

**Minutes of the
Mineral Springs Town Council
Regular Meeting via ZOOM
January 14, 2021 – 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, January 14, 2021.

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

Absent: None

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 7:34 p.m. on January 14, 2021, 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

Town Clerk Vicky Brooks and Mayor Becker pointed out an error on page 55 of the December 10, 2020 minutes; the data in the middle graph “New Residential Dwellings by Year” was incorrect and has now been corrected.

Councilwoman Critz motioned to approve the consent agenda containing the December 10, 2020 Regular Meeting Minutes with the correction made on page 55 in the middle graph, the November 2020 Tax Collector’s Report, and the November 2020 Finance Report and Councilwoman Cureton seconded. The motion passed unanimously.

4. Consideration of Approving a Contract for G.S. 160D Amendments – Action Item

Mayor Becker noted the council had a chance to look at the two proposals and explained there must be some changes made to the newly adopted UDO to comply.

Ms. Brooks added all the changes that are being considered right now have to be made to be compliant with 160D, and we have to be compliant by June 30, 2021. Ms. Brooks explained she had been going through the ordinance for several months now and she contacted N-Focus to get an estimate on what they would charge the town to go through our ordinance to make those changes to make sure we were compliant with the new General Statutes. Ms. Brooks noted the N-Focus price was high. In addition, Ms. Brooks would have to convert the town document to a Word document so N-Focus could make those changes. Converting the town document would be a massive amount of work, because the town document is in a program called “In-Design”. Converting the words into a Word document would not be time consuming, but with all the pictures that were added to the ordinance they would not act right in Word, which would be the time-consuming part.

Councilwoman Coffey asked if Ms. Brooks meant N-Focus could not adapt to any type of software that would be acceptable and receive our information and be able to process it.

Ms. Brooks responded that was her understanding when she had a conversation with N-Focus.

Councilwoman Critz asked Ms. Brooks if she saw any other differences, other than the cost, would one do a better job than the other, or was it strictly a matter of preference here.

Ms. Brooks responded she had no doubt that N-Focus would do a great job, but after having a two-hour conversation with an N-Focus representative about our ordinance, she felt like it would be harder to work with them on our current ordinance, because she was not sure N-Focus could see through what they hate about the ordinance. Since Benchmark wrote the ordinance, they know where most everything is, so Ms. Brooks believed it would be easier for Benchmark.

Councilwoman Coffey stated she was sorry to hear that, because she had looked at N-Focus and was thinking with their 200 years of experience with their staff and one of their main business objectives was to focus on small communities as a preference, she thought spoke volumes about them as a company. Councilwoman Coffey added since N-Focus could not meet the town needs they should not have even been put in here; this is a moot point.

Ms. Brooks explained she did not have a problem with anybody at N-Focus, she was having a little difficulty getting in touch with someone from Benchmark and ended up speaking with N-Focus and with everything being a sales pitch and them wanting your business, she ended up getting a quote from N-Focus. With the price being that high, Ms. Brooks did not want to present it to the council without getting another quote from someone else, which is why there are two quotes.

Mayor Becker asked Ms. Brooks if she was confident both companies could tackle the project, because she has worked with Benchmark on our ordinance and N-Focus has done other ordinances (they did the swimming pool ordinance), and they are doing some enforcement. One of them wants \$7,500 plus converting the ordinance and the other is \$3,000. Does Ms. Brooks feel that they can both do an equivalent job?

Ms. Brooks agreed they were both more the capable of making the corrections that need to be made.

Councilwoman Coffey reiterated N-Focus cannot convert to a system that is workable for the town, so their contract for potential proposal is a moot point.

Councilwoman Critz commented she was under the impression that Ms. Brooks could convert, but it would be time-consuming.

Mayor Becker commented he was not trying to bias the council, but it just seems that one is definitely able to do it with the format the town already has, and the price is less than half and Ms. Brooks is satisfied with them.

Councilman Countryman asked Ms. Brooks if Benchmark was the original company that the town spent all the time to put our ordinance together to review them.

Ms. Brooks responded yes, that was correct.

Councilman Countryman continued "and we spent all the time with that nice young lady reviewing them on a page-by-page basis." Councilman Countryman stated that the young lady that did that did an excellent job and given the fact that the town has already worked with them, that they developed the ordinance to begin with, and the fact that they are significantly less expensive, and that it does not require Ms. Brooks to do any additional work should be a "no-brainer".

Councilman Countryman motioned to utilize Benchmark as we adapt our ordinance in the future, since they are the company that designed and put it together and does not require Ms. Brooks to do any additional work and Councilwoman Critz seconded.

Ms. Brooks referred to Mayor Becker and asked about the typo he found in the contract.

Mayor Becker pointed out there was a motion by Councilman Countryman, and he was being asked to say "with one amendment on page one of the Benchmark contract under number one, Scope of Services, it refers to the Town Board of Commissioners and that should be changed to the Town Council".

Councilman Countryman recognized that change and stated he would make the same motion understanding that change would be made to Town Council. Councilwoman Critz seconded. The motion passed unanimously.

5. Consideration of Legislative Goals and Appointing a NCLM Delegate – Action Item

MEMO

To: Mineral Springs Town Council
From: Rick Becker
Date: January 7, 2021
Subject: NCLM Legislative goals and Appointment of Town’s Voting Delegate

The North Carolina League of Municipalities is compiling a list of its members’ top legislative goals for 2021. The NCLM Board has prepared the attached list of 17 goals and is asking member municipalities to “whittle down” this list to their top-ten goals. In order to present the ten goals preferred by Mineral Springs to the NCLM, Council must appoint a “voting delegate” for the sole purpose of transmitting our goals to the NCLM. Once that delegate is appointed, the NCLM will email the delegate a form on which to submit our ten choices. The delegate will hear from the NCLM on January 15, 2021 or possibly early in the following week. The delegate is not committing to any additional responsibilities, work, or meetings.

SO: there is a homework assignment for next Thursday. Please review the attached 17 goals and indicate your top ten on this form. As you can see, a few goals would be of specific benefit to Mineral Springs, while many of the goals are more general and might not even be of direct value to our town. Simply pick your ten favorites and check them off in the summary list in this memo.

If Vicky can come up with a way to receive and tabulate your choices while complying with public records statutes prior to the meeting on January 14, she will contact you. Otherwise we will need to tabulate your choices one goal at a time during the Zoom meeting. The goals are not numbered in the NCLM list, but they are presented in this worksheet in the same order they are presented in the list.

<input type="checkbox"/> 1. Broadband infrastructure authority	<input type="checkbox"/> 2. Federal Covid-19 aid directly to municipalities
<input type="checkbox"/> 3. Incentives and funding for local economic development	<input type="checkbox"/> 4. Refine economic tier designation system
<input type="checkbox"/> 5. Tools to revitalize abandoned properties	<input type="checkbox"/> 6. Increase funding for affordable housing
<input type="checkbox"/> 7. Permanent funding for local infrastructure needs	<input type="checkbox"/> 8. Funding to help with aging water and sewer systems
<input type="checkbox"/> 9. Ensure state funding for state-mandated municipal benefits.	<input type="checkbox"/> 10. Improve statewide funding and support for LEO training in use of force, mental health, and de-escalation
<input type="checkbox"/> 11. Permit all cities to establish police citizen review board.	<input type="checkbox"/> 12. Grace period for posting local emergency declarations.
<input type="checkbox"/> 13. Increase public safety grant funding.	<input type="checkbox"/> 14. Increased notification for changes in county-municipality sales tax distribution formulae.
<input type="checkbox"/> 15. Expand municipal authority to enact additional funding options.	<input type="checkbox"/> 16. Increase state funding for public transportation
<input type="checkbox"/> 17. Improve processes and communication between towns and NCDOT on moving utility lines.	

Mayor Becker explained this was not a binding thing, but the League was looking for some input on priorities for their fiscal year with the Legislature.

Mayor Becker noted he believed everyone had sent Ms. Brooks their top ten list.

Ms. Brooks read the top ten:

- #1 Broadband infrastructure authority (six votes)
- #3 Incentives and funding for local economic development (six votes)
- #5 Tools to revitalize abandoned properties (six votes)

- #9 Ensure state funding for state mandated municipal benefits (six votes)
- #7 Permanent funding for local infrastructure needs (five votes)
- #13 Increase public safety grant funding (five votes)
- #2 Federal COVID-19 aid directly to municipalities (four votes)
- #10 Improve statewide funding and support for LEO training in use of force, mental health, and de-escalation (four votes)
- #15 Expand municipal authority to enact additional funding options (three votes)
- #6 Increase funding for affordable housing (three votes)

Those are the top ten choices. Following are the rest of the options.

- #14 Increased notification for changes in county-municipality sales tax distribution formulae (three votes)
- #8 Funding to help with aging water and sewer systems (two votes)
- #12 Grace period for posting local emergency declarations (two votes)
- #4 Refine economic tier designation system (one vote)
- #11 Permit all cities to establish police citizen review board (one vote)
- #16 Increase state funding for public transportation (one vote)
- #17 Improve processes and communication between towns and NCDOT on moving utility lines (one vote)

Mayor Becker commented he didn't think it was going to be a problem, but it looked like there was a three-way tie (between #'s 15, 14, & 6) for the last two selections.

Ms. Brooks asked the council who was in favor of #15 and Councilwomen Krafft, Cureton, Critz, Coffey, and Councilman Countryman voted.

Ms. Brooks asked the council who was in favor of #6 and Councilwomen Coffey, Krafft, Cureton, and Councilman Countryman voted.

Mayor Becker asked the council who was in favor of #14 and Councilwomen Neill and Critz voted.

Councilwoman Critz explained she was aware that #14 was more of a finance officer's issue and the town has not had any particular problems that she was aware of. Councilwoman Critz was definitely for increased funding for affordable housing, but she was not sure how applicable that would be for the Town of Mineral Springs. Councilwoman Critz asked Mayor Becker to explain that a little bit.

Mayor Becker commented it was explained in quite a bit of detail. Affordable housing was just going to be an open-ended thing; the state may come up with a better plan for some of the smaller towns or they might get state funded programs that towns could administer. The sales tax thing is that there are two ways the county and municipalities split sales tax: one is based on population and one is based on the share of ad valorem tax that each town gets. In Union County, because so much of the population lives in municipalities, the county commissioners went with ad valorem basis (it has been that way ever since the town became a town), which means the county gets a bigger share. That is something that can be changed every year by the county commissioners. Mayor Becker referred to the write-up by the League and noted the county commissioners can make that

change as late as March or something and the League claims there are some municipalities that say they are trying to get their budgeting done and they do not even know until half-way through their budget process which method the county is going to adopt and that could make a difference in how much funding the municipality gets. Mayor Becker noted he has never had a problem with that, and he does not see Union County ever switching.

Councilwoman Krafft commented they are not going to switch, because they get a bigger slice of the pie right now. Why would they do that?

Mayor Becker responded circumstances change, populations increase, things change, and with some counties it changes, and they will always vote to give them the most money; they want the bigger piece, which is just human nature. Mayor Becker commented from a budgeting perspective, he has never been affected by it, but there were probably a few towns or cities that found it to be difficult for their budgeting process, which is why they asked the League to look into it.

Councilwoman Neill stated she was willing to move her vote from #14 to #15.

Mayor Becker commented it now looks like a clear consensus of #15 and #6; there does not seem to be a lot of interest in #14, because it is less applicable.

Mayor Becker explained part two of this agenda item was for the council to assign a delegate for the League to send the email to with some kind of a check box to say, "this is what our council wanted, these are the ten priorities for us."

Councilwoman Coffey nominated Councilwoman Neill to be the voting delegate for NCLM.

Councilman Countryman offered that Councilwoman Neill said she would love to.

Mayor Becker asked if there was anybody who did not want it to be Councilwoman Neill.

Councilman Countryman seconded the nomination by Councilwoman Coffey for Councilwoman Neill to be the NCLM delegate. There was a consensus of the council.

Councilman Countryman explained for Councilwoman Neill as he read in the document, it does not require her to do anything in the future; it is a one-time shot.

Mayor Becker added anytime there is a membership wide canvas, the League Bylaws requires that a new delegate be appointed each time.

6. Discussion of an Interlocal Agreement with Union County – Action Item

Mayor Becker explained the county wanted the town to see if there were any comments/feedback on this proposed Interlocal Agreement for Public Works and Utilities. Mayor Becker noted he did not see any fees involved unless we are acting as a developer where we need to have sewer service run to us and then we are going to pay for that extension. Mayor Becker did like the package plant responsibility because we have had so much trouble with package plants throughout the county, which is why they put that in there. If the town approved something and the developer did not have sewer service, but they were going to put in an onsite package plant and then the developer goes "kerfloey" later on, they are responsible for it and the problem is the town would be responsible for it and so the town just wouldn't approve one, which is a good idea. Package plants have been a problem. Otherwise, Mayor Becker did not think it made a big difference to the town.

There was a consensus of the council that there were no issues with the Interlocal Agreement.

Mayor Becker noted Ms. Brooks could tell Mr. Matthews the council thought it looked good, but she might want to point out the two issues he mentioned.

7. Consideration of a Resolution (R-2021-01) Opposing a High-Density Rezoning in a Wesley Chapel “Doughnut Hole” – Action Item

MEMO

To: Mineral Springs Town Council
From: Rick Becker
Date: January 7, 2021
Subject: R-2021-01 Requesting BOCC to Deny High-Density Rezoning

There is a pending rezoning request in Union County for the property shown below, a "doughnut hole" within the Village of Wesley Chapel which is also located near Mineral Springs. For many of the same reasons Mineral Springs, Wesley Chapel, and other nearby municipalities have opposed previous high-density rezoning requests, some have adopted or are considering adopting resolutions opposing this rezoning request.

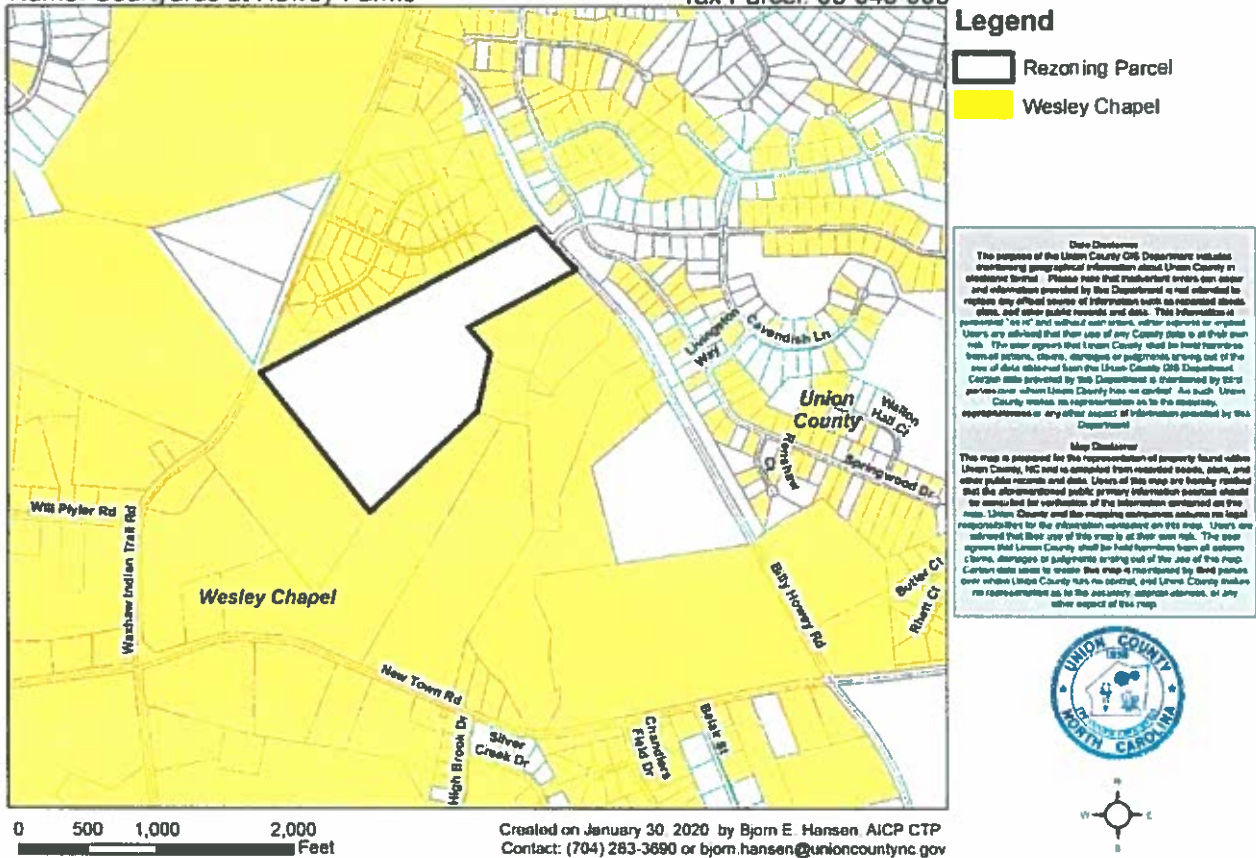
Municipalities

Petition: CZ-2020-002

Name: Courtyards at Howey Farms

Size: 43.542 acres

Tax Parcel: 06-048-003



Mayor Becker explained this was one of the monthly WUMA concerns. There is a rezoning which has been in the works for a year. It started at 115 houses and they were shot down hard by the planning board, so they went back with 85 houses and the planning board still shot them down hard. It just does not seem like a good location for that kind of density.

Mayor Becker noted the proposed resolution was written by him and it was not copied from Wesley Chapel. If the council felt the town should oppose the development, they could adopt the resolution.

Councilwoman Neill motioned to adopt the resolution [R-2021-01] to oppose the rezoning in the Wesley Chapel doughnut hole and Councilman Countryman 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 HIGH-DENSITY REZONING APPLICATION FOR THE "COURTYARDS AT HOWEY FARMS"
SUBDIVISION (CZ-2020-002)**

R-2021-01

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 Town of Mineral Springs is working with neighboring municipalities in a joint effort to study the effects of high-density developments near municipal boundaries; and

WHEREAS, a rezoning application for a 45.01-acre property located near the intersection of Billy Howey Road and Waxhaw Indian Trail Road is being presented to the Union County Board of County Commissioners (BOCC) requesting a map amendment from R-40 to R-4-CZ; and

WHEREAS, the rezoning application proposes 89 houses on the property which represents a gross density of 1.98 units per acre; and

WHEREAS, the property is adjacent to low-density residential subdivisions, and even properties that lie closer than the subject property to a commercial center are built at a gross density of one unit per acre; and

WHEREAS, the proposed subdivision will not be compatible and not be in harmony with the existing residential area; and

WHEREAS, the current county zoning on the property is R-40 which would allow construction of approximately 45 single-family houses on the property, a use that would be more in harmony with surrounding neighborhoods and properties than the 89 single-family dwelling units proposed; and

WHEREAS, the Mineral Springs Town Council recognizes that a large majority of citizens in Mineral Springs, Wesley Chapel, and nearby municipalities are not in favor of high-density 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 puts a burden on the infrastructure and encourages 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 is becoming increasingly troublesome and dangerous on Billy Howey Road, Waxhaw Indian Trail Road, and NC 84; these roads cannot sustain additional impact from high-density residential development and this proposed development will also create impacts that will overwhelm nearby 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 or later; and

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

WHEREAS, the BOCC is under no constitutional or statutory obligation to rezone any property to a higher density; and

WHEREAS, no tangible benefit to residents and taxpayers of Union County has been demonstrated to result from approval of this rezoning; and

WHEREAS, Union County's planning staff report on the application stated that "the proposed density is probably too high"; and

WHEREAS, the Union County Planning Board on January 5, 2021 voted 4-2 to recommend denial of the rezoning application.

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 deny application CZ-2020-002 to rezone this property to R-4 CZ and leave the current R-40 zoning in place on the property.

ADOPTED this 14th day of January, 2021.

Frederick Becker III, Mayor

ATTEST:

8. Staff Updates

Ms. Brooks shared that for the past year and a half to two years, she had been having conversations with a gentleman who has been trying to buy the Rape property in downtown to put in a three retail space development (one would have been a restaurant). This gentleman has worked through the whole soil contamination process and had pretty much gotten the go ahead. However, he does not have an approval from NCDOT to have a driveway access; the only thing that you can get on that property is a right in and a right out. According to this gentleman, that is a deal breaker. We have been excited about the potential of the property being bought and having a nice development go there, but that all got shattered this week.

Mayor Becker commented “by NCDOT”, with their strict requirement.

In summary, Ms. Brooks added she spoke with somebody at NCDOT today and understands the public safety aspect of it. In addition to the right in, right out requirement, the developer would also be required to widen the road and put a four-foot concrete barrier in the middle of the road, so there could not be a left turn made into the property. There is a possibility to have a right in right out driveway access on Potter Road, but that would most likely be in the railroad right-of-way, so if the developer were to get it approved by NCDOT, it would also have to be approved by the railroad. While the property currently has several driveway accesses, all those accesses go away with the change of use (i.e. from residential to business, from one business type to another business type).

Ms. Brooks also shared with the council she has been working with a group on a critical intersection study; the critical intersection for Mineral Springs is Highway 75 and Potter Road. There are two options on the table for our intersection; to put in right/left turns lanes, or a roundabout. It may be years before any improvement is made.

Councilwoman Krafft commented it probably will not be that much longer; they are going to try to put a roundabout right in the middle of Waxhaw beside the Food Lion, which will make the subdivision right there a royal pain to get in and out; they have gone roundabout crazy in this county.

Mayor Becker commented on the timeframe by explaining some of the funding scenarios. There is the STIP [State Transportation Improvement Program], which is the main NCDOT funding multi-billion-dollar annual thing. A lot of these roundabouts are not funded in that bucket of money; they come from much smaller pots of money and a lot of it is federal, which are SPOT [Strategic Planning Office of Transportation] safety, STP (Strategic Transportation Planning) or STBG-GA (Surface Transportation Planning Block Grant Direct Attributable). Those are what often fund these intersection projects and those are grants that you might be able to get in a couple-year timeframe instead of the ten plus year timeframe of the main NCDOT planning process. When the project is done, we decide, and we are getting a semi-complete engineering design done, when it is determined, then the next step would be “we are interested”, so we start looking at getting funding to do this. It could be a million dollars, a million and a half, eight hundred thousand, but it could happen in a couple years, because it is being funded in a different way. These intersections are being considered as separate projects. That would be a good thing for that property, because if you could only make a right turn, you head towards Waxhaw or you go to the roundabout, go around it and go back home to Monroe. A roundabout would facilitate all of that without having to make U-turns in the fire department. The turn lanes option would make it worse for that property, because then you will have five lanes of traffic.

The council and staff will continue to work with NCDOT on solutions for this property and the intersection.

9. Other Business

Mayor Becker shared that he was pulling into Dr. Guthmann’s parking lot for his appointment when his phone rang, and it was Ms. Brooks with the bad news [as described under staff reports]. When

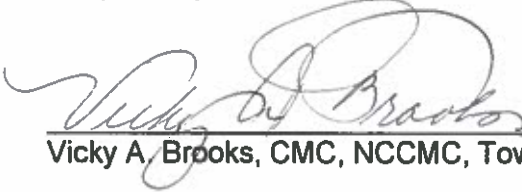
Mayor Becker finally got out of his truck, he ran into the lobby with no mask on or with him, trying to hang the phone up. The guy at the desk says "sir, sir, will you please step back, can you please slow down." Mayor Becker apologized, ran out to his car to get his mask and he was breathing heavily, and stressed out; when he got upstairs and the first thing they did was take his blood pressure -148/98! Mayor Becker added it was not good news from Ms. Brooks and he was not happy to hear it. Mayor Becker noted he would refrain from telling personal stories under "Other Business" in the future.

10. Adjournment – Action Item

At 8:38 p.m. Councilman Countryman motioned to adjourn the meeting and Councilwoman Neill seconded. The motion passed unanimously.

The next regular meeting will be on Thursday, February 11, 2021 at 7:30 p.m. via ZOOM.

Respectfully submitted by:



Vicky A. Brooks, CMC, NCCMC, Town Clerk





Frederick Becker III, Mayor