

**TOWN OF FOUR OAKS**  
**TOWN COUNCIL MEETING**  
**JANUARY 11<sup>TH</sup>, 2021**  
**AGENDA**

- 1) Call to Order
- 2) Invocation and Pledge of Allegiance
- 3) Approval of Minutes
  - a) Town Council Meeting – December 14<sup>th</sup>, 2020
  - b) Special Meeting – December 17<sup>th</sup>, 2020
- 4) Public Hearings – Pauline Ketchum, Planning & Zoning Administrator
  - a) Taylor Cody Shaefer – Special Use Permit
  - b) C&B Development – Application for Rezoning
  - c) C&B Development – Application for Subdivision
  - d) C&B Development – Application for a Variance
- 5) Public Comments
- 6) New Business
  - a) Resolution Adopting Cape Fear Regional Hazard Mitigation Plan
  - b) Resolution to Adopt Policies & Guidelines for the CDBG-CV Grant – Skip Green
  - c) Consider Recommendation for CDBG-CV Grant Administrative Services Contract
  - d) Consider Recommendation for CDBG-CV Grant Engineering Services Contract
  - e) FODDA Updates – Reid Williams
- 7) Budget Amendments
  - a) General Fund - #BA 2020-21 01
  - b) PT George Fund - #BA 2020-21 01
- 8) Mayor’s Comments
- 9) Department Reports
  - a) Police – Hatch
  - b) Parks & Rec & Outreach – Hines
  - c) Water and Sewer – Medlin
  - d) Sanitation & Streets - Surles
  - e) Finance – Hardy

Adjournment

**TOWN OF FOUR OAKS**  
**TOWN COUNCIL MEETING**  
**January 11<sup>th</sup>, 2021**  
**MINUTES**

**Call to Order**

Mayor Linwood Parker called the January 11<sup>th</sup>, 2021 regular scheduled Town Council meeting to order at 7:00 p.m. Those present included Commissioners Andy Hardy, John Hatch, Mike Hines, Vic Medlin, and Carles Surlis. Also present were Police Chief Stephen Anderson; Public Works Director Barry Stanley; Planning & Zoning Administrator Pauline Ketchum; Town Clerk Martha Garris recording minutes; Town of Four Oaks Development Coordinator Reid Williams; and Mike Dart from FO Benson New in Review.

**Invocation and Pledge of Allegiance**

Commissioner Hatch gave the opening Invocation with Dwight Vinson leading the Pledge of Allegiance.

**Approval of Minutes**

**Town Council Meeting – December 14<sup>th</sup>, 2020**

Commissioner Medlin made a motion to approve the Town Council regular meeting minutes as presented, seconded by Commissioner Hines, voting unanimous.

**Special Meeting – December 17<sup>th</sup>, 2020**

Commissioner Medlin made a motion to approve the Town Council regular meeting minutes as presented, seconded by Commissioner Hardy, voting unanimous.

**Public Comment**

**Will Mitchiner**, presented to the Board that the Mayor, himself, and some others had a meeting with the Core of Engineers concerning the Neuse River flooding issues from all the rainfall and the releasing water from the Falls Lake Dam. They found out CORE increased the flow rate from the Falls Lake Dam in December from 1,000 cf/second to 2,000 cf/second. They further discussed how much could the Neuse River handle from Falls Lake. Following the meeting, the CORE decreased the flow rate back to 1,000 cf/second and the Neuse River water levels dropped. Mayor Parker commented the Congressman suggested getting together with the NCDOT about cleaning out ditches and creeks because the State has some grab money to use toward cleaning out the creeks. Mayor suggested forming a committee of local property owners, business-owners, & farmers to discuss and work with Core and NCDOT on the Neuse River issues and cleaning out the creeks. Motion to set up a committee to work on the Neuse River project, for Will Mitchiner to be the chairperson, and the committee bring back their ideas to the Board to move forward was made by Commissioner Medlin, seconded by Commissioner Hardy, voting unanimous.

## **New Business**

### **Resolution to Adopt Policies & Guidelines for the \$900,000 CDBG-CV Grant – Skip Green**

Skip Green, presented the resolution to extend a few CDBG policies and guidelines until December 31, 2022 that are currently scheduled to expire in 2021. The town adopted the all the CDBG policies and guidelines on July 8, 2019 which will be used for the CDBG-CV grant. However, the following policies and guidelines expire prior to the scheduled completion of the CDBG-CV and need to be extended until December 31, 2022: (1) Recipient's Plan to Further Fair Housing Schedule; (2) Section 3 Plan of Local Economic Benefit for Low-and Very Low-Income Persons; & (3) Meaningful Communication with Persons with Limited English Proficiency Plan. By approving this resolution, the Town can begin moving on with the CDBG-CV project. Commissioner Medlin read the resolution and made a motion to accept the resolution as presented, seconded by Commissioner Surles, voting unanimous.

## **Public Hearings**

Mayor Parker called the meeting into a public hearing.

Pauline Ketchum, Planning & Zoning Administrator, relayed the Planning Board met on January 5, 2021 for the following hearings.

### **Taylor Cody Shaefer – Special Use Permit**

The Planning Board heard a special use permit request by Taylor Cody Shaefer for an oversized 30' x 41' building/garage on 13.28 acres at 1625 US Hwy 701 S. The special use met all requirements and plans have been approved by Mike Cook, Inspector. Letters were mailed out and received no responses. Two neighbors spoke in favor for him at the Planning Board meeting. The Planning Board recommended approval of this special use permit. There were no public comments. Mayor closed the public hearing. Motion to approve the special use permit for Taylor Cody Shaefer was made by Commissioner Medlin, seconded by Commissioner Hardy, voting unanimous.

Mayor called the meeting back in a public hearing.

### **C&B Development – Applications for Rezoning, Subdivision, & Variance**

Mrs. Ketchum relayed that the planning Board heard the C&B Development application requests for rezoning, subdivision, & variances and voted to pass the request on to the Board of Commissioners without any recommendations.

The requests were as follows: (1) application for rezoning – request to rezone NCPin 166220-81-2752 & 166220-71-6611 from zone R-6 & R-A, respectively, to zone R-10 for a proposed subdivision; (2) application for subdivision – request for a proposed 109 lot major subdivision located off Civitan Road on 74.95 acres; and (3) application for a variance – request for variances for lot widths and building setbacks. Present at the meeting to represent the requests were: Bennie Rowland for C&B Development, Donnie Adams for Adams & Hodge Engineering, PC, and Chris Stanley & Nicholas Byrd. for S&B Real Estate Ventures. Donnie Adams from Adams & Hodge Engineering, presented the requests for rezoning from R-6 & R-A to R-10 for a proposed 109 lot major subdivision and asked for a variance for lot width and building setbacks as follows: (a) minimum lot width variance from 80 feet to 75 feet; and (b) building setbacks for the front from 30 feet to 20 feet, the sides from 15 feet to 5 feet, & the rear from 30 feet to 5 feet. Mr. Adams stated these variances are consistent with Johnston County setbacks and explained

that the request is for minimum standards but sizes could vary and some could be larger than the minimum.

Commissioner Hatch commented that if the board didn't stick with the setbacks recently set, they could be opening the door to future issues. He commented that he is good with the rezoning but not in favor of the setback changes.

Mr. Adams commented that currently the land is approximately 50/50 between RA & R-6 zones. Mr. Rowland explained that by agreeing to rezone the land from 6,000 square feet to 10,000 square feet, he lost approximately 25 lots and by adding curb & gutter and sidewalks he was losing approximately \$850,000.

Dwight Vinson, express concerns about runoff issues to Holt Lake because when change the lots sizes you change absorbable ground to non-absorbable ground. Commissioner Medlin commented that when and if permits are issued, the plans will have to meet State Environmental requirements for holding ponds, etc. and at that time the State will address any runoff issues. Mr. Vinson asked the Board to consider the runoff issues because it goes into Holt Lake causing issues and holding ponds catch oils & pollutants but not actual runoff.

JoAnna Sasko, resident at 908 Maple Ave., commented that her property is adjoining the planned subdivision and every year they suffer from excessive storm drainage runoff and she expressed concerns for additional runoff issues from the subdivision. She inquired if an impact study had been done to determine additional issues this could create. Mayor Parker responded that she had a valid concern and asked Mr. Adams if the NCDEQ will make determinations about the runoff. Mr. Adams commented that the Town doesn't have a stormwater program so the engineers will have to deal with the State for compliance on stormwater requirements. Once the rezoning and subdivision is approved, the engineers will begin the design process for the construction drawing, and then it will go to the State once that is complete for approvals including the water & sewer permits.

Sherwood Williams, resident at 506 Church St., inquired about how many lots there would be if drew on the current setbacks without any variances. Mr. Adams responded that by reducing the width to 75 feet could affect approximately 5 to 10 lots but the setbacks would not affect the yield because the homes could be built up instead of wider.

Eric Fogleman, resident at 310 Meadowbrook Dr., inquired if this will be the only hearing to be brought before the Board of Commissioners for this subdivision. Mr. Adams responded yes but that the Town will have to go through the permit process. The town will have to review the plans and drawings before they can go to the State. Commissioner Hardy added that the plans will have to be reviewed by BRL Engineering, Barry Stanley, & Mrs. Ketchum for the town. Mr. Adams & Mr. Rowland confirmed that the subdivision will have 27 feet back-to-back curb & gutters and sidewalks on both sides. Mrs. Ketchum commented that she will have a checklist to confirm all requirements are met.

Ellen Adams, resident at 505 N Main St., expressed concerns about the large volume of additional vehicles in the area. This could add an additional 220 vehicles in the subdivision. She expressed concerns about vehicles parking on the streets. Mayor explained that the HOA

regulations overrides zoning and governs the subdivision. If at some point the HOA fails to govern vehicles parking on the streets, etc., the Town will take over enforcements if necessary.

Roger Capps, resident at 123 Civitan Rd., inquired if the board approved the rezoning and variances would this be the first since the board updated the ordinances. The answer was yes. Mr. Capps then expressed concerns that making the change will set a precedence for the future. Mr. Capps was concerned about some of the lots sizes not actually meeting the 75 ft width based on the drawings shared (example lot 105). Mr. Adams explained that it does equal 75 ft minimum because it is 69 ft from lot line to the PT with a C3 curb.

April Barbour Matthews, resident at 1061 Black Creek Rd., expressed concerns on behalf of Joe Mack & Laura Beth Barbour who has property adjacent to the proposed subdivision site. The concerns were for the traffic flow increase on Blackcreek Rd, Civitan Rd, & school area and for additional water runoff issues. The traffic flow will be one way in and out by the school, ball fields, and playground area which could present issues. The Barbour's asked the town to please be concern for the long-term needs of the town and set precedence for the future.

Dwayne Collins, resident at 903 Maple Ave., inquired on the impacts that the subdivision will have on the Maple Avenue area and expressed safety concerns such as fires if reduce lot sizes and building homes closer together. Mayor Parker commented that the owner has reduced the number of homes instead of increasing the number by agreeing to rezone to R-10 and adding water and sewer. The reasoning behind the R-10 with water & sewer infrastructure is better to grow out within the Town instead the sprawl in the County creating expansion issues in the County. He explained that the county doesn't have any sewer capacity remaining and is planning to pass extra charges for new homes to help pay for additional capacity. What we do now, someone will have to deal with in 25 years.

Commissioner Hines ask for clarity on his understand that each home will have driveways and a two-car front garage. The answer was yes.

JoAnn Sasko inquired if the complete water and sewer systems will be provided before any homes are built. Mr. Rowland responded that water, sewer, and streets will be the first completed parts of each phase before any building begins. Mrs. Sasko commented that in phases wouldn't be the complete system and express concerns in case the owner goes bankrupt. Mayor Parker responded that the water and sewer with a pump station that will tie into the town's systems, therefore it will not be left incomplete.

Commissioner Hines inquired about runoff and how to get educated on what the State requirements are. Mr. Adams responded to google NC stormwater on the NCDEQ website. Commissioner Hines asked if drainage ponds are a mandate. Mr. Adams responded that they are not mandated but his firm tries to control drainage. Commissioner Surles expressed he has concerns with water runoff issues also because he has suffered flooding 2 times and knows what it's like.

Mayor Parker asked if the subdivision meets the town's subdivision ordinance requirements. Mrs. Ketchum responded they do meet the Town's requirements.

In order to move forward, Mayor Parker asked for any further comments and hearing none closed the public hearing.

Motion to approve the rezoning for NCPin 166220-81-2752 from R-6 to R-10 was made by Commissioner Medlin, seconded by Commissioner Hardy, voting unanimous. Motion to approve the rezoning for NCPin 166220-71-6611 from R-A to R-10 was made by Commissioner Medlin, seconded by Commissioner Hardy, voting unanimous.

Mayor Parker called meeting back into public hearing.

Commissioner Medlin commented that he doesn't agree with the variance changes as requested. He recommended the variances should be: minimum lot width 75 feet; building setbacks for front 30 feet, sides 10 feet, & rear 20 feet. Commissioner Hatch recommended to stick with the ordinances as is to avoid setting a precedence on the 1<sup>st</sup> subdivision. Mayor Parker agreed with Commissioner Hatch to keep as is since this is the first subdivision since updating the ordinance and this would set a precedence. Commissioner Hardy commented this was a different situation because the applicant had already made concessions as already heard and cut 25 lots by agreeing to rezone to R-10 when he could have built on R-6 plus by adding sidewalks. Commissioner Medlin inquired if the town were to go with his recommended setbacks or the current setbacks, would this still be a feasible project. Mr. Rowland responded the project is already close to not being feasible because adding the curb & gutter, sidewalks and storm drain infrastructure is very expensive. Mr. Rowland explained that based on current ordinance, he could have gone with ditches but he agreed to add curb & gutters to help with the appearance of the homes but needs the variances to help with the appearance of the homes.

Nicholas Byrd commented that narrowing and reducing the number of lots has been a major cut to C&B Development and increased costs. Mr. Byrd reemphasized that Mr. Rowland had made concessions already and this is a unique situation. Commissioner Hardy explained based on his quick calculations, that if the lot width was 75 feet with 10 feet setbacks the buildable space would be 55 feet wide verses 80 feet with 30 feet setbacks the buildable space would be 50 feet wide. Therefore, the homes could be wider & nicer instead of building up and there would be less dead space. Mr. Byrd explained this would give them more house plan options ranging from 53 to 55 feet wide.

Mayor Parker asked for any further comments and hearing none closed the public hearing.

Motion to approve the variances changes to minimum lot widths of 75 feet and building setbacks for front 30 feet, sides 10 feet, and rear 20 feet was made by Commissioner Medlin, seconded by Commissioner Hardy. Vote was 3 to 1. Favor – Commissioners Hardy, Hines, & Medlin and Opposed – Commissioner Hatch. No vote by Commissioner Surles so it was considered affirmative. Commissioner Hardy suggested the Planning Board revisit the current ordinance setbacks and consider changing.

Motion to approve the proposed 109 lot major subdivision off Civitan Road was made by Commissioner Hardy, seconded by Commissioner Hines, voting unanimous.

Mayor Parker thanked Mr. Rowland for choosing Four Oaks. Mr. Rowland commented that he chose to add curb and gutter so it would look nicer and everyone would hopefully be proud of 20 year from now.

Mayor Parker called for a quick break.

Mayor Pro Tem Medlin called the meeting back to order.

### **Public Comments**

**Patricia Chisholm-Jones**, resident, commented everything was good. She was working with Public Works Director Barry Stanley to coordinate a Martin Luther King, Jr. service project to pick up trash around town instead of the normal luncheon.

### **Mayor's Comments**

Mayor Parker returned and excused himself from the meeting. Mayor Pro Tem Medlin finished the meeting. Mayor thanked the Board for all they are doing. He informed the Board there will be upcoming meetings for the Alliance and the gas lines.

### **New Business (continued)**

#### **Resolution to Adopt the Cape Fear Regional Hazard Mitigation Plan**

The hazard mitigation plan must be adopted every 5 years in order to be eligible to receive future hazard mitigation grant program funds and other disaster-related assistance funding. Motion to adopt the Cape Fear Regional Hazard Mitigation Plan Resolution was made by Commissioner Surles, seconded by Commissioner Hardy, voting unanimous.

#### **Consider Recommendation for CDBG-CV Grant Administrative Services Contract**

Commissioner Hardy explained that the Town advertised for the procurement of administrative services for the CDBG-CV Downtown Revitalization grant and received 4 qualification statements. Based on the review of the qualification statements, Commissioner Hardy made a motion to recommend awarding the administrative contract to Skip Green & Associates, Inc. in the amount of \$25,000, seconded by Commissioner Hines, voting unanimous.

#### **Consider Recommendation for CDBG-CV Grant Engineering Services Contract**

Commissioner Hardy explained that the Town advertised for the procurement of professional architectural / engineering services for the CDBG-CV Downtown Revitalization and received 3 qualification statements. Based on the review of the qualification statements, Commissioner Hardy made a motion to recommend awarding the professional engineering services contract to WithersRavenel subject to State approval, seconded by Commissioner Hatch, voting unanimous.

#### **FODDA Updates – Reid Williams, Town of Four Oaks Development Coordinator**

Reid Williams reported that a group of the Downtown Committee members visited Farmville on January 7 and everyone enjoyed the visit. Mayor Pro Tem Medlin thanked Reid for his work.

## **Budget Amendments**

### **General Fund and Water & PT George Fund - #BA 2020-21 01**

Commissioner Hardy presented the mid-year budget amendments for the general fund and the PT George fund as of December 31, 2020. Motion to approve the budget amendments as presented was made by Commissioner Hardy, seconded by Commissioner Surles, voting unanimous. Commissioner Hardy commented that the street budget had been exhausted due to storm repairs and other unexpected expenses and we need to be conscience of our spending.

## **Department Reports**

### **Police – Hatch**

Commissioner Hatch turned it over to the Police Chief. Chief Anderson read the monthly police report (attached). Chief Anderson commented that someone had approached him about holding an auxiliary position but he doesn't feel the need to hold an auxiliary position at this time. Mayor Pro Tem Medlin stated the board accepted the recommendation of not needing an auxiliary position.

### **Parks & Rec and Outreach – Hines**

Commissioner Hines reported all was good.

### **Water and Sewer – Medlin**

Commissioner Medlin read the water and sewer report (attached). Water had revenue of \$16,501 and the sewer had revenue of \$31,048. The daily average per gallon loss was 3% for water. He commented there looked to be some erosion at a pond near Forest Hills where the water runs under the road and recommended Barry get with the NCDOT to add some rock.

### **Sanitation & Streets**

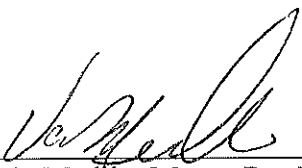
Commissioner Surles reported all was good.

### **Finance – Hardy**

Commissioner Hardy read the financial report (attached) with total funds of \$1,636,252 and made a motion to approve the December payables listed in the attached report, seconded by Commissioner Surles, voting unanimous.

## **Adjournment**

With no further business brought before the Town Council, motion to adjourn at 9:10 p.m. was made by Commissioner Hardy, seconded by Commissioner Surles, voting unanimous.

  
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Vic Medlin, Mayor Pro Tem

ATTEST:

  
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Martha Garris, Town Clerk