

**Minutes of the
Mineral Springs Town Council
Public Hearing / Regular Meeting
September 14, 2023 – 7:30 p.m.**

The Town Council of the Town of Mineral Springs, North Carolina, met in Regular Session at the Mineral Springs Town Hall located at 3506 Potter Road S, Mineral Springs, North Carolina, at 7:30 p.m. on Thursday, September 14, 2023.

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

Absent: Attorney Bobby Griffin.

Staff Present: Town Clerk/Zoning Administrator Vicky Brooks and Administrative Assistant/Deputy Town Clerk Sharelle Quick.

Visitors: None.

1. Opening

With a quorum present at 7:30 p.m. on September 14, 2023, Mayor Becker called the meeting to order.

Councilwoman Cureton delivered the invocation.

Pledge of Allegiance.

2. Public Hearing – Proposed Text Amendments (TA-2023-02 and TA-2023-03)

Mayor Becker opened the Public Hearing on the Proposed Text Amendments (TA-2023-02 and TA-2023-03) at 7:32 p.m.

There were no public comments on the Proposed Text Amendments.

Mayor Becker closed the Public Hearing on the Proposed Text Amendments (TA-2023-02 and TA-2023-03) at 7:32 p.m.

3. Public Comments

Lanette Bigham – 6805 Waxhaw Highway.

4. Consent Agenda – Action Item

Councilwoman Coffey motioned to accept the consent agenda with the changes that were made (changing June to July for the Union County Tax Report, as well as the Mineral Springs Finance Report) containing the August 10, 2023 Regular Meeting Minutes, the July 2023 Union County Tax Report, and the July 2023 Finance Report, and Councilwoman Cureton seconded. The motion passed unanimously. Ayes: Coffey, Countryman, Critz, Cureton, Krafft, and Muller. Nays: None.

5. Consideration of Initiating a Voluntary Annexation – Action Item

Mayor Becker welcomed future residents (hopefully) Mr. Brooks, Mr. Carroll, and Mr. Bard who live in a neighborhood off Collins Road called Waxhaw Meadows Plantation, which is an unbelievably beautiful place. It is just like the town whose motto is “Conservation by Design”, so it would be a good fit for these families to become part of Mineral Springs. Residents of Waxhaw Meadows Plantation have submitted their petitions for voluntary annexation. This is a long process with many steps. Mayor Becker explained the reason he described it by plat references and then tax map numbers is because Attorney Griffin (who is a real estate lawyer) always said “if you don’t have a metes and bounds description of a piece of property, a plat reference to a recorded plat is really the

next best thing or even better in some cases, because that's a recorded document." The tracts were all part of the various plats as that subdivision was developed. Mayor Becker added the individual property tax map numbers, because those have been subdivided and recombined over the years, so some of the properties are different from what were on the original plats. That covers the legal description, plus it specifies exactly whose lot is whose just in an abundance of caution to make sure the involved properties were described.

Mayor Becker reminded the council of Alan Gardner, who voluntarily annexed into Mineral Springs five or six years ago with the Story Book Farm; this is that neighborhood and these are the people that live there and are Mineral Springs through and through.

The first step is to accept the petition and to direct the clerk to evaluate the petition for sufficiency if the council feels that they like this idea.

Councilwoman Critz motioned that we direct the clerk to investigate the petition for voluntary annexation under North Carolina G. S. 160A-31 and to adopt R-2023-02 and Councilman Countryman seconded. The motion passed unanimously. Ayes: Coffey, Countryman, Critz, Cureton, Krafft, and Muller. Nays: None.

The resolution is as follows:

TOWN OF MINERAL SPRINGS
RESOLUTION TO INITIATE THE PROCESS OF VOLUNTARY ANNEXATION OF
TRACTS IN THE WAXHAW MEADOWS PLANTATION SUBDIVISION

R-2023-02

WHEREAS, a petition requesting annexation of Tracts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 14, 15, 17, 18, 19, & 20 of the subdivision named "Waxhaw Meadows Plantation" located in Union County, North Carolina as described on plats recorded in the Union County Registry at the following Plat Cabinet page numbers: G-929, K-126, N-288, N-353, and N-618, was received on September 14, 2023 by the Mineral Springs Town Council; and

WHEREAS, NC G. S. 160A-31 provides that the sufficiency of the petition shall be investigated by the Town Clerk before further annexation proceedings shall take place; and

WHEREAS, NC G. S. 160A-31 also provides that the Mineral Springs Town Council shall call for a public hearing on the question of the annexation of the area described herein if the Town Clerk finds favorably on the sufficiency of the petition and makes certification to that effect; and

WHEREAS, the Town Council of the Town of Mineral Springs deems it advisable to proceed in response to this request for annexation;

NOW, THEREFORE BE IT RESOLVED by the Town Council of the Town of Mineral Springs that:

1. The Town Clerk is hereby directed to investigate the sufficiency of the above-described petition and to certify the result of her investigation; and
2. A public hearing on the question of annexation of the area described herein is hereby called to be held at the Mineral Springs Town Hall at 7:30 PM on October 12, 2023 and the Town Clerk is directed to give notice of the public hearing in the *Monroe Enquirer-Journal* at least ten (10) days prior to the date of the public hearing provided that the Clerk has certified the sufficiency of the above-described petition for annexation.

Adopted this the 14th day of September, 2023.

Frederick Becker III, Mayor

Attest:

Vicky A. Brooks, Town Clerk

6. Consideration of Adopting a Resolution on the Waxhaw Parkway – Action Item

Mayor Becker referred to his memo in the agenda packet and commented it was an important thing, albeit advisory. Union County did a survey online about this Waxhaw Parkway alignment and NCDOT did suggest looking at a different alignment. Mayor Becker stated his memo did explain

how the town thought this looked good at the start, but as public input was received, it turned out to not necessarily be a whole lot better; it's a little better. Mayor Becker hoped the council had a chance to read the memos and to look at what the responses were.

Mayor Becker explained he gave the council a choice of a couple of things in the resolution. The council only needs to weigh in on the route that is closer to Waxhaw or the route closer to Collins Road. Mayor Becker commented, based on what people are saying since the Waxhaw Parkway is coming, "we can build all this new stuff south of 75, and it made me say and maybe we ought to look at not doing the Waxhaw Parkway." Mayor Becker explained he gave the council the "red language" [optional additional provisions in the resolution in red type] as well, to possibly suggest to the CRTPO and NCDOT that they look for alternatives to the Parkway and not consider it as part of the CTP, which is a long shot. Mayor Becker wanted to see what the council's feelings were on that based on the input from the public and what has been seen over the past couple of years about how that type of new thoroughfare can create problems.

Councilwoman Critz asked if the council could do both. "Can we say that we would prefer not to, but if they're going to move forward, then our preference would be?"

Mayor Becker responded, "well yeah, and because of the way it was, I mean the red is just either, we either do just the black, which is, otherwise you do the red, which is, we have this. We have kind of no preference on the routes, because our constituents were evenly split, but we also don't really endorse continuing the process. Yeah, so if you adopted everything, it's kind of doing both."

Councilwoman Krafft commented she thought the council should adopt both, "that's the last thing we need on this side of town."

Councilwoman Critz commented she was constantly running into people that understood what was happening around Mineral Springs and they love how the council planned to preserve the best and most of Mineral Springs by design, rather than letting it be driven by developers, which is what is being seen all around Mineral Springs. "So, if we don't put up some kind of a barrier, you know, we all know that, you know, you can be in Mineral Springs, you can be in your home, be in your neighborhood and it feels wonderful and great. You can go down the greenway, and you get in your car, and you drive down Waxhaw Indian Trail, you drive down 75, and you feel like you've gone to an entirely different place, because you're impacted by what's around us, and we have no control over that. So, what we do have influence and/or control over, I think we should exercise it to the fullest," Councilwoman Critz said. Councilwoman Critz continued that she had never heard anyone say, "gosh, we hate what you're doing in Mineral Springs, why don't you just let it look like Waxhaw." Councilwoman Critz thought the more that the council can do to keep up the management of what they are doing, that not only their constituents appreciate, but even those around Mineral Springs are observing.

Mayor Becker agreed with Councilwomen Critz and Krafft, this type of road construction has proven to be not conducive to what Mineral Springs is trying to accomplish; it's the growth that it inspires.

Councilwoman Krafft commented that she was very impressed with the wording that Mayor Becker proposed.

Councilwoman Krafft motioned to adopt the resolution (R-2023-03) as written with all of the text, both aspects of the decision and Councilman Muller seconded. The motion passed unanimously. Ayes: Coffey, Countryman, Critz, Cureton, Krafft, and Muller. Nays: None.

The resolution is as follows:

TOWN OF MINERAL SPRINGS

**RESOLUTION ON PROPOSED AMENDMENT TO THE COMPREHENSIVE
TRANSPORTATION PLAN INVOLVING THE WAXHAW PARKWAY**

R-2023-03

WHEREAS, the Waxhaw Parkway is a future road connecting NC 16 and NC 75 northeast of Waxhaw in western Union County; and

WHEREAS, this road is designated as a boulevard and included in the current Charlotte Regional Transportation Planning Organization (CRTPO) Comprehensive Transportation Plan (CTP); and

WHEREAS, the North Carolina Department of Transportation (NCDOT) recently completed a feasibility and cost estimation study for the proposed road, which recommended a new alignment; and

WHEREAS, the current Waxhaw Parkway traverses Mineral Springs, Waxhaw, and unincorporated Union County; and

WHEREAS, the CTP amendment process requires public input and endorsement of changes by affected jurisdictions; and

WHEREAS, the governing boards of Union County, Waxhaw, and Mineral Springs all endorsed beginning the public input process and at its July 19, 2023 regular meeting the CRTPO board approved a public comment period from July 20, 2023 through August 20, 2023; and

WHEREAS, Union County developed and publicized an online survey seeking public input on the CTP amendment; and

WHEREAS, the Town of Waxhaw hosted a public information meeting at the Waxhaw Police Department on August 3, 2023; and

WHEREAS, 409 residents from throughout Union County including 258 from the town of Waxhaw, 14 from the town of Mineral Springs, and 62 from unincorporated Union County responded to the online survey; and

WHEREAS, the Waxhaw respondents preferred the proposed new alignment over the existing alignment by a margin of 50.12% to 31.78%; and

WHEREAS, the Mineral Springs respondents (albeit a small sample size) were exactly 50-50 split on their preferred alignment; and

WHEREAS, the combined residents of Mineral Springs and unincorporated Union County preferred the proposed new alignment over the existing alignment by a narrow margin of 44.42% to 43.42%; and

WHEREAS, the Mineral Springs residents favored not building the Waxhaw Parkway by a 2:1 margin; and

WHEREAS, the combined residents of Mineral Springs and unincorporated Union County favored not building the Waxhaw Parkway by a margin of 46.05% to 43.42%; and

WHEREAS, excessive high-density development in the area is already placing additional environmental, mobility, economic, and quality-of-life burdens on the region and its residents; and

WHEREAS, several recent development proposals strongly indicate that the Waxhaw Parkway, particularly the northeastern and southern legs, will facilitate and catalyze rampant undesirable and unsustainable high-density development far out into the rural countryside which will lead to increased burdens on residents including additional congestion due to the "induced demand" phenomenon; and

WHEREAS, on the part of Mineral Springs and unincorporated Union County residents there is no strong preference for one proposed route over the other and there is a moderate preference for not building the Waxhaw Parkway;

NOW, THEREFORE BE IT RESOLVED that the Mineral Springs Town Council endorses neither the existing alignment nor the proposed new alignment for the northeastern and southern legs of the Waxhaw Parkway and takes a neutral position on the CTP amendment; and

BE IT FURTHER RESOLVED that the Mineral Springs Town Council requests that CRTPO and NCDOT consider eliminating the northeastern and southern legs of the Waxhaw Parkway from the Comprehensive Transportation Plan and instead seek alternate mobility solutions for the region including targeted widening of existing roads, modification of traffic flow patterns including the possible introduction of one-way streets, and encouraging the dispersal of traffic over a more widespread network of roads.
Adopted this 14th day of September, 2023.

Frederick Becker III, Mayor

Attest:

Vicky A. Brooks, Town Clerk

7. Consideration of Adopting a Statement of Consistency and/or Inconsistency and Ordinance-2023-02 on the Proposed Text Amendments (TA-2023-02 and TA-2023-03) – Action Item

Zoning Administrator Vicky Brooks explained that there were two text amendments [to allow shipping containers as a temporary use] being presented, however, only one of them could be passed.

TA-2023-02 was presented by a property owner of the town. The planning board found that it was not clear and concise; therefore, they did not recommend it to the town council. Ms. Brooks pointed out there was an application from the applicants, the planning board recommendation, a Statement of Inconsistency, and a Statement of Consistency in the agenda packet. The council has been given the opportunity to read the Statements and they will have to choose between the two.

TA-2023-03 was the text amendment that the planning board recommended for approval after spending a lot of time working on the restrictions to make is clear and concise. This text amendment was the same thing the applicant was asking for, but in more detail. There was a recommendation from the planning board for town council approval in the agenda packet, along with a Statement of Inconsistency and a Statement of Consistency, depending on what the council preferred to do.

Councilwoman Coffey commented that it was clear the planning board delved into this and spent a lot of time with staff oversight, and they brought clarity to what could have been a murky situation and her position was that the council needed to be with the recommendation of the planning board one hundred percent.

Councilwoman Critz agreed with Councilwoman Coffey with a small exception. Councilwoman Critz appreciated all the work the planning board did very much and she completely agreed with the Inconsistency on TA-2023-02, but with the wording to come up with an alternative selection. Councilwoman Critz stated she would like to not see it happen at all, because she thought the council's original wording was, the town paid a lot of money and had consultants and she agreed with the original wording. Councilwoman Critz stated that was her personally, that there should under no circumstances, should these things be allowed. There are lots and lots and lots of other means of protecting and storing stuff besides having to do this. Ultimately, Councilwoman Critz would like to see both not happen, but if the council as a whole felt like they did not agree with her, that was fine, that was why there were six council members and not just one. If the council as a whole disagreed with Councilwoman Critz, she would then like to request that the temporary wording (shown in red under exhibit one) under number five stating the containers in residential districts may not exceed 20 feet in length, 8 feet in width, and 8.5 feet in height on lots of two acres or less, and then 40 feet in length, 8 feet in width, and 8.5 feet in height must have two acres of more. If the council is going to accept having these at all, Councilwoman Critz thought something as large as 40 feet should have the minimum acreage of five or more [acres].

Councilwoman Coffey commented it was temporary storage and questioned if that was correct.

Councilwoman Critz responded it was still overwhelming to a lot that would be that small in a residential area, so if something that large, even temporarily, was going to be allowed, it should be at least five acres or more. "That's my opinion, I don't have a problem with the smaller one and the two acres, I don't have a problem with the temporary, as far as making a provision here. It's a compromise that I personally would like to see us not make at all, but if the majority of you feel like it's okay, I would like to see us make the acreage to five acres rather than two for something as large as 40 feet," Councilwoman Critz said.

Councilman Muller commented he thought that five acres was a lot, he would split the difference and say three or three and a half; there are a lot of properties that fall just under five acres and that would eliminate that.

Councilwoman Critz stated they could still do the 20-foot one.

Councilwoman Krafft commented the reality was that it was temporary, so it would not be long term.

Councilwoman Critz responded a 40-foot one on two acres would make an impact. It is undesirable and it also creates a footprint; there would be rainwater runoff that can't be measured on how that would affect it, but it creates quite a large footprint even for six months. Councilwoman Critz strongly asked the council to increase the acreage to bring in something larger if they wanted to move forward. The town has no means to gauge rainwater runoff or erosion or anything like that and that is a large something to put on two acres. Councilwoman Critz thought Councilman Muller may be right with the three and a half [acres].

Councilwoman Coffey commented that could be a burden on someone who was really trying to do something good for their family like trying to build a home or whatever.

Councilwoman Critz shared that she had a long conversation with her eldest son who is a contractor that owns his own company in the High Point/Winston/Greensboro area and had served twice as the president of the High Point/Winston/Greensboro Contractors Builder Association. Councilwoman Critz asked her son if contractors were using these widely and he did not know anyone that used these to store materials for any kind of security purpose.

Councilwoman Coffey shared that her husband was in business for over 40 years in Charlotte, as well as Union County and he gave some insight to people who needed some help in Georgia and different places that wanted his advice. Sometimes these are necessary. Councilwoman Coffey stated she could not see the apprehension of entertaining this; it is a need.

Councilwoman Krafft agreed and stated she knew personally. It was kind of strange, but she and her husband pulled up to their son's dorm this year and there were eight (40-foot ones) in one parking lot of his dorm. The reason they had them there was to store materials because of rain and whatnot, as they were doing some renovations to that particular building. The reality is that sometimes they are a very economical way to secure materials and whatever is needed at that time while going through a process. Councilwoman Krafft thought especially on this particular thing (it is a temporary use) that if that is their need and they feel like they need that much storage, she did not want to hinder somebody from accomplishing their goal as they are trying to do it as economically as possible.

There was a discussion about the remodel taking place at Chick-fil-A in Wesley Chapel where they are using three 20-foot PODS in their parking lot to store stuff, which were not placed end-to-end taking up 60-feet of space.

Councilwoman Critz strongly requested the proposed language be changed for the larger structure if the council wanted to approve. Councilwoman Critz would like to see the council change the acreage as Councilman Muller suggested to three and a half to four [acres] for the larger containers.

Councilman Countryman pointed out the proposed language needed to be changed, because it says you can have the first one be a twenty-foot one on two acres or less, but then it also says that you can have the forty-foot one on two acres or more. If you have two acres you can have either and/or. Councilman Countryman suggested it be changed to the 20-foot on two acres or less then a 40-foot one on three acres or more for greater consistency.

Mayor Becker noted there would not be any provision for two and a half acres.

Councilman Countryman restated, "greater than two acres."

Councilwoman Coffey mentioned that it would have to go back to the planning board.

It was clarified that any change making the proposed amendment stricter would have to go back to the planning board and a new public hearing would have to be held. If the change was just for better clarification, it would not have to go back to the planning board.

Councilwoman Critz stated she would like to see the language be stricter to at least three acres.

Councilwoman Krafft commented if this was to go back to the planning board this month, it would then go back to the council next month (October). In the meantime, for the people that are trying to build a house, etc., wouldn't that prohibit them from doing...

Councilwoman Coffey asked if this went back to the planning board after all they have done, their due diligence, worked on it, and presented the material, would they come back with some different wording.

Councilwoman Critz responded the wording needs to be clarified whether the acreage was changed or not, even though she did want the acreage increased.

Councilwoman Coffey asked what was not clear.

Councilwoman Critz responded Councilman Countryman was right, someone with two acres could choose either/or the way it is worded; the wording is going to have to be changed.

Councilman Muller commented he thought it was clear; two acres is the cutoff. If you have two acres, you can go bigger, if you have less than two acres you can go smaller.

Mayor Becker commented that if someone had 1.9999 acres then it had to be 20-foot, but if they had that extra .00001 acre, they could have the 40-foot one. How often is someone going to have exactly 2.000?

Councilwoman Coffey stated she was hoping the council would be voting on this this evening.

Councilwoman Critz responded, "you can certainly do whatever, but I'm going to stick to my... I really would like to see it, the wording improved, and the acreage changed to three, and that's my proposal, and I'll leave it at that. I really would like to see the acreage changed to more, but I'm willing to compromise. I don't want to be difficult on this. I'm just telling you, we, that's a lot of footprint to put on that small piece of land to not understand rainwater runoff or erosion or anything else that might come with it, and I just think that it's too much in a residential area."

It was clarified that this is a temporary use that requires a zoning permit from the town and a building permit from Union County. Additionally, it will have to be in compliance with the adopted regulations.

Councilwoman Critz motioned for the Statement of Inconsistency as recommended by the planning board for Article 4, TA-2023-02 and therefore not adopt and Councilman Muller seconded. The motion passed unanimously. Ayes: Coffey, Countryman, Critz, Cureton, Krafft, and Muller. Nays: None.

Councilwoman Coffey motioned that we approve the text amendment 2023-03 as presented by the planning board with clear and concise language that will clarify any gray areas and that more clarity has been brought to it by the planning board and what they have instilled in this document and Councilman Muller seconded it. The motion passed. Ayes: Coffey, Countryman, Cureton, Krafft, and Muller. Nays: Critz.

Ms. Brooks pointed out on page two of the proposed O-2023-02 that "TA-2023-02" would be removed and "TA-2023-03" would be left in.

Councilman Muller motioned to adopt Ordinance-2023-02 amending the text of Article 4 and Councilman Countryman seconded. The motion passed. Ayes: Coffey, Countryman, Cureton, Krafft, and Muller. Nays: Critz.

O-2023-02 is as follows:

STATE OF NORTH CAROLINA
TOWN OF MINERAL SPRINGS

**AN ORDINANCE AMENDING THE TEXT OF ARTICLE 4 OF THE MINERAL SPRINGS DEVELOPMENT ORDINANCE
O-2023-02**

WHEREAS, the Town of Mineral Springs maintains an ordinance concerning numerous development regulations; and

WHEREAS, pursuant to NC General Statutes 160D-601; 160D-604, and Article 3, Section 3.10.1 of the Mineral Springs Development Ordinance, the Mineral Springs Town Council may amend its development regulations after holding a public hearing and after the Mineral Springs Planning Board has had the opportunity to review, comment, and make a recommendation to the Town Council regarding the amendment as well as whether the same is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable; and

WHEREAS, the Mineral Springs Planning Board reviewed the proposed amendments at a regular meeting on August 22, 2023, held in accordance with law; and

WHEREAS, the Mineral Springs Planning Board recommended in a vote of 6 to 0 on August 22, 2023, that the Mineral Springs Town Council adopt the proposed amendments based on implementation of ongoing updates to the town's development regulations and enhancing the quality of life in the Mineral Springs Comprehensive Plan; and

WHEREAS, in accordance with NC General Statute 160D-601 and the provisions set forth in Article 3, Section 3.10.1 of the Mineral Springs Development Ordinance, the Town Council duly advertised and held a public hearing to consider the proposed amendments; and

WHEREAS, after reviewing the written recommendation of the Mineral Springs Planning Board, the proposed amendments, conducting a public hearing on September 14, 2023, and careful review, the Town Council determines that:

1. The amendments to Article 4 identifies with the "Implementation" of the Mineral Springs Comprehensive Plan to have ongoing updates to the Town's development regulations; and
2. The amendments to Article 4 identifies with enhancing the Quality of Life by offering a temporary use of a container for storage of building supplies/tools during construction of new residential, commercial, or renovations on a damaged principal structure thereby keeping the supplies less visible and protected.

NOW THEREFORE, BE IT ORDAINED BY THE MINERAL SPRINGS, NORTH CAROLINA THAT:

- Section 1. That this Town Council does hereby adopt the proposed amendments as outlined in TA-2023-03 attached hereto.
- Section 2. That if any section, subsection, clause or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance; and
- Section 3. That all ordinances and clauses of ordinance in conflict herewith be and are hereby repealed to the extent of such conflict.
- Section 4. This ordinance is effective upon adoption.

ADOPTED this 14th day of September, 2023.

Frederick Becker III, Mayor

ATTEST:

Vicky Brooks, CMC, NCCMC, CZO

PROPOSED TEXT AMENDMENT TO THE MINERAL SPRINGS DEVELOPMENT ORDINANCE AS RECOMMENDED BY STAFF FOR REVIEW BY THE PLANNING BOARD ON 08/22/23 TA-2023-03				
4	4.4.4.2	H	Under no circumstances may a vehicle, tractor trailer, manufactured home, recreational vehicle, POD or similar container be uses as an accessory structure, except for bona fide farms.	Under no circumstances may a vehicle, tractor trailer, manufactured home, recreational vehicle, POD or similar container be uses as an accessory structure, except for bona fide farms or as specified in Section 4.4.8.5 (G).
4	4.4.8.5	G	Title: Promotional Activities for Businesses and description	Temporary Construction Portable Storage Containers – new language shown as Exhibit 1
4	4.4.8.5	G	Promotional Activities for Businesses	H. Promotional Activities for Businesses
4	4.4.8.5	H	Yard Sales / Garage Sales / Estate Sales and description	I. Yard Sales / Garage Sales / Estate Sales and description
4	4.4.8.5	I	Mobile Food Vending Units (Food Trucks) and description	J. Mobile Food Vending Units (Food Trucks) and description
4	Permitted Uses	Table 4.1	Mobile Food Vending Units (Food Trucks) as a Permitted Use in TC, NB, GB, LI, & MU with Supplemental Regulations in 4.4.8.5 (I)	Mobile Food Vending Units (Food Trucks) as a Permitted Use in TC, NB, GB, LI, & MU with Supplemental Regulations in 4.4.8.5 (J)

EXHIBIT 1
STRIKE-THROUGH = DELETIONS
RED PRINT = ADDITIONS

4.4.8.5 TEMPORARY USES (ADMINISTRATIVE APPROVAL)

Temporary structures and uses are permitted subject to this Section and all other provisions of this Ordinance. No portion of the temporary use may be located within the public street right-of-way. Temporary uses shall present proof of property owner approval prior to the issuance of a permit. The site shall have adequate parking for the temporary use in addition to parking for any permanent use located on the property. The following temporary structures and uses shall be permitted subject to the issuance of a Zoning Permit for a temporary use by the Administrator:

- A. Temporary Emergency Dwellings
- B. Temporary Construction Offices

- C. Temporary Seasonal Sale of Agricultural Products
- D. Temporary Non-profit Events
- E. Temporary Residential Development Sales Offices
- F. Temporary Construction Residence
- G. Temporary Construction Portable Storage Containers

Portable storage containers are subject to the following supplemental regulations:

1. Temporary portable storage containers are permitted with a valid new residential (principal structure) zoning permit and Union County building/construction permit for the subject property for a maximum period of not to exceed six (6) months, which may be renewed provided that the construction has proceeded in a diligent manner, as determined by the administrator. The container shall be removed prior to obtaining a Certificate of Zoning Compliance.
2. Temporary portable containers are permitted with a valid zoning permit and Union County building/construction permit for the subject property for a maximum period of time not to exceed six (6) months if the principal residential structure on the subject lot has been substantially damaged by a disaster (natural or manmade). The administrator is authorized to grant time extensions of otherwise applicable portable storage container time limits. The container shall be removed when repairs are completed or the property will be subject to violations.
3. Temporary Use Permit must be obtained from the town.
4. No more than 1 container may be located on any lot.
5. Containers in residential districts may not exceed 20 feet in length, 8 feet in width, and 8.5 in height on lots of 2 acres or less and 40 feet in length, 8 feet in width, and 8.5 feet in height on lots of 2 acres or more. Containers in nonresidential districts may not exceed 40 feet in length, 8 feet in width, and 8.5 feet in height regardless of lot size.
6. Containers must comply with all setback requirements that apply to principal buildings.
7. Containers may not be placed or located on a required parking space, circulation aisle/lane, or fire access lane.
8. Vertical stacking of containers and stacking of any other materials or merchandise on top of any portable storage container is prohibited. No running gear or transport trailer may be left underneath any portable storage container.
9. Containers are prohibited within landscape areas, required open spaces, stormwater basins, or any other location that may cause hazardous conditions.

- H.G. Promotional Activities for Businesses
- I.H. Yard Sales / Garage Sales / Estate Sales
- J.I. Mobile Food Vending Units (Food Trucks)...

8. 2023 Property Tax Order of Collection – Action Item

Mayor Becker explained this was the Order of Collection from the Union County Tax Administrator; the settlement was accepted by the council last month.

Councilman Countryman motioned to approve the Tax Charge and Order of Collection and Councilwoman Krafft seconded. The motion passed unanimously. Ayes: Coffey, Countryman, Critz, Cureton, Krafft, and Muller. Nays: None.

9. Consideration of Adopting a Resolution Adopting the Union County Emergency Operations Plan – Action Item

Mayor Becker noted that he had brought this to the council’s attention last month, it is the Emergency Management Plan. Mineral Springs does have to adopt a simple resolution stating that they are signing on.

Councilwoman Critz motioned to adopt the resolution (R-2023-04) of Union County Emergency Operations Plan and Councilwoman Krafft seconded. The motion passed unanimously. Ayes: Coffey, Countryman, Critz, Cureton, Krafft, and Muller. Nays: None.

The resolution is as follows:

**TOWN OF MINERAL SPRINGS
RESOLUTION ADOPTING UNION COUNTY
EMERGENCY OPERATIONS PLAN
R-2023-04**

WHEREAS, pursuant to the provisions of Section 160A-461 of the General Statutes of North Carolina, the Town of Mineral Springs is authorized to enter into contracts or agreements with other units of local government to execute any undertaking; and

WHEREAS, the Town of Mineral Springs, Union County, and other municipalities within Union County have developed a Union County Emergency Operations Plan ("EOP") which is a multi-disciplined, all-hazards plan that establishes a comprehensive framework for the management of major emergencies and disasters within the County; and

WHEREAS, the Town of Mineral Springs wishes to enter into an updated EOP with Union County and other entities to continue to provide leadership and support for emergency operations within Union County.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Mineral Springs, North Carolina at its regularly assembled meeting of September 14, 2023, that the Council hereby approves the Union County Emergency Operations Plan, which is incorporated herein by reference and made a part hereof.

Adopted this 14th day of September, 2023.

Frederick Becker III, Mayor

Attest:

Vicky A. Brooks, CMC, NCCMC, Town Clerk

10. Mineral Springs 7th Annual Festival Wrap Up

Ms. Brooks explained that she did not have the final budget yet, so the wrap-up would have to be put off until next month. Ms. Brooks pointed out the beginning of the festival was great until the downpour.

Councilman Countryman stated he thought it should be noted in the record that Vicky did an outstanding job putting this program together and it was very successful until the rain arrived.

Councilwoman Krafft commented it was really good and the children's area had about 147 kids that came through that morning.

Ms. Brooks pointed out that Diane [Countryman] was a "rock star", she folded 700 newsletters by herself. Councilman Countryman tabbed 400 of them.

Councilwoman Krafft mentioned that Barbara [Lopez] was a "rock star" too.

Ms. Brooks commented there were some great sponsors this year.

Councilwoman Krafft shared that it was interesting to her listening to the parents who were appreciative, the kids were focused and enjoyed the games, especially the water gun. Next year, the town will need to double up on the bigger prizes, because the kids really liked that. "It was a lot of fun," Councilwoman Krafft said.

Councilwoman Critz asked what happened to the prizes [hourly give a way] that were not given out.

Ms. Brooks responded that prize donations would be going back to the owners, because the point of getting the door prizes was to give that company or person who donated the gift recognition and advertising.

Mayor Becker commented there were three volunteers that were instrumental in getting the stage and the big tent set up (Councilman Muller was one of them). Mayor Becker directed the council's attention to the area under the pictures of the council members [in the back of the meeting room] and noted that the stove was now being stored in the "haunted house", because Councilman Muller got the hand truck and got it out of the meeting room. The stove had been in the meeting room for four years.

11. Staff Updates

There were no staff updates.

12. Other Business

Mayor Becker explained he had received a proclamation request from the local DAR Chapter to declare September 17th through September 23rd as Constitution Week and then he proclaimed September 17th through September 23rd as Constitution Week.

13. Adjournment – Action Item

At 8:26 p.m. Councilwoman Coffey motioned to adjourn the meeting and Councilman Countryman seconded. The motion passed unanimously. Ayes: Coffey, Countryman, Critz, Cureton, Krafft, and Muller. Nays: None.

The next regular meeting will be on Thursday, October 12, 2023 at 7:30 p.m. at the Mineral Springs Town Hall.

Respectfully submitted by:

The seal is circular with a green border. The outer ring contains the text "TOWN OF MINERAL SPRINGS" at the top and "MINERAL SPRINGS, NORTH CAROLINA" at the bottom, separated by two stars. The center of the seal features the text "EST. SEAL 1999".



Vicky A. Brooks, CMC, NCCMC, Town Clerk Frederick Becker III, Mayor