

**TOWN OF FOUR OAKS
TOWN COUNCIL MEETING
OCTOBER 10TH, 2022
AGENDA**

- 1) Call to Order
- 2) Invocation and Pledge of Allegiance
- 3) Approval of Minutes
 - (a) Town Council Meeting – September 12th, 2022
- 4) Bond Referendum Presentation
- 5) Public Comments
- 6) Public Hearings
 - (a) Paul Newcomer, Petitioner/Owner – Application for Special Use to place a 2022 Manufactured Home on his parcel at 191 Thomas Rd, Parcel # 08I12011B.
 - (b) Charles Trefzger, Petitioner and Four Oaks PROPCO Holdings, LLC, Owner – Application for Special Use for a Solar Facility at 565 Boyette Rd., Parcel # 08I11011U.
 - (c) Golden Leaf, LLC, Petitioner/Owner – Application for Rezoning from RA to R12 located at the corner of Parkertown Rd & Parker Rd, Parcel # 08H10076B.
 - (d) Golden Leaf, LLC, Petitioner/Owner – Application for Subdivision located at the corner of Parkertown Rd & Parker Rd, Parcel # 08H10076B.
 - (e) Amendments to the Town and Zoning Ordinance.
 - (f) Certificate of Sufficiency & Annexation Ordinance – 8182 Properties, LLC & Meherrin Fertilizer, Inc., located at 4003 US Hwy 301 S, Four Oaks, NC, Parcel # 08J11199X.
 - (g) Certificate of Sufficiency & Annexation Ordinance – The Town of Four Oaks Development Corporation, located at 200 Boyette Rd., Four Oaks, NC, Parcel # 08I11028B.
- 7) New Business
 - (a) Approval of Consent Judgement – Murray
 - (b) Resolution Approval
- 8) Mayor's Comments
- 9) Department Reports
 - (a) Police – Hatch
 - (b) Parks & Rec & Outreach – Robertson
 - (c) Water and Sewer – Hines
 - (d) Sanitation & Streets – Surles
 - (e) Finance – Hardy

Adjournment

TOWN OF FOUR OAKS

TOWN COUNCIL MEETING

OCTOBER 10TH, 2022

MINUTES

Call to Order

Mayor Vic Medlin called the October 10th, 2022 regular scheduled Town Council meeting to order at 7:00 p.m. Those present included Commissioners Andy Hardy, Mike Hines, Kim Robertson, and Carles Surles. Also, present were Police Chief Stephen Anderson; Public Works Director Barry Stanley; Town Clerk Martha Garris recording minutes; and Mike Dart from FO Benson New in Review. Not present and excused Commissioner John Hatch.

Invocation and Pledge of Allegiance

Commissioner Surles gave the opening Invocation with Jeremy Johnson leading the Pledge of Allegiance.

Approval of Minutes

Town Council Meeting – September 12th, 2022

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

Bond Referendum Presentation

Landis Bullock, representative from Friends of Johnston County Public School, gave a presentation on the November 8, 2022 \$177 million General Obligation 2022 School Bond Referendum with no property tax rate increase. This referendum is the 1st of a 3-part series in which the other 2 are slated for yr 2024 & yr 2026. Mr. Bullock discussed recent on-going projects for the schools and the many needs that the 3 new bond referendums will help fund:

- New high school in the Wilsons Mills area
- New elementary school in the Swift Creek area
- District-wide projects such as: Safety & security upgrades, ADA assessment for all facilities, & HVAC upgrades
- Other Specific School maintenance projects across the county
- Future new schools and additions & maintenance to existing schools

Johnston County is the fastest growing county in NC and 9th fastest in the Nation based on the US Census Bureau 2020 Report in the 150K-250K population range, and has 22 capped public schools.

Mayor Medlin thanked Mr. Bullock for the information and stressed that we would like a high school in Four Oaks and in other local towns also.

Ted Holmes, asked where and how are the lottery funds used. Mr. Bullock responded early on the governor had the right to hold onto lottery funds to help balance the state budget or send out to the counties but now the board of education sends the funds over to the county commissioners to be used to help pay on the bonds.

Public Comments

Sandy Parker, resident and property owner on Tettersville Rd stated, "I feel it is important that I make the town aware of a few events, as a follow up to previous meetings, that have occurred since the June 13 meeting regarding the outdoor shooting range located at 645 Tettersville Rd.: sporadic shooting has continued to occur throughout the summer; and repetitive firing from the range can be heard most days including Sunday and even during church hours. We went on about our daily lives. More recently within the last few weeks, these repetitive shooting occurrences have begun increasing and the presence of different Four Oaks Police vehicles have been identified traveling down the little cart path crosses multiple properties which are all located outside of the Four Oaks jurisdiction. With these sightings, subsequent firings were been heard from the range. Now at this point, there are unresolved issues and it is under the county's jurisdiction. Communication between different entities often break down leading to a lot of I don't knows. For my own personal safety, I feel it is necessary to inform you here tonight so I know you know that on Saturday, October 1st, I woke up to blue paintballs scattered across my front porch and my yard. Okay it riled me but I did not think a whole lot of it at the time. I was then targeted again Thursday night, October 6 at about 10:30 pm. I do not feel these incidents were random. I feel targeted and I feel threatened. Back to Saturday, October 1st, very loud constant repetitive firings started at the range that morning at approximately 8:30 am and continued throughout the day into the evening until approximately 8:45 pm. Marked and unmarked Four Oaks Police vehicles, at least 2 other towns police department vehicles, and many other personal vehicles were seen at this sight. In addition, I was also made aware of another separate event that was being held at the range at the same time. That event consisted of not only all day Saturday shooting but Sunday shooting as well. So, on Saturday, October 1st our community was subjected to being double waylaid by the constant firing of different types of weapons by law enforcement personnel and civilians all at the same time using this range that has been deemed noncompliant by the county. The county issued and served another citation last week. So, in light of this I have questions. Who holds authority over the Four Oaks Police Department and authorizes the police to be at this range on Tettersville Road especially with the knowledge of such existing issues? Why did the Town of Four Oaks pay Practical Defensive Solutions \$4,680 as documented in the August 2022 police department payroll report? Whether actions are considered law abiding or not, it does not make them transparent, respectable, ethical, unbiased, or even just plain decent. I am heartbroken for my community. I respectfully ask you, town commissioners and mayor, please refrain the police department from conducting any additional shooting at this property. There are other established facilities available. The Town of Four Oaks my unknowingly be inserting itself into a situation which I most definitely feel has escalated. Thank you for your time."

Mayor Medlin thanked Mrs. Parker and responded to her questions: (1) about the payment to Practical Defensive Solutions, we do pay for virtual training services on their simulator for all our officers. This has many different training scenarios; & (2) who holds authority over our police department, it starts with John Hatch the police commissioner and then it regulates down to the rest of the Board. Mayor explained based on his understanding for the October 1st event, Chief Anderson had scheduled the qualifying at another location but due to the hurricane, that got canceled, the instructors were already booked, so it got changed from one location to that location. Mrs. Parker commented all that traffic going in and out of the cart path made it a red, sloppy mess. That path is used by more than one landowner. She added, "the evidence of all the mud washed off was in your parking lot."

Marty Parker, from Tettersville Rd., asked how can you change the location of shooting range at the spur of the moment when it is noncompliant with the county and the county rules. Mayor Medlin responded he thinks you can shoot on anybody's private property as long as there is a state certified instructor present so the officers can become certified and to his knowledge, they did nothing wrong, they made an effort to go somewhere else but that didn't work out and unfortunately it bothered a lot of the neighborhood around there. Mr. Parker asked is that what you want to do is bother the community. Mayor responded well I do want my police officers to be trained and I do support that. Mr. Parker asked about police officers from other towns, we have to hear them too. Mayor responded that was out of his jurisdiction but our officers have to be state certified. Mr. Parker added there are other established facilities they can use to train.

Commissioner Robertson responded JCC does have a shooting range at Howell Woods that can be utilized, you have to scheduled it and by scheduling it we will sit down and make up a plan for you to be there. She commented she is very concerned because her phone has rung continuously about this whole situation and feels we are continuously poking something we already knew was a bad situation and you only have to qualify once a year. She asked chief was that what you were doing on October 1st? Chief responded that's all I did. She then asked Chief why was his police car and other cars being seen on that path, that isn't in our jurisdiction, twice in September and one was the day of the SJHS parade in town and the time he was down there was the time when all the families were lined up to pick up children from school? "I'm expressing my frustration as a commissioner because my phone has rung continuously and these are my friends and I feel like I have to provide a service to them and answer my phone." It does upset her and understanding Commissioner Hatch has been out of place, the board needs to have a succession plan for when one commissioner is out of place another commissioner steps up because she has asked the question who is next in line with no answer. Chief Anderson responded he understands the concerns and will address it but he has to look after his guys as well. He commented he had made the necessary arrangements with the Sheriff to qualify but when he cancelled on Wednesday, he called Dustin to ask if they could shoot at his range so chief and the instructor went out to look at the range to make sure there was a berm long enough and they moved it there. That was the only reason they shot there. As far as the day of the parade, Chief stated he didn't recall being there but he would say he wasn't and at the moment he didn't think he was at work that day. He suggested that maybe some of the information she was receiving wasn't 100% correct. Mr. Parker commented we have pictures with dates.

Public Hearings

Mayor Medlin called the meeting into a public hearing.

Pauline Ketchum, Planning and Zoning Administrator, relayed the Planning Board met on October 4 to hear 3 applications. Notice requirements were met with the newspaper advertisements being publish on September 21 & 28, signs were put on the properties, and letters were mailed out for all 3 cases.

Paul Newcomer, Petitioner/Owner of Parcel # 08I12011B located at 191 Thomas Rd – Application for Special Use to place a 2022 Manufactured Home on his parcel

Pauline Ketchum, Planning & Zoning Administrator, relayed the Planning Board heard the request for a special use by Paul Newcomer, petitioner & owner of parcel # 08I12011B located at 191 Thomas Rd., Four Oaks, NC to place a 2022 Clayton Manufactured Home with 3 bedrooms & 2 bathrooms on his 2.28 acres property. Ketchum relayed the property is in the ETJ, zoning is R-A

which requires a special use permit, there is a shared easement with other 4 property owners, the foundation will be bricked, the area has mixed use SF homes, meets all requirements, letters were mailed out, she received no inquiries, and the planning board was recommending for Board's approval. The lot is currently vacant.

John Dodd, from Dodd-McLamb Rd., commented this used to be the J. Lloyd Ellis farm that was divided into 3 lots with an easement. He added at the time it was subdivided years ago, the county parameters were one lot in the front and 2 flag lots. His was inquiring how this was ever sold and split into additional flag lots and why could it not have been done years ago for him. Is that a county or town decision? Mayor Medlin commented, it is possible, that at the time the county may have had jurisdiction over that property but the ETJ was extended years ago and the town has jurisdiction now and the rules are a little different. Mrs. Ketchum responded they are no longer flag lots because they all have an easement and it's recorded at the register of deeds. Mr. Dodd added he wasn't in objection; he was just wondering how the 3 lots were changed.

There were no public comments. Mayor Medlin closed the public hearing.

Motion to approve the proposed special use by Paul Newcomer, petitioner & owner of parcel # 08I12011B located at 191 Thomas Rd., Four Oaks, NC to place a 2022 Clayton Manufactured Home on their property was made by Commissioner Hines, seconded by Commissioner Hardy, voting unanimous.

Mayor Medlin called the meeting back into a public hearing.

Charles Trefzger, Petitioner and Four Oaks PROPCO Holdings, LLC, Owner of Parcel # 08I11011U located at 565 Boyette Rd. – Application for Special Use for a Solar Facility

Pauline Ketchum, Planning & Zoning Administrator, relayed the Planning Board heard the request for a special use by Charles Trefzger, Petitioner and Four Oaks PROPCO Holdings, LLC, Owner of parcel # 08I11011U located at 565 Boyette Rd., Four Oaks, NC to install a solar facility for the production of electricity dedicated to the Four Oaks Assisted Living Facility. The system will be collocated on the same site and the solar facility is clearly a subordinate accessory to the Assisted Living Facility. The solar panel are not feasible to be place on the roof therefore they will be located to the left of the lot, facing Boyette Road and there will be buffers for landscaping. The Planning Board was recommending approve of the special use to the Board with the inclusion of the new design for it to be placed on the left side of the property instead of in the middle.

Commissioner Hines inquired why they couldn't be on the roof of the facility. Jerrod Branham, from the Branham Group, the engineering and construction group that was present representing the project. Mr. Branham explained structurally and due to the lack of roof space, the panels cannot be installed on the roof and based on codes the panels cannot face north, east, and west.

Commissioner Hardy inquired on who will own and maintain the solar panels. Mr. Branham responded this will be an addition to the existing facility and the owner of the Living Facility will own and maintain them.

Mayor Medlin commented future development plans for the area are being worked on currently and he would personally be more in favor of it being located behind the facility because of being an eye sore. Mr. Branham commented this will be a Solar Array, not farm, the panels are going to

be collocated on the property for the purpose of the facility use, the array is approximately ½ acre in size and they would like to put the solar facility behind the existing facility but there is no space that they own and in working with the town that is why they shifted it to the left of the property with buffers. He added the maximum height would be 9 feet, posts depth will be 30"-36", fencing & landscaping, no noise, no odor, no traffic, and no pollution to water or air.

Commissioner Hardy inquired do they have solar panel facilities at any other locations and if so, are they located on the roof, front, or behind the existing facilities. Mr. Branham responded they are currently looking at installing at 8 other locations for financial savings and none will be on the roof but some are in behind.

Mayor Medlin thanked Mr. Branham and added he had no say so but his opinion was not to allow them in front of the facility due to possibly hampering future plans but suggested helping to look at some space behind the facility for this. He clarified that he wasn't against the solar just the location. Mayor closed the public hearing.

Motion to table the proposed special use request by Charles Trefzger, Petitioner and Four Oaks PROPCO Holdings, LLC, Owner of parcel # 08I11011U located at 565 Boyette Rd., Four Oaks, NC to install a solar facility for the production of electricity dedicated to the Four Oaks Assisted Living Facility until they can come back with different options was made by Commissioner Hines, seconded by Commissioner Surles, voting unanimous.

Commissioner Hardy suggested for them to get with Barry Stanley to discuss other options.

Mayor Medlin called the meeting back into a public hearing.

Golden Leaf, LLC, Petitioner/Owner of Parcel # 08H10076B located at the intersection of Parkertown Rd & Parker Rd. - Applications for Rezoning from RA to R12 and a Subdivision
Pauline Ketchum, Planning & Zoning Administrator, relayed the Planning Board heard the application requests of rezoning & a subdivision by Golden Leaf, LLC, owner and petitioner of parcel # 08H10076B located at the intersection of Parkertown Rd & Parker Rd., Four Oaks, NC to (1) rezone the property from R-A to R-12 and (2) build a single-family residential subdivision with approximately 26 lots on the 11.61 acres. Mrs. Ketchum relayed the property is in the ETJ, the subdivision proposed would not have curb & gutter or sidewalks, lot sizes range from 0.28 acre to 0.49 acre, this is the 1st of 2 phases for development, and they will build a pump station. NCDOT was proposing the driveway assess to be on Parkertown Road. She reported letters had been sent out, she had received many concerns about water runoff & flooding, traffic, schools, utility easement, crime, wildlife conservation, use of farmland, and heritage disruption. Mrs. Ketchum relayed the Planning Board did recommend the rezoning for the purpose of the subdivision as long as it can be annexed into the town & receive full services.

Jack McLamb, Golden Leaf, LLC's attorney, gave a few remarks: Don Byrd, owner, plans to subdivide and annex to tie into the Town systems. Mr. Byrd is requesting variance approval for no sidewalks or curb & gutters due to stormwater control issues with curb & gutters in addition to the cost benefits without them. The subdivision will not be connected any other pedestrian friendly areas.

Mayor Medlin explained the board could approve the rezoning but not the subdivision because the town has no sewer capacity available at that time. The Town was working on a sewer agreement with the county but it was unknown when it would be approved.

Joe Godwin, with Godwin Engineering, was present representing Golden Leaf, LLC to address any concerns by the board or public. Mr. Godwin commented Mr. Byrd was wanting to develop a 26-lot subdivision with 3 easements they have to work around, and to deal with stormwater drainage control they were proposing DOT standard ditch cross section which minimizes curb & gutter needs. He added ditches allow water to absorb into the ground whereas curb & gutters doesn't allow water to penetrate into the ground due to the concrete & asphalt causing water to runoff. Mr. Godwin added there were plans to build a sewer lift station with a force main to the Four Oaks access point.

Commissioner Hardy inquired about the phase 2 plans and how many homes are in those plans. Mr. Godwin responded that phase 2 included a 2nd tract of land for less than 26 houses but plans not completed at that time.

Robert Lee, resident on Hummingbird Rd, commented Raleigh is coming our way and asked what type of house can be built on 0.28 acre lots because that seemed too concentrated. Mayor Medlin commented the lot sizes would a minimum of 12,000 sq ft. Mr. McLamb responded they would be SF stick-built homes averaging 1,800 to 2,000 sq ft.

Danny Wood, resident at 1531 Parker Rd. and Josh Adams, resident at 1703 Parker Rd. expressed concerns about the density of the homes, the water runoff, additional traffic in the area, schools already being at capacity, and the existing cell tower and the setbacks for that. Mr. Wood asked the commissioners to set an example and not over populate one area. Kristy Reiman, resident at 1621 Parkertown Rd. also expressed concerns for the water runoff & erosions and shared a listing of other concerns about the land development and rezoning for parcel # 08H10076B.

Mr. Godwin pointed out to everyone that as engineers they are required to design for the public health, safety, & welfare and to certain standards with stormwater controls for a 1 year / 24-hour storm event and do downstream analysis with impacts for 10- & 25-year events. He understands the concerns and shared the goal is to develop engineering features to mitigate stormwater issues.

With no further comments, Mayor Medlin closed the public hearing.

Motion to deny the request for rezoning by Golden Leaf, LLC, owner and petitioner of parcel # 08H10076B located at the intersection of Parkertown Rd & Parker Rd., Four Oaks, NC was made by Commissioner Hardy, seconded by Commissioner Surles, voting passed 3 to 1.

For - Commissioners Hardy, Robertson, & Surles
Opposed - Commissioner Hines

Mayor Medlin stated that since the rezoning was denied, there was no need to move forward on the subdivision application at that time.

Mayor Medlin called the meeting back into a public hearing.

Amendments to the Town and Zoning Ordinance

- 1) Pauline Ketchum relayed the Planning Board recommended amending the Town zoning ordinance by adding the following to:

Chapter 152.48: Subdivision Regulations:

§ 152.48 Subdivision access.

For the purpose of Ingres, Egress, Residents and Emergency service vehicles a second access will be needed for subdivisions over 100 lots with full access for everyone. The access shall mirror the surface as the other streets of the lots.

Amended and Effective – 10.10.22

Roger Price, resident, commented he lived in a larger subdivision and suggested that 100 lots is a lot, that 50 or less lots might be better. Commissioner Hardy commented that he had a good point and the town might want to look into smaller later but needed something in place immediately.

Mayor Medlin closed the public hearing. Motion to approve the amendment the ordinance to add to Chapter 152: Subdivision Regulations the § 152.48 Subdivision Access as presented was made by Commissioner Hardy, seconded by Commissioner Hines, voting unanimous.

Mayor Medlin called the meeting back into a public hearing.

- 2) Pauline Ketchum relayed the Planning Board recommended some clean up by amending the Town Chapter 152: Subdivision Regulation Appendix as follows:

Amend Appendix: Street Design Specifications Updates from NCDOT from January 1, 2000 to January 2010. See attached for details.

Mayor Medlin closed the public hearing. Motion to update the dates in the Chapter 152: Subdivision Regulations Appendix as presented was made by Commissioner Hines, seconded by Commissioner Robertson, voting unanimous.

Mayor Medlin called the meeting back into a public hearing.

Annexation Ordinances – 8182 Properties, LLC & Meherrin Fertilizer, Inc., located at 4003 US Hwy 301 S, Four Oaks, NC, Parcel # 08J11199X

Pauline Ketchum relayed Clerk Garriss was directed to investigate parcels # 08J11199X located at 4003 US Hwy 301 S, Four Oaks, NC, owners & petitioners 8182 Properties, LLC & Meherrin Fertilizer, Inc., for annexation in September. Clerk Garriss added parcel # 08J11199X is contiguous, meets all the requirements under G.S. 160A-31, and is ready to move forward with the annexation process.

Annexation Ordinances – The Town of Four Oaks Development Corporation, located at 200 Boyette Rd., Four Oaks, NC, Parcel # 08I11028B

Pauline Ketchum relayed Clerk Garriss was directed to investigate parcels # 08I11028B located at 200 Boyette Rd., Four Oaks, NC, owner & petitioner The Town of Four Oaks Development Corporation, for annexation in September. Clerk Garriss added parcel # 08I11028B is contiguous, meets all the requirements under G.S. 160A-31, and is ready to move forward with the annexation process.

There were no public comments. Mayor Medlin closed the public hearing.

- Motion to approve the voluntary annexation for parcel #08J11199X located at 4003 US Hwy 301 S, Four Oaks, NC was made by Commissioner Hardy, seconded by Commissioner Surles, voting unanimous.
- Motion to approve the voluntary annexation for parcel #08I11028B located at 200 Boyette Rd., Four Oaks, NC was made by Commissioner Hardy, seconded by Commissioner Surles, voting unanimous.

New Business

Approval of Consent Judgement – Murray

Mayor Medlin presented the consent judgement on the Murray property at 305 N. Baker St. for legal matters so we can move forward with the purchase. Motion to approve and give Mayor Medlin authority to sign the consent judgement on the Murray property was made by Commissioner Hardy, seconded by Commissioner Hines, voting unanimous.

Resolution Approval – SR 1347

Mayor Medlin presented the resolution of consent to close a portion of SR 1347. The board voted in July that the Town of Four Oaks will support the decision of the North Carolina DOT regarding the abandonment of SR 1347 and did not actually approve the resolution. The state needs the resolution approved. Motion to approve the resolution of consent to close a portion of SR 1347 was made by Commissioner Hines, seconded by Commissioner Robertson, voting unanimous.

Mayor's Comments

Mayor Medlin read a thank you note from John & Kay Hatch for the plant given during the passing of John's brother. He also commented that the SJHS Homecoming parade in town went well and thanked the parks & rec department for helping put that on.

Joan Pritchett, Chamber of Commerce Director, gave an update on some upcoming events in town:

- a) Halloween Decorating Contest for the best decorated store front was going on
- b) October 22 – Halloween Movie in the Park & Fall Festival at downtown businesses
- c) October 31 – Trick or Treating and Food Truck in Four Oaks
- d) November 10 – Oyster Roast – tickets are available for purchase
- e) December 2 & 3 – Christmas Festivities – parade at 11 am on Dec. 3

Department Reports

Police – Chief Stephen Anderson

Chief Anderson read the monthly police report (attached). He reported the 2 new cars were out getting marked and final upfits.

Parks & Rec and Outreach – Robertson

Commissioner Robertson reported: (1) the \$28,000 AFP project grant application was complete for the accessibility in parks to replace the walkways in Barbour's Grove Park and if approved we will receive \$23,333 from the State and the Town's portion would receive \$4,667; & (2) football was finishing up and JR had done a great job with the program.

Water and Sewer – Hines

Commissioner Hines highlighted the water and sewer report (attached). Water had revenue of \$25,253 and the sewer had revenue of \$29,155. The 12-month daily average per gallon was a 2% loss for water and 13% loss for sewer.

Sanitation & Streets

Commissioner Surles reported: (1) streets & sanitation were good; & (2) streets were being paved around town by the State.

Finance – Hardy

Commissioner Hardy highlighted the financial report (attached) with total funds of \$3,372,346. Commissioner Hardy made a motion to approve the September payables listed in the attached report, seconded by Commissioner Surles, 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 actions taken or motions made.

Motion was made by Commissioner Hardy, seconded by Commissioner Hines 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 9:10 p.m. was made by Commissioner Hardy, seconded by Commissioner Hines, voting unanimous.



Vic Medlin, Mayor

ATTEST:



Martha Garriss, NCCMC
Town Clerk