

Town of Mineral Springs  
Town Hall  
3506 S. Potter Road  
Town Council  
Regular Meeting  
March 9, 2017 ~ 7:30 PM

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**Minutes Draft**

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The Town Council of the Town of Mineral Springs, North Carolina, met in Public Hearing and Regular Session at the Mineral Springs Town Hall, Mineral Springs, North Carolina, at 7:30 p.m. on Thursday, March 9, 2017.

**Present:** Mayor Frederick Becker III, Mayor Pro Tem Peggy Neill, Councilwoman Valerie Coffey, Councilman Jerry Countryman, Councilwoman Janet Critz, Councilwoman Lundeen Cureton, Councilwoman Bettylyn Krafft, Town Clerk/Zoning Administrator Vicky Brooks, Attorney Bobby Griffin and Deputy Town Clerk/Tax Collector Janet Ridings.

**Absent:** None.

**Visitors:** Barbara Ballew, Perry Blythe, Charles Bowden, Sharon Carter, Rodney Evans, Chief Donald Gaddy, John Ganus, Deitrich Grady, Richard Helms, Bill Howie, Phil Leffew, Patty Lemmond, Elizabeth Mandy, Richard Marcello, Jim Muller, Michael Rutland, Kaye Shutze, Tom Shutze and Caleb Smith.

With a quorum present Mayor Frederick Becker called the Regular Town Council Meeting of March 9, 2017 to order at 7:32 p.m.

**1. Opening**

- Councilwoman Neill delivered the invocation.
- Pledge of Allegiance.

**2. Public Hearing – Proposed Nuisance Ordinance**

- Mayor Becker explained that the first item on the agenda was a Public Hearing on the Proposed Nuisance Ordinance and that he would be turning it over to Planning Director/Clerk Vicky Brooks and John Ganus.
- Mayor Becker opened the Public Hearing at 7:35 p.m.
- Mr. Ganus explained they've discussed this ordinance in the past and he was basically here this evening to answer any questions pertaining to the specifics. Last time they talked about a few things the council wanted changed and those changes were made. Specifically one of them was to be more specific about what the deadline would be, rather than just a general 10 days. Section C talks about the complaint investigation of a Public Nuisance and further down in the paragraph it says notice shall be in writing, shall include a description of the premises, sufficient for identification and shall set forth the violation and state that if the violation is not corrected prior to a specified date, no sooner than 10 calendar days after the notice is mailed and/or affixed to the property..... The notice of violation

will specifically say that the property owner has until (for example) March 20<sup>th</sup> rather than kind of a vague 10 days, so that corrects that. It speaks to that again later on in the appeal, so they've got 10 days from the date of notice, so the notice says "date of notice" and then it refers to that showing 10 days from that date of notice; that should cover the concerns that were discussed. Mr. Ganus stated he would be happy to answer questions.

- Ms. Brooks explained there were seven items on the Proposed Nuisance Ordinance: 1) deals with an accumulation of trash; 2) deals with an open storage place of combustible items; 3) deals with weeds and vegetation over 24"; 4) deals with an open storage place for old worn out broken, discarded machinery, etc.; 5) refers to a collection of lumber, bricks, blocks, basically construction materials; 6) has to do with buildings or structures which have been burned or partially burned or otherwise partially destroyed (Ms. Brooks suggested this may be something the council wanted to discuss once they got into it); and 7) deals with nuisance vehicles.
- Mayor Becker explained how the Public Hearing works since some of the people probably haven't been to one of our meetings before. We are not operating as a question and answer dialogue, because we will never get done; however, he and Ms. Brooks had discussed this and thought if someone had a specific question about something (rather than just telling the council what their feelings were) we would write that down, so that it could be addressed during the deliberation process. Mayor Becker asked the council if they wished to put a time limit on speakers. Councilwoman Critz asked how many had signed up so far. Mayor Becker responded nine so far. Councilwoman Critz felt there should be some limit and asked the audience to nod their heads if they thought three minutes would give them enough time to say what they needed to say. Mayor Becker commented if the council had any concerns they would be flexible; the whole point of this is to get as much information as they can. That is what the people are here for; to tell us and if there are questions, Mayor Becker hoped they could address those, because they are going to be discussing the ordinance as soon as they finish the Public Hearing.
- Charles Bowden – Pleasant Grove Road. *"I have one of the few bona fide farms left here in the Town of Mineral Springs; part of my home place. I was asked a few minutes ago if I was for or against the ordinance. I have mixed feelings about it. 18 years this council, some of you have been here for 18 years and the mayor have had plenty of opportunity to do something about cleaning up the town and you hadn't done it. The way you are going about doing this, I recognize there's a lot of problems out there, probably a lot more than you are aware of. I see, unless I'm missing something in the newsletter it stated how you all would receive complaints, in the ordinance it is not mentioned how you receive complaints; I didn't see it in".* Councilwoman Krafft responded "it's not". *"It's not in there, why is it not in there?"* Mayor Becker replied that was a question and directed Mr. Bowden to continue. *"I need to address that. Number two, under the newsletter it could be anonymous complaints. I have been a victim of people sitting right up here who initiated anonymous complaints for political reasons on the zoning board. I actually caught two people sitting in this room spying on my residence and I observed two neighbors spying on my residence for a construction thing I was doing it. At the time I was doing mine the town is violating the same ordinances and they just recently about a year ago, I tried to force the issue, got the necessary permit for*

something done five years ago so my concern is that if somebody wants to complain about their neighbors what you end up doing is pit neighbor against neighbor, if you do it that way. If you are going to do it, you ought to state the ordinance, send everybody the information, give everybody in town 120 days to clean up anything they perceive in violation of the ordinance. At that point in time, implement the ordinance and start fining people if they don't clean it up. Now some people, we are in hard economic times, there's a lot of people, just riding in here I tell you, just riding down the road from my house to here, I seen a dozen homes that are in violation of this ordinance as it is. They may not believe they are in violation but they are. The sad part about this community is the small minority of people have control of this community for 18 years now they use things like this to divide the community and it's not going to go anywhere. A little bit of my background, I have spent 41, 42 years as a sworn Deputy Sheriff in Union County. I have personally had to confront people, I know how people get upset with you, people in the community get upset with you, I have been shot at, about everything you can think of and so I know people don't appreciate when you complain against them, but in a court of law you have a right to confront your accuser".

- Tom Shutze – Billy Howey Road. Signed the wrong sheet.
- Kaye Shutze – Billy Howey Road. Signed the wrong sheet.
- Perry Blythe – Helen Drive. "I am both a resident and a business owner in Mineral Springs. I'm here to talk about this ordinance or to bring one specific. I'm not going to stand before you and tell you that I agree with every aspect of your ordinances, but I'm here to talk specifically about item number six and more specifically the downtown overlay of Mineral Springs. Downtown Mineral Springs is an atrocious site for people to ride through with abandoned homes and buildings that have been there for years and nothing is being done or has been done about that. It's time for this council to do something to clean up downtown or the downtown overlay of Mineral Springs so that when we have visitors who come through this town they will look at it and think that it is the kind of town that I think that you really may be trying to or have tried to create but we have and you have failed drastically at that and so my one concern with item number six is whether it truly addresses abandoned buildings, buildings, homes, whatever that haven't been lived in in years are boarded up, decayed, falling down, no they haven't been burned out yet but they need to be removed and cleaned up for this city and that's all I really have to say. As I say I'm not going to tell you that I agree with every other line that you have in this ordinance, but that part needs to be done; we need to get this city back to what it was 50 years ago".
- Patty Lemmond – Potter Road. "I also signed the wrong sheet but I will stand up, given the opportunity to talk, I am going to talk. I will also agree regarding being a business owner in the downtown area for many years and I have approached this council before and discussed with you my concerns about the embarrassment of feeling as though our town is not what it should be and what it has the potential to be. I realize that we have a lot of fears that we don't want to be a Waxhaw, that's fine if we don't want to be a Waxhaw, that's all fine and good, but if we don't grow and we don't clean the town up and if we don't begin some growth, we are going to die and we have looked at the same scenario in the downtown area for years and years and years and I am pleased to see and I will reiterate Mr. Blythe's comment, we hope that in this ordinance there is an item or area that does deal with abandoned homes, because some of these again are not burned out, people do

own them, but they are not taken care of, boarded up and as a business owner and a resident, I would look forward to the day that I could be pleased and excited to have visitors come through this area and have them see our town rather than being embarrassed. Thank you”.

- Caleb Smith – Potter Downs Drive. “I also signed the wrong one. Mayor, council and neighbors. I am new to the area, about four years. My family and I moved here from Chesapeake, Va. and we’ve enjoyed the time here and I don’t understand all the workings and how happenings that have been going on the last 40 or 50 years, but I am grateful that we share some of my thoughts and as we look at the ordinance, or proposed ordinance, I got the feeling of HOA and I know that this is a town that avoided HOA for a long time, you tried to steer clear of that process. There are some parts of it I like and there are parts I really do not like and it has made us a little nervous. One of the reasons why we moved down here was because of the great neighborly love that we’ve heard about and to, I’m sorry I can’t remember the first gentlemen’s name but I like the point that he made that with anonymous tips, not the opportunity to address. It does pit neighbor against neighbor and I know that was not the intent of the ordinance per se nor the council but it does, it is a good point to bring up, because if we want to grow the community and grow the town, granted there is the aspect of cleaning up, but there is also the aspect of the brotherly love and the purpose of why we are here to begin with. As I mentioned before it has that feeling of HOA and how far is too far. What is the point that it gets to where we no longer, well we do have some enforcement officer per se go down the road and look for the smallest things and call that out. I know there is some specific statements about that but that’s my concern, once you give them an inch it goes a yard. Thank you”.
- Rodney Evans – Helen Drive. “I signed the wrong one too. Since I’m here, I have been a resident of Mineral Springs since 1977. My wife and I built our home, Lakewood Gardens and I can remember when we first built our home here that downtown area looked a lot better than it does now. I agree with Mr. Blythe and the other statements. Our downtown looks awful, it looks awful. If it was today and we were going to build our home, I would not do it because of that. It’s an eye sore, you come into town, it’s an eye sore and back in 1977 there was some old buildings but they were clean, the yards were taken care of, everything looked good. It doesn’t do that now, it’s not and another thing that I would like to ask, when we built our home, there were restrictions in Lakewood Gardens, my question is this to the council. Do you override the county on restrictions? I think that you have because, there’s some things that have changed in our neighborhood that shouldn’t be because of the restrictions that are in our neighborhood. Thank you”.
- Michael Rutland – Raymond Austin Road. Signed the wrong sheet.
- Richard Marcello – Bryant Lane. “I signed the wrong one. It gives everybody an opportunity to speak. My wife and I moved here seven years ago to serve at JAARS. We retired and we’re serving the Lord there and one of the wonderful things in coming to this area, if you look at the overlay of Mineral Springs, it is absolutely beautiful. The rolling hills, the equestrian farms, the houses that are built there are just absolutely beautiful and that’s one of things that drew us to this community. However, the downtown area leaves much to be desired and we have a lot of folks that visit from around the United States and other parts of the world and I do my best to avoid coming to downtown area and I’ll go about 20 miles out

*of my way not to go downtown area. Something needs to be done. We have pride in our community and the pride of our community is not reflected in the downtown area and I think that's something that we really need to work on. The buildings are really a disgrace, the living conditions when people were living in them and I've called different agencies and I got the run around when folks were living in these homes so I think there is room for improvement in the downtown area and I think something could be done to make us have a little bit more pride. That's what I have to say. Thanks".*

- Mayor Becker commented that covered the ones that signed up, since there was some confusion, Mayor Becker explained there was a public comment sign-up sheet, which has nothing to do with this Nuisance Ordinance and he only has Charles Bowden and Perry Blythe on that one; we will get to that later if they still want to speak. If there is anybody who was unclear or who came in late that has comments about the Proposed Nuisance Ordinance that is being considered there is plenty of time to hear from them.
- Deitrich Grady – Crow Road. *"My name is Deitrich Grady, I am a Minister of Music here in Union County. I grew up here, I have been here for 40 years, well I am 39 now, I'll be 40. I have grown up here so I have seen a lot. I grew up in this ladies house (pointing to Councilwoman Cureton); she beat me and everything else. But listen, I just want to stand and say the Nuisance Ordinance, I understand the downtown situation. I see it and I am a victim of the situation too because I have property that has been in my family, it is off of Crow Road that you guys probably ride by all the time and look at it and say there it is, it's an eye sore. It was my grandfather's house and it's a part of a family trust and with this I have no rights to touch it until the last person who is supposed to be living in that house can actually touch it and she is in a nursing home and so because of that I am kind of locked on what we can do and so it's there and I know it is a nuisance and it's a problem and we want to solve it. As far as my taxes, I pay taxes here, I just recently took care of that as of last year; she [referring to Janet Ridings] called me plenty of times. I was a young man who was given 2.5 acres of land from his father who worked his fingers to the bone to provide a life for me and my family. We have over nine acres of land. It was deeded to him from my grandfather, but then he put a house on it and you know how that goes and you have to pay for the mortgage and all that kind of stuff so he worked and worked and he died in 2003 providing for me and my family to have a life and so that he could leave a legacy and he could leave some property for his kids to live here in Mineral Springs and enjoy this place. I love it here, I don't want to leave, you understand, I don't want us to be HOA, I love this community. I want us the stay a close knit community. I want to get to know everybody. I don't look like everybody here but I want to get to know everybody. So with that said, there's issues in my town, there's issues on my road. We have well water that is contaminated, we can't drink it, it smells, it's horrible. Across the street from me on Crow Road is fresh drinking water from the county. It comes down Tom Laney Road, it comes to the end of Crow Road, right there are Crow Road, it goes back up Crow Road to Potters Road. I called the county, I said county can I get some water and they said, no sir. You can't tap into that source; the kind of pipe it is you can't tap into. I said why did you waste the money, my money because I pay taxes, running pipe down Tom Laney Road to Crow Road all the way back up to Potters that nobody can tap into; no answers. I understand I am out of time, but I think it is more important that we take care of the health of the*

people in this community than the eye sore, than what we see, care about the health of the people, people are dying with cancer and everything and we don't know what it is, we don't know if it is water, we don't know if it's the food, it could be anything, is it more important what you see and what you drive past than what you put in your body and your families' welfare".

- Elizabeth Mandy – Helen Drive. *"My name is Elizabeth Mandy and I live in Lakewood Gardens also. We've been there like 36, 37 years and my only problem is number one if you're going to have an HOA to which you have to pay fees ,but you also have to give services to be that, so I am not worried about that because we won't get any services. My problem is I know he doesn't own it anymore but the property behind me that Charles Martin, cause money talks, you know how that is, when he built that big million dollar house there behind me and he built up that embankment I call it, nobody has been able to do anything. Well in the summertime and I know you folks are aware of it, but like I said he had money, he is what mattered, myself and my neighbor the Courtneys, that embankment whenever there is a heavy rain my half of the backyard, wouldn't you say Leonard, is just so flooded and then it's not bad in the winter, but in the summer there is so many mosquitoes. My dog got heartworms, he passed away, but he had heartworms from those mosquitoes that gather in that very deep water and I didn't think it was legal to build up an embankment like that and ruin my property, my neighbor and I don't know how far down it goes but myself and my neighbors backyard; I didn't think that was legal. I'd love to see something be done about that. Thank you".*
- Mayor Becker commented that was something totally different that we will have to look at and thanked Ms. Mandy for bringing that up.
- Sharon Carter – Highway 75. *"I think I can talk loud enough. I just have a question. Number six, it says any building or other structure which has been burned, partially burned or otherwise partially destroyed which is unsightly, hazardous to safety, blah, blah, blah, but then over here on page three (reading from the newsletter) it says will this ordinance get rid of rundown buildings the answer was no, I don't understand that because I like the others and I tell this council probably 13 years ago that I had some visitors from Louisiana and he was very sarcastic and he said and you will remember when I tell you this, and I quote, "Mineral Springs is the ugliest place I have ever seen" and it hurt my feelings, but I knew what he was talking about so I just want you to answer my question first and then put my voice in with the others who say these buildings need to be, something needs to be done and I also have a suggestion. The fire department probably needs practice buildings and why could they not burn them for practice and that way Mr. Rape would not have the expense, he would not have the expense of tearing them down. You know Mr. Rape can't do it, he's an invalid and he couldn't do it himself and he wouldn't have the expense, that way the fire department did it. Now will you answer my questions?"*
- Mayor Becker commented he had written down four questions that hopefully he and the council could answer.
- Tom Shutze – Billy Howey Road. *"18 years in the community; love it. I have, I said I support ordinance and I do and the reason is that I've got a junk yard on one side of me and on the other side I've got this trash dump; I mean literally trash dump and I support the ordinance because of that and I hope that we can get it through, passed and take some action on it, because if you go to sell your house... This bit*

*about anonymous or not anonymous doesn't matter to me, I've already confronted them anyway but it affects the property values so it's got to be cleaned up. That's all I've got to say".*

- Phil Leffew – Low Gap Road. *"One of the things I wanted to briefly mention. I moved here in 2011 from Fayetteville, NC, Cumberland County and I was heavily involved with an organization called Operation In As Much and that was a group of individuals or an organization that worked with all the local churches and what they did was they came together as one body and they went into areas of blight and areas that needed repair and they worked with the property owners to make those repairs and it was volunteers. The second greatest commandment is to love our neighbors as our self and in doing so that is something that I find to be real important in a community and a community such as Mineral Springs. Now I've only been here a short time, but it is a nice community, it's a nice place to live but it is an eye sore in certain spots and I don't think this ordinance is meant to break anybody's toes in regards to stepping on them but at the same time, I mean I've been here this many years and I'm seeing things just completely deteriorate; you know that's just driving down 75. When I go out into the county and stuff, it's more sparsely located but at the same time there's pockets of it. There is obvious need, people may not have the wherewithal, the financial wherewithal, the physical wherewithal and that's where coming together as a community and working with the churches and working with other people, volunteers that would be accepting of doing something like that and spending a few hours or a few days even working to clear brush or to paint a home or to do whatever it takes to make these repairs. I just wanted to bring that up".*
- With no further public comments, Mayor Becker closed the Public Hearing at 8:10 p.m. and thanked everyone for their comments, contributions and thoughts.

**3. Consideration of Adopting the Proposed Nuisance Ordinance and Contract with N-Focus Planning & Design, LLC to Provide the Service of Code Enforcement**

- Mayor Becker explained that the next item on the agenda was consideration of adopting the ordinance and he did promise that they would try to answer the questions first if they can. Councilwoman Critz stated that she would like to say something before they start answering questions. *"I would just like to sort of give a little overview quickly so you can sort of grasp an understanding. I am an original planning board member and then was elected to this office in 2001 and served concurrently on the council and the planning board for many years, so one thing I would like for you to keep in mind as we go through this is that the Town of Mineral Springs does not own the property downtown. Personal private individuals do and the county has been partitioned on multiple occasions. The property owners have been spoken to on multiple occasions, but we are very as a collective group here and I hope and would really think that most of you in this room would agree that none of us wants to be in the business of policing anyone in this community, but putting in a type of ordinance that could step up when there is a need, but we are not in the business of becoming the Gestapo of personal private property. So there has got to be this balance of: number 1- this is no way, shape or form will be an HOA; I just want to say that off the top. But secondly there is a really fine balance that has to be respected and reviewed carefully of what any of us should take the authority or acquire the authority to do and override an individual's right on their own property; it's a fine line and I will tell you right now I am absolutely positive that*

*none of us or none of you, no one is ever going to do it perfectly but this council has tried to keep that in the forefront of everything that we've planned and done. So when you say that nothing's been done it's because we have not tried to strong-arm anyone into changing their personal property. We have not had the authority until this ordinance and most of what we have asked the county for has fallen on deaf ears and there's a paper trail of evidence of this council and different individuals in the community petitioning the county for help in some of these situations and help did not come so this ordinance was the whole reason we even breached the issue was to try to fill in some of the cracks where all these things are falling through. Where no one doesn't want to do it or either it's not their problem and we are trying to fill in the gaps in a helpful way, but by no means force homeowners into conforming to a town agenda and so I think that as we go along, that will maybe be clearer. But before we started answering questions I just felt like it might be helpful if you understood where our planning board, where our zoning administrator, where our council has been coming from during this process".* Mayor Becker thanked Councilwoman Critz and stated that did sort of give some background on what we have been doing.

- Mayor Becker explained he would try to either answer or ask Ms. Brooks or Mr. Ganus or he knew one person can answer one of the questions from the audience and he will call on him when it comes to that time. The first question was the complaint process is not in the ordinance. Mr. Ganus responded that he had not read the town policy, but as they discussed at the last meeting....one of the problems with the idea that you're not going to take a complaint unless somebody's willing to put it in writing and sign their name and so forth puts some people in danger in some cases. Somebody that is living next to... Mr. Ganus forgot the gentleman who spoke about the huge pile of trash on one side and the junk cars on the other, if this gentleman was not a gentleman, but some little lady of 90 years old, living by herself and she had to put up with that and somebody bigger than Mr. Ganus lived next door to her she would be scared to death to give her name, because he has run into these situations where that big guy picked on the little old lady, because she had nerve enough to complain about his trash pile. She does not deserve to have to live next to a trash pile; "none of you do". There are times when it is a good thing to have anonymous. With that being said and moving forward a little bit. Mr. Ganus explained he didn't care who complains and his reasoning was you as a citizen complaining about trash and debris or tall grass or whatever next to you is not the actual complaint, you are what starts it, you call into town hall, you tell them "123 Oak Street has this huge pile of trash that's as big as the house" and you want something done about it. Then it is Mr. Ganus's job or whoever the code officer is that the town hires, it's their job to go out with this ordinance and go out there and say "okay this huge pile of trash is definitely in violation of this ordinance" or sometimes the citizen's opinion of a huge pile of trash is about the size of this and maybe they've got it sat next to the road, so it can be picked up or there are all kinds of situations and Mr. Ganus was not trying to make light of it, but what he wants you to understand is that the person that is responsible for determining that that little old lady that called in about the pile of trash has a valid complaint is the code officer who measures it against this standard, not opinion or anything like that, but against a standard.
- Mr. Ganus noted that some people spoke about HOA's and he was here to tell them if they have ever lived in an HOA, they know this is not an HOA rule, because

if they have lived in an HOA they know that there is not a single HOA in the United States of America that has set the grass height at 24" or many of the other standards here; this is pretty loose. Mr. Ganus has enforced similar ordinances to this in other towns that have a grass height of 12" to 15" to 18", here we are suggesting 24" (two feet). Mr. Ganus asked that they think about that, your next door neighbor decides not to cut their grass and it gets to the point of being two feet or over; then it's in violation (not at 18", not at 15"). Two feet of grass kind of gives you an idea that your neighbor most likely does not intend to cut their grass and you are going to put up with the mosquitoes and the snakes and the rats and all the other stuff that comes along with that. That is the reason why ordinances come in play, it's not because we're trying to make your neighbor mad, it's not because we are trying to pick on people, it's because the results of these violations can be health, safety and welfare issues.

- Mr. Ganus referred to the lady that spoke about the water and explained this ordinance is not going to cover that. The situation she was talking about is a property owner dispute, it is not something that the town is going to be able to help her with and most likely the county is not going to touch it, because it's a water issue caused by a change in the land by a property owner and that is most likely going to be something she ends up going to court with; the attorney can probably agree or correct him on that, but that is what Mr. Ganus has run into in the past. These other issues are intended to help; they are not intended to pit one neighbor against the other, that's not the intent of this. The reason for the policy for complaints to be called into the town and for them to be anonymous (you can email them, call them in, walk them in or petition them) is for safety. Mr. Ganus is still going to go out and look at it, not that they don't take your word for it, but it's not your job to enforce it, it's Mr. Ganus's. It is Mr. Ganus's job to go out and verify that it is in fact in violation of this ordinance and to take the further action that this ordinance talks about: contacting the owner, putting a notice in the mail, or whatever is necessary to contact them and let them know they are in violation of this ordinance and give them a reasonable period of time, not less than 10 days and that big pile of trash you are talking about will most likely get a whole lot more in 10 days, but then you sat next to it for many years, so if we give them 30, 45 or 60 days and then it had to be cleaned up you would still probably be happy with the end result. There is going to be some flexibility in those major different situations.
- Mr. Ganus mentioned that he probably got off track and asked if he answered the question. Mayor Becker commented there was just one more thing he wanted to say, one of the questions was why isn't the complaint-initiation process in the ordinance. Mayor Becker commented that Mr. Ganus had recommended that it be a separate policy separate from the ordinance that could be changed if need be. Mr. Ganus responded if it is in the ordinance it is law, towns are allowed to have laws and allowed to have policies; policies can be changed periodically if it turns out that the anonymous complaint thing is not working or they decide they are not going to accept emails, because it becomes a problem or something like that or they want to add something, maybe they want carrier pigeon or something, but it gives them flexibility as a board to make that change (without changing the ordinance). For example, one of you comes up with some unique way that you want to submit and it's not in the policy and it's not in here, but it's one of those gray areas, when it's a policy they can probably accept it, if it's written in here [ordinance] that these are the only three ways that we'll accept it, it cannot be

changed except by amendment of this ordinance. It has to go through the entire process, so if you want it to be by carrier pigeon, you've got to go through this whole thing again to get carrier pigeon added to this. There's flexibility that is intended to be in there and that's the whole purpose of that.

- Mayor Becker explained that the next question was a little bit open ended. Mr. Evans was asking whether the town could override county restrictions. Mayor Becker stated he was going to "take a stab" at what he thought the answer to that question would be. *"This is an example of adopting restrictions or rules or ordinances that does go beyond something that the county would do so yes the town can do that and this is an example of where the town is considering doing that. We have also done it with zoning, we have a zoning policy which is separate from the county's and in some ways is stricter in terms of requiring larger lots let's say. So the towns can do policies or ordinances or rules or anything like that that are different from the county's. There are things that only the county can enforce, this was a question that didn't come from this audience, it was in a lot of the comments from the survey, people have questioned it, animal control, leash laws or barking dogs. Well yes a town could initiate, they could start an animal control department, hire an animal control officer, we could do something outside of the county but we haven't chosen to do that. The county has an animal policy; it is not very effective, but that's a county thing. In the county the animal control officers from Union County will only enforce what the county has on their books. So I don't know if that answers the question, there is flexibility, we can adopt things that are stricter than the county but we don't always. I don't know if that answers that question".*
- Mayor Becker noted that the next question was about the county's 54" water main. *"That's so far out of the realm of what we are talking about here and the problem is the county, that's the way they operate. Your question, it wasn't really a question about your family property and concerns that will come up I think as we talk about how our ordinance works, but as for the county water line I will tell you anything I know about it whenever I can; I don't know much 'cause Union County Public Works is notorious for not always being easy to get an answer from as you probably know".*
- Mayor Becker explained that we had questions about item number six; does it or does it not address rundown buildings in general and not just burned buildings. That's something they are going to touch on in greater detail as this is being discussed, because Ms. Brooks, Mr. Ganus and Mayor Becker actually did start realizing there may be a problem. Mayor Becker explained as for "could the specific buildings downtown be burned" he knew sometimes they can and sometimes they can't, which is why he promised Chief Gaddy he was going to call on him and ask him if there was a reason why they can't if Mr. Rape was willing to. Are there problems with that location where it might not be a practical solution or was it something that could be considered? Chief Gaddy responded that all three of those houses and the store have asbestos siding on them and the only way they may be able to be burned is for the asbestos siding to be removed, which takes a special contractor and a special permit from EPA. Mayor Becker replied "okay that's important to know, also for demolition in general, it certainly answers the burning question". Mayor Becker noted those were the only questions they had and he thought at this time it gives the council..... Councilwoman Cureton asked Chief Gaddy if he was aware of the house they burned down in Waxhaw over the

weekend and if it had asbestos or anything. Chief Gaddy responded that you have to have an inspector come out and inspect the dwelling or house before we burn it and it has to have samples of everything that's in the house sent to the lab in Raleigh.

- Mayor Becker stated he thought it was time for the council to start looking at any of the input they've gotten. Mayor Becker asked Ms. Brooks if there was any concern with her and Mr. Ganus as he explained that he had promised he wasn't going to say a lot, but he drove around as he was driving home and also even hearing what he heard tonight and he thought item number six seems to be a big one, because what most people are saying is "we want downtown to be dealt with and we hate the mess downtown" and we have a couple of separate property owners with some downtown buildings (one is partially burned). Mayor Becker explained the way this is worded (and Mr. Ganus can clarify it in depth) other dilapidation could qualify for being in violation of that part of the ordinance, if a building is unsafe, if it's structurally unsound for other reasons, a tree has fallen on it, the roof is falling in, there are other problems and Mayor Becker was just going to throw this out there, just upfront, because that has raised some concerns in his mind in both directions. Does this ordinance for that particular structures issue do enough and does it do too much? Is it not clear enough? Is it maybe not the solution to the problem? The other issues are easy, the piles of trash, the junk, the weeds, but the structure is in a class by itself. Mayor Becker was thinking that we have some, they are not on historic registers, but they are historic. Antique barns for example, Mayor Becker thought a couple of them were structurally very unsound, he didn't think people were using them, but they are dangerous structures, but they are historic, that could fall under this nuisance and be forced to be torn down if somebody complained about it. Councilwoman Critz offered that it wouldn't necessarily, having a son who is a contractor who is currently remodeling a home built in the 1800's, that is by every standard structurally unsound, they can be repaired to the point... if it's considered historic or important like to this gentleman whose family passed it down, there are ways. Mayor Becker responded right, but his concern is that he thought they may have some intent/consequence that they may open themselves to. Mr. Ganus can't just say "well that one can be fixed and it's kind of pretty, so I am not going to enforce the unsafe aspect of it". Councilwoman Coffey responded she thought that takes on a personal connotation to one. Mayor Becker commented "he can't do that". Councilwoman Coffey responded he can't do that and number six is very clear, we have dealt with this, we have gone over this for months and it is quite clear, it says any building or other structure which has been burned, partially burned or otherwise partially destroyed and which is unsafe or hazardous to the safety of any person. That is very specific and very clear; it is a continuing fire hazard or which is structurally unsound to the extent that the code administrator or his designee can reasonably determine that there is a likelihood of personal or property injury to any person or property entering the premises. Councilwoman Coffey stated she thought that is very clear and we are covered and she believed that they need to really accept what they have and not second guess themselves or try to extend this further than they should. Mayor Becker responded that he thought it may go too far. Councilwoman Coffey responded she did not agree with him. Mayor Becker commented that he thought there may be 50 older buildings in this town that would run afoul of that if somebody didn't like it when they drove by it and Mr. Ganus would find that is was unsafe. Councilwoman

Coffey responded they should see if they could get it designated as historical status. Mayor Becker commented that was his concern, so it threw it out there and he promised he would not say much on that for now, but it was his concern. Councilwoman Critz asked Mr. Ganus to sort of clarify how subjective the standards he would go by were and commented he wouldn't just drive up to that home and say "well, it looks unsound, blah, blah, blah", there are standards, but could he explain that a little bit. Mr. Ganus responded first of all, the intent behind this particular wording is that it is extremely severe. For example, if there is a mobile home or a house where a tree has fallen through it and crushed it, it's unsafe and anybody that could pretty much look at it would say that it's too dangerous to go in there, then it will most likely fit this. That being said, a severely fire damaged house struck by lightning, tree, cars go through it, trucks, buses, whatever, to the point where it is ready to fall in on itself, that is what this talks about. Where you're talking about downtown buildings or family homes that are out somewhere they have been abandoned is a different category and to address those (he has not seen close up the particular structures they are talking about, but he has a general idea), would most likely, if you don't want to have a minimum housing code, which is what he was hearing, an abandoned structures ordinance would be dealing more specifically with those, because an abandoned structure isn't necessarily ready to fall in. It is one that has not been taken care of, is vacant usually for two or more years and is in disrepair, it may not be to the point of falling in and it does have the potential for being repaired or there is also the capability of boarding it up to stabilize it and boarding it up is intended to stabilize the structure. There is a specific way to do that so that it does stabilize it. Most likely you are talking about an abandoned structures ordinance for the downtown buildings, because they're not going to be (in most cases) to the degree that we are talking about here; this is something that is ready to fall down. Mr. Ganus explained he had been in buildings dealing with this, it can be a shed that is falling in, the roof has a hole in it and has now gotten real huge and the overall structural standard has gotten to the point where it is unsafe and it's ready to fall down and the kids get in there or homeless folks get in there or whatever gets in there, there is a potential for them to be injured or killed; that's where this is. Councilwoman Critz asked if Mr. Ganus would suggest inserting a word such as "or which is structurally unsound or severely structurally unsound", so that point could be emphasized. Mr. Ganus responded he didn't know that was really necessarily. Councilwoman Critz stated she was trying to reach a compromise here. Mr. Ganus responded when they are talking about a building that has been burned, burned partially or otherwise partially destroyed and which is unsightly or hazardous to the safety that is talking severe; "sometimes we get into nitpicking about a word". Mr. Ganus explained he has had people come in and say "open storage issue", what if we say a "concentrated open storage". What's concentrated to you versus your neighbor? What's severe? To Mr. Ganus severe (when it's in this context) is when it's getting ready to fall down or have the potential to fall down. Mayor Becker noted that he felt actually a little better that Mr. Ganus might not find every abandoned building to be... we could have 50 violations and end up having to abate them all and he didn't think the town had enough money to pay the contractors to demolish 50 structures in the town. Mr. Ganus commented he would tell you there is no way that this is going to apply to every abandoned or deteriorated or dilapidated structure. Mayor Becker commented that was a separate ordinance that people do have and they

are enforced. Mr. Ganus gave an example: in the communities where they have minimum housing code and they have this language in this nuisance ordinance it's two separate deals. There are times where they will go onto a property and look at a house and there is no way they can touch it with this, but it is in a condition where when all is said and done, the order will be that the owner has to repair or demolish it, but there is no way they could go directly to this. Mayor Becker commented that would be a minimum housing code issue, which we are not dealing with tonight. Mr. Ganus explained what he was trying to show them was the degree. Mayor Becker stated that actually makes him feel a little bit better.

- Attorney Griffin addressed the mayor and council explaining that it seemed to him the operative word here is "and". There is a two pronged approach; it's got to be partially burned or partially destroyed "and" which is unsightly or hazardous to the health of any person, is a continuing fire hazard or which is structurally unsound to the extent that, so the "and".... Mayor Becker commented the "and" is kind of like putting "severe" in there all by itself, because it's got to be this "and" this. Attorney Griffin responded it's got to be more than partially burning or partially destroyed. Mr. Ganus noted that he would go one step further, they get complaints sometimes about an old house that is just ugly or it's an eyesore; they can't just tear down and eyesore or because it is ugly, but when there's a hazard related to it then it opens the door for that possibility. Mayor Becker responded "and in other words to people who are concerned about certain ugly buildings, this ordinance may not be the last chapter of this story, there may be another procedure we're going to have to consider to do some additional improvement". Councilwoman Coffey noted she didn't think they would ever address "ugly". Mayor Becker responded "not ugly, but abandoned or you know, which is not covered by this, but we may have to do something additional to go that far".
- Councilwoman Neill asked for clarification on what was just said, because there may be a little confusion. Item number six was specifically addressed by the majority of the people who spoke tonight and this is a real concern and that is a concern of this council. Councilwoman Critz asked Councilwoman Neill "in relationship to?". Councilwoman Neill responded in relationship to the structures downtown. Does item number six apply or does it not apply? Councilwomen Critz and Krafft responded "he hasn't seen them". Mr. Ganus stated it's going to depend on the structure. If Mr. Ganus goes down there and there is a structure that is falling in on itself it is very possible it would apply to this, but if he goes down there and there is an old building that's been vacant for 10 years and it's structurally sound, it's just ugly and it's got some broken windows and stuff like that – no. Councilwoman Neill asked if it was uninhabitable. Mr. Ganus replied "no". Mayor Becker commented "that does not apply". Mr. Ganus responded this is where it is severely damaged, dangerous or it's in bad shape. Councilwoman Krafft stated she would think one of the structures would be for sure and maybe two of them, but one of them for sure; it's half burned down and there is no living there. Mayor Becker commented hopefully it's rare around the town that we have buildings that.... Mr. Ganus gave an example of seeing a fire damaged building from the intersection (going to the right), so he was not going to make a judgment call, but there is a potential there that it would fall under this, but he would have to look at the structure. Mr. Ganus was not going to tell them from three blocks down the road that "yeah, we can tear it down under this one".

- Councilwoman Critz commented *"I would just like to make different comment on a more upbeat level. Where the gentleman here made reference to being good neighbors. I didn't remember your name, I apologize".* (Mayor Becker commented it was Mr. Phil Leffew). *"In our community in Valley Farm and in many other communities around here I see that in practice all the time. I see a neighbor that has an injury or an illness or something and people come over to help. I appreciate you saying that because as far as I am concerned that's what makes Mineral Springs part of what makes this place a wonderful place to live. That already happens and it should be encouraged to happen more so I think too that the first thing that we do, any of us if we are riding down or riding through our communities and we see something untidy or undone or grass almost two feet tall that's not an agricultural use that maybe the best thing we can do is give that neighbor a call and say hey could you use some help, because I do appreciate that and I have been the recipient and I have been the giver and it is part of why I love this community and it should be emphasized above and beyond. This I hope and certainly is our intention is only applicable under the most severe situations where everyone has tried everything but being a good neighbor can't be emphasized enough so thank you for that".* Councilwoman Neill commented *"congratulations if you live, if you are a good neighbor and you live next door to a good neighbor but there are many in this community who do not. They don't have that they, you may not be able to relate to the terrible circumstances under which they are living because of their neighbor and this creates a lot of unnecessary stress and anxiety. They can't enjoy their property, they can't go outside, they can't enjoy their outdoors. They are afraid for their grandchildren or their children to play for the fear of the neighbors, you know with the high grass or junk with the snakes or rodents; I mean who wants to live like that. So there are people in this community who have complained and the conditions, you know it's a threat to public safety, they're hazardous, in the interest of public safety I think it is important to think about that and being a good neighbor, I applaud that and I applaud what you said and we are very fortunate that we have good neighbors but not everybody does".*
- Mayor Becker asked if there were any other comments. Councilman Countryman responded *"yes, I have been sitting here a long time waiting to say my piece. First of all, I think everybody in this room hopefully understands that based on all the comments there are some issues that need to be addressed one way or another. The reason for this ordinance is because until this ordinance is adopted this community has no legal means by which to address these problems that some of you have voiced an opinion on. So the ordinance really is an essential piece of the governance of this community. Now we are not intending for this ordinance as Councilwoman Critz mentioned early on in the conversation to create some kind of Gestapo society where you know people are going to get in trouble, but there are people in this community that need to clean up their act. You know when we began this discussion several months ago I sat here and said there are two kinds of people in this room. There's people that take care of their stuff and there's people that don't take care of their stuff and the people that take care of their stuff are going to love this ordinance and the people that don't won't because they're the people that are going to get in trouble because they're too lazy and too reckless to take care and act like an appropriate citizen. Having said that, the next issue I want to talk about and a misconception that seems to prevail is that we are not going to have an enforcement officer that rides up and down the road looking to tag*

somebody because he thinks they've got a problem. Ms. Brooks is not going to leave her desk and ride up and down the highway looking for issues to address. The only way that occurs is if a citizen makes a complaint, calls the office and a formal complaint is issued and then it's handled by the code enforcement individual. It's not our job to ride out there and point fingers at people. You know we hope you take care of your own and we hope everybody takes care of themselves and then all of this would be moot point; it would just be a document. But the reality is we need a means to take care of those very few people that don't take care of themselves. Everything in this document is necessary, it's been minimized, we've taken it to the smallest level to have the least amount of intrusion in anybody's life but the bottom line is there has to be a vehicle to deal with these very few problems and I sat here and listened to the comments and they are valid comments about the appearance of our community and none of us are happy, we haven't been happy for a long time but I do want to make a couple of points. First of all, those properties are private properties and until now and specific to item number six in this document we have not had any means as a legislative body to deal with those issues; that's private property. The other issue that I would like to deal with is I've heard comments about people that have lived here 30, 40, 50 years and wish it were the way it used to be. Well you know these people that have been here those 50 years that own these buildings, maybe you need to be talking to them and seeing what they are going to do about their buildings because they've been here a long time, you've been here a long time. Some of us, I have only been here 30 years and some of these people are not my close personal friends. I do know that changes need to be made and to that point I do think that there is an opportunity for all of us to be a little more interested in our community and provide a little more volunteerism to make it look the way we want it to make instead of being part of problem, be part of the solution. Now I can tell you and there's gentlemen, there's a couple of gentlemen in this room that will tell you that I ride around on a tractor and I do a lot of stuff that I don't get asked to do because I love riding my tractor and there's probably things that each of you like to do that would help the community and if there's an issue with a house or a home or a property that bugs you why don't you take it upon yourself to find out who owns it and find out if there's something you can do to help them. But this ordinance is not designed to hurt people, it is not designed to mess up your life, it's just designed to give us a means by which we can more effectively those very, very few people in this community that just don't want to help us all. So that's how I feel, thank you for listening".

- Mayor Becker asked if anybody else wanted to..... Councilman Countryman commented "any other questions that we didn't answer, because he had a couple. Councilwoman Cureton commented "I would like to say this and I hope I am not out of place. There were houses in my neighborhood that were really, really bad and I went to the owner to ask them to do something with it and they said if I didn't like do it myself. But I thank the Lord, somebody has bought one of them so I am not going to have to worry about that one. But the other one is still there and as far as cleaning up the place, Mayor Becker and I have did a lot of cleaning up, picking up trash and all that stuff, I mean it is a lot of work we could all do. I even helped cut the grass down 75; did I not; I sure did. So there is plenty of work we can do to make Mineral Springs look better".

- Councilman Countryman reiterated that there will not be somebody in this community riding around checking on people, pointing fingers, getting them in trouble unless the neighbor of a specific individual has made a comment [complaint] and wants some action taken. A complaint will be handled by the code enforcement officer. Councilwoman Neill commented “it is complaint-oriented and complaint-investigated”. Councilwoman Critz added she thought you should understand also there’s a “check and balance” here to protect it from being complaint-abusive. There are standards which the code enforcer will use, so if you have a neighbor that just wants to cause trouble they’re not going to.... They are going to run into a brick wall, because the enforcer is going to go out there with the code and the standards and he is going to say “I am sorry, this doesn’t apply” and it will go no farther, so it’s also protective in that sense to not being abused.
- Councilman Countryman stated there was another point too that was made and that’s when a complaint is issued and a code enforcement officer goes out and does actually determine that whatever it is, is in violation of this ordinance there is going to be a fair amount of time given to that individual/homeowner/property owner to rectify that situation; it definitely can be no less than 10 days and it may be much greater than 10 days, because it might be a bigger than 10 day problem. Secondly and very importantly, in defense of that individual, they have the right to appeal before anything has to be concluded, so there is a lot a fairness built into this ordinance to take care of literally both sides of the fence. Councilman Countryman encouraged the people to feel good about it, to support it, to understand it, to respect it, because they were going to pass it.
- Mayor Becker pointed out that he did have one procedural comment just so people understand about the code enforcement officer, which will likely by Mr. Ganus from his firm [N•Focus Planning & Design, LLC). The town is not enforcing this “in house”. Our zoning administrator, for example, is a salaried employee of the town, so it doesn’t matter how many zoning permits she issues, her salary is the same, but we are initially going to enter into an hourly agreement with N•Focus for enforcement, so tax dollars will be paying to investigate complaints. Frivolous complaints, if people make those will be wasting tax dollars, because we are paying for the complaints, if we approve the agreement, on a per complaint hourly basis. Our next fiscal year, depending on how the complaint flow goes, we may look at a different type of contract with N•Focus, but right now it’s going to be enforced in that manner, so tax dollars are being spent. “We urge people not to make frivolous complaints, because that’s costing money”, Mayor Becker stated. Mr. Ganus commented part of the reason for an hourly contract is because there may not initially be very many complaints and if there aren’t then there is no reason to have a continuing services contract where you are paying for time you don’t use and there is the possibility that you might get two or three complaints at the same time and then we’ll schedule to come out and look at them all at the same time, so that we are providing the best service at the best cost. Mayor Becker responded that was important too and he thought people know by now what our tax rate is (how low it is) and we really do try to stretch a tax dollar and not waste it on unnecessary service. Mayor Becker stated he did want to make that clear that initially it will be basically “the more complaints there are the more enforcement or investigation cost there will be”.
- **Councilwoman Coffey made a motion to adopt item number three on the agenda as it is written this evening (“I am so grateful to say”) and it is identified as an**

*ordinance enacting the regulation of public nuisance conditions, private property – O-2017-01 and **Councilwoman Critz** seconded. Councilwoman Critz stated that she appreciated everyone coming out tonight. Councilwoman Coffey stated they were grateful to them. The aforementioned motion by Councilwoman Coffey passed unanimously as follows:*

*Ayes: Coffey, Countryman, Critz, Cureton, Krafft and Neill*

*Nays: None*

- O-2017-01 is as follows:

STATE OF NORTH CAROLINA  
TOWN OF MINERAL SPRINGS

**AN ORDINANCE ENACTING THE REGULATION OF  
PUBLIC NUISANCE CONDITIONS, PRIVATE PROPERTY  
O-2017-01**

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

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

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

**WHEREAS**, the Town Council of the Town of Mineral Springs, after due notice, conducted a public hearing on the 9<sup>th</sup> day of March 2017, upon the question of enacting this ordinance in this respect.

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

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

**"PUBLIC NUISANCE CONDITIONS, PRIVATE PROPERTY**

**Section (A) Administration.**

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

**Section (B) Declaration of Public Nuisance**

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

1. Any accumulation of trash, garbage, food waste and other trash which is the result of the absence of, or overflowing of, or improperly closed trash or garbage containers, that attracts or is likely to attract mice & rats, flies & mosquitoes or other pests.
2. An open place, collection, storage place or concentration of combustible items such as mattresses, boxes, paper, automobile tires & tubes, garbage, trash, refuse, brush, old clothes, rags or any other combustible materials collection, which are threatening to cause a fire hazard.
3. Any weeds or other vegetation having an overall height of more than twenty-four (24) inches above the surrounding ground, provided that the following shall not be considered to be a part of this condition: trees and ornamental shrubs; cultured plants; natural vegetation on undeveloped property that is not a threat to the character of surrounding properties; and flowers and growing & producing vegetable plants, including hay production.
4. An open storage place for old worn out, broken or discarded machinery, car parts, junk, tire rims, furniture, stoves, refrigerators, appliances, cans & containers, household goods, plumbing or electrical fixtures, old rusty metal, fencing materials or other similar materials.

5. A collection place for lumber, bricks, blocks, nails, building hardware, roofing materials, scaffolding, masonry materials, electrical supplies or materials, plumbing supplies or materials, heating & air conditioning supplies or materials or any other type of old or unusable building supplies (especially those with nails, staples or sharp objects and edges) unless such conditions are temporary in nature and caused by a current construction project in progress pursuant to a lawfully issued building permit. Exception: In any case where the conditions identified in this subsection are located in the rear yard and entirely concealed from public view from a public street and/or abutting premises by an acceptable barrier such as a wall, a privacy fence, or vegetative barrier providing for complete concealment of the conditions and where such conditions do not cause further violation of any other subsection as described herein Section (B). Further, the storage of such materials, supplies, equipment, and similar items inside a completely enclosed building will not be considered in violation of this ordinance. The Code Administrator shall have the authority to determine whether such concealment is adequate as required by this provision.
6. Any building or other structure which has been burned, partially burned or otherwise partially destroyed and which is unsightly or hazardous to the safety of any person, is a continuing fire hazard or which is structurally unsound to the extent that the Code Administrator or his designee can reasonably determine that there is a likelihood of personal or property injury to any person or property entering the premises.
7. Nuisance vehicle: A vehicle on public or private property that is determined and declared to be a health or safety hazard, a public nuisance, and unlawful, including a vehicle found to be:
  - a) A breeding ground or harbor for mosquitoes, other insects, rats or other pests; or
  - b) A point of heavy growth of weeds or other noxious vegetation which exceeds twenty-four (24) inches in height; or
  - c) In a condition allowing the collection of pools or ponds of water; or
  - d) A concentration of quantities of gasoline, oil, or other flammable or explosive materials as evidenced by odor; or
  - e) An area of confinement which cannot be operated from the inside, such as, but not limited to, trunks or hoods; or
  - f) So situated or located that there is a danger of it falling or turning over; or
  - g) A collection of garbage, food waste, animal waste, or any other rotten or putrescent matter of any kind; or
  - h) One which has sharp parts thereof which are jagged or contain sharp edges of metal or glass; or
  - i) Any other vehicle specifically declared a health & safety hazard and a public nuisance by the Code Administrator.

#### **Section (C) Complaint; Investigation of Public Nuisance**

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

- (a) By delivery to any owner personally or by leaving the notice at the usual place of abode of the owner with a person who is over the age of sixteen (16) years and a member of the family of the owner.
- (b) By depositing the notice in the United States Post Office addressed to the owner at his last known address with regular mail postage prepaid thereon.
- (c) By posting and keeping posted, for ten (10) days, a copy of the notice, in placard form, in a conspicuous place on the premises on which the violation exists, when notice cannot be served by method (a) and (b).

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

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

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

#### **Section (E) Chronic Violator.**

The town may notify a chronic violator of the town's public nuisance ordinance that, if the violator's property is found to be in violation of this chapter, the town shall, without further notice in the calendar year in which notice is given, take action to remedy the violation. The expense of such action shall become a lien upon the property and shall be collected as unpaid taxes. The notice shall be sent by registered or certified mail. When service is attempted by registered or certified mail, a copy of the notice may also be sent by regular mail. Service shall be deemed sufficient if the registered or certified mail is unclaimed or refused, but the regular mail is not returned by the post office within 10 days after the mailing. If service by regular mail is used, a copy of the notice shall be posted in a conspicuous place on the premises affected. A chronic violator

is a person who owns property whereupon, in the previous calendar year, the town gave notice of violation at least three times under any provision of the public nuisance ordinance.

#### **Section (F) Abatement Procedure.**

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

#### **Section (G) General Penalties.**

1. An act constituting a violation of the provisions of this ordinance or a failure to comply with any of its requirements shall subject the offender to a civil penalty of \$50.00, which includes administrative fees. Each day any single violation continues shall be a separate violation. A violation of this ordinance shall not constitute a misdemeanor pursuant to N.C.G.S. 14-4. If the offender fails to correct this violation by the prescribed deadline after being notified of said violation, the penalty may be recovered in a civil action in the nature of a debt.

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

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

4. Upon determination of a violation of any section of this ordinance, the enforcement official of the Town of Mineral Springs shall cause a warning citation to be issued to the violator. Such warning citation shall be issued either in person or posted in the United States mail service by first class mail addressed to the last known address of the violator as contained in the records of the County. Such warning citation shall set out the nature of the violation, the section violated, the date of the violation, and shall contain an order to immediately cease the violation. If the violation is in the nature of an infraction for which an order of abatement would be appropriate in a civil proceeding, a reasonable period of time must be stated in which the violation must be abated. The warning citation shall specify that a second citation may incur a civil penalty, together with costs, and attorney fees.

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

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

#### **Section (H) Procedure Is Alternative**

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

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

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

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

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

Adopted this 9<sup>th</sup> day of March, 2017.

ATTEST:

Approved as to form:

Vicky Brooks, Town Clerk

Bobby H. Griffin, Town Attorney

- Mayor Becker explained there was one more item of business; they are also going to need to approve the contract with N•Focus for the hourly contract; we have budgeted money in this fiscal year.
- **Councilman Countryman** made a **motion** to approve the contract with N•Focus and **Councilwoman Coffey** seconded. The motion passed unanimously as follows:

Ayes: Coffey, Countryman, Critz, Cureton, Krafft and Neill

Nays: None

4. **Public Comments**

- Charles Bowden – Pleasant Grove Road.

5. **Consent Agenda**

- **Councilwoman Neill** made a **motion** to approve the consent agenda as presented containing the following:

A. February 9, 2017 Regular Meeting Minutes

B. January 2017 Tax Collector's Report

C. January 2017 Finance Report

**Councilwoman Cureton** seconded. The motion passed unanimously as follows:

Ayes: Coffey, Countryman, Critz, Cureton, Krafft and Neill

Nays: None

6. **Consideration of Appointing Planning Board Members**

- Ms. Brooks reminded the council that last month they voted to increase the planning board size to seven, which meant they needed two more and we had a planning board member who had to resign, so we are looking for three planning board members. There are three applications in the agenda packet. Since the agenda packet went out, Ms. Brooks received another one from Michael Rutland, which is in front of the council. Mr. Rutland has also applied to be on the board of adjustment; the council will discuss that next month. Ms. Brooks explained she also spoke with Sharon Carter that morning who asked that Ms. Brooks let the council know that she would like to put her hat in as a potential planning board member.
- Councilwoman Coffey stated she reviewed all of the applications and her recommendation (the applicants are equally qualified and have the best interest of the town at heart) was going to be since they are all equally qualified that the

council take them and place them on the board as they applied. Mayor Becker clarified there were five applicants and Councilwoman Coffey meant the initial ones. Councilwoman Coffey responded "we have the initial three that applied first, because they are equally qualified".

- Councilwoman Critz asked if the applicants were here tonight. Mayor Becker pointed each of the applicants out. Councilwoman Coffey commented since Mr. Rutland has interest in another board and the council is so grateful, it makes sense that he's in that corner for that board; we have three applicants for the planning board filled right here so eloquently. It is Councilwoman Coffey's recommendation that the council accept them, because they are equally qualified and they have the interest of the town at heart from their applications. Councilwoman Krafft commented that she has equally reviewed them and is so excited, because she is in charge of the planning board, so she is really, really excited. Councilwoman Krafft seconded that, because she has looked at them and is really excited about each and every one of them. Mayor Becker asked if those were official motions.
- **Councilwoman Coffey made a motion to appoint Richard Helms, Jim Muller and Barbara Ballew to the planning board members and Councilwoman Krafft seconded.** Councilwoman Critz exclaimed "wait, wait, wait". Mayor Becker clarified they actually had a motion by Councilwoman Coffey to take the first three applicants that applied, which were Mr. Helms, Mr. Muller and Ms. Ballew; that was the official motion and the second was by Councilwoman Krafft. The council can now have more discussion, because there are two others and there are other considerations. Councilwoman Critz explained initially she felt the same way as both Councilwoman Coffey and Councilwoman Krafft, not knowing that she was going to get here tonight and receive a fourth and then Ms. Carter offering a fifth and she was not sure that you hold this in a different context just because of when it arrives in the agenda packet. Councilwoman Critz stated that was her opinion and asked if it would be okay with the rest of the council if they invited these applicants up for just a little bit of Q and A just briefly, because she served on both the planning board and the board of adjustment and she would just say that a lot of the training came in handy from one to the other. There would be no reason that he [Mr. Rutland] couldn't serve concurrently and there may be a benefit to that. Mayor Becker responded the people have taken the time to come out and asked that they would want to stand up and introduce themselves.
- Mr. Richard Helms – *"I live right down the road here, you probably see my van out there all the time, red/blue van. Been here I guess since I was nine always look forward to make our community better; hope I'm part of making it better. If you all have any questions, I would be happy to try and answer them"*. Councilwoman Critz asked Mr. Helms what he did. Mr. Helms responded he does commercial heat and air, he has been doing that since he was about 15 actually; his stepdad drug him under the house for free and then he got a real job. Councilwoman Critz asked Mr. Helms if he had lived in the Mineral Springs area since he was nine or just in Union County. Mr. Helms responded he lived here when he was nine, moved away for about two years and then came back and actually came before the council to get approval to build his home here. Councilwoman Critz responded that she remembered that. Mayor Becker asked if that was his uncle or.... Mr. Helms responded that was his stepdad.
- Mr. Jim Muller – *"I live on Buckboard Lane just up the road. Relative newcomer to Mineral Springs. I have only been almost 20 years. I applied simply because I*

drive Providence Road every day. I have to leave my house between 4:30 a.m. and 5:00 a.m. in the morning so I'm not stuck in bumper to bumper traffic just trying to get to work. I read where they just recently approved 400 apartments directly across from Grey Byrum, mixed use with retail. Waxhaw has just approved 350 homes between Highway 200 and Providence Road South. I know the comment was made earlier that we don't want to be a Waxhaw and we certainly do not, I know that we need progress, I know that we need growth but it needs to be done intelligently and managed properly. I know there have been comments in the past from the council that things move slowly here and that's one of the things I love most about this town. Nothing is done in haste and I would just like to see that continue".

- Ms. Barbara Ballew - I live up here on Potter Road. I found that I've got a lot of extra free time and I decided that I want to do something with it. I used to work for Washington Homes when I lived in Maryland. I was in the land development and I feel that I could be a benefit to this, offer ideas, I am also in agreement, I do not want to see us become another Waxhaw. I think we are a great town and I love the smallness of it and I love the closeness and I just think it is an opportunity to help out, so I threw my hat in it. I am a hairdresser and the salon usually runs itself so I'm around home all the time now so why not. Any questions?"
- Mr. Michael Rutland – "I live on Raymond Austin and I've been here for about a year and a half or so. I am a senior solutions engineer for a company called SAP. If you are not aware of it, it's the largest software company in the world. Even though I work virtually, I'm at home quite a bit, I do a lot of traveling as well so that's all across the U.S. and every once and a while I try to weasel in an international deal if it's possible. One of the reasons I threw my name into the hat is that I lived in Northern Virginia about 20 years ago and I lived in a small town called Manassas, it was on the outskirts of Washington D.C. when I moved there. So you know the northern Virginia story and I remember when I-66 was a two lane road. They had a little shack there somewhere and as the years progressed it grew and grew and grew and what they would do is come in and strip out all of the trees and there was nothing but house on house on house and I found myself yelling and screaming at people who would have accidents in the morning driving into Washington D.C. and say you know what the traffic is and you see this all the time and I said that's when it was time to leave so I left there. I moved to North Carolina about 18 years ago and the same thing sort of happened there. I lived on the west side of Charlotte, way down Tryon, it was on the outskirts, they had a blinking light that started blinking at about nine o'clock at night because nobody was around and fast forward 10/15 years, there is traffic on ..... and again the community changed and then when I drove into Mineral Springs when we were looking for something to get away from the craziness, I fell in love, I mean I fell in love with the community. This is my dream area, some place that I always wanted to live. I like the farming, everyone talks polite but I think the downtown area has a lot of character. I know some things need to be improved and that's understandable but you know I am not going to give you anything different in terms of feeling for the community; I love the community too. I think we all would be a good choice, but you know what I did not do in those other situations, was throw my hat into an arena and try to do something and try and make change for the better. So I am here offering my professional services, whatever I can do that's what I would like to do". Councilwoman Critz commented that circumstances/life

happens and vacancies will come and asked Mr. Rutland if he would be interested in working with the board of adjustment to get his feet wet with the possibility of another appointment coming available in the future or did he have both that he wanted to tandem. Mr. Rutland responded his goal would be to serve, so it would be an honor to serve in whatever capacity he could.

- Ms. Sharon Carter - *"the reason I wanted to come up here was I saw someone in the back. The reason we are all here is because of Bill Howie and I want him to stand up and Mayor Becker you know it is true. Stand up Mr. Howie, without him we would not even have been incorporated, we would not have Mayor Becker for mayor and all this council and I think (stand up) we should give him a hand. My name is Sharon Carter, I'm sorry I have a throat thing, but you'll just have to put up with it. I am a Chaplin, I teach women at the jail, I taught them life skills for 10 years, I retired from that, it was a full time job, last June and now I teach them Bible on Sundays and I follow them when they get out of jail and take them to lunch, help them to find clothes, groceries, just whatever I can do. Recently started going to the nursing homes and I am really enjoying that. I'm afraid one day I will be in there and I want somebody to be good to me so that's why I am going, but I have three daughters, my family has been here since 1955 I believe. Now I have only been here 30 something years but my family was here that long. Still live in the family place up on 75 and I want to say and I hope I am not speaking out of turn but Hal and Darlene Rape are friends of mine, I love them very much, but I also love my community and I just think it's time that we/you took some steps and that was why I said what I did. Not out of any animosity or anything and you all know that it's just, it's ugly and".* Councilwoman Neill agreed. Ms. Carter – *"and we just, we want our town to be something we can be proud of don't we..... and, so that's all, I am very boring. I wrote a book, read my book. That's all I can think of".* Mayor Becker thanked Ms. Carter and thanked her for recognizing Mr. Howie.
- Councilwoman Neill commented she wanted to make sure every applicant can attend the training (it is very important) and are available one Monday night a month. Councilwoman Critz stated that she was going to step back since she sort of asked for this and say that she is excited; Ms. Carter has served faithfully on the planning board and the board of adjustment. Councilwoman Critz is excited to see the new people and she thought Ms. Carter would agree that getting more people involved is a great thing, so she is going to back up and agree with Councilwomen Coffey and Krafft and hope that Mr. Rutland will show interest in the board of adjustment. Councilwoman Critz explained that it was a little more boring than the planning board, but things happen and these planning board things rotate; she can promise more things will come around and she is just so excited that we have more people interested than we have opportunity. Councilwoman Critz reiterated that it really does thrill her and so she was going to take a step back and agree with the "gals" on this and support them in their motion. It was important to have heard from everyone. Mayor Becker stated they do have that motion and the second, which is the three that were named, but he would just like to suggest before the vote (if they vote on that motion and pass it) to remind people all meetings are open, including the planning board, but he would recommend that somebody who is interested, Ms. Carter is an old hand, but Mr. Rutland, if the motion passes and it is the other three and not him, Mayor Becker would recommend and he thought Councilwoman Krafft would concur, come to the planning board meetings for a few months and see what they are doing and get your feet wet that way. Anybody can

come anyway, but somebody who is really interested would be a really good opportunity to be ready and knowing that Mr. Rutland is a prospective applicant, Mayor Becker thought the planning board would be very welcoming also. Mayor Becker stated that was his little recommendation out there. If this motion passes and Mr. Rutland is not on the planning and Ms. Carter is not on the planning board, Mayor Becker wanted to make sure that prospective board members understood that the more time they spend in that environment the better it is for them and for the board itself. Councilwoman Krafft stated they were going to be doing training at least for the first meeting and probably the second meeting too just to start getting through the ordinance book. A lot of people don't realize just how involved planning board can get and it's really good nighttime reading and it is a difficult task. Unless you have a situation in front of you it's very dry reading, because it is very hard to imagine what you are trying to look at and how it actually fits, but it is a living document and it's something that we work on continuously. Councilwoman Krafft is so excited about people getting involved and more people are getting involved, because it is a difficult task (it really is) to make sure that we are being fair and we're also looking at all the different scenarios that could happen, are happening, might happen in five years, might happen in ten years and so Councilwoman Krafft just can't say how excited she is.

- Mayor Becker asked the council if they wanted to vote on that motion as it stands and see how that goes. Mayor Becker reminded the council that they have the motion for the three that were named and called for a vote.
- *The aforementioned motion by Councilwoman Coffey to appoint Richard Helms, Jim Muller and Barbara Ballew, which was seconded by Councilwoman Krafft passed unanimously as follows:*

*Ayes: Coffey, Countryman, Critz, Cureton, Krafft and Neill*  
*Nays: None*

- Ms. Brooks explained that one of those new members will replace the member that just resigned and her position was up in January of 2019. Ms. Brooks thought they usually appoint for three years at a time, so April 2020 would be for the two new positions. It is up to the council to pick who the member is that falls into the term expiration of January 2019. Councilwoman Krafft suggested assigning the first applicant to that position. Mayor Becker stated "it's Mr. Helms then".
- **Councilwoman Krafft made a motion that Richard Helms replace Ms. Sherrin with the term expiring January 2019 and Councilwoman Critz seconded. The motion passed unanimously as follows:**

*Ayes: Coffey, Countryman, Critz, Cureton, Krafft and Neill*  
*Nays: None*

- Mayor Becker noted that the other ones are just automatically April 2020, because it's a three year term; that doesn't need to be voted on.
- Mayor Becker asked if there was anything to do with the board of adjustment or was that happening another time. Ms. Brooks responded that it wasn't on the agenda, so she would be putting it on the agenda for next month.
- Councilwoman Critz asked if Ms. Brooks was going to organize some updated training for everyone and if so if those dates were available. Ms. Brooks

responded yes they were and it would start on meeting night, which is March 27<sup>th</sup> at 7:00 p.m.

7. **Presentation by Artists Music Guild**

- David L. Cook was not present.

8. **Consideration of Purchasing a Steeplechase Advertisement**

- Mayor Becker explained that the Steeplechase ad was \$300 for a one page ad, which we always run. Mayor Becker did go out and take a picture of our new sign with our greater vegetation and patched it into the existing ad; it looks really nice.
- **Councilwoman Neill** made a **motion** to approve that ad purchase and **Councilwoman Krafft** seconded. The motion passed unanimously as follows:

Ayes: Coffey, Countryman, Critz, Cureton, Krafft and Neill

Nays: None

9. **Consideration of Approval for Taylor and Sons to Add Pine Straw to the Downtown Park**

- Mayor Becker explained we were trying to get our spring straw and we did talk to Derrick of Taylor and Sons who is very concerned since it's a new project for him; he thinks he can do it with 100 bales, but he wasn't sure that it would be 120 or maybe it would be 90. It will be \$6.25 a bale for the straw, spreading and the edging; it is turnkey. Taylor and Sons does our landscaping, so Mayor Becker told him we would try and approve it if the council liked the per bale rate. Maybe the council could approve a dollar amount up to \$750, which would give him up to 120 for some flexibility.
- **Councilwoman Krafft** made a **motion** to approve \$6.25 a bale up to 120 bales and **Councilwoman Critz** seconded. The motion passed unanimously as follows:

Ayes: Coffey, Countryman, Critz, Cureton, Krafft and Neill

Nays: None

10. **Consideration of the Deer Urban Archery Season Renewal**

- Councilman Countryman explained each year (because he is an outdoorsman) he has convinced this community that we need what is referred to by the State of North Carolina the Urban Archery Season; this is designed to help manage the deer population. The fact that it is growing exponentially with the urban sprawl that's taking place and taking land that was once hunted by hunters out of the market, so to speak, as long as the white tailed deer has food, cover and water they are going to be happy, they are going to exist and they are going to proliferate and they oftentimes end up on the fronts of cars when they shouldn't. Effective game management is important to maintain what is referred to as a "buck to doe" ratio, where bucks and does live in happy concert. Right now the bucks are outnumbered by does about twenty to one; that's really a very unhealthy situation for the bucks. The Urban Archery Season is a two-week season that runs mid-January to mid-February after the normal hunting season is closed. The Urban Archery Season is archery-only and it's a good opportunity for archers to get out and harvest specifically some of the doe population to better balance what's occurring in nature.

- **Councilman Countryman** made a **motion** that we once again request the Urban Archery Season in Mineral Springs and **Councilwoman Coffey** seconded. Councilwoman Critz explained that she would just like to say real briefly to people out there that don't know Councilman Countryman and a lot of the other hunters take excess meat that they obtain through this and donate it to the homeless shelter for meals that are prepared; there's just a lot of good things to do here. Councilman Countryman asked Mr. Howie how much venison had been donated to his facilities. Mr. Howie responded "oh yeah". Councilwoman Critz commented it was a "win-win". Mayor Becker commented it was basically just an extension of the hunting season; very specific. Councilman Countryman responded "but with archery equipment only". *The aforementioned motion by Councilman Countryman seconded by Councilwoman Coffey was passed unanimously as follows:*

Ayes: Coffey, Countryman, Critz, Cureton, Krafft and Neill

Nays: None

#### 11. **Staff Reports**

- There were no staff updates.

#### 12. **Other Business**

- Mayor Becker pointed out he had placed an announcement from Ms. Reese, the music teacher at Western Union in front of the council; an invitation for next Thursday and Friday at 6:00 p.m. for a 45 minute musical at Western Union. Ms. Reese invited the council to support those kids in our school.
- Councilwoman Neill recognized Councilwoman Lundeen Cureton. There is a copy of a page in the Enquirer-Journal where Councilwoman Cureton was honored. Councilwoman Neill read the article: "In honor of Black History month, the Enquirer Journal salutes Lundeen Cureton who became the first black council member in the Town of Mineral Springs in 1999 and has been reelected four times; she is now 83 years old and going strong. She recently conducted a fundraising effort that provided \$1,200 to the Parkwood High School Band". Councilwoman Neill stated she felt like everyone here needed to know this; we are very proud of Councilwoman Cureton.
- Councilwoman Critz stated that our banners have gotten "undiscussed" and she just wanted to say that she liked the new banner design, but she has been to the new banner location many times now and as recently as this past weekend; it's closed due to a zoning issue. Councilwoman Critz explained when she first started going there was just no one there and no sign, now there is a sign and both of the things that were located there are no longer located there, so she thought there is some definite issue of instability here. Councilwoman Critz requested that the banners be put back on the agenda to see if they can move forward with the other suggestion. Councilwoman Neill commented they were getting pretty "old of tooth". Councilwoman Critz explained she just wanted the council to know that she had made many efforts to interact with those people and check it out, but you can't find them. Councilwoman Krafft responded that was funny, she talked to her last week. Councilwoman Coffey commented they haven't been there for a while. Councilwoman Critz asked Councilwoman Krafft if they were in that location and if she talked to her. Councilwoman Krafft responded no, I didn't talk to her. Councilwoman Critz commented that you can't get them at that location and she

had seen nothing to tell you anything of why until this past weekend; there is like a sign now there saying about the zoning problem. Councilwoman Critz stated she just wanted the council to know that. Ms. Brooks commented that it was going back on the agenda next month. The Steeplechase banners are getting ready to go up, so what we have out there is about to go down and then the council would approve new ones before they needed to go back up.

13. **Adjournment**

- **Councilwoman Coffey** made a **motion** to adjourn and **Councilman Countryman** seconded. *The motion passed unanimously as follows:*

*Ayes: Coffey, Countryman, Critz, Cureton, Krafft and Neill*

*Nays: None*

- The meeting was adjourned at 9:39 p.m.
- The next regular meeting will be on Thursday, April 13, 2017 at 7:30 p.m. at the Mineral Springs Town Hall.

Respectfully submitted by:

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Vicky A. Brooks, CMC, NCCMC, Town Clerk

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Frederick Becker III, Mayor