

**Minutes of the  
Mineral Springs Town Council  
Public Hearing / Regular Meeting  
August 10, 2023 – 7:30 p.m.**

The Town Council of the Town of Mineral Springs, North Carolina, met in 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, August 10, 2023.

**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, Administrative Assistant/Deputy Town Clerk Sharelle Quick and Attorney Bobby Griffin.

**Visitors:** None.

**1. Opening**

With a quorum present at 7:30 p.m. on August 10, 2023, Mayor Becker called the meeting to order.

Councilwoman Critz delivered the invocation.

Pledge of Allegiance.

**2. Public Hearing – Proposed Text Amendments (TA-2023-01)**

Mayor Becker opened the Public Hearing on the Proposed Text Amendments (TA-2023-01) at 7:31 p.m.

There were no public comments.

Mayor Becker closed the Public Hearing on the Proposed Text Amendments (TA-2023-01) at 7:31 p.m.

**3. Public Comments**

None.

**4. Consent Agenda – Action Item**

Councilwoman Critz motioned to approve the consent agenda containing the July 13, 2023 Regular Meeting Minutes, the June 2023 Union County Tax Report, the June 2023 Finance Report, and the Union County Tax Settlement and Councilwoman Krafft seconded. The motion passed unanimously. Ayes: Coffey, Countryman, Critz, Cureton, Krafft, and Muller. Nays: None.

Mayor Becker took the opportunity to remind the council to see if they could help clerical personnel/transcriptionist by trying to not talk over each other. Mayor Becker noted that it was up to him to help call on people, but if the council could talk one at a time, because it has been getting difficult for the personnel to transcribe the meeting audio for the minutes.

**5. Consideration of Adopting a Statement of Consistency and Ordinance-2023-01 on the Proposed Text Amendments (TA-2023-01) – Action Item**

Zoning Administrator Vicky Brooks notified the council that the proposed text amendments (TA-2023-01) were duly advertised in the Enquirer-Journal and the notification was posted on the bulletin board and the website. The planning board spent many months reviewing each article of the

Development Ordinance and they have recommended the town council adopt the proposed text amendments (included in the agenda packet), which included a statement of reasonableness and consistency.

Ms. Brooks presented the proposed text amendments (TA-2023-01) to the council:

- Several of the proposed text amendments were to make the ordinance clear and concise. In some cases, it was to correct the wording of what it currently was, for example, a development ordinance instead of a subdivision ordinance.
- One of the bigger corrections was the two sections in Article 5 (5.3.4.7.2 and 5.3.4.8), where some time back corrections were made covering dedication, ownership, and maintenance of land for certain developments in an effort to put it back where it was in the previous ordinance, but somehow in making the corrections another section that duplicated it was not removed.
- A large portion of the proposed text amendments was to allow food trucks in the TC, NB, GB, LI, and MU zoning districts, along with the regulations that went with the food trucks.
- There were some proposed text amendments that went along with nonconforming structures that would allow a residential structure to increase in size by more than the stated 25% and would not require the property owner to apply for a certificate of nonconformity adjustment, as long as the increase did not increase the nonconformity for setbacks, heights, or dimensions. Ms. Brooks explained the reason she proposed this text amendment to the planning board was because there was a resident that came in with a 900 square foot house, which existed when the town took over zoning, the issue was that the front setback was not right, which made it a nonconforming structure and that meant this person would have to follow that 25% guideline. On a 900 square foot house, the resident could only add 225 square feet or approximately 12 X 19 addition. Only the front setback on the property was nonconforming, there was room in the back and on the sides. It seemed unfair to only allow that to be 25%.

Councilwoman Critz asked if the setbacks were the only determining factor.

Ms. Brooks responded it was the setbacks, heights, and dimensions. Ms. Brooks clarified that the language was only referring to residential, it was not for nonresidential properties. Ms. Brooks noted she did not know how many other residential properties were in this situation.

Councilman Muller asked if there was a reason to no longer require going for a certificate of nonconformity adjustment.

Ms. Brooks responded it was a process and it was \$150 that had to go before the board of adjustment. Ms. Brooks asked if she saw that it met the requirements of the ordinance, was there a reason to make them go through the process?

Councilman Muller responded no; he sees that.

It was clarified that the council could pull one of the proposed text amendments out or amend one if they wanted to.

Councilwoman Coffey commented it made it a lot of sense to keep things less complicated and Ms. Brooks knows the ordinance and zonings and can make the distinction without having to send someone to the board of adjustment; she has shown that she is levelheaded and refers back to what the town operates under, and she can handle it.

Mayor Becker mentioned that he had followed a little bit with Ms. Brooks on the two substantive amendments, which are policy changes.

With the expansion of activities downtown, food trucks that are meeting the specific criteria would be an asset, and for somebody who has a small house and a big lot and would love to have more room for their family it would be great to see a smile on their face when they came in.

Ms. Brooks shared that this person came in the other day and was told she should hold off just in case this amendment passed tonight. If the council could have seen her face was incredible, she was so happy.

Councilwoman Critz commented the council's goal was to assist and protect the community.

Ms. Brooks pointed out that the council had an option to read over the statement of consistency, which is based on the comprehensive plan. The council can adopt the statement of consistency and the ordinance to amend the text in a simple motion or they can adopt the statement of consistency itself and then adopt the ordinance that was amending the text of the development ordinance.

Councilwoman Coffey motioned to adopt the statement of consistency and the accompanying ordinance (O-2023-01) and Councilman Muller seconded. The motion passed unanimously. Ayes: Coffey, Countryman, Critz, Cureton, Krafft, and Muller. Nays: None.

The statement of consistency is as follows:

**TOWN OF MINERAL SPRINGS  
TOWN COUNCIL**

**STATEMENT OF CONSISTENCY**

**Mineral Springs Development Ordinance  
Articles 3, 4, 5, 6, 7, 8, & 9**

In reference to the proposed text amendments to Articles 3, 4, 5, 6, 7, 8, & 9 of the Mineral Springs Development Ordinance, as described in TA-2023-01.

The Mineral Springs Town Council hereby declares the proposed text amendments are "**consistent**" with the Mineral Springs Comprehensive Plan adopted May 12, 2022 based on:

1. The amendments to Sections 4.3.3, 4.4.8.5 (I), and to Article 9 (Definitions) identifies with enhancing the Quality of Life by offering the opportunity of an additional service in the commercial zoning districts;
2. The amendments to Sections 3.3.6, 5.3.4.7.2, 5.3.4.8, 5.4.12.2 (D), 5.6.3.1 (C), 5.6.7.1 (B), 7.4.1, 8.2 (A), and Article 9 (Definitions) identifies with enhancing town services by maintaining the Mineral Springs Development Ordinance as a clear and concise document; and
3. The amendments to Sections 6.4.6 (B), Article 7 (Table 7.1), 8.4.1 (A), 8.4.1 (C), 8.4.3, and Article 9 (Definitions) identifies with the Quality of Life by offering enhanced options for commercial design, services, and improvements to existing structures.

**ADOPTED** by the Mineral Springs Town Council on this the 10<sup>th</sup> day of August, 2023.

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

Attest:

\_\_\_\_\_  
Vicky Brooks, CMC, NCCMC, CZO

O-2023-01 is as follows:

**STATE OF NORTH CAROLINA  
TOWN OF MINERAL SPRINGS**

**AN ORDINANCE AMENDING THE TEXT OF ARTICLES 3, 4, 5, 6, 7, 8, & 9 OF THE MINERAL SPRINGS  
DEVELOPMENT ORDINANCE  
O-2023-01**

**WHEREAS**, the Town of Mineral Springs maintains an ordinance concerning numerous development regulations; and

**WHEREAS**, pursuant to NC General Statutes 160D-601; 160D-604, and Article 3, Section 3.10.1 of the Mineral Springs Development Ordinance, the Mineral Springs Town Council may amend its development regulations after holding a public hearing and after the Mineral Springs Planning Board has had the opportunity to review, comment, and make a recommendation to the Town Council regarding the amendment as well as whether the same is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable; and

**WHEREAS**, the Mineral Springs Planning Board reviewed the proposed amendments at a regular meeting on June 27, 2023, held in accordance with law; and

**WHEREAS**, the Mineral Springs Planning Board recommended in a vote of 6 to 0 on June 27, 2023, that the Mineral Springs Town Council adopt the proposed amendments based on Goals One and Three of the Mineral Springs Comprehensive Plan; and

**WHEREAS**, in accordance with NC General Statute 160D-601 and the provisions set forth in Article 3, Section 3.10.1 of the Mineral Springs Development Ordinance, the Town Council duly advertised and held a public hearing to consider the proposed amendments; and

**WHEREAS**, after reviewing the written recommendation of the Mineral Springs Planning Board, the proposed amendments, conducting a public hearing on August 10, 2023, and careful review, the Town Council determines that:

4. The amendments to Sections 4.3.3, 4.4.8.5 (I), and to Article 9 (Definitions) identifies with enhancing the Quality of Life by offering the opportunity of an additional service in the commercial zoning districts;
5. The amendments to Sections 3.3.6 (10), 5.2.2, 5.3.4.7.2, 5.3.4.8, 5.4.12.2 (D), 5.6.3.1 (C), 5.6.7.1 (B), 7.4.1, 8.2 (A), and Article 9 (Definitions) identifies with enhancing town services by maintaining the Mineral Springs Development Ordinance as a clear and concise document; and
6. The amendments to Sections 5.2.5.4 (A), 6.4.6 (B), Article 7 (Table 7.1), 8.4.1 (A), 8.4.1 (C), 8.4.3, and Article 9 (Definitions) identifies with the Quality of Life by offering enhanced options for commercial design, services, and improvements to existing structures.

**NOW THEREFORE, BE IT ORDAINED BY THE MINERAL SPRINGS, NORTH CAROLINA THAT:**

- Section 1. That this Town Council does hereby adopt the proposed amendments as outlined in TA-2023-01 attached hereto.
- Section 2. That if any section, subsection, clause or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance; and
- Section 3. That all ordinances and clauses of ordinance in conflict herewith be and are hereby repealed to the extent of such conflict.
- Section 4. This ordinance is effective upon adoption.

**ADOPTED** this 10<sup>th</sup> day of August, 2023.

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

ATTEST:

\_\_\_\_\_  
Vicky Brooks, CMC, NCCMC, CZO

TEXT AMENDMENTS TO THE MINERAL SPRINGS DEVELOPMENT ORDINANCE TA-2023-01				
Article	Section #	Subsection #	Current Language	Amendment
4	4.3.3	Table of Uses	None	Add <b>Mobile Food Vending Units (Food Trucks) as a Permitted Use in TC, NB, GB, LI, &amp; MU</b> with Supplemental Regulations in <b>4.4.8.5</b>
4	4.4.8.5	Addition of (I)	None	See Exhibit 1 for details on the addition of Section 4.4.8.5 I
9	Definitions			Add the definition for: Mobile Food Vending Units (Food Trucks). A licensed, motorized vehicle or mobile food unit licensed by the North Carolina State Division of Motor Vehicles, designed, and equipped to serve food and beverages. Food trucks are permitted on lots in the GB, NB, LI, TC, and Conditional Zoning Districts that maintain commercial or industrial uses.
3	3.3.6	Step 10 - #16	...Mineral Springs Subdivision Ordinance...	...Mineral Springs <b>Development</b> Ordinance...

TEXT AMENDMENTS TO THE MINERAL SPRINGS DEVELOPMENT ORDINANCE TA-2023-01				
Article	Section #	Subsection #	Current Language	Amendment
5	5.2.2		...the adopted Mineral Springs Land Use Plan...	...the adopted Mineral Springs <b>Comprehensive Plan...</b>
5	5.3.4.7.2	Dedication, Ownership, and Maintenance for all Other Developments		Omit the entire Section
5	5.3.4.8	Alternatives to Dedication		Omit the entire Section
5	5.4.12.2	D	...may extend up to one (1) feet...	...may extend up to one (1) <b>foot...</b>
5	5.6.3.1	C (1) first and second sentence	...either the Town or NCDOT...	...the NCDOT....
5	5.6.7.1	B	...the Town of Mineral Springs Zoning Ordinance or Subdivision Ordinance...	...the Town of Mineral Springs <b>Development Ordinance...</b>
7	7.4.1		A permanent sign that is affixed to a building wall, window (larger than one square foot), canopy...	A permanent sign that is affixed to a building wall (larger than one square foot), window, canopy...
8	8.2	A – second and third sentences	...not in violation of the Zoning Ordinance or Subdivision Ordinance...	...not in violation of the <b>Development Ordinance...</b>
9	Definitions	Street, Public	...eligible for maintenance by either the Town of Mineral Springs or the State of North Carolina.	...eligible for maintenance by the State of North Carolina.
5	5.2.5.4	A	...part of the sketch plan phase, an optional pre-planning site visit...	...part of the sketch plan phase, a pre-planning site visit...
6	6.4.6	B	Pitched roof materials shall consist of asphalt shingles or standing seam metal...	Pitched roof materials shall consist of asphalt shingles, standing seam metal, or <b>slate....</b>
7	Table 7.1		Max Duration for a Type 2 Temporary Freestanding Sign = 7 days up to 6 times per calendar year	Max Duration for a Type 2 Temporary Freestanding Sign = <b>14</b> days up to 6 times per calendar year
8	8.4.1	A – first and second sentence	A nonconforming structure may not be...	A <b>non-residential</b> nonconforming structure may not be...
8	8.4.1	A	Add after last sentence.	A residential structure may expand so long as there is no increase to the nonconformity (i.e., setbacks, height, dimensions, etc.) within the restrictions of Section 8.4.1 and Section 8.4.2.
8	8.4.1	C	When any nonconforming structure is damaged...	When a nonconforming ( <b>non-residential or residential</b> ) structure is damaged...
8	8.4.3			Omit the last sentence. A <b>nonconforming manufactured home may not be enlarged or altered externally in any way.</b>
9	Definitions	Bed and Breakfast Inn	...with the assistance of not more than the equivalent of one (1) full-time employee.	...with the assistance of not more than <b>the equivalent of two (2) full-time employees.</b>

**EXHIBIT 1**

**STRIKE-THROUGH = DELETIONS**

**RED PRINT = ADDITIONS**

**ARTICLE 4**

**4.4.8.5 TEMPORARY USES (ADMINISTRATIVE APPROVAL)**

**Add the following:**

- I. Mobile Food Vending Units (Food Trucks) are defined as a licensed, motorized vehicle or mobile food unit licensed by the North Carolina State Division of Motor Vehicles, designed, and equipped to serve food and beverages. Food trucks are permitted on lots in the GB, NB, LI, TC, and Conditional Zoning Districts that maintain commercial or industrial uses subject to the following standards.
  1. Must be located on a property in one (1) of the above zoning districts and the property must have a primary use. An example of a primary use would be a building with an active use or an improved stand-alone parking lot. An unimproved grass or dirt lot is not a primary use.
  2. Must be located on private property with written permission from the property owner.
  3. The property must have an off-street parking area with a minimum of 10 parking spaces.
  4. Vendor must obtain all required permits from Union County Health Department.

5. Not allowed within fifty (50) feet from the main entrance of any restaurant or outdoor dining area.
6. Not allowed less than five (5) feet from driveways, sidewalks, utility boxes, handicap ramps, building entrances or exits, or emergency call boxes.
7. The minimum distance requirements are measured in a straight line from the closest point of the proposed food truck location to the closest point of the buffered object, or in the case of a restaurant, measured from the closest point of the restaurant's main entrance.
8. A minimum of five (5) parking spaces are required for each additional food truck and mobile vendor that wishes to locate on private property.
9. There shall not be any connections to public utilities.
10. "Drive-through" sales are not permitted.
11. The hours of operation, including set-up/break-down, shall be from 7:00 a.m. to 10:30 p.m.
12. There shall be no audio amplifier or similar device to attract the attention of the public.
13. Food truck vendors are responsible for the proper disposal of waste and trash associated with the operations. Vendors shall remove all waste and trash from their location at the end of each day or as needed to maintain the health and safety to the public. The vendor must keep all areas within ten (10) feet of the truck clean of grease, trash, paper, cups, or cans associated with the vending operation. No liquid waste or grease is to be disposed of in tree pits, storm drains, or onto sidewalks, streets, or other public places.
14. Advertising consisting of business name, logo, and items available for sale may be displayed on the food truck. One (1) portable menu sign no more than six (6) square feet in display area on the ground no further than ten (10) feet from the truck.
15. Food trucks are allowed at permitted special events and on active construction sites.

## 6. 2023 Festival Update and Town Tent Sign Up

Ms. Brooks updated the council on the festival: there is one \$500 anonymous sponsor; four \$250 sponsors; two \$50 sponsors; three food vendors (bar-b-que/hot dogs, Pelican's Snoballs, and the Donut Shack); seven craft vendors; three exhibitors; the Aerial View Band; a bounce house, a balloon twister; and four gift donations for the hourly prize give-a-ways. Ms. Brooks explained they were still working on getting the field mowed for the parking and the newsletter should be going out toward the end of the month.

Councilwoman Krafft mentioned that the feed store and Stonebridge were going to donate prize give-a-ways.

The council volunteered for time slots at the town tent:

Councilwoman Coffey – 10:00 a.m. to 11:15 a.m.

Councilwoman Critz – 11:15 a.m. to 12:30 p.m.

Councilman Muller – 12:30 p.m. to 1:45 p.m.

Councilman Countryman – 1:45 to 3:00 p.m.

Councilwoman Cureton – 3:00 p.m. to 4:00 p.m.

Ms. Diane Countryman will be at the town tent while the council is being introduced.

Councilwoman Krafft will be doing the children's area.

Councilwoman Coffey volunteered to help at the children's area.

Mayor Becker expected to be on the stage, but while the band was playing, he could do a stint in the tent if needed.

Councilwoman Krafft needed six small tents for the children's area, and she would be bringing one of them.

Mayor Becker will take charge of making sure there are six tents available.

Mayor Becker mentioned phone calls could be made independently for volunteers to get the stage and tent set up the week before the festival.

## 7. Staff Updates



Ms. Brooks explained that she did not generally bring zoning violations before the council, but there was one in particular the council needs to know about. There is an event center in the Town of Mineral Springs, which received a Special Use Permit as a recreational facility, private, as a residential accessory structure. It received a zoning permit as an accessory structure and it received a building permit [from Union County] for a residential structure, accessory. It has now become a full-fledged event center. The event center is located at 5130 Lee Massey Road. The property owner is in violation of the Special Use Permit and the Mineral Springs Development Ordinance. A letter has been sent to the property owner asking him to stop any of the unapproved activities, which involves him working with the Waxhaw Athletic Association (volleyball games are going on at the center). Additionally, this is where the pilot program [Social, Emotional, Readiness] is taking place. Mr. Coffey has been informed that he needs to stop the school, because that is another use from what he was permitted for. The activities that are taking place are of a commercial nature and the building is not in compliance with the Union County Fire Marshal, Union County Building Inspections, or Union County Environmental Health.

Ms. Brooks explained the reason she brought this to the council's attention was because the pilot program would be starting their fall semester September 6<sup>th</sup>, which was before the next council meeting, and she would leave it up to the council whether they wanted to continue funding it while the building they were using was not up to code.

Councilwoman Critz commented she did not think the council could do that ethically.

Mayor Becker commented he was the liaison with Dr. Coffey, and he had not spoken with her yet. Mayor Becker stated he was hoping to work with Ms. Brooks on it, because the afterschool program is something very small, but it is not small enough when the county says the building doesn't meet life safety rules for children to be in there. As earlier stated, Mayor Becker has not spoken with Dr. Coffey to see if she could get alternative arrangements, because she was getting that facility without a rental charge and was able to keep her costs lower, so he did not have anything from Dr. Coffey to tell the council. Mayor Becker stated he was very upset, because he championed the program and he did not know where it was going to go, but it was out of the council's hands. Mayor Becker explained he was supposed to write a check to them for the next installment as of September 1<sup>st</sup>, but he did not think the town could do that unless the issue was resolved, and they could find a place. Maybe they could work with the school, but in theory they would have to have insurance and pay a nominal fee to use school facilities. Mayor Becker explained the town had a contract with the D. Coffey Foundation to continue issuing the check as long as they have a facility to work at, so he will work with her and try to get something, but he could only issue a check if and only if they can start meeting. There was a problem with scheduling last April and they started a month late, but it was able to work. Mayor Becker stated he just wanted to let the council know there could be a delay and to say, "we can't put children in the building if the county is saying this doesn't meet code."

Ms. Brooks mentioned there is a meeting scheduled on August 28<sup>th</sup> with the Deputy Fire Marshal, Union County Building Inspections, Union County Environmental Health, Mr. Coffey, and herself to discuss the matter. Ms. Brooks noted the reason this came up was because Mr. Coffey applied for an ABC license and the county started doing their inspections for that.

Councilwoman Critz asked if the town didn't know any of this.

Ms. Brooks responded, no, they had no idea, this was a personal structure for his personal use, not commercial. Ms. Brooks reported that the fire marshal did go out there and every category listed failed, so there was nothing in the building that met any kind of fire code.

Councilwoman Coffey commented that it was imperative that Mayor Becker speak with Dr. Coffey at once, because she needs to let these families know, so they won't expect that.

Mayor Becker responded he would speak with Dr. Coffey tomorrow.

Councilwoman Critz mentioned there were two problems for the council, it is a violation issue and an ethical issue as far as the town can't be seen funding something they know is taking place in a...

Mayor Becker added, "in a building that doesn't meet county life safety codes."

Councilwoman Coffey stated, "that's a moot point, I think you already decided no money is leaving."

Ms. Brooks pointed out that the zoning violation was not on the council.

Mayor Becker commented if somehow everything worked out... The problem is the board of adjustment, if the county (in the very short term), Dr. Coffey, and Mr. Coffey could satisfy the code, but the board of adjustment is the only board that could modify or weigh-in on the Special Use Permit as a modification, which takes months.

Mayor Becker explained the council approved the program and they were just concerned about the program meeting its criteria and the funding was accounted for. The council didn't give the Special Use Permit, that was the board of adjustment, which is quite separate, and it seemed that the use didn't raise red flags, because it was a very small, limited use, but the reality is that the use is not in compliance with the Special Use Permit and the volleyball using it as the headquarters is an even bigger problem. Mayor Becker stated he would talk to Dr. Coffey tomorrow to see if he could help guide her into working something out, but right now it is a difficult situation and people have to understand. Mayor Becker explained what he was alluding to was the council did not have the authority to overrule Ms. Brooks from the notice of violation standpoint or the board of adjustment from what the permit is, because they are an independent entities. Ms. Brooks is an independent staff, and the board of adjustment is an independent binding board, the council/mayor can't give permission, because they don't have that authority.

Councilwoman Cureton mentioned her neighborhood has a problem with the traffic and everyone was going to her and saying, "Lundeen do something about it, you're on the town council, the traffic is awful." Councilwoman Cureton stated they had a man out there now that is getting paid to direct the traffic; the traffic is terrible. Councilwoman Cureton commented she had been to the program and enjoyed the kids and the people, but the traffic was terrible.

Councilwoman Coffey commented the council had heard an awful lot about traffic and it started at the board of adjustment, so she thought the council was very aware of that; it is paramount on the community's mind. With that being said, Councilwoman Coffey asked (from her heart) Mayor Becker, "let us please be guarded in how we try to direct and help people, their organizations."

Mayor Becker went on record saying, "you are reading my mind, I said to Vicky and to Jim this afternoon, I said let this be a lesson to me, who is an idealist to this day, we don't have, we're not a town that is big enough, that has enough staff to be able to do, to oversee, and to take on these type of, of things, like the, I mean these are two separate things here as you know, there's the other uses that we have nothing to do with, but there's the one that we funded and I certainly encouraged it heavily and I don't, I would recommend that we not, that we just say this is not something we can do, we can't do these things, we want to help, but we don't have the wherewithal to identify all the moving parts and all the needs and all the follow up and so I, so you were reading my mind because I was saying this morning, I said, I feel horrible because I didn't necessarily know and nobody knew, I mean there were too many things that could go wrong, and things have gone wrong and if we're not going to fund these types of programs, which we have never done before, we're not geared to it, we don't have, we don't have a human services staff, you know, so I think you're right about that Valerie and I will be very conscious, and I will hope the board will, will work with me on that, this board."

Councilwoman Critz stated, "I agree with Valerie and I agree with Rick, we bit off something here for the first time and I'm not sure it means that we should never do it again, I just think that it certainly means that we have got to be more conscientious, but it is a program that is an asset to the community as whole and I do believe if they could find somewhere else to meet, but we can't let the



ball drop not only on the money side of it from us, which we have more responsibility, you know we have a moral and ethical responsibility for, then with Vicky to follow up on all the other things, which could be a problem for other people and we don't want to sit back mute and let that happen. Umm, at the same time, I think there are a lot of people in the community that are trying to do good, to pay attention to that conscientiously, but umm that is really all I wanted to say."

Mayor Becker stated he would only address talking to Dr. Coffey about the town's role in the funding and overseeing the program that he still supports and to see if he could support her in making it move forward. The technical matters will be handled by Ms. Brooks, the county staff, and the board of adjustment.

Councilwoman Krafft asked from now until the meeting on the 28<sup>th</sup> what was going to be transpired in the private entity that is now being operated more publicly. Do they have a cease...?

Ms. Brooks responded that they do not. If a complaint is filed with the fire marshal because of an event taking place, he would go out there and shut them down.

It was noted that the violation is on a commercial basis and not a residential one.

Councilwoman Critz asked if the fire marshal had already been there and this was already noted, could he not put a cease and desist on those kinds of activities, but it could still be used for residential.

Ms. Brooks responded the fire marshal would have to see it going on and there was nothing going on when he did his inspection.

Attorney Griffin suggested that Ms. Brooks made her report and that was all she needed to do, but the council does not have any authority over it, so they should let her do independently as the official with the board of adjustment. The county has an obligation, the council can call them and ask them, because Ms. Brooks can't speak for the fire marshal legally. Ms. Brooks has made her report to what she had seen. If the council wishes for funds to be withheld until the kids are in a code safety place, they can speak to that, but the others are extraneous and are for an "after the meeting" kind of conversation, because the council does not have authority over the board of adjustment or to try to influence them at this point in time or the county officials and what they do. "Let them do and then you ask some questions, she's made her report to you that there may be violations out there from the county's perspective and perhaps the issues that she has raised", Attorney Griffin stated.

Councilwoman Critz asked if Attorney Griffin was recommending if there was an activity that someone does report it.

Attorney Griffin responded, "if you wish, as an individual."

Mayor Becker noted he looked at the contract and it didn't specify the place, so he could handle that part.

## **8. Other Business**

Mayor Becker pointed out the memo from the Union County Emergency Services he handed out and explained the town adopted the most recent County Emergency Plan five to eight years ago and there are some updates to the plan. Mayor Becker was not able to get the cooperating resolution on this agenda, but it will be on next month's agenda.

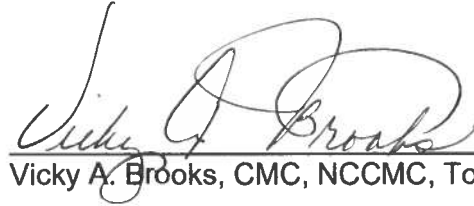
Councilman Muller announced that this week the Chairman of the Union County Board of Commissioners (Stoney Rushing) passed away and asked that the council please keep his family their thoughts.

## **9. Adjournment – Action Item**

At 8:10 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, September 14, 2023 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