

**Town of Mineral Springs  
Town Hall  
3506 S. Potter Road  
Town Council  
Public Hearing / Regular Meeting  
February 14, 2019 ~ 7:30 PM**

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**Minutes**

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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, February 14, 2019.

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

**Absent:** Councilwoman Neill.

**Visitors:** William Mathers.

With a quorum present Mayor Frederick Becker called the Regular Town Council Meeting of February 14, 2019 to order at 7:30 p.m.

**1. Opening**

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

**2. Public Comments**

- There were no public comments.

**3. Public Hearing– Vyas Rezoning- 06-081-007A & 06-081-007B**

- Mayor Becker explained this was the public hearing for the initial zoning of the Vyas properties.
- Mayor Becker opened the public hearing at 7:33 p.m.
- Bill Mathers: *“I am the owner of Mathers Realty. I have been asked by Mr. and Mrs. Vyas, the owners of the property to come and talk to you tonight and ask for the consideration of the rezoning, but before I get started, let me say ‘if I look goofy, I have a lot of jet lag, I got back last night from an eight hour plane flight.’ But anyway, they are aware that, first of all, they wanted to thank you for getting part of their property in Union County rezoned into the Town of Mineral Springs. They were very thrilled with that. What they would like to do, if it was up to them, is you have, as they are aware, your zoning RR, which is thirty percent green space and things like that, which is a thing in Mineral Springs, and they are totally aware of it. They would like to ask, since part of the property was in Union County originally and was RA40,*

*they would like you to consider rezoning it to RA40 for a couple of reasons. Before I go into that, I want you to be aware of the fact they are not going to be upset if you won't do it; I want you to know that. I, myself, told them that I wouldn't expect you to vote for it, but they do have a couple of things they would like to point out. Number one, they are aware that the property is adjacent, next to this property on the Mineral Springs side definitely is zoned RR, which is already the current zoning and the property right behind it, which is in Union County is R40. Their concern is, not concern, their request is, they are in a position where because the property is on the edge of Mineral Springs, it was relayed to me that zoning department recommended RR, because it would be considered spot zoning if you changed it, but first of all, because it is on the edge of Mineral Springs and there is R40 behind it even though it is in Union County, Mr. Vyas doesn't necessarily agree with the fact that it would be considered spot zoning, that's just his opinion and the secondly, the difference in this 25 acres would probably be about seven or eight houses, as far as the building/developing the property and he wanted me to make sure I pointed out that seven or eight houses could help the tax base of the town and again, he is not trying to gouge anybody or anything like that. It's just basically, like all owners, wanting to make as much money as he can and do it in a way that would be very appreciative/acceptable to the city. But with that, those are the reasons they would like it to be considered, but they also know that you have rules and they are going to abide by whatever rules you decide. Thank you."*

- Mayor Becker closed the public hearing at 7:38 p.m.

#### **4. Consent Agenda**

- **Councilman Countryman made a motion to approve the consent agenda as presented containing the following:**

- A. January 10, 2019 Regular Meeting Minutes
- B. December 2018 Tax Collector's Report
- C. December 2018 Finance Report

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

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

#### **5. Consideration of Rezoning Parcels #06-081-007A & #06-081-007B from RA40 (county) to Rural Residential (RR) (municipal)**

- Zoning Administrator Vicky Brooks noted that she had done all the notifications (it was posted on the property, at town hall, on the website, etc.) and the certification was in the agenda packet.
- The planning board reviewed the proposed rezoning and they recommended that the property be zoned RR, because it is adjoining RR properties. Ms. Brooks noted she was not sure it would be considered spot zoning (in hindsight), because it is close to RA40. The council could consider RA40 [without another public hearing], because it is less restrictive than what it was advertised to be. Ms. Brooks believed part of the reason the Vyas's wanted to be annexed into Mineral Springs was

because they didn't want to have part of their property in Union County and part of it in Mineral Springs. Ms. Brooks stated her opinion was if the council were to zone the newly annexed property to RA40 and their current property [in Mineral Springs] is zoned RR, you would have the same situation going on, because you would be dealing with a subdivision that is zoned RR and RA40. From that perspective, it is probably not a good idea.

- Councilwoman Critz commented it was not only inconsistent in that respect, but it's inconsistent with all our planning and zoning to this point.
- Mayor Becker commented this is the initial zoning, which is required by a newly annexed property. There is nothing to stop the Vyas's from coming back when they want to develop, requesting a rezoning on the three parcels to something different. Additionally, the town is working on our zoning ordinance and creating a new Unified Development Ordinance, so some provisions of the various zoning districts (e.g. RR) may get changed slightly and may offer more flexibility.
- Ms. Brooks agreed the provisions could change slightly but explained it would still be one house per one and half acres [for RR]. The Vyas's would be able to get more houses on the property with the RA40 zoning.
- Councilwoman Critz explained for the people in attendance of the meeting that don't know the process the town went through creating conservation zoning, that the revision is not to throw away the hard work the town has done; it is simply to review it. A more condensed development would be toward the town center and as the properties expand out toward the perimeter of the town, the lots would be larger, which is reflective of zoning. Councilwoman Critz felt, on a personal level, strongly against allowing more density in a situation like this, because it goes against everything the town has learned and studied, and everything the town values.
- Councilman Countryman believed this would have been expressed to the planning board when the Vyas's requested to be annexed. Councilman Countryman stated he was resistant to "chop it up" into two different types of zoning when the opportunity existed from the start. Ms. Brooks clarified the Vyas's knew going in if they were to be annexed that the zoning would probably be RR and she was upfront with the Vyas's. Of course, the Vyas's can still ask to be zoned RA40. Councilman Countryman suggested there might be an opportunity for the Vyas's to ask for a rezoning to RA40 at a later time and have it reviewed by the planning board.
- Mr. Mathers explained Ms. Brooks was right, the Vyas's did understand right from the beginning and they know they can get about seventeen homes on the current RR zoning. The Vyas's are not going to come back later once the council makes their decision. The Vyas's are going to start spending money with architects, engineers, etcetera. Mr. Mathers wouldn't expect the Vyas's would do all of that and then come back to the council hoping they would change their mind. Mr. Mathers explained he told Ms. Brooks he was okay either way, but the Vyas's are like any owner and they would like to maximize their investment if they could. Since it is on the edge of the town, that was the Vyas' feeling. Mr. Mathers explained we are not talking about a huge 300-acre development, we're talking about seven or eight more homes than was planned with the RR. If the council says "no", they can't do it, the Vyas's are going to live with that and will be fine.

- **Councilwoman Critz made a motion to rezone tax parcels #06-081-007A and #06-081-007B to RR in consistency with our written statement and Councilwoman Coffey seconded. The motion passed unanimously as follows:**

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

- The written consistency statement is as follows:

**TOWN OF MINERAL SPRINGS  
WRITTEN  
CONSISTENCY STATEMENT**

**Rezoning Tax Parcels #06-081-007A & #06-081-007B**

In reference to the proposed rezoning of Tax Parcels #06-081-007A & #06-081-007B from RA40 (county) to Rural Residential (RR) (municipal).

The Town of Mineral Springs Town Council hereby declares that the proposed rezoning of Tax Parcels #06-081-007A & #06-081-007B is *"consistent"* with the Mineral Springs Land Use Plan and the Vision Plan contained therein as adopted by the Town Council on October 12, 2006. The current zoning of the newly annexed property is RA40 in Union County; the adjoining properties are zoned RR; and North Carolina General Statute 160A-360(f) requires newly annexed property to be zoned by the municipality within 60 days of adoption of the annexation ordinance or it will not have any zoning applied to it.

**ADOPTED** this the 14<sup>th</sup> day of February, 2019.

\_\_\_\_\_  
Frederick Becker III, Mayor

Attest:

\_\_\_\_\_  
Vicky A. Brooks, CZO

**6. Audit Report**

- Kendra Gangal, CPA explained over the last three years things have always been consistent and she can find whatever she needs when she gets here; everything is in order.
- The mayor is also the finance officer, but Ms. Brooks is involved in a lot of things and the council must stay involved as well. Duties can't be separated fully, because there isn't a staff of six or eight people, so you do the best you can.
- The last pages (36 & 37) of the report are basically the revenues, expenditures, changes and fund balances. The way the report is laid out, the back of the book always has all the details. It shows where everything is, breaking down the taxes, budget versus what was collected, breaking out other intergovernmental revenues, expenditures and staying in budget. Ms. Gangal noted the town has never had any problems and nothing is over budget. There was a decent amount left over, about \$104,000 in revenues less expenditures for the year. Everything is "pretty strong and fairly healthy", it's a matter of watching each month to make sure you stay in budget.
- In the front of the report is a section called the Management Discussion and Analysis (MD&A), which is a standard format Mayor Becker puts together that the Local Government Commission (LGC) asks for. It starts on page three and it gives the overall highlights for the year.

- Starting around page nine in the MD&A is the overall discussion of what happened for the year and what you think going forward. Ms. Gangal felt those pages and the last two pages were the most important ones, everything in between is a lot of detail/schedules. Ms. Gangal recommended the council read through and look at it. There are a lot of note disclosures and things like that in it, but it is written as required by the LGC.
- Overall, there are no real problems. Ms. Gangal thought the town should continue the way they are continuing and if the council has any questions about anything (financials in a particular month) they should always promptly ask either Mayor Becker or Ms. Gangal.
- Councilwoman Critz commented she thought the council took for granted just how well their situation was with the way paperwork is handled here, because they get comments from other people who serve on other boards in other towns where it is often mayhem, or they have part of this or part of that. Councilwoman Critz stated she is thankful, and they probably don't thank Ms. Brooks and Mayor Becker often enough, because they do make the council's job easier and she knows it makes Ms. Gangal's job easier. Ms. Gangal agreed.
- Mayor Becker informed the council the town received a proposal from Ms. Gangal (the full contract happens in June after the budget is adopted) for \$4,730, which was \$120 less than this year's audit. Mayor Becker reminded the council that Ms. Gangal had given the town three years in advance at a lower price (she held to that), unless there were some unusual circumstances where the council would have to agree to something higher, which Ms. Gangal doesn't anticipate. Mayor Becker stated he was asking the board for direction. Ms. Gangal has been doing the audit for three years. Previously, the town used Mr. Burns for fifteen years. The price from Ms. Gangal has been lower than Mr. Burns was for the last several years.
- Mayor Becker complimented Ms. Gangal on her work. Ms. Gangal comes here twice a year and can meet with Ms. Brooks or Ms. Ridings as needed, we don't have to carry information back and forth, and she has access to everything she needs.
- Mayor Becker asked the council if he should be looking for bids this year or if he should just write it into the budget. Councilman Countryman and Councilwoman Critz responded Mayor Becker didn't need to look. Mayor Becker stated he would move forward with the estimate in the budget process and the town will get a contract in June.
- Ms. Gangal explained usually when they do bids, it is for a three-year period and you always try to give a little bit of a discount to start with. Typically, you do one two percent increase through each year, but when it comes to a government like Mineral Springs where everything is consistent, by the time she has gone through this for three years, she was not going to put any more time in it. If anything, it's going to be a little less time, because she knows how it operates and she is not having to learn how everything functions, and she just looks for changes. Ms. Gangal felt it was only fair, which is why when she did the proposal (as long as nothing changes) she did it for the same price for three years in a row.

7. **Union County Parks & Recreation**

- Mayor Becker explained the “Gold Shoe Event” was discussed by various municipalities at a meeting with the municipal parks group and he felt obligated to bring it before the board.
- There was a consensus of the council not to participate in the event.
- **Councilman Countryman made a motion not to participate in the Gold Shoe Event and Councilwoman Coffey seconded. The motion passed unanimously as follows:**

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

*Nays: None*

8. **Staff Reports**

- Ms. Brooks noted there was a great steering committee meeting on January 31<sup>st</sup> and they got a lot accomplished. Ms. Brooks announced the next steering committee meeting will be on Tuesday, March 5<sup>th</sup> at 6:00 p.m. and they will be going over the next set of articles. Ms. Brooks asked that the council be thinking about some of the suggestions/things that were going on: the way it is being written right now is based on the planning board and the board of adjustment being combined; the board of adjustment would be the board that hears conditional use permits; the town council can appoint themselves as the board of adjustment, but it is not recommended; and it is not recommended that the planning board hear conditional use permits, it should go straight to the board of adjustment. Mayor Becker asked if Ms. Burris found in her work it was more common to have the segregation of duties (i.e. boards of adjustment are what hears conditional use permits or special use permits) and it was unusual for the governing board to hear it. Ms. Brooks responded Ms. Burris explained making it go before the planning board is an extra step that does not need to be taken since it is a quasi-judicial proceeding and Ms. Burris also recommends that council members not serve on these boards. Councilwoman Critz stated she understood council members not serving on the board of adjustment, but she didn't understand the conflict with the planning board. Ms. Brooks explained the way the planning board is set up to hear conditional use permits right now... Mayor Becker commented, “people have had to recuse themselves from one or the other.” Ms. Brooks continued it was not fair to the applicant (which is one of the points being made), because you are going to take a person [vote] away from them on one or the other board. Ms. Brooks noted this was not something new, all the schooling she has gone to frowns upon that. Councilwoman Critz asked if Ms. Brooks was saying it would come before the town council. Ms. Brooks responded if the council appointed themselves as the board of adjustment. Mayor Becker commented this may not be something the town council wants to do, they might want to have an impartial third board. Ms. Brooks explained it is hard to fill a board and get a quorum in our town, so putting the planning board and the board of adjustment together may be a benefit to us, because as a planning board, you are used to meeting every month, whereas a board of adjustment member could go three years. Councilwoman Critz responded that was her point and concern (it's not the board of adjustment's fault), but they are often out of the loop and don't have all the details thoroughly. Mayor Becker commented if the board of adjustment and planning board combines, that would be an ongoing board that had a lot more experience. Ms.

Brooks stated she was not asking for any action, she just wanted the council to know where they were.

- Ms. Brooks explained she and Mayor Becker had been talking about the newsletter and folding machines, as well as the amount of staff hours it takes to fold, tab and label the newsletters. Ms. Brooks asked the council if staff could get a folder, but noted they are kind of expensive. Mayor Becker explained he had found something he would like to look into: a machine that would handle 11 X 17 material that could fold and fold into and then another machine that could put on two tabs. Those will cost in the \$3,000 to \$4,000 (apiece) price range new, but we might be able to get two (used) in the \$4,000 to \$5,000 price range in new condition. It is an investment, but we are doing three newsletters a year on average and we calculated it is taking at least 25 man-hours for the folding and tabbing, which doesn't count Ms. Brooks' writing and editing. "It's a grueling operation", Mayor Becker said. Councilwoman Coffey recommended getting a machine. Councilwoman Critz agreed and explained initially the town wanted to have a quarterly newsletter, so this may help to up it one more a year. Mayor Becker explained the printing costs for a four-page newsletter (a single fold) is about fifty cents to print in color and thirty cents to mail (with the bulk permit) for a total of eighty cents each, times 1,100 is \$900 to send out. The insert adds another \$300 for a six-page newsletter, so they are not cheap. Mayor Becker noted they are well received, and it is a service that our public likes, so there is no reason to stop them, but do we want to add another? Councilman Countryman asked what the process was for putting a newsletter together. Ms. Brooks responded, we print them here. Mayor Becker noted that was another reason we bought this particular printer. Ms. Brooks added so we could start printing them in-house. Back in the old days, the town could only afford to get them printed in black and white, but they were also folded and tabbed, and then picked up (by town staff) to be labeled and mailed. When the town got the copier, we were able to print the newsletter in color. Now staff does it all, from producing it to copying it. Without an insert, it comes out of the printer, staff begins folding it twice and putting at least two tabs on it before the labels are put on. Councilwoman Krafft commented that sounded like an awesome volunteer service hour job. Councilman Countryman asked if staff had explored having it done outside. Ms. Brooks responded they used to, but to get color copies it would cost the town more than what they are doing now. Mayor Becker commented we are doing it in color with our own labor for folding and tabbing for what it cost several years ago to outsource it in black and white. Councilman Countryman asked if there was a possibility of once it's produced that Office Depot or Office Max, etc. could do the folding/tabbing, because they might have the equipment. Mayor Becker responded we have not asked; color printing has gotten cheaper. Councilman Countryman commented if the machines that fold cost four or five thousand dollars, you could spend money to have it done and still come out ahead. Councilman Countryman suggested staff look into that possibility as well as buying the machines. Ms. Brooks and Mayor Becker responded they could do that. Councilwoman Krafft commented she knew a graphics club (at CPCC) that's dying for little jobs like that; fifty or hundred dollars goes a long way for the kids to do their trips. Councilwoman Coffey commented she believed in being self-sufficient and that over time it will pay for itself. We need to do the most financially feasible thing, but Councilwoman Coffey knew for certain you could depend on what

you have here and when you have your own and do it yourself, nobody is having to run to take it or beg for help that might not be available, might not have enough students this semester, etc. After getting good ideas from the council, the staff will do more research and report back to the council.

9. **Other Business**

- There was no other business.

10. **Adjournment**

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

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

*Nays: None*

- The meeting was adjourned at 8:18 p.m.
- The next regular meeting will be on Thursday, March 14, 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