

**Minutes of the
Mineral Springs Town Council
Public Legislative Hearing / Regular Meeting
May 12, 2022 – 7:30 p.m.**

The Town Council of the Town of Mineral Springs, North Carolina, met in Public Legislative Hearing and Regular Session at the Mineral Springs Town Hall located at 3506 Potter Road S, Mineral Springs, North Carolina, at 7:30 p.m. on Thursday, May 12, 2022.

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

Absent: Mayor Frederick Becker III.

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

Visitors: Marsha Helms Hancock, Karl Helms, Keith Helms, and Mike Helms.

1. Opening

With a quorum present at 7:30 p.m. on May 12, 2022, Mayor Pro Tem Jerry Countryman called the Regular Town Council Meeting to order.

Councilwoman Critz delivered the invocation.

Pledge of Allegiance.

2. Public Legislative Hearing – Adoption of the Comprehensive Plan

Mayor Pro Tem Countryman opened the Public Legislative Hearing at 7:31 p.m. and explained the town had developed a Comprehensive Plan. Mr. Jason Epley from Benchmark Planning will review the plan with the council.

Mr. Epley thanked the council for the opportunity to present the plan and go over some of the main items in the plan. Mr. Epley explained this was about a 10-month process with the Steering Committee that consisted of the Planning Board and Town Council. During that time, the Steering Committee met four times to develop the plan, which included looking over background research and a community survey. The community survey was conducted during that 10-month period; there were almost 180 residents that took the survey. A public meeting was held on February 22, 2022 and there were about 20 people who attended the public meeting. The Planning Board gave their recommendation on April 26, 2022 and the Town Council was here tonight for the Public Hearing.

Mr. Epley highlighted some of the recommendations:

The vision for the plan builds upon the 2006 Land Use Plan, which was completed with the focus on “Conservation by Design” and that is something the Steering Committee wanted to continue and build upon.

The vision for the future of Mineral Springs included four main goals: strengthening conservation-based development policies, which were discussed at length at the public meeting; to develop a town center; enhance the quality of life within the Town of Mineral Springs; and plan for Capital improvement.

Mr. Epley noted there are some major projects that the town may want to consider and begin to budget for in planning for the future.

Another element of the plan includes the Future Land Use Map, which is an update from the 2006 Future Land Use Map, which included some additional agricultural residential areas and rural residential areas, as well as identifying on the map the greenway and Carolina Thread Trail.

Mr. Epley stated the Steering Committee did a great job working through the plan and he would be happy to answer any questions the council may have.

Mayor Pro Tem Countryman stated he thought Mr. Epley did an excellent job. Mayor Pro Tem Countryman explained he had read through the plan and thought it was exceptionally well presented and he found it interesting that not a lot of things (from an attitudinal and survey standpoint) have changed in Mineral Springs. People here are interested in maintaining this as “a home place as a rural based community” with controlled development to maintain open spaces giving a rural lifestyle. Mayor Pro Tem Countryman thought the way the plan was written, all the surveys that were done, and all the information provided by the respondents on those surveys just restated what the town did back in the early 2000's. Mayor Pro Tem Countryman thought the majority of the citizens of the Mineral Springs community were going to be very grateful for the effort that was put into the plan and the direction the council will lead the town.

Councilwoman Critz found it refreshing, as a long-time council member, to realize the town was doing right, because “you want to do what’s right for your community as a representative and I’ve said many times, ‘small local government is really the only thing left where you can actually exercise public service’, everything else becomes political and so this is our moment.” Councilwoman Critz observed that the council gets into the community and really makes a difference, “you are either organizing and developing change with constructive things in mind or you’re maintaining what’s there.” Councilwoman Critz also found it refreshing that the survey remarks and comments made during the meeting confirm that the town residents are still wanting the town to keep doing what they are doing.

Mayor Pro Tem Countryman closed the Legislative Public Hearing at 7:36 p.m.

3. Consideration of the Comprehensive Plan

Councilwoman Coffey motioned to approve the Comprehensive Plan and adopt it noted as 2022-02 on our agenda and Councilwoman Cureton seconded. The motion passed unanimously. Ayes: Coffey, Countryman, Critz, Cureton, Krafft, and Muller. Nays: None.

R-2022-02 is as follows:

**RESOLUTION OF ADOPTION
TOWN OF MINERAL SPRINGS COMPREHENSIVE PLAN
R-2022-02**

WHEREAS, The North Carolina General Assembly recently enacted NC General Statute 160D, which includes a requirement that all local governments that exercise land use regulatory powers adopt and maintain a Comprehensive Plan to guide their long-range decision-making.

WHEREAS, the Town of Mineral Springs formed a joint Steering Committee to coordinate the development a Comprehensive Plan to guide future long-range decision-making; and

WHEREAS, the Comprehensive Plan was developed with public involvement and input from the community, as documented in the Plan; and

WHEREAS, the Comprehensive Plan establishes a long-range vision to preserve the environment and manage growth in a sustainable manner as established in the Plan; and

WHEREAS, the Comprehensive Plan includes a Future Land Use Map that provides for the future of the Town and its environs; and

WHEREAS, the Comprehensive Plan will serve as the guiding document for land use decisions by the Town Staff, Planning Board, and the Town Council; and

WHEREAS, the Comprehensive Plan will help to strengthen conservation-based development policies, encourage the development of the Town Center, enhance the quality of life, and plan for capital investments to provide for the health, safety, and general welfare of the Town's residents; and

WHEREAS, the Comprehensive Plan has been unanimously endorsed by the Steering Committee; and

WHEREAS, the Town's Planning Board held a meeting on April 26, 2022 to consider the content of the Comprehensive Plan, and voted unanimously to recommend its adoption to the Town Council.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MINERAL SPINGS THAT: The Town of Mineral Springs Comprehensive Plan is hereby adopted to serve as the statutorily required Comprehensive Plan for the Town of Mineral Springs, as mandated by NC General Statute 160D-501. Furthermore, the Town Council resolves to repeal the 2006 Mineral Springs Land Use Plan and Vision Plan contained therein, and the 2006 Future Land Use Map, as amended, with the Mineral Springs Comprehensive Plan officially replacing the repealed documents.

Adopted this 12th day of May, 2022, by the Town Council of the Town of Mineral Springs.

Frederick Becker, III, Mayor

ATTEST:

Vicky Brooks, Town Clerk/Zoning Administrator

4. Public Comments

There were no public comments.

5. Consent Agenda – Action Item

Councilwoman Critz motioned to approve the consent agenda containing the April 14, 2022 Regular Meeting Minutes, the March 2022 Union County Tax Report, and the March 2022 Finance Report and Councilman Muller seconded. The motion passed unanimously. Ayes: Coffey, Critz, Cureton, Krafft, and Muller. Nays: None.

6. Discussion and Consideration of a David Helms Artifact Agreement– Action Item

Attorney Bobby Griffin explained he had sent the mayor his opinion and hoped Mayor Becker had shared it with the council; the council has it before them now. Attorney Griffin stated to be upfront with the council, he was not aware at the last meeting, but he represented Mrs. Helms [Marsha Helms Hancock] as the executor of her mother's estate, and he believed they were the appointed owners of the artifacts. Attorney Griffin explained, from his recollection and review of the file today, the four children are the beneficiaries of Mrs. Helms possessions. Mr. [David] Helms died without a will and, Attorney Griffin thought Mrs. Helms, at the time, applied for spousal years allowance and got that approved, but he did not find where Mr. Helms had a will, which meant that the wife and children inherited everything that was above the spousal years of allowance, so Attorney Griffin thought they were the rightful owners. Attorney Griffin pointed out there was a thorough agreement that was prepared by the Helms family attorney or Mr. David Helms' attorney, and he vaguely remembered having discussed it with the mayor at the time, but the agreement itself spells out the terms by which the town was to relinquish it if they choose to. Attorney Griffin stated if the Helms family did not want the artifacts at town hall, it seemed to be in the best interest of the town to terminate the loan agreement, although he did not see anything where the town had violated the terms of the loan agreement from what he had heard or seen thus far. Attorney Griffin advised the council if they were to return the artifacts, they should follow the procedures that were outlined in the contractual letter that Mr. [David] Helms entered into with the town at the time they were loaned to the town, which basically means that the rightful owners come forth and make the request and the town can request it be put in writing and it is to be stated in the agreement where the items will be returned to if different from the address stated in the agreement. It is up to the council now to decide if they wish to try and engage in an agreement with the Helms family to return the artifacts. Attorney Griffin was sure the Helms family would provide the town with the necessary items to satisfy the council, so they would be assured they would be returning it to the rightful owner since Mr. Helms (and his widow) are no longer here to request it.

Mr. Mike Helms provided a letter to Attorney Griffin, which was copied and distributed to each council member.

Attorney Griffin noted the letter had formally been submitted to the town.

Councilwoman Critz asked for a moment (while Ms. Brooks was copying and distributing the letter) for the following: "I have a long family history in Wilkes County where I grew up and there is family land there that has been in my family for over two hundred years in the Ferguson area of Wilkes County. My great grandmother, Lula Foster Ferguson, was sister to my great, great uncle Thomas Ferguson. When my grandfather died in 2002, and going through his things, I came across bundles of handwritten letters that were exchanged between my great grandmother and her brother Thomas during both world wars. My great, great uncle Thomas was a Colonel in the second World War, and he served under General Pershing, and he did so by choice, he volunteered. It is commonplace, as some of you may know, the military likes to give nicknames to their higher-ranking officers and General Pershing was given the nickname, 'Black Jack', and it's not because he enjoyed playing cards, it's because he was the only General that would agree to command African American soldiers, and my great, great uncle Thomas volunteered to serve under him, not only a patriot and a soldier, but because of his conscience and there is family land where there is also a historical section that my cousin Edith Marie Carter established, probably 50 years ago now, and there's all kinds of memorabilia there including my great, great uncle Thomas' great grandfather's confederate uniform, so it goes way back. Every school group that comes, every activity that is held there, every neighbor or community member that comes has the opportunity to see this and to connect this part of history with the community. So, I learned things about my great, great uncle, I admired him for being a patriot, I admired him for being a veteran, but I admired him most for his conscience and that's something I would have never known and so when I found that letter, I had no doubt what I was going to do with it. I gave it to my cousin Edith Marie, so it's there on that property for others to see. I'm not trying to make you feel like that's what you need to do with all of your things, but the United States of America is a cumulatively group of states, but our states are a group of communities that make up each state and these communities really spell out, I think, the nuts and bolts and bare bones of our nation, our heritage, our legacies, so I thank you for allowing, for what your dad did by letting these historical things be here. I understand that personal attachment. When I gave that letter to my cousin Edith Marie, she asked me twice if I wanted it back. I do know that it comes, you have to work it out. I would just like to say if you ever decide you'd like to, if there is anything that you would like to give back, so that it could be in a more focal point in the community for others to share, we would love to be a place of honor for that in the future if you ever feel you would like to do that. So, we thank you for letting us have it. If you ever want to share it again, we would be glad to do so and put it on display here, but I do understand your personal connection to it. Thank you."

Councilwoman Coffey commented that she would like to see the council follow to the letter Attorney Griffin's recommendation in item #2 of the draft that he sent the council and items A and B. Once those have been satisfied, Councilwoman Coffey believed the town was ready to move forward with it. Councilwoman Coffey stated the relationship that Attorney Griffin had with the family was above reproach and she took his word fully on anything and his statement tonight has validated the validity of the Helms family and the council should have no problem moving forward with it.

Councilman Muller asked if Councilwoman Coffey was saying that item 2A was proof of legal ownership based on Attorney Griffin's comments/statements in relationship to his legal relationship.

Councilwoman Coffey responded it would for her, but she could not speak for the council. Attorney Griffin is above reproach.

Councilwoman Critz commented Attorney Griffin recommended that the council respond to the Helms family's request in the positive.

Attorney Griffin suggested the council could waive any formal requirements that the agreement itself seems to spell out if they feel comfortable that these are the family members and the rightful owners,

but the council has not received the Helms' family request where to return the artifacts to or who was going to pay that cost, as the original agreement seems to spell out in more detail.

Councilwoman Critz asked if the address was not sufficient that was on the letter.

Attorney Griffin responded he was not saying it was insufficient.

Councilwoman Critz noted the letter did not indicate where the artifacts go.

Attorney Griffin responded he did not read it that way. The council may talk to the Helms family and waive any formalities that they wish if they are satisfied, otherwise, they may wish to discuss it further tonight.

Mayor Pro Tem Countryman asked why the council needed the Helms family to submit anything.

Councilwoman Critz commented the Helms family needed to submit to whom to release the artifacts to and to where.

Mayor Pro Tem Countryman disagreed and stated he thought Attorney Griffin told the council that what they have provided to the council...

Ms. Brooks commented she did not think the Helms family would have any problem coming to town hall to pick the stuff up.

Attorney Griffin commented that was what he meant, the council would solicit from the Helms family tonight, "do you wish to pick it up, do you wish us to mail it to you, if so, where, who is going and are you in fact wishing to receive it tonight or tomorrow or the next day?" Is the council comfortable knowing these are honorable people and were not going to sue the town for anything.

Mayor Pro Tem Countryman commented if it was the Helms family's desire to have the artifacts back and they fulfilled the requirements of the original agreement and Attorney Griffin, as the attorney, verified it and has spoken on the Helms family's behalf in that regard, he did not think anything more was necessary for the council to release the artifacts to the Helms family other than for them tell the council (even in this meeting) how that would best occur. Mayor Pro Tem thought the council would be open to agreeing to see that happen.

Councilwoman Critz asked one of the Helmses to step up to the microphone (so it was recorded) to say that "you would like to receive it and when you would like to pick it up."

Mr. Keith Helms stated, "just for the record, we would be willing to come pick it up at the council and mayor's convenience and we'll set a date and time and that way you won't have to ship it or mail it or anything like that."

Attorney Griffin asked Mr. Keith Helms to state for the record his full name and his siblings' names and that each of them was requesting this to be done.

Mr. Keith Helms stated, "Mr. Keith Warren Helms, Karl Patrick Helms, Mike Alson Helms, and my sister Marsha Helms Hancock, who are all present."

Attorney Griffin recommended the council make a motion to make the items available to the Helms family to pick up at their discretion and their expense in cooperation with the clerk during suitable hours that the office is open.

Councilwoman Coffey motioned to make the items available to the Helms family to pick up at their discretion and at their expense in cooperation with the clerk during suitable hours that the office is open, and Councilwoman Cureton seconded. The motioned passed unanimously. Ayes: Coffey, Countryman, Critz, Cureton, Krafft, and Muller. Nays: None.

Mayor Pro Tem Countryman commented the Helms family could get together with Ms. Brooks to make the arrangements and the town would be more than accommodating to help them. Mayor Pro Tem Countryman thanked Councilwoman Critz for what she said and then referred to the Helms family and commented their dad did a great service for the community by allowing the town to have the artifacts at town hall for the length of time they were here, and the town is grateful; they are welcome to recover the artifacts at their convenience.

7. Consideration of Participating in a Live Ethics Training – Action Item

Mayor Pro Tem Countryman explained there was an opportunity on May 26th for a two-hour segment to deal with Live Ethics Training as required by the State of North Carolina.

Councilwoman Coffey mentioned the training was for the newly elected officials as of the last election.

Councilman Countryman motioned to conduct that training on May 26th from 10:00 a.m. to 12:00 p.m. and Councilman Muller seconded. The motioned passed unanimously. Ayes: Coffey, Countryman, Critz, Cureton, Krafft, and Muller. Nays: None.

8. Consideration of Adopting an Ordinance Amending the Budget – Action Item

Mayor Pro Tem Countryman explained there was a discrepancy in the budget that needs to be taken care of. Duke Power has decided to raise the cost of the town lighting slightly (based on the budget that was established last year) and \$100 needs to be added to street lighting to amend the 2021-2022 budget.

Councilwoman Critz motioned to add \$100 to the current budget, which “I’m assuming is FY2021-2022” and Councilwoman Krafft seconded. The motion passed unanimously. Ayes: Coffey, Countryman, Critz, Cureton, Krafft, and Muller. 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 2021-2022
O-2021-06**

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 #2021-02:

INCREASE		DECREASE	
	\$100		\$100
Street Lighting		Contingency	
	\$100	Total	\$100
Total			

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

ADOPTED this 12th day of May, 2022. Witness my hand and official seal:

Frederick Becker III, Mayor

Attest:

Vicky A. Brooks, Clerk

9. Consideration of the 2022-2023 Budget and Calling for a Public Hearing – Action Item

Mayor Pro Tem Countryman noted the council has had the opportunity to review the budget, which was presented last month, and the final draft was in the agenda packet this month. By statute, the council must have a public hearing to review it with the community, so the council can vote on it in June and the budget can be effective July 1.

Councilwoman Coffey motioned to call for a public hearing on June 9, 2022 for the 2022-2023 budget and Councilwoman Countryman seconded. Ayes: Coffey, Countryman, Critz, Cureton, Krafft, and Muller. Nays: None.

10. Staff Updates

There were no staff updates.

11. Other Business

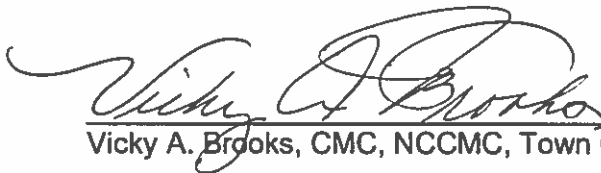
Councilwoman Cureton explained after the death of the football coach (Mr. Gittens) from Parkwood High School, she took it upon herself to collect money for the football team, because he had sent a letter asking the town to give him some money, so she is collecting money for it and doing really well. "If anybody would like to give me some, I would appreciate it. Make a check out to Parkwood High School Football," Councilwoman Cureton said. The money will be turned in at the end of this month.

12. Adjournment – Action Item

At 8:03 p.m. Councilwoman Coffey motioned to adjourn the meeting and Councilwoman Cureton seconded. The motion passed unanimously. Ayes: Coffey, Countryman, Critz, Cureton, Krafft, and Muller. Nays: None.

The next regular meeting will be on Thursday, June 9, 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