



**OAK RIDGE TOWN COUNCIL MEETING
APRIL 6, 2017 – 7:00 P.M.
OAK RIDGE TOWN HALL**

MINUTES

Members Present

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

Staff Present

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

Members Absent

Doug Nodine

1. CALL TO ORDER

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

A. Invocation.

John Jenkins said the invocation.

B. Pledge of Allegiance.

2. APPROVE AGENDA

Mayor Pro Tem George McClellan made a **motion** to approve the meeting agenda. Councilman Mike Stone seconded the motion, and it was passed unanimously (4-0).

3. APPROVE MINUTES

Councilman Jim Kinneman made a **motion** to approve the minutes from the March 2, 2017 meeting. Mayor Pro Tem McClellan seconded the motion, and it was passed unanimously (4-0).

4. RESOLUTIONS, PROCLAMATIONS, ANNOUNCEMENTS

- None

5. REPORT FROM GUILFORD COUNTY SHERIFF'S OFFICE

- Sgt. Eric League reported that crime in Oak Ridge had decreased 55 percent from last March. He encouraged citizens to lock their car doors at night, and to report any type of suspicious activity to the Sheriff's Office.

6. REPORT FROM OAK RIDGE FIRE DEPARTMENT

- Fire Chief Steve Simmons reported there had been 66 calls in the month of March, with 32 medical and 34 fire- or service-related. The department underwent 357 hours of training. Simmons said working smoke alarms save lives, and he encouraged those at the meeting to keep their smoke alarms clean and test them at least once a month.

7. TOWN MANAGER'S REPORT

A. Audio/video equipment.

Oakley called the Council's attention to the new display screens in the council chambers, and said work was ongoing on the sound system.

B. Commission/board appointments/reappointments.

Oakley recommended several commission/board appointments and reappointments.

Mayor Pro Tem McClellan made a **motion** to appoint Paul Woolf from an alternate to a full member of the Historic Preservation Commission, Phillip Hanks from an alternate to a full member of the Finance Committee, and to reappoint Ray Combs and Frank Whitaker to the Finance Committee. **Councilman Stone** seconded the motion, and it was passed unanimously (4-0).

8. PUBLIC HEARINGS

- A. TEXT AMENDMENT.** Amendments were being proposed to Chapter 30-9 Definitions and Chapter 30-351 Dimensional Requirements to amend the definition of townhouse, and to amend building separation requirements in the TC-R zoning district. The applicant is Chuck Truby on behalf of PJ Village Woods LLC.

Planning Director Bill Bruce said the applicant had requested a continuance of the case in order to address concerns expressed at the most recent Planning & Zoning Board meeting.

Councilman Kinneman made a **motion** to continue the case to the April 27 Planning & Zoning Board meeting and May 4 Town Council meeting. **Mayor Pro Tem McClellan** seconded the motion, and it was passed unanimously (4-0).

- B. REZONING CASE # RZ-17-02: RM to CU-TC-R.** The property is located on the south side of Quiet Place, approximately 700 feet west of N.C. Highway 68, and consisting of the Village Woods development, in Oak Ridge Township. It is Guilford County Tax Parcels #0162897, 0162915, 0162916, 0162917, 0162918, 0162919, 0162920, and 0162921, and consists of approximately 24.5 acres located in the

Greensboro (GW-III) Watershed and Scenic Corridor Overlay Zone. It is owned by PJ Village Woods LLC.

Planning Director 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 explained that this development is currently zoned RM (Residential Multifamily), which is now a legally nonconforming zoning, as it was replaced by the TC-R (Town Core-Residential) zoning after the Land Use Plan update. The development was zoned for a maximum of 21 townhouse units, and that number is also a condition of this rezoning request, but the configuration is different. The plan calls for two-unit and single-unit townhouses, which will require adoption of the corresponding text amendment, approval of which was just continued to the May meeting. Bruce said this area is within the Town Core, where single-family residences and townhouses are appropriate with a density of up to two per acre. He said the request is consistent with the Land Use Plan, and recommended approval. He said the Planning & Zoning Board voted unanimously at its March 23 meeting to also recommend approval.

Mayor Sullivan opened the public hearing.

Proponents:

- Jerry Cooke, who owns the property and lives in the development, said the rezoning request was in conformity with the Land Use Plan.

Opponents:

- None

Mayor Sullivan closed the public hearing.

Mayor Pro Tem McClellan asked if the request would just bring the property into conformity with the Land Use Plan that was adopted in 2016, and Bruce said yes.

Mayor Pro Tem McClellan made a **motion** to approve Rezoning Case #17-02 based on the following:

1. The proposed zoning amendment is consistent with the adopted Future Land Use 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 it meets the recommendation of the Oak Ridge Land Use Plan adopted in 2016.
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 it meets the objectives of Policy 1.1.1 and Policy 2.1.2 of the Land Use Plan adopted in 2016.

AND

3. The proposed zoning amendment is in the public interest. This 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 meets the objectives of Policy 2.1.1 and Policy 2.1.2 of the Land Use Plan adopted in 2016.

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

- C. **REZONING CASE # RZ-17-03: AG to CU-RS-40.** The property is located at the terminus of Bethel Ridge Drive in Oak Ridge Township. It is Guilford County Tax Parcel #0166410 (part), is comprised of approximately 34.075 acres, and is owned by Parker Family Limited Partnership.

Planning Director Bruce read the description into the record and presented the staff report, which is hereby incorporated by reference and made a part of the minutes. He explained that as a condition of development, the property would be developed consistent with the sketch plan submitted. The only access to the property is through the Bethel Ridge subdivision, which has 18 lots. A maximum of 32 lots would be permitted due to the 50-lot maximum per entrance allowed. Bruce said this property was a small portion of a 107-acre tract, which would have significant value as community open space if developed as a whole. He said this portion is primarily open pasture land and is consistent with RS-40 development. The lots would be slightly larger than the lots in Bethel Ridge, which is zoned RS-30. He said the sketch plan shows opportunities to connect to both Haw River Road and to the property on the west side. Bruce said staff recommended approval, as did the Planning & Zoning Board.

Mayor Sullivan opened the public hearing.

Proponents:

- Chris Rohrer of Land Solutions, 200 S. Regional Road in Greensboro, said he had been working with the developer through the rezoning process. He said he believed the rezoning was consistent with the Land Use Plan and was in harmony with the surrounding properties. Rohrer said community outreach was achieved by mailing a letter to neighboring residents and inviting them to contact him with questions, and there had also been an open house. About 8-10 residents attended the open house. He said the generic concern seemed to be about water, and the houses will be on individual wells. He said there were also concerns about the road through Bethel Ridge, but added that it would benefit the developer as he markets lots in the new development to make sure the streets were presentable. He added that the developer would work with NCDOT should damage occur to the roads due to construction traffic.

Opponents:

- None

Mayor Sullivan closed the public hearing.

Council members then asked questions, which included:

- What was the meaning of the indentation on the west side of the map? Bruce explained that it was the site of a possible future stub road to the remainder of the property.
- Could a road be extended to Haw River road and used as a temporary construction entrance? Rohrer said no, because that would require crossing a stream, which would require many additional permits from the Army Corps of Engineers.
- Why was a community well not used? Rohrer said it was not cost effective, and usually a development of this type would require about 50 lots to make a community well cost effective.
- Would the area for the stub road to the west be graveled or left undisturbed? Rohrer said it would remain undisturbed, and Bruce said that portion of the property would remain part of the residual 100-acre tract. Developer Kevan Combs said paved stubs create a place for undesirable activities, such as illegal dumping.
- What would the developer do to minimize the construction traffic through Bethel Ridge? Combs said the property is primarily open pasture, which would cut down on clearing and grading, since most of the heavy traffic involved in construction is associated with those activities. He invited any Bethel Ridge residents to contact him to address concerns with mud, etc. He also discussed erosion controls, and erosion plans would have to be approved by Guilford County.
- Would Combs commit to a time period when work would be done? Combs said work would not begin before 7 a.m. or continue after 8 p.m. He said generally no work would be done on Sundays, but sometimes that might be required. He said no loud equipment would be operated before 12 p.m. on Sundays.

Mayor Pro Tem McClellan made a **motion** to approve Rezoning Case #17-03 based on the following:

1. The proposed zoning amendment is consistent with the adopted Future Land Use 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 it meets the goals, objectives and policies of the Oak Ridge Land Use Plan adopted by the Council in 2016.
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 it meets Objective 1.2 of the Land Use Plan adopted in 2016.AND
3. The proposed zoning amendment is in the public interest. This 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 is compliant with the Land Use Plan adopted in 2016.

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

9. CITIZEN COMMENTS

- Ann Schneider, 8506 Rosedale Drive in the Twelve Oaks subdivision, said she had received an email and a phone call regarding emergency repairs to be made to the water main in her neighborhood, which is owned by Aqua NC. The Aqua NC website said the water would be shut off for four days. She said she hoped that was a typo, but that the entire neighborhood was concerned. Schneider said she was not sure if any other neighborhoods were affected.
- Mark Shina, 8400 Parkchester Place in the Linville Oaks subdivision, said ground was broken in the adjoining Knights Landing subdivision two years ago. That started problems with water that used to be contained on that property with rain, muddy water and silt running onto the streets and properties of the Linville Oaks neighborhood. He said Kevan Combs, the developer, had been called to assess the damage and had tried to rectify the situation by digging four large pits and a gully, but the water runoff had not cooperated and was still running into Linville Oaks. Shina said two years later, he felt like nothing had changed. He said the entrance from Knights Landing into Linville Oaks via Parkchester Drive looked like a sewer. Shina said he had contacted Council members and Sullivan and Nodine had visited the site, and he had asked them who was responsible for fixing the ongoing problem. Shina said Sullivan had contacted Kevan Combs, developer of Knights Landing, who had said Guilford County Soil and Erosion Control was responsible and that temporary erosion control measures would remain in place until the county notifies him to do the final grading and seeding. Shina said he had contacted Theron Jackson of Guilford County Soil and Erosion Control, and Jackson had said his responsibility was for mud, silt and inspections, since the Town had hired its own planner. He said he had also tried to call NCDOT and never got a response, and it seemed no one was willing to take responsibility. Shina said the issue had pitted neighbor against neighbor, and he would like to see it rectified before the new neighborhood is completed.

Oakley responded that Guilford County is in charge of erosion control, silt and mud, the Town is responsible for runoff outside the right of way, and NCDOT is responsible for the right of way. He said staff had visited the site earlier that day with Guilford County employees, who said everything was in compliance with the Town's ordinance, which Guilford County enforces. He said some additional measures had been taken, which should alleviate neighbors' concerns. Oakley said he was preparing a statement for Shina on the matter.

- Jennifer Holmes, 8503 Parkchester Place, said the Declaration of Independence was an indictment against absolute rule and harassment of the people, then said King George was 1,000 miles away, but the Town Council sees and hears its citizens. She said 100 percent of the neighboring residents had said they did not want the road connection between Linville Oaks and Knights Landing. She said Linville Oaks has had flooding and traffic, and, as recently as that day, she had

trucks turning around in her neighborhood, something she called a harassment and an invasion. She said walkers on the Linville Oaks private trail had nearly been hit crossing the road, something they had told Council would happen. She said an easement is still missing from their trail, and they wanted restitution. She added that her husband was not able to be present to defend his name, but what was being said about them around town, in the newspaper and in emails was bordering on slander. She referred to Councilman Kinneman, who was in favor of the connection between Linville Oaks and Knights Landing, as "Cut-through Kinneman." She ended by quoting George Washington, saying, "Labor to keep alive in your breast that celestial spark called conscience."

10. MONTHLY FINANCIAL UPDATE

Finance Officer Sam Anders presented the financial report, which is hereby incorporated by reference and made a part of the minutes.

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

11. COMMUNITY UPDATES

A. Historic Preservation Commission.

Chair Ann Schneider reported:

- A design review meeting had been held with the new architect for Pugh Oil.
- On March 15, the Commission met and approved Certificates of Appropriateness (COAs) for the new parking lot at the park and for a residence on Linville Road.
- Five applications had been received for this year's Historic Heritage Grants.
- Public meetings are being held to plan the Explore Historic Oak Ridge event on September 16.
- A historic marker will be dedicated at the park on June 1 before the Town Council meeting and on the first day of RidgeFest.
- A new display was featured in the display case in town hall honoring the Oak Ridge Horse Show. She thanked Town Clerk Sandra Smith for creating the display.
- Schneider thanked Council for appointing Paul Woolf to the Commission.

B. Parks & Recreation Commission.

Chairman Phillip Hanks reported:

- The park is looking good, and Parks & Recreation Director Terry Lannon and his crew are making things look nice.
- Music in the Park on April 8, which will feature The Grassifieds, and Canine Capers will be held on April 29.

C. Finance Committee.

Chair John Jenkins introduced the proposed 2017-18 fiscal year budget, which includes a tax decrease from 8.63 cents per \$100 of assessed property value to 8

cents per \$100. He said discussions among committee members had been lively, and public hearings would be held before the Town Council finalized the budget.

D. Planning & Zoning Board.

Chairman Ron Simpson said Council had dealt with the substance of the Board's meeting during the Public Hearings section of this meeting. He said it was clear planning and zoning was booming in Oak Ridge, and the Board was feeling pressure to try to balance the desires of citizens and developers. He said he welcomed any advice the Council might have.

E. Merchants of Oak Ridge.

Phillip Hanks, president of Merchants of Oak Ridge, reported the organization had a new member, and the deadline for the group's college scholarship had just passed. He said the Merchants looked forward to announcing the scholarship winner at the end of May.

F. Board of Adjustment.

No meeting

12. CITIZEN COMMENTS

- None

13. COUNCIL COMMENTS

14. ADJOURNMENT

Councilman Kinneman made a **motion** to adjourn the meeting at 8:16 p.m. **Mayor Pro Tem McClellan** seconded the motion, and it was passed unanimously (4-0).