

Town of Mineral Springs
Town Hall
3506 S. Potter Road
Town Council
Public Hearing / Regular Meeting
December 13, 2018 ~ 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, December 13, 2018.

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

Absent: Councilman Jerry Countryman, Councilwoman Cureton and Attorney Bobby Griffin.

Visitors: William Mathers.

With a quorum present Mayor Frederick Becker called the Regular Town Council Meeting of December 13, 2018 to order at 7:33 p.m.

1. Opening

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

2. Public Hearing – Vyas Voluntary Annexation

- Mayor Becker opened the public hearing at 7:34 p.m. and explained this was the annexation petition submitted by Suresh and Rita Vyas on tax parcel #06-081-007A and 06-081-007B. For the record, the applicants weren't present, but Mr. Mathers, their realtor, was there representing them.
- William Mathers – *“My name is Bill Mathers. I am the owner of Mathers Realty. I have about 87 agents that work for me, but the owners of the property, Mr. and Mrs. Vyas, have asked me to just come down here tonight to answer any questions you might have. It is their intention of wanting the annexation because part of their property is in Mineral Springs already and the other part is in Union County and although they have never done it before, they originally bought the property thinking they'd build their own home on it, but things have changed in their life, so now Mr. Vyas decided he might want to maybe develop it and build a few homes on it and quite frankly, they are in a position where they have never done anything like this, which is how I ended up helping them. I have been in the real estate business 47 years and right now I am working with three different developers and builders to do exactly the same thing in different parts of Charlotte. You'll find I'm not one of these*

people, when I work for somebody, I tell them they're going to follow the rules and I'm not going to let them do anything you guys don't want done out here. I don't play those games with people. They do know about your 30% barriers and they are okay with it, but I am sure I will be back in a couple of months and they are going to at least ask for a change in zoning because across the street there is the R40 or something, which you don't have to have the barriers, but I will be honest with you, I have already told the mayor and Ms. Brooks this, I would prefer you guys not approve and let them do it the right way, because there is a real strong possibility with my son-in-law and daughter just closing on their house on McNeely, that in the next couple of years I am going to be moving out here. My wife wants to be closer to them because they are going to start having kids. I'll be getting closer to retirement, so I can see that even happening. You guys have got a great community and we are going to follow whatever rules you have, and I know that. For some reason, they got a hold of me and we have a lot of friends that are in common and I've been working with them now for almost a year, because they weren't sure what they were going to do. They also have another property in Mecklenburg County, which they decided to lay out their own diagrams and I told them "you can't do that, because we will get approval for the counties" and then I'm also working with the developers to build some lots right behind the Old Sycamore Golf Course. I've got another developer and builder, he's in the process of developing about 15 lots up in the Mint Hill area. But I have been doing this for a long time and all I'm here today is to answer any questions you have. The first thing they wanted to do is ask for the annexation."

- With no further speakers, Mayor Becker closed the public hearing at 7:38 p.m.

3. Public Comments

- There were no public comments.

4. Consent Agenda

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

- A. November 8, 2018 Regular Meeting Minutes
- B. October 2018 Tax Collector's Report
- C. October 2018 Finance Report

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

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

5. Consideration of Adopting an Ordinance on the Voluntary Annexation

- Mayor Becker noted the ordinance was in the agenda packet and it was the next step in the annexation. Mayor Becker explained this ordinance had the exact same language as the ordinance the council adopted when Alan and Gwen Gardner annexed their farm into Mineral Springs, with the names, parcel ID numbers and map being changed. The map will become part of the ordinance, which ends up going to

the county and to the Secretary of State. Mayor Becker noted this was a legislative decision (not quasi-judicial), so the council can approve this ordinance and the effective date of the ordinance will be today.

- **Councilwoman Coffey made a motion to approve the ordinance of the voluntary annexation for the Vyas property duly noted as item #5 on our agenda and Councilwoman Neill seconded.** Mayor Becker pointed out the stuff in the public hearing section of the agenda packet contained the certification from Clerk Brooks of the sufficiency. Mayor Becker wanted to make that part of the record; the sufficiency has been determined that the petition met the requirements of the statute and Ms. Brooks has certified that. *The motion passed unanimously as follows:*

Ayes: Coffey, Critz, Krafft and Neill

Nays: None

6. Consideration of Reappointing Planning Board Members

- Ms. Brooks noted she had done a memo and explained Bettylyn Krafft and Richard Helms have agreed to serve another three-year term should the council find that positive. Michael Rutland has stated that he will not be going up for another three-year term, which leaves the council needing to appoint another planning board member. Ms. Brooks gave the council a little back history. In February of 2017, the council increased the size of the planning board by two. In March of 2017, there were five applicants for those two spots and the council appointed Barbara Ballew and Jim Muller. Richard Helms took the place of Donna Sherrin, who had recently resigned. As Ms. Brooks recalled, the council said Michael Rutland and Sharon Carter would be on the list, because they were two of the five. In August of 2017, the council appointed Michael Rutland because he was next in line. Now that it is December of 2018, Ms. Brooks wanted to know what the council wanted to do. Do they want to pick up from that 2017 list or do they want to start fresh? Ms. Brooks noted there was a planning board applicant on file that she received about a year ago from Renee Helms, who is Richard Helms sister. Ms. Brooks didn't know if the council wanted that many family members on their planning board.
- Councilwoman Critz mentioned that it had been brought to her attention that Barbara Ballew had not been participating as a planning board member. Ms. Brooks responded, she was back, there was a spell where she was not, because she had something to do with her kids. Councilwoman Krafft also responded, she was back, there was two or three months of sabbatical, because of some things. Ms. Brooks added that was a year ago. Councilwoman Critz stated she would like to see the town start fresh, because we've got people in the community that are newly involved, it might be a good idea. Mayor Becker commented if the most recent applicant on the list was a year old and Sharon Carter is from two years ago. Councilwoman Krafft agreed it would be a good idea to put new feelers out there to see who is interested. We've had a lot of people come and go. Councilwoman Neill agreed with a new list. Mayor Becker asked how the town would publicize that we are looking. Councilwoman Krafft asked when the next newsletter was going out. Councilwoman Coffey suggested the website. Mayor Becker commented the town has been known to send out a newsletter in January or February and asked Ms.

Brooks if we had enough for one, without an insert. Ms. Brooks responded, definitely without an insert.

- **Councilwoman Krafft made a motion that Ms. Brooks work on a newsletter to come out sometime in the month of January or February with advertising for the planning board spot available.** Mayor Becker commented there was a motion to re-advertise the position, we may get the same two applicants, then we'll know they really want to do it, but we'll get some new ones maybe. **Councilwoman Coffey seconded the motion made by Councilwoman Krafft. The motion passed unanimously as follows:**

Ayes: Coffey, Critz, Krafft and Neill

Nays: None

- Mayor Becker asked the council if they want to entertain a motion to reappoint Bettylyn Krafft and Richard Helms to a three-year term.
- **Councilwoman Critz made a motion to reappoint Bettylyn Krafft and Richard Helms to a three-year term on the planning board and Councilwoman Neill seconded. The motion passed unanimously as follows:**

Ayes: Coffey, Critz, Krafft and Neill

Nays: None

- Mayor Becker commented the planning board was kind of set except for that one opening, which the council will get taken care of at the March meeting depending on the response we receive.

7. Consideration of Establishing a Steering Committee and Appointing Members

- Mayor Becker noted Ms. Brooks almost had the steering committee filled and asked if there was a problem or if Michael Rutland was staying on the board of adjustment. Ms. Brooks responded, he was staying on that. Councilwoman Critz pointed out there were three planning board members [on the list shown in the agenda packet memo] and only two spots. Councilwoman Critz asked if any of the three have said it's not a big deal to them or if they really want to do it. Councilwoman Neill asked why we couldn't have three. Mayor Becker commented the council could amend their definition of the steering committee. Ms. Brooks commented they could because they haven't established it yet, so if that is what they wanted to do. Mayor Becker commented the council said make it two of each, but since they haven't appointed the people, they could take all three of them. Mayor Becker asked Ms. Brooks if they had ascertained that three council members sitting on a committee is not a quorum with the six plus the mayor. There could be Councilwoman/Planning Board Chairperson Bettylyn Krafft, Councilwoman Coffey, Councilman Countryman serving on a non-town council committee without constituting a quorum of the town council. Ms. Brooks pointed out if they have Jim Muller, Richard Helms, Bettylyn Krafft, and Barbara Ballew it would be four planning board members, which is a quorum of the planning board. Councilwoman Coffey suggested going with the oldest members on the planning board serving on this committee; let that be the way to eliminate the newer member. Councilwoman Critz noted they have more experience. Ms. Brooks noted Richard Helms and Barbara Ballew were appointed

on the same night, Barbara was appointed right before Richard, so in theory that doesn't work. Councilwoman Coffey asked which one had the best attendance. Ms. Brooks and Councilwoman Krafft both responded, "Richard". Councilwoman Coffey suggested eliminating the person that doesn't have the best attendance at meetings. Councilwoman Critz agreed, because you want someone that's really going to be there. Mayor Becker stated the worst attendance is Barbara. Councilwoman Coffey responded, at this time, it appears that there is more of a deficit in attendance with Ms. Ballew than there is with Mr. Helms. Ms. Brooks explained that the council needed to establish the steering committee for the purpose of reviewing the zoning and subdivision ordinances with Benchmark and then appoint the members to that committee.

- ***Councilwoman Critz made a motion to establish the steering committee appointing Councilman Countryman and Councilwoman Coffey from the town council, Jim Muller and Michael Rutland from the board of adjustment, and Richard Helms and Chairperson Krafft from the planning board and Councilwoman Neill seconded.*** Mayor Becker mentioned that Michael Rutland would be rotating off the planning board in January. Ms. Brooks responded, he is on the board of adjustment. Mayor Becker commented, "right", then he won't be a planning board member, so there won't be four planning board members. Ms. Brooks responded, yes you would have if you would have kept Barbara Ballew in there, because Jim Muller also serves on the planning board. Mayor Becker hoped Ms. Ballew understood that we really couldn't take all three because we really couldn't have a quorum of the planning board. Councilwoman Critz asked if there were interested planning board members or town council members that wanted to just sit in on a meeting or two, would it be a problem. Mayor Becker responded, they are public meetings. Ms. Brooks responded, you can sit at the meeting, but you can't participate. Councilwoman Critz asked if it would be fine, even though it would constitute a quorum, as long as they didn't participate. Ms. Brooks responded, to be on the safe side she would go ahead and advertise the possibility of a quorum just to always be covered. Councilwoman Neill stated, "you are not making decisions, you are just there". Mayor Becker explained Ms. Brooks can just advertise a possible quorum by posting it on the [bulletin] board and website, it doesn't have to be advertised in the paper. Ms. Brooks noted that she does advertise the possibility of a quorum at things like the festival, because they are all on site. just to cover them. Mayor Becker called for a vote on the motion by Councilwoman Critz. The motion passed unanimously as follows:

Ayes: Coffey, Critz, Krafft and Neill

Nays: None

8. Consideration of the 2019 Town Hall Holiday Schedule

- Mayor Becker pointed out the proposed 2019 holiday schedule.
- ***Councilwoman Coffey made a motion to adopt the 2019 Town Hall Holiday Schedule and Councilwoman Kraft seconded. The motion passed unanimously as follows:***

Ayes: Coffey, Critz, Krafft and Neill

Nays: None

9. **Staff Reports**

- Ms. Brooks informed the council the new plotter arrived and staff was excited about it. Mayor Becker explained the company staff dealt with was Duncan Parnell. Staff didn't just order online, nor did they buy one of the two that were suggested by him. We actually got a much better one, because rather than just looking for the cheapest one online, we called somebody in the business and they had a huge promotion on this new model that is much more full-featured. Mayor Becker told the salesman, "we have a hard cap of \$6,000" and he said he could make that work. The new plotter is a Canon. It is like the next model up with many more features than the [other] Canon, which was one of the two that were looked at online [presented to the council]. Duncan Parnell managed to get us a really nice one. The technician spent half of a day on the installation. Ms. Brooks noted they took the old plotter away. Mayor Becker explained it was considered a trade-in, because that was part of the promotion from Canon; they wanted the serial number of a machine you were taking out of service from a competitor.

10. **Other Business**

- There was no other business.

11. **Adjournment**

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

Ayes: Coffey, Critz, Krafft and Neill

Nays: None

- The meeting was adjourned at 7:58 p.m.
- The next regular meeting will be on Thursday, January 10, 2019 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