TOWN OF FOUR OAKS TOWN COUNCIL MEETING MARCH 8TH, 2021 AGENDA

- 1) Call to Order
- 2) Invocation and Pledge of Allegiance
- 3) Approval of Minutes
 - a) Town Council Meeting February 8th, 2021
- 4) Public Comments
 - a) Leslie Parker 237 S. Main Street
- 5) Public Hearings Pauline Ketchum, Planning & Zoning Administrator
 - a) Central Air, Inc Application for Rezoning from I-2H to B2H
 - b) R10 Ordinance Setback Updates
 - c) Jones Creek, LLC Application for Subdivision on Thunder Road
 - d) Hwy 96 Rezoning from RA to I-1L
 - e) Chapter 152 Subdivision Regulations Ordinance Amendment for Sidewalks
 - f) Section 308.2.4 Ordinance Amendment for Recreation Fees
 - g) Chapter 93.99 Littering Ordinance Amendment
 - h) Chapter 99 Yard Sale Ordinance
 - i) Clarification Amendment for Culver Avenue
- 6) New Business
 - a) FODDA Updates Harold Keen
 - b) Recommendation for CDBG Grant Engineering Services Contract for Sewer Improvement Project
- 7) Mayor's Comments
- 8) 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 MARCH 8th, 2021 MINUTES

Call to Order

Mayor Linwood Parker called the March 8th, 2021 regular scheduled Town Council meeting to order at 6:58 p.m. Those present included Commissioners Andy Hardy, John Hatch, Mike Hines, Vic Medlin, and Carles Surles. 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 Commissioner Hardy leading the Pledge of Allegiance.

Approval of Minutes

Town Council Meeting - February 8th, 2020

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

Public Comment

Leslie Parker, resident at 237 S Main Street, thanked the Board for the opportunity to speak and expressed a few concerns: (1) Due to the standing water from runoff at Allen Street and S. Main Street, concerned about it being a breeding ground for mosquitos and asked if the water could be drained. Mayor Parker asked Public Works Director Barry Stanley to look into it. (2) Thanked the police department for responding when she expressed concerns about speeders on South Main Street but it continues to be a concern and asked if anything else could be done to help slow folks down. (3) Expressed concerns about littering on the roads and commented she had spoken with Sam Lawhorn, the PE District Engineer for NCDOT Division 3 & 4, from Goldsboro who said it was up to law enforcement to enforce the laws. Commissioner Medlin commented the board was going to address littering around town but can't do anything outside of town. Mrs. Parker commented that Mr. Lawhorn mentioned putting some no littering signs up around the area. Mayor Parker stated the board recognizes there are major littering issues and hope to address and get it under control. Commissioner Medlin mentioned possibly having a spring cleanup day around town. David Mills commented that littering is a major issue and the County struggles with dealing with the same issues.

Anthony Whitaker, Four Oaks Middle School Principal, gave updates for the school: (1) school was back in and athletics were underway and going well; (2) student growth continues to increase in the classroom thanks to the teacher's hard work; (3) summer school planning was in process but looking at 4-6 weeks, 4 days a week, breakfast, lunch, & transportation to be provided. Mr. Whitaker thanked the town guys for helping move bleachers around to allow for home & visiting team parents to attend football games and thanked the community for

supporting the school. During the basketball game streaming commercials, the school actually showed commercials/ads thanks to the community's support. Mayor Parker thanked Mr. Whitaker for attending the meeting and sharing.

New Business

FODDA Updates - Harold Keen

Harold Keen, Co-chairman of the Downtown Development Association was present to update the efforts that the committees were doing and turned the meeting to the committee chairs to present a brief update on their progress: (1) Eric Fogleman, chairperson for the Design Committee, reported that along with their committee have put together multiple strategies. The design committee split the 8-9 persons committee into 2 groups – hard team to focus on the ordinances and working with the engineer & a soft team to focus on the appearance recommendations around town. The team shared some recommendations with the board: road width 12 feet for drivers instead of 11 feet; would like to see brick pavers; more visibility options; & not including movable planters, benches, etc. in the main cost. Mr. Foglman asked how to handle the ordinance in the short term since they are being revised. Mayor Parker commented that he would like to have an overlay district ordinance to help with issues. Mr. Fogleman told the board he is ready to help. (2) There has been mentioned of a design review committee review the heritage appearance, downtown colors, etc. and committee offered to look into that as well. (3) Anita Stephenson, chairperson for the Economic/Vitality Committee, reported their main focus is to help Main Street Four Oaks become a destination place by working with existing businesses and building owners to enhance the Town and strategically work to recruit other businesses that would be complimentary to Downtown Four Oaks and utilize the vacant buildings in the town and outlying area. The committee has been looking to set up a non-profit organization to provide a funding mechanism for donors to be able to contribute to the enhancement and enrichment of Downtown Four Oaks which goes along with the Streetscape plan and looking to recommending a FOSOD matching grant program and other financial incentives that would give building owners the opportunity to make visual improvements to downtown businesses. The committee is just starting to look into these type programs to help make visual improvements and will be making some actual recommendations at a later date. Mrs. Stephenson stressed for many this is a long-term vision which needs lots of patience and everyone working together to promote a positive attitude and excitement for downtown development and to encourage local support. Mayor Parker thanked Harold Keen, Tim Grady, and all the committee members.

Public Hearings

Mayor Parker called the meeting into a public hearing.

Pauline Ketchum, Planning & Zoning Administrator, relayed the Planning Board met on March 2, 2021 for the following hearings.

Central Air, Inc., Travis Byrd - Application for Rezoning

Mrs. Ketchum relayed the planning board heard the application for rezoning request by Travis Byrd owner of Central Air, Inc. to rezone the property at 309 W. Wellons Street from I-2H to B2H. Mr. Byrd would like to move his Central Air, Inc. business from NC Hwy 96 into Town. The zone B2H would allow his business to include retail, sale of propane, have an above ground tank, & park business trucks on property. Attorney David Mills spoke on behalf of Central Air, Inc and commented that the current zone I-2H allows for heavy industrial and Mr. Byrd is asking

to downgrade the zoning to B2H. Mr. Mills asked the board to consider what is around the property which is zones B2H, I-2H, & residential. Mr. Mills pointed out that if the property isn't rezoned, Mr. Byrd could do anything he would like in the I-2H zone such as a sanitary landfill while rezoning to B2H would only allow for retail and office purposes and average business use. Mayor Parker commented the property was zoned I-2H because of the Dixie Block Company years ago and it had never been rezoned. Danny Lassiter, resident, inquired how much of the surrounding area is zoned I-2H. Mr. Mills showed & told him the property to the east is zoned I-2H. Patricia Chisholm-Jones commented that Mr. Byrd had gone beyond his call of duty to personally speak with the residents in the area sharing his dream and what he wanted to do. Mrs. Jones commented the residents and tenants from the Smith Street community welcomes Mr. Byrd and hoped the Board approves the request. Mayor Parker asked Mrs. Ketchum and the planning board to look into the zoning types around the area because it doesn't need to be I-2H. Mrs. Ketchum relayed the planning board recommended approval for the rezoning, letters were sent out and she heard from one concern. After having a discussion with the tenant and owner, they were fine with the rezoning. There were no further comments. Mayor Parker closed the public hearing. Motion to approve rezoning the property at 309 W. Wellons Street from I-2H to B2H was made by Commissioner Medlin, seconded by Commissioner Hines, voting unanimous.

Mayor Parker called the meeting back into a public hearing.

R-10 Ordinance Setback Update

Pauline Ketchum relayed that the planning board and board of commissioners have discussed the following R10 setback changes: (1) lot widths from 80 feet to 75 feet; (2) side setbacks from 15 feet to 10 feet; & (3) rear setbacks from 30 feet to 25 feet. The planning board recommended approval of these setback changes. Commissioner Hatch inquired why changing so soon. Mrs. Ketchum explained with subdivisions wanting to be built, the board wants to change these setbacks to help meet growth needs and set a precedence of what the town wants. The requirement will still be 10,000 sq ft lots but reducing the setbacks will allow for wider homes and the sides will be closer to the lines rather than building up. There were no further comments. Mayor Parker closed the public hearing. Motion to approve the R10 ordinance setback updates as presented were made by Commissioner Medlin, seconded by Commissioner Hardy, voting unanimous.

Mayor Parker called the meeting back into a public hearing.

Jones Creek, LLC c/o Lanny Clifton - Application for Subdivision

Pauline Ketchum relayed the planning board heard the application for a subdivision request on Thunder Road by Petitioner Jones Creek, LLC c/o Lanny Clifton. Jones Creek, LLC was requesting approval to build a 34 to 40 home subdivision with 10,000 sq ft lot sizes. The actual zoning for the properties is R6 but the developer plans to build as if the zoning was R10. Corinth Church had concerns about the church cemetery and the developer agreed to build a fence between the properties. Mrs. Ketchum relayed the planning board recommended the approval of the subdivision, letters were sent out, and she received one letter of disapproval. There were some folks in attendance wanting to get clarity about the subdivision.

Carlos Bagley, engineer, of 162 Flora Dr, Benson, presented revised plans to the board showing 34 lots at 10,000 sq ft. Mr. Bagley explained the developer is no longer asking for a variance on

the setbacks. He explained there will be curb & gutter and sidewalks on one side of the roads and a 6 feet vinyl fence along the cemetery property and railroad tracks.

Several members of the Corinth Church were present. Commissioner Medlin explained the church was concerned about drainage issues. Mr. Bagley explained the church property is on higher ground and they would build storm drainage to take care of the drainage issues. He commented the engineering company felt confident they could control the drainage and protect the subdivision, even the lower lots in the subdivision.

A church member asked for clarity on the fence. Mr. Bagley clarified it would be a 6 feet solid vinyl fence. Diane Parker, a church member, asked about an 8 feet commercial fence. Mrs. Ketchum explained the town ordinance doesn't allow for 8 feet fences. Commissioner Hardy commented that BRL Engineering will have to look at the plans and approve them. Mr. Bagley commented that since the cemetery property is higher elevation than the subdivision, the 6 feet fence should take care of any issues and not create drainage issues.

Eric Fogleman inquired if the runoff will run down the ditch on Thunder Road into Berry Downs Subdivision. Mr. Bagley commented that some will but not a lot. Mr. Fogleman's concern was they already have runoff issues on Meadowbrook Drive and this could cause more issues. Mr. Fogleman commented there is no tile under Meadowbrook Dr the water runs off Thunder Rd onto the private road and Meadowbrook Dr doesn't have a culvert which would help. Commissioner Medlin commented Thunder Road is a state road so may have to have discussion with the state. Mr. Bagley commented that once plans were complete the engineering company would be glad to work with Barry Stanley and the town to show what the design is. Commissioner Surles stressed water needs somewhere to go. Commissioner Hardy inquired if there was a culvert under Skinner Rd. Mr. Fogleman responded yes but it needs to be fixed. Mr. Fogleman expressed that he wants the subdivision but wanted the Board to realize there is an issue on Meadowbrook Drive. Mayor Parker commented there needs to be a discussion with the state concerning the issue.

Stephen Kelly, planning board member, expressed concern about flooding issues and suggested the developer and town get advice about flooding from the engineer. Commissioner Medlin commented the board realizes there are flooding issues and is working to resolve the issues around town. Mayor Parker welcomed the developers to town and encouraged them to be mindful of the drainage concerns.

Mr. Sutton, a church member, asked permission to keep the existing chain-link fence up. The developer responded he didn't mind and the chain-link fence will remain in place.

No further comments. Mayor Parker closed the public hearing.

Motion to approve the application for the subdivision on Thunder Road as presented was made by Commissioner Hardy, seconded by Commissioner Hines. Vote was 4 to 1. Favor – Commissioners Hardy, Hatch, Hines, & Medlin and Opposed – Commissioner Surles.

Commissioner Hatch commented engineer needs to review the drainage plans. Public Works Director Barry Stanley responded when the town receives final drawing, he and BRL Engineering will have to review and approve.

Mayor Parker called the meeting back into a public hearing.

Highway 96 Rezoning from RA to I-1L

Pauline Ketchum relayed the planning board heard the rezoning request by the Town of Four Oaks, petitioner and the parcel owners were requesting a rezoning of their properties from RA (residential agricultural) to I-1L (light industrial). Property owners were: Russell Brown – parcels 08I11057A & 08I11057B; James P. George – parcel 08I11059; Johnnie L. Johnson – parcels 08I11067 & 08I11067A; Fay B. Elrod – parcel 08I11057; and Four Oaks Farms, LLC – parcel 08I11023L. Mrs. Ketchum relayed the planning board recommended the approval for the rezoning to the board and there no oppositions. No further comments. Mayor Parker closed the public hearing. Motion to approve the request to rezone the parcels from RA to I-1L was made by Commissioner Hardy, seconded by Commissioner Medlin, voting unanimous.

Mayor Parker called the meeting back into a public hearing.

Chapter 152 Subdivision Regulations Ordinance Amendment for Sidewalks

Pauline Ketchum relayed the planning board recommended amending the Chapter 152 (H) (2) Subdivision Regulation for Sidewalks language as follows:

(2) Sidewalks. Sidewalks may be required by the Board of Commissioners on one or both sides of the street in all subdivisions, multi-family developments, mixed use developments, and other areas likely to be subject to heavy pedestrian traffic such as near schools and shopping areas, centers. Such sidewalks shall be constructed to a minimum width of four feet, and shall consist of a minimum thickness of four inches of concrete. All sidewalks shall be placed in the right-of-way, unless the development is platted as a planned unit or group development. Sidewalks shall consist of a minimum of six inches of concrete in driveway crossings. The Board of Commissioners may grant an exception to this policy in areas having very low traffic volume.

Commissioner Hatch asked for clarity if the sidewalks would be required on both sides of the streets. Commissioner Medlin responded yes but the Board will have the discretion to grant exceptions.

No further comments. Mayor Parker closed the public hearing.

Motion to approve the recommended amendment to Chapter 152 (H) (2) Sidewalk Ordinance language as presented was made by Commissioner Medlin, seconded by Commissioner Hardy, voting unanimous.

Mayor Parker called the meeting back into a public hearing.

Section 308.2.4 Ordinance Amendment for Recreation Fees

Pauline Ketchum relayed the planning board recommended amending Section 308.2.4 Development Permitted by Type – Standards Which Apply for Recreation Fees language as follows:

Recreation Fees: Recreation fees will shall be required on any new subdivisions subdivision or multi-family development subject to the Town's subdivision ordinance in the amount of \$800.00 per lot for a major subdivision (4 or more lots) dedicated for parks and recreational use. or per unit for a multi-family development. The recreation fee shall be dedicated for parks and recreation use by the Town. Recreation space area shall be at least 20% of the total gross land area of the development. The board of commissioners recognizes that some recreation space needs a minimum size to be usable and that such recreation space will not serve the intended purpose. The Board of Commissioners may grant an exception to this policy if the developer demonstrates a willingness to construct an active recreation facility that will serve the needs of the community. All projects will need to meet the guidelines set forth by the respective permit issuing authority.

In lieu of payment, at the discretion of the Board of Commissioners, as an alternative to satisfying the recreation space requirements, the developer may be allowed to reserve the land and construct an active recreational facility to serve the development upon the approval of the permit issuing authority.

Commissioner Hatch inquired if the \$800 applies to past approved subdivisions or just those going forward. Mrs. Ketchum responded the \$800 has been in the ordinance so it applies to past and future subdivisions. This amendment just change some of the language.

No further comments. Mayor Parker closed the public hearing.

Motion to approve the recommended amendment to Section 308.2.4 Recreation Fees language as presented was made by Commissioner Medlin, seconded by Commissioner Hines, voting unanimous.

Mayor Parker called the meeting back into a public hearing.

Chapter 93.99 Littering Ordinance Amendment

Pauline Ketchum relayed the planning board recommended amending Chapter 93.99 Littering ordinance to increase fines as follows:

Section 93.99 - Penalty

- (A)(1) Any violation of any provision of this chapter shall subject the violator to a civil penalty in the sum of not more than \$50 per day.
 - (a) A citation for said civil penalty shall be issued by the Police Chief and/or his police staff.
 - (b) Each citation for a civil penalty must be paid within 168-24 hours of issuance.
- (2) Each and every day that the violator continues in violation shall be a separate and distinct offense. (a) 1st Offense - \$250 (b) 2nd Offense - \$500 (c) 3rd Offense - \$1,000

- (B) The municipality may also, and in addition, seek any and all appropriate equitable remedies, injunctions and/or abatement orders from the appropriate court of competent jurisdiction. Johnston County Clerk of Court.

Police Chief Stephen Anderson inquired if this was just for littering or other things. Mrs. Ketchum responded it was for littering only.

No further comments. Mayor Parker closed the public hearing.

Motion to approve recommended amendment to Chapter 93 Littering; Section 93.99 – Penalty ordinance as presented was made by Commissioner Medlin, seconded by Commissioner Hardy, voting unanimous.

Mayor Parker called the meeting back into a public hearing.

Chapter 99 Yard Sale Ordinance

Pauline Ketchum presented a new Chapter 99 Yard Sale Ordinance recommended by the planning board as follows:

Purpose

The purpose of this ordinance is to establish the requirements for residential yard sales within the town limits and the extraterritorial jurisdiction (ETJ) of the Town of Four Oaks.

Definitions

The offering for sale to the general public of five (5) or more items of personal property on any portion of a residential lot whether inside or outside in any buildings.

Requirements

- 1. Yard sales may be conducted by an individual occupant of a residence, a coordinated group of homeowners within an established development, or a civic or religious organization for the purpose of selling household items for profit or for charitable purpose.
- 2. Yard sales shall be prohibited on commercially zoned properties and on vacant lots. This excludes the 301 Endless Yard Sale Event.
- 3. Goods intended for sale shall not be stored or displayed in the front or side yards of a dwelling except on the day of the sale.
- 4. Yard sale is limited to the daylight hours.
- 5. Maximum frequency is two (2) days a month.
- 6. Yard sale signs shall be allowed to be put up three (3) days prior with removal of ALL signs that day.

Motion to approve the Chapter 99 Yard Sale ordinance as presented was made by Commissioner Hardy, seconded by Commissioner Hines.

Commissioner Hatch asked if this would cut out yard sales at the bank and on other commercial lots. After discussing, the conclusion was to change the proposed language above as follow:

- 2. Yard sales without the property owner's permission shall be prohibited on commercially zoned properties and on vacant lots. This excludes the 301 Endless Yard Sale Event.
- 3. Goods intended for sale shall not be stored or displayed in the front or side yards of a dwelling the property except on the day of the sale.

Commissioner Hardy amended his original motion to include the updated language and Commissioner Hines agreed to amend his second.

No further comments. Mayor Parker closed the public hearing.

Voting was unanimous.

Mayor Parker called the meeting back into a public hearing.

Clarification Amendment for Culver Avenue

Pauline Ketchum presented the following amendment for the Culver Avenue annexation as follows because she had been instructed by the Johnston County GIS department that the town needs to amend the annexation to include all of Culver Avenue entering off highway 301 through the Austin-Parker Village, LLC subdivision as follows:

On May 18, 2020, the Town of Four Oaks Board of Commissioners extended the corporate limits of parcel # 08I11012G from two parcels into on parcel know as Austin-Parker Village LLC.

When entering off highway 301 onto Culver Avenue which is between parcels 08I11011Z & 08I11011Y, Culver Avenue continues into Austin-Parker Village LLC, parcel 08I11012G. Parcel 08I11012G was annexed in to join parcels 08I11012H & 08I11013M that were already in the city limits. The reference for the plats can be found in plat book 90 page 255 with the most recent being plat book 92 page 403. The street name Culver Avenue goes straight into the new Austin-Parker Village LLC development and is included with the annexation that was filed June 5, 2020 at the Johnston County Register of Deeds Office.

No further comments. Mayor Parker closed the public hearing.

Motion to approve the amendment for Culver Avenue as presented was made by Commissioner Medlin, seconded by Commissioner Surles, voting unanimous.

New Business - Continued

Recommendation for CDBG Grant Engineering Services Contract for Sewer Improvement Project

Clerk Martha Garris explained that the Town advertised for procurement of the engineering services for the CDBG-Economic Development Administration (EDA) sewer project and received 2 qualification statement. Based on the review of the qualification statements, it was recommended to award the CDBG-EDA project engineering services to BRL Engineering & Surveying subject to the Town being provided a schedule of the use of any subcontractors including identification of personnel and with final price to be negotiated before executing the contract. Motion to recommend awarding the engineering services contract to BRL Engineering & Surveying subject to the Town being provided a schedule of the use of any subcontractors including identification of personnel and with final price to be negotiated before executing the contract was made by Commissioner Hardy, seconded by Commissioner Medlin, voting unanimous.

Commissioner Hatch inquired about putting the one-way street signs up on Bandy Street. The one-way street will run from Church Street to Massengill Street. Public Works Director Barry Stanley will be getting the signs up soon.

Mayor's Comments

Mayor Parker thanked the board and staff. The Town has accomplished many things thru COVID and hasn't suffered like some other towns.

Department Reports

Police - Hatch

Commissioner Hatch turned it over to the Police Chief. Chief Anderson read the monthly police report (attached). Chief Anderson informed the board that the lifters are stuck on Lieutenant / K9 Handler Lebow's car and he's trying to make it last until July. Without the K9 unit, K9 Dome would have to go out of service and if out more than 2 months he would have to go through training again. Commissioner Surles inquired if the police had been patrolling near Forest Hills and Chief responded they have.

Parks & Rec and Outreach - Hines

Commissioner Hines reported the Civitan had started baseball and softball programs back up and asked the board to consider donating \$1,000 to the Civitan to help with the spring youth programs since they have lost money over the past year due to COVID. The Board agreed to give \$1,000 to the Civitan from the Town's parks and recreation budget.

Water and Sewer - Medlin

Commissioner Medlin read the water and sewer report (attached). Water had revenue of \$20,035 and the sewer had revenue of \$24,288. The 12-month daily average per gallon was a 6% loss for water and 6% gain for sewer.

Sanitation & Streets

Commissioner Surles reported: (1) sanitation and streets; (2) he commented he was glad the town is addressing the littering issue; and (3) still need rocks at the pond near Forest Hills. Barry Stanley commented waiting on it to dry out and someone is coming to take care of.

Finance - Hardy

Commissioner Hardy and Clerk Garris reported: (1) we have been looking at online payment options and have decided to use Invoice Cloud which integrates with Southern Software, our website will have a link for residents to pay their bills, residents will be able to register on a portal to get notifications and for paperless bills, and it will save the town money in the long run with a lot of options; and (2) we are in the process of updating the town's website and can do a demo when ready. Commissioner Hardy read the financial report (attached) with total funds of \$2,034,484 and made a motion to approve the February payables listed in the attached report, seconded by Commissioner Medlin, voting unanimous.

Commissioner Hatch inquired if the town was doing a graduation parade this year. Commissioner Medlin responded we don't know about the graduation parade but will have it if need to. The high schools are still determining what they are going to do. He reported that on March 23 the Town will sponsor the SJHS Homecoming parade at 6:00 pm and show the movie Remember the Titans, in the Barbour's Grove Park at dusk. Food trucks will also be in town.

Mayor Parker suggested, if we do host the parade, using the Pavilion stage for graduation and calling out names as graduates walk across the stage. He also suggested we may consider hosting an 8th grade awards day.

Executive Session

Motion was made by Commissioner Hardy, seconded by Commissioner Hines to move out of regular session and into executive session to discuss economic development matters for the Town of Four Oaks Development Corporation, voting unanimous.

No motions were made

Motion was made by Commissioner Hardy, seconded by Commissioner Medlin to move out of executive session and into regular session, voting unanimous

Adjournment

With no further business brought before the Town Council, motion to adjourn at 9:15 p.m. was made by Commissioner Hardy, seconded by Commissioner Hines, voting unanimous.

ATTEST:

Linwood Parker, Mayor

Martha Garris, Town Clerk