

**Minutes of the
Mineral Springs Town Council
Regular Meeting via ZOOM
March 11, 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, March 11, 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: Carrington Price and William Price.

1. Opening

With a quorum present at 7:32 p.m. on March 11, 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.

3. Consent Agenda – Action Item

Councilwoman Neill motioned to approve the consent agenda containing the February 11, 2021 Regular Meeting Minutes, the January 2021 Tax Collector's Report, and the January 2021 Finance Report and Councilwoman Krafft seconded. The motion passed unanimously.

4. Consideration of a Donation to the Queen's Cup Steeplechase – Action Item

Mayor Becker explained this was a carry-over from last month where the council had been discussing some financial support to the Charlotte Steeplechase Foundation on behalf of the Alzheimer's Association. Mayor Becker noted it was a charitable donation and the 501(c)(3) official position of the Steeplechase Foundation makes them eligible for funding from this "bucket of money" that can only be used for those charitable organizations. There is \$10,825 in the budget for that line item this year. If the council sticks with their usual commitments to the four other local nonprofits, that would be \$8,500 leaving an available balance in the budget department of \$2,375.

Councilwoman Coffey motioned to go forward with this donation to Steeplechase in the amount of \$2,375, it is definitely going to a worthy cause and of course we look forward to supporting them and Councilman Countryman seconded.

Councilwoman Neill commented when Mr. Neill was suffering with Alzheimer's, the Alzheimer's Association helped her with her struggles and made life better, and she is so grateful and thankful the town is making this donation. Councilwoman Neill thanked Mr. and Mrs. Price for keeping the

Alzheimer's Association as their charity, because she personally knows the benefits of the organization and she wants other people to benefit as she did.

Councilwoman Critz joined the Zoom meeting.

Mayor Becker restated the motion by Councilwoman Coffey to donate \$2,375, which was seconded by Councilman Countryman and asked for a council vote.

The motion passed unanimously.

Mayor Becker stated he would get the contribution sent out to the foundation ASAP and thanked the Prices for keeping this event in Mineral Springs. "It's so many good things, it's a great cause and it does define our town, and we are really grateful to everybody", Mayor Becker said.

5. Consideration of Purchasing Property in Harrington Hall – Action Item

MEMO

To: Mineral Springs Town Council
From: Rick Becker
Date: March 4, 2021
Subject: Purchase of property in Harrington Hall to accommodate greenway

Lot 16 in Harrington Hall is under contract to purchase. During the process of surveying the property, it was determined that a small portion of our greenway encroaches onto the property. This encroachment had been overlooked for at least the past 12 years because a portion of the trail in that area had been an existing horse trail long before the Harrington Hall subdivision was recorded, and this particular lot line had been drawn over the existing trail. The lot has remained unsold for all those years, so it wasn't until now that the encroachment was discovered.

The best solution would be for the town to purchase a small sliver of property. This would be a piece approximately 30' wide by 298.28' long, a total of 8,948.40 square feet, or 0.205 acre. The buyer is paying \$34,000 per acre for the property, so the buyer's cost for the portion the town seeks to purchase would be \$6,970.00. Vicky and I have been working with the seller's realtor and are continuing to negotiate a solution. We hope to have a specific proposal, including a possible price, prior to the March 11 meeting.

While the town could re-route this portion of trail, it is in a rather steep area, abuts some floodplain, and has substantial cross slope. At one spot, the total width of the town's property between Lot 16 and the creek is less than 30 feet. Because the existing property is so narrow in that area, the current route is really the best route and any relocation would involve compromises. Furthermore, because of the topographical and floodplain issues, I would recommend that the town have any relocation designed by an engineer and performed by a contractor rather than having volunteers take on the project, because the town has already experienced some code-compliance issues due to having some of the trail work done by amateurs and volunteers. I haven't sought bids for any relocation work but based on the costs that the town has incurred over the years for remediation and new construction work that needed to be code-compliant, I suspect that the relocation cost could be as high as \$10,000 and would result in a less desirable trail alignment. Owning the additional property, on the other hand, would provide a desirable buffer that would benefit both the town and the owner of Lot 16.

It is fortunate that this lot purchase has also involved some recombination unrelated to this trail issue, because Vicky has been working with the realtor and the seller on getting a new plat drawn and recorded. Since we caught this encroachment problem in time we are able to "piggyback" our resubdivision and recombination onto what is already being done, allowing everything to be recorded on a single new plat.

The lot purchaser is closing on the property on March 26, so if Council approves this purchase we will be able to handle our portion of the transaction at the same time.

Mayor Becker explained an interesting problem came up that he discovered during some of his greenway volunteer work on invasive plant removal a couple weeks ago. The lead volunteer, Lynn Rivera, asked what all the survey markers were that appeared to be on town property. When Mayor Becker went to the property to look, it did look strange, so he contacted Ms. Brooks. Mayor Becker noted his memo is self-explanatory after that.

Mayor Becker referred to the two images in the agenda packet showing the greenway trail encroaching onto Lot 16 of Harrington Hall, which is a big concern. The property is only 30 feet wide there and it is all slope, except for the top five feet where the trail is and trying to move that trail would put the town in a difficult situation from an engineering standpoint. The town has learned

to be careful with things that are done on the trail which might require construction, engineering, and permitting; if the town has to move it it would be expensive and it would not be as nice of an outcome.

Councilwoman Critz asked what happened in the original survey that allowed this to happen.

Mayor Becker responded he knew back in 2007 when Carmel Brothers was developing Harrington Hall they had come up with their first draft of their plat and he was looking at it (he knew the site fairly well) and he went to Corey Drew (the lead partner) to tell him the town needed a little more property there and he drew a line and they gave the town everything they asked for. Mayor Becker believed what may have happened on this lot was that part of the trail on the Harrington Hall property was an existing horse trail that may have gone from Judy Little's crossing of the creek for her to get further onto the Southerland and Bingham property where the huge number of horse trails were. Based on the condition of that trail, Mayor Becker suspected that piece of trail was there already and so it just went through the cracks.

Mayor Becker referred to the second draft of the proposal from the future property owner that Ms. Brooks emailed to the council and explained they did not want to move that property line in a full 30 foot little rectangle with the corners offset; they decided to lay out a trapezoid that follows the contour of the trail nicely, about 15 to 20 feet away from the trail at the closest point. It boosts the width of the town property at the narrowest point from about 30 feet to about 40 feet; everything that is being added in is flat and is what Mayor Becker is asking the council to consider buying.

Mayor Becker explained this was a perfect solution and the price for that piece of property is \$5,000 plus closing costs and the survey of those four additional points (the town doesn't have a figure on all of those costs yet). Their purchase price for the land is \$34,000 an acre; therefore, the 5,403 square feet they are offering to sell for \$5,000 is a slight markup on their price of \$4,217.22. Mayor Becker stated it strikes him as a fairly low-cost way to get out of the problem, not moving the trail, having a little more property, and having some more flat property in that area.

Councilwoman Critz commented if the town had to hire a grader it would be more expensive than that to move the trail.

Mayor Becker responded because of the slope there it would require engineering and floodplain permitting; it could become very expensive.

Councilwoman Critz stated she thought this was the best and most inexpensive way out.

Mayor Becker responded that was his feeling, he was just as happy to spend less money and get less land, because it follows the profile of the trail and we will have 20 to 25 feet of width around the trail. If the trail has to be moved for some reason, because of something that blocks it or some kind of erosion, this would be all the town needed. "We can really accomplish this with the minimum expenditure of tax dollars to allow this trail to remain unspoiled and unencumbered", Mayor Becker said.

Mayor Becker suggested if the council was going to go through with the purchase the motion would be to authorize him to enter into the contract of purchase and to sign the closing for this purchase; it would be a standard real estate purchase contract for the price we are agreeing upon.

Councilwoman Critz motioned to authorize the mayor to enter into the contract of purchase and to close the deal, which is \$5,000 for the land plus closing costs and the cost of the survey and Councilwoman Krafft seconded. The motion passed unanimously.

6. Consideration of Resolution-2021-02 Requesting BOCC Deny Avention Apartment Rezoning – Action Item

MEMO

To: Mineral Springs Town Council
From: Rick Becker
Date: March 3, 2021
Subject: R-2021-02 Requesting BOCC to Deny Avention Apartment Rezoning

There is a pending rezoning request in Union County for the property near the intersection of Providence Road (NC-16) and New Town Road, a partial "doughnut hole" between the Village of Marvin and the Town of Weddington.

A sketch plan and area map are on the following pages. The Avention proposal seeks to rezone approximately 20.59 acres in Union County from R-40 (residential 1 unit per acre) to R4-CZ (conditional, including multifamily, 4,000 sf minimum lot size). The project would include 298 apartment units for an overall density of 14.47 units per acre.

While the property subject to this rezoning application is 3.9 miles "as the crow flies" from the nearest part of Mineral Springs, development in that particular area and the resulting congestion would still have measurable negative effects on Mineral Springs residents. Many of our residents use New Town Road and Providence Road to commute to Charlotte, and many more use those roads to bring them to destinations for shopping and entertainment. Providence Road in particular is a traffic nightmare; it is currently two lanes between Waxhaw and Rea Road and is already unable to handle current traffic volumes. Major new strip retail has just opened at that intersection (in the form of the Publix shopping center), and other smaller strip retail is under construction including outparcels at the Publix site. Providence Road is scheduled to be widened to four lanes, but construction has been delayed and delayed again due to insufficient NCDOT funding availability, and the completion date in the most recent STIP amendment is 2030 – subject to possibly even more delays.

Both Weddington and Marvin actually abut this property, and their governing boards have already adopted resolutions opposing this rezoning. We have discussed it at several meetings of the Western Union Municipal Alliance (WUMA), and Wesley Chapel's village council has also adopted a resolution in opposition.

The Union County planning board reviewed this application on March 2, 2021 and recommended denial of the application.

Mayor Becker explained this was another WUMA Resolution and then referred to his memo saying it seems that "we" are not alone anymore in the concerns about these ultra-high density rezonings on the west side of the county. The memo points out that the Union County Planning Board reviewed it and recommended denial by a six to nothing vote (unanimous) to deny the apartment rezoning near the corner of Providence Road and New Town Road. It seems the county commissioners are concerned about sewer capacity and about resident backlash as well as push back. This resolution echoes the ones passed by Weddington, Marvin, and Wesley Chapel, although Mayor Becker always likes to make it relevant to Mineral Springs.

Councilwoman Neil motioned to approve the Resolution 2021-02 and Councilwoman Coffey 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 "AVENTON" APARTMENT COMPLEX (CZ-2020-007)**

R-2021-02

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, a rezoning application for a 20.59-acre property located near the intersection of Providence Road and New Town 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 298 apartment units on the property which represents a gross density of 14.47 units per acre; 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, the current county zoning on the property is R-40 which would allow construction of approximately 20 single-family houses on the property, a use that would have far less severe impacts on regional infrastructure; 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 Town of Weddington and the Villages of Wesley Chapel and Marvin have adopted resolutions opposing this rezoning application; and

WHEREAS, the Union County Planning Board on March 2, 2021 voted 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 deny application CZ-2020-007 to rezone this property to R-4 CZ and leave the current R-40 zoning in place on the property.

ADOPTED this 11th day of March, 2021.

Frederick Becker III, Mayor

ATTEST:

Vicky Brooks, CMC, NCCMC

7. Staff Updates

Ms. Brooks informed the council there will be a public hearing next month for a proposed text amendment and she wanted to get council opinion on whether they would like to do the meeting in person or Zoom; if it is a Zoom meeting the council will have to follow up after 24 hours to vote on it.

Mayor Becker mentioned Attorney Griffin had sent him some information on some bills being considered to amend that process and not require the 24 hours extra. It would be worded differently to require written comments be accepted until 24 hours before the start of the public hearing, but Mayor Becker has not seen any of that legislation or that it had gone through committee, so he is guessing the council will have to operate under the assumption that requirement will not have changed by April 8th, and the council will have to do what Ms. Brooks said (wait 24 hours after the public hearing closed before acting on it).

Councilwoman Critz wanted to get everybody's feedback, because she personally thought the council should move in the direction of meeting together with caution of wearing masks and distancing; it appears that most government, municipal boards, and government facilities are doing that. Councilwoman Critz thought the numbers for COVID were going down and they are continuing on a downward trend.

Councilman Countryman stated he thought it was time to get back in the building.

Councilwoman Neill agreed.

Mayor Becker explained the town does have some precedent; Ms. Brooks has conducted at least one board of adjustment meeting in person. While it is a smaller board, there are ways, the council does not necessarily have to sit in their own seat, because they will want to be six feet apart still, so it can be spread out. Mayor Becker has gotten extra microphones to help Ms. Ridings with keeping it recorded.

Mayor Becker commented he thought the council could come to a consensus on meeting in person next month, because they do not do motions on substantive items, but this is more of a policy matter.

Attorney Griffin suggested the council vote on it because it is a council decision to do something.

Mayor Becker asked how that squared with the council taking action on an item that was not on the agenda.

Attorney Griffin responded the council may suspend the agenda items and agree to do it.

Councilwoman Critz motioned to suspend the agenda policy and Councilman Countryman seconded. The motion passed unanimously.

Attorney Griffin recommended the council vote affirmatively or negatively even though they have been doing it by saying "any nays." Attorney Griffin thought the best policy was to always vote.

Ms. Brooks polled the council for their vote on suspending the agenda policy. Council members Neill, Countryman, Critz, Coffey, Kraft, and Cureton voted in the affirmative.

Councilwoman Critz motioned to move to the town hall for the April meeting and public hearing and Councilman Countryman seconded. Ms. Brooks polled the council for their vote on moving to the town hall for the April meeting and public hearing. Council members Neill, Countryman, Critz, Coffey, Kraft, and Cureton voted in the affirmative. The motion passed unanimously.

8. Other Business

Councilwoman Cureton thanked Mayor Becker for speaking at Mr. Brown's plaque [ceremony]; he made a wonderful "talk", and she got a lot of comments on it. Councilwoman Cureton stated she would like everybody to see it, especially the people that donated; they have it on the outside and inside.

Mayor Becker commented it was a great event/ceremony for the long-time principal of the original Western Union School and a good testament to his accomplishments.

Councilwoman Critz asked if anyone was able to attend the meeting at the Agricultural Center concerning growth and infrastructure in Union County today, and if so, were any of the new higher-density things addressed.

Mayor Becker responded he was there for the entire operation; the municipalities seemed a little bit more restrained. Wesley Chapel, Fairview, and Mineral Springs reiterated their commitment. Weddington and Marvin reiterated their commitment to extremely low density. Wingate was a little gung-ho because they have the Monroe Bypass and in conjunction with the University; they are one of the few areas of the county that has sewer capacity available, because they are getting capacity under contract from the City of Monroe. Waxhaw is adopting a new development code and a new land use plan. Mayor Becker explained he had not fully evaluated how that directly affects Mineral Springs with the properties Waxhaw controls on our boundaries, but they do not seem to want to slow down, so that was a concern. The county commissioners are concerned, but Mayor Becker did not know if they want to slow down on high-density rezonings; however, he believed they were taken by surprise by the way the sewer capacity seemed to have vaporized again. Mayor Becker explained he heard from the planning engineer in the public works department that when the Twelve Mile Creek Plant (behind the Cureton Shopping Center) was expanded from 6,000,000 gallons per day to 7,500,000 gallons per day in 2015 everybody agreed and it seemed to make sense that 1,500,000 gallons per day would probably last until 2034 and here we are in 2021 and it is at 98%

capacity now. If you look at promised and actual, it is like at 78% (or something) actual flow already and with what is promised and committed and under construction, it is 98%, so they cannot really do any more permitting. Mayor Becker believed if somebody opened up a shop in downtown Mineral Springs, one customer was okay, but developments are not necessarily going to be able to get sewer service. The same problem is occurring in the Poplin Pump Station Basin, which serves part of the Indian Trail area, as well as the Crooked Creek Basin, which also serves those areas. Mayor Becker thought the county commissioners got a rude awakening, but somehow somebody let things get out of hand and the county was guilty and a few municipalities went from bad to worse and there went all the capacity and nobody was stopping anybody.

Mayor Becker continued with sewer expansion explaining the Twelve Mile Creek Plant is permitted by the state. There are two levels of permitting: State Watershed Permitting, and the actual construction permitting for individual projects. Twelve Mile Creek has its long-term state permitting for up to 12,000,000 gallons per day. If they want to do their next phase of expansion, they can go from 7,500,000 to 9,000,000 and could probably have that start today if it was approved. In four to five years, they can have that permitted and constructed, so in five years they can begin taking more flow at Twelve Mile Creek. For Crooked Creek, which serves more in the Indian Trail/Vance Township area, they would have to permit a new Upper Crooked Creek Plant, because that is not expandable with the discharge situation and various technical matters. A new plant takes about five years of state level/state and federal level watershed permitting first before they even start the plant design and permitting. It is an eight-to-ten-year timeframe to get more capacity in Crooked Creek, so they are looking at shuffling some things around and maybe getting some of that Monroe capacity put out elsewhere. "They are really looking to 'rob Peter and pay Paul' now, because they know that new capacity ain't going to come easy or quick or cheap", Mayor Becker said.

Mayor Becker added most of the prominent promoters of high-density did not seem to be quite so thrilled about it [sewer capacity] and the 2050 plan has reflected that, and they have been supportive of a lot of these since Mr. Jenson presented to the council several months ago. The coordinating committee rolled back densities, expanded transition zones, and added open space making it "Mineral Springs" friendly and the commissioners seem to be onboard with that.

Councilwoman Cureton referenced the "Mr. Brown thing" and informed the council they were going to do a memorial for Marvin School (at the old Marvin Church), which is where she went to school from 1948 to 1953. The original Western Union School site was in Marvin before it burned.

9. Adjournment – Action Item

At 8:09 p.m. Councilwoman Coffey motioned to adjourn the meeting and Councilwoman Neill seconded. The motion passed unanimously.

The next regular meeting will be on Thursday, April 8, 2021 at 7:30 p.m. at the Mineral Springs Town Hall.

Respectfully submitted by:



Vicky A. Brooks, CMC, NCCMC, Town Clerk



Frederick Becker III, Mayor