

**Town of Mocksville
Regular Board Meeting
November 7, 2023**

The Town of Mocksville Board of Commissioners met for the Regular Board Meeting on Tuesday, November 7, 2023 at 6:00 p.m. in Mocksville Town Hall located at 171 S. Clement Street.

Present:

Commissioners Present:

Mayor, Will Marklin
Jenny Stevenson
Johnny Frye
Rob Taylor
Justin Draughn
Carl Lambert

Absent:

Others Present:

Ken Gamble, Town Manager
Lydia Lavelle for Al Benshoff, Town Attorney
Lynn Trivette, Town Clerk
Andy Lipscomb, Assistant Fire Chief
Chris Vaughn, Parks and Grounds Director
Brian Moore, Public Works Director
Jennifer Evens, Marketing and Communications Coordinator
Emily Quance, Human Resource Director, Deputy Clerk
Rana Gaither, Administration Specialist

Mayor Marklin called the meeting to order.

The Town of Mocksville Board paused for a moment of silence.

Jacob Winston from Troop 575 led the Pledge of Allegiance.

Conflict of Interest Statement

“Pursuant to NC General Statutes and the Town of Mocksville Code of Ethics Policy adopted November 9th, 2010, amended of Jan. 6, 2019 and further endorsed on August 9th, 2022, I would ask each of you before you adopt the agenda if there is any actual, potential, or perceived conflicts of interest with respect to any matter on the proposed agenda which will come before the Town Board of Commissioners for consideration and/or decision at this meeting. If so, please speak up and let the Board know at this time before the agenda is adopted.”

Adoption of Agenda

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

Citizen Comments

Mayor reads; Under GS section 160A-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.

No one spoke.

Communications from Boards, Commissions & Agencies

Mayor recognized:

Proclamation Recognizing Beth Thompson's Retirement of 20 Years

Proclamation Recognizing Tami Langdon's Retirement of 7 Years

Mocksville-Cooleemee ABC Audit Turlington and Company, LLP – Marcia Henriksen, CPA, Partner
Ms. Henriksen addressed the Board and presented the FY 22-23 ABC audit.

Junior Fire Program – Chief Carter

A motion was made by Commissioner Frye to approve the Junior Fire Program. The motion was seconded by Commissioner Lambert which carried by a unanimous vote 5-0.

Code Enforcement Report - Brandon Emory, Alliance Code Enforcement

Mr. Emory addressed the Board and presented his code enforcement report to update the Board.

Consent Agenda

A motion was made by Commissioner Taylor to adopt the consent agenda as presented. The motion was seconded by Commissioner Stevenson which carried by a unanimous vote of 5-0. Items approved were: (A) October 3, 2023 Regular Board Meeting and Closed Session (B) Monthly Financials (C) Tax Releases and (D) Contribution Based Cap Report.

Consider Envirolink Contract Amendment 003 – ORC Services for Distribution and Collection Systems

Town Manager Gamble addressed the Board:

Davie County Manager Brian Barnett advised me in a letter dated September 1, 2023 that Davie County would not be renewing the Interlocal Agreement for Operator in Responsible Charge (ORC) services which is set to expire on December 1, 2023. This contract amendment is needed so Envirolink can provide ORC services required by the state for our water distribution system and wastewater collection system.

The reason the Town approached Davie County when we first needed these services is due to Envirolink's high cost structure. I am happy to report that Envirolink has agreed to provide ORC services at the same cost Davie County was providing it.

A motion was made by Commissioner Lambert to approve Envirolink's contract amendment 003 for ORC services for distribution and collection systems. The motion was seconded by Commissioner Taylor which carried by a unanimous vote 5-0.

Consider Repairing or Demolishing 900 N. Main Street Minimum Housing Ordinance G.S. 160D-1201

Town Manager Gamble addressed the Board:

Our current code enforcement contractor, Alliance Code Enforcement, inspected the property on April 17, 2023 and mailed the owner, Mark T. Karlek, a written 1st Notice of Violation on the same date. The officer cited numerous minimum housing violations and the letter set a 15 day deadline for making necessary repairs or demolishing the structures. After the 15 day deadline passed, the code enforcement officer mailed a written 2nd Notice of Violation – Notice of Hearing dated May 8, 2023 with a hearing scheduled for May 24, 2023. The owner, Mark T. Karlek did not attend the hearing due to illness, but remained in contact with the code enforcement officer. The code enforcement officer issued a written Finding of Fact – Final Order on June 16, 2023 and mailed it to Mr. Karlek. The code enforcement officer has been working with Mr. Karlek for over six months in an attempt to get the property back into compliance. When property owners are working diligently towards compliance, the Town allows reasonable extensions as long as significant progress continues. However, while Mr. Karlek has done some work removing vines and painting part of the front of the structure, no significant progress has been made on the minimum housing issues since July 2023. Therefore, Mr. Karelk has been notified of staff's intent to request that the Board of Commissioners issue a Repair or Demolish Ordinance on November 7, 2023. Town Attorney Al Benschhoff has reviewed the code enforcement file and advised all legal requirements to proceed have been met.

This is only the latest chapter in a story that goes back for more than twenty years of this property being vacant and deteriorating year by year. NFOCUS, the code enforcement company we had when I became Manager in May 2021, worked on this property, then Benchmark from July 2021 – June 2022, then Davie County while they were providing code enforcement services for the Town from July 2022 – March 2023. The property has been under the same ownership since April 24, 1996 and the owners have been aware for quite some time that major work has been needed to be done to the property.

The Board can and should provide guidance on a reasonable deadline to set in this case. Considering the history of the property I do not think a Board imposed deadline should be any longer than six months. I recommend three months with extensions provided only as long as significant progress is being made.

A motion was made by Commissioner Draughn to adopt the repairing or demolishing 900 N. Main Street minimum housing ordinance G.S. 160D-1201 and file with the register of deeds. An ordinance ordering the Town of Mocksville code enforcement to proceed to effectuate the purpose of the Mocksville minimum housing code and G.S. 160D-1201. The motion was seconded by Commissioner Stevenson which carried by a unanimous vote 5-0.

Consider Budget Amendment #3 FY 23-24 Creating a New Expense Line Item for Enterprise Fund Utility Cuts

Town Manager Gamble addressed the Board:

The basic premise behind the Enterprise Fund is that it is a business and should pay its own expenses. However, this has not been the case for utility cuts. When we have a main break, line extension, new connection, etc. we sometime have to cut the asphalt on a street to access / install the line. In the past, the resulting street repair has been paid with our Powell Bill funds. While this is not an improper use of our General Fund Powell Bill allocation, it does leave less money for paving roads and maintaining sidewalks.

Therefore, I have instructed Finance Director Trivette to add a utility cut line item to the Enterprise Fund so asphalt repairs are made as part of our water – sewer business and are paid with water-sewer revenues.

A motion was made by Commissioner Taylor to adopt budget amendment #3 in the amount of \$59,000 using additional revenues from water and sewer connections to create a new expense line item utility cuts/maintenance. The motion was seconded by Commissioner Lambert which carried by a unanimous vote 5-0.

Consider Budget Amendment #4 Sale of Assets General Fund FY 23-24

Lynn Trivette addressed the Board:

This budget amendment will acknowledge the funds in the current budget year for the sale of “Park Area Garden Valley” in the amount of \$8,000.

A motion was made by Commissioner Taylor to adopt budget amendment #4 in the amount of \$8,000 sale of assets (Park Area Garden Valley) for FY 23-24 General Fund. The motion was seconded by Commissioner Stevenson which carried by a unanimous vote 5-0.

Consider Adopting Resolution Authorizing Town Manager to Execute and File an Application with the State of North Carolina for a Loan and/or Grant to Aid in the Study of or Construction of the Project Lead Service Lines Inventory

A motion was made by Commissioner Lambert to adopt the resolution authorizing town manager to execute application with the state of NC for a loan and/or grant to aid in the study of or construction of the project for lead service lines inventory. The motion was seconded by Commissioner Draughn which carried by a unanimous vote 5-0.

Consider Budget Amendment #5 Upsize Agreement Approved in FY 22-23 Using Enterprise Fund Balance FY 23-24

Town Manager Gamble addressed the Board:

Con Shelton is developing property on Eaton Road and will be required to upgrade the existing undersized 1 1/2" water line to a 2" line and extend that from the last hydrant on Eaton Road approximately 1600' to the property being developed (Parcel Number — J50000003212 / NCPIN — 5747380983).

The Town has an interest in oversizing this line to 6" to heighten fire protection levels for area property owners, correct an undersized section of the water system and improve delivery of water to property being developed inside the corporate limits of the Town.

The Town of Mocksville Code of Ordinances Section 6-6.6 allows the Town to require a developer to install a larger diameter utility line than needed for the immediate project in order to better serve the surrounding area. When this is required the developer secures bids from at least three contractors and the Board of Commissioners then votes whether to authorize the Town to enter into a developer contract and pay the difference in cost between the smaller and larger lines. The engineering costs for this project were paid by Davie County Economic Development.

The bids received and the difference between the 2" and 6" lines are noted in Table 1.

Contractor	2" Line	6" Line	Difference to be Paid by Town
Lakey's Backhoe Service	\$19,250	\$65,524	\$46,274
Fuller Contracting	\$22,656	\$69,368	\$46,803
J.A.G Contracting	\$30,000	\$83,000	\$50,000

Both I and Town Engineer Chuck Willis are recommending to oversize the line and enter into a developer agreement with Con Shelton to facilitate the project.

Note: This project was approved in 2022 but the contractor is just now getting started. The amount of \$46,274 has not changed since approval but a budget amendment is required now that they are ready to start.

A motion was made by Commissioner Taylor to adopt budget amendment #5 in the amount of \$46,274 upsize agreement approved in FY 22-23 on Eaton Road using enterprise fund balance for FY 23-24. The motion was seconded by Commissioner Frye which carried by a unanimous vote 5-0.

Consider Resolution Authorizing Town Manager/Town Clerk to Execute the Memorandum of Agreement (s) as Necessary in Accordance with the NC League of Municipalities Accounting Services and Cybersecurity Grant and the Guidance and Technical Assistance Grant

Met with Charles Hines from the NCLM. The NCLM received \$25,000,000 in ARP Coronavirus State and Local Fiscal Recovery Funds. These funds have to be spent by 2026.

They have \$15,000,000 in accounting services to be used and \$10,000,000 in technical assistance.

Services now available are:

Cybersecurity
Communications
Grant Services
Engineering & Planning
Legal Consultation

Not sure if any of these services will meet the towns needs but plan to look at any opportunities to help them spend their funds that were given.

This resolution you are considering authorizes Town Manager and Town Clerk to research these opportunities at no cost.

A motion was made by Commissioner Draughn to adopt the resolution authorizing town manager/town clerk to execute the memorandum of agreement (s) as necessary in accordance with the NC League of Municipalities accounting services and cybersecurity grant and the guidance and technical assistance grant. The motion was seconded by Commissioner Lambert which carried by a unanimous vote 5-0.

Consider Amending the FY 23-24 Fee Schedule

A motion was made by Commissioner Taylor to approve amendment to fee schedule adding \$50 fee for driveway access permit application. The motion was seconded by Commissioner Draughn which carried by a unanimous vote 5-0.

Consider Authorizing Chief Carter to Apply for Staffing Adequate Fire and Emergency Response (S.A.F.E.R.) Grant

A motion was made by Commissioner Lambert to authorize Chief Carter to apply for staffing fire and emergency response (S.A.F.E.R.) grant. The motion was seconded by Commissioner Frye which carried by a unanimous vote 5-0.

Communication from Town Staff

Town Attorney Al Benshoff: N/A

Town Manager Ken Gamble: N/A

Chris Vaughn addressed the Board: One leaf truck 2018 down and will be in shop for 3 weeks. Estimate cost \$5,000 to \$8,000. Trying to get ahead on the leaves while making sure the public is aware we are doing all we can to stay on top of this service.

Chief Carter announced a training elevator rescue taking place at Ozark Bank next Tuesday.

Communication from Mayor and Town Board

Commissioner Lambert: The roundabout is looking good.

Commissioner Taylor: N/A

Commissioner Stevenson: Happy Thanksgiving to everyone.

Commissioner Frye: N/A

Commissioner Draughn: N/A

Mayor Marklin: Halloween was big this year. Great turn out.

Motion to enter closed session per NC GS 143-318.11 (a) (3), (5) and (6), to preserve the attorney-client privilege, to discuss Town of Mocksville v. 3M Company, et al; to discuss acquisition of real property and discuss personnel.

A motion was made by Commissioner Taylor to enter closed session 7:00pm. The motion was seconded by Commissioner Lambert which carried by a unanimous vote 5-0.

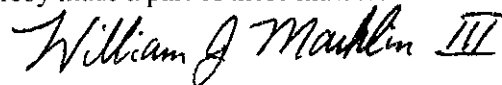
A motion was made by Commissioner Taylor to re-enter open session. The motion was seconded by Commissioner Stevenson which carried by a unanimous vote 5-0.

A motion was made by Commissioner Lambert to approve a \$5,000 bonus to the Town Manager for his annual evaluation effective November 8, 2023. The motion was seconded by Commissioner Draughn which carried by a unanimous vote 5-0.

Adjourn

A motion was made by Commissioner Taylor to adjourn the November 7, 2023 Regular Board Meeting. The motion was seconded by Commissioner Stevenson which carried by a unanimous vote 5-0.

The attached documents are incorporated herewith and are hereby made a part of these minutes.



William J. Marklin, Mayor



Lynn Trivette, Town Clerk, MMC, NCCMC