

**Town of Mocksville  
Regular Board Meeting  
June 2, 2020**

The Town of Mocksville Board of Commissioners met for the Regular Board Meeting on Tuesday, June 2, 2020 at 6:00 p.m. The meeting was held at the Energy United Building located at 182 South Salisbury Street Mocksville, NC.

<b>Present:</b>	Mayor, Will Marklin	<b>Absent:</b>
<b>Commissioners Present:</b>	Amy Vaughan-Jones	
	Rob Taylor	
	Justin Draughn	
	Brian Williams	
	Eric Southern	

**Others Present:**

Matt Settlemyer, Town Manager  
Lynn Trivette, Town Clerk  
Pat Reagan, Police Chief  
Al Benschhoff, Town Attorney

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

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

Mayor Marklin led the Pledge of Allegiance.

**Adoption of Agenda**

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

No one spoke

## **Communications from Boards, Commissions and Agencies**

### **Consent Agenda**

*A motion was made by Commissioner Taylor to adopt the consent agenda as presented. The motion was seconded by Commissioner Williams which carried by a unanimous vote of 5-0. Items approved were: (A) May 5, 2020 Regular Board Meeting Minutes (B) Monthly Financials (C) Tax Releases.*

### **Consider Amendment to Mocksville Code of Ordinances Article 6: Water and Sewer Utility Extensions**

This amendment means that any user not just any customer outside the Town limits must petition to be inside users and has to be in the town limits for water and sewer service.

*A motion was made by Commissioner Williams to adopt the amendment to Mocksville Code of Ordinances Article 6: Water and Sewer Utility Extensions. The motion was seconded by Commissioner Southern which carried by a unanimous vote 5-0.*

### **Consider Approval of Fire Services Agreement with Davie County**

Davie County has the taxing power to pay the Volunteer Fire Department and they are requiring more from the Fire Department like an annual audit. Last year the Volunteer Fire Departments hired a consultant and a lawyer to draft an agreement between the Volunteer Fire Departments and Davie County. This would allow Davie County to control how the funds are distributed from Davie County to the Volunteer Fire Departments. The Volunteer Fire Departments are accountable for those funds. The current agreement did not fit Mocksville's situation at all because Mocksville is an exception. Mocksville gets funds to provide fire services in the Mocksville District, which is a volunteer fire district, but Mocksville is not a Volunteer Fire Department Corporation. Therefore, Davie County's Management and Fire Chief along with Mocksville's Management and Fire Chief went over the agreement that did not fit Mocksville's situation and amended it. The agreement that says that Mocksville will provide fire services in the Mocksville rural fire district and Davie County will send the tax to the Town as it always has with the agreement expiring in 2023. Davie County would like this by the end of the month so everything is in place for July 1.

*A motion was made by Commissioner Taylor to adopt the agreement for fire services with Davie County. The motion was seconded by Commissioner Williams which carried by a unanimous vote 5-0.*

### **Public Hearing for Recommended FY 2020-2021 Annual Budget Message and Ordinance**

Town Manager discussed some highlights in the budget message for FY 2020-2021.

The good news is as of May 1 the Town is \$781,000 to the good in general fund and \$183,000 in the enterprise fund.

This time last year, the Town was \$(739,000) in the rears in general fund. Due to the hard work of the Board and Department Heads, \$1.5 million has been made up in the budget during this current year. In the enterprise fund, the Town was \$(135,000) in the rears at this time last year.

We appropriated \$500,000 in fund balance and have not used any of it thus far this year. This would be the first time since 2015 that fund balance has not been used.

The appropriated fund balance for FY 2020-2021 is \$250,000.

Ad Valorem tax rate is proposed at 29 cents (\$0.29/\$100) and projected to generate \$2,623,404 for FY 2020-21. No increase.

The consensus of the Board was acceptable to decrease the motor vehicle tax to \$15, which would generate \$50,000.

The COVID-19 will have an impact on revenues for the future budget but how much is unknown. The plan for capital project purchases is to wait until the fall of 2020 and revisit the revenues. Purchases will require management approval.

The FY 2020-21 Budget for the Water and Sewer Fund is proposed to be \$6,910,173 and includes a 7% rate increase. For a resident of the Town using 3,000 gallons of water bi-monthly, this would equate to a monthly increase of \$4.42. The reason the Enterprise Fund is showing a substantial increase is due to a grant that is over \$2,000,000 and this amount shows on the revenue side and expense side.

The consensus of the Board was acceptable to the 7% increase.

There is a 2% COLA in the budget instead of 2.5% that will be given in January 2021.

Commissioner Vaughan-Jones is not in favor of any COLA. She knows the employees work hard and deserve an increase but this year due to the impact of COVID-19 and the unknown revenues it would be best to eliminate any COLA.

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

*A motion was made by Commissioner Taylor to approve the FY 2020-2021 annual budget message and ordinance, motor vehicle tax ordinance, and fee schedule. The motion was seconded by Commissioner Williams and Commissioner Vaughan-Jones voting against. 4-1.*

### **Public Hearing for a Zoning Text Amendment 2020-01**

Andrew Meadwell addressed the Board.

The purpose of this text amendment is to amend the conditions for the use of Clubs, Private and to add the use, definition and conditions for Micro-brewery, Micro-winery, Micro-distillery.

Clubs, Private is presently allowed with conditions in the TC Town Center, TND Traditional Neighborhood Development and HC Highway Commercial zoning districts.

Micro-brewery, Micro-winery, Micro-distillery would be allowed with conditions in the TC Town Center, TND Traditional Neighborhood Development and HC Highway Commercial zoning districts.

(C) Outdoor seating areas shall not be permitted within 250 feet of a residential use or a residentially zoned lot.

(D)

(E)

8-3.8.78 Micro-brewery, Micro-winery, Micro-distillery

(A) No outdoor amplified sound will be permitted after 11:00PM.

(B) No loading or distribution activities shall take place outside of the enclosed building between the hours of 9:00PM and 6:00AM when the establishment is located within 500 feet of any residential or institutional use.

(C) Food trucks and vendors may be located on-site. No vendor vehicles may be parked in a front yard outside of operating hours.

(D) Production shall not exceed the thresholds set forth in 8-3.10.3 Definitions, otherwise such facilities shall be classified as beverage manufacturing under “Manufacturing B” and permitted accordingly.

(E) Agriculture accessory permitted micro-breweries or distilleries shall not exceed 10 acres in size.

#### 8-3.10.3 Definitions

MICRO-BREWERY/MICRO-DISTILLERY/MICRO-WINERY. A facility in which beer, wine, or other alcoholic beverages are brewed, fermented, or distilled for distribution and consumption, and which possesses the appropriate license from the State of North Carolina Alcoholic Beverage Control Commission, meeting all of the standards of N.C.G.S. 18B, and associated tasting rooms, brewpubs, restaurants, and food trucks for the consumption of on-site produced beer, wine, or distilled products are permitted on the premises. Micro-breweries shall not exceed production of 25,000 barrels as defined by N.C.G.S. 81A-9. A micro-distillery produces less than 50,000 proof gallons of spirits per year according to the American Distilling Institute. Micro-wineries primarily source fruit from local farms but do not farm fruit on site and do not exceed the equivalent of 50,000 gallons. Any beverage production facility that exceeds the production thresholds established in this definition shall be classified as Beverage Manufacturing under the definition of “Manufacturing B”.

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

*A motion was made by Commissioner Williams to approve the text amendment to the zoning ordinance in 8-3.3.5 table of uses; 8-3.8.22. Additional conditions: Clubs, Private; 8-3.8.78 additional conditions: Micro-brewery, Micro-winery, Micro-distillery; and 8-3.10.3 definitions. The motion was seconded by Commissioner Taylor which carried by a unanimous vote of 5-0.*

When you make a change to a text amendment to the land use code or re-zoning the General Statute requires the adoption of a statement of consistency, which states why the Board thinks the decision is in the public’s best interest.

*A motion was made by Commissioner Southern to approve the statement of consistency that affects the amendments to the zoning ordinance as written. The motion was seconded by Commissioner Draughn which carried by a unanimous vote of 5-0.*

## **Public Hearing to Receive Citizen Input Regarding the Use of Community Development Block Grant (CDBG) Funds from the NC Department of Commerce and U.S. Department of Housing and Urban Development**

Michael Walser addressed the Town Board discussing the purpose of the public hearing. The purpose is to receive citizen input regarding the use of Community Development Block Grant funds from the North Carolina Department of Commerce and the U.S. Department of Housing and Urban Development. CDBG funds may be used for infrastructure improvements, demolition or building reuse projects, which promote Economic Development.

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

*A motion was made by Commissioner Williams to approve the citizen input regarding the use of Community Development Block Grant Funds from the NC Department of Commerce. The motion was seconded by Commissioner Southern which carried by a unanimous vote of 5-0.*

### **Communication from Town Staff**

Town Attorney: The LGC met today and the installment purchase contract for Energy United Grant/Windsor project was approved so the closing will be soon. Good to be here tonight.

Town Manager: Jane Simpson will be having a Reach Out zoom meeting and would like a couple of Board Members to attend. You will be asked a few questions about the Town and your feedback would be much appreciated.

### **Communication from Mayor and Town Board**

Commissioner Vaughan-Jones: Appreciate the budget during this difficult time and I hope the economy will rebound along with the people because all is struggling from the COVID-19.

Commissioner Southern: Thanks to Matt, Lynn and the staff for the hard work on the budget this year.

Commissioner Taylor: Great job on the budget even though it was a rough year for tough decisions. Remember your non-profit agencies who rely on donations for fund raising and give if you can.

Mayor Marklin: Appreciate this budget year's process. There was a protest on the square at 5pm and it went well. There is a meeting Thursday at 2pm with the Government leaders and the African American community. We are making sure we are all in this together and on the same page and everything moves in a positive way. We want to promote racial unity in the County and the Town. Support the community in re-opening businesses.

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

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

*A motion was made by Commissioner Williams to bid \$132,008.57 on the property located at 715 Yadkinville Road that will be sold on June 9, 2020; Town of Mocksville v. C. Wayne McDonald Contractor, Inc. The motion was seconded by Commissioner Taylor and approved by a unanimous vote 5-0.*

**Adjourn**

*A motion was made by Commissioner Williams to adjourn the June 2, 2020 Regular Board Meeting. The motion was seconded by Commissioner Taylor which carried by a unanimous vote 5-0.*

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William J. Marklin, Mayor

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Lynn Trivette, Town Clerk, NCCMC