

**Town of Mocksville
Regular Board Meeting
April 2, 2024**

The Town of Mocksville Board of Commissioners met for the Regular Board Meeting on Tuesday, April 2, 2024 at 6:00 p.m. at the Energy United Building located at 182 S. Salisbury Street.

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

Absent:

Others Present:
Ken Gamble, Town Manager
Al Benschhoff, Town Attorney
Lynn Trivette, Town Clerk
Chris Vaughn, Parks and Grounds Director
Rana Gaither, Administration Specialist Lead
Renee Bradford, Community Development Assistant
Frank Carter, Fire Chief

Mayor Marklin called the meeting to order.

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

Mayor Marklin 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 Lambert to adopt the agenda as written. The motion was seconded by Commissioner Taylor 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.

Public Hearing Requested for Annexation from Anchor Properties of Raleigh, LLC for Lots 46-47 and 51 Sain Road (County Parcel –H6-000-00-015 and H6-000-00-007). Potential for development.

Johnny Easter addressed the Board.

TOM24-H6-0015

I. REQUEST

Anchor Properties of Raleigh, LLC has requested rezoning of approximately 37 acres from Davie County (RA) Residential Agriculture to Town of Mocksville (NR-C) Neighborhood Residential -Conditional. The subject properties are located off Sain Road.

II. PROJECT LOCATION

The subject properties are located off Sain Road. The properties are further described as Davie County tax parcels H600000007 and H600000015

III. PROJECT PROFILE

DAVIE COUNTY PIN: H600000007 and H600000015

ZONING DISTRICT: RA

LAND USE PLAN: Rural Residential WATERSHED: N/A

CROSS REFERENCE FILES: N/A

APPLICANT: Anchor Properties of Raleigh, LLC PROPERTY

SIZE: Approximately 37 acers CURRENT LAND USE: Vacant

PROPOSED LAND USE: Residential

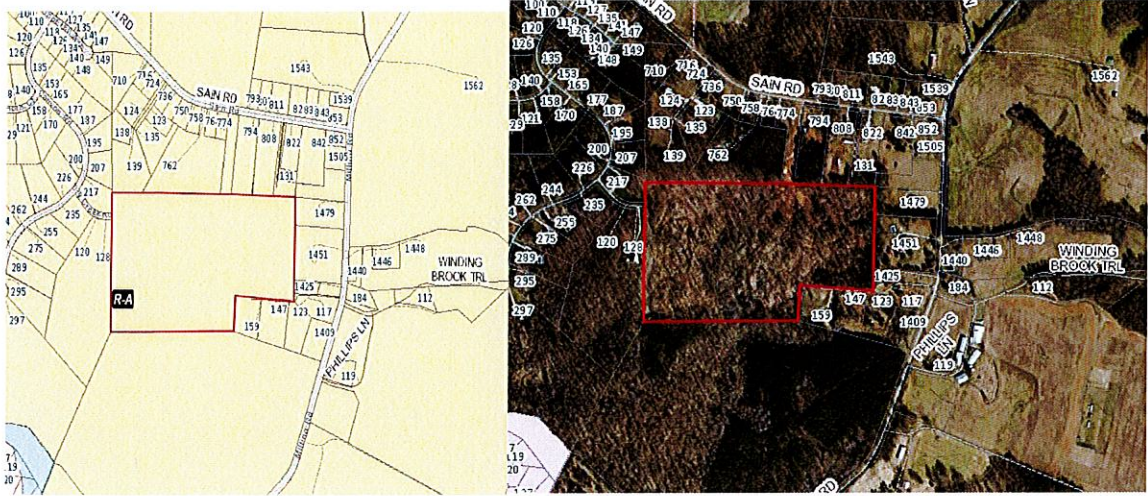
IV. PROJECT SETTING – SURROUNDING ZONING DISTRICTS AND LAND USES

DIRECTION	LAND USE	ZONING
North	Residential	RA
East	Residential	RA
South	Vacant	RA

West	Residential	RA
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V. ZONING MAP

VI. AERIAL MAP



VIII. LAND USE/ ZONING HISTORY

Proposed Zoning

The Neighborhood Residential district is intended to provide for residential infill development surrounding the traditional town center and its logical extensions. A range of housing types is encouraged and it is envisioned that low-intensity business activity will accompany residential development and will be located in mixed use buildings designed and constructed at a residential scale.

Mocksville Land Use Plan

The Town of Mocksville Comprehensive Plan provides a clear and compelling vision for the future growth and well-being of our community. The 2019 Plan looks at past and current development trends and plans, analyzes demographic and economic data, gathers a broad range of community values and desires, and provides a shared vision for our future and a set of recommended goals, objectives and strategies to achieve this vision. The Plan provides a framework for decision-making and the allocation of resources related to the long-term growth and development of Mocksville. The Plan builds on existing assets while taking advantage of opportunities for improvement and growth. The Plan will be implemented through annual budgeting, departmental work programs, zoning decisions, and development projects.

The Land Use map classifies this property with the land use category of Rural Residential.

The Mocksville Comprehensive Plan states:

- Facilitate steady managed growth in the most appropriate places while carefully preserving environmentally sensitive areas, especially along stream corridors, for water quality and natural resource protection and to provide recreational amenities and greenway trails.
- Use the Future Land Use Map (Figure 25) and Existing Zoning Map (Figure 19) to encourage managed growth compatible with the Town’s character, surrounding land uses, available infrastructure and services.

- Facilitate steady, managed growth, locating new development in the most appropriate places to foster a sustainable land development pattern that complements the character of our Town, while preserving and enhancing our valued historic, cultural and natural resources and open space as we grow.
- Require new land development to coincide with our ability to provide adequate public services and infrastructure (e.g. water, sewer, roads, parks & open space)
- Provide a wider selection of housing options and price ranges to help our older generation age in place and to retain and attract younger generations.
- Preserve and enhance existing residential neighborhoods while striving to provide a wider variety of single-family and multi-family housing options and price ranges to best serve the needs of our growing community.

IX. PLANNING STAFF Recommendations

The Town of Mocksville Comprehensive Plan identifies this area as a Rural Residential Growth Area. Based upon this the Planning Staff is in favor of the proposed zoning map amendment.

X. PLANNING BOARD RECOMMENDATION

As a Conditional use rezoning the Planning Board shall not consider the specific use of the property but all possible uses in the NR district with the following conditions.

- Will not exceed 2 units per acre.
- Developer will provided 17% open space
- Single Family Dwellings only
- 20' undisturbed buffer on the north, west and east sides of the property

The Board should consider the following in making its recommendation:

- The property's potential for a single family residential site.
- The property's location and surrounding zoning & property uses.
- Whether the proposed reclassification is consistent with the purposes, goals, objectives, and policies of adopted plans for the area.
- Whether the proposed reclassification is consistent with the overall character of existing development in the immediate vicinity of the subject property.

Johnny asked the Board to approve with conditions, deny or defer.

Town Manager addressed the Board.

The request for annexation will benefit the Town of Mocksville by adding 38+/- acres of residential property to the Town valued at approximately \$234,400 undeveloped. The proposed seventy-four (74) single family homes will add an estimated \$29,600,000 in tax base (\$85,840 in Revenues) and help to address a recognized housing shortage in Davie County.

When considering annexation the Board should also be confident that there is sufficient water and sewer capacity, the Town can deliver public safety services to the location and infrastructure can support development. We also need to consider any impact annexation of the property would have on the Cornatzer-Dulin Volunteer Fire Department. Finally, daily operational concerns should be noted.

Water & Sewer Capacity

The Town will require the developer to extend a sewer line from the property to be annexed to the Elisha Creek outfall. All costs for obtaining the necessary easements, construction and connection to our system will be borne by the developer. Chuck Willis has confirmed that Dutchman's Creek WWTP has capacity to handle the increased flow requested. In fact,

when the Brakebush project is completed our capacity at Dutchman's Creek will almost double. The development will be served by Davie County water so there will be no impact on the Hugh Lagle WTP.

Public Safety Services

The Town contracts with Davie County Sheriff's Department and they already serve the location. Annexing the property will have no impact on law enforcement services. The Mocksville Fire Department has full-time 24 hour staffing, a ladder truck, other fire apparatus, and hold the following certifications: Technician Level HazMat (Only HazMat Certified FD in the County), Confined Space Rescue, Agriculture & Heavy Machinery Rescue and Heavy Rescue. Therefore, the Town has adequate staffing, equipment, training and capacity to serve a future residential neighborhood at the property.

Infrastructure

The property will be accessed off Sain Road, an NCDOT maintained two lane road. The developer will be required to obtain an NCDOT driveway permit in order to connect to Sain Road and make any improvements required.

Financial Impact to Cornatzer-Dulin VFD

The annexation will have absolutely no impact on Cornatzer-Dulin VFD funding. Only 3.54 acres of the 38 acres being considered for annexation are in the Cornatzer-Dulin VFD district. This 3.54 acres generated \$9.38 in fire tax revenues in 2023 based on a tax value of \$23,440 (Entire District Value - \$163,690,707) provided by the tax office. The Davie County Commissioners set a base budget for the fire departments. If the fire tax generated in the district is below the base budget, then Davie County makes up the difference. Any future development on the property will be subject to full ad valorem taxation by Davie County. Therefore, there will be no "loss" of funding to either Cornatzer-Dulin VFD or Davie County if the property is annexed and developed as planned. Per North Carolina General Statute 160A-58.2A, I have requested debt service information from Cornatzer-Dulin VFD which will be the basis for determining if any additional financial payment by the Town is required. Due to the extremely low value of the land (0.01432% of District Value) this responsibility, if any, will be negligible.

Operational Concerns

The primary operational concerns are seasonal. Once the development is built out the Town will be providing leaf pick-up in the fall and snow plowing during winter storms. Town staff will need to travel through unincorporated areas on Milling Road and Sain Road to provide these services. This could cause some confusion for county residents. However, the proposed entrance to the development is only 1.4 miles from town limits at Elisha Creek Drive. Staff will need to access the development every two months for meter reading as well.

As manager, I do not see any drawbacks to the requested annexation and have noted many benefits. I recommend that the Board approve the annexation as requested.

Board questions about street lights, street maintenance and lots.

- Town will maintain street lights.
- They have one year to development the streets to NCDOT standards and then petition for the town to adopt the streets.
- The left side of the sketch shows a large lot.

Commissioner Draughn questioned the number of units.

Mayor opened the public hearing for comments in favor of or against. (6:16pm)

In favor of: Jeremy McCall presented a sketch that showed the 20' undisturbed buffer around the outside to protect the view from the neighbors; the large area at the bottom will be dedicated to open space 17% and long entrance into the site that is hidden behind the property owners and Sain Road.

- The left side of the sketch is just a large lot.
- 75 lots
- Site plan has not been approved; may lose one or two lots (turn radius at kurtisacks) because they have to maintain those minimum lots sizes required by NR.



Against: none

Mayor closed the public hearing. (6:19pm)

Commissioner Draughn questioned Johnny; is the two houses per acre based on the whole 38 acres? Johnny says that is correct. NR has a density requirement of 4 houses per acre; OSR has a density requirement of 2 houses per acre; they want to take lot dimensions, lot set-backs from the NR and apply the density requirements for OSR; that is where the difference is. NR allows for more dense and more units but they are just asking for two units per acre. It will be less dense. They cannot go under 10,000 square foot. No residential lot size only density requirements for the houses and the width is there. They have to maintain the set-backs.

A motion was made by Commissioner Lambert to approve the annexation ordinance; lots 46-47 and 51 Sain Road, Mocksville; and assign zoning district Town of Mocksville (NR-C) Neighborhood Residential-Conditional; specific use of the property will not exceed 2 units per acre, developer will provide 17% open space, single family dwellings only and 20' undisturbed buffer on the north, west and east sides of the property; the amendment is consistent with all applicable adopted plans and finds the request to be reasonable and in the public's interest; as it meets many of the Land Use Plans goals and objectives; there is existing residential zoning near the site; and that it enhances the quality of life in Mocksville by managing future growth in a manner that encourages well planned, high quality development and services that meets the needs of the citizenry and builds upon the community's small town character. The motion was seconded by Commissioner Frye with Commissioner Draughn voting against which carried by a vote 4-1.

Communications from Boards, Commissions & Agencies

Proclamation Recognizing International Firefighters' Day
 Proclamation Recognizing National Day of Prayer

Mayor recognized or read the proclamations above.

Habitat for Humanity Presentation –Jessie Elmore

What Have We Been Up To?



1st home completed 2023-2024 and expect to start on another home 2024-2025.
Opened the new Restore in Advance and now starting on the 2nd home.

Critical Home Repairs

Accessibility

- Deck/handrail/stairs
- Ramps
- Ext. Doors
- Flooring issues

Roofs

Weatherization

Unsafe systems

- Plumbing
- Electrical
- HVAC

Since its inception in 1994, the Urgent Repair Program (“URP”) has become a key component in the tool kits of a wide variety of housing organizations within North Carolina. The Program has received special recognition on two different occasions from the National Council of State Housing Agencies. To date, the Agency has committed close to \$78 million in URP funds to organizations like yours to assist over 17,816 very-low income homeowners in all 100 counties, with participation by 186 different organizations. We’re very proud of that record. URP has been used in the past by local governments and regional councils of government to complement their CDBG- and HOME-funded comprehensive rehabilitation programs by providing a resource for treating homes that may have been deteriorated beyond the point that they are feasible for comprehensive rehabilitation, or for treating homes that needed temporary measures while funding for a more complete reconstruction was pending.

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The average URP cost per unit has increased through the years, the 2022 calendar year average was still just \$8,257, a small fraction of the cost of institutionalization when homeowners leave their homes. Of the total, \$7,708 went to the hard costs of construction. The remaining \$690 per unit covered program support expenses, evincing a very cost-effective delivery system.

The Agency initiated the Urgent Repair Program in 1994 in response to years of feedback from local governments and nonprofits who stressed the need for funding to address emergency needs for housing repairs and modifications that might allow very low-income homeowners to remain safe in their own homes, independent of institutional care.

How can the Town of Mocksville help?

- Partner to build out Critical Home Repair Program
 - Determine the need/requirements for applying (65+, income limit, must own the home etc.)
 - Apply for Critical Repair funding
 - Intake applications/send referrals to Habitat

Code Enforcement Update –Bob Dewitt Alliance Code Enforcement

Projects Discussed:

900 N. Main Street –it has been a year and it is actively being worked on by the owners and the progress is slow. The paint and the work is continuing and the trash has been cleaned up. Now they are working toward more of the structural issues like the roof which has temporary patching on it. Gutters are most likely 100 years old.

This is all over the County. I really applauded you as a Board and with Ken’s help that we are able to strategically decide where we want to go on these the bigger projects. My goal is to put you in a position where you have the final say on what happens. You can decide whether you want to give them more time or take another step.

Important locations especially with people coming into town. There are 3 houses we are getting ready to do appeals on that look bad as you come into town. On the North side there is a house that trees are growing around it and the porch is falling in but it is a family owned home. When you have more family on the deed/will it takes longer to fix when they all do not agree.

What I would like to do is get those houses that are critical condition; the ones that get a first look coming into town and put the Board in a position to make any final decisions. Once an ordinance is in place you can decide how you would like to deal with the issues.

148 Foster Street we just abated this; a junk pile in the backyard and they got the first letter; the junk pile continued to grow with brush then an entire house (torn down) was dumped in the backyard. The contractors met with the former home owner (down the street) and talked them into paying him some money saying he would take care of getting rid of the pile. Estimated cost to remove closed to \$7,000 (for 7 loads). The town had to get Lackey’s to take care of the pile \$3,000 (for 3 loads) did not turn into a lien because the new owner did not have notice. I am working on several houses on Foster Street and at the

end of Spruce Street (all abandoned). Sending letters and then hearing notices. Then you decide where you want to go from there after the ordinance is created. Timing is everything and following up.

We are ready for mowing season; have a mower that has been used before and have figured out invoicing with town staff.

The Board is happy progress is being made.

Second Budget Draft FY 24-25 - Town Manager Presentation

General Fund

2nd Budget Draft

- Balanced Budget
- Boards Priorities

Board Priorities

Update Zoning Ordinance & 2019 Comprehensive Plan



No Increase to Property Tax

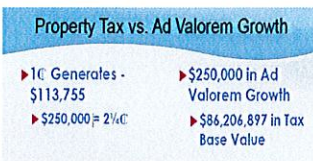


Identify & Fund New Sidewalk Projects



Note: Updated Zoning Ordinance is going to cost more than I originally anticipated \$100,000 will do an RFP; so the Comprehensive Plan can be budgeted for next year.

Note: Avgol tax incentive \$176,990 will not take place this year so this will help fund new sidewalk projects.



No property tax increase this year but this is an example of an increase.

Fire Department

- 2 FT Positions Vacant for 1 Year
 - Using all advertising available.
 - Only 1 qualified applicant.
 - Have changed work schedule in effort to attract applicants.
- Raise starting salary from \$38,474.00 to \$44,538.86

The 2.5% raises for part time employees have been added in the 2nd draft including 3 employees in parks and grounds.

Republic Services RFP increase was 12% - CPI annual increases-5-year contract (fuel costs, wages and truck replacements); but this budget year the citizens will not endure any increases.

Law Enforcement contract renewal increase was 10%; 5-year contract and 3% annual increase on years 2-5; (ammunition, body armor, vehicles and personnel salaries); budgeted in 2nd draft.

Energy United Building added a line item for maintenance.

Enterprise Fund

- Balanced
- 6% water increase
- 15% sewer increase
- Raftelis will present rate increases at the May meeting.
- Moved dump truck from GF to Enterprise Fund because that is where it is used more.
- Pump repairs have been a problem this year so increased the line item.
- New houses coming we will need more meters so line item was increased.
- Electricity
- With Brakebush there comes a cost; even though over ½ of the capacity at the WWTP will be freed up; DC customers will be processing that sewer (500,000 increased line item) going online in June. I am trying to negotiate with DC on a bulk sewer rate.

Snap Shot

- | | |
|--|--|
| ▶ Revenues | ▶ Expenditures - \$5,347,577 |
| ▶ \$5,347,577 (+\$537,690 - 1 st Draft)
(Increase of \$1,054,374 from FY23-24) | ▶ Water - \$1,618,500 |
| ▶ Includes 6% Rate Increase for Water and
15% Increase for Sewer Per Raftelis Rate
Study | ▶ Sewer - \$2,355,537 |
| ▶ 1 st Year of System Development Fees | ▶ Capital Projects - \$880,000 |
| ▶ Water & Sewer Tap Fees | ▶ Pump Station Renovations - \$300,000 |
| | ▶ Water Supply Interconnection (New
Water Plant Operations) - \$500,000 |
| | ▶ Engineering Fees - \$50,000 |
| | ▶ Utility Cuts - \$400,000 |
| | ▶ Contracts / Insurance - \$55,850 |

Increases by Department

Water

- ▶ 30-8100-1305 (Electricity) - \$7,200
- ▶ 30-8100-1600 (Pumps) - \$30,000
- ▶ 30-8100-1700 (Vehicles) - \$3,000
- ▶ 30-8100-3300 (Meters) - \$20,000
- ▶ 30-8100-7700 (Dump Truck) - \$40,000

Sewer

- ▶ 30-8100-1381 (Electricity) - \$13,000
- ▶ 30-8110-1600 (Pumps) - \$30,000
- ▶ 30-8110-4500 (Treatment) - \$472,290

Staff Requests

▶ Water

- ▶ 2 at \$114,000
- ▶ Projected 37% Increase of Meters In System
 - ▶ 1 Two Man Team Needed

▶ Sewer

- ▶ 1 at \$57,000
- ▶ Train to run WWTP
 - ▶ EnviroLink Contract Expires 2026

Consent Agenda

A motion was made by Commissioner Lambert 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) March 5, 2024 Regular Board Meeting and Closed Session (B) Monthly Financials (C) Tax Releases and (D) Contribution Based Cap Report.

OLD BUSINESS

NEW BUSINESS

Consider Approving Amendments in the Memorandum with The Brough Law Firm, PLLC

Lynn Trivette addressed the Board. The Brough Law Firm wants you to consider their request to increase their fees. The per meeting fee will increase from \$750 to \$800; the hourly rate is a choice:

- July 1, 2024 \$230.00
- July 1, 2025 \$240.00 or
- 24-25 and 25-26 \$235.00

I recommend 24-25 and 25-26 \$235.00.

A motion was made by Commissioner Draughn to approve the 24-25 and 25-26 in the amount of \$235.00 per hours and \$800 per meeting. The motion was seconded by Commissioner Stevenson which carried by a unanimous vote 5-0.

Consider Adopting Grant Project Ordinance 2024-2 to Improve and Enhance Downtown

Lynn Trivette addressed the Board. This ordinance is to establish a budget for the projects described to improve and enhance downtown Mocksville for its residents and visitors. The State Directed Grant is \$4,900,000 and the amounts appropriated for the projects are \$4,900,000.

A motion was made by Commissioner Lambert to adopt the grant project ordinance 2024-2 in the amount of \$4,900,000. The motion was seconded by Commissioner Frye which carried by a unanimous vote 5-0.

Consider Approving Agreement With NCDOT For Pedestrian Crossing Improvements at N. Main Street (HWY 158) and Gaither Street

Town Manager addressed the Board. This Project consists of upgrading Signal #09-0333 (US 158 at Gaither Street (Non-System)). NCDOT will upgrade to include mast arms and pedestrian heads and push buttons. NCDOT will develop plans and construct the new signal upgrade and modify sidewalk ramps in the estimated amount of \$302,000.

A motion was made by Commissioner Draughn to approve the agreement with NCDOT for pedestrian crossing improvements at N. Main Street (Hwy 158) and Gaither Street in the estimated amount of \$302,000. The motion was seconded by Commissioner Taylor which carried by a unanimous vote 5-0.

Consider Adopting Resolution for Selling Property by Upset Bid

Town Manager addressed the Board. The Town has received an unsolicited offer to purchase real property owned by the town as lot 108 + P/O 109 Sanford; legal description (DC parcel identification number (PIN) (J4040G0019) in the amount of \$6,000.00, submitted by Victor Ramirez and has paid the required 5% deposit. The Board will need to adopt the resolution to accept the offer and to direct the Town Clerk to publish the proposed sale so the upset bid process can begin.

A motion was made by Commissioner Taylor to adopt the resolution and accept the \$6,000 offer from Victor Ramirez property pin (J4040G0019) to start the upset bid process. The motion was seconded by Commissioner Draughn which carried by a unanimous vote 5-0.

Consider DCSO Law Enforcement Contract Renewal FY24-25 thru FY28-29

Town Manager addressed the Board. The biggest factor is inflation and adding more staff. It is understood and agreed that the year one cost of this Agreement renewal to The Town shall be \$1,485,000.00

It is understood and agreed that on July 1st of year two through year five there will be a 3% fixed annual cost increase.

The Town will pay the \$8,000.00 event security fee with the first quarter billing each year.

Note: (The Town and DCSO amended the "Interlocal Agreement" on May 2, 2023, to add Halloween to EXHIBIT A and increase the annual contract cost by \$8,000 to pay for additional "off duty" security and

traffic control for Town and Tourism Development Authority (TDA) events not included in EXHIBIT A of the 2021 Contract in the base contract price)

The term of this contract renewal agreement is 5 years commencing from July 1, 2024, and ending on June 30, 2029.

A motion was made by Commissioner Lambert to approve the renewal contract with DCSO; first year in the amount of \$1,485,000 and 3% annual increase for years 2-5 ending June 30, 2029. The motion was seconded by Commissioner Taylor which carried by a unanimous vote 5-0.

Communication from Town Staff

Town Attorney Al Benshoff: N/A
Town Manager Ken Gamble: N/A

Communication from Mayor and Town Board

Commissioner Lambert: N/A

Commissioner Taylor: Thanks to the Commissioners that were able to come to the Smartstart Program (Mayor's wife Julie did a great job) and the Dragon Fly House fundraiser is April 19 and even though they are sold out; you can still bid for items online.

Commissioner Stevenson: N/A

Commissioner Frye: N/A

Commissioner Draughn: N/A

Mayor Marklin: Thank you all for coming tonight. If you can attend any of the programs Rob mentioned they do great things for our community. Thanks to public works for getting signs up that are placed among the roads.

Motion to enter closed session per NC GS 143-318.11 (a) (3) and (5) to preserve the attorney-client privilege and discuss acquisition of real property.

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

A motion was made by Commissioner Taylor to re-enter open session 8.00pm. The motion was seconded by Commissioner Stevenson which carried by a unanimous vote 5-0.

Adjourn

A motion was made by Commissioner Draughn to adjourn the April 2, 2024 Regular Board Meeting. The motion was seconded by Commissioner Lambert 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 III

William J. Marklin, Mayor

Lynn Trivette

Lynn Trivette, Town Clerk, MMC, NCCMC

April 2, 2024