



**OAK RIDGE TOWN COUNCIL MEETING  
NOVEMBER 5, 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  
Michael Thomas, Town Attorney  
Sean Taylor, Planning Director  
Sam Anders, Finance Officer

**1. CALL TO ORDER**

Mayor Ann Schneider called the meeting to order at 7:03 p.m.

**A. Invocation.**

The invocation was given by Paul Kress.

**B. Pledge of Allegiance.**

The Pledge of Allegiance was led by Boy Scout Aiden Nadeau.

**2. MAYOR'S STATEMENT CONCERNING THE EMERGENCY**

Schneider stated that in order to comply with the current Governor's Orders, the Council Chambers will be limited to 25 people. She said that the meeting was being livestreamed on Facebook and YouTube, and the link to the recording would be posted on the Town website.

**3. APPROVE AGENDA**

*Mayor Pro Tem Jim Kinneman motioned to approve the meeting agenda as presented. Councilwoman Martha Pittman seconded, and the motion was passed unanimously (5-0).*

**4. APPROVAL OF MEETING MINUTES**

*Councilman George McClellan made a motion to approve the minutes of the August 6 regular meeting, the September 10 special meeting minutes, the October 1 regular meeting and the October 21 special meeting. Councilwoman Martha Pittman seconded, and the motion was passed unanimously (5-0).*

**5. RESOLUTIONS, PROCLAMATIONS, ANNOUNCEMENTS**

- None

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

Town Clerk Sandra Smith said that no one from the Sheriff's Office was available to attend that evening's meeting. Smith read a statement from Captain Daryl Loftis, of District 1 of the Guilford County Sheriff's Office, which said that he wanted to reiterate his support of all of the citizens that the District 1 Office serves. Loftis said to let him know if there are any problem areas on which his department needs to work.

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

Captain Ryan Rice reported that 86 calls were received in October, saying there had been 4 fire-related calls, 40 rescue calls, 4 hazmat calls, 9 good-intent calls, and 12 false alarms.

Rice's safety prevention tip for the month was for residents to change the batteries in their smoke detectors when changing clocks due to the end of daylight-saving time.

**8. ANNUAL FINANCIAL AUDIT REPORT**

Chad Cook, audit manager with the accounting firm Dixon Hughes Goodman, reported that the Town had a clean audit with no issues. He said financial statements had been submitted to the Local Government Commission for approval as required. He provided the Council with details of the Financial Summary.

John Jenkins, 6700 Ashton Park Drive, Oak Ridge, said that the Finance Committee had reviewed the audit report to see if there was anything of concern that should be brought to the attention of Council. Jenkins said that the audit found no major misstatements and no internal control issues. He said that the good audit report was a testament to Town Manager Bill Bruce's budget management and Finance Officer Sam Anders's accuracy and fairness in presenting the financial statements.

**9. PUBLIC COMMENTS**

- None

**10. OLD BUSINESS**

**Bandera Farms Memorandum of Understanding (MOU).**

Town Manager Bruce told the Council that a revised MOU between the Town of Oak Ridge, the Piedmont Land Conservancy, the Town of Summerfield, Guilford County, and the City of Greensboro to purchase and use the 113-acre Bandera Farms was in their packets. Bruce reminded Council members that the original MOU was approved by them at the August 2020 Council meeting. He said that additional discussion between the interested parties had led to a revised MOU.

Bruce listed the substantive differences between the original MOU and the revised MOU as follows:

1. Reduction of each partner's funding commitment by a pro rata share to reflect receipt of a grant for a portion of the acquisition cost. Oak Ridge's commitment has been reduced from \$50,000 to \$41,250;
2. Clarification that no party other than the Town of Summerfield has any obligation for long-term management or maintenance of the property;
3. Addition of a separate open-space easement to be held by Guilford County;
4. Commitment to finalize a conservation easement to be held by Piedmont Land Conservancy and the Town of Oak Ridge.

Bruce said that Palmer McIntyre, conservation planner from the Piedmont Land Conservancy (PLC), was present in order to answer any questions.

Palmer McIntyre, 622 Scott Avenue, Greensboro, said that the PLC was undertaking a site planning process. She said that a firm had been retained, Destination by Design of Boone, NC, which has extensive experience with horse trail design and planning. She said that PLC would be reaching out to citizens for their input with the site planning process. McIntyre told Council that PLC would take the lead to prepare a Parks & Recreation Trust Fund (PARTF) grant application, which would be submitted by the Town of Summerfield in May 2021, in order to leverage local dollars being contributed with state dollars. She said that PLC was also awarded an Environmental Enhancement Grant that reduced each jurisdiction's contribution to this project.

*Mayor Pro Tem Jim Kinneman made a motion to approve the Bandera Farms Memorandum of Understanding. Councilman George McClellan seconded the motion.*

Councilman McClellan said that he supported the MOU due to its fairly strong conservation easement with the Town, and that he saw this great project as an investment for the quality of life for Oak Ridge citizens.

Mayor Pro Tem Kinneman said that he knows several groups in Town who want access to horse trails. He said that he appreciated PLC taking the horse trail interest into consideration in planning for the site.

Councilman Nodine asked who would manage the project once it was up and running, and McIntyre replied that the Town of Summerfield would own the property subject to the easements, but that long-term maintenance has not been fully resolved yet. McIntyre said that hopefully funding for the development of the property will come from the PARTF grant. She told Council that there would be a

second MOU after the closing, but prior to transferring the property to the Town of Summerfield.

Nodine asked who would be making decisions regarding this property, and McIntyre replied that the decisions on how to develop the property would be made by a committee. She said that committee members include town managers from Oak Ridge and Summerfield, and representatives from Guilford County and the City of Greensboro. McIntyre said that this committee would be involved in a joint multi-jurisdictional, decision-making process as they develop the plan for the property. She said once the Town of Summerfield takes over ownership and management of the property, decisions will be made regarding cost sharing of future maintenance needs.

Nodine asked if anyone from Oak Ridge besides Town Manager Bruce would be on the committee, and McIntyre replied that Bruce is the only person from Oak Ridge who is serving on the steering committee. Nodine asked if any elected officials would be involved, and McIntyre replied that PLC would welcome Town officials to participate in the process. Nodine asked if there would be an official board for the property, and McIntyre replied that PLC had only established a steering committee relationship at this point.

Mayor Schneider said that a board is not yet established, but the second MOU for management of the property might address that.

Bruce said the suggestion of a future board of directors for Bandera Farms can certainly be on the table in terms of addressing long-term decision making, but said that discussion had not occurred yet. He said that the next MOU will also require Council approval, so he will be consulting with Council members individually to address any of their concerns.

Councilman Nodine asked if the Town will have spent money by the time the second MOU is developed, and Bruce responded that \$41,250 for acquisition was being considered as part of the MOU. Nodine asked why these issues had not been fleshed out before the Town was asked to spend money, and McIntyre replied that it was difficult to contemplate all of the long-term issues while trying to secure the property so that it is protected. She said that PLC would be closing on the property in November. Nodine asked when the contract was signed, and McIntyre responded that the purchase contract was signed in January 2020.

Councilwoman Pittman said that she was pleased for the opportunity to partner with the other entities. Pittman said that PLC had a great reputation and that she looked forward to seeing the site plan.

Mayor Schneider said that she was excited about project. Schneider told Nodine that the Town is working with trusted partners and that PLC has an excellent reputation. She said she trusted the partnership and the partners named in the agreement. She said that she felt confident with the MOU and that the project has broad support within the Oak Ridge community.

Mayor Pro Tem Kinneman said that he was not particularly concerned because if things fell apart, Bandera Farms would still have to remain open space. He said that

the \$41,000 investment would help ensure that the property will not be developed, and that the MOU states that Oak Ridge has no obligation other than that amount.

Councilman Nodine said that he had voted against the previous MOU because he was concerned that the Town was not going to meet state requirements for spending local government funds outside the Town jurisdiction, and that it may not be a legal expenditure. He said he again planned to vote against adoption of the agreement.

Town Attorney Michael Thomas asked that the record show that the discussion was about a revised MOU. He told Nodine that he had stressed at the last Council meeting that in order for this to be a legitimate expenditure of taxpayer money, the Town needs to purchase something. Thomas said that in this scenario, the fee interest in land will end up with the Town of Summerfield. He told Council that Guilford County revised the MOU so that its requirement for an easement for open space is part of the initial transaction. Ultimately Oak Ridge and PLC will also have easements, which will give them enforceable interests in trails and paths. Thomas said that Oak Ridge needs to buy or get something for the money it is spending, and it does not matter if it is inside or outside of Town. Thomas said that he had been told that the Town can proceed based on trust of the other parties, but the sooner the easement is recorded, the happier he would be. He assured Nodine that he would stay on top of the matter and said that the easement would satisfy the requirement under N.C.G.S. 160A to be buying something. He said that would be a powerful interest in the land, although the Town of Summerfield will have the fee interest. Thomas said that the Town of Summerfield will have primary responsibility for maintaining the property, and that the conservation easement will be enforceable so that the Town of Oak Ridge can intervene if things are not done according to the ultimate arrangements. He said he had said from the beginning that the easement is what Oak Ridge needs to satisfy the requirement for this to be a legitimate expenditure of taxpayer money.

Mayor Schneider said that Council had approved the first draft of the MOU based on Thomas's advice that a conservation easement was a sufficient property interest in the land. She said that she understood that the easement was already being drafted. The reason that Guilford County has obtained an easement faster is because they fast-tracked it using an outside lawyer because its bond money, which they are using for the purchase, required that they have it in advance. She said the Council had not changed its position and the MOU reflects that the Town of Oak Ridge will have a conservation easement.

To Councilman Nodine's point, Councilman McClellan said that he would like to see the next MOU perhaps include language regarding a Board of Directors to include a staff member and an elected official from each entity, particularly if additional expenditures will be required in the future. Mayor Schneider responded that any expenditures affecting Oak Ridge must be approved by Council, so elected officials will be included in every decision.

*Mayor Pro Tem Jim Kinneman amended his motion to approve the revised Bandera Farms Memorandum of Understanding. Councilman George McClellan seconded the motion.*

Councilman Nodine said that he was having a difficult time hearing the Town Attorney's comments, but wanted to be sure that he understood the schedule. He

said the Town was going to approve the MOU that night and fund the purchase during the current month, but asked when the easement would be done. Thomas said it would be completed as soon as he could get it done. Nodine asked if it would be done before the property is purchased. Thomas said he wanted it to be in place at the time of purchase or immediately after, but that was not going to happen. He said he would like to have it before the fee interest goes to the Town of Summerfield.

Palmer McIntyre said the closing would be at the end of November, but it had not yet been determined when the transfer to the Town of Summerfield would be done. She said it depended on the most advantageous timing for the PARTF grant, which she was researching but thought would likely be April 1, May 1, or immediately afterwards. In response to a question from Nodine, she said the closing would be completed during November per the contract with the sellers.

Mayor Pro Tem Kinneman said he was comfortable as long as it was completed before the property is transferred to Summerfield.

McIntyre said she understood PLC's attorneys were initially planning to complete the easements at the same time as the property is transferred. McClellan asked if Oak Ridge's easement could be completed before then, and McIntyre said she was unable to promise that because she was not the attorney working on the language of the MOU.

Mayor Pro Tem Kinneman read from the MOU, which says that prior to the property transfer, the easement with the Town of Oak Ridge must be in place. He said he thought the requirement for the easement with Oak Ridge was well stated in the MOU.

Attorney Thomas said, based on the most recent information he had received, that could realistically be done before the first quarter of 2021. He assured Nodine that he would stay on top of the matter and that he would not be comfortable until the easement was completed and on record. He said he did not like to see his client spend money without having anything to show for it. He said currently there is an MOU among trusting parties, which are working together in the public interest.

Councilwoman Pittman said the Town's protection is that it states in the MOU that PLC cannot transfer the fee interest to Summerfield until PLC and Oak Ridge have their easement.

After additional discussion, McClellan asked to call the question.

Schneider agreed, but said she wanted to make one final point. She said the Town's interest had been strengthened, as it is now mentioned twice in the MOU, and that this revised MOU has even greater safeguards.

*Council's vote in favor of the motion to approve the revised Bandera Farms MOU was 4-1 (Nodine voting against).*

## **11. TOWN MANAGER'S REPORT**

### **A. Update on Whitaker Property Master Plan.**

Town Manager Bruce reported that staff would be reapplying for a Parks & Recreation Trust Fund (PARTF) grant in 2021 per Council's instruction. He said the Town did not receive a grant this year, although the project scored the 10<sup>th</sup> highest out of 66 applications. He said Council had asked staff to have the engineering and site plan done so that the project will be shovel-ready by the time the following year's grants are announced. In the meantime, he said the Parks & Recreation Board would discuss opening the perimeter trail on the property.

Nodine asked when the trail would be open, and Bruce said he hoped by the first of 2021. He said decisions such as creating a basic set of rules and the location of parking needed to be made first.

**B. Board/Committee appointments/reappointments**

*Councilman George McClellan moved to reappoint Brian Hall as a regular member of the Historic Preservation Commission and Barbara Engel as an alternate member of the Historic Preservation Commission. Councilwoman Martha Pittman seconded the motion, and it was passed unanimously (5-0).*

Mayor Schneider said it was Council's decision on whether to vote on an application from Mike Stone to serve as a member of the Planning & Zoning Board. Schneider said there was currently one opening on the Board, but there were currently three alternates serving. She said she thought the consensus of Council was to perhaps move one of the alternates up to a regular Board member after they had gained additional experience.

*Councilman Doug Nodine motioned to appoint Mike Stone to the open seat as a regular member of the Planning & Zoning Board. The motion died for lack of a second.*

**C. Request to purchase park equipment and surplus of old equipment.**

Town Manager Bruce explained that the Parks & Recreation Department was in urgent need of a new mower. He said that repairs of the current 12-year-old mower were likely exceed its value. He said the mower had been scheduled for replacement in 2021. He asked Council to approve an expenditure of \$11,422.23 to cover the cost of a new mower and that the 2008 mower be declared as surplus.

*Councilwoman Martha Pittman moved to authorize the replacement of the 2008 Gravelly 266Z mower for the park and also to declare the old mower surplus so it can be sold. Councilman Doug Nodine seconded the motion, and it was passed unanimously (5-0).*

**D. Any other business.**

Bruce said he had received paperwork from NCDOT to request concurrence from the Town on lowering the speed limit on NC 68. He presented three ordinances which would repeal the 50 mph speed limit and enact 45 mph in certain areas.

*Councilman George McClellan made a motion to approve the request from NCDOT to lower the speed limit on NC 68, and Mayor Pro Tem Jim Kinneman seconded. Mayor Ann Schneider requested a friendly amendment to the motion to add the numbers of the ordinances, which were O-2020-06, O-2020-07, and O-2020-08. Councilman McClellan and Mayor Pro Tem*

*Kinneman agreed to the friendly amendment. Council's vote in favor of the motion was passed unanimously (5-0).*

**12. MONTHLY FINANCIAL REPORT**

Finance Office Sam Anders presented the financial report, which is hereby incorporated by reference and made a part of the minutes. Anders reported that the ABC revenues were up 34 percent from the same quarter last year. He also asked that Council approve a small budget amendment due to a delay in Pine Hall Brick Company sending the Town an invoice for the brick pavers that were sold to benefit the Veterans Memorial. Anders requested that \$1,397.00 be moved from a restricted fund into an unrestricted fund so that the bill could be paid.

*Mayor Pro Tem Jim Kinneman made a motion to approve the budget amendment. Councilman George McClellan seconded the motion, and it was passed unanimously (5-0).*

*Councilman George McClellan made a motion to accept the financial report as presented. Councilwoman Martha Pittman seconded the motion, and it was passed unanimously (5-0).*

**13. COMMITTEE REPORTS**

**A. Planning & Zoning Board.**

Town Clerk Sandra Smith read a report submitted by Ron Simpson, chair of the Board. The report is hereby incorporated by reference and made a part of the minutes.

**B. Mountains-to-Sea Trail Committee.**

Town Clerk Sandra Smith read a report submitted by Bill Royal and Anne Steele, co-chairs of the committee. The report is hereby incorporated by reference and made a part of the minutes.

**C. Conservation Easement Committee.**

No report

**D. Special Events Committee.**

Chair Patti Dmuchowski reported that the committee will be hosting a Community Open House on Tuesday, November 10 at Town Hall for the presentation of the conceptual design for the new Veterans Memorial and to accept comments from the community on its design. The committee will also be hosting a Veterans Day Ceremony on Wednesday, November 11 at 10 a.m. at Oak Ridge Town Park. A Christmas Light Up the Night event is being planned for the month of December with a limited number of electric lights, more stars than last year, and a large sign thanking Oak Ridge for staying strong as a community this year. Courtenay Benbow-Harton will be decorating the entrance signs into the Town and the Redmon house.



**E. Parks & Recreation Advisory Board.**

Town Clerk Sandra Smith read a report submitted by Phyllis Anders, co-chair of the Board. The report is hereby incorporated by reference and made a part of the minutes.

**F. Finance Committee.**

Chair John Jenkins reported that the Committee met via Zoom to review the Audit Report.

**G. Water Advisory Board.**

Town Manager Bill Bruce reported the Board held its first meeting on October 14 at Town Hall to discuss the Town's efforts to create a municipal water system and roles and responsibilities of the Board. Bruce said that a Chair would be selected at the next meeting.

**H. Historic Preservation Commission.**

Town Clerk Sandra Smith read a report submitted by Debbie Shoenfeld, chair of the Commission. The report is hereby incorporated by reference and made a part of the minutes.

**14. COMMUNITY ORGANIZATION REPORTS**

**A. Merchants of Oak Ridge.**

No report

**B. Oak Ridge Youth Association.**

No report

**C. Oak Ridge Military Academy.**

No report

**D. Oak Ridge Elementary School.**

Town Clerk Sandra Smith read a report submitted by Penny Loschin, principal of Oak Ridge Elementary School. The report is hereby incorporated by reference and made a part of the minutes.

**15. PUBLIC COMMENTS**

None

**16. COUNCIL COMMENTS**

**17. ADJOURNMENT**

*Mayor Pro Tem Kinneman made a motion to adjourn the meeting at 8:32 p.m. Councilman McClellan seconded, and the motion was passed unanimously (5-0).*

Respectfully Submitted:

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Sandra B. Smith, CMC, NCCMC  
Town Clerk

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Ann K. Schneider  
Mayor