

**Town of Mocksville  
Regular Board Meeting  
September 5, 2017**

The Town of Mocksville Board of Commissioners met for the Regular Board Meeting on Tuesday, August 1, 2017 at 6:00 p.m. in the Mocksville Town Hall.

<b>Present:</b>	Mayor, Will Marklin	<b>Absent:</b>	None
<b>Commissioners Present:</b>	Johnny Frye Lash Sanford Amy Vaughan-Jones Brent Ward Rob Taylor		

**Others Present:**

Marcus Abernethy, Town Manager  
Lynn Trivette, Town Clerk/Finance Director  
Al Benschhoff, Town Attorney  
Todd Penley, Police Chief  
Tami Langdon, Community Development Coordinator  
Rustin Harpe, Parks Director  
Frank Carter, Fire Chief

Mayor Marklin called the meeting to order welcoming everyone in attendance.

The Town of Mocksville Board paused for a moment of silence.  
Mayor, Marklin led the Pledge of Allegiance.

**Approval of Agenda**

*A motion was made by Commissioner, Brent Ward to approve the agenda, but added one item 15.1 Brunch Bill Discussion. The motion was seconded by Commissioner, Rob Taylor and approved by a unanimous vote. 5-0*

**Approval of Minutes**

There is one amendment to be made to the August 1, 2017 minutes. Commissioner, Amy Vaughan-Jones seconded the motion to discuss a committee for the MLK JR NAACP Street renaming, not Commissioner, Brent Ward.

*A motion was made by Commissioner, Amy Vaughan-Jones to approve the minutes of the August 1, 2017 Regular Board Meeting and August 7, 2017 Special Meeting Workshop. The motion was seconded by Commissioner, Johnny Frye and approved by a unanimous vote. 5-0*

**PUBLIC COMMENT**

No one spoke.

**MLK JR NAACP Street Renaming Committee Appointments and Discussion**

The current tentative list of committee members include Commissioner, Brent Ward, Commissioner, Lash Sanford, Mayor, Will Marklin, Alice Brown, Julius Suiter, Steve Dulin, and Connie Kowalske.

First meeting will be held September 18, 2017 at 5:30pm at the town hall.

*A motion was made by Commissioner, Johnny Frye to approve the seven member committee for MLK JR NAACP Street renaming. The motion was seconded Commissioner, Rob Taylor and approved by a unanimous vote. 5-0*

**Piedmont University Facility Usage and Reservation Agreement**

Head Coach and Athletic Director, Greg Eichun from Piedmont International University would like to make Mocksville's Mando Field the stadium that the baseball team uses for all its home games and scrimmages. The staff recommends a standard lease agreement that articulates the terms of the lease.

Some of the terms are listed below:

The University shall pay to the Town half (50%) of the gross sales of gate admission fees within thirty calendar days from the date of the game or the end of next month, whichever is later. The University will be allowed to operate concessions and retain all revenues generated there from. The University shall provide the town with a statement of the paid and unpaid attendance at each game with the payments. Upon written request made no less than one week in advance, the Town may audit the financial records of the University's athletic department during normal business hours.

A single fee of \$600 will be paid per season for materials need to prep fields before season games. These materials include chalk, field paint, surface, etc.

The University certifies that it requires no specific improvements or repairs to the premises, except the acquisition of a "field tarp". The Town shall acquire a field tarp and accessories no later than January 1, 2018. Within thirty days of a written request the University will reimburse the Town for fifty percent (50%) of the Town's costs to acquire and install a field tarp and accessories. The Town shall be the sole owner of the field tarp.

A copy of the signed contract will be filed at the Town Hall.

*A motion was made by Commissioner, Johnny Frye to approve the lease for Piedmont International University to use the Mando Field for its home games and scrimmages. The motion was seconded by Commissioner, Amy Vaughan-Jones and approved by a unanimous vote. 5-0*

### **Fee Schedule Amendment**

After the Town Manager, Marcus Abernethy met with Piedmont International University and the Park Director, Rustin Harpe it was discussed to amend the fee schedule in support of more clarification.

Baseball Field Rental	Tournament Rate: \$200 per day plus \$100 deposit Nightly Rental Rate: \$30 per hour (6:00 PM to 10:00 PM) Daily Non-Tournament Rental Rate: \$15 per hour (8:00 AM to 5:00 PM)
Tennis Courts – Rental /Reservation	
Two hour reservation session	\$4.00 per court
League Fee- up to eight weeks	\$30 per person
Tournament Fee – up to three days	\$150 per weekend

*A motion was made by Commissioner, Amy Vaughan-Jones to approve amending the fee schedule. The motion was seconded by Commissioner, Lash Sanford and approved by a unanimous vote. 5-0*

### **Animal Ordinance Discussion**

Lt. Bob Dewitt from the Davie County Animal Control addressed the Board requesting that the town adopt the County Animal Ordinance or add/change the necessary language to the town's ordinance so it would allow them to enforce the same protection as other surrounding towns. The County ordinance ends at the city limits unless we change the ordinance to comply. No action taken.

### **Zoning Text Amendment – Additional Conditions for Certain Uses, Agricultural Implement Sales & Service**

Andrew Meadwell addressed the Board stating that the Planning Board voted 5 in favor and 0 opposed to the amendment that promotes public health, safety and general welfare. It is consistent with applicable adopted plans and considers the action to be reasonable and is in the public's best interest. Its approval furthers the goals, objectives, actions and policies of the Land Development Plan such as to protect the character and quality of Mocksville's built environment; the amendment addresses local interests relating to and encouraging the most appropriate use of land throughout the city; it will create compatibility with the surrounding area and uses by addressing design, location and setbacks and; the amendment is necessary to address concerns which are not currently addressed within the zoning ordinance.

## **Public Hearing**

Mayor, Will Marklin open the public hearing at 6:26pm.

Hank Vanhoy represents Blue Empire, the owner of East Gate Shopping Center.

Mocksville reveals an inherent deficiency and inconsistency in the highway business zoning classification applying to the East Gate Shopping Center where Peebles is the anchor tenant. While highway business permits some outdoor display of products for sale, such as car sales, there is no clear provision for outdoor display of agricultural supply and related merchandise. Blue Empire the owner of East Gate Shopping Center has been approached by Tractor Supply about the possibility of locating in Mocksville. Tractor Supply is a destination type business which would attract customers from not only the town and Davie County, but also from surrounding counties.

Mayor, Will Marklin closed the public hearing at 6:28pm.

*A motion was made by Commissioner, Amy Vaughan-Jones to approve the zoning text amendment on the "Additional Conditions for Certain Uses, Agricultural Implement Sales and Service". The motion was seconded by Commissioner, Johnny Frye and approved by a unanimous vote. 5-0.*

## **2017 Limb Removal Service**

Town Manager, Marcus Abernethy had requested quotes from contractors on two separate occasions. He put out requests for proposals with reasonable deadlines twice. The second time, he received interest from one contractor. There were other contractors that expressed interest, but did not submit anything. The hourly rate from the submitted contractor was too high, and would cost several hundred thousand dollars annually. Marcus does not recommend accepting a bid through the most recent RFP.

The town has a few options:

- Marcus can collect proposals again in the near future or a few months down the road.
- Does the Board want debris collected monthly, quarterly, or post storm in the near future, this fall or by an implantation date of no later than July 1, 2018.
- Town of Mocksville's public policy, if a tree limb falls in the street, then the town needs to arrange for the debris to be removed from the street
- Providing limb removal service is more of an ongoing thing, and that could be performed by either a contract with a contractor or the town could provide the service in house. To provide this service in house, the town would need to employ two additional public works employees and purchase the equipment. Whether you contract out or provide in house, you are going to spend around \$100,000 annually on average.

The Board would like Town Manager, Marcus Abernethy to revise the bid request application to make it easier for the contractor to complete. Clarify exact requests and make it brief and to the point. Send out again and see if simplifying the proposal gets more bidders.

The Town of Mocksville is not prepared for a major storm. Having a contractor on stand-by would be nice to have. The Board agrees this is an item that needs to be discussed in next year's budget workshops.

Table more discussion next month

## **Board of Commissioners Rules of Procedure**

The meeting rules have been drafted that outline the guidelines that the Town Board is going to use in Commissioner Meetings. Items emphasized below:

Page 2 – Closed Session -Unless the Board directs otherwise, the Town manager, Town attorney, and Town clerk may attend closed sessions of the Board. No other person may attend a closed session unless invited by majority vote of the Board.

Page 6 – Closed Session Records - Minutes and general accounts of closed sessions shall be sealed until unsealed by order of the Board or, if the Board delegates the authority to unseal to one or more staff members, in accordance with guidelines adopted by the Board. The sealed minutes /general account of any closed session may be withheld from public inspection so long as public inspection would frustrate the purpose(s) of the closed session.

**NOTE from Town Attorney:** The Board must periodically both approve closed session minutes and “open” them to public scrutiny. Minutes may be approved in open or closed session, but if approved in open session, the minutes should not be circulated at the meeting, but rather reviewed in private before the meeting.

Page 7 – Mayor Pro-Tem - As the second order of business at the organizational meeting, the Board shall elect from among its members a Mayor Pro Tem using the procedures specified in Rule 38. The Mayor Pro Tem shall serve for a certain two year term or the pleasure of the Board.

Page 16 – Duty to vote - Every Board member must vote except when excused from voting as provided by this rule. Board members may decline to vote. Except as specified in paragraph (e), if a member who has not been excused from voting fails to vote on a matter, the member’s failure to vote shall be recorded as an affirmative vote, provided

- (1) the member is physically present in the Board chamber or
- (2) the member has physically withdrawn from the meeting without being excused by majority vote of the remaining members present. A member’s unexcused failure to vote shall not be recorded as an affirmative vote if the motion concerns a proposal to amend, supplement, or repeal a zoning ordinance, including map amendments. Instead, the member’s unexcused failure to vote shall be recorded as an abstention.

*A motion was made by Commissioner, Brent Ward to approve the Board of Commissioners Rules of Procedure. The motion was seconded by Commissioner, Johnny Frye and approved by a unanimous vote. 5-0.*

#### **Town of Mocksville Personnel Policy – Resolution**

The Town Manager, Marcus Abernethy agrees that having an employee personnel policy is a good town practice, but specifically, there are some good reasons, from a legal standpoint, to create an employee personnel policy:

- Employees like to know what is expected of them and they want to know that they are being treated the same way as other employees. The perception of unfair treatment can lead to disgruntled employees and, ultimately, to lawsuits.
- Having the same rules for all employees makes running the town easier. There's no need to think about what to do in a specific situation. There are times when there's no written policy on an issue, but having some general guidelines can help deal with specific situations.
- Written policies show employees that your town wants to be fair. That intent goes a long way towards good morale in general and in dealing with individual employees who are dissatisfied.
- Written policies and procedures can help deal with lawsuits. A town policy might even prevent a lawsuit.
- This personnel policy gives management and department heads a written document to work by.
- The evaluation process is written for developmental success.
- There will be one longevity benefit given the first week of December, but it increased from \$100.00 to \$1500.00 depending on years of service.
- More define procedures on holiday pay (no banking) and vacation accrual (not manual but computerized).
- The town attorney has reviewed the personnel policy for language, for conflicting or confusing language, and for legal issues.
- The plan is to make copies for each employee and have them sign a disclosure statement. File into their personnel folder.
- The staff plans to re-visit the handbook periodically and bring any amendments to the Board that need changing. Those changes will be communicated to the employees.

*A motion was made by Commissioner, Johnny Frye to approve the Town of Mocksville Personnel Policy and Resolution. The motion was seconded by Commissioner, Amy Vaughan-Jones and approved by a unanimous vote. 5-0.*

*A motion was made by Commissioner, Johnny Frye to make the personnel policy effective October 1, 2017. The motion was seconded by Commissioner, Amy Vaughan-Jones and approved by a unanimous vote. 5-0.*

#### **Proclamation for Hank Van Hoy**

Mayor, Will Marklin read the proclamation for retired Town Attorney, Hank VanHoy. No action taken.

## Resolution of Support – Marsey’s Law

Justin Rick, Field Director with Marsey’s Law for NC addressed the Board. He requested that the Town Board pass a resolution of support for a bill currently in the legislature.

Currently in the United States, the U. S. Constitution and every state constitution have an enumerated right for individuals accused of a crime and those convicted of a crime. Yet, the U.S. Constitution and 15 state constitutions do not extend enumerated rights to victims of crime. “Marsey’s Law for All” seeks to amend state constitutions that don’t offer protections to crime victims and, eventually, the U.S. Constitution to give victims of crime rights equal to those already afforded to the accused and convicted.

We can all agree that no rapist should have more rights than the victim. No murderer should be afforded more rights than the victim’s family. Marsey’s Law would ensure that victims have the same co-equal rights as the accused and convicted nothing more, nothing less. Marsey’s Law is not a partisan issue. Giving crime victims equal rights is a rare political issue that Republicans and Democrats are unified in supporting.

*A motion was made by Commissioner, Johnny Frye to approve the Resolution of Support for Marsey’s Law. The motion was seconded by Commissioner, Amy Vaughan-Jones and approved by a unanimous vote. 5-0.*

## Brunch Bill Resolution Discussion

A representative with Circle K requested that this be placed on the agenda, and Commissioner, Brent Ward requested that this be an added item for discussion. The legislature recently made changes to the Alcoholic Beverage Control Commission Laws which would allow businesses to sale alcoholic beverages after 10:00am on Sunday mornings. Previously, the sale of alcohol was prohibited before 1:00pm on Sundays. With the passage of a local ordinance, the Town Board can permit the sale of alcoholic beverages after 10:00am on Sundays. Without an ordinance, the law still prohibits the sale of alcoholic before 1:00pm.

*A motion was made by Commissioner, Brent Ward not to approve a Resolution for the Brunch Bill. The motion was seconded by Commissioner, Johnny Frye and approved by a unanimous vote. 5-0.*

## Monthly and Departmental Reports

Manager’s Report

Marcus Abernethy

- **Main Street Park Construction**
- Bidding documents are out and the opening will be September 21<sup>st</sup>.
- Construction is tentatively set to start October 5<sup>th</sup>.
- The park is going to be very impressive.
- Plaza, fountain and LED lights.
- **Court Square Revitalization**
- Lackey’s Backhoe Service will begin excavating the tree stumps and Public Works will be working to remove and replace the soil.
- McCoy’s Tree Service hopefully will have the trees replanted in early October.
- Mast Arms are scheduled for November to February.
- Re-pour sidewalks. Highlight cross walks/re-paint.
- Benches in an arch or all the way around the tree which would be expensive.
- Grass, turf or mulch
- Duke Energy to quote switching out lamps with LED
- Tree Dedications
- If we can get the trees planted before the Oaks Festival, maybe we can have a dedication day.

The Board agrees no mulch in the bench area, but would like grass/turf and benches all the way around.

Parks Department  
Police Department  
Fire Department  
Public Works Department  
CDC  
Water Plant  
Envirolink Report  
Willis Engineers Status Report

Rustin Harpe  
Todd Penley  
Frank Carter  
Mike West  
Tami Langdon  
Tom Johnson  
Heather Adams  
Chuck Willis

Budget Revenue Report  
Budget Expenditure Report  
Code Enforcement Report  
Building Permit Activity Report

Marcus Abernethy

### **Town Board Member Comment Period**

The Board appreciated all the hard work that the Town Manager, Marcus Abernethy put into the Town's Personnel Policy. They were all extremely pleased with the outcome.

Frank Carter is proud to announce that his department has been certified as light rescue and first responder. He is also happy that the improvements around the station are done.

Motion to enter closed session per NC GS 143-318.11 (a)(3) and (6), to preserve the attorney-client privilege, and to discuss personnel matters.

*A motion was made by Commissioner, Johnny Frye to enter into close session. The motion was seconded by Commissioner, Rob Taylor and approved by a unanimous vote. 5-0*

Motion to re-enter into open session.

*A motion was made by Commissioner, Rob Taylor to re-enter into open session. The motion was seconded by Commissioner, Amy Vaughan-Jones and approved by a unanimous vote. 5-0*

Town Manager, Marcus Abernethy needs direction concerning the tennis courts and scheduling.

The school system has had an agreement with the town since 1991 which gives them the right to use the courts anytime that we built and maintain but is on their property. The conclusion was no rentals to the school system, County recreation or Special Olympics.

*A motion was made by Commissioner, Johnny Frye to approve the end of Town Manager, Marcus Abernethy's 6-month probationary period. The motion was seconded by Commissioner, Rob Taylor and approved by a unanimous vote. 5-0*

### **Adjourn**

*A motion was made by Commissioner, Rob Taylor to adjourn the September 5, 2017 Regular Board Meeting. The motion was seconded by Commissioner, Brent Ward and approved by a unanimous vote. 5-0*

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William J. Marklin, Mayor

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Lynn Trivette, Town Clerk , NCCMC