

**TOWN OF FOUR OAKS  
TOWN COUNCIL MEETING  
FEBRUARY 14<sup>TH</sup>, 2022  
AGENDA**

- 1) Call to Order
- 2) Invocation and Pledge of Allegiance
- 3) Approval of Minutes
  - (a) Town Council Meeting – January 10<sup>th</sup>, 2022
- 4) Oath of Office – Andy Hardy as Mayor Pro Tem
- 5) Public Comments
  - (a) Megan Blackmon – Event in Barbour’s Grove Park
  - (b) Patricia Chisolm-Jones
  - (c) Rev. Adam Charville – Four Oaks United Methodist Church
- 6) Public Hearings
  - (a) Perfect Image, LLC, petitioner and Timothy L. & Susan M. Adams, owners for parcels 08H10027F, 08H10027B, 08H10027C, & 08H10027E on Old School Rd, Four Oaks, NC - Applications for Rezoning and Subdivision
  - (b) Stocks Engineering, PA, petitioner and Michael E. Barbour & Bobbie Sue, owners for parcel 15110014B / NCPin 167300-00-3664 – Application for Subdivision
  - (c) Certificate of Sufficiency & Annexation Ordinance - Tri-County Community Health Council, Inc DBA Commwell Health located off Boyette Rd., Four Oaks, NC, Parcels # 08I11011 & 08I11013K
  - (d) Certificate of Sufficiency & Annexation Ordinance - Charles Barrett Stanley & Cheryl H. Stanley located at 5225 US 301 S, Four Oaks, NC, Parcel # 08H99013H
  - (e) Certificate of Sufficiency & Annexation Ordinance – C&B Development, LLC located off Pecan Valley Way, Four Oaks, NC, Parcels # 08H10017, 08H10017Q, 08H10017U, 08H10017V, 08H1016A.
  - (f) Certificate of Sufficiency & Annexation Ordinance – C&B Development, LLC located off Pecan Valley Way, Four Oaks, NC, Parcels # 08H10016A & 08H10017R.
- 7) New Business
  - (a) Resolution Stating Intent to Annex Property Owned by the Town – located off Pecan Valley Way & Civitan Rd
  - (b) Resolution Authorizing Sale of Surplus Personal Property
  - (c) Nominations to Appoint for Filling Vacant Board Seat
- 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  
FEBRUARY 14<sup>TH</sup>, 2022  
MINUTES**

**Call to Order**

Mayor Vic Medlin called the February 14<sup>th</sup>, 2022 regular scheduled Town Council meeting to order at 7:00 p.m. Those present included Commissioners Andy Hardy, John Hatch, and Mike Hines. Also, present were Public Works Director Barry Stanley; Police Chief Stephen Anderson; Planning & Zoning Administrator Pauline Ketchum; Town Clerk Martha Garris recording minutes; and Mike Dart from FO Benson New in Review. Not present and excused Commissioner Carles Surles.

**Invocation and Pledge of Allegiance**

Commissioner Hatch gave the opening Invocation with Brian Leonard leading the Pledge of Allegiance.

**Approval of Minutes**

**Town Council Meeting – January 10<sup>th</sup>, 2022**

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

**Oath of Office**

**Andy Hardy – Mayor Pro Tem**

Honorable Mayor Victor Medlin read Oath of Mayor Pro Tem swearing in Andrew Hardy. The Oath was signed accordingly.

**Public Comments**

**Megan Blackmon**, presented to the Board her idea to have a community worship/revival with 3 speakers, music groups, food truck, and an ice cream vendor in the Barbour's Grove Park on June 11, 2022 from 6:00 pm to 9:00 pm. She is still working out the details and asked for support and suggestions from the Town. She inquired about having a portable toilet on site and police support. Mayor Medlin and the Board told her the town would support and help in any way possible and not to worry about the portable toilet and police support. Mayor Medlin commented looking forward to a great event.

**Patricia Chisholm-Jones**, presented three items requesting assistance for on Smith St. and Haley St. and presented letters to each Commissioner which will be attached with the February board minutes:

- Mrs. Jones submitted the 2022 request from property owners for the Town to contact Duke Energy for removal of 7 trees located directly in front of 114 Smith Street.
- Mrs. Jones presented concern of a recent incident involving a fire arm weapon which was currently under investigation by the Police Department. She informed the board that 24-hour surveillance cameras were being installed throughout the community and dusk to

dawn lighting had been recommended. She and the community requested the Town and Duke Energy to provide a light on the existing Duke electrical pole where the incident occurred near 112 & 114 Smith St. Chief Anderson had encouraged everyone to contact 911 immediately if they see or hear something going on.

- Requested spring pruning of all Crape Myrtles at Holt Park – Mrs. Jones commented that Commissioner Hines was aware and going to address the spring pruning of all Crape Myrtles at Holt Park prior to the spring growth period.

Mrs. Jones thanked the Board for their support and asked them to discuss at their earliest convenience. Mayor Medlin commented there was no need for closed session and the Board would pass along the requested information to Duke and our town guys would be doing the pruning in the park.

**Rev. Adam Charville**, Four Oaks UMC, presented a request to develop a garden located on the greenspace of the church's property near the playground and was seeking the Boards' blessings. The area would be approximately 1,400 sq ft and the garden would include an organic vegetable garden grown in raised beds and vertical vegetable towers no more than 5 ft in height and will be maintained by the congregation and community. The produce would be shared with the congregation and community. Rev. Charville asked the Board to consider the request.

Mayor Medlin and the Board responded that they were in full support and thought it was a great project for the church and community to benefit from.

## **Public Hearings**

Mayor Medlin called the meeting into a public hearing.

### **Perfect Image, LLC, Petitioner and Timothy L. & Susan M. Adams, Owners of Parcels # 08H10027F, 08H10027B, 08H10027C, & 08H10027E – Applications for Rezoning and a Subdivision**

Pauline Ketchum, Planning & Zoning Administrator, relayed Planning Board heard the application requests of rezoning & a subdivision by Perfect Image, LLC, Petitioner and Timothy L. & Susan M. Adams, Owners, for parcels # 08H10027F, 08H10027B, 08H10027C, & 08H10027E located off Old School Rd to (1) rezone the properties from R8.5S to R-12 and (2) build a residential subdivision with approximately 10 lots on the 4.669 acres. Mrs. Ketchum relayed the subdivision proposed would have valley curb & gutter, no sidewalks because the homes were only on one side of the street, and would have a post office mailbox kiosk. She reported letters had been sent out, she had received no inquiries and the planning board was recommending this for Board approval.

Brian Leonard, BRL Engineering & Surveying at 112 E. Johnson St., Smithfield, NC, was present representing the Adams'. Mr. Leonard clarified the properties were off Old School Rd across from Parker St. and were currently a field. The lots would be on one side of the street with one fire hydrant. Commissioner Hines clarified his understand that the subdivision would have valley curb & gutter and no sidewalks. Commissioner Hardy pointed out that since Mr. Leonard was working on this project, BRL Engineering would not be working on behalf of the Town for this project therefore the plans will be reviewed by a separate engineering firm for the Town once submitted.

John Book & on behalf of his parents John & Sue Book, who issued a letter to the Planning Board, commented they were not opposed to the growth and the development; however, they were stressed about the home values being built around town in general. Mr. Book asked that moving forward the Board consider requiring builders to put more into the houses being built and try to avoid low value & rental type homes. He asked the Board to make sure the homes embrace the Four Oaks environment keeping homes very nice and not reduce size of lots for cheaper homes. Mayor Medlin commented the Board is in the process of reviewing its Land Use Plan and agreed with managing the growth.

Mr. Book encouraged the Board to have discussions with the Planning & Zoning Board about zoning and tidying up homes and businesses. Mayor Medlin thanked Mr. Book.

- 1) The owners and petitioner were requesting to rezone the properties from R8.5S to R-12. Commissioner Hardy inquired about the lots sizes making sure they would be greater than or equal to 12,000 sq ft and if the owners plan to get annexed into the town. Mr. Adams, owner, replied they did plan to get annexed as soon as possible following receiving approval for rezoning and the subdivision. Commissioner Hardy expressed concerns about having no sidewalks because the Boards spent time on the sidewalk ordinance and he wants to be consistent with the ordinance. His concern was the need for a sidewalk on the same side as the houses. Mr. Leonard commented he had read the ordinance and didn't interpret as a requirement and viewed it as subjective but would revisit it. Mrs. Ketchum handed Mr. Leonard the updated sidewalk ordinance which he verified was different from what he had read. Mrs. Ketchum state she had provided the updated version to him. The difference in the 2 versions was the change from sidewalks "may" be required to sidewalks "shall" be required by the Board of Commissioners on both sides of the street in all subdivisions...subject to heavy pedestrian traffic. Mr. Leonard stated they were prepared to include sidewalks if required to. Mayor Medlin directed the Board to go ahead and address the rezoning at hand and then finish discussing the subdivision.

Mayor Medlin closed the public hearing. Motion to approve the application to rezone parcels # 08H10027F, 08H10027B, 08H10027C, & 08H10027E located off Old School Rd from R8.5S to R-12 was made by Commissioner Hines, seconded by Commissioner Hatch, voting unanimous.

Mayor Medlin called the meeting back into a public hearing.

- 2) The owners and petitioner had submitted an application to build a residential subdivision with approximately 10 lots on the 4.669 acres. Commissioner Hardy expressed concerns about needing sidewalks for consistency and in accordance with the ordinances. Commissioner Hines agreed. Brian Leonard commented they were prepared to add sidewalks on one side of the street if the Board required them. Pauline Ketchum clarified that sidewalks and curb & gutters were not a requirement by the NCDOT but it is up to the towns. Commissioner Hines commented he wasn't as concerned about the width of the sidewalk but the town ordinance states a minimum of 4 feet.

Mayor Medlin closed the public hearing. Motion to approve the proposed subdivision on parcels # 08H10027F, 08H10027B, 08H10027C, & 08H10027E located off Old School Rd

subject to the changes to add sidewalks on the same side as the houses was made by Commissioner Hines, seconded by Commissioner Hatch, voting unanimous.

**Stocks Engineering, PA, petitioner and Michael E. Barbour & Bobbie Sue Barbour, owners of parcel # 15I10014B / NCPin 167300-00-3664 – Application for Subdivision**

Pauline Ketchum, Planning & Zoning Administrator, relayed Planning Board heard the application request for a subdivision by Stocks Engineering, PA, petitioner and Michael E. Barbour & Bobbie Sue Barbour, owners of parcel # 15I10014B / NCPin 167300-00-3664 located off Packing Plant Road. Mrs. Ketchum relayed the proposed subdivision would consist of 38 single family home lots on 61.61 acres, with no curbs or sidewalks because it is in the Town's ETJ, minimum lot area is 3,000 sq ft with 0.698 acres minimum, and the zoning is RA in the ETJ. She reported 15 letters were mailed out to property owners in a 500 ft radius and she had received several inquiries with concerns, the subdivision will remain in the ETJ, the developer will adhere to the US Postal Service requirements, and the planning board was recommending this for Board approval.

Mike Stocks, Stocks Engineering, PA, PO Box 1108, Nashville, NC 27856 was present representing the Barbour's. Mr. Stocks clarified the lot size minimums would be 30,000 sq ft instead of 3,000 square feet. He discussed there had been concerns at the Planning Board meeting about the hills, narrow roads, and erosion control issues that the engineering company was addressing. The firm would have to get approvals from the NCDOT for the road and driveways, along with site erosion control to address the stormwater runoff, drainage & erosion issues. The subdivision was proposed to have shoulder section DOT roads with no curb and gutters, and no sidewalks. Stocks Engineering believes the shoulder section ditches would help continue the water flow and lessen the runoff. Mr. Stocks explained due to the location they didn't believe the area was a heavily traveled pedestrian area requiring the need for sidewalks so they were requesting a variance of having no sidewalks in the subdivision out in the county.

David Morris, resident at 3354 Packing Plant Road, commented he was in support of the subdivision but asked for the errors that he had already pointed out in the subdivision survey to be addressed.

Todd Pollock, resident at 2758 Packing Plan Road, commented he was in support of the subdivision but asked the Board to ensure safety, water runoff, erosion control, and control of traffic was addressed appropriately.

Eric Fogleman, inquired if this was involving annexations. Mayor Medlin responded this had nothing to do annexations, it will remain in the ETJ, and will not be annexed.

Commissioner Hardy asked if there were any oppositions to the subdivision. Mrs. Ketchum responded no there were just concerns about the roadways that had to be addressed with NCDOT, water runoff, and erosion. She received 2 letters, one from NC Soil and Water with some concerns and the other was notarized from Eleonor Barbour, both concerning water runoff and requested a hydrological study.

Commissioner Hines inquired about the shoulder section ditches with no curb and gutter because he was unsure what those were and expressed concerns of no sidewalks. Mr. Stocks explained their thoughts were that the area would not be a heavy traveled pedestrian area as referenced in

the Town ordinance, there was no NCDOT requirement on NCDOT maintained street for sidewalks like in town, and there was no connectivity back to the town. The open ditches would address the water runoff by helping retain and slow the water flow from points A to B and help control downstream runoff. The Hydrological Study will address the final determination for the water runoff concerns. The lots will be one acre and there is an existing pond that will have to have appropriate drainage to and from the pond which will be determined by the Hydrological Study. Mr. Stocks explained there was no plans for curb and gutter because the subdivision would be in the county, not in town, and the ditches will help with the water runoff. Commissioner Hatch inquired if the county required sidewalks. Mr. Stocks replied Johnston County does not require curb & gutter and does not take a stance on sidewalks. NCDOT does not require sidewalks and leaves it up to the local municipality but if sidewalks are required in the county, they must be outside of the NCDOT right of ways. Commissioner Hines commented he isn't opposed to the subdivision and he doesn't want to hold up the approval but his concern is sidewalks and the town needs to be conscious of sticking to the sidewalk ordinance. Mr. Stocks referenced the difference in this subdivision was the general location with no connectivity to the town. Commissioner Hatch commented he was hesitant to approve without sidewalks. Commissioner Hardy inquired about the road widths. Mr. Stocks replied the road widths were 20 feet. Mr. Stocks inquired what was the intent with the language "at the boards discretion" in the sidewalk ordinance because if there wasn't a location in the ETJ that would warrant no subdivision sidewalks like this property 4 miles outside of town that would never have sewer or be annexed, what was the thought process for the language. Mrs. Ketchum responded she thought it was the Rowland Subdivision off Elevation Rd. that made the board start thinking about this because once they saw what it looked like and even though they were big, people would be wanting to walk for exercise. Mayor Medlin responded he could not answer that question but he might need to come back with another plan with some sort of sidewalks and bring it back before the Board. Commissioner Hardy express his concerns were about safety issues with kids playing, folks walking, and exercising when there will be 38 homes with 20 ft street widths and no sidewalks. Mr. Stocks asked about the idea for street widths of 24 ft with marked sides for pedestrian traffic and slower speed limits. The Board liked the idea as a reasonable option. Commissioner Hatch commented seems like the town needs separate ordinances for in town and the ETJ. Mr. Stokes asked if there was a way to move forward with flexibility to come up with an option for widening the streets or installing sidewalks and that would give the Board an opportunity to discuss possibly having a separate ETJ ordinance without holding up the approval process for the subdivision. Mayor Medlin suggested for Stocks Engineering to redo the plans to widen the roads or install sidewalks and the Board can hold a special meeting when we need to. Commissioner Hines commented we need to make sure all NCDOT requirements are met. Mr. Stokes commented every county subdivision has shoulder section ditches. He asked the Board to take action meeting the sidewalk ordinance criteria with sidewalks on one side of the street so Stocks Engineering could move forward and also can come up with some alternatives, then if the Board sees fit to amend that directive later then they can and if not, they will meet the sidewalk criteria. Mr. Stocks asked the Board to consider addressing the ETJ ordinances.

Mayor Medlin closed the public hearing. Motion to approve the subdivision of parcel # 15I10014B / NCPin 167300-00-3664 located off Packing Plant Road contingent to adding sidewalks on one side of the street outside of the NCDOT right of way on private property without curb and gutter was made by Commissioner Hines, seconded by Commissioner Hatch, voting unanimous.

Mr. Stokes was to email Pauline Ketchum a list of subdivisions with shoulder section ditches.

Mayor Medlin called for a five-minute recess at approximately 8:15.

Mayor Medlin called the meeting back to order at approximately 8:20 and called the meeting back into a public hearing.

### **Annexations**

Clerk Martha Garris presented the certificate of sufficiencies and annexation ordinances for the following voluntary requests for annexations. On January 10<sup>th</sup>, 2022 the board directed the clerk to investigate each request below:

- Tri-County Community Health Council, Inc DBA Commwell Health located off Boyette Rd., Four Oaks, NC, parcels # 08I11011 & 08I11013K. Clerk Garris certified the sufficiency of the petition under G.S. 160A-31. Motion to approve the voluntary annexation for parcels # 08I11011 & 08I11013K was made by Commissioner Hardy, seconded by Commissioner Hines, voting unanimous.
- Charles Barrett Stanley & Cheryl H. Stanley located at 5225 US 301 S, Four Oaks, NC, parcel # 08H99013H. Clerk Garris certified the sufficiency of the petition under G.S. 160A-31. Motion to approve the voluntary annexation for parcel # 08H99013H was made by Commissioner Hardy, seconded by Commissioner Hines, voting unanimous.
- C&B Development, LLC located off Pecan Valley Way, Four Oaks, NC, parcels # 08H10017, 08H10017Q, 08H10017U, & 08H10017V. Clerk Garris certified the sufficiency of the petition under G.S. 160A-31. Motion to approve the voluntary annexation for parcels # 08H10017, 08H10017Q, 08H10017U, & 08H10017V was made by Commissioner Hines, seconded by Commissioner Hardy, voting unanimous.
- C&B Development, LLC located off Pecan Valley Way, Four Oaks, NC, parcels # 08H10016A & 08H10017R. Clerk Garris certified the sufficiency of the petition under G.S. 160A-58.1. Motion to approve the voluntary annexation for parcels # 08H10016A & 08H10017R was made by Commissioner Hines, seconded by Commissioner Hardy, voting unanimous.

Clerk Garris relayed these annexations include all parcels in Phase 1 of the Field View Subdivision, to the best of her knowledge.

### **New Business**

#### **Resolution Stating Intent to Annex Property Owned by the Town – located off Pecan Valley Way & Civitan Rd**

Clerk Martha Garris stated it is the intent of the Mayor and Board of Commissioners to annex parcel #08H10016I located off Pecan Valley Way & Civitan Rd., owned by the Town of Four Oaks. Motion to approve the resolution directing the Town Clerk to proceed with the public hearing to annex the property pursuant to GS 160A-58.7 was made by Commissioner Hardy, seconded by Commissioner Hatch, voting unanimous.

#### **Resolution Authorizing Sale of Surplus Personal Property**

Commissioner Hardy read the resolution authorizing the sale of surplus personal properties. The resolution authorized the following:

- Sale by public auction of GovDeals.com
  - a) 2015 Dodge Charger VIN # 2C3CDXAT3FH890635 - 103,596 miles;
  - b) 2001 Chevrolet 3500HD with Dump Bed VIN # 3GBKC34G71M107946 - 104,881 miles;

- c) 2003 Ford F-350 with Dump Bed VIN # 1FDWF36S73ED84574 - Mileage Unknown; &
- d) O'Brien Jetter System 700-J
- Dispose of by way of scrapping due to having no value
  - a) ODB Leaf Vac
- Disposed of by way of donation to be displayed in the K9 Trainer's field for the purpose of K-9 training due to having no value
  - a) 2014 Dodge Charger VIN # 2C3CDXAT9EH367473 - 74,609 miles

Motion to approve the resolution authorizing the sale of surplus personal properties as presented was made by Commissioner Hardy, seconded by Commissioner Hines, voting unanimous.

### **Nominations to Appoint for Filling Vacant Board Seat**

Motion to nominate Kim Robertson to fill the vacant commissioner seat previously held by Mayor Medlin was made by Commissioner Hardy, seconded by Commissioner Hines, voting unanimous.

Mayor Medlin commented that Kim Robertson had served on the board before, she ran for Mayor 2 terms ago and lost by 7 votes, and he agrees she will be a great asset to the Board.

### **Mayor's Comments - None**

### **Department Reports**

#### **Police – Hatch**

Chief Anderson read the monthly police report (attached). Chief Anderson reported he should be getting the new Durango soon and the department has one applicant he was working to complete the background paperwork for to fill the vacant officer position. He encouraged everyone to keep doors locked.

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

Commissioner Hines reported: (1) a new slide had been ordered for the Main St. Kiddie Park; (2) in process of getting a quote to paint the Main St. Kiddie Park equipment; and (3) there had been discussion with Duke Energy about getting power in Barbour's Grove Park.

#### **Water and Sewer – Medlin**

Mayor Medlin read the water and sewer report (attached). Water had revenue of \$30,220 and the sewer had revenue of \$32,706. The 12-month daily average per gallon was a 10% loss for water and 4% loss for sewer.

#### **Sanitation & Streets**

Mayor Medlin, in the absence of Commissioner Surles, reported: (1) streets & sanitation were good; and (2) at the recent Mayor's meeting there was discussion to look into joining together to get a county-wide garbage collection quote for the towns to hopefully get better rates.



**Finance – Hardy**

Commissioner Hardy read the financial report (attached) with total funds of \$2,684,600 and made a motion to approve the January payables listed in the attached report, seconded by Commissioner Hatch, voting unanimous.

**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, voting unanimous.

No motions were made


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

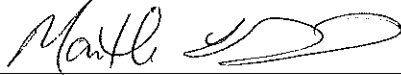
**Open Session**

Reid Williams presented the design for the road to connect Keen Rd and Four Oaks Parkway into the Business Park, along with water and sewer, and stormwater plans. The Town was considering an agreement to pay 50% for the cost of the road design contingent to the Core of Engineers analysis permitting the road to cross the branch. Norwood Thompson would pay the other 50%. The proposed cost was \$146,000 for the design by McKim & Creed Engineering Firm. The Towns' commitment would be \$73,000. Motion to approve the Town pay 50% of the Engineering design fees to build a road into the Business Park off Keen Rd was made by Commissioner Hines, seconded by Commissioner Hardy, voting unanimous. Commissioner Hardy pointed out McKim & Creed needed to change the Alliance to the Town of Four Oaks in the proposal.

**Adjournment**

With no further business brought before the Town Council, motion to adjourn at 9:00 p.m. was made by Commissioner Hardy, seconded by Commissioner Hatch, voting unanimous.

  
\_\_\_\_\_  
Vic Medlin, Mayor

ATTEST:  
  
\_\_\_\_\_  
Martha Garriss, Town Clerk