



OAK RIDGE TOWN COUNCIL MEETING
MAY 3, 2012 – 7 P.M.
OAK RIDGE TOWN HALL

MINUTES

Members Present

Ray Combs, Mayor
Roger Howerton, Mayor Pro Tem
Danny Yanusz
George McClellan
Spencer Sullivan

Staff Present

Bruce Oakley, Town Manager
J. Michael Thomas, Town Attorney
Sam Anders, Finance Officer
Sandra Smith, Town Clerk

1. CALL TO ORDER

Mayor Ray Combs called the meeting to order at 7 p.m.

- **Invocation**

Mayor Pro Tem Roger Howerton led the group in a moment of silence.

- **Pledge of Allegiance**

2. APPROVE AGENDA

Mayor Pro Tem Howerton requested removal of New Business item 6.B. Discussion of Guilford County Discharge of Firearms Ordinance from the meeting agenda; the citizen who requested discussion was unable to attend the meeting due to a death in the family. He also requested a Closed Session be added as item 11.A. after Council Comments.

Mayor Pro Tem Howerton made a **motion** to approve the May 3, 2012, agenda as amended. **Councilman George McClellan** seconded the **motion** and it was passed unanimously (5-0).

3. APPROVE MINUTES OF APRIL 5, 2012, WORKSHOP AND MEETING

Councilman Danny Yanusz made a **motion** to approve the minutes of the April 5, 2012, workshop and meeting. **Councilman Spencer Sullivan** 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:

- **Resolution Authorizing the Sale of Personal Property Worth Less than \$30,000.** Oakley requested adoption of the resolution, which is required to get rid of surplus property. Specifically, the resolution applies to a chalker that is no longer used at the park for which the town already has a willing buyer.

Mayor Combs commented that \$30,000 is a lot of money, and Oakley said a resolution is required by the state for anything with a value of less than \$30,000. Oakley said the chalker is worth perhaps \$200.

Councilman Sullivan made a **motion** to approve the resolution authorizing the sale of personal property worth less than \$30,000, specifically a surplus chalker. **Mayor Pro Tem Howerton** seconded the motion and it was passed unanimously (5-0).

- **Memorandum of Understanding regarding Voluntary Agricultural Districts.** Oakley presented a Memorandum of Understanding between Guilford County and the town which would allow the creation of Voluntary Agricultural Districts in the town. The issue had been discussed previously by Council and once the MOU is approved, it will be presented to the county commissioners. VADs would be voluntarily requested by owners of farms within the town to help preserve the agricultural heritage of the area. Once a VAD is approved, signage will be placed on the property to identify it and to let owners of neighboring properties and motorists know that it is a working farm.

Mayor Combs reminded Council members of a presentation on creating the districts by Jimmy Morgan, a local farmer, and that the council's consensus was in favor of creating them. Councilman Yanusz asked if approving the MOU created any type of financial obligation for the town and Oakley said no.

Councilman McClellan made a **motion** to approve the Memorandum of Understanding between Guilford County and the town regarding Voluntary Agricultural Districts. **Councilman Sullivan** seconded the motion and it was passed unanimously (5-0).

6. **NEW BUSINESS**

- **2012-13 Fiscal Year Budget**

John Jenkins, chairman of the Finance Committee, took the podium:

On behalf of the committee, Jenkins presented the proposed 2012-13 fiscal year budget for the council's consideration. All revenue and expense items have been thoroughly researched by the committee as well as Oakley and Finance Officer Sam Anders. Jenkins said the town had been levying a property tax for nearly 10 years with no tax increase and that the town continues to operate in the black and have money to put into the fund balance. Council will have a 30-day period to review the budget, with final approval at the June 7 meeting.

Mayor Combs added that the budget information is available at town hall and on the town website.

7. CITIZEN COMMENTS

No citizens came forward to speak.

8. MONTHLY FINANCIAL REPORT

Finance Officer Sam Anders presented:

- A strong cash basis and strong balance sheet: Current assets are at \$3.14 million of which 3.01 million is liquid, liabilities other than land of \$43,547 and net assets of \$3.096 million. During April, Anders said there were normal monthly sales tax and property tax receipts. Revenue sharing from the ABC store for the last quarter of the fiscal year had been received in the amount of about \$62,000, which was ahead of budget expectations for the ABC store. One more hearing needs to be held on the budget for fiscal year 2012-13. The contract from Dixon Hughes for the annual financial audit had been signed and remitted to the state.
- A budget amendment request. The budget has been monitored all year; there are some small variances, but it was unclear exactly how they would affect the budget until closer to the end of the fiscal year. Anders called attention to miscellaneous income of \$14,836 which was the penalty adjudicated in the Kanoy case. That number couldn't have been budgeted because it was unknown what the final figure would be, Anders said. As required by statute, 90 percent of the amount collected was remitted to the local school system. In general, money had been moved from one category to another so as not to affect the budget. Overall, there was about a \$7,000 variance on \$1 million budget.

Mayor Combs said when a budget is created, estimates are made and minor adjustments are necessary so that the budget is met.

Mayor Pro Tem Howerton made a **motion** to accept the monthly financial report and the budget amendment. **Councilman McClellan** seconded the motion and it was passed unanimously (5-0).

9. COMMUNITY UPDATES:

- **Fire Department**

Fire Chief Steve Simmons reported that in March, there were 56 calls: 29 medical and 27 fire/service related. Department members completed 109.5 hours of training, installed four car seats and held three public education events.

Simmons said the department has decided to pursue establishing a fire service district, which will overlay the current district. A fire service district will provide an avenue for future revenue for the department. Currently, departments are

limited by general statute to a tax of no more than 10 cents per \$100 of property value, which eventually will not provide enough revenue to continue to operate as they have in the past. A fire service district will allow the creation of another tax in addition to that 10 cents. The Oak Ridge Fire Department does not need any of that money now, but wants to put the service district in place with a zero tax rate. Because any fire department within a municipality is required to get approval from that municipality to establish a fire service district, Simmons requested the Council approve a resolution in support.

Mayor Combs asked if creation of a fire service district is the alternative to the county taking over all fire departments within the county, and Simmons said that option is not on the table now. Establishing the districts is a product of the fire study done last year at the request of the county commissioners. The study showed that many fire departments are very close or already at the maximum tax rate. Fire chiefs were challenged to come up with a solution to combat the problem, as the consultants who completed the fire study suggested the county consider taking over all fire departments or creating a county-wide service district in which tax money collected would be doled out based on need. Simmons said the chiefs felt that, if possible, it would be better to come up with a solution to ensure that revenues collected in any given district would stay there. While a county-wide fire department might be considered in the future, Simmons said he felt it was a long way down the road.

Mayor Pro Tem Howerton asked if the town limits and the ETJ area pretty much encompassed the entire fire district, and Simmons said not entirely. There is some cross-over, as he was also requesting a fire service district for the portion of the Oak Ridge fire district that is within the Town of Summerfield. The Colfax Fire Department will also ask the Council for a resolution of support for the establishment of a fire service for a small portion of their fire district that lies in Oak Ridge's ETJ area.

Councilman Yanusz said he had attended a meeting on creating fire service districts where it was said that most fire departments are close to the maximum 10-cent per \$100 tax. He asked Simmons if there was a way the general statute could be amended to increase that amount instead of creating the fire service districts. Simmons said that had been discussed but the feeling was that it would take a good deal of time and could not be accomplished quickly enough for the departments that are already at their maximum tax rate. The fire chiefs thought this was a faster method and plan to present it to the county commissioners for their approval so it will take effect in July and help those departments that need it now.

Councilman McClellan made a **motion** to approve the resolution in support of the creation of the Oak Ridge Fire Service District with an effective date of June 1, 2012. **Councilman Yanusz** seconded the motion and it was passed unanimously (5-0).

Simmons issued a plea for people to wear seatbelts, as they save lives.

- **Historic Preservation Commission**

Debbie Shoenfeld reported that in April, the commission considered a landscaping and signage application for a Certificate of Appropriateness from

CrossFit. The commission determined the plan did not meet the Historic District Guidelines in terms of number, type and location of proposed plantings. The applicant then withdrew the landscaping plan and asked the commission to consider another version, which had previously been approved by the Planning & Zoning Board. After reviewing that plan and given site constraints, the HPC agreed to allow certain concessions regarding the number and placement of plantings, but will require that CrossFit add 60 shrubs from the approved list to the street yard. The revised COA for landscaping was approved with this condition, and the signage plan was approved as submitted. It was also brought to the applicants' attention that the roof slope does not meet the required 7:12 pitch and is in violation of the design guidelines.

Shoenfeld said the commission also discussed: creating a photographic inventory and description of historic properties; inviting citizens to make recommendations for historic properties to be added to the inventory and that may deserve a historic marker; a plan for future historic markers; and the March 23 issue of the Northwest Observer, which included an ad to help raise awareness of the Historic District.

- **Parks & Recreation**

Bill Edwards thanked citizens for the huge response of about 31 percent to the Parks & Recreation Needs Assessment Survey. The survey will provide guidance on what residents want to see in the park. The compilation of survey responses includes more than 90 pages of comments, and most of the comments were positive. There were many responses in support of tennis courts and additional/longer walking trails. Edwards said he was putting together an executive summary for the Parks & Recreation Commission, which will be presented to Council and the Finance Committee at some point in the future.

Edwards also reminded everyone that RidgeFest will be held next month in the park.

- **Planning & Zoning**

No meeting, no report

- **Board of Adjustment**

No report

- **Finance Committee**

No additional report

10. **CITIZEN COMMENTS**

No citizens wished to comment

11. COUNCIL COMMENTS

- **Mayor Pro Tem Howerton** thanked those citizens in attendance at the meeting.
- **Councilman McClellan** thanked everyone who attended the Merchants Association of Oak Ridge's recent Meet the Merchants event. The Run the Ridge event will also be held at the park as part of RidgeFest, and registrations can be completed online. McClellan said Oak Ridge is "one heck of a town."
- **Councilman Sullivan** offered condolences to the family of Kathy Shubert, the cyclist who was recently killed on Bunch Road. Sullivan said he used to ride a bicycle in this area and it was an "exhilarating experience," and he could only imagine what it would be like now. Several cycling groups use the park as a staging area before riding, and he advised people to share the road and don't get distracted. Regarding the CrossFit building beside town hall, Sullivan said it was looking good and he knew the owners were looking forward to opening.
- **Mayor Combs** said the town hall was being used for Early Voting, and he was amazed at the number of people not from Oak Ridge who had come here to vote and had commented on how nice the town hall and park are.

A. Closed Session

Mayor Pro Tem Howerton made a **motion** to go into closed session at 7:37 p.m. **Councilman Yanusz** seconded the motion and it was passed unanimously (5-0).

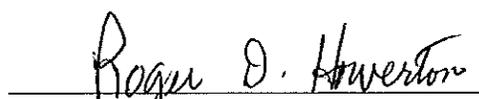
Mayor Pro Tem Howerton made a **motion** to return to open session at 7:59 p.m. **Councilman McClellan** seconded the motion and it was passed unanimously (5-0).

12. ADJOURNMENT

Councilman Yanusz made a **motion** to adjourn at 7:59 p.m. **Mayor Pro Tem Howerton** seconded the motion and it was passed unanimously (5-0).

Respectfully Submitted:


Sandra B. Smith, Town Clerk


Roger Howerton, Mayor Pro Tem