



**OAK RIDGE TOWN COUNCIL MEETING
FEBRUARY 1, 2024 - 7:00 P.M.
OAK RIDGE TOWN HALL**

MINUTES

Members Present

Jim Kinneman, Mayor
Mike Stone, Mayor Pro Tem
Michael Greeson
Jim Harton
Ann Schneider

Staff Present

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

1. CALL TO ORDER

Mayor Jim Kinneman called the meeting to order at 7:00 p.m.

A. Invocation.

Michael Hansen offered the invocation.

B. Pledge of Allegiance.

2. APPROVAL OF AGENDA

Councilman Jim Harton made a motion to approve the agenda with an amendment to remove consideration of the reappointment of Gigi Williams to the Tree Committee due to the withdrawal of her application and with the announcement that the public hearing of the easement closing would be postponed by two months due to procedural issues. Mayor Pro Tem Mike Stone seconded, and it was passed unanimously (5-0).

3. APPROVAL OF MINUTES

Councilwoman Schneider made a motion to approve the minutes of the January 4, 2024, regular meeting. Mayor Pro Tem Stone seconded the motion, and it was passed unanimously (5-0).

4. RESOLUTIONS, PROCLAMATIONS, ANNOUNCEMENTS

Mayor Kinneman read a proclamation in recognition of the Northwest Guilford Varsity Cheer Team and coaching staff for their achievements in competitive cheerleading, which is hereby incorporated by reference and made a part of the minutes.

5. REPORT FROM GUILFORD COUNTY SHERRIFF'S OFFICE

Deputy Cousakul reported a total of 147 calls for service during the month of January which resulted in 12 formal case reports. He pointed out that the bulk of the cases involved fraud of residents. Other cases involved larceny at construction sites and at McDonald's in Oak Ridge.

6. REPORT FROM OAK RIDGE FIRE DEPARTMENT

Firefighter Devon Teague reported a total of 92 responses to calls for service during the month of January. The calls included 47 miscellaneous calls, six fire alarms, one brush fire, two hazardous materials calls, 31 emergency medical service calls, and five structure fires. Teague advised using a surge protector when employing a space heater.

7. PUBLIC HEARING

A. PUBLIC TRAIL EASEMENT CLOSING

Mayor Kinneman announced that the public hearing of the public trail easement closing would be postponed due to procedural errors whereby complete notifications were not made. He suggested moving the public hearing to May to allow time to make complete notifications, and to promote additional discussion among the involved neighborhoods, the developer and trail committees. Town Attorney Michael Thomas explained that a motion to continue the hearing was required to allow the suggested adjustment.

Councilwoman Schneider made a motion to continue the public hearing for the trail easement closing to March 7, 2024, at 7:00 p.m.

Mayor Kinneman pointed out that the suggestion posed was to continue the public hearing to May. Town Attorney Thomas explained the two-month continuance was due to unalterable conflicts among the parties involved.

Councilwoman Schneider amended her motion to continue the public hearing for the trail easement closing to Thursday, May 2 at 7:00 p.m. Councilman Harton seconded the motion.

Mayor Kinneman reiterated the hope that discussions would take place between the affected neighborhoods, the developer, and trail committee to explore alternative resolutions before the rescheduled public hearing.

Mayor Pro Tem Stone asked if Town Council or staff could facilitate discussions between relevant parties in a meeting or several meetings, or if Town Council could direct staff to coordinate such meetings.

Councilwoman Schneider pointed out that a directive to facilitate meetings was not on the agenda and that the motion involved the continuation of the public hearing rather than a discussion of specifics regarding attempts to explore alternative solutions.

Stone asked if Council might direct staff to contact relevant parties and facilitate a discussion.

Town Attorney Thomas explained that it would be improper for the Town to be placed in a position of facilitating a discussion as Council must be able to render a decision without bias based on the opinions brought to the public hearing. He clarified that although it would be appropriate to use Town Hall as a location for such a discussion, it would compromise the objectivity of Council to sponsor a discussion between the parties involved.

Stone noted that he would take Thomas' counsel under advisement.

The motion was passed unanimously (5-0).

- B. REZONING CASE #RZ-24-01: AG (Agricultural) and RS-30 (Residential) to CZ-RS-40 (Conditional Zoning – Residential).** Applicants Billy and Denise Kanoy request portions of their property at 2835 and 2843 Oak Ridge Road be rezoned to allow a maximum of 28 lots to be developed on the approximately 52-acre property. The property is Guilford County Tax Parcels #162998 and 162999 and located in the NPDES Watershed in Oak Ridge Township.

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

Taylor noted that there would be two entrances built into the development, one from Lockland Drive and another from Oak Ridge Road. He stated staff's recommendation to approve the application.

Planning & Zoning Board Chair Jason Streck stated that the Board met on January 25 to hear the rezoning case. He mentioned that concerns regarding construction traffic and drainage in the development were discussed at the hearing. He stated that the Board voted unanimously to recommend approval of the application's rezoning request.

Mayor Kinneman opened the public hearing.

Proponents:

Bill Greco of Land Solutions, PO Box 347 in Oak Ridge, spoke in favor of the application. Greco specified that development would be restricted to single-family residences only, eliminating all other uses under the conditions of RS-40 zoning. He stated that the development would be limited to 28 lots due to the buffers,

easements, and topography of the property. These lots would be of varying sizes from 40,000 square feet to 10 acres. He expressed appreciation for the turnout to the open house held prior to the public hearings where he was able to address several concerns voiced by residents. He confirmed that the existing stub street in the development would connect to Lockland Drive and NC 150 in accordance with the Development Ordinance and the Town's thoroughfare plan. He expressed that he would control construction traffic during the horizontal development of the property (that is, during the construction of streets and infrastructure), but that he would not be able to control traffic of delivery vehicles and the like from traversing the adjacent neighborhood, Stonehenge, beyond this phase. He reassured residents that he was familiar with the drainage issues at the end of Lockland Drive and the 60-foot drainage easement in that area.

Opponents:

Deborah Cimbala, 6698 Currieton Drive, pointed out that she was not in opposition to the application. She stated her appreciation of Greco and developer Kevan Combs for their willingness to work with residents of Stonehenge in addressing their concerns.

Rebuttals:

No rebuttals in support of or in opposition to the request were voiced.

Mayor Kinneman closed the public hearing.

Council discussion:

Councilwoman Schneider asked Planning Director Taylor if the trail easement on the plan was offered by the developer. Taylor noted that the issue of easement dedication would occur later in the technical phase of development, but that the easement on the plan reflected the Town's Pedestrian Transportation Plan. He noted that the request for the easement dedication would be made to the developer at the appropriate time.

Mayor Pro Tem Stone asked Taylor why sidewalks were not included in the plan. Taylor explained that sidewalks were only required when development occurred within the Town Core. He pointed out that the Pedestrian Transportation Plan showed a paved shoulder along Oak Ridge Road. Stone asked if the paved shoulder was across the road from the development, and Taylor responded that it was not.

Councilwoman Schneider made a motion to approve the proposed conditional zoning from RS-30 and AG to CZ-RS-40 based on:

- *the Planning Board's written statement that the zoning amendment was consistent with the comprehensive plan and that Council concurs and adopts the findings of consistency by reference, and*
- *the proposed zoning request was reasonable based on the Town staff report of findings which are incorporated by reference, and*
- *the proposed zoning amendment was in the public interest based on the Town staff report findings.*

Councilman Harton seconded the motion.

Councilwoman Schneider said she was pleased that conversations between neighbors had gone well, and she saw no reason to deny the reasonable request.

Mayor Kinneman appreciated the outreach among neighbors and developers and expressed confidence in Greco's and Combs' work.

The motion was passed unanimously (5-0).

8. PUBLIC COMMENTS

- Caydie Savinelli, 8528 Rosedale Drive, expressed her support of public trails.
- Lindsey Clark, 6816 Koala Drive, pointed out the ordinances, policies and protocols which she said were not upheld by the Town in pursuit of the Ashford public trail easement. She emphasized her investment of time and money in research of the easement issue and in retaining legal counsel to assist her in the process.
- Eric Strimple, 8201 Banager Road, recommended the use of synthetic turf in the park, believing that tournament activity would be greatly enhanced if synthetic turf was implemented.
- Kevin Brekka, 6819 Koala Drive, expressed his support of the Mountains-to-Sea Trail and asked for greater understanding of the issues relevant to the easement dedication. As president of the Bear Creek Homeowners Association, he invited Town officials to visit the neighborhood to see what the trail would look like and to discuss alternatives.
- Michael Logan, 5202 Randleman Road, Greensboro, stated his role as Guilford County school board representative for District 3. He encouraged public involvement in educational interests. He read Guilford County Schools' policy prohibiting political campaigning and fundraising at Guilford County Schools facilities and admonished the practice.
- Jonathan Deline, 7796 Polar Drive, advocated collaboration between neighbors and committees to explore alternatives to the placement of the public trail easement in the Ashford subdivision. He stressed the need to solicit involvement from the Parks & Recreation Advisory Board in the effort. He went on record to accept assistance in building a fence at the back of his property should the easement remain in place.
- Tomakio Dause, 3000 Campfire Court in Jamestown, announced her candidacy for District Court Judge in the upcoming Primary election.
- George McClellan, 2806 Oak Ridge Road, stated his support of the MST and acknowledged Town staff for their work in managing public trail easement issues.

9. TOWN MANAGER'S REPORT

A. Consideration / Approval of Board / Committee appointments:

Mayor Pro Tem Stone made a motion to approve the reappointment of John Jenkins and Paul Kress to two-year terms as regular members, and Edyie Bryant to a one-year term as a regular member and Danielle Walraven to a one-year term as an alternate on the Finance Committee. Councilwoman Schneider seconded the motion, and it was passed unanimously (5-0).

Mayor Kinneman indicated that Mayor Pro Tem Stone would act as the Council liaison on the Finance Committee.

Councilwoman Schneider made a motion to approve the reappointment of Michael Bell as a member of the Board of Adjustment. Councilman Harton seconded the motion, and it was passed unanimously (5-0).

B. Consideration / Approval of Resolution R-2024-02: Addition of Gumwood Road (Extension) to the N.C. State Maintenance System

Councilwoman Schneider made a motion to approve R-2024-01 adding Gumwood Road to the NC State Maintenance System. Councilman Harton seconded, and the motion passed unanimously (5-0).

C. Consideration / Approval of continuing agreement with USGS for monitoring well

Town Manager Bruce explained that the Town had participated in a joint funding agreement since 2008 with the United States Geological Survey for monitoring services of the well behind Town Hall. The data collected contributed to records of groundwater levels, which have been of little practical value to the Town. Bruce noted that subscription cost for the service had increased from \$5,000 per year for many years to \$6,600 per year for FY 2024-25.

Mayor Pro Tem Stone made a motion to discontinue the agreement with USGS for monitoring services. Councilman Greeson seconded the motion.

Councilman Harton asked what entity benefitted from the data collected by USGS if not the Town, and Bruce indicated that USGS found the data useful.

Mayor Kinneman expressed that there would no longer be a need for such data as the Town moved toward its own water system.

The motion passed unanimously (5-0).

D. Presentation of Haw River Road radar sign data

Bruce reported that the radar sign had been collecting data since August 3, 2023. An analysis of the data comparing August 2023 to December 2023 was compiled into a memo which Bruce read and is hereby incorporated by reference and made a part of the record. The synopsis of the data reviewed revealed that the radar sign had calmed traffic, and that the sign would be turned off but still collect data for a period of time to act as a baseline to more precisely determine its effectiveness.

E. Other business

- Bruce reported on the progress of the NC 68/NC 150 intersection improvement project and noted that March 15 remained the date available to start the project. However, he pointed out that a preconstruction meeting with the contractor had not been scheduled and utilities had not yet been relocated from the right of way, making a start in late spring rather than in March a more realistic target. He explained that some pedestrian detours would be implemented, and at least one entrance into both the shopping centers and one lane at the intersection would be periodically closed during the project. He reported that two lanes of traffic would, however, remain open during school traffic hours in the mornings and afternoons.
- Bruce requested a restricted fund be established for Phase 2 of the Veterans Honor Green project, as \$5,000 had been specifically donated towards the construction of the boardwalk area in Phase 2. He noted that the donor would be notified if Phase 2 were not approved to determine reassignment of the money donated.

Stone commented on his disfavor of restricting money in funds unless they could be reassigned or returned.

Councilman Harton made a motion to establish a restricted fund for Phase 2 of the Veterans Honor Green project, and Councilwoman Schneider seconded. The motion passed unanimously (5-0).

10. NEW BUSINESS

A. Consideration / Approval of Interlocal Agreement with Winston-Salem/Forsyth County Utilities

Bruce introduced the Interlocal Agreement with Winston-Salem/Forsyth County Utilities for the sale of water to the Town of Oak Ridge. He indicated that the agreement had been reviewed and drafted multiple times over the last six months by the Water Advisory Committee, and that the current draft contained the most favorable terms for the Town. He stated that the agreement authorized the sale of water at an industry competitive wholesale monthly rate and included a reserve capacity fee of \$224,000, payable only upon use. Bruce read his memorandum on the Interlocal Agreement, which is hereby incorporated by reference and made a part of the record, adding that hydrants would be spaced at 800-foot intervals along the water line instead of 1,000-feet as indicated in the memorandum. Bruce requested Council approve the Agreement.

Mayor Kinneman asked for clarification on the payment of the water capacity reserve fee. Bruce verified that the fee would only be payable if the Town connected to the water line. Stone pressed with an inquiry into paying the reserve capacity fee regardless of use, and Bruce explained that the fee would be payable within a period

of four years only if the Town connects to the water line and not preceding that. He stressed that if the Town did not connect, then the Town would not have to pay the fee. Bruce pointed out an addendum, which clarified that the meter vault location would be flexible and accessible, whether on the Guilford County or Forsyth County side. Town Attorney Michael Thomas commented that the meter would likely be located on the Guilford County side on Town-owned property.

Councilman Harton made a motion to approve the Interlocal Agreement between the Town and Winston-Salem/Forsyth County Utilities. Councilman Greeson seconded the motion.

Harton commended the efforts put forth by the Water Advisory Committee and staff to arrive at a mutually acceptable agreement. He noted that the reserve fee guaranteed water to the Town for future use.

The motion passed unanimously (5-0).

B. Consideration / Approval of 2024 Meeting Schedule Revision

Councilwoman Schneider made a motion to approve the revision to the 2024 Meeting Schedule changing the meeting time of the Capital Improvement Plan meeting on February 14, 2024, from 2:00 p.m. to 11:00 a.m. Councilman Harton seconded, and the motion passed unanimously (5-0).

11. MONTHLY FINANCIAL UPDATE

Finance Officer Sam Anders presented the financial report for the month of January, which is hereby incorporated by reference and made a part of the minutes.

Anders added a request to approve the amended audit contract for \$3,455 due to minor software errors in the opening balance. He noted that the amendment was required for Governmental Accounting Standards Board (GASB) Proclamation 96 compliance.

Due to a change in the firm's name, Anders asked that the engagement letter for the firm's services be re-signed.

Councilwoman Schneider made a motion to approve the amended audit contract, and Councilman Greeson seconded. The motion passed unanimously (5-0).

Mayor Pro Tem Stone made a motion to approve the financial report as presented by the Finance Officer, and Councilman Greeson seconded the motion. The motion was passed unanimously (5-0).

12. COMMITTEE REPORTS

A. Finance Committee

No report.

B. Water Advisory Committee

No report.

C. Historic Preservation Commission

No report.

D. Planning & Zoning

Mayor Kinneman indicated that the Board met for the public hearing of the public trail easement and for Rezoning Case RZ-24-01.

E. Mountains-to-Sea Trail Committee

Chair Anne Steele noted that due to excessive rain and erosion issues, monitoring of the Headwaters Trail after every rainstorm for repair had occurred. She discussed the possible installation of a small kiosk at the Town Park that would provide information on local trails and their connections. Steele commented on the areas of the Carriage Cove Trails that would require bridges, which would be constructed as part of Eagle Scout projects.

F. Conservation Easement Committee

Chair Stephanie Ferrell reported on the status of five properties that the Committee had indicated an interest in pursuing conservation easements. She noted that each was in various stages of application.

G. Special Events Committee

Chair Patti Dmuchowski reported on the success of the Volunteer Appreciation dinner held in January. She stated that the next special event would be the Memorial Day Observance scheduled for May 27.

H. Tree Committee

Co-Chair Austin Goldman reported that a forester from the NC Forestry Department examined the pine plots owned by the Town in December and determined that the trees were healthy and would require no intervention. He stated that a recommendation was made to remove a gum tree at Town Park that was dying. Goldman noted that information was forthcoming regarding a tree pruning workshop for Committee members and staff offered by the Guilford County Extension Service that would be scheduled for late February or early March.

I. Parks & Recreation Advisory Board

Co-Chair John Garrett reported that John Browning and Adrian Eckenrod were elected as co-chairs at the last meeting in January. Garrett stated that the Board

agreed to use the same signage at Heritage Farm Park that is in Oak Ridge Town Park. He reported that the Board had prioritized a list of 11 projects for consideration in the Capital Improvement Plan, the top three projects being a security system for both parks, enhanced audio and network technologies to allow the security system to expand among other things, and shade structures for the playgrounds. He added that planning was underway for a grand opening ceremony for Heritage Farm Park and that five bands had committed to play at Music in the Park.

13. COMMUNITY ORGANIZATION REPORTS

A. Oak Ridge Youth Association

No report.

B. Oak Ridge Military Academy

No report.

C. Triad Municipal ABC Board

Jimm Barberry reported that sales were level in the last quarter but that sales would have been higher if Christmas Eve and New Year's Eve had not fallen on Sundays. He reported on several issues experienced within the district. Barberry noted that the distribution from the last quarter set a record high with a total of \$109,555.

D. Oak Ridge Elementary School

No report.

14. PUBLIC COMMENTS

- George McClellan, 2806 Oak Ridge Road, appreciated the approval of the Interlocal Agreement and expressed enthusiasm for moving forward with the water system.
- Bill Goebel, 1402 Westridge Road in Greensboro, spoke about his run for a seat on the Guilford County School Board.

14. COUNCIL COMMENTS

Councilman Greeson pointed out that he had made two visits to the Bear Creek neighborhood.

Mayor Pro Tem Stone revisited the issues regarding the public trail easement and advocated town volunteers elevate discussions with the Bear Creek and Ashford development residents to work toward an acceptable outcome.

Councilwoman Schneider pointed out the inappropriateness of enlisting town volunteers to facilitate discussions with relevant parties regarding the public trail easement due to political and legal issues. She stressed that the issues were relevant to zoning discussions and thus the Parks & Recreation Board would have no role in the discussions, nor would the MST Committee, who has no position in making policies regarding trails. She stressed that she and other council members were available to continue discussions with concerned parties.

Councilman Harton emphasized that donors to the Veterans Honor Green project committed their donations to the whole design concept of the memorial.

Mayor Kinneman stressed that the Town could not require an easement on a property. He added that only the individual who owned the land could allow or deny a request for an easement and as such, any discussions regarding the public trail easement would need to include that landowner, which in this case is the developer. He emphasized that no alternatives could be effected without the developer's involvement.

Stone questioned why the Town would not entertain the request to rescind the trail easement. Mayor Kinneman countered that the Town was entertaining the request during the public hearings. Schneider interjected with her belief that further discussion of the issue would need to occur as an agenda item in the meeting and not as part of Council comments. Kinneman noted that the exchange of commentary during Council Comments was not unusual.

15. ADJOURNMENT

Mayor Pro Tem Stone moved to adjourn the meeting at 8:50 p.m., and Councilman Greeson seconded. The motion was passed unanimously (5-0).

Respectfully Submitted:

Sandra B. Smith, CMC, NCCMC
Asst. Town Manager/ Town Clerk

Jim A. Kinneman
Mayor