

**Minutes of the  
Mineral Springs Town Council  
Legislative Public Hearing / Regular Meeting  
August 8, 2024 – 7:30 p.m.  
Reconvened on August 15, 2024 – 7:30 p.m.**

The Town Council of the Town of Mineral Springs, North Carolina, met in Legislative Public Hearing and 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, August 8, 2024, which was recessed to Thursday, August 15, 2024 at 7:30 p.m.

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

**Absent:** None.

**Staff Present:** Town Clerk/Zoning Administrator Vicky Brooks, Attorney Bobby Griffin and Administrative Assistant/Deputy Town Clerk Sharelle Quick.

**Visitors:** Ed Boryczewski and Cynthia Singleton.

## **1. Opening**

With a quorum present at 7:30 p.m. on August 8, 2024, Mayor Becker called the regular meeting to order.

Mayor Becker explained that due to the inclement weather, a decision was made earlier to recess this meeting to next Thursday, August 15<sup>th</sup> in an abundance of caution. A quorum consisting of Councilman Countryman, Councilwoman Critz, Councilwoman Krafft, and Mayor Becker were able to attend the meeting. By state law, there are reasons why a meeting can't just be cancelled or postponed, it had to be called to order, so it could be recessed, and a recessed meeting is in session; this is just a break for seven days.

At 7:32 p.m., Councilman Countryman motioned to recess the meeting until Thursday, August 15, 2024 at 7:30 p.m. at the Mineral Springs Town Hall and Councilwoman Krafft seconded. The motion passed unanimously. Ayes: Countryman, Critz, and Krafft. Nays: None.

With a quorum present at 7:30 p.m. on August 15, 2024, Mayor Becker reconvened the Thursday, August 8, 2024 meeting.

Councilwoman Critz delivered the invocation.

Pledge of Allegiance.

## **2. Legislative Public Hearing – Proposed Rezoning of Tax Parcel #06-019-002**

Mayor Becker opened the Legislative Public Hearing at 7:31 p.m.

Zoning Administrator/Planner Vicky Brooks explained the Legislative Public Hearing was for Tax Parcel #06-019-002 located at 6020 Waxhaw Highway. The rezoning request was to go from RA20 to GB [General Business]. Ms. Brooks further explained that several months ago the council rezoned a parcel adjoining this property and this property owner is requesting the same type of zoning. The Future Land Use Map (FLUM) will automatically be changed. The planning board unanimously recommended approval of the rezoning.

Ms. Brooks noted, as required by the North Carolina General Statutes and Mineral Springs Development Ordinance, a sign was posted on the property, notification was mailed to everyone within 200 feet of the property, a notice was posted in the newspaper, on the town bulletin board, and on the website.

Councilwoman Critz asked what kind of commercial businesses were allowed by-right in this particular zoning.

Ms. Brooks responded it was just general business.

Mayor Becker commented that it was pretty much all encompassing for the downtown type businesses (retail, medical office, professional).

Ms. Brooks noted that the applicant was not proposing a certain use, so it would just be anything that fell under that purview.

Ed Boryczewski stated, "Good evening. My name is Ed Boryczewski. My father and I own the property here in Mineral Springs. We've had it for a number of years. Bought it originally, we have a home on there, but in 2011, as you know, the train came through it. We were going to rehab the home and use it for just a regular rental, but because of the fact we're just planning now on taking apart, you know, repurposing the wood, taking all the material down, and just leaving the clean lot now, and just having it changed over for General Business, for anything in the future."

Ms. Brooks explained the planning board reviewed the proposed rezoning and recommended approval of it.

Mayor Rick Becker asked if there was anybody else in attendance that wanted to speak at the public hearing about the rezoning.

Councilwoman Critz asked about the Statement of Consistency where it says the proposed amendment was inconsistent.

Ms. Brooks explained that it was both consistent and inconsistent. It was consistent with the Comprehensive Plan, because the Community Vision for the future was to have more retail businesses and shopping. It is also inconsistent with the Future Land Use Map, which called for that property to be "Town Center (TC)" in the future and not "General Business (GB)." Ms. Brooks noted the statement was the same for the adjoining property that was rezoned to GB a few months ago.

Mayor Becker mentioned that the town's Future Land Use Map was sort of there. The Comprehensive Plan was adopted a few years ago by the council. There is more than one way to do it, it could be Town Center, Neighborhood Business, General Business, or Light Industrial, but the FLUM is showing it as Town Center.

Ms. Brooks noted that General Business did not exist on the FLUM and General Business had a higher level of what could go on those properties, as opposed to Town Center.

Councilwoman Critz asked if the properties currently zoned that way would be grandfathered.

Ms. Brooks responded that they would stay that way. Ms. Brooks referred to the zoning map for the council to see how much General Business was in Mineral Springs, and they would stay that way unless the town decided to .....

Mayor Becker closed the Legislative Public Hearing on the proposed rezoning at 7:44 p.m.

### **3. Public Comments**

Cynthia Singleton – 2902 Harrington Place.

### **4. Consent Agenda – Action Item**

Councilwoman Coffey motioned to approve the consent agenda containing the July 11, 2024 Regular Meeting Minutes, the June 2024 Union County Tax Report, and the June 2024 Finance Report as presented, and Councilwoman Krafft seconded. The motion passed unanimously. Ayes: Coffey, Countryman, Critz, Cureton, Krafft, and Muller. Nays: None.

**5. Consideration of the Proposed Rezoning of Tax Parcel #06-019-002 from RA20 to General Business (GB) and Adopting Ordinance-2024-01 – Action Item**

Councilwoman Critz motioned to adopt O-2024-01 reading the Statement of Consistency and Reasonableness, "In reference to the proposed Map Amendment for RA20 to General Business [GB], to the property located at 6020 Waxhaw Highway on Tax Parcel 06019002. The Mineral Springs Town Council hereby declares the proposed Map Amendment is consistent with the Mineral Springs Comprehensive Plan adopted May 12, 2022, based on: 1. The Community Vision for the Future is to have more retail business and shopping. The Mineral Springs Town Council hereby declares that the proposed Map Amendment is 'inconsistent' with the Mineral Springs Future Land Use Map, which calls for this property to be zoned Town Center [TC] in the future. The Mineral Springs Town Council acknowledges that the Future Land Use Map will automatically be amended with the passage of the proposed map amendment. Mineral Springs Town Council finds the proposed map amendment to be 'reasonable' based on: 1. The property is adjoined to GB and the railroad tracks. Adopted by the Mineral Springs Town Council on this day 15th day of August, 2024," and Councilman Muller seconded. The motion passed unanimously. Ayes: Coffey, Countryman, Critz, Cureton, Krafft, and Muller. Nays: None.

O-2024-01 is as follows:

STATE OF NORTH CAROLINA  
TOWN OF MINERAL SPRINGS

**AN ORDINANCE AMENDING THE ZONING MAP OF THE TOWN OF MINERAL SPRINGS AS ESTABLISHED BY THE MINERAL SPRINGS DEVELOPMENT ORDINANCE DATED JULY 12, 2019 O-2024-01**

**WHEREAS**, the Mineral Springs Planning Board has recommended to the Mineral Springs Town Council that Tax Parcel #06-019-002 (Deed Book 3888, Deed Page 206 found in the Union County Register of Deeds) located at 6020 Waxhaw Highway be re-classified from RA20 to General Business (GB); and

**WHEREAS**, pursuant to NC General Statutes 160D, Article 6 and Article 3, Section 3.9 of the Mineral Springs Development Ordinance, the Mineral Springs Town Council may amend the Official Zoning Map after holding a legislative 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 map 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 map amendment at a regular meeting on July 23, 2024, held in accordance with law; and

**WHEREAS**, the Mineral Springs Planning Board recommended in a vote of 6 to 0 on July 23, 2024, that the Mineral Springs Town Council amend the Official Zoning Map based on the Community Vision for the Future was to have more retail, businesses, and shopping as stated 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 3.9.1, Steps 5 and 6 of the Mineral Springs Development Ordinance, the Town Council duly advertised and held a public legislative hearing to consider the proposed map amendment; and

**WHEREAS**, after reviewing the written recommendation from the Mineral Springs Planning Board on the proposed map amendment, conducting a legislative public hearing on August 8, 2024, and careful review, the Town Council determines that:

1. The map amendment to the Official Zoning Map identifies with the results of town survey conducted prior to the adoption of the Mineral Springs Comprehensive Plan, which indicated the community vision was to have more retail, businesses, and shopping in the future, which makes the map amendment consistent with the Mineral Springs Comprehensive Plan; and
2. The map amendment to the Official Zoning Map has also been found to be inconsistent with the Mineral Springs Future Land Use Map shown in the Mineral Springs Comprehensive Plan; and
3. The Town Council acknowledges the map amendment adopted has the effect of also amending the Future Land Use Map without an additional request or application for a plan amendment per NC General Statute 160D-605(a).
4. The Town Council finds the map amendment to be reasonable because Tax Parcel #06-019-002 adjoins property that is currently zoned GB on the east side, and it abuts the railroad tracks on the north side.

**NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF MINERAL SPRINGS, NORTH CAROLINA THAT:**

- Section 1. The Official Zoning Map established by the Mineral Springs Development Ordinance effective July 12, 2019, and as subsequently amended, is hereby amended to rezone Tax Parcel #06-019-002 consisting of 0.35 acre located at 6020 Waxhaw Highway, and more specifically shown on the attached Exhibit A, from RA20 zoning. Said property shall now be zoned GB (General Business).

Section 2. The Zoning Administrator for the Town of Mineral Springs is hereby authorized and directed to have said changes made upon the Official Zoning Map of the Town of Mineral Springs and to consequently to have said changes made upon the Future Land Use Map without further requests or applications for plan amendments; and

Section 3. This map amendment to the Official Zoning Map of the Town of Mineral Springs is effective upon adoption.

**ADOPTED** this 15<sup>th</sup> day of August, 2024.

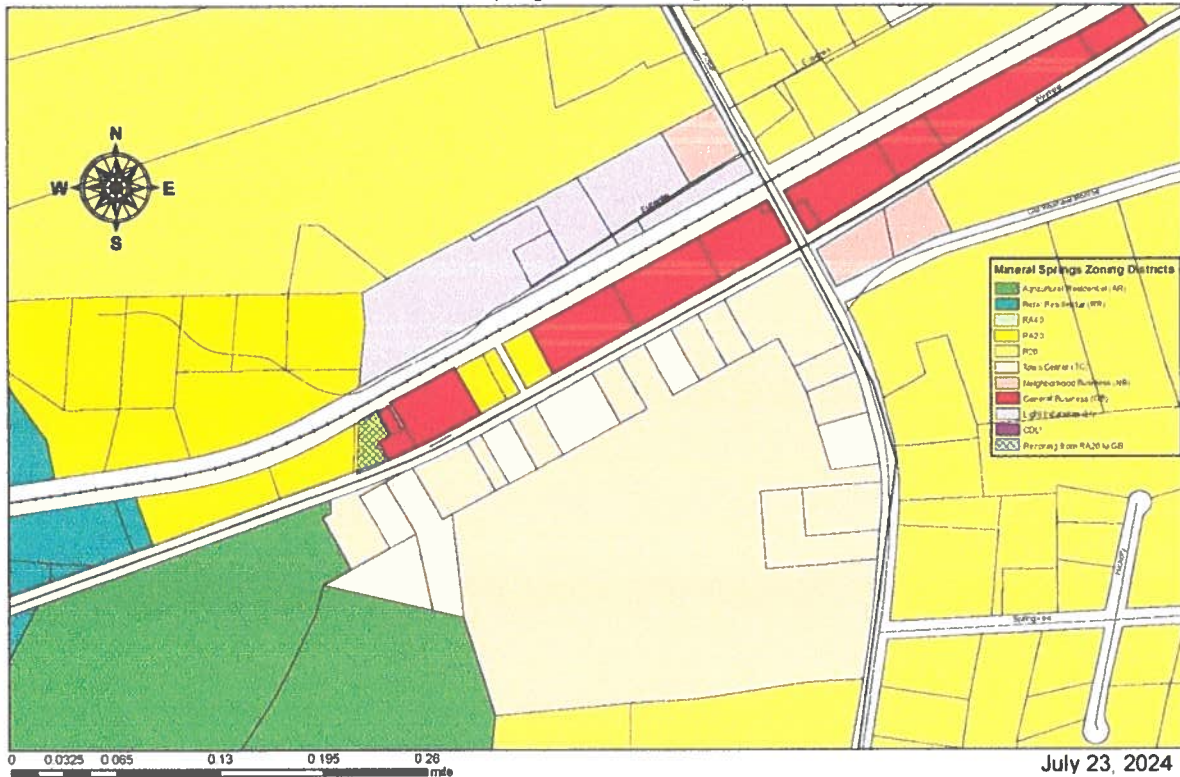
\_\_\_\_\_  
Frederick Becker III, Mayor

ATTEST:

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

EXHIBIT A

Mineral Springs Official Zoning Map



**6. Consideration of the Landscaping Bids Opened on July 30, 2024 – Action Item**

Mayor Becker explained that Ms. Brooks notified the current vendor of the new Request for Proposal with the enhanced services (additional maintenance duties), and also notified three people who had been here in one or another capacity; it was a total of four requests. Only two landscapers responded (Blackmon's Landscaping and Carolina Lawn Care – Garland Queen) and attended the mandatory pre-bid conference. Taylor and Sons did not choose to bid on the new contract. Mayor Becker noted that the two bids look different. Carolina Lawn Care gave a lot of details that were specific to what he wanted to do. Bryan Blackmon just said, "we're going to do what the proposal says." Both parties were talking the same lingo during the pre-bid conference, they just expressed it differently. Mayor Becker mentioned that the town has had some work done by Blackmon's Landscaping and were happy with it. Mayor Becker thought they were both qualified, but the council would want to take the lowest qualified bid.

Councilwoman Coffey spoke in favor of Carolina Lawn Care, because he expounded very well in his presentation, and he replicated in his language what the scope of practice that he would perform. The bid for Carolina Lawn Care was just a little higher, but it could be money well spent. Mr. Queen is local and more accessible, so he would be quicker to respond if something came up. Blackmon's

Landscaping is in South Carolina, which may not be too far away, but Councilwoman Coffey was very pleased with what she had seen with the Carolina Lawn Care presentation. Mr. Queen gave his Certificate of Insurance and his certification for using pesticides. Blackmon's Landscaping bid was very condensed. In this case, Councilwoman Coffey stated it would not be the least expensive quote.

Councilwoman Critz agreed with Councilwoman Coffey. Carolina Lawn Care went to the trouble to express more detail about themselves and there was the fact that Mayor Becker stated the town had used them before.

Mayor Becker clarified that the town had used Blackmon's Landscaping, not Carolina Lawn Care.

Councilwoman Critz apologized and scratched the comment but stated Carolina Lawn Care was local and would be more readily available.

Ms. Brooks mentioned the town has had very good experience with Blackmon's Landscaping and there had been an issue in the park, she called them, and they were out there to fix it almost immediately.

Councilwoman Critz responded that was good to know, because it was not clear from reading what was in the agenda.

Ms. Brooks commented that Blackmon's Landscaping had done some excellent work for the town, but the councilwomen were right, it did not show in their estimate, and she understood that.

Mayor Becker commented that they were both very qualified and he did not have any doubts about either of their qualifications. Carolina Lawn Care handles Pinsak Orthodontist, which is a small place down by Monroe High School. Blackmon's Landscaping does a larger project, a complex of townhouses in Marvin called "The Courtyards at Marvin." Mayor Becker was speaking with a resident of the Courtyards at Marvin, and he asked him what he thought about the landscaper. The resident said, "best one we've had, the one we had before them was not getting the job done, and these guys have been really great." Mayor Becker noted he was not trying to show favorites, both are very qualified, and he agreed with Councilwoman Coffey, that the council got a very detailed presentation from Carolina Lawn Care, but we knew the kind of work/responsiveness that we have had with Blackmon's Landscaping, so it is really a toss-up. Mayor Becker reminded the council that Blackmon's Landscaping did the clear-out a year and a half ago, and the replanting four months ago.

Mayor Becker asked Attorney Bobby Griffin if unless the town had a good reason to not accept the lowest bid, then they should do so.

Attorney Griffin responded that the town probably did not have to put it out to bid to begin with.

Ms. Brooks commented that the town staff wanted to be fair.

Councilwoman Critz noted that it was not a lot of money, but it was sort of like splitting hairs at this point.

Mayor Becker pointed out the difference was \$48 per month, so it was not a huge difference.

Attorney Griffin stated that he thought it was a matter of who the council felt comfortable with here that they thought would do a better job.

Councilman Muller commented if the town used Blackmon's Landscaping in the past, he was comfortable going back to them.

It was noted that both companies specifically discussed fire ant control at the pre-bid meeting. Carolina Lawn Care provided their certificate for pest control, but Blackmon's Landscaping did not. The council felt that if Blackmon's Landscaping did not have a pest control certificate, he would be able to get it.

Councilwoman Krafft motioned to accept Blackmon's proposal [\$1,400 a month] based on the fact that we've had a prior relationship, and they are the lower bid, and that is consistent with being responsible with our constituents' money as much as we can, there is not that much difference, but every penny counts these days and Councilwoman Cureton seconded. The motion passed unanimously. Ayes: Coffey, Countryman, Critz, Cureton, Krafft, and Muller. Nays: None.

Ms. Brooks explained that Blackmon's Landscaping wanted a three-year contract, so when he comes here, he will be able to do all the things that need to be done here, versus a one-year contract.

Councilwoman Coffey asked if that was going to be at the same price or if there was going to be an increase each year.

Mayor Becker responded, "no."

Councilwoman Critz asked if the motion needed to be amended.

Mayor Becker responded, "No, we'll adopt the contract with Blackmon and as I said, both good guys, I'm pretty confident it will work very well based on the service we've had in the past."

During the "Audit Contract" agenda item, Attorney Griffin revisited the landscaping proposal explaining that he did not see the three years in the [landscaping] proposal. If it was going to be for three years, the council should vote on it, otherwise, they just voted on a one-year contract.

Mayor Becker agreed Attorney Griffin was correct.

Councilwoman Krafft amended the aforementioned motion to "add that we approve Blackmon as a landscaper for a three-year term at the yearly rate as specified and Councilwoman Cureton seconded. The motion passed unanimously. Ayes: Coffey, Countryman, Critz, Cureton, Krafft, and Muller. Nays: None.

#### **7. Consideration of the 2023-2024 Audit Contract – Action Item**

Councilman Countryman motioned to approve the audit contract for \$5,230 with Kendra Gangal, CPA and Councilwoman Coffey seconded. The motion passed unanimously. Ayes: Coffey, Countryman, Critz, Cureton, Krafft, and Muller. Nays: None.

#### **8. Consideration of Approving a Town Engineer Agreement – Action Item**

Mayor Becker explained this was an important one because it was technical, and the council definitely wanted Attorney Griffin present to give them advice on a couple of the items. It seems boilerplate, but there were specific things Attorney Griffin and Ms. Brooks worked on. The town has reached a point where, with the commercial developments that are getting done, we need to have an engineer on retainer.

Attorney Griffin explained that Ms. Brooks asked him to make comments on the engineer's proposal. Attorney Griffin believed there were replies from the engineer, except for one or two items. All in all, Attorney Griffin thought the council could adopt it without a lot of fear of anything, but he was asked to make comments and if he were writing the contract, he would write it more in favor of the town. Even on the issues that Attorney Griffin raised, he was not sure it was worth not entering into the contract with the engineer, if the council was otherwise satisfied with the quality of the services that the engineer would provide.

Mayor Becker commented that the town would still have an "out clause," which apparently means whatever you want it to mean.

Attorney Griffin stated he would be glad to answer any questions, and he hoped the council had seen his comments.

Mayor Becker mentioned that 3H [5.01.H] was the waiver of future claims.

Attorney Griffin responded that the town was limited to \$100,000 if they provide injury to the town, the town could sue them, but surely they would not be harming the town that much anyway.

Attorney Griffin asked if this was for minor engineering services, because he did not really understand what the nature of the need was.

Mayor Becker responded that it was mostly for plan review.

Attorney Griffin asked for what plan.

Mayor Becker responded that when Ms. Brooks gets a commercial development application with a stormwater plan (for example), their engineer is going to submit that. Ms. Brooks is the stormwater administrator, but not necessarily an engineer, so now the town will have an engineer who is an advocate to review those plans. There wouldn't be more than \$100,000 worth of injury if town engineers agreed. This engineer is just an hourly rate.

Ms. Brooks noted that the hourly rate increases from 2024 to 2025 to 2026 to 2027.

Councilwoman Coffey stated that the rates were reasonable, it is the market.

Councilwoman Critz asked Attorney Griffin about the comment he made that he would be more town friendly and if it could be reworded to make it more palatable.

Attorney Griffin responded, "Certainly, is it worth it?"

Councilwoman Critz stated she did not think so.

Attorney Griffin suggested taking out the limitation on liability and letting the town have ownership of the documents that they might prepare for the town.

Ms. Brooks explained that she thought Mr. Rosenau meant the town could have the documents, but the town could not give them to another engineer to make amendments to it.

Councilwoman Coffey asked if the town owned the document that they hired the engineer to create.

Ms. Brooks responded the town would own what he presented to the town, exactly the way he presented them to the town.

Mayor Becker referred to F and commented if the town paid, he thought it said that they are until it says it was subject to "receipt by engineer of full payment", then the town would own them. The engineer doesn't want the town to get him to do the work and not pay him in full.

Attorney Griffin commented he thought the caution there for them is that they prepare these documents, and it was professional, it is theirs, all of the services that go in it, and they don't want the town getting that and giving it to another engineer to piggyback on and use, but the town should be able to utilize them any way they want if the town pays for them.

Councilwoman Coffey motioned to accept the contract based on our discussion and as written and Councilman Muller seconded. The motion passed unanimously. Ayes: Coffey, Countryman, Critz, Cureton, Krafft, and Muller. Nays: None.

## **9. Staff Reports**

Zoning Administrator Vicky Brooks reported that the town had an engineer working on a set of plans for a commercial project in downtown. Once he dots all of his i's and crosses his t's, the council will see a development.



**10. Other Business**

Councilwoman Critz reported that she and Mayor Becker had been discussing the parking lot at the greenway, which is in need of some gravel and grading. Councilwoman Critz asked if this needed to be put on the agenda for a vote or if it was a small enough amount of money....

Mayor Rick Becker responded it would probably need to be on the agenda, because he would want to bring it to the council.

Councilwoman Critz asked Ms. Brooks to put it on the agenda for next month.

Councilwoman Krafft asked if the town could look at a different type of gravel that would stay put.

Mayor Becker responded that he would talk to Ron [McCollum] about that. Mayor Becker explained when the parking lot was built, the engineer that designed it specified the size of gravel, but not the type. It could have been granite from Pageland (which is what it is) or blue stone from Bakers (crusher run that binds better together). For some reason, the one that was further away was the cheaper one that week and it met the contract. The blessing in disguise is that the rounded gravel is more friendly to the horse riders, but on the other side of that argument is that there are not a lot of people trailering their horses anymore. Mayor Becker stated it was time to spend the money on it, the town can no longer rely on volunteers, because it is past that point.

Councilwoman Krafft publicly thanked Mayor Becker for all the work he did out there [greenway] and getting the signs replaced to make sure it was identified a little better.

Mayor Becker thanked Councilwoman Krafft, Jordan [son], and Jeff [husband] for getting more stuff trimmed. "We're making progress," Mayor Becker stated. The gravel/grading will come up next month unless Mayor Becker doesn't have anything by September and October.

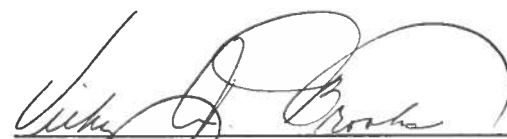
Councilwoman Cureton mentioned that the man next door to her had done some work [on Lee Massey Road] and it looks good.

**11. Adjournment** – Action Item


At 8:23 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, September 12, 2024 at 7:30 p.m. at the Mineral Springs Town Hall.

Respectfully submitted by:

  
Vicky A. Brooks, CMC, NCCMC, Town Clerk



  
Frederick Becker, Mayor