



**OAK RIDGE TOWN COUNCIL MEETING  
FEBRUARY 5, 2026 – 7:00 P.M.  
OAK RIDGE TOWN HALL**

**MINUTES**

**Members Present**

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

**Staff Present**

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

**1. CALL TO ORDER**

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

**A. Invocation**

The invocation was offered by Ben Walraven.

**B. Pledge of Allegiance**

**2. APPROVAL OF AGENDA**

*Councilwoman Ann Schneider made a motion to approve the agenda, and Mayor Pro Tem Michael Greeson seconded. The motion passed unanimously (5-0).*

**3. APPROVAL OF MINUTES**

*Councilwoman Ann Schneider made a motion to approve the minutes of the January 8, 2026, regular meeting and the January 12, 2026, special called meeting. Councilwoman Lindsey Clark seconded, and the motion passed unanimously (5-0).*

**4. RESOLUTIONS, PROCLAMATIONS, ANNOUNCEMENTS**

Assistant Town Manager/Town Clerk Sandra Smith read the proclamation prohibiting the return of Old Man Winter to Oak Ridge for the remainder of winter 2026, which is hereby incorporated by reference and made a part of the minutes.

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

No report

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

Assistant Chief Sam Anders reported on call statistics for January 2026 and encouraged caution when traveling in snow, advising against all unnecessary travel.

**7. EVIDENTIARY HEARING**

**SPECIAL USE PERMIT CASE # SUP-25-01:** The property is located at 2524 Oak Ridge Road, on the southwestern side of the intersection of Oak Ridge Road and Bunch Road, in Oak Ridge Township. It is Guilford County Tax Parcel #163043, consists of approximately 3.16 acres, and is owned by F2 Homes LLC. The property is zoned RS-40 (residential) and is within the Scenic Corridor Overlay District and the Greensboro (GW-III) Watershed Overlay. The applicant seeks a Special Use Permit to establish an Event Center on the above-named parcel.

Mayor Jim Harton provided opening comments regarding the quasi-judicial hearing to assist both the public and Council better understand the process. As a quasi-judicial hearing, he stated that Council would base its decision solely on competent, relevant, and substantial evidence including written materials submitted by the applicant and available on the Town's website and sworn testimony from the applicant and others offering relevant facts. He noted that it was incumbent upon Council to identify factual findings known as findings of fact to base its determination on whether the applicant met the Town's requirements for event centers under Section 30-1048 of the Town's ordinances as well as the general conditions for Special Use Permits under Section 30-302. He explained that compliance with these standards would ensure that the Special Use Permit (SUP) was compatible with the surrounding area, which in this situation was an RS-40 residential district. He added that Council was prohibited from basing its decision on personal opinions or the opinions of others speaking on the case, but was bound to consider only competent, relevant, and substantial factual evidence directly related to ordinance requirements.

Harton further stated that Council was limited to hearing from the applicant, witnesses – including experts – for the applicant, Town staff, members of the public who demonstrate standing in the case, and other witnesses who can present competent material and substantial evidence that was not repetitive and was allowed by Council. He pointed out that all testimony would be taken under oath and would thereby be legally binding, stressing that the process would be impartial and fully open to the public. He urged that testimonies focus on facts and ordinance standards and not personal preferences, as Council would focus solely on evidence directly related to ordinance requirements.

Upon completion of testimonies, Harton explained that Council would deliberate and ask questions, at the conclusion of which Council would render an approval, an approval with conditions, denial, or continuance of the hearing to a date certain.

Harton proceeded to process disclosures by asking if there were any conflicts of interest among Council that could impede an impartial hearing for the applicant. He specified that Council members may not participate in the hearing if they held a fixed opinion on the outcome of the hearing, had a financial interest in the outcome, or had a family, business, or other relationship with the applicant or an affected person. Council members individually disclosed that they had no conflicts of interest and therefore no need for personal recusal from hearing the case.

Harton then asked Council members to disclose whether any had engaged in ex parte communication regarding the case outside of the hearing, including site visits or conversations with the applicant, staff, or members of the public. Councilwoman Lindsey Clark noted that she had conversations with staff regarding case proceedings and had made general inquiries about the ordinance. Councilman Mike Stone revealed that he had visited the property, had conversations with Town staff and participated in phone calls from the public during which only details of procedure were discussed. Councilwoman Ann Schneider revealed that she had extensive conversations with staff focused only on the process of the hearing, had participated in the quasi-judicial training session and informed members of the public that she would not provide comment on the case outside of the hearing. Mayor Pro Tem Michael Greeson admitted to reading an email, which he had then deleted. Harton added that he had conversations and quasi-judicial training with staff. Harton confirmed with Council members that no objections were made to any members' participation in the case based on their disclosures of ex parte communication. Town Attorney Michael Thomas asked whether Stone's visit to the property had created a fixed opinion regarding the case. Stone responded that it had not. Thomas verified that no other member of Council had similarly visited the property.

Planning Director Sean Taylor was sworn in by Smith.

Taylor introduced Special Use Permit Case # SUP-25-01 for an event center in an RS-40 residential single-family district, which is a zoning intended to accommodate single-family detached dwellings on large lots in areas without access to public water and wastewater services and where topography and public services necessitate low-density single-family development, and which typically gross one unit per acre or less. He noted that the 3.16-acre property, addressed as 2524 Oak Ridge Road, was located southwest of the intersection between Oak Ridge Road and Bunch Road in Oak Ridge Township, bearing Guilford County Tax Parcel # 163046. He reported a recent transfer in property ownership from F2 Homes LLC to Hobson Taylor Investments LLC, noting that both entities were owned by the same individuals. Taylor described the property as located in the Scenic Corridor Overlay district and the Greensboro (GW-III) Watershed Overlay, where its perimeter to the north is zoned RS-30 Residential, the northeast – where Haircraft and the Oak Ridge Florist operate – is zoned Limited Business, and the remaining south, east and west perimeters are zoned RS-40 Residential. He stated that if the Special Use Permit (SUP) is approved, the property would be rezoned as RS-40/SUP Event Center. He stated that the Future Land Use Plan cited this area as residential with historical structures, noting that the structure on this property was inventoried by the Town as the Donnell-Honeycutt House, which holds significant historical influence and was eligible to be recorded on the National Register of Historic Places. He continued

that public water and sewer were unavailable for this property and fire protection was provided by the Oak Ridge Fire Department, which is 2.4-miles away. He added that the transportation count along Oak Ridge Road was reported at 7,174 trips per day with no current improvements required by NC DOT, although the site plan review for the property would necessitate approval of a driveway permit by NC DOT. He noted that the property was not in a regulated flood plain, it had no streams, and its topography was considered gently rolling. Taylor stated that the applicant had sent informational letters to nearby property owners on Oak Ridge Road, Bunch Road, and neighboring subdivisions and followed with in-person meetings with interested parties. Taylor concluded his report by saying that when reviewing a Special Use Permit request, the Council had to determine that the required findings of fact had been met based on relevant and credible evidence presented at the hearing.

Thomas asked whether the applicant had formally amended the application to reflect the change in ownership, and Taylor confirmed. Thomas requested that Council formally approve the amendment to the application, noting that no substantive changes had been made.

*Councilman Mike Stone made a motion to amend the application and reflect the change in ownership to Austin Taylor Investment LLC, and Mayor Pro Tem Michael Greeson seconded. The motion passed unanimously (5-0).*

Josh Fogle, applicant, and Bill Greco, witness for the applicant, were sworn in by Smith.

Attorney Marsh Prause, 380 Knollwood Street, Suite 700 in Winston-Salem, attorney representing the applicant requested to be seated for the case proceeding. He called Josh Fogle as his first witness.

At Attorney Prause's request, Joshua Fogle, 12 Heathrow Court in Greensboro, described his role with respect to the case. As a member of the ownership group F2 Homes LLC, Fogle stated that the group had purchased the property from the Pinedo family 18 months prior with the intent to salvage the landmark structure and convert it into an event space. Prause asked Fogle to describe the transition of ownership group from F2 Homes to Hobson Taylor Investments LLC. Fogle explained that F2 Homes LLC was originally formed to secure a 12- to 18-month bridge loan to facilitate permit processing and ordinance compliance after the property was purchased. Due to the continuance of the proceedings, the group later established Hobson Taylor Investments LLC to obtain a second bridge loan while awaiting final approvals and the ability to secure a construction loan. He affirmed Prause's contention that the two entities were owned by the same group of individuals and that he was the authorized representative of both LLCs. Prause asked Fogle to describe Bill Greco's role in the redevelopment of the property. Fogle explained that while he and another member of the group regularly work on historic reconstruction projects in Irving Park and Greensboro, they were unfamiliar with Oak Ridge's zoning and ordinance requirements, so they sought Greco's expertise to assist them. Fogle affirmed Prause's assertion of Greco's eligibility to testify with confidence on the applicant's behalf. Prause asked Fogle to describe the planned use of the property as related to its compatibility with the neighboring area. Fogle stated

that his research revealed that the property had been commonly used as a community gathering place for events such as cotillion classes and fundraisers since the early 1970s, and he hoped to restore it for like functions to benefit the community. Fogle confirmed Prause's contention that Hobson Taylor Investments LLC was willing to accept the role consistent with the amendment by Council as the applicant for purposes of the Special Use Permit moving forward. Prause concluded his cross-examination of Fogle.

Thomas reminded Council that, unlike in a public hearing where the public speaks without exchange and Council deliberates afterward, members had the opportunity to directly question the witness in an evidentiary hearing.

Councilwoman Schneider asked how Fogle specifically intended to restore the structure's exterior. Fogle noted that the exterior would be painted wood and that several original materials, including repurposed components from the outbuildings, had been preserved for reuse in the reconstruction. He stated that except for a cedar roof, other materials were planned to be upgraded in an attempt to preserve the structure's historical nature. Schneider asked for the proposed hours of operation on weeknights, weekends, and holidays. Fogle responded that operating hours would comply with the Town's ordinance requirements. Schneider asked if the business would operate seven days a week, and Fogle responded that the space would be available for use seven days a week, but that its formal hours of operation remained undetermined. Schneider asked about the presentation of the interior and its intended capacity. Fogle responded that the layout would not change significantly, but certain structural elements would require reworking due to the failing integrity of the structure.

Referring to Fogle's intended use being in harmony with the surrounding environment, Councilwoman Clark asked Fogle how events had previously been held at the property without the previous approval of Special Use Permit. Fogle responded that he was unfamiliar with the procedure for holding events in the past and based his understanding on information that had been relayed to him during his research of the property. He explained that the Oak Ridge Military Academy had used the space for fundraising and staff events because alcohol would be allowed at the property, and that cotillion classes were held at the space because the former owner was a cotillion coach. He added that he had no knowledge of whether these events were permitted. In response to Clark's inquiry, he also said he had no knowledge of the events' attendance.

Councilman Stone asked how many people would be allowed in the house when completed. Prause responded that this issue would be addressed by Greco during his testimony. Clark interjected that the site plan reported a capacity of 150 attendees. Fogle elaborated that 150 people or more would not be an issue in a 4,800-square-foot house, a number he corrected to 4,500 square feet. He added that the entire home would be accessible to the public. Stone asked for distinction between offering the property as a gathering space to the community as opposed to the general public, and Fogle noted that no restriction was placed on who could use the space, promoting it as an open invitation for everyone to gather as they did in a house down the road from the property where gallery showings among other events had been hosted.

Clark asked if events held by the previous owners were held inside or outside at the property, and Fogle indicated no knowledge of the situations of those events.

Mayor Harton asked Fogle to address concerns regarding noise and light pollution associated with events. Fogle indicated that Greco would be better positioned to speak to such issues, but he assured compliance of all activities with ordinance requirements regarding noise and light.

Councilman Greeson asked if bands would perform outdoors. Fogle noted that outdoor entertainment would be possible, but that ordinance requirements would be observed.

Schneider asked if areas where cars could make drop-offs and turn around would be included in the parking area of the property. Fogle noted that the parking lot would have space for vehicles to drop off passengers and that the design of the lot would comply with ordinance requirements. Schneider confirmed that the house referenced earlier by Fogle was Oakhurst, a private residence. She further noted that Fogle appeared to suggest his property would host a range of events comparable to those held at Oakhurst and Gray Gables in Summerfield, though a breakdown of specific event types had not yet been established. Fogle concurred. Schneider asked if usage rules would be in place to protect the property owner as well as adjacent neighbors, and Fogle noted that a Special Use Permit would offer clear guidelines by which he would abide in order to safely operate the business. He noted that adequate staff and security would be utilized for management of a variety of events. Schneider asked if Fogle had any experience in managing Event Centers, and Fogle responded that he did not, but said his staff had knowledge of the industry. Schneider asked Fogle how he believed the proposed use of the property would be harmonious with the surrounding RS-40 residential community, noting that the area had not previously included a commercial entity of that nature. Fogle explained that conversations held with approximately 200 community members at a yard sale held on property reflected support for their endeavors.

Greeson asked how Fogle would address potential parking shortages during a sold-out event. Fogle responded that event capacity would be determined by the number of available parking spaces, noting that parking availability would be a key factor considered by the renter when planning their event. Greeson expressed concern that overflow parking could occur on NC 150 and Bunch Road, despite it being illegal to do so.

Stone asked if an overflow parking plan had been established, and Fogle indicated that discussions had taken place with nearby churches and property owners, but no formal agreements would be executed unless and until the Special Use Permit was awarded. He added that the capacity versus parking space issue would be overseen and managed accordingly by his staff.

Clark inquired about the adequacy of the interior space to hold gatherings. Fogle noted that the layout of the house was typical to those constructed in the early 1900s with connections throughout, and that some walls and doors would be removed both downstairs and upstairs to create larger spaces. He noted that the

house downstairs currently had an event room capable of holding up to 50 people and another meeting room which could hold up to 20 people with a kitchen, and the upstairs had a room capable of fitting 100 people.

Stone sought confirmation from Fogle of his assertion that event attendance would be capped if it exceeded the allowable maximum, and Fogle confirmed this assessment.

Greeson asked if a physical count would be made of attendees at large events. Although he did not envision many large events at the property, Fogle affirmed that attendance would be closely monitored.

Clark asked how and where noise level would be measured to determine compliance with noise control regulations in Section 30-1048 of the ordinance. Taylor explained that sound levels could be measured both from the complainant's location and on the property itself. However, he noted that measurements are typically taken off the property to obtain an accurate assessment and evidence regarding the sound. He added that sound above 80 decibels was a violation of the noise level allowed in the ordinance and could result in the event being shut down. He pointed out that the Town's ordinance imposed an additional restriction on permissible hours for noise, limiting amplified music to no later than 9 p.m.

Taylor confirmed Stone's summary that amplified music was not allowed past 9 p.m. and noise from outside activity was not allowed past 11 p.m. Stone asked Taylor to cite the section of the ordinance regulating maximum attendance at events. Taylor explained that multiple regulations could impact the capacity of the property. He cited permissible parking space for Event Centers, permissible parking space in residential areas, fire code regulations, building codes regulating weight capacities, and tent sizes for outdoor use as examples of regulations which would impact the maximum capacity of the property. Schneider asked if the fire department would limit indoor capacity, and Taylor clarified that the fire marshal's determination would control that capacity.

Greeson asked if weekday music events would be permitted, and Fogle was uncertain but assured compliance with ordinance requirements if they were.

Stone asked what the maximum capacity outdoors would be if the maximum capacity indoors was met. Taylor indicated that outdoor capacity would be influenced by tent size regulations if applicable or by sound buffers, which include all types of sounds, not just music. Fogle indicated that further analysis of capacity issues would be addressed by Greco.

Stone asked if Fogle owned other LLCs operating event centers, and Fogle responded negatively.

Prause called Greco to the stand for examination.

Bill Greco of Land Solutions, PO Box 347, Oak Ridge, introduced himself as a consultant for the applicant. At Prause's request, Greco summarized his professional background and credentials, explaining that he had been in business since 1997,

during which time he had engaged in Special Use permitting operations with Gardens at Gray Gables, Summerfield Farms, and a large facility in Browns Summit. He added that he carried a license as a Professional Land Surveyor, PLS. In response to a series of questions from Prause, Greco stated the following:

- He worked weekly with the Town of Oak Ridge Development Ordinance and was thereby familiar with the ordinance.
- He considered himself an expert with respect to the development of real property within Oak Ridge.
- He had worked on multiple structures and real estate developments in Oak Ridge for 29 years.

Greco stated that his involvement with this Special Use Permit application process began with an application for a text amendment for Event Centers, followed by developing a site plan, then filing the application that involved an elaboration of uses for the property. He confirmed that he was responsible for developing the site plan for the application. He explained that factors such as topography, watersheds, flood zones, constructability issues, and extensive examination of numerous applicable regulations to assure compliance were considered in designing the site.

Based on Greco's credentials and his familiarity with both the project and the ordinance, Prause tendered him as an expert witness and as a fact witness, which Harton accepted.

Prause asked Greco to elaborate on parking and traffic issues raised earlier to Fogle. In response, Greco described two conditions for approval, first confirming the proposed use of this property, which had been designated with an "S" on the Permitted Use Table for its zoning district. The second condition described compliance levels to development standards found in Article 9, which include signage, parking, landscaping, standards for individual uses, fences, and outdoor lighting, all of which had been cross-checked in the application by himself as well as by Town staff. He noted that amplified sound had been restricted not only by decibel level but by location. Regarding capacity, he pointed out that the interior capacity would be determined by the fire marshal, and that parking as depicted on the site plan was calculated based on maximum attendance. He reported that the site plan listed maximum attendance at 150 people, which would be recorded if the Special Use Permit were approved. In addressing overflow parking, Greco stated that per ordinance requirement, an overflow off-site parking plan involving shuttle services, traffic control personnel, and/or access for Uber drop offs would be provided for staff to review in anticipation of events with excess parking needs.

Prause clarified with Greco that actions to comply with the ordinance would be assumed by the operator of the facility. He inquired whether a Special Use Permit would remain valid upon the sale or transfer of the property to a new owner. Greco affirmed that it would and added that a Special Use Permit could be revoked with cause by Council and that the Special Use Permit transfers with the property and not with the owner.

Prause asked whether any additional issues with the ordinance had arisen during preparation of the site plan. Greco indicated that all issues regarding compliance were managed as they arose during the development of the site plan. He noted that permitted uses whether by right, by development standard or as a special use, were

clearly defined in the ordinance and that if a proposed use was permitted, then it would be found to be compatible. He added that harmony with the surrounding area was established through the site's development in compliance with all applicable rules and regulations. Greco confirmed Prause's assertion that the proposed conditions outlined in the Special Use Permit application met or exceeded the development standards outlined in Article 9 with no evidence presented to suggest otherwise. In response to Prause's inquiry about whether the proposed Event Center use was in accordance with the Special Use Permit and consistent with the purposes of the district and its surrounding uses, Greco stated that the location, character, and harmony of the proposed use, if developed as presented and permitted, would be in harmony.

Greco stated that the framework of the structure would be preserved, noting that its scale and architecture would remain similar to the original. He added that landscaping requirements were extensive, and fencing and requirements would be observed, and no new structures were being proposed. He said that parking was intentionally set beyond the front building line to be unobtrusive and all event space was similarly contained within the property and away from all adjacent property lines. He emphasized that no waivers, variances, reductions or relief from ordinance standards were being requested.

In response to Prause's inquiries about potential endangerment to public health and safety resulting from the proposed use of the property, Greco stated that multiple regulatory agencies at the town, county and state levels would oversee the proper use and operation of the facility. Specifically, he pointed out that Guilford County Environmental Health would oversee septic and well operations in its permitting process and NC DOT would manage commercial driveway permitting and parking issues. Greco confirmed Prause's statement that the Special Use Permit would not nullify or supersede any county or state health, safety, or welfare requirements. Greco attested to Prause's summation that the use proposed in the Special Use Permit would not materially endanger the public and that the proposed use met all the required conditions and specifications of applicable Town of Oak Ridge ordinances.

Prause probed into whether the use would substantially injure the value of adjoining properties. Greco noted that Article 9 and other sections of the Town's ordinances provided safeguards to protect adjacent properties in the context of guidelines for setbacks, buffers, fencing, and parking. He stated that while he was not a real estate appraiser, he was able to study public tax data and that analysis of similar properties such as the Gardens at Gray Gables and Summerfield Farms indicated no decrease in value in adjoining properties. Greco stressed that the design of the site plan, ordinance requirements, and staff input were considered to minimize the impact on neighbors in all respects, not just value, harmony, or character. In answer to Prause, Greco said that he would personally feel comfortable living next to the property.

Prause requested testimony on whether the location and character of the proposed use of the property would be in harmony with the area and conform to the Town's development ordinances. Greco stated that standards for zoning and permitted uses within zoning districts prohibit uses that are not harmonious, and he added that

special uses undergo additional scrutiny to ensure full compliance. He stated that the site plan and application were developed in accordance with all requirements and had been reviewed by staff for conformity, and he deemed that the proposed use would be a permitted use with a Special Use Permit.

Prause concluded his examination of testimony from Greco.

Greeson asked Greco how far the entrance would be from the intersection of Bunch Road and NC 150. Greco estimated the distance to be 100 feet. Greeson pointed out the potential issue of traffic between westbound traffic on NC 150 and traffic turning left off Bunch Road onto NC 150, just 250 feet away from the property entrance. Greco said that NC DOT oversight during the commercial driveway permit process would consider factors like speed limits, traffic volume, and sight distances to ensure traffic safety. He commented on the possibility that NC DOT could recommend safety measures by requiring turn lanes, stop lights, road widening, or straightening, but admitted that the application process had not yet reached that juncture.

Clark asked to confirm Greco's assessment that a permitted use would be considered in harmony in an RS-40 zoned district if it had a Special Use Permit. Greco confirmed that permitted uses were organized into three levels, each subject to increasing scrutiny to ensure appropriateness or harmony with its zoned district. He pointed out that in the Permitted Use Table, the Special Use Permit bore the highest level of scrutiny and that efforts had been made to ensure that the application had met all such conditions without requesting any waivers or variances from the ordinance. Clark asked if any additional issues with harmony in an RS-40 district or conformance to Town ordinance existed. Greco noted that harmony would be determined by the proposed use's compliance with ordinance standards and by Council's examination of the findings of fact. He stated that no evidence related to the site plan had been presented that proved disharmony. He pointed to the extensive requirements imposed on the use regarding landscaping, fencing, sound allowances, parking, and overflow parking. He stressed that meeting all these requirements would be necessary in order to avoid having the Special Use Permit revoked. Clark noted that since permitting requirements for uses by right were the same as they were for Special Use Permits, harmony would not be an automatic designation. Greco replied that the permitting processes for use by right were different from those for Special Use Permits, and that the highly scrutinous nature of the process for Special Use Permits and its revocable nature would ensure that it was harmonious if the Special Use Permit were granted. Clark pointed out Council's ability to invoke additional conditions on Special Use Permits beyond ordinance requirements.

Stone asked if a maximum attendance number was stated on the site plan. Planning Director Taylor explained that a plat submitted with a Special Use Permit becomes part of the ordinance upon approval, and that the parking requirements on the application's plat limited the property's maximum capacity to 150. He added that upon approval for the Special Use Permit, the property would be zoned RS-40/SUP and would be subject to all development standards pertinent to its RS-40 zoning and Special Use Permit permitting standards along with specifications designated on the plat. Regarding the question of whether the value of adjoining or abutting properties

would be affected, Stone asked Greco if he had data to substantiate his earlier testimony. Greco reiterated that he was not a licensed real estate appraiser and that his analysis was based on an evaluation of public records. He elaborated that his analysis of property values around the Gardens at Gray Gables, an event center operating with a Special Use Permit located east of the property on Oak Ridge Road, showed no decrease in value. Stone asked if he had this data and Greco responded that he did not, but it was obtainable on the internet.

Clark asked if Greco had data on the conditions of Gray Gable's Special Use Permit. Having also applied for that Special Use Permit, Greco recalled from memory that Gray Gable's parking was also limited, its hours of operation were regulated by ordinance, and it had similar noise restrictions. He stressed the similarities between both properties for the purpose of drawing a comparison in value of adjoining properties. Clark suggested referencing Gray Gables Special Use Permit as a finding of fact to support the non-injurious impact of the special use on adjoining properties. Greco said that both permits were comparable with the exception of a waiver granted to allow gravel parking at Gray Gables.

From Greco's testimony, Stone assessed that the Special Use Permit was compatible and harmonious according to the Permitted Use Table. He asked if the issue of location and character of the permitted use should be reviewed for its compatibility to its RS-40 zoned district and to its surrounding residential neighborhood rather than with the Permitted Use Table. Greco replied that compatibility should be evaluated using both criteria. He explained that consistency with the district's purposes was defined by the ordinance, while compatibility with surrounding uses required consideration of the surrounding area. He added that the ordinance standards were developed to ensure such compatibility. Greco described the surrounding properties as commercial across the street, single-family residences to the east and west, and an RS-40 subdivision to the rear. Given these features and based on his experience with developing similar sites, Greco deemed the location for this use to be compatible with its environs based on the presence of commercial entities and its location on a major thoroughfare.

Schneider asked whether additional witnesses might be called and whether Greco could be recalled to provide further testimony if needed. Town Attorney Thomas indicated that this was allowed.

Prause announced that he had no need to redirect and he rested Greco's testimony.

Harton called a five-minute recess at 8:50 p.m.

Harton called the meeting back to order at 8:55 p.m.

Harton explained that testimony would be taken from individuals with standing, which he defined as those who can demonstrate that they will suffer damages from the proposed use or those who can provide relevant facts regarding the use. Harton instructed all individuals with standing who wished to speak to be sworn in by Assistant Town Manager/Town Clerk Smith.

Phaedra Loftis, 6619 Stonecroft Drive, was sworn in by Smith. Loftis stated that her property directly abutted the proposed project at 2524 Oak Ridge Road. She explained that she represented a collection of neighbors, some of whom were present at the meeting, who had signed a petition, which she presented on record as Exhibit A. Loftis requested that the evidentiary packet which she distributed to members of Council be entered into record. The packet is hereby incorporated by reference and made a part of the minutes. She stated that her testimony was based on the applicant's failure to provide competent, material, and substantial evidence, as required by statute, to support issuance of the Special Use Permit. Citing the Humble Oil standard, entered as Exhibit B, she stated that the burden of proof rested with the applicant and that the permit must be denied if the applicant failed to prove with expert data that the proposed site was safe and harmonious.

Addressing the issue of environmental health, Loftis referenced the permit record, entered as Exhibit C, which she stated revealed a pattern of procedural avoidance. She supported this claim by revealing that the applicant had been cited in January 2025 for beginning to work on the project in late 2024 without permits. She added that the applicant subsequently filed only for residential upfits and had continued to do so to the present.

Prause interrupted to object that the material being presented was beyond the scope of criteria which Council was permitted to consider according to North Carolina law, the Town's development ordinance as it pertained to Special Use Permits and past regulatory compliance. He countered that the accusation of working without permits was not a factor to be considered by Council. Loftis asked whether it could be considered a relevant fact that the same client had exhibited the same pattern of non-compliance at Gray Gables, which the client himself had cited as a representative example earlier in the evening. Prause declined to answer and Loftis posed the relevancy of the question to Council. Prause requested that his objection be noted for the record. Harton solicited Town Attorney Thomas for advice and Thomas asked Prause if he desired a motion to strike. Prause indicated that the information had already been disclosed, and he did not wish it to go further. Thomas stated that Prause indicated his objection for the record and instructed Loftis to proceed.

Loftis disclosed that the septic approval obtained on November 20, 2025, for a six-bedroom residential remodel was inadequate to serve a 150-person commercial Event Center. She cited North Carolina law 15A, NCAC18E (Exhibit D which is hereby incorporated by reference and made a part of the minutes) which required that wastewater systems be rated according to the strength of the waste associated with the intended use rather than by local zoning classification. She explained that residential waste was considered low strength whereas waste generated from a commercial venue experiencing catering and alcohol surge loading would produce high strength wastewater. She pointed out that by foregoing applying for a Change of Use permit, the applicant avoided the mandatory safety studies which test groundwater for contamination from an overloaded system. She noted that the blueprint showed the well to be within 50 feet of the building, which was in violation of Guilford County's commercial well setback rule that requires that wells serving commercial property, considered a shared well, maintain a minimum 50-foot horizontal separation from any structure including decks. She added that plans

to add a large deck would significantly alter the structure's footprint and render the existing septic approvals noncompliant. Loftis offered these disclosures to illustrate the pattern of non-compliance reflected in the applicant's actions.

Loftis submitted sworn testimony from the January 2016 meeting of the Summerfield Board of Adjustment regarding the Gardens at Gray Gables to demonstrate the impact on the community created by the disparity in water consumption and septic surge loading, and to illustrate the standards likely to be relevant to the currently proposed project, pointing out that the applicant had upheld the Gardens at Gray Gables as a model for the proposed project. She indicated that the testimony regarding the Special Use Permit for Gray Gables, recorded as Exhibit F, revealed significant septic surfacing and odor issues caused by surge loading by a septic system rated for residential rather than commercial use. She noted that the situation at Gray Gables was alleviated by the purchase of neighboring land but pointed out that such a remedy would not be feasible for the proposed project as it was located on a smaller parcel with no neighboring land available to sustain an expanded septic system. Loftis added that a required study of water runoff had not been submitted to prove that there would be no impact to neighboring properties.

Loftis further testified that the addition of a 38-car parking lot would significantly affect the structure and drainage of the lot. She noted that precise development of the property would be critical to preventing adverse impacts on the quality of life and property values of adjoining property owners. Prause objected to Loftis' statement regarding property values, citing that she provided no foundation nor held professional credentials to make such an assertion. She responded that further information would be provided, and Prause requested that she first provide the foundational details before proceeding with arguments concerning the effect on property values.

Harton asked Thomas to provide counsel at the same time while Loftis stated that requests for loans for NC residential properties with water issues were typically declined by home loan lenders. At Harton's request, Loftis ceased making comments. Thomas stated that Prause's objection and subsequent request for Loftis to first lay a proper foundation establishing the basis of her expertise before offering an opinion on fair market value would be a matter for Council to decide.

Stone asked for clarification on the ruling and Prause explained that expert testimony cannot be provided by a lay witness and that, in this case, Loftis had provided an expert opinion without establishing her expertise or professional credentials. Schneider asked Loftis whether, in the absence of professional credentials, she possessed substantiated data to support her claims. In response, Loftis presented Exhibit K, section F3, which is hereby incorporated by reference and made a part of the minutes, which evidenced the form required by the NC Residential Property Disclosure Act for sellers to disclose issues with seepage on a property that could potentially affect the home values of adjoining properties. Clark requested that Council be afforded time to review data when cited by the witness, and Loftis agreed. Schneider inquired into the relevancy of the blank form presented as exhibit K, and Loftis stated that because the Residential Property Disclosure Act exists to address conditions affecting property values, a business creating such

conditions would impact future sellers completing the form as well as potential buyers. Schneider pointed out that noncompliance had not been established and Loftis responded that she was trying to demonstrate a correlation with the pattern of actions the developer had taken at Gray Gables. Prause objected to Loftis' argument, which he stated was based on hearsay. Stone agreed that the data presented was insufficiently substantive and suggested moving past it. Schneider added to her agreement, stating that evidence of actual noncompliance by the property owner would be cause for revocation.

Schneider asked Greco whether all components of the property met commercial standards for use. Greco stated that the applicant had not yet applied for well or septic permits, but that future permitting, inspection, and installation would comply with commercial standards. He pointed out the area of the property designated as a septic field and the location of a well house. He stressed that neither grading or erosion control permits nor a permanent stormwater device would be required for this site.

In fairness to the witness, Thomas advised that Loftis be allowed to continue her presentation, while Council reserved the opportunity to pose additional questions during the rebuttal period.

Loftis cited Exhibit C, recorded permits filed by the applicant, which is hereby incorporated by reference and made a part of the minutes. She presented Exhibit M, also incorporated by reference and made a part of the minutes, delinquent property taxes currently recorded by Guilford County. Prause objected to Exhibit M as irrelevant to the consideration of issuing a Special Use Permit, and Stone agreed. Loftis testified that the record demonstrated a pattern by the applicant of acting first and seeking permission later, and projected that proposed enforceable conditions would likely be ignored in practice thus placing the burden entirely on the neighboring property owner. Prause objected to the speculative nature of Loftis' statement, stating that it was not fact based. Loftis questioned whether early issues with regulatory compliance might indicate greater challenges in the future.

Loftis referenced earlier statements by the applicant, who indicated that local churches had been contacted regarding the proposed site plan. She stated that she had subsequently contacted nearby churches and was informed that they had not been informed of the off-site parking plan. Prause objected to this statement, stating that it was based on hearsay. Loftis rebutted Prause's objection by questioning if the earlier statements made by the applicant should also be considered hearsay.

Loftis stated that the social events referenced earlier by the applicant were not relevant, noting that they occurred prior to the area's zoning designation as RS-40, when the surrounding property was owned and operated as a farm.

Loftis pointed out that during conversations with the property owners at a previously held yard sale, no mention of the property being converted into a 150-person Event Center had been made. She noted that the owners had instead indicated that they would move into the residence and potentially open one or two rooms to host events such as book club meetings, thereby lessening any objections

from the public. Prause objected to the irrelevancy of Loftis' statement regarding permit criteria and moved to strike the statement from record.

Loftis testified that, in accordance with North Carolina law, harmony with the surrounding area required that a proposed use be compatible with neighboring properties and not diminish the quality of life or property values of adjacent owners. She noted that a permitted use within an RS-40 zoning district was not harmonious simply because it was allowed.

Loftis noted that potential septic issues would harm neighboring property values, to which Prause objected on the basis of lack of foundation.

Loftis stated that, at a November meeting with adjoining neighbors, the developer referenced the Gardens at Gray Gables in Summerfield as a successful project he had assisted in developing. In contrast, she noted that neighbors of Gray Gables expressed differing opinions, which Prause objected to as hearsay. She evidenced her statement by citing sworn testimony given at the Summerfield Board of Adjustment hearing on July 27, 2023, entered as Exhibit G and hereby incorporated by reference and made a part of the minutes, that low frequency bass sounds from outdoor speakers at the venue were detectable as physical vibrations through closed high-end windows. She stressed that sworn testimony could not be considered hearsay. Loftis added that public records indicated that properties situated 930 to 1,300 feet from the venue could detect music indoors through closed windows and while televisions were in use. Prause objected to this statement. Loftis continued to state that the noise interfered with residents' sleep and enjoyment in their outdoor areas. She further cited 14 documented law enforcement calls to Gray Gables for noise, intoxication, and disorderly conduct. Prause continued to object based on hearsay. Loftis questioned whether sworn testimony could be considered hearsay.

Clark interjected with a question directed to Thomas, asking whether sworn testimony documented in Board of Adjustment minutes would be admissible. Thomas indicated that the information would be admissible if presented in certified form. Stone read the heading for the data presented as Exhibit G. Thomas clarified that Council would determine if the information were competent. Prause pointed out that without a copy of the documents to personally refer to, he had to err on the side of assuming that the information contained therein might not be accurate or fully consistent.

Loftis noted the likelihood of experiencing similar noise intoxication at the proposed site, which was approximately half the size of Gray Gables with neighbors only 100 feet away. Loftis introduced Exhibit H, which is incorporated by reference and made a part of the minutes, which was a Guilford County GIS rendering of 2524 Oak Ridge Road around which she superimposed a 1000-foot radius to depict the number of homes in closer proximity to the proposed site relative to those homes who experienced noise impacts from events at Gray Gables. She stated that the conservative count of impacted homes was 114. She concluded that it would be reasonable to expect that the quality of life of 114 homes would be impacted by a business entertaining the same category of events as Gray Gables, being developed by the same developer as Gray Gables, adhering to the same plans as Gray Gables to

host parties, weddings and concerts – noting that bluegrass concerts had been specifically mentioned by the developer. Loftis stated that an acoustic mitigation wall, rather than a stand of trees, would be required to mitigate potential noise issues. She further testified that, in the absence of a professional acoustic study for the proposed site, the project did not satisfy the harmony requirements of Section 30-1048, which require adequate buffering in RS-40 districts and compatibility with neighboring residential properties. She substantiated her claim with Exhibit I, hereby incorporated by reference and made a part of the minutes – Federal Highway Administration studies and acoustic engineering standards – which demonstrate that vegetative buffers must be at least 100 feet deep, solid, and evergreen in nature to obtain a minimally perceptible 5-decibel reduction in noise. She pointed out that the proposed three-acre site did not have the space to plant a 100-foot-deep forest unless it eliminated the proposed parking lot, and that its proposed 30-foot treed privacy fence provided visual but not acoustic screening. Prause objected. Loftis pointed out that the buffer proposed screening on three sides of the property, but no buffer was offered for the remaining side open to neighbors. Referring to Exhibit H, which is hereby incorporated by reference and made a part of the minutes, she cited the NC Residential Property Disclosure Act, Exhibit K, which would require each of the 114 homes to disclose to future buyers the proximity of the commercial nuisance to their property, specifically addressing noise, odor, smoke, or other issues from commercial, industrial, or military sources affecting the property. She stressed that the quality of life and property values of an entire quadrant of Oak Ridge would be affected. In support of this claim, Loftis introduced Exhibit N, hereby incorporated by reference and made a part of the minutes, which cited the Davidson County Broadcasting Case which established that the impact on neighboring property values was a legitimate ground to deny an application in the absence of supporting expert study. Exhibit N, however, had not been included in the packet of evidence and Loftis gave instructions to bypass this evidence.

Loftis noted that the requirement for primary access from a thoroughfare given in Section 30-1048B, the safety requirements of a Special Use Permit and the findings of Oak Ridge's strategic vision plan, Exhibit J, which is hereby incorporated by reference and made a part of the minutes, which deemed the intersection of Bunch Road and Oak Ridge Road as a high-accident location would be challenged by the traffic situations resulting from the proposed site. She stated that the proposed 38-car parking capacity could result in a corresponding number of vehicles navigating this hazardous intersection during high-intensity traffic surges associated with evening events. She further added that to her knowledge, the applicant had not imposed any restrictions on evenings beyond 11 p.m. nor proposed starting business operating times. Loftis testified that shuttle operations to and from the venue, as well as alcohol service on-site, would further complicate traffic conditions. She stated that the applicant had not provided any supporting evidence or traffic impact analyses to demonstrate otherwise. Referring to Exhibit J, which is hereby incorporated by reference and made a part of the minutes, she cited NC DOT studies which designated this location as a high-accident location susceptible to rear-end and left-turn collisions, making the addition of a 150-person Event Center at this location disastrous. Prause objected to Loftis' statement based on lack of foundation. Loftis stated that most guests to the venue would be unfamiliar with the narrow roads, to which Prause objected on the same grounds of lack of foundation. Loftis

responded to his objection by pointing out that the applicant had specifically stated that the venue would be open to all areas and not just townspeople and that it could not be assumed that all the guests would be intimately familiar with the area. Prause objected to Loftis' statement, asserting that it constituted argument rather than testimony. Referring to the precedent established by the Peter Cilly case, Loftis stated that Council could not ignore the material danger raised by adding mass traffic to a residential collector street flagged with safety issues.

On the topic of harmony within the existing neighborhood, Loftis cited Oak Ridge Development Code Section 30-1048 which defined strict objective standards for compliance of an Event Center in an RS-40 district. She listed the standards as an adequate lot size of at least three-acres, effective buffering from neighboring properties, realistic parking capacity, and enforceable limits on noise, lighting, and hours of operation. Loftis testified that property owners did not anticipate the establishment of a neighboring high-capacity Event Center with the potential for significant sound disruption when they purchased their properties. She further stated that the proposed use could negatively impact septic systems, traffic, water, and noise conditions, unlike the floral and barber commercial businesses located nearby but outside of the RS-40 jurisdiction. Although she and neighbors did not oppose use of the site, favoring the operation of the site as a bed and breakfast, coffee shop, or Town library instead – which Prause objected to as hearsay – Loftis believed the proposed high-capacity business to be disruptive to neighboring property owners while acknowledging the applicant's intention to preserve the structure. She noted that the site was too small or the proposed plan too big to accommodate a 38-car parking lot and capacity of 150 attendees at, in what she asserted were the developer's words, "as many events as possible." She commented that the events would be loud and run late into the evening. She stated that achieving harmony would require privacy. She contended that on a three-acre lot bordered by a highway and nearby residences, it would be unfeasible to prevent a gathering of 150 guests, many presumed to have consumed alcohol, from wandering into neighboring properties.

At that point Prause interrupted to object, and Loftis stressed that she received specific description from the developer that alcohol would be served. Prause noted that his objection was made for the record and not as an argument and agreed that Loftis could continue with her presentation until the mayor chose to terminate it.

Loftis continued, stating that it would be impossible to prevent event attendees from wandering across property lines into neighboring yards despite having a privacy fence. She noted that the small lot size could not accommodate buffers, sidewalks or overflow areas to prevent crowds of 150 people from entering neighboring properties or the adjacent highway. She stated that managing the impacts from events would fall to property owners to enlist the aid of enforcement officers to measure noise levels and contact tow trucks as necessary. She testified that sounds from normal conversation and construction at the site carried several houses away, and she expressed the opinion that no acoustic model could reliably ensure compliance with the ordinance limit of 80 decibels. She added that regular occurrences of music and crowds would make enforcing this limit unrealistic and deemed the proposed use of the site as unsuitable to the characteristics of the residential neighborhood.

Loftis testified that the proposed 38-car parking lot plan assumed an average of four passengers per vehicle, and that this calculation did not include staff or vendors. She expressed concern for this capacity despite the requirement for off-site accommodation at each event. She considered the four-person per vehicle estimate to be optimistic, opting instead for a more realistic assumption of two people per vehicle. Based on this count, she believed that the parking lot would reach capacity before accounting for all attendees, thereby forcing overflow parking onto neighborhood streets which would increase traffic and safety concerns. She stated that she was not aware of any plan by the applicant to mitigate overflow parking and asserted that relying on staff to direct parking would not be sufficient to prevent parking on neighborhood streets. Loftis testified that the applicant indicated that enforcement of parking regulations would require property owners to involve local law enforcement and request towing when necessary. Prause objected to Loftis' statement, saying it was hearsay and not based on fact.

Loftis stated her opinion that property owners were being asked to surrender their privacy and security to accommodate the applicant's business interests and commented that the proposed plan was not in harmony with the Town nor with the quiet, established surrounding neighborhood. She reminded Council members that under Section 30-1048, they were required to find the proposed use in harmony with the neighborhood, and she asked Council to consider the sworn testimony given at the Summerfield Board of Adjustment case BOA 012023 regarding Gray Gables, Exhibit L which is hereby incorporated by reference and made a part of the minutes, which the applicant touted as a model for the proposed site. She stated that this testimony revealed guests and photographers to have trespassed into private property and used private yards as restrooms. Prause objected to this statement based on hearsay. Loftis added that Gray Gables' inability to contain guests and control noise levels without intervention from law enforcement suggested that similar issues could occur at the smaller proposed site, which she contended would be inconsistent with the Special Use Permit requirements for public safety and harmony with the surrounding area. Prause objected to Loftis' summation that "the applicant provided a residential grade plan for a commercial grade problem." Loftis noted the applicant's failure to provide expert traffic data to counter the Town's report of traffic issues at the relevant intersection and failure to provide an expert noise mitigation plan. She described the proposed capacity for the site as too high to adapt to the surrounding neighborhood, rendering the proposed business plan out of harmony with the area. Prause objected to Loftis' reference to the proposed business plan, stating that the business plan was not relevant to consideration of the Special Use Permit application or to the status of the enterprise.

Loftis concluded by noting that the burden was not on the neighbors to prove that the proposed use would be a nuisance, but rather on the applicant to demonstrate that it would meet all standards required for approval. She pointed out that applicants' failure to provide competent material in support of their application necessitated denial of the application and reminded Council members that protecting clean water, public safety, and residents' homes were responsibilities entrusted to them by their constituents. She agreed with Greco's assertion that the highest level of scrutiny was required in the examination of the application.

Harton allowed cross examination of Loftis to begin.

Prause asked Loftis to clarify the capacity in which she was representing individuals in the surrounding neighborhood. Loftis responded that she and other individuals present at the meeting were members of the Ashton Park neighborhood. She stated that, through signatures, submitted as Exhibit A and incorporated by reference and made a part of the minutes, collected from all neighbors minus three who were not accessible, she had been selected to present testimony on their behalf regarding their interests and concerns. Prause redirected his inquiry to question her authority to speak on the behalf of individuals who had signed the petition. Loftis responded that the Town had confirmed her standing to represent neighbors' concerns.

Loftis verified that she held no license in law, appraisal, commercial real estate, engineering, or other related profession with the exception of software engineering, which she stressed required precision. In response to Prause's inquiry into the scope of her legal standing to represent her neighbors' concerns, Loftis stated that the Town granted her legal standing to represent her and her neighbors' concerns in the case and that she was not appointed as an attorney-in-fact.

Loftis verified that her testimony maintained that the proposed project was not exempt from a Transportation Impact Study, citing state compliance standards and referencing the Special Use Permit case that had been brought before the Hudson Oil Board in which town residents represented themselves. Prause considered the reference to the Hudson Oil Board to be a separate issue and asked if Loftis was asserting that the applicant was required to conduct a Transportation Impact Study in order to proceed with the Special Use Permit application. Loftis stated that she was only conveying what North Carolina law provided and that the Town Council was free to make its own determination on the matter. Prause stated his understanding that Loftis was testifying that a Transportation Impact Study was required and asked whether she knew if that was in fact the case. Loftis redirected the question to Prause, asking him to respond in his capacity as an expert on NC law. Prause clarified that his role was not to testify but to ask questions to gain clarity, and in that effort, he asked Loftis whether she intended to represent to the Council that a Transportation Impact Study was required. Loftis stated that her intent was not to practice law without a law degree. Prause noted that the question was not a legal matter but an engineering issue, on which Greco could more appropriately provide an opinion. He repeated his question to clarify whether Loftis was claiming as fact that a Transportation Impact Study was required, and Loftis responded that her research into the matter led her to believe that such a study was required.

Prause asked about Loftis' reference to an acoustic modeling study requirement. In reply, Loftis stressed that the requirement would be for the applicant to sufficiently demonstrate that they would not exceed the 80-decibel limit on exterior noise and that they had not provided sufficient evidence of compliance nor had they provided sufficient evidence of future compliance with the sound standard. Prause stressed the need for Loftis to base her testimony on fact in a quasi-judicial hearing and asked whether it was a fact that an acoustic modeling study was required of the applicant in seeking approval for a Special Use Permit. Loftis confirmed that the requirement was based on North Carolina law and cited the Humble Oil standard, submitted as Exhibit B, which stated that the applicant must provide expert data to

support their application. Prause pointed out that the standard alluded to a procedural and not a substantive requirement. He asked whether the Town of Oak Ridge's Code of Ordinances specifically required an applicant for a Special Use Permit under these circumstances to perform an acoustic modeling study, and Loftis replied that the ordinance required proof of compliance to the noise standard. Prause indicated that the question was not answered but indicated his readiness to proceed and stated a moment later that he had no further questions for Loftis.

*Council Discussion:*

Greeson had no questions.

Aside from the facts already presented regarding the physical size of Gray Gables, Clark asked Loftis to present other related facts about the conditions of the Special Use Permit at Gray Gables and the allowed capacity to ensure an accurate comparison between the proposed use and the Special Use Permit obtained for Gray Gables. Loftis noted that the website for Gray Gables listed attendance of 150 people at events, and that weeknight events were prohibited; however, events had been permitted to continue until 9:30 p.m., a condition that was subsequently violated, as documented in the Town of Summerfield's official minutes and records.

Schneider noted her discomfort with relying on the aspects of Loftis's comparisons between situations at the proposed site and Gray Gables' experiences, indicating that past issues with noncompliance may have since been resolved. She expressed concern about sound issues, noting that while some data was provided for a different location, she was uncertain whether that data constituted factual grounds on which to base a consideration, given that the applicant was aware that the Town had the authority to shut the Event Center down for noise violations. Referring to Town of Summerfield meeting minutes, Loftis stated that Summerfield had not revoked or shut down Gray Gables despite ongoing sound violations, even given the revocable nature of a Special Use Permit. Schneider indicated that Oak Ridge maintained a reputation for reliably enforcing its zoning conditions.

Stone had no questions.

Loftis asked if she would be allowed to pose questions to Council regarding the Special Use Permit and was instructed by Thomas that she was not permitted to do so.

Harton commented on the abundance of information presented, and Schneider expressed the need for a moment to absorb the information.

Clark inquired if Greco could return to the podium to answer additional questions. Thomas noted that questions directed to Greco would occur during the rebuttal period after all witnesses with standing had been examined. Clark asked if Loftis could return to answer additional questions after all other witnesses with standing had spoken, and Thomas replied affirmatively.

Prause informed Council that he intended to recall Greco during the rebuttal period.

Greeson asked if further questions related to Gray Gables would be entertained, noting its irrelevancy to the consideration of this case. Clark commented that the relevancy of the information related to Gray Gables would be deciphered by Council during its discussions.

Harton confirmed that no other witnesses with standing or to present expert testimony were in attendance.

*Rebuttals in Favor:*

Prause recalled Greco to the podium, and Greco acknowledged that he had heard all testimony given by Loftis.

Regarding the absence of a Transportation Impact Study, Greco stated that such a study or analysis was not a required element in the application for a Special Use Permit according to the Town's development ordinance. He added that NC DOT would determine the necessity for a Transportation Impact Study upon its review of a driveway permit from the applicant. He indicated that the applicant would comply with the study if required, noting that issuance of a Special Use Permit did not preclude subsequent review and approval by other regulatory agencies. He stated that permits for well, septic, building, driveway, certificate of occupancy, and other operational permits would be required in later phases of development. He added that the site plan provided with the application would be reviewed by Guilford County Environmental Health to determine the load data and samples necessary for issuing well and septic permits. He further noted that well and septic permitting was not elemental to the consideration of the application, and that reuse of an existing well or residential septic system would not be permitted.

Prause asked whether Greco was aware whether the Town's development ordinance required that an acoustic model study be conducted for a Special Use Permit application. Greco indicated that he was not aware of such a requirement in the Town of Oak Ridge Development Ordinance, nor in the ordinances of any other jurisdiction where he has worked.

*Council Discussion:*

Greeson had no questions.

Schneider asked Greco whether he knew whether Gray Gables had been brought into compliance with the conditions of their Special Use Permit since the Board of Adjustment hearing in 2023. Greco could not offer comment on this inquiry because the Gardens at Gray Gables was no longer actively his client, but he noted that its continued operation indicated compliance. Schneider asked whether the applicant's LLC, as the property owner, would be responsible for enforcing parking restrictions at the site or if the adjacent property owners would. Greco responded that the Town ordinance designated enforcement authority to specific designees such as a Code Enforcement Officer or other official. Schneider rephrased her question, asking Greco to confirm her understanding that Fogle had stated his staff would handle any parking violations on property. Greco indicated that the Event Center's staff would be experienced in handling such matters and would monitor all large events with potential overflow parking to ensure safe and compliant management of parking and overflow areas.

Stone asked Greco to confirm his understanding, based on Fogle's statements, that an overflow parking plan would be submitted to the Town for review and approval whenever any event with projected overflow parking needs was scheduled. Greco indicated that the ordinance required overflow parking plans for any event projected to have overflow parking needs.

Harton asked how compliance with this requirement would be ensured, and Greco responded that the ordinance provided specific guidance on the actions required and defined specific consequences for failure to comply. Taylor added that non-compliance could result in revocation of the Special Use Permit, therefore compliance would be in the operator's interest to retain the Special Use Permit.

Stone asked for confirmation that information regarding the proposed use of the site was distributed to adjacent property owners and that a public meeting was held to discuss the proposed use of the site. He asked for a copy of the letter distributed. Greco confirmed both that a letter was mailed and a meeting had taken place, but said that he did not have a copy of the letter in question. He described the information meeting as informal, and handouts used at the meeting were included in the case's presentation.

Clark asked if well and septic permit applications at the proposed site would be submitted for commercial use. Greco affirmed that any application for well and septic would be identified for commercial use, and Guilford County would subsequently apply commercial standards to its review of said permits.

Stone referred to Fogle's prior testimony that Austin Taylor LLC did not operate any other Event Center and asked Greco to clarify the connection being made between the Gardens at Gray Gables and the proposed Event Center. Greco stated that he compared the two sites based on property values and compatibility with surroundings. He confirmed that he had worked with Gray Gables in the past but had no current professional relationship with the site.

Greco was excused from answering further questions.

Stone requested cross examination of Fogle.

Fogle was recalled to the podium. Referring to Fogle's earlier testimony, Stone noted that Fogle had indicated that the public information meeting on the proposed site use drew no public opposition. Based on the petition with approximately 35 signatures of property owners opposed to the proposed use of the site presented by Loftis, Stone pointed out what he saw as the conflict between Fogle's testimony and the intent of the petition. Fogle clarified that he was not in attendance at the public meeting. Instead, he had testified about the feedback received at the yard sale held at the property which revealed no opposition or concern regarding the proposed use of the site. He confirmed that he did not engage in any formal conversations with neighbors, but said that he discussed his plans and shared renderings of the proposed site along with the site plan with neighbors informally at the yard sale.

Stone asked Greco for the number of people in attendance at his public information meeting. Greco replied that seven people attended his meeting, but their names had not been recorded, explaining that such documentation was not required beyond the mandated contact with adjacent property owners. Stone pointed out that the meeting was presented as evidence in support of the Special Use Permit application, but no documentation of it had been retained. Greco acknowledged the absence of recorded names of attendees and minutes of the meeting.

Greeson asked Loftis if the petition was submitted to the LLC, Greco, or just to Council for review. Loftis noted that the petition was submitted to Council to represent the sentiment of individuals who would be affected by the proposed use of the site. She further confirmed that only seven individuals attended the meeting held by Greco because invitations to the meeting were only made to those whose property directly adjoined the site. She added that, along with others at the hearing, she had been told at the yard sale that the property would serve as a residence for a family.

*Rebuttals in Opposition:*

Directing her comments to Greco, Loftis explained that the applicant had the opportunity to add additional conditions to the Special Use Permit to demonstrate goodwill toward adjacent property owners. She asked Greco if the applicant would be willing to limit attendance at the site beyond what would be regulated by the Fire Marshal and beyond the parking lot restrictions. She explained that any plan for overflow parking implied the potential to exceed the site's approved maximum capacity and questioned why such a plan would be permitted.

Thomas instructed Loftis to confine herself to asking an answerable question.

Loftis reconstructed her question to ask if the applicant would consider limiting attendance at the center to 75 people or limiting the weeknight hours of operation to accommodate families with school-aged children. Prause objected to the form of Loftis' question, and Loftis asked how the question might be restated to be admissible. Prause noted that her question contained many parts and recommended addressing only one issue per question.

Loftis asked Greco if he would be willing to add limits to the number of allowed attendees. Greco responded that a limit of 150 maximum attendees had already been established and they would not consider a reduction in number. Loftis asked if he would restrict outdoor music on weeknights, and Greco responded negatively. Loftis asked if quiet hours could be adjusted to start earlier on weeknights, and Greco replied that hours of operation would comply with ordinance requirements. Loftis asked if events could be relocated indoors on weeknights to achieve harmony with the neighborhood, and Greco considered the requested restriction to be too broad and vague and that he would not attempt to define such a restriction. Loftis asked if the applicant would adhere to and monitor the capacity limit of 150 attendees. Greco noted that enforcement of the approved maximum capacity had been previously established by the applicant and would be further controlled by the Fire Marshal. Loftis inquired whether the applicant planned to apply for a permit allowing expanded outdoor lighting, and Greco confirmed that the lighting plan submitted with the site plan had been approved by staff to be compliant with the

Town ordinance. Loftis asked if outdoor tents would be allowed, and Greco declined to comment based on the irrelevancy of the request as it pertained to the application. He added that no plans were in place for a permissible structure to serve the outdoor event's lawn area, nor were any permissible canopies or tents being proposed for use. Loftis asked if large events would be limited on a weekly basis, asking whether a 150-person event would be allowed to be held every night in a week. Prause objected to the question, and Greco declined to comment based on the speculative nature of the question. Loftis asked if the number of events in one week would be limited, and Greco said no. Loftis concluded her examination.

Council had no further questions for Loftis, and Loftis was excused.

Thomas instructed Council to call any additional witnesses with standing to testify, and, if no further testimony was presented, to close the matter and to proceed with legal arguments.

Harton invited any witness with standing to be sworn in prior to giving testimony. As an individual approached the stand with a question, Schneider explained that only testimony, not questions, would be permitted. The individual returned to his seat. Thomas instructed Council to invite legal arguments to proceed in the absence of further testimony.

In closing, Prause reminded Council that admissible evidence must be material, competent, substantial, factual, and based on first-hand knowledge. He added that Greco was the only individual tendered and accepted as an expert and that his opinions could be accepted for consideration, unlike Loftis who was not a legal representative of the opposition and should not be considered an expert. He further noted that the petition submitted to Council contained no dates accompanying the signatures and lacked corroborating evidence of their legitimacy and therefore could be argued as not pertinent for consideration. He asked Council to consider Greco's testimony about the details and nature of the Special Use Permit request, recognizing that the applicant was accepting the risk of revocation in order to bring a compatible amenity to the site while preserving an historic structure.

Greeson requested a 10-minute break and Harton called a 5-minute break at 10:09 p.m.

Harton resumed the hearing at 10:14 p.m. and announced the commencement of Council deliberations. Taylor interrupted to clarify his prior testimony, stating that while he had previously indicated the ordinance regulated overall sound at 80 decibels, the 80-decibel limit under the Special Use Permit applied only to amplified sound.

*Council Deliberation:*

Harton instructed Council to focus on relevant evidence and facts and to cite the specific applicable sections of the Town's ordinance to ensure a fair proceeding and a clear foundation for the final motion.

Schneider stressed the historical significance of the structure and stated that repurposing its use preserved it into perpetuity. She added that both the retention

of its historic materials and eligibility for the National Register were important considerations. Stone asked how these considerations related to the ordinance and Schneider responded that repurposing a residential home for a commercial use helped to preserve the structure and, by extension, maintained its residential connection to the community, thereby keeping it in harmony with the surrounding neighborhood.

Thomas interjected with a suggestion to Council to use the Order Worksheet included in the meeting packet to pointedly guide their deliberation and effectively delineate supporting facts for the statutory findings. The Order Worksheet is incorporated by reference and made a part of the minutes. He recommended that Council start with Item 1, the preliminary determination of application completeness, which he stated could be deferred to staff. Upon determination of Item 1, he directed the Council to proceed to Item 2.

Schneider noted that the application appeared to be complete and asked Taylor for his determination. Taylor determined the application to be complete based on staff review. Clark supported the determination noting that the completed application qualified as a finding of fact.

Harton proceeded to deliberate over Item 2, which examined whether the use would or would not materially endanger the public's health or safety if it were located where proposed and developed according to the submitted plan based on sworn testimony and evidence submitted during the evidentiary hearing. Stone stated that Greco's prior testimony that regulatory agencies such as the Board of Health and NC DOT would provide oversight to ensure public health and safety constituted evidence supporting Item 2. Harton further noted that the applicable regulatory agencies would evaluate the project under commercial, not residential, development standards.

Thomas interjected to comment that though the process of deliberation was cumbersome it was essential and in the interest of efficiency, he recommended that the findings from each item's discussion be formally restated as motions for Council vote.

*Councilman Mike Stone made a motion to determine that Item 1, regarding the completeness of the submitted application, was complete in all respects as evidenced by the copies presented to Council in the packet of information and by Town staff.*

Thomas interjected to state that the motion was made in the negative but presumed that any findings to the contrary would have been disclosed and the motion would be stopped. He noted, however, that if Council accepted the motion as stated then the vote that a complete application had been submitted could proceed on record.

*Councilwoman Ann Schneider seconded the motion, and it passed unanimously (5-0).*

Referring to the first statutory finding regarding the potential for the proposed use to endanger public health or safety, Thomas asked Council to consider the facts supporting or negating the finding and to base their subsequent motion on those facts.

*Councilwoman Ann Schneider made a motion to accept testimony given by an expert witness that other entities will regulate public health and safety, in which Guilford County maintained a strong record, as a finding of fact in support of Item 2.*

Harton requested adding a reference to commercial use to the motion.

*Councilwoman Ann Schneider amended her motion to add that regulatory entities will base their considerations on commercial development standards. Mayor Pro Tem Michael Greeson seconded the motion. The motion passed unanimously (5-0).*

Thomas instructed Council to deliberate Item 3 which pertained to whether the proposed use had met all the required conditions and specifications to be granted a Special Use Permit.

Clark stated that all conditions and specifications required in Section 30-1048 of the Town's ordinance had been met based on the site plan submitted as evidence.

*Councilwoman Lindsey Clark made a motion to accept as a finding of fact that the Special Use Permit application met all required conditions and specifications, based on sworn testimony and evidence submitted during the hearing supporting the compliance of the site plan with Section 30-1048 of the Town's ordinance. Councilman Mike Stone seconded the motion.*

Thomas asked Clark to clarify whether her motion implied the site plan's compliance with Section 30-1048, subsections A through H. Clark responded affirmatively. Stone pointed out that the site plan did not address on-street parking, and Schneider questioned whether deliberation should instead refer to section B, numbers 1 through 4. Stone clarified that the discussion encompassed Section 30-1048, subsections A through H.

Schneider then raised a point of order, inquiring whether additional conditions, such as restrictions on hours of operation, could be imposed on the Special Use Permit if it were approved in accordance with all specifications and conditions outlined in Section 30-1048. Thomas responded by noting that hours of operation were outlined in subsection F and that Council had the authority to impose additional conditions beyond the outlined requirements in the ordinance. He stated that even if Council agreed according to Clark's summation that the submitted site plan demonstrated compliance with the minimum requirements of the ordinance and approved the motion, Council still retained the authority to impose additional conditions on the Special Use Permit. He clarified with Clark that the motion included sworn testimony as well as the compliance of the site plan as evidence substantiating the application. Stone asked if additional conditions could be applied at this stage of deliberation, and Thomas responded that additional requirements would be applied after all statutory findings were established.

*The motion passed unanimously (5-0).*

Harton proceeded to discuss Item 4, which considered whether the use could substantially harm the value of adjoining or abutting properties and if the use were a public necessity.

Stone stated that the use was not presented as a public necessity and members of Council concurred. Clark asked if findings of fact to identify the use's impact on the value of adjoining properties had been discovered. Harton expressed uncertainty and Clark asked whether deliberation could be paused and resumed at a later time. Schneider noted that while opinions on the matter had been expressed, actual data had not been presented as evidence demonstrating impact on property value. Schneider pointed out that property values adjoining Maple Glade and Oakhurst at Oak Ridge Military Academy, where events had been held in the past, had not been injured. She considered past events at the Honeycutt-Donnell property to be community gatherings rather than formal events, and therefore not relevant for consideration. Stone agreed with Schneider and stressed that relevant data both in support of and in opposition to the application had not been presented for their consideration. Schneider stated that the absence of data to substantiate evidence of injury to property value was in itself a fact on which to base her motion.

Clark referred to the issue of noise emanating from a commercial source in Exhibit K, Residential Property Disclosure Act, and asked if the proposed use was commercial, and Schneider replied that it was. Clark consequently noted that any measurable noise exceeding 80 decibels at an adjoining property could constitute a finding of fact, though she questioned its correlation to diminished property values. Schneider found the connection to be dubious, while Stone pointed out that the issue could plausibly be mitigated by imposing a conditional requirement. Schneider stressed that uncertainty regarding the types of events to be held at the site made it difficult to assess the potential impact on the property values of adjoining properties. Clark pointed out that any disclosure of noise from commercial use could be considered a finding of fact, but whether that fact supported the premise that property value would be injured as a result could not be sufficiently ascertained. Schneider stated that the Council had found that noise had to be disclosed, but evidence had not been submitted to show that noise from the Event Center would harm the value of adjoining or abutting properties, emphasizing the lack of substantive real estate data.

Clark sought to verify with Thomas whether Council's duty was to first identify findings of fact and then determine the extent to which each finding supported the item under consideration. Thomas clarified that findings of fact were conclusions based on facts disclosed, and that each item being discussed required these findings in a review of the Special Use Permit. He explained that expert testimony would be required to determine the impact of the proposed use on property values, and that Greco, by his own admission, did not attest to being an expert and could not provide an opinion on the impact of the proposed use on property value, and that he was simply commenting on publicly available tax records.

Stone confirmed with Thomas that Council could determine that a finding could not be made based on the sworn testimony due to insufficient evidence and could then proceed with its deliberations to the next point. Thomas suggested that Council could move forward with deliberations, deny the application based on the lack of evidence or continue the hearing to be reopened with additional evidence to consider. He stressed that it was not incumbent on Council to substantiate the case.

*Councilman Mike Stone made a motion that the sworn testimony and evidence presented did not sufficiently demonstrate whether the proposed use would or would not substantially injure the value of adjoining or abutting properties.*

Schneider stated that both parties in support of and in opposition to the Special Use Permit request had made efforts to prove their case. She noted that the real estate surrounding Summerfield Farms was expensive and regarded this as de facto evidence that property values had not been adversely affected, although she could not make a similar assessment regarding property values around Gray Gables. Not willing to draw on Gray Gables for substantive evidence, Stone stressed a lack of data for Council to base a judgment on Item 4. Schneider considered both Summerfield Farms and Gray Gables to be relevant to the case based on their proximity to the proposed site.

Taylor interjected, noting that the effect of the dilapidated property prior to purchase compared to the impact it would bear on neighboring properties after it is renovated was worth considering. Stone responded that, because no supporting data had been presented as evidence, this supposition could not be taken into account. Thomas agreed with Stone that Council was to base its findings on factual evidence, and Stone noted that his motion remained as originally presented. Schneider countered with a reminder that Fogle had testified to the failing condition of the structure at the time of purchase. Harton turned Council's attention back to the motion and asked for a second. Greeson asked for the motion to be repeated, and Stone repeated the motion.

*Mayor Pro Tem Michael Greeson seconded the motion.*

Schneider expressed disagreement with the motion, and Clark sought clarification on whether the motion was intended to establish evidence that the proposed use would not harm surrounding property values. Stone clarified that the motion was based on the absence of evidence showing whether property values would be affected, and Clark noted that the task was to determine evidence that the use would not harm property values, to which Stone concurred. Schneider disagreed, asserting that the absence of evidence showing that the use would not devalue other properties implied that it would not harm property values. Clark countered, emphasizing that an assumption that the use would not affect property values could not be based solely on the lack of evidence of harm, noting that Council had not identified any facts indicating that the use would not substantially impact neighboring property values.

Schneider stated as fact that the property would be significantly improved from its former state.

Greeson asked about the impact of noise, and Stone pointed to the lack of data to address the issue of noise.

Clark restated Stone's motion.

*Councilwoman Lindsey Clark made a motion that no finding of fact had been identified to prove that the use would not substantially injure the value of adjoining or abutting*

*properties, or that the use was a public necessity. Councilman Mike Stone seconded the motion.*

Smith reminded Council that there was currently a motion and a second on the floor. Stone clarified that Clark's motion was a restatement of his motion. Thomas asked Stone whether he would accept Clark's restatement, and Stone said yes. Greeson asked that the motion be repeated, and Clark stated the motion a second time, and Councilman Mike stone seconded the motion a second time. Thomas asked if the motion was based on the lack of evidence presented at the hearing, and Clark concurred.

*The motion passed by 4-1 vote with Councilwoman Ann Schneider voting in opposition.*

Thomas instructed Council that the statute required all four findings to be made and that analysis of findings could terminate with a negative finding. He noted that while Council could continue to deliberate the remaining finding on harmony, that deliberation itself would not be sufficient to grant the Special Use Permit. He explained that Council could either deny the permit application entirely or continue deliberations to gather additional evidence and make a determination later. Clark stated her preference to continue deliberations, and Greeson agreed. Thomas asked if Clark desired continuance to gather specific evidence, and Clark clarified that her preference was to continue discussing the case.

Harton introduced Item 5, which asked whether, based on sworn testimony and submitted evidence, the location and character of the use, if developed according to the plan submitted, would or would not be in harmony with the surrounding area and in general conformity with the jurisdiction's overall plan of development and its environment.

Schneider submitted the fact that renovation of the historic structure was being undertaken by an experienced historic construction firm that would restore the structure's character to be in harmony with its surrounding residential area. Greeson asked if other historic structures were in the area and if so, how far these structures were in relation to the proposed site. Schneider directed the question to Smith, noting that the proximity of another historic structure was irrelevant because the proposed restoration of the dilapidated site would harmonize with surrounding residences, thereby enhancing both the area's historic character and the Town in general. Stone agreed with Schneider.

Stone added a second finding of fact as the staff report identified the area as suitable as residential according to the Oak Ridge Land Use Plan. He noted that while Greco testified that the proposed use was in harmony and compatible with the Permitted Use Table, he had not presented evidence to demonstrate its compatibility or harmony to the RS-40 neighborhood. Greeson concurred. Clark cited Ordinance Section 30-1048 Event Center, which defined permissible uses in GO-M (General Office-Medium Intensity), GB (General Business), SC (Shopping Center), and PI (Public and Institutional) in which Event Centers would be allowed and in harmony. Referring to the staff report summary, Clark added that compliance with the minimum requirements of the site's surrounding zones, those being RS-30 to the north, LB (Limited Business) to the northeast, and RS-40 to the south, east and west,

was not sufficient to establish that the proposed use as an Event Center would be in harmony with the area. Schneider countered that the proposed use would, in fact, be in harmony with the mixed uses of the surrounding area, while also providing the added benefit of restoring an historic structure. Clark explained that the adjacent uses were zoned LB (Limited Business), which did not allow Event Centers. Schneider pointed out that the proposed commercial use adapted to the coexisting commercial and residential surroundings and offered buffers on the residential side to preserve landscaping, while not requiring buffers from the Limited Business zone, thereby making it consistent as a permitted use. Greeson disagreed with Schneider, contending that nightly outdoor music would not be in harmony with a neighborhood with school-aged children. Schneider noted that the noise issue was a separate consideration. Schneider suggested imposing conditional requirements to limit hours of outdoor noise. Stone added that conditional requirements to address issues such as noise or capacity could be imposed once the proposed use was determined to be compliant.

Stone stressed that determination of the proposed use's compliance should focus on whether it was harmonious with the RS-40 zoning and neighboring homes, rather than on its alignment with the Permitted Use Table as was presented in evidence and sworn testimony by the applicant. Given this consideration, he noted that the use was not compliant. Schneider reiterated that the proposed use was adjacent to LB zoning, and Clark reminded Schneider that LB zoning did not allow Event Centers. Schneider viewed the proximity to the LB zone as a mitigating factor that lessened the extent to which the proposed use conflicted with its surroundings. Stone pointed out that the businesses in the LB zone were Hair Craft and Oak Ridge Florist, which were vastly different from Event Centers, and which conduct their businesses indoors. He added that any noise or traffic impacts they experienced would differ from those generated by an Event Center. This distinction, he argued, brought the proposed use out of harmony with the adjacent LB zone. Greeson remarked that the only factor contributing to the proposed use's harmony with the area was that the structure was a house.

Clark stressed that while the proposed use could be considered harmonious if surrounded by GO-M, GB, or SC zones, it was not compatible with RS-40 or LB zones. She added that notwithstanding conditional requirements, sworn testimony indicated that the applicant would not consider restricting outdoor music, earlier quiet hours, or earlier indoor events on weeknights. Schneider noted that the requests for restrictions came from a party other than Council, while Clark emphasized that the applicant had testified that they would not take such considerations under advisement and she considered this to be a factor against being harmonious with its surroundings. Greeson concurred with Clark.

Schneider countered that the applicant admitted in testimony that they would comply with all ordinance requirements applicable to Event Centers and that a professional event manager would be on staff. Schneider admitted that she was presenting arguments in support of the applicant to help ensure that Council's judgment would be correct and defensible having taken all considerations into account. She pointed out that RS-40 zoning permitted special use as an Event Center, and Council would need to consider the possibility that the applicant could

comply with all conditions to ensure that the use would be harmonious with its surroundings. Clark emphasized her belief that the use was not harmonious.

Stone emphasized that the discussion should stay centered on whether conditions in Item 5 had been satisfied, rather than on potential conditional requirements which the applicant had not proposed. Schneider countered that the applicant should be given the opportunity to be asked for conditions and asked Council if it would consider restricting hours of operation on Sundays through Wednesdays, typical school nights when no one is out late, to 9:00 p.m. Greeson replied negatively.

Stone explained that Council should first make a motion regarding Item 5, after which the applicant would have the choice to revise their plan to better align with the surrounding area. Greeson commented that music should not be allowed to play Mondays through Thursdays. Clark stressed that it was not incumbent on Council to determine conditions before the applicant had the opportunity to modify their proposed plan.

*Councilman Mike Stone made a motion determining that the location and character of the use, if developed according to the plan, would not be in harmony with the area in which it was located and was not in general conformity with the plan of development of jurisdiction and its environs. Based on sworn testimony and evidence submitted during the evidentiary hearing, which showed staff testimony that the Oak Ridge Land Use Plan identified this area as residential, Stone stated that the proposed use was not in harmony with adjacent businesses and it was not compatible or in harmony with the RS-40 neighborhood. Mayor Pro Tem Michael Greeson seconded the motion.*

Clark recommended amending the motion to reflect that, based on findings of fact, the proposed use met the minimum requirements of use as an Event Center. At Harton's request for clarification, Clark explained that while the submitted evidence demonstrated compliance with the minimum requirements of an Event Center, it did not satisfy the standard of being in harmony with the surrounding area.

*Stone amended his motion to add that the evidence presented met the minimum requirements of the ordinance but did not demonstrate harmony or compatibility with the adjacent RS-40 neighborhood. In response to a question from Greeson, Stone stated that he was merely adding the statement to his motion.*

Schneider commented that the motion was not defensible because it relied on the premise that the use met the minimum requirements of the ordinance, which were the only requirements established by the ordinance. Clark stated that Schneider's comment was not accurate, and Schneider pointed out that harmony was included as a minimum requirement. Clark clarified her position by stating that the testimony given assumed that meeting minimum requirements was sufficient to prove harmony with the surrounding area. Stone verified that Clark had been referring to the Permitted Use Table's definitions of minimum requirements for the Special Use Permit. Stone reestablished his original motion which had been seconded. At Clark's request, Stone restated the motion. Clark took issue with the reference in the motion to the staff report determination that the use was not harmonious. Stone agreed with Clark's observation and clarified that staff had not made any claim of

disharmony but had provided the zoning details of the adjacent businesses and that an event center would not be in harmony with the flower shop and hair salon.

Harton requested clarification on the motion's reference to the adjacent RS-40 neighborhood. In reply, Stone read the third point of the motion, which stated the proposed use's incompatibility with the existing RS-40 neighborhood. Schneider pointed out the contradiction that RS-40 zoning allowed special use as an Event Center. Stone noted that while RS-40 zoning may allow the use, this allowance did not necessarily designate the use as harmonious to the surrounding RS-40 area. Harton referred to Section 30-1048(B), noting that the site's compliance was based on its 3-acre location along a major thoroughfare with a single proposed driveway, and that any violation of these conditions could result in revocation. Clark explained that these conditions were encapsulated in the third point of the motion, but that the required harmony with the surrounding area had still not been met. She noted that most applications could sufficiently meet the minimum requirements of the ordinance, but a Special Use Permit imposed higher standards beyond the minimum requirements.

Schneider asked for a finding of fact to support the specific condition violating the requirement for harmony. Thomas interjected to support Schneider's assertion that one or more substantive facts, or the absence of a condition not shown, were required to support each determination in order to prove that the Special Use Permit application complied with the surrounding area and with the comprehensive plan. Noting that the structure was inarguably compliant, Greeson offered the applicant's unwillingness to modify hours of operation and music allowances as conditions which were not in harmony with the surrounding neighborhood. Thomas concurred that these factors could be offered as findings of fact.

Clark added the finding that surrounding zoning designations did not allow Event Centers as a fact, and Greeson asked Thomas for his opinion on the finding. Thomas explained that the zoning designation for a Special Event Center reflected a general determination that the use could be compatible with its surroundings, align with the comprehensive plan, and serve the public interest if it is approved through a Special Use Permit based on a specific proposal. He added that unlike by-right uses in RS-40 zoning, which only require compliance with development standards, an Event Center must meet additional statutory criteria to obtain Special Use Permit approval.

Clark restated her comment to reflect that harmony was not established based on the fact that the surrounding RS-40 and LB zonings do not permit event centers and based on the submitted plan and sworn testimony that modifications to restrict outdoor events and outdoor music were not considered. Stone asked Thomas if the presentation of one fact would be sufficient on which to base a consideration, and Thomas responded that one or more facts, not conclusions, were necessary for each criteria. Clark stated, based on sworn testimony, that the applicant was unwilling to consider reducing maximum capacity, eliminating outdoor music, or implementing earlier quiet hours, and she identified these as findings of fact. Thomas verified that the statement was based on factual testimony.

*Councilwoman Lindsey Clark made a motion that the location and character of the proposed use, if developed according to the plan submitted, would not be in harmony with the area in which it was located and was not in general conformity with the plan of development of the jurisdiction and its environs. Based on sworn testimony and evidence submitted during the evidentiary hearing, which revealed that the current land use was Residential and Residential and Limited Business zones surrounded the location, Clark motioned that the use was not in harmony. Clark added that in sworn testimony, the applicant would not consider reduced maximum occupancy, restricted outdoor music, and earlier quiet hours or modified operating hours.*

Greeson questioned the relevancy of occupancy as a criteria in the motion. Stone explained that 150 people outdoors would contribute to the exterior noise level, and Clark identified it as a criteria that could be amended to improve its state of harmony with the surrounding area. Stone relented and advised removing occupancy from the motion.

*Councilman Mike Stone seconded the motion, and Councilwoman Lindsey Clark agreed to the amended motion.*

Smith asked Clark to confirm that she agreed to remove the mention of capacity and, if so, to restate the section of her motion which included the list of inharmonious findings.

*Clark then reversed and said she did not want to remove the finding because it could be the basis of a special condition. Stone agreed by seconding Clark's change back to the original motion.*

Greeson asked Thomas if the action was permissible, noting that the occupancy had been established in the site plan at 150 people. Thomas commented that the issue of noise would be a stronger finding to support disharmony with the surrounding area.

Harton reminded Council that a motion was on the floor, which had been seconded. He opened the floor to Council for further discussion.

Schneider expressed concern that the motion left off other relevant facts such as the structure's proposed preservation and the applicant's sworn testimony that he would comply with all terms. Harton shared Schneider's concerns and favored adding the facts to the motion. Greeson disagreed, citing the irrelevancy of the historical house and stated that Council was tasked to identify facts and he believed that the issues of noise and hours were substantive. Clark clarified that their examination involved the use and not the appearance of the house. Schneider called the question and a vote was taken.

*A vote was taken on the motion and it passed (3-2) with Councilwoman Lindsey Clark, Councilman Mike Stone, and Mayor Pro Tem Michael Greeson voting in favor, and Councilwoman Ann Schneider and Mayor Jim Harton voting in opposition.*

Stone asked Thomas for the status of the hearing based on the failure of Items 4 and 5. Thomas responded that Council could not grant the Special Use Permit at present based on the judgments of the evidentiary hearing. He noted that Council had the

option to deny the application, at which point the applicant could choose to reapply, or to continue the hearing to a date certain to hear more evidence. He explained that Council could opt to restrict this continued hearing to deliberations of Items 4 and 5 alone. Greeson expressed his agreement to have the applicant return with modified hours of operation for Council's consideration.

Clark pointed out that if denied, the applicant could choose to return, but if continued, the applicant would be required to return. Thomas clarified that a continuance would grant the applicant the opportunity to return, but if they chose not to return then the case would lapse due to lack of further evidence. Clark noted that, if the request were denied, the applicant could file a new application, and Greeson added that any reapplication would require a fresh due process review. Thomas affirmed this observation.

Greeson noted that only two items remained for continued deliberation. Stone pointed out that if the case were to be continued, the applicant could decline to return. He did not favor renewing the review, but admitted that other conditions remained to be addressed with the applicant. Thomas stated that if Council found the case to be salvageable, then Council could specifically confine a further hearing to the two conclusions which were not supported by evidence at this hearing. He added that if the remaining conditions were approved, Council could then impose additional special conditions on the Special Use Permit. Stone reflected that due to the nature of a quasi-judicial hearing, Council could not suggest that the applicant solicit suggestions from neighbors. Thomas stated that the applicant should acknowledge his responsibility to present his position and any additional evidence only during the continued hearing.

*Councilwoman Ann Schneider made a motion to continue the hearing of the last two criteria involving the effects on property values of adjoining and abutting properties and the scope of harmony of the proposed use to the surrounding area to Council's meeting on April 9, 2026.*

Thomas suggested that Schneider ensure the attendance of all members of Council to the continued hearing.

*Councilwoman Ann Schneider added to the motion that the meeting would continue to the date dependent on each Council member's attendance.*

Clark asked at what point the application became a reapplication, and Thomas responded that the Special Use Permit would be considered a reapplication if it is initially denied. Clark said that no further evidence was being sought regarding Item 5, and that the application was not in harmony. Schneider explained that the continuance was an opportunity for the applicant as well as the opposition to convince Council of the compatibility or incompatibility with Items 4 and 5. She expressed her belief that the majority of Council favored denial of the application and agreed to move forward in this direction, even though she felt it would be the wrong decision. She advocated proceeding judiciously with the last two criteria, noting insufficient evidence to support Item 4 and differing viewpoints regarding Item 5, and she expressed that narrowing the scope of the hearing would be productive. Stone expressed concern that the quasi-judicial nature of the hearing limited Council's ability to address issues of compatibility and harmony without

instructing parties on how to demonstrate those issues. Schneider indicated that Council's concerns were voiced at the hearing and that parties would then have the opportunity to address these concerns.

Town Manager Bill Bruce pointed out that because neighbors and the applicants were not considered to be decision makers in this case, they would not be bound by restrictions of ex parte communication and thereby could freely converse with one another.

Clark raised the point that the submitted plan evidenced the inharmonious state of the use and the application should subsequently be denied. She added that to achieve harmony, the application would need to be submitted anew with new voluntary conditions established by the applicant. Schneider declared that she had made a motion and requested a second.

*Mayor Pro Tem Michael Greeson seconded the motion.*

Thomas addressed Clark's remarks by explaining that any evidence presented by the applicant in a continued hearing would be considered additional, or new, factual material and that all prior evidence currently deliberated and found to be lacking would not have to be weighed again in the reconsideration. He stated that the new evidence would either support approval of the use or support contentions of the opposition. Clark asked whether the applicant could modify the submitted site plan without filing a new application, and Thomas responded that the site plan could not be changed. Greeson then inquired what modifications to the site plan would be required, and Clark suggested that certain adjustments might be possible to improve harmony with the surrounding area. Schneider indicated that she believed the applicant could change the site plan. Greeson stressed that only two items remained for deliberation and that approval was not guaranteed at the continuance.

Clark asked if April 9 was a certain date indicating uncertainty of her attendance on that date.

*Councilwoman Ann Schneider amended her motion to continue the hearing to April 9, 2026, contingent upon Councilwoman Lindsey Clark's attendance, with the alternative date of May 7, 2026.*

Schneider commented that deliberations of the Historic Preservation Commission, which were also quasi-judicial, allowed modifications to site plans. She illustrated this by describing a hypothetical scenario in which a site plan was denied for incompatibility with Historic District Design Standards due to brick color but returned on appeal with a revised color. She called the question.

Clark explained that, in the interest of time, allowing a modified site plan could help limit further discussion of issues that had already been deliberated. Thomas asked Taylor for his input on whether modification to a site plan would necessitate a new application. Taylor replied that it would not be an issue for the applicant to modify the site plan to improve harmony and return with that revised evidence to address the remaining two criteria. Thomas deferred to the Town Planner's judgment. Clark indicated her agreement to continue the hearing provided that modifications to the

site plan would be permitted. Greeson asked to be reminded of the motion, and Schneider succinctly summarized that the motion related to two dates for continuance. Bruce recommended that the motion be limited to one date and be continued to the second date only if necessary.

*Schneider agreed to amend the motion to reflect Bruce's recommendation.*

Clark requested that the date be moved to May to ensure her attendance; however, Schneider responded that, in deference to the applicant's interest in a timely determination, the earlier April 9 date would remain in the motion, with the option to grant a continuance should Clark be absent.

*The motion passed unanimously (5-0).*

## 8. PUBLIC HEARING

*Councilwoman Ann Schneider made a motion to continue the public hearing to April 9, 2026. With disagreement voiced by the public gathered at the meeting as well as other Council members, the motion died for lack of a second.*

Harton called for a five-minute break at 11:29 p.m.

Harton resumed the meeting at 11:34 p.m.

**PUBLIC TRAIL EASEMENT CLOSING.** Being that certain 8-foot-wide public trail easement running along and parallel with the western lines of Lots 6, 8, 9, and 10 of the Ashford Subdivision for a distance of 867.28 feet, more or less, per plat approved for recording by the Town of Oak Ridge on August 24, 2023, and recorded on August 25, 2023, in Plat Book 213, Page 42 of the Guilford County Registry.

Harton opened the public hearing and explained that 20 minutes to speak would be given to individuals in favor of the rezoning request and another 20 minutes to those in opposition, followed with a 5-minute period of rebuttals for both sides.

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

Thomas explained that, under the statutory process for a public hearing on the resolution of intent to close the public trail easement, a majority vote of Council voting in the affirmative would indicate support for closing and vacating the trail easement, while a vote in the negative would indicate opposition to closing and vacating the easement.

*Proponents:*

Chris Charette, 7785 Polar Drive, raised concerns regarding the absence of liability protections, specifically the lack of indemnification provisions or risk allocation measures in the event of injury or property damage affecting impacted property owners. He added that the trail design failed to connect to existing trail networks and instead terminated within the Ashford neighborhood, potentially encouraging

off-trail use, wandering, and unintended interactions within the community. He requested that the easement be closed.

Jennifer Yates, 6805 Brennan Way, remarked that the proposed trail layout was inconsistent with other public trails and lacked logical design continuity, pointing out that many would use the proposed trail to access nearby Bandera Farms. The resulting increase in public traffic through the neighborhood would raise privacy and safety concerns. She asserted that closing the easement would not set a dangerous precedent, but instead encourage more thoughtful consideration of future easement locations and their potential impact on surrounding communities.

Gary Eubanks, 6908 Tully Court, indicated that the proposed trail lacked a clear destination and that trees within its path would likely be impacted despite the designated tree preservation area. He believed the earlier Planning & Zoning Board meeting on the trail had been biased, and added that representation on such boards reflected the choices of the elected officials.

Kevin Brekka, 6819 Koala Drive, stated that residents of the Bear Creek community had consistently maintained for over two-and-a-half years through petitions, meetings, and direct outreach that the proposed trail was inappropriate and poorly located, emphasizing that its terminus within the neighborhood would create potential safety and parking concerns. He concluded that the trail would not benefit the community and would introduce unfamiliar risks.

Jon Deline, 7796 Polar Drive, stressed that accommodating an 8-foot wide trail would necessitate some tree removal and suggested that an alternative location was feasible.

*Opponents:*

Chair of MST Committee Anne Steele, 8927 Grove Park Drive, extolled the positive benefits of trails to physical, social, and mental well-being, and she urged Council to uphold the Planning & Zoning Board's January 22 decision to retain the easement. She pointed out that removal of the trail easement would undermine the time and effort already invested in establishing the trail.

Jim Kinneman, 8502 Hollow River Court, called for the recusal of Councilwoman Lindsey Clark from voting, citing NCGS 160D-109, which states that a member cannot participate in a quasi-judicial or legislative decision where there is a direct, substantial, and readily identifiable financial impact. He stated that the trail's removal had direct financial impact on Clark, who publicly characterized the trail as a detriment to her property, and who, as the sole active litigant in a lawsuit against the Town, would be relieved of costs associated with pursuing the litigation. He urged Council to vote to recuse Clark under NCGS 160A-75 to ensure impartiality. He pointed out that trails were fundamental to the public interest, forming a key part of the Town's incorporation vision, and its park and pedestrian plans, and should not be vacated to satisfy a private desire for seclusion under NCGS 160A-299. He argued that doing so would amount to relinquishing Town land held in trust for all citizens in order to satisfy a private complainant.

Adrian Eckenrod, 5679 Timber Trace Way, stated that walkability and proximity supported by trails significantly enhance property values by 2 to 20 percent as evidenced by several independent studies and realty data sources. He underscored the serious conflict of interest posed by Clark's participation in a vote on a matter in which she was actively pursuing litigation, noting that the ongoing lawsuit hindered all efforts to discuss and implement potential remedies to make the trails more accommodating. He emphasized the potential for trails to build community rather than invoke dangerous criminal activity and noted that achieving a connected trail network required careful long-term planning.

John Chipman, 1686 Deer Run Court, stated that reversing the lawful land use decision of the Planning & Zoning Board based on privacy claims associated with proximity raised due process and conflict of interest concerns, particularly as a sitting Council member had active litigation related to the matter. He voiced concerns about impartiality due to the potential for a deciding vote to be cast by a Council member personally affected and actively involved in related litigation. He stressed that proximity alone did not legally constitute a violation of privacy. He cautioned that reversing the decision could establish a precedent permitting personal proximity or private interest to override established land use processes, which could lead to conflicts, appeals and costly litigation. Chipman suggested Council defer their decision in order to seek legal counsel and fully assess due process and risks for impartiality before taking final action.

MST Committee member Stephanie Ferrell, 5839 Billet Road, refuted previously raised misconceptions that trails lead to crime, litter, safety risks, unwanted visitors, or reduced nearby property values. She noted there had been no reported incidents on trails in Oak Ridge and pointed out that promotional materials for the Ashford subdivision highlighted its proximity to the MST as an asset, indicating that there was no adverse impact on property values. She added that trails provide physical, social and emotional benefits, benefits which Bear Creek residents supported in principle, but opposed having in close proximity to their homes. Ferrell stated that although the terrain was challenging, it could accommodate the trail without requiring any trees be removed. She asserted that reversing a decision made and reaffirmed by the Planning & Zoning Board called into question the integrity of Town staff and board members. Ferrell claimed that actions by elected officials perceived as driven by questionable ethics, personal agendas, or retribution would negatively affect the entire community and that calling for change should serve the broader public interest and not a privileged few. She stressed that the Ashford easement provided a vital link between the recently constructed Pemberley/Carriage Cove trails to the north and Bandera Farms to the south. She cautioned that closing the trail could set a precedent, potentially inviting future claims against the Town based on minor disturbances.

Martha Pittman, 8018 Fogelman Road, representing the Board of Directors of the Friends of the Mountains-to-Sea Trail, stated that public access easements were permanent and removing the legally established public trail easement would risk future trail efforts to establish long-term routes.

Holly Stewart, 1686 Deer Run Court, recommended deferral of the vote due to concerns which extend beyond the question of the closure of an easement. She

requested her comments be recorded and that Council's decision include the following:

- The legal counsel offered to Council regarding the recusal of Clark and the legal statute supporting her participation in the vote despite her litigation.
- Factual findings supporting eliminating the easement.
- Determination of impartiality by Council.
- Protection of other easements from removal.
- Each Council member's vote and rationale behind their vote.

*Rebuttals in Favor:*

Jon Deline, 7796 Polar Drive, opposed Clark's recusal based on her public stance on the trail removal in favor of finding a better alternate location. He stressed the trail's inappropriateness and said that it was not supported by the Bear Creek and Ashford subdivision residents, nor, by extension, Clark's constituents.

Kevin Brecca, 6819 Koala Drive, questioned the process by which the easement had been incepted and expressed concern that pursuing an undesirable easement inappropriately set a broader precedent potentially leading to additional litigation.

Elizabeth Lee, 6903 Tully Court, expressed concerns about the safety of her children and her property.

*Rebuttals in Opposition:*

Mike Kimel, 5601 Tanyard Court, rebutted the argument against Clark's recusal by pointing out that while she represented her constituents, members of the Planning & Zoning Board impartially served the broader interests of the entire Town and had twice unanimously served a decision on the easement.

MST Task Force Leader Joel Deaton, 6101 Gwynedd Road in Summerfield, stressed the preponderance of housing advertising throughout the state, which highlighted proximity to trails as an asset. He noted that opportunities to find alternate routes to connect to Bandera Farms had been stalled, leaving walking along Bunch Road as the only alternative to connect to Bandera Farms. Deaton shared personal anecdotes in support of trails.

Harton closed the public hearing.

*Council Discussion:*

Greeson asked Thomas if any statute supported Clark's recusal, and Thomas noted that as a legislative matter, being physically present obligated Clark to cast a vote. He added that a non-vote constituted an affirmative vote.

Schneider followed by citing Rule 28 of the Town Council's Rules of Procedure, which permits a Council member to move for another member's recusal when there is a belief that the member has a vested financial interest and has not voluntarily recused themselves.

*Councilwoman Ann Schneider made a motion to recuse Councilwoman Lindsey Clark from voting on the easement closure due to her financial interests, which are evidenced by her disclosures that her property would be negatively impacted by the development of the Ashford*

*trail and by her personal costs associated with numbers of filings and appeals, time invested in personal representation, and pursuits of the site developer, builders, and petitioners in support of her case and campaign costs at \$1,000. She further stated that the motion to recuse Clark was based on requirements in the Town Council's Code of Ethics that public officials be independent, impartial, and responsible to the best interest of the community, not seeking personal gain or interests, and avoid the appearance of impropriety. Mayor Jim Harton seconded the motion. The motion failed by 2-3 vote with Councilwoman Ann Schneider and Mayor Jim Harton voting in favor and Mayor Pro Tem Michael Greeson, Councilman Mike Stone and Councilwoman Lindsey Clark voting in opposition.*

*Councilman Mike Stone made a motion to close, vacate, and remove the easement located at the western boundaries of lots 6, 8, 9, and 10 of the Ashford subdivision, referred to as the Ashford easement. Mayor Pro Tem Michael Greeson seconded the motion.*

Clark stated that the closure of the easement does not conflict with the Town of Oak Ridge Strategic Plan policy 1.3.1 as it was not required by ordinance, policy 1.3.2 as it does not connect to a park, or Land Use Plan policy 4.2.3 as it is not recommended or shown on the Pedestrian Plan. It does not connect to any public trails, is not where any greenways/conservation areas are proposed and is not within ½ mile of a park or school. She added that, per Land Use Plan policy 2.2.2, it was not represented on the preliminary plat so it was not incorporated into the neighborhood design, and, per Land Use Plan policy 4.2.2, no public engagement was included in establishing this trail easement. She concluded by saying that although there are no trail standards in RS-40 zoning, this trail easement is only 8-foot wide and was designated for public use, which conflicts with trail standards in other types of zoning districts. She added that no adjacent property owners opposed the closure.

Thomas asked Stone whether his motion was intended to adopt the draft order in the Council's meeting packet to close, vacate, and remove the easement from dedication. Stone affirmed that it was.

To supplement his motion, Stone read the Order Closing, Vacating, and Removing from Dedication a Street or Public Alley, which is hereby incorporated by reference and made a part of the minutes.

Schneider confirmed that the easement was legally established and disagreed with Clark's interpretations of Town plans, stressing that they prioritized trail connectivity, including between neighborhoods. She noted that future trail connections had been publicly shared and that the Town's plans reflected the public's interests and helped to guide decisions related to the Town. She argued the proposed removal was based on misinformation, served political rather than public interests, and had become personal to Clark. Regarding issues of privacy and proximity, Schneider stated that property rights applied to one's own land, not to nearby public spaces, and that one's proximity to public spaces does not entitle one to privacy. She noted that the Town had offered subsidies to address privacy concerns for affected property owners, but these were declined by both Clark and Deline, though they remained available to others. She expressed concern that removing the easement would forfeit a public asset valued at approximately \$20,000 in deference to personal and political interests.

Greeson noted that the Redmon House (Farmhouse Community Center) had been provided free of charge to certain groups, and Schneider clarified that he was referring to its use, not the transfer of the asset itself. Greeson responded that taxpayer funds had effectively been given away.

Drawing on past discussions and considerations of the easement, meetings held by the Town's Planning & Zoning Board and Trails Committee, and legal records related to Clark's litigation, Harton surmised that the Town maintained a defensible posture against active suits and could maintain the Ashford easement. He supported the three unanimous and impartial decisions previously rendered by the Planning & Zoning Board and Board of Adjustment and said he supported keeping the easement open.

Schneider emphasized that the Planning & Zoning Board served impartially, noting that its members were not handpicked by Council, but were community volunteers who often held differing views with one another as well as with Council.

Stone countered that considerations being made in the hearing did not call into question the professionalism of the Planning & Zoning Board, and Greeson concurred.

*The motion passed by 3-2 vote with Mayor Pro Tem Michael Greeson, Councilman Mike Stone, and Councilwoman Lindsey Clark voting in favor, and Mayor Jim Harton and Councilwoman Ann Schneider voting in opposition.*

## **9. PUBLIC COMMENTS / COMMUNITY ORGANIZATION REPORTS**

### **A. Community Organization Report**

- Jim Kinneman, 8502 Hollow River Court, announced a scholarship offered to high school students in the Northwest Guilford area sponsored by the Oak Ridge Lions Club.

### **B. Comments from the Public**

- None

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

### **A. Consideration / Approval of:**

- I. Appointment of Angie Byrd as a regular member of the Planning & Zoning Board**
- II. Reappointment of John Jenkins to Finance Committee**
- III. Appointment of Todd Dean as a regular member of the Finance Committee**
- IV. Appointment of Alan Shepherd as a regular member of the Finance Committee**

*Councilwoman Ann Schneider made a motion to approve the stated appointments and reappointments, and Mayor Pro Tem Michael Greeson seconded. The motion passed unanimously (5-0).*

**B. Any other business**

None

**11. MONTHLY FINANCIAL UPDATE**

Finance Officer Sam Anders presented the financial report for the month of January 2026, which is hereby incorporated by reference and made a part of the minutes.

*Councilwoman Ann Schneider made a motion to approve the finance report as presented by the Finance Officer, and Mayor Pro Tem Michael Greeson seconded. The motion passed unanimously (5-0).*

**12. COMMITTEE REPORTS**

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

Stephanie Ferrell reported that the next scheduled workday had been canceled due to wet conditions. She noted that another workday had been scheduled for the following Saturday.

**B. Conservation Easement Committee**

No report

**C. Special Events Committee**

No report

**D. Tree Board**

Jim Kinneman reported that the Committee was reviewing plantings at Heritage Farm Park and the water tower and revising the memorial tree program.

**E. Parks & Recreation Advisory Board**

Adrian Eckenrod reported that the Board had approved the 2026 special events calendar and the 2026 capital improvements projects plan. He noted that groundskeeper positions were open, ORYA had received \$21,000 in rebate for fall facility usage, and he gave an update on issues at Heritage Farm Park. He shared information on the upcoming Music in the Park and considerations being made on facility usage by nonprofit organizations.

**F. Finance Committee**

No report

**G. Water Advisory Committee**

Previously reported

**H. Historic Preservation Commission**

No report

**I. Planning & Zoning Board**

No report

**J. Board of Adjustment**

No report

**13. PUBLIC COMMENTS**

- Adrian Eckenrod, 5679 Timber Trace Way, urged Council, and in particular Clark, to “do better,” calling for stronger communication and alignment with committees, either by providing clearer guidance or by placing greater respect on their recommendations when they vote unanimously.

**14. COUNCIL COMMENTS**

- Greeson noted that as elected officials, their decisions, which are made with due consideration, are final.

**15. ADJOURNMENT**

*Councilman Mike Stone made a motion to adjourn the meeting at 1:05 a.m., and Mayor Pro Tem seconded. The motion passed unanimously (5-0).*

Respectfully Submitted:

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Sandra B. Smith, MMC, NCCMC  
Assistant Town Manager/Town Clerk

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Jim Harton  
Mayor