

**Town of Mocksville  
Regular Board Meeting  
April 11, 2018**

The Town of Mocksville Board of Commissioners met for the Regular Board Meeting on Wednesday, April 11, 2018 at 6:00 p.m. at the Energy United Education Center.

<b>Present:</b>	Mayor, Will Marklin	<b>Absent:</b>	None
<b>Commissioners Present:</b>	Brian Williams Eric Southern Amy Vaughan-Jones Brent S. Ward Rob Taylor		

**Others Present:**

Marcus Abernethy, Town Manager  
Lynn Trivette, Town Clerk  
Al Benschhoff, Town Attorney  
Todd Penley, Police Chief  
Ray Moore, Assistant Fire Chief  
Rustin Harpe, Parks Director  
Brian Moore, Public Works  
Tami Langdon, Community Development

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

Remember those who have passed away this week. George Martin, Bill Hall and Jimmy Carter; 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, Amy Vaughan-Jones to approve the agenda as written. The motion was seconded by Commissioner, Brian Williams and approved by a unanimous vote. 5-0*

**Approval of Minutes**

*A motion was made by Commissioner, Brent Ward to approve the minutes of the March 6, 2018 Regular Board Meeting, March 6, 2018 Executive Board Meeting and March 14-15, 2018 Budget Work Session. The motion was seconded by Commissioner, Eric Southern and approved by a unanimous vote. 5-0*

**PUBLIC COMMENT**

No one spoke.

**Personnel Recognition**

**Oath of Office K9, Wrago**

Police Chief Penley and Trainer Brian Hill present: K9 Wrago. The Police Department was awarded a grant and Wrago came to us from K9's for Law Johns Creek, Georgia.

A Working Dog's Oath

I will lay down my life for you and expect nothing in return. I protect my officer with my life and would gladly take a bullet in his place. I am sent in to find lost children and fugitives on the run. I find drugs and weapons. I am the first sent in and sometimes the last to leave. I am the nose and ears of my officer. I will protect and serve him. I would die for him and for you. I only ask for compassion and a kind word.

Author Unknown

**Mayoral Proclamation Recognizing MFD ISO Rating Achievement**

The Town acknowledges the dedicated service, hard work and continuous training and service of the members of the Mocksville Fire Department, who have volunteered their time and expertise to and for the residents of the Town of Mocksville. NC Insurance Commissioner and Fire Marshal, Mike Causey, announced on March 15, 2018 that the following Fire District completed their routine inspection and received an improved rating. When ISO ratings are lowered this can lower insurance rates in the Town of Mocksville.

## **Public Hearing – 184 Koontz Road Annexation Petition; Ordinance to Extend the Town of Mocksville Corporate Limits**

Town Manager, Marcus Abernethy summarized staff report which the Town Board requested. The Town Board asked that the Planning Board review this project and multi-family development to assist the Town Board in assessing the impact that multi-family residential development would have on Town resources. Information in the staff report includes public safety call volume, recreation, utilities concerning water and sewer, tax and revenue information. Other reports included are zoning, NCDOT station maps and Davie County Schools enrollment numbers. Planning Board did discuss this in March and did reference some concern with traffic and enrollment numbers with the school system.

Public Hearing opens at 6:10pm anyone speaking in favor of:

Ms. Knootz discussed three points in her support of the petition; location, use of town resources and meeting the needs of the community. This property is located inside the ETJ of the Town which makes it right for annexation. If the annexation is permitted this would allow additional parcel development in this area and would significantly benefit the Town and its economic development. Fire Department and Law Enforcement volume of calls in the staff report were based on a percentage calculation of 4.3% and of those calls being from multi-housing equaled to 200 calls out of the 6,000 from the police department. Regarding the schools and the enrollment numbers in the staff report Mocksville Elementary was at its highest in 2011-2012 with 673 students and since that time the enrollment has been 581 to 586 approximately 14% to 17% lower than it was at its peak in 2011. Based on the information in the staff report it is unclear from the data from Mocksville Elementary because adding in the Early College and the High School the numbers was not there to calculate for an assumption. Regarding utilities in the staff report if annexation took place the revenue from utilities would yield \$9,526 in revenue per billable cycle totaling \$57,156 per year. Public tax records in Davie County; the tax revenue Rowan Pointe \$7440.04 for fire tax, \$1026.22 Camden Pointe \$6310.25; Cooper Creek \$6604.00 and both of those approximately \$900 for fire tax. In meeting the needs of the community; Ms. Knootz picked up a Progressive Davie Magazine in the Town Hall and read an article by Ted Abernethy. He reported that the job growth and development in Davie County out pasted its neighbors at 29.7% compared to the State average of 12.5%. Manufacturing jobs in Davie County had doubled over the State's average. The report also stated that Davie County has a flat housing market with a 1% increase during a 6-year period and that is 3% less than the State average increase in the housing market. To attract young professionals to Davie County there is a need for modern up to date rental housing. Offering a positive to quality of life there is a need for available housing and an effort to attract new housing for younger residents. Companies intend to go where workers are located. That is the reason high tech jobs go to urban areas where the younger people are qualified for the jobs and where they want to live. Towns in the County need to be a place where young people want to live and visit. More mix used housing is needed.

Mr. Burns from Mocksville Point, LLC the develop entity for this property. The property currently is woods and that is being proposed to annex. The statue process is straight forward, and they feel confident that the application meets all the statutory requirements. There must be a reason the annexation is being explored. This development would be a 66-unit apartment complex with a playground and business community center which would be a gathering place for the residents. A couple of questions from neighbors concerning storm water runoff which must be constructed in accordance with a storm water management claim that will control all of that and they see no issues with neighboring properties. The property is currently zoned highway commercial in the ETJ and that zoning already includes multi-family housing. In April of 2017, we were furnished with a water and sewer availability letter from the Town that water and sewer could be extended to the property with a pump station that we would install at our own expense. It makes sense if the property owners can build the units on their property without the annexation, but the Town can benefit from the annexation and received the tax revenue and utility revenues. Multi-housing is needed in this area. We have developed over 30 properties around the State and plan to keep on growing.

Mr. Jones a builder developer of these units says these apartments are very nice and has a 2-year waiting list. There were 190 applications and only 35 received funding because it depended on the location and the real need for this type housing. Mr. Jones has not witnessed any issues with policing multi-family housing or fire department safety issues. This location seems safe and is in real need of affordable housing. Mr. Jones suggest the Town take advantage of this opportunity and vote to get these units here because he thinks they would be something the Town would be proud of. Mr. Jones owns and builds these units with 30 years of experience. The tenants are screened, and the management company is not one to sale units and then become invisible.

Mr. Ginther a neighbor who owns the farm joining Knootz property is for the annexation. Mr. Ginther is concerned about storm water issues that he did not see on the existing plans. There are 130 parking places and all the water will drain off and go down a hill which drops off 100ft across Mr. Ginther's land into his springs. Mr. Burns that spoke earlier talked about storm water concerns and that answered the question Mr. Ginther was concerned about.

Public Hearing 6:25pm anyone speaking against: no one spoke

Public Hearing closed. Discussion by the Board.

Commissioner, Taylor concerned with making an important decision for the Town because the Board is more of a legislation body that he sits on and the Board is trying to determine what the polices are moving forward. Annexation is a big issue specifically with multi-family housing and the Board has discussed this for many years, had several different opinions and shared lots of concerns about resources, Town's resources, and schools. Each time Commissioner, Taylor spoke about this annexation his questions were cost benefits, what is the Town getting, what are the Town's benefits going to be and what are the Town's cost going to be? Commissioner, Taylor appreciated Ms. Knootz, Mr. Jones and Mr. Burns specifically coming and addressing those questions. Commissioner, Taylor's biggest concern was utilities. Utility lines do not reach out to the property and the Board knew they would have to be extended. The Board was concerned with the cost and what the capacity of the sewer lines were. Commissioner, Taylor spoke with Town Manager, Marcus Abernethy several times during the week and Commissioner, Taylor knew there was not much capacity with the sewer lines without building a pump station with thoughts of upfitting it to a bigger degree to attempt encouragement in other developments in the area. After hearing the voices from tonight Ms. Knootz is willing to pay for the lines and pump station at no cost to the Town. The Town would incur cost if they upfitted the pump and the Board understands that. Commissioner, Taylor was looking for data that might discourage the Town and propose a negative impact on the Town's resources and how it might affect homeowners close by. The Board appreciates Mr. Ginther sharing his comments. Commissioner, Taylor will base his vote on the information that was discussed tonight. If the Town continues to bring in work force industries into the Town and County the Board needs to be willing to bring in the housing.

Commissioner, Vaughn-Jones said the packet that Marcus put together was informative and well put together and she wished the folks in the audience could have looked over it. Commissioner, Vaughn-Jones works in the school system every day and one of the data points that was discussed; during that particular time frame was due to redistricting and that is why the data dropped. Mocksville was exploding, and they still have three mobile units that have operating classrooms and Commissioner, Vaughn-Jones is in one of them. South Davie is the feeder school and they have two mobile units that are being used for classrooms. Commissioner, Vaughn-Jones is very concerned about the school system. Cost effectiveness to the Town is also a very important factor and something Commissioner, Vaughn-Jones will think about before she moves forward to vote.

Commissioner, Williams says his comments will reflect Commissioner, Taylor's. To reflect on the article Mr. Abernethy wrote; the Town has done a tremendous job in recruiting industries and it is a fact the Town has a shortage of housing for these workers. If the Town continues trying to grow the tax base, looks at funding a full-time Fire Department and adding Police Officers or Town staff then growing a tax base is an absolute necessity. One way of growing the tax base is annexation. This property that sits on the edge of the Town limits as it is would only provide a greater tax base to the Town. The school concerns are ligament but unless we just don't grow; the Town is going to see an increase in population in our school system. If the Town does not grow it is going to die. The Town must plan and anticipate growth and encourage it. The great decline seen in Mocksville 30-45 years of age are not coming back to live here and there is a reason for that. The Town needs to try and do things to bring those citizens back because they are the life line of this community. Commissioner, Williams says hearing from the joining property owners and the developer helps the decision process. Commissioner, Williams is not sure if the town has ever turned down a voluntary annexation and the way the law is now; voluntary annexation is the only annexation we have now, because there is no involuntary annexation anymore. If the Town denies this and Ms. Knootz goes on with the project, the Town loses the tax base. If the Town realizes they made a mistake and calls Ms. Knootz, she will say no because she does not have to come in and we cannot make her. Commissioner, Williams says the time is right and this project is appropriate. The Town has set forth rules and these folks have complied with them. This project is a no brainer. The Town should go forward with the project.

Commissioner, Southern echoed Amy's comments and is concerned with the strain on the school systems, the fire and police protection. Ms. Knootz had a nice presentation and well presented.

*A motion was made by Commissioner, Brian Williams to extend the Town of Mocksville Corporate limits; 184 Koontz Road annexation petition. The motion was seconded by Commissioner, Rob Taylor and voting against was Commissioner, Amy Vaughn-Jones, Commissioner, Brent Ward and Commissioner, Eric Southern 3-2.*

### **Comprehensive Land Use Plan Update Proposal Consideration**

Paul Kron from Foothills Planning and Design, PLLC was present to answer any questions the Board might have if they voted to use Foothills for the peroration of the comprehensive land use plan. The design will be a 13-month process anticipating completion by May 2019.

*A motion was made by Commissioner, Brent Ward to approve using Foothills Planning and Design, PLLC to prepare the comprehensive land use plan for the Town \$49,500. The motion was seconded by Commissioner, Amy Vaughan-Jones and approved by a unanimous vote. 5-0*

### **Budget Amendment; Demolition of 981 N. Main Street**

The contractor Terry Lynn agrees to provide all materials, tools, machinery, labor and supervision necessary for the demolition of 981 N. Main Street in the amount of \$18,500. Demolition and removal of entire structure and foundation. Lot to be leveled. Asbestos survey completed \$365.00 and to remove and dispose of asbestos containing materials per the survey dated March 2, 2018 \$1,837.00.

*A motion was made by Commissioner, Brian Williams to approve the budget amendment of \$21,000 for the demolition of 981 N. Main Street. The motion was seconded by Commissioner, Rob Taylor and approved by a unanimous vote. 5-0*

### **Interlocal Agreement with Town of Cooleemee Regarding Merger and Operation of an ABC Board**

Two representatives from the Town of Cooleemee, Lorrie Lee from the ABC Commission in Raleigh, and Chris Howell from the Cooleemee ABE store was present. Mocksville's Town Attorney drafted an Interlocal Agreement to engage in an agreement with the Town of Cooleemee to form a merged ABC Board created between the two Towns. The agreement is based on the terms discussed at the last meeting between the two Towns.

Town of Cooleemee is voting on this Interlocal Agreement Monday, April 16, 2018.

Lorrie Lee addressed the Board to answer some questions pertaining to ABC Boards.

- If both sides do not agree there is no merger.
- If Mocksville chooses to go on its own than the next step is to form an ABC Board, pick location, land and build. Six months to a year to complete and long hours getting everything set up.
- Borrowing money is the hard part, because as a new Board does not have any assets or collateral.
- Challenging and time-consuming starting from scratch.
- Need a business plan.
- The Town cannot loan the ABC Board funds.
- Banks are strict in loaning funds because there is no one to hold responsible if the loan is defaulted on.
- Management is hard to find with experience.
- In a merger you can share inventory, assets and expertise.

*A motion was made by Commissioner, Brent Ward to approve the Interlocal Agreement with the Town of Cooleemee Regarding Merger and Operation of an ABC Board valid until May 1, 2018. The motion was seconded by Commissioner, Brian Williams and approved by a unanimous vote. 5-0*

### **ABC Board Member Appointments**

*A motion was made by Commissioner, Rob Taylor to table this discussion until the May 1, 2018 Regular Board Meeting. The motion was seconded by Commissioner, Amy Vaughn-Jones and approved by a unanimous vote. 5-0*

### **Update to Mocksville Code of Ordinances; ART. 4. Addressing and Road Naming ART. 5. Declaration of Public Health Nuisances; Grass**

Town Manager, Marcus Abernethy would like to table ART. 4. Addressing and Road Naming until May 1, 2018 meeting due to formatting reasons.

ART. 5. Declaration of Public Health Nuisances; The Board wishes to amend the Code of Ordinances regarding overgrown lots and unsightly vegetation and weeds to provide for the health, safety and welfare of the Town and its citizens.

*A motion was made by Commissioner, Brent Ward to approve amending ART. 5. Code of Ordinances that the overall height of grass be 10" instead of 14". The motion was seconded by Commissioner, Amy Vaughn-Jones and approved by a unanimous vote. 5-0*

### **Park Sponsorship Program (Draft Policy)**

Marcus has been working with the Town staff and the Planning Board to develop a park sponsorship program to allow residents, businesses or community organizations to sponsor. This would allow someone to sponsor trees, benches, or tree planters by contributing to half of the cost associated with purchasing the item. Initially it was envisioned to focus on the areas of Main Street Park, but in discussion with staff and the Planning Board, sidewalk benches and Rich Park could also be considered. The trees in Court Square quadrants are not allowed to be sponsored. The amounts should be set into the fee schedule and adjusted annually if necessary.

*A motion was made by Commissioner, Rob Taylor to approve the park facility sponsorship policy but only allowing one sponsorship per item. The motion was seconded by Commissioner, Eric Southern and approved by a unanimous vote. 5-0*

### **Resolution Municipal Clerks Week in May**

Municipal Clerks Week is to extend appreciation to the Town of Mocksville's Town Clerk, Lynn Trivette and to all Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.

*A motion was made by Commissioner, Brian Williams to proclaim May 6 through May 12 as Municipal Clerks Week. The motion was seconded by Commissioner, Rob Taylor and approved by a unanimous vote. 5-0*

### **Mayoral Proclamation Mocksville Arbor Day April 20, 2018; Mayoral Proclamation Child Abuse Prevention Month of April**

In 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees. Arbor Day is now observed throughout the nation and the world.

The Mayor, Will Marklin will read Mocksville Arbor Day Proclamation on April 20, 2018 at North Main Street Park at 11:00am.

Call upon all citizens, community agencies, faith groups, medical facilities, elected leaders and businesses to increase their participating in our efforts to support families, thereby preventing child abuse and strengthening the communities in which we live.

The Mayor, Will Marklin read the proclamation declaring the month of April as "Child Abuse Prevention Month". Director, Brandi Reagan from the Dragonfly House was present; she appreciates the Town supporting this organization.

Manager's Report

Marcus Abernethy

Parks and Ground Department did a great job on the I-40 and N. Main Street Park landscaping. Marcus appreciates Assistant Fire Chief, Ray Moore attending the meeting tonight and the Town congratulates the Fire Department's awesome news about the ISO rating. Prayers are sent to Fire Chief, Frank Carter and his family after the passing of his father this week. Town Manager, Marcus Abernethy is very thankful for the Police Department and appreciates Brian Moore attending the meeting and taking the leading role at Public Works.

### **Commissioner Comment Period**

**Will Marklin** – asked Chuck when the 601 utilities were going in because he noticed some buildings down. Chuck replied, they should start very shortly, DOT is behind.

**Brent S. Ward** –wants to thank the Police Chief and welcomes our new furry Police Officer, Wrago. Brent feels Wrago will be a great asset to the Town and he appreciates Chief Penley getting a grant to cover this cost for the Town. Brent thanks Parks and Grounds for the great job they do at the parks and Town Hall. Thank you to Brian Moore for leading our Public Works department because you are a huge asset to the Town. Fire Department does a great job and they do a great service to the Town. Thanks goes out to Marcus and the staff for a wonderful job you do for the Town. Brent welcomed the Mayor of Cooleemee to the Board meeting.

**Brian Williams** – "ditto" everyone else but Brian wants to thank Engineer, Chuck Willis who was standing in the middle of Church Street when he passed by. Congratulations, Lynn (Clerk week) well deserved and thanks to Al the Town Attorney for all you do.

**Amy Vaughan-Jones** – Very appreciative of the Dragonfly House in the community. The work they do to help amend trauma to those that are abused is incredible and the Town is very fortunate. The Dragonfly House presented a presentation on Spectrum News the week of spring break and the Superintendent of the school system who is a big supporter of this organization was on the news also. Amy congratulated Fire Department on the ISO rating and stated it also helps the community's insurance costs. Amy appreciates all the hard work that is going on at Rich Park and the I-40 location. Mocksville TDA meets next week, and Amy gave a shout out to Tami because she does a lot of work behind the scenes including Mocksville Downtown. Amy wants to thank the Police Department especially seeing them in action near her home in Garden Valley. It showed how small home town neighborhoods can come together, and the Police were extremely helpful. Thank you, Marcus for the extraordinary packet you put together concerning the Knootz Road annexation. What is going on with the Church Street project? Several phone calls wanting to know the plan and when it was going to take place. Chuck replied; might have to contract this out. Town Manager, Marcus Abernethy sent a letter to the homeowners two weeks ago to let them know the Town is still working on it and please be patient. This project was planned for the Spring and not the winter. Hopefully will be completed by the end of the physical year. Communication is so needed for these issues. A tentative start date or survey date known would be great in giving them clarity.

**Eric Southern** – Thank you Marcus and Lynn for all the budget information you gave the Board especially to a new comer like me. Eric thanks all Town departments for all their hard work and a shout out to Tami for all you do because he is hearing good feedback from the park sponsorship the Town is putting together. Eric thanked Chuck for the water plant tour very informative.

**Rob Taylor** – Share the Love Dinner/April 20<sup>th</sup> sold out but call to get on the waiting list. Kids Festival Friday, April 13<sup>th</sup> - 11am at the Masonic Picnic Fairgrounds. Arts Smart Festival at Davie High Saturday, April 14<sup>th</sup> 10am -5pm. Rob is new on the Senior Services Board and May is requested to be Old Americans month. Rob encourages everyone to come out and volunteer especially elected officials if you can. Homebound meals are just one amazing service they do for the Seniors in the County. Rob extends an invitation if you can to take part in this wonderful service in our community.

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, Brian Williams to enter 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, Brian Williams to re-enter into open session. The motion was seconded by Commissioner, Rob Taylor and approved by a unanimous vote. 5-0*

### **Adjourn**

*A motion was made by Commissioner, Amy Vaughn-Jones to adjourn the April 11, 2018 Regular Board Meeting. The motion was seconded by Commissioner, Eric Southern 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