

Town of Mineral Springs
Town Hall
3506 S. Potter Road
Town Council
Regular Meeting
September 8, 2016 ~ 7:30 PM

Minutes

The Town Council of the Town of Mineral Springs, North Carolina, met in Regular Session at the Mineral Springs Town Hall, Mineral Springs, North Carolina, at 7:30 p.m. on Thursday, September 8, 2016.

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: Leslie Boyd, Suzanne Chandler, Sarah Fazzino, Adrian Jaquith and Dan Karpinski.

With a quorum present Mayor Frederick Becker called the Regular Town Council Meeting of September 8, 2016 to order at 7:33 p.m.

1. **Opening**

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

2. **Public Comments**

- Suzanne Chandler – 5101 Grove Road, Mineral Springs, NC.

3. **Consent Agenda**

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

- A. *August 8, 2016 Special Meeting Minutes and the August 11, 2016 Regular Meeting Minutes*
- B. *July 2016 Tax Collector's Report*
- C. *July 2016 Finance Report*
- D. *Tax Release*

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

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

4. Union County Public Schools Central Services

- Mayor Becker introduced School Board of Education Chair Leslie Boyd and Union County Public Schools Finance Officer Dan Karpinski who were here to make a presentation about the upcoming bond issue.
- Ms. Leslie Boyd thanked the council for letting them come to speak and explained the more expansive presentation and bond materials were online, but when they visit the towns they have a 10 minute presentation prepared.
- Union County passed bonds in 2004 and 2006, which resulted in 23 new school projects. Union County has 53 schools; 23 have been in the last 16 years. Union County has history of supporting school bonds and a lot has come because of the growth and our needs. On November 8th voters will decide on a 54 million dollar bond.
- Ms. Boyd showed a PowerPoint presentation about why the bond is needed. The bond will allow for increased capacity for six schools that are nearing their cap plus a new transportation facility.
 - Monroe High School – add classrooms and teacher’s offices, which will increase the school capacity to 1,500 maximum.
 - Piedmont High School – add classrooms, teacher workrooms and storage, which will increase the school capacity to 1,600.
 - Porter Ridge Middle – add classrooms, expand media center, add teacher workrooms and remove mobile units to increase the school capacity to 1,600.
 - Porter Ridge High School – add classrooms and expand the cafeteria to get 1,800 students.
 - Western Union Elementary – add eight classrooms, expand the cafeteria, remove mobile units and increase the student capacity to 804.
 - Sun Valley High School – add classrooms, offices and a proper stadium.
 - Transportation Facility – secure parking.
- The tax impact if the school bond is passed will be: (for example) if your home is valued at \$100,000 your taxes will go up \$16 a year; this is just for the school bond and not the other two bonds on the ballot. Ms. Boyd noted the school bond money can only be spent on construction/renovation, acquisition of land and capital; it can’t be used for teacher salaries or other operational expenses.
- Ms. Boyd noted there was a pamphlet of “Frequently Asked Questions”, which would be distributed to the council.
- Councilwoman Critz mentioned over 10 years ago she served on a committee formed in the county for an adequate public facilities ordinance. It isn’t easy, but it does work; it has worked all over the nation and works unbelievably successfully in the eastern part of our state (Outer Banks). Ms. Boyd asked how it was funded. Councilwoman Critz responded the developers who build have to provide compensation for what impacts the community. Ms. Boyd asked if it was different from impact fees, which are illegal. Mayor Becker responded correct, what happened to our Adequate Public Facilities Ordinance is that developers and the homeowners association sued Union County and they got the judge to agree with them that it was sort of an impact fee and therefore it couldn’t stay enforced, which is why it died. Councilwoman Critz noted there are new people in the legislature

and in the county, so she would love to see them try to go back and get something on the table.

5. Consideration of a Donation to Western Union Elementary School PTO

- Zeke Fazzino gave an introduction in Spanish and Ms. Sarah Fazzino introduced herself and explained that she was here tonight with dual representation as a PTO parent. Ms. Fazzino noted the council just heard her son Zeke (a student in the second grade Splash Class) give a short intro. Splash is the Spanish Immersion Program just started at Western Union two years ago. Ms. Fazzino is also one of the newest staff members at Western Union.
- Ms. Fazzino commented that they were so appreciative of the generous donation provided by the Town of Mineral Springs last year. With the help of the donation they were able to purchase classroom libraries, books for the media center, a computerized visitor ID system, a speech language conference, a teacher assistant conference, transportation for a field trip for exceptional children, first grade readers and resources for the music program including risers for music concerts. The computerized visitor ID system mentioned above is a great advance in keeping students safe (many area schools utilize), so all visitors must provide their driver's license, which is then scanned and run against the national sex offender registry; nobody gets into the school that is flagged.
- The answer to why the Western Union PTO is back asking for more funding is simple; there are so many needs the school has that they haven't even begun to touch the surface. One classroom library costs \$1,000, a bound book the media center starts at \$40 and staff will always need/have to attend/participate in training to continue to keep up with the latest educational standards.
- The number of students attending Western Union has drastically increased over the past two years. In 2014, the number of students enrolled jumped from 400 the previous year to over 700. This year there is a little over 600 students, which is a 50% increase from two years ago. Due to the increases in population, Western Union has lost their Title I status for the 2016/2017 school year. These funds totaling \$175,000 were previously used to provide three full-time interventionists, a curriculum specialist used to train staff members and supplies (books and activities) that were used by the interventionist. Western Union lost the Title I funds, but they did not lose the children that were serviced by those funds. Through donations, the PTO can get more books and other educational resources into the hands of children; these donations will help cover the things that had previously been paid for out of the Title I fund.
- In 2014, Western Union received a school report card of a "C" and now in 2016, they received a "B". Last year they not only met, but exceeded expectations. Their saying is "Give our best and nothing less".
- Councilwoman Critz asked if the Western Union PTO did any other fundraisers. Ms. Adrian Jaquith responded they have two fundraisers in the main school year: the fall fundraiser is a straight donation program and then they have their district fun run in the spring. Ms. Fazzino added they participate in spirit nights and they had a meet-up at Mom and Pop's last year.
- Councilman Countryman asked what an interventionist was. Ms. Fazzino responded they were full-time teachers who come in and pull students out of a classroom and work with them one-on-one or in small groups; these children are

below grade level or on the bubble, which means they are not quite at grade level, but that little boost will help them get where they need to be.

- Councilman Countryman stated he thought the town should support the school, but they did not have the resources to support it to the level they did last year; he would consider \$1,000. It should be understood this is something the town can't guarantee they can assist with every year; the town is committed to the education of our kids and Western Union because it is in our community, but the town, like the school, doesn't get the funding that they once got.
- **Councilman Countryman** made a **motion** to give Western Union School \$1,000.00 for their PTO organization and **Councilwoman Critz** seconded. The motion passed unanimously as follows:

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

6. Consideration of Adopting O-2016-01 & O-2016-02 - Concurring Speed Limits

- Ms. Brooks explained that there were two ordinances. One of them in the agenda packet [O-2016-01] had a typo ("declare" should be "repeal"), which has been corrected and placed in front of the council this evening. These are concurring ordinances with the North Carolina Department of Transportation.
- **Councilwoman Critz** made a **motion** to approve the change from 55 to 45 miles an hour on Pleasant Grove Road/McNeely Road and Shannon Road. We adopt O-2016-01 and O-2016-02 to accomplish that. Councilwoman Krafft questioned if it was from McNeely to Shannon on Pleasant Grove. Mayor Becker clarified the speed limit is 45 on the one little stretch from McNeely to the fork and it is 55 at the fork right down to Shannon Road, so they are repealing the 55 for that short thing and then they are just saying the entire length from McNeely Road to Shannon Road becomes 45. **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

- O-2016-01 and O-2016-02 are as follows:

STATE OF NORTH CAROLINA
TOWN OF MINERAL SPRINGS

**AN ORDINANCE DECLARING SPEED LIMIT MODIFICATION
CONCURRING WITH THE DEPARTMENT OF TRANSPORTATION
ORDINANCE
O-2016-01**

WHEREAS, N.C. G.S. 20-141 (f) authorizes speed limit modifications based upon engineering and traffic investigation on portions of a State Highway System Street located in the Town of Mineral Springs;

NOW, THEREFORE BE IT ORDAINED by the Town Council of the Town of Mineral Springs, North Carolina, the following:

SECTION 1. Repeal the Following Speed Limit.

<u>Speed Limit</u>	<u>Route</u>	<u>Road Description</u>
55	SR 1327	(Pleasant Grove Road) from a point 0.10 East of SR 1325 (McNeely Road) eastward to SR 1328 (Shannon Road)

SECTION 2. **Effective date.** This ordinance is effective upon adoption of the Department of Transportation of a concurring ordinance and the erection of signs giving notice of the authorized speed limit.

ADOPTED this 8th day of September, 2016. Witness my hand and official seal:

Frederick Becker, Mayor

Attest:

Vicky A. Brooks, Town Clerk

STATE OF NORTH CAROLINA
TOWN OF MINERAL SPRINGS

**AN ORDINANCE DECLARING SPEED LIMIT MODIFICATION
CONCURRING WITH THE DEPARTMENT OF TRANSPORTATION
ORDINANCE
O-2016-02**

WHEREAS, N.C. G.S. 20-141 (f) authorizes speed limit modifications based upon engineering and traffic investigation on portions of a State Highway System Street located in the Town of Mineral Springs;

NOW, THEREFORE BE IT ORDAINED by the Town Council of the Town of Mineral Springs, North Carolina, the following:

SECTION 1. **Declare the Following Speed Limit.**

<u>Speed Limit</u>	<u>Route</u>	<u>Road Description</u>
45	SR 1327	<u>Between SR 1325 (McNeely Road) and SR 1328 (Shannon Road).</u>

SECTION 2. **Effective date.** This ordinance is effective upon adoption of the Department of Transportation of a concurring ordinance and the erection of signs giving notice of the authorized speed limit.

ADOPTED this 8th day of September, 2016. Witness my hand and official seal:

Frederick Becker, Mayor

Attest:

Vicky A. Brooks, Town Clerk

7. Discussion of the Nuisance Ordinance Survey Result and Consideration of Next Action to Take

- Mayor Becker pointed out the tabulation that Ms. Brooks put together; this has been a long and slow process and this is not the last step obviously. This is just the report from Ms. Brooks and it is up for council discussion.
- Councilwoman Coffey commented it overwhelmingly shows people are in favor of the ordinance although there were a very few not desiring to have it; there was a low percentage of respondents. Mayor Becker noticed three things that stood out: the percentages were in the high 70's for the ones involving trash or broken down appliances; the support dropped off when it came to natural debris (leaves/limbs/grass cuttings); and even though there was a large response in favor of #10 several of the comments were that it was vague/very broad/catch all. Mayor Becker mentioned that Attorney Griffin tells us about ordinances from time to time and the components are: exactly what is it saying; what are its terms ("very precisely" is one and "who enforces it" is another); and what is the penalty. Mayor Becker expressed concerns about #10 being a "catch all"; it is very unspecific compared to the other nine. Councilwoman Coffey felt #10 pinpointed very well that anything falling under the county would be enforced and that was all it was

saying. Mayor Becker mentioned there were several questions about noise (loud music after 10:00 p.m./construction noise/shooting, which is specifically addressed in the county ordinances and is a matter for county enforcement (not town enforcement); people need to call 911.

- Councilwoman Critz pointed out one of the comments to #8 was to tear down the house that caught on fire and then it says immediately after that to let people do what they want with their own land; they have lived here a long time and they don't want people telling them what they can and can't do. Mayor Becker noted there were a dozen comments about falling down buildings downtown, which is not a nuisance ordinance issue, it is building codes. The same goes for animals; the town doesn't have animal control. It's good that we were able to address with people that those things are not even on the table for this particular set of ordinances. Councilwoman Critz offered they really are not sure what it is they want, because they want it all, they want what bothers them to be corrected, but yet they don't. There is no way for the council to make this perfect (at least satisfying to everyone), but the council does need to make it so they can address issues in the community that are harmful.
- Councilman Countryman pointed out only 21.5% of the people in this community cared enough to take the time to send it back, which he found appalling. A 75% favorable response is only 75% of 21.5%, it is far less than the percentage of people in this community feeling strongly about a particular ordinance. Councilman Countryman finds it difficult to provide an ordinance to manage people's lives and he is very much about getting government out of his face; he doesn't want government running his life and he certainly doesn't want them telling him what to do on his own property for the most part. However, as a community leader, it is important to at least have some ordinances to address the most serious of these issues that we face as a community. A community can't exist without ordinances and laws, because there is always somebody that is going to take advantage. In Councilman Countryman's opinion, the 21plus percent of people responding to the survey are those people directly affected by one of these 10 ordinances; they either created them and they want them to go away so nobody is in their face or they are the next door neighbor of the person that is doing one of these things that they find offensive. Councilman Countryman questioned where the other 75% of the community that seems to be ambivalent to what is going on in their community were. Councilwoman Critz responded there were people here in the audience that understood, but sadly 21% response of anything in today's climate is considered good. Councilman Countryman responded it might be considered good, but in his opinion he is not happy with it, because he is getting tired of only the people that speak getting the right to make the laws that impose those problems on all the other people in the community. There are some laws/ordinances that need to be in place, Councilman Countryman is supportive, but he is distraught that other people don't think that way or don't care or couldn't find a stamp or whatever their reason was, they didn't return the survey, because they are expecting the council to make a decision for them without their input. Regardless of what the council does, there's somebody that is not going to be happy, but unfortunately that's the way it is. Councilman Countryman thinks what the council needs to do, rather than take all 10 of the ordinances initially sent out, because it is very apparent from the respondents that there is about six of the ten that really aren't a concern (only in

the 40 to 50 percentile), but there are two or three that are overwhelmingly important to the respondents about trash, washing machines, TV sets, lawn mowers or old broken down cars; these are the things the council needs to consider. Councilman Countryman suggested that the council take another look at those most critical of the ten.

- Councilman Countryman explained in the past it was permissible for someone to issue a formal complaint (the town only acts on complaints, we don't search out problems) about something, send it to the Town Clerk/Administrator and it became her responsibility to pursue it, but they could do it anonymously. Councilman Countryman felt if the town was going to establish these ordinances they were not going to do it anonymously; the person that has the complaint has to sign their name to the complaint. Councilwoman Critz questioned this. Councilman Countryman responded a person being accused of something in the judicial system has the right to face their accuser. Councilwoman Critz commented "this isn't a court of law". Attorney Griffin noted he didn't think the council had to require it. Councilman Countryman felt they should; his concern was that you can have a neighbor that doesn't like what his neighbor is doing and they file a complaint against him, but he never has to answer why the complaint was filed. Councilwoman Critz felt there were situations where you can give information anonymously, so that you can be protected from retribution.
- It was clarified that the list of ten was compiled from the "shopping list" that was provided to the town by the consultant that would become the authority figure in this process. Mayor Becker mentioned that in the past Ms. Brooks would get calls as the zoning administrator about people that had piles of trash in their yard and she would have to say that "zoning" doesn't control trash bags piled in your yard; the town doesn't have any laws on the books that can address that.
- After a brief discussion, the council agreed to table this item and call for a special meeting to have a work session to further clarify and discuss the nuisance ordinance.
- **Councilwoman Critz** made a **motion** that the town council meet early for the October 13th meeting at 6:00 p.m. and provide picnic style food for a working session. Mayor Becker clarified Councilwoman Critz was calling a special meeting at that time on that date for the purpose of conducting a work session on the nuisance ordinance. **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

8. Discussion of the McCollum Contract

- Mayor Becker mentioned several council members received another email from a citizen insisting McCollum Trucking and Grading (who built our greenway parking lot in 2011) was in breach of contract, because he had not gotten a building permit for that project. The history is the town does have that concern and a lot of work was done this year on the greenway parking area in order to comply with the North Carolina building codes and Americans with Disabilities Act. The back story is the town did ask our attorney informally for advice about talking to Ron McCollum and was told "of course you can talk to Ron McCollum". Mayor Becker called Ron

McCollum last week and asked him if they get building permits for these kinds of jobs normally; Mr. McCollum responded “no, generally not, because I am working for a general contractor who has pulled permits”. Mayor Becker mentioned that the parking lot was not part of a bigger project; the trail didn’t even meet the parking lot. It was going to be used for that, we had the money, we had the property and the parking lot was our first step. The plans were drawn by an engineer and McCollum built the parking lot exactly to the specifications of the plans to the letter even though McCollum didn’t get a permit. Mayor Becker commented he didn’t think the town had anything to sue Mr. McCollum over. The council could go into closed session at a subsequent meeting and ask Attorney Griffin about it. Mayor Becker thought if Mr. McCollum had applied for a building permit, we have no idea what the building inspector would have said, do plan review and he probably would have signed off on it at that point, because it was just a gravel parking lot in the middle of nowhere; it didn’t serve a facility. Mayor Becker reiterated “we don’t know what the building inspector would have done, might have said you don’t need a permit for this, we don’t know that” When we had lots and lots of complaints from that one individual that led to additional work being done, then the building inspector said “oh and you need to do a building permit and the building permit is late cause you didn’t do it in 2011”, so instead of \$60 it’s \$120, which was in the contract with H.C. Rummage. When the town council approved the Rummage contract, the cost of the building permit was the responsibility of the town. Mayor Becker explained in his conversation with Mr. McCollum he said “Ron, do you, are you willing to retroactively pay, reimburse us for the cost of that building permit” and he responded “sure, I’ve got a reputation, if you felt that the permit should have been filed”. Mayor Becker asked the council if they wanted him to ask Mr. McCollum to reimburse the town the \$120 and call it closed.

- **Councilwoman Coffey made a motion to ask Mr. Ronald McCollum for the \$120.00 quickly and Councilwoman Neill seconded.** Councilwoman Critz asked Attorney Griffin if the council were “trained seals jumping through a hoop here or is this real”. Attorney Griffin responded that he would not want to comment unless he did some research on the questions the council wanted him to answer; “this is too serious, I gather, to just give some generalization”. The mayor has laid out some potential problems the council might face pretty well, but Attorney Griffin explained that he would be remiss if he gave a legal opinion that he hasn’t studied much. Councilwoman Critz commented she was just concerned this council will develop a habit of jumping whenever someone says to jump. Councilwoman Coffey responded no, she took offense to that, because she has been jumping ever since it came to her attention. McCollum didn’t get it, H.C. Rummage had to get it and the town had to pay for it. “Union County required it, we didn’t do this and yes they need to give up the money and he doesn’t have a problem”, Councilwoman Coffey said. Mayor Becker noted that the motion was still on the floor and explained there was a similar situation (which didn’t require additional work) with the future community center. When we had the facia/roofing/rafter repair work done by Godfrey Construction, the same citizen complained about the job, because it turned out they had also not gotten a building permit for the job; it was called for in his contract. Mayor Becker called it to their attention and he [Mr. Hinson] said “for a roof replacement???”. Mr. Hinson (of Godfrey Construction) spoke with Mark Griffin, got the permit, set up an inspection and paid the \$120; the roof was inspected and passed and the matter was closed. Mayor Becker commented it

was a little different, because the town didn't have to call somebody in later to do additional work, but Godfrey Construction did pay for the retroactive permit. Mayor Becker noted where Councilwoman Critz may be trying to go with Attorney Griffin was the council could start to build a case that if the permit had been pulled, the inspector might have said "these plans aren't good, you are going to have to do more work", but had that happened McCollum would have voided his contract, because he bid based on what those plans said. After some discussion the council still concluded that McCollum should write a check. *The aforementioned motion by Councilwoman Coffey seconded by Councilwoman Neill was passed unanimously as follows:*

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

9. Staff Reports

- Mayor Becker mentioned the Literacy Council Spelling Bee would be at Wingate on November 10th, which is the same night as our council meeting again this year. The town does support them annually "to the tune of \$300" and have been doing it even if we haven't fielded a team. Mayor Becker asked if the council wanted to continue to support them; the town is listed as a sponsor in their program. There was a consensus of the council to put this item on the next agenda for discussion and consideration.
- Mayor Becker reminded the council that the festival is Saturday from 10:00 a.m. to 4:00 p.m. Councilwoman Krafft mentioned that we need volunteers and asked what time the council was supposed to report for set up. Ms. Brooks responded they were busy today and will be busy tomorrow. Mayor Becker added if anybody was free tomorrow starting at 8:00 a.m..... Councilwoman Critz asked what time they should get here on Saturday. Councilwoman Krafft responded that she would be arriving at 7:00 a.m., because they have tents to set up. Ms. Brooks commented that they would be putting tents up and the "face in the hole" tomorrow.

10. Other Business

- There was no other business.

11. Adjournment

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

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

- The meeting was adjourned at 8:50 p.m.
- The next regular meeting will be on Thursday, October 13, 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