

Town of Mineral Springs  
Town Hall  
3506 S. Potter Road  
Town Council  
Public Hearing / Regular Meeting  
August 13, 2015 ~ 7:30 PM

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Minutes

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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, August 13, 2015.

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

**Absent:** Mayor Pro Tem Janet Critz and Councilwoman Melody LaMonica.

**Visitors:** Dan Blackman, EJ Lurix and Jarrett Smith.

With a quorum present Mayor Frederick Becker called the Regular Town Council Meeting of August 13, 2015 to order at 7:31 p.m.

**1. Opening**

- Councilwoman Critz delivered the invocation.
- Pledge of Allegiance.
- Mayor Becker acknowledged the visitors from Mineral Springs Troop 18.

**2. Public Hearing – Smith Rezoning Request**

- Mayor Becker explained that this was a Public Hearing on a rezoning request by Carolyn Smith. Mayor Becker opened the Public Hearing on the Smith Rezoning Request at 7:33 p.m. Mayor Becker explained that Planning Director Vicky Brooks will give a staff report and brief description and then we will move into the Public Hearing where we have a sign-up sheet for people to sign-up to speak for or against this particular proposal, which has been posted. Mayor Becker requested that when people speak at the Public Hearing that they speak to the council, the council is not permitted to answer questions and that we would ask that the Public Hearing participants not ask questions of the applicant, staff or town council, but to please express their opinions on the proposal that's before us.
- Ms. Brooks explained that Ms. Carolyn Smith has requested a rezoning of her property, which is located at 4512 Pleasant Grove Road on Tax Parcel #06-036-014. The property is currently zoned Rural Residential (otherwise known as RR) and this allows for one principal structure on 60,000 square feet. Ms. Smith is requesting that it be rezoned to into a split parcel with a portion of it remaining RR and the other portion would be R20, which is 20,000 square feet per principal structure. It is Ms. Smith's hope to subdivide this piece of property after it gets

rezoned, so that she can have two lots. Mayor Becker asked if Ms. Brooks needed to present any of the planning board findings or the advertisement at this time or if that would get deferred to our deliberation phase. Ms. Brooks replied that the Public Hearing has been legally advertised, the notice has been on our bulletin board, the sign has been posted at the property, the ad was in the Enquirer-Journal as required and a notice has gone out to all of the adjoining property owners. Ms. Brooks noted that the council was presented with a certification that the letters have been mailed. Ms. Brooks explained that the planning board has recommended denying the rezoning, citing that it was not consistent with our Land Use Plan and they also contended that the community as a whole could be greatly impacted. Ms. Brooks further explained that at one point the planning board was looking at this rezoning as a possible spot zoning situation; however, Ms. Brooks provided the planning board with added documentation and they were satisfied that it was not spot zoning, but they were still not recommending approval of it to the town council.

- Mayor Becker referred to the map that was available in the council chambers for visitors to view and pointed out the inverted triangle with the point down (outlined in red), which is the portion of the property that the applicant is asking to be rezoned to the R20; it would be about a .65 acre piece. Mayor Becker commented that it was unusual to have split zoned parcels, but not in any way disallowed; we have a couple of them. Ms. Brooks noted that she had come up with those figures; they weren't provided to her by the applicant, so she estimated the split parcel.
- Mr. EJ Lurix – 4505 Pleasant Grove Road. *“In case you didn't know, I'm the ----- brick house across from the corner at Pleasant Grove Road and Potter Road. I just wanted to speak out against the rezoning, because I know they've talked about it is going to be two parcel lots, but one is a lot and one is going to have a home on it and it's just going to be another abandoned home ----- I think it would be an eyesore. That's pretty much all I had, I mean it's just. If you going to sell, at least sell the whole thing, so if somebody buys it they can tear it down or they can fix it up, but to cut it the way they want to cut it, sounds like you are taking all the good and putting it here and leaving all the bad right here. That's all I have to say on that one”.*
- Mr. Jarrett Smith – 4518 Pleasant Grove Road. *“And I stand opposed to the rezoning of this property for a few reasons. First of all if this property is rezoned there is no guarantee that the existing house will be made repairable and livable. Will anyone want to buy or build right next to the vacant house and if so will this have a negative effect on what type of house would go in that place. Also, I'm very concerned about the runoff water and the septic for what new house would be going in there. Currently much of the water from this V-shaped property runs right down across my property, the land between Pleasant Grove Road and Potter Road is all sloped downward into a V, which channels the water down and it really has nowhere to go, it's below the grade of the road and below the grade of drainage ditches and the water has nowhere to go, it runs across the back of my property onto Bill Jackson's property and Fernando Reyes property and creates a swampy area during the fall, winter and spring months, it's continually swampy and wet in that area. I just don't know if this property can support another house as far as water is concerned. Next, the statement as been made that this property is separated by only a road to the other R20 properties, let me remind you that you*

cannot really see the neighborhood that is R20 from our side of the road at all, it's nicely hidden by trees and bushes, there's no visible view of it. One more concern I have is there is some sort of a gas system that's been buried underneath the ground, I don't know if y'all are aware of it or not, but I watched it go in about three years ago and it's clearly pretty deep into the property. I've tried to contact Piedmont Natural Gas and the City of Monroe, but they couldn't come up with an answer of what it was fast enough. I started contacting them on Monday, but uh, the concerns were you know if or even if a house could be placed in there, where would it be placed around that gas system that's in there, it may crowd my house, my house is 30 feet from the property line, my house is off centered toward this property and it's only 30 feet off the property line. So in conclusion, my wife and I we moved here because of the rural setting, we didn't want to live in a neighborhood, if rezoning starts to take place in this area we may lose what it is that we love about our home. Thank you for allowing me to express my concerns and considering them. I would like to remind the town council to keep in mind the Land Use Plan and ask that you would remain true to the guidelines therein. Thank you very much".

- Mayor Becker noted that the applicant was not here and asked if there was anyone here to represent the applicant. Mayor Becker explained that the applicant is not required to speak at the Public Hearing.
- Mayor Becker closed the Public Hearing on the Smith Rezoning at 7:43 p.m.

### 3. **Public Comments**

- There were no public comments.

### 4. **Consent Agenda**

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

- A. July 9, 2015 Regular Meeting Minutes
- B. June 2015 Tax Collector's Report
- C. June 2015 Finance Report

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

Ayes: Coffey, Countryman, Cureton and Neill  
Nays: None

- Mayor Becker notified the clerk and the council that both Councilwoman Critz and Councilwoman LaMonica had notified us in advance of their absence, so they are excused and we will be voting with the members that are present.

### 5. **Consideration of the Rezoning Request Submitted by Carolyn S Smith on Tax Parcel #06-036-014**

- Mayor Becker explained that this gives the council an opportunity to ask the planning director any questions that we may have, any further clarifications that the board may want to think about before moving forward with the decision. Mayor

Becker opened the floor to the council to begin deliberating the rezoning request on parcel #06-036-014. Councilwoman Coffey stated that she did not have any questions or comments; it's very clear in our presentation from our planning director and she went through and read it and referred to the Land Use Plan. Councilwoman Neill commented that it was unfortunate that Mrs. Smith was not here to speak as she did have some questions and concerns. Mrs. Smith had said in her presentation to the planning board that the house that is on the property needs repairs and upgrading and the lot needs to be kept mowed. What Mrs. Smith wants to do is to take what is currently an eyesore and change it into something beautiful; Mrs. Smith can't do that unless she can split and sell the extra property to give her the income to improve the house, otherwise she doesn't have funds to do it. Councilwoman Neill stated that her question would be why she is seeking the rezoning, is this the reason that she gave for the rezoning? Councilwoman Coffey commented that that is not something that we can consider; it's a moot point. Mayor Becker reminded the council that when we are looking at these decisions, we can't look at what... this is a legislative zoning decision, it's not a conditional decision and the board must look at a rezoning to R20 and what the Table of Uses says can happen in R20, she is not required to maintain the property in any certain way, not required to leave the house there, not required to tear it down, it just means that that portion of the lot would be permitted to have any R20 use, which is mostly residential on lots of 20,000 square feet or less. Any use that could happen there is what the board has to visualize, they can't look at any representations. With these rezonings, this is not one of those conditional rezonings or a conditional use permit. Councilwoman Neill stated that she did have concerns; she thought that this sets a bad precedent. That means that everybody who is contiguous to this property would have the right to rezone and that blows our Land Use Plan right out of the water. Councilwoman Neill believes we should stay with our plan, it's our guide and we should follow that. If we make a change to this and rezone this then "the horse is out of the barn and running down the road". Councilwoman Neill did not think rezoning this property was for the public good or in the public interest. Councilwoman Neill recommended following the planning board's recommendation in denying the rezoning request; it is not consistent with our Land Use Plan and Councilwoman Neill believed the community could be impacted in a negative way. This would set the wheels in motion and where would it stop once it starts? Councilman Countryman agreed with Councilwoman Neill from a precedent setting standpoint, but he thought it was reasonable to say that there are a couple of neighbors who have made a point to be here and be in opposition, because they see (as wise neighbors) the negativity of this potential change and he finds it a little bit unusual that the person that petitioned this board to make this change isn't here to defend her proposal. Councilman Countryman stated that from that standpoint alone he had a problem doing this and as it's been voiced by the individuals that spoke he would have to believe that it would devalue the property, not only in creating a problem potentially for the property's neighbors, but it seems more logical to him that this property would have a greater value to somebody as a potential buyer on the size that it currently is versus the size that it could become through this rezoning effort. To Councilman Countryman if this individual wants to develop this property and make it a property of beauty and an asset to the community there's probably alternative ways to generate financing that

could cause that to occur rather than to diminishing the value of the property. Councilman Countryman stated that he was not in favor of it either.

- Mayor Becker explained that if the council has concluded this thought process that the first thing that has to happen is this statement of consistency and reasonableness (shown in a packet of information distributed at the meeting). Mayor Becker reminded the board that they must adopt the statement of consistency and reasonableness, but it is not required that it be consistent with the Land Use Plan in order for this board to approve it; however, if this board were to approve it having found that it was inconsistent, the board would then have to find some reasonable or public interest reason for making that decision. What Clerk Brooks has done is left the reasonableness portion blank in case this board decided they wanted to approve this. Mayor Becker asked Ms. Brooks if the board decided not to approve it does that mean that the request was not consistent and therefore that denial would be consistent and reasonable? Ms. Brooks responded that she would just say that it is not reasonable because it is inconsistent. Mayor Becker asked if they chose to deny the rezoning petition then that would be the statement that supported that. Ms. Brooks responded “right”. Mayor Becker explained that it was clear that it was not consistent with the Land Use Plan and asked if the council found that it is reasonable or in the public interest in any manner. Councilwoman Coffey stated that it was clearly not consistent and reasonable, we have found that to be the case; therefore, Councilwoman Coffey was voting that we deny P-15-01 – Rezoning request in light of the fact that it does not meet our Land Use Plan. Mayor Becker commented that staff would fill this out [the reasonableness section of the statement] and the recommendation of denial of the rezoning is in keeping with that finding on the statement.
- **Councilwoman Coffey made a motion to that it is not consistent or reasonable as per the Statement of Consistency and Reasonableness and the recommendation is to deny the petition as submitted and Councilwoman Neill seconded. The motion passed unanimously as follows:**

*Ayes: Coffey, Countryman, Cureton and Neill*

*Nays: None*

## 6. 2015 Property Tax Order of Collection

- Mayor Becker explained that at the last minute he got notification from the tax collector that nobody from the tax office in Union County would be available; Tax Collector Vann Harrell is sick, Tax Administrator John Petoskey is out of town and Robin Merry has another conflict. The cover letter, the settlement for 2014/2015 and the settlement for the consolidated 2012/2013 (back taxes) are in the agenda packet. Mayor Becker pointed out the accrued cash flow report (including receivables/payables year to date) in the finance report does match the numbers collected as shown on the 2<sup>nd</sup> and 3<sup>rd</sup> page of the settlement. We find that we deposited \$63,371.09 of the Union County Tax Collector and the interest of \$132.01 was deposited; those figures are reflected in the finance report. The same goes with the prior years, it all balances to the penny. Mayor Becker stated that he was satisfied as finance officer with the county tax collector’s settlement and suggested that the council approve the settlement and issue the Order of Collection and the tax charge of \$59,073.25.

- **Councilman Countryman** made a **motion** to accept the accounting from Union County on the 2012 through 2015 tax collections and that we charge our tax collector with this figure of \$59,073.25 for tax year 2015/2016 and **Councilwoman Coffey** seconded. The motion passed unanimously as follows:

*Ayes: Coffey, Countryman, Cureton and Neill*

*Nays: None*

- Mayor Becker explained that the tax levy is a few dollars lower. It was about \$63,000 last year, because of the property valuation decreasing in most cases; this board elected not increase the tax rate, it is still 0.25. Many people's tax payment went down for Mineral Springs (fractionally). Our taxes are low enough that you may not notice the difference, but that's why the tax levy for this upcoming year is \$59,000 as opposed to the \$63,000 (roughly) it was last year.

#### 7. **Prior Years' Tax Settlement and Write-Offs**

- Mayor Becker explained that the council didn't need to do anything but approve these settlements that Janet has put together. Ms. Ridings has collected a total of \$1,840.17 from 2004 through 2011 leaving a total balance for all of those years of \$1,677.93 plus interest. Mayor Becker noted that that balanced to the penny with the deposits that appear on the finance reports.
- **Councilwoman Coffey** made a **motion** to approve the tax settlement statement as presented by Ms. Ridings and **Councilwoman Neill** seconded. The motion passed unanimously as follows:

*Ayes: Coffey, Countryman, Cureton and Neill*

*Nays: None*

- Mayor Becker explained that the council is not required (from what Vann Harrell told us) to vote on these write-offs, they just need to be notified. By law the 10<sup>th</sup> year prior rolls off the bottom of the delinquent tax and you can't go after them anymore; we did this last year. You will notice that there was only \$73.80 left for 2004 to be collected. A garnishment that had been put into place before the end of the fiscal year came through for the grand sum of \$13.58 leaving us with only a write-off of \$59.50. Councilwomen Coffey and Neill commented that Ms. Ridings has been doing a great job.

#### 8. **Consideration of Approving the Proposal for Schematic Design Service with Stewart, Inc. for the Greenway Parking Area and Trail Accessibility**

- Ms. Brooks noted that after three or four attempts they [Dan Blackman and Ms. Brooks] finally got the front page correct and that it was now stapled to the packet that the council has. Ms. Brooks pointed out that the packet she had delivered this afternoon was double-sided, but when she corrected it [the front page], it was only one page. Mayor Becker commented that that people from Mecklenburg County tend to have trouble with the foibles of the old Union County tax parcel ID system and he thought it was daunting to those of us not in Union County; the tax numbers are now correct. Mayor Becker noted that page one is correct and the one behind it is one of the erroneous ones; the front one is the final correction with all the

dashes in the right place and all the zeroes in the right place. Ms. Brooks explained that the changes from the version in the council's agenda packet and the final version that they now have is that the parcel number 06-060-001 was corrected; formerly the last two digits were "61". Parcels 06-057-211 and 06-057-003E were added. Mayor Becker noted that 001 is the long skinny piece along the creek by the Harrington Hall parking lot area, the 062 is the lot that we bought last June adjoining the parking area, the 003E is the 12 acre tract abutting Crofton Drive in Copper Run, which was purchased with the Clean Water Management Trust Fund Grant money and the 211 is the 30-some-odd acres along the creek behind the Copper Run Subdivision. Mayor Becker added that our greenway does touch on all of these parcels, so Mr. Blackman has included those by reference into this proposal, so that we are clear on where the schematic work would be taking place.

- Mr. Dan Blackman of Stewart, Inc. explained that the idea here is to not get far enough along into construction documents before we know "which cat we are trying to skin" to use a pun. The idea is to go through schematic drawings to try and develop a very quick plan to bring to the council first to say "this is what we propose to do to become compliant with the ADA requirements". Then we would take that plan (with council approval) and go to Union County to make sure they are in agreement and then at the end of it we will develop and take all the input at that point; revising the plan as needed. Then it will be brought back to the council with a cost estimate to see what the council would like to do after that. Mr. Blackman commented that these won't be construction level drawings (we aren't there yet), because we don't know what it is we have to construct although we have an idea, but we don't know the full extent. This proposal is to help to develop that schematic plan, so that we can plan it out and the council can make wise decisions going forward with construction. Mayor Becker stated that seems to be a very quick explanation and we have the proposal, which is \$4,375 plus the \$250 in expenses (not to exceed); the scope of what would be produced by this process in preparation for the next step with Union County and probably the State Department of Insurance. Mr. Blackman responded that he thought it would only be at the county level; if the county decides to move it forward as a requirement to respond back to the compliant, then that would be their prerogative.
- **Councilwoman Coffey made a motion to approve item #8 on the agenda which is Consideration of the Schematic Design and greenway parking area trail accessibility that Stewart will be doing for us and seconded by Councilman Countryman. The motion passed unanimously as follows:**

*Ayes: Coffey, Countryman, Cureton and Neill*

*Nays: None*

#### **9. Consideration of Approving the Construction Drawings for the Downtown Park**

- Mr. Blackman gave a background from where they left last time, what had happened since and where they are today with the construction plans. At the last meeting on May 14, 2015, we talked about making sure that the drinking fountain was placed on a concrete base; the board decided that we would look at more standard playground materials rather than artificial materials or construction materials brought in and utilized as play equipment; we wanted to have a solid

surface underneath the adult exercise equipment, so we have added granite fines; a hand wash station was added to make sure that we were sanitary and boulders were still considered on the property in the plan.

- On June 21<sup>st</sup>, Mayor Becker, Mr. Blackman and one other colleague met with the Disability Rights and Resources (DRR) to share with them our plans to make sure that we were in compliance with ADA guidelines and requirements and that they were satisfied that we had done what we needed to do. One of the primary questions for us was accessibility into the park. Mr. Blackman reminded the council of the previous plans where one of the parking spaces adjacent to the park was going to be restriped as an access isle and then the parking space next to it would be allocated for accessible parking; what they would do is take away the curb and put in a new curb with a truncated dome wheelchair access ramp. As it turns out the slope of that existing side of the parking lot is too steep to meet the [ADA] requirements (only by 2% perhaps or 1 ½%, too steep though), so the solution was to go back and utilize the accessible parking that is already in place, because it meets all the requirements. The number of accessible parking spaces that we are required are based on the number of overall parking spaces that we have allocated and the solution is to utilize the parking space that is now currently in use and then create a trail that would take you over to the park. We meet the minimum/maximum distance requirements by not going beyond 200 feet (it has to be in close proximity), but we do have to make an accessible route to the park. We have chosen (knowing that it will be a temporary trail, because there are potential plans for future expansion and improvement on the property) to make it a granite fines, which is a hard stable surface. It doesn't have to be paved and then ripped up later; it is a more cost effective method to make it accessible. This was discussed with DRR. Granite fines are very small crushed rock. Mr. Blackman explained that they have added the gravel trail and removed the curb ramp and the striping as a result of the meeting with DRR. The footprint for the adult exercise equipment was shown to DRR and they asked that one of the signs be moved a little bit, so that there was wheelchair access all the way around the exercise equipment. The other thing that came up was the hand sanitizer in the restroom and as it turns out the hand wash stations are all pump activated by your foot and if we are going to have a compliant ADA accessible portable restroom facility then we have to be cognizant that there may be users of this park than cannot use their feet to pump the hand wash station. The recommendation from DRR is that we put a hand sanitizer inside the portable toilet building.
- Mr. Blackman stated that we are very close to going out to bid with council approval. They will make some very fine retuning, because there were one or two things Mr. Blackman noticed that he wanted to modify and change on the plans; they are very small – making sure that they have language that is correct on the general notes and those kinds of things to make sure we are all safe and get a good confident bid. Mr. Blackman stated they would put advertisements out next week and bids will be due the first or second week in September.
- Mr. Blackman noted that the council had the cost in front of them and stated that we are a little bit beyond what the budget was originally; there were some added elements. There is a contingency in place (as shown at the bottom line), but it still puts it a little bit above the original budget. Part of it is the shifting, moving and tightening of numbers and quantities, but some of it is added materials that we



included based on our last meeting and recommendations. Mr. Blackman stated that he didn't want to go through all of them, but the major items are the play structure (each of those individual new elements that were added), the transfer deck in that wooden fashion to have a more organic look and feel (looks like a log stump) that's important for wheelchair access, the log climber, the mushroom stumps for steps and a couple other items. That summarizes all of the items that were added to the playground structure. There was an increase in quantity on concrete pavement; originally there were some benches out on the lawn and now are instead on concrete pads. The benches are all accessible meaning a wheelchair can sit between the two benches and one of the benches will have armrests to help transfer wheelchair users into the seat. Part of it is just a tightening of the quantities and understanding of where we are with concrete costs; those are the primary increases. The split rail fencing increased slightly, because of the length of it. The primary thing is the new gravel walk from the parking over to the park and then the additional granite fines underneath the exercise equipment (the last four or five items on the list). The timber swale bridge – we do have that drainage feature that is right in front of the access parking (in front of the building) that you have to cross over, so instead of looking for ways to put the drainage swale underground (knowing that the trail is going to be temporary), this is a more cost effective way to cross that drainage area. We do have an additional picnic table (accessible) and the timber edging quantity increased.

- Mayor Becker commented that it looks like the estimate overall with some of these additions that we have made since the whole project started is about a \$10,000 (8%) increase over the \$127,000 budgeted for construction and design; this reflects estimate costs. “We could be very lucky if competition is good and our bidders could be sharpening their pencils and we are hoping we are going to get a bid somewhere below this. We could get no bids below this, you never know, but so the council doesn't really unless they want to tell you right now we can't even go into bid with this, we have to cut something”, Mayor Becker said. The council wouldn't have to approve a Capital Project Ordinance amendment at this time, unless they get a bid, that's when they have to decide if they want to approve more money for the whole project. Councilwoman Coffey stated there is nothing to cut; “we want everything just as it has been presented”. Councilwoman Neill concurred. Mr. Blackman replied “fantastic”, but he does have a couple of extra notes that he wanted to make sure that the council understood. To be most cost effective for the playground, the opportunity is to go to the playground manufacturer installer instead of paying the general contractor to pay for the manufacturer to install it himself; that number is reflected (going directly to the playground manufacturer to get the installation done) and is what we need to do. If the council is okay with this method then Mr. Blackman wants to clearly distinguish what is already allocated will be handled as a separate contract from the general contractor on these plans; that is some of the “clean-up” that he will have to do to these plans. Mayor Becker commented that would be the playground specifically and maybe one or two other things would be by others. As long as we can - because that playground is definitely going to be above the \$30,000 threshold, so we are going to have to have an informal bidding process of some sort, but if there is only one that meets the needs. Mayor Becker asked Attorney Griffin for advice on when you are going for a specific playground that is made by one manufacturer - how do we handle that? Attorney Griffin responded that you bid what you need -

what are your needs - what do you desire, but he didn't think you can be brand specific. Mayor Becker commented that it's that brand or equivalent, and then it has to meet the specification of where Stewart does become the specifier and can determine whether an equivalent meets the requirements. As long as we can have Mr. Blackman handle that as part of the bidding process and as long as that is the way he envisioned it. Mr. Blackman responded that they can look at ways of making sure that happens, he does want to protect the town and their budget. They will have it as a single item bid separate from the remainder of the earth work and grading. It is a specialized service and Mr. Blackman thinks it makes sense that you are not encumbered by a 20% increase because general contractors are going to be there. Mayor Becker responded that the general contractor wouldn't even be supervising the installation of the playground equipment, because those playground manufacturers are extremely particular for their warranties and all about being 100% in charge of that process. Mr. Blackman stated that they will have their credentials to make sure it is designed and installed in a manner that is compliant with state requirements for playground equipment. Mayor Becker stated that's the type of item that really is a specialty item and Mr. Blackman can make it work out legally where it needs to be in the contract, which will work for him and it seems to work for the council.

- Mr. Blackman asked if there were any word on brick donations. Mayor Becker responded that we have not exceeded, so we will be selling right on until the time. We'll just base the bid on that 120 bricks either being provided engraved or blank by us (the material). At the current time, we have 27 orders on the bricks. Mayor Becker stated that he was pretty optimistic that we are going to get fairly close and he was glad we didn't have to rush, because he doesn't want to have to either tell our citizens "you can't have one" or tell Stewart "can you go back after plans have approved and add more bricks". Councilwoman Coffey responded "no, no, no", "we want to hit the magic number and be done".
- Ms. Brooks asked Mr. Blackman if the park maintenance fee of \$450 per month was just for the park or if that included the whole town hall site. Mr. Blackman responded that was just for the park. Mayor Becker commented that Mr. Blackman didn't get a chance to have Delores [from Taylor and Sons] really..... Mr. Blackman responded no, he had not shared the final plans with Delores. Mayor Becker reminded Mr. Blackman that she threw that number out there, but she thought it would be quite a bit lower than that, which is good news. Mr. Blackman commented that it's not a quote, its early conversations based on those conceptual plans that were developed early on.
- **Councilwoman Neill** made a **motion** to approve the construction documents and authorize Stewart to move into the bid solicitation phase and **Councilman Countryman** seconded. The motion passed unanimously as follows:

*Ayes: Coffey, Countryman, Cureton and Neill*

*Nays: None*

10. **Consideration of Appointing a Member of the Council to Receive Notifications from Official Depositories**

- Mayor Becker referred to his memo [in the agenda packet] about this finance office enhancement that through his discussions with the local government commission

they had recommended bonding the clerk (which has been accomplished) and with a small town like ours to add one more level of checks and balances over the banking institutions by appointing a council member to be notified of unusual activity at either of our banks. Checks made to cash or insufficient funds are the two that the Local Government Commission is concerned about, so the branch manager would contact by email, phone and/or letter the designated council member. Mayor Becker stated that we haven't had either one of those occurrences in 15 years, so it doesn't sound like that person will be very busy, but it is one for the record. Mayor Becker explained that he discussed this with the branch managers and this is the type of information that does come to the branches' attention, so rather than notifying Mayor Becker (who might have been guilty of doing something wrong), they will notify a council member. Councilwoman Coffey recommended Councilwoman Neill. Councilwoman Neill responded that she thought this is really good to have an extra layer of checks and balances, so she accepted.

- **Councilwoman Coffey made a motion to appoint Councilwoman Neill as the council person to receive notification from the official depositories if necessary and Councilman Countryman seconded. The motion passed unanimously as follows:**

*Ayes: Coffey, Countryman, Cureton and Neill*

*Nays: None*

#### 11. **Proclamation for Constitution Week**

- Mayor Becker explained every year the Daughters of the American Revolution encourages local governments to remember this long-standing Constitution Week and the importance of the Constitution to our very foundation of government, which affects us right down to this local government level, whether you are the President working out of the White House or you are the state government or county government or a town council. It is all dependent on the fact that we have the Constitution that dates back to 1789. Mayor Becker read the proclamation to the council and audience.
- The proclamation is as follows:

*Proclamation  
Constitution Week  
September 17<sup>th</sup> – 23<sup>rd</sup>, 2015*

*Whereas*, The Constitution of the United States of America, the guardian of our liberties, embodies the principles of limited government in a Republic dedicated to rule by law; and

*Whereas*, September 17, 2015, marks the two hundred twenty-eighth anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

*Whereas*, It is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary, and to the patriotic celebrations which will commemorate it; and

*Whereas*, Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week,

*Now, Therefore, I*, Frederick Becker, III, by virtue of the authority vested in me as Mayor of the Town of Mineral Springs in the State of North Carolina do hereby proclaim the week of September 17 through 23, 2015 as

~ *Constitution Week* ~

*And* ask our citizens to reaffirm the ideals the Framers of the Constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties.

*In Witness Of*, I have hereunto set my hand and caused the Seal of the Town to be affixed this 13<sup>th</sup> day of August of the year of our Lord two thousand fifteen.

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Frederick Becker III, Mayor  
Town of Mineral Springs

ATTEST:

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Vicky A Brooks, CMC, Town Clerk

- Mayor Becker commented that he could just sign it, but he always asks for a motion.
- **Councilman Countryman** made a **motion** to approve the proclamation for Constitution Week and **Councilwoman Cureton** seconded. The motion passed unanimously as follows:

Ayes: Coffey, Countryman, Cureton and Neill

Nays: None

## 12. Staff Reports

- Councilwoman Coffey asked for an update on the festival. Ms. Brooks commented that it is Saturday, September 19<sup>th</sup>! Mayor Becker asked members of the audience to please come to our festival. Ms. Brooks commented that she was looking forward to some Boy Scouts [help]. Mayor Becker noted that he did put a call into Randy and Sabrina, but he didn't have a good contact. Referring to a member of the audience, Mayor Becker stated that they could talk after this if he had a second.
- Ms. Ridings noted that if anyone in the audience wanted an application for a brick she did have applications.

## 13. Other Business

- Mayor Becker stated that he had a very somber and somewhat saddening piece of news; Councilwoman LaMonica will be moving to a small beach community in Eastern North Carolina. This was rather a quick decision. Councilwoman LaMonica has not moved yet, she still owns her house and still lives here, but she had a business conflict tonight. Mayor Becker explained that Councilwoman LaMonica had asked him to notify the board and members of the community at this meeting as the council can see in her letter. Mayor Becker commented that "we do really thank Councilwoman LaMonica for years of service and wish her the best". Mayor Becker is hoping that Councilwoman LaMonica will be here next month, because she has made here resignation effective October 1<sup>st</sup> and as long as she is

here we will be able to honor her. Mayor Becker explained that the council can't really do anything, because this wasn't on the agenda, so the council is not in a position on something this important to vote to accept her resignation without it being on the agenda. It will be on the agenda next month, at which point the council then has to go into the process of filling her vacant seat for the next two years. Mayor Becker further explained that the council can make discussion next month and on into a month or two after that, but they have to accept her resignation formally first and hopefully will have the full council to do that. Mayor Becker stated that Councilwoman LaMonica has been very much a part of our town and her contributions have been very valuable.

14. **Adjournment**

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

*Ayes: Coffey, Countryman, Cureton and Neill*

*Nays: None*

- The meeting was adjourned at 8:35 p.m.
- The next regular meeting will be on Thursday, September 10, 2015 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