

**Minutes of the
Mineral Springs Town Council
Regular Meeting via ZOOM
January 13, 2022 – 7:30 p.m.**

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, January 13, 2022.

Present: Mayor Frederick Becker III, Mayor Pro Tem Jerry Countryman, Councilwoman Valerie Coffey, Councilwoman Janet Critz, Councilwoman Lundeen Cureton, Councilwoman Bettylyn Krafft, and Councilman Jim Muller.

Absent: None.

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

Visitors: Kendra Gangal.

1. Opening

With a quorum present at 7:31 p.m. on January 13, 2022, Mayor Frederick Becker called the Regular Town Council Meeting to order.

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

2. Public Comments

There were no public comments.

3. Consent Agenda – Action Item

Councilwoman Coffey motioned to approve the consent agenda containing the December 9, 2021 Regular Meeting Minutes, the November 2021 Union County Tax Report, and the November 2021 Finance Report and Councilwoman Krafft seconded. The motion passed unanimously by roll call. Ayes: Coffey, Countryman, Critz, Cureton, Krafft, and Muller. Nays: None.

4. Consideration of Accepting the Audit Report – Action Item

Mayor Becker explained the auditor was here and he had been able to drop the report off [to all council members].

Ms. Kendra Gangal commented, as she says every year, she really does not have anything major or concerning to report. This year the rules changed a little bit on what auditors were supposed to do, as far as presenting, especially if they had any items of concern, they were supposed to present the audit to the council. Ms. Gangal noted she did not have anything for the council, but she always does a report anyway and thought it would be a good idea.

Ms. Gangal referred to page 11 of the report, which is the Statement of Net Position. To give the council a comparison between current year and last year, Ms. Gangal explained the town came out under budget, the total assets (shown towards the top of page 11) where it says \$1,065,000, the cash is \$1,200,000 of that. Last year, the current assets were \$973,000, so there is almost a \$100,000 increase in assets. The total assets are showing \$2,727,000. The total Capital Assets did go down a little bit because depreciation is recorded. At the bottom of page 11, it shows \$2,732,000 is the total net position. Last year, that figure was \$2,665,000. Ms. Gangal pointed out the total net position did increase a little less than a \$100,000, but the town is still in the right direction.

Ms. Gangal referred to page 12 toward the middle to the bottom where is said General Revenues, the taxes were pretty much the same as last year, but the investment earnings did drop to about

\$8,000; a lot of that is just fluctuation with the market and the earnings the town receives. That was the only major difference as far as revenue goes. The last page and this page are basically what is considered more of an Accrual Based Statement showing receivables and payables; it is the one that is more comparable to a normal for-profit company.

On page 13 is the Balance Sheet, basically Modified Accrual and Modified Cash; it is a Governmental Fund Balance. This is a little bit different; the pension accruals are not shown and some other things that are on the other side. Ms. Gangal pointed out (at the bottom of the page) the total fund balance says \$1,062,000, where last year it was \$971,000, which is still basically that \$100,000 increase.

On page 14, Ms. Gangal would say those numbers were fairly comparable. This year there was \$362,000 in revenues and last year it was \$365,000. The expenditures were \$270,000 this year and they were \$279,000 last year. Last year's net excess was \$85,000 and this year it was \$91,000.

On page 16, Ms. Gangal pointed out the budget to actual, which showed the town was within budget. The town's budget revenues were \$351,000 and they came in a little over that at \$362,000. Most of that was intergovernmental revenue, which cannot really be tied down to the penny; it is going to fluctuate. Expenditures was a lot lower this year, which helps to account for the \$91,000 increase, but overall things seem to still be functioning as they always have been. Ms. Gangal explained she looks at vendor bills, privacy, everything seems to get paid timely, no issues in finding documentation; Ms. Gangal was able to find everything she needed.

Ms. Gangal felt the town keeps things in good order and she does not have any issues with how things are being done; everything seems to be clean. Ms. Gangal stated there are no major issues, the town manages the budget and amends it if they have to.

Ms. Gangal asked if the council had any questions.

Councilwoman Coffey thanked Ms. Gangal for the great job she has always done; everything is clear, and the council can comprehend and follow along with when it is being shared.

Councilwoman Critz thanked Ms. Gangal for participating this evening and going through it, since the council was not able to dialogue.

Attorney Griffin asked Ms. Gangal if it was a clean audit.

Ms. Gangal responded, "yes, it's a clean audit."

Councilwoman Critz motioned to approve the Audit Report for fiscal year 2020-2021 as presented and Councilwoman Cureton seconded. The motion passed unanimously by roll call. Ayes: Coffey, Countryman, Critz, Cureton, Krafft, and Muller. Nays: None.

5. Selection of Council Members to Serve as the Delegate and Alternate to Centralina Council of Governments – Action Item

Mayor Becker pointed out that Councilwoman Coffey had served as the delegate and Councilwoman Krafft was the alternate. Mayor Becker stated he would love people to volunteer to do that and then the council could vote to approve them. Mayor Becker asked for volunteers to be the COG representative and noted the meetings were quarterly. It is a good organization to keep abreast of other jurisdictions in the region.

Councilwoman Critz mentioned that she had done it before and agreed with Mayor Becker. It is helpful in networking with other municipalities in the area, as well as just staying abreast of the most updated information. Councilwoman Critz stated she had a pretty full plate coming up with her family, so she would not like to do it again, but she would like to encourage someone who has not to do it.

Councilwoman Coffey asked Councilman Countryman, Councilwoman Krafft, and Councilman Muller if they were available.

Councilman Countryman responded he was already Mayor Becker's alternate for WUMA.

Councilwoman Krafft responded she had a full plate this year, but she could do it next year.

Councilman Muller responded he could do an alternate, but he was pretty much in the same boat as everyone else, he has a new job this year.

Mayor Becker pointed out this was quarterly. The dates for this year are February 9th, May 11th, August 10th, and October 12th. Mayor Becker mentioned this was a lessor burden than the CRTPO, which is monthly and long.

Councilwoman Critz asked Councilwoman Coffey if she was willing to be the alternate.

Councilwoman Coffey responded she would.

Councilwoman Critz explained she would not be available for the August date, but she did not see a conflict for doing February and May. The October date may be a problem as well.

Councilman Countryman motioned to approve Councilwoman Critz being the delegate for COG and Councilwoman Coffey being the alternate delegate and Councilwoman Krafft seconded. The motioned passed unanimously by roll call. Ayes: Coffey, Countryman, Critz, Cureton, Krafft, and Muller. Nays: None.

6. Selection of Council Members to Serve as the Delegate and Alternate for Charlotte Regional Transportation Organization (CRTPO) – Action Item

Mayor Becker explained this was a monthly meeting and he was happy to remain the delegate, because in general the bylaws prefer the mayor to be the delegate. The alternate has not often had to go, because Mayor Becker pretty much makes every meeting. The meetings have been virtual, and it looks like they are going to continue to be virtual for the next few months. The meetings are normally held at the Charlotte City Hall, the Charlotte/Mecklenburg Government Center. Mayor Becker commented that he was willing to volunteer to be the delegate and asked if there was somebody who wanted to go on record as the alternate. Mayor Becker mentioned that Councilwoman Critz ran afoul of this, and it became a problem for her, because it is different than the COG, it is a public voting body, so you do get issues and constituents emailing you. When the I-77 toll road was a controversial thing, there were hundreds and hundreds of emails that flooded our email boxes, and it overwhelmed Councilwoman Critz. Mayor Becker explained they did not have to respond to all of the emails, but he did keep track of them. There is a State Ethics Disclosure that has to be filled out, it is a simple form, the usual thing for judges, state legislators, members of these types of state boards have to fill out on a state level about your assets, real estate holdings, and so forth, so it is a little more complex and is due by April 15th. There is a little more complexity in the requirements for membership in CRTPO.

Councilwoman Coffey asked Mayor Becker if he was going to remain the delegate.

Mayor Becker responded he intended to, he is attuned to what they are doing, so he is happy to continue going virtually right now. Earlier this month, Mayor Becker did go in person for an orientation, and was on a panel to talk a little bit about being a CRTPO member.

Councilwoman Krafft asked Mayor Becker when the meetings were.

Mayor Becker responded the meetings are generally on the third Wednesday of every month from 6:00 p.m. to 8:00 p.m., because it draws from such a large area, people are coming from as far north as Troutman and as far east as Marshville to Charlotte. After COVID got people used to doing virtual meetings, the delegates got a little spoiled, there has been a move towards making most of the meetings virtual unless there are important discussion to be held and not calling all of these people into a meeting where there are not any voting items, because some meetings are just informational items.

Councilwoman Critz motioned for Mayor Becker continue to be our delegate for CRTPO and Councilwoman Coffey seconded. The motion passed unanimously by roll call. Ayes: Coffey, Countryman, Critz, Cureton, Krafft, and Muller. Nays: None.

7. Discussion of Future Virtual Meetings for the Town Council, Planning Board, Board of Adjustment, and Steering Committee Meetings – Action Item

Mayor Becker asked that the council re-examine the policies and procedures for deciding whether meetings are virtual or in person. Mayor Becker opened that discussion to Ms. Brooks, because she coordinates all meetings whether they are council, planning board, or board of adjustment. Staff needs more clarity from the council on what they would like staff to do in making decisions to have a meeting virtual or in person.

Councilwoman Critz asked if this was just for the upcoming meeting or until the foreseeable future.

Ms. Brooks responded that was for the council to discuss and decide.

Councilwoman Critz questioned if the council moved to do that virtually tonight, they could leave it open ended until further notice or discussion.

Ms. Brooks responded she would say yes and asked Mayor Becker what his take on it was.

Mayor Becker responded he thought so and noted Attorney Griffin stated earlier before the meeting was called to order, that Marshville had not gone back to in person. There has been a lot of erring on the side of caution. Mayor Becker thought the biggest question the staff had was that it was left open ended. The motion that Ms. Brooks and he looked at that the council had passed last year was to make the decision based on what the county was doing in terms of their meetings; some county internal meetings are virtual. Mayor Becker explained he talked to the Emergency Management Director and was told they recommend if there is any question about whether or not you feel comfortable with good social distancing that you should consider the virtual option. This is not a county mandate. The county commissioners have not been doing their meetings virtually, they have been doing them in person, but other county staff meetings are being done virtually. Mayor Becker asked the council (and Attorney Griffin) if they should authorize the staff to administer that and make that decision based on best practices and sound judgement, because the council can't meet to vote on it one way or the other, because if the town has a virtual meeting they would have to have an in person meeting to vote for virtual. Mayor Becker explained what staff was trying to do is to get a policy or procedure in place for how they determine how the meetings are held.

Councilwoman Critz commented that she and Ms. Brooks discussed this briefly, but the main thing that came to her mind was the town hall concerning the information that was in February and how effective did the council feel that a town hall meeting could be done via Zoom.

Mayor Becker asked Councilwoman Critz if she was referring to the public hearing for the steering committee.

Councilwoman Critz responded that was correct because staff was including all [meetings].

Councilwoman Krafft mentioned that she had talked to Ms. Brooks briefly about the steering committee. Councilwoman Krafft believed that the town could be effective as long as the information was put out there for the steering committee and she thought the town would have more participation with the Zoom meetings, because people feel a little safer (Councilwoman Krafft does, especially in today's climate).

Mayor Becker explained that he and Ms. Brooks participated in the public meeting for the downtown intersection project that was run by the RS&H third party consultant, and it was done by either Zoom or GoTo Meeting. There was a lot of participation in that meeting, with a lot of people involved that were able to hear everything that was discussed, and Mayor Becker was pleasantly surprised at how well it worked.

Mayor Becker stated if the council wanted to make a motion on this they could, but one way or the other, Ms. Brooks recently said the town should send out a simple postcard in the near future, not a full survey or a big mail piece, or a newsletter, a simple postcard to the same address list that was used for the survey, for people to save the date and provide them with the Zoom link. Either way, in person or Zoom, a postcard will be sent out, because that might get 20 or 30 people; Mayor Becker thought the town hall could not accommodate more than a dozen people and have adequate social distancing, so if the town is looking to get a bigger turnout, it is safer to go virtual and get the postcard out there.

Councilwoman Critz stated if the town was going to do this, she would like to see the council do it in three month increments and then have it come back to the council every three months until they see a change. They are calling for a big improvement somewhere around March or April. Councilwoman Critz would hate for the council to miss opportunities that might work better if things were better. "I think if we come back to this every two to three months as a council we can stay on top of the success and the need", Councilwoman Critz said.

Ms. Brooks commented if the council wanted it on the agenda every month to discuss what they will do the next month, that could be done.

Mayor Becker commented that would be easy to do, but the council can determine tonight if the next meeting will be virtual, because that is a safe bet.

Councilwoman Critz mentioned that would include the town hall meeting in February.

Mayor Becker responded he would say the town do that with a postcard.

Ms. Brooks asked for clarification, the town hall meeting is separate from the steering committee meeting that is going to occur this month, which can be done virtually as well.

Councilwoman Critz asked if the council could move for the rest of this month and the month of February in this motion.

Ms. Brooks responded yes.

Mayor Becker asked if the council needed to look at the board of adjustment meeting that might be coming up next month.

Ms. Brooks responded there would be a board of adjustment meeting scheduled for next month, and she found it difficult to hold a board of adjustment meeting that is an evidentiary hearing in the quasi-judicial setting virtually. Ms. Brooks explained that last year when town hall was shut down completely, there were still at least two or more board of adjustment meetings in person; everyone had to wear a mask and stay six feet apart.

Councilwoman Critz motioned that the remainder of meetings for January and the month of February to include the town hall meeting in February that we do those virtual.

Ms. Brooks requested the board of adjustment meeting be excluded.

Councilwoman Critz clarified Ms. Brooks still wanted to exclude it, because it's not a big one.

Ms. Brooks responded she did not think there was going to be a lot of opposition to it, so there won't be many people in the audience.

Mayor Becker suggested Ms. Brooks needed to be much stricter and careful about distancing and masking.

Councilwoman Critz motioned that we do future virtual meetings for the town council, planning board, (excluding the board of adjustment), the steering committee, and including the town hall meeting in February for the months of January and February and Councilman Muller seconded.

The motion passed unanimously by roll call. Ayes: Coffey, Countryman, Critz, Cureton, Krafft, and Muller. Nays: None.

8. Authorization of the Purchase of a New Computer – Action Item

Mayor Becker explained as Ms. Gangal can attest, the town depreciates computers, which everyone does on a three-year basis, because that is about how quickly they obsolete out. Ms. Brooks is on four years and eleven months, and she is beginning to get some reliability issues.

Ms. Brooks mentioned everything was on her computer, and “we want it to be happy.”

Councilman Countryman motioned to buy a new computer for our town clerk with a limit of \$3,000 and Councilwoman Krafft seconded. The motion passed unanimously by roll call. Ayes: Coffey, Countryman, Critz, Cureton, Krafft, and Muller. Nays: none.

9. Staff Updates

Ms. Brooks informed the council that Attorney Lisa Beaman was not getting anywhere yet on the property the town is having her look into [on McNeely Road]. Ms. Beaman did find out the property was foreclosed on when the Johnsons had it and she did talk with Mr. Johnson who did not give her the information about who they had the mortgage through, so she is still trying to figure out who owns the property. Ms. Brooks explained there was no progress on getting any of the vehicles removed from the property.

Councilwoman Coffey asked who was collecting the rent, there has to be some accountability.

Ms. Brooks responded she did not know.

Councilman Muller asked if the town could place a lien on that property for the unpaid fines.

Ms. Brooks responded she did have that discussion with Attorney Beaman. If in fact the bank does own the property, they have not been notified of the violations, so the town could not access the fines to the bank, because they do not know about it.

Councilwoman Critz asked if Attorney Beaman was actively pursuing that information.

Ms. Brooks responded that she was.

Councilman Countryman asked why it appears to be so difficult to determine who the actual owner was.

Ms. Brooks responded she did not know, but if you look at the Union County Tax Records, the owners are the Johnsons. Obviously if the house was foreclosed on, they are not the owners anymore. Ms. Brooks did not know how the Donatos ended up living in the house, maybe it was a rent to buy.

Mayor Becker commented he believed that foreclosures were a lengthy process, often the title stays in the name of the debtor while the foreclosure is under way, so the Johnsons could conceivably still own it on paper, because the bank has not managed to get a deed recorded in their favor. Mayor Becker asked Attorney Griffin if it could take a long time for that stuff to change and meanwhile you do not know who really owns it.

Attorney Griffin responded that was correct in a way, it takes a process. Tax records do not necessarily mean who owns the property. Title examinations, which Attorney Griffin was sure the attorney had done, if there was a foreclosure, that is a suspended period of time by which the foreclosure can occur and whoever is the high bidder, and that can be upset, so it can take a while before a new owner is declared. The old owner, once it goes into foreclosure is still on record as the record owner from a layman’s standpoint, but they are not really the owner, because it is in the process of foreclosure.

Ms. Brooks commented she did not know where the Donatos came from, but she did hear from Ms. Donato a couple of weeks ago wanting more specific information about what was actually in violation, which Ms. Brooks provided, but the last time Ms. Brooks went by those vehicles were still there and perhaps another one or two had been added to the group; "it's not getting any better."

Attorney Griffin commented there was no sort of black and white, he knew towns wanted instant answers to things, but these things can be very complicated.

10. Other Business

Councilwoman Critz wanted to make the council aware of there being two violations of construction being done that directly affected the creek that runs along the greenway and "we've gotten a lot of positive inflow from the use of the greenway from people near our community and farther away. One actually right here in Valley Farm in mine and Mayor Becker's neighborhood and the other was the back of Harrington Hall." Councilwoman Critz explained she and Mayor Becker both addressed the issues with the state and Mayor Becker spoke with Lisa Giovannello; these issues have been resolved, so the creek has no permanent damage to Councilwoman Critz's knowledge. The town is in contract with the Catawba Lands Conservancy on that land and it is the reflection on the town as being our greenway, so "we need to be good stewards of that and pay attention."

Councilwoman Critz mentioned there was a very widespread power outage on January 3rd through the 4th (approximately 34 to 35 hours long), which is long enough for people to lose their food and the lows were in the 40's in the daytime and the 20's at night. Councilwoman Critz explained she had a couple conversations with Mayor Becker about this and she thought it might be to the council's/community's advantage for the town to send an official letter to Duke Energy reminding them of what happened and how extended it appeared that they went home, they left our area overnight, leaving all of us without power and came back the next day to finish. Where they went or what they had to do, Councilwoman Critz did not know, but anyone who had a refrigerator or freezer (without a generator) lost all their food and anyone who did not have another source of heat would have been excessively cold, not to mention the agricultural animals and other plants and such that there is an abundance of in this community. Councilwoman Critz would like to see the council as a town make an official statement. "We don't have to be the squeaky wheel or pitch a fit and fall in it, but just a detailed message of letting them know what happened and how long it happened and how the workers went away and left us in a bind and came back to just document this was poorly handled, because these are subcontractors for Duke Energy and not Duke Energy themselves," Councilwoman Critz said.

Mayor Becker explained he had been in discussions with Martha Wooley, who is the town liaison, and one other person that Mayor Becker could not remember the name. Mayor Becker is trying to get some of these things ironed out, so getting that information together and giving the council a report next month will enable the council to do a council approved communication if it comes to that. Duke Energy is warning people they are facing a little bit of concern this week in case there is ice on the lines and limbs. Mayor Becker hoped it would calm down and he would have a chance to have a lengthy discussion with Ms. Wooley and his other contact in the liability department, so he can have some clarity on what is going on.

Councilwoman Coffey agreed with Mayor Becker; she thought Ms. Wooley needed to be contacted since she is the liaison, and she does email the council to keep them up to date on what is going on.

Mayor Becker explained he was speaking to her [Ms. Wooley] that night and she did not have as much information as she would have liked to, because it was subcontractors doing the work. Mayor Becker does want to see if he can get more explanation of how the chain of communication works and if there is anything more that could be done to facilitate more efficient action.

Councilwoman Coffey asked about Councilman Countryman's Oath of Office.

Councilman Countryman responded he went to town hall yesterday morning and got sworn in; they even took his picture.


Ms. Brooks noted Councilman Countryman was sworn in as a council member and then sworn in as mayor pro tem.

11. Adjournment – Action Item


At 8:26 p.m. Councilwoman Krafft motioned to adjourn the meeting and Councilwoman Coffey seconded. The motion passed unanimously. Ayes: Coffey, Critz, Cureton, Krafft, and Muller. Nays: None.

The next regular meeting will be on Thursday, February 10, 2022 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