

Town of Mineral Springs
Town Hall
3506 S. Potter Road
Town Council
Organizational Meeting / Public Hearing / Regular Meeting
December 10, 2015 ~ 7:30 PM

Minutes

The Town Council of the Town of Mineral Springs, North Carolina, met in an Organizational Session, Public Hearing and Regular Session at the Mineral Springs Town Hall, Mineral Springs, North Carolina, at 7:30 p.m. on Thursday, December 10, 2015.

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 [8:24 p.m.], Town Clerk/Zoning Administrator Vicky Brooks, Attorney Bobby Griffin and Deputy Town Clerk/Tax Collector Janet Ridings.

Absent: None.

Visitors: Michael Devine and Lanny Openshaw.

With a quorum present Mayor Frederick Becker called the Regular Town Council Meeting of December 10, 2015 to order at 7:31 p.m.

1. **Opening**

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

2. **Organizational Meeting**

- Mayor Becker turned the Organizational Meeting over to Ms. Brooks. Ms. Brooks read the results from the election held on November 3, 2015. The race for mayor was between Mayor Becker and Charles Bowden with Mayor Becker receiving 248 votes and Charles Bowden receiving 91. The race for council was as follows: Valerie Coffey – 270, Lundeen Cureton – 262, Peggy Neill – 274, Adrienne Jaquith (write-in) – 7, Barbara Ballew (write-in) – 8 and 44 other write-ins. Ms. Brooks added that there were 5 write-ins for mayor.
- Ms. Brooks administered the Oath of Office to Mayor Becker.
- Mayor Becker administered the Oath of Office to Councilwoman Valerie Coffey, Councilwoman Lundeen Cureton and Councilwoman Peggy Neill.
- Mayor Becker thanked the council that was just sworn in for their service to date and their willingness to continue to serve.
- Mayor Becker opened the floor to the council members to decide who wanted to serve as mayor pro tem. Mayor Becker explained that the mayor pro tem is largely a ceremonial position, although the mayor pro tem will serve to chair the meetings if the mayor is not present. The council decides to vote on this every two years.

- Councilwoman Coffey nominated Peggy Neill (as the highest vote getter). Councilwoman Critz stated that she would like to acknowledge Councilwoman Neill as the highest vote getter, but would also like to make sure that Councilwoman Neill is comfortable (it has been a very difficult year) and wanted something like this on her plate. Councilwoman Neill thanked Councilwoman Critz and agreed that it had been a difficult year, but she was moving forward and accepted [the nomination].
- **Councilwoman Critz** made a **motion** to close the nominations and **Councilwoman Coffey** seconded. The motion passed unanimously as follows:

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

- **Councilwoman Coffey** made a **motion** to nominate Councilwoman Neill as the mayor pro tem and **Councilwoman Cureton** seconded. The motion passed unanimously as follows:

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

- Mayor Becker congratulated Councilwoman Neill and stated that he would try to miss a few meetings, so she could chair them and keep her busy. Councilwoman Neill responded that she could hardly wait.

3. **Public Hearing – Conditional Use Permit 15-01**

- Mayor Becker opened the Public Hearing for Conditional Use Permit 15-01 at 7:41 p.m. and explained that this is Quasi-Judicial, which means that the witnesses (applicant, staff and anyone who signed up to speak) have to be sworn in.
- Mayor Becker swore in Mr. Michael Devine and Ms. Vicky Brooks. Mayor Becker asked if anyone else had signed up. Ms. Brooks responded no.
- Mayor Becker asked if the council had any documentation to go along with the testimony of Mr. Devine and if there were any written pieces of evidence to be submitted. Ms. Brooks responded yes, she would like to submit the application (and its accompanying documents) as part of evidence for this [hearing]. In addition, Ms. Brooks noted that the council had a certification of mailed notices in their agenda packet along with the list of residents who received that [notice], the property was posted saying that there would be a public hearing this evening, notice was in the Enquirer-Journal two times and the notice was on the bulletin board. Ms. Brooks explained that Mr. and Mrs. Devine have applied for a Conditional Use Permit in order to put in a pool in what is classified as the front yard. Ms. Brooks reminded that council that back in January the Devines were here to construct a barn/house; they really have a unique property out there.
- Mayor Becker instructed the council just to listen to Mr. Devine while he was making his proposal in the context of the Findings of Fact that they are required to make (under item #6). Mr. Devine will remain under oath and the council can ask him questions if necessary again; based on their being able to determine the validity of the Findings of Fact. It was noted that the Findings of Fact were placed on the table in front of the council. Councilwoman Critz asked Ms. Brooks if the

staff report for CUP-15-01 should also be entered into evidence. Ms. Brooks responded yes and asked that the council take that as her testimony in this hearing.

- Mr. Devine testified that the property was 41 acres of land and almost in the center of it is where they built the barn and the way the driveway comes in it is sort of very far off of Raymond Austin Road. There are ponds on the property that are kind of in between Raymond Austin Road and where the house would be. What the town would consider the front yard, but the way the driveway comes in it kind of presents itself as being the back yard. Between Raymond Austin Road and where the pool would be there is pasture space; there will be fencing - layers of fencing actually.
- Councilwoman Critz asked if Mr. Devine was saying they were going to provide additional screening. Mr. Devine responded "we are". Councilwoman Critz asked Ms. Brooks if she had heard back from any of the mailed [notices]. Ms. Brooks responded no.
- Mayor Becker informed Mr. Devine that he would remain under oath and the public hearing would be kept open for deliberations, so they could continue to recall him as a witness.

4. **Public Comments**

- Lanny Openshaw - 9603 Belmont Lane, Marvin, NC.

5. **Consent Agenda**

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

- A. November 12, 2015 Regular Meeting Minutes
- B. October 2015 Tax Collector's Report
- C. October 2015 Finance Report

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

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

6. **Consideration of Conditional Use Permit 15-01**

- Mayor Becker explained that the council would move right back to the consideration of the Conditional Use Permit and asked Mr. Devine (who was still under oath) to step up, because he may be called to answer a couple of questions. Mayor Becker noted that Ms. Brooks could be asked some technical questions as well.
- Mayor Becker commented that they get confused on these things when referring to Finding of Fact #C – "it will not substantially injure the value or it's a public necessity" and asked Ms. Brooks if this was not being considered a public necessity. Ms. Brooks responded no, you believe that it would injure the value of property. Mayor Becker referred to Finding of Fact #E commenting that sometimes that one doesn't apply and asked Ms. Brooks if they had any additional review criteria. Ms. Brooks responded "we do not". Mayor Becker responded "okay, just

so the board knows when that one comes up that it's basically going to not be applicable". Mayor Becker commented that the others [Findings of Fact] could be addressed based on any questions the council may have of Mr. Devine about the characteristics of the property. Ms. Brooks noted that Findings of Fact #F and #G do not apply in this case. Mayor Becker responded that they were not deviating from the terms of the ordinance; therefore when the council does that finding, the finding will be in the affirmative, because it doesn't apply.

- Mayor Becker opened it back up to the council to question Mr. Devine or Ms. Brooks if they had any questions on how they felt this would affect the neighbors, public health or safety. Are there any concerns that the council can come up with based on what they have heard or what they have seen and the brief comments that Mr. Devine made? Councilwoman Coffey commented that the property was well insulated with its own acreage and the pool was not going to be visible from the street or by the neighbors; therefore, she didn't see any problem with it whatsoever, because it's well within their property lines and without visualization from anyone else. Councilwoman Neill commented that she saw that the planning board, by unanimous vote, recommended in favor of the Conditional Use Permit. Councilwoman Coffey added that they had no Finding of Fact at all. Councilwoman Critz mentioned that she was actually on the planning board during the development of this particular zoning standard and it was structured for a standard front yard where it would be visible from a road and/or from neighbors; it was quite a different criteria for setting the standard than the amount of acreage and setting that Mr. Devine has, so it's sort of hard to even call what Mr. Devine has a front yard, but for technical purposes she guess it had to be. Mayor Becker referred to Finding of Fact #B (required conditions) and asked if there have been any additional conditions that this particular project needs; did Mr. Devine meet all the conditions that the planning board and zoning administrator told him that apply to this type of project. Mr. Devine responded that's correct. Mayor Becker asked Mr. Devine if he testified to that. Mr. Devine responded yes. Councilwoman Critz asked Ms. Brooks if that would be referring to setbacks and screening. Ms. Brooks responded that there weren't any screening requirements for it other than what Union County would require them to do for fencing. Mr. Devine commented that they do have a pretty reputable pool builder/designer who has gotten involved with this, so he has been in contact with Union County before on what exactly has to be, so Mr. Devine feels confident that he will meet any sort of..... Councilwoman Critz asked if Mr. Devine was going through the county for all health and safety issues and meeting their requirements. Mr. Devine responded yes, absolutely. Mayor Becker commented in the absence of any other testimony he thought the council does like to have affirmative evidence that conditions are being met, but they don't have any evidence that has been presented by an abutting property owner that it might injure their property value or impair their health and safety, so he thought the absence of that testimony was probably of some value in this consideration. Ms. Brooks explained to everyone present that the reason Mr. Devine has to get a Conditional Use Permit was because the pool was going to be located in the front yard and the town's requirement is that a pool be located in the rear yard or side yard if the [front] setback is at least 200 feet, everything else has to come through this process in order to get approval. Mayor Becker added as Councilwoman Critz said, in general a front yard is usually a front yard and you are 50 feet back from the road, so putting a pool there would be kind of unusual; this is not a situation like

that, as can be seen from the written evidence that was submitted and from Mr. Devine's description of the way the driveway comes in; it's the back of the house. Mr. Devine noted that it's a very long driveway. Ms. Brooks noted that the front yard is technically the side that faces the road. Mayor Becker commented therefore it's a technicality that must be met in order to make this work. Mayor Becker stated that everything is in order and asked if the council was ready to close the public hearing and consider that Findings of Fact.

- Mayor Becker closed the Public Hearing – Conditional Use Permit-15-01 at 7:59 p.m.
- Ms. Brooks stated for the record that Councilwoman Coffey is also on the planning board; however, she was not at the meeting so she is free to consider this. Mayor Becker explained that it's important for members of the audience to understand that it would not be an issue with a standard rezoning or anything else the planning board hears. A planning board member/town council would be able to act on that same zoning amendment, etc., but a Conditional Use Permit being a quasi-judicial process means that you are not permitted to have a preconceived idea about how you might vote as a council member and if you sat on the planning board and evaluated it then you might have formed an opinion and therefore would want to recuse yourself. In the case of Councilwoman Coffey, as Ms. Brooks has said, she does not need to ask to recuse herself, because she was not at the planning board meeting.
- The council went through the Findings of Fact as follows:
 - A. The use will not materially endanger the public health or safety if located where proposed and developed according to the submitted plan.

Councilwoman Critz made a **motion** to find it in the affirmative and **Councilwoman Cureton** seconded. The motion passed unanimously as follows:

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

Based on:

1. There was a lack of evidence indicating there would be anything that would be materially endangered.
2. The plan shows that it is pretty far from anybody.
3. The written documentation.

- B. The use meets all required conditions and specifications.

Councilwoman Neill made a **motion** to find it in the affirmative and **Councilman Countryman** seconded. The motion passed unanimously as follows:

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

Based on:

1. The fact that Ms. Brooks said that it's already met all of its conditions and requirements.
 2. The staff report.
 3. The applicant said that he had reviewed those in his sworn testimony.
- C. The use will not substantially injure the value of adjoining or abutting property or the use is a public necessity.

Councilman Countryman made a **motion** that there has been no evidence in any way to injure the value of adjoining property and there has been no comments as stated by the clerk that anybody responded to the notifications of the Conditional Use Permit and **Councilwoman Critz** seconded. The motion passed unanimously as follows:

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

- D. The location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in general conformity with this Ordinance and the Town of Mineral Springs Land Development Plan.

Councilwoman Coffey made a **motion** to find it in the affirmative and **Councilwoman Cureton** seconded. The motion passed unanimously as follows:

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

Based on:

1. The evidence is the map that was presented showing the unique positioning of the property where the driveway comes in actually taking it to the rear versus what is perceived to be the front and therefore it is not going to be encroaching on anyone's particular eyes or property or other uses.
 2. Written evidence backed up by staff and applicant testimony.
- E. Additional review criteria, as stated in the Ordinance, shall also be considered and addressed where required.

Councilwoman Critz made a **motion** to find it in the affirmative and **Councilman Countryman** seconded. The motion passed unanimously as follows:

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

Based on:

1. The zoning administrator says that that does not apply.
- F. Any deviation from the terms of this Ordinance will result in a project that is at least equal to or better than what would be accomplished under the strict application of this Ordinance.

Councilwoman Coffey made a **motion** to find it in the affirmative and **Councilwoman Critz** seconded. The motion passed unanimously as follows:

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

Based on:

1. Staff testimony; the zoning administrator has stated that there will be no deviation from the terms of the ordinance.
- G. Any deviation from the terms of this Ordinance will not adversely affect the right of other abutting or nearby property owners in any material manner.

Councilwoman Coffey made a **motion** to find it in the affirmative based on staff testimony/report and **Councilwoman Cureton** seconded. The motion passed unanimously as follows:

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

- Mayor Becker explained that the council had all seven of the required Findings of Fact in the affirmative and it looked pretty well backed up by the limited testimony and by the thorough staff report and application material. With that in mind the council was able to do one of three things: grant the Conditional Use Permit, disapprove the permit or approve the permit with some additional conditions.
- **Councilman Countryman** made a **motion** that the Conditional Use Permit be granted as presented and **Councilwoman Neill** seconded. The motion passed unanimously as follows:

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

- Mayor Becker commented that Mr. Devine can get back in touch with his pool company and be ready to swim in the summer when it warms up. Mayor Becker thanked Mr. Devine for his hard work with the planning board and the staff on this. Mr. Devine commented that he appreciated their hard work and especially Ms. Brooks, “she is a true asset to Mineral Springs as you all know that”.

7. **Consideration of the Town Council Applicants**

- Mayor Becker explained that this process was to possibly replace Councilwoman Melody LaMonica who had to leave midway through her term and is enjoying her semi-retirement at the beach. We do have two applicants: Anna Plyler-Fitch and Bettylyn Krafft. Mayor Becker opened the floor for council discussion and possible appointment of one of those people to take that position.
- Councilwoman Coffey stated that she would like to recommend Bettylyn Krafft; she has an extensive background in the Town of Mineral Springs working with the planning board as well as working with our festivals. Ms. Krafft has really been involved (she and her family) and she has, to the best of Councilwoman Coffey's knowledge and in her opinion, been about what the town is about – our vision as she has worked with it to the degree that she has. Councilwoman Coffey is looking forward to seeing Bettylyn Krafft sitting in that chair at the end; she is very capable and has extensive background in working with the planning board.
- Councilwoman Critz agreed with what Councilwoman Coffey was saying, but she had one other reason for sort of leaning in the direction of Bettylyn. Councilwoman Critz explained that she had an hour and a half visit on Tuesday with Anna Plyler and they discussed some of this. Councilwoman Critz felt like a council certainly isn't obligated by law, but she thought morally and ethically to look at a candidate that they believe is most closely in line with Ms. LaMonica. Ms. LaMonica is the candidate that the constituents voted into office and Councilwoman Critz thought that Bettylyn fills those shoes best. Having the voters having spoken Councilwoman Critz leans in that direction. In addition to her [Bettylyn's] background, not that planning board background is necessary to be on the council, but Councilwoman Critz thinks those of them who had a planning board background and experience would say it was a huge leg up. Councilwoman Neill agreed. Councilwoman Critz referred back to her conversation with Anna, who was not here this evening because of a meeting that was mandatory for her at Western Union Elementary School, and explained that she has asked for Anna's permission to share a couple of things that they talked about in their visit. If you read Anna's application, she has a real heart for the development and for downtown, specifically the development of downtown, so she has a strong interest in downtown development, as well as the town as a whole, but she doesn't have the training or the background and she is excited to learn. Councilwoman Critz explained that she didn't know until she sat down and spoke with Anna that she and her first husband were the original owners of the small gas station on the other side of the fire department, so she is a former downtown property owner. Councilwoman Critz thought Anna has some real valuable insight. Anna has been in Mineral Springs all of her life, she went to the school that once was on this property. As Councilwoman Critz talked with Anna, she told her she really felt like she would be a real asset to the planning board and would really value that participation maybe even more than the council, because once the council gets it, the work has been done, so Councilwoman Critz asked Anna if she would be interested in either/or position and she said yes. Councilwoman Neill commented that was very good; it sounds like she is interested in pursuing the planning board and maybe using that as a stepping stone. Councilwoman Critz responded absolutely and she thought that Anna has a really good grasp on the downtown and vision; she would be a huge asset to the planning board.

- Councilman Countryman mentioned that he had an opportunity to discuss (on the phone) at length with Anna her interest in running for this position and he was quite pleased that she showed an interest, because that's one of the things that he has said for the number of years that he has been on this council, is that what really benefits this town and this council is people showing an interest. Councilman Countryman commented that he is pleased to see the number of people that are here this evening and encouraged any community member to become involved. Councilman Countryman explained that Anna shared with him the fact that she understood that there were multiple candidates and that there were candidates that had more experience than she, but her interest is that of being a permanent resident of this community and wanting to legitimately be able to offer things that would help to benefit this community. Councilman Countryman added that he and Anna discussed (as Councilwoman Critz did) and surprisingly came out with the same discussion, the fact that it would be in her best interest and the town's best interest if she served on the planning board, because that is where the rubber meets the road; the things that take place in this community aren't really based on the council, they are really based on citizens that are on the planning board that address these issues as we have discussed tonight, that is all done prior to the council talking about it or seeing it or being involved with it – the council is kind of the last stage of what happens within this community. Councilman Countryman explained that he thought Anna was kind of encouraged by the fact that the importance of the planning board is really very significant within Mineral Springs. Councilman Countryman stated that the fact that Bettylyn has nearly a dozen years of experience working in the community and being on the planning board has given her (as Councilwoman Critz put it) a leg up, which is very reasonable to understand. Councilman Countryman felt that it is a benefit that the council can all take advantage of, but at the same time he is disappointed that we only have one position, because he thinks there are two real good candidates. Councilman Countryman further stated that he is certainly in favor of Bettylyn and will vote for her to sit on this council, but he based that on her experience and her willingness to work with the community over the last 12 years; she has a lot of insight as to what is going on and what the intentions of this community are in the future. At the same time, Councilman Countryman thought they have a real opportunity to get another individual in this community that does have a sincere interest in bringing her expertise and her familiarization with a lifelong of lifestyle here in this community, so he encouraged further discussion in the next step that Anna Plyler-Fitch be considered for a position on the planning board.
- Councilwoman Critz added that Bettylyn probably did the most work of anyone in spearheading the community effort for annexation of her home and surrounding property when we did our one and only annexation. Bettylyn did amazing work and when she came to this council they were just flabbergasted with all the work she had done; she hits the ground running. In addition to her participation on the planning board, Bettylyn was so involved in being a part of this community even before that and is due a lot of credit for the work done to have that annexation take place. Councilwoman Critz stated that she has not forgotten Bettylyn showing up with a box full of papers and thought “who is this person?”, but she had passion and she had commitment and she has not faltered in that; she didn't just get annexed into Mineral Springs and sit on the front porch, she got annexed into

Mineral Springs and hit the ground running. Councilwoman Neill commented she was glad Councilwoman Critz had thought of that and mentioned it, because she thought Bettylyn has stayed very loyal and dedicated to the town in everything that she does. Mayor Becker offered his anecdote about the annexation. "We did that process as an involuntary annexation, which became known as forced annexation. It became one of the dirtiest words in local government; you did not want to be forced annexed. If somebody mentioned that, you were putting the petitions together to not be annexed, but Bettylyn had met with all the neighbors in three or four neighborhoods, plus a lot of the thoroughfares and we did it as an involuntary annexation, because technically that worked better. There wouldn't be any holes in it, we were taking everybody in and so they were coming in whether they wanted to or not and we had our hearing and there were a couple of people who were just a little bit unsure, but the way forced annexation issues had gone it's never pretty, it was some of the ugliest stuff you'd ever encounter at a local government. Bettylyn's efforts made that involuntary annexation essentially, it was a voluntary annexation in reality, that was just an involuntary annexation on paper and that was due to the field work". Councilwoman Critz commented that Bettylyn was the only one of them that actually fought to be in Mineral Springs. Mayor Becker added that she convinced everyone else that it was a good thing and it was for all of us.

- Councilwoman Cureton commented that she thought Bettylyn would make a wonderful council.
- **Councilwoman Coffey made a motion to appoint Bettylyn Krafft and Councilwoman Critz seconded. The motion passed unanimously as follows:**

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

- Mayor Becker administered the Oath of Office to Bettylyn Krafft as the new councilmember.

8. **Consideration of Appointing and Reappointing Planning Board Members**

- Mayor Becker explained that we have a vacancy that was created by Mike LaMonica and we have others that need to be reappointed and we have a formal applicant and one additional applicant (Ms. Plyler-Fitch) for that planning board position.
- Mayor Becker noted that he had just gotten word from Councilwoman Coffey that she had an announcement to make regarding the planning board. Councilwoman Coffey announced that she was resigning from the planning board (she will put it in writing) effective immediately, so the town actually has two seats open and we have two applicants. Mayor Becker asked that the council formalize the planning board resignation by Councilwoman Coffey.
- **Councilman Countryman made a motion that we accept the resignation of Councilwoman Coffey from the planning board. Councilwoman Critz added with a note of appreciation. Mayor Becker added "a great and an overwhelming appreciation". Councilwoman Coffey served as Chairwoman for a couple of years after Mr. Neill had served for many and Bettylyn has taken over as a very good Chairman as he understands. Councilwoman Critz seconded the aforementioned motion by Councilman Countryman. The motion passed unanimously as follows:**

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

Nays: None

- Mayor Becker explained that we have just created another seat and we have two applicants – Mr. Krafft and Ms. Plyler-Fitch (who has said to several council members that she formally wants that position), so the council is in a position to appoint them both if they desire.
- **Councilwoman Neill** made a **motion** to appoint Anna Plyler-Fitch and Jeffrey Krafft to the Planning Board and **Councilman Countryman** seconded. The motion passed unanimously as follows:

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

Nays: None

- Councilwoman Critz pointed out that Donna Sherrin was the only one that has applied to continue (as seen in the agenda packet) and asked if there was a verbal on any of the others. Ms. Brooks responded that Bettylyn Krafft was right here and she did hear back from Wanda Moore today confirming that she would also like to be reappointed.
- **Councilwoman Coffey** made a **motion** to reappoint the three members that are up for re-approval and **Councilwoman Cureton** seconded. The motion passed unanimously as follows:

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

Nays: None

- Mayor Becker mentioned that the Oaths of Office for the new planning board members would be handled by the planning board. Mayor Becker thanked and congratulated Mr. Krafft for being willing to jump into that deep end. Councilwoman Critz spoke to Jeff Krafft in explaining that one of her first trainings when she was first elected in 2001 (serving concurrently on the planning board for a few years) she ran into an African American couple from a small community (it's not unlikely in a small community for people to wear two hats) and they both served on the council together; they told some really interesting and funny stories. Councilwoman Critz did not think it was unusual in small communities for husbands and wives to serve on boards together. Councilwoman Neill commented that it was legal and it is also a good thing. Mayor Becker mentioned that Al and Jill Lewis served together on the planning board for a while successfully. Mayor Becker explained that this [story] actually goes back to the council, it's not an accident of history and it's not just a sort of rough correlation, every single council who served in the Town of Mineral Springs (aside from the original six members, who didn't have any experience) was a planning board member that was either voted into office in an election or was appointed. The first one was Councilwoman Critz who took over for Tom Kalin – she had planning review committee/planning board. The next one was Woody Faulk who had been on the planning board and was then elected to a council position. Alice Made resigned a council position and Valerie Coffey was appointed to that position. We had Melody LaMonica who had served several years on the planning board and then ran for an open seat when Woody

Faulk moved out of town and resigned and was elected. We've had four new council members come on board (Melody, Valerie, Woody and Jan); it's not a job [requirement], but it's been a great lead into council seats if people choose to do that. There have been no exceptions so far and now we have Bettylyn Krafft being number five coming from the planning board to serve on this board.

9. **Consideration of Appointing a Board of Adjustment Member**

- Mayor Becker explained that there is an applicant (we have had several openings) for the board of adjustment and that applicant is Donna Sherrin who is serving on the planning board; there has been a lot of overlap between those two boards. Mayor Becker mentioned that he thought the law allows it to be merged into one board and it is done in many cases. We have kept them separate, because the board of adjustment has a different duty and it meets very seldom. In our town it does not have a whole lot of responsibilities. For those who don't know what the board of adjustment does, Mayor Becker explained that by law it has statutory duties and as they are applicable to the Town of Mineral Springs, they would hear variances and variances are and should be very rare; variances are individual waivers (in a sense) granted to the zoning ordinance. Generally planners say you shouldn't have variances, because they're really just not good practice, but there are situations and General Statutes are very specific and spell out when variances can be approved and the board of adjustment would consider those on rare occasions; they actually go through a quasi-judicial proceeding and do Findings of Fact. There are a few other things that the board of adjustment does; there are some cases where they sit as a judicial board in a certiorari situation over when the town council is applying for something that might originally go to the planning board of go before the town council, but because the town council doesn't want to rule on its own request the board of adjustment would. It was most recently used for the town as a waiver of paving the parking lot for a park facility, which the ordinance allows, but must be heard by the board of adjustment if it is the council wishing to do that. The final duty of the board of adjustment is to hear appeals from a ruling/finding/notice by the zoning administrator. The board of adjustment actually sits as an appellate court if somebody appeals a decision of the zoning administrator; that again is rare, but the board of adjustment must do that after which a court of law could serve as an appellant body.
- **Councilwoman Critz** made a **motion** to appoint Donna Sherrin to the board of adjustment. Councilwoman Critz asked Ms. Brooks if this would bring the board up to the number it needs to function or were we still needing more to function or were we just looking for alternates. Ms. Brooks responded that they can function that way, but it would be nice to have those alternates. **Councilwoman Neill** seconded the aforementioned motion by Councilwoman Critz. The motion passed unanimously as follows:

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

Nays: None

10. **Consideration of Mayor/Councilmembers Attending the Essentials of Municipal Officials**

- Mayor Becker explained that most people here all have attended it aside from the newest council member at some point. The Essentials of Municipal Government is taught by a combination of the League of Municipalities and the School of Government. There are five of them and we wanted to certainly authorize and strongly suggest that Councilwoman Krafft attend, as well as any other council members. The council needs to approve the expenditure to send others who may wish to go, but Mayor Becker thought the issue before them is to approve the possibility of going to those and allowing them to choose on their own and notify the clerk.
- **Councilwoman Critz** made a ***motion*** that we approve the funding necessary for the mayor and/or council members to attend any of the Essential Municipal Official training. Councilwoman Critz suggested that one of the veterans (newly elected/reelected) could possibly attend with Councilwoman Krafft and mentor her through that; it could be a real asset if that is possible for someone in their schedule. Councilwoman Critz noted that was just a suggestion and not part of the motion. Mayor Becker clarified that the motion was to authorize the expenditure as many as would like to do this and noted that the budget can handle that if six of them wanted to get the training (if seven went they would have to do a budget amendment to get training for the rest of the year). **Councilman Countryman** seconded the aforementioned motion by Councilwoman Critz. The motion passed unanimously as follows:

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

11. **Consideration of City and County Clerks Institute and Academy**

- Ms. Brooks asked for council authorization to attend the City and County Clerks Academy and Institute. Councilman Countryman commented that he thought it was essential that she does.
- **Councilman Countryman** made a ***motion*** that Ms. Brooks attend the City and County Clerks Institute and Academy in January and **Councilwoman Coffey** seconded. The motion passed unanimously as follows:

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

12. **Consideration of the 2016 Town Hall Holiday Schedule**

- Mayor Becker asked if there were any changes or updates on the newly modified holiday schedule.
- **Councilwoman Critz** made a ***motion*** to accept the proposed holiday schedule for 2016 and **Councilwoman Coffey** seconded. Ms. Brooks questioned Councilwoman Critz's proposed holiday schedule by referring to the Christmas Eve and Christmas Day that were kind of an option for the council; where it is highlighted was where the council had an option. Councilwoman Critz responded that her proposal was accepting the schedule with the change. Mayor Becker clarified that it would be this schedule with the Thursday and Tuesday added in and

asked Councilwoman Critz if it was her amended motion to accept the schedule as presented with those options in force. Councilwoman Coffey commented that does take care of our assistant clerk being paid as well. Mayor Becker responded that they may as well do the same thing and get that out of the way now; the deputy clerk has her two half days. Councilwoman Critz agreed the motion included compensation for the deputy clerk. *The aforementioned motion by Councilwoman Critz as amended passed unanimously as follows:*

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

Nays: None

13. Greenway Violations Update

- Mayor Becker explained that he was mostly going to turn this one over to Ms. Brooks, because she does have quite a bit of updating from Mr. Griffin and Mr. Blackman on this greenway project that we are working on diligently and have been working on for five months or so and are making some headway finally. Ms. Brooks noted that she had placed a plan with red lines on it in front of the council and reminded them that last month a plan had been submitted to the county. The county has placed the red lines on the plan and asked that we change them. Mr. Blackman from Stewart will correct them to comply with these red lines and he will resubmit. Hopefully we will get an approval to move forward with correcting our violations at the parking lot. Ms. Brooks explained that Mr. Blackman also sent a scope of service so that we can move forward; what we had with him before got us to this point and now for him to go back and make these corrections to the plan and resubmit it they will need more money. In addition, if we want them to oversee the bid process to get these things corrected and also overseeing the construction is in the scope of services that he has submitted to us.
- Mayor Becker suggested from a scenario standpoint that the construction costs may not be tremendously high based on the final plans with a few modifications that were made and approved and a building permit is issued, the bid may not be a complicated process; Mr. Blackman put that in as an option and he is not requiring us to authorize them or to amend his contract to do the bidding assistance at this time, because it may be much simpler and it may be simply an invited bid situation that wouldn't require the whole advertisement, the bid openings and all the stuff we went through. The council does not have to do that now, they can see what the final plans are and get a rough idea of cost and take it from there; same thing with the construction management, although Mayor Becker recommended highly to Ms. Brooks that, because this was a situation where there were such technical concerns, that obviously were not fulfilled even though various jurisdictions gave advice, an engineer gave advice, Disability Rights and Resources gave advice, it's still resulted in some deficiencies, so Mayor Becker's thought was that the town would just consider (it does not have to be voted on tonight) regardless of how the bid goes, that we retain Stewart to do construction management to make sure the i's are dotted and the t's are crossed and the plans are being fulfilled, because we don't want to have to have the building inspector come back and say it wasn't done per the plans. Those are the two options and the council doesn't have to decide on either one of them tonight, but Mayor Becker believed that they should decide on

the additional \$1,000 for actually preparing construction drawings to modify this [plan].

- **Councilwoman Coffey** made a **motion** to amend the contract with Stewart by adding \$1,000.00 for additional construction documents and **Councilman Countryman** seconded. The motion passed unanimously as follows:

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

Nays: None

14 **Staff Reports**

- Councilwoman Coffey noted that Ms. Ridings still has 11 bricks left. Mayor Becker commented (for those who didn't know) the fountain at the park has memorial bricks you can buy.

15. **Other Business**

- Councilwoman Critz reminded everyone of the tree lighting; there are some pre-festival things going on at 5:00 p.m. Mayor Becker added that it is across the street this year at the Mom and Pop's area.

16. **Adjournment**

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

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

Nays: None

- The meeting was adjourned at 8:47 p.m.
- The next regular meeting will be on Thursday, January 14, 2016 at 7:30 p.m. at the Mineral Springs Town Hall.

Respectfully submitted by:

Vicky A. Brooks, CMC, NCCMC, Town Clerk

Frederick Becker III, Mayor