

**Minutes of the
Mineral Springs Town Council
Regular Meeting
December 8, 2022 – 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, December 8, 2022.

Present: Councilwoman Valerie Coffey, Councilwoman Janet Critz, Councilwoman Bettylyn Krafft, and Councilman Jim Muller.

Absent: Mayor Frederick Becker III, Mayor Pro Tem Jerry Countryman, and Councilwoman Lundeen Cureton.

Staff Present: Town Clerk/Zoning Administrator Vicky Brooks, Attorney Bobby Griffin, and Administrative Assistant/Deputy Town Clerk Maurice Norman.

Visitors: None.

1. Opening

With a quorum present at 7:31 p.m. on December 8, 2022, Ms. Brooks called the Regular Town Council Meeting to order and explained due to the absence of Mayor Becker and Mayor Pro Tem Councilman Countryman, the town council would refer to G.S. 160A-70, which instructs the council to elect a council member to chair the meeting.

Councilwoman Critz nominated Councilwoman Coffey to chair the meeting and Councilman Muller seconded the nomination. The nomination vote passed unanimously. Ayes: Coffey, Critz, Krafft, and Muller. Nays: None.

Councilwoman Coffey (acting as chair) officially opened the meeting.

Councilwoman Critz delivered the invocation.

Pledge of Allegiance.

2. Public Comments

There were no public comments.

3. Consent Agenda – Action Item

Councilwoman Krafft motioned to approve the consent agenda containing the November 10, 2022 Regular Meeting Minutes, the October 2022 Union County Tax Report, the October 2022 Finance Report, and the 2023 Town Council Regular Meeting Schedule and Councilman Muller seconded. The motion passed unanimously. Ayes: Coffey, Critz, Krafft, and Muller. Nays: None.

4. Consideration of Approving an Agreement with Benchmark CMR, Inc. – Action Item

Ms. Brooks explained she had reached out to Benchmark to see if they had a service where she could call them and ask questions, such as a "Scope of Services" where they could help draft amendments to the ordinance or any type of zoning and subdivision service she felt they could assist her with. The fee for this service is \$95 per hour.

Councilman Muller asked if this would be a continuation of an existing service or a new agreement.

Councilwoman Critz stated she knew the present council was a quorum, but asked if it was a "majority"?

Ms. Brooks responded this would be a new service and yes, the council is a majority.

Councilwoman Krafft stated she did not see why not; \$95 an hour was not an outrageous amount of money for those types of service when Ms. Brooks felt like it was necessary.

Councilwoman Critz commented, "sure", she did not perceive Ms. Brooks needing to use it a lot, because she was smart anyway; she has been doing this a very long time.

Ms. Brooks responded it would be nice to have somebody...

Councilwoman Critz motioned to approve the agreement and additional services.

Councilwoman Coffey asked if there were any other comments.

Attorney Griffin explained he talked about this with the mayor and councilman. It's per hour and open ended. Attorney Griffin asked who was to suggest how many hours Ms. Brooks was going to use a month, who was going to make that determination. Attorney Griffin commented he knew the council trusted the zoning administrator, but from a legal perspective, he needed to raise that question.

Councilwoman Critz asked if the council should say "not to exceed a certain number of hours per month."

Attorney Griffin responded, "without approval of the council, I would think, because you've delegated this to her to make those decisions, and so it's up to you, are you going to bring this to the council each time".

Councilwoman Critz commented she would not know that.

Attorney Griffin suggested the council cap it per month, not that Ms. Brooks is not trustworthy and would never do anything wrong. Attorney Griffin stated he did want that to be clear.

Ms. Brooks commented the town does have "planning" as a budget item and as long as she was making sure it was in the budget.

Councilwoman Critz asked Ms. Brooks what she would foresee as a maximum and that if she needed to go past that she would get approval.

Councilman Muller added, "limited to stay within the budget of planning, not to exceed the planning budget without council approval."

Councilwoman Krafft commented she would feel more comfortable with a definitive number, so at least Ms. Brooks would know when she needed to ask.

Councilwoman Coffey asked Attorney Griffin if he was advising that there may be a need to say a maximum of two hours per month without...

Councilwoman Krafft suggested five maximum hours.

Councilwoman Critz suggested ten.

Ms. Brooks commented there could be a month where she would be bouncing several things off of Benchmark using several hours and then the next month, they would not be doing anything.

Councilwoman Coffey commented that Ms. Brooks would know better what her need was than any of the council, so they needed her...

Councilwoman Critz suggested the council could decide not to exceed 10 hours per month without additional...

Councilwoman Coffey asked for how many months.

Councilwoman Critz asked if this was a yearly contract or if it was open-ended.

Ms. Brooks responded it was open-ended.

Councilwoman Critz stated if Ms. Brooks needed more than 10 hours in a month, she would need additional council approval.

Ms. Brooks added "to also make sure that we're staying within that planning budget".

Councilwoman Critz amended her motion to include that it not exceed 10 hours per month or what is available in our planning budget without additional council approval and Councilman Muller seconded.

Councilwoman Krafft asked what the budgeted amount for the year was for planning.

Ms. Brooks responded she did not know the figure.

Councilwoman Coffey commented that figure was not available this evening, but the council would get back to Councilwoman Krafft on that.

Councilwoman Coffey called for a vote on the motion made by Councilwoman Critz. Ayes: Coffey, Critz, and Muller. Nays: Krafft.

Councilwoman Coffey clarified Councilwoman Krafft was in opposition.

Councilwoman Krafft responded, "just at the moment, I want to know what the number is."

Councilwoman Critz commented, "it won't carry if you do that".

Councilwoman Krafft stated, "I just think that it's important that we not, not that we have any question about trustworthiness or anything, but I think it's imperative that we kind of stay within our number and we don't know what that number is."

Ms. Brooks commented she would find out what that number was; the budget was on the town website.

Councilwoman Krafft commented she just did not know the number off the top of her head, but thought it was important that the council have a grasp on it.

At a maximum of 10 hours at \$95 an hour it would be \$950 a month.

Councilwoman Coffey commented the council did not have the amount of work at this time and did not foresee that coming in the near future, but Ms. Brooks had always been an exceptional steward of the town's money.

Councilman Muller commented Ms. Brooks was beyond reproach, but "heaven forbid, something was to happen and this being an open-ended contract," he agreed the council should know the number.

Councilwoman Critz asked if the council could just say 10 hours (forget the budget part), knowing what that would be and that Ms. Brooks would have to come for council approval to exceed that, because she would not have the authority or the funds; therefore, it would sort of be self-limiting, as far as a maximum amount of money that could possible be spent in a one month period.

Councilwoman Krafft responded if everything was in a great world, she would go for that in a heartbeat, but "you don't know what's gonna happen to Vicky tomorrow."

Councilwoman Critz commented Ms. Brooks was the only one with that authority, so if something happened to her... Councilwoman Critz asked Attorney Griffin if that was not correct.

Attorney Griffin responded he thought it was good sound public policy and transparency for the community to know that there is a limit set, that the council is in control of the budget and that it is not open-ended, no matter who is backing those decisions.

Councilwoman Critz commented at this point, the only person being given the authority was Ms. Brooks.

Councilwoman Krafft noted it was for zoning, not Ms. Brooks herself, it was the zoning person, the position has the authority, not the person.

Ms. Brooks informed the council of the budget for planning: Zoning Ordinance and Planning is \$5,000; Land Use Planning is \$30,000; and there is a reserve of \$3,000.

Councilwoman Coffey commented that was a total of \$38,000 for zoning and all that.

Councilwoman Krafft commented that was a lot different then.

Ms. Brooks noted the council would also have to realize that she would work with the finance officer on anything budgetary.

Councilwoman Critz asked if the council if the amendment to the motion was okay now that they have that fact.

Councilwoman Krafft responded she thought Councilwoman Critz would have to word it so that it gives the constraint of the time and the budget.

Councilwoman Coffey asked how the council was planning to constrain the time if the need...

Councilman Muller gave an example of 10 hours per month.

Councilwoman Critz added not to exceed \$38,000 in one fiscal year.

Ms. Brooks commented that the budget may not always be \$38,000 per year.

Councilwoman Critz stated anything above or beyond that comes back to the council for approval and asked Attorney Griffin if that sounded good.

Attorney Griffin responded, "there's a difference between good and legal."

Councilman Muller asked Attorney Griffin if that sounded legal.

Councilwoman Critz stated she would make a friendly amendment.

Councilwoman Krafft asked Attorney Griffin if the verbiage was reasonable.

Attorney Griffin asked if the budget defined this kind of service; is there a budget item for this.

Ms. Brooks responded yes, it falls under planning; it could be land use or zoning. There are two separate line items; one is \$30,000, one is \$5,000, and there is a reserve of \$3,000.

Councilwoman Critz asked Attorney Griffin what if the amendment stated it was for this fiscal year (at 10 hours per month/\$950) and it could be revisited next year at this time after seeing how much it was needed and used.

Councilman Muller proposed instead of allocating or going to the max of what the budget is this year, just pick a round number like \$25,000 before additional approval is needed, because the

budget for next year is not known, and that will keep the town safe from exhausting next year's budget.

It was clarified this is a line item in the budget and it is subject to change every year.

Councilman Muller commented not knowing what that is and since a number is being attached to it, which shouldn't be exceeded in the budget, with this being an open-ended contract, the council could just limit it to 10 hours per month or \$38,000, and if next year's budget is less than \$38,000, the council will have to revisit this one.

Councilwoman Critz suggested her amendment would state that this is for the fiscal year of 2022-2023.

Councilman Muller clarified that Councilwoman Critz meant the contract had to be revisited next year, so it would not be open-ended.

Councilwoman Critz responded if she was reading the contract correctly there was not a timeframe, but the town will set a timeframe on it.

Councilwoman Coffey noted Ms. Brooks would have to request their services, they don't just come to the table.

Attorney Griffin commented one of the things to protect whoever is in that office and certainly more to protect Ms. Brooks (from what he knows about her), that position should have some guidance as to how much can be spent per month, because one could get an unintended reputation by spending \$10,000 or \$15,000 one month that the council did not know about (in a small town this size) and the services might very well be needed, but the council should know about it in advance, so they can authorize it. That is what the council is asking for. Attorney Griffin apologized because he was getting into an area of "good" now, not "legal." Attorney Griffin asked the council if they would want to know if it was going to exceed a certain big bar for information purposes, not that they question the person who requested the services, but for accountability as elected officials.

Councilwoman Critz suggested a friendly amendment to approve the contract at \$95 an hour, not to exceed 10 hours per month or a total of \$38,000 for the fiscal year 2022-2023 and this will be revisited a year from now.

Councilwoman Krafft commented \$950 for 12 months is \$11,400.

Ms. Brooks proposed capping it at \$1,000 per month without further council approval. In addition, it would not go up to the budget no matter what the budget is.

Councilwoman Krafft thought that made sense.

Ms. Brooks added if the budget changes for 2023-2024, the amount still could not be exceeded, and then the council would not have to revisit it.

Councilwoman Krafft commented, "which fits right into the budget and stays within."

Councilwoman Critz commented if it kept being exceeded, Ms. Brooks would have to keep going to the council, so they would know.

Ms. Brooks stated she really did not plan on it. If it was anything major, the council would get another contract with Benchmark (or somebody else) for a larger Scope of Services.

Councilman Muller mentioned like re-doing the zoning ordinances.

Ms. Brooks responded, yes, not something minor, where she can pick up the phone and say "hey, what do you know about this," or "does this sound right". This is just for minor things that Ms. Brooks would like to have a backing for and know that she was right, because here she was the only

planning and zoning staff, so it would be nice to have somebody to call and say, "what do you know". They may have more information than a small town does.

Councilman Muller asked Ms. Brooks if she knew if Benchmark billed by the quarter hour, half hour, or hour. Would a five-minute phone call be billed as an hour?

Ms. Brooks responded that the contract says \$95 an hour, but when he [Mr. Epley from Benchmark] emailed her back he said quarter hour.

Councilwoman Critz stated she would make a new motion to accept the contract with Benchmark at \$95 per hour not to exceed \$1,000 per month and if there was a need to go beyond that, council approval would be needed.

Councilwoman Coffey asked Attorney Griffin if Councilwoman Critz would have to withdraw her previous motion.

Attorney Griffin asked what the chair wanted to do.

Councilwoman Coffey stated she thought the previous motion needed to be withdrawn.

Councilwoman Critz stated she would like to withdraw everything she had said up until now.

It was clarified the previous motion was voted on and did not pass, because Councilwoman Krafft did not want to give an affirmative without further information on the budget.

Councilwoman Coffey added that questions came up after the vote.

Attorney Griffin suggested Councilwoman Critz could amend the motion.

Councilwoman Critz amended the previous motion for the agreement with Benchmark CMR, Inc not to exceed \$1,000 per month without further council approval and to stay within the budget and Councilman Muller seconded. This motion passed unanimously. Ayes: Coffey, Critz, Krafft, and Muller. Nays: None.

5. Staff Updates

There were no staff updates.

6. Other Business


Councilwoman Critz mentioned the helicopter crash that occurred a few weeks ago, in which Meteorologist Jason Myers was one of the men killed. Mr. Myers had strong ties to Mineral Springs; his father was the pastor at Mineral Springs Methodist Church until young Myers was nine years old, at which point they moved away. The Myers stayed connected with some families in Mineral Springs, including Bill and Kippen Southerland (who are currently residents of Mineral Springs). Mr. Myers married the Southerlands' oldest daughter Jillian. Councilwoman Critz explained she wanted the council to be aware there was a strong tie to Mineral Springs.

7. Adjournment – Action Item

At 7:57 p.m. Councilman Muller motioned to adjourn the meeting and Councilwoman Critz seconded. The motion passed unanimously. Ayes: Coffey, Critz, Krafft, and Muller. Nays: None.

The next regular meeting will be on Thursday, January 12, 2023 at 7:30 p.m. at the Mineral Springs Town Hall.

Respectfully submitted by:


Vicky A. Brooks, CMC, NCCMC, Town Clerk




Valerie Coffey, Acting Chair