

**Town of Mocksville
Regular Board Meeting
October 1, 2024**

The Town of Mocksville Board of Commissioners met for the Regular Board Meeting on Tuesday, October 1, 2024 at 6:00 p.m. at the Mocksville Town Hall located at 171 S. Clement Street.

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

Others Present:

Ken Gamble, Town Manager
Al Benschhoff, Town Attorney
Lynn Trivette, Town Clerk
Chris Vaughn, Parks and Grounds Director
Emily Quance, Human Resources Director/Deputy Clerk
Brian Moore, Public Works Director
Frank Carter, Fire Chief
Jeannette Pitts, Director of Marketing and Community Development

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.”

Mayor recuses himself from New Business item “C”. Consider Resolution to permanently discontinue right of ways in Clement Crest Subdivision. Mayor Pro Tem, Rob Taylor will address agenda item.

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.

Brian Schoppe addressed the Board. He lives at 335 Bear Creek Church Road. His concern is 6-15 RV's parked on agricultural property and set up like a campground. Just letting everyone know we oppose this and hope something can be done.

Public Hearing for Text Amendment to Add the Definition and Conditions to the Table Uses for a Planned Mixed Conditional Development (PMCD)

Johnny Easter addressed the Board.

8-3.10.3 DEFINITIONS

Planned Mixed Conditional Development (PMCD) A Planned Development primarily intended for single-family developments. A maximum of 20% of the total land of the development may be utilized for multi-family or non-residential uses, with the exception that 15% of the land may be utilized for a combination of lodging and other non-residential uses. The compatibility, location, and appropriateness of any multi-family or non-residential uses proposed shall be carefully considered. Commercial uses may be permitted with conditions approved by the Mocksville Board of Commissioners.

8-3.3.5 TABLE OF USES.

Conditional Zoning Districts: OSR CD, NR CD , and HC CD

ADDITIONAL CONDITIONS FOR CERTAIN USES

8-3.8.73 Planned Mixed Conditional Development (PMCD).

(A) *Minimum size.* A PMCD shall be located on a site containing at **least 20 contiguous acres.**

(B) PMCDs do not have any listed or permitted or special uses in section 8.3.3. Table of Uses. Rezoning to a conditional zoning district is required for each development. The approved uses shall be listed as specific conditions. PMCDs are primarily intended for single-family developments. A minimum of 15% gross of the development shall be common open space. A maximum of 20% gross of the total land of the

development may be utilized for multi-family or non-residential uses, however only 15% net of the land may be utilized for a combination of hotel, motel and other non-residential uses. The compatibility, location, and appropriateness of any multi-family or non-residential uses proposed shall be carefully considered.

Those non-residential uses will be permitted with conditions approved by the Mocksville Board of Commissioners shall be reflected on the conditional zoning district supplement issued by the Zoning Administrator.

Sidewalks shall be provided on at least one side of all streets, except when approved by the Town Board. Sidewalks shall be constructed of concrete, brick, or stone paving materials on a case- by-case basis or when consistent with an adopted Town streetscape plan. Sidewalks shall be a minimum width of five (5) feet. Vertical clearance along all sidewalks shall be at least eight (8) feet.

Pedestrian and other modes of non-vehicular movement shall be provided.

Where perimeter lots in PMCDs do not meet the minimum lot area and dimensional requirements of the surrounding zoning district(s), a minimum 30-foot **buffer** is required between these lots and the adjacent single family zoning district. [The single family districts are _____.] The buffer shall contain a minimum of four canopy trees, ten understory trees and 33 shrubs per 100 linear feet. The planting material comprising the buffer shall be spread across the width of buffer and not just planted in rows. The intent of this section is to soften the appearance of the development and not necessarily screen it from view. Shrubs shall be expected to reach a minimum height of 36 inches, and a minimum spread of 30 inches within three year of planting. Understory trees shall be a minimum of four feet high with a minimum caliper of one inch, measured six inches above grade when planted. Canopy trees shall be a minimum of eight feet in height and two inches in caliper, measured six inches above grade, when planted. When mature, a canopy tree should be at least 40 feet high and have a crown width of 30 feet or greater. A minimum of 25% of the understory trees and 75% of the shrubs shall be evergreens. The preservation of existing stands of trees and shrubs is strongly encouraged and can be credited toward meeting this requirement if sufficiently demonstrated on the site plan and accompanied by pictures. This buffer shall be located on commonly owned land and shall be considered open space as described in division (E)(6) below. Where any individual lot in the PMCD does not meet the dimensional and area requirements of an abutting single-family zoning district, the buffer shall be required along the entire length of the PMCD that abuts the existing development.

Common open space shall not be less than 15% of the total development area. Open space shall be held in common ownership by a homeowner's association, a private non-profit conservation entity or accepted by the Town of Mocksville as public open space.

Outdoor lighting shall meet all of the following requirements: (1) The maximum height for lighting (pole mounted and wall mounted) shall be twenty feet, including the base/mounting fixture; and (2) Floodlights are not permitted for parking lot illumination; and (3) Lighting shall be directed downward and light spillover minimized with the use of hoods and similar devices; and (4) Lighting fixtures that produce glare visible from adjacent property(s) and public rights-of -way are prohibited; and (5) Light fixture designs shall meet the approved specifications of the Town of Mocksville Town Center district.

Developer would submit the design and Town Board would have to approve.

This will allow the Board to address the designs and reflect on some of the issues in the future developments in the town.

The Planning Board edited the table of uses and sent it to the Town Attorney and he had some additional items to address.

I am asking the Town Board not to take a vote tonight; taking it back to the Planning Board to consider more edits.

Any questions or concerns before I take it back to the Planning Board?

Considering the text amendment would be a lay out for the developer and the Town Board would address concerns with the developer and sign off on it.

Mayor opened the public hearing for comments in favor or against. (6:09pm)

In favor of: No one spoke

Against: No one spoke

A motion was made by Commissioner Taylor to continue the public hearing until the November 5, 2024 meeting. The motion was seconded by Commissioner Lambert which carried by a unanimous vote 5-0.

Public Hearing for the purpose of extending the job creation deadline to June 30, 2026, as approved by the Golden Leaf Foundation Board for Liberty Storage Project.

Town Manager addressed the Board.

Liberty Sheds had a baseline of 44 jobs and committed to create 45 new full-time jobs. Currently, the company is reporting 58 full-time jobs at its Mocksville location. Economic hardship has hindered the company's expected growth. Q2 2024 sales were 21% under budget. The company has not laid off anyone and is employing numerous growth and recovery strategies. The planned rail spur suffered a setback when a 75 year old sewer line was discovered under the main rail line and in the same location as the planned rail spur. In order for the rail spur to be installed, a new sewer line would be required in addition to the relocation of a manhole. With the company's construction budget already nearly \$3million over budget, the company decided to forego the rail spur due to the additional cost of this unforeseen sewer line. The problems with the rail spur has delayed and changed the original plans of metal and lumber redistribution and postponed the respective anticipated hires respectively. With the recent slowdown in the past quarter, plans are dynamic and changing. Liberty's current estimate on the company reaching 89 FT employees is QTR2, 2026.

Mayor opened the public hearing for comments in favor or against. (6:12pm)

In favor of: No one spoke

Against: No one spoke

Mayor closed the public hearing. (6:12pm)

To consider extending the job creation deadline to June 30, 2026, as approved by the Golden Leaf Foundation Board.

A motion was made by Commissioner Draughn to approve extending the job creation deadline to June 30, 2026, as approved by the Golden Leaf Foundation Board. The motion was seconded by Commissioner Frye which carried by a unanimous vote 5-0.

Communications from Boards, Commissions & Agencies

Mayor recognized the proclamations.

Proclamation – Domestic Violence Awareness Month – October 2024 (Purple Lights)

Proclamation – Operation Green Light for Veterans – November 2024 (Green Lights)

Recognizing Employee, Chief Carter

Frank Carter addressed the Board recognizing CJ Dwiggins as the new Fire Captain. His family is here and CJ's wife will pin his badge. CJ will be an asset to the fire department when I am not here. I look forward to this next chapter.

Social Media Quarterly Report - Merit Kirkpatrick, Marketing & Content Manager, Word Master Media Group

Merit Kirkpatrick addressed the Board presenting the social media trends.

Managing six different accounts on three platforms.

- Town of Mocksville Facebook
- Town of Mocksville Instagram
- Town of Mocksville YouTube Channel
- Mocksville Fire Department
- 'Twas the Night Before Bed Race
- Mocksville Farmers Market

Each profile is audited and optimized for searches and for user experience. This includes:

- Bio updated
- Graphics created
- Profile image updated
- Description optimized using keywords
- Settings audited and corrected as needed

TOWN OF MOCKSVILLE

FACEBOOK PAGE



REACH- 200,636

Q3 Reach = 200,636
Compared to
Q2 Reach = 59,200



INTERACTIONS

Q3 Interactions = 3,484
Compared to
Q2 Interactions = 1,400



FOLLOWERS

Q3 Followers = 6,315
Compared to
Q2 Followers = 6,054

TOWN OF MOCKSVILLE

INSTAGRAM PAGE



REACH- 12,138

Q3 Reach = 12,138
Compared to
Q2 Reach = 1,121



INTERACTIONS

Q3 Interactions = 817
Compared to
Q2 Interactions = 694



FOLLOWERS

Q3 Followers = 1,463
Compared to
Q2 Followers = 1,438

TOWN OF MOCKSVILLE

YOUTUBE CHANNEL



VIEWS- 166

3 Public videos



WATCH TIME - 26.3 HOURS



SUBSCRIBERS

23 Subscribers

TOWN OF MOCKSVILLE

WEBSITE STATS



EVENTS- 130,830

Q3 Events = 130,830
Compared to
Q2 Events = 127,430



USERS- 22,269

Q3 Total Users = 22,269
Compared to
Q2 Total Users = 19,615

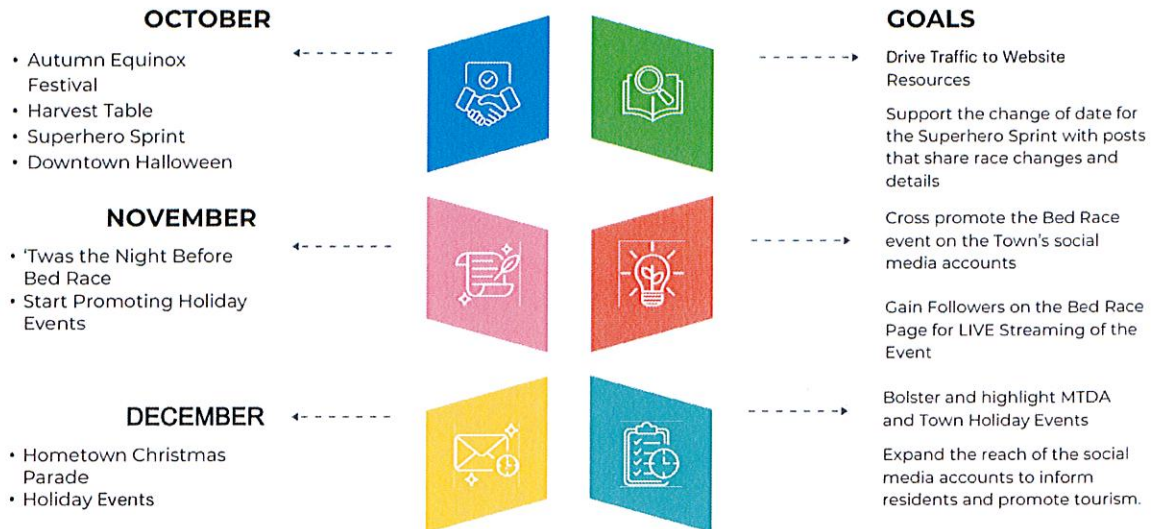
OTHER FACEBOOK ACCOUNTS

Quarter 3 Social Media Statistics

STATS	FIRE DEPARTMENT	BED RACE	FARMERS MARKET
FOLLOWERS	3,812	746	3,028
TOTAL REACH	59,104	3,102	37,651
INTERACTIONS = ENGAGEMENT	1,205	79	1,231

October 1, 2024

Q4 GOALS & SOCIAL MEDIA PLANS



Mocksville Tourism Development Authority Quarterly Finance Report – Lynn Trivette

Lynn Trivette addressed the Board. According to the MTDA by-laws the finances are to be reported to the Town Board on a quarterly basis. I am the Finance Officer for the MTDA and will be presenting these reports to you.

The budget vs actuals in front of you are from July to September (1st QTR). Their FY24-25 budget is \$81,000 and current revenues are \$24,440.68. As you can see \$22,427.59 is made up of occupancy tax revenues.

Current expenditures are \$37,544.27; and you see the list of line items that are currently budgeted.

YTD MTDA ending balance is \$232,804.95.

MTDA approved to invest \$100,000; I just opened up a 6-month CD last week at 4.5%.

Consent Agenda

A motion was made by Commissioner Lambert to adopt the consent agenda as presented. The motion was seconded by Commissioner Draughn which carried by a unanimous vote of 5-0. Items approved were: (A) September 3, 2024 Regular Board Meeting and Closed Session (B) Monthly Financials (C) Tax Releases and (D) Contribution Based Cap Report.

OLD BUSINESS

NEW BUSINESS

Consider Amending Personnel Policy Section 11 - Technology Adding General Statutes 143-805 Effective October 1, 2024

Emily Quance addressed the Board.

To follow the new directive from the General Assembly, GS 143-805, we have updated the Technology Policy to reflect the required changes to our policy including blocking all access to such content across our network, requiring any such content to be removed from Town-issued devices, and adding reporting requirements.

For reference, our policy already prohibited such material from technology devices, networks, computers and the like. This encapsulates the new legislation. There are 2 specific dates referenced in the legislation: Oct 1, 2024 as a hard deadline for any content to be removed from devices (which there already shouldn't be any) and January 1, 2025 to adopt the policy.

I have included in this memo Personnel Policy Article VI: Conditions of Employment, Section 11. Technology Policy, Policy, Security - G. Prohibited Use and Policy, Phone - B, reflecting the changes as well as a Coates' Canons article (<https://canons.sog.unc.edu/2024/07/new-law-regarding-pornography-on-government-networks-and-devices/>) explaining what the General Assembly is doing.

There are exceptions for workers/departments which have to view such material including, for example, law enforcement, social services/child protective services, and departments which need to test methods and procedures for blocking such content.

Page 41-42 – Article VI: Conditions of Employment, Section 11. Technology Policy, Policy – Security, G. Prohibited Use

G. Prohibited Use - The following is a list of examples of prohibited uses. This is not intended to be a comprehensive and complete list, but is included to provide a frame of reference for types of activities that are prohibited. Other uses not listed here may be deemed as prohibited.

- Any use that violates federal, state, or local law or regulation is expressly prohibited.
- Knowingly or recklessly interfering with the normal operation of computers, networks, or other related equipment is prohibited.
- Connecting unauthorized equipment to the network for any purpose is prohibited.
- Running or installing unauthorized software on Town computers is prohibited.

- Copying of any software from Town computers, for other than archiving purposes, is prohibited.
- Using the Town network to gain unauthorized access to any computer system is prohibited.
- The use of Town technology resources to access, transmit, store, display, or request obscene, pornographic, erotic, profane, racist, sexist, libelous, or other offensive or abusive material (including messages, images, video, or sound) is prohibited. See NCGS 143-805
- Pursuant to NCGS 143-805, Davie County will send an annual report to the State CIO on behalf of the Town per interlocal agreement which states the County manages the network, and will contain the following information:
 - The number of incidences of unauthorized viewing or attempted viewing of pornography on that public agency's network;
 - Whether the unauthorized viewing was by an employee, elected official, appointee, or student of that public agency; and
 - Whether any of the unauthorized viewing was on a device owned, leased, maintained, or otherwise controlled by that public agency.
- The use of Town technology resources in such a way as to create an intimidating or hostile work environment is prohibited.
- When using Town resources employees shall abide by the Town's policy on sexual harassment.
- Private computer networks and/or direct computer to computer connections created by users to bypass authorized security systems are prohibited. Only authorized file sharing systems maintained and supported by Davie County Technology Solutions are approved for use for Town technology resources.
- Town technology resources may not be used to solicit for personal gain or for the advancement of a political or religious belief.
- Performance of any of the following: port scanning, security scanning, network sniffing, keystroke logging, or other technology information gathering techniques when not part of the employee's job function.
- Revealing your account password to others or allowing your account to be used by others.
- High-bandwidth applications, such as streaming video or audio, are prohibited unless they are utilized for legitimate work purposes.
- Any attempt to disable, defeat, or circumvent any account, application or network security feature is prohibited.

- A. **Mobile Device** - A mobile device (smartphone or tablet) may be issued to an employee to perform their job. Mobile devices are considered temporary data storage and shall not be used to preserve or retain public records including documents, photographs, text messages, email, contacts or other content which, if lost, would impair an employee's work, the work of their department or otherwise interfere with the retention and disposition of public records. The employee who is assigned a mobile device is responsible for storing content in approved locations such as Microsoft 365 email or OneDrive. Refer to Electronic Messaging section for further information.

- B. Pursuant to NCGS 143-805, employees, elected officials, appointees, and students of each public agency who have pornography saved to a device owned, leased, maintained, or otherwise controlled by the public agency to remove, delete, or uninstall that pornography no later than January 1, 2025.

A motion was made by Commissioner Stevenson to adopt amendments to the personnel policy section 11 adding general statutes 143-905 effective October 1, 2024. The motion was seconded by Commissioner Taylor which carried by a unanimous vote 5-0.

Consider Resolution Authorizing Legal Action to Enforce an Ordinance Ordering the Town Code Enforcement Officer to Enforce the Minimum Housing Ordinance at 900 North Main Street

Town Attorney addressed the Board. This resolution allows the Town Attorney to bring a code enforcement action on 900 North Main Street.

On November 7, 2023 the Board of Commissioners of the Town of Mocksville adopted an ordinance entitled "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." This Ordinance was recorded in the Davie County Registry at Deed Book 1263, Page 565 on November 8, 2023. The Ordinance directed the Town's code enforcement officer to enforce the minimum housing ordinance, to levy fines and to place a notice on the property that it is unfit for human habitation.

The owners have failed to timely comply with the Ordinance.

The Town Attorney is authorized and directed to institute proceedings in the General Courts of Justice in Davie County, N.C. to obtain compliance with the Ordinance cited above, to obtain payments of the fines levied by the code enforcement officer and to foreclose on any liens the Town may have on the property. The Town Attorney is authorized to bring any of the actions listed in N.C. Gen. Stat. §160A-175, Enforcement of Ordinances, against the property and or the owners of record, who are now or formerly Mark and Kristine Karlek.

A motion was made by Commissioner Draughn to adopt resolution authorizing legal action to enforce an ordinance ordering the town code enforcement officer to enforce the minimum housing ordinance at 900 North Main Street. The motion was seconded by Commissioner Fryer which carried by a unanimous vote 5-0.

Consider Resolution to Permanently Discontinue Right of Ways in Clement Crest Subdivision

Town Manager addressed the Board.

Donald and Shirley Jones filed a written request with the Board of Commissioners of the Town of Mocksville. Donald and Shirley Jones requested that the Board of Commissioners adopt an ordinance permanently closing in their entirety the undedicated portions of right of ways for the Clement Crest Subdivision as identified in a 1946 survey filed with the Davie County Register of Deeds. The undedicated sections of right of ways include two 40' access right of ways off South Main Street (Hwy 601 South) and a 10' right of way that runs roughly north to south from the north access right of way to the south access right of way.

Through investigation determined that these right of ways, though shown on maps to exist, have not been developed and there are no future plans for development; therefore, it is not inconsistent with the best interest of the Town to adopt the order requested by Donald and Shirley Jones.

The Clerk will publish the resolution required by North Carolina General Statutes 160A-299, to provide a copy by registered or certified mail to all owners of property adjoining the described right of ways and to post signs in prominent places along South Main Street.

The public hearing will take place on November 5, 2024 and ordinance considered by the Board.

A motion was made by Commissioner Draughn to adopt resolution to permanently discontinue right of ways in Clement Crest Subdivision. The motion was seconded by Commissioner Lambert which carried by a unanimous vote 5-0.

Communication from Town Staff

Town Attorney Al Benschoff:

1. Remote Meetings - On July 11, 2022, Governor Cooper's office published a press release indicating that the statewide state of emergency will end on August 15, 2022. At that point, Section 166A-19.24, which provides explicit authority for remote meetings, will expire. Many elected and appointed boards across the state are unsure if they have the legal authority to continue meeting remotely after the state of emergency ends.

Town Attorney will report back to the Board with a PowerPoint addressing details concerning remote meetings.

2. U.S. Supreme Court case: What is government speech made by Government Officials? Where it crosses the line is from private speech to speaking as a town official. A little more complicated to explain.

Town Attorney will report back to the Board with a PowerPoint addressing details concerning government speech.

Town Manager Ken Gamble: Town Manager does not have anything but would like Fire Chief to discuss helping Western NC during its disaster relief.

Frank Carter addressed the Board. He approached Town Manager to get permission about a couple of town employees going with the Statesville Fire Department to help out Western NC during its disaster relief. It has to be approved by Town Manager because of insurance reasons.

Communication from Mayor and Town Board

Commissioner Lambert: Congratulations

Commissioner Taylor: Congratulations

Commissioner Stevenson: Congratulations to Captain Dwiggin

Commissioner Frye: Congratulations

Commissioner Draughn: Congratulations

Mayor Marklin: Congratulations and glad you brought your kids and family.

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

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

Adjourn

A motion was made by Commissioner Taylor to adjourn the October 1, 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, Mayor



Lynn Trivette, Town Clerk, MMC, NCCMC