

**Minutes of the
Mineral Springs Town Council
Regular Meeting via ZOOM
December 10, 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, December 10, 2020.

Present: Mayor Frederick Becker III, Mayor Pro Tem Valerie Coffey, Councilwoman Lundeen Cureton, Councilwoman Bettylyn Krafft, and Councilwoman Peggy Neill.

Absent: Councilman Jerry Countryman and Councilwoman Janet Critz.

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

Visitors: Vann Harrell, Robin Merry and Phil Every.

1. Opening

With a quorum present at 7:31 p.m. on December 10, 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 November 12, 2020 Regular Meeting Minutes, the October 2020 Tax Collector’s Report, and the October 2020 Finance Report and Councilwoman Krafft seconded. The motion passed unanimously.

4. Presentation of the Union County Revaluation

Union County Tax Administrator Vann Harrell, along with Assessment Division Director Robin Merry and Appraisal Division Director Phil Every attended the ZOOM meeting. Mr. Harrell explained Ms. Merry’s group specifically deals with tax relief, personal property and GIS information and Mr. Every’s group is primarily responsible for the reappraisal.

Mr. Harrell provided an overview of the 2021 reappraisal that takes effect on January 1, 2021.

REAPPRAISAL: WHAT IS IT AND WHY DO IT?

- A systematic review and appraisal of all real property
- Compliance with state statutes and existing case law
- Re-establish equity and fairness in the property tax base
- Ensure assessed values are reflective of current market
- Restore tax base lost to equalization

TIMING OF A REAPPRAISAL

- NCGS 105-286(a)(1) establishes a mandatory 8-year maximum reappraisal cycle
- NCGS 105-286(a)(2) requires a mandatory advancement of the reappraisal based on population size and the county Sales Assessment Ratio

- NCGS 105-286(a)(3) allows for an optional advancement to a more frequent reappraisal period by BOCC resolution (i.e. 2004 and 2008)

MANDATORY REAPPRAISAL

1. Sales Assessment Ratio
 - Greater than 1.15 or 115% of the market
 - Less than .85 or 85% of the market
 - Based on N.C. Department of Revenue Sampling
2. Population of 75,000 or greater

REAPPRAISAL TIMELINE

- December 31, 2018: Reappraisal plan submitted to DOR
- October 19, 2020: Schedule of Values Presented
- November 2, 2020: Public Hearing on SOV
- November 16, 2020: BOCC Adopts SOV
- **January 1, 2021: Effective Date of Reappraisal**
- February 15, 2021: Reappraisal Update
- End of February 2021: Assessment Notice Mailed
- May 25, 2021: Estimated Deadline for New Appeals

THE REAPPRAISAL PLAN

Plan was developed with attention to the following:

- Budget: Compliance with NCGS 153A-150
- Staffing: Compliance with Section 6.2, IAAO Mass Appraisal Standard and NCGS 105-299
- Outsourcing Needs: Compliance with Section 6.4, IAAO Mass Appraisal Standard and NCGS 105-299
- Hardware/Software: Compliance with Sections 6.3 and 3.3.2 of the IAAO Mass Appraisal Standards
- Timeline: Reappraisal Plan must be submitted to NCDOR 24 months prior to effective Date

UNIFORM SCHEDULE OF VALUES

- A new schedule is required to be adopted for every reappraisal cycle
- Establishes the rates and procedures in effect for the next reappraisal cycle
- Uses data from over 33,000 qualified sales and regional construction cost indices
- Captures the value of the current real estate market (retrospective in nature)
- Details the rates and variables that are used in the valuation process

GUIDING RULES, PRINCIPLES, & POLICIES

- Fair and Equitable
- North Carolina General Statutes
- Industry Best Practices (IAAO & NCDOR)

METHODOLOGY

- Approaches to Value
 - o Sales, Cost, Income
 - o Allocation and Abstraction (Land only when needed)

- Land Valuation
 - Appraisal Neighborhoods, Influence Factors, Site Ratings
- Improvement Valuation
 - Replacement Cost New Adjusted for Depreciation and Neighborhood Location

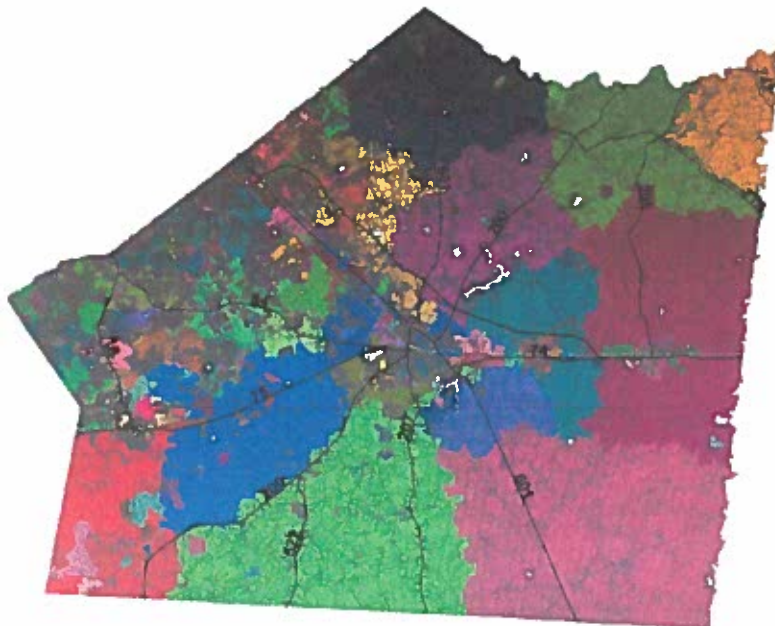
QUALITY ASSURANCE REVIEWS

- The process of reviewing all properties within Union County
- It is an ongoing process
- On-site reviews for vacant properties using aerial imagery
- 63,500 parcels have been reviewed by teams of appraisers

NEIGHBORHOOD DELINEATION

- A critical component to the reappraisal process
 - First used in Union County in 1980's
- Divides the county into smaller geographical units
 - Out of 899 appraisal neighborhoods in Union County the average parcel count is 115
 - The base level of grouping starts with the high school district assignment
- Analyzing smaller sets of market data ensures a more equitable valuation with comparable properties
- Maintains consistent values in a management market area
- Easier for taxpayers to compare property values in a market area

UNION COUNTY NEIGHBORHOOD MAP



**THE QUESTION OF EQUITY – Sales Ratio
Based on a sampling of sales by NCDOR**

Property Type	2020	2019	2018	2017	2016	2015
Real Estate	73%	74%	79%	88%	95%	99.71%
Personal Property	100%	100%	100%	100%	100%	100%
Public Service Companies	83%	83%	100%	100%	100%	100%
Motor Vehicles	100%	100%	100%	100%	100%	100%

WHAT IS EQUALIZATION?

- NCGS 105-284 – Uniform Assessment Standard
- Any county that falls below a 90% sales ratio on the reappraisal year of the 4th or 7th year after their reappraisal will have state assessed values equalized
- Applies only to Public Service Companies that are state assessed property owners
- Airlines, Bus, Motor Freight, Communications, Gas Pipelines, Railroads, Power/EMC

EFFECTS OF EQUALIZATION

Tax Year	Public Service Company Value	Equalization Rate	Equalized Value	Revenue Reduction
2017	\$420,815,484	-	-	-
2018	\$431,114,091	-	-	-
2019	\$448,083,182	83%	\$372,906,940	(\$549,463)
2020	\$479,014,317	83%	\$379,623,259	(\$594,887)

ANITICPATED COUNTYWIDE IMPACT

- Virtually all properties will see an increase in property value
- Current valuation year is 2015
- The 2015 reappraisal was a contraction in the tax base
- Residential & Commercial properties average increase of 23 – 27%
- Rural Land average increase (market value) 25 – 30%

PRESENT USE VALUE – SCHEDULE OF VALUES

- Qualifying properties are valued according to the North Carolina Use Value Advisory Board Guidelines for the effective appraisal year
- Present Use Value rates are changing for 2021
- Minimum Qualifications for PUV:
 - Agriculture (10 acre min.)

- Horticulture (5 acre min.)
- Forestry (20 acre min.)
- Ownership and Use requirements must be met
- 1/8th of all properties required to be reviewed every year
- 191,057 acres, 46% of all acres in Union County, are in the PUV program

**PRESENT USE VALUE RATE SCHEDULE
Region 136 – Piedmont MLRA**

Category	2015 Rate Per Acre	2021 Rate Per Acre	% Change
Agricultural (Class 3)	\$385	\$420	9%
Forestland (Class 2)	\$225	\$255	13%
Horticulture	\$810	\$890	10%

Example: Property owner has 50 acres in use value agricultural program. The taxable value would increase from \$19,250 to \$21,000. At the 2020 tax rate the tax difference would be \$12.79. A resulting tax deferral of 90% compared to current market value.

APPEALS PROCESS

There are 5 Stages to the Appeals Process:

1. Informal Review
2. Board of Equalization and Review
3. Property Tax Commission
4. North Carolina Court of Appeals (matter of law)
5. North Carolina Supreme Court (matter of law)

TAX RELIEF PROGRAMS

- Elderly or Disabled Requirements (exclusion of \$25,000 or 50% taxable value, up to 1 acre)
 - Deed in applicant’s name or title to residence as of January 1st
 - Must be N.C. resident
 - At least 65 years of age or totally and permanently disabled
 - 2020 Income must not exceed \$31,500
 - Has income for the preceding calendar year of NOT MORE than the income eligibility limit
- Disabled Veterans
 - Qualified owners receive exclusion of \$45,000
- Circuit Breaker Program (tax deferral)
 - 2020 Income cannot exceed \$47,500
 - Maximum tax liability is 4% or 5% of qualifying income; balance deferred
- Present Use Value (PUV)
- Tax Exemption Programs
 - Charitable, Religious, Education, Governmental
- Ownership and Use requirements must be met for all PUV and Exemption programs

COMMUNICATION PLAN

- Dedicated 2021 reappraisal webpage
- Local media outlets
- Social Media
- Town Hall Meetings
- Community, Civic, and Faith based group meetings

TAX BASE SNAPSHOT 2020 VALUATION

Property Class	2020 Values
Real Property Value	\$25,611,219,890
Personal Property Value	\$1,799,930,452
Exempt/Senior Citizens/Disabled	(\$1,966,501,027)
Deferred Property Value	(\$1,029,833,443)
Public Service Companies (State Assessed)	\$397,623,597
Registered Motor Vehicles (estimate)	\$3,016,750,635
Total Estimated Tax Base	\$27,829,190,104
Annual Growth Rate	3.14%

Tax Base Snapshot

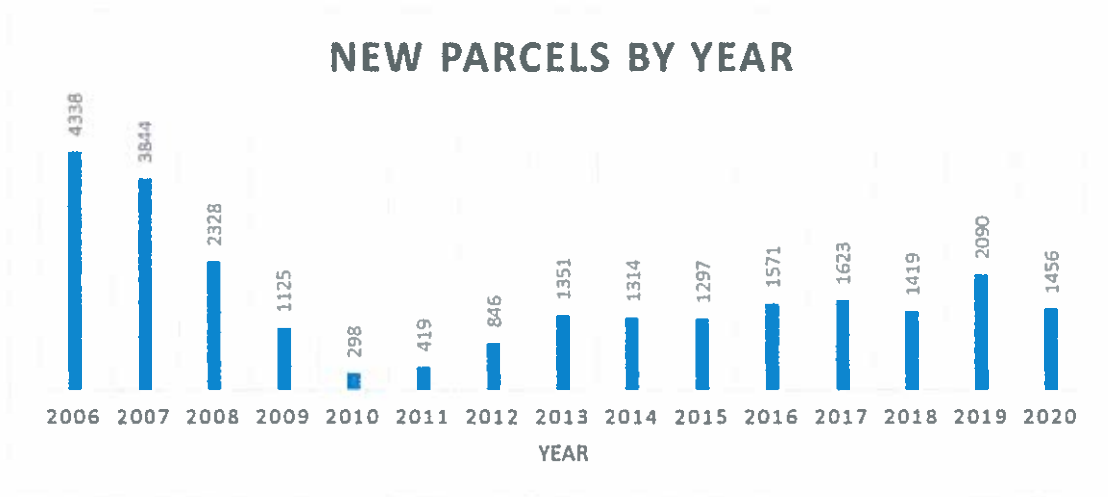
No graphic available.

Commercial/Industrial	10%
Motor Vehicles	10%
Personal Property	6%
Public Service Company	1%
Residential	73%

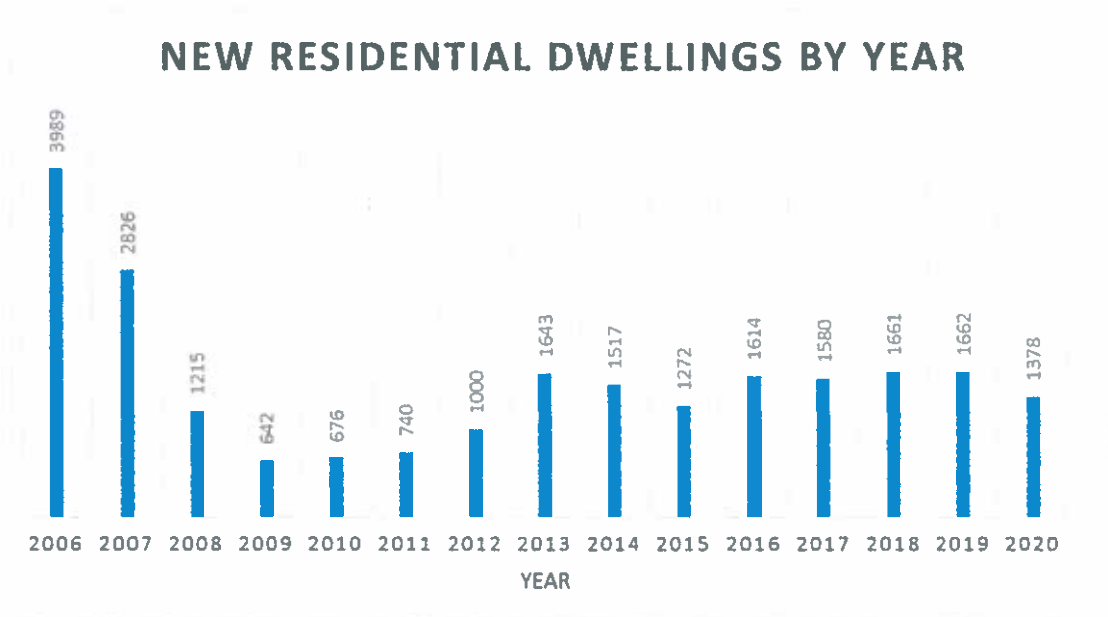
UNION COUNTY HISTORY

No graphic available.

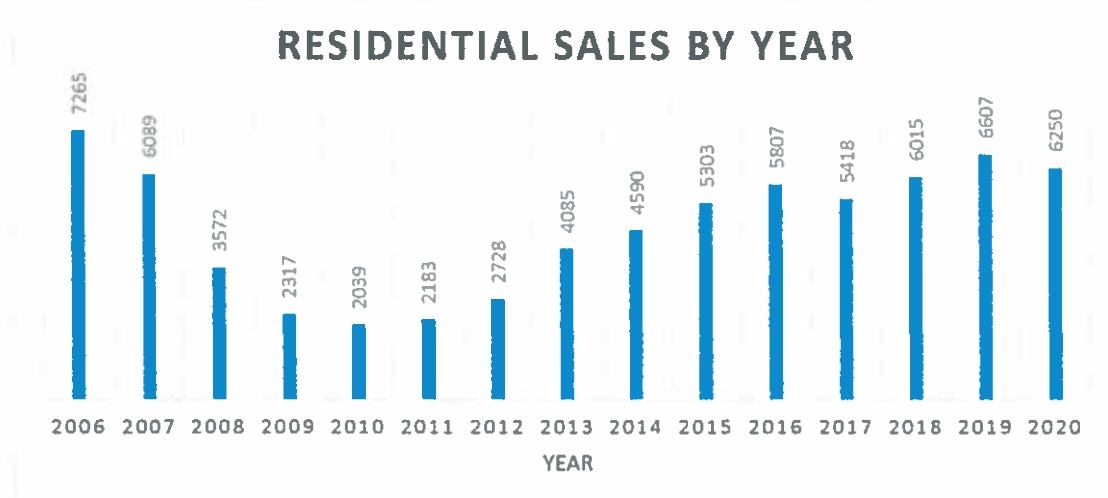
NEW PARCELS BY YEAR



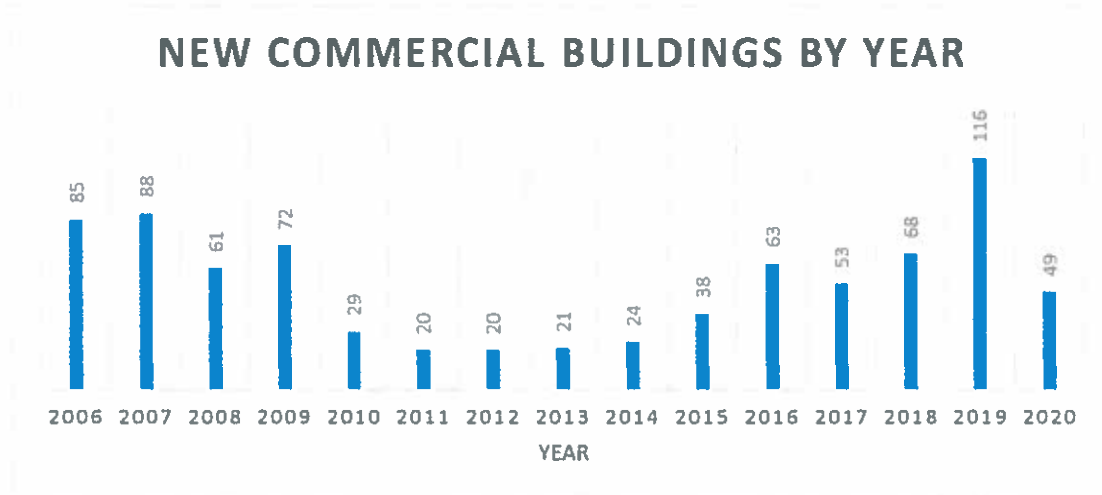
NEW RESIDENTIAL DWELLINGS BY YEAR



RESIDENTIAL SALES BY YEAR



NEW COMMERCIAL BUILDINGS BY YEAR



CONCLUSION

- Transparency, Equity, and Fairness
- Customer Focused Process
- Public Information Campaign
- Utilization of Technology

QUESTIONS or DISCUSSION

Mayor Becker thanked Mr. Harrell for the comprehensive coverage and stated he appreciated how thorough the presentation was.

Councilwoman Neill also thanked Mr. Harrell for the thorough and comprehensive presentation.

Councilwoman Neill commented she liked the fact the town could link our town webpage to the county website; it will help our residents see what is happening and offer them information. For Councilwoman Neill it is a good news, bad news sort of thing; it is great our property values have increased, but "we are going to have to open up our pocketbooks a little bit".

Mr. Harrell noted there was one message the county wants to make sure people understand and that is just because your value is going up does not necessarily you are going to pay more taxes. That is up to each jurisdiction and the county is out of that discussion. The revenue neutral tax rate is required to be published by statute, with that you may pay more, or you may pay less. If a jurisdiction is going completely revenue neutral, that means they are setting a tax rate that is going to generate the exact same amount of revenue they had the previous year. Mr. Harrell explained you may pay more as an individual owner, or you may pay a little bit less, but the jurisdiction, as a whole, is going to have the same pot of money to pull from.

Mr. Harrell noted looking at the Mineral Springs community (town limits) as a whole, the sales ratio within Mineral Springs is roughly 68% right now, which is a little bit lower than what the county is as a whole, which has been seen with every municipality, because the county is bigger than any municipality, so there is more data involved with that and a larger area and a larger amount of sales.

Councilwoman Krafft asked if there was going to be tax relief packages for the seniors and if there was any publicity going out on that.

Mr. Harrell responded the county is highlighting that in every presentation they are doing and Ms. Merry will be the spokesperson for the county on that, because it does fall under her division. A

video will be shot with Ms. Merry specifically addressing that process. Individuals have to meet age and income requirements, so it depends on the situation for each individual property owner. The county is putting that word out there as much as they can and they are looking at doing some outreach around that as well, but those plans have not been finalized yet.

Mayor Becker mentioned Council on Aging would be a good resource to focus that senior specific program with.

Councilwoman Krafft commented she thought some of our elderly do not move, they have been in their houses forever and an increase of their taxes on the limited income they have is scary.

Mr. Harrell stated the county commissioners were cognitive of that as well, so the county is working to get that message out.

Councilwoman Krafft noted the county is growing and it is wonderful in so many ways, but she thought we were starting to push out our home base people, because they just cannot afford it. Councilwoman Krafft sees this in various places, where they just cannot afford to stay.

Mayor Becker mentioned that Mr. Harrell stated Mineral Springs was at 68% of the sales ratios and asked if that meant Mineral Springs was actually that much lower right now and that our reappraisals were going to be a larger percentage increase than the average.

Mr. Harrell responded it was possible, there are a number of ways to look at that, it will bear by neighborhood first and within Mineral Springs.

Mr. Harrell asked Mr. Every if he knew how many neighborhoods were in Mineral Springs.

Mr. Every responded they divide it up by like properties, so there are literally going to be dozens. The rural areas will be one or two, and then the town; the older versus the newer, the more modest versus the larger will be separate neighborhoods. The tax assessors really try to compare apples to apples, but they are not comparing Mineral Springs to another town or even just similar properties in Mineral Springs to each other. They are trying to keep very similar properties together when they look for sales to get the basis of an assessment.

Mr. Harrell explained if you look at it from a purely statistical standpoint, the Mineral Springs ratio is lower than the countywide ratio, but the increase could still be similar.

Mayor Becker noted over the revalue cycles, just because of our location, in the past Mineral Springs has been very close to the average value increase at each reappraisal. There have been lower and higher, but the average increase is very close to the county average, which means that with the reduction or increase in the county tax rate, because that is the big one for us, the actual tax bill/levy has been fairly steady in Mineral Springs with some exceptions, but we do not have big changes in the tax bill, because we are trying to strive for a closer to neutral tax rate and our tax rate is so low that even a doubling in a property value doesn't increase our municipal tax bill that much. The county tax bill is always the big one for us.

Mr. Harrell responded he expected to see that similar result and he did not think when you are talking 68 to 70% comparison there is a big difference from that standpoint. Mr. Harrell estimated it to be in line with the average overall increase, it would vary across the county. Mr. Harrell explained he had used his own property as an example in other presentations. They are seeing the countywide tax base is 27% under assessed, so people extrapolate that, so that means the county is going to have a 27% increase in value. Mr. Harrell explained his home, as they looked at it just from the neighborhood he is in, will be going up about 49%, because of where he is located; it is probably smaller than the average home size in Union County at the point, but it is about location, neighborhood, price point where everything is selling at; a lot of variables to go in there.

5. Consideration of the Swimming Pool Nuisance Ordinance – Action Item

Mayor Becker explained the Public Hearing [from last month] was left open for an additional 24 hours and he asked Ms. Brooks if there were any additional comments that came in from the public.

Ms. Brooks responded she did not receive any comments.

Mayor Becker noted there was no change in the language of the ordinance and the council now has the opportunity to adopt it as written.

Councilwoman Coffey motioned to adopt the Swimming Pool Nuisance Ordinance as it is written and Councilwoman Neill seconded. The motion passed unanimously.

Ms. Brooks confirmed with Mayor Becker the Ordinance was numbered 2020-01.

The Ordinance is as follows:

STATE OF NORTH CAROLINA
TOWN OF MINERAL SPRINGS

AN ORDINANCE ENACTING THE REGULATION OF SWIMMING POOL NUISANCE CONDITIONS, PRIVATE
PROPERTY IN THE TOWN OF MINERAL SPRINGS
O-2020-01

WHEREAS, Article 8 of Chapter 160A of the North Carolina General Statutes, N.C.G.S. 160A-174, et seq., delegates to municipalities the authority to exercise the general police power; and

WHEREAS, Article 8 of Chapter 160A of the North Carolina General Statutes, N.C.G.S. 160A-193, authorizes municipalities to summarily remedy, abate or remove public health nuisances;
and

WHEREAS, the Town Council of the Town of Mineral Springs finds that it is in the public interest to enact an Ordinance to establish requirements for regulating Public Nuisance Conditions, as it relates to swimming pools; and

WHEREAS, the Town Council of the Town of Mineral Springs, after due notice, conducted a public hearing on the 12th day of November, 2020, upon the question of enacting this ordinance in this respect.

THEREFORE, BE IT ORDINAED BY THE TOWN COUNCIL OF THE TOWN OF MINERAL SPRINGS, NORTH CAROLINA:

PART ONE. That an Ordinance entitled "Swimming Pool Nuisance Conditions, Private Property", of the Town of Mineral Springs, North Carolina, is hereby written and enacted to read as follows:

"SWIMMING POOL NUISANCE CONDITIONS, PRIVATE PROPERTY

Section (A) Administration.

For the purpose of this Ordinance, the term "nuisance" shall mean or refer to any condition or any use of a "swimming pool" or any act or omission affecting the condition or use of such swimming pool which threatens or is likely to threaten the safety of the public; adversely affects the general health, happiness, security or welfare of others; or, is detrimental to the rights of others to the full use of their own property and their own comfort, happiness and emotional stability because of decreased property values and the unsightliness and decreased livability of neighborhoods.

The term "swimming pool," as herein used, shall mean any swimming pool, hot tub, spa, tank, ornamental pool or similar artificial basins containing or normally capable of containing water to a depth of eighteen (18) inches or more at any point, whether installed or erected, in-ground, above-ground, on-ground or on a deck or similar structure.

Section (B) Declaration of Nuisance Conditions.

The following conditions, or any combination thereof, are hereby found, deemed, and declared to constitute a detriment, danger and hazard to the health, safety, morals, and general welfare of the inhabitants of the Town. They are hereby found, deemed, and declared to be public nuisances wherever the conditions may exist within the corporate limits as now or hereafter established.

The creation, maintenance, or failure to abate any nuisances is hereby declared unlawful. No swimming pool shall be allowed, kept, abandoned, neglected, inoperable, or h a z a r d o u s within the town. No swimming pool shall remain in a condition as to create a public health or safety hazard or a nuisance to the public. The owner and/or the occupant of the premises must:

1. Maintain water clarity so that all parts of the bottom of such swimming pool can be seen.
2. Prevent the accumulation of stagnant water at any depth.
3. Prevent the accumulation of animal or vegetable matter, garbage, food waste, animal waste or carcasses, rubbish, trash, foreign matter, or other similar materials that cause or may cause offensive odors or vapors.
4. Prevent harborage or breeding places for mosquitoes, harmful insects, rats, mice, snakes, or other vermin of any kind which is or may be dangerous or prejudicial to the public health.
5. Maintain the swimming pool in compliance with applicable Town of Mineral Springs ordinances, Union County and North Carolina standards as related to such swimming pools.

Section (C) Complaint; Investigation of Public Nuisance.

1. When any condition in violation of this ordinance is found to exist, the enforcement official or such persons as may be designated by the Town Council shall give notice to the owner of the premises to abate or remove such conditions. Such notice shall be in writing, shall include a description of the premises sufficient for identification and shall set forth the violation and state that, if the violation is not corrected prior to a specified date, (no sooner than 10 calendar days after the notice is mailed and/or affixed to the property), the Town may proceed to correct the same as authorized by this ordinance. Service of such notice shall be by any one of the following methods.

(a) By delivery to any owner personally or by leaving the notice at the usual place of abode of the owner with a person who is over the age of sixteen (16) years and a member of the family of the owner.

(b) By depositing the notice in the United States Post Office addressed to the owner at his last known address with regular mail postage prepaid thereon.

(c) By posting and keeping posted, for ten (10) days, a copy of the notice, in placard form, in a conspicuous place on the premises on which the violation exists, when notice cannot be served by method (a) and (b).

2. Where the enforcement official of the Town determines that the period of time stated in the original warning citation is not sufficient for abatement based upon the work required or consent agreement, the enforcement official may amend the warning citation to provide for additional time.

Section (D) Appeal from a Warning/Notice of Violation.

An appeal from a warning citation shall be taken within ten (10) days from the date of issue of said warning citation by filing with the Town Clerk and with the Board of Adjustment, a notice of appeal which shall specify the grounds upon which the appeal is based. The Board of Adjustment in considering appeals of warning citations shall have power only in the manner of administrative review and interpretation where it is alleged that the enforcement official has made an error in the application of this ordinance, in the factual situation as it relates to the application of an ordinance or both.

Section (E) Abatement Procedure.

If the owner of any property fails to comply with a notice given pursuant to this ordinance, prior to the deadline stated in such notice, he shall be subject to prosecution for violation of this ordinance in accordance with law and each day that such failure continues shall be a separate offense. In addition, the Town may have the condition described in the notice abated, removed or otherwise corrected and all expenses incurred thereby shall be chargeable to and paid by the owner of the property and shall be collected as taxes and levies are collected. All such expenses shall constitute a lien against the property on which the work was done.

Section (F) General Penalties.

1. An act constituting a violation of the provisions of this ordinance or a failure to comply with any of its requirements shall subject the offender to a civil penalty of \$100.00, which includes administrative fees. Each day any single violation continues shall be a separate violation. A violation of this ordinance shall not constitute a misdemeanor pursuant to N.C.G.S. 14-4. If the offender fails to correct this violation by the prescribed deadline after being notified of said violation, the penalty may be recovered in a civil action in the nature of a debt.

2. In addition to the civil penalties set out above, any provision of this ordinance may be enforced by an appropriate equitable remedy issuing from a court of competent jurisdiction. In such case, the General Court of Justice shall have jurisdiction to issue such orders as may be appropriate, and it shall not be a defense to the application of the Town for equitable relief that there is an adequate remedy at law.

3. In addition to the civil penalties set out above, the provisions of this ordinance may be enforced by injunction and order of abatement by the General Court of Justice. When a violation of these provisions occur, the Town may apply to the appropriate division of the General Court of Justice for a mandatory or prohibitory injunction and/or order of abatement commanding the defendant to correct the unlawful condition upon or cease the unlawful use of the property. The action shall be governed in all respects by the laws and rules governing civil proceedings, including the Rules of Civil Procedure in general and Rule 65, in particular.

4. Upon determination of a violation of any section of this ordinance, the enforcement official of the Town of Mineral Springs shall cause a warning citation to be issued to the violator. Such warning citation shall be issued either in person or posted in the United States mail service by first class mail addressed to the last known address of the violator as contained in the records of the County. Such warning citation shall set out the nature of the violation, the section violated, the date of the violation, and shall contain an order to immediately cease the violation. If the violation is in the nature of an infraction for which an order of abatement would be

appropriate in a civil proceeding, a reasonable period of time must be stated in which the violation must be abated. The warning citation shall specify that a second citation may incur a civil penalty, together with costs, and attorney fees.

5. Upon failure of the violator to obey the warning citation, a civil citation may be issued by the enforcement official, either served directly on the violator, his duly designated agent, or registered agent if a corporation, either in person or posted in the United States mail service by first class mail addressed to the last known address of the violator as contained in the records of the County or obtained from the violator at the time of issuance of the warning citation. The violator shall be deemed to have been served upon the mailing of said citation. The citation shall direct the violator to appear in person at the Town Hall to pay the citation within (15) fifteen days of the date of the citation, or alternatively to pay the citation by mail. The violation for which the citation is issued must have been corrected by the time the citation is paid, otherwise further citations may be issued. Citations may be issued for each day the offense continues until the prohibited activity is ceased or abated.

6. If the violator fails to respond to a citation within fifteen days of its issuance, and pay the penalty prescribed therein, the Town of Mineral Springs may institute a civil action in the nature of debt in the appropriate division of the North Carolina General Court of Justice for the collection of the penalty, costs, attorney fees, and such other relief as permitted by law.

Section (G) Procedure is Alternative.

The procedure set forth in this ordinance shall be in addition to any other remedies that may now or hereafter exist under law for the abatement of public nuisances.*

PART TWO. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

PART THREE. If any section, subsection, paragraph, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.

PART FOUR. The enactment of this ordinance shall in no way affect the running of any amortization provisions or enforcement actions, or otherwise cure any existing violations.

PART FIVE. This ordinance shall be in full force and effect from and after the date of its adoption.

ADOPTED this 10th day of December, 2020.

Frederick Becker III, Mayor

ATTEST:

Approved as to form:

Vicky Brooks, Town Clerk

Bobby H. Griffin, Town Attorney

6. Consideration of Approving an Agreement with N-Focus – Action Item

Mayor Becker noted the Swimming Pool Nuisance Ordinance was on a complaint basis. The fee [for enforcement] will be an hourly charge.

Councilwoman Neill motioned to approve the N-Focus agreement and Councilwoman Coffey seconded. The motion passed unanimously.

7. Proposed Landscaping at the Copper Run Subdivision – Action Item

MEMO

To: Mineral Springs Town Council
From: Rick Becker
Date: December 1, 2020
Subject: License of Property to the Copper Run homeowners' Association for Shrub Planting

In September 2019, Clint Bailey of the Copper Run Homeowners' Association inquired about planting some ornamental shrubs at its expense in two locations along Crofton Road where the soil is dry, the bank is steep, and grass doesn't grow successfully. The planting strips fall within property owned by the town and subject to a conservation easement held by the State of North Carolina and monitored by the Catawba lands Conservancy. At that time, I asked Sharon Wilson, Stewardship Director of the CLC, whether that would be permissible. She replied by email that it appeared that it would. However, there was some uncertainty just where the planting strips were located and whether or not they were really within the conservation easement.

After the HOA further "fine-tuned" its plans, I heard again last month from Mr. Bailey. He provided exact locations of the proposed planting strips and the type of shrubs that would be planted. He also informed me that the HOA's attorney recommended that the HOA enter into a formal lease agreement with the town so that there would be no future misunderstandings about the planting strips.

Because the planting strips indeed fall within the town's property, they also are without question governed by the terms of the conservation easement. The two areas, one being 300 feet long and one being 120 feet long and both being 22 feet wide, are the result of the bank

having been cut down more for the road construction due to the steepness of the slope in those two areas. As such, there is no native vegetation present in any of the planting strips, just bare soil between the grassy right-of-way and the natural forest. This disturbance took place prior to the establishment of the conservation easement in 2009.

After consultation with Attorney Griffin, we decided to execute a *license* rather than a lease. I also attached a list of invasive and potentially invasive plants that was compiled by the NC Native Plant Society and made prohibition of any of those plants a condition of the license. None of the plants and shrubs proposed by the HOA's landscaper is on that "prohibited" list. Andy Kane of the CLC visited the site yesterday, and since he is concerned that the State may be even stricter on acceptable plant species than is reflected in the Prohibited Plant List, I added an additional provision to the license that ALL plantings must be approved by the State under the terms of the Conservation Easement. The HOA's attorney approved the wording of the license and I believe that the HOA has already approved the license. We are awaiting word from the State on permissible plants.

If Council approves this license, the Copper Run HOA can complete its roadside beautification project as long as all plant material meets State and CLC requirements.

Mayor Becker explained he, Attorney Griffin, the Catawba Lands Conservancy (CLC), and the [Copper Run] Homeowners Association (HOA) had worked hard on this, but it was not ready to be adopted yet. Mayor Becker further explained since the agenda item went out to the council, he had been on site with the CLC representative, two HOA representatives, and the CLC has spoken to the State (North Carolina Land and Water Fund – formerly the Clean Water Management Trust Fund) people. The State people want to rework the language and they have some specific things they want the town to do and they do not want it to be so open-ended where the license allows any and all use provided it meets their requirements. It will need to be more direct, so the agreement is going to be rewritten and brought back to the council at a future meeting.

Mayor Becker noted he would still be working with Attorney Griffin and this is a work in progress, because the State has specific requirements about the type of plants, the type of even planting, and how they are done.

Attorney Griffin commented they [the state] are protective.

Mayor Becker responded that was okay; that is why they handed the town a check for \$300,000 for that property, they have a big financial interest in it and an important mission that supports our conservation mission, and they want to make sure it is done right.

The location of the property is at the back of Copper Run (off Crofton Drive) on the side facing the woods. There are two areas on the map [in the agenda packet] where the slope is cut deeper into the woods and it is bare, which is where they want to plant.

8. Consideration of a Resolution (R-2020-10) Proposed by the Western Union Municipal Alliance (WUMA) – Action Item

MEMO

To: Mineral Springs Town Council
From: Rick Becker
Date: December 1, 2020
Subject: WUMA Joint Resolution on Municipal Zoning Jurisdiction

The Western Union Municipal Alliance ("WUMA") has drafted a joint resolution to be presented to the Union County Board of County Commissioners ("BOCC"), requesting that greater municipal oversight over zoning in unincorporated areas that are totally surrounded by municipalities ("donut holes") as well as in unincorporated areas that adjoin or lie extremely close to municipal boundaries be considered as part of the Union County 2050 Comprehensive Plan.

Several WUMA member municipalities have already adopted this joint resolution, and if all five member municipalities agree to do so WUMA will present the adopted joint resolutions to the BOCC as part of the discussion of the Union County 2050 Comprehensive Plan.

Mayor Becker explained this resolution ties into the Union County Comprehensive Plan (Union County 2050) asking the Board of Commissioners to give a look at more municipal input into these donut-hole and adjacent zonings. The municipalities are trying to all adopt the same resolution, but that does not mean the commissioners are going to do what the municipalities want, but the municipalities want to get that input into the County Commissioners as they start looking at the 2050 plan for adoption.

Councilwoman Neill motioned to adopt the resolution (R-2020-10) proposed by the Western Union Municipal Alliance and Councilwoman Krafft seconded. The motion passed unanimously.

The resolution is as follows:

**RESOLUTION SUPPORTING THE INCORPORATION OF EXTRA TERRITORIAL
MUNICIPAL ZONING JURISDICTION INTO THE UNION 2050 PLAN
(Mineral Springs Resolution R-2020-10)**

WHEREAS, the Towns of Weddington, Mineral Springs, and Stallings and the villages of Wesley Chapel and Marvin (the "Municipalities") have entered into the Western Union Municipal Alliance with the objective of studying, investigating and advocating regional issues that affect these municipalities located in Western Union County, including land use planning;

WHEREAS, Union County is in the process of creating the Union 2050 Comprehensive Plan that addresses land uses throughout Union County, including uses within and around the Municipalities;

WHEREAS, the Municipalities agree that their citizens' best interest are served by participating in regional land-use planning because transportation, infrastructure, and citizen's general welfare are impacted by land use decisions of neighboring municipalities and Union County;

WHEREAS, the Municipalities have studied and investigated methods by which they can exercise zoning jurisdiction over unincorporated land that falls within their borders ("donut holes") and have further investigated methods by which they can cooperatively designate spheres of influence for purposes of regulating voluntary annexation of unincorporated properties that lie between town jurisdictions;

WHEREAS, the Municipalities believe that these cooperative, regional, land-use agreements will result in better development outcomes for the both current citizens of Union County and future citizens including by:

1. Reducing confusion regarding jurisdictional regulation for property owners;
2. Providing a reliable benchmark for Municipalities, the County, and other agencies for planning future infrastructure, land use and public safety needs;
3. Providing reliable guidance for land use planning by and amongst contiguous jurisdictions;
4. Encouraging communication and cooperation between the Municipalities and the County thereby better serving all citizens.

NOW, THEREFORE, the governing bodies of the Towns of Weddington, Mineral Springs and Stallings, and the Villages of Wesley Chapel and Marvin resolve and request:

1. That Union County grant permission to the Municipalities to exercise municipal zoning authority over unincorporated parcels of property that fall within municipal boundaries ("donut holes"); and
2. That Union County recognize spheres of influence as negotiated and agreed to by and amongst the Municipalities as part of the Union 2050 Comprehensive Plan.

THIS the 10th day of December, 2020.

Frederick Becker III, Mayor

ATTEST:

Vicky Brooks, CMC, NCCMC

9. Consideration of Upgrading the Town Hall Fire/Security Alarm System – Action Item

MEMO

To: Town Council
From: Vicky Brooks
Date: December 2, 2020

Re: Agenda Item # 9 – Consideration of Upgrading the Town Hall Fire/Alarm System

Commercial Security Consultant Ms. Kristin Chelucci from Sonitrol contacted me recently about the town considering an upgrade to our security system. As you will see on the attached documentation, our current equipment is outdated, and parts may or may not be available for repairs should the need arise. Sonitrol is offering substantial savings on the installation of a new system through a promotional offer, which will expire when the set aside funds for the offer are depleted. Instead of waiting until when (or if) our system fails and having to pay the full upgrade cost, this may be the perfect opportunity to upgrade the system.

I spoke with Mayor Becker about this offer and he contacted Mr. Price at Sonitrol to inquire about the upgrade. After that conversation, Mayor Becker suggested that I contact Ms. Chelucci to get a quote on the upgrade for the town council to consider.

While the monthly maintenance fee will go up from \$131.00 to \$180.00, the town will see a cost savings via Windstream, because the new system will not need the two dedicated landline phone lines we are currently paying for that are required by the fire alarm system.

Mayor Becker noted the memo Ms. Brooks did and the Sonitrol proposal was self-explanatory. Mayor Becker explained since the town is dealing with a corporate entity who is doing marketing and the salesperson did call Ms. Brooks out of the blue, he did want to talk to Mr. Price. The council knows Mr. Price's business practices to be ethical. Mr. Price explained to Mayor Becker what Sonitrol was doing and they are offering some of these early upgrades at discounted pricing.

Mayor Becker pointed out the alarm system at town hall is functioning, but it is an 11-year-old piece of computer hardware and about 20-year-old technology; it is not going to last forever. This may be the time to do the upgrade for the \$2,400+. Mayor Becker noted the thing that "rubbed" him a little bit was the monthly monitoring is going up \$49 (from \$131 to \$180); however, the new system with the IP addresses and internet connection will allow the town to get rid of two Windstream phone lines, which will probably save the town a net of approximately \$400 annually.

Councilwoman Coffey motioned to approve the Town Hall Fire/Security upgrade, it is a bargain and she thought it was a good move and Councilwoman Neill seconded. The motion passed unanimously.

10. 2021 Town Hall Holiday Schedule – Action Item

Attorney Griffin asked if the council thought about considering Juneteenth as a holiday as many of the other municipalities are throughout the state.

Ms. Brooks mentioned that Juneteenth is Emancipation Day, and it is on June 19th.

Attorney Griffin noted there were a lot of small towns in the state that are doing it (Monroe did it this week unanimously); it is very significant in the history of the emancipation and one of the oldest celebrated days in the country.

Mayor Becker asked the council if there was a motion to adopt the holiday schedule with the addition of Juneteenth on June 19, 2021.

Councilwoman Neill motioned to accept the holiday schedule for 2021 with the addition of Juneteenth on June 19, 2021 and Councilwoman Coffey seconded. The motion passed unanimously.

11. Staff Updates

Mayor Becker noted the council had heard him talk frequently about the Carolina Thread Trail and Catawba Lands Conservancy workdays that are done at the greenway and adjoining property and they have heard him mention the name Lynn Rivera. Ms. Rivera is the trail master, and she lives in the old Fletcher Broome homeplace on Fletcher Broome Road; she has "sort of" adopted our trail. Ms. Rivera has been doing weekly workdays every Tuesday and Mayor Becker participates in most of them. There has been an amazing amount of invasive [plant] removal.

During the virtual Trail Forum week, an award called "Volunteer of the Year" was won by Ms. Rivera, predominately for her hundreds of personal hours of work as a volunteer on the Mineral Springs Trail and the additional hundreds of hours of recruitment that she has done. Mayor Becker stated he wanted to put that name out there, because it lets you know the kind of support the town is still getting through the Carolina Thread Trail and Catawba Lands Conservancy. The town has supported the Catawba Lands Conservancy financially for years and this is just another piece of evidence of how important and how successful that collaborative partnership is.

Councilwoman Krafft clarified the workday was every Tuesday.

Mayor Becker confirmed Ms. Rivera works out there from 9:30 a.m. to 12:00 p.m. [on Tuesdays] and her focus is on invasive plant removal, because the trail is in good condition and heavily used in an era of COVID; there is always somebody hiking that trail.

Mayor Becker explained Ms. Rivera likes people to go to the Carolina Thread Trail website and sign-up on their volunteer page, so more volunteer hours are credited to us as to what the overall volunteer hours are for the whole organization.

12. Other Business


There was no other business.

13. Adjournment – Action Item


At 8:39 p.m. Councilwoman Krafft motioned to adjourn the meeting and Councilwoman Coffey seconded. The motion passed unanimously.

The next regular meeting will be on Thursday, January 14, 2020 at 7:30 p.m. via ZOOM.

Respectfully submitted by:


Vicky A. Brooks, CMC, NCCMC, Town Clerk




Frederick Becker III, Mayor