



**OAK RIDGE TOWN COUNCIL MEETING
JANUARY 9, 2020 – 7:00 P.M.
OAK RIDGE TOWN HALL**

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
Michael Thomas, Town Attorney
Sam Anders, Finance Officer

1. CALL TO ORDER

Mayor Ann Schneider called the meeting to order at 7:00 p.m.

A. Invocation.

Former Council member Roger Howerton offered the invocation.

B. Pledge of Allegiance.

2. APPROVE AGENDA

Mayor Pro Tem Jim Kinneman moved to approve the amended meeting agenda after adding a report from the Conservation Easement Committee as item 12.G. Councilwoman Martha Pittman seconded the motion, and it was passed unanimously (5-0).

3. APPROVE MINUTES

Councilman George McClellan made a motion to approve the December 5, 2019 meeting minutes. Councilwoman Pittman seconded the motion, and it was passed unanimously (5-0).

4. RESOLUTIONS, PROCLAMATIONS, ANNOUNCEMENTS

- Nancy Stoudemire, chair of the Tree City USA committee, presented certificates of recognition to the citizens who own Treasure Trees. The Treasure Tree Program, which measured trees by height, girth and crown spread, was the committee's annual tree project.

5. REPORT FROM GUILFORD COUNTY SHERIFF'S OFFICE

- None

6. REPORT FROM OAK RIDGE FIRE DEPARTMENT

- Capt. Brandon Bull reported that the department received 65 calls during the month of December; of those 37 calls were of a medical nature and 28 were of a fire/service nature. Personnel received 187.5 hours of training and installed six infant car seats. As a safety tip, Bull urged residents to exercise safety when using a space heater. He also advised citizens who use fossil fuels to heat their homes to have a carbon monoxide monitor and to test it monthly.
- Councilman Kinneman recognized the death of Bill Newman, the department's former chief.

7. OLD BUSINESS

Water system management plan and water rules.

Mayor Schneider explained that the item had received a 3-1 vote in favor at the December 5, 2019 meeting. Because it was not approved by a supermajority on the first reading, it did not pass and had to be voted on again.

Councilman McClellan made a motion to approve the water system management plan and water rules. Mayor Pro Tem Kinneman seconded the motion, and it was passed by a 4-1 vote (Nodine against).

8. NEW BUSINESS

A. Parks & Recreation Master Plan presentation

Jim Ford of McGill Associates gave a presentation of the draft Parks & Recreation Master Plan. The Plan was created with input from the Parks & Recreation Advisory Board after looking at the Town's demographics and taking an inventory of the amenities available now at Oak Ridge Town Park. In addition, online and mailed surveys were completed by property owners and park users. Stakeholders' meetings were held with groups that use the park, such as Merchants of Oak Ridge and Oak Ridge Youth Association. Ford said 845 surveys were completed, which is more than 10 percent of the Town's population, a response rate he said was excellent. He presented the top recommendations for amenities along with an illustrative concept of development of the Whitaker property (behind Town Hall). Ford also provided some rough estimates for construction costs of amenities in various locations, including the Whitaker property, trails and greenways, and small neighborhood parks.

Mayor Pro Tem Kinneman said he thought the Town might want to consider applying for a Parks & Recreation Trust Fund (PARTF) grant from the state. Mayor Schneider explained that PARTF awards matching grants of up to \$500,000. Councilman Nodine asked what were the chances that the Town could obtain such a

grant, and Ford explained that the grants were awarded based on a point system, with points given for various criteria. Councilwoman Pittman asked if the grant would be specifically for developing the Whitaker property, and Ford said yes, because the grants are site specific. Ford also said McGill Associates is available to assist in putting together the grant application package.

Schneider said the Council would be asking for input from residents on the master plan at a public hearing at the Council meeting in February. She also said the Council may be considering spending for some park amenities at its 5-year Capital Improvement Plan (CIP) meeting on January 23. Nodine questioned the fact that the Council would have a public hearing on the master plan on February 6, but some spending decisions could be made at the January 23 CIP meeting – before the master plan is adopted. Schneider said it might be appropriate to have a second CIP meeting to tweak some numbers if Council thinks that is appropriate. Kinneman and Nodine said that would be a good idea. Pittman noted that the CIP is about any capital expenditures, not just those at the park. Schneider directed Town Manager Bill Bruce to schedule a follow-up CIP meeting if it is needed.

B. Introduction to Ordinance changes (Goal 2.2 of Strategic Plan)

Planning Director Sean Taylor said one of the Strategic Plan’s goals was to create an active and healthy “village feel” in the Town Core. He explained that when the Town incorporated, it simply adopted Guilford County’s Development Ordinance, which has many uses and zoning classifications that do not line up with the goal for a village feel. Over the summer, an intern had compared Oak Ridge to other towns that seem to align with the Town’s goal. For example, Weddington had only two business district zoning classifications – general business and shopping center; Wake Forest, although larger than Oak Ridge, only allows two types of business districts – neighborhood business and highway business. In comparison, Oak Ridge has 10 business districts and 235 permitted uses.

To get the development ordinance more in line with the desire for a village feel, Taylor outlined next steps, which included actions such as refining the list of permitted uses, meeting with commercial stakeholders for input, and creating a subcommittee of the Planning & Zoning Board to review a newly drafted permitted use table. The Planning & Zoning Board would then host an open house for citizen comment and review, followed by recommendation to Council to approve or deny the changes. Taylor said he hoped the timeline would be such that the Town Council would approve the recommended changes to the Ordinance in May.

9. TOWN MANAGER’S REPORT

A. Board/Committee appointments/reappointments.

Town Manager Bruce recommended several reappointments.

Councilman McClellan moved that Bill Barbour and Beth Walker be reappointed to the Board of Adjustment and that Tammy Gardner be recommended to the County Commissioners for reappointment as the ETJ North representative to the Planning & Zoning Board. Mayor Pro Tem Kinneman seconded the motion, and it was passed unanimously (5-0).

B. Parks & Recreation Ordinance amendment.

Bruce recommended an ordinance amendment which would require all members of the Parks & Recreation Advisory Board to be residents of Oak Ridge, including the Oak Ridge Youth Association (ORYA) president. Bruce said the change would bring the Advisory Board in line with all other Town boards and committees. He recommended the Parks & Recreation Advisory Board ordinance be changed as follows:

Sec. 36-34. – Membership

The Board shall be composed of seven (7) members, one of whom shall be a representative of the Oak Ridge Youth Association, Inc., ~~the President of the Oak Ridge Youth Association, Inc.,~~ and three (3) alternates appointed by the Town Council. Board membership should in its educational, employment, and experiential background reflect various recreation needs of the community.

All members and alternates, including the Oak Ridge Youth Association representative, shall be legal residents of Oak Ridge. Appointments or reappointments shall be for a three-year term. Members will serve at the pleasure of Town Council without monetary compensation.

Councilman McClellan said that his understanding was that the current ORYA president does not live in Oak Ridge, and Bruce said that was his understanding. McClellan clarified that if the change is approved, the current ORYA president would no longer have a vote on the Advisory Board.

Regarding the seat on the Advisory Board set aside for an ORYA representative, Mayor Pro Tem Kinneman said the Council would have final approval on the recommendation.

Councilman Nodine asked if the change applied to all committees or just the Parks & Recreation Board; Bruce said the ordinance already stipulates residency requirements for other boards and committees. Councilman Nodine asked what had occurred to make this change be recommended. Town Attorney Michael Thomas said it had come about during conversations with staff; he said he thought the only reason the ordinance originally specified the seat be filled by the ORYA president rather than an ORYA representative was because everyone had expected the president to be an Oak Ridge resident. Nodine asked if Thomas had instigated the change; Bruce said that it was instigated by discussions that brought to light that there was a voting member who did not live in Oak Ridge.

Schneider said there was a contradiction in the current ordinance because it says all members and alternates shall be legal residents of Oak Ridge. She said she thought the issue, which was an unintended consequence, arose because of the decision to appoint the ORYA president, traditionally an Oak Ridge resident, to the Parks & Recreation Board.

Pittman said she thought any self-contradicting ordinance was weak and that this change would make the Town consistent and fair. Pittman added that she thought ORYA would be well represented by any member chosen.

Councilman McClellan made a motion to approve the changes to the Parks & Recreation Advisory Board ordinance. Mayor Pro Tem Kinneman seconded the motion, and it was passed unanimously (5-0).

C. Nonprofit Funding Policy.

Bruce said recent discussions regarding subsidies to the Oak Ridge Youth Association revealed that the Town does not have a policy, and he submitted the following for discussion:

**TOWN OF OAK RIDGE
NONPROFIT AGENCY/ORGANIZATION FUNDING POLICY**

STATEMENT OF PURPOSE

The purpose of this policy is to set forth parameters and establish guidelines for the funding and/or subsidization by the Town of Oak Ridge of nonprofit agencies or organizations (herein referred to as “nonprofits”).

POLICY STATEMENT

The Town of Oak Ridge recognizes the value that partnership with nonprofits can provide. Nonprofits that share a common interest in encouraging the success of our community, specifically those that advance the Town’s vision of Oak Ridge as a “safe and livable community”, provide needed public goods and services and may be appropriate recipients of public funds, through grants, direct appropriations, partnership agreements, or other kinds of support.

NONPROFIT ELIGIBILITY FOR PUBLIC FUNDS/SUBSIDIES

No nonprofit shall be considered by the Town of Oak Ridge for receipt of public funds, for discounted or waived usage fees, or for any other form of public-private partnership or activity, unless such nonprofit first provides the Town Council with the following documentation:

- (1) A statement from a certified public accountant or from the Internal Revenue Service (IRS) confirming the nonprofit’s current status as an IRS Sec. 501(c)(3) tax-exempt organization;
- (2) A statement that the nonprofit does not and will not directly or indirectly participate in, or intervene in, any political campaign for or against any candidate for elective public office, in compliance with IRS requirements for tax-exempt organizations; and
- (3) A statement that the nonprofit is capable of compliance with all financial and program performance requirements for the subject activity as may be specified by contract with the Town of Oak Ridge.

Schneider said the policy had been recommended by the town attorney, and it would bring the Town in line with what other towns have. She said this was a standard policy which would serve the Town in many arenas.

McClellan asked if the policy would require a nonprofit to certify that it is meeting all IRS standards and that it was not involved in political advocacy or elections; Bruce said that was correct. Kinneman said McClellan had asked about political advocacy, but said he thought the policy meant a candidate for elective office, not a cause.

Schneider noted that the new policy would apply to all nonprofits.

Pittman asked for confirmation that the policy is considered a best practice and that it is common in towns; Schneider said she knew of nothing controversial about the new policy and agreed that it was considered best practice.

Councilman McClellan made a motion to adopt the Nonprofit Agency/Organization Funding Policy. Councilwoman Pittman seconded the motion, and it was approved unanimously (5-0).

D. Oak Ridge Youth Association agreement.

Bruce said that at the December 5 meeting, the Council had agreed to extend the current usage agreement with Oak Ridge Youth Association (ORYA), which had expired on December 30, until a new one was adopted. He presented a Modified Limited Term Agreement with ORYA for use of Town facilities that codifies Council's vote at the previous meeting. The agreement is hereby incorporated by reference and made a part of the minutes.

Schneider thanked the Parks & Recreation Advisory Board for reviewing the additional requests from ORYA that request subsidization of the organization amounting to about \$12,000. She said she also understood ORYA was requesting additional field use that could result in approximately \$16,000 in current park revenue. Because such extensive changes had been requested in ORYA's annual agreement with the Town, she said the request was taking a good deal longer to review than was typical.

Schneider then said she would like to create a Parks & Recreation subcommittee to take a fresh look at youth athletics; the subcommittee would gather input, review best practices, and make a recommendation to Council. Schneider said the subcommittee would be made up of two Council members, Town Manager Bruce, and Parks & Recreation Director Terry Lannon.

Mayor Pro Tem Kinneman made a motion to adopt the Modified Limited Term Agreement with ORYA. Councilman McClellan seconded the motion.

Councilwoman Pittman said the agreement being presented would give the Town an opportunity to take a fresh look at the annual contract, as ORYA had done; it extends the agreement until the Town's fiscal year end on June 30 without a budget amendment.

Council's vote in favor of the motion was unanimous.

E. GFL Environmental Services changes for 2020

Bruce said the franchise agreement with GFL Environmental Services (formerly Waste Industries) allows the company to apply a rate increase based on the Consumer Price Index in the south region. He said GFL had chosen to take advantage of that option and requested a 1.6 percent increase effective March 1, 2020. The change would make the new trash rate \$16.77 per month, with recycling \$1.02 per month. It also increased the price for pick-up of bulk items (\$10.61), per white good (\$15.94) and per bag of yard waste (\$1.56). Bruce also announced that GFL would be changing some routes, which currently include 1,000 customers per day over three days, to 600 customers per day over four days.

F. Other business.

Bruce asked the Council to reappoint several Finance Committee members.

Councilwoman Pittman moved that John Jenkins, Jeff Kubly, Paul Benz, and Bill Barbour be reappointed as Finance Committee members and Rick Kellam be reappointed as alternate. Councilman McClellan seconded the motion, and it was passed unanimously (5-0).

10. PUBLIC COMMENTS

- None

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. He also asked for a budget amendment of the dues and subscriptions line item.

Councilwoman Pittman moved to approve a budget amendment to increase the dues and subscriptions line item by \$4,000 and to decrease the fund balance by \$4,000. Councilman McClellan seconded the motion, and it was passed unanimously (5-0).

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

12. TOWN BOARD, COMMISSION, AND COMMITTEE REPORTS

Mayor Schneider asked those speaking to limit their reports to a maximum of 3 minutes each; if additional time is needed, committees may submit a report in writing or they can ask the clerk in advance for additional time.

A. Mountains-to-Sea Trail Committee.

Chair Bill Royal reported there were two workdays in December and the committee had now cleared more than a mile of trail. Two additional workdays have been scheduled. Royal said temporary signs had been installed in the Cascades Preserve after reports of some hikers getting misdirected. In December, the Committee began

reviewing the Strategic Plan and the Pedestrian Plan and may recommend some changes in the future, Royal said.

B. Historic Preservation Commission.

Chair Debbie Shoenfeld said there was no meeting in December, but the Commission held a successful Christmas at Maple Glade tour of the historic home on the campus of Oak Ridge Military Academy. Proceeds from the event will be awarded to ORMA for historic preservation. Shoenfeld said public outreach will begin soon for the Historic Heritage Grants, with an information session scheduled on February 24 at Town Hall and a deadline of March 30 to submit grant applications.

C. Special Events Committee.

Member Caroline Ruch congratulated all who participated in the first Thanksgiving Parade with Santa. The Committee will next focus on the Veterans Memorial and will be discussing a potential site as well as meeting with Oak Ridge resident Gisela Hood, who was involved with the Carolina Field of Honor veterans' memorial at Triad Park.

D. Parks & Recreation Advisory Board.

Vice chair Phyllis Anders reported that the December meeting included a lengthy discussion about the Whitaker property and a revised concept drawing of possible amenities on the property. She said Board members thought the changes suggested would reduce grading costs. The revised drawing of the Whitaker property was included in the master plan recommendations. Anders added that sales of commemorative bricks are continuing.

E. Planning & Zoning Board.

No meeting

F. Conservation Easement Committee.

Debbie Shoenfeld gave an interim report to the Council, saying the committee had learned much. One goal had been to investigate the use of voluntary conservation and preservation easements for open space and historic sites. To learn more, they had met with Piedmont Land Conservancy, Preservation Greensboro and NC Cooperative Extension. They also planned to meet with Preservation North Carolina this month. She said an easement is a legal agreement between a property owner and qualified preservation organization and would remain with the property in perpetuity. Property owners could still use their property, but its fate is not left to chance. She said there were tax advantages, and that preservation easements are tools preserving rural and historic heritage. Currently there is no protection for historic structures and open space outside the Historic District and little for those inside the District. Shoenfeld said the price of such losses are more than money.

13. COMMUNITY UPDATES

A. Merchants of Oak Ridge.

Schneider announced that the organization was awarding four scholarships to Oak Ridge Military Academy cadets in the amounts of \$2,000, \$1,500, \$1,000 and \$500.

B. Oak Ridge Youth Association.

President Tom Collins reported that it been quite a year, and ORYA is discussing changing its bylaws to say that if any Board member engages in political activity, they need to resign. He said 300 youth have registered for basketball and 18 for cheerleading. Collins said a soccer skills program was being held at Oak Ridge Military Academy, and the organization is glad to partner with the school. Registration opened that day for spring sports. Collins said the organization is continuing to work with Oak Ridge Elementary School and had purchased new backboard systems, which were installed – along with upgraded lighting – by Guilford County Schools. They had also paid to upgrade the concession stand doors and had partnered with Mustang Fitness to pay the outstanding lunch debts for students at Oak Ridge, Summerfield and Stokesdale Elementary schools. In addition, the teen leadership team had taken all the money it had raised and purchased toys for Toys for Tots.

C. Oak Ridge Military Academy.

No report

D. Oak Ridge Elementary School.

Schneider said the school was excited to be invited to report periodically to the Council.

13. PUBLIC COMMENTS

- Rita M. Lewandowski, 5202 Golden Acres Road, spoke on behalf of the Horses of Oak Ridge Club. She said plans were being made to re-establish the Oak Ridge Horse Show. She asked permission to start a committee to determine the future of the show and horse trails in Oak Ridge. Lewandowski said the group was looking into grants for trail materials and possible fundraisers to pay for a gravel parking lot. She said horse clubs often assist in maintaining and cleaning up horse trails. She said she would like to schedule an open house to educate the community about horses and answer questions, and she hoped the Council would support the organization's efforts.
- Mike Stone, 8112 Hunting Cog Road, said he had planned to keep his mouth shut that night, but the display of the American flag was offensive and inappropriate, and the Town should know better.
Town Clerk Sandra Smith apologized but explained that the United States and North Carolina flags had been borrowed for use in the Thanksgiving parade, and staff was unaware that the flags were placed in the wrong position when they were returned.

14. COUNCIL COMMENTS

15. ADJOURNMENT

Mayor Pro Tem Kinneman made a motion to adjourn the meeting at 9:05 p.m. Councilwoman Pittman seconded the motion, and it was passed unanimously (5-0).

Respectfully Submitted:

Sandra B. Smith, NCCMC, CMC
Town Clerk

Ann K. Schneider
Mayor