

TOWN OF FOUR OAKS
TOWN COUNCIL MEETING
August 21st, 2023
AGENDA

- 1) Call to Order
 - 2) Invocation and Pledge of Allegiance
 - 3) Approval of Minutes
 - (a) Town Council Meeting – July 17th, 2023
 - 4) Presentation
 - (a) Special presentation by Joan Pritchett, Chamber of Commerce
 - (b) Four Oaks Elementary School – TJ Parrish, Principal
 - (c) Four Oaks Middle School – Lauren Watkins, Principal
 - (d) South Johnston High School – William Weaver, Principal
 - (e) Four Oaks Chamber of Commerce – Joan Pritchett
 - (f) Proclamation by Vic Medlin
 - 5) Public Comments - Alice Marsh – Austin Parker Village
 - 6) Public Hearings
 - (a) Lonnie & Cynthia Allen, Petitioner & Owner – Request for a Special Use Permit to allow for a Singlewide Manufactured Home located at 1335 A Parker Road in the Town's ETJ; Parcel # 08H1008
 - (b) Nathan & Jessica Slaughter, Petitioners & Owners – Request for a Special Use Permit to allow for a Singlewide Manufactured Home located at 1741 Hockaday Road in the Town's ETJ; Parcel # 08I11077C – Applicant Pulled Application at Planning Board Meeting
 - (c) Patrick & Lynn Bowles, Petitioners & Owners – Request for a Special Use Permit to allow for an Oversized Garage on their Property located at 101 Dogwood Lane in the Town's ETJ; Parcel # 08I100371
 - (d) Jones Creek, LLC, Petitioner and Lynwood G. Dowdy, Owner – Request for a Subdivision located at 2198 Hockaday Road in the Town's ETJ; Parcel # 08I12016
 - (e) Kristie Massengill, Petitioner & Green Door Properties, LLC, Owners – Request for a Special Use Permit to allow for an Upscale Cocktail Lounge Venue located at 102 B S. Main Street in the Town's City Limits; Parcel # 08012018A
 - (f) Zoning Ordinance Amendment to the language for Section 308.2.4
 - 7) New Business
 - (a) Resolution Supporting the Request for NCDOT Statewide Project Funds for Road Improvements at Four Oaks Industrial Park
 - (b) Resolution for AIA Funding Application Completion
 - (c) Resolution to Appoint I95/I-40 Crossroads of America Economic Development Alliance, Inc. Town of Four Oaks Board Member Replacement
 - (d) Permit & Miscellaneous Fees – Update #35 Open Space Fee
 - (e) Discussion on Sidewalks in Johnson Ridge Subdivisions – Mike Cook
 - 8) Mayor's Comments
 - 9) Department Reports
 - (a) Police – Bradley
 - (b) Parks & Rec & Outreach – Robertson
 - (c) Water and Sewer – Hines
 - (d) Sanitation & Streets – Surles
 - (e) Finance – Hardy
 - 10) Closed Session - GS 143-318.11(3) Discuss matters of potential litigation with the Town Attorney
- Adjournment

TOWN OF FOUR OAKS
TOWN COUNCIL MEETING
AUGUST 21st, 2023
MINUTES

Call to Order

Mayor Vic Medlin called the August 21st, 2023 regular scheduled Town Council meeting to order at 6:30 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, Town Attorney Chip Hewett, and Mike Dart from FO Benson New in Review.

Invocation and Pledge of Allegiance

Commissioner Surles gave the opening Invocation with William Weaver leading the Pledge of Allegiance.

Approval of Minutes

Town Council Meeting – July 17th, 2023

Commissioner Surles made a motion to approve the minutes for the July 17th, 2023 regularly scheduled meeting as presented, seconded by Commissioner Hardy, voting unanimous, motion passed.

Presentation

Special Presentation by Joan Pritchett, Chamber of Commerce – Chamber of Commerce presented Chief Stephen Anderson with the 1st Responders Rock Award which is a testament for his unwavering commitment, exemplary leadership, and outstanding service to the community.

Community Development Donations for Schools & Chamber

Commissioner Hardy presented the following community development donations from the Town.

- (a) Four Oaks Elementary School - \$500, TJ Parrish, Principal, was present to accept the donation to use as needed. Mr. Parrish thanked the board & community.
- (b) Four Oaks Middle School - \$500, Lauren Watkins, Principal and Tobias Hocutt, Assistant Principal were present to accept the donation to use as needed. Mrs. Watkins introduced herself and Mr. Hocutt and thanked the board & community.
- (c) South Johnston High School - \$500, William Weaver, Principal, was present to accept the donation to use as needed. Mr. Weaver thanked the board & community.
- (d) Four Oaks Chamber of Commerce - \$15,000, Joan Pritchett, director, was present to accept the donation. This is the 2nd of a 3-year commitment to help the Chamber with events. Joan thanked the Board on behalf of the Chamber and announced the Acorn Festival & Car Show will be September 9.
- (e) Proclamation presentation postponed

Public Comments

Alice Marsh & Jane Bell, representing Austin Parker Village Residents, presented to the board concerns about the Austin Parker Village community. Jane Bell, 5928 Blue Sky Ln, Hope Mills representing her mom and other Austin Parker Village residents, was speaking to the Board on accountability. They expressed concerns that the community was not what was presented to the board in March of 2020 nor what was promoted when selling the homes. In March of 2020 the owners presented a 55 years & older gated community along with some other things in which are not available. To date, none of the promoted amenities have come to fruition; majority of the residents paid above the price of what was presented at \$199,000; and the developer, interim president of HOA has not yet held an HOA meeting with the residents and who has yet to turn over the HOA to the residents. They had tried to contact the developer and contractor but get no responses. They were asking the board who should be held accountable and what can be done.

Mayor Medlin advised them the town can't regulate HOA's and this is a private matter between the residents and the HOA therefore recommended them to contact an attorney.

Catherine Daughtry, resident at 53 Culver Avenue, told the board they had done a survey. Based on the survey, 60% of the residents were happy living in Four Oaks and other 40% are unhappy because the homes are not built as advertised.

Lauren Britt, manager at Holt Lake Sweets & Things, introduced the employees present and read a letter from Tony Braswell, owner, whom could not be present at the meeting. The letter in summary was informing the board he has revised his business plan due to rumors and misinformation causing negativity towards the business and purpose. There was nothing illegal or anything done violating any zoning regulations. Going forward he has changed the business plan to provide an arcade for young people not because he was required to change, instead he thought it was the right thing to do for the community. As a family-owned business, he understands the importance of supporting the community and the youth. He pledges to support the youth programs and schools. Please stop by and visit as he & the staff looks forward to the future in the community.

New Business

(e) Discussion on Sidewalks in Johnson Ridge Subdivision – Mike Cook

Mike Cook presented that on June 13, 2022 the board approved the subdivision on Old School Road with sidewalks and no curb & gutter. He explained that this subdivision has ditches and if sidewalks are required, they would be outside of the right-of-way on the property owners' property. The town ordinance 152.49.H indicates sidewalks may be required by the Council therefore it is up to the Board whether or not to take action and retroact not to require sidewalks. Commissioner Hines commented if the sidewalks are on personal private property, they can tear up and remove. Mayor Medlin commented the intent and desire of the board was to require curb & gutter and sidewalks in all subdivisions but they realize there are issues with some. Commissioner Hines commented with this subdivision, the board thought sidewalks were good at the time but now realizes sidewalks cause issues with no curb & gutters because of being on personal property. Mayor Medlin explained this came up with the subdivision on Packing Plant Road and there are no curb & gutters or sidewalks because the engineer pointed out the issues with ditches and sidewalks. Commissioner Robertson commented there needs to be a precedence set and all need to be treated equally. Commissioner Hardy commented the board wants curb &

gutter and sidewalks, if at all possible, especially in the city limits or in subdivisions that use town water and sewer but in subdivisions far out in the ETJ with no town water and sewer it makes sense to allow ditches and no sidewalks.

Motion to retroact the approval on June 13, 2022 and remove the requirement of sidewalks since they are going to infringe on personal property in the Johnson Ridge Subdivision was made by Commissioner Hines, seconded by Commissioner Hardy, motion passed 3 to 2.

For – Commissioners Bradley, Hardy, & Hines

Opposed – Commissioners Robertson & Surles

Public Hearings

Mayor Medlin called the meeting into a quasi-public hearing.

(a) Lonnie & Cynthia Allen, Petitioner & Owner – Request for a Special Use Permit to allow for a Singlewide Manufactured Home located at 1335 A Parker Road in the Town's ETJ; Parcel # 08H1008

Attorney Hewett swore in Mike Cook and Cynthia Allen to testify for or against the hearing which will be evidentiary in nature for the finding of facts.

Mike Cook relayed to the Board that the owners would like to place a used 1995 singlewide manufactured home ("SWMH") on their parcel at 1335 A Parker Road on 5.98 acres. The property is zoned RA in the town's ETJ which require a special use permit for manufactured homes; it can meet the required setbacks 40', 15' & 30'; and based on staff determinations it meets the chapter 160D 4 finding of fact requirements. Public notices were in the newspaper on August 2 & 9, 2023; sign was placed on the property; and letters were mailed out to 25 property owners within a 500 feet radius. There were no inquiries. Planning Board was recommending for approval for a new SWMH.

Commissioner Hines inquired if there was a date limit on the age of a SWMH being moved. Mr. Cook responded no there isn't.

There were no further comments by the staff or questions for the staff. The board will consider the application and any supporting documents that have been submitted to the town as well as the testimony of the staff as evidence for the finding of facts.

Applicants were present but had no additional testimony.

Motion to close the quasi-public hearing was made by Commissioner Hardy, seconded by Commissioner Bradley, voting unanimously, motion passed.

Attorney Hewett presented the Chapter 160 special use 4 finding of facts for the Board to vote upon:

- a) Will not endanger the public health or safety: Motion to approve finding of fact (a) was made by Commissioner Hardy, seconded by Commissioner Bradley, voting unanimous, motion passed.

- b) Will not injure the value of the adjoining property: Motion to approve finding of fact (b) was made by Commissioner Hardy, seconded by Commissioner Hines, voting unanimous, motion passed.
- c) Will be in harmony with the area in which it is located: Motion to approve finding of fact (c) was made by Commissioner Hines, seconded by Commissioner Surles, voting unanimous, motion passed.
- d) Will be in conformity with the future land use plan, thoroughfare plan, or other plan officially adopted by the Board of Commissioners: Motion to approve finding of fact (d) was made by Commissioner Hines, seconded by Commissioner Hardy, voting unanimous, motion passed.

Attorney Hewett commented that all 4 special use finding of facts were approved therefore a motion to approve the special use permit would be in order.

Motion to approve the special use permit in its entirety to allow for a used 1995 singlewide manufactured home located at 1335 A Parker Road was made by Commissioner Hines, seconded by Commissioner Robertson, voting unanimous, motion passed.

(b) Nathan & Jessica Slaughter, Petitioners & Owners – Request for a Special Use Permit to allow for a Singlewide Manufactured Home located at 1741 Hockaday Road in the Town's ETJ; Parcel # 08I11077C – Applicant Pulled Application at Planning Board Meeting

Mayor Medlin called the meeting back into a quasi-public hearing.

(c) Patrick & Lynn Bowles, Petitioners & Owners – Request for a Special Use Permit to allow for an Oversized Garage on their Property located at 101 Dogwood Lane in the Town's ETJ; Parcel # 08I10037I

Attorney Hewett swore in Mike Cook and Patrick & Lynn Bowles to testify for or against the hearing which will be evidentiary in nature for the finding of facts.

Mike Cook relayed to the Board that the owners would like to construct an attached 43' x 30' garage with a recreation area above it and enclose a carport to make a mudroom on their property at 101 Dogwood Lane on 0.91 acres. The property is zoned RA in the town's ETJ which requires a special use permit for accessory buildings over 1,000 sq ft.; it can meet the required setbacks; and based on staff determinations it meets the chapter 160D 4 finding of fact requirements. Public notices were in the newspaper on August 2 & 9, 2023; sign was placed on the property; and letters were mailed out to 30 property owners within a 500 feet radius. There were several inquiries wanting clarification on what was going on and they had no issues. Planning Board was recommending for approval.

There were no further comments by the staff or questions for the staff. The board will consider the application and any supporting documents that have been submitted to the town as well as the testimony of the staff as evidence for the finding of facts.

Patrick & Lynn Bowles, owners, commented they would also be making a few modifications to their home for the home and garage to match and it would not impede the view of the lake.

Commissioner Hines inquired if there would be a foundation survey review required for the construction. Mr. Cook respond yes.

Motion to close the quasi-public hearing was made by Commissioner Hardy, seconded by Commissioner Surles, voting unanimously, motion passed.

Attorney Hewett presented the Chapter 160 special use 4 finding of fact for the Board to vote upon:

- a) Will not endanger the public health or safety: Motion to approve finding of fact (a) was made by Commissioner Hardy, seconded by Commissioner Bradley, voting unanimous, motion passed.
- b) Will not injure the value of the adjoining property: Motion to approve finding of fact (b) was made by Commissioner Hardy, seconded by Commissioner Hines, voting unanimous, motion passed.
- c) Will be in harmony with the area in which it is located: Motion to approve finding of fact (c) was made by Commissioner Hines, seconded by Commissioner Hardy, voting unanimous, motion passed.
- d) Will be in conformity with the future land use plan, thoroughfare plan, or other plan officially adopted by the Board of Commissioners: Motion to approve finding of fact (d) was made by Commissioner Hardy, seconded by Commissioner Hines, voting unanimous, motion passed.

Attorney Hewett commented that all 4 special use finding of facts were approved therefore a motion to approve the special use permit would be in order.

Motion to approve the special use permit in its entirety to allow for an oversized garage on their property located at 101 Dogwood Lane in the Town's ETJ on parcel # 08I10037I was made by Commissioner Bradley, seconded by Commissioner Robertson, voting unanimous, motion passed.

Mayor Medlin called the meeting back into a legislative public hearing.

(d) Jones Creek, LLC, Petitioner and Lynwood G. Dowdy, Owner – Request for a Subdivision located at 2198 Hockaday Road in the Town's ETJ; Parcel # 08I12016

Mike Cook relayed to the Board that the petitioner & owner would like to obtain approval for a subdivision with approximately 22 lots on the property at 2198 Hockaday Rd on 20.82 acres. The property is zoned RA in the town's ETJ; each lot can meet the required setbacks; each lot will meet the minimum requirement of 20,000 sq ft; and each lot will be on county water and individual septic system. Public notices were in the newspaper on August 2 & 9, 2023; sign was placed on the property; and letters were mailed out to 13 property owners within a 500 feet radius. There were several inquiries wanting clarification on what was going on. Planning Board was recommending for approval.

Sauyer Roberts with BRL Engineering was present representing the developer. In addition to what Mr. Cook presented, Mr. Roberts added there will be a USPS standard mailbox kiosk and the development will only be on the east side of Hockaday Rd, streets will belong to the NCDOT

not the town, and preliminary correspondence with NCDOT indicates that based on the daily average traffic volume no turn lane will be required. The natural tree line buffer on the southern and eastern sides of the property will remain. Mr. Roberts indicated they were asking for a variance for no curb & gutter or sidewalks being this is in the ETJ and it will match other developments in the ETJ.

Commissioner Bradley inquired if they had a plan in case not all the lots would perk. Mr. Roberts responded in that case they would do some shifting and reduce the number of lots. Commissioner Hines inquired if they would consider widening the roads in the subdivision to have a pedestrian walking path and will the subdivision have ditch drainage. Mr. Roberts responded since they were DOT streets, they would have to approve anything wider than 18 feet, the streets are already proposed to be 20' and he didn't think DOT would approve for pedestrian walking path along the street and yes there would be ditches that drain to an existing creek in the back of the subdivision. There will be minimal water draining towards Hockaday Rd.

Commissioner Hardy commented since BRL Engineering is representing the petitioner and owner for this project, another engineering firm will be performing the plan review for the town.

Trina Parker, adjacent property owner, commented the stream goes by her property and she's opposed along with other neighbors of which she handed a list of about 100 signatures to the clerk at the planning board meeting but after the meeting she took the list back home with her. This is prime farmland, not residential, about 2 ½ miles outside of town.

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

Motion to approve the subdivision located at 2198 Hockaday Road, parcel # 08I12016, with the condition not to require curb & gutter or sidewalks was made by Commissioner Hines, seconded by Commissioner Hardy, voting unanimous, motion passed.

Mayor Medlin called the meeting back into a quasi-public hearing.

(e) Kristie Massengill, Petitioner & Green Door Properties, LLC, Owners – Request for a Special Use Permit to allow for an Upscale Cocktail Lounge Venue located at 102 B S. Main Street in the Town's City Limits; Parcel # 08012018A

Attorney Hewett swore in Mike Cook, Kristie Massengill, Harold & Barbara Keen, Lynn Smith, and Tim & Connie Grady to testify for or against the hearing which will be evidentiary in nature for the finding of facts.

Mike Cook relayed to the Board that the petitioner would like to obtain approval for an Upscale Cocktail Lounge Venue at 102 B S. Main. The property is zoned B2-H in the town's city limits which requires a special use permit for a bar or nightclub; and based on staff determinations it meets the chapter 160D 4 finding of fact requirements except for a concern with the proximity of the preschool. Public notices were in the newspaper on August 2 & 9, 2023; sign was placed on the property; and letters were mailed out to 53 property owners within a 500 feet radius. There were several inquiries about what was going on and we received a letter from Marlene Dunn, owner of Kids Academy Preschool & After School Program with concerns. Due to all the public

concerns, the Planning Board did not take action and passed the hearing to the Board of Commissioners.

Kristie Massengill, resident at 770 Web Mill Rd. the applicant, was present. Ms. Massengill's commented her business plan is to have a lounge that serves local sips; spirits; craft & domestic beer; have bourbon and wine tasting from local distilleries and wineries. It will be members only where customers will be vetted to make sure they are legally of age 21 and it will help keep the riffraff out. All memberships will be donated to St. Jude's each quarter. There will be no knocking on the doors, no prostitution, no pool tables or other machines. It will be a high-end venue. Operating hours would be Monday – Wednesday 5 pm – 10 pm and Thursday – Saturday 5 pm – 11 pm to abide by the noise ordinance unless it is New Years Eve which would be shortly past 12 am; and she would like to have events such as Monday night sports nights for football games, Tuesday night Trivia, Wednesday night will be low key, Thursday nights things like karaoke, Friday and Saturday nights have acoustic guitar music by local artist, have fundraisers and events for community involvement. Ms. Massengill commented on the parking congestion concerns: there is 12 to 15 parking spaces behind her building, parking on S. Main St., US 301, 27 to 28 spaces on W. Railroad St, & a local owner has offer parking on their property for overflow. There will be a menu available to members consisting of wings & pizza, and food trucks.

Commissioner Hardy inquired about the membership & vetting process. Ms. Massengill responded people would have to provide a valid ID at the door and they would be given a membership card. There would be a computerized list of members for the ABC Board to view if they come in. Commissioner Bradley inquired if the building was move-in ready. She responded the owner has an engineer working on that with plans to remodel and have a fenced in area with a patio behind the building. Commissioner Hines inquired where the food truck would be located. She responded behind the building and she hopes to be able to cater meetings during the day for businesses sometimes if allowed. Commissioner Bradley inquired about the occupancy for the building. Mike Cook responded that will not be determined until she applies for permits. Commissioner Hines inquired to be sure if this was allowed in the B-2H zoning. Mr. Cook responded yes with a SUP.

Harold Keen, resident 1121 Boyette Rd. & property owner 105 SW Railroad St., commented he didn't get to speak at the Planning Board meeting but there were others that did in opposition. He added years ago when they worked on the downtown historic district, this would not have been allowed in the Historic District and he understands that changed about 3 or 4 years ago. At the time 12 to 15 years ago, citizens were against alcohol only establishments knowing that an alcohol drink at a restaurant at dinner would one day come. This application is for a bar and in his opinion, this is not Four Oaks, he feels it conflicts with all the planning and investments going on, and we need to keep our moral standards to make the right decisions because if do for one it is difficult to say no to others. The challenge is, in a growing / aggressive market there are opportunities and you have to pick and choose which fits each community. Mr. Keen asked the board to vote against.

Commissioners Hardy & Hines asked clarity about when he was saying there was a change 3 or 4 years ago because they do not recall. Tim Grady said it was around 2017.

Tim Grady, resident 420 Pine Drive, commented in 2017 a committee created an overlay district which prohibited the use for adult establishments and it was adopted by the board at some point. He asked why have a membership, is it a way to scoot around the ordinances? Mr. Grady asked the board to read publicly the letter from Marlene Dunn about how it could impact her business because he felt it was well written. Commissioner Hines read Marlene's letter. Mr. Grady added having this across from a preschool doesn't seem be a good location because it isn't setting a good example for the kids. The town is spending \$5.4 million on the Downtown Streetscape Revitalization project and he doesn't believe this is an environment the downtown committee wishes to create and the board needs to be careful what is allowed. He suggested the board needs to set some rules and stick to them. Mr. Grady asked the board not to approve and to consider putting a moratorium against adult establishments inside the ETJ until we can get some proper zoning ordinances established. Mayor Medlin asked Mr. Grady to define adult establishment because that would have to be specifically defined. Mr. Grady responded a place requiring to be over age 18, having a membership, having a keypad to enter, and a place where you are hiding from the public. He added he would be fine if this was going to be a restaurant and serve alcohol if food is the primary sales but not a bar.

Connie Grady, resident at 420 Pine Drive, expressed her concerns from a registered nurse perspective about the growing addictions and the mental health crisis all over the country. She has seen what adult entertainments do to people and the effects on children. Adult entertainment, mental health diseases & processes, alcoholism, gambling, and other addictions are all major issues these days. Instead of just approving everything that comes up, she suggested the board needs to discuss with surrounding property owners first. It's about compassion and doing the right things. She added the Exxon station parking across the street is not available for parking.

Barbara Keen, resident at 1121 Boyette Rd. and business owner, commented she worked on the historic committee years ago to establish zoning and direction for the Historic District. They anticipated growth and change. They saw a place for alcoholic beverages but only in restaurants where the greater amount of revenue was not from the sale of alcohol. She asked the board not to approve this request or any in the future with similar business models in the central business and historic district.

Lynn Smith, resident 151 Autumn Dr., expressed she was speaking in favor because she wants to see the town grow like many others. From the perspective of working in substance abuse counselling for many years, based on Ms. Massengill's plans, she doesn't believe there will be any problems. If someone has an addiction, they are going to go to the cheapest place possible to find whatever they need. Mrs. Smith asked the board to consider closely and look into the ordinances and make sure they apply to everyone fairly & equally. Are you going to tell restaurants they can't serve alcohol?

Kristie Massengill commented the membership is not to be secret, it is to vet and it gives her a chance to get started at a lower expense with a small menu and her alcohol license. If all goes well, she would like to one day expand into a restaurant.

There were no further comments by the staff or questions for the staff. The board will consider the application, any supporting documents that have been submitted, and any testimonies by witnesses and by the staff as evidence for the finding of facts.

Motion to close the quasi-public hearing was made by Commissioner Hardy, seconded by Commissioner Robertson, voting unanimous, motion passed.

Attorney Hewett clarified to the Board they can approve, approve with conditions, table, or deny and then presented the Chapter 160 special use 4 finding of fact for the Board to vote upon:

- a) Will not endanger the public health or safety: Motion to approve finding of fact (a) was made by Commissioner Hines, seconded by Commissioner Surles. Commissioner Bradley inquired if a bar and nightclub are two separate things. Attorney Hewett responded yes and they are treated differently in the code. Motion failed 3 to 2. For – Commissioners Hardy & Hines; Opposed – Commissioners Bradley, Robertson, & Surles.
- b) Will not injure the value of the adjoining property: Motion to approve finding of fact (b) was made by Commissioner Hines, seconded by Commissioner Surles. Motion passed 3 to 2. For – Commissioners Hardy, Hines, & Surles; Opposed – Commissioners Bradley & Robertson.
- c) Will be in harmony with the area in which it is located: Motion to approve finding of fact (c) was made by Commissioner Hines, seconded by Commissioner Surles. Motion passed 3 to 2. For – Commissioners Hardy, Hines, & Surles; Opposed – Commissioners Bradley & Robertson.
- d) Will be in conformity with the future land use plan, thoroughfare plan, or other plan officially adopted by the Board of Commissioners: Motion to approve finding of fact (d) was made by Commissioner Hines, seconded by Commissioner Hardy. Motion passed 3 to 2. For – Commissioners Hardy, Hines, & Surles; Opposed – Commissioners Bradley & Robertson.

Attorney Hewett commented that B, C, & D of the special use finding of facts were approved. Fact A was denied therefore it would be in order for the board not to approve the SUP. All 4 must be approved based on the statute in order for a SUP to be approved.

Motion to deny the special use permit to allow for an Upscale Cocktail Lounge Venue at 102 B S. Main St. based on fact A that it will not endanger the public health or safety was denied was made by Commissioner Hardy, seconded by Commissioner Robertson, voting unanimous, motion passed.

Commissioner Hardy commented since the board denied finding of fact A that it would not endanger the public health or safety, he would like to revisit David Stanfield and El Sol selling alcohol beverages in the town. Mayor Medlin explained El Sol got approval by the board but Stanfield did not. Mayor Medlin commented we will have to look into and discuss at the next meeting.

Kristie Massengill pointed out that Kids Academy is not open all day or year-round as far as public safety. They are open in the morning until 12:00 and the afternoon 4-6 pm and the bus drops off kids on the same side of the street. Mayor Medlin responded he doesn't believe the board's decision was only based on the preschool being there.

Mayor Medlin called the meeting back into a legislative public hearing

(f) **Zoning Ordinance Amendment to the language for Section 308.2.4**

Mike Cook presented the following zoning ordinance amendment for Section 308.2.4:

Section 308.2.4 Development Permitted by Type – Standards which Apply

Recreation Fees: Recreation fees shall be required on any new subdivision or multi-family development subject to the Town's subdivision ordinance in the amount of ~~\$800.00~~ **referenced in the Town's Permit and Miscellaneous Fee Schedule. The recreation fee shall be per** lot for a major subdivision (4 or more lots) or per unit for a multi-family development. The recreation fee shall be dedicated for parks and recreation use by the Town. The Board of Commissioners may grant an exception to this policy if the developer demonstrates a willingness to construct an active recreation facility that will serve the needs of the community. All projects will need to meet the guidelines set forth by the respective permit issuing authority. (Amended 3/10/21)

Motion to approve the zoning ordinance language for Section 308.2.4 as presented was made by Commissioner Surles, seconded by Commissioner Robertson, voting unanimous, motion passed.

New Business (Continued)

(a) **Resolution Supporting the Request for NCDOT Statewide Project Funds for Road Improvements at Four Oaks Industrial Park**

Mayor Medlin presented the resolution supporting the release of funds for the road extension into the Four Oaks Business Park from Keen Road (SR1178) to the Four Oaks Parkway and authorizing Reid Williams authority to execute documents for the project.

Motion to approve the resolution was made by Commissioner Hardy, seconded by Commissioner Bradley, voting unanimous, motion passed. -

(b) **Resolution for AIA Funding Application Completion**

This resolution is to authorize WithersRavenel to prepare the Asset Inventory and Assessment funding applications for water and wastewater to the NCDEQ's Division of Water Infrastructure at a cost of \$7,500.

Motion to approve the resolution for the AIA funding application completion by WithersRavenel was made by Commissioner Bradley, seconded by Commissioner Hardy, voting unanimous, motion passed.

(c) **Resolution to Appoint I95/I-40 Crossroads of America Economic Development Alliance, Inc. Town of Four Oaks Board Member Replacement**

This resolution was to appoint Derrick Marconi and Linwood Parker to the I-95 / I-40 Crossroads of America Economic Development Alliance, Inc. Board of Directors for a four-year term to represent the Town of Four Oaks. Linwood Parker will be filling to seat being vacated by Joanna Sasko.

Motion to approve the resolution to appoint Derrick Marconi and Linwood Parker to the I-95 / I-40 Crossroads of America Economic Development Alliance, Inc. Board of Directors for a four-year term was made by Commissioner Hardy, seconded by Commissioner Bradley, voting unanimous, motion passed.

(d) **Permit and Miscellaneous Fees – Update #35 Open Space Fees**

Update as follows:

35. OPEN SPACE RECREATION FEE

~~\$800~~**\$1,000** / Lot

Motion to update the Permit & Miscellaneous Fee Schedule #35 to change Open Space to Recreation and the amount from \$800 / Lot to \$1,000 / Lot was made by Commissioner Hardy, seconded by Commissioner Hines, voting unanimous, motion passed.

Mayor's Comments

Mayor Medlin reported: lots of things are happening in Four Oaks and the town is not prepared but is trying make investments to get prepared for the future; the town is going to be updating ordinances to help make more concrete decisions in the future; and there is continued interest in the Business Park and other areas around town.

Department Reports

Police – Bradley

Chief Anderson read the monthly police report (attached).

Parks & Rec and Outreach – Robertson

Commissioner Robertson reported: (1) August 23 from 4-7 pm will be the 2nd public workshop for the Parks & Rec Master; (2) August 29 will be the Steering Committee Meeting; & (3) August 26 football games will begin.

Water and Sewer – Hines

Commissioner Hines highlighted the water and sewer report (attached). Water had revenue of \$33,783 and the sewer had revenue of \$31,126. The 12-month daily average per gallon was a 6% loss for water and 20% loss for sewer. Rainfall was 2.6" which adds to the infiltration. He reported Johnston County switched the town to their other water system in July so we should see improvements in TTHM levels.

Sanitation & Streets

Commissioner Surles reported streets & sanitation were good.

Finance – Hardy

Commissioner Hardy highlighted the financial report (attached) with total funds of \$3,506,455 and presented the July payables. Motion to approve the July payables listed in the attached report was made by Commissioner Hardy, seconded by Commissioner Bradley, voting unanimous, motion passed.

Closed Session

Motion to go into closed session per GS 143-318.11(3) to discuss matters of potential litigation with the Town Attorney was made by Commissioner Hardy, seconded by Commissioner Bradley, voting unanimous, motion passed.

No actions taken or motions made.

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

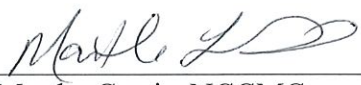
Adjournment

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 Bradley, voting unanimous, motion passed.



Vic Medlin, Mayor

ATTEST:



Martha Garriss, NCCMC
Town Clerk