



**OAK RIDGE TOWN COUNCIL MEETING  
OCTOBER 6, 2016 – 7:00 P.M.  
OAK RIDGE TOWN HALL**

**MINUTES**

**Members Present**

Spencer Sullivan, Mayor  
George McClellan, Mayor Pro Tem  
Jim Kinneman  
Mike Stone  
Doug Nodine

**Staff Present**

Bruce Oakley, Town Manager  
Bill Bruce, Planning Director  
Sandra Smith, Town Clerk  
Sam Anders, Finance Officer  
Michael Thomas, Town Attorney

**1. CALL TO ORDER**

Mayor Spencer Sullivan called the meeting to order at 7:00 p.m.

**A. Invocation.**

Rev. Dr. Craig Kocher, minister at Oak Ridge United Methodist Church, offered the invocation.

**B. Pledge of Allegiance.**

**2. APPROVE AGENDA**

**Councilman Mike Stone** made a **motion** to approve the meeting agenda. **Councilman Jim Kinneman** seconded the motion, and it was passed unanimously (5-0).

**3. APPROVE MINUTES**

**Mayor Pro Tem George McClellan** made a **motion** to approve minutes of the September 1, 2016 meeting, the September 1, 2016 closed sessions (two sets), the September 22, 2016 special meeting, and the September 22, 2016 closed session. **Councilman Kinneman** seconded the motion, and it was passed unanimously (5-0).

**4. RESOLUTIONS, PROCLAMATIONS, ANNOUNCEMENTS**

- Councilman Kinneman announced the former Council member Myra Aderholdt's husband, John, had recently passed away. He asked meeting attendees to keep the Aderholdt family in their thoughts and prayers.

5. **REPORT FROM GUILFORD COUNTY SHERIFF'S OFFICE**

None

6. **REPORT FROM OAK RIDGE FIRE DEPARTMENT**

Assistant Chief Sam Anders said in August the fire department received 53 calls, and personnel received 225 hours of training. Anders urged residents check the batteries in their smoke alarms, and to replace their hard-wired smoke alarms if they are more than 10 years old. He announced that October 9-15 was Fire Prevention Week, and he invited residents to drop by the station, meet the firefighters, and take a tour. He also announced that the annual Firemen's BBQ will be held on October 22, and will feature a drive-through format.

7. **TOWN MANAGER'S REPORT**

A. **Volunteer appointment/reappointments.**

**Councilman Kinneman** made a **motion** to reappoint Larry Stafford to the Planning & Zoning Board as the ETJ South representative. **Councilman Stone** seconded the motion, and it was passed unanimously (5-0).

B. **Request to amend Parks & Recreation Fee Schedule.**

**Mayor Pro Tem McClellan** made a **motion** to approve the Parks & Recreation Fee Schedule with the addition of \$50 per day for temporary fencing for baseball/softball unless the field rental is at least \$275 per day or \$550 per weekend. **Councilman Stone** seconded the motion, and it was passed unanimously (5-0).

C. **Building inspector.**

In response to the Council's discussion on the possibility of hiring a building inspector, Oakley said he had emailed the Council his report. Sullivan said there are currently no expenses for building inspections, which are provided by Guilford County. Council's consensus was to table to issue.

8. **PUBLIC HEARING**

**REZONING CASE # RZ-16-04 (continued): RS-30 and PI to CU-TC-R.** The property is located on the north side of Oak Ridge Road, approximately 200 feet west of Zack Road in Oak Ridge Township. It is Guilford County Tax Parcels 0162860, 0163177, and 0163221, is comprised of approximately 15.9 acres, and is owned by Oak Ridge Society Foundation Inc. The property is located in the Scenic Corridor Overlay Zone and the Oak Ridge Historic District (part).

Planning Director Bill Bruce presented the staff report, which is hereby incorporated by reference and made a part of the minutes. He said the Planning & Zoning Board had heard the case a couple of months ago, but that significant changes had been requested so it had been remanded back to the Planning & Zoning Board to be reheard. The request included the conditions that there would be a 30-

foot buffer between the development and lots 16-21 of Whitaker Estates and a 20-foot buffer along the adjoining property lines of 2345 Oak Ridge Road. There had also been a condition submitted that there would be a maximum of 24 twin homes built, along with the one existing single family residence on the property. If approved, any future property owner would be held to the same conditions. Bruce said the Land Use Plan says that densities of up to two units per acre are acceptable in the Town Core. No changes are proposed for the existing residence on the property, but any demolition or site changes would have to be reviewed by the Historic Preservation Commission. The Commission reviewed and unanimously recommended approval of the rezoning, as it would have little effect on the Historic District. Bruce said about 150 trips per day were estimated as a result of the development, and that typically attached units generate fewer trips per day – roughly five or six, as opposed to about 10 per day for detached units. A statement in the packet reported on community outreach. Bruce said the rezoning is consistent with the Land Use Plan, as it encourages a variety of housing types. It should not affect the integrity of the Historic District and is generally not visible from it. He said the Planning & Zoning Board heard the case and recommended approval by a 4-1 vote.

Councilman Doug Nodine asked if the 24 twin homes would generate roughly the same amount of traffic as 14 single family residences, and Bruce said yes. He said those numbers are based on a nationwide average.

Mayor Sullivan asked Ron Simpson, chair of the Planning & Zoning Board, if he had anything to add. Simpson said a significant number of residents from the area came and spoke in opposition to the rezoning. He said they cited concerns about water, wildlife habitats, traffic and the fact that this would be the first TC-R zoning in the Town.

Sullivan opened the public hearing.

*Proponents:*

- Bob Dischinger, president of Evans Engineering, 4609 Dundas Drive in Greensboro, spoke representing LD Equity, which has the property under contract. He said several concerns were raised at the original meeting with the Planning & Zoning Board and from neighbors, which had caused the project to be re-evaluated and changed from a single-family development to one with twin homes. He said this would be more in keeping with the Land Use Plan. The revised plan was presented to the Planning & Zoning Board, and it received a favorable recommendation. Dischinger handed out information that included a summary of the previous and new conditions, an aerial photo, environmental inventory and sketch plan, an illustrative sketch, a letter from the Oak Ridge Society Foundation saying that proceeds from the sale of the property would be donated to Oak Ridge Military Academy, and information on outreach to neighbors. He pointed out how he was a member of the Land Use Plan Update committee, which began its work with a survey to residents and had significant public input from citizens. Dischinger said he believed the project was consistent with the Land Use Plan and meets several objectives within it.
- Ann Schneider, 8506 Rosedale Drive, who was also a member of the Land Use Plan Update committee, said she supported the first plan for single-family

residences submitted by LD Equity for the property, but felt the revised plan was innovative and responsive. She said she hoped the 26 acres for sale behind her home, if developed, would be done with a plan as responsible and creative as this one.

*Opponents:*

- Ken Olson, 6521 Zack Road, said the Zack Road residents are not against development of the property, but are against the TC-R zoning. He said the Whitaker Estates development has diversity of young families, empty nesters, etc., the same as would be drawn to the new development. Olson said he would like to see the RS-30 portion of the property stay as is, with the area currently zoned PI rezoned to RS-40. He said everyone knows there is a water problem, with people's wells that have gone dry and a neighbor who drilled to 600 feet deep and who still has water flow problems. He said no one has shown why the property needs to be rezoned to TC-R, and that the maximum density of two units per acre will only increase the developers' profits. Olson said he did not think it was the Council's job to make the developers' venture profitable, that they have no vested interest in the property, and that Zack Road residents have to defend their neighborhood against it. He said no one knows if the well and septic conditions will meet the requirements for the higher density being proposed, and that when the gray water from the development's septic hits the underground rock, it will force it into the Zack Road residents' wells. He asked who would pay to run the water lines if the developer allows Zack Road residents to get water from the community well, and who would pay the ongoing water bills if their wells go dry as a result of the development.
- Benjamin Wingfield, 6516 Zack Road, spoke about concerns with water, children waiting for the school bus and other issues with increased traffic, the inconsistency of a duplex development beside single-family residences, and possible increased crime due to the development's design. He said there were already townhouses in Oak Ridge, an "experiment" which had been tried and failed, and said he did not want his neighborhood to be the next experiment.
- Ginger Olson, 6521 Zack Road, pointed out what she said were inconsistencies regarding communications with neighbors and the vote at the Planning & Zoning Board meeting. She said Zack Road residents want progress and love their road, but they love Oak Ridge more. She said the developers should build homes like are in her neighborhood – detached and with a value of about \$175,000. She said the land is "what it is all about" in Oak Ridge, and this zoning is not right for this property. She said not everyone wants to be house poor.
- Gary Baysinger, 6509 Zack Road, talked about the traffic, the fact that garbage trucks have to back down Zack Road because there is not room for them to turn around, and the amount of traffic the new development would bring. He also spoke about the loss of wildlife habitat, something that would worsen if this property is developed.

*Rebuttal – Proponents:*

- Bob Dischinger said several of the concerns voiced will be addressed at the subdivision plan stage of the process, and issues such as roads and traffic will be addressed by NCDOT. He said he understood that garbage trucks backing down

Zack Road was dangerous, but the new road into this development could help alleviate that. He addressed water and wells by saying he had spoken with John Nykamp and Gene Mao of Guilford County, who had said groundwater in this area is relatively stable, and that the health department would contact neighbors to see if they would like to have their wells monitored when the community well is drilled. He added that the location of a community well would be approved by the state, and that a 24-hour draw-down test would be done to determine if there is any effect on neighbors. Regarding the soils, Dischinger said drain fields would have to be permitted by the health department, which would determine the total number of lots. Dischinger said the development would still require many levels of review and study before anything is built.

*Rebuttal – Opponents:*

- Brenda Wells, 6520 Zack Road, said she could not put up a yard sale sign in Oak Ridge, but that a developer could come in and put up cookie-cutter homes in her back yard. She said none of the Council members care about what her neighborhood thinks about the proposed development, which is being forced down their throats.
- Gary Baysinger said passersby would be able to see the houses in the development from N.C. 150. Although many of the issues will be addressed at the subdivision plan review, Baysinger said that meeting will not be a public hearing so neighbors will not be able to speak. He also said a good deal of the soil in this area does not perc.
- Theresa Masten, 6527 Zack Road, spoke about her concerns regarding sedimentation, runoff and wells. She asked how the new development's septic system would affect the current residents of the area, and asked how the streams will be impacted. She pled with Council not to allow the rezoning.
- Ken Olson said the developers were asking to rezone land that does not belong to them, and they cannot tell anyone exactly what they will build because they don't know yet about the soils and the water. He said if the developers are allowed to rezone the property to TC-R, they will be able to build whatever they want. Although they say they want to build duplexes, it could end up being something completely different. He said the neighbors do not want to be guinea pigs for the developers.

The public hearing was closed.

*Council discussion/questions:*

- Council members questioned Dischinger and staff on a variety of issues including the proposed zoning conditions, the density of RS-30 zoning versus TC-R, the maximum number of structures that would be allowed, the tree preservation requirement, the buffer between the property and neighbors on Zack Road, who issues permits and monitors wells and septic, the length of the cul-de-sac and the requirement for a waiver if it is more than 800 feet long, the requirement for the subdivision plan to be reviewed and approved by the Planning & Zoning Board, and the fact that the community well must be run by a licensed utility provider. Council members then each gave statements regarding their thoughts about the rezoning.

**Councilman Kinneman** made a motion to **approve** the rezoning request based on the following:

1. The proposed zoning amendment is consistent with the adopted development plan of the Town of Oak Ridge. The Planning Board has provided the Council with its written statement that the proposed zoning amendment is consistent with the comprehensive plan, and the Council concurs and adopts the Planning Board's finding of consistency by reference. In addition, the Council further finds that the proposed zoning amendment is consistent with the comprehensive plan because the recent update of the Oak Ridge Land Use Plan specifically allows this type of zoning in the Town Core. The zoning applied for is compatible with the Land Use Plan's Objective 2.1, which provides for mixed density and up to two units per acre. The proposed arrangement of units will maximize the preservation of open space in relation to the number of units. This type of zoning aids in providing diversified housing stock as outlined in the Land Use Plan's vision statement.

AND

2. The proposed zoning amendment is reasonable. The Council considers the proposed zoning amendment to be reasonable because:

- A. The report of the Town staff finding the proposed zoning amendment to be reasonable is adopted by reference.
- B. The Council further finds that the proposed zoning amendment is reasonable because it allows the property owner to make reasonable use of their property as stated in our Land Use Plan while not negatively impacting neighboring property owners. The development's choice of a community well will ensure a safe and reliable supply of water to the new development. As part of approval for use of a community well, a draw-down test is required to ensure it will not negatively affect neighboring properties. Use of a community well and shared septic fields aids in maximizing open space preservation.

3. The proposed zoning amendment is in the public interest. The Council considers the proposed zoning amendment to be in the public interest because:

- A. The report of the Town staff finding the proposed zoning amendment to be in the public interest is adopted by reference.
- B. The Council further finds that the proposed zoning amendment is in the public interest because the zoning amendment will provide additional housing options and extends infrastructure supporting walkability to neighboring properties. As required by the Oak Ridge Development Ordinance, sidewalks will be part of this development. The sidewalks will connect the new development and adjoining neighborhood to planned sidewalks along N.C. 68. This directly supports the Land Use Plan Objective 5.1 and 5.2 of promoting street and neighborhood connectivity.

**Mayor Pro Tem McClellan** seconded the motion it was passed by 4-1 vote (Councilman Nodine voting against).

## 9. CITIZEN COMMENTS

- Pat Tillman, a District 3 school board candidate, introduced himself.
- Patti Paslaru, a member of the Finance Committee, said tonight was the first time she had heard discussion of hiring another staff member and said the building

inspections duties might be able to be outsourced to retired people or volunteers. Mayor Sullivan said the building inspector services were being handled adequately by the county, and because the numbers do not look encouraging, there is no need to rush into hiring staff for an inspections department.

- Irvin Angel, chairman of the Oak Ridge Society Foundation, spoke about the foundation and how it had funneled every net dime back into Oak Ridge Military Academy. He said the academy is important to the Town and the Historic District, and invited anyone to make a donation to the academy, which the Society will match up until November 30, 2016.
- Juliana Hancock, a Zack Road resident, said she was from the Caribbean, where land is very precious. She said before a property is developed there, elected officials contact neighboring property owners to see if they would like to buy the property. Councilman Kinneman said the property beside Zack Road was publicly offered for sale and anyone could have purchased it.

#### 10. MONTHLY FINANCIAL UPDATE

Finance Officer Sam Anders presented the financial report, which is hereby incorporated by reference and made a part of the minutes.

**Mayor Pro Tem McClellan** made a **motion** to approve the financial report. **Councilman Stone** seconded the motion, and it was passed unanimously (5-0).

#### 11. COMMUNITY UPDATES

##### A. Historic Preservation Commission.

Chair Ann Schneider reported:

- The Commission had approved a Certificate of Appropriateness for a house in Barrow Place on Linville Road at its last meeting.
- A Historic Heritage Grant sign had been placed at the Sanders-Blaylock house.
- She and Commission member Caroline Ruch had attended a portion of the Preservation North Carolina annual conference.
- Historic marker dedications would be held at the Zack Whitaker house on October 23 and the R.P. Larkins house on November 5.

##### B. Parks & Recreation Commission.

Town Clerk Sandra Smith reported on behalf of the Parks & Recreation Commission:

- The Heritage Day celebration will be held in the park on October 15 with historic displays and exhibits, food, music, vendors and more.
- Oak Ridge Town Park was chosen by Northwest Observer readers as the Best Place to Hang Out with Friends in the "Best of the Northwest" contest. The award will be displayed in Town Hall.

##### C. Finance Committee.

No meeting

**D. Planning & Zoning Board.**

Chairman Ron Simpson said the Board had recommended approval of the rezoning request for property near Zack Road. Simpson also thanked Council for the Town's efforts to stop the industrial activity on Fogleman Road.

**E. Merchants of Oak Ridge.**

Patti Stokes said the merchants wanted to share the Northwest Observer award for Best Community Event for RidgeFest, and said that award could also be displayed at Town Hall. She invited attendees to the Great Pumpkin Event on October 29.

**F. Board of Adjustment.**

No meeting

**12. CITIZEN COMMENTS**

- None

**13. COUNCIL COMMENTS**

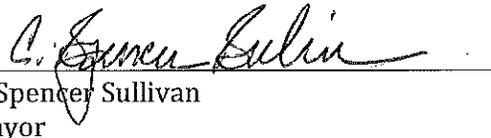
**14. ADJOURNMENT**

**Councilman Kinneman** made a **motion** to adjourn the meeting at 9:25 p.m. **Mayor Pro Tem McClellan** seconded the motion, and it was passed unanimously (5-0).

Respectfully Submitted:



Sandra B. Smith, NCCMC, CMC  
Town Clerk



C. Spencer Sullivan  
Mayor