



**OAK RIDGE TOWN COUNCIL MEETING
JUNE 6, 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
Bill Bruce, Town Planner

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 George McClellan made a **motion** to approve the June 6, 2013, meeting agenda. **Councilman Spencer Sullivan** seconded the motion, and it was passed unanimously (5-0).

3. APPROVE MINUTES OF MAY 2, 2013, MEETING

Councilman McClellan made a **motion** to approve the May 2, 2013, meeting minutes. **Mayor Pro Tem Roger Howerton** seconded the motion, and it was passed unanimously (5-0).

4. RESOLUTIONS, PROCLAMATIONS, ANNOUNCEMENTS

A. Mayor Combs recognized several Boy Scouts present in the audience who were earning their communications merit badge.

B. Combs read the following Resolution into the record:

RESOLUTION R-2013-07

**RESOLUTION ENCOURAGING CITIZENS TO COMMEMORATE *JUNETEENTH* WITH
THE INTERNATIONAL CIVIL RIGHTS CENTER & MUSEUM
June 16 and June 19, 2013**

WHEREAS, the International Civil Rights Center & Museum, 134 South Elm Street, Greensboro, North Carolina—a historic landmark, an exhibiting and collecting institution, and an educational service organization—promotes an understanding of the struggles for equality, justice, and freedom in the United States of America and across the world; and

WHEREAS, the International Civil Rights Center & Museum has since its opening in 2010 annually commemorated **Juneteenth**, i.e. June 19, 1865, the date when bondsmen, women, and children in Texas learned about their emancipation from slavery; and

WHEREAS, the International Civil Rights Center & Museum recognizes that many across the United States dedicate **Juneteenth** to honoring the campaigns against bondage and the quests to achieve the ultimate civil right, freedom; and

WHEREAS, the International Civil Rights Center & Museum will commemorate **Juneteenth** with two major activities in 2013:

A Celebration of Unity, a gospel festivity featuring an interfaith prayer, a multicultural and ecumenical community mass choir consisting of vocalists from area houses of worship, and renowned gospel recording artist Vickie Winans performing selections from her well known repertoire at Mt. Zion Baptist Church, 1301 Alamance Church Road in Greensboro, on Sunday, June 16 at 4:00 p.m.; and

A Juneteenth Telethon and Radio-thon, simultaneously broadcast on WFMY-TV2 and WQMG, on June 19, 6:00 a.m. to 6:00 p.m., to garner support to underwrite the 2013-14 admission fees for 112,000 pupils from across North Carolina who will participate in its ***Building a Better America through Core Democratic Values: An Educational Initiative for Social Studies Students in Grades 4, 5, 8, and 11***; as well as secure sustainability for the International Civil Rights Center & Museum;

NOW THEREFORE BE IT RESOLVED, we call upon all to citizens to join the International Civil Rights Center & Museum in a commemoration of **Juneteenth**, and hence a tribute to freedom, by supporting ***A Celebration of Unity*** on Sunday, June 16, 2013, and ***A Juneteenth Telethon and Radio-thon*** on Wednesday, June 19, 2013; and

BE IT FURTHER RESOLVED, that when we commemorate those who fought for freedom, we affirm our collective belief in the values of life, liberty, and equal protection under the law for all those desiring a more just and humane society.

Councilman McClellan made a **motion** to adopt the resolution. **Councilman Danny Yanusz** seconded the motion, and it was passed unanimously (5-0).

C. Recognition of Will Florence, Andrew Russoli-Strength and Honor Scholarship Fund winner

Roland Russoli, father of Andrew Russoli who was killed in Iraq, and Fire Chief Steve Simmons recognized Will Florence as the scholarship winner.

5. TOWN MANAGER'S REPORT

Town Manager Bruce Oakley presented:

- A. A Certification of Municipal Declaration to Enact Speed Limits and Request for Concurrence. NCDOT has studied the speed limit between Oak Ridge Elementary School and Pepper Road and suggested a speed limit of 50 mph on N.C. 150 between Pepper Road and a point 0.145 mile east (O-2013-08), and a declaration to request a speed limit of 45 mph on N.C. 150 between 0.145 mile east of Pepper Road and a point 0.099 mile east of Tarleton Drive (O-2013-07) (which are incorporated by reference and made a part of the minutes.)

Councilman McClellan made a **motion** to accept, and it was approved unanimously (5-0).

- B. An ordinance to repeal the Town's current open burning ordinance. Oakley recommended the change, suggesting that the Town use the County's burning ordinance instead. At times, the Town's ordinance conflicts with the County's, making it harder to enforce, Oakley said.

Mayor Pro Tem Howerton made a **motion** to accept An Ordinance Repealing Certain Sections of the Code of Ordinances (O-2013-09) (which is incorporated by reference and made a part of the minutes.). **Councilman Yanusz** seconded the motion, and it was passed unanimously (5-0)

6. PUBLIC HEARING

Mayor Combs explained that there would be two public hearings: the first would be on the 2013-14 fiscal year budget, and the second was on a proposed rezoning case. He explained how the public hearings would be conducted, with 20 minutes each for proponents and opponents, and 5 minutes per side for rebuttal if needed.

A. 2013-14 Fiscal Year Budget

John Jenkins, chairman of the Finance Committee, said the budget had been thoroughly reviewed and discussed by the Committee, with changes made as needed. The proposed budget would increase the fund balance, and Jenkins recommended it be approved.

Proponents:

None

Opponents:

None

Council:

Combs said there had been discussion by Council at the May meeting about connecting the sidewalk on Linville Road between the State Employees' Credit Union and CrossFit, and Council had placed money in the budget for that purpose. He said some people were under the impression that the Town was paying for a sidewalk in front of the Oak Ridge Swim Club on N.C. 150; Combs explained that the Town would only build a sidewalk across the Swim Club's property that faces Linville Road.

Councilman McClellan made a **motion** to adopt the 2013-14 fiscal year budget.
Councilman Sullivan seconded the motion, and it was passed unanimously (5-0).

- B. Rezoning Case #13-05-ORPL-01834: AG to CU-RS-40.** Located at 8530 Linville Road, on the east side of Linville Road, approximately 1,000 feet south of Linville Oaks Drive, in Oak Ridge Township. Being Guilford County Tax Parcel 0166280, approximately 49.35 acres. Owned by John L. Bakane and Joan Bakane.

Mayor Combs stated he was not related to Kevan Combs, the developer of the property. He also explained the difference between the rezoning of this property and the subdivision review, which Council would hear later in the meeting. While the rezoning includes a public hearing, a subdivision review is a technical review and does not, he added.

Town Planner Bill Bruce presented the case and read the staff report (which are incorporated by reference and made a part of the minutes). The rezoning request included the following conditions:

- 1) Provide a public trail and access easement per the Oak Ridge Land Use Plan;
- 2) Provide landscaping along the northern property line to screen future development from traffic traveling south on Linville Road;
- 3) Retain (as much as possible) and enhance landscaping along Linville Road; and
- 4) Provide four canopy trees per building lot before a CO (Certificate of Occupancy) will be issued.

Bruce said traffic counts done in 2011 vary on Linville Road from 2,800 on the southern end near Scoggins Road to 1,100 on northern end near Haw River Road. Bruce said the proposed development would add about 300 trips per day, and there was no danger of pushing the road over capacity by DOT standards. He said staff recommends approval, and the Planning and Zoning Board voted unanimously (6-0) in favor to recommend approval of the rezoning.

Proponents:

Kevan Combs said he had 31 lots planned for the development, and he would not try to get any more. Combs said the number of lots largely depends on the Guilford County Health Department and how many lots they will approve. Combs said he had met with the Linville Oaks Homeowners Association the previous week and thought he had addressed most of those residents' concerns. Restrictive covenants will restrict houses to a minimum of 2,800 square feet in the development; although there were concerns about lot sizes, the minimum would be about 40,000 square feet, he said.

Chris Rohrer with Land Solutions said he had been at the meeting with Linville Oaks residents and said it had been productive. The proposed rezoning is in harmony with the surrounding area, Rohrer said, and said he thought the request to rezone was reasonable.

Opponents:

Jimmy Adams said he was concerned with the density of the proposed development and that it is inconsistent with both the Linville Oaks and Forest Creek subdivisions, which have larger lots.

Patti Paslaru expressed concern about the number of homes, traffic, and particularly about water and the impact of the development on the Haw River.

David Marshall, representing the Linville Oaks Homeowners Association, said they appreciated the recent meeting with Kevan Combs. If development is going to occur, Linville Oaks residents want to make sure it is done in a thoughtful way, Marshall said. He said density is the main concern, along with road safety, schools and water.

Wayne Brackett, Jr., who lives across Linville Road, said his main concern was the view.

Rebuttal – proponents:

Kevan Combs said he wanted to assure Council and neighbors that he would do the best job he could to protect the harmony of the area.

John Bakane, owner of the property, spoke in favor of the rezoning. He said he had worked with the developer of Linville Oaks on trails and lot density, and that one of the reasons lots were so large in Linville Oaks is that there are a number of gorges, streams and problems with perking. He asked Council to balance his property rights with those of his neighbors.

Rebuttal – opponents:

None

After discussion by Council, **Councilman Sullivan** made a motion to approve the rezoning based on:

- 1) The fact that it 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 finding of consistency by reference. In addition, the Council further finds that the proposed zoning amendment is consistent with the comprehensive plan because the conditions attached to the rezoning will enhance the property and maintain the character of the community; 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 surrounding properties are similarly zoned; 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 of the regulated floodplain that will be dedicated to the Town for open space preservation and the provision for a public trail and access easement.

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

Subdivision Case #13-04-ORPL-01799. Linville Ridge. Located at 8530 Linville Road, on the east side of Linville Road, approximately 1000 feet south of Linville Oaks Drive, in Oak Ridge Township. Being Guilford County Tax Parcel 0166280. This subdivision consists of 31 lots, right-of-way dedication, common elements, and open space dedication, for a total of approximately 49.35 acres. Zoned AG (CU-RS-40 proposed). Applicant: Kevan Combs. Designer: Land Solutions.

Bruce presented the case, along with staff comments (which are incorporated by reference and made a part of the minutes). He said proposed plan had been reviewed by planning staff and the watershed engineer, as well as the Planning & Zoning Board, which voted 5-1 to approve the plan. The plan is in compliance with the Tree Preservation Ordinance and will include enhanced landscaping. The Planning and Zoning Board voted unanimously in favor of a waiver regarding the length of a cul-de-sac. Bruce recommended that the proposed plan be approved.

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

8. CITIZEN COMMENTS

- Jim Kinneman thanked Council for including money in the budget to build a sidewalk on Linville Road.
- Tim Kessel, a resident of Ashton Park Drive, asked what was necessary to have the speed limit lowered in his neighborhood. Oakley said he would ask DOT to study the matter.
- Town Clerk Sandra Smith said there are several vacancies on Boards and Committees, and asked those in attendance to consider serving.

9. COMMUNITY UPDATES

A. Planning and Zoning Board

Doug Nodine said the Board had approved two subdivision plans and a rezoning at its last meeting. The Board plans to discuss lower density zoning and what can be done to improve rezoning notification at its next meeting.

B. Board of Adjustment

No report

C. Historic Preservation Commission

No report

D. Finance Committee

No report

E. Pedestrian Plan

No report

F. Fire Department

Chief Steve Simmons reported:

- In May, the Department responded to 39 calls, 18 of which were of a medical nature and 21 of which were of a fire or service nature.
- The department gained 185½ hours of training, installed six car seats, and attended one public education event.
- Average response time was 4½ minutes.
- The fire department's annual meeting was scheduled for June 10 at 7:30 p.m. Simmons encouraged citizens to come learn how their tax dollars were being spent, meet the firefighters and see the department's equipment.

G. Parks and Recreation Commission

Chair Bill Edwards reported:

- The 5th annual RidgeFest celebration, a 3-day event, was just held in the park. He thanked all those who volunteered and attended.
- A pedestrian bridge, which was built by Matt Fortun for his Eagle Scout project, is now complete.
- Farmers Markets continue to be held every Saturday.
- A lighted fountain has now been installed in the pond. The fountain will help with aeration of the water and weed control.

10. MONTHLY FINANCIAL UPDATE

Finance Officer Sam Anders presented the report (which is incorporated by reference and made a part of the minutes). Anders reported:

- Another strong month. The Town has assets totaling \$2.226 million and liabilities totaling \$28,309.
- The audit contract has been delivered and approved by the state.
- The audit was activated the previous week and due to unusual circumstances and preliminary field work has been done.
- A budget amendment request was presented to Council.
- He would request authority to make line-item adjustments in order to have a balanced budget through June 30; Anders said he would request confirmation for the adjustments at the first Council meeting in July.

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

Councilman McClellan made a **motion** to approve the budget amendment request. **Councilman Yanusz** seconded the motion, and it was passed unanimously (5-0).

Councilman Sullivan made a **motion** to give Anders authorization to amend the budget on a line-item basis in order to have a balanced budget as required by state law through June 30, 2013; any adjustment will be communicated to Council for approval at the July meeting of the Town Council. **Councilman McClellan** seconded the motion, and it was passed unanimously (5-0).

9. CITIZEN COMMENTS

- Mike Stone, who serves on the Planning and Zoning Board, said the Board had also discussed the possibility of requiring developers to meet with citizens before a rezoning public hearing is held. He thanked the Merchants Association of Oak Ridge, the Town Council and Bill Edwards for a successful RidgeFest.

11. COUNCIL COMMENTS

- **Mayor Pro Tem Howerton** thanked all the meeting attendees, including the Boy Scouts.
- **Councilman Yanusz** also thanked the Scouts. He commended those who helped with RidgeFest, including Parks & Recreation Director Terry Lannon and his staff. He also thanked those who made public comments, and said Council appreciates their feedback.
- **Councilman McClellan** thanked the Finance Committee and other Committees.
- **Councilman Sullivan** thanked the Committee members, said that the Committees are extremely important, and reiterated the need for new volunteers to serve.
- **Mayor Combs** asked how many of the Boy Scouts in attendance planned for get their Eagle award, and told them to remember that there are projects that can be done in the Town park.

12. ADJOURNMENT

Councilman McClellan made a **motion** to adjourn the meeting at 8:37 p.m. **Mayor Pro Tem Howerton** seconded the motion, and it was passed unanimously (5-0).

Respectfully Submitted:


Sandra B. Smith, Town Clerk


Ray Combs, Mayor