



**OAK RIDGE TOWN COUNCIL MEETING  
DECEMBER 3, 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. Marti Hazelrigg of Oak Ridge Presbyterian Church.

**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 NOVEMBER 5, 2015, MEETING**

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

**4. RESOLUTIONS, PROCLAMATIONS, ANNOUNCEMENTS**

Mayor Sullivan read the following resolution into the record:

**Resolution of Appreciation  
to Ray Combs for Lifelong Community Service**

**Whereas**, the Town Council of the Town of Oak Ridge, North Carolina, wishes to acknowledge and express its appreciation to *Ray Combs* for his many years of dedicated service to the citizens and Town of Oak Ridge; and

**Whereas**, *Ray Combs* was elected by the citizens of Oak Ridge in 2001 to serve on the Town Council, a duty he performed until choosing not to seek re-election in 2015; and

**Whereas**, he was further elected by fellow Council members to the seat of Mayor in 2003, an office he faithfully occupied until his resignation as Mayor in July 2015; and

**Whereas**, he demonstrated exemplary community service as a member of Oak Ridge Fire & Rescue Company Board of Directors for 14 years; and

**Whereas**, *Ray Combs* has demonstrated his faith to the community as a charter member of Oak Ridge Presbyterian Church, where he has served in many capacities including as a longtime member of the church choir; and

**Whereas**, *Ray Combs* served as a member of the Oak Ridge Horse Show Committee, a group of citizen volunteers who put on the community charity event with a 68-year history, serving as both chairman and vice chairman of the organization; and

**Whereas**, he was a charter member of the Airport Area Rotary Club; and

**Whereas**, he has served unselfishly in his capacity for the good of the Town of Oak Ridge, making personal sacrifices while putting forth substantial effort toward improving the quality of life for the citizens;

**Now, therefore be it resolved** by the Town Council of the Town of Oak Ridge, North Carolina, that deep gratitude and sincere appreciation are expressed to *Ray Combs* for his leadership and dedicated service to the Oak Ridge community, and let it be known that the Town requested the Order of the Longleaf Pine, the state's highest civilian honor, be conferred upon him by the Governor of North Carolina for his service.

**Be it further resolved** that a copy of this resolution be made part of the permanent records of the Town of Oak Ridge, and a copy thereof, duly executed by the Mayor, fellow Council members and Town Clerk, be presented to *Ray Combs*.

**In witness whereof**, we have hereunto set our hands and caused to be affixed the official seal of the Town of Oak Ridge, this the 3<sup>rd</sup> day December, 2015.

**Councilman McClellan** made a **motion** to approve the resolution. **Mayor Pro Tem Kinneman** seconded the motion, and after Council comments about Combs, the motion was passed unanimously (5-0). Mayor Sullivan presented the resolution to Councilman Combs.

**5. RECOGNITION OF OUTGOING COUNCIL**

Mayor Sullivan presented the Order of the Longleaf Pine to Councilman Combs, who received a standing ovation.

**6. OATH OF OFFICE FOR NEWLY ELECTED/RE-ELECTED MEMBERS OF COUNCIL**

The Honorable Stuart Albright, Superior Court judge, administered the Oath of Office to Sullivan and McClellan, who were re-elected in November, and Doug Nodine, who was recently elected to Town Council.

**7. ELECTION OF MAYOR**

Town Clerk Sandra Smith opened the floor for nominations.

**Councilman McClellan** nominated Sullivan for mayor. With no other nominations, the floor was closed. The vote in favor of Sullivan for mayor was unanimous (5-0).

## 8. ELECTION OF MAYOR PRO TEM

Town Clerk Smith opened the floor for nominations for mayor pro tem.

**Councilman Kinneman** nominated McClellan for mayor pro tem. With no other nominations, the floor was closed. The vote in favor of McClellan for mayor pro tem was unanimous (5-0).

## 9. TOWN MANAGER'S REPORT

Town Manager Bruce Oakley:

- Presented the agreement for park use in 2016 by Oak Ridge Youth Association, saying there were only minor changes to the agreement from the previous year. The primary change in the contract would allow ORYA to sub out use of the concession stand.

**Councilman Kinneman** made a **motion** to approve the 2016 Usage Agreement with ORYA. **Councilman Stone** seconded the motion, and it was passed unanimously (5-0).

- Presented several recommendations for committee and board appointments/reappointments:
  - Appointment of Michelle Davidson as an alternate to the Parks & Recreation Commission
  - Reappointment of Nancy Stoudemire to the Planning & Zoning Board
  - Reappointment of Carl Leybourne to the Planning & Zoning Board
  - Reappointment of Nancy Stoudemire to the Board of Adjustment
  - Appointment of Patti Paslaru as a full voting member of the Planning & Zoning Board

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

- Reminded Council and meeting attendees of the E-cycle and shred event in Oak Ridge Town Park on December 5, and the Light Up the Night luminary event in the park on December 12.
- Announced that the Land Use Plan Update committee had been working for the last year and had held two open houses to solicit comments from citizens. After the last open house on November 10, the committee had met and made modifications to the Draft Land Use Plan, which will be presented to the Planning & Zoning Board on December 17 and to the Town Council on January 7.

## 10. 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 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. Bruce also read the five conditions proposed from the report. He said the Town Council had approved the sketch plan for the development two months ago, saying that it meets the technical requirements of the ordinance. However, he said that the layout of the tract was not very conducive to meeting many of the requirements. Bruce said there would be buffers along two of the property lines to try to block the view of the development from Bridgehead Road. He said the property was not ideally suited for Rural Preservation District (RPD) zoning, but that the conditions proposed made it more acceptable. He said the proposal was generally consistent with the ordinance and staff recommended approval. The Planning & Zoning Board had voted 7-0 to recommend denial of the rezoning, citing that it did not meet the spirit and intent of RPD zoning.

Mayor Sullivan asked what a Type B landscaping buffer was, and Bruce said it was a 30-foot-wide buffer containing evergreen, canopy and other trees designed to block the view of the development.

Sullivan asked Planning & Zoning Board chair Ron Simpson if he had anything else to add from the perspective of the Board. Simpson said a number of neighbors had spoken in opposition to the rezoning and expressed concern that they had not been properly informed. Simpson said the property was very flat and largely open, and that the Board unanimously felt that the character of the property did not rise of the quality expected of RPD zoning.

Sullivan opened the public hearing.

*Proponents:*

- Marc Isaccson, an attorney representing the property owners as well as the buyer, presented a handout to the Council, which is hereby incorporated by reference and made a part of the minutes. He said they had met with the neighbors, some of whom were present. He said he had a statement from the engineer, and that Jim Beeson, a soil scientist, and Tom Hall of Windsor Homes were present to speak in support. He went through the handout, which included:

Tab 1 – Proposed zoning conditions

Tab 2 – Sketch plans, showing both the plan approved, as well as how the property might look if it were zoned RS-40.

Tab 3 – A map of a portion of the town that showed four other subdivisions – Hunter’s Mark, Kensington, Pepper Ridge and Westridge Estates – zoned RPD that are located near the subject property.

Tab 4 – Photos of the property, which showed not only large open areas but also heavily wooded areas, which would be preserved if the rezoning request is approved.

Tab 5 – Photos of representative homes, some built by Windsor Homes, comparable to what would be built if the rezoning is approved. One of the photos

showed the Pepper Ridge neighborhood, which Isaacson said illustrated grouping the houses on smaller lots in order to preserve open spaces and natural areas.

Tab 6 – A letter from DeDe Cunningham, a local Realtor, sent out after a neighborhood meeting was held.

- Anthony Donato, the applicant, spoke in support of the rezoning, saying it was his first foray into development. He thanked Council for granting a continuance in November to allow additional time to contact neighbors.
- Tom Hall, co-owner of Windsor Homes, spoke in favor of the rezoning, telling the areas locally where his company has built houses and saying there is a proven demand in the area for homes in the \$350,000-\$400,000 range. He said the design for this subdivision allows for open space, includes a walking trail, and a homeowners association would be formed to maintain the common areas.
- Jim Beeson, a soil scientist, spoke in favor, saying RS-40 zoning would require more roads to be paved, that the proposed RPD zoning would protect trees in the more sensitive areas on the tract, and that the proposed buffers would attempt to hide houses.
- Warren Miller, whose property adjoins a portion of the property proposed for rezoning, said he and his wife support moving forward with the proposed rezoning and that they believed the development would enhance the community.
- Steven Barrow said he was born and raised on the property proposed for rezoning. He said the development was the vision of his father, Richard Barrow, but that his father had not lived long enough to see it through.
- Greg Campbell said he and his wife owned part of the property and that it had been in the family for many years. He said Richard Barrow had said he wanted to one day develop the property to provide money for him if needed to live in a nursing home. He said this had been a long process for the family, and that Richard Barrow had recognized it would be better to develop his property along with that of Campbell's wife, Mary, who was Barrow's sister. He said he and his wife thought the rezoning supported the goals of Oak Ridge.

*Opponents:*

- Sherrie Watson spoke on behalf of her family, who owns 85 acres at the end of Bridgehead Road, which is a dead-end road. She said they were concerned about the Town's limit of 50 houses on a road before requiring another access, and said the 27 new homes proposed would be added to the number already located on Bridgehead Road. She said that her family, which is large, is concerned about the 50-house maximum because it could limit them on the number of houses they might build on the road, particularly because they have no other way to access N.C. 150. Watson said she could not think of another development in Oak Ridge that was similar to this one that did not install its own access road.
- William Boland spoke against the rezoning, saying he was concerned about the number of houses proposed, the increased traffic, and particularly the construction traffic, which would tear up Bridgehead Road.

- Sam Anders said his family owned property adjacent to the Campbells, and that the proposed RPD rezoning did not preserve anything of value. He added that there was no way to hide this subdivision from the road, and that the road itself is also a concern. He discussed the 50-foot access the property has onto Bridgehead Road. He also disputed Isaacson's earlier statement that Westridge Estates had been developed under the same zoning, saying that had been developed by Buster Linville for working families in the early 1970s and that it had no screening or rural preservation components. He added that Hunters Mark and Pepper Ridge's zoning had been approved by the County Commissioners, not the Town Council. Anders said the proposed rezoning was not a good option for this property, the Planning & Zoning Board had recommended denial of the rezoning, and he urged the Town Council to do the same.

- Terry Matthews, whose property adjoins the tracts, spoke against the proposed rezoning. He said he hoped the Campbells and Barrow family could sell the land if they so desired, and while he would not oppose something like mini farms, he felt this development would look like someone "dropped a town" down on the sparsely developed road.

*Rebuttal – Proponents:*

- DeDe Cunningham read a statement from John Bennett, the project engineer, who was in favor of the project. She said additional conditions had been requested by Bruce and agreed to by Donato. Regarding the road, Cunningham said she had sent a copy of the plan to N.C. DOT representatives, who said the road could handle the additional traffic. She agreed that the Westridge Estates subdivision was developed before RPD zoning was allowed, but said it has 20,000-square-foot lots; she added that Westridge Estates was also developed without buffers or screening, something this development would have. She said the guiding principles of the Town's Land Use Plan say all property owners should have the opportunity to sell or to some level develop their properties, which is what they are attempting to do here.

*Rebuttal – Opponents:*

- William Boland said while the proposed development might look good on paper, those in favor of it do not live on Bridgehead Road.

- Sherrie Watson said everyone should be allowed to develop their property at some level, but that allowing this development with the limit of 50 houses per entrance would effectively limit the development her family might want to do in the future.

Mayor Sullivan closed the public hearing.

Council then discussed the rezoning request, asking questions about screening from the road, whether N.C. DOT has physically inspected Bridgehead Road, whether the Campbells could possibly obtain an adjoining property that belongs to their daughter to provide another access onto N.C. 150, whether the proposed stub road is viable, and what historic, agricultural or archeological features are being preserved with the proposed zoning.

**Councilman Stone** made a **motion** to reject zoning amendment #RZ-15-04 based on the following:

1. The proposed zoning amendment is not 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 inconsistent with the intent and requirements of the RPD requirements, and the Council concurs and adopts the Planning Board's findings of inconsistency by reference. In addition, the Council further finds that the proposed zoning amendment is inconsistent with the comprehensive plan because the proposed development does not meet the intent of the RPD designation. While conditions have been offered to mitigate the obtrusiveness of the development, the proposed development fails to meet the specifics of the Town's development plans and the definitions of the Rural Preservation Areas in Section 30-330 of the development standards. The standard specifically states that it "is intended to accommodate rural developments designed to preserve rural character, significant man-made features, and environmentally sensitive areas."

AND

2. The Council further finds that the proposed zoning to Rural Preservation District is inconsistent with the specific property in the request. RPD is reserved for developments that intend to incorporate by design the preservation of active pasture land, farm houses, historic or archeological structures, wood post fences or stone walls, farm roads, and open space as noted in Section 30-562. The current proposal meets neither the spirit nor intent of the RPD designation as well as several technical aspects required of the Town's ordinances.
  - The report from the Town staff finding the proposed zoning amendment to be generally consistent with the land use plan is acknowledged by reference and has been given full consideration.

AND

3. The proposed zoning amendment is not in the public interest. The Council notes that the proposed plan incorporates a stub road with the presumed intent to connect to future development tracts. Section 30-562 specifically states that within the RPD "local streets shall be located and designed so they do not provide through access by traffic with origins and destinations outside the development." The existence of a stub road would assume future developments would connect and therefore provide for through access and additional traffic issues and the Council questions the viability of future connectivity.
  - A. Further, the Council finds that the access point for the property presents safety concerns for entering and exiting the proposed development. While it is acknowledged that there is limited access to the site, the location of the access, when coupled with the potential traffic additions indicate that this property is better suited for a much lower density development and traffic count.
  - B. The council finds that the proposed zoning amendment is not in the public interest because evergreen landscape buffers being offered as conditions are not consistent with the existing landscape and is incongruent and visually incompatible with surrounding properties. Evergreen buffers consisting of cedar, cypress, or the "green giant" evergreen trees that are not readily common to the area add to the lack of compatibility of the existing area's landscape.
  - C. The Council considers the proposed zoning to be contrary to the public interest because the Town's RPD designation intends for new developments to maintain the rural appearance in the low density areas by protecting both open fields and wooded area. The current proposal fails to meet this threshold since it is incongruent with surrounding properties in that they are extremely low density and rural in appearance, design, and function. The proposal does not sufficiently address or protect any of these elements.

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

- B. Rezoning Case # RZ-15-06: AG to CU-RPD.** 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 comprised of Guilford County Tax Parcels 0164944 and 0164937, is approximately 82.76 acres, and is owned by Regina V. Griffin.

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 explained that this is another request for Rural Preservation District (RPD) zoning, and the only condition is that there will be a maximum of 76 lots. He said the sketch plan had been approved by the Planning & Zoning Board and Town Council. He pointed out that the sketch plan for this rezoning shows a very different situation than in the previous case due to the design and natural topography of the land. Bruce said the rezoning is consistent with the Land Use Plan, and that Happy Hill Road is a major roadway that connects U.S. 158 with several other major roads, providing good connectivity. The developer hosted a meeting with neighbors at Town Hall. At the Planning & Zoning Board meeting, several neighbors of the property reported that they had not received notification, but after a brief recess in which they were shown the plan, they did not speak in opposition. Staff recommended rezoning, and the Planning & Zoning Board unanimously recommended approval as well.

Mayor Sullivan opened the public hearing.

*Proponents:*

- David Stone, the developer, introduced himself, his development team and Regina Griffin, the property owner. Stone said this was their first development in Town, but they were not new to the industry, adding that he represented the fourth generation in the company. He provided a handout, to show how they had pushed the development back to more than 200 feet behind the tree line in order to shield the majority of the houses from view. He said the natural contours of the topography also help preserve important features of the property. He said he had sent letters to adjoining property owners and addressed the questions of those who had contacted him. He also said they held a public meeting at Town Hall, as well as addressed questions from adjoining property owners at the Planning & Zoning Board meeting. Stone volunteered to answer any questions.
- Cheryl Combs, who owns adjoining property, spoke in favor of the rezoning.
- Jaycee Spruill, who lives on Happy Hill Road, said he believes the rezoning would likely benefit the community so he was in favor.
- Joe Sink, who lives across the road from the property, said he agreed with the rezoning and that he thought the development would be an improvement to the community.

*Opponents:*

- None

Mayor Sullivan closed the public hearing.

Council then discussed the request and posed questions to the developer and engineer.

**Mayor Pro Tem McClellan** 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 it maintains the rural appearance by preserving over six acres of the open field along Happy Hill Road and a significant portion of the visible tree line.  
AND
2. The proposed zoning amendment is reasonable. The Council considers the proposed zoning amendment to be reasonable because:
  - A. The report of the Town staff finding the proposed zoning amendment to be reasonable is adopted by reference.
  - B. The Council further finds that the proposed zoning amendment is reasonable because it is consistent with the surrounding neighborhood.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:
  - 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 it is consistent with the Oak Ridge Land Use Plan.

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

## 11. CITIZEN COMMENTS

- Eric Strimple congratulated the recently elected Council members. He asked if the Town had considered appointing a Public Safety Committee, saying that response times are not very good when a deputy is called.

Councilman Kinneman said the Town evaluates the crime rate and response times about every two years, and that hiring a police officer would not typically stop the types of crimes committed in Oak Ridge. He said he would be glad to support establishing a short-term Public Safety Committee to again research the impact. He added that the Sheriff's Office effectively has a substation at the Town Hall, and that deputies often come to Town Hall to do paperwork.

Council's consensus was to direct the Town Manager to locate the information from the last time hiring a deputy was thoroughly researched.

## 12. MONTHLY FINANCIAL UPDATE

Finance Officer Sam Anders presented the financial report, which is hereby incorporated by reference and made a part of the minutes. He also asked Council for authorization to purchase software which would allow payroll direct deposits to be done much efficiently. The cost of the software module was \$570 with a \$75 per year fee.

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

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

**13. COMMUNITY UPDATES**

**A. Planning & Zoning Board**

Ron Simpson reported that he had recently been elected as the Board's chair and Bobbi Baker was elected vice chair. Along with the rezoning request on Happy Hill Road that the Council had just voted on, the Board also approved a site plan for a cell tower at 8525 Scoggins Road. Simpson said the tower would be located in a wooded area and it was much less visible than the one on property beside the park.

**B. Board of Adjustment**

No meeting

**C. Historic Preservation Commission**

No meeting. Town Clerk Sandra Smith said the Board wished to congratulate the new Town Council members and extend its thanks to former mayor Ray Combs.

**D. Fire Department**

Assistant Chief Sam Anders:

- Reported that in November, the department had responded to 66 calls (38 medical, 28 fire/service related), and had received 259 man-hours of training.
- Reminded citizens to water live Christmas trees every day, and to never leave burning candles unattended.
- Wished all a safe and merry Christmas.

**E. Parks & Recreation Commission**

Chairman Bill Edwards reported:

- An E-Cycle/Shred Day would be held at the Town Park on Dec. 5.
- The Light Up the Night luminary event would be held at the park on Dec. 12. Canned food collected would be donated to Good Samaritan Ministries.
- Phase II construction at the park is nearly completed, with only a few punch list items left to be done.

**F. Finance Committee**

Chairman John Jenkins announced a meeting the following Tuesday to discuss issues that might have an impact on the annual budget. The public is welcome.

14. CITIZEN COMMENTS

- None

15. COUNCIL COMMENTS

- **Councilman Kinneman** recognized the local dignitaries present, encouraged citizens to give blood, and reminded meeting attendees that anyone can volunteer to give the invocation at the beginning of the Town Council meetings. He wished all a safe and happy holiday season.
- **Mayor Pro Tem McClellan** thanked those who stayed until the end of the meeting, the Town volunteers, and all those who voted for him in the election. He wished everyone a happy Hanukkah and Christmas.
- **Councilman Stone** said the Planning & Zoning Board was scheduled to make a recommendation on the Draft Land Use Plan Update at its meeting on December 17, and the Town Council planned to vote on it on January 7. He asked the Council to consider postponing its vote on the new plan until the February Town Council meeting so that everyone would have ample time to consider the proposal and allow the public to see the plan.

Stone also said last year several Town Council members had attended a Finance Committee meeting and one had been asked to leave because a quorum of Council was present. He asked if Council members were able to attend the Finance Committee meetings.

Town Attorney Michael Thomas said a quorum of Council could attend committee meetings since they were there to observe and not meeting as a deliberative body. Mayor Sullivan said they could attend, but should not participate.

- **Councilman Nodine** joked that he had only been a Council member for about three hours, so he did not have much to say. He thanked those who voted for him and wished everyone a Merry Christmas.
- **Mayor Sullivan** said Council members are given a packet of materials to review before every meeting and that it helps them make decisions on issues. He said the Town would make every effort to post staff reports and other relevant documents on the Town Website. He explained the meeting minutes and financial reports must be approved before they are posted. Sullivan also wished all a Merry Christmas.

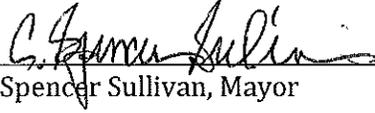
17. ADJOURNMENT

**Councilman Kinneman** made a **motion** to adjourn the meeting at 9:53 p.m. **Mayor Pro Tem McClellan** seconded the motion, and it was passed unanimously (5-0).

Respectfully Submitted:



Sandra B. Smith, CMC, Town Clerk



C. Spencer Sullivan, Mayor