



**OAK RIDGE TOWN COUNCIL MEETING
SEPTEMBER 1, 2016 - 7:00 P.M.
OAK RIDGE TOWN HALL**

MINUTES

Members Present

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 Pro Tem George McClellan called the meeting to order at 7:00 p.m.

A. Invocation.

David Gantt, youth minister at Central Baptist Church, offered the invocation.

B. Pledge of Allegiance.

The colors were presented by the Oak Ridge Military Academy color guard.

2. APPROVE AGENDA

Councilman Mike Stone made a **motion** to approve the meeting agenda as amended after adding an additional closed session as item number 6.A. **Councilman Doug Nodine** seconded the motion, and it was passed unanimously (4-0).

3. APPROVE MINUTES

Councilman Jim Kinneman made a **motion** to approve minutes of the August 4, 2016 meeting and the August 4, 2016 closed session. **Councilman Stone** seconded the motion, and it was passed unanimously (4-0).

4. RESOLUTIONS, PROCLAMATIONS, ANNOUNCEMENTS

- Councilman Nodine announced Preservation Oak Ridge's bi-annual dinner/silent auction on September 30; proceeds will benefit the restoration of Ai Church.
- Mayor Pro Tem McClellan said a Patriot Day ceremony would be held at Oak Ridge Military Academy on September 9 at 7:30 a.m.

- Mayor Pro Tem McClellan recognized the following candidates, who briefly addressed meeting attendees:
 - David Sherrill for District Court judge
 - Marc Tyrey for District Court judge
 - John Blust, running unopposed for N.C. House of Representatives
 - Miranda Reavis for District Court judge
 - Angelo Kidd for Board of Education

Chris McCracken, regional political director for Gov. Pat McCrory's re-election team, also addressed attendees.

5. REPORT FROM GUILFORD COUNTY SHERIFF'S OFFICE

Sgt. C.R. Clendenin said four Part 1 crimes were reported in August. School recently started, and he reminded residents to slow down and also watch out for teenagers who were just starting to drive. In addition, he reminded attendees to lock their vehicle doors and to remove any valuables.

6. REPORT FROM OAK RIDGE FIRE DEPARTMENT

Assistant Chief Sam Anders said in August the fire department received 64 calls, and personnel received 243.5 hours of training. Anders urged residents to be aware of school being in session, which includes children crossing the road, vehicles passing stopped school buses, and traffic around schools. He also reminded attendees to eliminate trip hazards in their homes, which could cause them to fall.

A. Closed Session

Councilman Kinneman made a **motion** to go into closed session at 7:26 p.m. 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 Stone** seconded the motion, and it was passed unanimously (4-0).

Councilman Kinneman made a **motion** to return to open session at 7:29 p.m. **Councilman Stone** seconded the motion, and it was passed unanimously (4-0).

Mayor Pro Tem McClellan read the following statement:

On July 22, the Town of Oak Ridge filed an action in Guilford County Superior Court against Kanoy Properties, LLC, to enforce its zoning ordinance regarding an ongoing use at 8046 Fogelman Road. This property is zoned for moderate-density office use, but since around the 1st of July it's been used as an industrial storage and fabrication yard by the owner's lessee, a natural gas pipeline contractor that does work on the large interstate pipelines owned in this area by Transco. The Town's action asked the Court for an injunction to stop this use. The Town calendared its request for a preliminary injunction quickly, for hearing on the 1st of August, but the

presiding judge at that time had a conflict and postponed the hearing until September 6th when another judge could hear it.

The Town Council is pleased to announce that this enforcement action against Kanoy Properties LLC, has this week been resolved, and a consent judgment will be entered by the parties in the pending court action, providing for the following:

- The Town's interpretation of its ordinance as applied to this property, disallowing this industrial use of the property, will be recognized and made an enforceable order;
- The owner's lessee, Primoris Pipeline Services Corporation, will demobilize and remove its operations from the site – a process already under way – no later than September 30;
- The owner of the property will not again use this property for such purposes, absent a rezoning of the property.

This use resulted in much aggravation to the Town and its citizens, particularly those residents living near the property or using Fogelman Road, and in the Town Council's opinion it posed an additional risk to school buses in the new school term. The Town Council determined this consent judgment is an effective, permanent, and practical solution to the land use enforcement action.

This Town Council will continue to take every action necessary to enforce the Town's development ordinance and zoning authority – the bedrock on which the good and well-developed Oak Ridge life depends.

Councilman Stone made a **motion** to approve the consent agreement, which is summarized in the statement read by Mayor Pro Tem McClellan, and which is attached to and made a part of the minutes. **Councilman Nodine** seconded the motion, and after discussion, it was passed unanimously (4-0).

7. TOWN MANAGER'S REPORT

A. Volunteer appointment/reappointments.

Councilman Nodine made a **motion** to appoint Phillip Hanks to the Parks & Recreation Commission, and to reappoint Phyllis Anders to the Parks & Recreation Commission and Patti Paslaru to the Planning & Zoning Board. **Councilman Stone** seconded the motion, and it was passed unanimously (4-0).

B. Recognition of students.

Oakley recognized Joshua Schneider, a Northwest High School student, and Bailey Cooke, a Northern High School student. Schneider volunteered at Town Hall over the summer and assisted Town Clerk Sandra Smith, and Cooke would be shadowing Town Manager Bruce Oakley for a school project.

C. Town growth.

Oakley said the most recent population estimate had been received from the state demographer's office; Oak Ridge is estimated to have 7,065 residents.

D. Sidewalk progress.

Easements are being obtained from the property owners along N.C. 150 from Linville Road to Oak Ridge Commons shopping center; Oakley said he hoped to receive signed copies soon.

E. Other.

Councilman Nodine said that during the discussion of the Fogleman Road and CrossFit actions by the Town, it seemed apparent that the Historic Preservation Commission and the Town have rules, which it then turns over to the County for enforcement. He asked Oakley to research the possibility of the Town hiring its own building inspector. He suggested the position be revenue neutral and supported by fees.

8. CITIZEN COMMENTS

- Ron Simpson said the consent agreement approved by the Council diminished the need for much of what he intended to say, but he thanked the Council for pursuing that avenue to alleviate the problem on Fogleman Road. He said neighbors likely had something to do with resolving the issue by contacting every agency they could think of. He thanked the press for publicizing the issue, saying they amplified residents' voices so their concerns could be heard.
- Martha Pittman also spoke on the industrial use of the property on Fogleman Road, and said she thought work needed to be done to prevent such an issue from arising again. She said she had filed a complaint with NCDOT regarding rutting and damage to the road, and DOT has said they would be repaired by November 30. She asked those present at the meeting for the Fogleman Road matter to raise their hands, and several audience members did so.
- Jimmy Morgan spoke about FedEx twin trailers that are still using Beeson Road, creating a dangerous situation. He also spoke on door-to-door solicitors who sometimes use bullying tactics to get into homes. He asked the Council to consider passing an ordinance or asking that one be passed by the County Commissioners to prevent that kind of solicitation.
- John Haynes, interim president of Oak Ridge Military Academy, addressed the Council on the new school year, saying the school was off to an outstanding start with 77 students. ORMA is also part of a new athletic association this year, and will be hosting several conference and state championships that should bring hundreds of people into Oak Ridge.
- Mark Matics thanked the Council for addressing the Fogleman Road industrial activity, and asked that the property be monitored for such activity in the future.

- Pam Simpson also thanked the Council for the action taken regarding Fogleman Road, but challenged it to take the opportunity to make sure zoning laws are enforceable, particularly for repeat offenders.

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.

Councilman Kinneman made a **motion** to approve the financial report. **Councilman Stone** seconded the motion, and it was passed unanimously (4-0).

10. COMMUNITY UPDATES

A. Board of Adjustment.

No meeting

B. Historic Preservation Commission.

No meeting

C. Parks & Recreation Commission.

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

- The Commission is vetting playground equipment manufacturers for the new playground to be built in Phase II.
- RidgeFest Reload will be held in conjunction with Music in the Park on September 10, kicking off at 6 p.m. The event will be held in conjunction with the Merchants of Oak Ridge.
- The Heritage Day celebration will be held in the park on October 15 with historic displays and exhibits, food, music, vendors and more.
- The Northwest Observer is holding a "Best of the Northwest" contest. Smith urged attendees to vote for Oak Ridge Town Park in the Best Place to Hang Out with Friends category.

D. Finance Committee.

No meeting

E. Planning & Zoning Board.

Chairman Ron Simpson said the Board had approved a one-lot subdivision on Stafford Mill Road.

F. Merchants of Oak Ridge.

Patti Stokes said the merchants were looking forward to partnering with the Town on RidgeFest Reload, and they prayed the fireworks would not be rained out. The

organization's next event will be the Great Pumpkin Event at Oak Ridge Commons shopping center on October 29.

11. CITIZEN COMMENTS

- Sam Anders said scammers were phoning people saying they were calling from the IRS and that they would be arrested if they did not make an immediate payment to the IRS. He advised residents that this was a scam, adding that the IRS will send a letter if they need to contact a taxpayer, not call or email them.

12. COUNCIL COMMENTS

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 Stone made a **motion** to go into closed session at 8:16 p.m. **Councilman Kinneman** seconded the motion, and it was passed unanimously (4-0).

Councilman Stone made a **motion** to return to open session at 8:25 p.m. **Councilman Kinneman** seconded the motion, and it was passed unanimously (4-0).

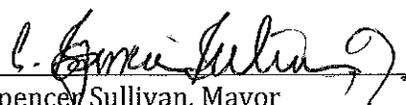
Mayor Pro Tem McClellan announced that no action had been taken during the closed session.

14. ADJOURNMENT

Councilman Kinneman made a **motion** to adjourn the meeting at 8:25 p.m. **Councilman Nodine** seconded the motion, and it was passed unanimously (4-0).

Respectfully Submitted:


Sandra B. Smith, NCCMC, CMC, Town Clerk


C. Spencer Sullivan, Mayor