

**TOWN OF FOUR OAKS
BOARD OF COMMISSIONERS MEETING
SEPTEMBER 16, 2024
AGENDA**

- 1) Call to Order
- 2) Invocation and Pledge of Allegiance
- 3) Approval of Minutes
 - a) Board of Commissioners Meeting – August 19, 2024
- 4) Public Comments

Public Hearings

- a) **LEGISLATIVE:** Anthony Minshew, Petitioner & Owner – Requesting to rezone their property, located at 400 N. Church St. Parcel # 08008010
 - **Owner would like to rezone parcel # 08008010 located at 400 N Church St from R8-5S to B1-C to be aligned with adjacent properties.**
 - **Parcel is in the Town's City Limits**
 - **Public notice was in the FO Benson News in Review on August 28th & September 4th, 2024**
 - **Sign was placed on property**
 - **Letters were mailed to 44 property owners within a 500 ft radius on May 29, 2024.**
 - **There were four inquiries from letters that were mailed. Questions were answered about the current zoning and what the requested zoning changes were.**
 - **Staff has determined the findings meet requirements and recommends approval.**

b) **LEGISLATIVE:** Russell Barefoot, Petitioner & Owner – Request for a Subdivision to complete Meadow Hills Subdivision, Phase II, on their property located at E. Sanders and Meadow Hills Dr. in the Town's ETJ; Parcel # 08I10049B & 08I10050V.

- **Owner would like to complete Phase II of the Meadow Hill's Subdivision, Parcel # 08I10049B & 08I10050V located on E. Sanders and Meadow Hills Dr.**
- **Parcel is in the Town's ETJ.**
- **Public notice was in the FO Benson News in Review on August 28th & September 4th, 2024**
- **Sign was placed on property**
- **Letters were mailed to 72 property owners within a 500 ft radius on August 28, 2024.**
- **There were two inquiries from letters that were mailed.**
- **Staff has determined the findings meet requirements and recommends approval.**

c) **QUASI:** Golden Leaf, LLC, Petitioners & Owners- Request a Variance on Parcel# 08H10076B, located at Parker and Parkertown Rd., in the Town's City Limits.

NOTES ON CASE BY STAFF:

- **Owner is requesting a variance in order to subdivide parcel# 08H10076B. Parcel was annexed in the City Limits but the Town does provide sewer at this location. Per Town Ordinance a variance will be needed in order to subdivide this parcel.**
- **Parcel is in the Town's City Limits**
- **Zone R-12 (Residential District)**
- **Public notice was in the FO Benson News in Review on August 28th and September 4th.**
- **Sign was placed on the property August 28th**
- **Letters were mailed to 19 property owners within a 500 ft radius on August 28th.**
- **There were no inquiries.**

NOTE: The BOA shall determine if the strict application of the zoning ordinance would create unnecessary hardship. Four conclusions for a variance determination, set by general statute, are: (applicant must show each)

- a) **Unnecessary hardship would result from a strict application of the ordinance.**
 - b) **The hardship results from conditions that are peculiar to the property, such as location, size, or topography.**
 - c) **The hardship did not result from actions taken by the applicant or the property owner.**
 - d) **The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.**
- 5) New Business
- a) Acceptance of the Memorandum of Understanding (“MOU”) for the Alliance, between Four Oaks, Benson, and Dunn.
- 6) Mayor’s Comments
- 7) Department Reports
- a) Police – Surles
 - b) Parks & Rec and Outreach & Appearance – Robertson
 - c) Water and Sewer – Bradley
 - d) Sanitation & Streets – Bradley
 - e) Planning & Zoning, Inspections – Capps
 - f) Finance – Hines

Adjournment

TOWN OF FOUR OAKS
BOARD OF COMMISSIONERS MEETING
SEPTEMBER 16, 2024
MINUTES

Call to Order

Mayor Vic Medlin called the September 16, 2024, regular scheduled Board of Commissioners meeting to order at 6:30 p.m. Those present included Commissioners Carles Surlles, Tony Capps, Kim Robertson and Michael Bradley. Excused was Commissioner Mike Hines. Also present were Town Attorney Alan "Chip" Hewett, Police Chief Stephen Anderson; Public Works Director Barry Stanley, Planning & Zoning Administrator/ Building Inspector Mike Cook, Town Clerk Rhonda Lee recording minutes, and Mike Dart from FO Benson News in Review.

Invocation and Pledge of Allegiance

Commissioner Carles Surlles gave the opening Invocation with Anthony Minshew leading the Pledge of Allegiance.

Approval of Minutes

- a) Board of Commissioners Meeting – August 19, 2024

Commissioner Capps made a motion to approve August 19th, 2024 minutes as presented, seconded by Commissioner Robertson, voting unanimous, motion passed.

Public Comments

- 1- Dan Lee came before the board to present a project he was already been working on. He feels like the Pavilion at Barbours Grove Park needs a dance floor area. Mr. Lee states he has been working on this project and has already spent around \$300.00. This would be a stage/platform extension that could be moved when not needed. Mr. Lee also feels like there needs to be railings on the stage area and has spoken to Jon Barbour to get this priced. Railing will run somewhere in the ballpark of \$5000.00. Mr. Lee also asked about maybe getting some grant funding.

Mayor Medlin and the Board of Commissioners reviewed the pictures Mr. Lee presented. The Mayor suggested that Mr. Lee not spend any more of his own money on this project and that we look into some grant funding. Mayor Medlin asked Mr. Lee not put the stage up at this time.

- 2- Della Brown, owner of Ann's Tiques came before the Board of Commissioners to ask that all businesses owners get information that is available on the Downtown Streetscape in order to prepare for the Holiday Season. Mrs. Brown also asked that the Town check into some grant funding for awnings so that all businesses would have the same look and make our Main St. area look even nicer. She also has a concern about the exit off of I-95 not having a sign about our downtown shopping district.

Mayor Medlin stated that Skip Green would check into some grant funding for awnings and that the Town would check with DOT on the signage at the top of the I-95 exit.

- 3- Denise Hamilton of Meadow Hills Subdivision Phase II came before the Board of Commissioners just to have her concern on record. She spoke to the landowner to ask if the developer would be building these houses for rental or if would they be for individual homeowners. She hopes that there will be some sort of agreement that these will not be rental homes.

Mayor Medlin states they are working with the legislature where homeowners will not be able to rent rooms out. He states he is unable to answer her questions as to the intent of the developer.

Public Hearings

Mayor Medlin called the meeting into a Public hearing.

- a) LEGISLATIVE: Anthony Minshew, Petitioner & Owner – Requesting to rezone their property, located at 400 N. Church St. Parcel # 08008010

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

Mike Cook presented to the Board of Commissioners that the Petitioner and Owner, Anthony Minshew would like to rezone their property at 400 N. Church St. from R8.5S to B1-C in order to align with other properties in the surrounding area.

Anthony Minshew was present to represent. He states that this is the property of his late mother and that he and his sister Kim do not want to rent it for someone to live in. They had discussed several avenues as to what they could use this property for. They have talked to 1st Baptist Church about partnering with them on a youth center, they have discussed maybe an office of some kind or a boutique. Discussion on remodeling and upgrading the landscaping as well as making it handicap accessible.

Jackie Harrell of 402 N Main St. came before the board to speak in opposition of the rezoning request. She states that she doesn't feel this is a business district and did not want businesses to take over that part of town.

There were no questions from the Board of Commissioners. Commissioner Robertson recused herself from the vote.

Commissioner Bradley made a motion to approve the rezoning request as presented, seconded by Commissioner Capps, voting unanimous, motion passed.

- b) LEGISLATIVE: Russell Barefoot, Petitioner & Owner – Request for a Subdivision to complete Meadow Hills Subdivision, Phase II, on their property located at E. Sanders and Meadow Hills Dr. in the Town's ETJ; Parcel # 08I10049B & 08I10050V.

Attorney Hewett swore in Mike Cook and Sawyer Roberts, with BRL Engineering to testify for or against the hearing which will be evidentiary in nature for the finding of facts.

Mike Cook presented to the board that the Petitioner and Owner would like to request for a subdivision at Meadow Hills Dr., Phase II. This phase was approved in 1999 but because of the time frame it was brought back before the Board. Staff has determined it meets requirements and recommends approval.

Sawyer Roberts with BRL Engineering was present to represent. Sawyer addressed the Board and began by prefacing that BRL Engineering does consulting work for the Town of Four Oaks but in this scenario any of these plans will be reviewed by another engineering firm. There are two properties that this development will take place on, one is in the Town's City Limit's and one is not. There are plans to annex the parcel into the Corporate Limit's. Both properties are zoned R8.5S, however, the lots will be a little larger and meet R12 requirements. 29 proposed lots and that would be a maximum number. Proposed to keep the ditch section to stay with the aesthetics of the existing subdivision. All lots will be served by the Town's water and sewer. There is a proposed easement for Mrs. Hamilton to continue to get to her property. The developer is willing to have a written restrictive covenant that the houses are to be sold to homeowners and not to be rentals. There is no HOA in the subdivision.

Commissioner Capps had questions about how Mrs. Hamilton accesses her property and made sure her concerns were addressed and taken care of. Mrs. Hamilton said yes, she had spoken to Brian and Sawyer and her concerns have been taken care of. No further questions from the board or the audience.

Commissioner Capps made a motion to approve the approval of Meadow Hills Subdivision Phase II. as presented, seconded by Commissioner Bradley, voting unanimous, motion passed.

Mayor Medlin called the meeting into a Quasi Hearing.

- c) QUASI: Golden Leaf, LLC, Petitioners & Owners- Request a Variance on Parcel# 08H10076B, located at Parker and Parkertown Rd., in the Town's City Limits.

Mike Cook presented to the board that the Petitioner and Owner would like to request a variance for parcel# 08H10076B located at Parker and Parkertown Rd.. Parcel is in the Town's City Limit's.

Don Byrd was present to represent. Looking at subdividing this parcel but cannot subdivide and build on lots without a variance to give him permission to not connect to the Town's water and sewer.

No further questions. Mayor Medlin closed the quasi-public hearing.

Attorney Hewett presented the Chapter 60 four (4) finding of facts for the Board to vote upon:

- a) Unnecessary hardship would result from a strict application of the ordinance. Motion to approve finding of fact (a) was made by Commissioner Robertson, seconded by Commissioner Capps, voting unanimous, motion passed.
- b) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Motion to approve finding of fact (b) was made by Commissioner Capps, seconded by Commissioner Surles, voting unanimous, motion passed.
- c) The hardship did not result from actions taken by the applicant or the property owner. Motion to approve finding of fact (c) was made by Commissioner Surles, seconded by Commissioner Capps, voting unanimous, motion passed.
- d) The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved. Motion to approve finding of fact (d) was made by Commissioner Robertson, seconded by Commissioner Bradley, voting unanimous, motion passed.

Motion to accept the Variance in its entirety was made by Commissioner Capps, seconded by Commissioner Robertson, voting unanimous. Motion passed.

New Business

- a) Acceptance of the Memorandum of Understanding (MOU) for the Alliance. Between Four Oaks, Benson and Dunn.

Mayor Medlin states that Benson is joining the Alliance.

Motion to accept the Memorandum of Understanding as written made by Commissioner Capps. seconded by Commissioner Surles, voting unanimous. Motion passed.

Mayor's Comments

Streetscape meeting will be next week to approve the contract and then we will schedule a meeting with all the downtown businesses to ask questions.

Mayor Medlin addressed Skip Green regarding the bid contract with Witherell for construction and observation for the water and sewer project going into the business park. Per Skip, this was advertised and we need to make a motion to award the contract.

Motion to award the contract to Witherell subject to negotiation and final review and approval by the Board of Commissioners was made by Commissioner Capps, seconded by Commissioner Bradley, voting unanimous. Motion passed.

Mayor Medlin read a letter in the absence Joan Pritchett, thanking the Town of Four Oaks, the Four Oaks Fire Department and the Four Oaks Police Department for their dedication and hard work to make the 35th annual Acorn Festival a huge success.

Department Reports

Police – Surles

Chief Anderson has all positions filled except for two officer positions. He wants to address a parking ordinance for the Town to make all streets the same. Attorney Hewett will work on drafting a new ordinance. This will be addressed at the next special called meeting.

Parks & Rec and Outreach & Appearance – Robertson

A business owners meeting was held on August 29th that went very well. We are working on facade grants for the downtown business and will meet again in the next couple of months.

We are having “Oak”tober Festival on Saturday, October 12th from 9-1 on Main St.

Water and Sewer – Bradley

Commissioner Bradley highlighted the water and sewer report (attached).

Sanitation & Streets - Bradley

Nothing to report.

Planning & Zoning, Inspections – Capps

Commissioner Capps reported he is still working with Mike Cook on the UDO.

Mike Cook lighted the inspection numbers for the month of August (attached). Mike will start adding planning fees to his report.

Finance – Commissioner Hines

Hollie Blackwell, Finance Officer, highlighted the financial report, (attached). Motion to approve the August payables listed in the attached report was made by Commissioner Surles, seconded by Commissioner Bradley, voting unanimous, motion passed.

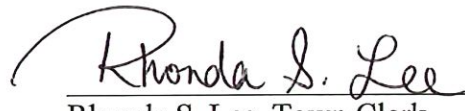
Adjournment

With no further business brought before the Board of Commissioners, motion to adjourn at 7:40 p.m. was made by Commissioner Bradley, seconded by Commissioner Surles, voting unanimous, motion passed.

ATTEST:



Vic Medlin, Mayor



Rhonda S. Lee, Town Clerk

Sept. 16th
BOC meeting

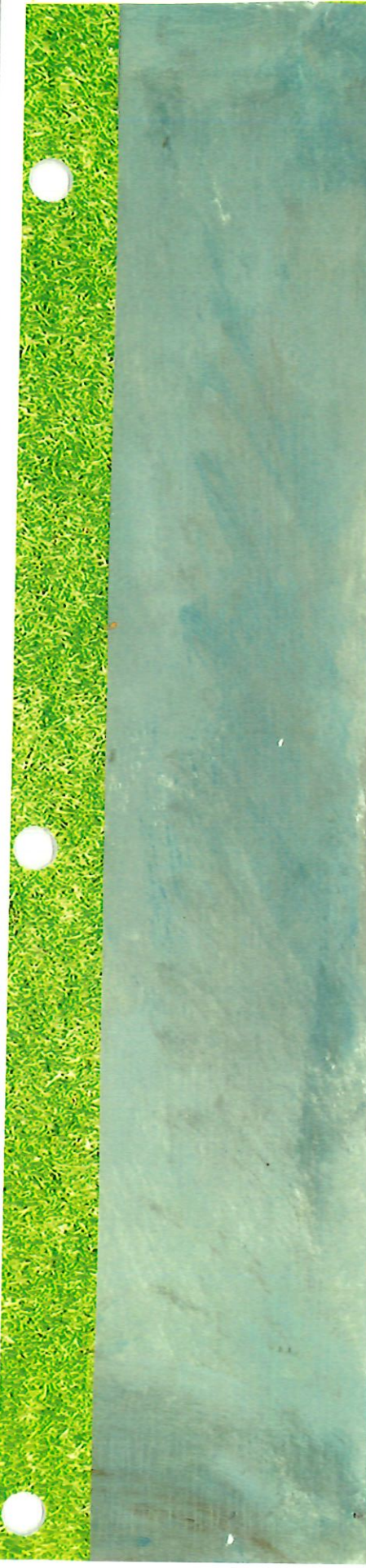


Persons desiring to speak on a non-agenda matter will be recognized to speak during the Public Comment section of Council Meetings. Persons desiring to speak on an agenda item will be recognized to speak when the item is called.

Each person wishing to speak will have three (3) minutes. When four (4) or more people wish to address the Council about the same item, one (1) designated person will be allowed to speak for ten (10) minutes.

Name	Address	Phone Number	Subject to Discuss
DAN LEE	PO Box 156, Four Oaks, NC	910-650-6745	BARBERS GROVE PROPOSALS PAVILION - ADDITIONS
Della Brown	311 Hino's Truques Main Street Four Oaks NC	984 249-0600	Construction plans - Road + Sidewalks
Jackie Harner	428 THUNDER RD FOUR OAKS	252-678-3247	REZONE OF CHURCH ST.
Denise Hamilton	PO Box 670 F.O.	919-801-1782	Meadow Village

THE OAK PAVILLION





THE OAK PAVILION





APPLICATION FOR REZONING

Today's Date: 8/19/2024 Fee: \$375.00
Date Paid: 8/19/24 PG Date: Sept 10th
Receipt#: 089011 ROC Date: Sept 16th

Petitioner: Anthony Mincher
Name: Anthony Mincher
Address: 1313 Royal Arbor Way
Raleigh, NC 27615
Telephone #: 919-464-7801

Owner of Property: Rose Madson Estate
(if different from above)
Address: 400 N. Church St.
Fair Oaks, NC 27524
Telephone #: 919-464-7801

Acreage: .522 Parcel # 0800810 08008010
Address of Property: For Consideration: 400 N. Church St. Fair Oaks
Current Zone: R8-55 Request Zoning District: B-1-C

Please state the reason for request:
Be be aligned with adjacent
properties and for consideration
of business office space or retail
location

Print & Signature : Petitioner: (ALL) Anthony Mincher Date: 8/19/24
Kevin

Print & Signature : Owner: (ALL) Anthony Mincher Date: 8/19/24
Date: _____



APPLICATION FOR SUBDIVISION

Today's Date: 6/27/24
Date Paid: 8/30/24
Receipt#: 089066

Fee: See below
PB Date: Seq Aug 10th 6:30pm
BOC Date: Seq Aug 16th 6:30pm

Petitioner: Name: Russell Barefoot
Address: 676 Godwin Lake Road
Benson NC 27504
Telephone #: 919-868-1827

Owner of Property: (if different from above) Wayne L. Barefoot Estate
Address: N/A
Telephone #: _____

Acreage: 11.8 Ac Parcel # 08I10049B & 08I10050V Zone: R8.5S
(Total 2 tracts)

Address of Property: For Consideration: NONE ON GIS

Please state the reason for request: Petitioner and property owner are the same person, and intends to complete Meadow Hill's Subdivision by developing the final phase, Phase 2 for the highest and best use of the property.

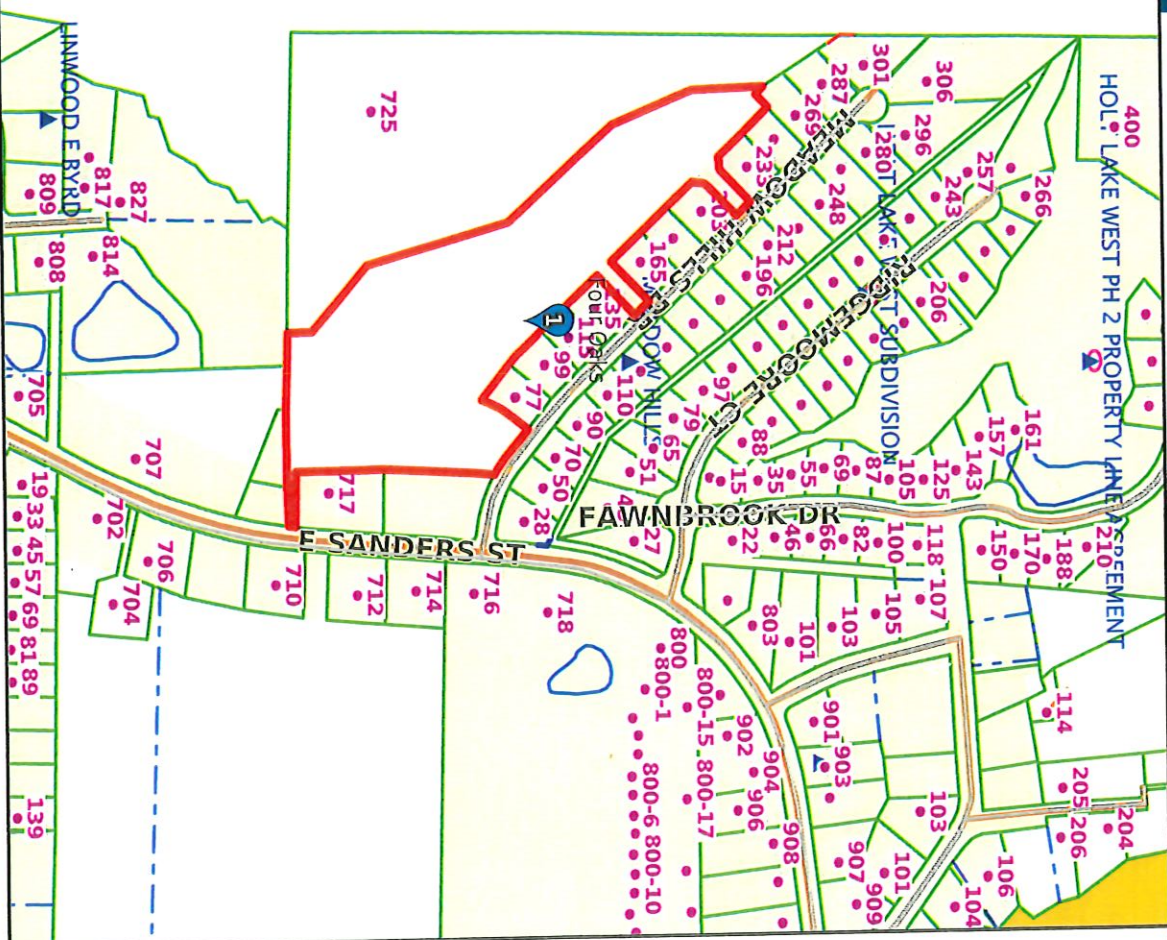
Print & Signature : Petitioner: (ALL) _____ Date: _____
Russell Barefoot

Print & Signature : Owner: (ALL) _____ Date: _____

Attached any information needed for the request:
Site Plan along with Preliminary Drawing of construction



*** DISCLAIMER ***
Johnston County assumes no legal responsibility for the information represented here.



Result

id: 08110049B
 Tag: 08110049B
 NCPin: 167217-21-2327
 Mapsheet No: 167217
 Owner Name 1: BAREFOOT, WAYNE L
 Owner Name 2:
 Mail Address 1: 258 MEADOWBROOK DR
 Mail Address 2:
 Mail Address 3: SMITHFIELD, NC 27577
 Site Address 1:
 Site Address 2:
 Book: 04906
 Page: 0196
 Market Value: 108970
 Assessed Acreage: 11.210
 Calc. Acreage: 11.170
 Sales Price: 0
 Sale Date: 2017-02-03
 Township: Ingrams
 Flood Panel: 3720166200 K | 2014-04-30
 Water District: Not Applicable
 ETJ: Four Oaks
 City Limits: Not Applicable
 Town Zoning: R8-5S
 County Zoning: Not Applicable
 Overlay Zoning: Not Applicable
 EMS District: STA6
 Fire District: Wynn
 Law District: 4
 Census Tract: 412
 Electric District: SMITHFIELD-SELMA MUNICIPAL
 Special Tax: Not Applicable

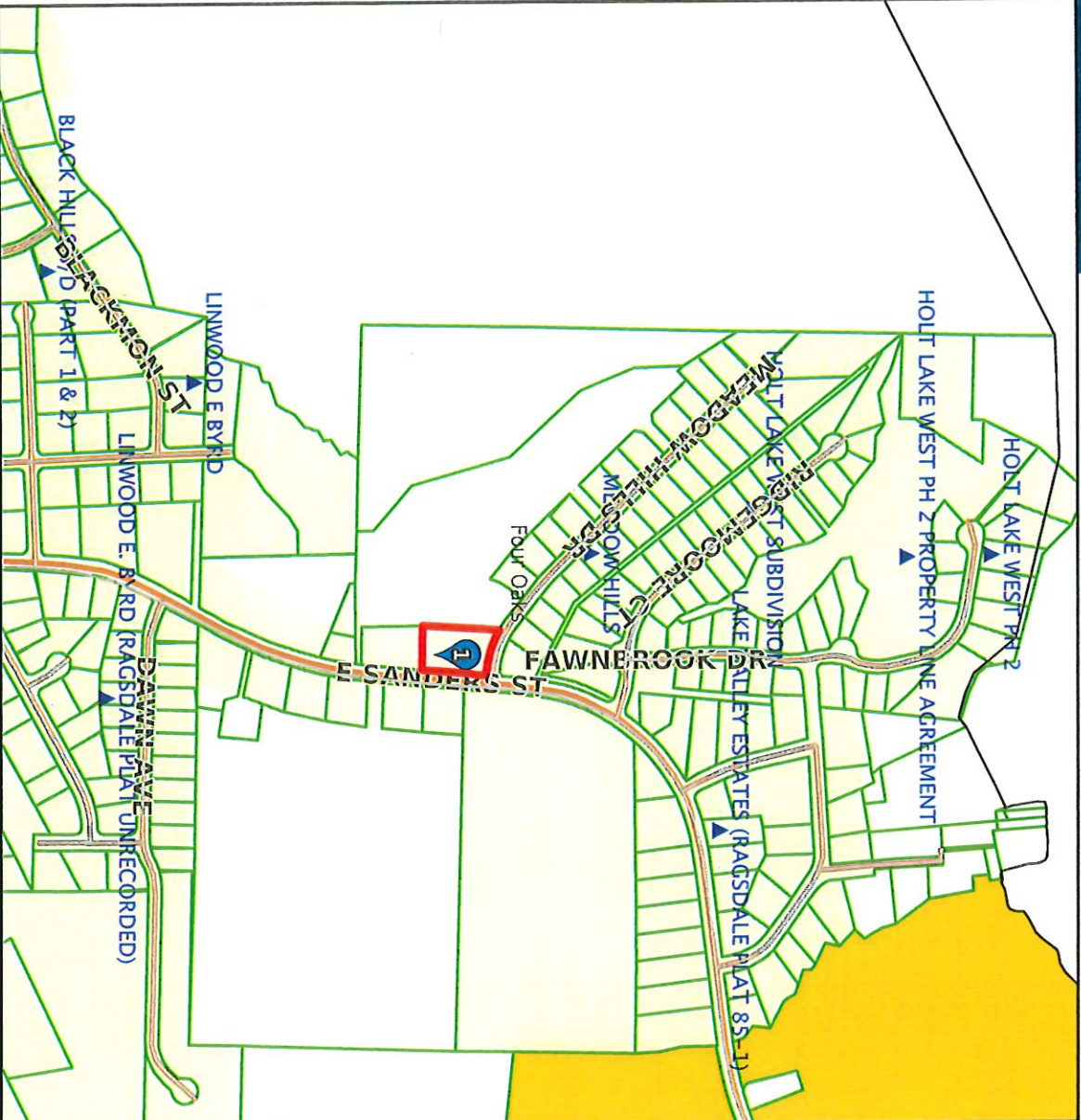
Scale: 1:5694 - 1 in. = 474.51 feet

The scale is only accurate when printed landscape on a 8 1/2 x 11 size sheet with no High Contrast

Voting Districts: Ingrams
 NC House District: 28
 NC Senate District: 10
 Commissioner: 3
 Johnston County GIS
 August 19, 2024

Johnston County assumes no legal responsibility for the information represented here.

*** DISCLAIMER ***



Result

id: 08110050V
 Tag: 08110050V
 NCPin: 167218-21-6244
 Mapsheet No: 167218
 Owner Name 1: BAREFOOT, WAYNE L
 Owner Name 2:
 Mail Address 1: 258 MEADOWBROOK DR
 Mail Address 2:
 Mail Address 3: SMITHFIELD, NC 27577
 Site Address 1:
 Site Address 2:
 Book: 04906
 Page: 0196
 Market Value: 30490
 Assessed Acreage: 0.980
 Calc. Acreage: 0.984
 Sales Price: 0
 Sale Date: 2017-02-03
 Township: Ingrams
 Flood Panel: 3720166200 K | 2014-04-30
 Water District: Not Applicable
 ETJ: Four Oaks
 City Limits: Four Oaks
 Town Zoning: R8-5S
 County Zoning: Not Applicable
 Overlay Zoning: Not Applicable
 EMS District: STA6
 Fire District: Wynn
 Law District: FOPD
 Census Tract: 412
 Electric District: SMITHFIELD-SELMA MUNICIPAL

Special Tax Not Applicable

Voting Districts: Ingrams

NC House District: 13

NC Senate District: 10

Commissioner 3

Scale: 1:7701 - 1 in. = 641.72 feet

(The scale is only accurate when printed landscape on a 8 1/2 x 11 size sheet with no margins)





\$ 156.25

APPLICATION FOR A VARIANCE

FOUR OAKS

North Carolina

Date: 08/09/2024

Fee: \$ 156.25 pd V184

919-963-3112 ext. 123
townclerk@fouroaks-nc.com

BOC 9/16/24

General Information

Owner: Golden Leaf, LLC

Address: PO Box 915 City: Benson

Best number for contact: 919-524-8860 E-mail: dan.byside@outlook.com

Property Information:

Parcel #: 0841007613 Zoning: R-12

Reason for Variance

Variance for not connecting to town utilities

Findings of Fact provide a statement for each of the following.

Briefly describe situation and hardship experienced by the property:

Sub-dividing parcel and need variance because town utilities are not available

Owner(s) Signature(s):

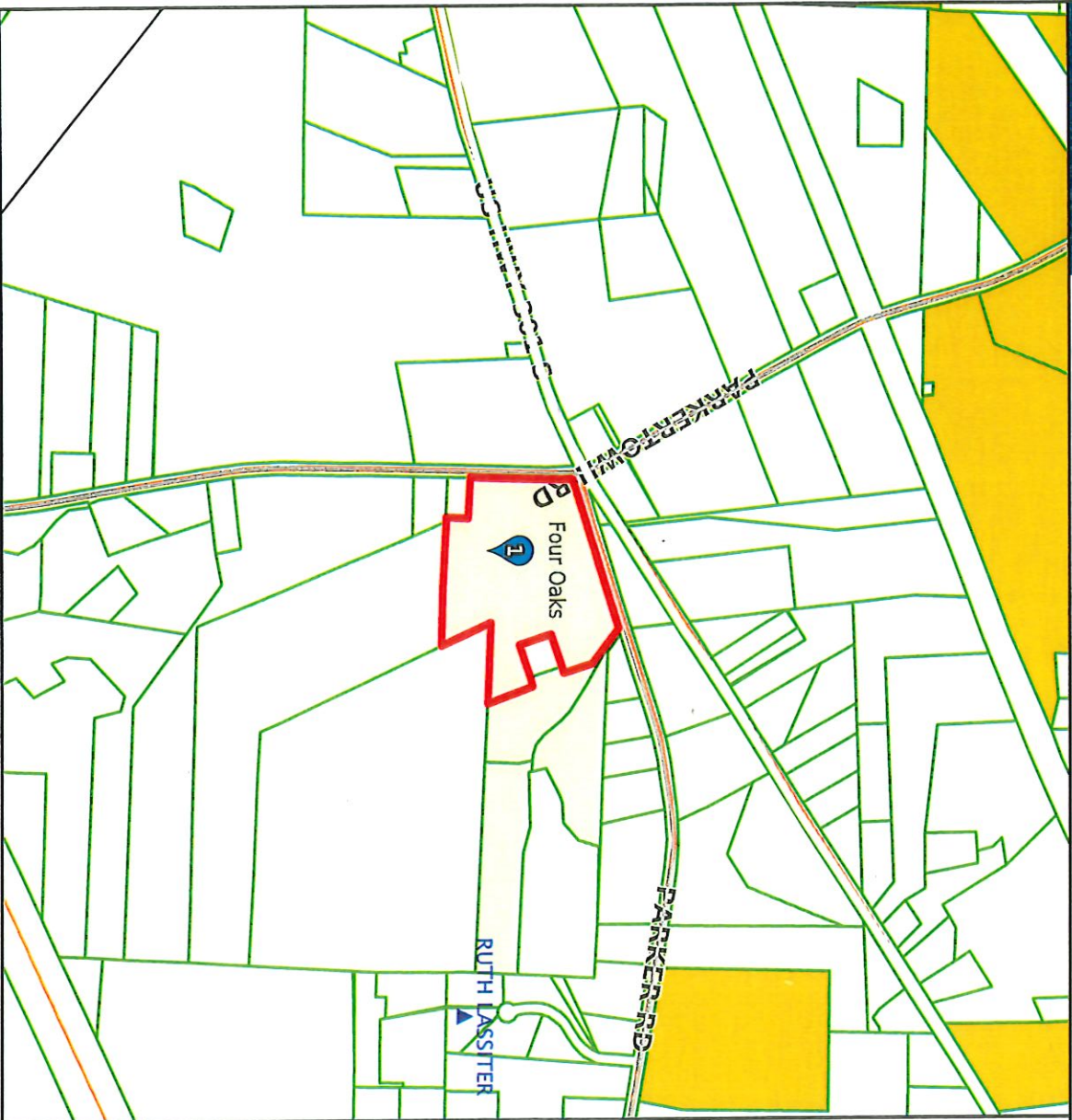
[Signature] for Golden Leaf, LLC

Date: 08/09/2024

Date:

Johnston County assumes no legal responsibility for the information represented here.

*** DISCLAIMER ***



Result

id: 08H10076B
 Tag: 08H10076B
 NCPin: 166100-00-6880
 Mapsheet No: 1661
 Owner Name 1: GOLDEN LEAF LLC
 Owner Name 2:
 Mail Address 1:
 Mail Address 2: PO BOX 915
 Mail Address 3: BENSON, NC 27504-0915
 Site Address 1:
 Site Address 2:
 Book: 06654
 Page: 0492
 Market Value: 114020
 Assessed Acreage: 13.900
 Calc. Acreage: 13.970
 Sales Price: 0
 Sale Date: 2024-04-23
 Township: Elevation
 Flood Panel: 3720166000 K | 2014-04-30
 Water District: Elevation Water District
 ETJ: Four Oaks
 City Limits: Four Oaks
 Town Zoning: R-12
 County Zoning: Not Applicable
 Overlay Zoning: Not Applicable
 EMS District: STA6
 Fire District: Wym
 Law District: FOPD
 Census Tract: 412
 Electric District: SMITHFIELD-SELMA MUNICIPAL

Scale: 1:9792 - 1 in. = 815.99 feet

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Special Tax Not Applicable
 Voting Districts: South Elevation
 NC House District: 13
 NC Senate District: 10
 Commissioner 4



TOWN OF Four Oaks
ORDER GRANTING A VARIANCE

The **Board of Commissioners** for the Town of Four Oaks, having held a public hearing on September 16, 2024 to consider a Petition for Variance application, submitted by Golden Leaf, LLC., requesting a variance to use the property located at Parcel # 08H10076B, on Parkertown and Parker Rd. located within the R-12 (Residential) District, in a manner not permissible under the literal terms of the ordinance, and having heard all of the evidence and arguments presented at the hearing, makes the following FINDINGS OF FACT and draws the following CONCLUSIONS:

FINDINGS OF FACT:

1. That on or about September 16, 2024, the Board of Commissioners of the Town of Four Oaks did meet to consider the application for the property located at Parkertown and Parker Rd., Parcel # 08H10076B. Five Members of the Board were present, and a quorum was declared.
2. That the property owner was present at the hearing.
3. That the property is located within the city limits of the Town of Four Oaks, specifically within the R-12 district.
4. That the hearing is in reference to the Town of Four Oaks Ordinance 52.01, passed on or about July 7, 1981, which regulates that water and sewer connections are required if a parcel is in the Town Limits. Specifically, as it relates to this petition, the Ordinance requires that any property in the Town's Corporate Limits will be required to connect to the Town's water and sewer. This petition is requesting a variance to allow Golden Leaf, LLC., permission to not be required to connect to water or sewer with the Town of Four Oaks.
5. That for the Board to approve a variance to the Ordinance, the applicant must show ALL of the following:
 - a. Unnecessary hardship would result from the strict application of the ordinance.
 - b. The hardship results from conditions that are peculiar to the property, such as location, size or topography.
 - c. The hardship did not take place as a result from actions taken by the applicant or the property owner.
 - d. The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is received.

6. That testimony was taken from Town staff, Mike Cook, and Don Byrd of Golden Leaf, LLC., the property owner.
7. That based upon these testimonies and evidence, the Board found:
 - a. That the Ordinance would prohibit single-family homes from being built that would not be connected to the Town's water and sewer, which creates practical difficulties and unnecessary hardships for the current property owner.
 - b. That there are conditions that are peculiar to the property, such as location, size, or topography that restrict building in the City Limits and not connecting to the Town's water and sewer.
 - c. That the hardship is not the result of actions taken by the applicant or property owner.
 - d. That the granting of the variance will not adversely affect the general public's interest or public safety, and is within the intent, spirit, and purpose of the ordinance.
8. That a 5/5 vote by the Board is required to grant a variance of the ordinance.

CONCLUSIONS:

1. FOF 1: Unnecessary hardship would result from the strict application of the ordinance.

It is the Board's CONCLUSION that, if the applicant complies with the literal terms of the ordinance, specifically Town of Four Oaks Ordinance 52.01, it cannot secure a reasonable return from, or make reasonable use of, its property. This conclusion is based on the following FINDINGS OF FACT: Given the proposed property, if the Applicant complied with the literal terms of the ordinance, he would not be able to build on its property, unless utilities were provided by the Town of Four Oaks, which would deprive Applicant of the real estate income.

Vote regarding criteria # 1: Approve unnecessary hardship – 5, Deny hardship – 0.

2. FOF 2: The hardship results from conditions that are peculiar to the property, such as location, size, or topography.

It is the Board's CONCLUSION that the hardship of which the applicant complains results from unique circumstances related to the applicant's land. This conclusion is based on the following FINDINGS OF FACT: that the property was prematurely annexed into the Town's Corporate Limit's and will cause a hardship if the property owner is not allowed to build without connecting to the town's water and sewer.

Vote regarding criteria # 2: Approve hardship – 5, Deny hardship – 0.

3. FOF 3: The hardship did not result from actions taken by the applicant or the property owner.

It is the Board's CONCLUSION that the hardship is not the result of the applicant's own actions. This conclusion is based on the following FINDINGS OF FACT: The applicant did nothing to create the hardship. The hardship was created when the Town of Four Oaks

brought the parcel into the Corporate Limits without the availability of water and sewer connections.

Vote regarding criteria # 3: Approve hardship – 5, Deny hardship – 0.

4. FOF 4: The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secure, and substantial justice is achieved.

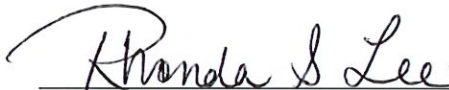
It is the Board's CONCLUSION that, if granted, the variance will be in harmony with the general purpose and intent of the ordinance and will preserve its spirit. This conclusion is based on all of the FINDINGS OF FACT listed above. The variance will secure the public safety and welfare and will do substantial justice.

Vote regarding criteria # 4: Approve hardship – 5, Deny hardship – 0.

5. The Board unanimously voted 5/0 to grant the variance. The requisite 4/5 vote was obtained and the variance is granted.

THEREFORE, on the basis of all the foregoing, IT IS ORDERED that the application for a VARIANCE be GRANTED, this the 16th day of September 2024. A copy of this order shall be mailed to Applicant and Property Owner.

Ordered this 16th day of September 2024 and signed this the 16th day of September 2024.



Rhonda S. Lee, Town Clerk

MEMORANDUM OF UNDERSTANDING

THIS MEMORANDUM OF UNDERSTANDING (“MOU”) is made and entered into this ___ day of _____, 2024, by and between the **City of Dunn, North Carolina**, a municipal corporation (“Dunn”), the **Town of Four Oaks, North Carolina**, a municipal corporation (“Four Oaks”) and the **Town of Benson, North Carolina**, a municipal corporation (“Benson”). Each of Dunn, Four Oaks and Benson may be referred to as a “Party” or collectively as the “Parties.”

WITNESSETH:

WHEREAS, the City of Dunn is located in Harnett County, North Carolina and Town of Four Oaks and Town of Benson are located in Johnston County, North Carolina and all of them are located on Interstate 95 (“I-95”) and are either on or in close proximity to Interstate 40 (“I-40”); and

WHEREAS, each of Dunn, Four Oaks and Benson recognize the value and importance of economic development through the recruitment of new industries and encouraging the expansion existing industries to provide jobs for their residents and to add to the tax base of their municipalities to enable them to provide services to their citizens; and

WHEREAS, Dunn, Four Oaks and Benson have identified the municipal limits, as well as each of their extraterritorial jurisdictions (the “Alliance Corridor”) in which the recruitment and location of industry will be mutually beneficial to each of Dunn, Four Oaks, Benson and their citizens; and

WHEREAS, Dunn and Four Oaks previously determined that each of their economic development recruitment and activities would be enhanced and strengthened by forming a 501(c)(3) non-profit North Carolina corporation for purposes of recruiting industries and promoting economic development within the Alliance Corridor named the I-95/I-40 Crossroad of America Economic Development Alliance, Inc. (the “Alliance”) and pursuant to a Memorandum of Understanding between Dunn and Four Oaks dated August 10, 2021, they formed the Alliance (the “Original MOU”); and

WHEREAS, Benson has determined that it desires to join the Alliance and Dunn and Four Oaks have consented to the same; and

WHEREAS, Dunn, Four Oaks and Benson desire to enter into this MOU to express their understandings with respect to the foregoing and the other matters set forth in this MOU;

NOW, THEREFORE, in consideration of the mutual promises, covenants and conditions set forth herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties have the following understandings:

1. **Preambles.** The preambles to this MOU are incorporated herein by reference.

2. **Termination of Original MOU.** Dunn and Four Oaks, by their approval of this MOU, terminate the Original MOU and the terms of this MOU shall control the relationship of the Parties as it relates to the Alliance.

3. **Governance of the Alliance.**

A. **Amendment of Articles of Incorporation.** Ther Alliance was formed by Articles of Incorporation that were filed with the North Carolina Secretary of State on April 28, 2021 and which were subsequently amended by Articles of Amendment filed on October 13, 2021, copies of which are attached hereto as Exhibit A and incorporated herein by reference (the "Articles"). By their adoption of this MOU, Dunn, Four Oaks and Benson request the Board of Directors of the Alliance to amend the Articles, specifically as to Article XI, such that in the event of a dissolution of the Alliance in the future, after the payment of all outstanding liabilities of the Alliance, any remaining funds to be distributed equally between Dunn, Four Oaks and Benson.

B. **Board of Directors.** Dunn, Four Oaks and Benson, by their adoption of this MOU, request that the Board of Directors of the Alliance amend its By-laws, to be consistent with the following:

(i) **Voting Members.** The voting members of the Board of Directors of the Alliance ("Board") shall consist of twelve (12) voting members. Each of Dunn and Four Oaks shall select four (4) members for the Board, Benson shall select two (2) members, Harnett County shall select (1) and Johnston County shall select one (1). One (1) Board member to be selected by each of Dunn, Four Oaks and Benson may be a member of the town or city council as applicable and the remaining members (three (3) for each of Dunn and Four Oaks and one (1) for Benson) shall be private citizens. Each Board member selected by Harnett and Johnston Counties shall be private citizens. In the event that any of Dunn, Four Oaks or Benson elect not to select a member of their city or town council to be a Board member, they may select another private citizen for this Board seat. The members of the Board that are private citizens shall be selected by each of Dunn, Four Oaks, Benson, Harnett and Johnston Counties from applications received by each town or city council, or the board of commissioners as applicable, whenever the current terms of any private citizen Board member expire.

(ii) **Ex-Officio Members.** The mayor of each Dunn, Four Oaks and Benson shall be designated as ex-officio, non-voting members of the Board. The town or city manager for each of Dunn, Four Oaks and Benson shall serve as ex-officio, non-voting members of the Board. The Board may elect to have other ex-officio, non-voting members as determined by the Board.

4. **Contributions to the Alliance.**

Dunn, Four Oaks and Benson recognize that funding for the operations of the Alliance will be required from each of them. The parties expect the Alliance to seek funding from other sources, including, but not limited to the State of North Carolina, Harnett and Johnston Counties and private businesses and industries. The parties believe that it is in their best interests to provide funding for the Alliance.

Each of Dunn, Four Oaks and Benson agree to make an annual contribution to the Alliance in the amount of fifty-five thousand dollars (\$55,000.00) (the "Annual Contribution"). The Annual Contribution shall be decided by each city or town council as applicable on an annual basis. If any of Dunn, Four Oaks or Benson fail to appropriate and pay the Annual Contribution to the Alliance, any voting or ex-officio Board positions for such city or town shall automatically be forfeited and the city or town, as applicable, shall be deemed to have withdrawn from the Alliance without any further action required.

5. Alliance Corridor and Industrial Recruitment.

A. The purpose of the Alliance is for the recruitment of manufacturing, industrial, retail and other business to locate in the Alliance Corridor or for businesses already located within the Alliance Corridor to expand their operations to create jobs and tax base for Dunn, Four Oaks, Benson, Harnett and Johnston Counties. Dunn, Four Oaks and Benson acknowledge that substantial portions of the Alliance Corridor are not located in any of their municipal districts, however, each of them agree that the location or expansion of businesses anywhere in the Alliance Corridor is beneficial to their citizens.

B. The Alliance shall be eligible to assist in the recruitment of all types of businesses. However, for purposes of sharing of property tax revenues by Dunn and Four Oaks, as hereinafter set forth, the types of business shall be limited to manufacturing, distribution, call centers and similar type businesses. This shall not include retail or office facilities that are not directly related to associated manufacturing, distribution facilities, call center and similar type businesses. If a recruited business has a blend of retail with manufacturing or distribution (for example the Rooms to Go located in the City of Dunn), then it shall be considered as a distribution center. The types of recruited businesses that are eligible for sharing of property taxes revenues by Dunn and Four Oaks shall be referred to as an "Eligible Target."

C. In the event the Alliance is Directly Involved in the recruitment of an Eligible Target resulting in the Eligible Target purchasing or leasing real property located in the Alliance Corridor, it shall be referred to as a "New Industry." "Directly Involved" shall mean the Alliance had substantial direct contact with the Eligible Target prior to their decision to locate in the Alliance Corridor, whether in person, by phone, email or other electronic methods. General marketing campaigns or marketing campaigns that are directed toward specific industries, but not to a specific company shall not be considered as Directly Involved.

6. Property Taxes Associated with New Industry.

A. "Property Taxes" for purposes of this MOU shall mean all ad valorem or property taxes, whether for real or personal property, received by any of Dunn or Four Oaks as a result of a New Industry. In determining Property Taxes, Dunn and Four Oaks shall take in consideration any incentives provided to the New Industry that involve a rebate of property taxes. For purposes of illustration only, if a New Industry locates within the municipal limits of Four Oaks that generates annual property taxes for both real and personal property in the amount of \$100,000.00, but Four Oaks agreed, as an incentive to the New Industry to rebate eighty percent (80%) of

property taxes per year, for a period of five (5) years, then the calculated Property Taxes for purposes of this MOU would be \$20,000.00 for each of the first five (5) years after the New Industry became subject to property taxes.

B. **Contribution to the Alliance.** For each New Industry, Dunn and Four Oaks agree, to contribute twenty percent (20%) of the Property Taxes received by either of them to the Alliance for a period of seven (7) years, so long as the Alliance is in existence and has not been dissolved. This contribution shall be in addition to and not in substitution of the contributions required by Section 4.

C. **Contributions to Dunn or Four Oaks.** For each New Industry, Dunn and Four Oaks agree to contribute twenty percent (20%) of the Property Taxes received by either of them to the other for a period of seven (7) years.

D. **Illustration.** For purposes of illustration only, if a New Industry locates in Four Oaks, resulting in Property Taxes of \$100,000.00 per fiscal year, then Four Oaks shall contribute \$20,000.00 per fiscal year to each of the Alliance and Dunn for the number of fiscal years set forth in paragraphs B. and C. above.

E. The contributions of Property Taxes as set forth in this Section 6 shall only relate to Dunn and Four Oaks and is a separate agreement between them. Benson shall not be required to contribute any Property Taxes associated with a New Industry within its municipal limits to either the Alliance or Dunn or Four Oaks. Neither Dunn nor Four Oaks shall be required to contribute any Property Taxes associated with a New Industry within its municipal limits to Benson.

7. **Relationship of the Parties.** Nothing contained in the MOU shall be deemed to create a partnership, joint venture or any other legal relationship between the Parties. The purpose of the MOU is to express the understandings of the Parties regarding the Alliance, the Alliance Corridor, funding and support of the Alliance and the commitment of Dunn and Four Oaks regarding Property Taxes as set forth in Section 6.

8. **Industrial Recruitment by the Parties.** The Parties recognize the value and benefit of economic development and industrial recruitment through the Alliance and other county, regional and state economic development governmental agencies and private organizations. It is for this purpose the Parties enter this MOU. All parties agree to refer Eligible Targets to the Alliance for the Alliance's assistance in recruiting the Eligible Target. Notwithstanding the foregoing, nothing contained in this MOU shall prohibit any Party from marketing their municipality for economic development or engaging in recruitment of businesses and industries to locate in their municipality. The parties further acknowledge that the Alliance may be Directly Involved in recruiting business and industry that elect to locate in areas outside of the Alliance Corridor, whether within or outside of the municipal boundaries of any Party.

9. **Preparation of MOU and Legal Matters for the Alliance.**

A. The Parties agree that P. Tilghman Pope and Pope Law Group, P.A. (collectively "Pope Law") prepared the MOU to set forth the understandings of the Parties and such legal work as may be necessary to implement the agreements set forth in this MOU. The Parties agree that Pope Law will invoice and be paid by the Alliance for these services.

B. The Parties acknowledge that Pope Law is legal counsel for Dunn and the performance of the legal services as set forth above is or could be a conflict of interest under the North Carolina Rules of Professional Conduct, including, but not limited to Rule 1.7. The Parties, by their approval of this MOU and execution by their duly authorized representative, waive any and all current or future conflicts of interest, if any, related to the services already provided or to be provided by Pope Law as set forth above.

C. Four Oaks and Benson acknowledges that they have been represented by independent legal counsel in connection with the agreements and understandings set forth in this MOU, separate from Pope Law. Four Oaks and Benson acknowledge that they have had the opportunity to and have consulted with and obtained the advice of their own separate legal counsel and any other advisors they have deemed advisable in connection with all matters set forth in this MOU.

D. Nothing contained in this MOU shall prevent or prohibit Pope Law from providing, now, or in the future, legal representation to Dunn, whether or not such representation relates to any matter set forth in this MOU and all Parties hereby consent to any current or future representation and waive any present or future conflicts of interest, if any, associated with or related to such representation.

10. **Entire Agreement.** This MOU constitutes the entire agreement and understanding among the Parties with respect to the matters contemplated by this MOU and supersedes any prior understandings, agreements, or representations by or among the Parties, written or oral, to the extent they relate in any way to the matters contemplated by this MOU.

11. **Counterparts.** This MOU may be executed in one or more counterparts (including by means of facsimile or other electronic transmission), each of which shall be deemed an original but all of which together shall constitute one and the same instrument. A signed copy of this MOU delivered by facsimile, e-mail or other means of electronic transmission shall be deemed to have the same legal effect as delivery of an original signed copy of this Agreement.

12. **Headings.** The section headings contained in this MOU are inserted for convenience only and shall not affect in any way the meaning or interpretation of this MOU.

13. **Governing Law.** This MOU shall be governed by and construed in accordance with the laws of the State of North Carolina.

14. **Amendments and Waivers.** No amendment of any provision of this MOU shall be valid unless the same shall be in writing and signed by the Mayors of all Parties after approval by the City or Town Council of each Party. No waiver by any Party of any provision of this MOU shall be valid unless the same shall be in writing and signed by the Party making such waiver.

15. **Severability.** Any term or provision of this MOU that is invalid or unenforceable in any situation or in any jurisdiction shall not affect the validity or enforceability of the remaining terms and provisions hereof or the validity or enforceability of the offending term or provision in any other situation or in any other jurisdiction.

16. **Construction.** The Parties have participated collectively in the negotiation and drafting of this MOU. In the event an ambiguity or question of intent or interpretation arises, this MOU shall be construed as if drafted jointly by the Parties and no presumption or burden of proof shall arise favoring or disfavoring any Party by virtue of the authorship of any of the provisions of this MOU.

17. **Incorporation of Exhibits.** The Exhibits identified in this MOU are incorporated herein by reference and made a part hereof.

**Remainder of Page Left Blank Intentionally
Signature Pages to Follow**

IN WITNESS WHEREOF, this MOU has been approved by the City Council for the City of Dunn as of _____ and is executed by its Mayor and City Clerk with authority duly given and as an act of the City of Dunn.

CITY OF DUNN

By: _____
William P. Elmore, Jr.
Mayor

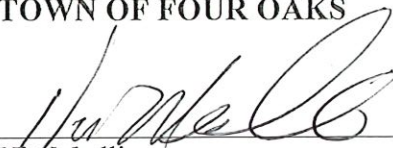
ATTEST:

Melissa R. Matti
City Clerk

IN WITNESS WHEREOF, this MOU has been approved by the Town Council for the Town of Four Oaks as of _____ and is executed by its Mayor and Town Clerk with authority duly given and as an act of the Town of Four Oaks.

TOWN OF FOUR OAKS

By:



Vic Medlin
Mayor

ATTEST:



Rhonda Lee
Town Clerk

IN WITNESS WHEREOF, this MOU has been approved by the Town Council for the Town of Benson as of _____ and is executed by its Mayor and Town Clerk with authority duly given and as an act of the Town of Benson.

TOWN OF BENSON

By: _____
Jerry M. Medlin
Mayor

ATTEST:

Town Clerk

Exhibit A

SEE ATTACHED ALLIANCE ARTICLES OF INCORPORATION

The Four Oaks Chamber of Commerce would like to extend our heartfelt thanks to the Town of Four Oaks, the Four Oaks Fire Department, and the Four Oaks Police Department for their incredible support and dedication in making the 35th Annual Acorn Festival and the Four Oaks Car, Truck, and Motorcycle Show such a great success. Your hard work, cooperation, and commitment to our community were essential in ensuring the events ran smoothly and safely. We couldn't have done it without you!

Thank you for helping us create lasting memories for all who attended.

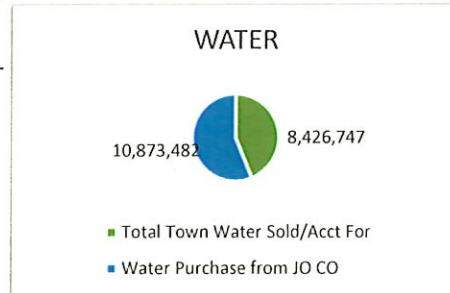
A handwritten signature in blue ink that reads "Joan Pritchett". The signature is written in a cursive style with a long horizontal stroke at the end.

Town of Four Oaks
Monthly Water / Sewer / Garbage Report
Aug-24

Water

	# of Customers	Gallons	Rev / (Cost)	Daily Averages
Town Water Sold/Acct For	1,639	7,426,747	\$ 76,355.53	225,053
Other Water to Acct For:				
Fire Department		250,000		
Flushing		500,000		
Misc. - VM, Leaks, etc.		250,000		
Total OTHER to Acct For		1,000,000		
Total Town Water Sold/Acct For		8,426,747		255,356
Water Purchase from JO CO		10,873,482	\$ (37,389.83)	302,041
Loss: Purchased but Not Sold/Acct For		(2,446,735)		(46,685)
Net Revenue Gain / (Loss)			\$ 38,965.70	
% Gain / (Loss)		-23%		-15%

	# Billed	Revenue
Water System Replacement Fees	1,502	\$ 4,892.24



Sewer

	Customers	Gallons	Revenue / (Costs)	Daily Average Per Gal
Town Sewer Sold	1,221	5,635,404	\$ 69,504.80	170,770
Adjustments (thru county meter):				
Town Sewer Sold - TOTAL		5,635,404		
Sewer Treatment Purchased from JoCo		12,057,593	\$ (58,961.63)	334,933
Monthly Gain / (Loss)		(6,422,189)		(164,163)
Net Revenue Gain / (Loss)			\$ 10,543.17	
% Gain / (Loss)		-53%		-49%

	# Billed	Revenue
Sewer System Replacement Fees	1,201	\$ 4,903.32



Garbage

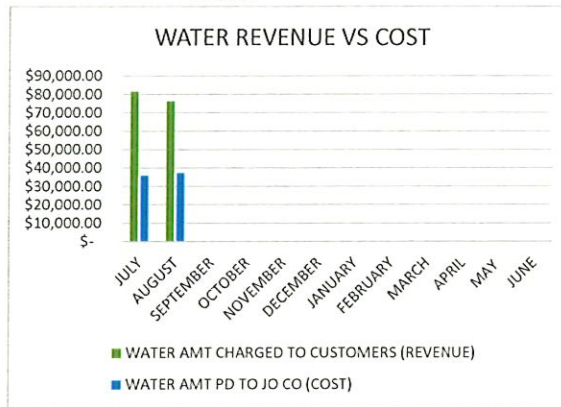
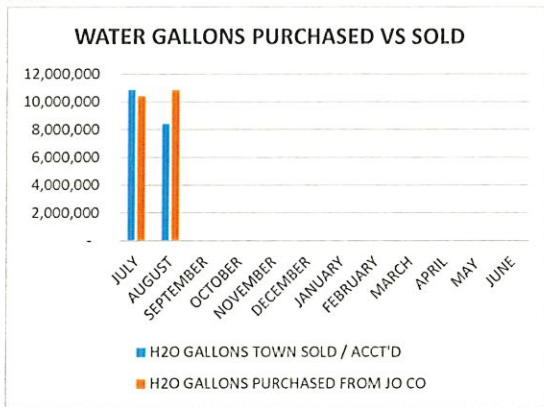
	Customers	Revenue
Garbage Totals	1,099	\$ 33,580.50

WATER / SEWER

FY 2023-2024 **Year-to-date**

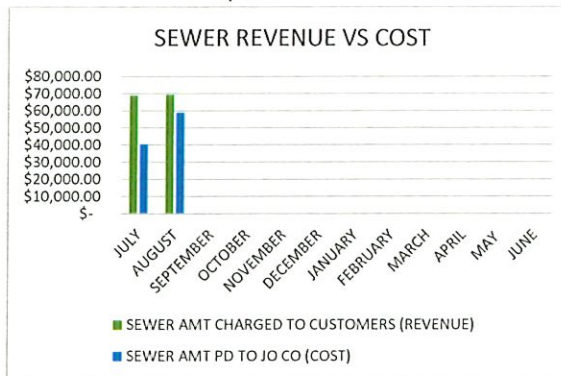
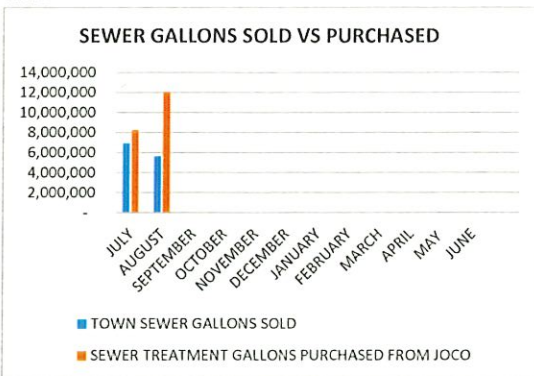
WATER

MONTH	H2O GALLONS TOWN SOLD / ACCT'D	WATER AMT CHARGED TO CUSTOMERS (REVENUE)	H2O GALLONS PURCHASED FROM JO CO	WATER AMT PD TO JO CO (COST)	% Gain / (Loss)
JULY	10,878,433	\$ 81,528.50	10,438,726	\$ 35,911.67	4%
AUGUST	8,426,747	\$ 76,355.53	10,873,482	\$ 37,389.83	-23%
SEPTEMBER					#DIV/0!
OCTOBER					#DIV/0!
NOVEMBER					#DIV/0!
DECEMBER					#DIV/0!
JANUARY					#DIV/0!
FEBRUARY					#DIV/0!
MARCH					#DIV/0!
APRIL					#DIV/0!
MAY					#DIV/0!
JUNE					#DIV/0!



SEWER

MONTH	TOWN SEWER GALLONS SOLD	SEWER AMT CHARGED TO CUSTOMERS (REVENUE)	SEWER TREATMENT GALLONS PURCHASED FROM JO CO	SEWER AMT PD TO JO CO (COST)	% Gain / (Loss)
JULY	6,945,137	\$ 68,976.62	8,290,717	\$ 40,541.60	-16%
AUGUST	5,635,404	\$ 69,504.80	12,057,593	\$ 58,961.63	-53%
SEPTEMBER					#DIV/0!
OCTOBER					#DIV/0!
NOVEMBER					#DIV/0!
DECEMBER					#DIV/0!
JANUARY					#DIV/0!
FEBRUARY					#DIV/0!
MARCH					#DIV/0!
APRIL					#DIV/0!
MAY					#DIV/0!
JUNE					#DIV/0!



**TOWN OF FOUR OAKS
PLANNING & ZONING
INSPECTIONS DEPARTMENT**

August 2024

Total Inspections for August – 498

(413 in June)

Total Estimated Project Value August – \$2,486,586.00

Building Permits \$ 14,221.10

Water/Sewer Permits \$ 49,210.00

Recreation Fees \$ 4000.00

Planning Fees \$ 2875.00

TOTAL FEES COLLECTED in August \$ 70,296.10

YEAR TO DATE:

Total Estimated Project Values \$ 58,586,359.73

Building Permits \$ 196,143.05

Water/Sewer Permits \$ 441,178.72

Recreation Fees \$ 42,000.00

TOTAL FEES COLLECTED YTD \$ 679,208.77

Balance as of August 31, 2024

	8/31/2024	7/31/2024	Variance	
Checking Accounts				
General Fund & Water/Sewer	Balance \$ 2,269,793.01	Balance \$ 3,405,187.87	Variance \$ (1,135,394.86) (water/sewer capacity purchase)	
Four Oaks Appearance Commission	\$ 287.87	\$ 287.87	\$ -	
Checking Accounts Total	\$ 2,270,080.88	\$ 3,405,475.74	\$ (1,135,394.86)	
Investment Accounts				
UCB	Balance	Balance		
100 Yr. CD	\$ 8,165.86	\$ 8,121.15	\$ 44.71	
General Fund CD	\$ 881.08	\$ 881.08	\$ -	
KS Bank				
General Fund Money Mkt	\$ 100,532.72	\$ 100,404.81	\$ 127.91	
Water/Sewer Money Mkt	\$ 129,766.98	\$ 128,731.67	\$ 1,035.31	
GF Open Space Fees MM	\$ 244,050.94	\$ 92,664.10	\$ 151,386.84	
USDA Capital St. Reserve - 4.64%	Maturity 7/5/24	\$ 86,584.88	\$ 86,275.41	\$ 309.47
Water/Sewer CD - 6%	Maturity 7/15/24	\$ 185,340.55	\$ 184,625.75	\$ 714.80
GF CD - 4.69%	Maturity 11/16/24	\$ 112,589.32	\$ 112,141.77	\$ 447.55
WS CD - 4.69%	Maturity 11/16/24	\$ 337,768.08	\$ 336,425.42	\$ 1,342.66
Capital Outlay Reserve CD - 4.6%	Maturity 11/16/24	\$ 32,386.95	\$ 32,258.21	\$ 128.74
Water Bond Acct CD - 4.69%	Maturity 11/16/24	\$ 169,878.07	\$ 169,202.78	\$ 675.29
Investment Accounts Total	\$ 1,407,945.43	\$ 1,251,732.15	\$ 156,213.28	
Grand Total	\$ 3,678,026.31	\$ 4,657,207.89	\$ (979,181.58)	
	\$ 4,256,333.05	\$ 4,256,333.05		
	\$ 578,306.74	\$ (400,874.84)		

\$101,020 will be moved to the General Funding checking once KS Bank signatures care are complete

Payables August 2024

Department

1 - GENERAL GOVERNMENT

Trans Description	Total
AFLAC	\$ 535.55
AGNES WOODS	\$ 190.00
AT&T MOBILITY	\$ 221.63
BLUE CROSS AND BLUE SHILED OF NC	\$ 6,149.92
BRIGHTSPEED	\$ 42.93
CAVANAUGH MACDONALD	\$ 340.55
COLONIAL LIFE	\$ 1,799.77
COMMUNITY EYE CARE	\$ 163.84
DELTA DENTAL OF NORTH CAROLINA	\$ 820.88
DUKE ENERGY	\$ 839.21
DWIGHT BAKER	\$ 325.00
ELAN FINANCIAL SERVICES	\$ 135.00
ELAN FINANCIAL SERVICES - GAS	\$ 278.51
ELAN FINANCIAL SERVICES - RL	\$ 4,982.48
ELAN FINANCIAL SERVICES- OFFICE	\$ 2.99
FOUR OAKS CHAMBER OF COMMERCE	\$ 15,000.00
FOUR OAKS ELEMENTARY SCHOOL	\$ 500.00
FOUR OAKS MIDDLE SCHOOL	\$ 500.00
FOUR OAKS-BENSON NEWS N REVIEW	\$ 118.68
GREAT AMERICAN FINANCIAL SVC	\$ 23.78
HALIFAX LINEN SERVICE INC	\$ 219.15
HEWETT LAW GROUP, PA	\$ 1,500.00
HONESTY PURCELL	\$ 59.76
I-95/I-40 Crossroad of America Economic Developmen	\$ 57,300.00
KS BANK	\$ 900.87
MATTHEW CREECH CONSTRUCTIONLLC	\$ 125.00
McClatchy Company, LLC	\$ 2,149.96
MICHAEL T BEST	\$ 159.76
NC DEPARTMENT OF REVENUE	\$ 6,787.00
NC DEPT OF INFORMATION TECHNOLOGY	\$ 43.54
NC INTERLOCAL RISK MGMNT	\$ 26,130.68
OFFICE VALUE, INC.	\$ 24.15
PURCHASING FUND 2023-2	\$ 159.76
REID WILLIAMS	\$ 1,500.00
ROBYN RICHIE	\$ 150.00
SFR JV-2 JV-2 PROPERTY LLC	\$ 59.76
SOUTH JOHNSTON HIGH SCHOOL	\$ 1,500.00
STANDARD LIFE INSURANCE COMPANY	\$ 17.60
SUSAN HORACE	\$ 67.84
TIMOTHY RAY ALLEN	\$ 42.36
WITHERSRAVENEL	\$ 6,888.85
GENERAL GOVERNMENT Total	\$ 138,756.76

2 - FIRE DEPARTMENT

BLUE CROSS AND BLUE SHILED OF NC	\$ 3,690.00
COMMUNITY EYE CARE	\$ 104.62

STANDARD LIFE INSURANCE COMPANY	\$	22.00
FIRE DEPARTMENT Total	\$	3,816.62

3 - POLICE DEPARTMENT	AT&T MOBILITY	\$	561.41
	BLUE CROSS AND BLUE SHILED OF NC	\$	8,610.00
	BRIGHTSPEED	\$	42.93
	COMMUNITY EYE CARE	\$	189.17
	ELAN FINANCIAL SERVICES - GAS	\$	2,510.15
	ELAN FINANCIAL SERVICES - SA	\$	388.57
	GPS TRACKIT	\$	93.95
	GREAT AMERICAN FINANCIAL SVC	\$	69.00
	JL CUSTOMEM	\$	73.96
	NATIONAL NETWORK	\$	9.95
	NC DEPT OF INFORMATION TECHNOLOGY	\$	49.34
	STANDARD LIFE INSURANCE COMPANY	\$	48.40
	STAN'S AUTO CARE	\$	1,967.34
	POLICE DEPARTMENT Total	\$	14,614.17

4 - SANITATION DEPARTMENT	AT&T MOBILITY	\$	29.32
	BRIGHTSPEED	\$	42.93
	CAMPBELL OIL CO, INC	\$	229.55
	ELAN FINANCIAL SERVICES - GAS	\$	233.38
	GFL ENVIRONMENTAL	\$	13,632.97
	GREAT AMERICAN FINANCIAL SVC	\$	19.83
	JOHNSTON CO SANITARY LANDFILL	\$	2,022.49
	NC DEPT OF INFORMATION TECHNOLOGY	\$	29.84
	SANITATION DEPARTMENT Total	\$	16,240.31

5 - PARKS & RECREATION	ANNAH K. LASSITER	\$	100.00
	AT&T MOBILITY	\$	29.32
	BLUE CROSS AND BLUE SHILED OF NC	\$	1,229.96
	BRIGHTSPEED	\$	42.93
	BSN SPORTS	\$	85.98
	CAMPBELL OIL CO, INC	\$	229.55
	COMMUNITY EYE CARE	\$	16.48
	CREATIVE CAPS INC	\$	2,442.18
	DUKE ENERGY	\$	123.59
	ELAN FINANCIAL SERVICES - GAS	\$	547.87
	ELAN FINANCIAL SERVICES- JRS	\$	1,573.08
	GREAT AMERICAN FINANCIAL SVC	\$	19.83
	NC DEPT OF INFORMATION TECHNOLOGY	\$	29.84
	STANDARD LIFE INSURANCE COMPANY	\$	4.40
	STAY CLEAN INC	\$	255.00
	SUPERIOR LANDSCAPING & LAWN SE	\$	5,420.00
	PARKS & RECREATION Total	\$	12,150.01

6 - STREET DEPARTMENT	AMERICAN DISCOUNT BUILDING	\$	345.56
	AT&T MOBILITY	\$	29.32
	BEST WAY, INC.	\$	1,535.39
	BLUE CROSS AND BLUE SHILED OF NC	\$	1,229.12
	BRIGHTSPEED	\$	42.93
	CAMPBELL OIL CO, INC	\$	229.55
	DUKE ENERGY	\$	64.68
	ELAN FINANCIAL SERVICES - GAS	\$	1,091.03
	GREAT AMERICAN FINANCIAL SVC	\$	19.83
	MARTIN MARIETTA MATERIALS	\$	469.08
	NC DEPT OF INFORMATION TECHNOLOGY	\$	29.84
	RONNIE'S COUNTRY STORE	\$	144.99
	STANDARD LIFE INSURANCE COMPANY	\$	4.40
	W. LANDIS BULLOCK	\$	14,615.52
	STREET DEPARTMENT Total	\$	19,851.24

7 - WATER DEPARTMENT	ADAMS & HODGE ENGINEERING, PC	\$	2,090.00
	AGNES WOODS	\$	190.00
	AMERICAN DISCOUNT BUILDING	\$	93.38
	BADGER METER	\$	39,016.88
	BLUE CROSS AND BLUE SHILED OF NC	\$	2,460.00
	BRIGHTSPEED	\$	85.84
	CAMPBELL OIL CO, INC	\$	229.55
	COMMUNITY EYE CARE	\$	54.70
	DEACONJONES AUTO PARK	\$	-
	DUKE ENERGY	\$	112.80
	EGM GRADING AND LANDSCAPING, LLC	\$	1,950.00
	ELAN FINANCIAL SERVICES - GAS	\$	258.30
	GREAT AMERICAN FINANCIAL SVC	\$	19.84
	INTERLOCAL RISK FINANCING FUND	\$	292.16
	JOHNSTON COUNTY UTILITY DEPT	\$	582,711.67
	MILLER PARTS & PAINT INC	\$	387.38
	NC DEPT OF INFORMATION TECHNOLOGY	\$	46.00
	O'REILLY AUTO PARTS	\$	102.69
	STANDARD LIFE INSURANCE COMPANY	\$	4.40
	TEC UTILITIES SUPPLY, INC.	\$	3,996.35
	US POSTMASTER-H2O	\$	447.62
	WAYPOINT ANALYTICAL	\$	90.00
	WATER DEPARTMENT Total	\$	634,639.56

8 - SEWER DEPARTMENT	AMERICAN DISCOUNT BUILDING	\$	29.51
	AT&T MOBILITY	\$	29.32
	AUTO ZONE, INC.	\$	299.00
	BLUE CROSS AND BLUE SHILED OF NC	\$	2,460.00
	BRIGHTSPEED	\$	85.82
	CAMPBELL OIL CO, INC	\$	229.55

COMMUNITY EYE CARE	\$	76.66
DEACONJONES AUTO PARK	\$	-
DUKE ENERGY	\$	62.60
EGM GRADING AND LANDSCAPING, LLC	\$	3,610.00
ELAN FINANCIAL SERVICES - GAS	\$	258.30
GREAT AMERICAN FINANCIAL SVC	\$	19.83
JOHNSTON COUNTY UTILITY DEPT	\$	561,725.60
NC DEPT OF INFORMATION TECHNOLOGY	\$	46.00
RONNIE'S COUNTRY STORE	\$	2,512.55
STANDARD LIFE INSURANCE COMPANY	\$	8.80
THE WOOTEN COMPANY	\$	4,460.50
SEWER DEPARTMENT Total	\$	575,914.04

9 - SALES TAXES - GF

AMERICAN DISCOUNT BUILDING	\$	17.10
BADGER METER	\$	10.13
BSN SPORTS	\$	5.80
CAMPBELL OIL CO, INC	\$	46.47
CREATIVE CAPS INC	\$	60.94
GREAT AMERICAN FINANCIAL SVC	\$	10.28
HALIFAX LINEN SERVICE INC	\$	14.79
JL CUSTOMEM	\$	4.99
O'REILLY AUTO PARTS	\$	6.93
RONNIE'S COUNTRY STORE	\$	9.79
STAN'S AUTO CARE	\$	135.10
STAY CLEAN INC	\$	17.21
W. LANDIS BULLOCK	\$	991.68
SALES TAXES - GF Total	\$	1,331.21

9 - SALES TAXES - W/S

AMERICAN DISCOUNT BUILDING	\$	8.30
AUTO ZONE, INC.	\$	20.10
BADGER METER	\$	2,613.47
CAMPBELL OIL CO, INC	\$	30.96
GREAT AMERICAN FINANCIAL SVC	\$	2.68
RONNIE'S COUNTRY STORE	\$	162.24
TEC UTILITIES SUPPLY, INC.	\$	269.75
SALES TAXES - W/S Total	\$	3,107.50

Grand Total \$ 1,420,421.42

**TOWN OF FOUR OAKS
SPECIAL MEETING
September 24th, 2024
AGENDA**

- 1) Call to Order**
- 2) Invocation and Pledge of Allegiance**
- 3) New Business**
 - a) Downtown Streetscape Project**
- 4) Adjournment**



SPECIAL MEETING

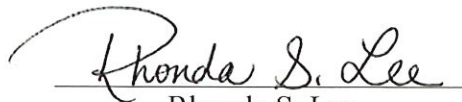
**September 24, 2024 at 5:00 p.m.
Four Oaks Town Hall Chamber**

Notice of Special Meeting

Town Clerk, Rhonda Lee hereby announces the Mayor and Board of Commissioners on September 20th 2024, called a special meeting for the Town of Four Oaks Board of Commissioners scheduled for September 24th, 2024 at 5:00 p.m. in the Four Oaks Town Hall Chamber. The purpose of this special meeting is to discuss the downtown streetscape project.

Dated and posted this 20th day of September 2024

Town of Four Oaks

A handwritten signature in black ink that reads "Rhonda S. Lee". The signature is written in a cursive style and is positioned above a horizontal line.

Rhonda S. Lee
Town Clerk

P.O. Box 610 ♦ 304 N. Main Street ♦ Four Oaks, NC 27524

Office 919-963-3112 ♦ Fax 919-963-3113

www.fouroaks-nc.com

TOWN OF FOUR OAKS
SPECIAL MEETING
September 24th, 2024
MINUTES

Call to Order

Mayor Vic Medlin called the September 24, 2024 special called Board of Commissioners meeting to order at 5:00 p.m. Those present included Commissioners Mike Hines, Kim Robertson, and Michael Bradley. Also, present were Town Clerk Rhonda Lee recording minutes and Public Works Director Barry Stanley.

Invocation and Pledge of Allegiance

Mr. Harold Keen gave the opening Invocation with Andy Hardy leading the Pledge of Allegiance.

New Business

Discuss Downtown Streetscape Project.

Open Session discussion on downtown streetscape. Glen Fleming with WithersRavenel was present to discuss scope of work, budget and landscape architect. Jeff Allen with Fred Smith Co. was also present to answer questions.

Mr. Fleming started the discussion with funding. This project is funded by three different grants, the first being the Community Development Block Grant which is around \$900,000. There is a State of NC State Capital Infrastructure Fund Grant that is around 1.5 Million and the HUD Economic Development Community Project Grant that is about \$3 Million.

The bidding was first advertised in late January with no bids coming in. We readvertised in May with again no bids. Advertised one more time with bids opening on June 12th and were able to get a bid from Fred Smith Co. this time. The original bid came in at 4.8M. There is a bid tabulation included. With several additives, the total bid was at 8.7M. This was well over budget so scope reduction was started with Fred Smith Co. and town employees. The "base bid central" area will be Main St. from the railroad tracks to Wellons. There will be substantial permit costs including permits for dry utilities and this will bring the base bid central to 5.6M.

Motion to approve

Commissioner Hines made a motion to accept the Recommendation of Tentative Award to Fred Smith Co. for approximately 3.3M, and authorize Mayor Medlin to execute construction contracts as needed. Motion was seconded by Commissioner Bradley. Voting unanimous, motion passed.

Mayor Comments

Mayor Medlin would like to schedule a meeting with the downtown business owners for a question and answer session.

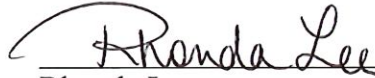
Adjournment

With no further business brought before the Board of Commissioners, motion to adjourn at 5:30p.m. was made by Commissioner Hines, second by Commissioner Bradley, voting unanimous.



Vic Medlin, Mayor

ATTEST:



Rhonda Lee
Town Clerk



24 September 2024

Vic Medlin
Mayor
Town of Four Oaks
304 N. Main Street
Four Oaks, NC 27524

**RE: Town of Four Oaks
Downtown Streetscape
WR Project No. 22-0051
Negotiated Bid Results and Recommendation of Tentative Award**

Mayor Medlin:

On 12 June 2024 Town Staff received bids for the referenced project. The intent of this letter is to summarize the bidding process and subsequent scope reduction negotiations between Town Representatives, Town Consultants, and the Low Bidder; and to offer a recommendation for tentative award. Recall this project is funded using monies previously awarded to the Town as follows:

- Community Development Block Grant-CV \$ 900,000
- North Carolina State Capital Infrastructure Fund Grant \$1,500,000
- USHUD Economic Development Initiative-Community Project Grant \$3,000,000
- Total Available Project Funding \$5,400,000**

Receipt and Evaluation of Bids

The Project was publicly advertised for bids on 31 January 2024, and on 13 March 2024 zero (0) bids were received. The Project was publicly readvertised for bids on 5 April 2024, and on 7 May 2024 zero (0) bids were received. Lastly, the Project was publicly readvertised for bids on 8 May 2024, and on 12 June 2024 one (1) bid as shown below in the Base Bid amount of \$4,847,500 and Base Bid plus Additives amount of \$8,772,000 was received from Fred Smith Company. Following a thorough evaluation of the Bid submission by WithersRavenel Staff and Skip Green and Associates Staff, we found the submission to be complete and in good order. A copy of the Bid Tabulation Worksheet and accompanying Bid Tabulation Exhibit are enclosed for your review.

	Fred Smith Company
Base Bid	\$4,847,500
Additive No. 1	\$2,521,500
Additive No. 2	\$755,900
Additive No. 3	\$70,000
Additive No. 4	\$145,000
Additive No. 5	\$75,000
Additive No. 6	\$304,975
Additive No. 7	\$52,125
Base Bid + Additives	\$8,772,000

As the submitted Base Bid and various Additives exceed the Town's currently available construction funding, Town Representatives elected to enter scope reduction discussions with Fred Smith Company.

Available Construction Funding and Scope Reduction Negotiations

In anticipation of bid pricing potentially exceeding currently available construction funding and to provide maximum decision-making flexibility to the Town, the Project Bid Form was segmented into a Base Bid area and three (3) Additive areas. Four (4) additional Additive Items for irrigation, electrical, furnishings, and aesthetic improvements were also included. Initial discussions between Town Representatives, WithersRavenel Staff, and Fred Smith Company Staff focused on omission of the Additive Areas and Additive Items from proposed Construction Contract value. Further discussion centered on reduction of the Base Bid scope to better fit within currently available funding. Elements proposed to be stricken from the Base Bid scope as a result of these discussions include the following:

- Proposed pedestrian plaza at Lassiter Street
- Proposed improvements to N. Main Street between Williams Street and Railroad Street
- Proposed improvements to South Main Street, south of its intersection with Wellons Street

Based on these reductions a reduced scope project area identified as Base Bid-Central is now offered by Fred Smith Company in the bid amount of \$3,293,092.50. Additionally, a reduced scope project area identified as Base Bid-Central plus Base Bid-South in the bid amount of \$3,878,881.50 is also offered. A Reduced Scope Exhibit identifying both areas is enclosed for your review.

Project Budget

In addition to previously described construction costs, other costs including impacted dry utility relocations, Project permitting, and professional services vary based on proposed Project area. A Project Budget Worksheet which itemizes costs for both the proposed Base Bid-Central and Base Bid-Central plus Base Bid-South areas is enclosed for your review.

Recommendation

After scope reduction negotiations agreed upon by Town of Four Oaks Representatives and Fred Smith Company Staff, the proposed total Base Bid-Central amount is \$3,293,092.50 and the proposed total Base Bid-Central plus Base Bid-South amount is \$3,878,881.50.

Based on above, WithersRavenel, Inc. recommends a tentative award to the bidder, Fred Smith Company, for the negotiated Base Bid-Central contract value of \$3,293,092.50. A draft Resolution of Tentative Award is enclosed for Board action.

Pending any additional requested actions from Town Representatives and any necessary notifications to or approvals from applicable funding agencies, a Notice of Award will be drafted, and construction contract documents will be prepared and circulated for review and execution.



WithersRavenel
Our People. Your Success.

Thank you for the continued opportunity to serve the Town of Four Oaks. Should questions or the need for additional information arise, please do not hesitate to contact me or the Town's dedicated WithersRavenel Client Manager Glynn Fleming at any time.

Sincerely,
WithersRavenel

Courtney Landoll
Director of Landscape Architecture

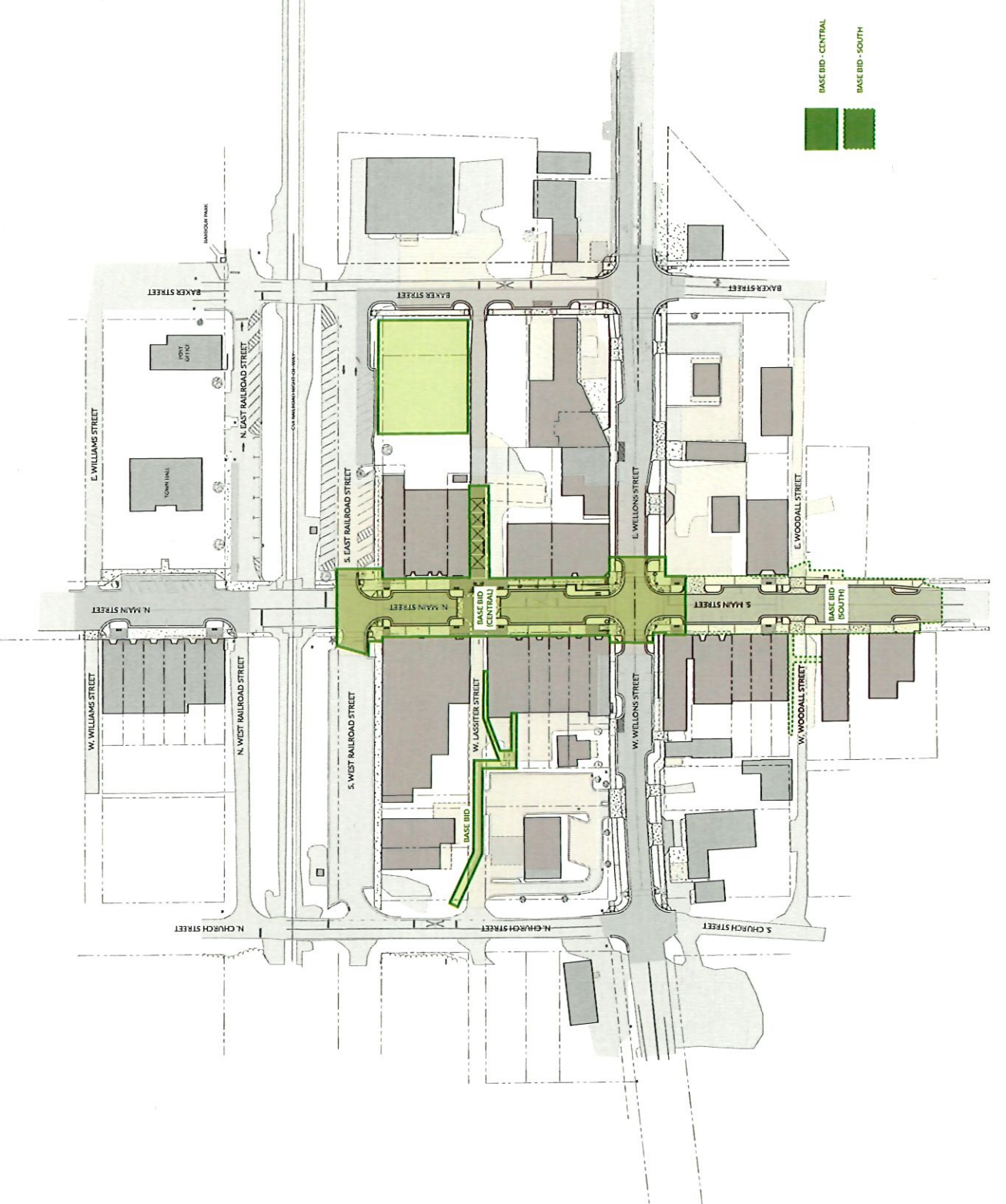
Enc.: Bid Tabulation
Bid Tabulation Exhibit
Project Budget Worksheet
Reduced Scope Exhibit
Draft Resolution of Tentative Award

Cc w/enc.: The Board of Commissioners - Town of Four Oaks, NC
Rhonda Lee, Town Clerk - Town of Four Oaks, NC
Reid Williams, President - I-95/I-40 Crossroads of America Economic Development Alliance
Jeff Allen, Vice President-Eastern Division - Fred Smith Co.
Craig Taylor, Senior Estimator - Fred Smith Co.
Skip Green, President - Skip Green and Associates
Glynn Fleming, PE, CFM, Director of Client Experience - WithersRavenel, Inc.



BID SCHEDULE DESCRIPTION

- 1. This schedule is a summary of the work to be performed under this contract. It is not intended to be a complete description of the work to be performed. The contractor shall be responsible for providing a complete and accurate description of the work to be performed in the contract documents.
- 2. The contractor shall be responsible for providing a complete and accurate description of the work to be performed in the contract documents.
- 3. The contractor shall be responsible for providing a complete and accurate description of the work to be performed in the contract documents.
- 4. The contractor shall be responsible for providing a complete and accurate description of the work to be performed in the contract documents.
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- 7. The contractor shall be responsible for providing a complete and accurate description of the work to be performed in the contract documents.
- 8. The contractor shall be responsible for providing a complete and accurate description of the work to be performed in the contract documents.
- 9. The contractor shall be responsible for providing a complete and accurate description of the work to be performed in the contract documents.
- 10. The contractor shall be responsible for providing a complete and accurate description of the work to be performed in the contract documents.



Four Oaks Downtown Streetscape Bid Tabulation

Date: Wednesday, June 12, 2024
 Location: Town of Four Oaks Town Hall, 304 N. Main Street, Four Oaks, NC 27524
 Project No: WR Project No. 22-0051 | Owner Project No. 20-V-3502 & B-22-CP-NC0545



	PRIME BIDDER	BASE BID							TOTAL	
		Base Main St.	Add. Wellons St.	Add. Baker St.	Add. N. RR St.	Add Irrigation	Add. Electrical	Add. Furnishings		Add. Logo
		#1	#2	#3	#4	#5	#6	#7		
1	Fred Smith Company Construction	4847500	8521500	7559100	70,000	145,000	75,000	304,975	53,125	8772000
2										
3										
4										
5										
6										
7										
8										
9										
10										
		BASE BID	#1	#2	#3	#4	#5	#6	#7	TOTAL



Town of Four Oaks: Downtown Streetscape Project Budget Worksheet

Item Description	Est. Cost Base Bid Central Area	Est. Cost Base Bid Central + Base Bid South Areas	Notes
Estimated Construction Contract Costs			
Fred Smith Company	\$3,293,093	\$3,878,882	9/9 Submittal from FSC
Contingency (20%)	\$658,619	\$775,776	
Estimated Subtotal	\$3,951,712	\$4,654,658	
Estimated Utility Relocation Costs			
Duke Energy (Power)	\$185,000	\$210,000	9/6 Estimate from Duke
Brightspeed (Telecom)	\$100,000	\$100,000	Final Estimate Pending
Charter/Spectrum (Telecom)	\$120,000	\$120,000	Final Estimate Pending
Contera (Fiber)	\$0	\$0	Final Estimate Pending
Duke Energy (Lighting)	\$2,500	\$4,500	9/10 Estimate from Duke
Contingency (20%)	\$81,500	\$86,900	
Estimated Subtotal	\$489,000	\$521,400	
Estimated Professional Services Costs			
Construction Materials Testing	\$62,000	\$71,000	
Engineering Design and Construction Phase Services	\$800,000	\$875,000	
Funding Administration	\$85,000	\$85,000	
Estimated Subtotal	\$947,000	\$1,031,000	
Estimated Fees and Permitting Costs			
CSX (Railroad)	\$195,000	\$195,000	May be refunded in full
NCDOT, NCDEQ, etc. (Permits)	\$31,000	\$31,000	
Laydown Yard Rental	\$15,000	\$20,000	
Estimated Subtotal	\$241,000	\$246,000	
Estimated Total	\$5,628,712	\$6,453,058	
Total Available Funding	\$5,400,000	\$5,400,000	
Estimated Additional Funding Needed	\$228,712	\$1,053,058	

TOWN OF FOUR OAKS
RESOLUTION OF TENTATIVE AWARD
FOR

TOWN OF FOUR OAKS: DOWNTOWN STREETScape PROJECT (CDBG-CV PROGRAM NO. 20-V-3502 AND
FY 2022 EDA COMMUNITY PROJECT, PROGRAM NO. B-22-CP-NC0545)

WHEREAS, the Town of Four Oaks, North Carolina has received bids, pursuant to duly advertised public notice therefore, for construction of the **Downtown Streetscape Project**, a portion of project number CDBG-CV PROGRAM NO. 20-V-3502 and FY 2022 EDA COMMUNITY PROJECT, PROGRAM NO. B-22-CP-NC0545; and

WHEREAS, **WithersRavenel**, the Town's consulting Engineers, and **Skip Green and Associates**, the Town's consulting Funding Administrator; have reviewed the bids; and

WHEREAS, **Fred Smith Company, Inc.** was the lowest responsible, responsive bidder for the **Downtown Streetscape Project** in the total negotiated bid amount of **\$3,293,092.50** and

WHEREAS, the consulting Engineers and consulting Funding Administrator recommend **TENTATIVE AWARD** to the lowest responsible, responsive bidder.

NOW, THEREFORE, BE IT RESOLVED that **TENTATIVE AWARD** is made to the lowest responsible, responsive bidder (**Fred Smith Company, Inc.**) in the Total Negotiated Bid Amount of **\$3,293,092.50**.

BE IT FURTHER RESOLVED that such **TENTATIVE AWARD** be contingent upon applicable approvals of the scope amendment process by applicable funding agencies.

Upon motion of _____, seconded by _____, the above **RESOLUTION** was unanimously adopted.

This is the 12th day of September 2024 at Town of Four Oaks, North Carolina.

✓ _____
Vic Medlin, Mayor

ATTEST:

✓ _____
Rhonda Lee, Town Clerk