

**Minutes of the  
Mineral Springs Town Council  
Regular Meeting via ZOOM  
October 8, 2020 – 7:30 p.m.**

The Town Council of the Town of Mineral Springs, North Carolina, met in Regular Session in a virtual meeting via ZOOM, Mineral Springs, North Carolina, at 7:30 p.m. on Thursday, October 8, 2020.

**Present:** Mayor Frederick Becker III, Councilman Jerry Countryman, Councilwoman Lundeen Cureton, Councilwoman Janet Critz, and Councilwoman Peggy Neill.

**Absent:** Mayor Pro Tem Valerie Coffey and Councilwoman Bettylyn Krafft.

**Staff Present:** Town Clerk/Zoning Administrator Vicky Brooks, Attorney Bobby Griffin, and Deputy Town Clerk Janet Ridings.

**Visitors:** None.

**1. Opening**

With a quorum present at 7:31 p.m. on October 8, 2020, Mayor Frederick Becker called the Regular Town Council Meeting to order.

Town Clerk Vicky Brooks did the roll call of those present [as shown above].

**2. Public Comments**

There were no public comments; no requests for public comments were received via text or email.

**3. Consent Agenda – Action Item**

Councilwoman Neill motioned to approve the consent agenda containing the September 10, 2020 Regular Meeting Minutes, August 2020 Tax Collector's Report, and August 2020 Finance Report and Councilwoman Cureton seconded. The motion passed unanimously.

**4. Discussion and Consideration of a Swimming Pool Nuisance Ordinance – Action Item**

**MEMO**

**To:** Town Council  
**From:** Vicky Brooks  
**Date:** September 29, 2020  
**Re:** Agenda Item # 4 – Discussion and Consideration of a Swimming Pool Nuisance Ordinance

In August, town council discussed the possibility of considering a new nuisance ordinance. At that time, it was determined that Union County Environmental Health would enforce their solid waste ordinance in Mineral Springs. However, the county does not have any provisions for addressing swimming pools that have become stagnant and are creating a public health hazard.

The town council motioned to have N-Focus draft an ordinance for swimming pools for review prior to deciding whether to move forward with a nuisance ordinance for swimming pools; the draft is included in the agenda packet.

If the council wishes to move forward with the nuisance ordinance for swimming pools, they will need to conduct a public hearing prior to adopting it. At that time, the council will also need to approve a contract with N-Focus to enforce the nuisance ordinance.

Mayor Becker stated he had a chance to look over the draft of the Swimming Pool Nuisance Ordinance and it looked very nice and how it was expected to look.

Zoning Administrator Vicky Brooks asked if the council had a chance to read over the Swimming Pool Ordinance and if they had any thoughts whether positive or negative.

Councilwoman Neill responded it looked great.

Councilwoman Cureton agreed.

Mayor Becker added it was pretty straightforward.

Ms. Brooks explained if the council wanted to move forward with it they would have to have a public hearing in order to adopt it, and then they will need to hire N-Focus to enforce it.

Councilwoman Critz asked for an explanation on this applying to existing pools, hot tubs, etc. and if it would apply differently to currently existing structures.

Ms. Brooks responded it was a nuisance issue; if there is an existing swimming pool right now it will fall under this ordinance. There is no "grandfathering" to a nuisance ordinance.

Mayor Becker added if the pool has been in operation for many years and people have just let it go (i.e. stagnant water, rotten vegetation, dead animals floating in it), it would be subject to the ordinance.

Councilwoman Critz commented it was then subject to being reported and she thought the community should realize the town is not going to go around policing hot tubs, swimming pools, etc. and that should be made very clear at the public hearing.

Ms. Brooks concurred the town would not be policing swimming pools, hot tubs, etc.

Mayor Becker asked if Attorney Griffin had anything to recommend and noted this one was straightforward.

Mayor Becker explained if the council calls for a public hearing the same statute would be in effect, because we are in a state of emergency, whereby if the public hearing is conducted by virtual meeting that the public hearing must be left open for 24 hours after the meeting, so the council could not adopt it the same night as the public hearing. Unlike the budget hearing where a special meeting was called for a week later to adopt the budget because it was time sensitive, this ordinance does not have that pressing need and it could happen at the following meeting, which would meet the 24-hour schedule.

Councilwoman Critz motioned to call for a public hearing concerning the Swimming Pool Nuisance Ordinance on November 12<sup>th</sup> at 7:30 p.m. via ZOOM and Councilman Countryman seconded. The motion passed unanimously.

## 5. Consideration of a Resolution Opposing Park Place Development – Action Item

### MEMO

**To:** Mineral Springs Town Council  
**From:** Rick Becker  
**Date:** September 26, 2020  
**Subject:** Resolution Opposing High-Density Park Place Development

Union County is in the process of considering another high-density rezoning on approximately 672 acres between and to the east of Wesley Chapel and Mineral Springs. 93.15 acres of the property are zoned RA-20, or 2 houses per acre, while the rest of the property is zoned RA-40 and R-40, or 1 house per acre. Under that current zoning, a maximum of 765 houses could be built on the property.

The rezoning would allow a total of 2,110 single-family houses and apartments, plus approximately 31.5 acres of strip retail and other commercial uses. That is nearly *triple* the density allowed under the current zoning – at least 1,345 additional houses!

The next page in your agenda packet shows a sketch plan of the proposed development. The property lies between New Town Road, Clarence Secrest Road, and Willoughby Road, extending north almost of NC Highway 84. On the following page there is a large-area map that shows the subject property along with portions of Wesley Chapel and Mineral Springs. The map doesn't have very much contrast, but you can see the size of the 672-acre tract compared to just a portion of Mineral Springs. To put this proposal into perspective, the tract is approximately one-eighth the area of Mineral Springs but would have nearly *twice* the number of dwelling units as Mineral Springs currently has! Based on the most recent US Census estimate of 2.99 persons per household on average throughout Union County, the proposed 2,110 houses and apartment would contain 6,308 people – double the population of Mineral Springs in a area less than 1/8 the size.

That massive an increase in population in such a small area would be very difficult for the region to assimilate.

The following page has a larger-scale map showing the subject property with just a small piece of Mineral Springs in the lower left-hand corner. The distance from the northernmost tip of Mineral Springs (the Potter Downs neighborhood) to the proposed development is approximately 1.2 miles.

We discussed this proposed rezoning at the Western Union Municipal Alliance (WUMA) meeting on September 24, 2020. Acting Mayor Amanda Fuller reported that the Wesley Chapel Village Council had adopted a resolution opposing the Park Place rezoning request, and the other four municipal delegates stated that they would prepare similar resolutions for their boards to consider. The Wesley Chapel resolution follows the second map.

Finally, I have included a draft resolution for Council's consideration. I have substantially modified the language of the Wesley Chapel resolution, but the WUMA delegates expressed the desire to adopt jurisdiction-specific resolutions tailored to each of their situations and concerns.

If Council adopts this or a similar resolution, we will send copies of the resolution to the Union County Board of County Commissioners and I will present it to WUMA at its next meeting. I believe that the proposed rezoning is still at the staff evaluation phase with Union County Planning after which it will be reviewed by the Union County Planning Board before being sent to the Board of County Commissioners for consideration and possible approval, but it is important for the neighboring municipalities and citizens to "get ahead" of the process.

Mayor Becker explained this resolution sort of evolved from the Western Union Municipal Alliance. There is a proposed development, which has not gotten out of the staff review stage yet, so the planning board has not reviewed the project yet. However, it is something unprecedented in scope, size, density, and impact, and it is really close to Mineral Springs. This is perhaps one of the most potentially destructive proposals, so the Alliance did discuss it and felt all the municipalities involved would adopt their own resolutions (maybe based on the Wesley Chapel one, which has been adopted already and forwarded to the County Commissioners).

As a point of information, Mayor Becker noted there was a planning board meeting by the county on Tuesday for a much smaller subdivision, a 33-acre parcel at the intersection of Potter Road and New Town on the northeast corner. The applicant was proposing a rezoning to get approximately 85 houses on that 33-acre parcel. This one never came to the attention of Mineral Springs. It has already been recommended for approval by a 4 to 2 planning board vote.

Mayor Becker stated it was up to the council if they adopt resolutions, whether that is going to help, but that is sort of where we are going with this, is try to get some of these municipalities to get word out to the Board of Commissioners. "We've got to put the brakes on this cause it is really, I think, it's a problem for the whole area", Mayor Becker said.

Councilwoman Neill stated the county commissioners have lost their minds.

Councilwoman Critz commented she thought sending a resolution was certainly a responsible thing for the council to do, but she was not sure it was going to accomplish anything, but that did not mean they should not do it.

Councilwoman Critz asked if the county commissioners were meeting virtually or in person and if there was anyway the council could all show up to something to reenforce (on a personal level) to the county commissioners their opposition to this.

Mayor Becker responded he believed they were meeting in person now, but he was leery of going to a meeting of that size. Mayor Becker explained he did go to the Western Union Municipal Alliance meeting and they sat miles apart from each other 'cause it is a small group. Mayor Becker suggested maybe not going to the county commission meeting as a council, but to adopt the resolution as a council. Mayor Becker thought the more of the council who individually would like to communicate with the county commissioners could not be a bad thing, but he did not know what the motivation of the county commissioners was; they have not endorsed this particular subdivision yet, but this council has seen them approve some big ones in the recent past, so that is a concern.

Councilwoman Neill commented just the fact that they are considering a subdivision this size is astounding.

Mayor Becker mentioned the county commissioners did turn down Orchard Creek, which was on Rocky River down from the traffic circle. It was a 100-acre tract where they were pushing for 300

plus houses and it was unanimously not recommended by the county planning board and then denied by the Board of Commissioners by a three to two vote.

Councilwoman Critz asked if the county planning board had seen this one.

Mayor Becker responded they had not seen it yet; it is in the staff review stage.

Ms. Brooks explained she had spoken with Union County Planning Director Lee Jenson last week and forwarded the Wesley Chapel Resolution to him and told him she would send him the one this council passed if they adopted it, just so he would have that knowledge.

Mayor Becker commented it was input for the staff report to the county planning board.

Councilwoman Critz mentioned Mr. Jenson seemed to be reachable and more reasonable than things they have heard coming out of the county in the past with the town's interactions with him.

Mayor Becker responded Mr. Jenson seems to be thorough, reasonable, and knowledgeable and he has a lot of faith there and a lot of respect for him.

Mayor Becker mentioned going to a meeting at the Rolling Hills Country Club and the presenter was a guy named Professor Dorfman from the University of Georgia, a professor of agricultural economics. Jerry Simpson was the Agricultural Extension person at the time, and he wanted Professor Dorfman, as an Agricultural Economics, because he would maybe be in favor of agricultural as an economic driver, but the numbers weren't even close in a county like Union. The maximum bang for the buck per acre on big tracts is to keep it in agricultural and taking it out of agricultural when you have an agricultural county and going to high density residential is the biggest loss of revenue for the county. That was Jerry Simpson's speaker, and he is sitting on the board. Mayor Becker hoped the council could touch on that at some point during their contacts with the Board of Commissioners.

Councilman Countryman motioned to adopt the resolution opposing the potentially high-density subdivision at Park Place Development and Councilwoman Critz seconded. The motion passed unanimously.

The Resolution is as follows:

**TOWN OF MINERAL SPRINGS**

**RESOLUTION REQUESTING THAT THE BOARD OF COUNTY COMMISSIONERS  
OF UNION COUNTY DENY A POTENTIAL HIGH-DENSITY  
REZONING APPLICATION FOR THE PARK PLACE SUBDIVISION**

**R-2020-07**

**WHEREAS**, one of the Mineral Springs Town Council's primary purposes is to represent the desires of its citizens and to serve as a voice for the greater good of the community; and

**WHEREAS**, the Park Place rezoning is in the process of being proposed to Union County for approximately 672 acres in a residential area between the Village of Wesley Chapel and the Town of Mineral Springs located 1.2 miles from the Mineral Springs town limit, including 2,110 units of high-density residential development (R-4, R-6 and R-8, plus apartments) and 31.5 acres of commercial development which will not be compatible and not be in harmony with the existing residential area; and

**WHEREAS**, the current county zoning on the property is RA-40 and R-40, with a 93.15-acre portion zoned RA-20, all of which would allow construction of a maximum of 765 single-family houses on the property rather than the 2,110 single- and multi-family dwelling units proposed; and

**WHEREAS**, the Mineral Springs Town Council recognizes that a large majority of citizens in Mineral Springs and in the neighboring area are not in favor of high density development and additional commercial development and wish to preserve the current standard of living and not become urbanized; and

**WHEREAS**, the Mineral Springs Town Council recognizes that high density development and commercial development put a burden on the infrastructure and encourage growth outpacing needed improvements; and

**WHEREAS**, stormwater issues and flooding are becoming an increasingly severe problem in the area and will be exacerbated by this high-density development; and

**WHEREAS**, traffic in the area is over capacity on Potter Road, New Town Road, and NC 84; these roads cannot sustain additional impact from high density residential development and commercial development and this proposed development will also create impacts that will overwhelm the adjacent minor country roads, all of which will negatively impact existing property owners; and

**WHEREAS**, the North Carolina Department of Transportation is experiencing critical funding shortages which are expected to persist into the foreseeable future, and several crucial long-planned and already-approved improvements, new highways, and road widening projects in the area have been delayed until 2030 – 2032; and

**WHEREAS**, the additional demands on county infrastructure and services created by this proposed development, including a need for additional schools, additional public safety personnel and infrastructure, and additional quality-of-life amenities will not be met by the property taxes generated by this development and will create an additional financial burden on existing Union County taxpayers;

**NOW, THEREFORE, BE IT RESOLVED** that the Town Council of the Town of Mineral Springs does hereby request that the Board of County Commissioners of Union County consider the well-being, quality-of-life, financial security, and safety of existing residents and taxpayers in the area of this proposed rezoning; and

**BE IT FURTHER RESOLVED** that the Town Council of the Town of Mineral Springs does hereby request that the Board of County Commissioners of Union County leave the current RA-40, R-40, and RA-20 zoning on this property in place if and when the rezoning request comes before that board.

**ADOPTED** this 8<sup>th</sup> day of October, 2020.

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

ATTEST:

\_\_\_\_\_  
Vicky Brooks, CMC, NCCMC

**6. Consideration of a Resolution Repealing Resolutions R-2020-02 & R-2020-03 – Action Item**

Mayor Becker explained this was a procedural resolution, which is self-explanatory. The council will recall the resolution about Ms. Ridings' hours and to keep her on the payroll during the total shut down of our facilities and the one to waive the Point & Pay debit and credit card processing fees since it was so inconvenient for members of the public to pay their application fees by check or cash. Staff has the whole thing down to a science, we have a drop box at the office now, the office is open by appointment, and Ms. Brooks and Ms. Ridings are working there. Therefore, those resolutions can be repealed, because the office is operating "fairly much" business as usual with the additional precautionary measures that are being taken.

Councilwoman Neill motioned to repeal the Resolutions R-2020-02 and R-2020-03 by adopting R-2020-08 and Councilman Countryman seconded. The motion passed unanimously.

The Resolution is as follows:

**TOWN OF MINERAL SPRINGS**

**RESOLUTION TO REPEAL RESOLUTIONS R-2020-02 AND R-2020-03**

**R-2020-08**

**WHEREAS**, on March 16, 2020, the Town of Mineral Springs, North Carolina ["Town"] declared a State of Emergency in response to the spread of the COVID-19 disease; and

**WHEREAS**, on April 9, 2020, the Mineral Springs Town Council adopted Resolution R-2020-02 which declared that the Town would not accept cash for payment of any fees that are not property taxes and would waive the Point and Pay processing fees for any credit or debit card payments; and

**WHEREAS**, on April 9, 2020, the Mineral Springs Town Council adopted Resolution R-2020-03 which authorized payment of the Deputy Clerk for twelve (12) hours per week regardless of the actual hours worked; and

**WHEREAS**, each of these resolutions authorized the Mineral Springs Town Council to repeal the resolution at any time; and

**WHEREAS**, the Mineral Springs Town Council has established policies that permit the town staff to provide limited in-person services to the public by appointment only (including acceptance of applications and payments), to require increased personal protective equipment in the town hall, and to require temperature screening of visitors along with additional cleaning and sanitizing of the premises; and

**WHEREAS**, the Town has installed a drop box at the town hall for added convenience of the public and enhanced ability to allow “contactless delivery” of paperwork and payments; and

**WHEREAS**, the Town Clerk and the Deputy Clerk are present at the town hall during the established business hours of 10:00 AM through 2:00 PM on Mondays, Tuesdays, and Thursdays with the exception of holidays previously approved by the Mineral Springs Town Council; and

**WHEREAS**, the Mineral Springs Town Council now desires to allow town staff to accept all legal forms of payment in person, by phone, or via drop box and no longer desires to waive the Point and Pay processing fees for payments by credit or debit card; and

**WHEREAS**, the Mineral Springs Town Council now desires that the work schedule and payment policies for the Deputy Clerk should revert to their status prior to the adoption of R-2020-03 – specifically, authorizing payment for hours actually worked at the town hall as approved by the Deputy Clerk’s supervisor;

**NOW, THEREFORE, BE IT RESOLVED** that the Town Council of the Town of Mineral Springs does hereby repeal Resolutions R-2020-02 and R-2020-03 effective as of the date of adoption.

**ADOPTED** this 8th day of October, 2020.

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

ATTEST:

\_\_\_\_\_  
Vicky Brooks, CMC, NCCMC

**7. Proclamation for Domestic Violence Week – Action Item**

Mayor Becker commented this was not a pleasurable thing, but it is a memorable thing. Mayor Becker pointed out the agenda item says “week”, but it should say “month.” October is Domestic Violence Awareness Month, and the town does have a close relationship with Turning Point, who really gives us a lot of insight into that problem in our communities. Mayor Becker stated he always likes to adopt this proclamation just to call a little more attention to the problem and to the people in the county who are working hard to mitigate some of those problems.

Councilwoman Critz motioned to adopt the Proclamation for Domestic Violence Awareness Month and Councilwoman Cureton seconded. The motion passed unanimously.

The Proclamation is as follows:

**TOWN OF MINERAL SPRINGS  
PROCLAMATION  
DOMESTIC VIOLENCE AWARENESS MONTH**

**WHEREAS**, domestic violence affects all Union County residents, and far too many people suffer abuse at the hands of a spouse, partner, parent, child, or sibling; these victims can be of any age, race, religion, or economic status and the resulting damage is inflicted not only on the victims, but their children, families, and communities; and

**WHEREAS**, domestic violence includes not only physical but also mental abuse, emotional abuse, financial abuse, sexual abuse, and isolation; and

**WHEREAS**, domestic violence is widespread, including one in four families is impacted by domestic violence with an annual cost to Union County of \$11,688,756; and

**WHEREAS**, according to the North Carolina Coalition Against Domestic Violence, there have been 1,369 women, men, and children murdered as a result of domestic violence since January 1, 2002 in North Carolina; and

**WHEREAS**, according to the North Carolina Council for Women, domestic violence programs across the state responded to over 112,860 crisis calls and provided services to over 60,301 victims last year; and

**WHEREAS**, the key to prevention is education, community awareness, having zero tolerance for domestic violence, and requiring accountability by the abuser; and

**WHEREAS**, Union County recognizes the importance of having collaborations by multiple partners to promote social norms, policies and laws that support gender equity and foster intimate partnerships based on mutual respect, equality, and trust; and

**NOW, THEREFORE**, be it resolved that I, Frederick Becker III, Mayor of the Town of Mineral Springs, do hereby proclaim October 2020 as Domestic Violence Awareness Month in Union County and urge all citizens to support this observance. I further urge

our citizens to increase their awareness and education of this destructive force which deeply affects a large number of families in our State each year and to become part of the efforts to stop violence in families.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the Town of Mineral Springs to be affixed this the 8<sup>TH</sup> day of October 2020.

Frederick Becker III, Mayor

Attest:

Vicky Brooks, CMC, NCCMC, Town Clerk

## 8. Staff Updates

There were no staff updates.

## 9. Other Business

Councilwoman Cureton thanked everybody again for their donation for Mr. Brown's Memorial and stated she was still accepting donations. To date, Councilwoman Cureton has turned in \$1,100.

Councilwoman Neill noted the donations to Mr. Brown's Memorial [Western Union] were from council members, not from the town.

Councilwoman Cureton explained there was a problem with the soccer people parking where you can not get in and out of her road (on both sides of the street). Councilwoman Cureton asked if anyone knew who she needed to go talk to so they can not park on the right and left side of the road.

Mayor Becker responded it was not the school, it was the athletic association, and he would try to find out who she needed to reach out to.

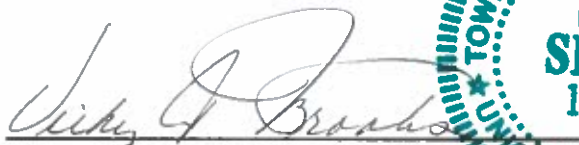
Councilwoman Critz suggested contacting the school.

## 10. Adjournment – Action Item

At 8:01 p.m. Councilman Countryman motioned to adjourn the meeting and Councilwoman Cureton seconded. The motion passed unanimously.

The next regular meeting will be on Thursday, November 12, 2020 at 7:30 p.m. via Zoom.

Respectfully submitted by:

  
Vicky A. Brooks, CMC, NCCMC, Town Clerk



  
Frederick Becker III, Mayor