

**TOWN OF FOUR OAKS
TOWN COUNCIL MEETING
MAY 8TH, 2023
AGENDA**

- 1) Call to Order
- 2) Invocation and Pledge of Allegiance
- 3) Approval of Minutes
 - (a) Town Council Meeting – April 11th, 2023
- 4) Memorial Day Proclamation
- 5) Oath of Office – Mike Cook, Planning & Zoning Administrator
- 6) Public Comments
 - (a) Eric Fogleman
- 7) Public Hearings
 - (a) S&B Real Estate Ventures, LLC, Petitioner & Owner – Application for a Variance for Setbacks on Parcel # 08018001B located at 103 E Allen St. Four Oaks
- 8) New Business
- 9) Mayor's Comments
- 10) Department Reports
 - (a) Police – Bradley
 - (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

MAY 8TH, 2023

MINUTES

Call to Order

Mayor Vic Medlin called the May 8th, 2023 regular scheduled Town Council meeting to order at 7:01 p.m. Those present included Commissioners Michael Bradley, Andy Hardy, Mike Hines, Kim Robertson, and Carles Surles. Also, present were Police Chief Stephen Anderson; Public Works Director Barry Stanley; Planning & Zoning Administrator / Building Inspector Mike Cook, 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 John Dodd leading the Pledge of Allegiance.

Approval of Minutes

Town Council Meeting – April 13th, 2023

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

Memorial Day Proclamation

Commissioner Medlin read the proclamation in honor of Memorial Day. Mayor Medlin announced the Memorial Day Service would be Sunday, March 28 at 4:00 pm. Tom Britt and Reggie Parker was present to accept the proclamation. The Town also presented the American Legion Post 346 with a \$500 check to be used to assist the South Johnston High School JROTC with a project they have going on. Mr. Britt and Mr. Parker thanked the Board and Town for all its support.

Oath of Office

Michael Cook

Honorable Mayor Victor Medlin read Oath of Planning and Zoning Administrator swearing in Michael A. Cook, Sr. The Oath was signed accordingly.

Public Comments

Eric Fogleman, business owner and resident at 310 Meadowbrook Drive, addressed the Board about 2 items:

- (1) 18 months ago he applied for annexation of his property at 310 Meadowbrook Dr. to receive town services. The board denied the request because he lives in a subdivision and partial subdivisions can't be annexed per NC G.S. 160A-58.1(b)(7). Mr. Fogleman said he had been advised if he changed his deed and legally remove himself from the subdivision the impediment to annexation would be removed. He was asking for a ruling from the board whether his property would be considered for annexation if he changed

his deed to be removed from the subdivision and if there were any specific conditions that must be met to qualify for annexation. Mayor Medlin explained his letter was sent to the Town Attorney and the Attorney's initial opinion had not changed that he would not qualify for annexation and when he received the Attorney's formal opinion it would be passed along.

- (2) Mr. Fogleman was following up on the items he addressed the Board about in March for the Streetscape project concerning adequate provisions for pedestrians to cross the railroad tracks at one if not all three crossing in the streetscape area and if there had been any genuine negotiations / discussions the Smith family regarding the inclusion of their property beside Lassiter St. for the plaza. Along with following up on these items he also was requesting the key features in phase 1 that were removed from the bid package be reevaluated as part of the larger current work. Such items being: provision for handicap parking near Main & Wellons St, improved parking serving Main St. businesses between Lassiter & Woodall St, storm water runoff flooding SW Railroad St. businesses, and no trees blocking Main St. storefronts. He was asking the Board to take a look at these for the larger phase 1 & 2 scope.

Mayor Medlin explained that WithersRavenel had submitted plans to CSX for things such as walkways but due to costs of the studies CSX was going to require and the time restraints for the grant funds, all work related to CSX has been removed from this project scope but hopefully it will be addressed later with another project. Mayor Medlin commented the Smith's had been talked to and the discussion was left open ended that if they were interested in selling, the Board would be willing to discuss it with them.

Mayor explained that parking was added on Railroad St. and Baker St. in the scope. He added there is a separate project to address the water runoff issue on Railroad St. & Baker St. Commissioner Hardy asked about the flooding of storefronts on SW Railroad that he is referring to because no one has mentioned that before. The only issues he was aware of was at Nationwide and theirs was due to window issues. Mr. Fogleman and Johanna Sasko mentioned Barbara Keen and Anita Stephenson were having issues.

Commissioner Hardy indicated he would ask the business owners for input on any issues they may have. Commissioner Hardy added that WithersRavenel was addressing runoff on Railroad St. and tie into Main St. in the design.

Joan Pritchett, Chamber of Commerce Director, announced that June 8th, 2023 would be a Community Day end of school celebration on Main St.

Diane Blue, resident, inquired about the black cemetery near Civitan Rd. Commissioner Hines explained the cemetery property is not in anyone's name therefore he is unsure what the Town can do in terms of upkeeping it because it is not the Town's. The Town does own property adjacent to the cemetery so it is being discussed to help get access to the cemetery thru the town property. Reggie Parker commented there are 4 veterans in the cemetery and the Legion places flags on the graves for Memorial Day. Patricia Chisohm-Jones commented for anyone with questions to contact her and she would provide them with updates as things progress.

Public Hearings

Mayor Medlin called the meeting into a public hearing.

Martha Garriss, Clerk, presented the following variance case to the Board.

S&B Real Estate Ventures, LLC, Petitioner & Owner – Application for a Variance for Setbacks on Parcel # 08018001B located at 103 E Allen St. Four Oaks

S&B Real Estate Ventures, LLC submitted a variance application for setbacks on parcel 08018001B located at 103 E. Allen St. When S&B applied for the permits, the initial plans presented to the town showed the construction would meet the town setbacks. Construction on the 103 E. Allen St. property began based on the surveyor's location of the foundation flags. S&B was notified by the town that the property did not appear to meet the front setbacks. After S&B got the property resurveyed in April, it was confirmed the property did not meet the required town setbacks for the front (14.20') or on one side (8.34'). S&B has acknowledged the error with the project and has implemented a new process requiring a foundation survey to confirm setbacks are being met on all new constructions and ensure this doesn't happen again. S&B Real Estate Ventures is asking for a variance on this property based on the unintentional nature of the error and the hardship it would create otherwise. The parcel is in the town's city limits and is zoned R-6. Notice requirements were met with the newspaper advertisements being published on April 26 & May 3, 2023, sign was placed on the property, and letters were mailed out to property owners within a 500 ft. radius. There was one inquiry in the office and after explaining the circumstances the gentleman was fine.

Mayor Medlin informed the Board that he presented this project to the Town Attorney, Chip Hewitt. Mr. Hewitt informed him the Board has 2 options: (1) approve the variance or (2) have the house moved.

Commissioner Robertson asked Mike Cook if he was doing inspections as the house was built and as for the foundation was there was any inclination that it was where it needed to be and inquired how this happened. Mike Cook commented that when he does inspections, unless they put out stakes showing property lines, he assumes the contractor is doing what they are supposed to be doing plus it being a corner lot it is hard to determine where the property lines are. At the time he did not recognize it didn't meet the variances. She added the house is so close to the street with little front yard or driveway. Mr. Cooks added there are other houses nearby that are close to the street and it somewhat lined up with the other houses but they are older. She asked if those others meet setbacks. He said probably not. Nicholas Byrd, S&B Real Estate Ventures, commented they did get a side setback variance approval for 242 S Baker St. but all others meet the setbacks including 101 E. Allen St. He added this was not intentional, they did their same process as all others they have built in Four Oaks and built based on where the flags were set by the surveyor for the foundation. Commissioner Robertson commented what kind of precedence is the Board setting if they let this go. Chris Stanley, S&B Real Estate Ventures, commented it is not Mike's job as the inspector to measure and that is why they recommended doing a foundation survey for all new constructions. Mr. Byrd added that all the other homes they have built meet the front setbacks based on them having new surveys done. Commissioner Hines commented the board needs to get a policy for foundation surveys on new constructions in place to set a precedence.

Commissioner Bradley asked to be excused from voting due to conflict of interest since he is employed by S&B. He commented, when turning in plans thru the Town there is a drawing to show the house box and measurements showing if it will meet the setbacks and at the current time they were told to use the property lines to measure which do meet the setback but instead you are supposed to use the right-of-way which does not. That is where the confused came from. In that area, the property line goes to the center of the highway but the right-of-way doesn't and that was the error that was approved by the Town.

Commissioner Robertson inquired about not accepting any more building permits until a foundation survey policy is approved. Mayor Medlin commented we can accept permits but Mike will need to make sure they meet requirements. Start making them do a foundation survey.

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

Motion to allow the variance for the setbacks on parcel 08018001B located at 103 E. Allen St. with the understanding that S&B Real Estate Ventures follow through with doing a foundation survey on new builds was made by Commissioner Hines, seconded by Commissioner Hardy, voting unanimous.

New Business

Mayor Medlin gave updates for each of the Town's projects:

- (1) Downtown Streetscape Project – Expanded the scope to include phase 1 & 2 which is Main St., Wellons St., Baker St., & Church St. The 60% plans will soon be complete for review. Town is receiving \$5.4 million in grant funds.
- (2) Road into the Business Park off Keen Road – Town is working with the NCDOT & State on this project. Town is receiving approximately \$3.6 million in grant funds so far and has requested more.
- (3) New Water Tower – Town is looking to build a 750,000 gallon water tower and the location is pending. Town has requested \$3.5 million in state funds.
- (4) Pump Station Upgrades – Town is working with The Wooten Company to upgrade 5 pump stations. Town is receiving \$1.5 million in grant funds and has requested more.
- (5) Stormwater Improvements - Town is looking to work on stormwater improvements on Baker St. and Railroad St. Town is receiving \$1.5 million in grant funds and has requested more.
- (6) Parks & Recreation Grant – Town has applied for a grant to make improvements to Barbour's Grove Park and to help pay for the P&R Master Plan.

Mayor's Comments

Mayor Medlin explained there had been discussion to move the monthly Council meetings in order to have the Town Attorney present at the meetings. Available options are the 1st Tuesday night or the 3rd Monday night of each month.

Motion to change the monthly Town Council meetings from the 2nd Monday night to the 3rd Monday night at 6:30 pm beginning in June pending the Attorney's recommendation to confirm when we can change it was made by Commissioner Hardy, seconded by Commissioner Hines, voting unanimous. The Attorney confirmed via text to the Mayor during the meeting, we could move forward with notice to change the dates.

Mayor Medlin stated the next monthly Council meeting would be Monday, June 19th, 2023.

Commissioner Robertson asked for a list of all the projects.

Department Reports

Police – Bradley

Chief Anderson read the monthly police report (attached).

Commissioner Hines commented that Fuquay-Varina had a flashing speed sign to help make drivers aware of their speeds going into town.

Commissioner Bradley commented he & Chief had discussed and are going to seek grant funding for such things as these. A new speed limit sign with Bluetooth and records data thru a phone or computer costs approximately \$12,000. They were going to do some more research on these.

Parks & Rec and Outreach – Robertson

Commissioner Robertson reported: (1) the town did not receive the P&R grant from the state however we were approved to receive \$33,000 from the County in which the Town will match 5%. The County has agreed to allow us to use the funds to replace the brick walkways with concrete walkways in Barbour's Grove Park instead of use it on the Pavilion upgrades since we didn't receive the State grant; & (2) things are moving forward with the Master Plan.

Water and Sewer – Hines

Commissioner Hines highlighted the water and sewer report (attached). Water had revenue of \$33,649 and the sewer had revenue of \$30,469. The 12-month daily average per gallon was a 3% loss for water and 17% loss for sewer. Rainfall was 3.25" which adds to the infiltration. Sewer system repairs identified by the camera continue.

Sanitation & Streets

Commissioner Surlis reported streets & sanitation were good. He commented that GFL comes at different times so folks need to put trash out on Tuesday night and yard waste was being picked up as much as possible.

Finance – Hardy

Commissioner Hardy highlighted the financial report (attached) with total funds of \$3,653,870 and presented the April payables. Motion to approve the April payables listed in the attached report was made by Commissioner Robertson, seconded by Commissioner Bradley, voting unanimous.

Commissioner Robertson inquired when the Board Room upgrade by Tri-Tronics would be completed. Commissioner Hardy responded probably August or September because they had to order the equipment.

Executive Session

Motion was made by Commissioner Hines, seconded by Commissioner Hardy 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 Bradley 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 8:40 p.m. was made by Commissioner Hardy, seconded by Commissioner Hines, voting unanimous.



Vic Medlin, Mayor

ATTEST:



Martha Garriss, NCCMC
Town Clerk