

**Town of Mineral Springs**  
**Town Hall**  
**3506 S. Potter Road**  
**Town Council**  
**Regular Meeting**  
**May 14, 2020 ~ 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 Regular Session in a virtual meeting via ZOOM, Mineral Springs, North Carolina, at 7:30 p.m. on Thursday, May 14, 2020.

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

**Absent:** None.

**Visitors:** None.

With a quorum present Mayor Frederick Becker called the Regular Town Council Meeting of May 14, 2020 to order at 7:37 p.m.

**1. Opening**

- Town Clerk Vicky Brooks did the roll call of those present [as shown above].

**2. Consent Agenda**

- ***Councilwoman Coffey made a motion to approve the consent agenda, which contained the following:***

- A. April 9, 2020 Regular Meeting Minutes
- B. March 2020 Tax Collector's Report
- C. March 2020 Finance Report

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

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

**3. Public Comments**

- There were no public comments; no requests for public comments were received via text or email.

4. **Consideration of Authorizing the Zoning Administrator/Planner to Sign Letters of Support and Local Match Assistance for the 2020 BUILD Planning Grant Application**

- Mayor Becker explained the memos were self-explanatory and the information came from Bjorn Hansen. Mayor Becker noted the town council was not committing any money at this time, although they were committing their intent to support it financially (if it proceeds) to the fiscal year 2022/2023. Ms. Brooks mentioned she was on a Webex meeting the other day with Mr. Hansen and others involved in the stormwater and it showed the Mineral Springs share to be \$4,000 instead of what it shows on the documents shown in the agenda packet. Ms. Brooks suggested they keep that in mind when they make their motion, if they made a motion. Mayor Becker clarified the letter would say \$4,000. Ms. Brooks responded yes and added the county wanted “kind of” a commitment, even though the council can’t “commit” those funds, but it won’t be until the 2021-2022 or 2022-2023 budget before the funds would come out. Therefore, Ms. Brooks believed Mr. Hansen was just wanting the council to say “yes, we are supporting it.
- **Councilwoman Critz made a motion to combine those two, to change the figure to \$4,000, and to send the letter of commitment and Councilwoman Cureton seconded.** Mayor Becker clarified those letters would be signed by Ms. Brooks. *The motion passed unanimously as follows:*

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

5. **Consideration of Adopting a Resolution (R-2020-04) of Support for the 2020 BUILD Grant Application**

- Mayor Becker explained the second vote on the BUILD grant application would be to adopt the Resolution of Support.
- **Councilwoman Neill made a motion to adopt the Resolution of Support for the 2020 BUILD Grant Application and Councilwoman Coffey seconded.** *The motion passed unanimously as follows:*

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

- The resolution is as follows:

**TOWN OF MINERAL SPRINGS  
Resolution of Support for a Better Utilizing Investments to  
Leverage Development (BUILD) Grant Application**

**R-2020-04**

**WHEREAS**, the US Department of Transportation is soliciting grant applications for transportation investments through its BUILD program; and

**WHEREAS**, Union County is one of the fastest growing counties in North Carolina and projected to grow by nearly 50,000 people per decade through 2050; and

**WHEREAS**, Union County regularly experiences road closures and damage due to flooding and other storm events; and

**WHEREAS**, these road closures impact safety, economic activity, and overall quality of life; and

WHEREAS, stormwater issues do not respect political boundaries, and are best addressed in a cooperative manner; and

WHEREAS, Union County has coordinated with 10 municipalities, two counties, and two state departments of transportation to lead a study to analyze stormwater and transportation issues in a multi-disciplinary and holistic manner, called "Building a Resilient Carolinas."

NOW, THEREFORE BE IT RESOLVED that the Mineral Springs Town Council does hereby adopt this resolution supporting an application for a BUILD grant to study and identify improvements to the transportation and stormwater systems to reduce stormwater impacts on a study area of approximately 300,000 people across two states.

ADOPTED this the 14<sup>th</sup> day of May, 2020.

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

Attest: \_\_\_\_\_  
Vicky Brooks, Town Clerk

6. **Consideration of Allowing Nonprofits to Submit Written Requests**

- Mayor Becker explained the town has received one written request (for no specific dollar amount) and that this is an unusual nonprofit situation. Mayor Becker has suggested, because Zoom meetings are not the easiest to conduct and we are not counting on an in-person meeting, that if the council intends to do these contributions (and they seem fairly committed to these four specific organizations) that Ms. Brooks and himself will speak with them to get them to be very specific this year on a compact description of the Mineral Springs citizens that are being serviced (not by name specifically), but how many clients does Turning Point have, how many activities has Council on Aging conducted, etc. Have them give a very brief summary, they usually have that in their presentations, just get it to the town in advance and it will be in the agenda packet, which will streamline the process for approvals this year. Mayor Becker thought these four particular nonprofits are very established ones and their 501C3's are not in jeopardy, so he thought the council had a little flexibility with just getting a written statement from them. Mayor Becker asked for council guidance.
- **Councilwoman Critz made a motion that we allow the non-profits to submit written requests.** Mayor Becker clarified that would just be for the four nonprofits specified in the agenda. **Councilman Countryman seconded the motion made by Councilwoman Critz. The motion passed unanimously as follows:**

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

Nays: None

7. **Consideration of the 2019-2020 Budget Amendment**

- Mayor Becker explained the budget amendment was a clerical one, the overhead figures are going to be about \$140 and some change above what has been budgeted for the employee overhead for FICA, payroll processing, ORBIT pension, and benefits. In order to meet the final payment for the fiscal year, the council will need a budget amendment of \$200. The funds will be taken out of Contingency and moved to Employee Overhead; therefore, there is no change in the appropriations of the total amount of the budget.

- **Councilwoman Neill made a motion to approve Ordinance 2019-03: 2019-2020 Budget Amendment and Councilwoman Cureton seconded. The motion passed unanimously as follows:**

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

- The budget amendment is as follows:

STATE OF NORTH CAROLINA  
TOWN OF MINERAL SPRINGS

**AN ORDINANCE AMENDING THE BUDGET OF  
THE TOWN OF MINERAL SPRINGS  
FOR THE FISCAL YEAR 2019-2020  
O-2019-03**

WHEREAS, NC G.S. 159-15 authorizes a municipal governing board to amend the annual budget ordinance at any time after the ordinance's adoption;

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

SECTION 1. Appropriations and Amounts. Amendment #2019-01:

	<b>INCREASE</b>	<b>DECREASE</b>	
Employee Overhead	\$200	Contingency	\$200
Total	\$200	Total	\$200

SECTION 2. Effective Date. This ordinance is effective upon adoption.

ADOPTED this 14th day of May, 2020. Witness my hand and official seal:

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

Attest:

\_\_\_\_\_  
Vicky A. Brooks, Clerk

**8. Consideration of the 2020-2021 Budget and Calling for a Public Hearing**

- Mayor Becker noted there was a correction in the budget message on page 2 that Councilwoman Coffey pointed out to him, the second to last paragraph says \$2264,410.00 and it should say \$264,410.00. Mayor Becker stated any additional publications of the budget will be corrected and there were no changes in the figures in the ordinance or in the breakdown.
- Mayor Becker explained there would be some complications on calling for the budget hearing electronically. The council can call for the budget hearing electronically, Ms. Brooks can post notice of the hearing as an electronic hearing and state the Zoom

meeting number in the published notice, but there is a complication that the legislature has thrown into it where there is a catch-all omnibus state of emergency law. If you have an electronic public hearing you must allow for written comment from the time the public hearing is announced and published to 24 hours after it is held. Mayor Becker stated it was a strange requirement, but it was clearly in the statute. Frayda Bluestein (from the School of Government) addressed this in her blog. Someone had weighed in and said "the way the wording of the first sentence of the statute is, it looks like you could call for the public hearing, thereafter or something", but Ms. Bluestein said, "they very specifically added this 24-hour period after the public hearing is held, why would they put that in place to make you collect public comment after you already adopted the subject of the public hearing." Ms. Bluestein's belief was (while subject to interpretation) that it needed to be observed, so with the abundance of caution it puts the council in a little bind, because it means the budget can't be adopted at the same meeting that the public hearing is held. The council will have to wait at least 24 hours to see if any additional public comments come in writing to Ms. Brooks and then the council can choose to incorporate that or not. The council will have to hold a special meeting to adopt the budget.

- Attorney Griffin offered he thought that was not historically uncommon, then after the public hearing the council makes a decision later. This gives the council time to digest what has been submitted at the public hearing and then two days to a week later the council meets to adopt, reject, or modify the budget.
- Councilwoman Critz stated she agreed with Attorney Griffin and she agreed with the assessment that in the event that the council can't meet, but if she was interpreting the phasing and processes of group meetings, she was thinking by June the council could have a meeting in town hall and practice social distancing possibly with masks.
- Attorney Griffin suggested the council could plan as they have outlined tonight, it might be an electronic meeting where you don't adopt the budget that night, but you have public comments. The council does want to hear public comment and have time to digest what they have said before they make a quick decision on a multi-thousand-dollar budget.
- Councilwoman Critz commented in the event that the council might be able to actually have a real meeting as opposed to a virtual meeting and track social distancing wearing masks and things like that. Attorney Griffin asked what if 25 people showed up for the public hearing. Councilwoman Critz responded that would be where the problem would come in and she didn't know if the council would want to make an allowance for that. Mayor Becker explained that government functions were already exempt from the mass gathering section of the Executive Order, so they could have an in-person meeting right now if they wanted to, but in the interest of council and public safety we have chosen to do the electronic meetings. Councilwoman Critz suggested if the council wanted to meet, they could have people wait outside and just let so many in at a time. Attorney Griffin responded they could, but how was the council going to pick and choose among the public to hear. Councilwoman Critz responded the council would let people in, but no more than 10 at a time if there is more than 10, so they could practice social distancing. Mayor Becker noted they would be missing parts of the meeting if you only had 10 people in the chamber and then there were 10 people in the parking lot who were not allowed

to participate in the public meeting. Attorney Griffin commented the council could meet in person and permit the public to meet by electronic means.

- After more discussion, the council decided to have an electronic public hearing / meeting and then call for a special meeting to officially adopt the budget. Ms. Brooks will publicize the meeting per statute.
- **Councilwoman Krafft made a motion to call for a public hearing on June 11, 2020 by electronic means at 7:30 p.m. and Councilman Countryman seconded. The motion passed unanimously as follows:**

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

- **Councilwoman Krafft made a motion to call for a special meeting electronically on June 18<sup>th</sup> at 7:30 p.m. for the purpose of considering and adopting the budget ordinance and Councilwoman Critz seconded. The motion passed unanimously as follows:**

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

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

- Ms. Brooks explained she spoke with Michael Rutland, basically begging him to come back to the board of adjustment, because we only have five members and no alternates. A meeting is scheduled for the 28<sup>th</sup> and there will not be enough members if somebody does not show up. Michael Rutland will go back on the board of adjustment as an alternate if the council is willing to put him back on.
- **Councilman Countryman made a motion to re-appoint Michael Rutland as an Alternate on the Board of Adjustment and Councilwoman Coffey seconded. The motion passed unanimously as follows:**

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

**10. 7<sup>th</sup> Annual Festival Discussion**

- Councilwoman Critz stated she thought with everything that everyone had on their plate and the uncertainty that exists that it would be to everyone's best interest to let this go for this year. Councilwoman Neill agreed. Mayor Becker noted that he had a Zoom meeting with the Union County Parks and Recreation Focus Group, which includes some of the bigger towns like Indian Trail and Waxhaw who have their own Parks and Recreation Departments that run their events and they have big events in those towns. They have not specifically cancelled anything out to September or October, but they have cancelled all events throughout the summer. Mayor Becker explained he was hoping to get better guidance. Mayor Becker commented that was his input, but we certainly were not way out of the realm of other people's thoughts if we were to operate at an abundance of caution. Councilman Countryman commented he was in agreement of suspending the festival for this year. You've got too many "what ifs" between now and then, even to get people to commit, certainly

to commit financially. Councilman Countryman continued he thought the town could live since they went through the 20<sup>th</sup> Anniversary one, which was a biggie, so we can live through this and be better organized if they so desire for 2021. Councilwoman Critz commented she thought the council was all pretty much in agreement. Mayor Becker asked if anyone wanted to weigh in; Councilwomen Cureton or Krafft have not said anything. Councilwoman Cureton responded that she agreed the festival should be postponed for this year. Councilwoman Coffey responded the consensus already had the vote in the fact that it will not happen, so there was no need to comment further for her. Councilwoman Krafft agreed.

- Ms. Brooks informed the council that a band was hired and a nonrefundable deposit of \$800 was made; we can cancel and not have to pay the rest of the money, but we will lose the \$800. Councilwoman Coffey commented that means we are having a party in the parking lot for a couple of hours. Councilwoman Krafft added she would bring all the kid's stuff and they can do water guns and toss. Mayor Becker stated he was thinking about that as people were having discussion, Ms. Brooks hasn't talked to them yet, but it struck him that this band is probably going to be in existence in the following year and he suspected that they would probably let the deposit ride if they were hired for 2021. Ms. Brooks responded that she suspected that they would not, because as with everyone else in this day and time they are desperate for money, they are not getting paid because they can't perform. Ms. Brooks didn't think they would let that slide and she suspected this band was going places and the town probably would not be able to get them next year, because they may be too busy for a "little ole festival." Councilwoman Coffey commented "we are having a party in the parking lot." Ms. Brooks agreed but pointed out the town would have to pay them the rest of the money if they come. Councilwoman Critz asked about the rest of the money. Ms. Brooks responded the rest of the money was \$800. Councilwoman Critz commented that would be a really expensive parking lot party as much as she would hate (being a thrifty minded person) to consider losing \$800 to be. Councilwoman Critz was not considering that to be cavalier at all, but she thought in light of everything else and the hardship that would come into play with last minute decision that would have to be made, she thought in the big scheme of it all, it was worth the loss. Councilwoman Critz suggested that Ms. Brooks negotiate with them and they may give a little bit back, we are certainly not the only ones dealing with these obstacles. Mayor Becker added that they are very friendly, so you just don't know. Ms. Brooks commented if the board was willing to face the potential loss of \$800 and that they assume we get nothing and we don't even get a commitment for 2021, that was the worst that could happen. If Jukebox Rehab says "nope, you forfeit your deposit and we are not coming in 2021, because we are going to be in Nashville", that is the worst that could happen. Ms. Brooks wanted to make sure the council knew that was what they were voting on if they festival was postponed or cancelled. Councilwoman Coffey commented she thought that it had already been voiced that there won't be a festival, that vote was already in place. Mayor Becker responded the council didn't do a recorded vote yet, but he got her point. Councilwoman Coffey responded, "we don't have a recorded vote, but it's recorded, because I wrote it down as everybody said."
- ***Councilwoman Critz made a motion to cancel the 7<sup>th</sup> Annual Festival for this year and that Ms. Brooks will try to negotiate with the band, but even if we lose the entirety***

of the \$800, it's an acceptable loss and **Councilwoman Neill** seconded. The motion passed unanimously as follows:

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

Nays: None

- Ms. Brooks stated there were a couple of refunds that need to be made: Pelican's and a craft vendor that has already signed up.

11. **Staff Updates**

- There were no staff updates.

12. **Other Business**

- There was no other business.

13. **Adjournment**


- **Councilwoman Coffey** made a motion to adjourn 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 8:22 p.m.
- The next regular meeting will be on Thursday, June 11, 2020 at 7:30 p.m. via Zoom.

Respectfully submitted by:

  
Vicky A. Brooks, CMC, NCCMC, Town Clerk



  
Frederick Becker III, Mayor