

**Town of Mocksville
Regular Board Meeting
May 2, 2023**

The Town of Mocksville Board of Commissioners met for the Regular Board Meeting on Tuesday, May 2, 2023 at 6:00 p.m. in Mocksville Town Hall located at 171 S. Clement Street.

Present:	Mayor, Will Marklin	Absent:
Commissioners Present:	Jenny Stevenson Carl Lambert Johnny Frye Justin Draughn Rob Taylor	

Others Present:
Ken Gamble, Town Manager
Al Benschhoff, Town Attorney
Lynn Trivette, Town Clerk
Frank Carter, Fire Chief
Chris Vaughn, Parks and Grounds Director
Tami Langdon, Community Development
Brian Moore, Public Works Director

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 Lambert to adopt the agenda but add D to new business adopting a resolution for Municipal Clerk Week April 30 – May 6. The motion was seconded by Commissioner Taylor 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.

No one spoke

Public Hearing Requested for Annexation from Davie Blackwelder Development, LLC located on Cana Road and US Highway 601 (County Parcel – G300000076 and G300000077) and a zoning text and map amendment 2023.02. The Town of Mocksville Planning Board is recommending a rezoning to Town zoning following annexation of 105 acres from Davie County (GI) General Industrial to Town of Mocksville (GI) General Industrial with no change in use. The subject properties are located at 148 Cana Road and 2254 US Highway 601 North. The properties are further described as tax parcels G300000076 and G300000077.

Town Manager Gamble addressed the Board. The request for annexation will benefit the Town of Mocksville by adding 100+ acres of industrially zoned property to the Town valued at \$2.2M undeveloped. The planned 1,000,000 sqft of industrial buildings has the potential to add \$64,000,000 in tax base prior to any upfit and added machinery / personal property.

When considering annexation the Board should also be confident that there is sufficient water and sewer capacity, the Town can deliver public safety services to the location and infrastructure can support development. Gamble also wanted to correct the mistaken belief by some that a Town annexation of the property would pose a financial hardship to the William R. Davie Volunteer Fire Department.

1. **Water & Sewer Capacity for Industrial Development:** The Town has secured IDF grant funding to extend a 12" water main from Quality Drive to Cana Road where our new 500,000 gallon elevated water storage tank will be located. The developer will be constructing a sewer pump station on the property and a force main to connect with our 8" gravity sewer off Quality Drive. These lines feed into the Bear Creek pump station, which is undergoing upgrades as part of the Brakebush project. We have water plant capacity at the Hugh Lagle facility and that capacity will increase with the new water plant in Cooleemee after the retirement of the Hugh Lagle plant. We also have the water system interconnects with Davie County Utilities for additional capacity / emergency needs. The Cooleemee sewer plant has excess capacity, which is one of the reasons we are diverting the Brakebush flow to that plant.
2. **Public Safety Services:** The Town contracts with Davie County Sheriff's Department and they already serve the location. Annexing the property will have no impact on law enforcement services. The Mocksville Fire Department has full-time 24 hour staffing, a ladder truck, other fire apparatus, and hold the following certifications: Technician Level HazMat (Only HazMat

Certified FD in the County), Confined Space Rescue, Agriculture & Heavy Machinery Rescue and Heavy Rescue. Therefore, the Town has adequate staffing, equipment, training and capacity to serve a future industrial site at the property.

3. Infrastructure: The property will be accessed by three NCDOT roadways, NC HWY 601 N, IJames Road and Cana Road. The developer will be required to make roadway and intersection improvements as part of their Mocksville Town Hall 171 S. Clement Street Mocksville, NC 27028 Phone (336) 753-6700 Fax (336)751-9187 www.mocksvillenc.org NCDOT permitting process. NCDOT also has plans to widen NC Hwy 601 North from the south side of the I-40 Bridge to Cana Road (R-5736). That project is scheduled to begin in 2028. The developer and NCDOT improvements will mitigate traffic impacts in the area.
4. Financial Impact to William R. Davie VFD The annexation will have absolutely no impact on William R. Davie VFD funding. The Davie County Commissioners set a base budget for the fire departments. If the fire tax generated in the district is below the base budget, like it is in William R. Davie, then Davie County will make up the difference. That difference was \$98,839 for FY 2022-23 and will be even higher in FY 2023-24 due to a base rate increase late last year. The extra FY 2022-23 funding provided to WR Davie is the equivalent of \$247,097,500 in taxable property at the current 4¢ rate. So WR Davie is being funded far in excess of the fire tax collected in the district. The property in question generated \$303.00 in fire tax revenues in 2022. Any future development on the property will be subject to full ad valorem taxation by Davie County. In fact, the rezoning to GI through the county raised the property value significantly. Therefore, there will be no “loss” of funding to either William R. Davie VFD or Davie County if the property is annexed and developed as planned. As you are aware, the Town reached out to Chief Keaton to discuss his concerns and elicit suggestions several times over the Fall of 2022. Chief Keaton never provided any documentation or made himself available to meet with Gamble. The Town made a formal request for debt information as part of the annexation process in February 2023 and Chief Keaton confirmed that WR Davie has no debt and therefore the Town has no financial obligation under NC law. Even if the property remained in the county and developed as planned the William R. Davie VFD would not be equipped to provide adequate first response fire protection for the industrial facilities. They have no ladder truck, they are not Technician Level HazMat and they have no Confined Space nor Heavy Rescue certifications.

Mayor opened up the public hearing for comments to consider an annexation ordinance located at 148 Cana Road and 2254 US Highway 601 North.

In favor of:

No one spoke

Against:

Andrew Austin expressed his concerns with the annexation. Mr. Austin spoke of his belief that Dan Womble had a conflict of interest with this annexation, and believes this had an unfair effect on the decision to annex Cana Road.

Mayor closed the public hearing. 6:11pm

To consider the annexation ordinance located at Cana Road and US Highway 601, Mocksville, NC 27028 and a technical rezoning of 105 acres from Davie County (GI) General Industrial to Town of Mocksville (GI) General Industrial with no change in use. The subject properties are located at 148 Cana Road and 2254 US Highway 601 North. The properties are further described as tax parcels G300000076 and G300000077. The Town of Mocksville Planning Board recommendation is to adopt the zoning as approved.

To consider Statement of Consistency

A motion was made by Commissioner Taylor to approve the annexation ordinance located at Cana Road and US Highway 601, Mocksville, NC 27028 and a technical rezoning of 105 acres from Davie County (GI) General Industrial to Town of Mocksville (GI) General Industrial with no change in use. The subject properties are located at 148 Cana Road and 2254 US Highway 601 North. The properties are further described as tax parcels G300000076 and G300000077. The Town of Mocksville Planning Board recommendation is to adopt the zoning as approved. The motion was seconded by Commissioner Draughn which carried by a unanimous vote 5-0.

A motion was made by Commissioner Taylor to adopt pro statement of consistency. The motion was seconded by Commissioner Lambert which carried by a unanimous vote 5-0.

Public Hearing for a zoning text and map amendment. New Covenant Partners XI LLC have applied to rezone approximately 32.5 acers from Highway Commercial to General Industrial-Conditional (GI-C). The subject property is located near Yadkinville Road and Angell Knoll Avenue. The property is further described as Davie County tax parcel H4000000106.

Planning Board Director Johnny Easter addressed the Board. Mr. Easter stated that New Covenant Partners XI LLC applied for the rezoning of 32.5 acres of land in order to build a studio. He also said that the planning staff is in favor of the proposed map and amendment. Mr. Easter explained that the Board can vote to approve with conditions, deny, or defer. Town attorney Al Benschhoff asked Mr. Easter to repeat the conditions. Mr. Easter replied, saying that the conditions was just the intended use of a studio.

Mayor opened up the public hearing for comments to consider a zoning text and map amendment a request from New Covenant Partners XI LLC.

In favor of:

No one spoke

Against:

No one spoke

Mayor closed the public hearing. 6:18pm

To consider the zoning text and map amendment a request from New Covenant Patterns XI LLC. To rezone approximately 32.5 acers from Highway Commercial to General Industrial-Conditional (GI-C). The subject property is located near Yadkinville Road and Angell Knoll Avenue. The property is further described as Davie County tax parcel H4000000106.

A motion was made by Commissioner Draughn to approve the zoning text and map amendment a request from New Covenant Patterns XI LLC to rezone approximately 32.5 acers from Highway Commercial to General Industrial-Conditional (GI-C). The subject property is located near Yadkinville Road and Angell Knoll Avenue. The property is further described as Davie County tax parcel H4000000106. The motion was seconded by Commissioner Lambert which carried by a unanimous vote 5-0.

To consider Statement of Consistency

A motion was made by Commissioner Taylor to adopt pro statement of consistency. The motion was seconded by Commissioner Stevenson which carried by a unanimous vote 5-0.

Communications from Boards, Commissions and Agencies

Fire Department Recognition and Plaque Presentation – TJ Deluca, NCLM Fire Department Risk Management Consultant

Mr. Deluca presented the plaque to Fire Chief Frank Carter and Human Resources Specialist Emily Quance for their exceptional work in fire risk management assessment.

Internship Policy Presentation – Holyn Hedrick, Administration Intern

Holyn Hedrick addressed the Board. Ms. Hedrick explained that she was an administrative intern with the Town Hall and had been working on creating an intern policy for the Town to use. In her presentation, she explained what the internship at the high school looked like, what an internship is, how an internship could benefit the town, and the difference between paid and unpaid internships. She also went over the intern handbook she had created. Ms. Hedrick stated that she, with the advice of other professionals, recommended that the Town offer paid internships. She thanked the Board.

Proclamation Recognizing National Law Enforcement Week and Peace Officer Memorial Day

This proclamation recognizes and memorializes the law enforcement officers who have died in the line of duty.

Proclamation Recognizing Public Works Week

This proclamation recognizes the variety and importance of work provided by Public Works.

Consent Agenda

A motion was made by Commissioner Lambert 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) April 4, 2023 Regular Board Meeting and Closed Session (B) April 17, 2023 Special Called Meeting (C) Monthly Financials (D) Tax Releases and (E) Contribution Based Cap Report.

PRESENTATION OF ANNUAL BUDGET MESSAGE FOR FY 2023-2024

Town Manager Gamble addressed the Board. Mr. Gamble discussed budget management goals, internal weaknesses, various projects that will soon be worked on, the need for a plan on how to grow the fire department, water service partnerships, beautification and maintenance of the town, the wayfinding signs, code enforcement, other various projects, and the general and enterprise funds.

A motion was made by Commissioner Draughn to adopt resolution to call for a public hearing regarding the FY 2023-2024 Annual Budget on June 6, 2023 at 6:00pm located at the Mocksville Town Hall 171 S. Clement Street. The motion was seconded by Commissioner Stevenson which carried by a unanimous vote 5-0.

Consider MTDA Board Re-Appointments; Vijay Barad, Chhaya Barad, and Neal Cheek for a 2-Year Term 2023-2025

A motion was made by Commissioner Draughn to approve Vijay Barad, Chhaya Barad, and Neal Cheek for the MTDA Board re-appointments for a 2 year term 2023-2025. The motion was seconded by Commissioner Taylor which carried by a unanimous vote 5-0.

Consider Amendment to the May 4, 2021 Interlocal Agreement Between the Town of Mocksville and Davie County Sheriff's Office

Town Manager Gamble addressed the Board. Mr. Gamble said that he and Sherriff Hartman came to an agreement in which the Community Development Coordinator would not have to write checks to the deputies after events working security for the town, but rather a flat fee is included in the contract between the Town and the Sherriff's Department. Halloween event is also included in the contract at no extra cost.

A motion was made by Commissioner Draughn to approve the amendment to the May 4, 2021 interlocal agreement between the Town of Mocksville and Davie County Sheriff's Office. The motion was seconded by Commissioner Lambert which carried by a unanimous vote 5-0.

Consider Resolution in Agreement By and Between the Town of Mocksville and the Center Volunteer Fire Department

Town Manager Gamble addressed the Board. Mr. Gamble explained that when a Town annexes a property that serves a volunteer fire department that is not the Town's, they take a portion of the tax value of that property. It's the town's obligation to assume a portion of the fire departments debt as an annual payment or one lump sum. This was completed with the Center Volunteer Fire Department, and the town's annual payment would be \$524.80, but the town would like to do a onetime payment, as the debt will be paid off in 10 years. That total is \$5,247.90 and still has to be approved by the LGC. The total value of the entire fire district of the department is 181,849,987 and the tax value of the aforementioned parcels is reflected as \$2,936,250 which is 0.016 if the entire value of the debt payment \$32,799.12 with the final payment due in the year 2032.

A motion was made by Commissioner Lambert to adopt the resolution in agreement by and between the Town of Mocksville and the Center Volunteer Fire Department totally satisfying the Town's obligation in the amount of \$5247.90. The motion was seconded by Commissioner Stevenson which carried by a unanimous vote 5-0.

Consider Adopting Resolution for Municipal Clerks Week April 30 through May 6, 2023

A motion was made by Commissioner Draughn to adopt the resolution for municipal clerk's week April 30 through May 6, 2023. The motion was seconded by Commissioner Taylor which carried by a vote 5-0.

Communication from Town Staff

Town Attorney Benschhoff: N/A

Town Manager Ken Gamble: Mr. Gamble stated that he had his first meeting with the All-America Team Youth at Davie High School. The town website now includes a detour map citizens can use while the roundabout is being built. Estimated time for the project is 4 months.

Communication from Mayor and Town Board

Commissioner Lambert: Commissioner Lambert stated that he has seen a lot of the roundabout construction and pointed out that a lot of citizens have been calling him and other business owners concerned about how to get to the businesses. He discussed flyers and communication that has been circulating around the community relaying the new ways to get to those businesses.

Commissioner Taylor: N/A

Commissioner Stevenson: Commissioner Stevenson thanked everyone for working together and thanked Ken Gamble for his updates.

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) (6), to preserve the attorney-client privilege, to discuss acquisition of real property and to consider and give instruction about pending litigation in Hill v. Mocksville.

A motion was made by Commissioner Taylor to enter closed session 7:15pm. The motion was seconded by Commissioner Lambert 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 Stevenson which carried by a unanimous vote 5-0.

Adjourn

A motion was made by Commissioner Taylor to adjourn the May 2, 2023 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