OAK RIDGE TOWN COUNCIL MEETING
MAY 2, 2013 – 7:00 P.M.
OAK RIDGE TOWN HALL

MINUTES

Members Present
Ray Combs, Mayor
Roger Howerton, Mayor Pro Tem
Danny Yanusz
George McClellan
Spencer Sullivan

Staff Present
Sandra Smith, Town Clerk
Bruce Oakley, Town Manager
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 Spencer Sullivan made a **motion** to approve the May 2, 2013, meeting agenda. **Councilman George McClellan** seconded the motion, and it was passed unanimously (5-0).

3. APPROVE MINUTES OF APRIL 4, 2013, MEETING

Councilman Danny Yanusz made a **motion** to approve the April 4, 2013, meeting minutes. **Mayor Pro Tem Roger Howerton** 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:

- The following resolution to add Bison Drive to the N.C. State Maintenance System:

RESOLUTION R-2013-06
A RESOLUTION CONSENTING TO THE ADDITION OF BISON DRIVE (0.27 MILES), WHOLLY WITHIN THE CORPORATE LIMITS OF THE TOWN OF OAK RIDGE, NORTH CAROLINA, TO THE N.C. STATE MAINTENANCE SYSTEM.

WHEREAS, the property owners on the road in Guilford County known as Bison Drive have petitioned the North Carolina Department of Transportation to accept for state maintenance said road as defined on the Beaver Creek subdivision plat, **Final Plat as recorded on the 2nd day of November, 2007, in Book 172, Page 40,** Guilford County Registry, North Carolina; and

WHEREAS, the North Carolina Department of Transportation has declared through its Secondary Road Addition Investigation Report (**File 06-2012**) dated September 27, 2012, that said roads meets the minimum requirement for the addition of BISON DRIVE) into the State Maintenance System; and

WHEREAS, the District Engineer of the North Carolina Department of Transportation does recommend the addition of the Secondary Road System of the State of North Carolina;

NOW, THEREFORE, BE IT RESOLVED, that the Town Council on behalf of the Town of Oak Ridge, North Carolina, does hereby, after due consideration and deliberation and without any objection being heard, concur and consent to the addition of BISON DRIVE to the N.C. State Maintenance System to the same degree and measure to which the property owners have petitioned said Department of Transportation of the State of North Carolina; and to the same degree and measure to which the said Department of Transportation does now recommend acceptance into the said N.C. State Maintenance System.

Councilman McClellan made a **motion** to approve the resolution. **Councilman Sullivan** seconded the motion, and it was approved unanimously (5-0).

- Declarations to repeal the speed limit on West Harrell Road from 45 mph (O-2013-04) and to enact a new speed limit of 40 mph (O-2013-05) (which are incorporated in the minutes as Exhibits 1 and 2, respectively, and hereby becomes a part of the minutes).

Councilman McClellan made a **motion** to approve the declarations to repeal the speed limit on West Harrell Road from 50 mph and to enact a new speed limit of 45 mph. **Councilman Yanusz** seconded the motion, and it was passed unanimously (5-0).

- Recommendations for committee appointments

Mayor Pro Tem Howerton made a **motion** to approve the appointments of Liz Tice as an alternate on the Parks & Recreation Commission and Michelle Ungurait as an alternate on the Historic Preservation Commission. **Councilman Sullivan** seconded the motion, and it was passed unanimously (5-0).

6. PUBLIC HEARING

- 2013-14 Fiscal Year Budget

Mayor Combs explained that this was the first of two required public hearings on the budget; the second would be held at the Town Council meeting on June 6. Although there had been discussion of connecting the sidewalk between the Town Hall and Oak Ridge Elementary School, funds were not included in the budget based on a recommendation by the Finance Committee, who felt the issue should be discussed separately by Council.

Councilman McClellan made a **motion** to include $20,000 in the budget for the sidewalk connection. **Councilman Sullivan** seconded the motion, and it was passed unanimously (5-0).

Combs then opened the public hearing, allowing 20 minutes each for proponents and opponents of the budget, and 5 minutes per side for rebuttal.

Proponents:

- John Jenkins, chairman of the Finance Committee, said the committee had gone through each line item in the budget. Jenkins said the budget was conservative and in good form, and asked that it be approved.

- Melissa Stallings, president of Oak Ridge Elementary School PTA, thanked the Council for including money for the connecting sidewalk in the budget. Stallings said the route was part of an emergency evacuation plan for students, and said the additional strip of sidewalk would provide further safety for the school's children.

- Randy Schmitz said he supported adding the money for the connecting sidewalk to the budget.

Opponents:

- Carl Salyer said he was not anti-children or anti-safety, but he did not feel it was appropriate to add money to the budget for the sidewalk between the State Employees' Credit Union and CrossFit. The property where the Town is considering installing a sidewalk belongs to Oak Ridge Swim Club, which is a private club with 420 members. Although the Town had sent the Swim Club a letter asking that they install the sidewalk on their property, the Swim Club declined. Salyer said he did not think the number of children from Oak Ridge Elementary School who used the sidewalk would justify the cost. He added that according to statistics he had viewed, 6.3 percent of Oak Ridge's residents live below the poverty line; if the Town Council approves building the sidewalk, those citizens' money would be paying to improve a property that belongs to a private club to which they do not have access. Salyer said he thought the Swim Club should pay to build the sidewalk, even though they are not legally required to do so.

  Salyer asked what the Town's Land Use Plan says about the area, and Oakley said the Town requires sidewalks to be built at owner expense at the time a property is developed. Salyer also talked about sidewalk standards and the fact that the end of the sidewalk at SECU is often under water after a rain. He said the City of Los Angeles pays $3 million to $5 million each year to settle lawsuits for people who have fallen on its sidewalks, and that maintenance runs $1.6 billion for that sidewalk system. Salyer said the town could be setting a precedent; for

example, a sidewalk could also be built through Oak Ridge Military Academy – another educational institution, which most likely does not have money to pay for sidewalks.

Rebuttal – proponents:

- Grace Snow said sidewalks are common in most places and one is needed here, but that Oak Ridge shouldn't be compared with Los Angeles. As a parent of a child at Oak Ridge Elementary, Snow said she thought the money spent would be well worth the price for the increased safety it would provide.

- Randy Schmitz said sidewalks are not just for children, but for everyone. Schmitz said he did not think the sidewalk would benefit the Swim Club, but would benefit the entire community.

- Michelle Ungurait, a mother of a third-grade student at Oak Ridge Elementary, said the school must have a place to send students in the event of an emergency, and that students are put in danger if they walk in the area where there is no sidewalk. Ungurait said if citizens were polled, she thought they would be in support of the Town paying for the sidewalk.

- Denise Francisco, principal of Oak Ridge Elementary and a member of the Pedestrian Plan Committee, said she did not want the sidewalk to be simply about the school, but about increasing the functionality of the town.

Rebuttal – opponents:

- Carl Salyer said he was not saying anything negative about the safety of children, but the Town was not in the sidewalk business. He asked about the homes between N.C. 68 and N.C. 150, and whether future homeowners would be required to build sidewalks; if not, unless those properties are rezoned, the Town will never get additional sidewalks. If the Town pays for this section of sidewalk, it sets precedents for other areas in the town, he said.

Mayor Combs closed the public hearing, then asked if anyone had additional questions on the budget.

- Joe Seganish said he had heard estimates of between $12,000 and $20,000 to build the sidewalk, and asked if additional information could be provided on the exact cost. Oakley responded that the original in-house estimate was $20,000, but then he got an outside estimate for $12,000. Combs said the higher number was initially added to the budget until more detailed estimates could be obtained. Seganish asked if there was any prohibition against riding bicycles on the sidewalks, and Combs said no.

Council questions/discussion:

- Mayor Pro Tem Howerton said the Swim Club property had been bought and developed prior to when the Town required sidewalks. He said he has seen classes of children that have to walk on Linville Road to get to the park or fire department. Howerton said he did not believe the Town paying to install the sidewalk would be setting a precedent, and that the amount added to the budget was not that significant. He added that there is no comparison of dollars to safety, especially when talking about the safety of children.

- Councilman Yanusz said Salyer had brought up some good points. He asked if the Town would be compelled to make the same decision for another property, and Town Attorney Michael Thomas said no. Yanusz said the community has evolved over the years and he thought the need for the sidewalk had been proven. He said he would love for the Swim Club to step up and pay for the sidewalk, but he did not think that was going to happen.

- Councilman McClellan thanked Salyer, but said the parents of many children at Oak Ridge Elementary pay taxes to the Town. It would be good for the Swim Club to step up, and he understood they might be willing to entertain a proposal to contribute something to defray the cost. McClellan said he believed government should provide infrastructure, not just for children, but for all citizens.

- Councilman Sullivan said he agreed with the other Council members. Like them, he was disappointed the Swim Club had decided not to participate in the cost, but perhaps that might change. Sullivan said to him it was clearly a matter of public safety and it is Council's role to fulfill that role and provide for that when possible. Addressing some additional comments by Salyer, he said he did not believe the sidewalk would create any more liability for the Town than trails in the park had, and if installed, the Town would make proper legal arrangements for the property or put it in the right of way.

- Mayor Combs said the Swim Club should pay for the sidewalk, but the reality was that they cannot or will not. The Council was caught between a rock and a hard place – the Town has a beautiful park, but, as an earlier speaker said, no way for students to get there. Council will have to decide at the next meeting when it adopts the budget whether the safety of children trumps the fear of setting a precedent.

7. CITIZEN COMMENTS

- None

8. MONTHLY FINANCIAL UPDATE

Finance Officer Sam Anders presented:

- The Town maintains its strong balance sheet position, with $2.22 million in net assets.
- Planning and zoning has picked up, with $16,000 collected the previous month; ABC store profits showed another record quarter.
- The budget process has been supported.
- A copy of the annual audit contract was included in Council's information packets; the contract has a cap of $22,000 and the same fee structure as the last two years. He asked Council to approve the contract.

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

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

9. COMMUNITY UPDATES

A. Parks and Recreation Commission

Chair Bill Edwards reported:

- The Canine Capers dog show fundraiser was scheduled for the following Saturday, May 4, to raise funds for the future dog park.
- The first Oak Ridge Farmers Market was scheduled for Saturday, May 11, beside the park maintenance building. Edwards said hopefully the event will be held repeatedly during the summer.
- RidgeFest was scheduled for May 30-June 1. Several new things were planned, including a comic magician, radio-controlled airplane show, straw maze, and shuttle train.
- Plans are being made for a Living History Event this fall at the park. The 1-day event will include Revolutionary War-era cooking demonstrations, music, cannon firings, etc.

B. Planning and Zoning Board

No report

C. Board of Adjustment

No report

D. Historic Preservation Commission

Ron Simpson reported:

- Commission members Ann Schneider and Mac McAtee and Town Clerk/HPC Staff Sandra Smith had attended a training workshop recently.
- Thanks to Council for approving Michelle Ungurait as an HPC alternate.
- The revised Historic District Guidelines were approved by Council and the HPC, and ways to make them available to the public were discussed.
- Draft texts for historic markers to be installed at the Old Mill, St. James AME Church and the Stafford-Benbow House have been sent to the property owners for input. The Commission hopes to place the orders for the markers in the next few weeks.

E. Finance Committee

Report given as part of budget presentation

F. Pedestrian Plan

A public open house/workshop was planned for May 23, prior to the Planning & Zoning Board meeting

G. Fire Department

Chief Steve Simmons reported:

- In the previous month, the Department responded to 51 calls, 20 of which were of a medical nature and 31 of which were of a fire or service nature.
- Average response time was 4 minutes.
- The department also gained 226½ hours of training, installed seven car seats, and attended two public education events.

10. CITIZEN COMMENTS

- Mike Stone said he was not debating the need for a sidewalk, but thought Council needs to consider the future implications. Stone said it would great if the Town could recoup at least some of the money from the Swim Club. He asked whether the Town has a policy or ordinance to address if people want sidewalks in front of homes and a process to approve or deny those requests. Stone said he didn't think the Town wanted to be involved in purchasing properties, but the issue opens up questions the Town will have to answer in the future.

- Carl Salyer thanked Council for allowing a process where pros and cons of an issue can be discussed without "shoes flying" or anyone cursing. After hearing Council speeches on the issue, he said he agreed. If the Town does move forward with paying for the sidewalk, Salyer said a prudent use of taxpayer dollars would be to ask each Swim Club member if they agreed a sidewalk should be placed on the property; if they said yes, they could include a check to the Town.

11. COUNCIL COMMENTS

- **Mayor Pro Tem Howerton** said it shows the Town has a healthy environment when there is interest by people on both sides of an issue and it can be discussed. Howerton said he still felt this was a specific case and there was no concern about setting a precedent. He thanked the Finance Committee for their work on the budget, and said he appreciated those who attended the meeting.

- **Councilman Yanusz** agreed, and thanked those in attendance.

- **Councilman McClellan** also thanked those at the meeting, and said the debate on the sidewalk issue was healthy; he invited all those at the meeting to return next month.

- **Councilman Sullivan** thanked the meeting attendees, said this was the kind of meeting the Council enjoys most, and said he appreciated the participation in the process. He added that the Town needs volunteers on its committees, and asked those in attendance to consider serving.

- **Mayor Combs** said, "Ditto."

12. ADJOURNMENT

Mayor Pro Tem Howerton made a **motion** to adjourn the meeting at 8:19 p.m. **Councilman Yanusz** seconded the motion, and it was passed unanimously (5-0).

Respectfully Submitted:

Sandra B. Smith, Town Clerk

Ray Combs, Mayor