



**OAK RIDGE TOWN COUNCIL MEETING
JUNE 7, 2018 – 7:00 P.M.
OAK RIDGE TOWN HALL**

MINUTES

Members Present

Spencer Sullivan, Mayor
Jim Kinneman, Mayor Pro Tem
George McClellan
Doug Nodine
Ann Schneider

Staff Present

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

1. CALL TO ORDER

Mayor Spencer Sullivan called the meeting to order at 7:00 p.m. He recognized Sen. Trudy Wade and her legislative assistant, Kathy Hartsell, who were in attendance.

A. Invocation.

Bishop-elect Carol Foltz of Moravia Moravian Church offered the invocation.

B. Pledge of Allegiance.

2. APPROVE AGENDA

Mayor Pro Tem Jim Kinneman made a motion to approve the meeting amended agenda after adding approval of the May 22 special meeting minutes and adding a report from the Special Events Committee to the Community Updates portion of the meeting. Councilman George McClellan seconded the motion, and it was passed unanimously (5-0).

3. APPROVE MINUTES

Councilwoman Ann Schneider made a motion to approve the minutes of the May 3, 2018 regular meeting and the May 22, 2018 special meeting. Councilman McClellan seconded the motion, and it was passed unanimously (5-0).

4. RESOLUTIONS, PROCLAMATIONS, ANNOUNCEMENTS

- Councilwoman Schneider announced that the Town is celebrating the 20th anniversary of incorporation in 2018. She presented Mayor Sullivan a 20th anniversary T-shirt and said a series of events will be held during the remainder of the year. Schneider said the T-shirts would be given away at events, and they are also available for purchase.

5. REPORT FROM GUILFORD COUNTY SHERIFF'S OFFICE

- Sgt. Latoya Howell of the District 1 office of the Guilford County Sheriff's Office reported on the number of calls for service the department had received during the month of May, and said crime was down from this time last year. She encouraged residents to lock their vehicle doors at night, and to report any suspicious activities.

6. REPORT FROM OAK RIDGE FIRE DEPARTMENT

- Chief Steve Simmons reported the department responded to 67 calls in May – 36 of a medical nature, and 31 of a fire/service nature – and personnel received 217 hours of training. He said as of June 6, the department had received more than 800 calls in a one-year period for the first time ever, something that reflects the growth in the Oak Ridge area. Simmons said it was the time of year that the department would begin receiving calls about heat-related medical emergencies. He urged residents, to stay hydrated on hot days, to take plenty of breaks out of the sun, and to take care of themselves on hot/humid days. He also cautioned residents to never let children ride as passengers on riding lawn mowers when the blades are engaged.

7. PUBLIC HEARINGS

- A. REZONING CASE # RZ-18-03: AG to RS-40.** The property is located on the south side of Forsyth Road, approximately 3,437 feet south of the intersection with Oak Ridge Road, in Oak Ridge Township. It is Guilford County Tax Parcel #0168305, consisting of approximately 27.06 acres, and is located in the Greensboro (GW-III) Watershed. It is owned by VANCO Properties LLC.

Town Planner Sean Taylor introduced the case and presented the staff report, which is hereby incorporated by reference and made a part of the minutes. He said the Planning & Zoning Board had voted to recommend approval by a 7-0 vote.

Planning & Zoning Board Vice Chair Bobbi Baker said the Board had found no issues against the definition of RS-40 zoning. She said there is farming done on the road, and some neighbors expressed concern about that transition to residential. With no conflicts with the development ordinance or the Land Use Plan, the Board voted unanimously to recommend approval.

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

Proponents:

- Vince Townsend of Green Mountain Engineering, 7A Wendy Court, Greensboro, said he felt the rezoning adhered to the Land Use Plan and to the development ordinance. He said he would be happy to answer any questions the Council might have.

Opponents:

- Frank Carroll, 1389 Forsyth Road, said he was in opposition to the rezoning because the development will not be required to connect to the public water

system nearby. Carroll said it would cost about \$27 per foot to bring water to the site, and he thought the Planning Director and Planning & Zoning Board were missing an opportunity by not requiring the connection. He said the Bojangles in Oak Ridge does not have orange on the building because the Town has the power to place restrictions on developers.

Rebuttal – Proponents:

- Vince Townsend of Green Mountain Engineering said the question of the water connection had come up during community meetings with neighbors. He said they had done a pretty thorough analysis and determined that the cost of running water to the development was too expensive.

Rebuttal – Opponents:

- None

With no other speakers, Mayor Sullivan closed the public hearing.

Council discussion:

Councilman McClellan said he thought the request meets the Town's criteria.

Mayor Pro Tem Kinneman noted that the Council had not enacted any ordinance that would require a developer to connect to a water source.

Councilwoman Schneider said she thought the rezoning request complies with the Land Use Plan. She noted that she had attended the Planning & Zoning Board meeting and heard neighbors speaking about the disappearing farmland, and said Council is trying to find some creative solutions to that issue.

Mayor Pro Tem Kinneman said he wanted the developer to know there would still be active farming in the area, and advised them to make sure residents moving in are aware of noises and smells that might go along with that.

Councilman Nodine made a motion that the proposed zoning amendment be approved based on the following:

1. *That the proposed zoning amendment is consistent with the adopted 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 Objective 1.2 of the Land Use Plan that land outside of the Town Core is recommended to be zoned RS-40.*

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 is in keeping with the surrounding single-family land use.*

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 it encourages single-family development, the predominant land use found in Oak Ridge.*

Councilman McClellan seconded the motion, and it was passed unanimously (5-0).

- B. REZONING CASE #RZ-18-04: CU-LB to CU-GB.** The property is located on the east side of NC Highway 68 North, approximately 640 feet southeast of the intersection of NC Highway 68 North and Oak Ridge Road, in Oak Ridge Township. It is Guilford County Tax Parcels #0166233, and 0166234, consists of approximately 3.164 acres, and is located in the Greensboro (GW-III) Watershed. It is owned by Twilight Outparcel Two LLC and Twilight Outparcel Three LLC.

Mayor Sullivan said a request had been received from the applicant to withdraw the rezoning request. Since the public hearing had been advertised, it was up to Council to decide whether to hear the case.

Mayor Pro Tem Kinneman made a motion to approve the applicant's request to withdraw the case. Councilman McClellan seconded the motion.

Mayor Pro Tem Kinneman said in discussing the case with various people, his main concern was with the ordinance. He said he did not believe an applicant should have to hire a lawyer to interpret the ordinance. If the request was something the Council wanted, it should clear up the ordinance to clearly allow what the applicant was requesting. Conversely, if the Council did not want to allow such requests, it should make that obvious in the ordinance.

Mayor Sullivan said the Council was in the process of developing a strategic plan and one issue to be addressed was development. He said he thought that would be an appropriate time to take a look at the issue and decide whether this or any other ordinance needs to be modified.

Councilwoman Schneider said she thought the Town's development ordinance was pretty good and that the applicant had hired a lawyer to see how to get around it. She complimented the Cooke family for contributing to the growth and livability of the Town, but said in this case a 74,000-square-foot storage facility in the Town Core was not a perfect fit with the ordinance or the Land Use Plan.

Councilman McClellan said he felt everyone has the right to obtain an attorney. He said the debate about the appropriateness of the use was between the Council. He said the request is in the Town Core, but it is also in the Commercial Town Core.

Council's vote in favor of the motion was unanimous (5-0).

C. 2018-19 Fiscal Year Budget

Town Manager Bill Bruce presented the proposed budget ordinance including the comparative budget with the current year. He said the Finance Committee had met three times to review the Town's finances and budget, and he and Finance Officer Sam Anders had developed a budget that the Finance Committee had then vetted line by line. Bruce said the balanced budget is in accordance with state statutes, and

there is no change proposed in the property tax rate of 8 cents per \$100 of assessed property value. He said highlights of the capital expenses included the first payment on the Whitaker property as well as funding for the Mountains-to-Sea Trail in the Town, sidewalk construction, and town park maintenance and equipment.

Sullivan opened the public hearing.

Proponents:

- Bill Barbour, a member of the Finance Committee, said the committee had worked diligently and taken as many factors as possible into account in developing the proposed budget. He said the committee unanimously supported the budget as presented and unanimously agreed not to reduce taxes in the upcoming year, although that had been discussed.

Opponents:

- Chuck Salmon, 8505 Merriman Farm Road, spoke in opposition to the proposed budget and expressed disappointment in not having a tax reduction.
- Mike Stone, 8112 Hunting Cog Road, said he liked the budget, but felt there was a lot of money in the fund balance. He said the Town had only had one tax decrease, and said the Town had enough money to do right by the citizens.

Rebuttal - Proponents:

- None

Rebuttal - Opponents:

- None

Mayor Sullivan closed the public hearing.

After discussion, Councilman McClellan made a motion to adopt Ordinance-2018-03. Councilwoman Schneider seconded the motion, and it was passed by a 4-1 vote (Nodine against).

8. TOWN MANAGER'S REPORT

A. Resolution to add River Farm Drive to State Maintenance System.

Bruce introduced Resolution-2018-03, which is hereby incorporated by reference and made a part of the minutes.

Mayor Pro Tem Kinneman made a motion to approve Resolution-2018-03 to add River Farm Drive to the N.C. State Maintenance System. Councilman Nodine seconded the motion, and it was approved unanimously (5-0).

B. Resolution to add River Gate Court to State Maintenance System.

Bruce introduced Resolution-2018-04, which is hereby incorporated by reference and made a part of the minutes.

Mayor Pro Tem Kinneman made a motion to approve Resolution-2018-04 to add River Gate Court to the N.C. State Maintenance System. Councilman McClellan seconded the motion, and it was approved unanimously (5-0).

C. Resolution to request the speed limit on NC 68 be lowered.

Bruce introduced Resolution-2018-02, which is hereby incorporated by reference and made a part of the minutes.

Councilman McClellan made a motion to approve Resolution-2018-02 request that NCDOT reduce the speed limit on NC 68 North. Councilwoman Schneider seconded the motion, and it was approved unanimously (5-0).

D. Deputy clerk position.

Town Manager Bruce recommended that the temporary deputy clerk position be made permanent. He said the position was approved in September for 20-25 hours per week and a maximum of 1,000 hours per year. He requested the pay grade for the position be established at a level 6.

Mayor Pro Tem Kinneman made a motion to make the part-time deputy clerk position a permanent position. Councilman McClellan seconded the motion, and it was approved unanimously (5-0).

Councilwoman Schneider made a motion to assign the part-time permanent deputy clerk position at pay grade of level 6. Councilman McClellan seconded the motion, and it was approved unanimously (5-0).

9. PUBLIC COMMENTS

- Lt. Col. Dave Reardon, president of Oak Ridge Military Academy, complimented the Town and Merchants of Oak Ridge on a successful RidgeFest. He then spoke of the school's successful graduating class, said the academy believes in positive leadership, and said it was the only school of which he was aware that drug tests all students. He encouraged the community to visit the school.
- Mike Stone, 8112 Hunting Cog Road, said Oak Ridge Military Academy is a great school with very impressive students. He then spoke about rezoning requests and said developers are given a great advantage over citizens.
- Chuck Salmon, 8505 Merriman Farm Road, thanked the Council for requesting the speed limit be reduced on NC 68. He said he was happy with the amount of County and fire taxes he pays, but he is not happy with the Town property tax and what the Town spends on cultural expenditures. He asked the Council to consider a tax rate reduction next year.

- Jonathan Hammond, 5808 Autumn Gate Drive, thanked the Council for support of the Scouts and said those present had seen a lively meeting with good discussion. Hammond said he thought the Town Park is outstanding, and that he would advocate that the Council continue to support it. He also said he would love to see tennis courts in the Town.
- Former Council member Roger Howerton, 2016 Oak Ridge Road, said Oak Ridge had levied a tax because the County had changed the sales tax distribution method and in order to receive any of that money, the Town was required to charge a property tax. He said he thought the Town was in a good shape, and that perhaps some had forgotten that the Council had recently approved the purchase of the Whitaker property that must now be paid for. He thanked Council and staff for the hard work they do.

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, as well as budget amendments and the contract for the annual financial audit.

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

Mayor Pro Tem Kinneman made a motion to approve the budget amendment as presented. Councilwoman Schneider seconded the motion, and it was passed unanimously (5-0).

Councilman Nodine made a motion to grant authority to the Finance Officer to adjust the budget through June 30 in order to balance it, and to report back to the Council on those activities at the meeting on July 12. Councilwoman Schneider seconded the motion, and it was passed unanimously (5-0).

11. COMMUNITY UPDATES

A. Parks & Recreation Commission.

Town Clerk Sandra Smith announced Music in the Park events would be held June 9 and June 30.

B. Finance Committee.

No report

C. Planning & Zoning Board.

Vice Chair Bobbi Baker reported that the Board had held two public hearings on the rezonings previously discussed by Council as well as reviewed two subdivision cases. Baker said she thought the best thing that came out of the meeting was that the request for a waiver for a road connection from the new subdivision on Beeson Road into the Foxbury development was approved. She said there had been a lot of

citizen input, and there was still the possibility of a trail connection. She called the case a win-win-win for everyone.

D. Mountains to Sea Trail Committee.

Co-chair Martha Pittman reported that in May and June, Town Manager Bruce had presented the case to add a spur to the Mountains-to-Sea Trail which would pass through the Cascades Preserve, there had been a workday at the Cascades, and the committee had a booth at RidgeFest, where good interest was shown about the trail.

E. Merchants of Oak Ridge.

President Phillip Hanks congratulated the Town on its 20th anniversary and on the park being open for 10 years. He reported on the organization's activities, including the recent RidgeFest celebration and Glow Run.

F. Board of Adjustment.

No meeting

G. Historic Preservation Commission.

Chair Debbie Shoenfeld reported that the Commission had approved two Certificates of Appropriateness in May for Oak Ridge Military Academy. Historic Heritage Grants for 2018 had been approved for Oak Ridge Military Academy's Maple Glade, St. James AME Church, and to repair a stone wall at Old Mill of Guilford. A total of \$44,122 work would be done in the Historic District as a result of the grants, with \$5,800 of that amount to be reimbursed to be grantees by the Town after work was completed. A historic marker had been purchased to celebrate the Town's 20th anniversary.

H. Special Events Committee.

Chair Patti Dmuchowski reported the Committee's events had kicked off at RidgeFest, and activities spanning the next six months were slated to celebrate the Town's 20th anniversary.

12. PUBLIC COMMENTS

None

13. COUNCIL COMMENTS

14. ADJOURNMENT

Mayor Pro Tem Kinneman made a **motion** to adjourn the meeting at 9:02 p.m. **Councilman McClellan** seconded the motion, and it was passed unanimously (5-0).

Respectfully Submitted:

Sandra B. Smith, NCCMC, CMC
Town Clerk

Spencer Sullivan
Mayor