



**OAK RIDGE TOWN COUNCIL MEETING  
JUNE 7, 2012 - 7:00 P.M.  
OAK RIDGE TOWN HALL**

**MINUTES**

**Members Present**

Roger Howerton, Mayor Pro Tem  
George McClellan  
Spencer Sullivan  
Danny Yanusz (Arrived late)

**Staff Present**

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

**Members Absent**

Ray Combs, Mayor

**1. CALL TO ORDER**

Mayor Pro Tem Roger Howerton called the meeting to order at 7:00 p.m.

- **Invocation**

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

- **Pledge of Allegiance**

**2. APPROVE AGENDA**

**Councilman Spencer Sullivan** made a **motion** to approve June 7, 2012, agenda. **Councilman George McClellan** seconded the **motion** and it was passed unanimously (3-0).

**3. APPROVE MINUTES OF MAY 3, 2012, MEETING AND CLOSED SESSION**

**Councilman McClellan** made a **motion** to approve the minutes of the May 3, 2012, meeting and closed session. **Councilman Sullivan** seconded the motion and it was passed unanimously (3-0).

**4. RESOLUTIONS, PROCLAMATIONS, ANNOUNCEMENTS**

None

**5. TOWN MANAGER'S REPORT**

Town Manager Bruce Oakley presented:

- **Resolution in support of the creation of the Colfax Fire Service District.** Oakley explained that the resolution was identical to the one that was approved for the Oak Ridge Fire Department in May. The fire departments are limited in the amount of tax they can charge residents who live within the district; creating a fire service district would give fire departments the authority to add an additional tax if warranted. The resolution would be applicable to the portion of Oak Ridge or the ETJ area that is within the Colfax fire district.

Mayor Pro Tem Howerton further explained the intent of the resolution and asked if council members or audience members had questions.

**Councilman McClellan** made a **motion** to approve the resolution in support of the creation of the Colfax Fire Service District. **Mayor Pro Tem Howerton** seconded the motion and it was passed unanimously (3-0).

- **Pedestrian Plan Steering Committee.** Oakley asked Randy Floss, a member of the new committee, to give an update.

Floss took the podium and reported that the committee is studying the ability to get around in Oak Ridge and how to best connect businesses, schools and neighborhoods with sidewalks, trails and greenways. The committee is made up of a good cross-section of the community, Floss said. The committee will have an open house for the community on June 19 from 4:30 to 7:30 p.m. at town hall. There is also a survey to give input on the issue on the town website. Ads on the survey and open house will also run in the Northwest Observer.

## 6. PUBLIC HEARING

- **Adoption of the 2012-13 Fiscal Year Budget**

Oakley said no tax increase has been proposed again this year and the budget accomplishes everything it needs to.

Proponents:

- John Jenkins, chairman of the Finance Committee, spoke in favor of the budget, saying the committee considers each line item before including it in the budget. The proposed budget marks nearly 10 years in which no tax increase has been requested, Jenkins said.

Opponents:

- None

Councilman McClellan thanked the finance committee for an outstanding job in putting together a conservative, balanced budget that allows the town to meet the requirements of the state and provides the services citizens have come to expect. Most importantly, the proposed budget does not raise taxes, proving that government can live within its means, McClellan said.

Councilman Sullivan said this was his first year serving on the Finance Committee and it was interesting to see the detail applied in creating the budget. Due diligence has been well served, he said, and he expressed appreciation to the committee.

**Councilman McClellan** made a motion to adopt the proposed 2012-13 fiscal year budget as presented. **Councilman Sullivan** seconded the motion and it was passed unanimously (3-0).

## 7. OLD BUSINESS

- **Site Plan Case #11-05-ORCP-01509. CrossFit Oak Ridge Landscape Plan.**  
CrossFit Oak Ridge requests approval of an Alternate Landscape Plan pursuant to Section 30-990 of the Oak Ridge Code of Ordinances. Located at 8309 Linville Road, in Oak Ridge Township. Zoned CU-LB, Scenic Corridor Overlay Zone, Oak Ridge Historic District. Designer: Land Solutions, P.C.

Bill Bruce presented the case, saying that two weeks earlier, a previous version of the plan was recommended for denial by the Planning & Zoning Board, with instructions for staff and the applicant to meet to resolve some issues. Attached to the staff report were the ordinance requirements for an alternate landscaping plan, which says more or less that the plan must meet the intent of the ordinance but does allow for some flexibility. Bruce said the plantings along the street frontage and parking lot meet the requirements, so there is no request for an alternate plan there. Along the sides, the applicant has proposed doubling the understory tree rate in exchange for removing the required shrubs; instead of 11 understory trees and 100 shrubs per side, the applicant is proposing 25 understory trees per side for a total of 50 trees. The buffer at the rear of the property has been changed from a Type B to a Type D to more accurately reflect that the adjoining property is vacant; existing oak and other trees on the adjoining property are being used to satisfy the intent of the required buffer, and one additional oak tree will be planted in an area where there is a gap. With those changes, staff recommended approval of the alternate landscaping plan.

Planning & Zoning Board member Mike Stone addressed the Council and presented some concerns. Doubling the number of required understory trees on the sides of the property appears to be acceptable from the aspect of creating a buffer. However, the original plan showed the northwest corner of the property being used for a septic area – something that was not included on the alternate plan. Stone requested that the septic area be included on the alternate plan so its location is clearly identified. He also requested that a notation which says the trees planted on the sides of the property would be from the approved list be added to indicate that it applies to both sides of the property. He said the notation on the plan that says “Alternate landscaping plan – No plants proposed to remain consistent with adjacent Town of Oak Ridge property” is inconsistent with the alternate plan provided and those statements should be removed from the site plan. Stone said Council should also be aware that the existing pin oaks at the rear of the CrossFit property are on the property line of land belonging to Frank Whitaker Jr., which is zoned RS-30; those trees have been proposed as part of the buffer for CrossFit’s property. If that property is ever developed for residential use, no buffer would be required, since the ordinance is written to require that commercially zoned properties located beside residential property create the buffer. Stone said there should be discussion and agreement that the planting yard remains intact.

In response to questions from Councilman Sullivan, Bruce said the tree plantings on the side of the property stop in an area consistent with where plantings stop on the town hall property. Sullivan asked if it is known where the septic area will be, and Bruce said a plan has been submitted to the health department but he did not know the exact boundaries.

Mark Smith, one of CrossFit's partners, said the septic system has already been installed and its exact location can be determined by GPS. The system is 10 feet from the back property line and there is a 15-foot offset before there is a cut for the athletic field. Smith said flags and stobs show the location of the system.

Mayor Pro Tem Howerton expressed concern about the trees along the back property line; if those trees were ever gone, he asked if CrossFit would be willing to replant trees at the back of their property, and Smith said they would be glad to commit to replanting the trees. Bruce Oakley said that could be added as a condition for approval of the plan as a note on the plan. Councilman Sullivan asked if the spacing of the existing trees would fit the criteria for a Type D planting yard, and Bill Bruce said he believed it would.

Mayor Pro Tem Howerton said the ordinance allows an alternate plan to be approved as long as it meets or exceeds the standards in the ordinance; he suggested the Council give the planner the authority to make the decision in this case without sending it back to the Planning & Zoning Board. Michael Thomas suggested in this case – since there was an appeal to the Town Council of the Planning & Zoning Board's decision, that staff had recommended approval of an alternate plan, and since Smith had indicated the septic system had been installed with GPS in place – that the Council consider approving the alternate plan with the addition of Smith's comments about the septic system and with a note regarding placement of trees. Bruce said he had also recorded the changes Stone had suggested as a member of the Planning & Zoning Board.

**Councilman Sullivan** made a **motion** to approve the alternate landscaping plan as amended and with the conditions agreed upon by the applicant. **Mayor Pro Tem Howerton** seconded the motion and it was passed unanimously (3-0).

## 8. CITIZEN COMMENTS

- **Chad Gimbert**, a partner of CrossFit, thanked the Council for hearing the appeal of the alternate landscaping plan, and thanked Bill Bruce and staff for working with them to get the revisions worked out.
- **Randy Floss** invited attendees to the Cruise Inn at Oak Ridge Commons on the third Tuesday of each month; the event is often a charity fundraiser, and there is live music for a fun evening. As a business owner, Floss said he supported a privilege license for all businesses. Although the money collected must go into the general fund, Floss asked if possible that the same amount of money be used to support the business community or to go toward helping create a more walkable town, which is going to cost money.

## 9. MONTHLY FINANCIAL REPORT

Finance Officer Sam Anders presented:

- A strong balance sheet and strong cash position: Current assets are at \$3.147 million of which \$3 million is liquid. Revenues for the month included the beer and wine excise tax of \$27,000. Detail of expenses, assets, debts and breakdown between banks was included.
- The contract for Dixon Hughes to do the annual financial audit has been sent to the Secretary of the Treasury.
- Anders requested 30-day authority to make budget adjustments as needed to ensure the town is under budget at the end of the fiscal year.

**Mayor Pro Tem Howerton** made a motion to give Anders authority for 30 days to make adjustments to the budget as needed. **Councilman McClellan** seconded the motion and it was passed unanimously (3-0).

**Councilman Sullivan** made a **motion** to accept the monthly financial report and it was passed unanimously (3-0).

**10. COMMUNITY UPDATES:**

- **Fire Department**

Fire Chief Steve Simmons reported that in May, there were 59 calls (27 medical and 32 fire/service related). Department members completed 163.5 hours of training, installed four car seats and attended two public education events. Average response time for the month was 4.7 minutes. The fire department's annual meeting was scheduled for June 11 at the fire station at 8325 Linville Road at 7:30 p.m. Simmons advised residents to go outside their homes at night and make sure the street numbers are clearly visible from the road and not obscured by bushes or trees in order to help emergency personnel find them.

- **Schools**

None

Councilman Danny Yanusz arrived at the meeting at 7:40 p.m.

- **Historic Preservation Commission**

Ann Pitz reported that the Commission focused in May on launching its historic properties inventory project. Residents will be asked to submit photos and documentation of historic properties to Sandra Smith at town hall. The Commission is also looking at creating an archival museum in the town hall and will eventually ask for donations of items from citizens. HPC plans to expand information on the town website and continue its outreach program. Work is continuing on editing of the Historic Guidelines and the Commission hopes to submit the changes to the Council for approval in July. Pitz said the Commission

welcomes comments and ideas from the Council and citizens, and said the Commission appreciates the work of Sandra Smith and thanked Council for adding her to town staff.

- **Parks & Recreation**

Bill Edwards reported that RidgeFest was held June 1 and 2 at the town park. Although there was the threat of storms Friday night, the weather was beautiful on Saturday. Edwards thanked the Merchants Association of Oak Ridge for putting on this great event in the town and named several individuals who helped in different areas. Edwards also said the town is still accepting registration of teams for the men's wood bat softball league.

Oakley thanked Edwards as well as Parks & Recreation Director Terry Lannon and crew for all their hard work on the event as well. Howerton said he had heard nothing but compliments about the event.

- **Planning & Zoning**

Doug Nodine reported that along with reviewing the CrossFit alternate landscaping plan, the board also reviewed a site plan for a 15-space parking lot at Cascades Park on Goodwill Church Road, which passed unanimously.

- **Board of Adjustment**

Jim Kinneman said the meeting on June 14 would be mostly administrative (no cases to be heard); a recommendation for one alternate member would be considered.

- **Finance Committee**

No report

## 11. CITIZEN COMMENTS

- **Ann Pitz** said she and her husband moved to Oak Ridge about six years ago; she said the town was one of the most wonderful places anyone could live and that she loves the way so many people contribute to make it a great place.

## 12. COUNCIL COMMENTS

- **Councilman Yanusz** apologized for arriving late at the meeting, saying he was delayed at work. Yanusz said RidgeFest was fabulous this year and that the fireworks were "extra spectacular."
- **Councilman McClellan** reminded citizens to attend the Pedestrian Plan open house meeting on June 19 and encouraged everyone to take the committee's survey online or by picking up a copy at town hall. He thanked all the committee members for the great job they do.

- **Councilman Sullivan** thanked the Pedestrian Plan committee, saying he walks nearly every day. He welcomed Bob Rossi (the new Oak Ridge Military Academy president) back to Oak Ridge, saying the school is an integral and vital part of the community's history. Sullivan encouraged residents to go by and meet Rossi if they have the opportunity.
- **Mayor Pro Tem Howerton** thanked the committees, saying their work makes the job of the Council easy. Hearing compliments on Oak Ridge makes him feel good, and although the town's ordinances aren't perfect, the town has been developed based on them and he is proud when he looks at how Oak Ridge has developed. Howerton said he could see the difference between Oak Ridge and other towns.

**A. Closed Session**

**Councilman Sullivan** made a **motion** to go into closed session pursuant to G.S. 143-318.11(3) to preserve the attorney-client privilege and consult with the town attorney at 7:54 p.m. **Councilman McClellan** seconded the motion and it was passed unanimously (4-0).

**Councilman Yanusz** made a **motion** to return to open session at 8:08 p.m. **Councilman McClellan** seconded the motion and it was passed unanimously (4-0).

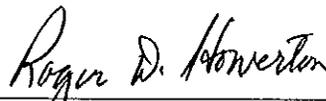
**13. ADJOURNMENT**

**Councilman McClellan** made a **motion** to adjourn at 8:09 p.m. **Councilman Sullivan** seconded the motion and it was passed unanimously (4-0).

Respectfully Submitted:



Sandra B. Smith, Town Clerk



Roger Howerton, Mayor Pro Tem