



**OAK RIDGE TOWN COUNCIL MEETING
NOVEMBER 2, 2017 – 7:00 P.M.
OAK RIDGE TOWN HALL**

MINUTES

Members Present

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

Staff Present

Sam Anders, Finance Officer
Michael Thomas, Town Attorney
Bill Bruce, Planning Director/Interim
Co-Town Manager
Sandra Smith, Town Clerk/Interim
Co-Town Manager
Ashley Royal, Deputy Clerk

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

Mayor Pro Tem George McClellan made a **motion** to approve the meeting agenda as amended after removing the closed session. **Councilman Mike Stone** seconded the motion, and it was passed unanimously (5-0).

3. APPROVE MINUTES

Councilman Jim Kinneman made a **motion** to approve the minutes of the October 5, 2017 meeting, the October 19, 2017 special meeting, and the October 19, 2017 closed session. **Councilman Stone** seconded the motion, and it was passed unanimously (5-0).

4. RESOLUTIONS, PROCLAMATIONS, ANNOUNCEMENTS

None

5. REPORT FROM GUILFORD COUNTY SHERIFF'S OFFICE

Master Cpl. Goodnight reported that Part 1 crimes, which include breakings & enterings and violent acts, are down 8 percent this year. He said there had been several vehicle breakings & enterings at Oak Ridge Town Park, and they were believed to have been committed by a gang from Florida. He said surveillance had been increased at the park and said cameras had been posted, but he reminded park visitors to not leave valuables in their vehicles or to lock them in the trunk.

6. REPORT FROM OAK RIDGE FIRE DEPARTMENT

Chief Steve Simmons reported there had been 71 calls in October, with 40 of a medical nature and 31 of a fire/service nature. The department had received 236 man-hours of training. Simmons encouraged residents to practice safe open burning, particularly if they are deep frying turkeys during the holiday season, and he urged citizens to change the batteries and to clean and test their smoke alarms.

7. TOWN MANAGERS' REPORT

A. Tree City USA.

Interim Co-Town Manager Sandra Smith reported the Tree City signs have been posted along NC 68.

B. Committee appointments.

Mayor Pro Tem McClellan made a **motion** to appoint Barbara Engel and Brian Hall as alternates to the Historic Preservation Commission. **Councilman Kinneman** seconded the motion, and it was passed unanimously (5-0).

C. Remedies for parking lot at Oak Ridge Town Park.

Councilman Kinneman made a **motion** to ask the contractor to repave the new parking lot at Redmon Field with an additional inch of asphalt and restripe it at no additional cost to the Town. **Councilman Nodine** seconded the motion, and it was passed unanimously (5-0).

D. 2018 Meeting Schedule.

Councilman Stone made a **motion** to approve the meeting schedule for 2018. **Mayor Pro Tem McClellan** seconded the motion, and it was passed unanimously (5-0).

E. Design contract for septic system at Oak Ridge Town Park.

Interim Co-Town Manager Bill Bruce presented a proposal from Hugh Creed Associates for a wastewater disposal system at the Town Park. The original system was not sized to accommodate the usage the park now sees. The project should take 30-60 days to complete, and construction should be completed by late spring.

Mayor Pro Tem McClellan made a **motion** to approve an agreement for design of a septic system for the Town Park. **Councilman Stone** seconded the motion, and it was passed unanimously (5-0).

8. DISCUSSION OF DOOR-TO-DOOR SOLICITATION ISSUE

Mayor Sullivan said the Town had received four phone calls about the issue, which had been brought to the attention of the Council by a citizen at the October meeting. He had then asked Town Attorney Michael Thomas to prepare a memo on the matter, which Council received prior to the meeting. Sullivan said the Town has limited options and door-to-door solicitation is a protected form of free speech under the Constitution. However, the Town can perhaps regulate that activity in a limited way. He asked Thomas to summarize the information he had prepared for Council.

Thomas said the Town could regulate, restrict or prohibit certain aspects of door-to-door solicitation under N.C. General Statute, but that authority is subject to constitutional restrictions that protect the right to free speech. He provided summaries from court cases, as well as some ordinances that are used by some larger municipalities in the area. Thomas suggested the Town survey other towns, particularly smaller ones without their own law enforcement, to see if they have door-to-door solicitation ordinances and how they are implemented. He said towns with ordinances invariably have a close relationship with law enforcement, either by having their own police force or, as in Oak Ridge's case, by working with the sheriff's department. He said without a police force, Oak Ridge cannot assign tasks to the sheriff's department because the Town does not have that type of administrative capability. Thomas said the Town can require an application process and a proper ID, do background checks, collect an administrative fee from applicants, and issue permits or ID tags, which could all create a significant administrative burden.

Sullivan clarified that any regulatory ordinance would only be limited to commercial activities, and would not apply to any political, religious or nonprofit organizations. He questioned whether the bulk of door-to-door solicitation would be affected, and Thomas said it depends upon whether it falls in those categories. Thomas said all citizens who own their properties have the right to bar anyone from coming onto their property, but the question is whether the Town can be part of shielding citizens from undesired solicitations at their own front doors. He said all citizens have the right to post their property with no-trespassing or no-soliciting signs. He briefly discussed a 2002 U.S. Supreme Court case in which a town had an ordinance on door-to-door solicitations that required first registering with the town and receiving a permit. Sullivan asked if posting such a sign on a property would prevent anyone from soliciting, including political, religious and nonprofit; Thomas said yes. Sullivan asked if having a door-to-door solicitor removed would still be dependent on a citizen calling law enforcement officials, and Thomas said yes.

Council members individually weighed in on the subject. Councilman Kinneman said it was a complex issue, and he thought the Town needed to look more deeply to see what other towns without a police force do and try to avoid unintended consequences. He said he would like to task staff with looking into the matter further.

Mayor Pro Tem McClellan agreed it was a complicated matter, and he would also like to direct staff to conduct a survey of other towns. He said in the meantime, citizens who want privacy should post a no-soliciting sign.

Councilman Stone said he thought the matter was less complicated, and said he had done a search and determined that of the 12 towns in the area, four of them do not have their own police forces and yet they have door-to-door solicitation ordinances. He cited the range of fees that those towns charge, the duration of the license, and the penalties charged for failing to heed the ordinance. He said it was obvious that even without a police force, there was still ample evidence that it was possible to create an ordinance. He said at the appropriate time he would make a motion to put together a citizen committee to research the issue and ask it to make a recommendation to Council.

Councilman Nodine agreed with Stone, saying that towns create ordinances all the time and he could support Oak Ridge creating such an ordinance. He said he could not, however, support doing nothing. He added that he thought just having an ordinance generally drives door-to-door solicitors to other towns.

Sullivan clarified that anything created would not be a no-solicitation ordinance, but would be a permitting ordinance. He said he wanted to know how widespread the problem is, since the Town has only heard from a handful of its 7,000 residents that door-to-door solicitation is a problem. He said he would favor having staff do a study of other municipalities with such ordinances and determine how effective they are, how they are administered and how much of an impact they had, along with a recommendation. Sullivan said currently the Council did not have enough information in order to make an informed decision. He added that passing an ordinance could possibly create a false sense of security for residents, since those intent on criminal activity would pay no attention to an ordinance. He encouraged the use of Neighborhood Watch programs and citizens watching out for each other, and calling the sheriff's department if they see suspicious activity.

Mayor Pro Tem McClellan made a **motion** to instruct staff to do a comprehensive study of the issue and report back to the Council no later than the February 2018 Council meeting. **Councilman Kinneman** seconded the motion.

Additional conversation ensued, with Stone disagreeing with Sullivan on whether there was a door-to-door solicitation problem, saying he had heard enough to believe there was. He said staff could be studying the issue and a citizen committee could be formed at the same time. Nodine agreed with Stone.

Councilman Stone made a **substitute motion** to direct Town staff to establish a citizen committee to work with staff to investigate the issue of door-to-door solicitation, and to make reports to the Town Council beginning at the January 2018 meeting. **Councilman Nodine** seconded the motion, and it was passed unanimously (5-0).

Staff was given direction that the committee will have a minimum of five members and should be made up of citizens from different areas in the Town.

9. PUBLIC COMMENTS

- Marsh Powers, 8539 Linville Road, said he was there to address a complaint about a zoning violation that his neighbor, Patti Paslaru, reported about at the October Town

Council meeting and wrote about in a letter to the Northwest Observer. Powers said he is a retired, disabled veteran who repairs small motors as a hobby from his home. He said he sometimes charges for parts or repairs lawnmowers for elderly residents or those who cannot afford to pay for the repairs. He said he also does welding and blacksmithing as a hobby from his home, and that the small engine repair was not being operated as a business. He said Paslaru had also reported to the health department that he was pouring oil on the ground and polluting the Haw River, but after an investigation, they had found no violations. He said he and his landlord had met with Planning Director Bruce, and he had agreed to write a letter to the Town stating what he would do to ensure his repair work meets the ordinance and keeps the peace in his neighborhood. Powers said Paslaru had compared what he was doing to a large-scale zoning violation on Fogleman Road last year. He said Paslaru lived about 100 yards away from him, but she had never spoken to him personally.

- Richard Lamb, 2407 Oak Ridge Road, spoke about Powers' character and how he had helped many people in the community, even spending money from his own pocket to repair lawnmowers for those who could not afford it.
- Wayne Brackett, 8537 Linville Road, said he was Powers' immediate neighbor and that his repairing of small engines had never disturbed him in any way. He said Powers was the best neighbor he had ever had.
- Tom Wright, 2417 Oak Ridge Road, owns a small engine repair business in Oak Ridge. He said he understood the zoning laws, but claimed Paslaru's attack on Powers publicly and in the Northwest Observer had been warrantless, spineless and insulting, and could have been handled differently. He said he had called on Powers to help customers who could not pay for repairs to their lawnmowers, and Powers had always done all he could for those in the community. Wright said he would do all he could to keep Paslaru, who was a candidate for Town Council, from being elected.
- Patti Paslaru, 8543 Linville Road, said the issue with Powers had been going on for about two years, and claimed she was not the only neighbor who had complained. She said the matter was not about what Powers does for the community, but about his violating the zoning of the property.

Mayor Sullivan said the Town's ordinances are enforced fairly and objectively, and the Council trusts the judgment of Bruce, who is also the enforcement officer. He said if there was an issue, Bruce would be charged with investigating. Paslaru said she believed there had been a zoning violation because Bruce had sent Powers a letter. She said she had received an email from Bruce along with the written proposal of the conditions agreed to by Powers. She said if he sticks to those conditions, the issue should resolve itself.

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 Kinneman made a **motion** to accept the financial report. **Mayor Pro Tem McClellan** seconded the motion, and it was passed unanimously (5-0).

11. COMMUNITY UPDATES

A. Historic Preservation Commission.

Chair Ann Schneider reported:

- HPC had no regular meeting this month, as there were no COAs.
- The Commission was pleased the Council had appointed the two new alternates.
- About an additional \$1,000 to \$1,400 is expected from ticket sales for the Explore Historic Oak Ridge event.
- The next meeting is November 15.

B. Parks & Recreation Commission.

Chair Tracy Street reported the Light Up the Night luminary event is scheduled for December 2. She also said she was there to bring to the Council's attention the concerns the Commission has about building an additional baseball/softball field at the park. She said the concern comes from the current lack of multipurpose practice fields and that several groups have requested to practice on the multipurpose game fields and have had to be turned down. She said the Commission felt it was a better plan for two multipurpose practice fields be built instead of one baseball/softball field and one multipurpose field.

Mayor Sullivan said the Council would have a special meeting to discuss the Capital Improvement Plan on December 14. He asked the Parks & Recreation Commission to provide a support with supporting data as to why its recommendation should be followed, and said other stakeholders would also be asked to provide a report.

C. Finance Committee.

None

D. Planning & Zoning Board.

None

E. Merchants of Oak Ridge.

President Phillip Hanks said the Great Pumpkin Event on October 28 was a great event, and the organization is looking forward to 2018.

F. Board of Adjustment.

No meeting

12. PUBLIC COMMENTS

- Ed Treacy, 8402 Parkchester Drive, thanked Patti Paslaru for bringing the zoning violation on Linville Road to the attention to the Town.

- Chauncey Callaway, who is the Oak Ridge Youth Association baseball director, said it was also difficult for ORYA baseball teams to find places to practice, with some having to practice at locations other than the park or Oak Ridge Elementary School. Mayor Sullivan asked if Callaway was advocating for building the additional youth baseball/softball field at the park, and Callaway said yes.
- Barry Knight, 7005 Aplington Road, who is also a member of the Parks & Recreation Commission, said a baseball field had been removed in recent years at Oak Ridge Elementary School and that the dynamics of sports have changed. He said he thought it was a bad idea for the Town to build baseball fields for travel teams and for taxpayers to not be allowed to practice at the park. He said if the Town builds two multipurpose practice fields, one could be converted to a baseball/softball field in the future if it is needed.

13. **COUNCIL COMMENTS**

14. **ADJOURNMENT**

Councilman Kinneman made a **motion** to adjourn the meeting at 9:23 p.m. **Councilman Stone** seconded the motion, and it was passed unanimously (5-0).

Respectfully Submitted:

Sandra B. Smith, NCCMC, CMC
Town Clerk

Spencer Sullivan
Mayor