

Town of Mineral Springs
Town Hall
3506 S. Potter Road
Town Council
Regular Meeting
February 9, 2017 ~ 7:30 PM

Minutes Draft

The Town Council of the Town of Mineral Springs, North Carolina, met in Regular Session at the Mineral Springs Town Hall, Mineral Springs, North Carolina, at 7:30 p.m. on Thursday, February 9, 2017.

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

Absent: Councilwoman Valerie Coffey.

Visitors: None.

With a quorum present Mayor Frederick Becker called the Regular Town Council Meeting of February 9, 2017 to order at 7:32 p.m.

1. **Opening**

- Councilwoman Neill delivered the invocation.
- Pledge of Allegiance.

2. **Public Comments**

- There were no public comments.

3. **Consent Agenda**

- **Councilman Countryman** made a **motion** to approve the consent agenda and also approve the tax release that is noted in that agenda as presented containing the following:

- A. January 12, 2017 Regular Meeting Minutes
- B. December 2016 Tax Collector's Report
- C. Tax Release
- D. December 2016 Finance Report

Councilwoman Cureton seconded. The motion passed unanimously as follows:

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

4. **Consideration of Approving a Contract for the Construction of a Concrete Sidewalk to Replace the Granite Fines Walkway at the Downtown Park**

- Mayor Becker stated he didn't know if any of the council had a chance to look at our accessible walkway out at the park and explained what some of us were afraid was going to happen has finally just happened to the point where it's impassable. The granite fines (even with the additive that met the state standards for that type of surface) have not held up and its grand-canyon-level erosion now. There are gullies a foot wide and the full four inches deep; just washed out. We have to replace it with concrete and right now Mayor Becker would say that we are in violation "just for the record". The zoning administrator has contacted Union County Inspections to make sure that they understood we were aware of it and we were immediately going to take steps to remedy it; just in case there was a complaint. Councilwoman Critz asked if there was notification out there to people about caution. Mayor Becker responded no, we have done nothing like that, but he supposed we could put the cones there just to mark it. Councilwoman Critz replied she would suggest that we do that. Mayor Becker commented since we have them, but aside from that he did contact H.C. Rummage, because they are our "go to" person and got a bid. Mayor Becker also contacted Greg Massey, who lives in Western Union and has been doing concrete finishing for quite a while and does relatively big jobs and Mayor Becker believed he has a good reputation. Mayor Becker pointed out the council can see the bids are fairly far apart; that's not surprising. Mayor Becker believed Mr. Rummage would even tell you if you go to a general contractor for a very, very small contract with a single trade your first \$1,500 is his general contractors' overhead; it's just what is going to happen. The downside is that Mayor Becker has not received the Certificate of Insurance from Mr. Massey and to be honest Mayor Becker explained he had tried multiple times this week calling his work cell phone, calling his home phone, calling his email (he knows the email is good, because he got the quote by email), he has spoken to his wife and has told him of the importance of having that Certificate of Insurance. Councilwoman Cureton stated he was out of town. Mayor Becker asked if he was available by phone or if his wife was available. Councilwoman Cureton restated he was out of town and she didn't have any numbers with her, but she had them at home. Mayor Becker referred to Attorney Griffin and asked since there is no Certificate of Insurance, it's not a qualified bid, he told them they have to have it; they've got to have their Workers Comp and so forth. Councilwoman Critz asked if it was possible for the council to approve it contingent on receiving that and if you don't have it within the next ten days; go with Rummage, so that this problem doesn't continue. Mayor Becker responded "to be honest, he is a local guy, I don't even think Mr. Rummage would be upset, I like the fact that we are saving quite a bit of money if we go with the local guy, I believe he is qualified, if he's out of town to the point where he isn't getting the cell phone calls, then, you know, I'd like to give him a shot and if we have a date certain that the council wants to approve the contract contingent on that, that would be fine with me; I mean it's a council decision". Councilman Countryman suggested that the council just do it. Councilwoman Krafft commented that she thought that's a reasonable way to do it. Councilwoman Neill hoped he would call Mayor Becker back. Mayor Becker stated he will keep trying if the council directs him to give him until... Councilwoman Neill stated "if you're not interested, if he doesn't return your call". Mayor Becker responded we were saying 10 days.

- **Councilwoman Critz** made a **motion** to approve Greg Massey's bid based on receiving his insurance statement and he has until the 20th. Mayor Becker clarified the council accepted the bid from KBC of NC, LLC contingent on receipt of the Certificate of Insurance by February 20th, date certain by close of business (5:00 p.m.). If we don't receive it, council then is approving the alternate bid. Attorney Griffin commented "you have a proposal and any other conditions in the proposal subject to meeting". Mayor Becker responded yes, he believed they are all met except for the certificate. Councilwoman Critz agreed she didn't see anything missing from that one. Attorney Griffin stated it was a good "catch all" in the motion. Mayor Becker thanked Attorney Griffin for the advice. Mayor Becker stated that was the motion by Councilwoman Critz and asked if there was a second. Ms. Brooks asked if he [Greg Massey] doesn't come in on the 20th, if that... Mayor Becker responded yes, then does the motion continue to just default to awarding the contract to H.C. Rummage? Mayor Becker asked Attorney Griffin if that was legit. Attorney Griffin responded he would think so. Mayor Becker commented the council doesn't have to meet again and it's the next highest bidder if the first proves to not be qualified. Mayor Becker stated that was part of the motion "to just award the bid to H.C. Rummage. **Councilwoman Krafft** seconded the motion by Councilwoman Critz and modified by Mayor Becker. The motion passed unanimously as follows:

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

- Mayor Becker commented he hopes to get up with Greg; he came out and met with Mayor Becker and they walked the project. Mayor Becker was confident he could do it if he can meet the paperwork requirements.

5. Review of a Policy to go with the Proposed Nuisance Ordinance, Consideration of Approving an Agreement with N•Focus and Consideration of Calling for a Public Hearing

- Ms. Brooks referred to the memo in the agenda packet and explained there was a draft of the policy for accepting complaints on the proposed Nuisance Ordinance. This was discussed last month and Ms. Brooks has had conversations with John Ganus and Patti Rader from N•Focus. Ms. Brooks explained she thought the best way to do it was to go ahead and let everyone call the town and depending on the situation we could give that person the number to call Mr. Ganus (or whoever our representative will be), we can email Mr. Ganus as we are talking to the person on the phone, or if it's written we will email it to Mr. Ganus; that is probably the way we need to go at it instead of putting Mr. Ganus's number out there. Ms. Brooks asked if everyone had a chance to read over the policy and if they were satisfied with what was in it. Councilman Countryman responded yes, it was great. Ms. Brooks explained that next thing in the agenda packet came from John Ganus at N•Focus, it's a sample letter that he would send out to anybody who is in violation. The next thing was a draft of a citizen complaint form, Ms. Brooks thought if someone came into town hall they could fill one out, it could be put online for people to fill out and mail it in (depending on whether they wanted to be anonymous or not) and it can be used if we are taking the call (we will have that for our records). The next thing is an agreement from N•Focus for Mr. Ganus to attend the public hearing when we

have it; the fee (if Ms. Brooks was not mistaken) is \$225 for him to come. The next thing was (just as an FYI at this point) is the agreement with N•Focus to provide the service to the town; we would want to approve that agreement after we adopt the ordinance. Ms. Brooks pointed out she had laid out in front of the council a draft of what was going to be put in the newsletter.

- Councilwoman Neill stated her only question right now is again “how do I file a complaint”, Councilwoman Neill knows, but the person reading the newsletter – will they know to call and who will they know to call. Ms. Brooks responded she could put that in there. Councilwoman Neill added “the address to write a letter or email”. Mayor Becker thought this gave Ms. Brooks the chance, instead of saying “petition”, to say “by filing out the citizen’s complaint form”. Ms. Brooks responded right, she put petition in there, because (if she was not mistaken) it’s in the ordinance itself. Mayor Becker commented that Mr. Ganus used to use that word all the time. Ms. Brooks commented they didn’t know exactly what he meant by “petition”, so they were kind of wondering if that needs to be in there. Councilman Countryman responded if you said that to him he would think it meant that a bunch of neighbors got together and signed off saying “we don’t like what this individual is doing; that to Councilman Countryman would be a petition. Ms. Brooks commented she guessed they leave it in there. Councilwoman Critz questioned if you are going to have a citizen complaint form you could just say that couldn’t you? Ms. Brooks responded we can say that too or it could be a petition where (like Councilman Countryman said) it’s several people. Councilman Countryman stated that he thought all of those things need to remain as listed, because there are a lot of people that are technology challenged (like himself) and they may not ever see the form on the website. Ms. Brooks agreed that was very true. Councilman Countryman thought there should be a number of options just for those people like him. Ms. Brooks stated they were going to take out one of the “petitions” [typo] and change it to “citizen complaint form”. Councilwoman Critz questioned for clarity that Ms. Brooks was going to reference all of these to town hall (the phone call and the written). Ms. Brooks responded yes, she will put our phone number and our address. Mayor Becker added and Ms. Brooks email. Councilman Countryman stated/questioned that initially they are all coming here and then they get forwarded. Ms. Brooks explained if they get somebody who has a lot to say and we think it would be better if Mr. Ganus himself heard it then we will just say “if you don’t mind, this is who is handling it, could you call”. Councilwoman Krafft added “you could talk to him directly so you could hear exactly what it is”.
- Ms. Brooks stated the council needed to determine when they want to hold the public hearing.
- **Councilman Countryman made a motion to hold a public hearing on March 9, 2017 at the town hall at 7:30 p.m. to address the Public Nuisance Ordinance and Councilwoman Krafft seconded.** Mayor Becker commented that’s the first motion that they need to address, since we have a full motion and a second. *The motion passed unanimously as follows:*

Ayes: Countryman, Critz, Cureton, Krafft and Neill

Nays: None

- Mayor Becker stated Ms. Brooks had two other things that we wanted to approve in this motion.
- **Councilman Countryman** made a **motion** to approve the policy for initiating a complaint and **Councilwoman Neill** seconded. The motion passed unanimously as follows:

Ayes: Countryman, Critz, Cureton, Krafft and Neill

Nays: None

- Mayor Becker noted the third motion was a motion to approve the first contract of proposals with N Focus, which is the \$225 for being present at the public hearing on March 9th.
- **Councilwoman Krafft** made a **motion** to approve the expense of \$225 for Mr. Ganus to be here at the public hearing on March 9th and **Councilman Countryman** seconded. The motion passed unanimously as follows:

Ayes: Countryman, Critz, Cureton, Krafft and Neill

Nays: None

- Mayor Becker stated that's the three of them, so we are covered until next month. Hopefully next month we will have some people to give us some opinions and maybe adopt it if it's been finalized (it's pretty final). Mayor Becker mentioned the newsletter. Ms. Brooks commented she hoped to get it out by Thursday of next week, so people should have it a couple weeks before the public hearing.

6. **Consideration of Re-Appointing Planning Board Members**

- Mayor Becker explained this one was pretty much Ms. Brooks, because this is staff duty of notifying the council to reappoint the two planning board members whose terms just expired; "is that pretty self-explanatory"? Ms. Brooks responded she thought so, the one for Gabriella Rink is just a little bit odd, because she hasn't actually taken her oath yet even though the council appointed her in November/December; the planning board hasn't had a meeting since she was appointed, so it is kind of a technicality that she be re-appointed. Jeff Krafft wants to be re-appointed.
- **Councilman Countryman** made a **motion** to re-appoint Gabriella Rink and Jeff Krafft and **Councilwoman Cureton** seconded. The motion passed unanimously as follows:

Ayes: Countryman, Critz, Cureton, Krafft and Neill

Nays: None

7. **Discussion of Planning Board Size – Councilwoman Krafft**

- Councilwoman Krafft noted Ms. Brooks put a memo in the agenda packet about the size of the planning board and explained she felt like (as the chairman of the planning board) we need to increase the size of it. Right now there are five members on the planning board and we seem to come up with a quorum of three, but that would be with her being one of them, so the other two make a motion and second it or reverses it and it doesn't really give a lot to her like it's a good representation of a lot of people, because you've got two people; it was like a

comedy show. Councilwoman Critz asked if there was any generated interest. Councilwoman Krafft responded she actually spoke to two people; one in particular she thought was going to apply. Councilwoman Critz commented that was our problem as she remembered. Councilwoman Krafft responded she guessed she was not aware of the fact that it had changed at that point, but it doesn't work when there are only three people there and she is one of them. Councilman Countryman commented the other issue, which could be even more complicated than what Councilwoman Krafft described, is we've just re-appointed Councilwoman Krafft and her husband (right) and they are probably going to the meeting together, so two of the three Councilwoman Krafft described are her family. Councilwoman Neill responded "which is legal". Councilwoman Krafft responded "it's legal, but it's not comfortable". Councilman Countryman commented (to his point) there is nothing illegal about it, what you've got is two people in a family making decision for the community and there will be some people that won't think that's really a good idea. Councilwoman Krafft mentioned the other thing is (for case in point) in the month of July, the end of June they will not be here; they will be in Italy with their son singing at the Vatican, so there will be two people missing. Councilwoman Neill pointed out (for the record) that these positions are appointed, they are not elected. Councilwoman Krafft suggested that they needed to make an announcement in the next newsletter about there being an opening. Councilwoman Krafft explained one of the things she struggles with is (in our wonderful little community) that we do a lot of communication through the website and she didn't know about the rest of them, but she doesn't go to our website often and she would think that the average citizen doesn't go to their town website. It's just something that you do intuitively if you are looking for something or trying to get some information; it's awesome you can get that information, "but you really wouldn't see it, you know, I don't know". Councilwoman Critz asked if it could be mentioned in the newsletter. Councilwoman Krafft responded she thought we need to get it out there; maybe they need to talk to other people and try to get it out there. Ms. Brooks mentioned they have had an opening on the board of adjustment for years and it is in the newsletter every time it goes out. Mayor Becker and Councilwoman Neill agreed that it is always in there. Councilwoman Critz suggested that the newsletter have a little blip saying "to improve community involvement in our planning, we are trying to increase our planning board by two members, we are looking for applicants, please come and join us, we need your support, we need your input".

- It was noted that increasing the planning board to seven would make the quorum four and Councilwoman Krafft felt that four was better than three. Councilwoman Critz commented she thought Councilwoman Krafft's intention here has nothing to do with a number, it has to do with participation and involvement, so she is hoping that we will get two more interested people and maybe the people that are already serving show up more frequently and this will become more involved. Mayor Becker clarified that Councilwoman Krafft was recommending seven. Councilwoman Krafft responded "we have five now". Ms. Brooks responded actually there is supposed to be five, but we only have four; Ms. Sherrin resigned. Mayor Becker noted we did lose a planning board member two weeks ago, so we are down to four. Councilwoman Krafft mentioned Ms. Sherrin wasn't really happy about resigning; family necessity. After further discussion, the council agreed to

expand the planning board from five members to seven. Ms. Brooks will place an article in the upcoming newsletter to generate interest.

- **Councilman Countryman** made a **motion** that we expand the planning board from its current position of five to seven immediately and that we begin to search for three new candidates and **Councilwoman Neill** seconded. The motion by Councilwoman Critz passed as follows:

Ayes: Countryman, Critz, Cureton, Krafft and Neill

Nays: None

8. Staff Reports

- Ms. Brooks explained that this year she had to go... Mayor Becker stated “clerk’s class”. Ms. Brooks responded she had to go to both, she has to go to the clerk’s class and she is going to have to go to a zoning official’s class. The zoning officials usually offer two chances, one is coming up in February, which conflicts with a planning board meeting and the other one is usually sometime in the summer. Ms. Brooks didn’t go last year, because she was busy, but she doesn’t have a choice this year – she has to go. Ms. Brooks asked the council what they thought. Councilwoman Krafft offered that she could swear in the new planning board member (now that she is a notary), give her a book and briefly explain the book so she can start her wonderful world of nightly reading. Councilwoman Critz offered the benefit she saw of that was Ms. Brooks doesn’t have to worry about going when the next one comes up. If Ms. Brooks can work it out to go now, she should go now. Councilwoman Critz asked about the other one. Ms. Brooks responded they usually have something available in the summer, so she will be looking for that. Councilman Countryman asked if the council needed to approve Ms. Brooks going to these. Mayor Becker responded sometimes they have, this one is pretty routine (it’s not very expensive), so he thought that it was just in our training budget.

9. Other Business

- Mayor Becker stated he had one other business that just occurred to him, he didn’t print out the email, but the council doesn’t have to take action. Mayor Becker explained that he just wanted to get some guidance on how to respond to the email he received this morning from the new superintendent of Union County Public Schools who seems to be making more attempts at outreach, which is a good thing. The substance of the email was interest in getting together with municipalities and getting the word out and getting representatives from every school that families in your municipalities attend. In our case that would be Parkwood High School, Parkwood Middle School, Western Union Elementary School, Waxhaw Elementary School and also New Town Elementary School, Cuthbertson Middle School and Cuthbertson High School, because we have one street that goes to them. To have a get-together (school would schedule it) representing teachers and principals from those schools. Mayor Becker has no idea if they have done it with anybody else, but was it something he should say that his council is interested in letting them go forward with this. Mayor Becker didn’t know how we would publicize it. Councilwoman Critz responded absolutely. Councilman Countryman asked if they wanted to meet with the council. Mayor Becker responded no, they don’t want to meet with us; they actually want to hold

this meeting for the community with representatives from each of the schools that serve our community. Councilwoman Critz asked if they wanted the council to attend. Mayor Becker responded they certainly want us to attend and certainly want us to help publicize it. There was nothing of substance, just the concept of doing it. Councilwoman Critz commented Mayor Becker should tell them to get the information quick and stick a little blip in the newsletter. Mayor Becker responded "if we can do it soon enough, I'll find out from them if we can". The newsletter is going out in less than a week. Councilman Countryman asked if just the schools were going to get together. Why are they asking us? Mayor Becker responded "we are not doing it". Councilman Countryman asked if they are asking us for permission to do that. Mayor Becker responded he thought they just want to know how we felt about it. Councilman Countryman stated he thought it was great. Mayor Becker explained he didn't want to speak for the council, because it was a council thing that he wanted to run by the council; he forgot to print the email out, but that is exactly what it said. Councilman Countryman responded "tell them it's okay". Mayor Becker commented he had no idea beyond that, but we'll see about it. We'll try to schedule it soon and Mayor Becker thought Western Union was the place to do it only because that is the school that is the most central to the community regardless of which school you are attending. Mayor Becker stated he would tell them to give us more information and to go right ahead with it; "my council loves it".

- Councilwoman Cureton stated she would just like to thank everybody that supported her with the Parkwood Band Booster; she raised \$1,200 [everyone applauded], especially her lawyer.

10. **Adjournment**

- **Councilman Countryman** made a ***motion*** to adjourn and **Councilwoman Critz** seconded. *The motion passed unanimously as follows:*

Ayes: Countryman, Critz, Cureton, Krafft and Neill

Nays: None

- The meeting was adjourned at 8:14 p.m.
- The next regular meeting will be on Thursday, March 9, 2017 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