

**Minutes of the
Mineral Springs Town Council
Regular Meeting via ZOOM
August 13, 2020 – 7:30 p.m.**

The Town Council of the Town of Mineral Springs, North Carolina, met in Regular Session in a virtual meeting via ZOOM, Mineral Springs, North Carolina, at 7:30 p.m. on Thursday, August 13, 2020.

Present: Mayor Frederick Becker III, Mayor Pro Tem Valerie Coffey, Councilman Jerry Countryman, Councilwoman Lundeen Cureton, Councilwoman Bettylyn Krafft, and Councilwoman Peggy Neill.

Absent: Councilwoman Janet Critz.

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

Visitors: None.

1. Opening

With a quorum present at 7:37 p.m. on August 13, 2020, Mayor Frederick Becker called the Regular Town Council Meeting to order.

Town Clerk Vicky Brooks did the roll call of those present [as shown above].

2. Public Comments

There were no public comments; no requests for public comments were received via text or email.

3. Consent Agenda – Action Item

Councilwoman Neill motioned to approve the consent agenda containing the renumbering of page numbers on the June 11, 2020 regular meeting minutes from 90 thru 99 to 98 thru 104 and the June 18, 2020 special meeting minutes from 97 thru 99 to 105 thru 107, the July 9, 2020 regular meeting minutes, the June 2020 tax collectors report, and the June 2020 finance report and Councilwoman Krafft seconded. The motion passed unanimously.

4. 2020 Property Tax Order of Collection – Action Item

Mayor Becker explained the town had the settlement for last year and all the prior years' the county is responsible for. Mayor Becker has verified it with his deposits, and everything seems to balance; therefore, he recommends approval of the settlement if the council did not see any problem with it.

Councilwoman Krafft motioned to approve the Union County Tax Settlement and prior years' settlements and Councilwoman Cureton seconded. The motion passed unanimously.

Mayor Becker explained the council would need to approve the tax charge for the Union County Tax Collector with the charge being \$67,560.94, which is subject to change as discoveries and abatements are posted during the course of the year.

Councilwoman Neill motioned to approve the Union County Tax Charge in the amount of \$67,560.94 and Councilwoman Coffey seconded. The motion passed unanimously.

5. Prior Years' Tax Settlement and Write-Offs – Action Item

Mayor Becker explained the council needed to approve the settlement (there is no charge) for the year's 2010 and 2011, which were prepared by Ms. Ridings. Mayor Becker further explained the

town was almost near the end of those back taxes between Ms. Ridings' collections and a few small write-offs. The balance carrying forward to next year is \$28.64.

Councilman Countryman motioned to approve the Mineral Springs Tax Settlement and Councilwoman Krafft seconded. The motion passed unanimously.

6. Nuisance Ordinance Discussion – Action Item

Mayor Becker explained he had gone to the county workshop at the AG Center last Thursday and apropos of the discussion of wells, the Director of Environmental Health went up to him and Mayor Callis of Weddington to ask about wells and in the course of the discussion it came to his attention that the county has a solid waste ordinance. It is a comprehensive solid waste ordinance. The director told Mayor Becker the county could not enforce their solid waste ordinance in a municipality, which is what the town has heard for twenty years. Mayor Becker told the director about the ordinance the town adopted in 1999 adopting all Union County Ordinances, which were to be enforced as part of our Code of Ordinances and the director was not aware of it. Mayor Becker explained from experience (Ms. Brooks can verify it), we have been told many times the county did not do solid waste. After Mayor Becker talked with the director and Ms. Brooks, he looked up the information and it looked good, which he discussed with Ms. Brooks and then emailed Tracy Colley, Director of Environmental Health. During a conversation Mayor Becker had with Ms. Colley, she believed it could be enforced after all; this has been dragging on all these years, the communication never seemed to operate properly between the town and the county. Mayor Becker explained he thought the town had gotten it resolved with most of the law enforcement-based regulations and ordinances; he delivered copies of the resolution to Sheriff Cathey on more than one occasion; this is one that fell through the cracks, but there are no fingers to point. It does look like the town can turn over any of those solid waste complaints (trash bags, large items, junk) to the county. The person complaining could be contacting Union County Environmental Health and they have a process similar to what our process is in terms of investigating the violation, notifying the possible violator, and certain timelines.

Mayor Becker recommended, based on the verification he received that Environmental Health understands that the town wants them to enforce it, that the town does not have to enforce solid waste with an independent ordinance. Mayor Becker believed the county could do a better job that is more comprehensive that he expected.

Ms. Brooks mentioned there were some concerns about swimming pools that are not addressed by the county, so the council may want to move forward with that and have N-Focus write something on that.

Mayor Becker mentioned Ms. Brooks had one complaint this year about a stagnant nasty unused swimming pool.

Ms. Brooks concurred and explained over the course of time she had only received two complaints about swimming pools.

Councilman Countryman felt it was a waste of time to write an ordinance to deal with two issues in 20 plus years.

Mayor Becker commented he did not know if there was another mechanism in place. Most swimming pools that we are seeing (Ms. Brooks does issue a lot of swimming pool permits) are in the larger neighborhoods where they have HOA's who would be the first ones to enforce things like that. Otherwise, it has been two in the whole time we have been doing this, so it is up to the council to give Ms. Brooks direction. Mayor Becker noted that Councilman Countryman had made a suggestion.

Councilwoman Coffey suggested while the council was doing this, even though it has only been two, it could become a bigger problem at any time and then they would be looking at trying to do a "knee jerk" reaction to it. Since it is being done, why not put the language in it, because it makes

sense to have it in there. Councilwoman Coffey explained she didn't have anything against pools, but if it is a problem with standing water and nastiness, it needs to be dealt with and any enforcement that we have in place is going to be better for the people.

Councilwoman Krafft explained she knew we had only two and may not have any more going forward, however, as we go through the ordinances and find missing things that Ms. Brooks does not have information on or something to follow through, it would not hurt to go ahead and be proactive.

Councilwoman Neill agreed with Councilwomen Krafft and Coffey. If the town has the opportunity to add the language, this is the appropriate time to do so.

Councilwoman Krafft motioned to get the verbiage written. [There was no second or vote on this motion].

Ms. Brooks clarified this would not be in the development ordinance, it was a separate new nuisance ordinance that it would fall under.

7. Consideration of Agreements with N-Focus – Action Item

Mayor Becker explained the only thing that would be in the Nuisance Ordinance would be a swimming pool ordinance if the council opts to enter into an agreement with N-Focus for them to write it and the council adopts it.

Councilman Countryman expressed concerns about going back to N-Focus to initiate another contract and paying them to write the ordinance and then in the event of a complaint where they will charge the town to do the initial investigation. Would the town be paying them on a monthly basis or on an issue basis?

Ms. Brooks responded on an issue basis.

Councilman Countryman clarified other than paying them for the contract to write the policy, the town would only pay them when they have to do some work.

Ms. Brooks stated that was correct.

Mayor Becker explained the proposal from N-Focus was \$280.00 to prepare the language, which could be adopted next month, and they were proposing \$125.00 an hour with a lot of other provisions, but it is all inclusive. Mileage is door-to-door. Ms. Brooks could work with Patti and John and the fines might be a little higher on this than they are with our conventional zoning, because we could establish a fine schedule that might cover more of that enforcement action that the town will have to pay N-Focus.

Ms. Brooks stated she could talk with Patti and John about that.

Mayor Becker clarified there was nothing for the council to adopt on the ordinance or the enforcement contract until they adopt the ordinance, at which point he could produce a budget amendment to appropriate funds for the estimated costs of enforcement. It would be in the planning department.

Councilwoman Krafft motioned to move forward with N-Focus to write/draft an ordinance for swimming pools.

Councilwoman Neill clarified this was to draft an ordinance.

Mayor Becker concurred.

Councilman Countryman explained the council was going to review it.

Mayor Becker explained the council might not adopt it next month, it may take another, but at least they will do it and the council will have something on the agenda next month in the process.

Councilman Countryman seconded the motion by Councilwoman Krafft to move forward with N-Focus to write/draft an ordinance for swimming pools. The motion passed unanimously.

Mayor Becker stated they will move forward with that and he will work with Ms. Brooks on the fees and see what kind of budget might need to be allocated.

8. Formation of a Western Union Municipal Alliance – Action Item

MEMO

To: Mineral Springs Town Council
From: Rick Becker
Date: August 5, 2020
Subject: Western Union Municipal Coalition

The municipalities of Weddington and Wesley Chapel recently expressed interest in reviving and formalizing a group to represent the interests of some of the municipalities in western Union County. Currently, the mayors of Weddington, Wesley Chapel, Marvin, Stallings, and Mineral Springs have decided to ask our governing boards to adopt the accompanying resolution and interlocal agreement.

Initially, the mayors (or acting mayors) are expected to serve as delegates. Once all parties have signed on to the agreement, each of the participating municipalities will consider appointing an alternate delegate. That appointment will be made at a future town council meeting.

Mayor Becker referred to his memo [as shown above] and explained there have been alliances before. This alliance was sparked by the need for ETJ and it has been discussed with Mayor Callis and Councilman Fuller from Wesley Chapel, Councilman Perryman from Weddington, and a few others. Now with the county's proposed comprehensive plan where they may be deferring a little more to municipalities, municipalities may not need to push the county for ETJ, but it seems that this alliance might be a good idea.

The Interlocal Agreement was pulled by the Weddington lawyer from a North Mecklenburg municipal coalition with a few provisions taken out, because the Western Union Municipal Alliance is less involved. Mayor Becker hoped that the agreement did not raise any red flags for Attorney Griffin.

Mayor Becker volunteered to be the delegate, at least for the first meeting. It might be nice if Mayor Becker could get a delegate and alternate that was not him. One of the problems is that Mayor Callis and Councilman Fuller thought daytime lunch meetings once a month might be best for them and most of the members of the group agreed with that, which could be a problem for some of our council members who work during the day.

Councilman Countryman volunteered to be the alternate.

Mayor Becker explained they did not know for sure until they have had their first meeting, so he told them he was not ready to make a council member commit to being the delegate yet. Mayor Becker will go to the first meeting and report back.

Councilman Countryman asked Mayor Becker to keep him advised of the meeting date, so he could attend with him if possible.

Mayor Becker responded absolutely he would, and he appreciated Councilman Countryman jumping in on this.

Mayor Becker asked for a motion to adopt the resolution.

Councilwoman Coffey motioned to adopt the resolution to create the municipal organization and Councilwoman Cureton seconded. The motion passed unanimously.

The resolution is as follows:

TOWN OF MINERAL SPRINGS
RESOLUTION OF INTENT TO CREATE AN INTERLOCAL AGREEMENT
FOR THE FORMATION OF A REGIONAL ORGANIZATION

R-2020-06

WHEREAS, elected officials and staff from the towns of Weddington, Mineral Springs, and Stallings and villages of Wesley Chapel and Marvin have met and discussed regional planning, transportation and other issues that are common to all of the jurisdictions; and

WHEREAS, the region can accomplish more by joining together to resolve our common issues and create and advocate for solutions beneficial to all jurisdictions; and

WHEREAS, the formation of the Western Union Municipal Alliance and the creation of an Interlocal Agreement among the towns of Weddington, Mineral Springs and Stallings and villages of Wesley Chapel and Marvin is desired to continue the collaborative efforts on our regional issues.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Mineral Springs does hereby endorse the creation of an Interlocal Agreement among the towns of Weddington, Mineral Spring and Stallings and villages of Wesley Chapel and Marvin for the formation of the Western Union Municipal Alliance.

Adopted this 13th day of August, 2020.

Frederick Becker III, Mayor

ATTEST:

Vicky Brooks, CMC, NCCMC

Councilman Countryman motioned to create the Interlocal Agreement and Councilwoman Neill seconded. The motion passed unanimously.

The Interlocal Agreement is as follows:

STATE OF NORTH CAROLINA

COUNTY OF UNION

**AN INTERLOCAL AGREEMENT BETWEEN THE TOWNS OF WEDDINGTON, MINERAL
SPRINGS, AND STALLINGS AND VILLAGES OF WESLEY CHAPEL AND MARVIN
CREATING THE WESTERN UNION MUNICIAPL ALLIANCE**

This Interlocal Agreement is entered into the date and year of its last execution by and between the Town of Weddington (hereinafter Weddington), the Town of Mineral Springs (hereinafter Mineral Springs), the Town of Stallings (hereinafter Stallings), and the Village of Wesley Chapel (hereinafter Wesley Chapel), and the Village of Marvin (hereinafter Marvin) individually a Party or collectively referred to herein as the "Parties", all of which are municipal corporations organized under the laws of the State of North Carolina.

WITNESSETH

Article 1. Authority

- a. North Carolina General Statute 160A-461 permits one or more units of local government to enter into contracts or agreements with each other in order to execute any undertaking. To this end, North Carolina General Statute 160A-462 authorized such units of local government to establish a joint agency charge with any or all of the responsibility for the undertaking.

- b. Weddington, Mineral Springs, Stallings, Wesley Chapel and Marvin are each municipal corporations organized under the laws of the State of North Carolina, having the powers, duties, privileges, and immunities conferred by law on towns in North Carolina.

Article 2. Purpose

- a. The purpose of this Agreement is to establish an Interlocal agreement for the purposes as set forth herein.

Article 3. Name

- a. The name of the agency created under this Agreement shall be the Western Union Municipal Alliance (hereinafter "Alliance").

Article 4. Objectives

- a. The objective of the Alliance is to study, investigate, advocate for and promote regional issues affecting the towns in the Western Union County area, including land use planning, transportation concerns, economic development and other issues that affect the quality of life of the citizens of Western Union County.

Article 5. Governance

- a. The Alliance shall consist of two representatives from each Town comprised of one (1) appointed delegate by the governing board of each Party and one (a) alternate by the governing board of each Party. If other Parties are added to this Agreement, such Party shall have a similar number of representatives. Any actions required herein by the Parties shall be taken by the governing board of each such Party. In the event the designated members are unable to attend meetings, alternates may be designated by that Party.
- b. The members of the Alliance shall, from time to time, designate a time and place of meeting, it being contemplated that the Alliance shall meet monthly, and that the hosting Town shall rotate monthly. The Town hosting the Alliance shall be responsible for giving such notices of the meeting as may be required under the Open Meetings law of North Carolina. A quorum of members (presently consisting of at least three (3) of the members) shall be required to hold a meeting. Designated alternates to regular members shall be counted in determining a quorum.
- c. The Alliance shall elect one of its members as Chairperson of the Alliance to serve on an annual basis. The Chairperson shall be selected from a town that is a Party to this Agreement as determined by a vote of the members of the Alliance.

Article 6. Voting

- a. The Alliance shall operate by majority vote of those members present and constituting a quorum as defined in Article 5 herein. In the case of a vote that results in a tie, the items shall be considered again at the next regularly scheduled meeting.
- b. Each Town that is a Party to this Agreement reserves the right to specifically not authorize the Alliance to represent its interests before any legislative body, board, administrative hearing, media communication or such other occasion in which the Alliance is asked, invited, or required to attend, or on any particular matter.

Article 7. Staff, Funding

- a. It is understood that the Alliance is primarily for the purpose of discussion and recommendation and accordingly will operate without a dedicated staff and that it will not have any separate funding, unless and until this Agreement is amended by the affirmative vote of each of the Towns who are party to this Agreement.

Article 8. New Members

- a. New member Towns may be added to the Alliance based on their request and the approval of the Alliance and approval by an affirmative vote of all the Parties. If a new member is added, this Agreement will be amended to reflect such new member and that member shall become a Party.

Article 9. Term

- a. This Agreement become effective upon the date of ratification by resolution of the last of the Parties to so ratify this agreement, and shall terminate at a date that is ten (10) years after such ratification, unless sooner terminated

by mutual agreement of the parties or upon the withdrawal of all Parties save one, as hereafter provided. This Agreement may be continued for any additional period by a majority vote of the Parties.

Article 10. Nonbinding Effect

- a. Decisions made by the Alliance are not intended to bind, be meant to bind, nor to be interpreted to bind the Parties to this Agreement. It is understood that any actions taken by the Alliance are recommendations only unless or until such recommended action is voted in the affirmative and approved by the Governing Boards of all the Parties of this Agreement.

Article 11. Withdrawing

- a. A Party may withdraw from this Agreement effective at any time by giving the other Parties sixty (60) days notice of its intent to withdraw. Any expensed incurred by such withdrawing Party up to the effective date of withdrawal shall remain the responsibility of such withdrawing Party. Such notice shall be sent to each Party's members on the Alliance.

Adopted by each Party on the date and year as indicated below, to be effective on the date of last adoption.

Town of Weddington
Village of Wesley Chapel

Town of Mineral Springs
Village of Marvin

Town of Stallings

9. 2020 Meeting Schedule Discussion – Action Item

Mayor Becker asked the council how they felt about virtual meetings vs. in-person meetings.

Councilwoman Coffey responded she thought the meetings should stay virtual until further notice, because we do not know which way this COVID is going. People are not responsible and doing what they need to do, and it is causing some serious conflicting casualties, so if we protect ourselves, it is for the benefit of our town's people. Councilwoman Coffey thought it was in our best interest.

Mayor Becker explained the town was semi-exempt, but if the Governor's order does make a suggestion or requirement, it gives the town guidance and our next meeting is September 10th, when we think we may still be in phase two, because the Governor's recent order doesn't even expire until the 11th, so it is like we would be in bad faith. Mayor Becker agreed with Councilwoman Coffey on "until further notice." Mayor Becker further explained in his monthly Parks and Rec meetings everything (activities/events) is being cancelled by the municipalities; it is worrisome, but it is what it is.

Councilwoman Krafft agreed the council should stay with Zoom until they figure out what is going on.

Councilwoman Neill commented she would like for the council to be meeting in-person, but she would go along with the consensus of the council.

Councilwoman Cureton agreed the council should continue what they are doing, it is safer for everybody.

Councilman Countryman did not have any issues with the council meeting on Zoom.

Councilman Countryman motioned to keep the virtual meeting going for now and Councilwoman Krafft seconded. The motion passed unanimously.

Ms. Brooks asked if the council wanted this item to remain on the agenda for next month.

Councilman Countryman suggested until the first of the year or before if it was directed.

Mayor Becker commented the council did not have to wait until the first of the year, they would make that decision every month anyway. Mayor Becker thought that was what Councilwoman Coffey said "until further notice", which is probably what it is going to end up being, but of course they could still have another meeting and if there is anything that changes they have the option.

Councilman Countryman liked "changing it at that time."

Councilwoman Coffey explained she thought the council should table it indefinitely and just let it stay as it is.

Councilwoman Neill suggested saying "we continue to have our meetings via Zoom until it is so determined by conditions set forth in the State and our area."

Ms. Brooks stated she just wanted to know if the council wanted to continue to have this on the agenda every month.

Councilman Countryman and Councilwoman Coffey responded "no".

Ms. Brooks suggested if we go into phase three, it will go back on the agenda.

Mayor Becker suggested to wait to see where the numbers are and where we should be going. "Until further notice" and do not put it on as an agenda item next month. Mayor Becker guessed that was what was reflected in the motion.

Councilman Countryman agreed.

10. Consideration of the 2019-2020 Audit Contract – Action Item

Mayor Becker explained the audit contract is written by the Local Government Commission, so Ms. Gangal does not have a lot of choice. The only thing is the amount and the amount is \$4,730.00, which is what was budgeted for the fiscal year 2019-2020 audit.

Councilwoman Neill motioned to approve the audit contract with Kendra Gangal and Councilwoman Coffey seconded. The motion passed unanimously.

11. Staff Updates

Ms. Brooks informed the council that there will be an in-person Board of Adjustment meeting in September and there was one held a couple months ago. Everyone had to wear a mask and stay 6 feet apart; it was a small group.

Mayor Becker asked if Ms. Brooks would be using the thermometer and the questionnaire for this meeting.

Ms. Brooks responded they would be using them now that those things are on hand.

Mayor Becker stated for the record those steps had been taken and therefore that Board of Adjustment meeting will follow the same protocols that any public use of the town hall would follow.

Mayor Becker explained Attorney Griffin was asking if the original motion had specific direction on when to end virtual meeting or if was left open-ended.

Ms. Brooks responded it was "until further notice."

Mayor Becker commented it was open-ended and said to continue Zoom until August, so that item had to be put on the agenda, because the council did not say "until further notice" [in July]. Now the council is saying "until further notice." [This was a clarification for Attorney Griffin].

12. Other Business

There was no "Other Business".

13. Adjournment – Action Item

At 8:06 p.m. Councilman Countryman motioned to adjourn the meeting and Councilwoman Neill seconded. The motion passed unanimously.

The next regular meeting will be on Thursday, September 10, 2020 at 7:30 p.m. via Zoom.

Respectfully submitted by:


Vicky A. Brooks, CMC, NCCMC, Town Clerk


Frederick Becker III, Mayor

