

**Town of Mocksville
Regular Board Meeting
October 5, 2021**

The Town of Mocksville Board of Commissioners met for the Regular Board Meeting on Tuesday, October 5, 2021 at 6:00 p.m. in the Mocksville Town Hall building located at 171 S. Clement Street.

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

Others Present:

Ken Gamble, Town Manager
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 Williams to adopt the agenda as written. The motion was seconded by Commissioner Taylor which carried by a unanimous vote 4-0.

A motion was made by Commissioner Williams to take the public hearing for zoning map amendment 2021-05 off the table. The motion was seconded by Commissioner Taylor 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.

Mayor opened the public hearing.

Not in favor of:

Eleanor Brown addressed the Board. JP Green and Shoaf's Concrete worked together and were good neighbors to the people that lived in the area. I am concerned with what type of neighbor Wayne Farms will be to the surrounding residents and businesses. They will not be able to control all the environmental problems that they will cause, such as rodents and dust. If a permit obtained for a processing plant, then there will be odors. As a concerned citizen, I do not feel we want this in downtown.

Pastor Fred Terry from Second Presbyterian Church of Mocksville addressed the Board. Wayne Farms and the rezoning issue has raised questions. I do believe that Wayne Farms wants to do the right thing, but there are still some concerns, such as lighting, storm water runoff and noise. We are asking you to delay this decision for another thirty days.

Alice Brown addressed the Board. We appreciate the delay to allow the community to get together. We would like to request another postponement and to pursue a written community benefits agreement with Wayne Farms. I would like our history to be appreciated and taken into account. I have respect for businesses for the tax revenue they bring to the community.

Edward Denny addressed the Board. This will increase the trucks on the road. I would like to see Wayne Farms somewhere else.

Sharon Anderson on behalf of the NAACP Political Action Committee addressed the Board. We did receive information from Wayne Farms. After the meeting, we decided it would be good if we had the opportunity to digest the shared information and allow us the opportunity to develop a written community benefits agreement with Wayne Farms. In this scenario, it seems the winners are the Town of Mocksville, farmers and Wayne Farms and the losing party is the East Depot Community. We are asking for a delayed vote to meet with Wayne Farms to see if there can be some benefit derived from this for the residents.

In favor of:

Robin Mason, President and Co-owner of Crotts Family Farm addressed the Board. We are a multigenerational farm operating here in Davie County. Although much has changed with farm life and Mocksville during the generations, North Carolina still ranks 6th in the nation for agriculture production, with farming still the number one revenue producing industry in Davie County. Farmers are a vital part of our community just like JP Green was a vital part of our community and Wayne Farms will be too. They have a proven track record for being a responsible company who cares about community; they will bring revenue, jobs, and a local place for farmers to receive a fair price. We encourage you to vote in favor of the zoning request.

Jody Cooley with Wayne Farms Legal Department addressed the Board. We had a productive meeting and Sharon Anderson showed professionalism with us and in leading her group. It is evident by our request that the council act positively on the application. We do not agree whole-heartily on the application, but we do thank the group for its

professionalism, hosting us and for giving us the questions in advance. As part of the process, we developed the rendering of the rehabilitated property to show what the property will look like. We will construct a new storage facility on the one acre; this will allow us to create a more efficient drive through the property and to pave to reduce dust.

I do believe this will be a better project because of the community involvement. With respect to the delay, we feel we should go forward with the vote and ask for your support.

The Public Hearing was closed at 6:46pm

A motion was made by Commissioner Vaughan-Jones to delay the rezoning another 30 days. No one made a second motion.

Board Discussion:

Town Attorney Benshoff: The Board may not consider any specific use of the property but all possible uses in the Special Purpose district.

Commissioner Vaughan-Jones: The Special Purpose definition under land use in the packet, states that the Special Purpose district is established to accommodate uses that may constitute health and safety hazards. This wording is concerning. There are lingering questions in the community; postponement for 30 days would be beneficial.

Commissioner Taylor: There is a table of uses for Special Purpose district and the Town must consider all these uses even though Wayne Farms is telling us what they plan to do with the property. The citizens are concerned with traffic, environmental issues and dust. Before building built, there will be environmental studies done. My concern with continually delaying the project is that the science and studies that need to be completed cannot begin until rezoning of the property has been approved.

Brian Williams: Currently we have property with an existing mill that does not look great. We are rezoning a piece of property that will allow screening, management of lighting and paving. The silo is not producing just storing. I do not see the great harm that one thing creates. I do not see how the rendering has an adverse effect on property. There is already economic impact in the area. We are looking at a general use rezoning and what is appropriate for that piece of land. This is tough. I respect my friends and neighbors. If there was delay to happen, what purpose does that delay serve, what is the question answered?

A motion was made by Commissioner Draughn to approve the zoning map amendment 2021-05 to rezone approximately 1.009 acres of land from Town Center (TC) to Special Purpose (SP). The motion was seconded by Commissioner Taylor which carried by a vote 3-1 with Commissioner Vaughan-Jones voting against.

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

First Quarter Report from DCSO – JD Hartman

The calls represented in the chart below are calls in which a Deputy was dispatch inside the city limits of Mocksville. The time is from Officer Dispatch to the time of arrival on scene. To provide an accurate response time, civil paper service, traffic stops and school traffic checks were removed because they have are response time of zero.

| Month | Number of Calls | Response Time under 9 minutes | Response Times over 9 minutes | Percent of calls under 9 minutes |
|-----------|-----------------|-------------------------------|-------------------------------|----------------------------------|
| July | 470 | 409 | 61 | 87.02% |
| August | 443 | 396 | 47 | 89.39% |
| September | 442 | 385 | 57 | 87.10% |
| Total | 1355 | 1190 | 165 | 87.82% |

The Sheriff’s Office measures hour spent within the Mocksville city limits using two methods. See the chart below. Method 1 is measured by GPS track and Method 2 is measured by pinging an Officers instrument. Method 2 will be probably be the method we use going forward because this is an advantage to the Town. There were sixty different Deputies that spent time inside the city limits in the 1st Quarter.

| Month | Method 1 Hours | Method 2 Hours |
|-----------|----------------|----------------|
| July | 6323 | 3515 |
| August | 7337 | 3495 |
| September | 6084 | 3485 |
| Total | 22,338 | 10,498 |

I have given you a visual reference by month so you can see what your coverage looks like. There is a twenty-one page report showing every call or cad activity in the city for the month of September. Mr. Gamble gets this report weekly. The Temporal Analysis represents what hour and day of the week is the busiest and where. Thursday night at midnight was when we had the most calls or took the most crime reports.

Since June 1, we have hired 27 new officers, we still need to hire a few more officers, but I do not have the training capacity to hire those right now. The Police Department building should be cleaned out for anything we would use or need for law enforcement purposes. Your staff has been great to work with through this process.

ABC Audit Report – Turlington and Company –Marcia Henriksen

This year was great with \$3,500,222 in sales for 2021 compared to \$2,887,599 in sales for 2020. Gross profit on sales was \$861,419 and change in net position before distributions was \$256,526. Law enforcement received 5% and alcohol education received 7% for a total of \$18,960 distributed. The Town

of Mocksville and the Town of Cooleemee both received profit distributions of \$49,300 each. The total profit for the year after all distributions was \$138,966. As of June 30, cash and cash equivalents was \$312,040 with a total net position of \$387,123.

Park Extension Grant \$25,000 Town's Match – Ken Gamble

Mr. Barefoot applied for this Park Trail Extension Grant. The grant was awarded under Mr. Settlemeyer right before COVID pandemic hit. The State was getting ready to pull the funds away; our time limit expires this month. After talking with staff and our engineer, we applied for and received a grant extension of one year. This will extend our greenway all the way from the park to Martin Luther King Drive, with the addition of a parking lot on the Martin Luther King side.

New Commissioner Orientation – Ken Gamble

The New Commissioner Orientation will be held after the December 7th meeting. All Board members are welcome to participate. Commissioners begin in the middle of the budget year, so it is important to bring them up to date on the budget. It is important to explain the Council-Manager form of government, the appropriate way to interact with the manager, the department heads and how to address problems.

Mayor recognized the following Proclamation:
Founding Fathers' Faith Awareness

Mayor was excused 7pm and Mayor Pro-Tem Taylor continued the meeting.

Consent Agenda

A motion was made by Commissioner Williams to adopt the consent agenda as presented. The motion was seconded by Commissioner Draughn which carried by a unanimous vote of 4-0. Items approved were: (A) September 7, 2021 Regular Board Meeting (B) September 7, 2021 Closed Session (C) Monthly Financials and (D) Tax Releases.

Consider Rose Cemetery Property Inquiry

The Board agreed to table. No action.

Consider Key to the Town Policy

The Board agreed to table until the November meeting so the Mayor would be present. No action.

Consider Budget Amendments

Budget amendments presented decreased police salaries appropriations \$90,000 and increased special projects, administration building and maintenance appropriations \$90,000. In addition, increased rural fire protection revenue \$71,974 and increased fire department miscellaneous expense \$71,974.

County commissions allocated \$71,974 for the Mocksville Fire Department in the recent evaluation. A portion of the funds, less than \$10,000 will be towards getting the Fire Department on the Town network and maybe replace some machines. Moving into next year, we will look at

staffing and the possibility of allocating funds towards getting full time staff at the Fire Department.

A motion was made by Commissioner Draughn to adopt the budget amendments as presented. The motion was seconded by Commissioner Williams which carried by a unanimous vote 4-0.

Consider Ordinance for Declaring NCDOT Street Closures for Various Special Events Held Throughout the Year

A resolution passed last month for Halloween. Unless the street closure is on Halloween each year, a resolution will need to be adopted annually.

A motion was made by Commissioner Vaughan-Jones to adopt the ordinance for declaring NCDOT street closures for various special events held throughout the year. The motion was seconded by Commissioner Draughn which carried by a unanimous vote of 4-0.

Consider Final Change Order No. 3 Adjustment for WWTP Project

Chuck Willis addressed the Board. The WWTP Project is complete.

The principle financial method was a State revolving loan administered through the Division of Water Infrastructure. The first motion approves the Final Change Order. The contract price prior to the change order was \$3,677,750.00. The Final Change Order reduces the prior contract amount by \$5,678.48, which brings the total contract amount to \$3,672,071.52. The \$5,678.48 is money not spent on the project.

The contractor had a certain amount of money in the bid for rock removal. An abandoned foundation for an old structure hit causing the need for additional rock removal. The Town approved Change Order No. 1 for \$189,000 for additional rock removal. Given the nature of the loan program, the approval from the State could have taken 90 to 120 days. Instead of putting the project on hold to wait for approval, the Town approved the Change Order, exclusive of the funding package, and paid for it out of the Enterprise Fund reserves. The Contractor received payment for that work. The State said the Town can include the \$189,000 into the loan and be reimbursed. The adjustment of \$265,743.06 includes adding back in the \$189,000 of rock removal and the reduction of \$5,678.48 from the Final Change Order. Although the loan will increase, \$189,000 will be given back to the Enterprise Fund.

The second motion brings all the project finances into one number and puts all the project expenses into one loan. The loan will increase by \$265,743.06 and the total new loan amount will be \$3,944,493.06.

A motion was made by Commissioner Williams to approve the final change order. The motion was seconded by Commissioner Draughn which carried by a unanimous vote of 4-0.

A motion was made by Commissioner Draughn to approve the increase to the WWTP Project loan by \$265,743.06. The total loan will be \$3,944,493.06 for 20 years at 1.53% interest. The motion was seconded by Commissioner Williams which carried by a unanimous vote of 4-0.

Consider Suiter Field Proposal

Brooke Suiter Rothwell addressed the Board to propose naming the softball field at Rich Park after her father, Julius E. Suiter. He touched the lives of many people in the Davie County community as a coach,

assistant principal, and principal. Julius E. Suiter retired from education after 35 years of service. The softball field is a special place for my family. This is the first place my father played ball and where he would take my brother and the teams he coached to practice.

Town Manager Gamble: The Naming Rights Policy is a new policy. It is a process with guidelines and procedures. The Board's job is to take the accomplishments and apply it to the policy. According to the policy, property may be named for an individual or group who, in the opinion of the Board of Commissioners, has made exceptional *non-monetary* contributions to the community by having met one or more of the following specific criteria:

1. The individual must have made a contribution to community which resulted in the long-term health and/or well-being of the people of Mocksville.
2. The individual must have been actively involved in Mocksville community affairs for no less than 10 years.
3. The contribution by the individual must be of an exceptional quality and/or significance.
4. The efforts of the individual must have made a lasting, significant contribution to the Town's goals and objectives.
5. A portion of a facility, such as a meeting or conference room, a park feature, or other public space, may also be named in honor of such individual or group.

The renaming of a field proposed by Brooke Suiter Rothwell does fall under number five on the criteria. The Board should apply what they heard tonight to these categories and make a decision on whether or not to proceed with the renaming. This is the first step. If the decision is to move forward with the naming process then there will be a public hearing at the November Board meeting.

A motion was made by Commissioner Williams to approve the Suiter Field Proposal and move forward with the naming process and hold a public hearing at the November meeting. The motion was seconded by Commissioner Draughn which carried by a unanimous vote of 4-0.

Communication from Town Staff

Town Attorney Al Benshoff: none

Town Manager Ken Gamble: Manager's report is in the meeting packet. Mr. Gamble is now a town resident and very excited to be here.

Communication from Mayor and Town Board

Commissioner Vaughn-Jones: The input from the East Depot community was appreciated. I hope the project brings positive things to the area. Thank you to JD Hartman; it has been a smooth transition. Thank you Frank Carter, Chuck Willis, Brian Moore, Tami Langdon and Rustin Harpe. It is not easy sitting on the Board and the decisions we make can be impactful on the community; I take it very seriously. I wish the new commissioners in the upcoming race good luck.

Commissioner Draughn: Ken Gamble welcome to the Town; good to see you and your family out walking around.

Commissioner Williams: Ken Gamble welcome, we are glad you are here. Amy is right; this is a difficult seat. I applaud our community and Wayne Farms for communicating with each other. The decision I made was not easy; the existing mill can be of use today. If rezoning the acre lot provides a buffer to the community, gets vehicles off the road and paves streets to reduce dust then I do see a benefit.

Commissioner Taylor: November will be Brian, Amy and Eric's last meeting. I want to say thank you to them. Good governance is making hard decisions. We must gather all the facts we can find, communicate with each other and make decisions. There should be talking points from all sides; we have strived to come together and make hard decisions. Glad to have Ken here and I appreciate all the departments. Thank you to Mocksville Elementary, I enjoyed having the opportunity to speak to the kids about the justice system and government.

Adjourn

A motion was made by Commissioner Williams to adjourn the October 5, 2021 Regular Board Meeting. The motion was seconded by Commissioner Draughn which carried by a unanimous vote 4-0.

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

William J. Marklin, Mayor

Lynn Trivette, Town Clerk NCCMC