



OAK RIDGE TOWN COUNCIL MEETING
APRIL 2, 2015 - 7:00 P.M.
OAK RIDGE TOWN HALL

MINUTES

Members Present

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

Staff Present

Bruce Oakley, Town Manager
Sandra Smith, Town Clerk
Sam Anders, Finance Officer
Michael Thomas, Town Attorney
Bill Bruce, Planning Director

Members Absent

Ray Combs, Mayor

1. CALL TO ORDER

Mayor Pro Tem Spencer Sullivan called the meeting to order at 7:02 p.m.

A. Invocation

B. Pledge of Allegiance

2. APPROVE AGENDA

Councilman Jim Kinneman made a **motion** to approve the meeting agenda. **Councilman George McClellan** seconded the motion, and it was passed unanimously (4-0).

3. APPROVE MINUTES OF MARCH 5, 2015, MEETING

Councilman Kinneman made a **motion** to approve the meeting minutes. **Councilman McClellan** seconded the motion, and it was passed unanimously (4-0).

4. RESOLUTIONS, PROCLAMATIONS, ANNOUNCEMENTS

A. Resolution opposing twin trailers on N.C. 68

The following resolution opposing the use of trucks with twin trailers to use N.C. 68 North through Oak Ridge was presented:

**RESOLUTION IN OPPOSITION TO THE PROPOSED DESIGNATION OF N.C. 68
BETWEEN I-40 AND U.S. 220 FOR USE BY TRUCKS WITH TWIN TRAILERS**

WHEREAS, the North Carolina Department of Transportation is considering the designation of N.C. 68 between I-40 and U.S. 220 in Guilford and Rockingham Counties for use by trucks with twin trailers; and

WHEREAS, the North Carolina Department of Transportation has requested comments on this proposed designation be submitted to it by April 17, 2015; and

WHEREAS, the increased accident rate of twin trailers has been well documented in numerous traffic studies; and

WHEREAS, N.C. 68, a heavily traveled two-lane highway, bisects the center of the Town of Oak Ridge and is prone to significant accidents and traffic congestion; and

WHEREAS, trucks with twin trailers would be dangerous and inappropriate on N.C. 68; and

WHEREAS, the I-73/U.S. 220 Bypass will be completed in 2016 and is designed to accommodate truck traffic in a safer and more efficient manner than N.C. 68; and

WHEREAS, the Town of Oak Ridge has received numerous citizen comments, submitted in writing, in opposition of allowing twin trailers on N.C. 68; and

WHEREAS, the Town Council of Oak Ridge agrees with the citizen comments opposing twin trailers on N.C. 68.

NOW THEREFORE, BE IT RESOLVED that the Town Council of Oak Ridge hereby opposes the North Carolina Department of Transportation's proposed designation of N.C. 68 between I-40 and U.S. 220 for use by trucks with twin trailers.

All Council members present voiced their opposition to the proposal.

Councilman McClellan made a **motion** to adopt the resolution. **Councilman Kinneman** seconded the motion, and it was passed unanimously (4-0).

B. Arbor Day proclamation

Mayor Pro Tem Sullivan announced the proclamation he intended to sign naming April 24 as Arbor Day in Oak Ridge. Councilman Kinneman voiced his support and pointed out that the proclamation was a requirement for the Town to apply to become a Tree City of the National Arbor Day Foundation.

5. TOWN MANAGER'S REPORT

- A. Tractor for Town Park.** Town Manager Bruce Oakley pointed out the need to approve a couple of capital expenditures. He stated that a new tractor is needed for the park and recommended that the purchase be made. The tractor currently being used belongs to Oak Ridge Youth Association, but since the park opened, the Town has used and maintained it. Although the Parks & Recreation Commission had decided not to request funding a new the tractor in the upcoming fiscal year due to

the costs associated with construction of Phase II, when the Finance Committee learned how much money was being spent each year on repairs, the members recommended the Town make the purchase during the current fiscal year. Oakley said a tractor can be purchased on a government contract for about \$17,000, and that some equipment the Town has purchased for the ORYA tractor can be sold in order to recoup a portion of the cost.

Councilman McClellan made a **motion** to approve the purchase of a tractor as recommended. **Councilman Stone** seconded the motion, and it was passed unanimously (4-0).

B. Purchase for fire alarm system at Town Hall. Oakley reported that the annunciator and switch board on the fire alarm is no longer working, and that the model installed at Town Hall is no longer manufactured or serviced. He said the cost for new ones would be about \$2,500, and he had discussed the issue with Finance Officer Sam Anders, who said the money is available in the current year's capital budget.

Councilman McClellan made a **motion** to approve purchase as recommended. **Councilman Kinneman** seconded the motion, and it was passed unanimously (4-0).

C. Committee appointment.

Councilman McClellan made a **motion** to approve the appointment of Kristin Kubly as an alternate to the Historic Preservation Commission. **Councilman Stone** seconded the motion, and it was passed unanimously (4-0).

D. Special meeting. Oakley announced that a special called meeting of the Town Council will be held on Friday, April 10, at 4 p.m. The purpose of the meeting is to consider funding of construction of Phase II at the Oak Ridge Town Park and to consider approving a contract for a general contractor.

E. Town Hall closed. Oakley stated that Town Hall would be closed the following day, April 3, for the Good Friday holiday.

6. PUBLIC HEARING

REZONING CASE # RZ-15-01: HI (Heavy Industrial) to CU-LI (Conditional Use-Light Industrial). The property is located at 2900 Oak Ridge Road, in Oak Ridge Township. It is Guilford County Tax Parcel 0163026, consists of approximately 2.25 acres, and is owned by Lake Time Enterprises, LLC. The property is located in the Scenic Corridor Overlay Zone and the Greensboro (WS-III) Watershed Overlay Zone.

Mayor Pro Tem Sullivan read the property description into the record and turned the presentation over the Planning Director Bill Bruce.

Bruce presented the staff report, which is hereby incorporated by reference and made a part of the minutes. He pointed out that a significant number of conditions had been imposed. Of the typical uses allowed with LI zoning, 30-40 of them would not be permitted. The rezoning will also maintain the wooded buffer, bring the property into compliance regarding landscaping, and require any outdoor storage to

be screened. Bruce said the property is currently vacant, and it is located outside of the designated Commercial Town Core. He said it was staff's opinion that the rezoning request is inconsistent with the Land Use Plan since it is located outside the Commercial Town Core, but the number of conditions imposed would help increase compatibility of the property with neighboring residential properties. He said the property had been zoned for heavy industrial use for many years. A Highway Business zoning or another type of commercial zoning could potentially create major traffic impacts, but Bruce said that is much less likely with LI zoning. He recommended approval of the rezoning, saying that even though it was inconsistent with the Land Use Plan, it was more compatible with nearby properties than the current HI zoning. Bruce said the Planning & Zoning Board also unanimously recommended approval of the rezoning.

Mayor Pro Tem Sullivan announced the procedure for the public hearing and then opened it.

Proponents:

Bruce and Joan Howe, the new property owners, introduced themselves. They said they had spent the entire previous weekend cleaning up the property and that they intended to do more. They said they want their business, which manufactures tools for scuba diving equipment, to look good. Bruce Howe said they had no walk-in business, and traffic typically involves UPS or FedEx deliveries and shipping each day, along with about two cars in the parking lot.

Opponents:

None

Citing no need for rebuttal, Sullivan closed the public hearing.

Council questions/comments:

Councilman McClellan said he was glad to see the property was being cleaned up, and asked if larger trucks are ever required. Bruce Howe said a tractor trailer may deliver raw materials every month or two, and then they use a forklift to move the materials inside. He said he would not leave material or equipment outside.

Councilman Kinneman asked if the Planning & Zoning Board members had any comments. Larry Stafford, a member of the Board, said there were no comments or concerns voiced and the Board voted unanimously in favor of recommending the rezoning. Bruce Howe added that he would be meeting with Bruce soon regarding a site plan and getting it approved by the P&Z Board.

Councilman Stone asked about the number of employees, the Howes said there would be two or three. Regarding the section of the staff report which said the property owners had not met with neighboring property owners, Stone asked why that had not been done; Bruce Howe said they had spoken informally to the neighbors located behind them, and that the residence adjoining the property to the east is currently vacant. Stone asked about the hours of operation, and Mr. Howe said generally the business operates from 8 a.m. to 5 p.m., and he did not believe they would be working any later than 7 p.m. Stone said he was asking for the benefit of the neighbors, and Mr. Howe said the neighbors behind him had told him they were bothered by the noise of the generator used by the previous owner. He said he wanted to keep their operation quiet and clean.

Mayor Pro Tem Sullivan asked if the Howes' operation was similar to tool and die manufacturing; Bruce Howe said they use Computer Numerical Control machines. Sullivan said he was not an adjacent property owner, but that he lived nearby and appreciated the Howes' efforts to clean up the property. Sullivan asked if there were any plans for the cinder block building on the property, and Bruce Howe said it would primarily be used for storage.

With no additional discussion, Sullivan called for a motion, adding that due to legal requirements, the motion would be lengthy.

Councilman Stone made a **motion** to approve the proposed zoning amendment from HI to CU-LI based on the following:

1. Even though the proposed zoning amendment is inconsistent with the adopted development plan of the Town of Oak Ridge, mitigating factors are present which warrant approval. The Planning Board has provided the Council with its written statement that the proposed zoning amendment is inconsistent with the comprehensive plan, but with mitigating factors that warrant approval, and the Council concurs and adopts the Planning Board's finding by reference.

In addition, the Council further finds that the proposed zoning amendment warrants approval despite this inconsistency because: the proposed zoning is more consistent with the adopted land use plan of the Town of Oak Ridge than the current conditions; the current zoning is inconsistent with and detrimental to the quality of the adjoining property owners' uses; the proposed use of the property is highly restrictive due to the conditions proposed so that future use will have the least impact on the citizens of Oak Ridge; and the proposed zoning moves the property's use towards one that will better blend with the character and nature of Oak Ridge.

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: the applicant has proposed self-imposed conditions that will maintain existing wooded buffers, improve the property to comply with Landscaping and Tree Protection ordinances, and improve the property's appearance from the view of the Scenic Corridor. Furthermore the conditional zoning will adequately safeguard neighboring properties in the event that future uses, sales, or property transfers are considered or proposed.

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 reduces the impact from heavy industrial activities to light industrial so that the business impact on neighboring properties is minimized; with its conditional use and zoning, it improves the compatibility with that of the surrounding properties; and it better reflects the expectations of the Town's citizens with regards to future land use.

Councilman Kinneman seconded the motion, and it was passed unanimously (4-0).

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 \$3.121 million in total assets. He said the Town received \$105,264 in total revenues in the previous month and had total expenditures of \$59,199.

Stone asked, in general, what is the minimum fund balance required by law for a Town the size of Oak Ridge and what is the minimum fund balance the Town should have to be good stewards of the taxpayer's money. Anders said when a Town is started, the minimum required is 8 percent or one year's disbursements. He said he tries to keep an amount equivalent to at least one year's budget in the fund balance, which is about \$1 million. That amount, should the Town lose its major sources of income, would give it the ability to run as normal for one year, including paying its debt service, and allow time to establish property taxes or other sources of revenue. Anders said it also gives the Town the ability to self fund expenditures, such as the new tractor for the park, without having to borrow money. Stone asked Anders if there were any concerns regarding talk in the State Legislature about changing the sales tax distribution from the per capita system to the ad valorem system; Anders said he had no particular concerns.

Councilman Stone made a **motion** to approve the financial report. **Councilman McClellan** seconded the motion, and it was passed unanimously (4-0).

9. COMMUNITY UPDATES

A. Historic Preservation Commission

HPC chair Ann Schneider said the Commission adopted the formal findings of fact as ordered by the Superior Court judge for the CrossFit COA. It also approved a COA for

a replacement fence at JP Looney's and two COAs for new single-family residences on Linville Road. She thanked the Council for the appointment of Kristin Kubly, and said there had been a successful historic marker dedication at Linville Chapel on March 31. She pointed out the recent article on Lake Carolina in the Northwest Observer and said she hoped citizens would visit the exhibit at Town Hall. She also reported that she had been re-elected as HPC chair and Debbie Shoenfeld as vice-chair, and that four Commission members, Planning Director Bruce and Town Clerk Sandra Smith had attended a training session for historic commissions in Greensboro.

B. Fire Department

Sam Anders announced the annual Easter Egg Hunt on April 4 at the fire station. He commended the Town for getting the fire alarm at Town Hall repaired, and urged all citizens to have working fire alarms.

C. Planning & Zoning Board

Larry Stafford, Planning & Zoning Board member, said the Board recommended approval of the rezoning at 2900 Oak Ridge Road.

D. Board of Adjustment

No report

E. Parks & Recreation Commission

Chairman Bill Edwards said things are busy at the park. Several Scout projects are underway, and preparations are being made for RidgeFest, May 28-30. Five Music in the Park events have been scheduled, and two movies, as well as the annual Canine Capers. Work is being done on the landscaping, and two charity walk/runs at the park have been scheduled.

F. Finance Committee

Chairman John Jenkins said the Committee has completed its work and submitted to Council a complete budget. The proposed budget will add \$217,000 to the fund balance. He commended Anders, Oakley and the Committee for its work on the process, and said public hearings will be held on the budget at the May and June Council meetings.

10. CITIZEN COMMENTS

None

11. COUNCIL COMMENTS

Councilman McClellan discussed the progress of two bills in the Legislature, HB152 and SB287, its companion bill. He also urged citizens to contact their senators regarding the bill that would change the method of sales tax distribution. He thanked the Historic

Preservation Commission for the historic marker dedication at Linville Chapel, and said it was an honor to serve the citizens of Oak Ridge.

Councilman Kinneman welcomed Bruce and Joan Howe, whose property was rezoned earlier in the meeting, to the community. He urged citizens to get a copy of the proposed budget, which will also be posted on the Town website, and said all budget meetings were public. He said the County does require payment for some services from the Town, but that it also provides services. One of the services includes free soil analyses, and kits can be obtained at Town Hall. He said the ceremony at Linville Chapel was impressive, and he encouraged citizens to give blood to help save lives.

Councilman Stone thanked those who attended the meeting, and also thanked town staff for all the hard work they do. He said he liked seeing Boy Scouts at the meeting, mentioning that he had been an Eagle Scout. He also welcomed the Howes to the community, and said he fully supported the Arbor Day proclamation.

Mayor Pro Tem Sullivan announced there would be a blood drive the following Monday at Oak Ridge United Methodist Church. He also thanked staff, as well as the board and committee members. He said it was an honor to speak at the historic marker dedication ceremony at Linville Chapel.

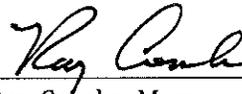
12. ADJOURNMENT

Councilman Kinneman made a **motion** to adjourn the meeting at 8:01 p.m. **Councilman McClellan** seconded the motion, and it was passed unanimously (4-0).

Respectfully Submitted:



Sandra B. Smith, CMC, Town Clerk



Ray Combs, Mayor