

**Town of Mocksville
Regular Board Meeting
July 5, 2022**

The Town of Mocksville Board of Commissioners met for the Regular Board Meeting on Tuesday, July 5, 2022 at 6:00 p.m. in the Mocksville Town Hall building located at 171 S. Clement Street.

Present:

Commissioners Present:

Mayor, Will Marklin
Jenny Stevenson
Carl Lambert
Justin Draughn
Johnny Frye
Rob Taylor

Absent:

Others Present:

Ken Gamble, Town Manager
Lynn Trivette, Town Clerk
Al Benschhoff, Town Attorney
Brian Moore, Public Services Director
Frank Carter, Fire Chief
Chris Vaughn, 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. 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.

Barry Williams, a business owner on Court Square, addressed the Board regarding Horn Street. He is upset that Horn Street has been closed for the past two months and it has not been completed. Every business on that side of the street has employees and customers that need parking.

Lori Slate, business owner on Horn Street, addressed the Board. She is upset Horn Street has been closed for two months and it has not been not completed. This is causing her to lose business. The lack of close parking is a problem for the elderly.

Public Hearing Requested for Annexation for County Parcel I500000044 Cedar Creek RE LLC for Development on John Crotts Road

Mayor continued public hearing from June 7, 2022 and is open for public comments.

In favor of:

Attorney Chad Bomar spoke on behalf of Attorney Brian Williams who represents the developers. Owners are local people looking to develop 31 acres on John Crotts Road. They want to annex this property into the Town and have it zoned Neighborhood Residential (NR). The property is currently zoned Residential Agricultural (RA) in the County. The property does touch the Town line and the appropriate petition was filed. The main reason the owners want to annex is to connect to the sewer. This would be a 70 count neighborhood with houses. Houses will go around \$300,000 each, which will be a 21 million dollar tax base that will bring tax revenue to the Town. There is a severe need for housing.

A good reason for approving the annexation is to be able to zone it residential. One side touches industrial and all the other sides touch residential. It makes sense for it to be residential. From a community's perspective, we have adequate sewer capacity, room in the schools, more than adequate medical services, facilities, parks and recreation. It is consistent with goals, objectives and adopted plans for the area.

Town Manager Gamble addressed the Board and presented a map of the property. When the Town annexes property that is outside of its ETJ, it establishes the zoning district with the ordinance. We do not have any authority to zone the property until it is actually inside the Town. Several different zoning areas border the property. Neighborhood Residential (NR) from a staff prospective makes sense.

Against:

Lori Slate addressed the Board with a general question. Where would these children go to school? Are we going to have to build another school?

Russel Lyday, resident on John Crotts Road, addressed the Board. The proposed land use is not consistent with the neighborhood. The proposed density far exceeds anything in the John Crotts Road neighborhood.

Jason Shore, resident on Pete Foster Road, addressed the Board. We boarder the property. I would rather see industry instead of 70 houses that will bring 280 people.

Matthew Crotts, resident on John Crotts, addressed the Board. I would rather have a business on that property instead of 70 houses that will bring more people. I have a goat farm and do not want to be annexed into the city.

Mayor closed the public hearing at 6:37pm

Public Hearing Requested to Consider Zoning Map Amendment 2022-02

To establish zoning for an approximately 31 acre tract of land from the County zoning district of Residential Agricultural (RA) to Neighborhood Residential (NR). The subject property is located off of John Crotts Road and is further described as Davie County Parcel I500000044.

Adam Barr addressed the Board. The request is to establish zoning for an approximately 31-acre tract of land from the County zoning of Residential Agricultural (RA) to the Town zoning of Neighborhood Residential (NR). The property is located off John Crotts Road. The property is Residential Agricultural (RA), the least intense that the County has, comparable to open space residential, which the Town has. Residential Agricultural (RA) permits single-family homes such as mobile homes, manufactured homes, modular, and double wides on at least .68 of an acre. The land use plan has this property as Rural Residential, not specific once outside the city limit. The Neighbor Residential district is intended to provide for residential infill development surrounding the traditional Town Center and its logical extensions. A range of housing types is encouraged and it is envisioned that low-intensity business activity will accompany residential development and will be located in mixed-use buildings designed and constructed at a residential scale. The Town of Mocksville Comprehensive Plan is to provide a wider range of housing options and price ranges to help our older generation age in place and to retain and attract younger generations.

As a general use rezoning the Board may not consider any specific use of the property but all possible uses in the Neighborhood Residential district. The Board should consider the following in making its recommendation:

1. The property's potential for a single-family residential site.
2. The property's location and surrounding zoning & property uses. ZMA 2022-02 8 7/5/22 TB Meeting Date
3. Whether the proposed reclassification is consistent with the purposes, goals, objectives, and policies of adopted plans for the area.
4. Whether the proposed reclassification is consistent with the overall character of existing development in the immediate vicinity of the subject property.

The Planning Board did hear this request at their June 9 meeting and voted denial (4-1).

Mayor opened up the public hearing for comments regarding zoning map amendment 2022-02 for an approximately 31-acre tract of land from the County zoning district of Residential Agricultural (RA) to Neighborhood Residential (NR).

Lori Slate addressed the Board with a general question. What is the purchase price of the houses?

Henry Horn addressed the Board. Is the zoning of NR more or less then the other housing development on John Crotts?

Chad Bomar addressed the Board. There are no issues with overcrowding at the schools according to the superintendent's office. The intent is for the houses to be valued at \$300,000.00.

Carl Lambert would like clarification on why the Planning Board denied the zoning.

Adam Barr addressed the Board. When comparing Residential Agricultural (RA) to Neighborhood Residential (NR), there will be an increase in the density allowed. The Planning Board lacked information, which may have contributed to the zoning denial.

Chad Bomar addressed the Board. Planning Board did not have the information that was heard today.

The applicant stated that they are looking at 72-84 units. They will be in 24 unit buildings with three (3) stories.

Mayor closed the public hearing at 6:52pm.

A motion was made by Commissioner Draughn to approve the annexation ordinance to extend the limits for development on John Crotts Road and approve the zoning map amendment 2022-02 for an approximately 31 acre tract of land from the County zoning district of Residential Agricultural (RA) to Neighborhood Residential (NR) and statement of consistency. The motion was seconded by Commissioner Taylor which carried by a unanimous vote 5-0

Public Hearing for zoning text amendments 2022-01, 2022-02 and 2022-03. The Board has reviewed Zoning Ordinance in Chapter VIII, Article 3 Zoning Section 8-3.9.2 (B) (1) Establishment, Zoning Ordinance in Chapter VIII, Article 3 Zoning Section 8-3.9.2 (B) (4) and (5) Members and Extraterritorial Members and Zoning Ordinance in Chapter II, Article 5 Appointed Boards and Commissions Section 2-5.2

Town Manager Gamble addressed the Board. The proposed zoning text amendments will remove the existing Board of Adjustments and move those powers to the Board of Commissioners, and correct an issue with the staggered terms of the Planning Board.

Mayor opened the public hearing to hear comments regarding the revised zoning ordinance text amendments of 2022-01, 2022-02 and 2022-03.

No one spoke in favor of or against.

Mayor closed the public hearing 6:57pm.

A motion was made by Commissioner Taylor to adopt; Zoning Text Amendment 2022-01- Zoning Ordinance in Chapter VIII, Article 3 Zoning Section 8-3.9.2 (B) (1) Establishment as written; Zoning Text Amendment 2022-02 - Zoning Ordinance in Chapter VIII, Article 3 Zoning Sections 8-3.9.2 (B) (4) and (5) Members and Extraterritorial Members as written; Zoning Text Amendment 2022-03- Zoning Ordinance in Chapter II, Article 5 Appointed Boards and Commissions Section 2-5.2 as written and statement of consistency. The motion was seconded by Commissioner Lambert which carried by a unanimous vote 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 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 through the creation of jobs, designed to benefit low and moderate-income residents within the Town. All interested persons are invited to attend this hearing.

Explanation: In order for the Town to make application for Community Development Block Grant (CDBG) Funding from the North Carolina Department of Commerce, two public hearings are required. The first public hearing, which we refer to as “generic”, is only required to be held once a year. The last generic public held expired June 2022, therefore we are holding this first generic public hearing this evening, which will keep the Town current for one year. In the event the Town should decide to apply for CDBG funding over the next year, then a second public hearing will be required, which will be specific to the project and would describe the project and outline the amount of funds being applied for and the activities for which the funds would be used.

Mayor opened up the public hearing for comments regarding the use of Community Development Block Grant (CDBG) funds from the NC 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 through the creation of jobs, designed to benefit low and moderate-income residents within the Town.

No one spoke in favor of or against.

Mayor closed the public hearing 6:58pm.

No action is required of the Board

Strategic Planning Update

Town Manager Gamble addressed the Board and presented the Strategic Plan, which consists of a vision, mission and values statement. The Board will continue discussion at the August Board meeting after they have time to review the plan. The Strategic Plan ties into budgeting and the daily operations to make our community better.

Consent Agenda

A motion was made by Commissioner Draughn to adopt the consent agenda as presented. The motion was seconded by Commissioner Stevenson which carried by a unanimous vote of 5-0. Items approved were: (A) June 7, 2022 Regular Board Meeting (B) Monthly Financials and (C) Tax Releases.

Consider Adopting Resolution Approving Acceptance of Public Streets

Town Manager Gamble address the Board. The streets meets NCDOT standards and it is my recommendation to consider adopting the streets into the Town for public maintenance.

A motion was made by Commissioner Lambert to adopt resolution accepting Deer Run Drive, Doe Trail and Buck Hill Road in the Deer Run Mobile Home Park for public maintenance. The motion was seconded by Commissioner Stevenson which carried by a unanimous vote 5-0.

Consider Planning and Zoning Amendment to the August 3, 2021 Interlocal Agreement Between The Town of Mocksville and Davie County

Town Manager Gamble addressed the Board. This agreement sets up the shared zoning officer between the Town, Davie County and Bermuda Run. We will have the zoning officer 3 days a week. Our cost of the share will be 60 percent.

A motion was made by Commissioner Taylor to adopt the Planning and Zoning amendment to the August 3, 2021 Interlocal Agreement between the Town of Mocksville and Davie County. The motion was seconded by Commissioner Draughn which carried by a unanimous vote 5-0.

Future Uses/Disposition of Town Owned Property at 278 N. Main Street

Town Manager Gamble addressed the Board to discuss what the Town could do with the former Police Department property. It is important for the future of the downtown that we consider the short and long-term implications of disposing of the property. We have needs for parking and a place for the Farmers Market.

There has been some interest from private parties, but no offer made at this time. The way the Town disposes of real property starts with an upset bid process. The Town Board has not made a position to dispose of the property.

No Action taken from the Board.

Consider Revised Rules for Rose Cemetery

Chris Vaughn, Parks and Grounds Director, addressed the Board. The implementation of the violation process for Rose Cemetery brought concerns from a family that felt the rules were not clear and needed clarification. After a review of the rules, recommended revisions include those to add clarity to what is allowable or not allowed and create transparency.

Town Manager Gamble addressed the Board. The significant change only allows seasonal arrangements from mid-November to the March 21 cleanup, when the graveyard is not being mowed.

A motion was made by Commissioner Stevenson to approve revised rules for Rose Cemetery. The motion was seconded by Commissioner Lambert which carried by a unanimous vote 5-0.

Consider Revised Property Lease Agreement with Envirolink Located At 773 Sanford Avenue

A motion was made by Commissioner Taylor to adopt revised property lease agreement with Envirolink located at 773 Sanford Avenue; monthly lease increased in the amount of \$600.00. The motion was seconded by Commissioner Draughn which carried by a unanimous vote 5-0.

Communication from Town Staff

Town Attorney Al Benshoff: Thanks to Chris and Ken for amending the rules for Rose Cemetery. The annexation statutes are vague and hard to understand. According to statutes, you cannot zone property that is not in the ETJ; on the other hand, the statutes say that upon annexation, the rezoning process run concurrently with the annexation. The advantage to doing that is, you eliminate a public hearing because both zoning and annexation require a public hearing; that implies the public can hear and make a recommendation about zoning a property that is in the process of annexation even though the Town does not have technical jurisdiction over the property. That is the recommended approach. The other option, is the Town annexes the property, then it has 60 days to apply Town zoning, if not, then County zoning evaporates, on the 61st day the property is not zoned and the owner can do anything they want with the property. In my opinion, it is better to have a petition for annexation to start the rezoning process and send them to the Planning Board so you can wrap it all up in one meeting, instead of having a meeting on annexation and then 60 days or less later have it rezoned.

Town Manager Ken Gamble: The contractor and Parks and Grounds Department have done a great job repairing and updating the Mando Field concession stand. The Boardroom renovations will be completed in August. We received a NCDOT notification the Town was awarded the contract for the roundabout. We have contacted NCDOT to see if they can do road paving, and reached out to Chuck Willis to do a formal bidding process. However, with gas prices high, bids are unlikely.

Communication from Mayor and Town Board

Commissioner Lambert: N/A

Commissioner Taylor: N/A

Commissioner Stevenson: N/A

Commissioner Frye: N/A

Commissioner Draughn: N/A

Mayor Marklin: There are many Town events happening, participation is encouraged.

Motion to enter closed session per NC GS 143-318.11 (a) (3) and (6), to preserve the attorney-client privilege, and to discuss judicial action (Sloan vs Town and Hill vs Town) and personnel matter.

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

Adjourn

A motion was made by Commissioner Taylor to adjourn the July 5, 2022 Regular Board Meeting. The motion was seconded by Commissioner Draughn 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

July 5, 2022