

TOWN OF MINERAL SPRINGS

NOTICE OF SPECIAL MEETING

NOTICE IS HEREBY GIVEN that the Town of Mineral Springs will conduct a special meeting on Thursday, May 26, 2016, at 7:30 PM at the Mineral Springs town hall located at 3506 South Potter Road in Mineral Springs. The purpose of the meeting shall be:

- To consider approving the proposal submitted by LaBella Associates, P.C. for greenway bridge repair design and preparation of construction documents
- To consider appointing a Designated Official to notify the North Carolina Alcoholic beverage Control Commission of the town's recommendations on license applications and to consider approving resolution R-2016-01 formalizing that appointment

This the 24th day of May, 2016.

By 
Frederick Becker III, Mayor

Mayor Frederick Becker III – 2017 Mayor Pro Tem Peggy Neill – 2019

Town Council Members

Valerie Coffey – 2019 ~ Jerry Countryman – 2017 ~ Lundeen Cureton – 2019

Janet Critz – 2017 ~ Bettylyn Krafft – 2017

Town of Mineral Springs
Mineral Springs Town Hall
3506 S Potter Road ~ Mineral Springs
Town Council
Special Meeting
May 26, 2016 ~ 7:30 PM

Agenda

1. **Opening**

The meeting will be called to order.

2. **Consideration of Approving the Proposal Submitted by LaBella Associates, P.C. for the Greenway Pedestrian/Equestrian Bridge Proposal for Design and Documentation of Recommended Repairs**

The council will consider approving the proposal from LaBella Associates, P.C., under the exemption provided in N.C.G.S.-143-64.32.

3. **Consideration of Appointing a Designated Official to Notify the North Carolina Alcoholic Beverage Control Commission of the Recommendations for the Town and Consideration of Approving Resolution 2016-01**

The council will consider appointing a designated official of the town to notify the North Carolina ABC Commission of the town's recommendation regarding the suitability of persons and locations for ABC permits within the jurisdiction. The council will consider approving Resolution 2016-01.

4. **Adjournment**

1520 South Boulevard, Suite 210 | Charlotte, NC 28203 | p 704.376.6423 | f 704.332.6177 | www.labellapc.com

May 24, 2016

Mr. Fredrick Becker III - Mayor
Town of Mineral Springs
PO Box 600
Mineral Springs, NC 28108-0600

RE: Greenway Pedestrian/Equestrian Bridge Proposal for Design and Documentation of recommended repairs

Dear Mr. Becker:

LaBella Associates, P.C. (LaBella) is pleased to present the following proposal for professional engineering services for alterations to the four existing pedestrian bridges in the greenway north of Mcneely Road in Mineral Springs, NC. This scope of work is based on the recommendations made our letter to you dated May 13, 2016 and subsequent discussions with you. The scope of work includes:

- Perform load calculations and design details for recommended repairs to code deficiencies noted in our letter dated 5/13/2016.
- Prepare Construction Documents for the above items. Documents to include drawings signed and sealed.
- Communication with the local code official to seek a variance for the bridge footing depths.
- Two onsite meetings are included for repair detail review, coordinating with the local code official and/or on-site inspection of completed repairs.
- Construction administration is not included.

For the above scope of services we propose a fixed fee of Two Thousand Dollars (\$2,000), plus any reimbursable expenses.) The term of this Agreement shall be for a period of Three (3) months beginning as of June 1, 2016. LaBella will complete the above in accordance with a mutually agreed upon schedule.

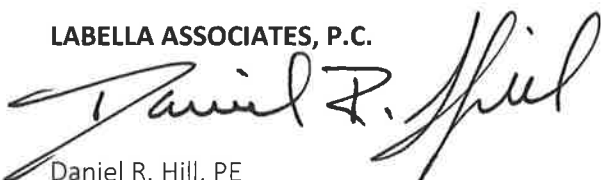
Iran Divestment Act Certification. LaBella hereby certifies that LaBella, and all subcontractors, are not on the Iran Final Divestment List ("List") created by the North Carolina State Treasurer pursuant to N.C.G.S. 143-6A-4. LaBella shall not utilize any subcontractor that is identified on the List.

E-Verify. LaBella and LaBella subcontractors shall verify the work authorization of their employees upon hiring through the federal E-verify program as required by Article 2, Chapter 64 of the North Carolina General Statutes.

If you have any questions, please do not hesitate to contact me directly at (704) 290-4384 or e-mail at dhill@labellapc.com. We appreciate the opportunity and look forward to working with you towards the successful completion of this project.

Respectfully submitted,

LABELLA ASSOCIATES, P.C.



Daniel R. Hill, PE
Senior Structural Engineer

May 13, 2016

Mr. Fredrick Becker III - Mayor
Town of Mineral Springs
PO Box 600
Mineral Springs, NC 28108-0600

RE: Greenway Pedestrian/Equestrian Bridge Evaluation

Dear Mr. Becker:

Pursuant to the request of the Town of Mineral Springs, LaBella performed a structural evaluation of the pedestrian/equestrian bridges in the existing greenway north of Mcneely Road in Mineral Springs, North Carolina, on April 26, 2016.

The purpose of this investigation was to evaluate the four bridges for compliance with the structural requirements of the North Carolina Building Code. Prior to our site visit we were provided with detailed hand sketches of the current bridge conditions, including sizes, dimensions, locations, etc. I was accompanied by yourself to each bridge location during the inspection.

Bridge Descriptions/Observations and Visual Inspection:

The hand sketches and bridge location map have been attached for your reference. Our visual inspection of the bridges included individual observations of all 4 bridges as well as confirmation of all the information provided on the hand sketches.

Bridge #1 is a treated wood framed structure spanning approximately 12'-8" over a shallow stream. Bearing on each end is provided by grout filled cmu blocks with a galvanized strap for attachment. Treated wood railings span each side of the bridge for the full length.

Bridge #2 is also a treated wood framed structure spanning approximately 14'-6" over a shallow stream. Bearing on each end is provided by grout filled cmu blocks with a galvanized strap for attachment. Treated wood railings span each side of the bridge for the full length. A treated wood framed ramp extends from one end of the bridge down to finish grade.

Bridge #3 again is a treated wood framed structure spanning approximately 9'-2" over a shallow stream. Bearing on each end is provided by solid cmu blocks with no attachment. Treated wood railings span each side of the bridge for the full length.

Bridges #1 thru #3 all have postings stating that no horses are allowed on the bridge.

Bridge #4 has treated wood decking supported on steel tube sections that bear on a continuous concrete footing on each end. Steel tubes are anchored with a welded clip angle and anchor bolt to the footing. There are no railings on this bridge.

Analysis/Conclusions

The following analysis/conclusions are based on the observations, visual inspections, review of the hand sketches, review of current North Carolina building code and design analysis. The code non-compliance items are outlined by bridge number below.

Bridge #1: The depth of footing bearing of 8" and 10" respectively at each end does not meet the code

requirement of 12" minimum. Guardrail height of 36" does not meet code requirement of 42" minimum for walking surfaces more than 30" above adjacent grade (stream bottom). The height of step from finish grade to walking surface of 12" exceeds the code required maximum riser heights for steps of 7".

Bridge #2: The depth of footing bearing of 5" on the ramp end does not meet the code requirement of 12" minimum. Guardrail height of 36" does not meet code requirement of 42" minimum for walking surfaces more than 30" above adjacent grade (stream bottom). There is also no handrail at the ramp location which is required by code.

Bridge #3: There is no attachment of 2x12 support girders to the footings. Guardrail height of 36" does not meet code requirement of 42" minimum for walking surfaces more than 30" above adjacent grade (stream bottom). Even though this bridge is not 30" above adjacent grade, if a rail is provided then it should meet the code height requirements.

Bridge #4: Missing Handrail/guardrail does not meet code requirement of 42" minimum for walking surfaces more than 30" above adjacent grade (stream bottom). This bridge is the only one requiring loading for horses. The Federal Highway Administration "Equestrian Design Guidebook for Trails, Trailheads and Campgrounds, Chapter 5" and AASHTO "Guide Specifications for Design of Pedestrian Bridges" were used to determine loading criteria and .

Recommendations

The following recommendations are possibilities for repairing the non-compliant code issues and can be further developed with you in order to meet the Town's requirements:

For the bridges noted below not meeting the code footing depth requirements a variance from the local code official should be pursued first. If no agreement can be met then the recommendations noted below should be followed.

Bridge #1: Shore up the bridge at the footing bearing locations and install new masonry footings similar to existing down to 12" below grade and reconnect the bridge girders. A second option would be to install helical piles down to a 12" minimum depth and provide a connection to the existing bridge girders. Provide a splice in the guardrail post or a new 4x4 post that extends up to the 42" required height. For the step, provide a new treated wood framed step attached back to the girders to provide a maximum 7" riser height.

Bridge #2 Shore up the bridge at the footing bearing locations and install new masonry footings similar to existing down to 12" below grade and reconnect the bridge girders. A second option would be to install helical piles down to a 12" minimum depth and provide a connection to the existing bridge girders. Provide a splice in the guardrail post or a new 4x4 post that extends up to the 42" required height. Provide new posts and handrail at both sides of ramp.

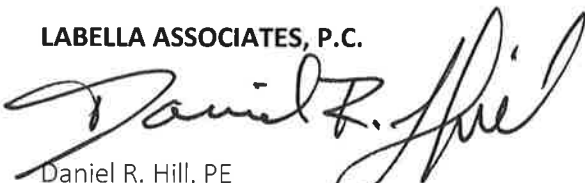
Bridge #3: Provide new galvanized strap anchor attached to footing and bridge girders. Provide a splice in the guardrail post or a new 4x4 post that extends up to the 42" required height or remove the rail in its entirety.

Bridge #4: Provide a treated wood railing on both sides of the bridge that extends up to the 42" required height.

We would be glad to sit down to discuss this report in detail with you at your convenience.

Respectfully submitted,

LABELLA ASSOCIATES, P.C.


Daniel R. Hill, PE
Senior Structural Engineer



5/29/16
NC ENG. CORR. #: C-0430

TOWN OF MINERAL SPRINGS

**RESOLUTION OF THE TOWN OF MINERAL SPRINGS, COUNTY OF UNION,
REGARDING THE DESIGNATION OF AN OFFICIAL TO MAKE RECOMMENDATIONS TO
THE NORTH CAROLINA ALCOHOLIC BEVERAGE CONTROL COMMISSION ON ABC
PERMIT APPLICATIONS**

R-2016-01

WHEREAS, G.S.18B-904(f) authorizes a governing body to designate an official, by name or by position, to make recommendations concerning the suitability of persons or locations for ABC permits; and

WHEREAS, the Town of Mineral Springs, County of Union, wishes to notify the NC ABC Commission of its designation as required by G.S.18B-904(f);

BE IT THEREFORE RESOLVED that _____,
(Name of Official) (Title or Position)

is hereby designated to notify the North Carolina Alcoholic Beverage Control Commission of the recommendations of the Town of Mineral Springs, County of Union, regarding the suitability of persons and locations for ABC permits within its jurisdiction.

BE IT FURTHER RESOLVED that notices to the Town of Mineral Springs, County of Union, should be mailed or delivered to the official designated above at the following address:

Mailing Address: P. O. Box 600
Office Location: 3506 Potters Road South
City: Mineral Springs, NC
Zip Code: 28108 Phone #: 704-243-0505

ADOPTED this the 26th day of May, 2016.

Frederick Becker III, Mayor

Sworn to and subscribed before me this the _____ day of _____, 2016.

Vicky Brooks, CMC, NCCMC, Town Clerk

§ 18B-904. Miscellaneous provisions concerning permits.

(a) Who Receives Permit. - An ABC permit shall authorize the permitted activity only on the premises of the establishment named in the permit. An ABC permit shall be issued to the owner of the business conducted on the premises, or to the management company employed to independently manage and operate the business. The ABC Commission may determine if a management agreement delegates sufficient managerial control and independence to a manager or management company to require an ABC permit to be issued to the manager.

(b) Posting Permit. - Each ABC permit that is held by an establishment shall be posted in a prominent place on the premises.

(c) Business Not Operating. - An ABC permit shall automatically expire and shall be surrendered to the Commission if the person to whom it is issued does not commence the activity authorized by the permit within six months of the date the permit is effective. Before the expiration of the six-month period, the Commission may waive this provision in individual cases for good cause.

(d) Notice of Issuance. - Upon issuing a permit the Commission shall send notice of the issuance, with the name and address of the permittee and the establishment, to:

- (1) The Department of Revenue;
- (2) The local board, if one exists, for the city or county in which the establishment is located;
- (3) The governing body, sheriff, and tax collector of the county in which the establishment is located;
- (4) If the establishment is located inside a city, the governing body, chief of police, and tax collector for the city; and
- (5) The ALE Branch.

(e) Business or Location No Longer Suitable. -

- (1) The Commission may suspend or revoke a permit issued by it if, after compliance with the provisions of Chapter 150B of the General Statutes, it finds that the location occupied by the permittee is no longer a suitable place to hold ABC permits or that the operation of the business with an ABC permit at that location is detrimental to the neighborhood.
- (2) The Commission shall suspend or revoke a permit issued by it if a permittee is in violation of G.S. 18B-309. Notwithstanding subdivision (e)(1) of this section, the Commission shall, by order and without prior hearing, summarily suspend or revoke a permit issued by it if a permittee is in violation of G.S. 18B-309(c) when, prior to the period of time for which the audit is to be conducted, the city council has filed information designating the location of the Urban Redevelopment Area as required under G.S. 18B-309(a) and has provided actual notice to permittees located in the Urban Redevelopment Area that they are located in such an area and must abide by G.S. 18B-309(c). Upon entry of a summary order under this subdivision, the Commission shall promptly notify all interested parties that the order has been entered and of the reasons therefore. The order will remain in effect until it is modified or vacated by the Commission. The permittee may, within 30 days after receipt of notice of the order, make written request to the Commission for a hearing on the matter. If a hearing is requested, after compliance with the provisions of Chapter 150B of the General Statutes, the Commission shall issue an order to affirm, reverse, or modify its previous action.
- (3) Notwithstanding G.S. 18B-906, the Commission shall revoke a permit issued by it if, after complying with the provisions of Chapter 150B of the General Statutes and without a finding of mitigating evidence or circumstances, it finds evidence that the permittee or the permittee's employee has been found responsible by a court of

competent jurisdiction or the Commission for two or more violations on separate dates of knowingly allowing a violation of the gambling, disorderly conduct, prostitution, controlled substance, or felony criminal counterfeit trademark laws as those offenses are prohibited pursuant to G.S. 18B-1005(a)(2), (a)(3), or (b), G.S. 18B-1005.1, or G.S. 80-11.1(b)(2) or (3), at a single ABC-licensed premises within a 12-month period. The permittee and the owner of the property have the responsibility to monitor the conduct on the licensed premises pursuant to G.S. 18B-1005(b) and G.S. 19-1. Revocation of permits pursuant to this subdivision shall only apply to the permits issued to the location where the violations occurred.

(4) Notwithstanding G.S. 18B-906, the Commission shall immediately suspend permits issued by it for a period of 30 days if both of the following apply:

- a. Alcohol Law Enforcement agents or local ABC Board officers provide advance notice to the Commission Legal Division staff of the ongoing undercover operation.
- b. Upon execution of the search warrant resulting from the undercover operation, five or more persons are criminally charged with violations of the gambling, disorderly conduct, prostitution, controlled substance, or felony criminal counterfeit trademark laws.

(f) Local Government Objections. - The governing body of a city or county may designate an official of the city or county, by name or by position, to make recommendations concerning the suitability of a person or of a location for an ABC permit. The governing body of a city or county shall notify the Commission of an official designated under this subsection. An official designated under this subsection shall be allowed to testify at a contested case hearing in which the suitability of a person or of a location for an ABC permit is an issue without further qualification or authorization.

(g) Nothing in this Chapter shall be deemed to preempt local governments from regulating the location or operation of adult establishments or other sexually oriented businesses to the extent consistent with the constitutional protection afforded free speech, or from requiring any additional fee for licensing as permitted under G.S. 160A-181.1(c). (1939, c. 158, s. 514; 1943, c. 400, s. 6; 1949, c. 974, s. 14; 1953, c. 1207, ss. 2-4; 1957, c. 1440; 1963, c. 426, ss. 4, 5; 1971, c. 872, s. 1; 1981, c. 412, s. 2; c. 747, s. 58; 1989, c. 800, ss. 9, 10; 1991, c. 459, s. 4; 1993, c. 415, s. 12; 1998-46, s. 6; 1999-322, s. 2; 2001-515, s. 3(b); 2005-392, s. 4; 2011-145, s. 19.1(q); 2014-100, ss. 15.2A1(a), 17.1(xxx).)

18B-901(c)

Factors in Issuing Permit

Before issuing a permit, the Commission shall be satisfied that the applicant is a suitable person to hold an ABC permit and that the location is a suitable place to hold the permit for which the applicant has applied. To be a suitable place, the local governing body shall return a Zoning and Compliance Form to the Commission on a form provided by the Commission to show the establishment is in compliance with all applicable building and fire codes and, if applicable, has been notified that it is located in an Urban Redevelopment Area as defined by Article 22 of Chapter 160A of the General Statutes and as required by G.S. 18B-904(e)(2). Other factors the Commission shall consider in determining whether the applicant and the business location are suitable are all of the following:

- (1) The reputation, character, and criminal record of the applicant.
- (2) The number of places already holding ABC permits within the neighborhood.
- (3) Parking facilities and traffic conditions in the neighborhood.
- (4) Kinds of businesses already in the neighborhood.
- (5) Whether the establishment is located within 50 feet of a church, public school, or any nonpublic school as defined by Part 1 or Part 2 of Article 39 of Chapter 115C of the General Statutes.
- (6) Zoning laws.
- (7) The recommendations of the local governing body.
- (8) Any other evidence that would tend to show whether the applicant would comply with the ABC laws.
- (9) Whether the operation of the applicant's business at that location would be detrimental to the neighborhood, including evidence admissible under G.S. 150B-29(a) of any of the following:
 - a. Past revocations, suspensions, and violations of ABC laws by prior permittees related to or associated with the applicant, or a business with which the applicant is associated, within the immediate preceding 12-month period at this location.
 - b. Evidence of illegal drug activity on or about the licensed premises.
 - c. Evidence of fighting, disorderly conduct, and other dangerous activities on or about the licensed premises.

Part 3. Local Licenses.

§ 105-113.77. City beer and wine retail licenses.

(a) License and Tax. – A person holding any of the following retail ABC permits for an establishment located in a city shall obtain from the city a city license for that activity. The annual tax for each license is as stated.

ABC Permit	Tax for Corresponding License
On-premises malt beverage.....	\$15.00
Off-premises malt beverage	5.00
On-premises unfortified wine, on-premises fortified wine, or both.....	15.00
Off-premises unfortified wine, off-premises fortified wine, or both	10.00

(b) Tax on Additional License. – The tax stated in subsection (a) is the tax for the first license issued to a person. The tax for each additional license of the same type issued to that person for the same year is one hundred ten percent (110%) of the base license tax, that increase to apply progressively for each additional license. (1985, c. 114, s. 1.)