

**Town of Mocksville
Regular Board Meeting
October 1, 2019**

The Town of Mocksville Board of Commissioners met for the Regular Board Meeting on Tuesday, October 1, 2019 at 6:00 p.m. in the Mocksville Town Hall.

Present:	Mayor, Will Marklin	Absent:
Commissioners Present:	Eric Southern Brent S.Ward Rob Taylor Brian Williams Amy Vaughan-Jones	

Others Present:

Matt Settlemyer, Town Manager
Lynn Trivette, Town Clerk
Al Benschhoff, Town Attorney
Pat Reagan, Police Chief
Brian Moore, Public Services Director
Rustin Harpe, Parks and Grounds 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.

Adoption of Agenda

A motion was made by Commissioner Williams to adopt the agenda. The motion was seconded by Commissioner Taylor which carried by a unanimous vote 5-0.

Citizen Comments

Mayor reads; Under GS 160-81.1, the Board shall provide one period for public comment per month. Public comments are a valued part of the Board meeting but we also have to handle monthly business items. If your public comment is not heard this month we provide the same opportunity at each month's Board meeting. Public comments are limited to 3 minutes per comment. The Mayor asks that groups appoint spokespersons for groups supporting the same position, especially when the number of people wishing to attend the meeting exceeds the capacity of Town Hall. When the comments become repetitive and no longer provide new information then discussion for this meeting may be stopped. As a reminder, the comment period is not a question and answer session.

As always, the Mayor shall provide for the maintenance of order and decorum in the conduct of the comment period.

Bob Sinclair addressed the Board concerning the \$30.00 vehicle tax. He feels the tax is confusing and unfair and hoping it will be discussed during the next budget planning and voted against. He wants to know why we are over budget.

Kim Silvers addressed the Board concerned about who is in charge? She questions the Rules of Engagement for governing Boards that was tabled in 2018 by Amy and Brent. Why? Why are decisions being made by individuals and not as a unit? Why the continued silence? From the public's request no texts or emails have been received from Amy and Brent. The Board needs to provide answers to the public on why they continue to overstep their power.

Communications from Boards, Commissions and Agencies

Kim Shuskey and Brandi Patti addressed the Board giving a presentation about Aging and Adult Services in Davie County.

The 2019 - 2024 Aging Plan for Davie County is intended to provide a framework for the future of aging in Davie County. This represents a collaborative effort of individual citizens, representatives from the business and nonprofit communities, and service providers from both the public and private sectors.

Davie County, like the state and country, is aging. Already, the number of people in Davie County under age 18 is less than the number of people age 60 years and older. Declines in birth rates over the past 50 years mean that many older adults do not have children or other family members to help with their care as they age. Additionally, it means that there will be fewer working-age people in the general workforce (and the healthcare workforce) available to fill the jobs of caregiving to support older adults.

The fact that more than a fourth of Davie's age 65+ people live alone and more than a fifth are at 199% of the poverty level raises heightened concerns about their well-being over the years.

With this in mind, Davie County Senior Services took the lead on a nine month process in creating an Aging Plan for the next five years. In order to gather information, personal interviews were conducted with fourteen key stakeholders around the county. Over a period of one and half months, surveys were conducted and six focus groups, called *Community Conversations*, were held around the county to gather public input.

Once the information was gathered, a steering committee made up of representatives from the Senior Services Advisory Council and the Davie County Aging Services Planning Committee met to assess, streamline and prioritize the areas of focus. Five areas were chosen: Communication Strategy, Health for the Aging Population, Transportation, Housing, and Financial Well-being.

The steering committee secured community volunteers to serve in workgroups for each area of focus. Workgroup members met over a three month period to develop goals, objectives and strategies for each area.

While the groups each worked on their particular area of focus, many themes emerged that transcended various work groups. Once the workgroup meetings were complete, a smaller team convened over the next month to gather all information into one master plan. For simplicity of the final plan, those multi-faceted themes were streamlined into one specific area of focus, rather than repeating under several areas.

The Davie County Aging Plan is meant to be a living document. Although the plan is for five years, it will not go untouched until then. Workgroups are expected to meet on a quarterly basis during the first year, or as needed, in order to discuss the goals, evaluate progress in meeting these goals and revise whenever necessary. In years two through five, workgroups will meet on a semi-annual basis to continue to monitor progress, refine goals and update the plan.

The success of this plan depends on continued collaboration and community involvement over the next five years. The participation of a variety of community members and organizations is critical for the goals and objectives to be met. By working together, Davie County can build capacity to support our aging population and ultimately improve the quality of life for all residents.

The Mayor thanked Ms. Shuskey and Ms. Patti on behalf of the Town. The Board took no action on the Plan.

Consent Agenda

A motion was made by Commissioner Southern to adopt the consent agenda as presented. The motion was seconded by Commissioner Taylor which carried by a unanimous vote of 5-0. Items approved were: (A) September 3, 2019 Regular Board Meeting Minutes (B) September 3, 2019 Special Joint Meeting with Davie County Minutes (C) Monthly Financials (D) Tax Releases.

Consider Amending and Adopting Code of Ordinances 9-1.1 Acceptance of Public Streets

The Town Manager presented the following proposed amendment to the Town Code of Ordinances:

SECTION 1. That the existing §9-1.1 Acceptance of Public Streets is amended to read as follows:

§ 9-1.1 ACCEPTANCE OF PUBLIC STREETS.

Before any new street offered for dedication to the town is accepted as such, and officially recognized as a town-maintained street, the Board must give its approval, finding that:

- (A) The street complies with engineering standards set by the Board; and
- (B) The best interests of the town would be served by accepting the street as a town street; or
- (C) The Town Board may waive the requirements of sub-section (A) above in the discretion of the Town Board to see that the health, safety and welfare of the public is maintained.

SECTION 2. This section shall become effective upon adoption.

SECTION 3. Any provisions of the Code inconsistent herewith are hereby repealed.

SECTION 4. The Town Clerk is hereby ordered to place this amendment in the Code of Ordinances of the Town of Mocksville and is authorized to renumber said amendments in order to maintain consistency within said Code.

A motion was made by Commissioner Ward to adopt the amended code of ordinance 9-1.1 as written. The motion was seconded by Commissioner Taylor which carried by a unanimous vote of 5-0.

Consider Resolution Accepting Elli Avenue in the Elisha Creek Ridge Subdivision for Public Maintenance from the Intersection of Elisha Creek Drive to the Dead End 500 +/- Feet to the Dead End.

A motion was made by Commissioner Taylor to adopt the resolution accepting Eli Avenue in the Elisha Creek Ridge Subdivision for public maintenance from the intersection of Elisha Creek Drive to the dead end 500+/-feet to the dead end. The motion was seconded by Commissioner Ward which carried by a unanimous vote of 5-0.

Consider Police Department's Involuntary Commitment Transportation Plan.

The Town Manager explained the agenda item as follows: North Carolina General Statute 122C-251 requires that a city or county provide transportation for respondents within a county under the involuntary commitment proceedings, including admission and discharge. Davie County is solely responsible for transportation between counties for admission to a 24-hour facility who are taken into custody anywhere in Davie County.

This plan has been developed with input from the Davie County Sheriff's Office, Mocksville Police Department, Cooleemee Police Department, Davie Medical Center, Davie County Magistrates, Daymark Recovery Services, and Cardinal Innovations.

The Davie County Sheriff's Office will provide all IVC transportation needs for all respondents taken into custody in Davie County, Mocksville, and Cooleemee; except as provided for in this plan.

A motion was made by Commissioner Williams to approve the Police Department's Involuntary Commitment Transportation Plan. The motion was seconded by Commissioner Southern which carried by a unanimous vote of 5-0.

Consideration of Application for Electronic Gaming License at 953 Salisbury Avenue.

The Town Manager addressed the Board: Mike Depuew owns the building at 953 Salisbury Avenue next to Zeko's restaurant in the Town's ETJ. He has applied for an electronic gaming permit per our ordinance approved on October 3, 2017. Mr. DePuew said that he feels that he meets all the necessary requirements per the attached ordinance. The Planning Department has notified us that another sweepstakes is closer than ½ mile and was grandfathered in under the old ordinance (see below). While the other sweepstakes business has closed several times it has never been closed for more than 180 days which would negate its valid non-conforming use status. Therefore, Staff does not think a new license for 953 Salisbury Avenue should be granted even though the owner believes that he is in compliance. Per the ordinance, all licenses for electronic gaming must be approved by the Board of Commissioners.

The County Planning and Zoning Department that is contracted out by the Town sent the Town Manager an email stating 1030 Salisbury Road got an approved Change of Use for Ace's Arcade on 6-8-17. This address appears to be vacant at this time. There are no active files for the site addressed as 1094 Salisbury Road for the present gaming use. The site addressed as 1022 Salisbury Road is a residence. The attached map shows the distance between these buildings (953 and 1022 to be 664 feet).

Mr. Depuew says 953 Salisbury Avenue is my mother-in-law's building and she is currently in the hospital so I am speaking on her behalf. We are the landlord renting a business. The purpose for me being here is speaking on behalf of the group buying the property that they were under the impression that the property was already an existing gaming establishment. 1. They thought they were buying an existing business then find out later this is not the case which has nothing to do with the Board but this is why they are having issues. 2. The buyer of the property is here but did not know she had to sign in to speak so I don't know if she wants to speak or not. 3. We understand that ordinances exist in the County but we were unaware that when we rented the building they also existed in the Town. We were not aware of any such thing (ETJ) because we were in the County and had no idea the Town had anything to do with it. So that created the confusion and the buyers were not sure where to go County or Town. I have been trying to communicate with them so they can understand what ETJ means and why the Town is involved. The residence we are actually talking about was zoned business and it was purchased by my mother-in-law. The minute the place was sold it became business property and could not be a residence. I am assuming this is rental property. There is a family living there but assuming they are renting the property. I don't know if that changes anything or not. The other gaming room October 2017 use to be an automobile dealership and I don't know when it was sole it was before or after 2017 that is none of my business, but I do know that these gaming businesses have changed hands over and over and I am finding out that changing hands does not mean you have to obtain a new license because as long as it is within 180 days. It just seems like and I am not trying to be ugly but you are being really picky; saying well this one is 1,000 ft and the other is 700 ft and grandfathered in even though it is totally someone different. All the buyers are trying to do is be up front and straight with you guys, this is the business we want to open, we want to do it fairly and with your blessing, we want to conduct this business in an orderly manner. They have other businesses and conducted them well and that is why they are leasing from us. That is my say so in this. Do you mind if she wants to speak on this? The Board was ok with her speaking but she declined and said Mr. Depuew said everything there was to say.

A motion was made by Commissioner Williams to not approve the new electronic gaming license for 953 Salisbury Avenue. The motion was seconded by Commissioner Taylor which carried by a unanimous vote of 5-0.

Public Hearing Requested for Voluntary Annexation from Matt Settlemyer Located at 1294 US Hwy 64 W.

Mayor Marklin opened up the Public Hearing and no one spoke in favor or against so he closed the Public Hearing.

A motion was made by Commissioner Southern to approve the annexation ordinance located at 1294 US Hwy 64 W. The motion was seconded by Commissioner Vaughan-Jones with Commissioner Williams voting against which carried by a unanimous vote of 4-1.

Communication from Town Staff

Town Manager: None

Town Attorney: None

Communication from Mayor and Town Board

Commissioner Williams: None

Commissioner Taylor: None

Commissioner Southern: None

Commissioner Ward thanked all the departments for their hard work and services to the Town.

Commissioner Vaughan-Jones wanted to thank the SBI and local Sheriff's department for increasing patrols in her neighborhood after a dead black snake was put on her mailbox and a political sign for Commissioner Ward in her yard had been damaged. The SBI is investigating the incident, and said they have identified suspects. She said she had nothing to do with the removal of Sarge Butters and has no idea where Sarge Butters is. She wants the public to direct all comments to the Chief of Police or Town Manager because they jointly decided to re-home the cat when the Chief went away on vacation. The statement made by the Mayor to the media was false. She never removed Sarge Butters and she encourages the public to ask the Mayor why he made a false statement to the media. The Freedom of Information Act requests have cost the Town upwards of \$25,000 and rising. This includes the Town Attorney's fees of \$12,352 for public requests only and rising. These requests are from people who do not live in Mocksville that include: Alan Bagshaw \$5,840 of Mt. Airy, Candace Bursleson Kaufman \$496 and

Kay Messer \$620 of Kernersville whom are the sister-in-law and mother-in-law of the Police Chief and Devonte McKeith \$4960 the reporter from WXII. This is hurting the Town's reputation and its future economic stability. It is creating an unfavorable view of our Town by folks who do not live here. What is your purpose and intent with your current mission? Once again, she had absolutely nothing to do with the removal of Sarge Butters but if you direct that question to the Town Manager or Chief of Police they both know where the cat is at.

Mayor Marklin said in closing if the Board acts as a Board and not as individuals, there would not be any expense to the taxpayers regarding the Sarge Butters issue.

A motion was made by Commissioner Williams to enter close session. The motion was seconded by Commissioner Ward and approved by a unanimous vote. 5-0

Motion to re-enter into open session

A motion was made by Commissioner Taylor to re-enter into open session. The motion was seconded by Commissioner Williams and approved by a unanimous vote. 5-0

A motion was made by Commissioner Taylor to approve the recommendations and timeline from Developmental Associates, LLC on the organizational assessment for the Mocksville's Police Department. The motion was seconded by Commissioner Vaughan-Jones which carried by a unanimous vote 5-0.

Adjourn

A motion was made by Commissioner Vaughan-Jones to adjourn the October 1, 2019 Regular Board Meeting. The motion was seconded by Commissioner Williams which carried by a unanimous vote 5-0.

William J. Marklin, Mayor

Lynn Trivette, Town Clerk, NCCMC