



**OAK RIDGE TOWN COUNCIL MEETING
JANUARY 7, 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

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

1. CALL TO ORDER

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

A. Invocation.

The invocation was given by Rev. Dr. Danny Nobles of Oak Ridge Military Academy.

B. Pledge of Allegiance.

2. APPROVE AGENDA

Councilman Jim Kinneman made a **motion** to approve the meeting agenda after removing item 8.B. Establishment of Finance Committee ordinance to the February 4, 2016, meeting. **Mayor Pro Tem George McClellan** seconded the motion, and it was passed unanimously (5-0).

3. APPROVE MINUTES OF THE DECEMBER 3, 2015, MEETING

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

4. RESOLUTIONS, PROCLAMATIONS, ANNOUNCEMENTS

None

5. TOWN MANAGER'S REPORT

Town Manager Bruce Oakley:

- Presented a recommendation to appoint Ed Treacy as an alternate to the Planning & Zoning Board.

Mayor Pro Tem McClellan made a **motion** to approve the appointment of Ed Treacy as an alternate to the Planning & Zoning Board. **Councilman Stone** seconded the motion, and it was passed unanimously (5-0).

- Requested approval of \$10,000 for a design contract for sidewalks from Linville Road to Oak Ridge Commons shopping center and from Lisa Drive along Linville Road to Oak Ridge Road.

Mayor Sullivan asked if the money was included in the current year's budget as a consulting item, and Oakley said yes.

Councilman Kinneman made a **motion** to approve the design contract for sidewalks. **Mayor Pro Tem McClellan** seconded the motion, and it was passed unanimously (5-0).

6. PUBLIC HEARING

Oak Ridge Future Land Use Plan Update. The Oak Ridge Future Land Use Plan Update Steering Committee presented the Oak Ridge Future Land Use Plan Update for adoption.

Ann Schneider and Bob Dischinger, members of the Land Use Plan Update steering committee, presented the plan, which is hereby incorporated by reference and made a part of the minutes. Schneider said the committee was appointed in September 2014 and began by holding an open house, asking the public for comments on what they like and would like to see changed. Many of the comments included things like retaining the small-town feel, preserving open spaces, the availability of moderately priced housing, sidewalks/trails and a thriving commercial Town Core. The committee realized it needed to balance change with the desire to stay the same. Over the next several months, the committee studied the existing plan and met with experts on many different subjects. It then put together a draft plan and presented it to the public at another open house in November 2015. Schneider said the comments received on the updated plan were overwhelmingly positive.

Dischinger said the committee was proposing two major changes to the Town Core. One included changing the size and shape of the Town Core by proposing it include a circle three-quarters of a mile from the intersection of N.C. 68 and Oak Ridge Road; within that circle, a density of two units per acre would be allowed. A transition zone of another one-quarter mile would possibly allow for additional density of two units per acre if the property is contiguous to other development in the Town Core. RS-40 and larger lots would still be allowed in the Town Core, Dischinger said, adding that the greater density would be market driven, and it is still less than what you would see in Greensboro – which allows up to 12 units per acre. Dischinger explained that the other change would involve the Commercial Core Transition Zone, which would only change the existing Commercial Core by adding a 15-acre parcel at the corner of N.C. 68 and Fogleman Road. That property, he said, had been restricted to certain uses because of its proximity to existing and future residential development.

Schneider said the proposed changes in the plan were balanced by safeguards to retain the historic heritage and small-town charm of the Town. The committee was also encouraging conservation subdivisions for tracts where they would be appropriate, with the goal to preserve historic, agricultural or archaeological

features on the property. Schneider added that the open house in November was attended by approximately 150 people, ads had run in the Northwest Observer, and that the Northwest Observer had covered the plan several times, so she thought the plan had been adequately advertised. She said the Planning & Zoning Board unanimously recommended approval of the plan, and she asked the Town Council to convey its trust in the committee by also approving the plan. She said the committee was aware that some Council members had concerns about the details of the Commercial Town Core Transition Zone, and she asked for approval of the remainder of the plan. She also requested that the Council continue discussion of the Commercial Core Transition Zone until the Council's February meeting. In the meantime, the committee could meet and clarify its position on that area.

Sullivan opened the public hearing.

Proponents:

- Debbie Shoenfeld spoke in favor of the plan, particularly Goal #2, which would allow for increased density to address the housing needs of residents. Shoenfeld said she thought there was a need for lower priced homes, and the increased density could provide for that.
- Ron Simpson said he was one of three Planning & Zoning Board members who served on the committee. He specifically spoke on the Commercial Town Core Transition Zone, saying the committee had analyzed where current businesses were located and discussed reasons for and against expansion of the Commercial Core. He said he lived on Fogleman Road and entering and existing was a nightmare, but this property seemed unique because commercial development was already located to the side and directly across from it. Simpson said the committee had included suggestions for restrictions on the type of development that would be appropriate so that any development would not exacerbate traffic issues.
- Tom Smith said he was speaking in favor of the plan for himself and his mother-in-law, Carolyn Brown. He said the plan would create a more diverse housing model, including allowing residents to downsize. He said his mother-in-law is currently still capable of maintaining the family farm, but that may not always be the case, and he hoped she would be able to find suitable housing and continue living in the community where she has resided for 65 years.
- Randy Floss said he thought the addition of the Commercial Town Core Transition Zone was an outstanding parcel for commercial development, but he agreed that it needs to be managed. He said a traffic light there would not only help Fogleman Road traffic, but it would also benefit visitors to the 68 Place shopping center.
- Caroline Ruch, a member of the Historic Preservation Commission, spoke in favor, saying she thought the plan would help preserve the rural and historic areas.
- Sam Anders said his family lives here and he also built a commercial building as a member of Linville Road Partners. He said the plan helps preserve farmland and provides opportunities for different types of housing, which would help young and older residents live here. Anders said N.C. 68 is dangerous, and he liked that the plan recognized that fact and tried to address commercial development in the area.

- Irvin Angel, chairman of the Oak Ridge Society Foundation, spoke in favor of the plan. He said Oak Ridge and other small towns need to provide housing for elderly people wanting to downsize. He also talked about the dangers of N.C. 68, and recommended the Council try to project what effect I-73 will have on it.
- Bobbi Baker, a member of the Planning & Zoning Board, spoke in favor, saying she was impressed with the plan and the outreach the committee had done. She said the Planning & Zoning Board would find the plan to be helpful.

Opponents:

- Jonathan Cole said he was concerned about the Commercial Town Core Transition Zone, saying that the addition would only address the desires of the owners of that property and no one else. He said the plan picks winners and losers, and he urged the Council to consider fairness.
- Steve Holmes said he was not sure if he was for or against the plan, but added that there was some truth in what Jonathan Cole had said. He said the Town Council had denied an RPD (Rural Preservation District) the previous month when it had approved others. He asked who the largest property owner in the new Town Core was; Sullivan said that fact was not relevant to the plan the Council was discussing. Holmes said perhaps the Council needed to consider such things, and that he would like to see more fairness for all landowners in Oak Ridge. Holmes said he had not been able to afford a \$350,000 home when he started out. Regarding choosing winners and losers, he asked Council to make sure everyone in Oak Ridge would win in certain situations.
- Courtney Smith, who lives on Fogleman Way, said his primary concern was N.C. 68, and he thought the plan and any expansion of the Commercial Town Core would only make that issue worse. He said when the Goodwill had been proposed for the property at N.C. 68 and Fogleman Road, a traffic engineer had said N.C. DOT could not put a traffic signal at the intersection because of its proximity to other roads.
- David Cole said he was there to represent his family and his father, who had purchased property adjacent to the proposed Commercial Core Transition Zone. Cole said his father would be the major one affected if the plan is adopted, and any restrictions on development would prevent his father from developing the land he purchased as an investment. He said he was not against smaller homes for those who wanted to retire in Oak Ridge, but he wanted to make sure the plan was fair for everyone. He asked Council to consider postponing its vote on the plan until it could be discussed more.

Rebuttal – Proponents:

- Bob Dischinger said the committee had felt that the Commercial Core Transition Zone would be the best opportunity to address the traffic at that intersection. Regarding David Cole's comments about the area restricting the use of his family's land, Dischinger said that whole area around Cole's property was currently outside the Commercial Town Core. He added that the committee had felt the property beside Fogleman Road was an appropriate place to draw the line on commercial development.
- Ann Schneider said working on the plan had been challenging because every decision essentially defines opportunities and limitations for each property in Oak

Ridge. She said the committee's strategy was to make sure it had a clear rationale for the decisions it made and that those decisions were rooted in the overall benefit to the community and the comments received, not personal interests.

- Dischinger pointed out that when the committee said the property at the corner of Fogleman Road and N.C. 68 should be included in the Commercial Town Core, it specifically addressed traffic concerns and ways to resolve them.

Rebuttal – Opponents:

- Jonathan Cole asked the Council to consider fairness, saying that for the Council to say the parcel next to the one his father owns is more important than his father's is not fair or consistent.

- Chuck Salmon said the plan does single out winners and losers. He said with the new interstate, it does not make sense to single out one property owner. He said there is a huge area on Oak Ridge Road that is in the Commercial Town Core, and that there is no reason for it to be since that area has already been developed residentially. He asked the Council to postpone its vote of the plan and said he was definitely against it now.

Mayor Sullivan closed the public hearing.

Mayor Pro Tem McClellan made a **motion** to adopt the Land Use Plan Update with the exception of the Commercial Town Core Transition Zone and the policy that accompanies it, and to continue discussion of the Commercial Town Core Transition Zone at the February 4, 2016, Town Council meeting in order for the steering committee to further discuss and clarify that area and report back to the Council. **Councilman Kinneman** seconded the motion.

The Council then discussed the plan.

Councilman Kinneman said the committee had worked hard on the plan and publicized it, and at some point, it was time to draw things to a close. He pointed out that the Land Use Plan is not a law, but serves as a guiding document; if someone can make a compelling case to change a property's use in a way that is not shown the Land Use Plan, that does not stop the Town Council from approving it.

Mayor Pro Tem McClellan said he approved the plan, and that only about 1 percent of it was contentious and it would go back to the committee for further discussion.

Councilman Stone said he agreed with McClellan in thinking that that 99 percent of the plan is great. He said he was concerned about the possible higher density, but that he understood the committee's rationale. However, he said the underlying concept was that Town Council was trying to push developers to bring in less expensive development and that was not the Council's job. He commended the committee on the work done on the Thoroughfare/Collector Street portion of the plan, but He requested that the wording on the bottom of the current Thoroughfare/Collector Street Plan be included. He also expressed great concern about the Commercial Town Core Transition Zone.

Councilman Nodine said he was not initially in favor of higher density residential, but after listening to committee members explain that RS-20, RS-30 and PD-R

zoning would no longer be allowed, he felt he could support the plan. Like Councilman Stone, he also expressed concern about the Commercial Town Core Transition Zone, saying that up until now the Town had always said the Commercial Town Core would end at Fogleman Road. He added that he did not think a developer would be willing to realign Fogleman Road in order to build a low-impact commercial development on the 15 acres shown in the Commercial Town Core Transition Zone.

Mayor Sullivan commended the committee for its work. Regarding the Commercial Town Core Transition Zone, Sullivan said he considered the committee's proposal as a buffer between purely residential development and purely commercial development. He said the plan provides an alternative for that area. He said he was in favor of the proposed plan, and he looked forward to hearing what the committee comes back with after that area is discussed further.

Councilman Kinneman asked to make a friendly amendment to the motion to adopt the Land Use Plan Update with the exception of the Commercial Town Core Transition Zone and the policy that accompanies it. Mayor Pro Tem McClellan consented to the friendly amendment. Council's vote in favor of the motion was unanimous (5-0).

Councilman Kinneman made a **motion** to remand the plan back to the committee for reconsideration, clarification and a recommendation on the Commercial Town Core Transition Zone and policy 3.3.4, with that recommendation to be reconsidered by the Town Council at a public hearing on a future date. **Councilman Stone** seconded the motion, and it was passed unanimously (5-0).

Councilman Kinneman made a **motion** to take a 5-minute recess at 8:50 p.m. **Councilman Stone** seconded the motion, and it was passed by a 4-1 vote (Nodine voting against).

Councilman Kinneman made a **motion** to return to reconvene the meeting at 8:55 p.m. **Mayor Pro Tem McClellan** seconded the motion, and it was passed unanimously (5-0).

7. CITIZEN COMMENTS

None

8. NEW BUSINESS

Brame LCID Landfill permit extension request. Per Section 30-1059(b)(1)c of the Oak Ridge Code of Ordinances, Benjamin Brame requested a renewal of a land clearing and inert debris landfill (minor) operations permit. The property is located at 8735 Warner Road, on the south side of Warner Road, approximately 1,500 feet east of Happy Hill Road, in the Oak Ridge ETJ. The property is zoned AG.

Planning Director Bill Bruce presented the staff report, which is hereby incorporated by reference and made a part of the minutes. He explained that LCID Landfill permits have a 3-year limit and that the Town Council has the discretion to grant a 3-year renewal or even multiple 3-year renewal periods. He said this landfill was originally approved in Guilford County in 2005 and the permit was renewed in 2008. He said the Town Council had also renewed the permit in 2011 (after the area

was within the Town's ETJ area). Bruce said he had done a site inspection of the facility with Guilford County personnel, and that no violations were found.

Mayor Sullivan asked if the current permit had lapsed as of August 3, 2014, and Bruce said yes. Councilman Kinneman asked if that meant the Town would backdate the current permit to the date it lapsed; Town Attorney Michael Thomas suggested that any renewal be done retroactively in order to make the landfill legal during the period since its permit had lapsed. Bruce added that the permit allows the Town Council to add conditions.

Council members then discussed the LCID landfill, enforcement, concerns about mud and debris left on the road, etc. Councilman Nodine said he was in favor of renewing the permit, but wanted to make it clear that this is the last time it would be renewed and that it should be capped off when the permit expires. He also said he wanted reasonable operating hours, a gate to prohibit after-hours dumping, and requirements that the owner and operator be required to clean up mud and debris on the road in front of the property.

Ben Brame, the property owner, and Bob Westall of Thomas Stanley Grading, the operator of the site, answered questions. Brame explained that Thomas Stanley Grading is the only company that uses the landfill. Westall said the building industry had not picked up to the pace it was in 2005, and he did not think the landfill would have enough material in it by 2017 to close. Closing the landfill before it is full would just leave a large hole or depression there, he said.

Sullivan said the Council had received complaints about operating hours, which Westall had said were 7 a.m.-6 p.m. on weekdays and 7 a.m.-3 p.m. on Saturdays. He said they did not work on Sundays.

Stacy Garner, who lives nearby, said she had been dealing with the landfill for 10 years. She said she often hears noise from the landfill after 6 p.m. as well as after 3 p.m. on Saturdays and during the day on Sundays. She said the road is a hazard when it rains because it becomes slick when the dirt left on it turns to mud, and debris often ends up in her mother-in-law's yard. She added she had only seen a street sweeper twice, and that was when she had called DOT and complained.

After additional discussion by Council, Thomas suggested the Council approve a temporary measure to make the landfill legal until the next meeting. That would give staff time to discuss the issue with the owner and operator and perhaps also allow input from neighbors.

Stone said he would be willing to remove the edict that no more extensions be granted in exchange for the owner, operator, Town staff and neighbors discussing the issue and coming back to the Council with a plan to address debris on the road, operating hours, and other concerns that had been expressed.

Mayor Pro Tem McClellan made a **motion** to grant a temporary permit for operation of the Brame LCID Landfill until the February 4, 2016, meeting. In the meantime, the involved parties and staff will come up with a plan and report to Town Council, who can then make a decision on granting an extension. **Councilman Nodine** seconded the motion, and it was passed unanimously (5-0).

9. MONTHLY FINANCIAL UPDATE

Finance Officer Sam Anders presented the financial report, which is hereby incorporated by reference and made a part of the minutes. He also asked Council for approval of the modified letter of engagement with his firm. Some of the wording on the letter was changed due to required changes in the financial industry.

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

Mayor Pro Tem McClellan made a **motion** to accept the modified letter of engagement as presented. **Councilman Stone** seconded the motion, and it was passed unanimously (5-0).

10. COMMUNITY UPDATES

A. Fire Department

Assistant Chief Sam Anders:

- Reported that in December, the department had responded to 69 calls (39 medical, 30 fire/service related), and had received 286 man-hours of training.
- Reminded citizens to beware of carbon monoxide, which can be produced in fireplaces. The gas is odorless, colorless and can kill.

B. Parks & Recreation Commission

Chairman Bill Edwards reported:

- Phase II construction at the park is nearly complete, and the final walk-through was scheduled for the following Wednesday.
- In December, the park hosted the E-Cycle and Light Up the Night luminary events. Both were very successful.
- Canine Capers, an annual event to benefit the bark park, is being planned for 2016.
- Work was ongoing at the Cascades Preserve.
- A chipper had been rented to rid the park of limbs, dead trees, etc., and several trees had been planted in the park. Three of them are memorial trees, and the Commission is working to get plaques made for them.

C. Finance Committee

Chairman John Jenkins said a meeting had been held in January to discuss the process of formalizing the committee and payoff of the park. The committee recommended that the approximately \$1 million still owed on the park property be paid off, which would leave the Town free from any major debts. He asked for the Council's approval.

Mayor Pro Tem McClellan made a **motion** to pay off the park loan. **Councilman Nodine** seconded the motion, and it was passed unanimously (5-0).

D. Planning & Zoning Board

Chair Ron Simpson reported that the Board had met in December and recommended the Land Use Plan be approved. The board also unanimously approved a subdivision case to allow 18 acres on Bunch Road to be divided into six lots.

E. Board of Adjustment

No meeting

F. Historic Preservation Commission

No meeting.

11. CITIZEN COMMENTS

None

12. COUNCIL COMMENTS

- **Councilman Kinneman** recognized the Town's volunteers and encouraged citizens to get involved. He noted that Guilford County does free soil tests, and kits can be picked up at Town Hall. He also commended the Parks & Recreation staff and Town Clerk Sandra Smith for organizing the successful luminary event in the park.
- **Mayor Pro Tem McClellan** said he was thankful the Town was paying off the debt on the park.
- **Councilman Stone** commended the Land Use Plan steering committee, Bill Bruce and the Town's volunteers.
- **Councilman Nodine** agreed with Kinneman's comments on the luminary event. He suggested the Council hold a workshop on the budget process and to allow Council members to set priorities for the upcoming year and for the future.
- **Mayor Sullivan** said the Council is sometimes criticized for its unanimous votes, but tonight's meeting saw a variety of information discussed and compromises made.

13. CLOSED SESSION

A closed session was called to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body pursuant to N.C.G.S. 143-318.11(a)(3).

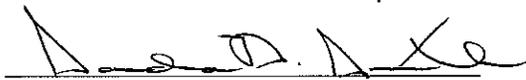
Councilman Kinneman made a **motion** to go into closed session at 9:56 p.m. **Councilman Stone** seconded the motion, and it was passed unanimously (5-0).

Councilman Kinneman made a **motion** to return to open session at 10:07 p.m. **Mayor Pro Tem McClellan** seconded the motion, and it was passed unanimously (5-0).

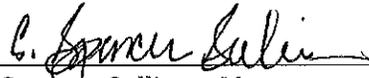
14. **ADJOURNMENT**

Councilman Kinneman made a **motion** to adjourn the meeting at 10:08 p.m. **Mayor Pro Tem McClellan** seconded the motion, and it was passed unanimously (5-0).

Respectfully Submitted:



Sandra B. Smith, CMC, Town Clerk



C. Spencer Sullivan, Mayor