

Town of Red Cross
Minutes of PUBLIC HEARING
January 9, 2023
7:00 PM

Mayor Kelly Brattain called into session the Public Hearing for a Request for Change of zoning from County RA to Red Cross RA, of the annexed property into the Town of Red Cross of owners, Richard E. and Cynthia A. Karp, address 147 Smith Grove Road, Oakboro, NC 28129.

There being no questions or comments, **Motion #1591** was made by Trina Plowman, second by Lisa Lowder, to **close the Public Hearing**; Votes: 4, Yea, 0 Nay.

***Correction
Made and submitted
To Council at April 10,
2023 Meeting***

**Town of Red Cross
Minutes of PUBLIC HEARING
January 9, 2023
7:00 PM**

Mayor Kelly Brattain called into session the Public Hearing for a Request for Change of zoning from County RA to Red Cross R-20, of the annexed property into the Town of Red Cross of owner, Joseph Burleson, Big Lick Rd., Oakboro, NC

After discussion and comments from citizens and council, opposition was voiced against the Red Cross R-20 zoning, and request to leave as Red Cross RA. **Motion #1592**, made to **close the Public Hearing**, by Andrew Smith, second by Lisa Lowder; Vote 4 Yea, 0 Nay

***Correction made and
submitted to Council at
April 10, 2023 Meeting***

**Town of Red Cross
Minutes of Council Meeting
January 9, 2023
7:00 P.M.**

Present - Mayor Kelly Brattain

Council Members Present: Trina Plowman, Melvin Poole, Lisa Lowder,
Andrew Smith

Town Administrator: Aloma Whitley
Zoning, Planning Officer: Michael Sandy

Guests: Many citizens

Invocation was given by Andrew Smith.

Approval of the **Agenda with Adjustment** to add Mr. Frye, the North Carolina Capital Management Trust; Melvin Poole requested a Closed Session near the end of the meeting. **Motion #1593** made by Melvin Poole, second by Andrew Smith; Vote: 4 Yea, 0 Nay

Approval of the **Minutes of the December, 2022**, Council Meeting, **Motion #1594** was made by Melvin Poole, second by Andrew Smith; Vote: 4 Yea, 0 Nay

Department Reports

Financial Report – copies of the **Financial Report for the month December, 2022** was presented to each council member by Trina Plowman, Finance Officer. Melvin Poole asked about the item – Professional Fees – saying it seems a high amount and wanted more information about it going forward, it was explained that the items are itemized on the invoices submitted for payment. Council approved the financial report by **Motion #1595**, made by Melvin Poole, second by Lisa Lowder; Vote: 4 Aye, 0 Nay

Fire Protection: Melvin Poole, no report

Police Protection: Lisa Lowder, no report

Street Maintenance: Melvin Poole no report

Waste Collection: Lisa Lowder

Zoning: Andrew Smith – Brought up the matter of the Planning and Zoning Board meeting on January 4, as for the discussion of the used car lot on 163 S. Oak Ridge Rd. Michael Sandy requested approval from the P & Z Board for a used car lot on the property he rents from the Town, with five cars displayed at the front and others kept in the back for repairs, etc., as it is already zoned for business. The P & Z Board voted 5 in favor of the request, 0 against. Melvin Poole stated he was not happy with the car lot business, and furthermore having the Town in the landlord business.

OLD BUSINESS:

RRRPO – keeps Town aware of what is happening at DOT which would affect the Town area. Reps for **TAC**: Technical Advisory Committee – Melvin volunteered for the Thursday, January 12 meeting from 6PM to 8PM, which would NOT be on the 3rd Thursday of January, when he has a prior commitment. Andrew Smith stated he would volunteer for the third Thursdays, as long as it did not interfere with personal commitments.

For the **TCC**: Technical Coordinating Committee – The meetings are held on the 2nd Tuesday morning of each month. The Planning and Zoning Officer Michael Sandy has been volunteering to go to the Tuesday morning meeting held at the Gene McIntyre Commissioners' Room at Stanly County Commons on the 2nd Tuesday of each month.

At least a dozen citizens were present who had received letters regarding updating the Zoning Map for the Town of Red Cross to clean up some areas and make minor changes to reflect the Land Use Plan adopted in 2019. Many wanted to get individual change information and most wanted the zoning for their property to remain the same. The only property which was requested to be “**Changed from GB to RA**” was the Hahn parcel at the corner of S. Oak Ridge Road and Hilltop Road. **Motion #1596** was made by Andrew Smith, second by Lisa Lowder. Vote: 4 Yea, 0 Nay

NEW BUSINESS

The first Public Hearing prior to the Council meeting tonight was requesting a change of zoning for the property of Richard and Cynthia Karp, 147 Smith Grove Road, Oakboro, NC, annexed into the Town of Red Cross on November 14, 2022. The zoning change would be **from County RA to Red Cross RA**. **Motion #1597** was made by Andrew Smith, second by Melvin Poole; Vote 4 Yea, 0 Nay

The second Public Hearing prior to the Council meeting was requesting a change of zoning for the property of Joseph Burleson, Big Lick Road, annexed into the Town of Red Cross on November 14, 2022, from County R-A to Red Cross R-20. When asked what the difference in R-A and R-20, it was stated that R-A is a minimum of 1 acre area for development, whereas R-20 is a half acre allowed for development. Council rejected the request for the R-20. **Motion #1598** was made by Andrew Smith, second by Melvin Poole to approve a **zoning change from County RA to Red Cross RA**; Vote: 4 Yea, 0 Nay

Michael Sandy reported that the Housing Code Violation resident is still paying the Citation Fee, \$500.00 received on January 5. The resident requested an inspection on Saturday, January 20, 2023; the property failed inspection. Another Civil Penalty Assessment Citation notice will be issued in February.

Mr. John Frye, a representative of Capital Management of the Carolinas, LLC, gave a presentation to Council regarding an investment method for the municipalities of North Carolina. Formed in 1982 by the League of Municipalities through the direction of the

North Carolina State Treasurers Office, the funds invested are available in the event of an emergency on the DAY OF request for return of funds. Interest is paid at the current top rate approved by the Federal Reserve. Any amount needed can be withdrawn on the day needed, without a penalty.

Citizens Comments – none

Mayor Brattain announced a **Closed Session at this time; Motion #1599-A** was made by Melvin Poole, second by Lisa Lowder; Vote: 4 Yea, 0 Nay, to Go into Closed Session; citizens left the meeting room. (Minutes separate)

CLOSED SESSION:

Council Comments: (Most citizens had left the building before the closed session was adjourned.) There were no further Council comments.

Motion #1600 to adjourn regular meeting was made by Melvin Poole, second by Trina Plowman; Vote 4 Yea, 0 Nay.

8:00 P. M.
January 9, 2023

Kelly Brattain, Mayor
Aloma Whitley, clerk

***Correction made and
Submitted to Council at
April 10, 2023 Meeting***

**Town of Red Cross
Minutes of Council Meeting
February 13, 2023**

Present - Mayor Kelly Brattain

Council Members Present: Melvin Poole, Lisa Lowder, Trina Plowman, Andrew
Smith

Town Administrator: Aloma Whitley

Guests: Thirteen citizens

Mayor Brattain opened the meeting; Melvin Poole gave the invocation.

The **Agenda** was approved, **Motion #1601** made by Melvin Poole, second by Lisa Lowder,
Vote: 4 Yea, 0 Nay

The **Minutes of the Town Council Meeting of January 9, 2023** were presented. **Motion
#1602** was made by Andrew Smith, second by Trina Plowman, to approve the minutes;
Vote: 4 Yea, 0 Nay

Department Reports:

Financial Report – copies of the financial reports for the month of January, 2023, were
presented to each council member by Trina Plowman, Finance Officer. There being no
discussion, **Motion #1603** was made by Melvin Poole, second by Lisa Lowder, to accept
the Town's **expenditures for the month of January, 2023**; Vote: 4 Yea, 0 Nay

Fire Protection: Melvin Poole, no report

Police Protection: Lisa Lowder, no report

Street Maintenance: Melvin Poole – there are many advertising signs in the right of ways

Waste Collection: Lisa Lowder, the Bulk Items Pickup has finally been set for March 25
for the Town, after two years of Covid delays

Zoning: Andrew Smith – (1) gave an update of the Zoning Board officers: Lionel Hahn is
the new Chairman; Tina Eudy, Vice-Chairman; Thelma Tomberlin, Secretary. Harry
Williams and Dale Burris have both vacated their offices. (2) Andrew stated that a Public
Hearing will be requested at the current Council Meeting for a Zoning Text Change for the
required lot size of Single-family homes from 40,000 sq. ft. to 100,000 sq. ft. Also for
Two-family homes from 30,000 . ft. to 75,000 sq. ft.

OLD BUSINESS:
NEW BUSINESS:

The number of recycle carts has dwindled down to around 10, so the time is here to get a quote and do a reorder. That information will be available at the next Council meeting in March.

Andrew Smith requested a discussion of damage to the field of June and Michael Winfree from the rain runoff from the parking lot. Cody Whitley, an Engineer, was present and agreed to investigate the situation.

Andrew Smith requested discussion of other possible ways to handle the Code Violation situation at 125 Deerfield Lane. Michael Sandy reported that the inspection in January failed. Another will be done in February.

Michael Sandy requested that a **Public Hearing** be held at the next meeting on **March 13, 2023**, to request a **Zoning Text Change for RA** from 40,000 square feet to 100,000 square feet (approx. 2.29 Acres) for One-family homes; Two-family homes; from 30,000 sq. ft. to 75,000 sq. ft. **Motion # 1604** was made by Andrew Smith, second by Lisa Lowder; Vote: 4 Yea; 0 Nay

Citizen Comments: Casey Lowder, son of Council member Lisa Lowder, spoke of the natural beauty of the Town of Red Cross' environment with all the trees, birds, ponds and fields.

Comments from Council: Andrew Smith: discuss unapproving the Town Center Master Plan; discuss with Pfeiffer College plans for 50 acres. He appreciated the citizens attending the meeting and comments.

Council was invited to the County Council of Government Meeting at New London Town Hall on Tuesday, February 28, 2023.

Motion #1605 was made by Melvin Poole, second by Andrew Smith, to **go into Closed Session** regarding Attorney/Client Privileges; Vote: 4 Yea, 0 Nay

CLOSED SESSION:

Motion #1606 was made by Melvin Poole, second by Trina Plowman, to **adjourn the Closed Session**. Vote; 4 Yea, 0 Nay

Motion #1607-A was made by Andrew Smith, second by Lisa Lowder, to give notice to Michael Sandy to remove all vehicles pertaining to the car sales lot within 90 days. Vote: 4 Yea, 0 Nay

All citizens had left in the meantime of the Closed Session. **Motion #1607-B** was made to adjourn the regular meeting by Melvin Poole, second by Trina Plowman; Vote: 4 Yea, 0 Nay.

8:50 P.M.
February 13, 2023

Kelly Brattain, Mayor
A. Whitley, Admin.

Town of Red Cross
Minutes of PUBLIC HEARING
March 13, 2023
7:00 PM

Mayor Kelly Brattain called into session the Public Hearing for a Request for Text Change to the Zoning District RA regarding Minimum Lot Size for Single-Family from 40,000 sq. ft. to 100,000 sq. ft. Two-family from 30,000 sq. ft. to 75,000 sq. ft.

Questions or comments- a citizen asked what was the logic to make the required lot size bigger, preventing someone to build who only had a 40,000 lot. He was told a zoning change could be requested to accommodate that citizen. **Motion #1608** was made by Lisa Lowder, second by Trina Plowman, to **close the Public Hearing**; Votes: 4, Yea, 0 Nay.

**Town of Red Cross
Minutes of Council Meeting
March 13, 2023**

Present - Mayor Kelly Brattain

Council Members Present: Melvin Poole, Trina Plowman, Lisa Lowder,
Andrew Smith; Town Administrator: Aloma Whitley

Guests: 35 +

Mayor Brattain opened the meeting; Lisa Lowder gave the invocation.

The **Agenda** was accepted as presented; **Motion #1609** was made by Melvin Poole, second by Trina Plowman, Vote: 3 Yea, 0 Nay

The **Minutes of the Town Council Meeting of February 13, 2023** were presented. There was some question from Andrew Smith regarding a portion of the minutes; review and correction will be made to be presented at the April meeting.

Department Reports:

Financial Report – copies of the financial reports for the month of February, 2023, were presented to each council member by Trina Plowman, Finance Officer. Melvin Poole stated he had requested a copy of the Professional Fees shown on the Check Register but did not receive it; Clerk Aloma Whitley then went to the office to get each Council member a copy. Being no further discussion, **Motion #1610** was made by Lisa Lowder, second by Andrew Smith, to accept the Town's **expenditures for the month of February, 2022**; Vote: 3 Yea, 1 Nay

Fire Protection: Melvin Poole, no report

Police Protection: Lisa Lowder, no report

Street Maintenance: Melvin Poole, no report

Waste Collection: Lisa Lowder, no report

Zoning: Andrew Smith – (1) He would like to table discussion of the Jacob Rd./Ridgecrest Rd. proposed development; (2) He would like to discuss the 50 acres owned by Pfeiffer University on E. Red Cross Road adjacent to West Stanly High School to change the zoning from HB to RA. (3) The speed limit on Jacob Road has been requested to be reduced; that will be addressed in the business session (4) Three people have volunteered to serve on the Planning and Zoning Board. That also will be addressed in the business session.

OLD BUSINESS: none

NEW BUSINESS:

The Renewal form for the **Deer Urban Archery Season for the January 14 – February 19, 2024**, was presented; after brief discussion, **Motion #1611** was made by Andrew Smith, second by Melvin Poole; Vote was 4 Yea, 0 Nay, to renew the application.

A Certification of Municipal Declaration to Enact Speed Limits and Request for Concurrence for Concurring State Ordinance Number: 10803416, was received from the Department of Transportation to **change the speed limit on Jacob Road to 45 MPH** from North Oak Ridge Road and **to a point .33 mile north of N. Oak Ridge Road. Motion #1612** was made by Melvin Poole, second by Andrew Smith to approve the Request for Concurrence. Vote: 4 Yea, 0 Nay

The number of **recycle carts** available for new citizens and replacement of damaged or missing carts has dropped to 7 and an order needs to be placed for 25 carts. **Motion #1613** was made by Trina Plowman, second by Andrew Smith to place an order; Vote: 4 Yea, 0 Nay

The Public Hearing held prior to the current Council meeting, discussing a proposed Zoning Text Change to the District RA regarding: **Minimum Lot Size for Single-Family** from 40,000 sq. feet to 100,000 sq. feet; **for Two-Family** from 30,000 sq. feet to 75,000 sq. feet. A question was asked regarding the logic of increasing the lot size; Andrew Smith stated that developers make maximum profit on smaller lots/more dwellings built. Mayor Brattain presented the hypothetical question of a parcel of land of 2.5 acres and the owner wanted to divide that for two children; it wouldn't be allowed with this zoning change unless zoning variance could be requested from the Town. Andrew Smith stated that it would of course be allowed to be requested by the P & Z Board to present to Council for a zoning change for family. Council member Trina Plowman asked if the matter could be tabled as she would like to look into it further. Andrew Smith stated that the Public Hearing for this matter was requested at the February 13, 2023 Council Meeting by Motion #1604, to be held prior to the current (March) Council Meeting, and that gave at least 4 weeks of time to study the Zoning Text Change. **Motion #1614** was made by Lisa Lowder, second by Melvin Poole, to deny the **Request to Table the Matter**; Vote: 3 Yea, 1 Nay. **Motion #1615** was made at this time by Andrew Smith, second by Lisa Lowder, to **Approve the Proposed Zoning Text Change**; Vote: 3 Yea, 1 Nay.

Andrew Smith asked for a discussion on “**Unapproving**” the whole Town Center Master Plan which he has disapproved of since he first became aware of its existence. This is the reason he ran for the office of Council member to speak for the citizens who agreed with him to keep Red Cross rural. Melvin Poole proposed to have a **Public Hearing on April 10, 2023** for opinions to “**SHELF**” the **Town Center Master Plan** until a more “acceptable and citizen-approved plan” can be presented. **Motion #1616** was made by Andrew Smith, second by Melvin Poole; Vote: 4 Yea, 0 Nay

Andrew Smith asked for a discussion of placing a **Moratorium** on **all major housing development** in the Town of Red Cross as the infrastructure is not available. He stated that Council also needs time to review the current Land Use Plan. He requested that a **Public Hearing** be held prior to the next Council meeting on April 10, 2023. **Motion #1617** was made by Andrew Smith, second by Lisa Lowder; Vote: 4 Yea, 0 Nay

Andrew Smith asked for a discussion of changing the zoning of the 50 acres of property of Pfeiffer University from HB to RA to protect from future major business development. **Pfeiffer University President, Scott Bullard** was present and asked to address the matter, saying that the University would not be selling that property, as there are plans for expansion that could involve that property to the advantage of not only Pfeiffer University, Stanly Community College and the County of Stanly. He asked respectfully the leave the property zoned HB. Andrew Smith respectfully withdrew the matter.

Lionel Hahn, Chairman of the **Planning and Zoning Board**, introduced **three citizens** who have volunteered to serve on the Planning & Zoning Board: - Krista Thompson, Wendell Copeland and Jennifer D'Amore. **Motion #1618** was made by Melvin Poole to approve the three, second by Andrew Smith; Vote: 4 Yea, 0 Nay

In recent months the donation bin in the parking lot at Dollar General had become a dumping site. Mayor Brattain stated that **Notice** has been sent to the owner that the bin is to be removed.

The **Waste Management Bulk Items** pickup will be Saturday, **March 25, 2023**.

The **White Goods** pickup will be on Saturday, **April 29, 2023**.

Citizen Comments: some citizens asked how they could get an agenda for the meetings; they were told to fill out the **Sheet for "Sunshine List"** with their names and address/email address.

Council Comments: Andrew Smith said Thank You to all the citizens that came to the meeting and appreciate their comments.

Motion #1619 was made by Lisa Lowder, second by Trina Plowman, to **go into Closed Session for Attorney/Client Privilege; Vote 4 Yea, 0 Nay**. Council was informed that there are 10 requirements for a Council to request to go into Closed Session stated in the General Statutes G.S.143-318-4; Attorney/Client Privilege is included in those requirement.

Closed Session

In open session, Andrew Smith announced that **Michael Sandy has agreed to terminate his** contract with the Town; therefore, Andrew Smith made **Motion #1621-A**, second by Melvin Poole, to terminate the Contract with Michael Sandy for the position of **Planning and Zoning Officer, Town Planner**; Vote: 4 Yea, 0 Nay.

Motion #1621-B was made by Melvin Poole, second by Andrew Smith, to adjourn the Council meeting; Vote 4 Yea, 0 Nay

9:00 P.M.
March 13, 2023

Kelly Brattain, Mayor
A. Whitley, Admin.

Town of Red Cross
Minutes of PUBLIC HEARING
April 10, 2023
7:00 PM

Mayor Kelly Brattain called into session the Public Hearing for the purpose of hearing a motion to “table” or “shelf” the Town Center Master Plan until a more acceptable and citizen-approved plan can be presented.

Comments from citizens: 0

Comments from Council: 0

Motion #1622 to close the Public Hearing made by Melvin Poole, second by Andrew Smith; Vote 3 Yea, 0 Nay

Town of Red Cross
Minutes of PUBLIC HEARING
April 10, 2023
7:00 PM

Mayor Kelly Brattain called into session the Public Hearing for the purpose of hearing a Discussion on setting a Moratorium on major housing development to give Council time to review the current Land Development Plan and to ensure infrastructure is in place.

Comments from citizens: 0

Comments from Council: 0

Motion #1623 to close the Public Hearing made by Trina Plowman, second by Andrew Smith; Vote 3 Yea, 0 Nay

**Town of Red Cross
Minutes of Council Meeting
April 10, 2023**

Present - Mayor Kelly Brattain

Council Members Present: Melvin Poole, Trina Plowman, Andrew Smith;

Absent: Lisa Lowder; Town Administrator: Aloma Whitley

Guests: 20 +

Mayor Brattain opened the meeting; Trina Plowman gave the invocation.

The **Agenda** was **adjusted** to add the purpose of the Closed Session - "Attorney/Client Privilege"; **Motion #1624** was made to approve, by Melvin Poole, second by Trina Plowman, Vote: 3 Yea, 0 Nay

An item on the Agenda for April 10, 2023, regarding the Public Hearing of March 13, 2023, was in error. That item regarding the Approval of a Zoning Text Change was included in the Council Meeting of March 13, 2023, and was discussed and approved by Council by Motion #1615.

The **Minutes of the Town Council Meeting of March 13, 2023** were presented. **Motion #1625** was made to approve, by Andrew Smith, second by Trina Plowman; Vote: 3 Yea, 0 Nay

Department Reports:

Financial Report – copies of the financial reports for the month of March, 2023, were presented to each council member by Trina Plowman, Finance Officer. Being no further discussion, **Motion #1626** was made by Lisa Lowder, second by Andrew Smith, to accept the Town's **expenditures for the month of March, 2023**; Vote: 3 Yea, 0 Nay

Fire Protection: Melvin Poole, no report

Police Protection: Lisa Lowder, no report

Street Maintenance: Melvin Poole, no report

Waste Collection: Lisa Lowder, no report

Zoning: Andrew Smith – (1) He stated that the proposed development of 22 acres on Jacob Rd./Ridgecrest Rd. had been cancelled. (2) He stated that would like to see a Public Hearing requesting that the property at 163 S. Oak Ridge be rezoned from GB to RA.

OLD BUSINESS:

At the March 13, 2023 Council Meeting, **during the review of the Minutes of the February Council Meeting**, Andrew Smith stated there was some confusion in two paragraphs following the “Agenda” paragraph, which were from the January 9, 2023, Council meeting and regarding two Public Hearings. **A correction has been made, removing the two paragraphs from the February 13, 2023, Minutes.** Reference has been made in the Minutes of January 9, 2023, the Minutes of February 14, 2023, and also the Minutes of the Public Hearing of January 9, 2023. The errors all involved business of the zoning rates R-A and R-20. A Motion will need to be made to accept all three revisions/corrections after Council has had the opportunity to review all three: **Minutes of January 9, 2023, Public Hearing; Minutes of January 9, 2023, Town Council Meeting; and Minutes of February 13, 2023, Town Council Meeting.** **Motion #1627** was made by Andrew Smith, second by Melvin Poole; Vote: 3 Yea, 0 Nay to **approve the three revisions/corrections.**

NEW BUSINESS:

Amendment #1 to the current Budget was presented to increase the Basic Operating Funds and move money to several accounts to adjust for changes in a few expenses during the current Fiscal Year. \$3,000 was **moved from** Professional Fees to Insurance Expenses- \$2,000.00 and to Memberships Expenses, \$1,000.00. **Moved from** Board of Elections was \$5,000.00, **moved to** West Stanly Fire Department Expenses. \$1,000.00 was moved from “Other Building Expenses” to Maintenance. Waste Collection increased most of any item of the year’s Budget; Basic Operating Funds were increased **\$15,000.00** in order to add that amount **to the Waste Collection expense for the remainder of the Budget year.** **Motion #1628** was made by Andrew Smith, second by Trina Plowman to approve **Amendment #1 to the current Budget for 2022-2023;** Vote: 3 Yea, 0 Nay.

At this time the oath of office was given to the three new members of the Planning and Zoning Board: Kristi Thompson, Wendell Copeland and Jennifer D’Amore.

The first Public Hearing held prior to the current Council meeting was for the purpose of hearing a motion to **Withdraw the past approval of the “Town Center Master Plan”;** **Motion #1629** was made by Andrew Smith, second by Melvin Poole; Vote: 2 Yea, 1 Nay

The second Public Hearing held prior to the current Council meeting was for the purpose of setting a **Two-Year Moratorium on Major Housing Development,** to give Town Council time to review the current Land Use Development Plan and to ensure infrastructure is in place. **Motion #1630** was made by Andrew Smith, second by Melvin Poole, to approve the Moratorium; Vote: 3 Yea, 0 Nay

Citizen Comments

Council Comments – the recycle carts scheduled to be delivered on Tuesday, April 11; Wendell Copeland said he will be glad to meet the delivery.

Motion #1631 was made at this time by Andrew Smith, second Lisa Lowder, to go into go into closed session for the purpose of Attorney/Client Privilege; Vote: 3 Yea, 0 Nay

Closed Session

Motion #1632 was made by Melvin Poole, second by Andrew Smith, to adjourn from closed session; Vote: 3 yea, 0 nay

Motion #1633 was made by Melvin Poole, second by Trina Plowman to adjourn Council Meeting; Vote: 3 Yea, 0 Nay

Emergency Called Meeting

Town of Red Cross Town Council

Monday, April 24, 2023

7:00 P. M. at Town Hall

MINUTES

Subjects to be addressed in **Open Session** will be:

Posting for positions of Town Clerk and Planning and Zoning Officer

Subjects to be addressed in **Closed Session** will be:

Personnel and contracts

Meeting called to order by Mayor Brattain.

Motion #1634 to go into Closed Session was made by Lisa Lowder, second by Trina Plowman; Vote: 4 Yea, 0 Nay

Discussion of a posting for hiring for the positions of Clerk/Administrator and Zoning Officer. A candidate for the position of Clerk/Town Administrator, Ms. Carolyn Capps, has indicated interest of the position; her salary requested is \$25.00/hr. for part-time position.

Mike Efird was introduced to serve as Interim Zoning Officer to provide assistance in Planning and Zoning matters and for current legal assistance. He offered to serve for \$21.50/hr.

Motion #1635 to close the Closed Session made by Melvin Poole, second by Andrew Smith; Vote 4 Yea, 0 Nay

In Open Session, after discussion of the matter, **Motion 1636-A** was made by Melvin Poole, second by Andrew Smith, to **advertise for the positions of Clerk/Administrator and Town Planner**; Vote 4 Yea, 0 Nay

Motion 1636-B was made by Andrew Smith, second by Melvin Poole, to **hire Mike Efirm as Interim Zoning Officer** to assist the Town in Zoning matters and assistance in the current legal matters; Vote 4 Yea, 0 Nay

Motion #1637 to Adjourn the Emergency Called Meeting made by Melvin Poole, second by Andrew Smith; Vote 4 Yea, 0 Nay

Town of Red Cross
Minutes of PUBLIC HEARING
May 8, 2023
7:00 PM

Mayor Kelly Brattain called into session the Public Hearing for the purpose of the First Reading of the Proposed Budget for the Fiscal Year 2023-2024 for the Town of Red Cross. Trina Plowman, Financial Officer, stated that the proposed budget will reflect the recent First Amendment to the current year budget, unless another amendment would become necessary before the end of June.

Comments from citizens: 0

Comments from Council: 0

Motion #1638 to close the Public Hearing made by Trina Plowman, second by Andrew Smith; Vote 3 Yea, 0 Nay

**Town of Red Cross
Minutes of Council Meeting
May 8, 2023**

Present - Mayor Kelly Brattain

Council Members Present: Trina Plowman, Andrew Smith, Lisa Lowder;

Absent: Melvin Poole, attending by phone; Town Administrator: Aloma Whitley

Guests: 20 +

Mayor Brattain opened the meeting; Andrew Smith gave the invocation.

The **Agenda** was **approved with the addition of the purpose of the Closed Session - "Attorney/Client Privilege"**; **Motion #1639** was made to accept Agenda, by Andrew Smith, second by Lisa Lowder, Vote: 3 Yea, 0 Nay

Approval of the **Minutes of the Public Hearing** held prior to the current Council meeting, regarding the **First Reading of the Proposed Budget for the Fiscal Year 2023-2024**; discussion, **Motion #1640** made by Andrew Smith, second by Lisa Lowder; Vote: 3 Yea, 0 Nay

The **Minutes of the Town Council Meeting of April 10, 2023** were presented. **Motion #1641** was made to approve, by Andrew Smith, second by Trina Plowman; Vote: 3 Yea, 0 Nay

Department Reports:

Financial Report – copies of the financial reports for the month of April, 2023, were presented to each council member by Trina Plowman, Finance Officer. Being no further discussion, **Motion #1642** was made by Andrew Smith, second by Lisa Lowder, to accept the Town's **expenditures for the month of April, 2023**; Vote: 3 Yea, 0 Nay

Fire Protection: Melvin Poole – reported that the contracts for the Fire Departments for the upcoming fiscal have been mailed to the departments.

Police Protection: Lisa Lowder, reported on the number of calls the sheriff's department responded to in the month of April.

Street Maintenance: Melvin Poole – Hilltop/Pless Mill Road and the Bethel Church Road intersection signs have been received.

Waste Collection: Lisa Lowder – 25 new recycle carts were delivered; Wendell Copeland met the delivery and with help from his wife, attached the wheels to the carts.

Zoning: Andrew Smith – update of discussions in Planning and Zoning meeting on May, 2, 2023

OLD BUSINESS

NEW BUSINESS:

Andrew Smith requested a discussion and a change on updating the **website** - stated he had contacts with someone who could help update the website for \$192/year, and will contact that person.

Andrew Smith wanted to revisit his discussion of **rezoning** the property purchased from the Burris family last year, to a zone of RA, and **requested a Public Hearing** at the next **Council Meeting in June; Motion #1643** made by Andrew Smith, second by Lisa Lowder; Vote: 3 Yea, 0 Nay

Andrew Smith requested a discussion regarding who should have primary access to the Town's Facebook account. Mayor Kelly Brattain stated his wife, Freda, posts to Facebook and it would be best to meet with her regarding the management of Facebook account.

Andrew requested a discussion on updating the Zoning Ordinances. Mike Efird, Interim Zoning Officer, stated that he will be looking into this matter over the next month, as there was a required update in 2021.

Andrew Smith stated that two Public Hearings (for Zoning Text Change ZA 23-01, and the Request for a 2-year Moratorium on Major Housing Development) must both be re-done, due to improper procedures, as advised by Mike Efird, Interim Zoning Officer. (The Public Hearing for the withdrawal of the Town Center Master Plan does NOT require being redone.) Mike Efird stated that a "Resolution" **for the moratorium** was required to be drawn by the Town's Attorney and presented for approval by Council; afterwards a Public Hearing could be requested.

The Ethics class scheduled for May 10, was not set up for Council to attend and will be scheduled at a later time.

The contract with Shaver's Lawn Service was presented to Council for review; **Motion #1644** was made by Andrew Smith, second by Trina Plowman, to accept the renewal of the contract; Vote: 3 Yea, 0 Nay

The contract with the **Oakboro Fire Department** was presented to Council; after review, **Motion #1645** was made by Andrew Smith, second by Trina Plowman to approve the renewal contract; Vote: 3 Yea, 0 Nay

The contract with the **Ridgecrest Fire Department** was presented to Council; after review, **Motion #1646** was made by Trina Plowman, second by Lisa Lowder to approve the renewal of the contract; Vote: 3 Yea, 0 Nay

The contract with the **West Stanly Fire Department** was presented to Council; after review, **Motion #1647** was made by Andrew Smith, second by Lisa Lowder to accept; Vote: 3 Yea, 0 Nay

The **Cyber Coverage** on the **Property and Liability Policy** will be automatically increased for the **2023-2024 Fiscal Year** from \$100,000 to \$250,000 for no charge **with the condition** that the Town purchase Crime Coverage for Employee Dishonesty, Forgery, and inside/outside theft losses. The annual premium for this **Crime Coverage is \$135.70**. **Motion #1648** was made by Andrew Smith, second by Trina Plowman, to **Postpone this discussion/decision** to the next **Council meeting on June 12, 2023**; Vote: 3 Yea, 0 Nay

The copy of the **2023-2024 Proposal for the Property and Liability Policy for the Town** was presented to Council “FYI”.

Citizen Comments - Millie Steed – Is there a way on the website giving info for a Council member for Citizens to contract with questions? Andrew Smith stated that will be looked into with the update of the website. Another citizen asked about the mowing of the fields; Clerk Aloma Whitley will be in touch with Mr. Phil Love and/or Mike Haigler regarding the mowing.

Council Comments – Melvin Poole gave his telephone number for anyone who needs to get in touch with him; he will be having surgery and recuperating until the July meeting.

Motion #1649 was made at this time by Andrew Smith, second Trina Plowman, to **go into Closed Session** for the purpose of Attorney/Client Privilege; Vote: 3 Yea, 0 Nay

Motion #1650 was made by Trina Plowman, second by Andrew Smith, to **Adjourn from Closed Session**; Vote: 3 yea, 0 nay

Motion #1651 was made by Andrew Smith, second by Lisa Lowder to **Adjourn Council Meeting of May 8, 2023**; Vote: 3 Yea, 0 Nay

Town of Red Cross
Meeting of Technical Review Committee
at Town Hall on
Tuesday, May, 30, 2023, at 6:00 PM

Agenda/Minutes: Review of the submitted sketch plan for Woodland Acres

Present: Mike Efird, Interium Zoning Officer, Lionel Hahn, Kelly Brattain, Andrew Smith, Aloma Whitley.

Interium Zoning Officer, Mike Efird, presented to the committee the sketch plan submitted by Blue Collar Homes to the Town of Red Cross on March 2, 2023, along with a check for \$200.00, which was deposited to the General Account for the Town of Red Cross on March 2, 2023. (This money will be applied to the process of change by the property owner.)

Although the drawing did show “Preliminary Plat” wording on it, Mr. Efird stated it did not qualify as such. He went over the discrepancies of the drawing with the Review Committee, which indicated Major/Minor Subdivision together (unlawful).

Other requirements: must be submitted by the owner of the property, perk test, underground utilities, cul-de-sac required for emergency vehicle turn-around, street lights, curb and gutter to DOT standards, DEQ permits, a neighborhood meeting with adjacent property owners set up by the owner of the property.

Review Committee is to show approval of the Sketch Plan map submitted by a Motion, second and vote. Motion #1656 was made by Andrew Smith, second by Lionel Hahn; Vote: 4 Yea, 0 Nay

Town of Red Cross Town Council
Special Called Meeting
at Town Hall on
Tuesday, May, 30, 2023, at 7:00 PM

Minutes:

Mayor Kelly Brattain called into session the Special Called Meeting on Tuesday, May 30, 2023 at 7:00 PM

Present were Mayor Kelly Brattain, Council Members Trina Plowman, Lisa Lowder, Andrew Smith; by phone, Melvin Poole; James A. Phillips, Attorney, Al Benschoff, Attorney

Motion #1657, made by Andrew Smith, second by Trina Plowman; Vote: 3 Yea, 0 Nay, to **go into Closed Session** for the purpose of Attorney/Client Privilege, including, but not limited to, Davis Enterprises, LLC, Burlison Development Group, LLC, and personnel.

Motion #1660, made by Lisa Lowder, second by Andrew Smith, to **Adjourn the Closed Session**; Vote: 3 Yea, 0 Nay

Motion #1661, made by Andrew Smith, second by Trina Plowman, to accept a Resolution to Approve a Legal Settlement; Vote: 3 Yea, 0 Nay

Motion #1662, made by Andrew Smith, second by Lisa Lowder: Vote: 3 Yea, 0 Nay, to **Adjourn the Special Called Meeting**.

Town of Red Cross Town Council
Special Called Meeting
at Town Hall on
Tuesday, May, 30, 2023, at 7:00 PM

Minutes:

Mayor Kelly Brattain called into session the Special Called Meeting on Tuesday, May 30, 2023 at 7:00 PM

Present were Mayor Kelly Brattain, Council Members Trina Plowman, Lisa Lowder, Andrew Smith; by phone, Melvin Poole; James A. Phillips, Attorney, Al Benschoff, Attorney

Motion #1657, made by Andrew Smith, second by Trina Plowman; Vote: 3 Yea, 0 Nay, to **go into Closed Session** for the purpose of Attorney/Client Privilege, including, but not limited to, Davis Enterprises, LLC, Burleson Development Group, LLC, and personnel.

Motion #1660, made by Lisa Lowder, second by Andrew Smith, to **Adjourn the Closed Session**; Vote: 3 Yea, 0 Nay

Motion #1661, made by Andrew Smith, second by Trina Plowman, to accept a Resolution to Approve a Legal Settlement; Vote: 3 Yea, 0 Nay

Motion #1662, made by Andrew Smith, second by Lisa Lowder: Vote: 3 Yea, 0 Nay, to **Adjourn the Special Called Meeting**.

**Town of Red Cross
Meeting of the Town Council
Minutes of June 12, 2023
7:00 PM**

Mayor Kelly Brattain called the meeting to order.

Invocation was given by Melvin Poole.

Welcome and Recognition of Guests:

Adjustment of the Agenda was made to add the **General Statute reference** to the motion to go into Closed Session; **Motion #1666** made by Melvin Poole, second by Trina Plowman; Vote:4 Yea, 0 Nay

Approval of the Minutes of the Public Hearing held prior to the current Council meeting for the **Second Reading of the Proposed Budget for Fiscal Year 2023-2024**; discussion; **Motion #1667** made by Lisa Lowder, second by Melvin Poole; Vote:4 Yea, 0 Nay

Approval of the Minutes of the Council Meeting held on **May 8, 2023**; discussion; **Motion #1668** made by Melvin Poole, second by Lisa Lowder; Vote: 4 Yea, 0 Nay

Approval of the Minutes of the Special Called Meeting of May 15, 2023; discussion; **Motion #1669** made by Andrew Smith, second by Trina Plowman; Vote: 4 Yea, 0 Nay

**Approval of the Minutes for the Technical Review Committee meeting of May 30, 2023 at 6:00 PM
- on the agenda for July 10, 2023

**Approval of the Minutes of the Special Called Meeting of May 30, 2023 at 7:00 PM – on the agenda
for July 10, 2023

Department Reports:

Finance – Trina Plowman – **Financial reports for May, 2023**; discussion; **Motion #1670** to approve made by Melvin Poole, second Andrew Smith; Vote 4 Yea, 0 Nay

Fire Protection – Melvin Poole

Police Protection – Lisa Lowder – report of calls made by Sheriff's Department for month

Street Maintenance – Melvin Poole - the signs are ready for N. Oak Ridge and W. Red Cross

Waste Collection – Lisa Lowder – the new contract will take effect July 1

Zoning – Andrew Smith – work on the subdivision at Jacob and N. Oak Ridge is in progress;

The Board of Adjustment is being worked on; need 5 members with 2 alternates; no update yet

on Forrest Creek subdivision; work being done on property of Richard Efird on Pless Mill Rd.;

part of the fence at Uwharrie Camper was in R-W easement and has been moved; 3 pool permits issued during the month of May.

OLD BUSINESS:

NEW BUSINESS:

Discussion and vote on the **Proposed Budget for the Fiscal Year 2023-2024**; the County Tax Rate of 16% will remain the same. **Motion#1671**, made by Lisa Lowder, second by Trina Plowman ; Vote: 4 Yea, 0 Nay

Andrew Smith reported progress on potential new town website and gave a power point presentation of some items. He will get in touch with Meridith Smith to release the domain and Andrew will set it up.

Andrew Smith requesting a discussion on giving the **Planning & Zoning Officer** permission to **call for a public hearing** without Council Approval. This would cut out a third party and save time on passing zoning requests. **Motion #1672** was made by Andrew Smith, second by Lisa Lowder to approve; Vote: 4 Yea, 0 Nay

Andrew Smith requesting a discussion of adopting engineering standards from AMT. Advice from Mike Efirid is encouraging to establish Engineering Standards for the Town. These Standards will give a list of requirements and customize construction standards for the Town. A letter will be written to AMT to get a quote for Standards.

A Public Hearing requested at the Council meeting on May 8, 2023, regarding the rezoning of the property purchased by the Town on 163-A and 163-B S. Oak Ridge Rd., has been postponed until a later date.

Discussion of moving the **Planning and Zoning monthly meeting day back to the first Monday of each month.** **Motion #1673**, made by Trina Plowman, second by Andrew Smith; Vote: 4 Yea, 0 Nay

Discussion and vote of **Amendment #2 to the current year Budget, Fiscal Year 2022-2023**, to adjust for payments to be made in the month of June. The amount of **\$10,000.00** needs to be moved from Capital Improvements account to the **Professional Fees account**. **\$1,000.00** needs to be moved from the Memberships account to the **Supplies (& Office) account**. The amendment is for the end of the Fiscal Year 2022-2023, and **does not** change the Proposed Budget for the Fiscal Year 2023-2024. **Motion #1674** made by Melvin Poole, second by Lisa Lowder; Vote: 4 Yea, Nay 0

Discussion and a decision must be made before the end of June on the matter of **adding the Crime Coverage** to the Property and Liability policy with the North Carolina League of Municipalities. The Cyber Coverage will automatically be increased from \$100,000. to \$250,000. on the condition that the Town will purchase the Crime Coverage for \$135.70 annual premium. **Motion# 1675** made by Melvin Poole, second by Trina Plowman; Vote: 4 Yea, 0 Nay

A copy of the **renewal contract with Stanly County Sheriff's Office** has been received; the only change from the previous year contract is a **decrease** of 3.94% for the retirement contribution. Discussion; **Motion #1676** to accept the renewal contract, made by Lisa Lowder, second by Melvin Poole; Vote: 4Yea, 0 Nay

Citizen Comments: Barbara Carpenter asked if Powell Bill money could be used to add trees or crepe myrtles to the median through Red Cross; no, because that is NCDOT highway and they would have to do that.

Council Comments: Melvin Poole welcomed Chris Huneycutt, Mayor of Oakboro and Jim Edwards, owner of the former Mike Hinson property.

Motion #1677 made by Andrew Smith, second by Trina Plowman, for Council to **go into Closed Session** for purpose of **"Attorney/Client Priviledge", Personnel and Contracts; G.S.143-318.11**; Vote: 4 Yea, 0 Nay.

.....
CLOSED SESSON:

22. Motion #1678 made by Melvin Poole, second by Andrew Smith; Vote: 4 Yea, 0 Nay, to **Adjourn Closed Session**

.....

23. Discussion of the position of Town Clerk/Administrator will be tabled to the next meeting, as the person that was hopeful to fill the position had to withdraw.

24. Discussion and vote on the **position of Zoning Officer**- Mike Efird has been filling in to serve as Interim Zoning Officer for the past few months. He was offered the position part-time/as needed for \$30.00 per hour, which he accepted. **Motion # 1679** made by Melvin Poole, second Lisa Lowder; Vote: 4 Yea, 0 Nay

24. Discussion for **office equipment needs** for Town Clerk/Administrator and Zoning Officer in the approximate amount of \$5,000.00. A call will be made to Steve Vanhoy, who serves Oakboro Town Hall with equipment needs, to get a quote for equipment.

25. Motion # 1680 made by Melvin Poole, second by Trina Plowman, to **Adjourn Council meeting for June 12, 2023.**

Aloma Whitley, Clerk
June 12, 2023

Kelly Brattain
Mayor

Town of Red Cross Town Council
Minutes - Special Called Meeting
at Town Hall
Thursday, July 6, 2023, at 8:00 PM

Mayor Kelly Brattain called the meeting into session.

Special Called Meeting for the purpose of
“Attorney/Client Privilege”, Personnel and Contracts;
G.S.143-318.11

Motion # 1681 to Go Into Closed Session, made by Melvin, second by
Trina; Vote: 4 Yea, 0 Nay

Closed Session

Motion # 1682 to adjourn Closed Session, made by Melvin Poole, second
by Trina Plowman; Vote: 4 Yea, 0 Nay

Motion # 1683 to Adjourn Special Called Meeting, made by Melvin Poole,
second by Lisa Lowder; Vote: 4 Yea, 0 Nay

Town of Red Cross
Minutes of PUBLIC HEARING
July 10, 2023
7:00 PM

Mayor Kelly Brattain called into session the Public Hearing on July 10, 2023, at 7:00 PM at the Red Cross Town Hall, 176 E. Red Cross Rd., Oakboro, NC, for the purpose of hearing comments for or against, a text change that would increase the minimum required lot size in the RA zoning District from 40,000 square feet to 100,000 square feet for a single family residence, and change the minimum required lot size in the RA Zoning District from 30,000 square feet to 75,000 square feet for a two family (duplex) residence.

Comments:

Motion #1684, made by Melvin Poole, second by Andrew Smith, to close the Public Hearing; Vote: 4 Yea, 0 Nay

Town of Red Cross
Meeting of the Town Council
Minutes of July 10, 2023
7:00 P.M.

Mayor Kelly Brattain called the meeting to order.

Invocation was given by Lisa Lowder.

Welcome and recognition of guests.

The Agenda was adjusted to add the matter of re-approval of the Sheriff's contract with a correction of the rate of the retirement; **Motion #1685** was made by Melvin Poole second by Lisa Lowder, Vote: 4 Yea, 0 Nay to approve the adjusted Agenda.

The Minutes of the Public Hearing of June 12, 2023 for the Second Reading of the Proposed Budget for the FY 2023-2024, were approved with the correction of two "mistype" errors; **Motion #1686** was made by Andrew Smith, second by Lisa Lowder; Vote: 4 Yea, 0 Nay

The Approval of the Minutes of Council Meeting of June 12, 2023, with the adjustment to add the reference of the General Statutes to go into Closed Session, **Motion #1687** was made by Andrew Smith, second by Lisa Lowder; Vote: 4 Yea, 0 Nay

Overlooked in error at the June 12, 2023 Council Meeting, was the Minutes of a Special Called Meeting on May 30, 2023, for the purpose of Attorney/Client Privileges (ref. G.S. 143-318.11) **Motion #1688** was made by Andrew Smith, second by Lisa Lowder, to approve those Minutes.

The Financial Reports were presented to Council by Trina Plowman for the Month of June, 2023; after no discussion, **Motion #1689** made by Melvin Poole, second by Lisa Lowder **to accept the reports.**

Fire Protection: Melvin Poole – no report

Police Protection: Lisa Lowder – reported 3 vehicle incidents, 42 business and residence checks

Street Maintenance: Melvin Poole, no report

Waste Collection: Lisa Lowder, no report

Zoning: Andrew Smith – still need to discuss changing zoning for property at 163-A & B to CB

Discussion and approval for Aloma Whitley to **continue duties of Clerk** until a replacement is hired; **Motion #1690** made by Lisa Lowder, second by Trina Plowman to approve; Vote: 4 Yea, 0 Nay

Mike Efird requested a Public Hearing for a Zoning Text Amendment for RA Zoning District. **Motion #1691** made by Andrew Smith second by Lisa Lowder

Discussion and vote to approve a **Resolution** pursuant to N.C. General Statute 133-5.1 to **“recover public records”**. **Motion #1692** made by Melvin Poole, second by Andrew Smith; Vote: 4 Yea, 0 Nay.

The **Sheriff’s contract** was returned for a **correction on the rate for the retirement benefit**. Andrew Smith asked if we knew the previous year rate, as the contract first sent had an error; the prior year contract was retrieved from the files and Council was given the prior year rate (18.04%), which would be a 1% increase for the retirement benefit. **Motion #1693** was made by Andrew Smith, second by Lisa Lowder to approve the **correction** on the contract; Vote: 4 Yea, 0 Nay

No citizens comments

Council Comments: Lisa Lowder thanked the citizens present for their interest in the meeting. Also thanked Aloma Whitley for her service as Clerk for the Town.

Motion #1694 was made by Andrew Smith, second by Trina Plowman, to **go into Closed Session**, pursuant to General Statute G.S. 143-318.11, for personnel matters; Vote: 4 Yea, 0 Nay

Motion #1695 was made by Melvin Poole, second by Trina Plowman, to **adjourn the Closed Session;** Vote: 4 Yea, 0 Nay

In open session, Mayor Brattain told citizens present that the council discussed applications for the position of clerk, and will be interviewing four applicants on Thursday evening July 13, 2023 at 6pm-8pm.

Motion #1696 was made by Melvin Poole, second by Andrew Smith to **adjourn the Council Meeting.**

Town of Red Cross Town Council
Special Called Meeting
at Town Hall on
Wednesday, July 19, 2023, at 7:00 PM

Minutes:

Mayor Kelly Brattain called into session the Special Called Meeting on Wednesday, July 19, 2023 at 7:00 PM.

Present were Mayor Kelly Brattain, Council Members Trina Plowman, Lisa Lowder, Andrew Smith, Melvin Poole; Al Benshoff, Attorney; asked into meeting by Mr. Benshoff was Mike Efird.

Motion #1697, made by Lisa Lowder, second by Trina Plowman; Vote: 4 Yea, 0 Nay, to **go into Closed Session** for the purpose of Attorney/Client Privilege, Personnel and Contracts.

Motion #1698 made by Andrew Smith, second by Melvin Poole, to **Adjourn the Closed Session**; Vote: 4, Yea, 0 Nay

Motion #1699, made by Andrew Smith, second by Melvin Poole, to approve payment of \$25.00 per hour for Aloma Whitley for filling in as Town Clerk until a person is hired to fill that position; Vote: 4 Yea, 0 Nay

Motion #1700, made by Andrew Smith, second by Lisa Lowder, to pay the Aloma Whitley the rate of \$25.00 per hour for the hours she has filled in retroactive up to this meeting date; Vote: 4 Yea, 0 Nay

Motion #1701, made by Andrew Smith, second by Lisa Lowder: Vote: 3 Yea, 0 Nay, to **Adjourn the Special Called Meeting**.

Town of Red Cross Town Council
Minutes for Meeting
Monday, August 14, 2023, at 7:00 PM

Mayor Kelly Brattain Called the meeting into session.

Invocation was given by Trina Plowman

There were approximately 21 guests in attendance

Approval of the adjusted **Agenda - Motion #-1702**; made by Melvin Poole, second by Lisa Lowder; Vote: 4 Yea, 0 Nay

Approval of the Minutes of the Special Called Meeting of July 6, 2023, **Motion #1703** made by Melvin Poole second by Lisa Lowder ; Vote: 4 Yea, 0 Nay

Approval of **the Minutes of the Public Hearing of July 10, 2023, Motion #1704**, made by Lisa Lowder, second by Melvin Poole ; Vote 4 Yea, 0 Nay

Approval of the Minutes of the Council Meeting of July 10, 2023, **Motion # 1705**, made by Melvin Poole, second by Lisa Lowder; Vote: 4 Yea, 0 Nay

Department Reports:

Financial Report: Trina Plowman presented the Financial Reports to each Council Member for the month of July, 2023; any discussion? **Motion #1706** to approve made by Andrew Smith, second by Lisa Lowder; Vote: 4 Yea, 0 Nay

Fire Protection: Melvin Poole

Police Protection: Lisa Lowder

Street Maintenance: Melvin Poole –Stated sign for Hilltop and PlessMill Road had been replaced: Sign at Hatley Burriss Road had been straightened

Waste Collection: Lisa Lowder

Zoning: Andrew Smith – 1...public comments on the Development

Agreement for Forrest Creek Subdivision

2...discuss updating the subdivision regulations

3...discuss a moratorium on major subdivisions until subdivision regulations are updated

4...discussion to approve Heather Britt for alternate Position on the Planning Board

(Andrew Smith stated instead of discussing these 4 items, They would be discussed during new business)

OLD BUSINESS:

NEW BUSINESS:

The Stanly County Emergency Services Office has transitioned from Blackboard Connect to **RAVE/Stanly Alerts** for emergency services communications, beginning on May 1, 2023 through June 30, 2026. The contracts with the towns will remain a 3-year term and will be billed yearly. The first-year invoice amount for the Town is \$175.34. **Motion # 1707** made by Lisa Lowder, second by Trina Plowman to approve the transition to the new service; Vote: 4 Yea, 0 Nay.

Mike Efird stated that the development agreement decision has been delayed. Andrew Smith asked why? Mike Efird responded There was a critical statement left out regarding “proposed use” on the letters sent out and the advertising of the public hearing. At this time, he requested Council to set a date for a Public Hearing regarding the Development Agreement for Tuesday August 29, 2023 at 7pm at the Red Cross Town Hall. **Motion#1708** Made by Lisa Lowder, Second Trina Plowman Vote: 4 Yea, 0 Nay

Andrew Smith wants to discuss updating the subdivision regulations. Per Mike Efird Planning and Zoning officer, it is recommended for the board to request Attorney Albert Benshoff to update the subdivision regulations. **Motion #1709** Made by Andrew Smith, Second by Lisa Plowman Vote: 4 Yea, 0 Nay

Andrew Smith wants to discuss to implement a major subdivision moratorium to last until new subdivision regulations can be established, was determined not to be necessary at this time.

Andrew Smith wants a discussion and vote to approve Heather Britt as an alternate to the Planning Board. **Motion#1710** Made by Andrew Smith, Second by Lisa Lowder Vote: 4 Yea, 0 Nay.

Andrew Smith wants a discussion on having a “maintenance check” on the rental property on South Oak Ridge Rd. The recent high wind storm that came through the town and brought down some heavy limbs on the property. Mayor Kelly Brattain said he observed the limbs had been removed from the property. Attorney Jim Phillips stated that prior notice was required to the tenant for an inspection, Council agreed to Mike Efird, Lionel Hahn, and a deputy to perform the inspection after proper notice is given to the tenant. **Motion#1711** Made by Andrew Smith, Second Lisa Lowder Vote: 4 Yea, 0 Nay.

Comments from citizens: David Smith:

John Pova:

Dustin McIntyre:

Heather Britt:

Angela Smith:

Jamie Causey:

Barbara Carpenter:
Tracy Lowder:

Comments from Council: 1. Clerk Aloma Whitley let the council know that a quick books upgrade would be done soon.

2. Clerk Aloma Whitley found out this month that Will Huneycutt's CPA office will not be doing the financials for the fiscal year 2023-2024. His office will email financials to several CPAs to get quotes for the town's audit, which will be presented to council for review when received.

Lisa Lowder told the citizens who were present that she appreciated them coming to the meeting and showing interest in the process the town is going through. She didn't know if it could be stopped, but she hopes so.

Motion #1712 to go into Closed Session, made by Lisa Lowder, second by Melvin Poole; Vote: 4 Yea 0 Nay; for the purpose of **"Attorney/Client Privilege" and "Personnel"; G.S. 143-318.11.**

Motion #1713 to adjourn the Closed Session made by Melvin Poole, second by Trina Plowman; Vote: 4 Yea 0 Nay

Motion #1714 Council voted to appoint Shannon Alberta as the new Town Clerk, made by Andrew Smith, Second by Lisa Lowder; Vote 4 Yea 0 Nay

Mayor Kelly Brattain stated this meeting will be continued on August 29th 2023,
Motion# 1715 made by Andrew Smith second by Melvin Poole; Vote: 4 Yea, 0 Nay,
to Continue the Council Meeting

Oath of office was given to Heather Britt for alternate planning board member

Oath of office was given to Shannon Alberta for Clerk for the Town Of Red Cross

Town of Red Cross
Minutes of PUBLIC HEARING
August 29, 2023
7:00 PM

Present - Mayor Kelly Brattain

Council members present: Melvin Poole, Lisa Lowder, Trina Plowman,
Andrew Smith

Clerk: Shannon Alberta, Aloma Whitley

Guests:40+

Mayor Brattain called into session the PUBLIC HEARING ON A DEVELOPMENT AGREEMENT UNDER N.C. GENERAL STATUTES CHAPTER 160D, ARTICLE 10, DEVELOPMENT AGREEMENTS. The public has been invited to attend and comment.

The Development Agreement covers the property known as Forest Creek Subdivision Phases 4, 5, and 6 located on Hatley Burriss and Hilltop Roads in the Town of Red Cross having Stanly County Property identification numbers 559401079385, 559401289118, and 559401483480. The proposed use of this property will be for the development of a major subdivision consisting of single family homes on individual lots, a sewer pump station, and open space as required by the Red Cross Subdivision Ordinance.

Council/ Legal Comments:

Al Benschhoff Spoke: He is an attorney from Concord who is working for the town on zoning and development matters. In 2021 the town annexed and re zoned what we know as the Forest Creek Subdivision. The town rezoned the property and approved preliminary subdivision plats, which allows the developer to start building the subdivision, put in roads, install sewer, install water lines, and get ready to sell lots once the final subdivision plan gets approved, which has not been approved as of yet. property was re zoned in 2021, then in 2022 construction drawings were reviewed by the town's engineers where there were no changes asked to be made. Then, in 2023 confusion developed regarding what was approved exactly in regards to the Zoning, preliminary plat and construction drawings. Tonight, we are here to approve a development agreement between the town and the Property owner Joseph Burlison on how to develop a property to include zoning and land use,

density, utilities, provision of open space, and who pays for infrastructure including the water and sewer ect. This agreement is designed to clean up the approvals made in 2021, 2022 so everyone understands what has already been approved on at Forest Creek. This will not change what was approved in 2021, it will simply re state what was approved in 2021 regarding zoning, density, sub division so the towns inspectors and engineers can monitor the development to make sure it is installed correctly. There is also an agreement between the town of Red Cross and the town of Oakboro where the town of Oakboro will be the utility provider for the water and sewer. The public hearing is required by the statue and if council agrees to adopt the development agreement it will be in a form of an ordinance recorded with the Stanly County register of Deeds. It will run with the land theoretically forever or until modified. Will answer any questions at this point the council may have?

Andrew Smith then asked the council if everyone had read through the entire agreement and understands the agreement and what they will be agreeing to. Andrew then, brought up a question regarding the conditional zoning that was approved in 2021. He then asked for confirmation that the conditional zoning is not an actual zoning district, and that means that was done incorrectly?

Al Benshoff responded, Conditional zoning is a process where a developer can agree and discuss conditions not in the zoning ordinance. For brief history, a town cannot regulate the development of property not allowed by state law. The general assembly says what zoning is ok and how the property can be regulated a certain way. In 2021 sixteen conditions were adopted and approved between the town and Mr.Burleson, the minutes state it was re zoned conditional zoning, but did not state a district. The Development agreement will make it a R8 conditional zoning district.

Andrew Smith so conditional zoning is not an actual district, so the board tonight will assign R8- condition zoning to the property up for discussion this evening

Al Benshoff confirmed yes, that is what is stated in the development agreement.

Andrew Smith, stated this is the tip of an iceberg, in order for us to better understand we need to take a look at the bigger body of the iceberg. Why is a development agreement needed, what was wrong with the approval process, Al you discussed there were errors? We're not really sure what was approved, So then the development agreement will nail down exactly what that is. Who is responsible for the fact this was done incorrectly in 2021? This is a big deal the town needs to re do this, the town is spending thousands of dollars on attorney

fees to correct this mistake. Who is responsible for these errors? Then asked for Mayor Brattin's thoughts?

Mayor Brattain stated he was the mayor at the time and was not a voting member of the board. The information was brought to the board by Michael Sandy and voted on by council

Andrew Smith Then asked Mayor Brattain why was it so upsetting to you, back in March when the council voted unanimously to part ways with Mr. Sandy that you threatened to walk out and not continue the meeting?

Mayor Brattain stated he would rather not comment

Andrew Smith asked later that week after the meeting Mr Sandy billed the town \$1200 for something he considered his retainer fee for the rest of the month he felt he was due, even though the contract was severed after the vote so the town did not owe him that money. Why did you come to town hall on your time to sign the check and make sure he received that money?

Mayor Brattain said he did not come to town hall the check was brought to him, and that was what was considered his contract amount to walk off. This is not why we are here, we are here to discuss this agreement.

Andrew Smith stated for us to understand this agreement we need to understand everything happening behind the scenes.

Mayor Brattain stated that Mr Smith is trying to get something started and he needs to stick to the development agreement

Andrew Smith asked Mayor Brattain if he realizes he signed up as the Mayor of Red Cross that is the primary leadership position of this town, if anyone should be held accountable for the things they have done, said, didn't do, or didn't say it should be all of us up here who are elected officials, but especially the mayor. I have some basic questions tonight and I think some of these people have these very same questions and I think it is fair to them that they get answered.

Mayor Brattain said at this point he is not willing to answer any of those questions, he feels threatened

Andrew Smith stated he should feel he is being held accountable since this has all happened under Mayor Brattain's leadership. He is not meaning it as a threat, he would like to give the mayor the opportunity to start serving the people of Red Cross as he doesn't think that's something he has done since becoming mayor.

Mayor Brattain feels he has served in the capacity he was brought in for as mayor. He stated he has only voted once since being elected. The board has done all of the voting. Can we please get back to the meeting?

Andrew Smith Stated The original approval process back in July 2021, from what he understands, the notification process was not done properly. Mayor,

you cannot sit here and tell us you don't have a vote in the matter as if you weren't advocating for this type of development. I just want to read a quote from the Stanly County Journal in July 2021 Saying " Growth is coming, it's either going to come from the left side, right side, or behind you. It's coming so we might as well embrace it and do something for the town. This is a positive for the town and it is going to be a good looking development." This seems like you were very much in favor for this type of development coming to the Town of Red Cross.

Mayor Brattain stated Mr Smith already knows the back story that when the development was brought to the town, Oakboro was already in a meeting discussing approval of this development. They were about to vote it in but internally something happened. That's when Red Cross got involved, Oakboro could have had this development in Red Cross, or the town could have assumed responsibility for it, Regardless it was going to be in your backyard.

Andrew Smith then asked if Mayor Brattain was aware that Oakboro would not have allowed 75,00 sq ft lot density to occur? Did you ask any questions when all of this came to light?

Mayor Brattain said no he did not

Andrew Smith stated the town is in litigation trying to get all of the town records back that Michael Sandy may have took with him. Also asked a general question, with no accusation this had actually happened, If those records show that the previous planning and zoning officer had gotten any sort of kick back or dollars from the developer would it potentially affect the outcome of the project?

Al Benshoff commented he is unable to answer such a hypothetical question

Andrew Smith asked Mr Benshoff with all of the things that weren't done correctly in the approval process, If a large portion of things are not done and it is largely someone's responsibility can you apply the term negligence?

Al Benshoff he stated the professional planners need to know enough of the law to process applications correctly as required by the general statues. Its not complicated there are half a dozen processes used most of the time. They all require notice to the public and sometimes the neighbors and an opportunity for the community to speak out about development proposals. Can be complicated for special use permits, but that is not on the table tonight . He the stated he was a planner for 15 years he expects any planner to know the statues in Chapter 160D and follow these planning approvals. They should also follow the requirements of the towns zoning and subdivision ordinances to the extent that they are different from the general statues and allowed by the general statues.

Andrew Smith asked would you think that someone with a couple decades of experience within the world of planning and zoning should have known how to properly complete the approval process of a major subdivision like this?

Al Benschhoff responded, you are inviting me to speculate on the competence of someone I have met, but do not know and I am unable to do that. He then said that is not the purpose of a public hearing on a development agreement.

Andrew Smith gave a general question to the board, given the things that were done incorrectly should we leave not one stone unturned not one crack or crevice not looked at? To make sure nothing was more seriously done wrong before agreeing to something like this?

Mayor Brattain added that is why Al and Jim have been looking into all of this since April. Looking at all the legalities and statues.

Melvin Poole then asked if we are going to have a public hearing?

Mayor Brattain then opened up the hearing to the citizens to speak on the matter.

Comments from Citizens/ Lawyers:

John Scarborough, attorney for Mr Burleson, requested to be able to speak for 5-10 minutes to give the citizens more background on “their side” of this project. He opened up by giving a brief history of the project because the development agreement had not been considered by this council, the zoning and subdivision had been. In the winter of 2020 his client had petitioned for annexation with the town of Oakboro, officials from Red Cross approached him and said no the Town of Red Cross has the right of annexation on this property. So his client petitioned the Town of Red cross to annex the property. On July 6, 2021 the Red Cross planning and zoning board unanimously recommended approval of the annexation and rezoning to the council. The council held a public hearing on July 12, 2021 on the annexation and rezoning of the property. The minutes reflect two citizens spoke at that meeting, both adjoining property owners. One asked about the location of powerlines and the other stated the development would have a negative impact on traffic. The council unanimously voted to approve annexation and rezoning of the property to allow the sub division. The preliminary plat was approved on 7/27/21. On April 6, 2022 engineering plans from the development agreement and construction plans were submitted including a change in road layout to remove some steep backyards due to the diplography of the property allowing the lots to face internally where the initial plat had them facing outside the subdivision. Important to note these changes resulted in less lot in the subdivision and more costs to his client, no increase in lots occurred. In August 1, 2022 the towns engineers reviewed and as Mr Benschhoff stated had no objections ro the

construction drawings. On September 19, 2022 Redcross, Oakboro, and Mr. Burlson entered into interlocal agreements addressing water and sewer services. Since then his client has obtained the necessary permits and approvals for this development. He obtained the erosion and sedimentation control permits from the North Carolina Department of Environmental quality, the sewer line extension permit also from the North Carolina Department of Environmental Quality , the North Carolina Department of Water Resources database indicates that the water line extension permit has been issued to the Town of Oakboro, and N.C. department of Transportation driveway permit applications were approved by the tow on February 17, 2023. They also received copies of those signed off on by the D.O.T. district engineer . There also was an approval through the Stanly County Fire Marshall on this subdivision. Earlier this summer the town notified him and his client that the twon may not have followed proper procedure in developing and rezoning this property. They worked with Mr Benshoff and Mr Efird on this development agreement with the purpose of the agreement stating where both town and developer wish to clarify the records of the town's proceedings, and the approvals of the rezoning and preliminary plat and their respective records. This will also stand as a basis for granting other approvals such as the final plat all in a manner consistent with the town's ordinances and North Carolina law. The agreement sets out the responsibilities of the parties. His client will construct the streets pursuant to the approved construction plans and offer the streets to the town for dedication and right of way. His client will construct storm water facilities according to the construction plan. These facilities will be the responsibilities of a home owners association which will be established. His client will reserve and dedicate land for open space preservation. Importantly his client has submitted a new preliminary plat in compliance with the subdivision ordinance that reflects the change of the road layout and construction drawings. Mr Efird provided a comprehensive check list that is included and attached to the agreement and as you can see the plat follows the list. His client also agrees to pay the fees and charges incurred by the town for their engineers to review the construction drawings. They also found out the towns engineer was paid twice once by the town and once by his client. They are working to sort it out and his client is committed to pay any difference if necessary. His client also agreed to pay any fees and charges to pay the town for all of these third party inspections of the subdivision. His client has also agreed that the town may terminate this agreement unilaterally in the event of a breach within 60 days notice according to the statue. In conclusion his client has invested over 3.5 million based on the 2021 rezoning and annexation and all subsequent development approvals. They have cooperated with the town every step of the way and worked in good faith with the town staff on this development

agreement. They are asking the council tonight to approve the agreement as submitted.

Shane Almond- Not a resident of Red Cross, Spoke and stated Mr Burleson is constructing a development in Millingport where he is already not following all of their requirements which raises a concern for him. Mr Burleson was supposed to have 20 foot wide streets going in and out one is 17 feet and one 15 feet. The fire marshal told Mr Almond personally it is not right. Also, he stated the Stanly County planning and zoning is corrupt with developers. The schools are so high in capacity a 2022 school board study showed Stanfield and Oakboro over 90% capacity, West Stanly is 95-100% capacity, locust and w. Stanly Middle school 100-110% capacity, and Endy is over 110% capacity. 38% of teaching hours in Stanly schools were covered by substitutes and E.S.S. teachers. Then stated Red Cross was created due to all of the people coming from Concord Charlotte ect. Then also referred to the J.D. Quote on our town website. “We don’t want to be a town, we want to be OUR Town.”

Will Denyooa- left Cabarrus county because they seemed to make it hard for farmers, has lived here for 45 days and now is learning of this development. 250 houses will bring at least 500 more cars on the road, Hilltop road is barely 8 feet on one side it’s too small for more traffic. He is concerned regarding the increase in traffic, taxes will go up for road repairs, the increase of children in the schools creating a lack of opportunity for good education. The children will suffer, if he wanted to live in Locust or Charlotte he would have moved there. He wants a small farm to sit on porch with coffee and not hear a lot of lawn mowers going all at once.

David Smith – stated the potential development was wrongly pushed from the start. There was no public posting of the initial annexing and no vote by the majority of the voters. Only a few connecting property owners were notified, there were no formal letters stating the information of the annexing just a copy of the agenda. At the meeting the citizens were not given 3 minutes to even comment, and each comment was cut off by Mr.Sandy. He quoted they were told at the meeting “it is all about the money”. This proved the concerns were of no interest to the council. The developer is clearing land working overtime and getting it started as fast as possible as in any fact above can clearly sand legally stop the process when and if council was to correct guidelines. This will be detrimental to the area causing major traffic issues, fire safety issues, sewage constraints and schools being over capacity. This town was incorporated to prevent this and make it into a vital city. This will double the population with just one community. All neighbors

he has spoken with are against this development and most were not even aware of the development because initial communications were not done properly. All feel like their concerns have fallen on deaf ears of the council and their lack of being able to voice their concerns from the start. Quoted Proverbs 21:3. Also added more than 2 people spoke at the initial meeting.

John Pova- stated He lives on Jet Drive in Red Cross and has been living there for a very long time. The development will be going directly in his backyard, and feels the effects of the project will be his issue directly affecting his whole life. His neighbors and him do not want this project, they all want to live in a small country town and none want to let 250 houses be built in their backyard. He believes the roads cannot handle the increased traffic that would be created and demands it be shut down immediately. It is already difficult to pull out onto Hatley Burris and Hilltop Road as it is and will only become worse with increased car traffic. Also stated the board wouldn't want this happening in either of their backyards. Years ago they were told if you want to build a house you need 2 acres minimum that went away, now allowing 25 houses be built, but then after talking about going back to 1-2 acres? When everything started he didn't see a sign until it was done, he was not aware until he received a map in the mail. Then asked are others allowed to subdivide and build on their lots.

Dustin Mcyntire- spoke of a meeting 2 years ago where Mr Sandy stated the development plan was not relevant to the town wanting to be rural and it will need to redone, but the council voted and agreed to it anyway which didn't seem to make sense to him.

Angela Smith- Wants to keep the town rural agriculture as stated on the town website. Very concerned at the extreme amount of growth this town will endure with this one development.

Richard Carp- this is his first meeting attended, stated he is not receiving the notices for these meetings. He then asked if studies were done regarding the schools and roadways, and asked if all rules were properly followed in the planning of this project.

Millie Steed- did get the letter about the rezoning, but felt the information was bare minimum. Also, felt the entire town should have been notified, not just directly impacted.

Lionel Hahn- Stated the council has 3 choices, hearts vs. heads, Right vs. wrong, and very late or too late. The wrong choice was made for the citizens, it's never too late to do the right thing.

John Pova- spoke again stating he will move out if this is approved.

Barbara Carpenter- spoke to council to vote from the heart

Larry Allen- worried about the traffic pattern seeing dangerous driving and accidents already in front of his home.

Millie Steed- Asked Al Benshoff about a statement in the development agreement she read where it states the termination period on the development agreement contract only being valid for 20 years?

Al Benshoff- Replying to Millie's question/concerns stated the statute says it is valid for 20 years once the property is approved and if the property agreement is approved and the subdivision is built as on the preliminary plat it will be there forever. The zoning will be there forever until another change. The agreement as a contract between the town and Burleson development group will go away in twenty years, but the other approvals will apply indefinitely. Just like any other zoning made will apply to the land until another change comes along. He then suggested Mr Scarborough and Mr Burleson be given time for rebuttal.

Joseph Burleson- concerns are valid, but from a legal aspect it was approved and he has invested \$3.5 million into this project thus far. If the council votes against him constitutional law will require that money be returned to him.

Heather Britt- Questioned was proper research done to know if this project fit with the town vision? How will a 1800sq ft home on a 2700sq ft. lot fit into "rural Lifestyle"? What trees will the development plant? What land will be included in the sidewalks? Will there be large enough driveways to accommodate guests, will parking on streets be allowed if not how will that be addressed?

Motion #-----, made by Melvin Poole, second by Andrew Smith, to **Close the**

Public Hearing; Vote: 4 Yea, 0 Nay

Minutes of the Town of Red Cross
Town Council Meeting At Town Hall
Monday, August 29, 2023, at 7:00 PM
(following public hearing)
(Continuation of postponed item #10
from August 14, 2023 Council Meeting)

Called into session by Mayor Kelly Brattain for continuation of Item number 10 of the August 14, 2023 Council Meeting addressing the discussion and vote regarding the Development Agreements regarding the property known as The Forest Creek Subdivision Phases 4, 5, and 6 located on Hatley Burriss and Hilltop Roads. The Development Agreement covers the property in the Town of Red Cross having Stanly County Property identification numbers 559401079385, 559401289118, and 559401483480. The proposed use of this property will be for the development of a major subdivision consisting of single-family homes on individual lots, a sewer pump station, and open space as required by the Red Cross Subdivision Ordinance.

COMMENTS FROM CITIZENS:

No additional comments were made by citizens

COMMENTS FROM COUNCIL:

Andrew Smith; Mr. Carp You mentioned one thing about a traffic study and you and Mr. Scarborough here started to have an exchange. I would like to share an email that we received from NCDOT, this is from Mr. Mark Morgan to our planning and zoning officer, Mike Efird. He mentions in this email that NCDOT reviewed and approved the subject to TIA on May 24th, 2021. The reviewed TIA apparently did not reflect the true total number of homes that is being shown or the internal connections that are current. As noted in emails, the whole development should have been master planned and not piece milled together. If the development had been master planned, the total number of trips would have generated the need for an NCDOT, TIA also. So, I guess I just wanted to tell you that I knew there was an email and that was simply my response to a question that you had. One question that I have is, does this development agreement require the developer to go back and report correct numbers for these houses or has that already been done?

Al Benschhoff; The development agreement does not require a new transportation impact statement.

Andrew Smith; is there someone that can answer, what would that mean if correct numbers are reported and NCDOT does a TIA also, what kind of impacts could that have on the situation? Does anyone feel comfortable answering that question?

Mike Efir; The TIA, if they actually look at it, could have impact, We don't know for sure, could have an email app, but.

Andrew Smith; What kind of, what things would happen? What kind of impact could it have? Possibly.

Mike Efir; The most it would require would be turn lanes to be built. Off of both roads, one road or the other.

Andrew Smith; I would assume that would be for health and safety reasons, given a number of cars, the amount of traffic. Did we leave that out of the development agreement for any particular reason?

Joseph Burleson; When we originally approached Oakboro about annexing the property, the town of Oakboro in their requirement process required a TIA which is a traffic impacts analysis. And there's two different ways to do a TIA. You can do it based on the requirements of a particular town or municipality, or with the requirements of the NCDOT, which are typically more rigorous. When we selected the Timmons group to do the TIA, I had them do it as if it were for DOT, because Oakboro did not specify, if it was an Oakboro TIA or the NCDOT? So, I took the most rigorous requirement, which is NCDOT and did it for, as if NCDOT had required. And the TIA, the results of the TIA, said that no additional measures were needed, that the trips per day on Hatley-Burris Road and the trips per day on Hilltop Road were so low that NCDOT didn't even have a count. And so therefore it would not meet the threshold to require any additional measures.

Andrew Smith; Do you know why they mentioned in this email that the review TIA apparently did not reflect the true number of homes that is being shown for the internal connections that are current? Why would they say that it wasn't reported?

Joseph Burleson; I'm very interested in that email that you got. I would like to get a copy of that.

Andrew Smith; Question for you, okay, sure, this is public record. It's an email from our planning and zoning officer with Mark Morgan. If this happens to be true, I mean, I would be interested in adding this to the development agreement that a new traffic study NCDOT TIA be completed with true numbers. I mean, it sounds like if turn lanes are potentially going to be needed, if it meets the threshold, that's a health and safety thing for our community. I don't think we should leave that out. It would be my hope that if this does get agreed to, that's a part of it. Just another general question, right now with the property being zoned, conditional zoning, let me just ask it this way. What are the town's other options? Al, would you feel comfortable telling us what our other options may be

Al Benschhoff; I can answer some of that, some of that is purely conjectural. So, in our country under our system, people can do what they want with their property. The government is allowed to regulate what people can do on their property within very strict limits. Those limits are set by the General Assembly and by the courts. So, people's property rights to do whatever they want are in our intention with the government's interest to protect the public health, safety and welfare. We have a situation here that's really messy because the town approved permits for a Burleson development group in 2020, 2021, 2022. And he relied on those in good faith and spent money in his development and started his development. So, the property will not return to what it was before. Mr. Burleson has permits, Mr. Scarborough read the list of all the permits he has from all the state agencies. Those are still valid permits. Zoning applies to the property that conditions apply to the property that were approved in 2021. The construction drawings were not objected to by the town's engineer. They're essentially approved. So, if the town wants to stop the development, which the people have made very clear, they don't want the town's options are bad. Because as Mr. Scarborough said, Mr. Burleson has a vested right in his property and you can't take that away. That's unconstitutional. You take away somebody's rights in life, liberty, or property, the government that does that will be penalized. So, what would happen if the development agreement is not approved, is that the town would not have good documents to assess the construction of the property going forward. It would be very difficult for Mr. Efrid to do his job to monitor the development. The development, in my opinion, would continue. Depending on the positions that everybody took, there might be significant legal issues later. That's all I am prepared to say.

Andrew Smith; Does its current zoning allow for lots of the size 7500 square feet?

Al Benschhoff; Yes.

Andrew Smith; Another thing, I think it's a relevance. our friend Mr. Scarborough did mention that the fire marshal has approved this subdivision. I think it's a relevance to you guys who are here tonight to know that earlier in July, it had still not been approved. And that is something that should have been done for whatever voted on by the council. So, it was not approved. In fact, we received an email telling us it was not just last month. It wasn't until this month that that final one took place.

Andrew Smith; Kelly, in our last meeting, you did mention you'd save your comments for this meeting. I'm curious if you'd be willing to share with those with us now.

Mayor Brattain; My primary comment, what I'm concerned about is that even though this might not be the very best thing in the world for this town, I don't think losing the town's money to something that we can't stop. And ultimately, that's what our attorney has said, that the due diligence has been made by him and he's going to be able to build. So, we cannot do this and we can lose the majority of our

town's money. And if that's, I hope everybody understands that we can lose whatever money we've got. We still may be a town but it just depends So that's my thing is, is fighting losing the town's money. I just don't believe in that type of waste I've put money in it for 30-something years. So, I've invested time in this area. The land behind me doesn't even belong to the Town of Red Cross and I am waiting for the day, they start to put a bunch of stuff in there. I'm just going to have to get along with your neighbor, I think. So that's the way I'm going to look at it. But again, it's not in my backyard, John, it's in my front yard. So, I've known you long time whatever happens here tonight. I hope it don't affect our friendships.

John Pova; It's not, but it's just not right what we're doing here. And right now, it's all about the money. It's all about the money. He spent a couple million dollars and we don't want to lose the money to stop him. I came in here knowing that this big money is going to win. I came in knowing that. Every one of you know that. But we're sitting here just saying, hey, wait. We're not going to spend the money to stop.

Dustin Mcyntire; Isn't it funny how they, they're worried about doing it right now, but at the beginning, when they first did it, we could cut corners and not do things the way we're supposed to. And now all the sudden we have to adhere to it.

John Pova; Well, I don't even think anybody has done a study on the flood that happens down here. That whole property, it came all the way, all those stuff to my backyard. And that's a long way. Were there any studies done on that? I doubt it. I'm willing to spend some money.

Andrew Smith; Hey, Mayor, as I've been thinking about this, it's overwhelming to think about all the different parts of this, and as I was speaking earlier, had a hard time, I kind of lost my train of thought. It seems like there are two injustices that I can pinpoint that to me, I want to bring justice to these situations if at all possible. The first one being, I think the council was done in injustice by the person that had hired to take care of the zoning world here in Red Cross. I think things were not done correctly and it set council up to put them in a bad position. The second injustice was from this council to the community members and citizens of Red Cross. That was the second injustice. I Understand that the zoning officer brought bad information, didn't do their job, whatever. But also, this council has the ability to think for themselves and see, wait a minute, 253 homes, maybe that's not a good idea for Red Cross. So, my question would be, how do we rectify or bring justice to those two injustices? We've all just sat here and Al is our best hope. Al is fighting hard for our town. He's put in hours to come up with the best-case scenario that he can. And no matter how passionate I am, I want to acknowledge that. So, thank you Al for what you've done so far and are continuing to do. We're in a bad position. So, it may very well be that this development agreement is our best option. Kelly, do you think you're the right person to lead this town through this decision tonight?

Mayor Brattain; I think I am; you know who where I have been the whole time, I don't change. So, you know where my heart is, my heart is for this town, It is this for this town not to be destroyed in any kind of way by anything.

Andrew Smith; Do you think that this development, it's for some people may say this is the beginning of the end of the Red Cross we know and love and that you've spent your entire adult life living in. Do you at least understand how people feel that way?

Mayor Brattain; I understand how they feel. You know, I look at things in a broader sense. But again, it's not in my backyard. I don't think one more development. We have two already. One more is not going to kill the town. But that's my thinking. I think trying to navigate through the negative part of it is going to be harder than us doing this and trying to get control of it now, seeing how it's going to be built. Mike doing his job and going through it that way.

Andrew Smith; Do you think that it would be helpful to postpone making a decision tonight until the town can fully recover all of its town records that we believe we don't have from the last planning and zoning officer leaving? We're hoping to get some of those back. Would it be helpful to postpone this until we get all of our town records to see how many more things were done before we proceed. I believe the next hearing is September 18th, if I'm not mistaken. There was a hearing on August 18th where the first court hearing was on August 18th and essentially got postponed to the 18th to decide how and when we will analyze the laptop and a cell phone that through subpoena were seized. So, I assume terms will be agreed on then about how those devices will be looked at. Maybe it would be helpful for us to see all of that. Let me ask this. Once we agree to this tonight, if we were to discover anything of impact on those devices, would they not be null and void at that point because this becomes what matters?

Al Benschoff; No, the development agreement would not become null and void.

Andrew Smith; No, no, not the development agreement. Those things that may be discovered that may have had an impact. If we agreed to the development agreement, wouldn't it supersede any impact that could have had on this?

Al Benschoff; I'm not even sure if I understand the question. If you're asking will the town's lawsuit against Michael Sandy to recover the public records find anything about how the development was approved in 2020 and 2021? It might, but the statute of limitations has long rung on those development approvals. I just don't see that that's relevant to this development agreement.

Mayor Brattain; anyone else have any comments

Lisa Lowder; In 2020 and 2021 I of course was not on this board, as I spoke last time, I am so sorry to those of you that this has affected. I live here too and I am sick about it. We are in a rock and a hard place. Is it too late to do anything different? As my grandma always said two wrongs don't make a right. A lot went wrong that in just don't think as a council I can vote to go forward. As Lionel said use your heart not your mind. As council people we were voted in by these folks, this will change the area forever. But again, I apologize we are here.

Andrew Smith; You guys heard along with me that Joe was surprised about the email that we received maybe this is new information for many of us. It seems that the total number of true homes were not shown when the driveway permits were applied for. Don't you think this is a significant thing to consider adding to this development agreement if we're going to agree to it. I mean, you know, turn lanes if they would be necessary, that's a health and safety issue. I would think would be a very important thing before we agree to this. Maybe we get time, one, for that to be discussed by our attorneys and, so maybe that would give us a little more time to try to recover more of the town's public records before we made a decision.

Mr. Scarborough; Mr. Mayor, my client would agree to a traffic impact statement if that will help the council to make a decision.

Melvin Poole; Mr. Mayor I'm trying to be a little quiet and a little bit more forgotten for that. And it is a heart and a head issue.

My heart says, you know, if you'd like to see things the way they are forever. I own about 13 acres somewhere at the heart of the 2,000 acres estate back here in Civil War. that what's very scary, how much it changed over the years. The problem that we got ourselves into is listening to some bad advice. And I think the board has made efforts to remove that person from here. That person is no longer here so I think there is no need to be beaten him at this point. When we're paying somebody a pretty good salary and just been doing this for years, and you'd expect to get an honest answer from them. If you ask them some questions, we were pretty much going on what we were told. But that doesn't justify what we did. But now, all that being said, lawyers like skunks I don't want one in my carport. And when we hit the point where we have the lawyers involved in it, we've already become divided. That's really why my wife and I try to hash out our argument and point it out instead of getting lawyers involved Because the lawyers win and we both lose. Well, the board has spent pretty good money already on legal fees. And that legal advice is telling us the better course of action would be to settle on this agreement. I'm looking like a fool twice if I don't take the advice. I don't actually make the money for that advice. So that's where I am at, I know it won't make people happy. We got a school sitting here empty at Red cross I'm not worried about schools space. I think they have to build another school at Endy but that's a side issue. It's not necessarily about the money part, It is in one way, it's not the big money that's not what the influencing my vote. The money of the old people here who are paying taxes. I just can't find myself squandering a of money. Now if we had up to 25-75 percent chance of winning this thing down a road, I'd be all in it. And I respect everybody that came here, and I'm going to respect the people up here, how they vote. We're still neighbors when the dust settles. But I know, I, for one, have learned a heck of a lot in this process. There's not no difference down the road and the way it's been done in the past. And I think the first step of getting a new zoning officer here, that will play by the rules and the way it was supposed to be played by. And I know he is going to be happy to get this out of his hair too. And as much as I would love to say no, with my heart, my head is saying, this needs to be settled tonight so we can get on with business. And start focusing on what kind of ordinances we need to put in place to prevent something like this in the future. And I think when we pass the ordinance, I think some people mis-read what we're saying about them doing this, that we were going to try to apply it to this development. That was not the intention of that ordinance we were trying to get passed. So I think if people jump the gun and pull the trigger and then we're got our lawyers involved in then it went down hill from that. No one likes lawyers till we need one. Anyway, that's where we're

at. I'm not going anywhere. This is one of those convoluted decisions you have to make and I'm going to be honest with you. I would hope that you were sitting in this seat that you look at the same way. Don't be squandering bad money after a bad decision. I'm not a gambler when it comes to tax payers' money. That's all I have to say.

Andrew Smith; I think there may be some folks that I'd like to speak on perhaps what I think some people may think about what you just said, Melvin. At the original public hearing, I think people were speaking up their concerns and they were responding to it, well think about the tax money that we're going to get. Think about how this is going to financially benefit the town. That was what was used to dismiss them. I think there's maybe some correlation when you say let's not spend any taxpayer money to look further into this let's go ahead and save that money and let it be. Some taxpayers may say that's the number one thing I want my tax money to go to was to really give a good hard look at this thing, receive all the public records, make sure there's no other option and if that's the case then yes, very well this development agreement is the best option. I don't want to leave any stone unturned or any crack we hadn't looked into. I'm okay with spending a little bit more money, postpone this thing a little bit and let's just make sure everything happened or no major things happen that shouldn't have happened. Let me ask one more thing here. Al, would you see any negative impact of us postponing a decision tonight?

Al Benschhoff; I think the council always has the option to approve, deny, or to table. But if you do, I would table it to a date certain because this matter needs closure. I would not table it indefinitely.

Mayor Brattain; So, what kind of time frame would you be looking at to get the information that may or may not be there?

Al Benschhoff; I would not, and this is just me speaking, I would not table this matter in order to receive some more public records from Mr. Sandy. There are several thousand pages of public records have been recovered so far. I've read them all. None of them have a bearing on the decisions the board made in 2021 so far. And those are all public records so they're all, you know, anybody can look at those if they want to.

Melvin Poole; Mr. Scarborough can you reiterate what you said about the traffic limits

Mr. Scarborough; In response to council member Smith's concern, we offered to do a traffic impact statement which will essentially be the traffic engineer updating it to the current time.

Andrew Smith; All six phases, plus all the other homes on Hatley Burriss road and Hilltop Road and then they'll come to an NCDOTTIA. As Mr. Scarboro alluded to earlier when he first went to speak, I just like to reiterate I made no accusations tonight that anything illegal did take place. I simply said there are things done very wrongly. I think it warrants that we do look under every stone and in every crack before we commit ourselves to something that would make that null and void. I certainly have no hard evidence that something was done illegal, and I am not making that accusation not of you guys or of any previous employee of the town. That

being said would you be willing to put something in his development agreement that would say if at any point evidence surfaced that money had changed hands from the developer to any town employee or person associated Red Cross at all period that was inappropriate that it would make this agreement null and void.

Mr. Scarborough; Mr. Mayor number one that's offensive

Andrew Smith; I'm not making an accusation that happened.

Mr. Scarborough; I think it's also very unusual for a development agreement

Andrew Smith; I don't have evidence that happened. I'm not accusing it, What I am saying is that there was a lot of things done wrong by a former employee of the town. That's why we're here tonight. Because all of that has happened. It could warrant someone to wonder what else may have happened. There's no evidence that it has and I'm not making that accusation.

Mr. Scarborough; To extrapolate from that, that my client has bribed a town official that is making me hot. I've never had someone accuse a client in a open session of bribing a government official. I would like you to retract that plainly and not weasel words.

Andrew Smith; I'll say it again. There is no evidence that anything illegal took place that anyone made a payment to someone found Red Cross. I'm making that very clear. Would you put in the agreement that, is that an inappropriate ask Al? I'll stop at that.

Al Benschhoff; Yes, It's inappropriate.

Mayor Brattain; All right these people ready to go home? Get on with it?
All right.

Andrew Smith; Well, we do need to clarify to this needs to be if we're going to vote on it. This traffic analysis needs to be in there. I think we'll resubmit correct numbers and have a new NCDOTTIA.

Melvin Poole; let's get the ball rolling Mr. Mayor I am moving that we approve this agreement to include the traffic impact statement

Mayor Brattain; to Mr. Bursleson and you are willing to do that?

Joseph Bursleson; Yes, I am willing

Motion# 1717, made by Melvin Poole, second Trina Plowman, **to accept the Development Agreement with the new DOT traffic TIA statement** Vote: 2+1 Yea Melvin Poole and Trina Plowman + Mayor Kelly Brattain to make 3 Yea, 2 Nay Lisa Lowder and Andrew Smith

Andrew Smith; Let me clarify my wish is that we postpone this so I can get public records So no is my answer tonight.

Mayor Brattain; I understand that, I'm just going to leave council that what we may find 60 or 90 days out will have no bearing on what we are trying to decide on tonight and I am going to vote yes. It will be a 3 to 2 vote.

Motion#1718, Made by Melvin Poole, Second Trina Plowman, to **Close this continuation of the Council Meeting** from August 14, 2023. Vote 4 Yea, 0 Nay

Town of Red Cross
Minutes of PUBLIC HEARING
June 12, 2023
7:00 PM

Mayor Kelly Brattain called into session the Public Hearing for the purpose of the Second Reading of the Proposed Budget for the Fiscal Year 2023-2024 for the Town of Red Cross. Trina Plowman, Financial Officer, stated that the proposed budget will reflect the recent First Amendment to the current year budget, unless another amendment would become necessary before the end of June.

Comments from citizens: A **mistype** was noticed by a citizen under REVENUES: Sales & Use – the amount should read **\$235,000**. instead of \$236,000; correction made.

Comments from Council: Also Council Member Andrew Smith stated that on the second page on the line for TOTAL BASIC OPERATING COST, a period was typed instead of a comma - **\$320,000**; correction made.

Motion #1665 to close the Public Hearing made by Lisa Lowder, second by Andrew Smith; Vote 3 Yea, 0 Nay

Town of Red Cross Town Council
Meeting At Town Hall
Minutes of
Monday, September 11, 2023, at 7:00 PM

Present: Mayor Kelly Brattain
Council Members: Melvin Poole, Trina Plowman, Andrew Smith
Planning and zoning officer Mike Efird
Clerk's: Shannon Alberta and Aloma Whitley
Not Present: Council Member Lisa Lowder

Mayor Kelly Brattain called the meeting to order.

Invocation was given by Andrew Smith.

Welcome and recognition of guests 10+

The agenda was adjusted to remove items numbered 19 and 20 from the agenda for opening and closing of a closed session, as it will not be needed this evening; **Motion #1719** was made by Melvin Poole second by Andrew Smith, Vote: 3 Yea, 0 Nay to approve the adjusted Agenda.

The Minutes of the Council meeting of August 14, 2023, were approved with the correction of one "mistype" error on the last page regarding the fiscal year; **Motion #1720** was made by Andrew Smith, second by Trina Plowman; Vote: 3 Yea, 0 Nay

The Minutes of the Public Hearing of August 29, 2023, were approved with the correction of one "mistype" error on the fourth page regarding the square footage amount being 7,500 not 75,00; **Motion #1721** was made by Melvin Poole, second by Trina Plowman; Vote: 3 Yea, 0 Nay

The Minutes of the Council meeting of August 29, 2023 (Continuation of postponed item#10 from August, 14, 2023), were approved; **Motion #1722** was made by Andrew Smith, second by Trina Plowman; Vote: 3 Yea, 0 Nay

The Minutes of the special called meeting of Wednesday July 19, 2023, were approved (these were unintentionally omitted at the August 14, 2023 council meeting); **Motion #1723** was made by Andrew Smith, second by Trina Plowman; Vote: 3 Yea, 0 Nay

The Minutes of the Council meeting of July 10, 2023, were approved with two updates entered by Aloma; **Motion #1724** was made by Melivn Poole, second by Andrew Smith; Vote: 3 Yea, 0 Nay

The Financial Reports were presented to Council by Trina Plowman for the Months of July, 2023 and August 2023; July was not presented at the previous August meeting due to issues with Quick Books renewal. We were unable to get into the program to generate the reports at that time, but were able to get them to generate shortly after the August meeting. **Motion #1725** made by Melvin Poole, second by Andrew Smith **to accept the reports.**

Fire Protection: Melvin Poole – no report

Police Protection: Lisa Lowder – Was not present at the meeting

Street Maintenance: Melvin Poole - no report

Waste Collection: Lisa Lowder - Was not present at the meeting

Zoning: Andrew Smith – The planning and zoning meeting last week was brief. They discussed the combining of multiple town properties, in which, Mike gave an update and will discuss in further detail tonight in the new business section of the meeting. Mike Efird also gave the board an update on the council's decision to approve the development agreement for the Forest Creek subdivision. Lastly, they discussed Stanly County releasing their 2040 land use plan and how it could affect the Town of Red Cross and what they need to think about it in the future.

There was no old business to discuss

There was discussion for Council needing to vote on approving Town Clerk Shannon Alberta to be a signer on the checking account and other bank documents as needed. This is required as requested by Uwharrie Bank **Motion#1726** to approve made by Andrew Smith, Second by Trina Plowman; Vote: 3 Yea, 0 Nay

There was a Presentation of a contract with City Wide Exterminating of Locust, NC and the Town of Red Cross for exterminating service. The service was quoted at \$125/Quarter. Trina asked if we reached out to other companies. We were unable to get into contact with our previous exterminating service we have used in the past Called The Bug Lady. Some citizens expressed they personally use Terminix who are cheaper than City Wide who they also got a quote from for their personal home. Council decided to get one to two more bids for comparison. Another citizen said they use Clint Miller who is also cheaper than the 125 quarterly. The council approved obtaining one to two more bids before making a decision. **Motion#1727** to approve made by Melvin Poole, Second by Andrew Smith; Vote: 3 Yea, 0 Nay

Council discussed approving Town Clerk Shannon Alberta to maintain the website. Andrew Smith setup the website, logins, passwords, and came into Town Hall to give Shannon all of that information along with a tutorial on how to update and add information as needed. Andrew Smith expressed he would like the minutes ONCE APPROVED to be entered onto the website. Shannon feels she can handle the changes, has made a few changes already successfully. The motion is for Shannon to be able to enter information onto the site as she sees fit, and also to add anything the council

members feel needs to be added. **Motion#1728** to approve made by Andrew Smith, Second by Trina Plowman; Vote: 3 Yea,0 Nay

Council discussed approving the purchase of Adobe Acrobat pro for the office. Shannon explained it is really necessary to get the program so we can create and edit fillable PDFs especially for planning and zoning permits on our website. It would be a program we download onto the computer. They charger per user monthly 23.99 or yearly 287.88, Shannon suggested we get one user and then add another if we come to the conclusion Mike would need his own separate account. **Motion#1729** to approve made by Andrew Smith, Second by Trina Plowman; Vote: 3 Yea, 0 Nay

Council discussed on combining two parcels on South Oak Ridge Road with the current 28 acres of Town Hall property. Per Andrew the planning board has been discussing this on a few occasions. The land Town Hall sits on is 28 acres, then the property the town purchased is technically two separate parcels, so the town is trying to make all three parcels into one taxable parcel. Per Jim, who spoke with GIS, the town would not need to do a survey as long as council agrees to the agreement of combining without extra expenses processes etc. If, in the future, the town wants to develop something on it then they would need to go through the process of surveying the property. During the investigation of how to combine the properties Jim and Mike had found that one of the two additional properties had two sub parts that were under the same PIN number in GIS. Jim confirmed with the head of GIS that this discovery would no hinder the process of combining the properties into one. Mike expressed they are just combining the properties for now, then they will work with the planning board at the next meeting regarding zoning and submitting the council with that proposal next. The property will be split zoned and that is ok as of now. Mike stated he will present making the entire property central business to the planning board, and then they will make a recommendation to this council. **Motion#1730** to approve the combining of the properties made by Melvin Poole, Second by Andrew Smith; Vote: 3 Yea, 0 Nay

Council discussed approving amendment #1 to the current year budget. We needed increase the supplies account from 4,000 to 10,000. Professional fees needed to increase from 28,000 to 50,000 for legal fees and Aloma's remaining pay. We also felt there was a need to increase the training account from 2,000 to 4,000. Administrative payroll expenses increased from 8000 to 25,000 for Shannon's estimated yearly payroll. These increases were taken from decreasing capital improvements by 47,000 since we won't need the money in that budget for this year. We also needed to add 50,000 to total yearly budget for Enforcement Officer payroll. This increased the total operating cost from 320,000 to 370,000. **Motion#1731** to approve the amendment, made by Melvin Poole, Second by Trina Plowman; Vote: 3 Yea, 0 Nay

Mayor Kelly asked Andrew Smith about possible training they were considering for the planning board members. Mike mentioned they were considering some workshops which would be no cost to the town, just time of the members. These would help the understanding of certain procedures that are important they be familiar with. Mike also started his training which will take course over the next three months. Aloma brought up

an ethics class being offered to the entire council; the council expressed interest in possibly taking it together at Town Hall via zoom.

There were no additional comments from citizens.

Mayor Kelly Brattain mentioned the trash carts at the Baptist Church still have not been repaired. He repaired the wheels, and their one is crushed. Aloma stated it is something outsourced and it can take a few weeks. Shannon mentioned Aloma brought them a new recycle cart as well since their truck had “eaten” their other one. Shannon also explained waste management will be transitioning into a more self-serve type operation where citizens can go directly to waste management and setup their own service and enter tickets if they need any repairs or replacements, this was entered into the website as coming soon. Melvin Poole mentioned that Stanly County passed the minimum lot sizes for 3 acres, suggested we should possibly look into making ours match at 3 acres.

Motion#1732 was made by Melvin Poole second by Trina Plowman; Vote: 3 Yea, 0 Nay,
to Adjourn the Council Meeting

Town of Red Cross Town Council
Meeting At Town Hall
Minutes of
Monday, October 9, 2023, at 7:00 PM

Present:

Mayor Kelly Brattain

Council Members: Melvin Poole, Trina Plowman, Andrew Smith, and Lisa Lowder

Planning and zoning officer: Mike Efird

Clerk: Shannon Alberta

Attorney: Jim Phillips

Mayor Kelly Brattain Called the meeting to order

Invocation was given by Melvin Poole

Welcome and Recognition of guests 10+

The agenda was approved with **adjustment** made by Andrew Smith to add two items for the evening. The first addition item number 12 is to vote on making new Clerk Shannon Alberta to be admin for the town facebook account. The second addition for item number 13 is that Andrew Smith would like to give council an update on the inspection of the properties at 163 South Oak Ridge Road; **Motion #1733**; to approve the agenda with those adjustments was made by Melvin Poole, second by Lisa Lowder Vote: 4 Yea, 0 Nay

The **Minutes of the Council Meeting of September 11, 2023**, were approved **Motion #1734** was made by Andrew Smith second by Trina Plowman; Vote: 4 Yea, 0 Nay

The financial reports were presented to council by Trina Plowman for the month of September, 2023. Trina asked about a charge for 643.75 that was taken, then refunded. Shannon explained it was a payment for a survey for the Powell Bill. It was paid out of the regular checking accidentally, then refunded with a check from the Powell Bill account. Andrew Smith stated he did not see Aloma's monthly pay for September on the check register, Shannon Alberta replied it was processed on October 2nd. The financials were approved by council **Motion #1735** was made by Andrew Smith, second by Trina Plowman; Vote: 4 Yea, 0 Nay

Fire Protection was presented by Melvin Poole, there was nothing to report.

Police Protection was presented by Lisa Lowder. Her report was pretty calm, there were 42 residential checks, 11 preventative patrols, 3 traffic accidents, 1 wellbeing check, and 2 traffic stops here in town for the month a total of 104.

Street Maintenance was presented by Melvin Poole he was left an email from Shannon Alberta regarding a street sign that was down at the corner of Jacob and Oak Ridge Road. Melvin stated he will look into it to confirm if it will need replacing.

Waste Collection was presented by Lisa Lowder with no comments.

Zoning was presented by Andrew Smith, the board received the update on the Forest Creek subdivision. Mike Efird told council they began to install water and sewer. He also stated they are hoping to lay the asphalt early December, but they are running about a month behind so looking more like January, weather pending of course. The inspections being done at the subdivision will be done by Mr. Speight with A.M.T. Mr. Speight has done a few inspections and has walked the entire site as of last week. So far, everything is going according to plan and seems in good shape. Mike Efird also shared that he is working with Presley from South Point Surveying for an estimate to re-zone the property for town hall to one, because currently the property is multi zoned. Mike Efird is also working on the annexation of the Richard Karp property. The planning and Zoning board is hoping to create a potential fencing ordinance and sub ordinance in the near future to be presented to council for approval.

There was no old business to discuss.

Council discussed and approved making an amendment #2 to the budget to account for petty cash to be held in office for recording fees ect. At the amount of \$100 at a time, this will need to be tracked and maintained in the Clerk's office by the Clerk for record keeping. **Motion#1736** to approve was made by Andrew Smith, Second by Lisa Lowder; Vote: 4 Yea, 0 Nay

Council discussed the contract for mowing of the fields with Phil Love. Mayor Kelly Brattain told council that Mr. Love asked if it were possible to create the contract for more than 1 year, preferably 3 years. This request is because there is a lot of investment in the seeding and growing of the hay for just a yearly contract. Andrew Smith requested we table this to the next meeting, as the Planning and Zoning board is looking into possible plans of a park on the property. Mr. Love stated he is ok with the contract to state the amount of land can change for the park; he would just like to have the contract for any land that is still available on the property. The Council agreed to table this matter for the next meeting so Andrew Smith can discuss this with the planning and zoning board at the next meeting. Council unanimously agreed to table for the next month's meeting, 4 Yea, 0 Nay.

Council also discussed the contract for the exterminator for Town Hall, Shannon presented to the council the contracts for Terminix, City Wide, and Clint Miller. The council asked if we obtained a price/contract with the currently approved exterminator,

The Bug Lady. Shannon Alberta stated she has not received one yet, the council unanimously agreed to get a price from The Bug Lady and table this for the following months meeting. 4 Yea, 0 Nay

Council discussed and approved for the new Clerk Shannon Alberta to attend Training on November 14th Evening- November 16th Morning, through the UNC School of Government. It will take place in Beaufort, NC **Motion#1737** to approve was made by Melvin Poole Second by Lisa Lowder Vote: 4 Yea, 0 Nay

Council discussed a date for the Ethics training, available until October 31st 2023 it is \$75/person. It is said on the UNC school of government's website to have the Clerk sign everyone up that is attending as a group at the same time. Council agreed to have Clerk Shannon Alberta send 3 dates via email to the members then, they will all pick their best dates. They agreed it will need to be after 5pm and on a weekday. **Motion#1738** to approve was made by Andrew Smith, Second by Melvin Poole; Vote: 4 Yea, 0 Nay

Council discussed approving Clerk Shannon Alberta to be the new admin for the Town's Facebook page. Shannon will meet with Freda to transfer herself to be admin **Motion#1739** to approve was made by Andrew Smith, Second by Trina Plowman Vote: 4 Yea, 0 Nay

Council discussed the upcoming inspection of the rental properties to take place next Monday October 16 at 10AM. Mike Efird, explained they have been trying to work with Michael Sandy to get the inspection scheduled. Mike Efird told the council he will be working with several sub contractors for electrical, plumbing, HVAC to do a full phase inspection of both houses. Andrew Smith also added some background to the citizens so they better understood why they are doing these inspections. Andrew explained that back in March of 2022 the town began the process of purchasing the property. On May 26th Michael Sandy signed a lease to rent the property for 3 years without the Town's knowledge. In June 2022 the Town then became the owners of the property and had no idea that Michael Sandy had signed the contract.

There were no comments from the citizens.

The council thanked the citizens for coming and showing support and interest for the Town.

Motion#1740 to Go Into Closed Session, was made by Trina Plowman, second by Lisa Lowder; Vote: 4 Yea, 0 Nay; for the purpose of ("**Attorney/Client Privilege**")**G.S. 143-318.11.**

Motion # 1741 to Adjourn the Closed Session was made by Melvin Poole, second by Lisa Lowder; Vote: 4 Yea, 0 Nay

Mayor Kelly Brattain also asked council to discuss on how would be best for the new clerk Shannon Alberta to get the agendas and packets to the council for future meetings. The way that it has previously been done by Aloma may not work well since Shannon lives further from town. The council agreed they will come pick up their agendas and packets in person at town hall. Clerk Shannon Alberta also stated she will email the agendas and packets to the council as well so they can either print themselves, or feel free to get at town hall. She can deliver packets to the council if needed also.

Motion# 1742 was made by Melvin Poole second by Lisa Lowder; Vote: 4 Yea, 0 Nay,
to Adjourn the Council Meeting

Town of Red Cross Town Council
Meeting At Town Hall
Minutes of
Monday, November 13, 2023, at 7:00 PM

Present:

Mayor Kelly Brattain

Council Members: Melvin Poole, Trina Plowman, and Andrew Smith

Planning and zoning officer: Mike Efir

Clerk: Shannon Alberta

Attorney: Jim Phillips

Not Present: Lisa Lowder

Mayor Kelly Brattain Called the meeting to order

Invocation was given by Melvin Poole

Welcome and Recognition of guests 8+

The agenda was approved; **Motion #1743**; to approve the agenda was made by Melvin Poole, second by Trina Plowman Vote: 3 Yea, 0 Nay

The Minutes of the Council Meeting of October 9, 2023, were approved **Motion # 1744** was made by Andrew Smith, second by Melvin Poole; Vote: 3 Yea, 0 Nay

The financial reports were presented to the council by Trina Plowman for the month of October 2023. Trina stated we are over budget currently for the professional fees, Shannon Alberta stated they are working on adjusting the budget and will have it done hopefully by the December meeting. The financials were approved by council, **Motion #1745** was made by Andrew Smith, second by Melvin Poole; Vote: 3 Yea, 0 Nay

Fire Protection was presented by Melvin Poole, there was nothing to report.

Police Protection had no report as Lisa Lowder was not present.

Street Maintenance was presented by Melvin Poole who was notified of a sign down on Smith Grove Road he will look into. The Sign on Jacob Road and North Oak Ridge reported last month, was incorrect the sign is confirmed to still be up.

Waste Collection had no report as Lisa Lowder was absent.

Zoning was presented by Andrew Smith; they had a 1.5-hour-long meeting last Monday with 5 items on the agenda. They received a request to start a list of items to be

included in the final plat for Forest Creek. Mike Efird asked the council's direction regarding the request made by Tru Homes to build a model home, he doesn't recommend it. Melvin Poole expressed he agrees no deviation. Mike Efird also stated Joseph Burleson is running 2 months behind for the paving. Mike Efird also told the council he is making lists and Forms for Mr. Burleson so he knows what he will need for the approval of the final plat.

Andrew told the council the planning board discussed the annexation history in the town. Mike Efird explained the original annexations of the town were voted on and recorded, but the following annexations were just voted on and never filed with the state. This is resulting in houses receiving services from our town, but the town is not receiving taxes for those residences. Aloma is preparing the ordinance book back to the original founding of the Town of Red Cross. As she is going through the making of this book, she is also noting the annexations that are approved by the board. Once we have those addresses, we will then need to go to those residences and annex them properly into the town. Some of these may be too old for the state to accept just on a vote by the council. The older ones will need to be fully annexed into the town. Mike is working very hard in determining the official properties as it dates back to 2004. Andrew Smith asked who's responsibility is it to make sure these are done properly. Mike Efird said it will be the Clerk's responsibility, but while he is here with the town, he will help to ensure it is done correctly and Shannon knows how to do them correctly. Jim Phillips stated we will need to look at each case individually. Some will need to be started from scratch if they are older than 5 years ago. Mike Efird said it will need to be recorded with the register of deeds, the secretary of state, and then the board of elections. Trina asked if we have an approximate range of homes, and Mike Efird stated he doesn't quite know just yet.

Andrew also stated they discussed the text change to the ordinance regarding fences, they are considering a 2-foot setback off the property line. This helps with homes especially in subdivisions to avoid issues with the maintenance of fences between neighbors. This will give the neighbors the ability to maintain their fence without having to go onto their neighbor's property. This will require a public hearing once we have it written up to move forward.

Andrew also explained the Planning Board discussed the contract with Phil Love wanting to extend his contract for 3 years.

Lastly, Andrew said the board discussed a draft of a letter to send out to nearby community members who are not currently part of the town.

Old Business:

The Council discussed and approved an exterminator contract for the Town Hall (continued from the October 9, 2023 meeting) to be The Bug Lady, who was previously approved for services. **Motion# 1746** to approve made by Andrew Smith, Second by Trina Plowman; Vote: 3 Yea, 0 Nay

New Business:

Mike Efird presented the inspection report for the rental property located at 163 B South Oak Ridge Road. Mike explained they agreed on a time and were at the property on October 16, 2023. They were able to go into the house and document what was in place. The pictures on the reports show what was in the house. The electrician at the inspection, Wayne Brooks, found a situation where there was no ground rod. Mr. Sandy was using a hot tub under the carport, and if they reached out of the tub it could have been a bad situation. Mr. Brooks went back to the property and repaired the ground rod as quickly as possible. Mr. Brooks also replaced one of the breakers to handle the air conditioning window units that were being used in the house as there is no central air. The plumber, Mr Gallimore, who was at the inspection did note a minor leak on the water heater that was nothing to repair at the current time. Michael Sandy also reported a burner was out on the cooktop. Mike Efird stated it is a very outdated cooktop, instead of replacing the burner he recommends replacing the entire unit as he cannot imagine finding parts to fix the single burner. The roof is good, the outside is good overall the house is in good shape. Mike Efird also stated he questioned the two carports that were seen on the survey by the white house on the property. When asked, Michael Sandy stated he purchased those carports from the original owner. Mike Efird explained to the council that he was told that was correct, but wanted to let them know they have since been moved to beside the brick rental house and one beside the barn. Mayor Kelly Brattain asked if there were keys to the white house. Mike Efird stated, no, he tried to get into the house but there is a stop on the door. He will continue to work on gaining access to the house shortly. Andrew Smith then asked Mike Efird, how many cars were on the property. Mike Efird answered there were two cars on the day of the inspection, but Mr. Sandy brought more cars back onto the property the day after the inspection. Andrew Smith then asked if there was a business approved to be done on that property. Mike Efird answered there is a license for an auto dealership at the location. Andrew Smith asked if the town would need to approve a car dealership to be run out of the address. Mike Efird answered, that the planning and zoning approved the auto dealership for 5 slots, but the lease only states for residential purposes.

Mike Efird asked the council to discuss and vote on moving forward with adopting engineering standards from A.M.T. The town needs to adopt future use standards so we have exact specifications for what is to be used, and how the building should be done in the town. Andrew Smith recommended we try to wait until the new fiscal year to revisit this. **Motion#1747** to postpone this to January 2024 was made by Andrew Smith, Second by Melvin Poole; Vote: 3 Yea, 0 Nay

The council discussed and voted on moving forward with surveying the town property with South Point Surveying. This would be needed to move forward to zone the property into a single zoning. The price will be \$3800 for the entire property to be surveyed. **Motion#1748** to approve was made by Andrew Smith and Second by Melvin Poole; Vote: 3 Yea, 0 Nay

Citizen Barbara Carpenter asked, "Once the survey on Town Hall Property is done will the town have two rental houses?" Andrew Smith replied there is only one house that is rented, but there will be an extra building and a barn as well on top of Town Hall and the currently rented house. Then Mrs. Carpenter also asked, "How much does the town collect?" Andrew Smith and Mayor Kelly Brattain answered \$550.

Another Citizen asked about the Forest Creek Subdivision, wondering how many homes will be in there and if that will be considered inside the Town of Red Cross. Mike Efird replied, 250 houses and yes they will be considered in the Town of Red Cross.

Motion#1749 to Go Into Closed Session, was made by Melvin Poole, second by Trina Plowman; Vote: 3 Yea, 0 Nay; for the purpose of ("Attorney/Client Privilege" and "Contracts")G.S. 143-318.11.

Motion # 1750 to Adjourn the Closed Session was made by Melvin Poole, second by Trina Plowman; Vote: 3 Yea, 0 Nay

Motion# 1751 was made by Melvin Poole second by Andrew Smith; Vote: 3 Yea, 0 Nay, to Adjourn the Council Meeting

Town of Red Cross Town Council
Meeting At Town Hall
Minutes of
Monday, December 11, 2023, at 7:00 PM

Present:

Mayor Kelly Brattain

Council Members: Melvin Poole, Lisa Lowder, and Andrew Smith

Planning and zoning officer: Mike Efir

Clerk: Shannon Alberta

Attorney: Jim Phillips

Not Present: Trina Plowman

Mayor Kelly Brattain Called the meeting to order

Invocation was given by Lisa Lowder

Welcome and Recognition of guests 8+

The agenda was approved with an addition of the contract with Phil Love as new business item number 13; **Motion #1752**; to approve the agenda was made by Melvin Poole, second by Lisa Lowder Vote: 3 Yea, 0 Nay

The Minutes of the Council Meeting of November 13, 2023, were approved **Motion # 1753** was made by Andrew Smith, second by Lisa Lowder; Vote: 3 Yea, 0 Nay

The financial reports were reviewed by council in the absence of Trina Plowman for November 2023. The financials were approved by council, **Motion #1754** was made by Melvin Poole, second by Andrew Smith; Vote: 3 Yea, 0 Nay

Fire Protection was presented by Melvin Poole, there was nothing to report.

Police Protection was presented by Lisa Lowder. There were 37 total events including 5 traffic stops, 2 suspicious vehicles, 4 motor assists, 2 theft/larceny, 1 well-being check, 1 business check, and 1 animal complaint.

Street Maintenance was presented by Melvin Poole there was no report.

Waste Collection was presented by Lisa Lowder with no report.

Zoning was presented by Andrew Smith; Mike Efir Spoke about a minimal housing complaint he received regarding the address of 151 Bear Claw Road. Mike Efir went

and inspected the property and documented his findings. After the inspection, Mike spoke with attorney Jim Phillips and they are hearing a case regarding the property. The current tenant is the person who filed the complaint. Mike Efird will keep the Council updated as he moves forward with a minimum housing hearing.

Mike Efird also reported the survey of town property is now completed. Mike Efird will begin working on the re-zoning process and hopefully have approval in January.

Mike Efird also reported we received an invoice from AMT for inspections at the Forest Creek Subdivision. The Town mailed out an invoice to Mr. Burlson for reimbursement within 30 days per the Development agreement.

There was no old business to discuss

New Business:

The Council discussed amendment #3 to the budget to account for professional fees from available funds. Town Clerk Shannon Alberta stated the budget needed more money to be added to the professional Fees account. There were additional available funds in the checking account which will be moved over to the budget to account and cover those fees. **Motion# 1755** to approve the amendment was made by Melvin Poole, Second by Andrew Smith; Vote: 3 Yea, 0 Nay

The council discussed appointing Mike Efird and Town Clerk Shannon Alberta to enforce minimum housing standards. The adoption from 2021 names Michael Sandy and Aloma Whitley as appointed housing inspectors and enforcement for minimal housing standards. Mike Efird asked attorney Jim Phillips if it was okay to possibly change the wording to say, “the current acting Planning and Zoning officer and Town clerk to be appointed,” so it will not need to be changed every time there is a personnel change. Attorney Jim Phillips confirmed that wording can be allowed. Andrew Smith Moved for the Town Council to have the appointment read: “Appointment of the Town council to appoint the acting Planning and Zoning Officer and acting Town clerk, both in their official capacities, as the housing inspectors for the Town of Red Cross to enforce the Minimal Housing Ordinance.” **Motion #1756** to approve Was made by Lisa Lowder, Second by Melvin Poole; Vote: 3 Yea, 0 Nay

The Council voted on approving the contract with Tony Brewer, CPA, PC for the audit of our financial statements for the year ending June 30, 2023 **Motion#1757** to approve the contract was made by Melvin Poole, Second by Lisa Lowder; Vote: 3 Yea, 0 Nay

The Council discussed having Reggie Hinson to handle the payroll, Quarterly filings, and W2s for the town at a price of \$125/month. Town Clerk Shannon Alberta explained this will help make sure all of the reports and payroll are done properly and accurately. **Motion#1758** to approve was made by Andrew Smith, Second by Lisa Lowder; Vote: 3 Yea, 0 Nay

The Council discussed enacting the speed limit Requests for concurrence from the N.C.D.O.T. The speed limits mostly along Highway 24/27 were already at 55 MPH and the N.C.D.O.T. was just sending the paperwork out to have documentation/confirmation. **Motion#1759** to approve/concur was made by Melvin Poole, Second by Andrew Smith; Vote: 3 Yea, 0 Nay

Mike Efird discussed with Council, a revised planning and zoning fee schedule he has drafted. The old fee schedule is very outdated and does not all apply to the town or cover the town's fees. Mike expressed there will need to be further discussion and hearing of the citizens before voting and approval of the new fee schedule. Mike Efird stated he would like to hold a public hearing at the January meeting.

The council discussed the contract with Phil Love for the mowing of the fields. The new contract was written up with Attorney Jim Phillips as advised by the Town Council and the Planning and Zoning Board. The insurance certificate that was previously held was for Mr. Love's grading company, but Mr. Love did take out another policy to cover the hay cutting. The Town has not yet received a copy of the new insurance certificate, but the council voted on Approving the new contract as written, pending receipt of the new insurance policy. **Motion #1760** to approve pending insurance proof was made by Andrew Smith, Second by Melvin Poole; Vote: 3 Yea, 0 Nay

The Council asked if there were any comments from citizens. The citizens did express they do have concerns about the speed limits referring back to the council's discussion on the N.C.D.O.T concurrence papers.

Comments from Council came from Lisa Lowder to thank everyone for coming out. Melvin Poole and Mayor Kelly Brattain followed with Thanks and Holiday wishes.

Motion#1761 to Go Into Closed Session, was made by Lisa Lowder, second by Melvin Poole; Vote: 3 Yea, 0 Nay; for the purpose of ("Attorney/Client Privilege") G.S. 143-318.11.

Motion # 1762 to Adjourn the Closed Session was made by Melvin Poole, second by Andrew Smith; Vote: 3 Yea, 0 Nay

Motion# 1763 was made by Melvin Poole second by Andrew Smith; Vote: 3 Yea, 0 Nay, to Adjourn the Council Meeting