

**Town of Mocksville
Regular Board Meeting
September 3, 2024**

The Town of Mocksville Board of Commissioners met for the Regular Board Meeting on Tuesday, September 3, 2024 at 6:00 p.m. at the Mocksville Town Hall located at 171 S. Clement Street.

Present:

Commissioners Present:

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

Absent:

Others Present:

Ken Gamble, Town Manager
Al Benshoff, Town Attorney
Lynn Trivette, Town Clerk
Chris Vaughn, Parks and Grounds Director
Emily Quance, Human Resources Director/Deputy Clerk
Rana Gaither, Administration Lead
Brian Moore, Public Works Director
Josh Collins, Fire Fighter
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 Taylor to adopt the agenda as written. The motion was seconded by Commissioner Lambert which carried by a unanimous vote 5-0.

September 3, 2024

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

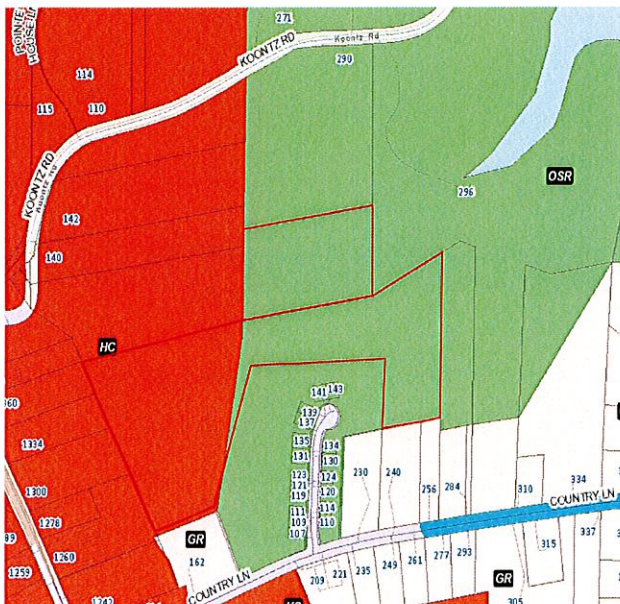
<p>DAVIE COUNTY PIN: H40000087, H4000008702 and H4000008703</p> <p>ZONING DISTRICT: HC and OSR</p> <p>LAND USE PLAN: General Commercial, Moderate Residential and Rural Residential</p>

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

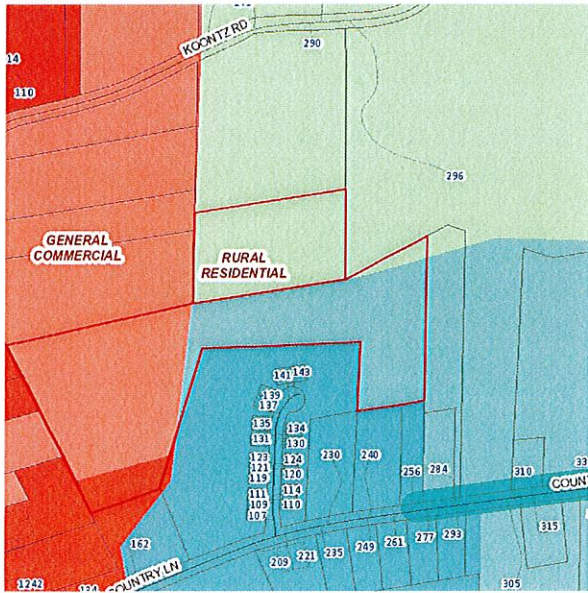
V. ZONING MAP



VI. AERIAL MAP



VII. LAND USE MAP



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:

- 1) Development on the properties is limited to the following uses:
 - A) Residential building, single family
 - B) Residential building, Townhouse
 - C) Retail store, small and medium
 - D) Offices, professional
 - E) Medical and surgical offices,
 - F) Park and open space areas including athletic fields
 - G) Recreational facilities, public or private
 - H) Restaurant, without drive-through service
- 2) The project will include streetscape elements reflective of the Town of Mocksville as shown on Exhibit A, specifically:
 1. Street Lights in keeping with Mocksville approved lighting detail.
 2. Street trees planted 50' on-center with modification spacing based on proposed driveways.
 3. Sidewalks as shown on Street Section per the Exhibit A.
- 3) A traffic impact study will be submitted with the first application for preliminary subdivision plat or site plan.
- 4) The applicants/developers will affirm their assent to these conditions in writing within 24 hours of the date and time this map amendment is approved by the Board of Commissioners.

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

Mayor continued the public hearing from the August meeting for comments in favor of or against.
(6:09pm)

In favor of: David Tibbals from Charlotte Commercial Partners addressed the Board.

Our staff has been working on this proposal and have agreed on several conditions that were mentioned. The property is zoned highway commercial and can have up to 300 houses but most likely we would

build 140 to 150. I wanted to address the “well” citizen comment by saying development will be hundreds of feet away from the owners well. I understand State Regulations that you cannot locate structures 50’ near a well and we have no plans to do so. We petitioned to the County with the owners address to locate the well on the property and the County could not locate the well. We did reach out to the home owner to discuss, locate and survey the “well” and they chose not to meet with us. I believe the mixed conditions will work well instead of just a residential building. The idea came from a project I am working on now in Fort Mill, Village of Baxter and they have a combination of retail, offices and restaurants. A small retail with this development would do really well in Mocksville and would like your support for the rezoning. I am open for any questions.

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; you can see the well because it is a well house; it was built in the late 60’s and I sure all was permitted or it would not be there.
- 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

Board Discussion:

Commissioner Taylor asked how many houses were going to be built and questioned the traffic impact study. Will the study be before the sitemap or during the development?

Commissioner Stevenson asked the price range of the houses.

David Tibbals responded 140 to 150 houses and \$300’s to \$400’s range. We have reached out to NCDOT. The entrance between Knootz and Country Lane is satisfactory.

Mayor closed the public hearing (6:18pm).

To consider Statement of Consistency and Reasonableness per N. C. General. Statute Section 160D-605

A motion was made by Commissioner Lambert to deny the statement of consistency and unreasonableness per NC GS Section 160D-605; the Board of Commissioners find that this land use code map amendment is not reasonable and not in the public interest because of the following findings:

- 1) *The property is designated General Commercial, Rural Residential or Neighborhood Residential on the Future Land Use Map in the Comprehensive Plan. Most of the surrounding properties are designated Rural or Neighborhood Residential on the Future Land Use Map, except the properties to the west which are General Commercial.*
- 2) *Part of the property is zoned Highway Commercial. The properties that border these parcels to the north is zoned a mixture of Highway Commercial and Open Space Residential. All of the property west of the parcels is zoned Highway Commercial. The property to the south of the parcels is zoned a mixture of Open Space Residential / Highway Commercial / General Residential. The property to the east is zoned Open Space Residential.*
- 3) *The property is served by all Town-owned infrastructure and is located between two residential streets which each have a traffic control signal at their intersections with Hwy 601.*
- 4) *The proposed rezoning does not meet the Comprehensive Plan Objective 1 in that it does not support the development of new small and mid-sized businesses to fill current and future employment and retail needs.*
- 5) *The proposed rezoning does not meet the Comprehensive Plan Objective 5 and Strategy 5.2 in that development in the Highway Commercial district does not 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 by encouraging more mixed-use developments including a wider range of housing types & price ranges.*
- 6) *The proposed rezoning does not meet the Comprehensive Plan Objective 6 and Strategy 6.1 in that development in the Highway Commercial district does not encourage growth compatible with the Town's character and available infrastructure and services. Most of the properties subject to this petition are designated Rural Residential on the Comprehensive Plan Land Use Map. Highway Commercial development is not compatible with Rural Residential.*
- 7) *The map amendment is not reasonable because (i) there is little or no benefit to the neighbors, and the surrounding community by the development proposed, (ii) the action taken is not in the public interest because it will encourage urban development of the an area that is now rural, and (iii) it does not provide a lower cost housing choice for those who wish to live in Mocksville.*

The motion was seconded by Commissioner Frye which carried by a unanimous vote 5-0.

Communications from Boards, Commissions & Agencies

Mayor recognized the proclamations.

Proclamation – Smart Start Month
Proclamation - Constitution Week
Proclamation - Family Promise of Davie County Week
Proclamation – 911 Day of Remembrance
Proclamation – Founding Fathers' Faith Awareness Month

FY23-24 Annual HR Report – Emily Quance

- The Town of Mocksville had a total of 7 staff injuries for FY23-24.
- The Town of Mocksville had a total of 3 staff vehicle accidents for FY23-24.

- Retention goal is 90% or above.
- The retention rate for FY23-24 ending on June 30, 2024 is 84%.
- 3 Year Trend -
- FY21-22: 93%
- FY22-23: 87%
- FY23-24: 84%

- Turnover goal is 10% or less.
- The turnover rate for FY23-24 ending on June 30, 2024 is 34.8%.
- 3 Year Trend -
- FY21-22: 10%
- FY22-23: 20.3%
- FY23-24: 34.8%

- Longevity - As of June 30, 2024 the Town has 45 full-time and part-time employees.
- Less than 2 years: 15 employees – 33%
- 2-3 years: 11 employees – 24%
- 4-5 years: 9 employees – 20%
- 6-10 years: 6 employees – 13%
- 11-15 years: 2 employees – 4%
- 16-20 years: 1 employee – 2%
- More than 20 years: 1 employee – 2%

Engaging Development Finance Initiative for Energy United Property Visioning & Planning Process –

DFI assist local governments with achieving their community economic development. DFI partners with partners with communities to attract private investment for transformative projects by providing specialized finance and real estate development expertise.

The Town requested technical assistance from DFI in August 2024 in evaluating the redevelopment potential of a collection of parcels, including the now-demolished former Junker’s mill. The roughly 5-acre site was recently acquired by the Town from Energy United. Mocksville community leaders are interested in exploring how this property might be redeveloped into a mix of uses that align with the Town’s goals for community and economic development. DFI is able to assist the Town by conducting high-level pre-development feasibility analysis in order to identify financially viable redevelopment scenarios for the former mill property.

Pre-Development Activities for “Project”:

Conduct a community scan, which is an analysis of market-relevant demographic and socioeconomic data.

Establish priorities to inform potential strategies for reuse of the Project.

Collect and analyze relevant data for a parcel analysis to understand current conditions (sales trends, vacancy, land use, ownership, and underutilization).

Conduct market research, including case studies for markets where available market data may not be sufficient, and a market analysis to assess the demand for development. (retail, office and residential)

Conduct a high-level site analysis, examining infrastructure, building layouts to gain general understanding of development opportunities.

Conduct a high-level financial analysis to determine the feasibility of attracting private investment to the Project and identify development finance tools (federal and state tax credits, district designations etc.)

Based on the analysis, evaluate the general redevelopment potential of the Project and make recommendations to the Town regarding next steps.

Deliverables include presentations, summaries, and other documentation intended by DFI to be delivered to the Town regarding the above scope of services.

The timeline for completing the above scope of services is estimated to be five months.

The flat fee for the above scope of services is \$61,650.

Town Manager says the \$61,650 will come from the capital project ordinance (state grant) already voted on but needs consensus from the Board to move forward.

The Board agreed to move forward with DFI and their scope of services for the Project.

Code Enforcement Report – Brandon Emory and Isaiah Clonch

- 900 N. Main Street initial inspection 4-17-23 to 2-8-24 hard deadline
- Spruce Street Properties numerous attempts but no response; notice of violations has been sent to all property owners through tax records. Taxes are outstanding.

AUGUST HIGHLIGHTS

- 19 NEW CASES WERE OPENED
- 36 WERE ABATED AND CLOSED
 - 10 HEARINGS ARE SCHEDULED FOR SEPTEMBER 9TH, INCLUDING: 344 PARK AVENUE – JUNK VEHICLES

- 144 AZALEA DRIVE – JUNK PILE, NUISANCE/JUNK VEHICLE, AND AN OVERGROWN LOT
- 1054 YADKINVILLE ROAD – JUNK PILE AND OVERGROWN LOT
- 214 WILKESBORO STREET – JUNK PILE AND OVERGROWN LOT
- HEARINGS ARE ALSO SCHEDULED FOR SEPTEMBER 23, 2024, FOR THE PROPERTIES AT 564 AND 580 EAST LEXINGTON ROAD

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) August 6, 2024 Regular Board Meeting and Closed Session (B) Monthly Financials (C) Tax Releases and (D) Contribution Based Cap Report.

OLD BUSINESS

NEW BUSINESS

Consider Selection of Sidewalk Extension Project for FY24-25

Town Manager addressed the Board.

Since late June 2024 I have been receiving feedback on the sidewalk segments the Board is considering to move forward with during FY24-25. The feedback has been received by email and through an online survey.

1. From the Wilkesboro Street Roundabout up Yadkinville Road to Walgreens – Est. Cost - \$562,000
2. From the Wilkesboro Street Roundabout down Wilkesboro Street to Meroney Street – Est. Cost - \$643,000
3. From Valley Road down Wilkesboro Street through the Roundabout to the Senior Center – Est. Cost - \$721,000
4. From Main Street down Milling Road to Northridge Apartments – Est Cost \$920,000

I will need Board guidance on which segment(s) you want to start work on so I can develop and send out an RFP for engineering and design.

A motion was made by Commissioner Lambert to approve #1 and #2 including an extra 40ft section in front of the Senior Center. The motion was seconded by Commissioner Taylor which carried by a unanimous vote 5-0.

Consider Using Powell Bill Funds for Sidewalk Repairs FY24-25

Town Manager addressed the Board.

Precision Safe Sidewalks removed trip hazards present in our downtown sidewalks in FY2022-23. The work was impressive and we received a great deal of positive feedback from walkers and runners. I asked Public Works Director Brian Moore to request a quote for repairing all of the remaining sidewalks in FY2024-25. I am requesting that we complete this maintenance in addition to constructing a new sidewalk segment. The cost for Phase 2 is \$58,130 and the work can be completed in a little over a week once it is on the contractor's schedule.

A motion was made by Commissioner Draughn to approve using Powell Bill Funds to complete phase 2 sidewalk maintenance in addition to constructing a new sidewalk segment in the amount of \$58,130. The motion was seconded by Commissioner Taylor which carried by a unanimous vote 5-0.

Consider Adopting Resolution to Amend ABC Agreement

Town Attorney addressed the Board.

Amending 7. Distribution of Net Profits from 70% Mocksville and 30% Cooleemee to:

1. "7. DISTRIBUTION OF NET PROFITS: Profits will be distributed in the following manner:

Distribution of profit will begin upon the opening of a store in Mocksville, or by December 21, 2018, whichever is earlier. For the first five years, the net profits will be split equally (50/50) between Mocksville and Cooleemee. After that, profit will be distributed according to the following formula:

- Beginning with the distribution of the profits accruing in the quarter beginning July 1, 2024, all liquor by the drink/ spirituous liquor to retailer(s) profits will be split sixty percent (60%) to Mocksville and forty percent (40%) for Cooleemee; and
- In-store profits will be distributed as a split sixty percent (60%) to Mocksville and forty percent (40%) to Cooleemee.

A motion was made by Commissioner Frye to adopt resolution to amend ABC agreement 7. Distribution of Net Profits from 70% Mocksville and Cooleemee 30% to Mocksville 60% and Cooleemee 40%.. The motion was seconded by Commissioner Stevenson which carried by a unanimous vote 5-0.

Communication from Town Staff

Town Attorney Al Benschoff: N/A

Town Manager Ken Gamble: Street lighting project will start in October instead of September. I will keep you informed during the process.

Communication from Mayor and Town Board

Commissioner Lambert: N/A

Commissioner Taylor: N/A

Commissioner Stevenson: Thanks everyone.

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) and (6) to preserve the attorney-client privilege and discuss personnel.

A motion was made by Commissioner Taylor to enter closed session. The motion was seconded by Commissioner Stevenson 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.

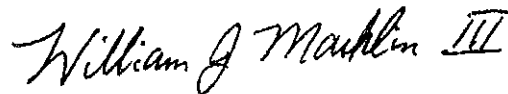
Consider Town Manager's New Contract

A motion was made by Commissioner Taylor to eliminate section 2.07 – A and B in the Manager's contract, amending home address and amend 2.01 – B that all salary adjustments after September 3, 2024 shall be paid as one-time bonuses. 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 September 3, 2024 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