

Town of Mineral Springs
Town Hall
3506 S. Potter Road
Town Council
Regular Meeting
May 9, 2019 ~ 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, May 9, 2019.

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

Absent: None.

Visitors: Bart Landess.

With a quorum present Mayor Frederick Becker called the Regular Town Council Meeting of May 9, 2019 to order at 7:31 p.m.

1. Opening

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

2. Public Comments

- There were no public comments.

3. Consent Agenda

- ***Councilwoman Neill made a motion to approve the consent agenda, containing the following:***
 - A. April 11, 2019 Regular Meeting Minutes
 - B. March 2019 Tax Collector's Report
 - C. March 2019 Finance Report

and Councilwoman Critz seconded. The motion passed unanimously as follows:

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

4. Catawba Lands Conservancy

- Mayor Becker introduced (newly hired) Executive Director Bart Landess from the Catawba Lands Conservancy (CLC). The organization has been a long-time partner with Mineral Springs. Mr. Landess is only the 4th Executive Director of the organization in its 28-year existence.
- Mr. Landess showed a PowerPoint presentation, which included:
 - A map of their region showing how rapidly it is developing and how dense it is becoming, so preservation of green space and the opportunity for people to enjoy it is what Catawba Lands Conservancy does.
 - There are two sides to the organization: Catawba Lands Conservancy (is for good) and the Carolina Thread Trail (gets people out).
 - A map of Union County projects that have been completed and some that are yet to be completed. Of note are the 1,600 acres and almost 16 miles of trail that have either been preserved or built.
 - The Old Steele Farm, which is very sizeable. Two more were preserved for both habitat and green space/enjoyment.
 - Catawba Lands Conservancy preserves for lots of different purposes.
 - The Heelsplitter Mussel is an endangered species – habitat protection.
 - The Schweinitz Sunflower – an endangered sunflower, which is being preserved. There are Schweinitz Sunflowers at Cane Creek Park, which is owned by Union County, but there is a small piece where these flowers grow that has a conservation easement on it. Councilwoman Critz pointed out that Mineral Springs has those plants. Mayor Becker explained Mineral Springs has one of the largest preserves, which is now owned by the state and the Plant Conservation Program. It is about 60 acres in three tracts and it's a Piedmont Prairie Fragment. All the parcels have Schweinitz's and they do a plant count every summer or fall. Mineral Springs is a huge home to the Schweinitz Sunflower and Georgia Aster.
 - The Waxhaw Creek Preserve is where the Heelsplitter Mussel is.
 - The Twelve-Mile Greenway in Waxhaw, which makes a connection between North and South Carolina.
 - There are 1,600 miles of adopted trail on the map in over 15 counties. Many of the trail segments are built along streams for two reasons: one is for water quality preservation and one is because it is difficult for development, so the trail follows the stream bed. That means you have to cross the creeks, so you have to build bridges, which is one of the toughest parts about trail building.
- Mr. Landess thanked the town for their past gifts, and he hoped they would be able to continue to donate, so the CLC can continue to preserve, protect and recreate.
- Lynn Rivera has adopted the Mineral Springs Greenway and she hosts monthly workdays. The workdays include some trail maintenance, etc., but the CLC's Trail Masters tend to be big naturalists, so along the way they do a lot of teaching and education about what the plants are, etc. Mr. Landess mentioned one of the things that is wonderful, heartwarming and scary is that many people who come on these outings with them say "I am so glad you did this, I'm scared to death of being outdoors by myself", so it is heartening to be able to do that and it is also frightening that they

are scared of being outdoors. Workdays and naturalist hikes are an opportunity for folks to get out and understand what is going on out there.

- If you ask somebody where their water comes from, unfortunately, frequently the answer is the faucet. That's not where your water comes from, so that leads them into the water preservation part of what CLC does. There's 270 miles of land trail and 160 miles of blueway (where you can put in and take out for paddling). The Rocky River Blueway, on the northern edge of Union County, is one of those and there are a lot of access points, as well as 50 miles of river that you can canoe.
- The Monroe Country Club has a trail and invites walkers to a natural area around the golf course.
- The CLC has two interns that have spent a lot of time developing and doing programmatic work for the past two years. There have been 209 various kinds of ventures with people paddling, people going hiking and doing creek walks where they pick up trash and talk about water quality maintenance. Several of those have been done in Union County.
- Mr. Landess tells his staff, CLC has hit adolescence and there has been a dramatic growth spurt, so taking in all of these assets (270 miles of trail, 160 miles of blueway, 16,000 acres of preserved property) and getting people out there, teaching them what it means to preserve the property, to preserve water quality, talking to them about botany (e.g. Schweinitz) and talking about flora and fauna is a nice way to make sure that people understand how important it is.
- Mayor Becker announced Ms. Rivera will be doing another two- or three-hour workday at the Mineral Springs Greenway on the 15th starting at 10:00 a.m. The workday will be to remove some more invasive autumn olive and privet.
- Mayor Becker informed the council that Sean Bloom, a biologist and GIS specialist for the CLC, is applying for Micro Grants that are available from the Clean Water Management Trust Fund. It is a \$2,500 grant for enhancing habitat and ecological issues; Mr. Bloom is applying for it and Mineral Springs will most likely get it. Mr. Bloom wants to use it for some invasive removal, maybe bring in a contractor to do some big "hot spots". Mayor Becker explained he did not have to get council approval for the grant, he discussed it with Attorney Griffin. Because the CLC is applying for the grant (not the town), the town is happy; since the CLC monitors the conservation easement, the town feels it is within the CLC's purview of what the conservancy and the town do together. Mayor Becker hoped the grant gets approved and noted this was just one of the many results of the town's partnership with the CLC. Mr. Bloom told Mayor Becker the only cost to the town might be an in-kind contribution of 60- or 70-dollars' worth of herbicide and the town has that in trail maintenance on an annual basis.
- Mr. Landess took this opportunity to brag on Mr. Bloom who is the current president of the North Carolina Invasive Plants Council. Mr. Bloom is against invasives and is an expert.
- Mayor Becker explained the town would be doing their funding next month at the end of the fiscal year and the town has funded the CLC as a corporate sponsor at the \$2,500 level. Mayor Becker is hoping the council will be looking at that again this year, but he can't promise anything until the budget is adopted.

5. **Consideration of a Resolution Opposing Senate Bill 367**

- Mayor Becker explained Senate Bill 367 is basically a bill allowing developers not to have to be burdened by tree regulations during development. Mineral Springs already understands we can't prohibit people from cutting down trees on their property even though we have a tree ordinance. The town isn't that type of regulator, but we do have a landscape ordinance/tree ordinance that Ms. Brooks has to do with commercial development. There is a landscape plan that has to be approved, which is done under the authority of the state (general statutes) and they basically want to take that away.
- Staff thought it might be something the council didn't want to support and might want to tell Senator Todd Johnson that they don't agree with it. Ms. Brooks put together the resolution and included a copy of the bill. Mayor Becker explained the bill originally said you couldn't prohibit people from cutting down trees, but if they did, they had to replace it with a one-inch sapling of similar species. In the second version, the one-inch sapling was taken out. The bill hasn't gone any further, it is in committee and has not gone before the full senate for a vote.
- Councilwoman Critz stated she didn't understand why the legislature, or any entity wanted to stick its nosy little self into local government. They are not here, and they don't interact, this is the one opportunity elected officials have to actually know what's happening in the community. Councilwoman Critz questioned why in the world they wanted to get involved with something when they are not even physically ever there – whether it's a tree or any topic, they're not mingling with the community in the way that local government does, in any community, not just Mineral Springs. This is irresponsible and illogical.
- Mayor Becker explained this came to Ms. Brooks' attention and the irony is that the town is doing a lot of work updating our Unified Development Ordinance and getting all of the landscape requirements for commercial development into the new ordinance and if this passes, the town will have to just go back and take it out of our ordinance, because we are not allowed to have that stuff. Mayor Becker stated he didn't know where the bill was going to go, it has slowed down, because there was a lot of opposition. Mayor Becker stated that there is "crossover" and that it is a public law, so it would theoretically have to pass one chamber or the other by today in order to stay alive. Mayor Becker asked Attorney Griffin if that was right. Attorney Griffin responded that could be said that you can't cross something over if they wish to say that, but there are other ways to get it over there if they wish to. Mayor Becker responded so we still don't know, nothing is a done deal until the legislature adjourns each session and even then, you never know. Councilwoman Critz stated it would be irresponsible for the council to know about this and not let...
- Mayor Becker asked if the council thought the wording of the resolution was appropriate for what they were asking. Councilwoman Krafft responded it was very appropriate. Councilwoman Critz added the town needs to let our representative know how we feel. Mayor Becker stated he would send it to our House representatives and to Todd Johnson who pledged to be more receptive to some of our needs.
- **Councilwoman Coffey made a motion to approve the resolution in opposition of NC Senate 367 and Councilwoman Krafft seconded. The motion passed unanimously as follows:**

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

- The resolution is as follows:

TOWN OF MINERAL SPRINGS

**RESOLUTION IN OPPOSITION TO NORTH CAROLINA SENATE BILL 367
"Clarify Property Owners' Rights"**

R-2019-01

WHEREAS, North Carolina Senate Bill 367 was introduced by Senators McInnis, Krawiec, and B. Jackson as an act providing that counties and cities shall not adopt ordinances regulating the removal of trees from private property without express authorization of the General Assembly; and

WHEREAS, the Town of Mineral Springs is a public entity established under the laws of the State of North Carolina; and

WHEREAS, the Town and its citizens have long recognized the importance of trees for their shade, cooling, noise and wind reduction, soil erosion prevention, oxygen production, dust filtration, carbon dioxide absorption, wildlife habitat, aesthetic enhancement of all real property and their contribution to the general community well-being; and

WHEREAS, trees provide a buffer, a natural canopy, and are a hallmark of the Town's "Conservation by Design" commitment and require the Town's utmost devotion to their protection; and

WHEREAS, the Town of Mineral Springs enacted a Tree Protection Ordinance in 2002 and has continued to vigorously and equitably enforce this ordinance to the benefit of all citizens in the Town; and

WHEREAS, Senate Bill 367 would restrict the ability of the Town Council and other local officials statewide to protect the property rights of existing property owners;

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Mineral Springs strongly opposes Senate Bill 367 due to the detrimental effect this proposed bill will have on the Town, its citizens, the rights of existing property owners, and the natural environment.

ADOPTED, this the 9th day of May, 2019.

Frederick Becker III, Mayor

Attest:

Vicky A. Brooks, Town Clerk

6. Mineral Springs Steering Committee Update

- Ms. Brooks announced that the public workshop was going to be on Tuesday, June 4, 2019 at 6:00 p.m. at town hall. [Benchmark Planning consultant] Ms. Burris will be doing a presentation of the proposed Unified Development Ordinance and it is hoped that there will be "many of us" there representing it. A postcard will be going out to notify everyone in the town.

7. Festival Banners

- Mayor Becker explained he and Ms. Brooks had discussed this and Ms. Brooks thought it might be a good idea to have separate pole banners made and installed in

the middle of August for the festival in September. Mayor Becker noted the banners may cost \$150 each. Ms. Brooks commented between \$150 and \$175, to be on the safe side. Mayor Becker continued if they were doing 14 banners it would be a \$2,500 one-time purchase, they would only be up for a month, so they might last quite a bit longer (maybe 10 years). We would be paying for the bucket truck: \$550 going up and \$550 going down, which would be a \$1,100 annual commitment. It is a good way to publicize the festival. The banners would not have actual dates on them, so they would be reused annually; they will probably say "September/fall festival". Councilwoman Critz asked if other ways of advertising that might be in that range of finance or less that other people have successfully used have been investigated. Ms. Brooks responded banners are put up at the corners 10 days before the festival, it is posted on the town Facebook page, and Union County puts it on their website. Councilwoman Coffey stated she liked the banner idea, it would dress our town beautifully, she sees them all the time in other places and many people will see them that come and go down Highway 75 and they may just pop in. "An awesome way to dress our downtown and it's inviting", Councilwoman Coffey said.

- Mayor Becker explained the banners would be a capital expenditure and the town will have a Capital category in the budget for next year, so there is money budgeted for that type of expenditure as long as the council deems it a worthwhile one. Installation would be under the Community budget for that type of beautification and maintenance; the town has a fairly good budget and if worse came to worse, the council could amend it toward the end of next year if they had to add something for multiple banner changes. Mayor Becker believed the money was available, it is just a question of "is it something that is valuable and Councilwoman Coffey, I think, does have a good point, it's a nice look".
- Councilwoman Neill stated her only concern was the longevity of our festivals; "will they be ongoing?" Councilwoman Neill loved the idea of banners, but there has been talk about not having the festival every year. Mayor Becker responded that was a good question, but we don't seem to be able to make the festival go away even when staff wants it to. Councilwoman Krafft stated she thought the town started an annual fall festival, it's the only festival the town has and it's really the only community gathering the town has. The town made a commitment a few years ago to do that and Councilwoman Krafft really thought the town should go on with it, people anticipate it now, it's starting to get that way and it takes several years to get there, you don't just turn a light switch on. Councilwoman Neill clarified she just wanted to raise the point, because there has been conversation about the opposite. Mayor Becker mentioned the town would have a big investment in the banners. Councilwoman Critz added it would make no sense not to do it this year because it's our 20th. Mayor Becker clarified the banners would not say "20th", although there might be some kind of little "dangler" that could be put on it that might say a date. Councilwoman Critz stated if after this the town wanted to maybe do a 25th and then a 30th. Ms. Brooks responded she thought if the town is going to do festivals, they need to do them annually. Mayor Becker added the public loses interest and forgets about it, so it would be like starting from scratch five years later and having to build a fan base again. Councilwoman Neill commented she does like the idea of the banner and it would be a good reminder to people driving up and down the highway.

Councilman Countryman stated the town is not doing a five-year budget, they are doing a one-year budget. Ms. Brooks responded it was pretty high for one year. Mayor Becker asked the council if they wanted Ms. Brooks to get a proposal or if a final proposal was needed.

- **Councilman Countryman made a motion that we fund banners for this year and if we can use them in additional years, that a bonus.** Mayor Becker asked if the council needed to put a dollar amount on the actual capital expenditure. Councilman Countryman responded he did not think so; the finance manager and the administrator can figure that out. Councilwoman Critz added those staff members have done this enough. Mayor Becker noted it would be in this budget cycle, so the town has got capital in this budget. **Councilwoman Neill seconded the motion made by Councilman Countryman. The motion passed unanimously as follows:**

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

8. **Discussion and Consideration of Planning Board and Board of Adjustment Appointments**

- Mayor Becker explained there were two applicants pending, but there's been some consideration that we haven't heard back from one of them about which board she would serve on. Ms. Brooks responded that she had contacted the applicants after the last meeting and Ms. Helms still wanted to be considered for the planning board, but she had to get back with her on whether or not she would serve on the board of adjustment; Ms. Brooks has not heard back from her. Ms. Brooks added Mr. Steven Capobianco preferred to serve on the planning board, but he would serve on the board of adjustment if it came down to that. Mayor Becker explained there was some talk that even though this board didn't want to make all the changes they talked about last month, there were still some things up in the air about how these boards are structured and it might be a wise idea just to wait until the ordinance is adopted and everything is set in stone before the vacancies are filled. Councilwoman Critz responded "it makes more sense", she thought. Ms. Brooks noted the council would then get a feel of how the planning board feels, because they will be getting the UDO on June 28th [should be 25th]. Councilman Countryman commented it was probably better to wait. Mayor Becker commented those applicants will keep and there is a functioning board right now.

9. **Consideration of the 2019-2020 Budget and Calling for a Public Hearing**

- Mayor Becker explained that the only substantive difference from what he presented to the council in the appropriations was that the projected revenues were included in this version, which is close to last year. Things are not increasing by a lot. Mayor Becker noted he met with Transportation Planner Bjorn Hansen who had explained the way the intergovernmental proposal was being funded Mineral Springs would not need \$5,000, so they could go with less. Mayor Becker told Mr. Hansen it was budgeted as a lump sum in the ordinance and the town would only be liable for what they were invoiced and if there was more money left for a local match for a construction project, "so be it". Mayor Becker explained it looked like the town would not get the downtown Highway 75/Potter Road intersection in this round, because it

didn't make the cut. In fact, Mineral Springs is not even getting a project this cycle, but there has been some talk and Mr. Hansen is meeting with NCDOT technicians about a few that might be funded in a different way and would be outside of the critical intersection program. There are so many pots of money and so many different strategies for funding with road projects. Mr. Hansen said they might be able to go down deeper into the list of projects, before they finalize the list that is being submitted to CRTPO. Mineral Springs is only about five down, so maybe it will come. Mayor Becker stated he did not think he needed to change that in the budget, because it's certainly enough to cover anything the county would invoice.

- **Councilman Countryman made a motion to turn the 2019-2020 Budget over for a Public Hearing on June 13, 2019 at 7:30 p.m. at the Mineral Springs Town Hall and Councilwoman Cureton seconded. The motion passed unanimously as follows:**

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

10. Staff Reports

- There were no staff updates.

11. Other Business

- Mayor Becker explained he tries to remember to do this and it doesn't go in the agenda, but "we are in the midst of Municipal Clerks Week" and this happens to be the 50th Anniversary of Municipal Clerks Week, as established by the International Institute of Municipal Clerks. Mayor Becker stated he could make a proclamation without a vote [of the board], and he thought they should honor their clerk at this time and surprise her by not putting it on the agenda. The proclamation says that "we do recognize the week of May 5th through May 11th of 2019 as Municipal Clerks Week and further extend appreciation to our Municipal Clerk, Vicky Brooks and all municipal clerks for the vital services they perform and their exemplary dedication to the communities they represent." Councilwoman Critz asked if it would be appropriate along with this to suggest a gift certificate to her favorite restaurant or something or anything. Mayor Becker responded the council would probably need to do that next month, because that would be an expenditure, which is not an agenda item, but the council could consider that. Mayor Becker stated he hereby submitted the proclamation. All council members thanked the clerk. The proclamation is as follows:

Town of Mineral Springs, North Carolina

Proclamation

*50th ANNIVERSARY OF MUNICIPAL CLERKS WEEK
May 5 - 11, 2019*

Whereas, The Office of the Municipal Clerk, a time honored and vital part of local government exists throughout the world; and

Whereas, The Office of the Municipal Clerk is the oldest among public servants, and

Whereas, The Office of the Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels; and
Whereas, Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all; and
Whereas, The Municipal Clerk serves as the information center on functions of local government and community; and
Whereas, Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their state, provincial, county and international professional organizations; and
Whereas, It is most appropriate that we recognize the accomplishments of the Office of the Municipal Clerk;
Now, Therefore, I, Frederick Becker III, Mayor of Mineral Springs, do recognize the week of May 5 through May 11, 2019, as Municipal Clerks Week, and further extend appreciation to our Municipal Clerk, Vicky Brooks, and to all Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.

Dated this ninth day of May, 2019

Mayor

- Councilwoman Critz expressed her appreciation for Ms. Brooks' response to the traffic email [an email expressing a complaint about excessive traffic during the Queen's Cup]; the response was handled well. Steeplechase has been here for a long time; people just have to understand that these things happen. Mayor Becker added there was an additional situation this year with the wreck: a limo went in the ditch and it required a wrecker. There was already traffic, so getting the wrecker there just spiraled into a couple of hours of problems; it hasn't happened before. Councilman Countryman pointed out the Steeplechase people made an apology for the accident and traffic on Facebook.
- Councilwoman Critz explained that WBTV Channel 3 does little blips in their noon news for things that are going on in Charlotte area communities and suggested the town should contact them to help advertise for the festival.

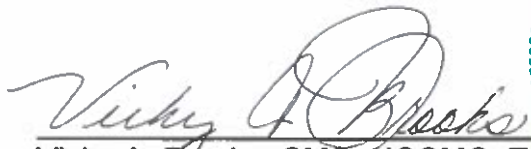
12. **Adjournment**

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

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

- The meeting was adjourned at 8:12 p.m.
- The next regular meeting will be on Thursday, June 13, 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