



**OAK RIDGE TOWN COUNCIL MEETING
MAY 2, 2019 – 7:00 P.M.
OAK RIDGE TOWN HALL**

MINUTES

Members Present

Spencer Sullivan, Mayor
George McClellan
Doug Nodine
Ann Schneider

Staff Present

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

Members Absent

Jim Kinneman, Mayor Pro Tem

1. CALL TO ORDER

Mayor Spencer Sullivan called the meeting to order at 7:02 p.m.

A. Invocation.

Dr. Roy Carter, pastor of Central Baptist Church, offered the invocation.

B. Pledge of Allegiance.

2. APPROVE AGENDA

Councilwoman Ann Schneider made a motion to approve the meeting agenda. Councilman George McClellan seconded the motion, and it was passed unanimously (4-0).

3. APPROVE MINUTES

Councilman George McClellan made a motion to approve the minutes of the April 4, 2019 meeting. Councilwoman Ann Schneider seconded the motion, and it was passed unanimously (4-0).

4. RESOLUTIONS, PROCLAMATIONS, ANNOUNCEMENTS

- None

5. REPORT FROM GUILFORD COUNTY SHERIFF'S OFFICE

- Sgt. Whittington from District 1 of the Guilford County Sheriff's Office reported that there were 96 calls for service in Oak Ridge in April. Of those, there were three larcenies and one was a narcotics violation. Whittington encouraged citizens to lock their vehicles.

6. REPORT FROM OAK RIDGE FIRE DEPARTMENT

- Chief Steve Simmons reported the department responded to 62 calls in April – 31 of a medical nature and 31 of a fire/service-related nature. Department members received 229 hours of training. Simmons reminded residents to use safety around barbeque grills.

7. PUBLIC HEARING

- A. Rezoning Case #RZ-19-01:** PI (Public and Institutional) to CU-GB (Conditional Use-General Business). The property is located on the south side of Oak Ridge Road, approximately 350 feet east of the intersection with NC Highway 68, in Oak Ridge Township. It is Guilford County Tax Parcels #0166219, 0166213, and 0166212, consisting of approximately 1.93 acres. It is in the Greensboro (GW-III) Watershed, Historic District Overlay Zone and Scenic Corridor Overlay Zone, and is owned by Oak Ridge Foundation Inc.

Planning Director Sean Taylor 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 corrected the report to say the applicant had excluded, not exempted, several uses generally allowed in General Business zoning. The development conditions being proposed by the applicant were:

- Oak Ridge Foundation Inc. will grant an Historic Preservation Easement to Preservation Greensboro. This easement will protect structures that are listed as part of the Oak Ridge Military Academy National Historic District from demolition. Buildings that are located on the properties associated to this rezoning application to be included in the easement are: The former Donnell and Holt Store, the 1938 infirmary, and the cook's house.
- The former Donnell and Holt Store (cadet store/barber shop), the 1938 infirmary, and the cook's house are to remain and cannot be demolished for future development.

Because the property is in the Historic District and the Scenic Corridor, Taylor said the applicant would need to meet the landscaping conditions, and off-street parking would kick in as the buildings are developed. He added that staff recommended approval of the rezoning request.

Mayor Sullivan stated that the Historic Preservation Commission (HPC) and the Planning & Zoning (P&Z) Board unanimously recommended approval of the rezoning.

Councilwoman Schneider said she understood that the preservation easement was a development condition; Taylor agreed and said that beyond the buildings specifically mentioned, the easement would protect all the buildings in the National Register Historic District. He specifically named all 11 structures on the Oak Ridge

Military Academy campus to be included: Maple Glade, King Gymnasium, Alumni Hall, Linville Chapel, Holt Hall, Whitaker Hall, the Holt Memorial, Holt Infirmary, Donnell and Holt Store, and the cook's house. Schneider asked if the caretaker's house was also included and said she knew there were two white houses on the parcels being rezoned that were not protected by the easement. Taylor said the caretaker's house, which was also referred to as the commandant's house, would be protected by the easement, but the two white houses, located behind the former Post Office and the former Donnell and Holt Store, were not. Schneider pointed out that the former Post Office structure, which is what spurred the rezoning request, was not on the National Register of Historic Places and that the two small houses were considered contributing structures in the Town's Historic District but were not on the National Register listing. Taylor agreed with Schneider and said those houses would not be covered by this easement.

Mayor Sullivan explained the rules for the public hearing and opened it.

Proponents:

- Dr. Steve Wilson, 8525 Scoggins Road and representing Oak Ridge Military Academy, said they had asked for the rezoning as a way to protect its historic buildings. He said he hoped Cottrell Hall (former Donnell and Holt Store) would be used as a community center some day. He expressed appreciation to Councilwoman Schneider and Planning Director Taylor for helping to find a solution that would allow changing the use of the buildings while still protecting them and the other historical buildings on campus.

Councilman Nodine asked Wilson how the rezoned property would be used, and Wilson said currently the only known use is an aviation simulation center in the former Post Office, which would help students learn how to fly. Nodine asked if such a use would not fit in the current Public and Institutional (PI) zoning. Wilson explained that it would not because the center would also be open to the public.

Schneider asked to clarify what the easement means. She said under the Historic District's Design Guidelines, the owners of the property could still demolish the buildings although they would be subject to an 18-month delay, and Taylor agreed. She explained that a preservation easement would prevent demolition in perpetuity and that it passes from one owner to the next should ownership change. Taylor said that was correct, and Wilson said that was Oak Ridge Foundation's understanding as well.

- Frank Whitaker, 2338 Oak Ridge Road, asked what impact the preservation easement would have on the lienholder and whether his approval would be required. Taylor said the involved groups were in discussions on the matter, but in general the note holder would need to execute a subordination agreement in connection with the granting by ORMA of a preservation easement. Sullivan said he understood that if the subordination was not granted then there was no preservation easement and if the rezoning was approved, it would be void. Town Attorney Michael Thomas stated that the applicant would be unable to proceed with the rezoning because the preservation easement is a development condition of the rezoning.
- Van Tanner, 6605 Ashton Park Drive, asked if it was possible to separate the rezoning issue from the historic preservation easement issue. Sullivan said a

condition of the rezoning was the preservation easement, so the two issues were linked together. Tanner asked if that was also true of the subordination, and Sullivan and Taylor said that was part of the easement.

Opponents:

- None

With no need for rebuttal, Mayor Sullivan closed the public hearing.

Councilwoman Ann Schneider moved to approve the proposed zoning amendment based on the following:

1. *The proposed zoning amendment is consistent with the adopted comprehensive 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, since the property is located in Oak Ridge's Historic District, the Historic Preservation Commission has also provided the Council with its written statement that the proposed zoning amendment is not incompatible with the Design Guidelines for the Oak Ridge Historic District and is recommended for approval, and Council adopts the HPC's findings by reference.*

AND

2. *The proposed zoning amendment is reasonable. The Council considers the proposed zoning amendment to be reasonable because:*

The report of Town staff finding the proposed zoning amendment to be reasonable is adopted by reference.

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 includes development conditions requiring conservation easements for all of the historic structures owned by the Oak Ridge Military Academy and included in the National Register Historic District, thereby preserving the integrity of the Town's Historic District and the beauty of the architecturally, historically and culturally significant buildings for future generations, consistent with the Strategic Plan and Vision Statement.*

Councilman McClellan seconded the motion.

Councilman Nodine said he would support the rezoning because he thought the Town was interested in locating businesses in the Town Core. He said he was a little concerned, though, about the conservation easements, particularly the part that says they are in perpetuity. He asked what would happen if ORMA left and if the buildings would just be abandoned. Taylor said since the ORMA campus was in the Historic District, the development ordinance and the Design Guidelines would keep that from happening. Nodine said the preservation easement did not guarantee an economic use for the buildings if no one came forward to occupy them.

Councilman McClellan said he thought Nodine's question was what would happen if the academy were, hypothetically, to go out of business, if no one came forward to buy the land or reinvigorate the property and buildings fell into disuse. Town Attorney Thomas said a preservation easement was just like any other easement

and it would be granted to a third party. He said the easement was no different from easements on the shopping centers or the highway, and it would have to be dealt with when it happens. He said if ORMA ceases to exist, the preservation organization would come into play. Thomas agreed that there were unknowns, but this should be treated no differently than any other kind of easement.

Nodine said he was concerned that the easement would be given to a Greensboro historic organization, causing the Town to virtually lose control.

Councilwoman Schneider responded that Preservation Greensboro had been around for a long time and, as a leading preservation player in the state, it would be around to monitor the situation. She said the properties being discussed were important to the state and the nation, as well as to Oak Ridge. She said that neither the Design Guidelines nor the preservation easement would prevent the buildings from being refurbished in a way that is compatible with the Historic District. Schneider said this is the kind of opportunity that developers looked for, although so far that level of developer had not been attracted, something she said speaks to Oak Ridge Military Academy's rich history in the community.

Nodine said he had done more historical development than probably anyone in the room, but he also worried that the Town could lose control if things don't work out and the Town ends up with vacant, dilapidated buildings in its center. Taylor said there were different levels of easements, and the parties had come up with one that was not so stringent as to prevent anything being done with the buildings.

Sullivan said they were talking about an easement that preserves the exteriors of the buildings. While interested parties could gut the buildings and do whatever they wanted, the look would still be preserved. Taylor said that had been done intentionally because educational needs and classroom space needs change on a yearly basis.

Schneider reiterated that there would be no easements on the interiors of the buildings, which could be very stringent. She said she thought the buildings would never be left vacant because the preservation community would ensure that the right developers and uses are found.

Sullivan added that he didn't think every contingency could be covered, but he felt this solution comes as close as any action the Town could take to help preserve the campus in a fashion that residents are used to seeing. He said ORMA is at the heart of the Town, that it had been here since 1852, and he thought this would be an appropriate action to take. McClellan agreed.

Council's vote in favor of approving the rezoning request was unanimous.

B. 2019-20 Fiscal Year Budget.

Town Manager Bruce presented the budget message and the proposed budget, which is hereby incorporated by reference and made a part of the minutes. He announced that the documents would be available at town hall the following day or could be viewed on the Town's website.

Mayor Sullivan announced that this was the first of two public hearings on the proposed budget, and that Council would wait and vote after the second public hearing in June. He said that would allow citizens time to consider the proposed budget and share their opinions.

Sullivan then opened the public hearing.

- John Jenkins, 6700 Ashton Park Drive and chair of the Finance Committee, spoke. Jenkins said the Finance Committee had questioned every line item this year as well as in previous years. He said the conclusion was that there would be about \$1.7 million in revenue and approximately \$1.18 in operating expenses in the upcoming fiscal year. Capital outlay would be \$1 million, for which the Town would need to dip into its fund balance if all capital projects come to fruition. Jenkins said the Finance Committee recommended approval of the budget.
- Van Tanner, 6605 Ashton Park Drive, said he thought Oak Ridge has a great future as it relates to families, many of whom have moved here for the great schools. He said his concern was that he did not see any money in the budget to expand youth services. He said that Oak Ridge Youth Association desperately needs places for kids to practice soccer and lacrosse, but the organization has to rent field space. Tanner said the girls' lacrosse director had asked to use fields behind Town Hall (which are being farmed per an annual agreement), but they were told no because soybeans are growing there. He asked why the Town was trying to restrain the growth of family services. While Tanner said he was in favor of the Mountains-to-Sea Trail, he added that mothers at the playground have expressed concern about the one trail campsite located at the park. He asked Council to consider installing emergency light poles, such as are seen on some college campuses.
- Mike Stone, 8112 Hunting Cog Road, asked what percentage would be left in the fund balance after proposed outlays versus operating expenses.

With no one else wishing to speak, Sullivan closed the public hearing and said the Council's discussion would continue at the June 6 meeting.

8. TOWN MANAGER'S REPORT

A. Committee/Board appointment.

Councilman McClellan moved to recommend that Kyle Anders be appointed as a regular member of the Parks & Recreation Advisory Board. Councilwoman Schneider seconded the motion, and it was passed unanimously (4-0).

B. Records Retention and Disposition Schedule.

Town Manager Bill Bruce reported that the state Division of Archives and Records had requested towns adopt the most recent Records Retention and Disposition Schedule. He reported that there were different categories for every kind of government record, and standards for when most records can be disposed are set by the state. He said there was a very narrow set of items on which the Town has leeway regarding how long they can be kept.

Councilman Nodine questioned why Council members did not receive the document earlier, saying he did not think a 108-page document should be received just 30 hours prior to a meeting and Council be asked to adopt it. Mayor Sullivan said the Council was being asked to accept staff's recommendation on the matter. Councilwoman Schneider said she appreciated the fact that staff was on top of this type of issue, and that they are being prudent and in compliance with all state statutes regarding disposition and retention of records. Sullivan said given the level of staff review, he was comfortable approving the document.

Councilwoman Schneider made a motion to approve the 2019 Records Retention and Disposition Schedule as recommended by staff. Councilman McClellan seconded the motion, and it was passed by a 3-1 vote (Nodine voting in opposition).

C. Parks & Recreation Master Plan.

Bruce presented a memo, which is hereby incorporated by reference and made a part of the minutes, regarding the selection of a consultant to create a Parks & Recreation Master Plan. Eight proposals from consultants were received, and the top four, selected by Bruce and Parks & Recreation Director Terry Lannon, were interviewed by the Parks & Recreation Advisory Board. From those, the Board recommended selection of McGill Associates at a cost of \$28,500. Bruce detailed what the contract would include.

After discussion, Councilman McClellan moved to select the consultant as stated in the contract for the Parks & Recreation Master Plan. Councilwoman Schneider seconded the motion, and it was passed unanimously (4-0).

9. PUBLIC COMMENTS

- Phyllis Anders, 1837 Oak Ridge Road and a member of the Parks & Recreation Advisory Board, read a letter to the Council from Board chair Tracy Street regarding considering the recreational needs of all citizens before making recommendations to the Town Council. Street's letter said she believed park resources should belong to all, not just one segment or organization of the community. Anders, now speaking on her own behalf, said the overall needs in the park might not be reflected if the Council accommodates requests from just one organization. She said it is the responsibility of the Parks & Recreation Advisory Board to make recommendations to the Town Council to meet the needs of as many people as possible and for the good of the entire community.

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 McClellan made a motion to adopt a budget amendment as recommended by the chief financial officer. Councilwoman Schneider seconded the motion, and it was passed unanimously (4-0).

Regarding conversation on the amount of money in the budget being spent on park facilities, Anders said of the Town's \$7.5 million dollars in fixed assets, 76.7 percent are in the park, while Town Hall and all other assets make up 23.3 percent.

Councilman McClellan made a motion to accept the Finance Officer's report as presented. Councilman Nodine seconded the motion, and it was passed unanimously (4-0).

11. COMMUNITY UPDATES

A. Planning & Zoning Board.

Chair Ron Simpson reported that the Council had already discussed the rezoning at ORMA. Regarding preservation easements, he said he was excited to have been appointed to a committee to discuss them, although he said he had much to learn.

B. Mountains-to-Sea Trail Committee.

Co-chair Martha Pittman reported:

- A trail workday was held on Earth Day in April and 15 volunteers participated. She said the state also allowed groups to value volunteer hours for trail labor, so on April 22, the committee saved \$1,035 for labor.
- The group had learned its grant request had moved to the next level.
- The Committee members had manned an information booth at Canine Capers.
- They invited all in attendance to attend the ribbon cutting ceremony on that Friday to officially open the new segment of trail.
- Another guided hike was scheduled for the following weekend, and Pittman said hikers now had the opportunity to see the new bridge built by Boy Scout Nick Brace.

C. Merchants of Oak Ridge.

No report

D. Board of Adjustment.

No meeting

E. Historic Preservation Commission.

Chair Debbie Shoenfeld said the Commission met in April and approved a Certificate of Appropriateness for a new porch for a house on Billet Road and voted to recommend ORMA's rezoning. She said the grant review committee had met and

discussed three worthy grant applications. Shoenfeld said she and HPC member Kristin Kubly were working to find historic properties outside the Historic District.

F. Special Events Committee.

Chair Patti Dmuchowski reported the committee is continuing to work on a parade, scheduled for November 23 with a rain date of December 7, and a veterans' memorial at the park. Members of the Committee plan to meet with the Parks & Recreation Advisory Board and will ask that the proposed memorial be incorporated into the Town's upcoming Parks & Recreation Master Plan.

G. Oak Ridge Youth Association.

Van Tanner, representing ORYA, said the organization's sports teams have changed their name from the Colts to the Vikings. The organization is wrapping up spring sports and getting ready for upcoming sports seasons, and they are planning to revive a park signage sponsorship program. Tanner said the organization planned to have a big presence at the upcoming RidgeFest celebration.

H. Parks & Recreation Commission.

Vice Chair Phyllis Anders reported that Cruise Control will play at Music in the Park on May 11.

I. Oak Ridge Military Academy.

Steve Wilson, representing ORMA, said the academy was preparing for its Mothers' Day festivities, awards ceremony, baccalaureate ceremony and graduation. Currently they have about 40 registrations for summer camp.

J. Finance Committee.

No report

12. PUBLIC COMMENTS

- Mike Stone, 8112 Hunting Cog Road, recalled the first RidgeFest and said the event gets bigger and better every year. Stone gave details about this year's event and encouraged all to get involved.
- Van Tanner, 6605 Ashton Park Drive, said thousands of people use the park and when he asks for additional amenities for families or for total use of the Redmon House by ORYA, he is met with comments about what others need. Regarding the Council's goal to develop no more than 20 percent of the park's 80 acres, Tanner said he thought if it were 50 percent developed everything families need could be accommodated. He said the Town had money to spend on more and he asked that his requests be considered since families make up a large portion of Oak Ridge residents.
- Phyllis Anders, 1837 Oak Ridge Road, said she did not currently have children in the house but had a grandchild that played sports in the park. But she pointed out that not

all Oak Ridge children play sports, and that the park should be for all the Town's citizens, no matter what age. She said no one group should have total use of the park or the Redmon House. Anders said she felt it was important to get input from residents about what they want at the park. She urged the Council to not construct parks and recreation additions/improvements to benefit just one group, but to share to make things work for children who play sports, those who don't play sports, and "old folks like me," Anders said.

13. COUNCIL COMMENTS

14. CLOSED SESSION

To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee pursuant to N.C.G.S. 143-318.11(a)(6).

Councilman McClellan made a motion to go into closed session at 9:04 p.m. Councilwoman Ann Schneider seconded the motion, and it was passed unanimously (4-0).

Councilwoman Schneider made a motion to return to open session at 9:17 p.m. Councilman McClellan seconded the motion, and it was passed unanimously (4-0).

Councilman Nodine made a motion to give Town Manager Bill Bruce a 5 percent raise. Councilman McClellan seconded the motion, and it was passed unanimously (4-0).

15. ADJOURNMENT

Councilman McClellan made a motion to adjourn the meeting at 9:18 p.m. Councilwoman Schneider seconded the motion, and it was passed unanimously (4-0).

Respectfully Submitted:

Sandra B. Smith, NCCMC, CMC
Town Clerk

Spencer Sullivan
Mayor