

Red Oak Town Council Meeting Minutes  
April 3<sup>rd</sup>, 2023, 6:30pm

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**Attendance** – Mayor, Levell Langley

**Council Members:** Tony Bennett, Craig New, Sandra Russ, Scott Briley

**Public Attendance:** Planning Board members, Franki Joyner (via MS Teams), Phil May, Mary Tom Bass, Todd Mallory, Developer, Robbie Davis, and Red Oak resident Mary Hadley Rose.

**Call to order:** Mayor Langley

**Opening Prayer:** Commissioner Bennett

**Pledge of Allegiance:** Mayor Langley

**Adoption of Minutes and Financial Statement(s) –**

Commissioner Russ advised that the audit was accepted by Commissioner Briley’s motion in February therefore there was no need to make a second motion after the auditor’s presentation. March minutes will be amended as requested.

Commissioner Russ presented the Financial Statement for review and approval. A minimal discussion occurred, Commissioner New made the motion to accept the financial statement, seconded by Commissioner Bennett, and the motion carried.

**Old Business:**

**Item(s) 1: Earp Nuisance Case (Attachment I)**

The Pending show cause hearing is on April 17<sup>th</sup>. The Clerk updated the council regarding an email received on 4/3 prior to the meeting. Commissioner Russ requested to have the original email forwarded to the Council.

**Item(s) 2: Pending Annexation(s) – (Carriage Trail, West Hampton, Reges Store Rd)**

Pending completion of the boundary survey.

**Item(s) 3: Community Grant Request 22-23-01 Yeshua’s Vineyard**

The applicant was notified by email of the Council’s decision on March 14<sup>th</sup>.

**New Business:**

**Item(s) 1: Public Hearing: Proposed Amendments to “Title 15 Land Development and Usage” for Red Oak (Attachment I)**

Mayor Langley Opened the hearing at 6:38 pm. Two attendees signed up to speak: Todd Mallory and Robbie Davis. Mr. Mallory declined the opportunity to speak, opening the floor to Mr. Davis.

Developer, Robbie Davis addressed the Council with concerns about the proposed changes, specifically the increase in residential lot sizes in what is currently listed as AR as it will be a hindrance to families with farmland to have the ability to cut out 1-acre tracts for family members to build on out of existing farms. Planning Board Chair, Franki Joyner responded that the larger lot sizes and amended districts were evaluated and proposed to protect the rural integrity of the area and to promote the responsible development of farmland. Other concerns expressed by Mr. Davis from a developer’s viewpoint are the proposed restriction of buildings greater than 10,000 square feet in the B2 business district. Planning Board chairman Franki Joyner advised that the square footage was set at 10,000 sq feet, and if a proposed use requires a larger building space, then the developer would need to request a variance to

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accommodate the special use. Other considerations for review presented by Mr. Davis are the restriction of front parking at businesses and the requirement for the drive-thru to be located on the back of commercial buildings as most fast-food restaurants would need to have their drive-thru located on the sides of the building. There was additional discussion regarding some of the wording restricting the use of externally exposed lighting that Mr. Davis felt the board may want to clarify prior to adoption.

After a brief discussion, Commissioner Briley made the motion to close the hearing, seconded by Commissioner Bennett, the hearing was adjourned by Mayor Langley at 6:59 pm

Commissioner Bennett made a motion for the proposed amendments to be sent back to the Planning Board for review pending a second hearing to review the concerns presented during the hearing, the motion was seconded by Commissioner New and carried.

**Item(s) 2: Street Light Expansion Project Review (Attachment II)**

Mayor Langley requests that the proposed street light expansion phases be reviewed based on the need and projected cost increase for expanding the street light coverage. The current monthly cost for streetlights is an average of \$3200.00 per month. The initial project began in 2017, and phases 1,2, and 3 are complete. Phases 2A, 2B, and 8 were cut from the plan last year. After some discussion, a motion was made by Commissioner Briley to suspend all remaining phases except for the installation of streetlights along Red Oak Battleboro Rd. to Wollett Mill Rd, the motion was seconded by Commissioner Russ and the motion carried.

**Item(s) 3: Landfill Property Remediation and Draft RFQ (Attachment III)**

Clerk Shearin presented the DRAFT RFQ with potential uses for the landfill acreage once the state completes the remediation process. Council reviewed the proposed uses and after a brief discussion, Commissioner Briley made a motion to move forward with a proposed 5-acre gravel parking area and nature trails as the initial use for the property with evaluations for future uses to be determined later. The motion was seconded by Commissioner New and carried.

**Item(s) 4: LEO Statistics (Attachments IV)**

Limited discussion, no motion needed.

**Other:**

Clerk Shearin provided a copy of a nuisance complaint received in the office this AM. Pictures were provided with the complaint. After discussion of the complaint, approval for a violation letter to be mailed was given by Council.

An additional verbal complaint of a resident discharging a firearm in town limits was received today. Clerk Shearin advised that there is no town ordinance that pertains to firearms but there is a county ordinance that can be applied when an individual is discharging a firearm in an unsafe manner. The resident was advised to contact the non-emergency number for the NCSO. No action is required of the council currently.

**Item(s) 5: Budget Session**

Deputy Finance Officer Sandra Russ provided the proposed budget for FY 23-24.

Clerk Shearin requested an increase in the proposed budget for education and training to comply with the continuing education requirements for her certification and position. Other needs mentioned, some that had already been considered in the proposed budget and therefore no adjustment needed in the budget, was an increase in sewer fees charged by Nash County for Red Oak sewer costs in reaction to an increase by the City of Rocky Mount, a budget for cabin repairs that need to be addressed, and the request to purchase zoning software to improve customer service and the ability to store electronic records for zoning purposes.

Commissioner Russ reported that there is a deficit in the amount budgeted for salaries in the FY 22-23 budget requiring a budget amendment in the amount of \$5000.00. Commissioner New made the motion to amend the FY 22-23 Salary line item as noted, seconded by Commissioner Bennett and the motion carried.

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Further budget amendments for FY 22-23 included compensation to be paid to Commissioner Russ, as appointed Deputy Finance Officer with the responsibility for the Town's accounting, in the amount of \$7,500 for the months of March, April, May and June 2023. Commissioner Briley made the motion to file a budget amendment in the amount of \$7500.00 and the motion was seconded by Commissioner New. Prior to the vote, Commissioner Russ recused herself. The vote carried.

Commissioner Russ requested a budget amendment for FY 22-23 to compensate the Planning Board members for the extensive work they put into the zoning amendment reforms. After minimal discussion, the council agreed to pay a one-time stipend in the amount of \$100.00 and to increase the Planning Board's annual stipend to \$75.00 per meeting. The motion was made by Commissioner Bennett with a second by Commissioner New and the motion passed.

The final proposed budget for FY 23-24 is \$1,339,355.00


**Motion to enter a closed session stating GS 143-318.11**

The motion was made by Commissioner Briley and seconded by Commissioner New. Members of the public left the Council Chambers before the closed session started.

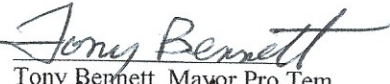
Closed session minutes are sealed.

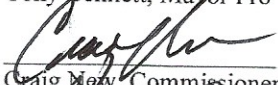
The motion to re-enter the open session was made by Commissioner Briley, seconded by Commissioner New, and the motion carried. A motion to amend the Clerk's job description as presented was made by Commissioner Briley, seconded by Commissioner New, and the motion carried. Commissioner Russ made a motion that draft minutes are not posted online until they are reviewed for accuracy, adopted, and signed by all members of the council. Commissioner New seconded the motion and the motion carried.

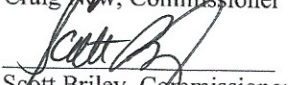
No further business was discussed in the open session and the meeting was adjourned.

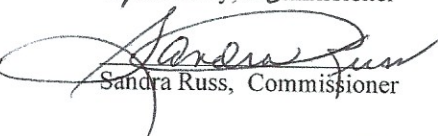
  
Levell Langley, Mayor

  
(Attest) Tracy Seaman, Clerk

  
Tony Bennett, Mayor Pro Tem

  
Craig New, Commissioner

  
Scott Briley, Commissioner

  
Sandra Russ, Commissioner