



OAK RIDGE TOWN COUNCIL MEETING
FEBRUARY 5, 2015 - 7:00 P.M.
OAK RIDGE TOWN HALL

MINUTES

Members Present

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

Staff Present

Bruce Oakley, Town Manager
Sandra Smith, Town Clerk
Bill Bruce, Planning Director
Sam Anders, Finance Officer
Tom Medlin (legal counsel sitting
in for Michael Thomas, Town
Attorney)

1. **CALL TO ORDER**

Mayor Ray Combs called the meeting to order at 7:00 p.m.

A. **Invocation**

B. **Pledge of Allegiance**

2. **APPROVE AGENDA**

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

3. **APPROVE MINUTES OF JANUARY 8, 2015, MEETING**

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

4. **RESOLUTIONS, PROCLAMATIONS, ANNOUNCEMENTS**

- Mayor Combs announced that Town Attorney Michael Thomas was out of town and Tom Medlin was sitting in for him at the meeting.
- Combs also announced that the Presbyterian College Choir will perform a free concert on Feb. 26 at 7 p.m. at Oak Ridge Presbyterian Church.
- Mayor Combs said the Navy's Sea Chanters will perform March 11 at 7:30 p.m. at Oak Ridge Military Academy.
- Micah Spencer said he had talked with Oak Ridge's postmaster about the possibility of getting a self-service machine to weigh packages and calculate postage when the Post Office is not open. He said he was told that the machines cost about \$25,000 each and are located at facilities that process more mail than Oak Ridge does. He

added that it is possible to print labels and postage off the Internet, and the Post Office will send you flat-rate boxes for free.

- Councilman McClellan read the following resolution into the record:

**RESOLUTION TO
SUPPORT CHANGES IN THE GRANT SYSTEM FOR THE FILM INDUSTRY**

WHEREAS, the film tax credit has been used by cities and towns of all sizes in North Carolina to generate jobs and economic activity in their communities; and

WHEREAS, the North Carolina Department of Commerce has concluded that TV and film productions in our State attracted by the film tax credit spent more than \$254 million in 2013 alone; and

WHEREAS, the film industry benefits multiple industries in North Carolina including the restaurant industry, hotel industry, and construction industry; and

WHEREAS, film productions bring jobs and economic opportunities to filming locations, in addition to supporting economic activity surrounding the productions.

NOW, THEREFORE, BE IT RESOLVED that the Oak Ridge Town Council believes a viable film industry in North Carolina is in the public interest and that the current grant system is not adequate and should be changed to a refundable tax credit during the current session of the General Assembly to make North Carolina competitive with other nearby States.

BE IT FURTHER RESOLVED THAT copies of this resolution are to be delivered to the Governor, the President Pro Tem of N.C. Senate, the Speaker of the N.C. House, and members of both Houses of the General Assembly.

McClellan said he had learned the economic benefits to the state from the film industry had been tremendous. He also read a letter from Randy Floss, owner of Bistro 150. In it, Floss said his restaurant had supplied food for the crew and actors of a movie that was shot in Forsyth and Rockingham counties in fall 2014, and that his business had received about \$700 in revenue as a result.

Councilman McClellan made a **motion** to adopt the resolution. **Councilman Kinneman** seconded the motion.

Mayor Pro Tem Sullivan said the issue appeared to be more of a state than a local one, but added that a made-for-TV movie had been shot in Oak Ridge in 1994 and the historic sites in the Town might be attractive to filmmakers.

Councilman Kinneman agreed that it is really a state issue, and said the healthier the state is, the healthier Oak Ridge is. He said there was a direct connection to an economic impact with this type of incentive because the money must to be spent before the tax credit is given. Although he said he wished there was no need for incentives, other states have them.

Councilman Stone said he visited the N.C. Film Office website and in the past 18 months, 39 movies were made in the state; of those, only three were shot in the Piedmont Triad area and only one of them was in Guilford County. He said the resolution lacked the specifics that he would like to see, and asked McClellan how many Oak Ridge residents are employed in the film industry. Stone said that in reality Oak Ridge sees more economic impact from a baseball tournament held at the town park than from films made in the area. He said the issue was a state one with no direct impact on Oak Ridge, and because he was elected to represent Oak Ridge, he could not support the resolution.

McClellan responded that he knows at least a couple of people in Oak Ridge who are involved in the film industry. He said the state previously had a great system with a 25 percent tax rebate and that the current grant system puts the state in the unenviable position of picking the winners and losers versus the more streamlined approach of a refundable tax credit. Regarding specificity, he said it was not up to the Town to tell the Legislature the specifics of how to design the program. He added that it was important when local small businesses say they were positively impacted, and restoring the tax credits would give the governor another tool in his toolbox to attract jobs.

Council's vote to support the resolution was 4-1 (Stone voting against).

5. TOWN MANAGER'S REPORT

- A. Rezoning of property at 2900 Oak Ridge Road.** Town Manager Bruce Oakley reminded the Council that it had voted at the January 8, 2015, meeting to delay the Town's rezoning application for 2900 Oak Ridge Road in order to allow the property owner an opportunity to have its rezoning request to be heard first. Since then, the property owner had requested that their rezoning application be withdrawn so that a more limited zoning could be requested.

Mayor Combs asked Councilman Stone his opinion since he had brought the issue to the Council and had made the motion to direct Town staff to pursue rezoning the property. After asking Oakley several questions, Stone said he would support moving the Town's request back another month so long as Oakley did not think the move would put the Town at any additional risk for anything to go on the property other than what Council members have clearly stated in meetings. Oakley said he had discussed the issue with Town Attorney Michael Thomas, who felt the Town still had the upper hand; if the applicant does not agree to conditions proposed by the Town, the Town can deny the property owner's request and proceed with rezoning the property to RS-40. Planning Director Bill Bruce agreed with Oakley.

Councilman Stone made a **motion** to table the motion for the Town to rezone the property at 2900 Oak Ridge Road, with the matter to be taken up at a future date if necessary. **Mayor Pro Tem Sullivan** seconded the motion, and it was passed unanimously (5-0).

- B. Consideration of appointing Paul Woolf as HPC alternate.**

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

6. NEW BUSINESS

Solid waste franchise agreement. Oakley said the franchise ordinance would need to be read twice before being approved by Council. The ordinance would extend the solid waste franchise agreement between the Town and Waste Industries for another three years until March 31, 2018. Oakley said the Town receives few if any complaints about the garbage and recycling services provided by Waste Industries, and he recommended approval. He said Seth Heath of Waste Industries was present at the meeting to answer questions.

Mayor Combs asked Heath if there would be any rate increase, and Heath said the contract allows for the ability to increase the amount charged as operations costs rise. He said the permitted increase is tied to the Consumer Price Index, and would be about 3 percent. Oakley pointed out that the permitted increase is not new and has always been part of the contract. Combs said it had been a while since citizens had been told specifically what materials are recyclable and asked Heath if the company could send out a list; Heath said yes.

Councilman McClellan made a **motion** to approve the first reading of the solid waste franchise ordinance. **Councilman Kinneman** seconded the motion, and it was passed unanimously (5-0).

7. CITIZEN COMMENTS

None

8. MONTHLY FINANCIAL UPDATE

Finance Officer Sam Anders presented the monthly financial report, which is hereby incorporated by reference and made a part of the minutes. Anders said the Town remains in a strong financial position with \$3.015 million in assets and \$2.987 million in total equity. He said the Town's expenditures had overshadowed its income in the previous month because the annual loan payment on the park property had been made in January. The Town had received \$86,577 in property taxes in the previous month and the ABC store had a strong quarter; the Town had received \$47,851 in ABC disbursements, which was more than the total receipts received from the ABC board the first year the store opened.

Councilman McClellan asked if the Town now owes less than \$1 million on the loan balance for the park, and Anders said yes.

Councilman Stone said his company receives a discount from Duke Energy for combining the accounts at its various facilities; he asked if that was possible for the Town. Anders said he would check into the matter.

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

9. COMMUNITY UPDATES

A. Historic Preservation Commission

HPC chair Ann Schneider reported that the Commission had approved a Certificate of Appropriateness at its January meeting for a new home on Linville Road. She thanked the Council for approving the appointment of Paul Woolf. She said the Commission was in the process of developing its budget request for next fiscal year, and she had been in touch with Council members about a new program that might be added to HPC's budget request.

B. Planning & Zoning Board

Chair Doug Nodine reported that the Board had approved a two-lot subdivision at its last meeting and had agreed to allow the withdrawal of the rezoning application for 2900 Oak Ridge Road in order to hear the new request the following month.

C. Parks & Recreation Commission

Chairman Bill Edwards said the major topic at the January meeting had been the bids for Phase II of construction, which were substantially over budget and which made it unreasonable for the Commission to recommend a contractor. Edwards said there were several issues to be resolved that could affect the cost, but that the amphitheater would not be completed in time for RidgeFest. He added that the Commission approved another Eagle Scout project in the park at its last meeting.

D. Fire Department

Sam Anders reported that Chief Simmons was attending the midwinter chiefs' conference. In January, Anders said the department responded to 74 calls, completed a total of 364.5 hours of training, and installed two car seats. He reminded residents to make and practice a home escape plan and if help is needed, call the fire department for assistance.

E. Finance Committee

Chairman John Jenkins said the first meeting of the Committee would be held February 16 at 6 p.m. at Town Hall, and citizens are welcome to attend. He reminded all committee chairs to be working on their budget requests for next fiscal year.

F. Board of Adjustment

No report

10. CITIZEN COMMENTS

- Micah Spencer said Councilman Kinneman had asked if he might like to serve on a committee and encouraged him to submit an application. He thanked the Council, especially Councilman Stone, for beginning each Council meeting with a prayer.

11. COUNCIL COMMENTS

Councilman McClellan said Rep. Pittman had recently introduced legislation that would strip municipalities of their extraterritorial jurisdictions (ETJs). He said he planned to attend Town Hall Day at the legislature on March 18, and encouraged his colleagues to do the same. He noted that Gov. Pat McCrory had mentioned the historic preservation tax credit, which the Council supported by resolution, at the annual State of the State address.

Mayor Pro Tem Sullivan thanked the meeting attendees, and urged residents to give blood at the blood drive the following Monday at Oak Ridge United Methodist Church. Sullivan said a citizen had brought to his attention that a stop sign was missing at Marketplace Drive and N.C. 68; he had contacted Oakley, and the sign was replaced a couple of days later.

Councilman Kinneman said each blood donation can save three lives, and urged those who can to give. He said the Oak Ridge Lions Club participates in the litter pick-up and some of the items found are interesting. He commented on the number of beer cans found.

Councilman Stone said he had received the school performance grades from Nora Carr of Guilford County Schools. All northwest-area schools received either an A or a B, which Stone said is a testament to teachers and staff, as well as the hard work of students and parents.

12. CLOSED SESSION

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** that the Council enter into a closed session at 7:51 p.m. **Councilman McClellan** seconded the motion, and it was passed unanimously (5-0).

Councilman Kinneman made a **motion** to reconvene in open session at 8:08 p.m. **Councilman Stone** seconded the motion, and it was passed unanimously (5-0).

13. ADJOURNMENT

Councilman Kinneman made a **motion** to adjourn the meeting at 8:08 p.m. **Councilman McClellan** seconded the motion, and it was passed unanimously (5-0).

Respectfully Submitted:



Sandra B. Smith, CMC, Town Clerk



Ray Combs, Mayor