

**Town of Mocksville  
Regular Board Meeting  
April 4, 2023**

The Town of Mocksville Board of Commissioners met for the Regular Board Meeting on Tuesday, April 4, 2023 at 6:00 p.m. in the Energy United Building located at 182 S. Salisbury Street.

**Present:**

**Commissioners Present:**

Mayor, Will Marklin

Jenny Stevenson

Johnny Frye

Justin Draughn

Rob Taylor

**Absent:**

Carl Lambert

**Others Present:**

Ken Gamble, Town Manager

Al Benschhoff, Town Attorney

Frank Carter, Fire Chief

Wade Stewart, Parks and Grounds Lead

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.

**Conflict of Interest Statement**

“Pursuant to NC General Statutes and the Town of Mocksville Code of Ethics Policy adopted November 9th, 2010, amended of Jan. 6, 2019 and further endorsed on August 9th, 2022, I would ask each of you before you adopt the agenda if there is any actual, potential, or perceived conflicts of interest with respect to any matter on the proposed agenda which will come before the Town Board of Commissioners for consideration and/or decision at this meeting. If so, please speak up and let the Board know at this time before the agenda is adopted.”

**Adoption of Agenda**

*A motion was made by Commissioner Draughn to adopt the agenda but remove B. Public Hearing for Davie Blackwelder Development and place on the May agenda. 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.

Emily Austin addressed the Board and spoke against the Cana Road annexation. Ms. Austin would like the Board to vote no.

Nick Gibietis addressed the Board. Mr. Gibietis urged the Board to look at how they are planning this community and to listen to those speaking tonight.

## **Public Hearings**

- **Speakers are asked to sign up so that the minutes can be accurately written.**
- **Each side in favor of and against has 30 minutes.**
- **Speakers are to state their name and address before speaking.**
- **The parties have a 5-minute rebuttal that comes out of the 30 minutes.**
- **The staff presentation is not part of the 30 minutes.**
- **Speakers are to address the Board, not other speakers or the applicant.**
- **Speakers are to avoid repetition.**
- **Speakers are to be civil.**
- **The audience is to remain quiet so the Board can hear the speakers.**

**Public Hearing for a zoning map amendment. The Board will review a request by CRA Development, LLC that has applied to rezone approximately 196 acres from Open Space Residential (OSR) and General Industrial-Conditional (GI-CD). The subject property is located on or about Madison Road, Angell Knoll Ave. The properties are further described as Davie County Tax Parcels I4000003801, I40000038, I4000004002 and H40000010608.**

Mayor addressed the public about the rules for the public hearing. Please be respectful of the speakers.

Johnny Easter, Planning Board Director addressed the Board. The Board will review a request by CRA Development, LLC that has applied to rezone approximately 196 acres from Open Space Residential (OSR) and General Industrial-Conditional (GI-CD). The subject property is located on or about Madison Road, Angell Knoll Ave. The properties are further described as Davie County Tax Parcels I4000003801, I40000038, I4000004002 and H40000010608. The zoning districts currently are Open Space Residential (OSR) and General Industrial-Conditional (GI-CD). The Land Use Plan is Moderate Residential, General Commercial and Industrial. The applicant is CRA Development, LLC and the property size is approximately 196 acres. The current land use is Residential/Industrial Conditional. The proposed land use is General Industrial Conditional. The current zoning around the property includes to

the north a land use of Residential and Business with zoning of Open Space Residential (OSR) and Highway Commercial (HC); to the east a land use of Business with zoning of Open Space Residential (OSR) with zoning of Highway Commercial (HC); to the south a land use of Residential with zoning of Open Space Residential (OSR) and Highway-Business (H-B); to the west a land use of Residential with a zoning of Open Space Residential (OSR). The proposed zoning General Industrial Conditional is established to accommodate traditional industrial uses on individual tracts of land and with coordinated industrial parks

The Planning Board Staff Recommendations: The Town of Mocksville Comprehensive Plan adopted September 3, 2019, Objective 6 – Facilitate steady managed growth in the most appropriate places while carefully preserving environmentally sensitive areas, especially along stream corridors, for water quality and natural resource protection and to provide recreational amenities and greenway trails. Strategy 6.1 – Use the Future Land Use Map (Figure 21 and Table 22) and Existing Zoning Map (Figure 20) to encourage managed growth compatible with the Town’s character, surrounding land uses, available infrastructure and services.

The Town of Mocksville Comprehensive Plan identifies this area as a future Industrial Growth Area. Based upon this the Planning Staff is in favor of the proposed zoning map amendment.

This is General use rezoning. Both parties can agree to specific conditions added to the rezoning. The applicant submitted the following individual conditions:

The General Industrial Area will exclude the following uses: livestock sales and auctions; adult establishments; junk yard; pawn shop; shooting range (outdoor); theater, drive-in; auto wrecking yards, building material salvage yards, general salvage yards, scrap metal processing yards; landfill, land clearing and inert debris; landfill, construction and demolition; land, sanitary; motor vehicle dismantling and wrecking yard; tire recapping shops; waste incineration; waste transfer station; correctional institution; yard waste composting; manufactured home, temporary; cemetery; hazardous waste management facility; recycling and salvage operation; recycling center; package treatment plant; and security training facility.

The Board should consider approving with conditions, denial, or defer.

At the March 9, 2023 Planning Board meeting, the conditions were approved and the Planning Board recommended unanimous approval of the zoning text amendment.

Ken Gamble, Town Manager addressed the Board.

The purpose of this staff presentation is not to make a recommendation; you have already heard the recommendation from the Planning Board and Planning Department. The purpose is to give the Board general information and to address concerns that have be raised.

Annexation - Some residents have expressed fears that the Town will annex their property. This is not the case, but even if the Town wanted to do this, the NC General Assembly made involuntary annexation impossible more than a decade ago. The only annexations the Town considers are voluntary.

Town or NCDOT Would Widen Madison Road & Take Property - In the event the developer asked for a driveway permit to access Madison Road and NCDOT granted the request any right of way required would come off the developer’s property, not the neighbors’. The only NCDOT projects on the books for Mocksville right now are the Wilkesboro Street roundabout (Still Delayed) and Hwy 601 Widening (Right of Way Acquisition Starting in 2026 & Project in 2028). The Town plans to ask for a feasibility study for widening Hwy 601 south of I-40 during the 2023 STIP process. Neither we, nor NCDOT have any plans to widen Madison Road.

Increased Truck Traffic on Madison Road - There is no way to answer this question today. The greatest traffic impacts (2-5 years - Grading, Construction, Day to Day) will be on Hwy 601 via Angell Knoll Ave. NCDOT makes the final determination over any new potential access point. Nelson Creek is a good example of this. The original conceptual plans presented by the developer called for specific access points off Hwy 601 and Country Lane. However, while going through the permitting process NCDOT changed all of them. Bottom line is that neither the developer nor the Board of Commissioners can make a promise regarding this. Direct traffic impacts on Madison Road are still years away and may not occur if Angell Knoll Avenue remains the only point of entrance and exit or if a second point of entry / exit is made at the Hwy 64 end of the property.

Buffers, Storm Water, Erosion Control, Air Quality - Buffers are addressed in our zoning ordinance and a good visual example of a mature development is the South Point Industrial Park. Storm Water, Erosion Control and Air Quality are all managed by the state and the developer will have to go through their permitting processes. Site plans must meet all of our development requirements as well. The zoning approval is only the beginning of the development process.

Madison Road & Hwy 601 Traffic Collisions – Over the last 5 years there have been 83 traffic collisions on Hwy 601 in the area of Madison Road. 12 of the collisions (14%) were directly tied to the intersection of those only 6 may have been prevented with a traffic signal. Most traffic collisions in the area occurred at business driveways.

Sound/Noise Complaints Involving SES: No calls to the 911 center regarding SES causing noise. No calls have been received by SES regarding noise. The building is periodically used for practice and sound checks. Once I made the owner aware he advised they would begin using heavy cloth to help insulate the sound and sympathetic vibration. Future plans include a sound proofed studio.

AI addressed the public. The Mayor used his authority to set ground rules for the meeting this included setting time limits for those speaking.

Mayor opened the public hearing for comments for a zoning map amendment a request by CRA Development, LLC that has applied to rezone approximately 196 acres from Open Space Residential (OSR) and General Industrial-Conditional (GI-CD). The subject property is located on or about Madison Road, Angell Knoll Ave. The properties are further described as Davie County Tax Parcels I40000003801, I400000038, I40000004002 and H40000010608.

**In favor of: 30 minutes**

Hank Van Hoy, Attorney addressed the Board and represents Angell Junker, LLC which is made up of Bill Junker, and partners' John Reece, Jack Reece, and other investors. They are the developers of Davie Industrial Center. That is important for you to know because you get an idea of what Class A manufacturing facility looks like, which is the intent of developing this property. We seek to rezone the property to General Industrial Conditional. It is 197 acres with roughly half of the property already rezoned to General Industrial Conditional. Zoning decisions should fair, consistently applied, and fit within your Land Use Plan. This rezoning does fit within the Land Use Plan as reported by staff. The Land Use Plan serves as a guide and shows that this property should be used for General Industrial purposes, for both 2005 and 2019 plans. The Planning Board unanimously approved this rezoning. Industrial Development helps keep tax rates low, provides jobs opportunities and provides tax revenue.

Rick Steinbacher addressed the Board and represents the Angell Family. My late father-in-law, Madison Angell, a farmer, had a vision of operating a vast farming enterprise, he was always improving and sustaining the land in a way that would provide for his family and ensure the future economic benefit of the community he lived in. This rezoning application is consistent with his dreams and wishes. The Angell family believes this rezoning is in the best interest of the community, but do understand and appreciate that there are opposing views to the rezoning.

Diane Foster addressed the Board. Madison Angell was a person who was always aware of time and planning. A few months after the sewer line went across his property, he came up with a specific plan and began meeting with Town officials and economic development. As a result, he came up with a vision to what this land could be.

Terry Bralley addressed the Board. Elected Officials have to make tough decisions. That site is an industrial site and is in your Land Use Plan. Last year, an overseas company looked at this site and almost bought it. Madison liked the industrial development that was taking place and wanted to do this with his land. He told me this was his 401k plan, his inheritance for his family, and when the time comes, asked me to help him. This is why I am here tonight.

**Rebuttal a statement that says something is not true:**

Hank Van Hoy, Attorney addressed the Board. The property should be industrial. This property is located between the two major roads and I-40, which is where industry should be. This was decided when you passed the Land Use Plan. With regards to the setbacks and trees, part of this is not within the zoning issue, but would be handled through the Division of Environmental Quality and part of the permitting process. The technical review committee would review the plans and then determine rules in which the developer would need to comply. Your zoning ordinance provides setbacks, landscapes and buffer requirements to protect abutting properties. The rezoning is consistent with the Land Use Plan.

**Against: 30 minutes**

Sara Johnston, 321 Madison Road, addressed the Board. An industrial facility is not a place that necessarily employs those with college degrees. I am not sure that this facility will create jobs. The Town of Mocksville Comprehensive Plan states, "The Mocksville Zoning Ordinance was established in the 1960s as a legal and administrative tool to ensure land uses within the community are properly situated in relation to one another, and that adequate space is provided for each type of land use." Additionally, "Zoning helps direct new growth into appropriate areas and protect existing property values by requiring that new land development provide adequate light, air and privacy for persons already living and working within the community." Furthermore, the Plan acknowledges that "Zoning affects the taxation of property as an element of value to be considered in assessment and can also affect community appearance and aesthetic through supplemental design guidelines." And while there may be a "plan" for the land in question, changes, revisions, and modifications, may be warranted to meet the continuing demands for growth and development.

Mark Johnston, 321 Madison Road, addressed the Board. There were common themes to the key focus questions that assisted in developing the final Core Community Values. We took the initiative to categorize relevant responses by "Land Use / Development" and "Economic Development," as outlined in the Comprehensive Plan under Appendix B- The Advisory Committee Workshop #1.

Land Use / Development – Dream of the Citizens: Create more mixed-use environments. Mike Barnhardt mentions in his Letter to the Editor titled, Zoning Seems to Work for a Select Few- Published March 2, 2023 "I gave an economic analysis that showed mixed-use and housing could indeed provide more long-term benefit (tax revenue) than commercial/industry (using current public tax records showing taxes paid and encumbered acreage for some representative businesses)."

Economic Development –

Dislike of the Citizens #1: Potential lack of workforce to support new industrial development. Lack of community work force means the money will leave the county with the workers that come from other counties to work in these factories.

Dislike of the Citizens #2: Create more jobs for young college graduates – who will start families here. Industrial facilities will not create a meaningful number of jobs for young college graduates.

Dislike of the Citizens #3: Stop the leakage of young adults out of our community, who, in my opinion, are leaving due to lack of good jobs that pay a livable wage. If factory work paid this type of wage, people would not be going to school for other degrees as factory positions are generally unskilled labor positions that do not pay much above livable wages.

Additional information the Board must consider while making the re-zoning decision can be found in APPENDIX C, Advisory Committee Workshop #2, of the Comprehensive Plan. This section of the Comprehensive Plan outlines the "SWOT" Results, which is an abbreviation for the Strengths, Weaknesses, Opportunities and Constraints of Mocksville. SWOT results yielded the following information for Mocksville:

Strengths: Stable & steady growth / well-managed growth. How is this well managed growth when we are placing these and future facilities up against residential neighborhoods?

Weaknesses: Appearance of 601 S. corridor, traffic, Lack of high-tech (better paying) jobs, and the need more full-time staffing for fire department & police department. Facilities of this scale will not improve the look or the traffic conditions in these noted areas that are already known as being a weakness of the town.

Opportunities: Create more entertainment venues, develop areas to bring families from out of town more shopping options, losing younger families to bigger cities, and provide more employment for youth to stay or return. An increased number of manufacturing facilities does nothing to entice young families to come to Mocksville and spend their money or provide a reason for current families to come to Mocksville.

Constraints: Loosing younger families – moving away / aging population - lack of energy. Having these facilities right across the street from 100+ families does not make younger families want to come nor current families want to stay in this immediate area.

Other notable information pertinent to the decision of rezoning is the Community Survey Question Results, which can be found in Appendix D, Community Survey Results, of the Comprehensive Plan. Question one asked the three most important issues regarding future growth in Mocksville. The very last item listed out of sixteen items was Industrial Development at three percent. This was the least important issue for the citizen. Question two asked what do you like best about Mocksville? Forty-nine percent of the responses mentioned the same idea of the small town feel and quietness. That will no longer be true. Question three asked what would you most likely to change about Mocksville. The responses again were to do a better job attracting and keeping young professionals. The citizens' responses to commercial development were to encourage mixed-use development and for redevelopment responses referred to re-use of old buildings. Responses within the fire, police and EMS section referenced these departments being stretched thin and the need for full-time fire protection.

Seventy-five percent of citizens agree with recruiting only clean industries. Eighty-three percent of citizens agree zoning should be utilized to protect existing farms. Seventy-eight percent of citizens agree that growth and management should be improved upon.

The 2019 Comprehensive Plan needs to be updated. Perhaps, we should look into how this rezoning will affect over 100 current citizens of the ETJ and how the future plan will also negatively affect the same citizens.

Michael Brubaker addressed the Board. We ask that there is due diligence and consideration about what the rezoning can mean and that we are properly prepared and knowledgeable about the change that is coming. If the rezoning is approved, that are several stipulations that we would urge the Board to consider. A condition we would like to include is addressing the buffering, between the residential areas and the rezoned parcels, including the length of Madison Road as it abuts to the residential community directly across the road. Since we cannot know what is coming to the industrial park, we would like to request the minimum buffering conditions be those mentioned in the Davie County zoning ordinance per section 155.147 and section 155.172.

Belinda Brewer addressed the Board. I am a college graduate that who was laid off from a factory during the 2009 economic downturn. I would not go back working in a factory unless out of necessity. I grew up off Madison Road. I moved away from Davie then moved back. We would not benefit from the taxes because we are not Town residents. I understand people have the right to do what they want with their property, but it should not be to the detriment to the people around them.

Charlene Hayes addressed the Board. Please reconsider and reevaluate your Land Use Plan of 2005 and 2019. In 2019, we were beginning the pandemic. Professionals are not looking for factory jobs, they are looking for remote work and more quality family time, and I believe that this is what Davie County and Mocksville represent. Factory work does not support this. I am also asking that you consider the health risk the factory workers face. The median age of Davie and Mocksville residents is 45-47 years old, not someone that can work long hours in a factory. There may also be health risk from the factory from chemicals. The natural resource you have here I would like to see stay for many years. Please consider all these factors and give us consideration.

Angie Lakey addressed the Board. There was a petition of 152 signature gathered from Madison Road, Horseshoe Trail to last home before Sonic against this proposal. Mocksville's growth should not be to the detriment of the residents, because the people are what make Mocksville good, not the Town's wealth. Time Well Spent? You decide. Deny this proposal because it is not consistent with the single-family residents on Madison Road and Hwy 64 West. If you have questions, read the Comprehensive Plan.

Doug Lakey addressed the Board. I knew Mr. Angell all my life and he was well respected in our community. I hope you realize the decisions you make will have an effect on future generation.

**Rebuttal a statement that says something is not true:**

Brad Hunter addressed the Board. It is a balancing act what the Board does. We are in a housing crisis and have had many discussions on how to get affordable residential housing in Davie County. This is a 1.8 millions square foot building and we need know what the storm water is going to do, where is the traffic, where is the connectivity, what is going to be the ingress and egress, there is so much to take in consideration and I do not believe you have enough information to make a great decision. Let's slow

down and be pragmatic in this approach. This complex will have an impact on the residential property values on Madison Road that face the Angell property.

Mayor closed the public hearing. 7:33pm – Mayor called for a 5 minute break.

**Board Questions:**

Commissioner Taylor: The ordinance is in place to protect the citizens. Developers must abide by these ordinances.

Commissioner Stevenson: I was on the 2019 Comprehensive Planning Board. We have been working on reusing old buildings. The three percent for Industrial Development may be wrong due to not many at the meeting in 2019. I am concerned about the buffer because the buildings can be large, but, this was part of our land use. This is a hard decision to make.

To consider the zoning map amendment to the zoning ordinance.

*A motion was made by Commissioner Draughn to approve the zoning map amendment; a request by CRA Development, LLC that applied to rezone approximately 196 acres from Open Space Residential (OSR) and General Industrial-Conditional (GI-CD). The subject property is located on or about Madison Road, Angell Knoll Ave. The properties are further described as Davie County Tax Parcels I40000003801, I400000038, I40000004002 and H40000010608 and to approve the statement of consistency as written. The motion was seconded by Commissioner Taylor which carried by a unanimous vote 4-0.*

**Public Hearing Requested for Annexation from Angell Revocable Living Trust; Elsie Bowens Angell located on Angell Knoll Avenue, Madison Road and Highway 64 (County Parcel – I40000003801, I40000004002, and I400000038). Potential for development.**

Mayor opened the public hearing for comments to consider an annexation ordinance located on Angell Knoll Avenue, Madison Road and Highway 64, Mocksville, NC 27028. Potential for development.

**In favor of:**

Hank Van Hoy, Attorney addressed the Board. We urge you to approve the annexation.

**Against:**

Charlene Hayes addressed the Board. Due your due diligence and consider what you are doing with our county. I appreciate growth and what you are doing. You are here to support us and be our representatives.

Mayor closed the public hearing. 7:52pm

To consider the annexation ordinance located at Angel Knoll Avenue, Madison Road and Highway 64, Mocksville, NC 27028.



*A motion was made by Commissioner Taylor to adopt the annexation ordinance to extend corporate limits located at Angel Knoll Avenue, Madison Road and Highway 64, Mocksville, NC 27028. The motion was seconded by Commissioner Draughn which carried by a unanimous vote 4-0.*

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

Mayor read Proclamation Recognizing International Firefighters' Day. A breakfast will be held May 4, 2023 at the fire station.

Mayor recognized Proclamation Recognizing National Day of Prayer and this will be read at the YMCA May 5, 2023.

### **Consent Agenda**

*A motion was made by Commissioner Taylor 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) March 7, 2023 Regular Board Meeting and Closed Session (B) Monthly Financials (C) Tax Releases.*

### **Communication from Town Staff**

Town Attorney Benshoff: Attorney Benshoff addressed the Board. Mr. Benshoff introduced Senate Bill 317 that will establish workforce housing developments to address critical housing shortages for firefighters, law enforcement, other workers, and essential workers.

Mr. Benshoff stated that the Board should be aware of the fact that a single family subdivision can be approved in any zoning district at any density with no design standards, no street trees, no sidewalks, and no public water or sewer services if requested. It must also be approved by the planning staff in 45 days or less. Mr. Benshoff explained that this means that the proposed housing will not come to the Planning Board or Elected Officials. In order to qualify for workforce housing subdivision, 20% of the lots have to be reserved for income-qualified persons. The lots only have to be reserved for income-qualified persons for one year after the development is opened.

Mr. Benshoff then asked the Board to read the bill in its entirety.

Town Manager Ken Gamble: Mr. Gamble informed the Board that Davie County is a finalist for All America and will be sending delegates to Denver, Colorado to compete from June 9 to June 11 of 2023. Mr. Gamble requested \$2,000 from the Board in order to pay for the delegation's expenses.

Mr. Gamble then stated that winning this competition would give the Town a placard that informs the Town's citizens and businesses of the Town's dedication to civic engagement and to the youth.

### **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: N/A

Motion to enter closed session per NC GS 143-318.11 (a) (3) (5), to preserve the attorney-client privilege and to discuss acquisition of real property.

*A motion was made by Commissioner Taylor to enter closed session 8pm. The motion was seconded by Commissioner Draughn which carried by a unanimous vote 4-0.*

*A motion was made by Commissioner Taylor to re-enter open session. The motion was seconded by Commissioner Draughn which carried by a unanimous vote 4-0.*

### **Adjourn**

*A motion was made by Commissioner Taylor to adjourn the April 4, 2023 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



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Lynn Trivette, Town Clerk, MMC, NCCMC