



**OAK RIDGE TOWN COUNCIL MEETING  
NOVEMBER 5, 2015 – 7:00 P.M.  
OAK RIDGE TOWN HALL**

**MINUTES**

**Members Present**

Spencer Sullivan, Mayor  
Jim Kinneman, Mayor Pro Tem  
Ray Combs  
George McClellan  
Mike Stone

**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. Andy Cook of The Summit Church of Oak Ridge.

**B. Pledge of Allegiance.**

**2. APPROVE AGENDA**

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

**3. APPROVE MINUTES OF THE OCTOBER 1, 2015, MEETING**

Councilman Mike Stone made a **motion** to approve the meeting minutes. Councilman McClellan 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 resolution adopting the Guilford County Multi-Jurisdictional Hazard Mitigation Plan. He explained the plan as a way of reducing hazard risk and said its adoption was required if mitigation or assistance funds are requested in the event of an emergency. Oakley said Don Campbell from Guilford County Emergency Services

was present to answer any questions, and that Town Clerk Sandra Smith had attended meetings on behalf of the Town and was part of the planning process.

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

- Presented the 2016 meeting schedule and the 2016 holiday schedule and asked for the Council's adoption.

**Mayor Pro Tem Kinneman** made a **motion** to approve the 2016 meeting and 2016 holiday schedules. **Councilman Stone** seconded the motion, and it was passed unanimously (5-0).

- Presented several recommendations for committee and board appointments/reappointments.

**Councilman McClellan** made a **motion** to approve the appointments of Caroline Ruch as a regular board member of Historic Preservation Commission, Tom Smith as an alternate on Parks & Recreation Commission, and the reappointment of Bill Edwards to Parks & Recreation Commission. **Mayor Pro Tem Kinneman** seconded the motion, and it was passed unanimously (5-0).

- Reminded Council and meeting attendees of the Draft Land Use Plan open house scheduled for November 10, 4-7 p.m. at Town Hall. Oakley said the plan would also be available for viewing at Town Hall and will be posted on the Town website.
- Announced an E-cycle and shred event in Oak Ridge Town Park on December 5, 8 a.m.-2 p.m.

## 6. ANNUAL FINANCIAL AUDIT REPORT

John Frank of the accounting firm of Dixon Hughes Goodman presented the annual financial audit. He said the audit is still in draft form because it has not been approved by the state, but that he anticipated no changes. The firm issued a clean audit opinion and said they found no material weaknesses in internal controls. Frank presented a handout to Council which summarized and compared the Town's finances at the end of the 2013-14 and 2014-15 fiscal years.

**Councilman McClellan** made a **motion** to approve the annual financial audit report. **Councilman Stone** seconded the motion, and it was passed unanimously (5-0).

## 7. PUBLIC HEARINGS

- A. **Rezoning Case #RZ-15-04: AG to CU-RPD.** The property is located on the west side of Bridgehead Road, approximately 1,900 feet south of Oak Ridge Road, in Oak Ridge Township. It is Guilford County Tax Parcels 0167806 and 0167835, is comprised of approximately 29.3 acres, and is owned by Gregory H. and Mary B. Campbell and the heirs of Richard Parker Barrow. The property is located in the Greensboro (GW-III) Watershed.

Planning Director Bill Bruce reported that the applicant had requested a continuance in order to resolve issues that arose at the Planning & Zoning Board meeting. Bruce said legal counsel representing one of the property owners had also requested a continuance.

Mayor Sullivan asked if the case had been continued before, and Bruce said it had been continued by Council one time previously and continued by the Planning & Zoning Board twice. Sullivan said he would like to hear from the applicant's counsel why another continuance was necessary.

Marc Isaacson, attorney for applicant Anthony Donato, said both Donato and the attorney representing some of the Barrow heirs could not be present because of a conflict. Isaacson said he had recently been retained, and he hoped to be able to meet with the neighbors and come up with conditions to address concerns that had only come up at the Planning & Zoning Board meeting.

Greg and Mary Campbell, who are among the property owners, and DeDe Cunningham, a real estate agent representing the buyer, all requested the continuance to allow more time to discuss the plan with those opposed and possibly come to a consensus before the case is heard.

Mayor Sullivan asked Doug Barrow, one of the heirs of Richard Barrow and a property owner, if he had anything to add. Barrow said no.

Council then debated whether the continuance should be granted and what that entailed.

**Councilman Combs** made a **motion** to continue the case to the December 3, 2015, Council meeting. **Mayor Pro Tem Kinneman** seconded the motion.

The Council then continued to debate, with Councilman Stone saying he was concerned about the citizens who had shown up yet again for an advertised hearing and who were prepared and interested in participating in the process. He added that if conditions were going to be added that would require the case to go back to the Planning & Zoning Board, then there was no reason to continue the case so the Council could come back in December and remand the case back to Planning & Zoning.

Regarding concerns expressed at the Planning & Zoning Board meeting, Mayor Sullivan asked if the neighbors had been contacted by the applicants, since the Town tries to stress the importance of communication with the neighbors. DeDe Cunningham said she had gone through the neighborhood in June, spoken with neighbors and left her business card in case there were questions; several of the neighbors in the audience said they had not been contacted and that their efforts to get questions answered had not been successful.

Mayor Pro Tem Kinneman said he was concerned about costs; Kinneman said he realized continuing the case would be an inconvenience to those who had come to the meeting, and that this should be the last continuance the applicant requests. Combs said he believed the response to the request was simple because both sides were asking for the continuance.

Town Attorney Michael Thomas said all parties were due a full and fair hearing in terms of due process and consideration. He said the Council was the judge of what is fair in this instance, but it needs to decide what is most fair for all involved – to hear the case or to allow the continuance.

Sullivan said he also struggled with the issue, but agreed the continuance had been requested by both sides and that the applicant has recently retained an attorney who is fresh on the case. Councilman McClellan said he agreed with Stone on many counts, but because the right of due process is guaranteed in the Constitution, said he would agree to the continuance. Debate continued.

Council voted 4-1 in favor of the motion to continue the case until December 3, 2015, Town Council meeting (Stone voting against).

- B. Rezoning Case #RZ-15-05: LB to CU-GB.** The property is located at 1684 N.C. Highway 68 North, in Oak Ridge Township. It is Guilford County Tax Parcel 0166232, is comprised of approximately 1.2 acres, and is owned by Twilight Outparcel LLC. The property is located in the Scenic Corridor Overlay Zone and the Greensboro (WS-III) Watershed Overlay Zone.

Planning Director Bill Bruce read the property description into the record and presented the staff report, which is hereby incorporated by reference and made a part of the minutes. He said the rezoning request is for LB (Limited Business) with the addition of four uses that are allowed in GB (General Business) zoning districts including automobile repair services, minor; auto supply sales; restaurant with drive-thru; and tire sales. He said the site will have a landscaping yard to match what is across the road at McDonald's, it will have sidewalks, and it is located within the Scenic Corridor. He said the proposed rezoning is consistent with the Land Use Plan, the Planning & Zoning Board unanimously recommended approval, and staff also recommends approval.

Mayor Sullivan opened the public hearing.

*Proponents:*

Philip Cooke, who owns the property, said he was only requesting four additional uses. He said even though the property is not in the Historic District, he thought his family's track record on quality development speaks for itself.

*Opponents:*

None

The public hearing was closed.

Mayor Pro Tem Kinneman asked about parking, and Bruce said one row of parking is allowed along the road frontage in the Scenic Corridor. Kinneman asked if a drive-thru on a restaurant would have to be located in the back; Bruce said yes, or on the side.

Councilman Stone asked about driveway access; Bruce said N.C. DOT would likely require it use the current driveway that is directly across from McDonalds, but any that and additional road safety issues would have to be worked out between the developer and DOT. Stone asked Cooke if the development would be more like the

Village Store convenience store or more like The Village development behind it, saying that it needed to flow visually with the surrounding properties. Cooke said there was no specific plan for the property at this time, but he thought it would probably be brick and stone, similar to what was used on Lowes Foods. He said his family had developed three of the corners at the N.C. 68/Oak Ridge Road intersection, and that it would not make sense to create something on this site that did not fit in.

Mayor Sullivan asked about Scenic Corridor requirements, and Bruce said there were standards for building materials, which required brick, stone or wood. He admitted the standards were not as strict as those in the Historic District, but said there were standards in place.

**Councilman Stone** made a **motion** to approve the proposed zoning amendment based on the following:

1. The proposed zoning amendment is consistent with the adopted development plan of the Town of Oak Ridge. The Planning Board has provided the Council with its written statement that the proposed zoning amendment is consistent with the comprehensive plan, and the Council concurs and adopts the Planning Board's findings of consistency by reference. In addition, the Council further finds that the proposed zoning amendment is consistent with the comprehensive plan because business and general business zoning is located directly adjacent to the subject property. The property is within the Town Core, where such business is expected and planned.
2. The proposed zoning amendment is reasonable. The Council considers the proposed zoning amendment to be reasonable because uses allowed with this rezoning will be more restrictive than what is permitted at businesses in close proximity, and the self-imposed conditions of utilizing the Limited Business zoning requirement plus four specific uses from the General Business zoning category are consistent with goods and services reasonably expected in the business district.
  - The report of the Town staff finding the proposed zoning amendment to be reasonable is adopted by reference.

AND

3. The proposed zoning amendment is in the public interest. The Council considers the proposed zoning amendment to be in the public interest because the street planting yard condition is designed to match the planting rate of the McDonald's site across the street, which provides visual continuity between businesses. While the Town encourages that development in this area voluntarily conform to the Historic Guidelines, the Scenic Corridor Overlay design guidelines will ensure the building is constructed of appropriate materials and will have design elements to help it blend with neighboring buildings.
  - A. The report of the Town staff finding the proposed zoning amendment to be in the public interest is adopted by reference.
  - B. The Council further finds that the proposed zoning amendment is in the public interest because business development within the Town Core promotes a strong and vibrant Town economy and provides those goods and services desired within the Town. As open parcels designated for business growth within the Town Core are filled, the opportunities for employment increase, citizens benefit from additions to the tax base, and the heart of the Town becomes more vibrant and beneficial to both residents and visitors.

**Mayor Pro Tem Kinneman** seconded the motion, and it was passed unanimously (5-0).

**8. NEW BUSINESS**

**Sketch Plan Case # Sub-15-17: Happy Hill Road Proposed RPD (Rural Preservation District).** The property is located on the west side of Happy Hill Road, approximately 1,200 feet north of Warner Road, in Oak Ridge Township. It is Guilford County Tax Parcels 0164944 and 0164937. This sketch plan consists of 76 proposed lots, open space, and right-of-way dedication on a total of approximately 82.76 acres. Current Zoning: AG. Proposed Zoning: RPD. Developer: D. Stone Builders. Surveyor: Hugh Creed Associates. **This is a technical review only. If approved, the sketch plan will accompany the applicant's rezoning application and be subject to Planning & Zoning Board and Town Council public hearings. Approval of the sketch plan does not constitute approval of the rezoning.**

Bruce reiterated that this was purely a technical review and not a public hearing.

Mayor Pro Tem Kinneman said he was pleased with the extensive number of trees that would be preserved with the plan.

Councilman Stone asked if there would be offsite septic, and Bruce said yes. Stone asked if the trail met the Town's trail requirements, since it seemed to lead to nowhere. Bruce said he did not believe the trail location was locked in, but he had felt it was important to at least show the trail on the sketch plan.

Mayor Sullivan noted there were 76 proposed lots on 82 acres, and asked if the RPD zoning requires a minimum average of 1 acre per dwelling; Bruce said yes.

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

**9. CITIZEN COMMENTS**

None

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

**11. COMMUNITY UPDATES**

**A. Fire Department**

Assistant Chief Sam Anders:

- Reported firemen had sold all their BBQ in 3 hours and 15 minutes, and that the event, which did not include a sit-down meal this year, had been an overwhelming success.
- Reminded citizens to change the batteries in their smoke detectors when they change the time on their clocks to end Daylight Savings Time. He said if their smoke or carbon dioxide monitor was more than 10 years old, it should also be replaced.

**B. Parks & Recreation Commission**

Chairman Bill Edwards reported:

- Phase II construction is still not complete because of the recent rains.
- The final of five Music in the Park events for the year was held in October, and the events had been successful.
- A craft fair will be held in the park November 14 with more than 50 vendors participating.
- The E-Cycle/Shred Day event will be held December 5.
- The Light Up the Night luminary event is scheduled for December 12 in the park which will include a food drive for a local food bank.
- The tentative date for RidgeFest 2016 has been set for June 2-4.

**C. Finance Committee**

Chairman John Jenkins reported the committee would meet in early December, with regular meetings beginning in February as usual to begin work on the annual budget.

**D. Planning & Zoning Board**

Chair Doug Nodine reported that the Board had met on October 22. The Board recommended the Bridgehead Road rezoning be denied, and unanimously voted to recommend approval the rezoning request on N.C. 68. It also recommended approval of the sketch plan on Happy Hill Road and approved a site plan for Scuba Tools at 2900 Oak Ridge Road.

**E. Board of Adjustment**

No meeting

**F. Historic Preservation Commission**

HPC Vice Chair Debbie Shoenfeld:

- Thanked the Council for appointing Caroline Ruch as a regular member of the Commission.
- Reported the Commission met and discussed the original designation report for the Historic District and how the district was established.
- Said Town Clerk Sandra Smith attended a 2-day historic preservation conference in Abingdon, Va.
- Reported the Commission will dedicate a historic marker at Ai Church on April 30, 2016, and said markers for the R.P. Larkins and the Zack L. Whitaker houses have arrived and dedication ceremonies will be scheduled.

- Said the Commission had run a full-page ad in the Northwest Observer about what is historic in the historic district; the ad has also been posted on the Town website.

## 12. CITIZEN COMMENTS

- Doug Nodine invited everyone to the Persimmon Festival to be held at the historic Stafford Farm on November 7.
- Jerry Cooke thanked Council members for their service, and especially thanked Councilman and former Mayor Combs for his service on Council and 12 years as mayor. He humorously referenced Councilman Combs' particular service in collecting signs that violated Town ordinances.
- Attorney Michael Thomas introduced Peyton Mansure, a 2014 graduate of Elon Law School, who had started work with Thomas's firm on July 1.

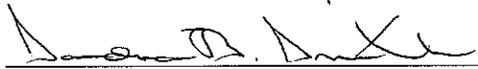
## 13. COUNCIL COMMENTS

- **Councilman McClellan** thanked the Town's volunteers and for those who voted and re-elected him in the most recent election. He also reported that his friend and mentor, U.S. Congressman Howard Coble, had died the previous night, and called Coble the quintessential public servant.
- **Mayor Pro Tem Kinneman** also paid tribute to Coble, and congratulated McClellan, Sullivan and Doug Nodine, who were elected to Council in the recent election. Kinneman also said he was sorry to see Combs step down from the Council. He then commented on misinformation distributed during the election, including those who said the Town tax rate was \$8.63 per \$100 (the rate is 8.63 cents per \$100), and commented on misinformation on the relationship between the Town and Oak Ridge Youth Association. He encouraged voters to get the facts before casting their ballots.
- **Councilman Stone** thanked the Northwest Observer, Councilman Combs, those who had voted in the election and Town volunteers. He reminded everyone of the Land Use Plan open house on Nov. 10 and the E-cycle/Shred Day on Dec. 5.
- **Mayor Sullivan** recognized a Boy Scout in attendance and thanked him for attending. He echoed Jerry Cooke's sentiments about Councilman Combs, saying it is often a thankless job to enforce the Town's ordinances. He also thanked the Town's volunteers, and especially those who had worked the past year on the Land Use Plan Update.
- **Councilman Combs** said he had learned a leadership concept in the 1970s and always tried to adhere to it – to be effective, a leader should surround himself with people who are smarter than himself, then get out of the way and let them do their jobs. He thanked staff, committee members and the committee chairs, and said it could be concluded that a significant number of very smart people had stepped up. He thanked Cooke and Stone for their kind words, but reminded everyone that he had one more meeting to attend as a Council member.

**14. ADJOURNMENT**

**Mayor Pro Tem Kinneman** made a **motion** to adjourn the meeting at 8:39 p.m.  
**Councilman McClellan** seconded the motion, and it was passed unanimously (5-0).

Respectfully Submitted:



Sandra B. Smith, CMC, Town Clerk

  
C. Spencer Sullivan, Mayor