

**Draft Minutes of the
Mineral Springs Town Council
Regular Meeting
February 8, 2024 – 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, February 8, 2024.

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

Absent: None.

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

Visitors: Linda Robinson.

1. Opening

With a quorum present at 7:30 p.m. on February 8, 2024, Mayor Becker called the regular meeting to order.

Councilwoman Critz delivered the invocation.

Pledge of Allegiance.

2. Public Comments

Linda Robinson – 3648 Poplin Road, Monroe, NC.

3. Consent Agenda – Action Item

Councilwoman Coffey motioned to approve the consent agenda containing the January 11, 2024 Regular Meeting Minutes, the December 2023 Union County Tax Report, and the December 2023 Finance Report, and Councilman Countryman seconded. The motion passed unanimously. Ayes: Coffey, Countryman, Critz, Cureton, Krafft, and Muller. Nays: None.

4. Consideration of Accepting the Audit Report – Action Item

Mayor Becker explained he had received an email from Kendra [Gangal] at 4:00 p.m. informing him that she had some family issues and would be travelling, so she wanted to be deferred until March. Mayor Becker noted the audit report was approved by the Local Government Commission and that the report is included in the online agenda [packet] on the website if anyone wanted to look it up. Mayor Becker stated that Kendra will be presenting the audit report at the March meeting.

5. Consideration of Adopting Ordinance-2023-05 (O-2023-05) – Action Item

Mayor Becker commented that this item looked complicated, but he thought most of the council remembered the initial pair of ordinances that were adopted regarding the ARPA CSLFRF funds (the Federal COVID funds). The method that was used, under the new rule, was to declare all of the \$270,000+ as revenue replacement money, which freed it up for a much wider range of uses. The method used to get the Grant Project Fund into the General Fund was to simply reimburse the town for expenditures made earlier, which was a bunch of salaries beginning in March of 2023. This is the last of the \$39,000+ for the town to transfer over and that will free up those funds by taking them out of the Federal column and putting it in the General Fund.

Councilwoman Critz asked for clarity on the money going into the general budget and it not being allocated for anything at this point.

Mayor Becker responded no, it is just in the General Fund balance, and it is appropriated that way. The earlier \$230,000 went in the General Fund. Mayor Becker reminded the council that it used to be with the ARPA money, because at first it could only be used for a narrow range of things and it turned out that small municipalities were not going to be able to use it, so they changed the rule a year later and said the first \$10,000,000 could be used for anything, but you still had to go through some procedures if you didn't have a specific project for it. The town doesn't have a specific project at this time, so the money will go into the General Fund and then the Grant Project Ordinance can be closed out. Mayor Becker noted that he would make reports to his successor, because it goes on until 2027, and he thought the town had to make annual reports to the US Treasury. After the April 2024 report that Mayor Becker makes, the subsequent reports will show no further action being taken, because the town has accounted for all the Federal funds.

Councilwoman Critz motioned to adopt O-2023-05, which is the revenues from the General Project Ordinance into our General Fund Revenue and Councilwoman Cureton seconded. The motion passed unanimously. Ayes: Coffey, Countryman, Critz, Cureton, Krafft, and Muller. Nays: None.

O-2023-05 is as follows:

STATE OF NORTH CAROLINA
TOWN OF MINERAL SPRINGS

**AN ORDINANCE AMENDING AND CLOSING OUT O-2021-02: TO COMPLETE APPROPRIATION AND EXPENDITURE OF FEDERAL CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUND (CSLFRF) REVENUES UNDER H.R. 1319, THE AMERICAN RESCUE PLAN ACT OF 2021 (ARPA)
O-2023-05**

BE IT ORDAINED by the town council of the Town of Mineral Springs, North Carolina that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following grant project ordinance is hereby adopted, amending Grant Project Ordinance O-2021-02, adopted on August 12, 2021:

Section 1: This ordinance is to establish a budget for a project or projects to be funded by the Coronavirus State and Local Fiscal Recovery Fund (CSLFRF) revenues of H.R. 1319 American Rescue Plan Act of 2021 (ARPA). The Town of Mineral Springs has received the full allocation CSLFRF revenues in the amount of \$270,618.75. These funds may be used for the following categories of expenditures, to the extent authorized by state law.

1. Support public health expenditures, by funding COVID-19 mitigation efforts, medical expenses, behavioral healthcare, and certain public health and safety staff;
2. Address negative economic impacts caused by the public health emergency, including economic harms to workers, households, small businesses, impacted industries, and the public sector;
3. Replace lost public sector revenue, using this funding to provide government services to the extent of the reduction in revenue experienced due to the pandemic;
4. Provide premium pay for essential workers, offering additional support to those who have borne and will bear the greatest health risks because of their service in critical infrastructure sectors; and,
5. Invest in water, sewer, and broadband infrastructure, making necessary investments to improve access to clean drinking water, support vital wastewater and stormwater infrastructure, and to expand access to broadband internet.

Section 2: The town has elected to take the standard allowance, as authorized by CFR Part 35.6(d)(1) and expend all its ARP/CSLFRF revenues for the provision of Revenue Replacement. Specifically, this ordinance authorizes reimbursement for salaries and benefits paid from October 1, 2022 through December 31, 2022 and for only the portion of the Finance Officer's January 2023 salary sufficient to utilize the remaining unassigned balance of the ARP/CSLFRF funds. The Finance Officer has determined that the salaries of the Clerk, Deputy Clerk, Finance Officer, Planning Director, and Deputy Tax Collector are allowable, and that LGERS pension contributions, NCLM Health Benefits Trust contributions, and FICA contributions for those employees are allowable. The 4.7% LGERS accrued pension liability employer contribution for the Clerk, Finance Officer, and Planning Director is considered a "pension deposit" and is disallowed. Elected Official salaries and any associated benefit payments, including FICA, are also disallowed.

Section 3: Project Ordinance O-2022-01 authorized expenditure of \$230,669.86 of the total ARP/CSLFRF grant of \$270,618.75, leaving \$39,948.89 unassigned and available for expenditure.

Councilwoman Critz commented from her memory, it was mean, manipulating what the town was trying to do with the ordinance, using it as a hammer against people, so it was twisted, in a sense of using the town/council as a weapon against the constituents, and that was not at all what any of the council members wanted.

Councilwoman Critz asked Councilman Muller how he saw avoiding that.

Councilman Muller responded by revising the ordinance, scaling it back. The criteria should be the nuisance would have to be a threat to health and safety.

Councilwoman Critz asked if that would be like piles of trash.

Councilman Muller commented, "attracting rats."

Councilwoman Critz asked if there was a way that the county environmental health defined that.

Councilwoman Krafft responded she did not know, but she could say they don't respond.

Mayor Becker commented that his recollection was that the area of the original ordinance that was subjected to the most abuse was the nuisance structures, and that was because there were nuisance structures downtown that were on everybody's front burner, everybody hated them. There was a lot of pressure on the council to adopt it. Mayor Becker explained he was concerned, and he had talked to other municipal officials back when Bobby Kilgore was mayor of Monroe, and he had said, "don't do that, it's gonna kill you, it's gonna, its enforcement is incredibly difficult." Mayor Becker noted the council decided to try it and that was the problem. Mayor Becker thought that nuisance structures is probably something the council would stay away from and would look at some of the other categories that were in there, such as household trash piling up, which is a health hazard, and some of the other definitions in the old ordinance that might constitute a health hazard.

Councilman Muller commented again health and safety would possibly be open for discussion, or something that directly affects the neighbor's property values. If someone has 500 junk cars in their front yard, it might be something the council would think about addressing, but it would have to be something that is definable and measurable with a metric in place to measure a standard against, so that not anybody could say, "yeah, Mr. Muller, who lives at the end of a dead-end street with no neighbors, he's got three lawn mowers behind his garage, that's a nuisance, we need to do something about it." Councilman Muller stated the town needs to have a set definition for what would constitute a nuisance.

Councilwoman Critz asked if cars, junked or otherwise piled up in the front yard be under zoning already.

Mayor Becker responded a car might not even have to be handled in the nuisance because they are already...

Councilman Muller explained he was just throwing that out as an example, because he knew there were sections of town where people basically have what looks like a junkyard in their front yard.

Ms. Brooks asked if the council wanted to put it [junk cars] in the nuisance ordinance.

Mayor Becker added and then take it out of zoning and put it in the nuisance ordinance.

Councilwoman Critz asked if it would be easier to handle if it was in a nuisance ordinance rather than the zoning. Councilwoman Critz also asked how the town was planning to enforce the nuisance ordinance. "Do we hire someone?"

Mayor Becker responded the town would go back and look to try to reinstate a contract.

Councilwoman Critz asked if Mayor Becker had anyone in mind right now.

Councilwoman Coffey responded N-Focus.

Mayor Becker added the town could start with them since they are familiar with it.

Councilman Muller asked if this was something the council wanted to revisit/take on again. Councilman Muller stated he thought a good place to start would be to pick apart the old ordinance and see what worked, what didn't, and try to put something together to move forward on.

Councilwoman Coffey responded she thought that would be great, but she cautioned the council on attempting to get a perfect document, because there is no such thing. The council had to start somewhere and broaden it as the town grows, but the town needs something in place now, it is past needed. Councilwoman Coffey explained she had fought some serious issues, even talked to Raleigh, everybody passed the buck back down, nobody wants to touch it. If Mineral Springs can get it in place and get someone to enforce it, such as N-Focus, that is what the town needs.

Councilman Countryman asked whose responsibility it was to begin the process. Would it begin with the planning board or is it something the council would do in a special work session?

Ms. Brooks responded that she believed it was on the council to have a special meeting.

Councilman Countryman stated it appeared to him that if the council decides to go in that direction to revisit it, that will require the council to have one or more special meetings outside of a [regular] council meeting.

Councilman Muller stated he thought if the council chose to go that route, they already had a good head start in that they have a document they can work with.

Councilman Countryman mentioned the pamphlet in the agenda packet that included [responses] from a survey that was sent out to the citizens of the community relative to each of the specific ordinances a couple years ago. The information relative to that survey was copied in the document provided in the agenda packet, which showed how well it was approved by the community, the seriousness of the ordinance in their eyes. Councilman Countryman thought it was a good place to start in terms of evaluating the specific ordinances that meant the most to the most people and those are the ones that the council needs to pay particular attention to in revising the ordinance for future use.

Councilwoman Critz asked Attorney Bobby Griffin if he had any specific suggestions on how to avoid getting back in a situation where the ordinance would encourage people to complain rather than address the actual [inaudible].

Attorney Griffin needed more time to go back over the information.

Councilwoman Coffey asked if it was the ordinance that encouraged people to complain or if it was just malicious voices.

Councilwoman Critz believed it was both.

Councilwoman Coffey asked how the ordinance encouraged people to complain.

Councilwoman Krafft shared that there was an individual that took it upon themselves to make it malicious.

Mayor Becker stated in his recollections, the only way the ordinance was worded that contributed to opening it up to abuse was that some of the categories, like nuisance buildings, became an easy target.

Councilman Countryman remembered that the council did not want to be the lawn police, but if they look at the things that really contribute to health and safety, like garbage piles or materials stored in an inappropriate manner that could create housing for critters that aren't desirable, he thought the council could go back and revisit those serious points that are worthy and could be done effectively. This is going to take some time for this group of six people to sit down and hammer some of those things out to come up with the most appropriate and beneficial to the community.

Councilman Muller commented if the council looked at the points through the lenses of experience, they would have a better idea of how the ordinance might be abused.

Councilman Countryman suggested that the council conduct a special meeting where they don't do anything except address the nuisance ordinance, possibly in June.

Councilwoman Critz asked if the council should know prior to that meeting who they were going to engage to implement it and to go over it with the council, such as N-Focus.

Attorney Griffin suggested the first question the council should be asking is "whom are you going to engage to help you draft this?" While each of the council members are very bright, have their own notions, and a lot of zeal, N-Focus helped before, and Attorney Griffin recommended the council have some professional guidance with them to put it together, either way they decide to do it, whether they revise this one or start from scratch to do a new one. Attorney Griffin noted that someone had mentioned that the "big bugaboo" was number seven.

Mayor Becker explained it was the structures (actually number six). It was so bad that it was going to cost unbelievable amounts to try to enforce it.

Attorney Griffin stated another factor would be the cost of implementation.

After some discussion, the council opted to have a special meeting without including N-Focus in the beginning stage of their review.

Councilman Countryman motioned to call for a special meeting. [This motion was not acted upon].

Councilman Muller motioned to call a special meeting at 6:30 p.m. in the Mineral Springs Town Hall on March 14, 2024 for the purpose of reviewing the nuisance ordinance in preparation of presenting our needs to N-Focus and Councilwoman Coffey seconded. The motion passed unanimously. Ayes: Coffey, Countryman, Critz, Cureton, Krafft, and Muller. Nays: None.

7. Discussion and Consideration of the 2024 Annual Festival – Action Item

Ms. Brooks explained it was that time of the year to start planning for the September festival. Ms. Brooks commented that she had reached out to her contact at Harris Teeter and was told that they were in discussion with somebody about purchasing the property, so they could not give the town permission to park on their property for the festival; it could happen, or it may not. Ms. Brooks asked the council how long they wanted to wait before they made a decision.

Councilwoman Critz deferred that question back to Ms. Brooks, because she was the one that would have to do the bulk of the planning and leg work.

Ms. Brooks responded that she could not do what they did last year, it was not possible, the town did not know that parking was available until May, which left staff scrambling to plan the festival. This is the time the festival needs to be planned and if the town does not have parking, they cannot have the festival.

Councilwoman Krafft asked if the town could work with the church to make it happen.

Ms. Brooks responded that would cost the town more for deputies and they would have to get permission from NCDOT for a temporary crosswalk, and that would be if the church would allow parking.

Mayor Becker added there was also vendor parking, which would be a problem because vendors need to park on this side of the street.

There was a consensus of the council not to have the festival this year.

Councilwoman Critz suggested the town have two movie nights.

Ms. Brooks explained there were no more movie nights available.

Mayor Becker mentioned there was going to be an additional charge [for movie nights], which was not important, but there were very few dates open and by the time Ms. Brooks got back to them, all the dates were gone.

Ms. Brooks added that the town had an extremely low turnout [for movie nights].

Mayor Becker mentioned there were literally one or two families that weren't staff, or staff/council families, even with media, newsletters, and a lot of publicity, the demand just wasn't there with town families.

Councilman Muller motioned that we dispense with this year's town festival, pending and possibility pick it up next year if the parking situation is resolved, we can revisit it next year and Councilwoman Critz seconded. The motion passed unanimously. Ayes: Coffey, Countryman, Critz, Cureton, Krafft, and Muller. Nays: None.

Mayor Becker commented that the only good news was if the property sold and opens the development, every residential unit requires 1/35th of an acre to be dedicated to the town; the way the ordinance is written now, the town has quite a bit of say so over what that property would be, so the town could literally get the property deeded to them and have parking permanently available. That is all hypothetical now.

8. Consideration of the Deer Urban Archery Season Renewal – Action Item

Councilman Countryman motioned that we institute the Urban Deer Program for 2024 / 2025 with the North Carolina Wildlife Commission and Councilman Muller seconded. The motion passed unanimously. Ayes: Coffey, Countryman, Critz, Cureton, Krafft, and Muller. Nays: None.

9. Staff Updates

There were no staff updates.

10. Other Business

Mayor Becker reported on the status of the sidewalks since he and Ms. Brooks had their semi-final meeting with the CRTPO and NCDOT people about the sidewalk plans. CRTPO and NCDOT have narrowed it down and have a \$1,700,000 estimated price tag for the entire project, which they admitted is quite high. There seems to be some very favorable responses, even from NCDOT's Planning Engineer Theo Ghitea, who seemed to think that there could be some NCDOT support. Neil Burke of CRTPO did seem optimistic about some possible help from them with some grant applications through them in the Fall Call for Projects, which opens in August. The council may want to have a work session (after dealing with the nuisance ordinance) with some of the people from CRTPO and NCDOT, because Mr. Burke said they were willing to come down and talk about CRTPO, plus some sidewalk vision. Mayor Becker commented that this looked like a good starting point.

Councilman Countryman asked what the sidewalks would constitute.

Mayor Becker responded that the sidewalk plan, as they drew it up right now, is not all or nothing, but it starts where the town hall sidewalk ends all the way to Circle K, on this side of the road only. Then from Circle K down in front of the pink house, the vacant lot, and the office building; it will end there because it gets difficult beyond that with the ditch and trees. There is nothing on the north side, but what you have in front of the shopping center and post office stays. Then looking around the corner beyond the fence at Farley's going beyond there for a short distance with an asphalt shoulder widening to cross the railroad tracks to get up to the other side of Eubanks Street, approximately where the music barn sign is, which would have to be removed. The developer of the property where Dusty's Barber Shop is already had sidewalks on his plan. Then making it all tie together at the intersection with painted crosswalks.

Councilwoman Coffey asked when it the sidewalks might come to fruition.

Mayor Becker responded that was a question of when people want to start paying for it. The town is hoping to get some grant money and maybe some NCDOT money to be able to pool some resources. Mayor Becker noted that the study was finished but they haven't gotten into the funding aspects.

Councilman Countryman asked Mayor Becker if the sidewalks would be done prior to the possible expansion of the intersection.

Mayor Becker responded, yes and that was an important part of the way the study was conducted.

Councilman Countryman commented that he wanted people to understand the town is well out of the "circle mode", but there is a possibility that the intersection will be widened to include a turn lane. Councilman Countryman also commented that he didn't think they would want to put the sidewalks in until the intersection was done.

Mayor Becker explained that was an important aspect of the [sidewalk] study and that the sidewalks that would go in now would be outside the right-of-way. For example, the south side of 75, in front of the existing commercial buildings, the owner is willing to put the sidewalk on his property outside the right-of-way, so the sidewalk would be there when they widen the road, and it would still be there after. The same with the new construction on the northeast quadrant on Potter Road, the sidewalk would be set back far enough, there would be very little that would come out wherever they stubbed from where the sidewalks meet the corner, and there would be a little ramp stubbing out that would have to come out when the road gets widened. In reference to the comment made by Councilwoman Coffey, the might, should, hopefully for the road work will be five years or more, and the town would love to get some pedestrian availability in less than a five-year timeframe.

Ms. Brooks mentioned the price tag for the intersection went up.

Mayor Becker explained that NCDOT picked up the original RS&H study and used their formulas. The 2019 number was \$5,400,000 and as of now the number is approximately \$8,300,000. Mayor Becker stated he got a good feeling from Theo Ghitea that NCDOT may be a little bit more onboard with moving it forward on their own. NCDOT is still short on funding, but not as bad as it used to be; there is an additional \$500,000,000 to \$600,000,000 a year coming in. For the first time ever, NCDOT is actually getting sales tax money designated to them by the legislature, which is a new thing, which has enabled them to reverse the slowdown that was happening with projects getting postponed and others being five years out. Mayor Becker commented it was a lot of money that NCDOT just doesn't have, so there are no promises, but the sidewalk aspect could be done where it would not necessarily be a lot of work that was going to be ripped out.

It was noted that Ms. Brooks would mail out the original nuisance ordinance to the council.

11. Adjournment – Action Item

At 8:24 p.m. Councilwoman Coffey motioned to adjourn the meeting and Councilwoman Critz seconded. The motion passed unanimously. Ayes: Coffey, Countryman, Critz, Cureton, Krafft, and Muller. Nays: None.

The next regular meeting will be on Thursday, March 14, 2024 at 7:30 p.m. at the Mineral Springs Town Hall.

Respectfully submitted by:

Vicky A. Brooks, CMC, NCCMC, Town Clerk

Frederick Becker, Mayor