

**TOWN OF FOUR OAKS
TOWN COUNCIL MEETING
OCTOBER 11TH, 2021
AGENDA**

- 1) Call to Order
- 2) Invocation and Pledge of Allegiance
- 3) Approval of Minutes
 - a) Town Council Meeting – September 13th, 2021
- 4) 2019-2020 Financial Statement – Andrew Harris, Auditor
- 5) Public Comments
 - a) Eric Fogleman
- 6) Public Hearings – Pauline Ketchum, Planning & Zoning Administrator
 - a) Hunter H Parker Heirs, Owner - Applications for Rezoning & a Subdivision
 - b) Zoning Ordinance Update
 - c) Certificate of Sufficiency & Annexation Ordinance Annexation Ordinance – Parcel I.D. # 08I10037A located at 310 Meadow Brook Dr, Four Oaks, owners Eric & Sharon Fogleman
- 7) New Business
 - a) NC 96 / Keen Road Sewer Extension Engineer's Recommendation for Award of Contract – Brian Leonard, BLR Engineering & Surveying
- 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
OCTOBER 11th, 2021
MINUTES**

Call to Order

Mayor Linwood Parker called the October 11th, 2021 regular scheduled Town Council meeting to order at 7:03 p.m. Those present included Commissioners Andy Hardy, John Hatch, Mike Hines, Vic Medlin, and Carles Surles. Also, present were Public Works Director Barry Stanley; Police Chief Stephen Anderson; 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 Surles leading the Pledge of Allegiance.

Approval of Minutes

Town Council Meeting – September 13th, 2021

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

2019-2020 Financial Statement – Andrew Harris, Auditor

Andrew Harris with Andrew Harris, CPA PLLC, Audit Firm for the town presented the Town Council with the 2019-2020 Financial Statement. Below are the auditor's highlights:

- In the Independent Audit Report, the Town received an unqualified opinion, highest form of assurance that can be received on a set of financial statements, free of any material misstatements.
- The assets and deferred outflows of resources of the town exceeded its liabilities and deferred inflows of resources at the close of the fiscal year by \$3,931,346 (net position).
- The government's total net position increased a total of \$103,315, primarily due to an increase in the governmental activities net position.
- At the close of the current fiscal year, the Town of Four Oaks' governmental funds reported combined ending fund balances of \$805,479 with a net change of \$119,830 in fund balance. Approximately 33.90 percent of this amount, or \$273,046, is restricted.
- At the end of the current fiscal year, unassigned fund balance for the General Fund was \$532,433 or 26.36 percent of total general fund expenditures for the fiscal year. The state recommends the fund balance to be above 24%. Mr. Harris stated the town is in good shape but needs to continue to improve the fund balance percentage.

- The Town of Four Oaks' total debt decreased by \$123,239 during the current fiscal year. The key factor in the decrease was the decrease in installment purchase note.
- The total unrestricted net position was \$1,370,509 which included the general fund of \$319,023 and water & sewer of \$1,051,486.
- Town uses modified accrual basis of accounting.
- At end of the current fiscal year, current tax levy collected was \$975,621 or 99.49%.
- Overall, the financials look healthy.

Mayor Parker and Commissioner Hardy thanked Mr. Harris for his service.

Public Comments

Eric Fogleman, Resident and Business Owner, spoke to the Board about a home-grown version of Downtown Four Oaks. He presented his idea for a concept of Downtown that supports how small-town merchants and investors can be successful in 2022 and beyond while simplifying construction and minimizing future town maintenance costs. He stated the concept was developed based on discussions within the Design Committee of FODDA, the WithersRavenel concepts, many discussions with merchants and key townspeople with observations of activities like the Christmas Parade, Acorn Festival and 3rd Thursdays. A few key points Mr. Fogleman pointed out were:

- 1) Keep DOT responsible for road maintenance using recommended road widths, no brick pavers in the road, no tabletop crossing at Lassiter Street and standard crosswalk features at intersections;
- 2) Brick pavers for the sidewalks and plaza for rustic appearance, flexibility for variable features and reduced maintenance based on correct construction techniques and tree root control;
- 3) Convenient parking, storefront visibility and ease of access for patrons to visit downtown merchants; such as additional Main Street parking and improved parking south of US 301 incorporating convenient handicap spaces, smaller street level vegetation plots and hanging basket vegetation in front of stores with the trees moved to the side of building or parking area, having multiple crosswalks at railroad tracks and US 301, & other pedestrian features such as handicap ramp on US 301 that doesn't remove ½ of the sidewalk in front of corner store; and
- 4) A unique pedestrian plaza with character and flexibility to support multiple formats and future updates.

Mr. Fogleman concluded that the points of notation on his presentation all have multiple positive effects on year-round community activities, support future outward expansion, simplify DOT and CSX negotiation/cost, minimize project construction costs / timeline, prioritize pedestrian safety, simplify maintenance with a few specific challenges. He stressed the townspeople, merchants and property owners want to be a part of the process so they know how their concerns are considered and implemented.

Mayor Parker commented to Mr. Fogleman that some things have already been adopted but his drawing could be sent to WithersRavenel. Mayor Parker asked Mr. Fogleman to give him a breakdown of any differences and they could be addressed with WithersRavenel who is the hired engineering firm for the Downtown Streetscape project. Mayor Parker thanked Eric for his time and efforts.

Joan Pritchett, Chamber of Commerce, provided for following report that was read by Clerk Garris: (1) Car Show was postponed due to increment weather forecasted; (2) November 11 Oyster Roast from 6-8 pm at Four Oaks Fire Station #2 on Lassiter Rd – contact the chamber office to purchase tickets at a cost of \$50 per ticket for all you can eat Oysters, Shrimp, Slaw and Hushpuppies; & (3) October 23rd - Halloween Movie in the Park.

Public Hearings

Mayor Parker called the meeting into a public hearing.

Brantley Joy, LLC, Petitioner and Hunter H. Parker Heirs, Owners - Applications for Rezoning & Special Use Permit

Mrs. Ketchum relayed the planning board heard the application requests for rezoning and for a subdivision of parcels 08016001, 08018029, 08018027, & 08016009A off Temple Street and W. Allen Street to (1) rezone the properties from R-A or R-6 & R-10 and (2) to get approval for a subdivision on parcel 08016001. Brian Leonard with BRL Engineering and Brad Gordon with Brantley Joy, LLC, were present at the meeting to represent.

- 1) The owners were requesting to rezone parcels 08016001, 08018029, 08018027 from R-A to R-10 and parcel 08016009A from R-6 to R-10. The reason for the request by the owners was the zoning request to R-10 was consistent with the Town's minimum zoning designations within the Town limits and a portion of the properties may be developed for residential. Mrs. Ketchum reported the planning board recommended the approval of the rezoning request from R-A & R-6 to R-10. Mrs. Ketchum noted that the request was already in process when discussion to change R-10 began. There were no further comments. Mayor Parker closed the public hearing. Motion to approve the application to rezone parcels 08016001, 08018029, 08018027, & 08016009A off Temple Street and W. Allen Street from R-A & R-6 to R-10 was made by Commissioner Medlin, seconded by Commissioner Hardy, voting unanimous.

Mayor Parker called the meeting back into a public hearing.

- 2) The owners were requesting approval for a subdivision on parcel 08016001 off Temple Street. Mrs. Ketchum reported the planning board recommended the approval of the subdivision request. Brian Leonard, BRL Engineering, discussed the intentions were to build a 29 lot, single entrance one-way in & out subdivision off Temple St. with a cul de sac. The developer intends to build single-family homes on the rezoned lots that front Allen St. Sewer will flow by gravity out the back and tie into the town's sewer on Allen Street and water line will hopefully loop at the end of the cul de sac and connect from Temple St. to Allen St. Commissioner Hardy inquired if all the lots on the design will meet the R-10 (10,000 sq ft) minimum lot size requirement and if curb & gutter and sidewalks were included. Street widths will

be 27 feet wide with minimum width of 8 feet for parking. Mr. Leonard responded yes, the minimum lot size in the subdivision will be 12,189 sq ft and the average overall lot size will be 14,870 sq ft with a width 75 ft. Mr. Leonard commented there will be curb and gutter and the Planning Board had recommended putting in sidewalks so the developer agreed to put in sidewalks on one side of the street. Commissioner Hines reminded the owner & developer of the open space fees. Mr. Leonard commented yes, the developer is aware of the fees. Eric Fogleman inquired if the sidewalks would go around the cul de sac. Commissioner Hines commented having them around the cul de sac would keep uniform with other subdivisions. Mr. Leonard responded yes, it's possible to add sidewalks around the cul de sac. Elaine Ellis, resident, inquired if there would be any buffers. Mr. Leonard responded there are no buffers purposed in the plans and clarified that buffers are not required per ordinance. Mrs. Ellis commented that she understood from Mr. Leonard at the Planning Board meeting that there would be buffers. Mr. Leonard commented he did not recall saying there would be buffers built however the existing trees would remain along the back of property which will act as a buffer. He clarified that his task as engineer is to meet the requirements in the ordinance and fences or buffers are not required. Dwight Vinson, resident, concerned about the parking on streets. Mayor Parker commented no body wants parking in streets but the town can't legislate human activity and parking is hard to control. Barry Stanley, Public Works Director commented there would be room for fire trucks to travel even if parking on the street based on footage. Commissioner Hines commented this subdivision will be 29 lots and people can walk to downtown which could be positive for the downtown revitalization project. Commissioner Medlin inquired if the developer was going to have an HOA because if so, the HOA can have a rule of no parking on the street if they so choose and they will have to self-police. Brad Gordon, agent for Brantley Joy, LLC, responded yes to the HOA. Commissioner Hardy clarified since BRL Engineering, the town's normal plan reviewer, was doing the developer plans for this project, the Town will hire a separate engineer to review the subdivision plans to ensure they conform to the town ordinances. There were no further comments. Mayor Parker closed the public hearing. Motion to approve the application for a subdivision on parcel 08016001 off Temple Street was made by Commissioner Medlin, seconded by Commissioner Hines, voting unanimous.

Mayor Parker called the meeting back into a public hearing.

Zoning Ordinance Updates

District Regulations and Table of Uses

Pauline Ketchum relayed the Board of Commissioners tabled the zoning ordinance updates to add R14 to the district regulations and table of uses at the September 13, 2021 meeting. Mrs. Ketchum relayed the planning board discussed the zoning ordinance updates and recommended to add R12 to the district regulations and table of uses and not to do an R14. R12 zoning would be single-family dwelling of 12,000 sq ft lots with minimum setbacks of: lot width 100 ft, front 40 ft, sides 15 ft, & rear 30 ft. The R10 zoning will be grandfathered in with no new R10 areas. Commissioner Medlin commented the Board of Commissioners ("BOC") recommended some changes to the planning board recommendations for minimum setbacks of: minimum lot width for single-family dwelling 80 ft to give builders more options, side yard 10 ft, & rear yard 25 ft. Mayor Parker commented as the Town moves forward, ordinances will

have to change for various reasons and he encouraged the public to stay engaged. Dwight Vinson, resident, asked didn't the board agree for 15 ft side setbacks and then received requests for exceptions. Mr. Vinson asked why keep changing the ordinance. Commissioner Hines explained by changing and adding more feet to allow for wider homes so the homes are more attractive and it makes the town more consistent with the county setbacks. Carly Fogleman, resident and business owner, expressed concerns about infrastructure issues with the growth. The growth adds kids to the schools which rises concerns for the traffic, school space, & teachers and asked about the board's thought process on infrastructure. Mayor Parker commented about the awareness of the school traffic issues and added that hopefully one day there will be a high school built along US 301 or I-95. The board is hoping to create a sustainable marketplace and create jobs in the business park where people can remain in Four Oaks and not have to drive to Raleigh. The board is concerned and trying to work things out. There are lots of planning going on and hopefully some things will be public soon. James Rabon, resident, commented on the speeding issues on Main St. and asked if not going to enforce laws in place now why try to enforce new laws. There were no further comments. Mayor Parker closed the public hearing. Motion to adopt the new zoning ordinance to add R12 to the district regulations and table of uses with the BOC recommended setbacks was made by Commissioner Medlin, seconded by Commissioner Hardy, voting was 4 For and 1 Opposed. (For - Commissioners Hardy, Hatch, Medlin, Surles; Opposed - Commissioner Hines)

Mayor Parker called the meeting back into a public hearing.

Zoning Ordinance Updates Continued

Chapter 152: Subdivision Regulations

Pauline Ketchum relayed the planning board recommended amending Chapter 152 (H)(2) to increase the minimum width for sidewalks from four feet to five feet. Commissioner Hines inquired why increase the sidewalk widths. Mrs. Ketchum responded to be consistent with Johnston County at five feet. Eric Fogleman asked is there a reason the town trying to be consistent with Johnston County. Commissioner Hines commented just to be consistent. There were no further comments. Mayor Parker closed the public hearing. Motion to approve amending Chapter 152 (H)(2) in the Subdivision Regulations section as presented was made by Commissioner Hardy, seconded by Commissioner Medlin, voting was 4 For and 1 Opposed. (For - Commissioners Hardy, Hatch, Medlin, Surles; Opposed - Commissioner Hines)

Mayor Parker called the meeting back into a public hearing.

Certificate of Sufficiency & Annexation Ordinance - Parcel I.D. # 08I10037A located at 310 Meadow Brook Dr., Four Oaks, owner Eric & Sharon Fogleman

Martha Garriss, Town Clerk was directed to investigate parcel #08I10037A located at 310 Meadow Brook Dr., Four Oaks, owner Eric & Sharon Fogleman for annexation in September. Clerk Garriss determined the parcel is noncontiguous and did not meet all the G.S 160A-58.1 requirements for being annexed into the corporate limits. G.S 160A-58-1(b)(4) states: if the area proposed for annexation, or any portion thereof, is a subdivision as defined in G.S 0160A-376, all of the subdivision must be included. Mayor Parker handed Mr. Fogleman a copy of G.S. 160A-58.1 and told him his property did not meet the requirements, based on guidance of the Town Attorney. Mr. Fogleman inquired about the other two homes in the subdivision that had been annexed in. He stated he only wants police protection and trash removal. Mayor Parker told him to discuss with the Town's Attorney, Chip Hewett with questions.

Mayor Parker closed the public hearing.

New Business

NC 96 / Keen Road Sewer Extension Engineer's Recommendation for Award of Contract

Brian Leonard, BRL Engineering & Surveying, recommended awarding the engineer's contract to JF Wilkerson Contracting Company, Inc. JF Wilkerson submitted the low base bid of \$1,488,615 as well as the low alternate #1 bid of \$1,483,785. The bid is just under budget of \$1.5 million. There were six engineer bidders with the base bidding ranging from \$1,488,615 to \$2,177,085 and the alternate #1 bidding ranging from \$1,483,745 to \$2,196,565. Mr. Leonard explained with the material shortages and lag times, we will probably have to work with the contractor but we will push them to order supplies now. Motion to approve awarding the NC 96 / Keen Road Sewer Extension Engineer Contract to the low bidder JF Wilkerson Contracting Company, Inc. was made by Commissioner Medlin, seconded by Commissioner Hardy, voting unanimous. The Board thanked Brian for all his work on the project and congratulated Sawyer Roberts on joining BRL Engineering & Surveying as a Civil Engineer.

Mayor's Comments

Mayor Parker encouraged everyone to vote on November 2. He thanked everyone for allowing him to experience all things he has while serving the Town and Board. He is going to still be involved in the Alliance and economic development.

Mayor Parker announced Reid Williams as the new Alliance Executive Director for the I-95 / I-40 Crossroads of America Economic Development Alliance, Inc. Reid Williams thanked everyone for the opportunity and made a few comments about the Alliance.

Department Reports

Police – Hatch

Chief Anderson read the monthly police report (attached). The Board thanked the Police Department for all they do.

Parks & Rec and Outreach – Hines

Commissioner Hines reported that football season was going well. Carly Fogleman thanked the Parks & Recreation Department for their continued support of the children.

Water and Sewer – Medlin

Commissioner Medlin read the water and sewer report (attached). Water had revenue of \$18,417 and the sewer had revenue of \$34,368. The 12-month daily average per gallon was an 13% loss for water and 2% gain for sewer. He commented there was a large water loss and asked everyone to keep a look out for leaks around town.

Dwight Vinson, resident, asked the town to please give a notice the next time doing smoke testing. The town did put on the water bills printed in September but next time the town will do a message on the mass notification system.

Sanitation & Streets

Commissioner Surles reported: (1) streets were good and (2) sanitation – numbers are increase for garbage customers.

Finance – Hardy

Commissioner Hardy read the financial report (attached) with total funds of \$2,247,107 and made a motion to approve the September payables listed in the attached report, seconded by Commissioner Hines, voting unanimous.

Commissioner Hardy reminded everyone about:

October 23 – Movie Night in the Park and the Downtown Merchants kid activities

October 31 – Halloween Trick or Treating in Town

Executive Session


Motion was made by Commissioner Hardy, seconded by Commissioner Surles 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 Medlin, seconded by Commissioner Hardy 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 9:08 p.m. was made by Commissioner Hardy, seconded by Commissioner Medlin, voting unanimous.



Linwood Parker, Mayor

ATTEST:



Martha Garriss, Town Clerk