

Town of Mineral Springs
Town Hall
3506 S. Potter Road
Town Council
Regular Meeting
March 10, 2016 ~ 7:30 PM

Minutes

The Town Council of the Town of Mineral Springs, North Carolina, met in Regular Session at the Mineral Springs Town Hall, Mineral Springs, North Carolina, at 7:30 p.m. on Thursday, March 10, 2016.

Present: Mayor Frederick Becker III, Mayor Pro Tem Peggy Neill, Councilwoman Valerie Coffey, Councilman Jerry Countryman, Councilwoman Janet Critz, Councilwoman Lundeen Cureton, Councilwoman Bettylyn Krafft, Town Clerk/Zoning Administrator Vicky Brooks and Deputy Town Clerk/Tax Collector Janet Ridings.

Absent: Attorney Bobby Griffin.

Visitors: Neva Helms.

With a quorum present Mayor Frederick Becker called the Regular Town Council Meeting of March 10, 2016 to order at 7:31 p.m.

1. **Opening**

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

2. **Public Comments**

- Neva Helms – 5315 S Rocky River Road – Monroe, NC.

3. **Consent Agenda**

- **Councilwoman Coffey** made a **motion** to approve the consent agenda as amended with the tax collector report that was incorrectly dated and has been corrected and submitted to everyone containing the following:

A. February 11, 2016 Regular Meeting Minutes

B. January 2016 Tax Collector's Report

C. January 2016 Finance Report

and **Councilman Countryman** seconded. The motion passed unanimously as follows:

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

Nays: None

4. Discussion of a Nuisance Ordinance

- Zoning Administrator Vicky Brooks explained that she had met with a gentleman from N•Focus named John Ganus and they discussed what N•Focus could actually do for the town as far as a Nuisance Ordinance. Mr. Ganus had presented Ms. Brooks with some ideas of what the town could do. Ms. Brooks pointed out that there was a lot of stuff in there [shown on a list in the agenda packet] that the town probably does not want, but that is up to the council to look it over and determine if they want to have a Nuisance Ordinance and what would be in it. Councilwoman Critz asked if the planning board had looked over this information that Ms. Brooks provided to the council. Ms. Brooks responded no. Ms. Brooks stated that she had received an estimate of what it would cost for N•Focus to do this kind of code enforcement on the Nuisance Ordinance. Ms. Brooks referred to the sheets that she handed out to the council right before the meeting. Mayor Becker commented that the whole idea of how we would be doing this is preliminary, but these prices show two different ways of doing it: (1) lump sum contract for the year based on one day a month and (2) on-demand hourly with travel time. This gives the council a rough idea of [the cost of] having a third party administrator enforcing it. Councilwoman Critz asked Ms. Brooks if it would be possible to give the council time to review this information and then call a special meeting and have him [Mr. Ganus] come and talk about what we would consider to be practical for our community and draw a conclusion that way with him. As a council, they would come back with close to the same ideas and they could narrow it down to what would be practical and probable for our community and then figure out the best way to move forward, because if we can't enforce it reasonably then we can't, it's to no one's benefit. Ms. Brooks responded that she found, talking to Mr. Ganus, that a Nuisance Ordinance is completely different from the Zoning Ordinance where you don't have as many teeth to enforce it. With a Nuisance Ordinance you do, but it will cost the town money. If it got to the point where someone didn't get up their garbage, through this you could actually hire somebody to go on their property and take it. Councilwoman Critz commented that she was thinking if he [Mr. Ganus] and the council narrowed down what was practical for the community he could say "well that would best be served by hourly or that would best be served by one day a month"; he could guide us. Ms. Brooks stated that she thought the trick here is "how many complaints would we get"? We may want to start out on the hourly basis and if we find that we're getting a lot of complaints where he has to go do a lot of stuff then the contract may become a better option for us. Mayor Becker asked Ms. Brooks if Mr. Ganus gave her a little buffet of how it would work. For example you have one particular nuisance complaint that came into Ms. Brooks and she forwarded it to Mr. Ganus, he would contact the violator - notify - and he wouldn't necessarily always have to come here, some of it could be phone or letter. Isn't that how zoning works, not everything is a visit. Ms. Brooks responded that she thought Mr. Ganus would need to see it and then a lot of it probably could be phone calls. Mayor Becker asked if there was need for third party abatement (i.e. somebody had to clean up a trash pile) he would hire that. Ms. Brooks responded that technically the town would, because we would have to pay for that. Mayor Becker asked if he would handle the administration of doing that and the town would be getting billed by that party in addition to these [N•Focus] rates. Then that would be subject to a tax lien on the property, which Attorney Griffin could answer. Ms. Brooks responded yes. Councilwoman Critz

asked if was possible for the council to meet early in April and have a special meeting before our regular meeting where the council can “hash it out” after reviewing the information more thoroughly and “hash out” what the council thinks is practical and necessary. Mayor Becker commented that there are some things that the town wouldn’t want to consider a nuisance; “we don’t want to have a grass cutting ordinance most likely”. Councilman Countryman asked where all of this [information] came from. Ms. Brooks responded that she thought it came from multiple places, Mr. Ganus is just showing what all can be in a Nuisance Ordinance. It is just samples; the council could whittle it down to having one thing in our Nuisance Ordinance. Mayor Becker commented “just bags of trash”. Ms. Brooks stated that the council does not have to select all of those things. Mayor Becker explained that he had made some notes reading through it and pointed out that in some cases you might consider this is Mineral Springs, where country people are working on equipment, so you talk about old worn out broken or discarded machinery, well maybe somebody has two or three things in their yard. In a country town like this that is maybe to be expected, but to have a quarter acre lot just filled to overflowing with rusting lawnmowers, so maybe you would have different degrees that would kick in to make it a violation. A lot of tweaking to make it fit what we are as a rural town, we’re not the City of Charlotte or the City of Monroe. Councilwoman Critz commented that the information was pretty clear, where someone might have a vintage tractor in their yard as decoration, but that is not worn out, broken or discarded; this makes it pretty clear. Ms. Brooks responded that may not be something that the council would consider; however, getting rid of garbage.... Mayor Becker commented that getting rid of garbage bags is one thing, but we have known violations now which the zoning administrator is trying to handle, with machinery and junk; we’re finding that they may not fit under a Zoning Ordinance. Ms. Brooks responded that is correct. Mayor Becker commented that could be another thing which may have to be addressed via nuisance.

- **Councilwoman Critz** made a **motion** to call a special meeting on April 14, 2016 at 6:30 p.m. [at the Mineral Springs Town Hall] to conduct a workshop concerning the possibility of a Nuisance Ordinance with the representative from N•Focus and **Councilwoman Krafft** seconded. The motion passed unanimously as follows:

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

Nays: None

- Ms. Brooks noted that she thought as the town moves through this process, if they are going to continue with this process, that we should do a newsletter to make sure that people are aware that we’re doing it and give them the opportunity to come to a meeting to see what is going on or to ask questions. The council concurred. Mayor Becker commented that there certainly has to be public involvement when you are making that type of change if the town chooses to.

5. Update on Greenway Violations

- Ms. Brooks referred to the accessibility issues at the greenway and explained that the plans were approved and the permit has been issued by Union County Building Inspections. Dan Blackman from Stewart has issued the Order to Proceed to H.C.

Rummage. H.C. Rummage is scheduled to begin next week. Mayor Becker and some volunteers went out last weekend and removed the platform. Mayor Becker confirmed that two of the Boy Scout Troop Leaders and one of the Boy Scouts helped to rip out their platform.

- Ms. Brooks explained that Mayor Becker finished up the bridge drawings last week showing the details of how they were built. That was sent out to a couple of engineers and we are waiting to hear back from them on a proposal for how much it will cost. Next month we hope to be seeking approval of one of those engineers to give us the drawings so that we can move forward with getting a permit to do any repairs necessary (if they are needed). If it is something so bad that we have to remove a bridge that is a decision that will come before the council.

6. **Consideration of the Deer Urban Archery Season Renewal**

- Ms. Brooks explained that she believed it was since 2011 that the town has joined in with the Deer Urban Archery Season, so this would be our seventh time. It is an extended deer season of bow hunting that runs from January 14th to February 18th 2017.
- **Councilwoman Coffey** made a **motion** to renew the archery season for the extended timeframe as noted on the paper January 14th through February 18th, 2017 and **Councilman Countryman** seconded. The motion passed unanimously as follows:

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

7. **Staff Reports**

- Ms. Janet Ridings asked Mayor Becker to mention the benches and trees. Mayor Becker explained from a finance and special projects aspect, Ms. Ridings has had (in the course of selling the bricks) two people interested in possibly wanting to sponsor a bench or a tree. Mayor Becker has tried to go through the general contractor's paperwork and come up with a reasonable cost of what the benches actually cost and what a tree has cost. Believe it or not, it looks like it would be a fair assessment that the ADA accessible benches with the arms, installed, were about \$600, the smaller benches were about \$400, a large canopy tree is about \$250 and a Redbud is about \$150; if somebody wants to get a plaque and memorialize one of those. Mayor Becker stated that he just wanted to throw that out to the council whether or not that is something that staff can decide – if those numbers look good (we don't have to have a formal motion on that), but if that is a reasonable thing to throw out to people who are asking to do that. Councilwoman Critz responded that she thought it was a great idea. There was a consensus of the council that people were welcome to purchase the benches and/or trees at the above prices. Mayor Becker noted that the council may have to approve formally if Ms. Ridings gets a request.

8. **Other Business**

- Mayor Becker explained that he had a request from Warren Cooksey of NCDOT Division 10. The council received a letter from the Secretary of Transportation; it was very technical and very specific, because he is asking for anybody's ideas

specifically about the I-77 managed lane contract. Mayor Becker noted that it was kind of weird to ask people to weigh in on the specifics of a contract when they may not have seen it (you can see it online). They are just trying to cover all bases since it has been such a controversial project. CRTPO reaffirmed the concept of managed lanes going forward as being another tool in the arsenal of transportation strategy for the State. There were specific concerns that some people had about that particular contract and he [Mr. Cooksey] wanted Mayor Becker to remind the council if they had any suggestions at all that were specific in the technical form to just send them to Mayor Becker so that he can forward them to him by the 15th of March. Mayor Becker explained that he told Mr. Cooksey from what he knew about the contract (and he knows quite a bit because they've discussed it at the CRTPO meetings) that he didn't see what else they could do with the contract, but if the council has any ideas, they should just let Mayor Becker know.

9. **Adjournment**

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

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

Nays: None

- The meeting was adjourned at 7:59 p.m.
- The next regular meeting will be on Thursday, April 14, 2016 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