



**OAK RIDGE TOWN COUNCIL MEETING
JANUARY 7, 2021 – 7:00 P.M.
(Held electronically via Zoom)**

This meeting was conducted remotely under N. C. Gen. Stat. § 166A-19.24 by use of simultaneous communication using the Zoom online platform and in which Town Council members participated by simultaneous communication. Town Council members were joined and participated in the entire meeting, unless otherwise noted.

MINUTES

Members Present

Ann Schneider, Mayor
Jim Kinneman, Mayor Pro Tem
George McClellan
Doug Nodine
Martha Pittman

Staff Present

Bill Bruce, Town Manager
Sandra Smith, Town Clerk
Sean Taylor, Planning Director
Sam Anders, Finance Officer
Michael Thomas, Town Attorney (Joined meeting at 7:38 p.m.)

1. CALL TO ORDER

Mayor Ann Schneider called the meeting to order at 7:00 p.m. Schneider asked Town Clerk Sandra Smith to conduct a roll call for Council members and staff.

A. Invocation/Moment of Silence.

Gary Blackburn offered the invocation.

B. Pledge of Allegiance.

Alexandra Santiago of BSA Troop 219G and a member of the country's inaugural class of female Eagle Scouts, led the Pledge of Allegiance.

2. MAYOR'S STATEMENT CONCERNING THE EMERGENCY

Mayor Schneider read from a prepared statement, explaining that the meeting was being conducted electronically over Zoom due to the COVID-19 pandemic and that the public had been invited to join by phone or electronic device. Schneider said meeting materials had been posted on the Town website. She stated that Council members would identify themselves when speaking, and all votes would be taken by roll call.

3. APPROVE AGENDA

Mayor Pro Tem Jim Kinneman made a motion to approve the agenda, and Councilwoman Martha Pittman seconded. Via a roll-call vote, the motion was passed unanimously (5-0).

4. APPROVAL OF MEETING MINUTES

Councilman George McClellan made a motion to approve the minutes of the December 3, 2020 regular meeting, and Councilman Doug Nodine seconded. Via roll-call vote, the motion was passed unanimously (5-0).

5. RESOLUTIONS, PROCLAMATIONS, ANNOUNCEMENTS

None

6. REPORT FROM GUILFORD COUNTY SHERIFF'S OFFICE

Lt. Jeremy Fuller from the District 1 office of the Guilford County Sheriff's Office reported that there were 53 calls for service in Oak Ridge in December. Of those, there were 38 regarding burglaries, one which involved a residence and another of a motor vehicle. He gave statistics for other types of calls received, and said the average response time from when the call was received until officers arrive on the scene is 9 minutes, 20 seconds.

In response to a question from Councilman McClellan, Fuller said there had been two incidents in the park in January in which vehicle windows were smashed and purses stolen. In the year 2020, Fuller said there had been one "smash and grab" incident in the park. He encouraged residents to lock and secure their vehicles and to store their belongings out of sight.

7. REPORT FROM OAK RIDGE FIRE DEPARTMENT

Captain Ken Gibson reported that the department had received 58 calls in December, and 32 were for emergency services. He said there had been one structure fire on North Bunker Hill Road in which a family had been displaced from their home. Gibson said department members received 181 hours of training in the previous month. With the possibility of an upcoming weather event, he noted this is the time of year for winter storms, which include the possibility of power outages, downed trees and black ice.

8. PUBLIC HEARINGS

Mayor Schneider stated that the rezoning public hearing was being conducted electronically over Zoom. The public was invited to join in by phone or electronic device, and instructions for joining had been publicized. All materials regarding the hearing were posted on the Town's website. Residents wishing to comment on this case were invited to sign up in advance to share comments during the meeting, or to submit written comments or phone them in. Schneider said that the applicant had executed a waiver of an in-person hearing. She said the period for public comment

would remain open for at least 24 hours from the end of the public hearing. Schneider said that although Town Council would have the opportunity to discuss the application, it would not vote on it at that night's meeting. She announced that the Council would hold a special meeting on January 11 at 10 a.m., at which time it would vote on the rezoning application. The rules would ensure statutory obligations were being met while adhering to the Governor's Executive Order.

REZONING CASE #20-04: RS-40 (Residential – Minimum 40,000 sq. ft. lots) to AG (Agricultural). The property is located on the north side of Warner Road, approximately 1,300 feet east of Happy Hill Road, in Oak Ridge Township. It is a portion of Guilford County Tax Parcel 0166902, consists of approximately 24.6 acres, and is located in the Oak Ridge Extra-Territorial Jurisdiction (ETJ). It is owned by Bryan and Tammy Gardner.

Planning Director Sean Taylor presented the staff report, which is hereby incorporated by reference and made a part of the minutes.

Schneider invited a report from Planning & Zoning Board Chair Ron Simpson. Simpson said he was not present for the meeting, but the rezoning seemed straightforward and there was not likely anyone opposed since the request was for rezoning to less density. Town Clerk Sandra Smith reported that no one had spoken at the Planning & Zoning Board meeting other than the applicants, and the Board's vote in favor of recommending the rezoning was unanimous.

Schneider opened the public hearing and asked Smith if anyone had signed up to speak or had submitted comments. Smith said no, but added that the applicant may wish to speak.

Proponents:

- Applicant Tammy Gardner, 8750 Warner Road, Kernersville, said she and her husband had decided they were not interested in developing the front portion of their property so there was no reason for it to be zoned RS-40. They were requesting to go back to AG zoning.

Opponents:

- None

With no need for rebuttal, Schneider closed the public hearing. She reminded attendees that the Council would not vote on the application until its special meeting on January 11 and that comments could be submitted to the town clerk for the next 24 hours.

Council comments/questions:

- McClellan said he was glad to see the property being returned to AG zoning.
- Pittman said she was happy with the request.
- Schneider said she welcomed the request and would vote in favor.

9. TOWN MANAGER'S REPORT

A. Board/Committee appointment/reappointment.

Councilman George McClellan moved to approve the appointments of Stuart Mease to the Finance Committee and Michael Bell to the Board of Adjustment, and Councilwoman Martha Pittman seconded. Via roll-call vote, the motion was passed unanimously (5-0).

B. Memorandum of Understanding (MOU) with Guilford County regarding Cascades Preserve.

Town Manager Bill Bruce reported that the Town had been operating under a very similar MOU with Guilford County regarding the Cascades Preserve for the past 5 years, and it had been a great partnership. He said both entities monitor and provide care for the property. He said the Town's Mountains-to-Sea Trail committee maintains the trails on the property. He noted that the MOU does not obligate the Town to provide more funds. He requested that Council renew the MOU.

Mayor Pro Tem Jim Kinneman made a motion to adopt the Memorandum of Understanding with Guilford County, and Councilman George McClellan seconded. Via roll-call vote, the motion was passed unanimously (5-0).

C. Redmon House update.

Bruce said Council had made it a priority in its Strategic Plan to explore possible uses and costs for the Redmon House at the corner of Linville Road and Lisa Drive and on Town Park property. He said the interior demolition had been completed, and a subcommittee had been formed to explore possible uses of the structure. Following outreach and public input, the subcommittee had recommended it be used for a small meeting and event space; Council had appropriated \$20,000 for a design firm to prepare drawings and estimates for the cost of renovation. Recently, staff has been negotiating a proposal with a design firm from Virginia with considerable experience in historic preservation to provide architectural design services. Bruce said staff hoped to share the proposal with the subcommittee soon and to bring a recommendation to Council in the following month or two.

Councilman Nodine asked if this project had been included in the 5-year Capital Improvement Plan (CIP) and how much had been allocated. Bruce said it was part of the adopted CIP, and he thought \$200,000 had been allocated, but not yet budgeted.

Schneider said only \$20,000 had been budgeted so far. Nodine asked how much of that had been spent, and Bruce said less than \$10,000 was spent about two years prior on interior demolition.

Planning Director Sean Taylor confirmed that the interior issues had been remediated and that remediation would reduce future construction costs.

Nodine said he thought money spent on the Redmon House was a waste of money, and he did not see the value of creating more meeting space since the town hall has two places where people can meet. He said the rough estimate of \$200,000 to renovate the house was low, and he thought the cost would likely be double that.

Mayor Schneider noted that the house was in the Historic District, and the Design Guidelines encourage finding new uses for historic structures. She said the Redmon

House is a lovely farmhouse that would be a gateway into the park, and although it is not opulent, it is part of the historic fabric of the Town.

D. Strategic Plan Update meeting/workshop.

Bruce announced that the Council would hold a special meeting on January 21 at 2 p.m. for the purpose of updating the Strategic Plan, with the venue to be determined.

10. NEW BUSINESS

A. Report from Conservation Easement Committee.

Debbie Shoenfeld and Ron Simpson, members of the Conservation Easement Committee, presented a report to Council, which is hereby incorporated by reference and made a part of the minutes. Mayor Schneider said the report is available on the Town website.

Simpson said the committee was created in 2019 to explore the use of conservation and preservation easements for open space and historic sites. The report contained information on why such easements are used, how they work, and what is the cost, as well as recommendations to set up and award grants over a 5-year period.

After additional discussion, Mayor Schneider said she hoped the plan would be supported and considered as Council begins to update its Strategic Plan.

B. Consideration/approval of meeting policy during State of Emergency.

Mayor Schneider said that her goal was to decide whether to allow boards and committees of the Town to hold hybrid meetings – where some members attend in person and some remotely – during the current State of Emergency. Currently the decision is made by Committee chairs in consultation with staff and committee members, and Council decides how it will meet by consensus. She said making formal motions, discussing, and voting on the matter would increase transparency about how the decisions are made about meetings and allow Council members to weigh in on the matter during open session. She said she also wanted to make the option clear to boards and committees as well as Council if Council approves such a policy.

Councilman George McClellan moved for the duration of the current Emergency Order to allow the option of hybrid meetings for boards and committees to allow some members to participate remotely with the exception of quasi-judicial boards, which include Historic Preservation Commission and Board of Adjustment, for which this is not currently a legal option, and for Council to continue its current policy of allowing board and committee chairs to work with staff and Committee members to make decisions regarding whether meetings are held in person, remotely, or as hybrid meetings. McClellan also moved that for the duration of the current Emergency Order, the Town Council continue to determine, in consultation with staff, whether to hold each of its meetings in person, remotely, or as a hybrid meeting through consensus votes of a majority of the Town Council members. Mayor Ann Schneider seconded the motion.

Mayor Pro Tem Jim Kinneman made a substitute motion that, to ensure the safety of all attendees, all Town meetings that include attendees other than staff, including but not limited to committees, subcommittees, boards and commissions, be held virtually, and that Council review the policy at its monthly Council meeting. Councilwoman Martha Pittman seconded.

After a question of clarification from Town Attorney Michael Thomas, Kinneman amended the motion to add:

If the Governor's Order to restrict activities is lifted, the policy would be lifted also. Otherwise, the policy would be reviewed by Council at its monthly meeting. Councilwoman Pittman seconded the amended motion.

Kinneman explained that the motion would include Council and meant that – other than meetings attended solely by staff – all meetings would be held virtually. Kinneman stated that record levels of COVID-19 are being reported, the healthcare system is being overloaded, and a new variant of the virus is spreading. He said the most recent recommendations of the Department of Health and Human Services discourage gathering in person, regardless of the size of the gathering. He said it is Council's duty to ensure the safety of staff and citizens.

Councilman McClellan asked Kinneman if he knew the number of Oak Ridge residents who had the virus, and Kinneman said that he did not, but he added that in-person gatherings carry a risk of transmitting COVID-19, and while Council could disagree on the level of risk, it was not zero. He also said that it is possible to be asymptomatic and still transmit the virus. In Guilford County in a gathering of 25 people, Kinneman said there is a 46 percent chance that at least one person has COVID-19. He said in-person Council meetings have been sparsely attended, and virtual meetings have more benefits than shortcomings. Although citizens could watch the live feed of the meeting online, they could also do so in an electronic meeting and can also speak to the Council and answer questions, something that is not possible when watching the live feed. He said members of committees could attend their meetings electronically and feel safe. He gave an example of a recent Town committee meeting where two of the members declined to attend because the meeting was in person. He said COVID-19 does not care who it affects, but Council can show it cares about staff and committee members by not putting them at risk.

McClellan said he believed that in times of crisis, Council needs to provide some normalcy. He said before all the drama about meetings began in December, Council was already working on the idea of hybrid meetings. He said the County Commissioners currently meets in person, but only Commissioners, staff and the media can attend; others must attend via a platform similar to Zoom. McClellan said the Council was working on a similar idea when Kinneman sent an email to other members of Council, saying he would not attend meetings unless they are held electronically. McClellan said the email ticked him off. He said as of that day, the cumulative total of COVID-19 cases of those living in the 27310 ZIP code was 379, or about 5.13 percent of the population. While he said he sympathized with their families, only two Oak Ridge residents had died. McClellan said his proposal provided flexibility so that if a significant number of residents contracted COVID-19, the Council could meet electronically. He said he thought meeting attendees needed to be given the option, and he was interested in using a model similar to what the County Commissioners use. He said boards such as the Historic Preservation Commission needed to continue to meet in person because of the kind of work they do, and he said the Town had spent about \$1,000 making sure the Council chamber was safe for meetings. McClellan said he believed there should be flexibility, but he

also did not think Council needs to go hide in a basement, so he would not support Kinneman's motion.

Councilman Nodine said he thought both sides of the argument had been well presented, and he had no comment.

Councilwoman Pittman said she supported Kinneman's motion because allowing a decision to be made monthly would allow for changing circumstances and data, which provides flexibility. She said Council needed to decide to what degree it wanted to be safe, and it could be safe, safer or safest. With the current levels of spread, Pittman said she thought the best option was to provide the safest method. She agreed that the Town has the technology to meet in a hybrid format, but that technology also allowed work to be done on a virtual basis. Although Council is allowed by law to meet in person, Pittman said because something is legal does not make it the smart thing to do. She said Council's decision did not affect just the Council, but it also affects quite a few citizens in the Town, and safety should be made a priority. Pittman agreed that the numbers of citizens in Oak Ridge with COVID was low.

McClellan said that was because citizens were doing their jobs and rising to the occasion.

Mayor Schneider asked Council members not to interrupt each other.

Pittman continued that Council members know people who have struggled during the pandemic and those who had been in quarantine. McClellan asked if they were people who live in Oak Ridge, and Pittman said yes. As McClellan began to speak again, Schneider asked Council to come to order and allow Pittman to continue. McClellan apologized to Schneider for the interruption.

Pittman said whenever a gathering is held, attendees essentially gather with all the people the other attendees have gathered with. She praised staff for making Town Hall as safe as possible, but if Council's decision is to meet in person, it would also obligate staff to attend those meetings. She asked, while things are so bad, that Council make decisions to keep its members, staff and citizens as safe as possible.

Pittman said McClellan's motion had excluded HPC, but she asked Town Manager Bruce and Town Attorney Thomas to weigh in on whether quasi-judicial meetings can be held virtually as long as certain protocols are being met.

Bruce said that his understanding is that there is no fundamental difference between a hybrid meeting and a virtual meeting. If one member attends electronically, that means it is considered a virtual meeting.

He asked Town Attorney Michael Thomas to confirm, and Thomas agreed.

Pittman then asked if HPC and Board of Adjustment were allowed to have virtual meetings, and Schneider said yes. She said she had originally thought quasi-judicial boards were not allowed to have virtual meetings, but she now understood they were.

Schneider said everything we do – including walking outside or driving a car – carries risk, but the 46 percent chance that someone in a meeting could have COVID, as Kinneman had stated, did not make sense to her. She said she would defer to a statistician, but the risk is not evenly distributed. She said in the last month, several committee chairs have said they did not attend their meetings because they were out of town, not out of fear of the virus. She said the virus is not nearly as deadly as originally thought, and there is a 99.97 percent survivability rate in the general population, including the elderly who have a much higher chance of contracting it. She said custom dividers had been added to the Council chambers and for staff, seats were more spread out, and the Town was meeting all the Governor’s restrictions. She had also confirmed with several people that local government meetings are safe and may include up to 25 people. She said such meetings are essential to continuity of government and are considered low risk due to social distancing and wearing of masks, which is different from, for example, an indoor party. Schneider said she thought the Council was more effective when it meets in person without the mediation of an electronic platform. She said she had also heard from many citizens that they preferred to watch the livestream of a meeting or attend in person as opposed to the awkwardness of watching a Zoom meeting, especially a recorded one. She said she favors holding in-person meetings with the option of remote attendance because it gives everyone the opportunity to make their own decision regarding risk. Schneider said she would support whatever decision Council makes, but added that she was wary of messages that try to instill fear. She said those who contract the virus have an 80 percent chance of having only mild to moderate symptoms.

Mayor Pro Tem Kinneman and Councilman McClellan again began debating, and Mayor Schneider called for order.

Councilman Doug Nodine called the question.

The vote on Kinneman’s substitute motion was 2-3 in favor (Kinneman and Pittman voting for; McClellan, Nodine and Schneider voting against).

Mayor Schneider asked to make a friendly amendment to McClellan’s motion to remove reference to quasi-judicial boards, and McClellan agreed.

Councilwoman Pittman asked for a friendly amendment to McClellan’s motion that “allowing” board and committee chairs to work with staff and committee members be changed to “requiring.” McClellan agreed to the friendly amendment. Schneider, who had seconded the motion, said she thought “requiring” was a bit strong, and asked Pittman if she would agree to the word “asking.” Pittman said she preferred the word “requiring” because she thought it was important to ensure that everyone was consulted. Schneider seconded the motion with the friendly amendment. Council’s vote in favor of the amended motion by Councilman McClellan passed 4-1 (Kinneman voting against).

Councilman George McClellan moved that Council take a 5-minute recess at 8:57 p.m., and Mayor Pro Tem Jim Kinneman seconded. Via roll-call vote, the motion was passed unanimously (5-0).

Council returned from recess at 9:03 p.m.

C. Charge to Parks & Recreation Advisory Board.

Councilman George McClellan made a motion to charge the Parks & Recreation Advisory Board with recommending one or more possible names for the Whitaker property. Mayor Pro Tem Kinneman seconded. Via roll-call vote, the motion was passed unanimously (5-0).

D. GFL Environmental Services Franchise Agreement.

Town Manager Bruce explained that the current franchise agreement for solid waste and recycling was about to expire. Since 2009, the Town had contracted with Waste Industries for these services. The company now goes by the name GFL Environmental Services. Bruce said the renewal allows for an annual rate increase, which is tied to the Consumer Price Index (CPI) and is capped at a maximum of 3 percent. He said there had been very few complaints about the company's service over the years, and the ones received are usually quickly resolved. Council is required to hold two readings of the agreement; this is the first.

Councilwoman Martha Pittman made a motion to approve the franchise agreement with GFL Environmental Services, and Mayor Pro Tem Jim Kinneman seconded. Via roll-call vote, the motion was passed unanimously (5-0).

11. 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 George McClellan made a motion to approve the financial report as submitted by the Finance Officer, and Councilman Doug Nodine seconded. Via roll-call vote, the motion was passed unanimously (5-0).

12. PUBLIC COMMENTS

- Barbara Engel, 8524 Rosedale Drive, Oak Ridge, thanked Town Manager Bruce for speaking recently to the Oak Ridge Garden Club about the plan for the Whitaker property. She also said there was a traffic problem around Oak Ridge Elementary School, the Twelve Oaks subdivision, and the Oak Ridge Plantation subdivision, as school traffic is now being rerouted through the subdivisions without any prior notification to residents. Engel added that not all drivers are considerate, and some are speeding, running through lawns, and tossing out trash. She said the school principal had been very receptive to working together with neighbors, but the issue also concerns the Town because they are trying to get school traffic off of Oak Ridge Road.
- Mike Stone, 8112 Hunting Cog Road, Oak Ridge, said he had attended the Planning & Zoning Board meeting and wanted to comment on the rezoning. He said he thought the best type of zoning was Rural Preservation District (RPD), which would help preserve rural vistas. He said there was no incentive to property owners to apply for RPD zoning because they want to lower their property taxes, and that is currently allowed only for properties that are zoned Agricultural (AG). He encouraged Council to somehow incentivize property owners to rezone their properties to RPD.

13. COMMITTEE REPORTS

A. Special Events Committee.

Patti Dmuchowski, committee chair, reported on the committee's activities, including the set-up of the electric luminaries in the park, the veterans' memorial, a Memorial Day event being planned for May 2021, and the Light Up the Night event and Thanksgiving Parade to be held November 20.

B. Finance Committee.

No report

C. Historic Preservation Commission.

No report

D. Planning & Zoning Board.

Town Clerk Sandra Smith read a report from Vice Chair Nancy Stoudemire, which is hereby incorporated by reference and made a part of the minutes.

E. Mountains-to-Sea Trail.

Town Clerk Smith read a report from Co-Chairs Bill Royal and Anne Steele, which is hereby incorporated by reference and made a part of the minutes.

F. Conservation Easement Committee.

Report given earlier in the meeting

G. Parks & Recreation Advisory Board

No meeting in December

13. COUNCIL COMMENTS

14. ADJOURNMENT

Mayor Pro Tem Jim Kinneman made a motion to adjourn the meeting at about 9:25 p.m., and Councilman George McClellan seconded. Via roll-call vote, the motion was passed unanimously (5-0).