



**OAK RIDGE TOWN COUNCIL MEETING
FEBRUARY 9, 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

1. CALL TO ORDER

Mayor Spencer Sullivan called the meeting to order at 12:12 p.m.

2. APPROVE AGENDA

Councilman Jim Kinneman made a **motion** to approve the meeting agenda after adding a period for citizen comments. **Councilman Mike Stone** seconded the motion, and it was passed by unanimous vote (5-0).

3. DISCUSSION AND PRIORITIZATION OF FUTURE EXPENDITURES

Parks & Recreation

Town Manager Bruce Oakley presented the master plan for the park, saying that it shows tennis courts, a splash park, volleyball and other amenities. Mayor Sullivan asked what amenities the Council might be asked to fund in the 2016-17 fiscal year budget. Bill Edwards, Parks & Recreation Commission chair, said the remainder of the items in the original Phase II (a parking lot and playground), with a combined cost of about \$140,000, would be requested. The Council then discussed the possibility of future tennis courts, an additional baseball/softball field, a suspension bridge, the splash park and other items. Edwards said he had not ranked most of the items on his list, but due to the cost, he had placed the suspension bridge and tennis courts near the bottom of the list of future amenities. Parks & Recreation Director Terry Lannon added that the budget request for the upcoming fiscal year would also likely include resurfacing the trails and the parking lots at both the park and at the town hall. The total cost would be about \$96,000, and Lannon recommended it be done in the upcoming year due to the low oil prices, which affects asphalt costs.

Lannon also presented information on the possible addition of another baseball/softball field. He said Oakley had asked him to put the information together on costs, support and possible financial impact on the community after Oakley had received requests from the community. Lannon said the Parks & Recreation Commission had been concerned about the cost of the project, but he had attended meetings and received support from the Oak Ridge Youth Association and the Merchants of Oak Ridge. He said the additional field would also create an additional

practice field for ORYA, and it would circumvent the loss of revenue in the park, which is the largest source of revenue for the Town other than property taxes. He explained that some organizations have grown and do not have enough field space in the park, so they are moving to larger facilities. Mayor Sullivan said he had spoken to the ORYA president, who said the group was feeling a lot of pressure due to its lack of practice space. The Council then discussed the costs of the fields, the advantages and disadvantages of building them, and what amenities would best serve Oak Ridge residents.

Historic Preservation Commission

Debbie Shoenfeld presented the proposed budget expenditures for the Historic Preservation Commission to include historic markers, the grant program, a possible 20th anniversary celebration for the Historic District, possibly having the Historic District resurveyed, etc.

Other

Oakley presented a list of other potential future town expenditures besides those already discussed, including land acquisitions and a water system. Regarding the water system, Council agreed by consensus to have Oakley provide background and explain the next steps to Council, possibly at a future workshop.

Councilman Kinneman made a **motion** to take a 10-minute recess at 2:20 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 reconvene at 2:30 p.m. **Councilman Stone** seconded the motion, and it was passed by unanimous vote (5-0).

Other (continued)

Oakley discussed other items on the potential future town expenditures list including sidewalks, technology upgrades, building inspections, law enforcement and road maintenance.

Council members also brought up various items that might be considered in the future, including suggestions by Kinneman for a public safety fund and a tree fund to help the Town receive the Tree City designation from the Arbor Day Foundation.

Finance Committee chair John Jenkins suggested that Council give the committee some direction, including whether it wanted to raise taxes, break even, and whether it wanted to continue having a budget surplus in order to increase the fund balance. Councilman Kinneman asked if Council should defer to the manager for direction since Oakley is tasked with creating a budget. Oakley said he would take guidance from what the Council had said, that General Statutes dictate that he create and submit a budget, and Council votes on it. He said he and Finance Officer Sam Anders would work with the Finance Committee and get its recommendations. He said he did not think the Council wanted to consider a tax increase. Kinneman asked if the Council should provide advice to the Finance Committee at the March Council meeting, and Town Attorney Michael Thomas said Oakley was responsible for developing and presenting a budget; Thomas said he thought Oakley had heard that Council did not want a tax increase, and he had the list of potential expenditures that the Council had discussed. Thomas said Oakley would work with the Finance

Committee, and public hearings would be held in May and June, which would allow plenty of time to respond.

4. GENERAL STATUTES DISCUSSION/ORDINANCE AND POLICY UPDATES

Oakley presented, per Mayor Sullivan's request, an ordinance that would prohibit solicitation of vehicles on public streets or highways. Thomas said the ordinance largely followed the City of Burlington's ordinance, which had been upheld by the Fourth Circuit court. He said the ordinance was basically a blanket ban on street solicitations except for those standing on sidewalks; if there is no sidewalk, solicitation is not allowed there. Councilman Stone said once the ordinance was passed, he wanted to revisit the idea of an ordinance prohibiting door-to-door solicitation. Mayor Sullivan said the Sheriff's Office attorney had told him that type of solicitation is protected under free speech; if a homeowner tells the solicitor to leave and he does not, then he is trespassing. Sheriff's Office personnel urged citizens to call them whenever anything looks suspicious in their neighborhood.

Thomas then briefly discussed the open meetings law with Council. Stone asked if a quorum of Council can attend a meeting if two members are on that committee. Thomas said additional Council members' presence is fine, but the additional Council member(s) should listen and not participate.

Thomas said the Council had never formally adopted any rules of procedure. He presented the 11th edition of *Robert's New Rules of Order*, and suggested Council adopt it, a shorter version of rules published by the UNC School of Government, or perhaps some other rules of procedure.

5. CITIZEN COMMENTS

- Bill Edwards asked for some clarification on the solicitation ordinance.

6. COUNCIL COMMENTS

Councilman Stone said that the last Town Council meeting had been ugly and that had been unnecessary. He asked that Council members give a great deal of consideration to how to include everyone in future discussions of an issue. He said he had listened to the audio recordings from the January and February meetings; he said he and Councilman Nodine had pointed out a convoluted situation, but the Commercial Core Transition Zone had been removed from consideration by Ann Schneider, Land Use Plan Update committee member, before the public hearing started. He said he knew Schneider was sincere when she said she had not removed that portion of the plan from consideration based on her recollection, but there was a difference between sincerity and truth. Oakley said Schneider did not have the power to pull that portion of the plan from consideration, and Mayor Sullivan agreed. Sullivan said Schneider had made a suggestion that the Council remove that portion of the plan because based on discussions, saying she understood the Council wanted it pulled to allow additional conversation; he added that no action was taken until the Council made a motion, and McClellan agreed. Stone said he understood the

Council had voted, but the inference was that it was his idea to remove that portion of the plan from consideration, and that was a lie.

Councilman Kinneman said Stone had given Schneider the courtesy of saying she was sincere, and he asked that Stone give the other Council members the consideration of saying they had made a mistake instead of saying they had lied. He reiterated that he did not think anyone had lied, although they may have been mistaken. He said Stone had made a big deal about saying this was not personal, but when Stone used the word "lie," he was getting personal. Stone apologized for striking a nerve with Kinneman, saying that was not his intent, but said what had been said was not factual.

Sullivan said the friendly amendment to the original motion had been made by Kinneman to accommodate Stone. Stone said the entire plan had been submitted to the Council for approval, but that Schneider had asked the Council to remove the Commercial Core Transition Zone from consideration. McClellan said the original motion to separate consideration of the Commercial Core Transition Zone from the rest of the plan had been made by him, and a friendly amendment was made by Kinneman and accepted by McClellan to continue the discussion to a date uncertain. McClellan said it doesn't matter who said what, but nothing happens until the motion is made, it receives a second, and a vote is taken. He said he didn't take comments made too personally, but said that he thought all Council members had been above board and no one had been excluded. Stone disagreed, and asked when he saw the text of the motion. McClellan said Stone had been informed of the intent of the motion by the Mayor, and Sullivan said Stone had seen the text of the motion at the same time Sullivan did. Stone said it appeared no one had a problem with that but him, and that was something he did not understand.

Kinneman said that Council makes motions all the time that adjust what has been presented, and pointed out that Stone himself had changed the conditions in the case of an LCID landfill at the last meeting. He said it was not uncommon, and he gave an example of how Council might change what has been presented in the budget; he said all any Council member had to do was get two other members to agree with him, either before the meeting or during the meeting. Sullivan said he did not have the text of the Land Use Plan Update motion to give to Stone, but that he had discussed the matter with him and told him exactly what was going to be in it. Kinneman said even if Stone hadn't known what was in the motion, that motions often get modified by Council.

Stone said the Council had discussed the Land Use Plan Update in January and had an entire month, yet McClellan was writing a motion at the last moment; he asked if Council could not do any better than that. McClellan said, "Welcome to freedom." Oakley said some citizens might argue that motions should not be prepared and agreed upon in advance, and Town Clerk Sandra Smith said some citizens might say Council is doing business behind closed doors. Stone said that went to Kinneman's point about the LCID landfill motion; he said he did not prepare anything in advance, but he listened to both parties and then developed a compromise.

McClellan said he had done the same thing with his motion on the Land Use Plan Update. McClellan had made a motion that was based on comments during the public hearing at the Council's January meeting as well as some additional issues Stone had brought up; he said the "fuzziness" of the southern boundary of the

Commercial Core Transition Zone addressed that because it does not necessarily exclude property owners to the south of the Commercial Core Transition Zone boundary. Stone responded that he did not want the Commercial Core Transition Zone to extend south of Fogleman Road. McClellan said Stone had made that as one of his arguments and he had addressed that issue as well as the Cole family's concern that they did not want their property to be excluded from the Commercial Core Transition Zone. He said Stone had called the Council members liars and accused them of making deals in the back room and of conspiracy. Stone said he did not allege conspiracy, and McClellan said he pretty much intimidated it, and he was out of order in doing so. Sullivan said that Stone had done the same as alleged conspiracies were at work.

Stone asked that conversations in the future involve all Council members. Sullivan said he had talked with all Council members, that he had a discussion with Stone at the earliest possibility, and that nobody had been excluded. Nodine said he was not sure of what the correct procedure was in terms of having discussions amongst themselves, but he could see the possibility of someone being excluded. Thomas said Council members can have one-on-one discussions outside of Council meetings, but that a majority of the Council cannot get together and conference. Sullivan said as mayor, he was going to take a collaborative approach to everything, whether that was right or wrong. He said he was going to explore different options and try to find common ground, even to the point of making people angry with him. Stone said what he was displaying was passion, but Sullivan said Stone was displaying anger. Stone said he was not angry, and that he was the happiest guy in the room. McClellan said there was nothing more to be gained by continuing the conversation. Oakley said that he wanted to respectfully say that the allegations of hidden agendas had been offensive to staff and to those who served on the Land Use Plan Update committee because no one had pushed for the one tract to be added to the Commercial Core Transition Zone. Sullivan said the conversation just proved how committed the entire Council is, and he hoped Council members could remain civil in expressing their feelings.

Councilman Kinneman made a **motion** to take a 5-minute recess at 4:13 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 reconvene at 4:18 p.m. **Mayor Pro Tem McClellan** seconded the motion, and it was passed by unanimous vote (5-0).

7. **CLOSED SESSION**

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).

Mayor Pro Tem McClellan made a **motion** to go into closed session at 4:19 p.m. **Councilman Stone** seconded the motion, and it was passed by unanimous vote (5-0).

Councilman Kinneman made a **motion** to return to open session at 4:31 p.m. **Mayor Pro Tem McClellan** seconded the motion, and it was passed by unanimous vote (5-0).

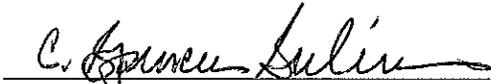
8. ADJOURNMENT

Mayor Pro Tem McClellan made a **motion** to adjourn the meeting at 4:33 p.m.
Councilman Kinneman seconded the motion, and it was passed unanimously (5-0).

Respectfully Submitted:



Sandra B. Smith, CMC, Town Clerk


C. Spencer Sullivan, Mayor