



OAK RIDGE TOWN COUNCIL MEETING
AUGUST 6, 2015 - 7:00 P.M.
OAK RIDGE TOWN HALL

MINUTES

Members Present

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

Staff Present

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

Members Absent

Ray Combs

1. CALL TO ORDER

Mayor Spencer Sullivan called the meeting to order at 7:00 p.m.

- A. **Invocation.** The invocation was given by Rev. Russ Williams of Moravia Moravian Church.
- B. **Pledge of Allegiance.**

2. APPROVE AGENDA

Mayor Pro Tem 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 THE JUNE 4, 2015, AND JULY 9, 2015, MEETINGS

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

4. RESOLUTIONS, PROCLAMATIONS, ANNOUNCEMENTS

None

5. TOWN MANAGER'S REPORT

- A. **Deputies at Oak Ridge Elementary.**

Oakley reported deputies had been obtained to direct traffic at Oak Ridge Elementary School for the first two weeks of school.

B. Update on Linville Road/N.C. 150 intersection.

Oakley reported that the N.C. Department of Transportation will begin work at the intersection after Labor Day. Councilman Kinneman asked if it was time to have an engineer do a study on putting in a sidewalk from Linville Road to Oak Ridge Commons shopping center. Oakley said he would get someone to determine the costs. Councilman McClellan asked how soon after that would a monetary appropriation be needed, and Oakley said he would likely have some costs within the next few weeks and then he would come to Council and ask for an appropriation.

6. PUBLIC HEARING

A. Rezoning Case #RZ-15-03. RS-40 to CU-HB. The property is located at the rear of 2202 Oak Ridge Road, in Oak Ridge Township. It is a portion of Guilford County Tax Parcel 0165780, which is comprised of approximately 0.348 acres and is owned by Jerry M. Cooke. The property is located in the Scenic Corridor Overlay Zone, the Greensboro (WS-III) Watershed Overlay Zone, and the Historic District.

Town Planner Bill Bruce read the property description into the record and presented the staff report, which is hereby incorporated by reference and made a part of the minutes. He stated that the owner, Jerry Cooke, is adding about one-third of an acre to the tract at 2202 Oak Ridge Road, which is already zoned CU-HB. Bruce said the zoning conditions would be exactly as they are on the main tract at this address. The property is located in the Historic District, and the Historic Preservation Commission concurred unanimously that the request is compatible with the Historic District. Bruce said the request is consistent with the Land Use Plan, it will allow more flexibility in the design of a commercially zoned property, and the Planning & Zoning Board voted unanimously to recommend approval.

Mayor Sullivan asked if the private residence at the rear of this property, where the one-third acre is being taken from, still meets the 40,000-square-foot minimum. Bruce said yes, and that the plat had already been recorded.

Mayor Sullivan opened the public hearing.

Proponents:

Philip Cooke, representing his father who owns the property, spoke in favor of the rezoning. He said when the lot is developed, they planned to add supply water and sewer to it from the utility company they own.

Opponents:

None

The public hearing was closed.

Council questions/comments:

Councilman Kinneman asked Cooke if they had talked to any of the neighbors regarding the rezoning. Cooke said his father had reached out to some and had met with Roger Howerton. He said no phone calls were received at either his or his father's homes or office.

Councilman Stone made a **motion** to approve that the proposed zoning amendment be approved based on the following:

1. The proposed zoning amendment 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 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 zoning request has been reviewed by the Historic Preservation Commission and has been found to be in compliance with the Historic Guidelines and the property is located within the commercial town core where such development should be located, and furthermore the conditions placed on the zoning are consistent with the parcels attached to this property; 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 RS-40 zoning of the one-third acre at the rear of the property serves no practical purpose and applying consistent zoning to the site provides a logical step for development. Furthermore, conditions applied to this property include matching the setbacks of the adjoining property and providing a sidewalk along the street frontage, both of which are consistent with the adopted Land Use Plan; 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 the property is located in the heart of the town core where the Town of Oak Ridge desires to see business/commercial development and such in-fill opportunities maintain the rural character of the outlying areas by placing business development in a centralized location that has the lowest impact on residential areas while providing for future goods and services by merchants in a walkable town core.

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

- B. **Rezoning Case #RZ-15-04. AG to CU-RPD.** The property is located on the west side of Bridgehead Road, approximately 1900 feet south of Oak Ridge Road, in Oak Ridge Township. It is Guilford County Tax Parcels 0167806 and 0167835, is made up of approximately 29.3 acres, and is owned by Gregory H. and Mary B. Campbell, and Richard Parker Barrow. The property is located in the Greensboro (GW-III) Watershed and the Oak Ridge Extraterritorial Jurisdiction (ETJ).

Planning Director Bill Bruce said the applicant had requested the case be continued, but since the application had been filed and legal advertising done, Council needed to take action. The Planning & Zoning Board had voted in favor of the continuance.

Councilman McClellan made a **motion** to grant the continuance until the September 3, 2015, Council meeting. **Councilman Kinneman** seconded the motion, and it was passed unanimously (4-0).

7. **CITIZEN COMMENTS**

Eric Strimple asked for an update on the CrossFit (CMT Commons) issue. Strimple said he had a hard time understanding how there could have been 27 public meetings, \$80,000 spent in legal fees, and the business still had no Certificate of Occupancy (CO) on their building. Mayor Sullivan responded that the Town had tried diligently, as outlined in the resolution passed the previous month, and that the issue was not because of a lack of effort on the Town's part. Sullivan said, as the Northwest Observer article had stated, that CrossFit had not complied with what they had said they were going to do with the building, and that the Council had no jurisdiction over the Historic Preservation Commission (HPC). Councilman Kinneman pointed out that the issue had been out of the Town's hands for quite some time because of litigation brought against the Town by CrossFit. Strimple said he thought the Town had been taken advantage of, and that after three or four meetings, someone should have had a casual conversation and worked the issues out. Sullivan said members of HPC were not allowed to do that because they are a quasi-judicial body. Strimple asked how many more costs the Town was going to incur as a result of the issue, and Sullivan said the Town was making one final effort to resolve the issue; he added that if it costs a few more dollars to reach a mutually agreeable outcome, he thought that was money well spent.

8. **MONTHLY FINANCIAL UPDATE**

Finance Officer Sam Anders presented the financial report, which is hereby incorporated by reference and made a part of the minutes. Anders also asked for approval of a budget amendment for two items, which included construction of Phase 2 of the park and to pay for a bib for the faucet at the new well in the park. Anders said the money for the park was included in last year's budget but was not spent. He added that the Council had approved \$30,000 for well construction in last year's budget, and that costs had come in well under budget at less than \$11,000. He said neither modification would increase this fiscal year's budget, it would just take the unspent money from last year's budget and slide it forward to this fiscal year.

Councilman Kinneman made a **motion** to approve the budget amendment as requested in the amount of \$336,434.11. **Councilman McClellan** seconded the motion, and it was passed unanimously (4-0).

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

9. **COMMUNITY UPDATES**

A. **Board of Adjustment**

No meeting

B. **Parks & Recreation Commission**

Chairman Bill Edwards reported:

- Phase II construction is underway and on schedule.
- Two Community Movie Nights, sponsored by The Summit Church, had been held and both were successful, as was the most recent Music in the Park event.
- Regarding a recent Northwest Observer article on vandalism of Eagle Scout projects in the park, Edwards said the Commission is highly supportive of Scout projects in the park and was taking steps to work with the Guilford County Sheriff's Office to combat vandalism.

C. Historic Preservation Commission

HPC chair Ann Schneider thanked Council, staff and Commission members for their help and support in the wake of recent threats to the Historic District. She said it was heartening to hear comments from citizens and businesses and to see that they understand the importance of the Historic District, which she said is here to stay. She said the informal meeting with State Historic Preservation Office representatives has been delayed until Susan Kluttz, secretary of the Department of Cultural Resources, could also attend. She said she looked forward to showing and telling them what all Oak Ridge has accomplished.

D. Finance Committee

No report

E. Fire Department

Sam Anders reported in Chief Steve Simmons's absence. He asked everyone to make sure they drink plenty of fluids and try to keep cool during the extremely hot weather. He also reminded attendees that the Fire Department offers many services, including teaching CPR classes, checking the installation of car seats, and doing blood pressure checks.

F. Planning & Zoning Board

Chair Doug Nodine reported the Board had met and discussed the two rezoning cases discussed by Council earlier in the meeting as well as four subdivision cases, which resulted in a total of only about eight lots.

10. CITIZEN COMMENTS

None

11. COUNCIL COMMENTS

- **Councilman McClellan** thanked all the Town's volunteers.
- **Councilman Kinneman** encouraged everyone who was able to give blood. He thanked the sheriff's office for attending the meeting that night and for directing traffic at Oak Ridge Elementary School during the first two weeks of school. He urged everyone to vote in the upcoming municipal election.

- **Councilman Stone** thanked Rev. Russ Williams for offering the invocation, and thanked all the Town's volunteers. He also thanked the sheriff's office and fire department. Stone said there was a big problem in Oak Ridge regarding the vandalism of Eagle Scout projects at the park, one which he said breaks his heart and shows a lack of maturity and character.
- **Mayor Sullivan** said a blood drive will be held at Oak Ridge United Methodist Church on August 10. Regarding the vandalism at the park, he added that the best deterrent to crime was vigilance.

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 McClellan made a **motion** to go into closed session at 7:55 p.m. **Councilman Kinneman** seconded the motion, and it was passed unanimously (4-0).

Councilman Kinneman made a **motion** to return to open session at 8:30 p.m. **Councilman Stone** seconded the motion, and it was passed unanimously (4-0).

13. **ADJOURNMENT**

Councilman Kinneman made a **motion** to adjourn the meeting at 8:31 p.m. **Councilman McClellan** seconded the motion, and it was passed unanimously (4-0).

Respectfully Submitted:



Sandra B. Smith, CMC, Town Clerk


C. Spencer Sullivan, Mayor