



OAK RIDGE TOWN COUNCIL MEETING  
MAY 4, 2017 – 7:00 P.M.  
OAK RIDGE TOWN HALL

MINUTES

Members Present

Spencer Sullivan, Mayor  
George McClellan, Mayor Pro Tem  
Mike Stone  
Doug Nodine

Staff Present

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

Members Absent

Jim Kinneman

1. **CALL TO ORDER**

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

A. **Invocation.**

Pastor Marti Hazelrigg of Oak Ridge Presbyterian Church offered the invocation.

B. **Pledge of Allegiance.**

2. **APPROVE AGENDA**

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

3. **APPROVE MINUTES**

**Mayor Pro Tem McClellan** made a **motion** to approve the minutes of the April 6, 2017 meeting. **Councilman Stone** seconded the motion, and it was passed unanimously (4-0).

4. **RESOLUTIONS, PROCLAMATIONS, ANNOUNCEMENTS**

- Town Manager Bruce Oakley presented a resolution urging legislators to oppose House Bill 310, which would change the regulations for siting and appearance of cell phone towers. Municipalities might also be responsible for removing equipment that is no longer in use.

**Councilman Stone** made a **motion** to adopt the resolution. **Councilman Doug Nodine** seconded the motion, and it was passed unanimously (4-0).

5. **REPORT FROM GUILFORD COUNTY SHERIFF'S OFFICE**

- Sgt. Eric League reported no significant crime had occurred in Oak Ridge in the past month. He warned residents to be aware of a new crime trend involving the theft of large quantities of water and of scammers calling people to say they have not paid their taxes.

6. **REPORT FROM OAK RIDGE FIRE DEPARTMENT**

- Assistant Fire Chief Sam Anders and Roland Russoli presented the Andrew Russoli Strength and Honor Scholarship Award to Gigi Giaimo, a nursing student at UNCG. The award is in honor of Lance Cpl. Andrew Russoli, who was killed in action in Iraq. Russoli had planned to become a firefighter once his military duty ended.

7. **TOWN MANAGER'S REPORT**

A. **Commission/board appointment.**

**Mayor Pro Tem McClellan** made a **motion** to appoint Steve Wilson from an alternate to a full member of the Planning & Zoning Board. **Councilman Nodine** seconded the motion, and it was passed unanimously (4-0).

B. **Resolutions to add Grey Fox Road and Fox Terrier Drive to the N.C. State Maintenance System.**

**Mayor Pro Tem McClellan** made a **motion** to adopt the resolutions. **Councilman Stone** seconded the motion, and it was passed unanimously (4-0).

C. **Road closure.**

Oakley said he and Ann Schneider, chair of the Historic Preservation Commission, had met with NCDOT and Guilford County Sheriff's Office representatives about the possible closure of Oak Ridge Road to through traffic on September 16 so that the Explore Historic Oak Ridge event could be held. NCDOT requested that Council approve the proposed road closure. Local traffic will be able to use the road during the afternoon event.

**Councilman Nodine** made a **motion** to request NCDOT close the road for the event. **Councilman Stone** seconded the motion, and it was passed unanimously (4-0).

D. **Boy Scout project.**

Oakley said Parker Bryant, an Oak Ridge Boy Scout, was interested in doing his Eagle Scout project at town hall. Bryant explained to Council that he wanted to build at 12-foot-by-14-foot landscaped patio area with picnic table behind town hall.

**Councilman Stone** made a **motion** to approve Bryant's project. **Mayor Pro Tem McClellan** 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 presented the staff report, which is hereby incorporated by reference and made a part of the minutes. He explained that the current definition says townhouses must be attached, but there is a growing trend to have both attached and detached units in a single development. He said the second component of the text amendment would be to amend the building separation requirements. The current requirement is 20 feet, and the proposed building separation by the applicant would be 15 feet, but that would only apply to townhouse developments with buildings two stories or less. Bruce said the Planning & Zoning Board heard the case and split the text amendment approval into two separate votes. The Board voted 5-2 to recommend denial of the building separation request, and 7-0 to recommend approval of the townhouse definition.

Mayor Pro Tem McClellan asked if the development ordinance allowed building separations of 15 feet in developments zoned PDR. Bruce said several residential zoning districts would allow as little as 5-foot lot separation (buildings could be 10 feet apart). McClellan asked Bruce if a firewall would be required in those zoning districts, and Bruce said no. McClellan asked if the request being considered would include the maximum firewall; Bruce said yes.

Councilman Nodine asked what the objections of the Planning & Zoning Board were. Ron Simpson, chairman of the Planning & Zoning Board, said there was some concern when the issue was first considered in March regarding the proposed language regarding separate and detached dwellings and whether there could be potential confusion with detached dwelling units in other types of zoning. Simpson said the applicant went back and clarified the language. Simpson said the amount of space allowed between the buildings became more of a concern to the Board. He said in March, one of the board members said the fire chief had expressed some concern. Simpson said Fire Chief Steve Simmons attended the meeting in April, and was asked specifically to speak on fire suppression. Simpson said he thought Simmons' comments were persuasive because the majority of the Board thought there could be safety concerns if there was less space between buildings. He said the chief said the department could still gain access to the buildings, but there was some additional risk associated with narrowing the spacing between the buildings. Simpson said five Board members felt concerned enough about safety that they voted to recommend denial of the building separation change.

Mayor Sullivan opened the public hearing.

*Proponents:*

- Jerry Cooke, 7911 Quiet Place, said the request was being made for the Village Woods development, which he began developing in 2006 and finished the first building in 2008. The development is on 24 acres with seven building pads

approved. He said the one building that had been built had three units and three stories with no separation between the units. Cooke said the middle units are difficult to sell and the new plan proposed would have a twin home and a single home, with the two separated by 15 feet. He said after the first Planning & Zoning Board meeting, he met with the fire chief and discussed the issue. He said he understood from that conversation that 20 feet of separation is better, but 15 feet is OK. Cooke asked his wife to come forward and the two stretched out a tape measure in the Council chambers to illustrate the distance of 15 feet. He said the fire department will be able to access the buildings, and that it seemed logical that it would be better to have 15 feet of separation between buildings than to have a three-story building with no separation. He said whatever is built must meet code, but emphasized that in other zoning districts, you can build a single-family residence that is three stories tall with only 10 feet of separation between buildings. Planning Director Bruce confirmed that is true. Cooke said during the Planning & Zoning Board meeting, someone had said the developer just wanted to make more money, and he took exception to that. He said there will be no additional units built than initially planned, and if a project had been going on for nine years, it was not very successful. He said prior to his moving here, you could not even buy a cup of coffee in Oak Ridge, but he had changed that. He said he hoped people would get a different perception of developers.

- Philip Cooke, manager of PJ Village Woods, said the text amendment change would apply not just to this development, but to all townhome developments in town. He said market conditions had changed since the project was started, and he thought other developers would like to build the same type of project as what was being proposed. He said he thought the plan also tied into the Land Use Plan and the objective regarding providing various types of housing. Cooke said Eric Bradley, the architect, was present at the meeting and was more authoritative on building codes than he was.
- Ann Schneider, who served on the Land Use Plan Committee, said the plan sounded consistent with what the committee was trying to allow when it created an objective of providing a variety of housing options. She said after attending the Planning & Zoning Board meeting and hearing that a 10-foot building separation was allowed in other types of zoning, she was a bit stymied by the Board's decision. She added that she knew the Town wanted to protect its citizens.

*Opponents:*

- None

Sullivan closed the public hearing.

Mayor Pro Tem McClellan told Steve Wilson, a member of the Planning & Zoning Board, that he thought the proposed plan fit Objective 2.1 by encouraging a variety of housing options, and Policy 2.1.1, which allowed clustered, mixed density and/or attached single-family lots of up to two units per acre. He asked if Wilson agreed. Planning & Zoning Board chairman Ron Simpson said he did not think it was appropriate to question one Board member, and said that he would be glad to speak on behalf of the Board if Council members had questions. When McClellan

questioned Wilson again, Simpson said he did not understand why one member of the Board was being called out, and Mayor Sullivan agreed. McClellan apologized to Wilson.

Councilman Nodine asked if the development would include 21 units on 24 acres, and Cooke said yes. He said seven pads had been created that would have three units on each pad. One pad had already been utilized. Nodine asked if each pad would have a double and a single unit with a 15-foot separation between them, and Cooke said yes. He said the units would be more than 80 percent brick, and whatever type of firewall is required by building code is what would be used. Nodine asked Bruce if he knew what the rating would be on the firewall, and Bruce said he was not an expert on code. Nodine asked if other towns have similar ordinances, and Bruce said he knew Greensboro and High Point did. Nodine asked if single-family residences could be 10 feet apart in RPD-zoned districts, and Bruce said yes.

Mayor Sullivan said that he had two conversations with the fire chief to specifically discuss his concerns. He said the chief had told him that, as with any single-family home, the fire department must primarily deal with the size of the structure and the ability to deliver water. Sullivan said in this development, residences would be smaller than a good many single-family residences in Oak Ridge, and, from that perspective, it would be no different or any more difficult to fight fire there. Sullivan said the fire department had a tremendous reputation, which was reflected in a high fire rating for a rural fire department without hydrants. He said as the Town grows, there will be an increased need for the fire department to have more equipment and personnel, and he was confident they would deliver. He said fire codes are created for a reason, and he agreed that the 15-foot building separation was adequate.

**Mayor Pro Tem McClellan** made a **motion** based on the request of and demonstration of need by a citizen of the Town or otherwise as set forth in the minutes of the Council deliberation in open meeting that concludes that the health, safety and welfare of the Town of Oak Ridge and its citizens requires that the Oak Ridge Code of Ordinances be amended as proposed in the application submitted by PJ Village Woods. **Councilman Stone** seconded the motion, and after additional comment by the Council, it was passed unanimously (4-0).

**B. 2017-18 Fiscal Year Budget.**

Finance Committee chairman John Jenkins, who presented the budget at the April meeting, stated that the proposed budget would reduce the tax rate from 8.63 cents per \$100 of assessed property value to 8 cents per \$100, and the proposed budget reflects that change. He said the Council had met in February and created a 5-year Capital Improvement Plan, and that created a need for \$1.05 million to pay for the upcoming year's capital expenses. Jenkins said that in order to achieve that, the fund balance would need to be reduced by \$532,000.

Oakley said since the budget was introduced the previous month, the fire inspections contract had been adjusted, and that there would be no cap on the amount that could be charged per year.

Sullivan opened the public hearing on the budget.

*Proponents:*

- Chuck Salmon, 8505 Merriman Farm Road, said he was in favor of the budget solely because of the tax decrease.
- Jerry Cooke, 7911 Quiet Place, commended Jenkins, saying he had been serving as Finance Committee chairman for a long time.

*Opponents:*

- Chuck Salmon, 8505 Merriman Farm Road, said he opposed the budget because of the reduction in the fund balance and the fiscal outlay, saying the tax rate could have been cut significantly more. He said with such a large fund balance and general fund, it was tempting to have expenditures, but in excess of \$1 million is a lot of money to spend in one year. Salmon cited staff salaries as a place that could be cut, saying it was incumbent on all governments to look at outsourcing and what services could be provided for less money. He said the tax rate was about three times what Summerfield charges, and it was out of line for what it should be. Salmon said it would not be painful to cut the tax rate more.

Mayor Sullivan closed the public hearing. He noted that the Council would not approve the budget until after the second public hearing, which would be at the June meeting. Council members then offered comments on the proposed budget.

**9. CITIZEN COMMENTS**

- Randy Floss, 5914 Tarleton Drive, said he moved here 11 years ago and was thrilled with the area. He said he paid about half the property tax that he would if he lived in Greensboro. He then announced the annual RidgeFest celebration to be held June 1-3 in Oak Ridge Town Park.
- John Haynes, president of Oak Ridge Military Academy, said restoration work on the porticos at Alumni Hall is ongoing and will hopefully be completed before graduation on May 20. He announced several end-of-year activities, said the school had bought and trained several staff members on the use of AED defibrillators, and announced a \$2,000 scholarship to be available next school year for Oak Ridge students.
- Chuck Salmon spoke on the budget, and mentioned several ways the Council could look at outsourcing many of its responsibilities to save money in the future.

**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. He also presented the audit contract for Council's approval. Anders also responded to several questions regarding the fire inspections contract.

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

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

**11. COMMUNITY UPDATES**

**A. Parks & Recreation Commission.**

Chairman Phillip Hanks reported:

- The Canine Capers event was a success.
- Music in the Park will be held on May 13 and will feature The Radials.
- The group is discussing the purchase of a golf cart, and Hanks asked how to best go about that.

**B. Finance Committee.**

No meeting

**C. Planning & Zoning Board.**

Chairman Ron Simpson said in addition to the text amendment discussed earlier by Council, the site plan for Pugh Oil was approved.

**D. Merchants of Oak Ridge.**

Phillip Hanks, president of Merchants of Oak Ridge, reported that, along with RidgeFest, the Merchants are hosting Run the Ridge on Friday night.

**E. Board of Adjustment.**

No meeting

**F. Historic Preservation Commission.**

Chair Ann Schneider reported:

- In April, the Commission met and approved Certificates of Appropriateness (COAs) for Pugh Oil and for Gary and Myra Blackburn to restore a deck on their house.
- This year's Historic Heritage Grants will be announced soon.
- Planning is continuing on 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.

**12. CITIZEN COMMENTS**

- Jerry Cooke commended Randy Floss for his hard work on RidgeFest.

**13. COUNCIL COMMENTS**

14. **ADJOURNMENT**

**Mayor Pro Tem McClellan** made a **motion** to adjourn the meeting at 9:10 p.m.  
**Councilman Stone** seconded the motion, and it was passed unanimously (4-0).