

**Town of Mocksville  
Regular Board Meeting  
August 3, 2021**

The Town of Mocksville Board of Commissioners met for the Regular Board Meeting on Tuesday, August 3, 2021 at 6:00 p.m. in the Mocksville Town Hall building located at 171 S. Clement Street.

**Present:** Mayor, Will Marklin  
**Commissioners Present:** Rob Taylor  
Brian Williams  
Eric Southern  
Amy Vaughan-Jones

**Absent:** Justin Draughn

**Others Present:**

Lynn Trivette, Town Clerk  
Al Benschhoff, Town Attorney  
Brian Moore, Public Services Director  
Frank Carter, Fire Chief  
Rustin Harpe, Parks and Grounds Director  
Tami Langdon, 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.

**Adoption of Agenda**

*A motion was made by Commissioner Taylor to adopt the agenda as written but move the public hearing from number 8 to 2A. The motion was seconded by Commissioner Williams which carried by a unanimous vote 4-0.*

**Public Hearing for a Zoning Map Amendment**

Public Hearing for a zoning map amendment 2021-05. The Board has reviewed a request by Wayne Farms LLC to rezone approximately 1.009 acres of land from Town Center (TC) to Special Purpose (SP). The subject property is located at the intersection of E Depot Street and Williams Street and is further described as parcel of the Davie County Tax Map I 5160D0002.

Andrew Meadwell addressed the Board to present the proposed zoning map amendment. Wayne Farms LLC has requested to rezone approximately 1.009 acres of land from Town Center (TC) to Special Purpose (SP). This comes to the Board as a general use rezoning. The Board may not consider any specific use of the property but all possible uses in the Special Purpose district. The Planning Board heard the request at their June 10 meeting and voted for approval (3-1).

Not in favor of:

Sharon Anderson addressed the Board. I am here as a representative of the Davie County Branch of the NAACP and the 150 individuals who have signed the petition in opposition of the rezoning request by Wayne Farms LLC due to the adverse impact to the residents and business owners that sit in close proximity to the expansion site. NAACP is requesting past studies on the property and a delay in voting to meet with Wayne Farms to answer questions and address resident concerns.

Thomasine Gaither addressed the Board. This is personal to me, Gaither's Grocery Store, where I worked, was at the end of the street. I understand the possibility of an investment, but not at the lives of others. Pollution from this prospect will affect us and this could be a civil rights issue. I am interested to know the type of areas that Wayne Farms has selected for its other locations.

Edward Denny addressed the Board. The people here have paid taxes all their lives. When I look at this property I see residential and Wayne Farms as a nonconforming use. I think this area should be reserved for residential. Homes are our investments.

Alice Brown addressed the Board. The 2019 Comprehensive Plan is not consistent with the rezoning request. The people did receive notice, but evidently went over our heads. I became concerned after reading what Special Purpose means. There needs to be more research. My desire is for the Board to defer and sit down with residents to address concerns.

Ellanore Brown addressed the Board. When my family and I lived by the mill, we would have to dust our house multiple times a day. We did not complain to keep peace. If the new business is going to create a fourth of what the old business did, then the people in the area will have health problems.

In favor of:

Jody Cooley with Wayne Farms addressed the Board. Thank you for coming tonight and for the input. This is consistent with the land use plan; the Planning Board did approve it. Most of the property is already zoned properly, what we are talking about is the front northwest corner, the one acre that sits on the front of that and has no structures on it. Wayne Farms does intend to redevelop that property into a 21<sup>st</sup> century feed mill. We pledge to be a good corporate citizen. Most comments were legitimate and there will be a place for those conversations. Wayne Farms is required by law to apply for an air permit. Citizens in the area will be solicited for input. If approved, this process will begin immediately. Wayne Farms owns 18 poultry complexes and will hire 18 full time employees at the feed mill. This feed mill will purchase 4 million bushels of local corn per year and plans on investing 14 million in the property within the next 12 months, and pay \$150,000 in taxes.

The Public Hearing was closed at 6:36pm.

*A motion was made by Commissioner Williams to defer the Public Hearing so Wayne Farms and the citizens could have a meeting about all concerns relating to this zoning map amendment 2021-05. If the meeting takes place then the public hearing will be on the agenda for the September Board meeting. The motion was seconded by Commissioner Taylor which carried by a unanimous vote 4-0.*

## **Citizen Comments**

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

No one spoke.

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

### **Mocksville Fire Department Responsibility for Interstate 40 Calls for Service**

Chief Carter addressed the Board. The Mocksville Fire District encompasses Interstate 40 to the east and west of the mm170 interchange. Mocksville Fire Department currently responds to the areas around Interstate 40 but does not respond to incidents in the area of the Interstate as primary. We are proposing that Mocksville Fire Department respond to incidents in the area as the primary agency on the section of I-40 from the 169 –mile marker to Dutchmen Creek (173mm), including east and west bound lanes. MFD can provide a more consistent and faster response to the area. MFD is certified as a medium rescue provider, hoping to have heavy rescue soon. No additional equipment needed and we have adequate staffing, along with the other departments backing us up. We do have some coverage gaps, but hope to fill these soon. It is hard to get volunteers. The interstate is an inherent danger, but adequate safety measure will be in place.

*A motion was made by Commissioner Southern to approve the Mocksville Fire Department responding to incidents in this area as the primary agency on the section of I-40 from the 169-mile marker to Dutchman's Creek (173mm). The motion was seconded by Commissioner Taylor which carried by a unanimous vote of 4-0.*

### **Cemetery**

Rustin Harpe, Parks and Grounds Director addressed the Board to bring awareness to an ongoing issue at Rose Cemetery. The rules state only one vase attached per stone, and flowers must be in this vase. This rule is not being complied with creating eyesores in some areas and making it difficult to maintain the cemetery by creating hazards when employees are mowing. Our department removes the flowers and then they are held for a certain amount of time then disposed of which make some people upset.

### **Surplus Property Report 2017-2021**

Ken Gamble, Town Manager addressed the Board to present the Surplus Property Report 2017-2021, which includes all surplus items under the Town Manager's authority and to the Sheriff's Department. Semi-annual reports will be given to keep the Board updated.

## **Consent Agenda**

*A motion was made by Commissioner Williams to adopt the consent agenda as presented. The motion was seconded by Commissioner Taylor which carried by a unanimous vote of 4-0. Items approved were: (A) July 6, 2021 Regular Board Meeting (B) July 6, 2021 Closed Session (C) Monthly Financials and (D) Tax Releases.*

### **Consider Resolution for Street Closure Location North Main Street from Gaither Street to Martin Luther King Road During Halloween Evening**

Chuck Taylor addressed the Board. I am bringing to you tonight the opportunity to organize the Halloween evening event better and completed by the residents. Safety issues addressed by closing the streets from 5pm to 9pm, allowing maximum participation. Residents will be notified of the road closures. Businesses will consume the cost of hiring a Sheriff's Deputy. DOT has signed off on this street closure.

*A motion was made by Commissioner Williams to adopt resolution for street closure location North Main Street from Gaither Street to Martin Luther King Road during Halloween evening. The motion was seconded by Commissioner Vaughan-Jones which carried by a unanimous vote 4-0.*

### **Consider Resolution of Support for NCDOT Connector Road in Davie Industrial Center Off Gildan Drive**

This resolution is to show support from the Board. There is no cost to the Town.

*A motion was made by Commissioner Vaughan-Jones to adopt the resolution to support NCDOT and the plans to facilitate development of the connector road, which will connect to Gildan Drive. The motion was seconded by Commissioner Southern which carried by a unanimous vote of 4-0.*

### **Consider Horn Street Public Parking Improvements**

Ken Gamble, Town Manager addressed the Board to discuss the need for improvements and increase parking downtown. Employees, residents, customers and visitors utilize downtown parking. A parking survey was conducted with results showing availability of downtown parking a major concern at 83%, employee usage of private property parking at 85%, and the hardest days and times to find a parking space are during special events, when court in session during the day and Wednesday through Saturday during the day and evening. Low cost ways to improve public parking include signage and marked spaces on East Depot Street. Horn Street improvements include three spaces added to public inventory, improve appearance of Horn Street lot, improve traffic flow and address safety by creating ingress and egress, separate alley from parking area and make more pedestrian friendly. Recommendations include moving forward with project, with improvement only for Town property; approve a budget of \$35,000 for tree removal, concrete, asphalt and concrete removal and design.

**Note:** Ken Gamble, Town Manager, disclosed he will be a resident in this area, but has consulted with the Town Attorney and there is not a conflict of interest for him to make these recommendations.

*A motion was made by Commissioner Williams to move forward with Horn Street public parking improvements in the amount of \$35,000. The motion was seconded by Commissioner Southern which carried by a vote of 3-1 with Commissioner Vaughan-Jones voting against.*

### **Consider Resolution for Donations of Personal Property to Other Governmental Units**

*A motion was made by Commissioner Southern to adopt the surplus resolution to dispose of all law enforcement related equipment as part of the agreement with Davie County Sheriff's Office Exhibit B. The motion was seconded by Commissioner Taylor which carried by a unanimous vote of 4-0.*

### **Consider Resolution Authorizing the Sale of "Old Town Treatment Plant Property" 1 Lot off Hwy 158 through the Upset Bid Procedure**

Ken Gamble, Town Manager addressed the Board. There is value found in the utility easements and access to the utilities on the property and will be part of the consideration. Tax value is \$18,500 and the offer is \$3,000.

*A motion was made by Commissioner Williams to adopt the resolution to approve the sale of real property 1 lot off Hwy 158 parcel identification number I500000005 attached to PIN#5748056457, deed book/page 000260333 with the Davie County Register of Deeds for \$3,000; and to authorize the Town Manager to offer a contract to sell and close on or before October 31, 2021 provided the purchaser pays the closing costs, excepting the allocation of the property taxes. The motion was seconded by Commissioner Taylor which carried by a unanimous vote of 4-0.*

### **Consider Mocksville and Davie County FY 21-22 Interlocal Agreement**

*A motion was made by Commissioner Williams to adopt the interlocal agreement between Mocksville and Davie County for FY 21-22 for services that include; tax collections, planning and zoning, animal control, solid waste, computer services, sewer billing and collections, building inspections, communications and library. The motion was seconded by Commissioner Taylor which carried by a unanimous vote of 4-0.*

### **Consider Resolution Approving the North Carolina Deferred Compensation Plan 457(b)**

Ken Gamble, Town Manager addressed the Board. This is another tool for employees to prepare for retirement. There is no extra cost to the Town to offer this benefit.

*A motion was made by Commissioner Southern to adopt the resolution approving the NC deferred compensation plan 457(b). The motion was seconded by Commissioner Williams which carried by a unanimous vote of 4-0.*

### **Consider Amending FY 21-22 Fee Schedule**

Ken Gamble, Town Manager addressed the Board to present the updated fee schedule and establish Board approval for changes and additions.

*A motion was made by Commissioner Taylor to approve the amendments to the FY 21-22 fee schedule adding additional nuisance fees, permits/license fees and removing fees that no longer exist. The motion was seconded by Commissioner Southern which carried by a unanimous vote of 4-0.*

### **Consider Special Revenue Grant Project Ordinance for the American Rescue Plan Act Funds**

*A motion was made by Commissioner Williams to approve the special revenue grant project ordinance for the American Rescue Plan Act Funds that expires on December 31, 2026 or when all the Coronavirus*

*State and Local Fiscal Recovery Funds (CSLFRF) have been obligated and expended by the Town, whichever occurs first. The motion was seconded by Commissioner Taylor which carried by a unanimous vote of 4-0.*

### **Communication from Town Staff**

Town Attorney Al Benshoff: none

Town Manager Ken Gamble: Covid 19 - The Town is implementing mirrors that of Davie County. A discussion about mandatory vaccination may need to take place. Fully vaccinated employees receive 8 hours of vacation time in addition to their name entered into periodic prize drawings. Fire Chiefs consulted together and agreed on how to disperse the \$71,000 of funds received this year. The Davie County Sheriff's Department is doing a great job. Shutters are on order for Town Hall.

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

Commissioner Taylor: Calls I have received regarding the Davie County Sheriff's Department have been positive and merchants are happy with the foot patrol.

Commissioner Williams: Thank you to everyone. Ken you are leading the front and much appreciated. Wise decision on the Davie County Sheriff's Department.

Commissioner Southern: Positive comments heard regarding the Davie County Sheriff's Department. Thank you to all our departments, Lynn and Ken.

Commissioner Vaughn-Jones: Thank you Ken for updates to the Board. Good to have citizens here at the meeting tonight. People are pleased with the Davie County Sheriff's Department. There are questions on what the Town will do with the Police Station. Thank you to all our departments.

Mayor Marklin: Thank you to everyone for coming out tonight.

### **Adjourn**

*A motion was made by Commissioner Williams to adjourn the August 3, 2021 Regular Board Meeting. The motion was seconded by Commissioner Taylor which carried by a unanimous vote 4-0.*

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

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William J. Marklin, Mayor

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Lynn Trivette, Town Clerk NCCMC

August 3, 2021