

**Town of Mocksville
Regular Board Meeting
August 6, 2024**

The Town of Mocksville Board of Commissioners met for the Regular Board Meeting on Tuesday, August 6, 2024 at 6:00 p.m. at the Mocksville Town Hall located at 171 S. Clement Street.

Present:

Mayor, Will Marklin

Absent: Rob Taylor

Commissioners Present:

Jenny Stevenson

Johnny Frye

Justin Draughn

Carl Lambert

Others Present:

Ken Gamble, Town Manager

Al Benschhoff, Town Attorney

Lynn Trivette, Town Clerk

Chris Vaughn, Parks and Grounds Director

Emily Quance, Human Resources Director/Deputy Clerk

Brian Moore, Public Works Director

Frank Carter, Fire Chief

Jeannette Pitts, Director of Marketing and 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 Lambert to adopt the agenda as written. The motion was seconded by Commissioner Stevenson 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.

Public Hearing for a zoning map amendment. D&D Land Partners, LLC has applied to rezone approximately 30 acres from Open Space Residential (OSR) and Highway Commercial (HC) to Highway Commercial Conditional (HC-C). The subject property is located off Koontz Road and Country Lane. The property is further described as Davie County tax parcel H40000087, H4000008702 and H4000008703.

Johnny Easter addressed the Board.

ZONING MAP AMENDMENT TOM24-H4-0087

Approximately 30 acres off Koontz Rd and Country Lane.

STAFF REPORT TO THE PLANNING BOARD

Planning Staff

June 13, 2024 Meeting Date

Johnny Easter

I. REQUEST

D&D Land Partners, LLC has requested rezoning of approximately 30 acres from Open Space Residential (OSR) OSR and Highway Commercial (HC) to Highway Commercial Conditional (HC-C).

II. PROJECT LOCATION

The subject properties are located off Koontz Road and Country Lane. The properties are further described as Davie County tax parcel H40000087, H4000008702 and H4000008703.

III. PROJECT PROFILE

DAVIE COUNTY PIN: H40000087, H4000008702 and H4000008703

ZONING DISTRICT: HC and OSR

LAND USE PLAN: General Commercial, Moderate Residential and Rural Residential

WATERSHED: N/A

CROSS REFERENCE FILES: N/A

APPLICANT: D&D Land Partners, LLC

PROPERTY SIZE: Approximately 30 acres

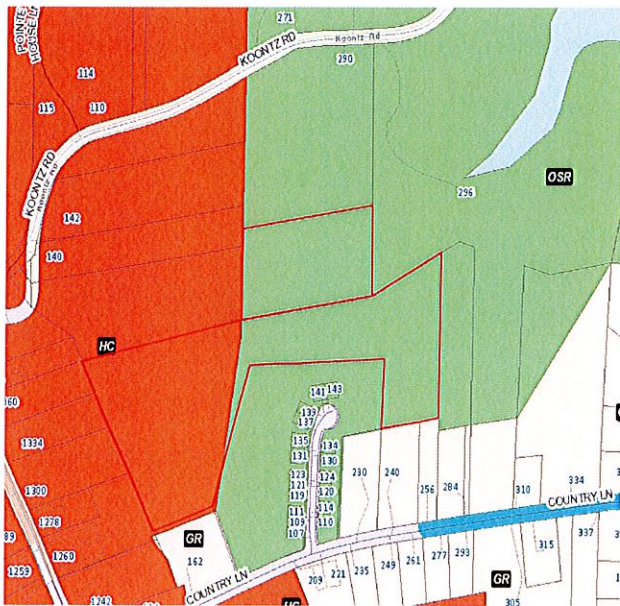
CURRENT LAND USE: Vacant

PROPOSED LAND USE: Mixed

IV. PROJECT SETTING – SURROUNDING ZONING DISTRICTS AND LAND USES

DIRECTION	LAND USE	ZONING
North	Residential	OSR
East	Vacant	OSR
South	Residential	GR & OSR
West	Commercial	HC

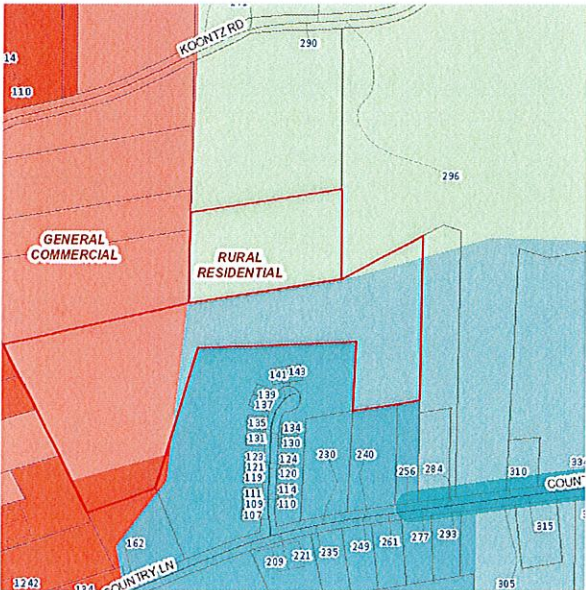
V. ZONING MAP



VI. AERIAL MAP



VII. LAND USE MAP



August 6, 2024

VIII. LAND USE/ ZONING HISTORY

Proposed Zoning

The **Highway Commercial** district is established to provide for auto-dependent uses in areas not amenable to easy pedestrian access. It is expected that the Highway Commercial district will serve not only the Mocksville Community, but the general region as well. Because of the scale and access requirements of uses in this category, they often cannot be integrated within the Town Center or Neighborhood Center districts

Mocksville Land Use Plan

The Town of Mocksville Comprehensive Plan provides a clear and compelling vision for the future growth and well-being of our community. The 2019 Plan looks at past and current development trends and plans, analyzes demographic and economic data, gathers a broad range of community values and desires, and provides a shared vision for our future and a set of recommended goals, objectives and strategies to achieve this vision. The Plan provides a framework for decision-making and the allocation of resources related to the long-term growth and development of Mocksville. The Plan builds on existing assets while taking advantage of opportunities for improvement and growth. The Plan will be implemented through annual budgeting, departmental work programs, zoning decisions, and development projects.

The Land Use map classifies this property with the land use category of General Commercial, Moderate Residential and Rural Residential

The Mocksville Comprehensive Plan states:

- 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.
- Use the Future Land Use Map (Figure 25) and Existing Zoning Map (Figure 19) to encourage managed growth compatible with the Town's character, surrounding land uses, available infrastructure and services.
- Facilitate steady, managed growth, locating new development in the most appropriate places to foster a sustainable land development pattern that complements the character of our Town, while preserving and enhancing our valued historic, cultural and natural resources and open space as we grow.
- Require new land development to coincide with our ability to provide adequate public services and infrastructure (e.g. water, sewer, roads, parks & open space)
- Provide a wider selection of housing options and price ranges to help our older generation age in place and to retain and attract younger generations.
- Preserve and enhance existing residential neighborhoods while striving to provide a wider variety of single-family and multi-family housing options and price ranges to best serve the needs of our growing community.

The Planning Board should consider one of the following actions:

- Approve**; the amendment we find that the zoning map amendment is reasonable and in the public interest because of the following findings:
1. A large portion property is designated General Commercial on the Future Land Use Map in the Comprehensive Plan. Most of the surrounding properties are designated General Commercial on the Future Land Use Map,

2. A large portion of the property is currently zoned Highway Commercial. The property to the east is zone Highway Commercial
3. The property is served by all Town-owned infrastructure and is located on a residential street.
4. The proposed rezoning meets the Comprehensive Plan Objectives 6 and Strategy 6.1 in that development in the Highway Commercial district encourages growth compatible with the Town's character and available infrastructure and services.
5. The map amendment is reasonable because (i) the benefits to the landowners, the neighbors, and the surrounding community are that the property will be redeveloped; (ii) the action taken is in the public interest because it may encourage redevelopment of the neighborhood;

Deny; the amendment we find that the zoning map amendment is unreasonable and not in the public interest because of the following findings:

1. A large portion property is designated General Commercial on the Future Land Use Map in the Comprehensive Plan. Most of the surrounding properties are designated General Commercial on the Future Land Use Map,
2. A large portion of the property is currently zoned Highway Commercial. The property to the east is zone Highway Commercial
3. The property is served by all Town-owned infrastructure and is located on a residential street.
4. The proposed rezoning meets the Comprehensive Plan Objectives 6 and Strategy 6.1 in that development in the Highway Commercial district encourages growth compatible with the Town's character and available infrastructure and services.
5. The map amendment is unreasonable because (i) the benefits to the landowners, the neighbors, and the surrounding community are that the property will be redeveloped; (ii) the action taken is in the public interest because it may encourage redevelopment of the neighborhood;

Defer the amendment for additional consideration.

IX. PLANNING STAFF Recommendations

The Town of Mocksville Comprehensive Plan identifies a large portion of this area as a General Commercial. A large portion of the property is currently zoned Highway Commercial. The proposed rezoning meets the Comprehensive Plan Objectives 6 and Strategy 6.1 in that development in the Highway Commercial district encourages growth compatible with the Town's character and available infrastructure and services. Based upon the following factors the Planning Staff is in favor of the proposed zoning map amendment.

X. PLANNING BOARD RECOMMENDATION

As a **Conditional** use rezoning the Planning Board may consider any specific use of the property uses in the **Highway Commercial** district as well as specific conditions agreed to by the applicant. The Board should consider the following in making its recommendation:

1. The property's location and surrounding zoning & property uses.
2. Whether the proposed reclassification is consistent with the purposes, goals, objectives, and policies of adopted plans for the area.
3. Whether the proposed reclassification is consistent with the overall character of existing development in the immediate vicinity of the subject property.

Conditions:

- Single family dwelling only
- Streetscaping of the property including sidewalks, (oriental) trees, downtown Mocksville lighting (oriental)

Usages:

- Recreational use-private
- Office professional services
- Retail small and medium
- Restaurants without a drive thru
- Willing to do a NCDOT traffic study

The applicant has asked to postpone a decision until the September meeting; they are still working out the due diligence with the sale of the property.

Town Attorney asked Johnny Easter if the applicant had submitted the zoning conditions, dated and signed. Johnny Easter said no they have not.

Johnny Easter said the Planning Board voted unanimously at the June meeting.

Mayor opened the public hearing for comments in favor of or against. (6:09pm)

In favor of: No one spoke

Against:

Joyce Whitaker addressed the Board.

Joyce lives at 162 Country Lane across the street from the 300 houses being built. Concerns are with the development being discussed behind us:

- More traffic and what about emergency situations; FD cannot even get to us
- Road joining the property; an easement is involved
- Our working well in within this path
- We were told an easement on a two lane wrong could not be done because of our working well
- We have been offered to fill our well or buy and we are not interested
- How can this developer get this road approved if others couldn't?
- Water draining to our house off of the new development-it was town homes now it is houses
- Where are all the children going to go to school?

- The growth in this community is too much
- Does not meet our land use plan here in Mocksville

A motion was made by Commissioner Stevenson to continue the public hearing until the September 2, 2024 meeting. The motion was seconded by Commissioner Draughn which carried by a unanimous vote of 4-0.

Communications from Boards, Commissions & Agencies

Surplus Property Report January 2024-June 2024 – Ken Gamble

Consent Agenda

A motion was made by Commissioner Draughn to adopt the consent agenda as presented. The motion was seconded by Commissioner Lambert which carried by a unanimous vote of 4-0. Items approved were: (A) July 2, 2024 Regular Board Meeting and Closed Session (B) Monthly Financials (C) Tax Releases and (D) Contribution Based Cap Report.

OLD BUSINESS

NEW BUSINESS

Consider Amending the Mocksville-Cooleemee Interlocal ABC Agreement

Manager, Kris Howell addressed the Board.

I would like to request an amendment to the Interlocal ABC Agreement (7) Distribution of net profits.

As of January 1, 2024 the distribution of net profits for counter sales are 70% Town of Mocksville and 30% Cooleemee. This distribution has and will continue to bring a financial hardship to the Town of Cooleemee. The Town of Cooleemee ABC has been in business since 1988 before any merger took place. The ABC Board and I feel we owe the Town of Cooleemee the financial support.

I am requesting the distribution of net profits be amended to; 60% Town of Mocksville and 40% Cooleemee.

A motion was made by Commissioner Draughn to amend the ABC agreement; distribution of profits 60% Mocksville and 40% Cooleemee; resolution adoption at September meeting. The motion was seconded by Commissioner Lambert which carried by a unanimous vote 4-0.

Consider Adopting Carbon Reduction Plan (CRP) Grant Project Ordinance

- Duke Street construction sidewalk from SR 1147 (Hardison Street) to SR 1853 (Avgol Drive)
- CRP funding \$572,000 80%
- Town Match \$143,000 20%
- Total \$715,000

A motion was made by Commissioner Frye to adopt the carbon reduction (CRP) grant project ordinance in the amount of \$715,000 that includes a town match in the amount of \$143,000 using fund balance. The motion was seconded by Commissioner Lambert which carried by a unanimous vote 4-0.

Consider MTDA Chair Board Appointment; Jeannette Pitts Terms 3-Year 2024-2027

Town Manager introduced Jeannette Pitts as our new Marketing and Community Development Director

A motion was made by Commissioner Draughn to approve the MTDA Chair Board Appointment; Jeannette Pitts; term 3-years 2024-2027. The motion was seconded by Commissioner Stevenson which carried by a unanimous vote 4-0.

Communication from Town Staff

Town Attorney Al Benshoff: N/A

Town Manager Ken Gamble:

We have some grant updates from the State 4.9 million; the decorative light project is going to start in August; North Main and Gaither pedestrian crossing improvements; all legal documents are in place to put the poles on the property; had to get an easement from the Lackey's; should start in January until March; Community Center remodel is going well, flooring is down, painting is complete, bathrooms almost done; shooting for an August completion date. Technology remodel will begin in September and then the room can be used for training, overflow Board meetings etc. Then we have flexible funds that can be used as long as the project is within the scope the other projects. We just identify what we would like to do and get a cost factor and then put in a request in to change the budget. \$950,000 to \$980,000 that I will call flexible which will work well with the planning process of the publics input and the Boards wishes. I am hoping DFI can come to the September meeting and help us with the properties. The Wayfinding Signs are going well. Sidewalks at the pool hall will be bided out again since the contractor did not do the work in June. Everything is going well and according to budget.

Commissioner Lambert wanted to know if the \$980,000 was a part of the parking lot and roof. Ken says we can look at the project ordinance later and see if this is what the Board wants to do with the funds.

Chris Vaughn addressed the Board. The leaf truck 2015; 27,000 miles is on order and should be here by September. The other leaf truck will be sold.

Emily Quance and Frank Carter addressed the Board to update new ideas for recruitment.

- New Shift Schedule 48/96; positive feedback from other fire departments and staff is excited about it also

- Taking one of the full time positions that we have open for a firefighter and making it a Captain's position; will be posted internally; advancement for our current firefighters; non-exempt and 40 hours a week; will help during the day when Frank cannot be there since he works full-time in Statesville

Communication from Mayor and Town Board

Commissioner Lambert: N/A

Commissioner Taylor: Absent

Commissioner Stevenson: Thanks everyone for what you do.

Commissioner Frye: N/A

Commissioner Draughn: N/A

Mayor Marklin: Jeannette welcome aboard and glad you're here. Thanks for being at the meeting tonight.

Motion to enter closed session per NC GS 143-318.11 (a) (3) and (6) to preserve the attorney-client privilege and discuss personnel.

A motion was made by Commissioner Lambert to enter closed session. The motion was seconded by Commissioner Stevenson which carried by a unanimous vote 4-0.

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

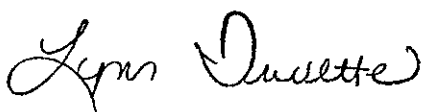
Adjourn

A motion was made by Commissioner Stevenson to adjourn the August 6, 2024 Regular Board Meeting. The motion was seconded by Commissioner Frye 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, MMC, NCCMC

August 6, 2024