when Mayor Becker was doing his departmental request, Ms. Brooks had asked for a \$4,000 authorization on the festival, because she had some ideas to add additional activities and items. Street Lighting – the council came to the conclusion that there is no need to do anything along Potter Road for the near future, so he put that back to the original level of what we are paying for street lighting right now.
- Mayor Becker referred back to the 3% and stated that he didn't know if that was an appropriate salary increase amount or not, but that is what is "penciled in" in the white numbers to give a little more of a clarity in what the council might be considering. Councilwoman Critz commented that she appreciated Mayor Becker doing that, because it makes it easier for people like her who don't really do detailed finance reports but once a month to conceptually understand what 3% means and the reality of a pay check. Councilwoman Critz continued that she knew that Councilwoman LaMonica, Councilman Countryman and Councilwoman Coffey have had a lot of influence with this council at the 3% level being the most actively involved in the corporate world and public in business areas. With their guidance, Councilwoman Critz thought this council has pretty much stuck to that. Councilwoman LaMonica commented that it was fair and consistent for the current fiscal year and what we are seeing across all kinds of industries and verticals; 3% is about the maximum. Mayor Becker stated that when he has his adding machine

he will do it again on the adding machine, having to break that finance officer from two arbitrarily cut-in-half halves to that 90/10 split; he just did it and he swears it's 3%. Councilwoman Critz responded that it appears to be, but she hasn't calculated it out. Mayor Becker added that the total of this year's finance officer salary is \$29,772 (the total 50/50 split) and the proposal for next year was \$30,672, which is about a 3.01%; rounding up to the nearest monthly breakdown is 3%. The clerk/planning director is 3% straight across. Mayor Becker noted that it doesn't have to go in the budget and that we do have the hourly rate for the third employee, which we may be considering increasing that 3% also. That's something that the council can vote on separately if they want to do it at this time or wait until we adopt the budget. Councilwoman Critz responded that they will wait until they adopt the budget, so that they have input from Councilwoman Coffey.

- **Councilwoman Critz** made a **motion** to approve the figures that have been presented to the council and the finance officer moving forward with the final budget proposal and **Councilwoman Neill** seconded. Councilwoman LaMonica referred to the Dues category and asked if we feel that materially each one of those areas that are subscribed to are meaningful and valuable; there is not a lot of money here, but she just wanted to check. Mayor Becker responded that the biggest one [the North Carolina League of Municipalities] may be the least valuable, because they are our lobbyist and that is literally what we are paying for. We have found over the years that the League doesn't always have the interest of the smallest municipalities as high on their radar as the interest of the large municipalities, which had been a source of friction even between him and the previous executive director; there was a time when the council considered backing out, but they realized that it's supporting the League of Municipalities which is still a benefit to the municipal cause as a whole. Mayor Becker noted that he can pick up the phone and get information from the League. They do a lot of salary research and fiscal projections that really help him. As dues paying members, the town is eligible for their property and casualty and general liability insurance, which has very good rates compared to what we could get in the private sector; workman's comp is still competitive. Mayor Becker stated that he thought there is a certain benefit, but he didn't know whether we get our full \$3,600 worth of benefit back in a reduced premium, but he thought we are getting something back. Mayor Becker was not recommending that the town drop the League, because there is a benefit. Councilwoman LaMonica noted that is the only one where the dues are going up every year. Mayor Becker noted that he thought the best "bang for the buck" to this day is the Institute of Governments. Mayor Becker is finding that being at the meetings for the TPO has him a little more "in the loop" on what our Regional Transportation Planning is. That is the newest for \$800+ and it's one of those things that when you are a member of a professional society; do you feel like you are getting a tangible benefit every week, maybe not, but it is up to the council to make those final decisions. Councilwoman Critz agreed with Mayor Becker and commented that overall she thought on a month-to-month basis it may seem of less value, but she can't think of a year over the past 14 years that she has served that she hasn't referred to information from the League as well as the Institute of Governments. You can pick up the phone and actually get a professor, an author, a leader and you get the information – literally from the "horses' mouth". Mayor Becker noted that he had put down \$3,201 for the League, but we have already paid them \$3,474; the \$3,201 was last year and the \$3,474 is this year, so it will

probably be \$3,619 next year. Councilman Countryman wanted to clarify that they still have two months prior to finalizing the budget; there will be a proposal at the May meeting, which isn't finalized until the June meeting. Mayor Becker responded that the council is allowing him to go forward; they are giving him input and ideas (should he raise or lower some of the figures) on the expenditures. Next month the council will see the budget with the revenue projections. Mayor Becker noted that he would say that we have a little bit of bad news on the revenue front, not as bad as other municipalities that they are reading about that have had deep cuts in some of their business privilege taxes and things based on the General Assembly action. Mineral Springs doesn't have those, so as long as the sales tax doesn't get changed (it may) we aren't at risk. Mayor Becker did get notified by the county that our property tax base dropped roughly 10% with the reevaluation. Across the board the county went down over 5%. The town's real property values are going from approximately \$260,000,000 to \$235,000,000 for this upcoming year. That means if we keep the same property tax rate of 2.5 cents then we are going to have reduced property tax revenues. Although this wasn't the time for Mayor Becker to be making a recommendation, he explained that the amount will be very small, because property taxes are only 20% of our total revenue stream, so our property tax revenues are approximately \$66,000 based on a 2.5 cent tax rate with the tax base that we have and with the 10% reduction we might go down to \$61,000. Mayor Becker is leaning toward "standing pat" with our tax rate and absorbing that \$5,000 reduction, because we are probably going to see some increases in franchise. Councilwoman LaMonica asked with that tax rate are we still going to operate in the black and not have a problem. Mayor Becker responded that we can remain as fiscally conservative as we have always been; he suspects that we will have a bigger increase in franchise income than we are going to have in a decrease of property tax if we don't change our rate. Mayor Becker believed we would still have our "little capital thing" that we put there each year; that's where we have our "wiggle room" and he is confident. The draft budget document will be presented next month. Mayor Becker called for a vote on the motion to direct him to move forward. *The aforementioned motion by Councilwoman Critz passed unanimously as follows:*

Ayes: Countryman, Critz, Cureton, LaMonica and Neill

Nays: None

11. Staff Reports

- It was noted the Deputy Clerk Janet Riding would be getting married on April 25th and that her new last name will be Ryberg. The council congratulated Ms. Ridings.
- Mayor Becker mentioned that Ms. Helms didn't tell the council that her sister was involved in graphic design and is on a contract in Dubai. Ms. Helms contacted her sister, because the town was talking about logos. Mayor Becker passed around a sampling of the logo that Ms. Helms' sister came up with and stated that the town was free to make whatever future use they wanted to of a nice little logo. Councilwoman Critz mentioned maybe magnets like we had for the greenway; they could be sold or given away at the festival.
- Mayor Becker mentioned that he had talked with Mr. Blackman already about an addition to the playground that would be natural; very large rocks that are as tall as

he is and one of them could maybe go at the edge of the playground. Mayor Becker explained that he asked Mr. Blackman if these things would be too dangerous and Mr. Blackman said no, the pediatric community is saying that kids need to be touching stuff that is dirtier and rougher; they love doing it. Mayor Becker commented that these rocks happen to have been dug out of Harrington Hall when the developer's grading contractor was putting the roads in; they are huge and they couldn't get rid of them, so they are pushed up against the back property line where you can get to them from the road. Mayor Becker stated that he didn't know if Mr. Blackman can incorporate the rock and he hasn't talked to the people that own them. "It could make a really nice focal point and it is native; it came right out of the ground in Mineral Springs, we didn't have to truck it in from somewhere", Mayor Becker said. Councilwoman LaMonica offered that we need to have it engraved or something with a Veteran's Memorial or something. Councilwoman Neill thought that was awesome. Mayor Becker added that we can discuss it at the Kick-Off Meeting and Public Information Meeting; do we want to have a rock at the side of the playground. From what Mr. Blackman said there is no problem with people using those as long as your fall range is on a soft surface. Councilman Countryman mentioned that we would have a hard time getting it there. Councilwoman LaMonica responded that it might cost a small fortune to move it from its location. Mayor Becker commented that it's not going very far; a flatbed truck and a big front loader.

12. **Other Business**

- There was no other business.

13. **Adjournment**

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

Ayes: Countryman, Critz, Cureton, LaMonica and Neill

Nays: None

- The meeting was adjourned at 9:10 p.m.
- The next regular meeting will be on Thursday, May 14, 2015 at 7:30 p.m. at the Mineral Springs Town Hall.

Respectfully submitted by:

Vicky A. Brooks, CMC, NCCMC, Town Clerk

Frederick Becker III, Mayor