

**Minutes of the
Mineral Springs Town Council
Evidentiary Hearing / Regular Meeting
August 12, 2021 – 7:30 p.m.**

The Town Council of the Town of Mineral Springs, North Carolina, met in Evidentiary Hearing / Regular Session at the Mineral Springs Town Hall located at 3506 Potter Road South, Mineral Springs, North Carolina, at 7:30 p.m. on Thursday, August 12, 2021.

Present: Mayor Frederick Becker III, Mayor Pro Tem Valerie Coffey, Councilman Jerry Countryman, and Councilwoman Lundeen Cureton.

Absent: Councilwoman Janet Critz and Councilwoman Bettylyn Krafft.

Staff Present: Town Clerk/Zoning Administrator Vicky Brooks, Attorney Bobby Griffin, and Deputy Town Clerk Janet Ridings.

Visitors: Charles Bowden and John Maida.

1. Opening

With a quorum present at 7:32 p.m. on August 12, 2021, Mayor Frederick Becker called the Regular Town Council Meeting to order.

Councilwoman delivered the invocation.

Pledge of Allegiance.

2. Evidentiary Hearing on an Alternate Design Proposal

Mayor Becker explained the first order of business was an Evidentiary Hearing on an Alternate Design Proposal. Mayor Becker reminded the council, applicant, and anybody wishing to speak at this hearing that this is a quasi-judicial proceeding, so the testimony is different than a regular public comment, the council expects it to be actual evidence and the witnesses are sworn in and will need to have creditable and specific evidence of what they are talking about when they are addressing the topic.

Mayor Becker swore in Zoning Administrator Vicky Brooks and John Maida.

Ms. Brooks explained this was an Evidentiary Hearing for an Alternative Design Proposal. The notice of this Evidentiary Hearing was mailed out on 7/29/21 to the owners of all the parcels of land abutting this parcel; the certification of the mailing was in the agenda packet. The zoning notice was posted on the site, the town bulletin board, website, and Facebook page.

Ms. Brooks entered the application and the supporting documentation from the applicant (that was found in the agenda packet) into evidence as Exhibit A.

Ms. Brooks explained the applicant, John Maida, was seeking an Alternative Design Proposal, which is a proposal that differs from the requirement of Articles 5 and 6 of the Mineral Springs Development Ordinance in regards to landscaping, parking, infrastructure, or building design, due to unique site circumstances or creative design proposals, provided the intent of the ordinance is kept. Mr. Maida is seeking to increase the fence height requirement to six feet; the ordinance only allows the fence

to be five feet along the front of the property. Mr. Maida is proposing to construct a wooden fence, which is allowed by ordinance, you can have wood, composite wood, or vinyl. The front does have to be opaque while the ordinance requires at least 50% transparency unless it is part of a required buffer or screen, so that would also have to be part of the redesign from the ordinance; the council will see that Mr. Maida is going to need that.

Mr. Maida received a Special Use Permit approval for a "construction-related contractors with storage yards, excluding offices" from the Board of Adjustment. The ordinance states that all outdoor storage shall be screened from view of the street and adjacent properties, no items can project above the screening within 100 feet of the property line or shall exceed a total height of 10 feet. Storage cannot be seen within 50 feet of the street right-of-way, adjacent residential zoned or used property, or adjacent to TC or MU.

Mr. Maida: "Good evening everyone. Like Ms. Brooks said, we are trying to, we are asking for a one-foot difference in the front on the street to go to six feet instead five. The rest of code states we can go eight feet around the back and the other side just not along the street. The problem we have is with construction storage, you are allowed ten feet, if the fence is five feet, how do we cover the rest. There's like a discrepancy in the code. If we go six feet, then at least it's six feet we can try and keep everything down below that six foot and I think it would work out and be cleaner because it is in the center of town. This is a so-called temporary use until the county opens up the sewer and allows us to put buildings up but right now there is no sewer allocation available. We're basically stuck with, we want to clean up, instead of waiting for the state to get involved to clean it up, we can do it now and get the houses out of there and the old grocery store to make it look a little cleaner. When we put this fence up, there is a code that does not allow any signs to go on it but we want to do is work with the town to say if the town wants to put up anything as far as for Christmas or Easter or whatever they want to do, just the town we will be willing to work with them to do something like that; because it's a big fence. So, if we can cover it with something, use like a billboard so if we can use it for the town's use, not for private, I think it would benefit also because it will be the new corner of town. The screening, on 5.4.12, it tells you about the fence will not contain advertising, signs or logos or other lettering. We can work something out where the town could put there, some type of language together where it would be legal and you don't have to worry about somebody else coming like 'they did it there, we want to do it here'. It's just for the town. Basically, that's it. We are trying to clean up downtown, make it look a little different than what it looks like now because it is a little rough coming into downtown."

Mayor Becker asked if the council had any questions.

Councilwoman Coffey referred to Mr. Maida's statement about wanting to keep everything below the threshold of the six foot and stated that language had to be more specific "we can't want to keep it, we must keep it."

Mr. Maida: "If we go six feet, the extra foot in the front, it's within a 100 feet of the fence, so what they are saying is basically after the 100 feet, it can go up to ten feet, let's see if we can keep it down below."

Councilwoman Coffey commented she heard Mr. Maida, but "no, let's not see if we can, let's keep it, we definitely need that language, otherwise anything could be happening."

Mr. Maida: "We can put that language in. That's fine. And I have to come in front of you again. We want to make everyone happy. If we have to keep it below the six foot if you give us the variance for the six, then that's what we will do."

Councilwoman Coffey stated, "we have to have that, we have to have that."

Councilwoman Cureton agreed.

Mr. Maida: "A chain link fence, you are going to see through it, it is going to look horrible."

Councilwoman Coffey responded she understood and then referenced the sign going on the fence and stated she was definitely not for the town putting up a sign "Welcome to Mineral Springs". This is a private enterprise, and the Town of Mineral Springs does not need to be reflected on that property, it looks like an endorsement of sorts, or it could look like that and she thought the town needed to steer away from that. In addition, the town has a sign right down on Highway 75 welcoming everyone to Mineral Springs.

Mr. Maida: "Okay."

Councilwoman Cureton commented she agreed.

Councilman Countryman asked what the purpose of the yard was going to be and what kind of building material or industrial material would be stored there.

Mr. Maida: "We don't have a user yet, that's going to be tenants that come in or a tenant that would come in, it's not for me. I'm just a landowner and it's only until they give us the okay to go ahead and build and then we want to put stores out there. But right now, we can't, so right now all you have is just land."

Councilman Countryman clarified what he was hearing was that Mr. Maida was buying the property and would remove the things that were currently there (buildings) and then it was going to be a vacant lot with a fence.

Mr. Maida: "Correct."

Councilman Countryman asked Mr. Maida what he was going to put behind the fence.

Mr. Maida: "Construction material."

Councilman Countryman asked Mr. Maida for what purpose.

Mr. Maida: "Storage. Again, I don't have a user yet. I don't have somebody to actually go into that location but when we do..."

Councilman Countryman asked what the purpose of storing the material was. Was Mr. Maida using the material on sites somewhere else. Was it construction material he was going to take somewhere else?

Mr. Maida: "Material and also equipment, so if you have like a small trailer, you can't leave it in front of your house. Most of the HOA's make you move it. So, if it's a construction trailer, then..."

Councilman Countryman stated he was just trying to understand.

Mr. Maida: "Yeah, I know. It's all within the rights, it's not like we are doing anything..."

Councilman Countryman reiterated he was just trying to understand when Mr. Maida said construction material, he was interested in what that was, and if it was going to be a trailer or if it was going to be timber, lumber, or sheetrock.

Mr. Maida: "No nuclear waste, nothing like that."

Councilman Countryman stated he wouldn't imagine.

Mr. Maida: "The ground is bad enough, we don't need to make it worse."

Mayor Becker asked Mr. Maida about his plan, the fence would not be there when the storage yard use of the property ended.

Mr. Maida: "Right, it will be store fronts."

Mayor Becker commented it was going to be different.

Councilman Countryman asked if it was a commercial property.

Mr. Maida: "It would be commercial which is an as of right. That would be then changed so we wouldn't need the Special Use Permit any more. We are just doing that for now and hopefully, we don't know. The way the county is talking, sometimes they say two years, we are hearing three years, we don't know but there's no allocation right now is what they are saying."

Councilman Countryman commented that was strange.

Mr. Maida: "Especially when they just finished the plant but that's, so that's what we are up against."

Councilman Countryman commented that was government and wished Mr. Maida good luck.

Mayor Becker explained the council would have to do the Findings of Fact very carefully. There are two requests to modify: allow the increase in fence height and then to allow use of the fence for posting with town approval, which would be eliminated.

Mr. Maida: "The third one is the opaque."

Mayor Becker added the opaqueness.

Mr. Maida: "So there were three."

Mayor Becker explained when the council got to the final decision they could say (if the findings all work, which the council is going to do) "the opaque would be okay and extra foot of height would be okay, and we don't approve the use for banners", that would be how the council would do it if they decide to do it.

Mayor Becker pointed out these findings are different findings than what the council was used to for special use permits, in some ways they are simpler in terms of compliance with the general intent of the ordinance. Mayor Becker reminded the council they could only look at the testimony from Mr. Maida and the written documentation that was submitted. The council has not heard anybody else speak against why it might not meet the requirements, so in the absence of any negative evidence that gives the council something to consider, and that is all the council can base their findings on.

3. Consideration of the Alternate Design Proposal – Action Item

Mayor Becker instructed the council to talk about the four findings they have to look at, which they will go through one at a time.

Mayor Becker reminded Mr. Maida he was still under oath and commented the council might need to ask him another question to clarify whether they feel that the findings are being met.

Findings of Fact

Alternative Design Proposal (ADP-2021-01)

August 12, 2021

John Maida

Note: To grant an Alternative Design Proposal, the Town Council acting in the capacity of the Board of Adjustment must first hold an evidentiary hearing and then determine all of the following findings of fact to be in the affirmative by a simple vote of the sitting members:

- 1. The proposed project represents a design in site and/or or architecture which will result in a development that is equivalent to or superior to that achievable under the applicable regulations.**

Yes X No

Councilwoman Coffey motioned to find in the affirmative and Councilman Countryman seconded. The motion passed unanimously. Ayes: Coffey, Countryman, and Cureton. Nays: None.

This finding was based on the following fact(s):

1. Evidence presented in the application, the site plan, the plat plan, Mr. Maida’s presentation, and that it is was within the regulations.
2. It is something that the town has been trying to achieve for a long time; a fabulous opportunity to eliminate an eye sore that has been with the town for a number of years.

- 2. The proposed project will be compatible with surrounding development in materials, scale, massing, and site layout.**

Yes X No

Mayor Becker mentioned the council could find the proposed project will be compatible with what’s around downtown and it will not clash.

Councilman Countryman motioned to find in the affirmative based on the site plan and the photograph that would be negative to any of the construction that is taking place in the area, “so I would assume it would be favorable” and Councilwoman Cureton seconded. The motion passed unanimously. Ayes: Coffey, Countryman, and Cureton. Nays: None.

This finding was based on the following fact (s):

1. There is nothing indicated in either the site plan or the photograph that would be negative to any of the construction that is taking place in the area.
3. **The proposed project is consistent with the intent of the Mineral Springs Development Ordinance and substantially meets the requirements therein.**

Yes No

Councilwoman Coffey motioned to find in the affirmative, it does meet the requirement of our UDO and definitely represents our rural small-town enterprise and Councilman Countryman seconded. The motion passed unanimously. Ayes: Coffey, Countryman, and Cureton. Nays: None.

This finding was based on the following fact (s):

1. It does meet the requirement of the UDO.
2. Represents the rural small-town enterprise.
4. **The proposed project is consistent with adopted plans and policies of the Town.**

Yes No

Mayor Becker mentioned the town plans and policies in addition to being consistent with the UDO.

Councilwoman Coffey made a motion to find in the affirmative based on the evidence presented and written evidence and Mr. Maida's sworn testimony and Councilman Countryman seconded. The motion passed unanimously. Ayes: Coffey, Countryman, and Cureton. Nays: None.

This finding was based on the following fact (s):

1. It is consistent with the UDO, which was adopted July 12, 2019.
2. It fits the current Land Use Plan that is being modified as we speak.

Mayor Becker explained the final thing was the three options to: grant the proposal, which would have all three of those requests; grant the proposal with conditions (the condition might be to request 1 and 2, but not 3); or disapprove. The council found in favor of all four and Mayor Becker thought the council had been considering the conditions they wanted to impose as they were finding in the affirmative and asked if they had any suggestions on what restrictions or conditions would be to vote in favor of the entire proposal.

Councilwoman Coffey responded the only condition she could think of was making certain that there is specific language that would prohibit anything higher than the six-foot fence in the front.

Mayor Becker commented that was discussed in the testimony, so nothing higher than six feet is a specific requirement, not just a hope.

Mayor Becker asked what the other condition was.

Councilman Countryman responded no signage.

Mr. Maida: "And the opaque."

Mayor Becker added the opaque was requested.

Mr. Maida: "Let's close it down."

Councilman Countryman asked Mr. Maida what opaque was in his mind.

Mr. Maida: "See thru."

Mayor Becker commented that was transparent.

Mr. Maida: "We need it so we can't see thru it."

Mayor Becker explained that was part of Mr. Maida's request, because the ordinance says it must be 50%, which is part of what the council is approving and that it be a foot higher, and the council did not want to approve the signage. In addition, Councilwoman Coffey requested adding specific language that it be six feet only.

Councilman Countryman asked for clarification, the original ordinance requires that the fence be see thru and Mr. Maida is requesting that it not be see thru.

Mr. Maida: "That is correct."

Councilman Countryman commented that was appropriate given it was going to be a storage facility.

Mayor Becker asked for a motion that summarized the two aspects of the proposal.

Councilman Countryman motioned to approve it with the understanding that anything stored within that facility or that space cannot be higher than the fence line at six feet, and that the fence will be opaque, and not be such that somebody can see thru it at this time, and no signage.

Mayor Becker restated the motion, "that was to allow the opaque fence, which is a modification to allow the extra foot, not to allow the signage, but to also hold it to six feet inside."

Councilwoman Cureton seconded the motion made by Councilman Countryman. The motion passed unanimously. Ayes: Coffey, Countryman, and Cureton. Nays: None.

ACTIONS TAKEN

Based on the above findings of fact and the tabulated votes of the sitting members regarding each and every one of the said findings in fact: the following action was taken on August 12, 2021 by the Town of Mineral Springs Town Council after evidentiary hearing was held and duly advertised beforehand.

- Alternative Design Proposal Granted
- Alternative Design Proposal Granted with Conditions
- Alternative Design Proposal Disapproved

List any additional restrictions or requirements imposed by the Town Council as an integral part of conditionally granting the permit:

1. The fence will be opaque.
2. To allow the extra foot.
3. No signage on the fence.

4. Public Comments

Charles Bowden – 6409 Pleasant Grove Road.

5. Consent Agenda – Action Item

Councilman Countryman motioned to approve the consent agenda containing the July 8, 2021 Regular Meeting Minutes, June 2021 Tax Collector's Report, and June 2021 Finance Report and Councilman Cureton seconded. The motion passed unanimously. Ayes: Coffey, Countryman, and Cureton. Nays: None.

6. Consideration of Adopting a Budget Amendment – Action Item

Mayor Becker explained back in February when the council was first presented with the idea of making a contribution, he did a subtraction of what was in the budget of what the council was probably going to spend and he said there would be \$2,675 left, but it should have been \$2,625. That expenditure was put off another month before it was approved and then the council did the regular [nonprofit expenditures]. When Mayor Becker was doing his regular year-end closing of the books, they were \$50 over. Mayor Becker talked to the town auditor and Kara Millonzi at the School of Government, who said "just to be in balance, you should ratify that change by adopting for the previous year's budget", which is a \$50 budget amendment to move the money out of contingency into charities and nonprofits. This will not increase the budget; it will just move it out of contingency.

Councilman Countryman motioned to approve the budget amendment and Councilwoman Coffey seconded. The motion passed unanimously. Ayes: Coffey, Countryman, and Cureton. Nays: None.

The ordinance 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 2020-2021
O-2021-01**

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 #2020-01;

INCREASE		DECREASE	
	\$50		\$50
Charities and Agencies		Contingency	
	\$50	Total	\$50
Total			

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

ADOPTED this 12th day of August, 2021. Witness my hand and official seal:

Frederick Becker III, Mayor

Attest:

Vicky A. Brooks, Clerk

7. Consideration of Adopting a Resolution to Accept American Recovery Plan Act Funding (ARPA) – Action Item

Mayor Becker explained the American Recovery Plan Act is extremely complicated; there have been some comments about the sources of the money and some of those arguments are valid. The way it works is, the town has the money, the town cannot say “no”, the town does not have to spend it.

Mayor Becker referred to his memo [in the agenda packet] and explained the town has to adopt a project ordinance for anything they want to spend the money on in the future. It is very limited to what the town can do. Mayor Becker has attended a lot of webinars and in-person meetings with the county personnel, with the School of Government, with the Local Government Commission to try to understand how to make it work. The final rule has not been adopted by the federal government yet. It is still subject to change on some of the ways it can be spent, but what could happen is the town could find that either they chose by policy not to spend the money, because the money is too costly overall in the future, and return it in 2026. If the town cannot come up with eligible plans to spend it on by December of 2024 and complete that expenditure by December of 2026, whatever is not spent needs to be returned. The state transferred the money to the town in two stages; in the first, half of \$270,000 has been deposited. The federal government gave the money to the state on behalf of all the small towns, which are called non-entitlement units (just about every town in North Carolina is in that size) and then the State Pandemic Response Office (NCPRO) simply issued that money.

The money is sitting there, because Mineral Springs has no situation where they can even address how to spend it. Mayor Becker attended a webinar this morning with the School of Government and the Local Government Commission who said, “final rule is not written, we urge you not to jump the gun, wait until...” Mayor Becker explained the town is not obligated to start spending it, so the advice was not to, not because the town does not want to spend it, but the town does not have enough information yet. However, to be in compliance with both state law and the terms of the American Recovery Plan Act, the town must do two things. Accept the funding that has been sent and acknowledge that they gave it to the town, which is the first resolution Mayor Becker gave the council. Kara Millonzi (School of Government) and Sharon Edmundson (Local Government Commission) said the town should adopt the project ordinance. Mayor Becker just used a template

from the Local Government Commission for the town project ordinance. Once adopted the town will have encumbered the funds and it will be a restricted fund balance. The council will start talking about it if and when they want to spend that money in the future after receiving further information.

Mayor Becker referred to his memo [in the agenda packet] and explained there was only one category where "it's a blank check" and it is based on a complicated formula about what they consider revenue losses; whether or not they were related to COVID, the law says if your revenues fell below a certain rate of increase, they will deem them as having been because of COVID, which is the language of the federal law. The town might be eligible in the first period, which is as of December 2020, for a \$22,000 shortfall. That does not seem like much out of the \$270,000 that was promised to the town, but that could be used for anything the town chooses to use it for or not use any of it.

Councilwoman Coffey commented in light of the funds having been sent without request, or without the opportunity to refuse, the town must adopt the resolution accepting the funds that are already here.

Councilwoman Coffey motioned to adopt this resolution (R-2021-06) and we are not advising funds be spent, we are adopting the resolution acknowledging the fact that the funds are here on deposit and Councilman Countryman seconded. The motion passed unanimously. Ayes: Coffey, Countryman, and Cureton. Nays: None.

The resolution is as follows:

TOWN OF MINERAL SPRINGS
RESOLUTION TO ACCEPT
FEDERAL AMERICAN RESCUE PLAN ACT (ARPA) FUNDS
R-2021-06

WHEREAS, the Town of Mineral Springs is eligible for funding from the Coronavirus State and Local Fiscal Recovery Fund (CSLRF) revenues of H.R. 1319 American Rescue Plan Act of 2021 (ARPA); and

WHEREAS, the North Carolina General Assembly will provide for the distribution of funds to eligible North Carolina municipalities; and

WHEREAS, before receiving a payment, the Town Council is required to formally accept the CSLRF revenues; and

WHEREAS, CSLRF revenues received under the ARPA must only be spent for purposes authorized by the ARPA, applicable regulations, and state law; and

WHEREAS, revenues received under the ARPA must be accounted for in a separate fund and not co-mingled with other revenue for accounting purposes; and

WHEREAS, the Town of Mineral Springs must comply with all applicable budgeting, accounting, contracting, reporting, and other compliance requirements for CSLRF revenues.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Mineral Springs that we do hereby accept and request CSLRF revenues to be distributed by the State of North Carolina; and

BE IT FURTHER RESOLVED that the Town of Mineral Springs affirms that the CSLRF revenues will only be used for the purposes prescribed in the ARPA, and in US Treasury guidance in 31 CFR, Part 35, and any applicable regulations, and in accordance with state law; and

BE IT FURTHER RESOLVED that the Town of Mineral Springs will comply with procedures created by the North Carolina General Assembly and the US Treasury Department to receive funds under the act; and

BE IT FURTHER RESOLVED that the Town of Mineral Springs will account for CSLRF revenues in a separate fund and not co-mingle them with other revenues for accounting purposes and will comply with all applicable federal and state budgeting, accounting, contracting, reporting, and other compliance requirements for CSLRF revenues; and

BE IT FURTHER RESOLVED that the Town Council of the Town of Mineral Springs designates and directs the Town Finance Officer to take all actions necessary on behalf of the town council to receive the CSLRF revenues.

This the 12th day of August, 2021

Frederick Becker III, Mayor

ATTEST:

Vicky Brooks, CMC, NCCMC

8. Consideration of a Grant Project Ordinance – Action Item

Mayor Becker explained the Grant Project Ordinance does not appropriate any money. The town has done project ordinances with the town's own money in the past and specifically would have an expenditure plan, but this one does not.

Councilman Countryman clarified with Mayor Becker what he understood was this ordinance is being initiated to ensure that there is a very specific line item in the budget for that money and that it does not fall into any other category within the town's budget, so it will be easy to monitor and account for.

Mayor Becker responded that was exactly true; that is specifically what the council has to do.

Councilman Countryman motioned to approve the Grant Project Ordinance as it is offered and Councilwoman Coffey seconded. The motion passed unanimously. Ayes: Coffey, Countryman, and Cureton. Nays: None.

The Ordinance is as follows:

STATE OF NORTH CAROLINA
TOWN OF MINERAL SPRINGS

**AN ORDINANCE TO APPROPRIATE AND SPEND FEDERAL CORONAVIRUS
STATE AND LOCAL FISCAL RECOVERY FUND (CSLRF) REVENUES UNDER H.R. 1319,
THE AMERICAN RESCUE PLAN ACT OF 2021 (ARPA)
O-2021-02**

BE IT ORDAINED by the town council of the Town of Mineral Springs, North Carolina that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following grant project ordinance is hereby adopted:

Section 1: This ordinance is to establish a budget for a project or projects to be funded by the Coronavirus State and Local Fiscal Recovery Fund (CSLRF) revenues of H.R. 1319 American Rescue Plan Act of 2021 (ARPA). The Town of Mineral Springs has received the first tranche of CSLRF revenues in the amount of \$135,309.38. The total allocation is \$270,618.75, with the remainder to be distributed to the town no sooner than twelve months after the first tranche. These funds may be used for the following categories of expenditures, to the extent authorized by state law.

1. Support public health expenditures, by funding COVID-19 mitigation efforts, medical expenses, behavioral healthcare, and certain public health and safety staff;
2. Address negative economic impacts caused by the public health emergency, including economic harms to workers, households, small businesses, impacted industries, and the public sector;

3. Replace lost public sector revenue, using this funding to provide government services to the extent of the reduction in revenue experienced due to the pandemic;
4. Provide premium pay for essential workers, offering additional support to those who have borne and will bear the greatest health risks because of their service in critical infrastructure sectors; and,
5. Invest in water, sewer, and broadband infrastructure, making necessary investments to improve access to clean drinking water, support vital wastewater and stormwater infrastructure, and to expand access to broadband internet.

Section 2: The following amount is appropriated for the project(s) and authorized for expenditure:

CSLRF Project(s) \$270,618.75

This amount is the *maximum* amount available to Mineral Springs under the ARPA, and the Mineral Springs Town Council will amend this ordinance as necessary as it identifies specific projects and expenditures that are permissible uses of CSLRF revenues under the ARPA.

Section 3: The following revenues are anticipated to be available to complete the project:

CSLRF Revenues \$270,618.75

Section 4: The Finance Officer shall account for all CSLRF revenues and expenditures in a separate and dedicated Special Revenue Fund.

Section 5: The Finance Officer is hereby directed to maintain sufficient specific detailed accounting records to satisfy the requirements of the grantor agency and the grant agreements.

Section 6: The Finance Officer is hereby directed to report the financial status of the project to the governing board on a monthly basis.

Section 7: Copies of this grant project ordinance shall be furnished to the Budget Officer, the Finance Officer and the Municipal Clerk.

Section 8: This grant project ordinance expires on December 31, 2026, or when all the CSLRF funds have been obligated and expended by the town, whichever occurs sooner.

Adopted this 12th day of August, 2021.

Frederick Becker III, Mayor

Attest:

Vicky A. Brooks, Clerk

Mayor Becker referred to Councilman Countryman's previous comment stating it was a really good comment. Mayor Becker explained he had not asked the town auditor about it, but Ms. Millonzi and Ms. Edmundson explained how the town accounted for it on the books was that it is considered both a restricted fund balance on the asset side of the ledger and a liability on the liability side of the ledger, but the town has not got any authorization to spend it. It appears on the books as an asset and a liability balancing out to zero, so it appears on the books as its own fund. It does not have to be in a special bank account, but Mayor Becker may (for convenience) put it in a separate account for easier bookkeeping; it is not required. It can be placed in an interest-bearing account and the town could keep the interest; it does not have to go back when the money is returned. There are many twists and turns in this legislation, but if it is kept in a separate bank account then the town does not have to try to do internal calculations to apportion which portion is interest.

Councilwoman Coffey thought separate would be better.

Mayor Becker responded he had no problem doing that, it will go to one of the town's authorized depositories; the council has approved two of them, plus the Capital Management Trust. Mayor Becker will see if there is a better interest rate from one of the two and move it to a separate account for now.

Mayor Becker stated this would be coming back to the council in the future as things become more apparent about what the town can and cannot do and what they should do.

9. Consideration of NCDOT Intersection Improvements – Action Item

Mayor Becker explained he was at a Union County CRTPO quarterly meeting with Mr. Hansen in person, so he could take the opportunity to see some of the Division 10 people about two things. One was about (what Ms. Brooks would call a "lead light") a delayed green protected arrow. Mayor Becker reminded the council about some of the comments that were made during the critical intersection study; "we don't need turn lanes and all this disruption" and "they should just put a turn arrow." There is precedent where NCDOT will do that even without a dedicated turn lane. If you are heading south on Potter Road, the light stays red a little bit longer, it turns green heading north and you get a green arrow, and a few cars get through there. It may speed things up a little bit. Stallings is going to have them do that at Pleasant Plains and Potter Road, because that is a terrible intersection with turns. Mayor Becker referred to his memo and explained the only thing NCDOT told him was that you can't have it in two facing directions, if you have the green arrow northbound on Potter Road, you can't do one on southbound Potter Road, you can do one on Highway 75 in one direction or the other, you can do two of them, but they have to be perpendicular (not facing). Mayor Becker explained he went down to Rocky River Road and Highway 200 that has that exact situation and the two facing sides of Rocky River have green arrows with delayed green in the other direction, so he wanted to find out why they are doing it there, because the biggest problem, he thought, was Potter Road and not Highway 75. Mayor Becker asked for council guidance, because NCDOT estimates having the signals changed to be a \$10,000 project; the town would have to contribute that. There is money budgeted for intergovernmental transportation projects, which the council could weigh in on later if they thought it was valid. NCDOT is doing traffic counts. Mayor Becker asked if the council wanted him to continue with the project and get more information from NCDOT.

Councilman Countryman recommended Mayor Becker continue and that it would be helpful to say that it does exist at Rocky River and Highway 200.

Mayor Becker agreed having both facing direction is the way the town would have wanted it.

Councilman Countryman commented the issue is north and southbound Potter Road, not Highway 75 in terms of a traffic tie up; usually making a left hand turn northbound on Potter is not that difficult. People may have to wait for one or two cars, but it typically is not a line of cars, but it is a line of cars, because of the railroad and the corner. Councilman Countryman thought Mayor Becker needed to continue pursuing it.

Mayor Becker explained this one was not one the town would have to pay for, but he and Chief Gaddy have talked about the intersection at Potter and Pleasant Grove Road at the fork heading north having had frequent wrecks many times over the years; citizens have talked about it also. The stop sign is at Potter where it is a straight road and a blind coming in from Pleasant Grove. The NCDOT people agreed (when Mayor Becker described it) they did not know why it was that way. The town should want to propose moving the stop sign to Pleasant Grove and have Potter be the through street. As Mayor Becker said in his emails, NCDOT did make it clear that it made sense

that they would have to make it an all-way stop if they were going to do that, at least temporarily, if not permanently, because you can't just change a stop sign or there will be more wrecks. NCDOT is not promising anything, because they have to do a study on it and because it would be something they would pay for as a safety project.

Councilwoman Coffey motioned to continue to have dialogue with the Department of Transportation and get some guidance on this and Councilman Countryman seconded. The motion passed unanimously. Ayes: Coffey, Countryman, and Cureton. Nays: None.

Mayor Becker stated he would let the council know and will keep an eye on it to see what they recommend.

Mayor Becker mentioned he did not know what NCDOT would do downtown about the broken pavement at the Highway 75 intersection; it should be considered maintenance.

10. Consideration of Purchasing a Smart Camera for Hybrid Meetings – Action Item

Mayor Becker explained he and Ms. Brooks have talked back and forth about this and he thought the council discussed it many months ago when they were trying to figure out how to do meetings in the era of COVID. Technically hybrid meetings are more difficult although in some ways they are the best alternative, because the town hall can be open to people, but you still have the availability of ZOOM for those that can't attend or are uncomfortable attending. Technology was the problem there. Mayor Becker explained he happened to be at another one those meetings with the county and they had this thing on the center of the table and there was just him, Mr. Hansen and two DOT guys in person and a lot of ZOOM people; other mayors and things on the screen and when people were talking at the in-person meeting they would suddenly appear on the screen. Mayor Becker looked at the thing on the table in front of him, which was a Smart Camera, and it was able to create a hybrid situation for the meetings. The town may not have to pick it up immediately, but Ms. Brooks has talked about the steering committee where we are having people who are sitting around a table, and we are seeing a very uncertain future with the Delta right now. Mayor Becker asked the council if they may want to have the opportunity to have these hybrid meetings; it is close to a thousand-dollar investment.

Councilman Countryman motioned that we consider buying it if we determine that we need it, we don't necessarily need it right now, "I will authorize its purchase in the future if it is needed".

Mayor Becker clarified the staff can determine the need and are authorized to make the expenditure if it is something that is going to be needed and useful.

Councilman Countryman responded if the town goes back into lockdown and if it is determined by either the county or the state that it is going to be a requirement, the town might as well be ahead of the game.

Mayor Becker commented he thought it could be used and it might give the town an opportunity to stream meetings all the time, which would be more access to the public.

Ms. Brooks commented if the town goes back into lockdown this would be beneficial to the town, as previously stated, with the upcoming steering committee meetings, where in fact some people could be here and maintain that six-foot distance and mask while other people could stay at home. The first meeting is August 24, 2021.

Mayor Becker commented the town might want to get it right away, but the motion said that staff can if they deem it useful.

Councilwoman Coffey commented it had already been deemed necessary.

Councilwoman Coffey seconded the motion made by Councilman Countryman. The motion passed unanimously. Ayes: Coffey, Countryman, and Cureton. Nays: None.

Attorney Griffin commented the council had to put in the record that staff had already stated tonight that there is a need.

Mayor Becker responded it was on the minutes that staff has said, pending any further discussion, Ms. Brooks sees it being needful, even right away.

Attorney Griffin commented the council had to have something on the record about it or either a memo later from staff stating that they found that...

Mayor Becker stated, "we are authorized to buy it, right Attorney Griffin?"

Attorney Griffin responded he thought there should be something in the record that they do express that, if your staff has said that tonight, there is the need.

Mayor Becker commented staff might as well just go ahead and make the purchase.

Councilman Countryman motioned to go ahead and buy it now, so that it is available anytime we need it and Councilwoman Coffey seconded. The motioned passed unanimously. Ayes: Coffey, Countryman, and Cureton. Nays: None.

11. Staff Updates

Ms. Brooks shared with the council there were a couple of violations taking place right now. In fact, one of them has reached the civil citation level. Ms. Brooks stated she wanted the council to know that, because they would be voting on whether to hire the attorney to start collecting those fees. There are people building without permits and people are complaining.

12. Other Business

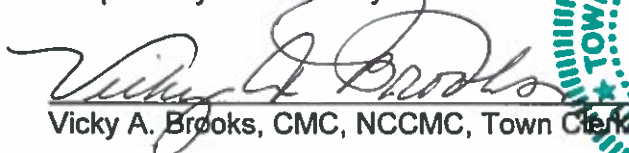
Councilwoman Cureton shared that the Western Union Park was going to raise some money and each ten members were asked to raise \$1,500. Councilwoman Cureton asked for donations to help her meet her goal; she needs \$800. The donation is tax deductible.

13. Adjournment – Action Item

At 8:25 p.m. Councilwoman Coffey motioned to adjourn the meeting and Councilwoman Cureton seconded. The motion passed unanimously. Ayes: Coffey, Countryman, and Cureton. Nays: None.

The next regular meeting will be on Thursday, September 9, 2021 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