



OAK RIDGE TOWN COUNCIL MEETING
MAY 1, 2014 – 7:00 P.M.
OAK RIDGE TOWN HALL

MINUTES

Members Present

Ray Combs, Mayor
George McClellan
Mike Stone

Members Absent

Spencer Sullivan, Mayor Pro Tem
Jim Kinneman

Staff Present

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

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 Mike Stone made a motion to approve the May 1, 2014, meeting agenda. Councilman George McClellan seconded the motion, and it was passed unanimously (3-0).

3. APPROVE MINUTES OF APRIL 3, 2014, MEETING AND APRIL 3, 2014, CLOSED SESSION

Councilman McClellan made a motion to approve the two sets of meeting minutes. Councilman Stone seconded the motion, and it was passed unanimously (3-0).

4. RESOLUTIONS, PROCLAMATIONS, ANNOUNCEMENTS

- Councilman McClellan said the short session of the legislature begins May 14. He said he discussed a bill with the mayor and other council members that, if approved, would eliminate authority for tree ordinances from municipalities. McClellan said he had already contacted or left messages for local representatives about the matter.
- After showing two videos – one made by the Chattanooga Fire Department regarding how to do CPR and a Taco Bell commercial that featured an Oak Ridge resident, Mayor Combs recognized Ronald (Steve) McDonald, who was in the audience. McDonald told how he had been selected for the commercial and what was involved, then presented Combs with a Taco Bell hat.

5. **TOWN MANAGER'S REPORT**

Town Manager Bruce Oakley reported:

- A. A special Town Council meeting will be held May 8 at 7 p.m. at Town Hall.
- B. NCDOT will begin permanently closing West Harrell Road at the end of the month.
- C. Town Clerk Sandra Smith recently earned the designation of Certified Municipal Clerk.

6. **PUBLIC HEARINGS**

A. **2014-15 Fiscal Year Budget**

John Jenkins, chairman of the Finance Committee, presented the proposed 2014-15 Fiscal Year Budget, which is hereby incorporated by reference and made a part of the minutes. He noted two particular items: 1) The inclusion of money to hire a town planner – up until now, the Town has contracted with Guilford County to handle those duties; and 2) Money to hire a deputy to direct traffic at Oak Ridge Elementary at the beginning of the school year. Otherwise, the budget includes normal operating expenses, Jenkins said. In the capital budget, money will be taken from the fund balance to pay for capital expenditures. Money has also been budgeted to pay the Town's share if it is awarded the 50/50 PARTF grant for Phase 2 park construction.

Proponents and opponents:

None

Council discussion/questions:

Councilman McClellan said he supported funding for Phase 2 of the park, infrastructure improvements, and hiring deputies to help direct traffic the first week of school.

Mayor Combs said this was a very conservative budget, and there would be no increase in property taxes.

- B. **Text Amendment Case # 14-04-ORPL-01448:** The case was a proposed amendment to Section 30-353(b)(5)(b) and Table 4-4-5 of the Oak Ridge Development Ordinance to increase the maximum development size and maximum building size in the SC (Shopping Center) zoning district. The applicant was Philip Cooke. Full text of the text amendment is on file at the Guilford County Planning Department and Oak Ridge Town Hall.

Town Planner Bill Bruce presented the case, reading from the staff report. He said the request would allow up to a 25 percent expansion of buildings in the Shopping Center zoning district that are already nonconforming. The Council had previously adopted a maximum floor area for commercial and office districts; the proposed amendment would not apply to areas zoned for Residential, Public & Institutional, or Agricultural uses. Bruce said they believed the only two buildings that might fit the criteria to meet the ordinance would be Lowes Foods and Tractor Supply. The applicant would like to increase the size of Lowes Foods by adding to the back of the

building. The second component of the text amendment is that it would increase the maximum development in legal, nonconforming buildings in Shopping Center districts from 100,000 to 130,000 square feet. Oak Ridge Commons shopping center is already a legal, nonconforming use because it was built before Oak Ridge adopted its own development ordinance. Bruce said the Planning & Zoning Board heard the case at its last meeting and recommended approval of the text amendment by 5-2 vote.

Proponents:

Jay DeVaney, an attorney representing the applicant, said he had worked with Bruce and Town Manager Bruce Oakley to try to resolve the issues around the proposed expansion. The Town had created the maximum 30,000-square-foot building maximum as a way to preclude big box stores, DeVaney said. This text amendment would only allow a one-time expansion of a legal, nonconforming use. The shopping center, which was rezoned by Guilford County, is currently slightly less than 125,000 square feet, and it also is a legal, nonconforming use. DeVaney said one of the most serious consequences to operating a business in a legal, nonconforming use is that lenders don't like to refinance them. In addition, if there is a significant loss, the building could not be rebuilt. DeVaney said he had researched other approaches, and he thought there was no other way to accomplish what the applicant wanted to do.

Philip Cooke of JPC Monroe, the owner of Oak Ridge Commons, said Lowes wanted to expand and renovate its existing space and would spent \$4-6 million, which is a significant investment in the community. In addition, a larger grocery store will have more goods and services, create more jobs, and strong anchor tenants help attract good small tenants, he said. Lowes Foods has been in the shopping center for more than 10 years, and thinks it should position itself to be more competitive. Lowes has about nine years left on their primary lease term, and a monetary investment by them is a good sign that they plan to stay in the community, Cooke said. He added that he thought the expansion would help JPC Monroe fill some of the vacant outparcels it has and attract new businesses to Oak Ridge.

Randy Floss, owner of a business in Oak Ridge Commons, said I-73 will decrease traffic on N.C. 68 in Oak Ridge, but GTCC will likely bring more traffic. Floss said he has heard many people say they shop at Harris Teeter or Fresh Marker, and they are leaving Oak Ridge because Lowes Foods does not meet their needs. He said he had visited the Clemmons store, where a similar expansion/renovation was done; as a business owner and homeowner, he hoped to see something similar in Oak Ridge.

Opposition:

None

Rebuttal:

No rebuttal was required, and the public hearing was closed.

Council discussion/questions:

Councilman Stone said he wanted to deal with the technical aspects of the proposed ordinance change, but he was also concerned about potential related unintended consequences. He said the proposed text amendment said a legal, nonconforming use could do a one-time expansion of 25 percent, but said for Oak Ridge Commons to increase from 125,000 to 130,000 square feet was only about a 4 percent

increase. He asked why the change requested a 25 percent increase. DeVaney said the change addressed two issues, which were both the maximum floor space of an individual nonconforming business and the maximum development size of a property zoned SC. He added that his client needed the one-time, 25 percent expansion in order to increase the size of the Lowes Foods building; at 41,500 square feet, the Lowes Foods is already 11,500 square feet above the allowed maximum.

Stone asked if Tractor Supply could also expand once up to 25 percent of the size of the store, and Cooke said yes. Stone said he was concerned by "floor space creep," because there are several outside areas at Oak Ridge Commons that are not included in square footage calculations. Stone also spoke about the outside storage area at Tractor Supply. Cooke said he was not sure whether Tractor Supply would be affected by the text amendment, but if so, he didn't think that would be a bad thing.

Oakley said the 25 percent increase requested would only affect the original structure's floor space, not the open yard. He added that Tractor Supply, which is around 22,000 square feet, could already increase up to 30,000 square feet as the ordinance is written currently. Stone asked if the outdoor dining is included in calculating floor space at Oak Ridge Commons, and Cooke said no. Bruce said he did not think it should be included because the ordinance for the 30,000 square foot maximum specifically mentions the structure, and he didn't think outdoor areas were intended to be included.

Mayor Combs asked Bruce if he could foresee any complications down the road if the text amendment were adopted; Bruce said he didn't think it would affect anyone other than Lowes Foods.

Combs asked Planning & Zoning Board chair Doug Nodine for his opinion, and Nodine said he thought it was critical that the Town try to not create nonconforming uses if there is any way possible. The nonconformity in this case was created by the Town, not the business, Nodine said.

Combs said he didn't see anywhere that Tractor Supply might expand without taking up some of their existing outdoor space. Cooke agreed, saying there is a retention pond and steep dropoff on the back and Josie's Boutique on one side. They would not be able to expand on the other side or front without taking away some of their parking spaces.

Councilman McClellan said he thought the text amendment allowing the increase could be beneficial, as would the facelift Cooke mentioned would be done at the shopping center. Cooke agreed, saying JPC Monroe would also be investing more of its money.

In response to a question from Combs, Cooke said a site plan would have to be approved by both the Planning & Zoning Board and Historic Preservation Commission. They would like to begin work this summer, but were waiting to see if the text amendment were going to be successful.

Councilman McClellan made a **motion** to approve the text amendment. **Councilman Stone** seconded the motion, and it was passed unanimously (3-0).

7. CITIZEN COMMENTS

- Randy Floss thanked the Council and Town, and especially Bill Edwards and Terry Lannon for their support since 2009 with RidgeFest, and said that over \$30,000 has been given back to the community from the event. Floss told about several new events planned for this year. He also told about a Car Cruise-in that will be held at Oak Ridge Commons the third Tuesday of each month through October.
- Doug Nodine, representing Preservation Oak Ridge, said the group needs volunteer labor to help paint the siding before it is installed at Ai Church. The next workday was scheduled for May 10, 8 a.m.-noon.
- Larry Stafford, a volunteer for Guilford County Board of Elections, said Oak Ridge Town Hall is not an early voting site for the primary election. He encouraged residents to vote, either early or on Election Day.

8. MONTHLY FINANCIAL UPDATE

Finance Officer Sam Anders reported:

- During the previous month, revenues were received from sales tax distribution, the dog park fund, and ABC store. ABC store revenues are at \$74,850 this year, the highest ever received by the Town.
- Investments have been renewed and updated, and we are in the middle of the budget process. Some money is being reallocated to a \$500,000 CD that is being opened at Bank of North Carolina.
- His office is working with Black Mountain on conversion to new accounting software.
- He has communicated with the audit firm, which will begin doing preliminary field work for the annual audit in late June, and will do the actual audit in August.
- The Town is in a good financial position.

Councilman McClellan made a **motion** to approve the financial report. **Councilman Stone** seconded the motion, and it was passed unanimously (3-0).

9. COMMUNITY UPDATES

A. Fire Department

Assistant Chief Anders reported the annual Easter Egg Hunt was a success. The department planned to burn a house on Haw River Road on May 10 for training and in cooperation with other local fire departments. Regarding the video shown earlier in the meeting on CPR, Anders said the training does save lives and the fire department offers it free of charge.

B. Finance Committee

Chairman John Jenkins, who had earlier presented the draft 2014-15 fiscal year budget, said copies of the budget are available online or at Town Hall.

C. Board of Adjustment

No meeting, no report

D. Planning and Zoning Board

Chairman Doug Nodine said the Board met the previous week and held three public hearings. The text amendment, which Council just approved, and the RS-40 rezoning request received a recommendation, but the PD-R rezoning request was not recommended.

E. Historic Preservation Commission

Chairwoman Ann Schneider invited everyone to the Historic Marker Dedication on Sunday, June 1, at the Stafford-Benbow House. A Save the Date classified and full ad had been purchased in the Northwest Observer. The Commission is about ready to send in the order for the next three historic markers, which will be placed at Ai Church, the J.L. Sawyer House and Linville Chapel.

F. Parks and Recreation Commission

Chairman Bill Edwards reported:

- A successful Bark Park Grand Opening was held in April.
- Canine Capers, a fundraiser for the Bark Park, will be held May 17.
- Music in the Park featuring The Grassifieds will also be held on May 17 in the evening at Shelter 2.
- Plans for RidgeFest, which Edwards called a great opportunity to show off the Town and the park, are continuing, and this should be the best event yet.
- No word has been received on the PARTF grant application yet; grants are awarded in May and August.
- Several Scout projects have been done at the park. The most recent addition was two kiosks near the trail heads that were done as an Eagle Scout project.

10. CITIZEN COMMENTS

None

11. COUNCIL COMMENTS

- **Councilman McClellan** said he was pleased with the text amendment change, which will put Oak Ridge in the spotlight and hopefully create more jobs.
- **Councilman Stone** said RidgeFest is an easy and fun way to get involved with the Town, and he appreciated the hard work that has gone into the event. He also commended the work of Preservation Oak Ridge at Ai Church, and said anyone interested in getting involved in that project should contact Doug Nodine. He thanked staff and the committee members for their decisions and involvement.

- **Mayor Combs** agreed with Stone, and said his one of his philosophies was to “surround yourself with smart.”

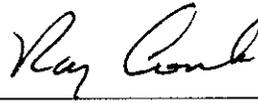
12. ADJOURNMENT

Councilman Stone made a **motion** to adjourn the meeting at 8:30 p.m. **Councilman McClellan** seconded the motion, and it was passed unanimously (3-0).

Respectfully Submitted:



Sandra B. Smith, Town Clerk



Ray Combs, Mayor