

**TOWN OF FOUR OAKS
TOWN COUNCIL MEETING
JANUARY 9TH, 2023
AGENDA**

- 1) Call to Order
- 2) Invocation and Pledge of Allegiance
- 3) Approval of Minutes
 - (a) Town Council Meeting – December 12th, 2022
- 4) Presentation from Johnston County Tourism Authority – Donna Bailey-Taylor
- 5) Public Comments
- 6) Public Hearings
 - (a) Golden Leaf, LLC, Petitioner & Owner – Application for Special Use to Build 2 Triplexes on Parcels # 08H99033, 08H99033A, 08H99032V, & 08H99033B
 - (b) Golden Leaf, LLC, Petitioner & Owners – Application for Variance on 2 Triplexes on Parcels # 08H99033, 08H99033A, 08H99032V, & 08H99033B – **PB Tabled until February**
 - (c) Golden Leaf, LLC, Petitioner & Owners – Application for Rezoning from R-A to R-12 to Build Subdivision Located at Corner of Parkertown Rd & Parker Rd
 - (d) Golden Leaf, LLC, Petitioner & Owners – Application for a Subdivision to Build 46 Home Subdivision Located at Corner of Parkertown Rd & Parker Rd
- 7) New Business
 - (a) Interlocal Agreement with Pine Level for Pumps
- 8) Budget Amendments
 - (a) General Fund - #BA 2022-23 01
 - (b) Water/Sewer - #BA 2022-23 01
- 9) Mayor's Comments
- 10) 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
JANUARY 9TH, 2023
MINUTES

Call to Order

Mayor Vic Medlin called the January 9th, 2023 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.

Invocation and Pledge of Allegiance

Commissioner Surles gave the opening Invocation with Michael Bradley leading the Pledge of Allegiance.

Approval of Minutes

Town Council Meeting – December 12th, 2022

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

Presentation from Johnston County Tourism Authority – Occupancy Tax Legislation

Donna Bailey-Taylor, President & CEO of Johnston County Visitors Bureau, gave a presentation informing the board of a 2% occupancy tax that could be available for the town. In 1987, Johnston County started assessing a 3% rooms tax which funds the marketing in Johnston County and helps bring in more visitors. In 2006, Smithfield, Selma, Kenly, & Benson established a 2% tax but at that time Four Oaks & Clayton chose not to. She distributed some NC guidelines for establishing the use of occupancy tax which explains a little about it and that you have go through the General Assembly to get it which would be introduced by the local representative. Since 1983, the General Assembly has authorized many units of local government to levy a room occupancy tax. In 1997, the General Assembly enacted uniform municipal and county administrative provisions for occupancy tax legislation – G.S 153A-155 & G.S. 160A-215. The funds must be spent for two-thirds marketing and one-third tourism related projects in which the County could administer depending on what the town may want. Mayor Medlin inquired if she knew why the town did not want in 2006. Mrs. Bailey-Taylor responded she wasn't sure but maybe the town felt they didn't have a big hotel or anything to generate much revenue. The town does have the Travelodge and the Four Oaks Lodging which she estimates could generate about \$10,000 per year based on the county's 3%. Johnston County would collect the taxes and reimburse to the town. The town could contract with the Visitors Bureau to direct market for the town if they wished to. Mayor Medlin asked the board if they would be interested and they were. Next step, discuss with local representative, the town would need to approve a resolution and our local state representative would need to present it to the NC General Assembly for approval. Mayor Medlin was going to reach out to the local representative to discuss.

Public Comments

Patricia Chisholm-Jones, presented a project she was organizing to honoring Dr. Martin Luther King, Jr. from January 16-31, 2023. The project was: (1) a 100 book and magazine giveaway for all ages because Dr. King was an avid reader and motivated others at the Holt Kiddie Park on January 16, 1:00-3:00 pm; and (2) special volunteer services as public workers January 16-31. Mayor Medlin thanked Mrs. Chisholm-Jones.

Public Hearings

Mayor Medlin called the meeting into a public hearing.

Albert Brewer, Planning and Zoning Chairman, relayed the Planning Board met on January 3, 2023 to hear the following cases in the absence of Pauline Ketchum, Planning & Zoning Administrator.

Golden Leaf, LLC, Petitioner & Owner – Application for Special Use to Build 2 Triplexes on Parcels # 08H99033, 08H99033A, 08H99032V, & 08H99033B

Albert Brewer relayed the Planning Board heard the request for a special use by Golden Leaf, LLC, petitioner and owner for parcels 08H99032V, 08H99033, 08H99033A, & 08H99033B to build 2 triplexes with 3 unit multifamily townhomes each on Austin Street and George Street. The special use approval is needed because in the table of uses multifamily units require the special use. Don Byrd, owner of Golden Leaf, LLC, commented that he plans to combine the 4 parcels into 2 parcels if approved with one facing Austin St. and the other facing George St. and to build a triplex with 3 units on each lot. The townhomes will be approximately 1,800-2,000 square feet in size & 3-4 bedrooms. Notice requirements were met with the newspaper advertisements being publish on December 21 & 28, signs were put on the properties, and letters were mailed out to property owners within a 500 ft. radius. The planning board was recommending for the Board's approval of the triplexes.

Golden Leaf, LLC, Petitioner & Owners – Application for Variance on 2 Triplexes on Parcels # 08H99033, 08H99033A, 08H99032V, & 08H99033B

Mr. Brewer relayed the Planning Board heard the request for a variance by Golden Leaf, LLC, petitioner and owner for parcels 08H99032V, 08H99033, 08H99033A, & 08H99033B. The variance is for a 30% to 40% impervious to allow each unit to have its own attached garage. The planning board could not hear the variance request due to not having enough members present for a quasi-majority vote. Notice requirements were met with the newspaper advertisements being publish on December 21 & 28, signs were put on the properties, and letters were mailed out to property owners within a 500 ft. radius. The planning board tabled the hearing until the February 7th Planning Board Meeting at 6:30 pm. Mayor Medlin commented he would be in favor of the variance to help get vehicles off the streets and increase property values.

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

Motion to approve the special use by Golden Leaf, LLC, petitioner and owner for parcels 08H99032V, 08H99033, 08H99033A, & 08H99033B to build 2 triplexes with 3 unit multifamily townhomes each on Austin Street and George Street was made by Commissioner Hines, seconded by Commissioner Hardy, voting unanimous.

Motion to table the hearing for the variance request by Golden Leaf, LLC, petitioner and owner for parcels 08H99032V, 08H99033, 08H99033A, & 08H99033B until the next Board of Commissioner meeting on February 13th, 2023 at 7:00 pm was made by Commissioner Hardy, seconded by Commissioner Hines, voting unanimous.

Mayor Medlin called the meeting back into a public hearing.

Golden Leaf, LLC, Petitioner & Owners – Applications for Rezoning from R-A to R-12 and a Subdivision to Build 46 Home Subdivision Located at Corner of Parkertown Rd & Parker Rd

Mr. Brewer relayed the Planning Board heard the requests by Golden Leaf, LLC, petitioner and owner for parcels 08H10076A & 08H10076B for rezoning from R-A to R-12 and to build a 46-home subdivision located at corner of Parkertown Rd & Parker Rd. The planning board was not recommending for Board approval because of the traffic concerns and water runoff, along with the town ordinance stating that curb & gutter and sidewalks are required where the owner/petitioner was asking for a waiver. The subdivision meets the requirements for R12 if approved with the curb & gutters and sidewalks. The planning board felt that this is not smart growth however if the Board can address the water runoff concerns as well as the waiver for the curb & gutter and sidewalks the planning board would agree to approve. Notice requirements were met with the newspaper advertisements being published on December 28 & January 4, signs were put on the properties, and letters were mailed out to property owners within a 500 ft. radius.

Jack McLamb, attorney representing Golden Leaf, LLC addressed the Board. Mr. McLamb commented that sewer capacity is in sync with the county now, the complete subdivision was being presented with approximately 46 lots, and the subdivision will have curb & gutter and sidewalks per the ordinance if the board desires however it will impact the impervious surface and how the final design requires dealing with the water runoff. He addressed some of the citizen concerns for the traffic issues, water runoff, and loss of character for the area. He pointed out the town ordinance or NCDMV does not require a traffic study until the subdivision size reaches 100 lots therefore from a design standpoint that indicates that the impact traffic is minimal although there will be additional traffic with growth. As for water runoff, state division of water quality requirements or standards must be met which means that it can't put more runoff off that property than it presently does and the design must meet a certain type of storm with the runoff being controlled using retention ponds, etc. to prevent additional runoff issues. As for the character loss which is obviously going to take farmland, Mr. McLamb commented there would never be another subdivision approved. From a legal standpoint, these concerns are valid but they are not legally competent concerns to stop the progress.

Joe Godwin, with Godwin Engineering, addressed a few items. Mr. Godwin presented the revised plans which had 46 lots and based on NCDOT recommendation the driveway will be off Parkertown Rd instead of Parker Rd. Mr. Godwin commented regarding the stormwater, every design must meet certain requirements based on Johnston County standards. He didn't have finished plans to show stormwater design at that time but that will be managed by Johnston County.

Danny Wood, 1531 Parkertown Rd, expressed his concerns about the runoff and the future. Why build 1.8 miles out from town bringing into town and set these standards for the future; what will it do to the property around and the impacts, if annexed; and what are the benefits for 12,000 sq

ft lots which he believes are too small. Chief Anderson explained there would be no effect to the properties outside of the annexed properties. Mayor Medlin explained that currently they could build on 20,000 sq ft with septic systems, no curb & gutter or sidewalks in the county and that would not be as appealing as what the town is requiring. Mr. Wood asked the board to think about what they really wanted the town and community to look like in the future.

Josh Adams, 1703D Parkertown Rd, expressed his concerns about runoff, schools, and losing the country way of life. He commented he has a problem with growth for profit but all for smart growth.

George Johnson, 442 Parker Rd, asked the board to think about a few things: can't take away all the trees & soil without issues; when annex out what about all the properties in between; need to have a plan before continuing to grow; & are you doing against citizen wishes to accommodate those not here yet.

Commissioner Hines inquired if there would be an HOA and not allow rental property. Mr. McLamb responded yes there would be a HOA & a convenient but rentals had not been addressed. Mayor Medlin explained the board doesn't want rental property allowed in the subdivisions. Don Byrd, owner of Golden Leaf, commented he is hesitate to place a ban on rental property but open to put some restrictions in place. Mr. McLamb added there are ways to place certain restrictions and requirements on the properties. Commissioner Hines was okay with that as long as it could be discussed.

David Faircloth, business owner, inquired why there are issues or concerns with rental property. Commissioner Hines responded that people take better care of their own property than renters do.

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

Motion to approve the application for rezoning from R-A to R-12 by Golden Leaf, LLC, petitioner and owner for parcels 08H10076A & 08H10076B located at corner of Parkertown Rd & Parker Rd was made by Commissioner Hines, seconded by Commissioner Hardy, voting unanimous.

Motion to approve, contingent upon voluntary annexation, the application to build a 46-home subdivision by Golden Leaf, LLC, petitioner and owner for parcels 08H10076A & 08H10076B located at corner of Parkertown Rd & Parker Rd was made by Commissioner Hines, seconded by Commissioner Hardy, voting unanimous.

New Business

Interlocal Agreement with Pine Level for Pumps

Barry Stanley, Public Works Director, presented the interlocal agreement between the Town of Four Oaks and Town of Pine Level to purchase 3 rebuilt pumps for the sewer pump stations from the Town of Pine Level for \$5,000. Motion to approve the interlocal agreement was made by Commissioner Hardy, seconded by Commissioner Robertson, voting unanimous.

Commissioner Hines asked to be excused to leave.

Budget Amendments

General Fund and Water & Sewer Fund - #BA 2022-23 01

Commissioner Hardy presented the mid-year budget amendments for the general fund and the water & sewer fund as of December 31, 2022. Motion to approve the budget amendments as presented was made by Commissioner Hardy, seconded by Commissioner Robertson, voting unanimous.

Mayor's Comments

Mayor Medlin announced a special meeting was scheduled for January 17th, 2023 at 5:30 pm in the Town Hall Chamber to interview candidates and fill the vacant Board of Commissioner seat.

Department Reports

Police – Chief Stephen Anderson

Chief Anderson read the monthly police report (attached). Chief Anderson added the department has one newly sworn officer and waiting on approval of the paperwork to swear in another.

Parks & Rec and Outreach – Robertson

Commissioner Robertson reported: (1) she had spoken with Mrs. Patricia Chisholm-Jones about the Dr. Martin Luther King, Jr. event and is in support of it; & (2) JR was in the process of purchasing more football equipment that has been on backorder. Mayor Medlin asked Commissioner Robertson to be looking into some bleachers if football was going to be held at the Civitan field in the future.

Water and Sewer – Hines

Commissioner Hardy highlighted the water and sewer report (attached) for Commissioner Hines who was excused. Water had revenue of \$20,913 and the sewer had revenue of \$23,626. The 12-month daily average per gallon was a 2% loss for water and 12% loss for sewer. He encouraged everyone to be on the lookout and report any leaks if found.

Sanitation & Streets

Commissioner Surles reported streets & sanitation were good.

Finance – Hardy

Commissioner Hardy highlighted the financial report (attached) with total funds of \$3,421,910. Commissioner Hardy made a motion to approve the December payables listed in the attached report, seconded by Commissioner Surles, voting unanimous.

Adjournment

With no further business brought before the Town Council, motion to adjourn at 8:05 p.m. was made by Commissioner Surles, seconded by Commissioner Hardy, voting unanimous.



Vic Medlin, Mayor

ATTEST:



Martha Garriss, NCCMC
Town Clerk