



**OAK RIDGE TOWN COUNCIL MEETING
MAY 3, 2018 – 7:00 P.M.
OAK RIDGE TOWN HALL**

MINUTES

Members Present

Spencer Sullivan, Mayor
Jim Kinneman, Mayor Pro Tem
George McClellan
Doug Nodine
Ann Schneider

Staff Present

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

1. CALL TO ORDER

Mayor Spencer Sullivan called the meeting to order at 7:01 p.m.

A. Invocation.

Rev. Andy Lambert of Oak Ridge United Methodist Church offered the invocation.

B. Pledge of Allegiance.

2. APPROVE AGENDA

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

3. APPROVE MINUTES

Councilwoman Ann Schneider made a **motion** to approve the minutes of the April 5, 2018 meeting. **Mayor Pro Tem Kinneman** seconded the motion, and it was passed unanimously (5-0).

4. RESOLUTIONS, PROCLAMATIONS, ANNOUNCEMENTS

- None

5. REPORT FROM GUILFORD COUNTY SHERIFF'S OFFICE

- Lt. Fred Antonelli of the District 1 office of the Guilford County Sheriff's Office reported the department had responded to 549 calls in the district in April, with 65 calls for

service from Oak Ridge. There were no Part 1 crimes (which include breakings & enterings and violent acts such as arson, homicide and theft) reported in Oak Ridge, and there were 14 in the district. He said crime was down 22 percent from last year at this time.

6. REPORT FROM OAK RIDGE FIRE DEPARTMENT

- Chief Steve Simmons reported the department responded to 66 calls in April – 38 of a medical nature, and 28 of a fire/service nature – and personnel received 238 hours of training. As a fire prevention tip, he advised residents to keep their grills clean and free of excess grease. He also urged them to keep grills at least 10 feet from any structures, and to keep an eye on kids if they were playing near a hot grill.

Assistant Chief Sam Anders, Chairman of the Board Kyle Anders, and Roland Russoli then presented the Andrew Russoli Strength and Honor Scholarship to this year’s recipients, Parker Bryant and Gigi Giaimo. The award is in honor of Lance Cpl. Andrew Russoli, who was killed in action in Iraq. Andrew Russoli had planned to become a firefighter once his military duty ended.

7. PUBLIC HEARINGS

- A. REZONING CASE # RZ-18-01: HB and AG to CU-TC-R.** The property is located on the west side of NC Highway 68 N, approximately 800 feet south of the intersection with Fogleman Road, in Oak Ridge Township. It is Guilford County Tax Parcels #0162806, 0162815, and 0162821 (part), consisting of approximately 29.45 acres. The property is in the Greensboro (GW-III) Watershed and Scenic Corridor Overlay Zone, and is owned by Israel Family Limited Partnership and Larry J. and Kathy R. Mills.

Mayor Sullivan stated that earlier in the day, Council had received a request from the applicant to withdraw the application. Since the Council had provided public notice, the Council was required to vote on the request, Sullivan said.

Councilwoman Schneider made a **motion** to approve the request to withdraw the rezoning application for the Israel property. **Councilman McClellan** seconded the motion, and it was passed unanimously (5-0).

Sullivan explained that for the case to be heard again, the applicant would have to refile the request and the process would begin again, with the case first being heard by the Planning & Zoning Board before going before Town Council.

- B. REZONING CASE # RZ-18-02: AG to CU-RS-40.** The property is located on the east side of Beeson Road, approximately 1,572 feet south of the intersection with Oak Ridge Road, in Oak Ridge Township. It is Guilford County Tax Parcels #0165374, and 0165391, consisting of approximately 65.32 acres. The property is in the Greensboro (GW-III) Watershed, and is owned by Alice Bennett, Theresa Pruitt and Lonnie Mabe (0165374) and Peggy Jane Cooke (0165391).

Town Planner Sean Taylor introduced the case and presented the staff report, which is hereby incorporated by reference and made a part of the minutes. He said the request was to rezone property on Beeson Road from AG to CU-RS-40, and he read

the property description into the record. Taylor said staff recommends approval of the request.

Planning & Zoning Board Chair Ron Simpson said the case resulted in a 6-1 vote in favor of the rezoning. He said typically RS-40 zoning is preferred for developments outside the Town Core. He said none of the neighbors seemed to be in opposition to the rezoning, but a great number of them expressed concern about the road connection on Cape Fox Road between the developments. He said there had been a stub road there for some time, and neighbors had become accustomed to it. Simpson said the decision of whether to connect the developments was not before the P&Z Board at the rezoning hearing. He said those at the P&Z Board meeting recognized that the meeting when members would discuss the subdivision plan and road connection was not a public hearing, but felt perhaps the rezoning public hearing was the only time they would have to express their concerns about the road connection. He said some had said there may be some sensitive wetlands that would have to be disturbed.

Councilwoman Schneider said she understood the subdivision review meeting would be a technical review of the plan and did not include a public hearing, but asked if public comments could be heard. Simpson said there was typically a portion of the meeting set aside for public comments. He said the applicant could request a waiver on the road connection, but he did not know if that was going to happen.

Mayor Sullivan asked if Taylor had taken a look at the location of the proposed road connection. Taylor said he had and that the site does have some unique aspects compared to other sites. Sullivan asked if a thorough environmental assessment would take place, and Taylor said yes.

Councilwoman Schneider said she had visited the site of the proposed road connection and spoken to neighbors. She said it is not only the intersection of two streams, but it has the lowest elevation in the Foxbury subdivision. She said the process in place would determine whether or not to grant a road connection waiver.

Councilman McClellan asked if there were two other stub roads in the Foxbury development. Simpson said those possible connections were not part of the Planning & Zoning Board's review of the case.

Mayor Sullivan said he wanted to impress upon those present that the issue of the road connection was not being considered by the Council at this time and it would not be an issue of discussion. He invited speakers to express their concerns, but reminded them that Council's focus would solely be on the proposed rezoning and that consideration of the connection of the stub road would not be a part of that.

Mayor Sullivan explained the rules of the public hearing and opened it.

Proponents:

- Chris Rohrer of Land Solutions, 200 S. Regional Road, Greensboro, said the applicants had proposed a condition, so it was a conditional use rezoning. He said staff had reported that the condition was to be a 40-foot undisturbed buffer along Beeson Road, but said developers intended to use it as a berm with landscaping to shield the view of houses from the road. He said an open house had been held on April 19, and around 20 people attended. Rohrer said the open

house was productive, and said neighbors' main concern had been with the street connection. He said the developers shared that same concern. He said the request was for low-density residential zoning, which was appropriate, and that it conformed to Objectives 1.2 and 4.3 of the Land Use Plan.

- Lindsey Stewart, 5700 Pepper Road, Oak Ridge, said she and her husband would be the developers and builders of the subdivision. Stewart said they were also trying to accommodate neighbors' desires to keep them happy.

Opponents:

- Barry Edwards, 5618 Cape Fox Drive, Oak Ridge, said the request was for 47 homes on 65 acres, and developers had stated the houses would be in harmony in price and size with homes in the adjoining Foxbury development, which Foxbury residents were OK with. He said the problem is that his house, which is near the location of the proposed road connection, is in a low-lying area. He said he and his neighbor have had flooding on their properties when it rains. He said there were two existing perennial streams there, and an engineer had also said there were wetlands there. Edwards said he understood the developers also did not want to connect the road there because it would be nearly impossible because of the streams and rough topography there. He said he hoped the Town Council, staff and the developers would work together to approve a waiver for the road connection because the area was environmentally sensitive. Edwards said the streams were not parallel, but crossed at a 45-degree angle, and added that there were several springs in the area that caused the area to stay wet. He added that when the houses in the area were built, the footings all filled up with water and builders had to install pipes to help the water drain away.
- Kari Thein, 5621 Cape Fox Drive, Oak Ridge, said she lived in the house where all the water drains into the yard when it rains, and there is also a pond behind her house. She said her main concern is additional water flowing into her yard because due to the topography, her house was located lower than Beeson Road. She said she had a jump drive with her that she was willing to share showing the flooding in her yard, and said she had even picked up dead fish out of her yard in the past. She said she would like to be involved in the planning of the development so builders and developers will have insight into those issues. She thanked the Council members who had visited the site, and submitted a petition with 108 signatures, which is hereby incorporated by reference and made a part of the minutes, that requested the road connection not be made.
- Rick Gleeson, 5625 Cape Fox Drive, Oak Ridge, expressed concern about construction traffic coming through the Foxbury development as well as cut-through traffic. He said there were no plans to repave Cape Fox Drive until at least 2020, and he added that children play basketball in the road and traffic would create a dangerous situation.
- Tom Beckett, 5623 Cape Fox Drive, Oak Ridge, said the Foxbury neighborhood has a lot of walkers and kids that use the neighborhood streets. He also expressed concern about the difficulty in driving through the neighborhood due to curves and intersections, and said he could see potential safety issues if another neighborhood also begins using those streets.

- Mike Stone, 8112 Hunting Cog Road, Oak Ridge, said he urged Council to deny the rezoning request. He said neither Town Council nor the Planning & Zoning Board allow an opportunity for residents to speak publicly about the Thoroughfare Plan and road connections. Stone said if decisions for road connections between subdivisions are made on a case-by-case basis, the criteria used to approve or deny a decision should be explained. He said he could not remember a single time the Town had made the decision not to require a road connection between subdivisions.

Rebuttal – Proponents:

- Chris Rohrer of Land Solutions asked Town Manager Bruce if waivers for road connections had ever been approved, and Bruce said yes. Rohrer reminded those present that the request was for rezoning the property, and was not about the Thoroughfare Plan.

Rebuttal – Opponents:

- Brooke Beckett, 5623 Cape Fox Drive, Oak Ridge, reiterated that the Foxbury neighbors were not opposed to the rezoning, but it was hard to agree to rezoning without a decision being made on the road connection.
- Mike Stone, 8112 Hunting Cog Road, Oak Ridge, said it seemed that the applicant was amenable to not making the road connection.
- Rick Gleeson, 5625 Cape Fox Drive, Oak Ridge, asked whether Council ever checked the financial fitness of a developer and whether they could weather the length of time it took to build out a development. He said in 2008, a lot of builders and developers went broke.

With no other speakers, Mayor Sullivan closed the public hearing.

Councilman McClellan made a motion that the proposed zoning amendment be approved based on the following:

1. That the proposed zoning amendment is consistent with the adopted Land Use Plan of the Town of Oak Ridge. The Planning Board has provided the Council with its written statement that the proposed zoning amendment is consistent with the comprehensive plan, and the Council concurs and adopts the Planning Board's finding of consistency by reference. In addition, the Council further finds that the proposed zoning amendment is consistent with the comprehensive plan because it is consistent with Objective 1.2 of the Land Use Plan adopted in 2016.
AND
2. The proposed zoning amendment is reasonable. The Council considers the proposed zoning amendment to be reasonable because:
 - A. The report of the Town staff finding the proposed zoning amendment to be reasonable is adopted by reference.
 - B. The Council further finds that the proposed zoning amendment is reasonable because it meets the letter of Objective 1.2 of the Land Use Plan adopted in 2016.AND
3. The proposed zoning amendment is in the public interest. The Council considers the proposed zoning amendment to be in the public interest because:
 - A. The report of the Town staff finding the proposed zoning amendment to be in the public interest is adopted by reference.

- B. The Council further finds that the proposed zoning amendment is in the public interest because RS-40 is the recommended zoning for tracts outside the Town Core with marginal environmental, agricultural, historic or community open space value. **Councilwoman Schneider** seconded the motion.

Council discussion:

Councilman McClellan said he believed this was the zoning the Land Use Plan had in mind in Objective 1.2 for properties outside the Town Core. He said this discussion was about the zoning. He added that it meets the definitions in the ordinance and what is in the Land Use Plan, and that he had no choice but to support it.

Mayor Pro Tem Kinneman agreed that the Land Use Plan supports the requested zoning. He said he had visited the stub, and he agreed there were topographical challenges, but said there was a process to address those issues. Kinneman said as part of the process, the developer can apply for a waiver on the road connections and cite the reason the connection would be prohibitive. He said connectivity is generally important to him, but there are two other stub roads in the Foxbury development that don't appear to have the challenges connecting that this one does. He said from a zoning standpoint, he had no objections to the rezoning.

Councilman Doug Nodine said he agreed that this request meets the Land Use Plan and he had no problems with the rezoning. He said he did have a concern that residents are not allowed to speak at a technical review of a subdivision plan, and he encouraged the Council to change that. Nodine also said he was not as enamored with connectivity as some other council members are, and said he thought Council should look at that requirement as well.

Councilwoman Schneider agreed with the importance of public input, and she knew there were times when connectivity between neighborhoods was not appropriate. She said this was not an issue of cutting through one neighborhood as a shortcut, but if she lived in this proposed development and her son wanted to play with another child in Foxbury, it seemed kind of silly to drive all the way out to Oak Ridge Road to get there. Schneider said when her neighborhood was built, residents of the subdivision next door did not want their streets to connect, but now people love it. She said she supported the rezoning as well as allowing public comment at the technical review stage of approval.

Mayor Sullivan said he understood the concerns expressed were not about the rezoning, but about the potential road connection. He said that matter would be rigorously reviewed for environmental issues at the technical review stage. He said all documents submitted would be public documents that could be reviewed. Sullivan said he supported the idea that Foxbury residents be able to comment at the technical review. He said there were several comments regarding the flooding that already occurs at the site, but that has nothing to do with the rezoning. He said he would support the rezoning.

Council's vote in favor of the motion to approve was unanimous (5-0).

C. 2018-19 Fiscal Year Budget

Mayor Sullivan explained that this was the first of two public hearings on the proposed budget. He said the budget had been prepared by the Budget Committee, and it has been available on the Town website.

Sullivan opened the public hearing.

Proponents:

- None

Opponents:

- Chuck Salmon, 8505 Merriman Farm Road, Oak Ridge, said he was here to express his annual concern to the Council about the budget. He expressed concern that a member of the Finance Committee was not present to answer questions. He also said the budget was very high on capital outlay. He said he understood this was a balanced budget, but he had questions and concerns, and he was expecting someone to go through the budget and explain how much it had been increased and why. He also said the budget was very high on salaries and overall expenses when given the functions the Town provides. He said he was also concerned with the amount of resources dedicated to keeping up the park. Salmon said while he supported the Town's purchase of the Whitaker property behind Town Hall, he was concerned that what citizens pay now will only escalate. He congratulated the Council for the tax cut last year, and said he thought another one was in order. He said he thought the tax rate was too high and there were too many expenses.

With no other speakers, the public hearing was closed.

Council discussion:

Councilman McClellan said he would hold his comments for the June public hearing.

Councilwoman Schneider asked a question about an item on the budget related to the Historic Preservation Commission.

Councilman Nodine asked if any new employees would be added. Finance Officer Sam Anders said no. Town Manager Bruce said a temporary employee may become permanent, but that change is accommodated in the budget. He said that decision will be made when he has completed the staffing analysis.

Mayor Sullivan said the Council would hold another public hearing and vote on adopting the budget at the June meeting of the Town Council.

8. TOWN MANAGER'S REPORT

Standing committee appointments/reappointments.

Mayor Pro Tem Kinneman made a **motion** to appoint Jason Streck as an alternate on the Planning & Zoning Board. **Councilman McClellan** seconded the motion, and it was approved unanimously (5-0).

9. PUBLIC COMMENTS

- Mike Stone, 8112 Hunting Cog Road, Oak Ridge, spoke on the rezoning case heard earlier in the meeting. He said Planning & Zoning Board members had noted issues with not receiving their packets until a few days before the meeting, and said private citizens were also disadvantaged. He said the process seemed tilted in favor of developers, who had been working on projects for months. He asked if the Town could do something to require developers to send out notices earlier to neighbors, and he said he thought it was incumbent that the Council give the Planning & Zoning Board two to three weeks to research issues coming before them. Regarding issues of connectivity, Stone said that did not necessarily mean street connections, and he thought people wanted to be able to walk or bike to different developments.
- Bobbi Baker, 8872 Cravenwood Drive, Oak Ridge, vice chair of the Planning & Zoning Board, asked what the Town means by connectivity. She said if the Town wants to connect a new development to an existing one and there may be issues regarding that proposed connection, the answer might be a trail for walking and biking. She said another big issue is that the Council wants more dense housing in the Town Core for people who want to downsize or want to purchase their first home. But Baker said there seemed to be a lot of difficulty when those rezonings come forward. She thought it would be good for everyone to gain some education and understanding regarding what the Town wants instead of just saying, "That's what the plan says."
- Shavi Mustafa, 7907 Quiet Place, Oak Ridge, read from a prepared statement and said his family moved to Oak Ridge in 2014. He expressed concerns with a development company that he was dealing with regarding the purchase of a lot on which to build a home. He presented documents regarding the issue, and said the company did not represent honesty and transparency. He asked for the Town Council's help in protecting the community from that type of behavior.
- Chuck Salmon, 8505 Merriman Farm Road, Oak Ridge, spoke regarding the rezoning case heard earlier. He said the ability to be heard is great, but for comments to not be considered is terrible. He encouraged the Council to seek more avenues for comments from residents and to do so before the issue is a "done deal."

10. MONTHLY FINANCIAL UPDATE

Finance Officer Sam Anders presented the financial report, which is hereby incorporated by reference and made a part of the minutes, as well as budget amendments and the contract for the annual financial audit.

Councilman McClellan made a **motion** to approve and enter into an agreement for the annual financial audit in the amount of \$22,600. **Councilman Nodine** seconded the motion, and it was passed unanimously (5-0).

Councilman McClellan made a **motion** to amend the budget to increase it in the amount of \$2,600. **Councilwoman Schneider** seconded the motion, and it was passed unanimously (5-0).

Councilwoman Schneider made a **motion** to approve an additional \$1,000 to allow the Historic Preservation Commission to add a historic plaque on the west end of Town. **Mayor Pro Tem Kinneman** seconded the motion, and it was passed by a 4-1 vote (Nodine voting in opposition).

Councilman McClellan made a **motion** to accept the financial report. **Councilman Nodine** seconded the motion, and it was passed unanimously (5-0).

11. COMMUNITY UPDATES

A. Historic Preservation Commission.

Chair Debbie Shoenfeld thanked Council for approving money for the historic plaque in this fiscal year's budget. She said the Commission had approved COAs in April for a patio and fencing at Craft & Vine and signage at the Express Care in Marketplace shopping center. She said St. James AME Church had submitted its final grant report in order to receive reimbursement. Schoenfeld said the grant review panel had met and determined there were three projects worthy of funding in next fiscal year. She said Benjamin Briggs of Preservation Greensboro was excited about Oak Ridge's grant program and said it was the only small town in North Carolina that has such a program.

Councilwoman Schneider added that Briggs wanted to get the word out about the Town's grant program, hoping it will serve as a model for other small towns.

B. Parks & Recreation Commission.

Vice Chair Phyllis Anders said the Council had set aside \$20,000 for in next fiscal year's budget for a trailer to be used at park events. She said because it will take five to eight weeks to build the trailer, she asked that Council approve paying the down payment now so it can be ready as soon after July 1 as possible.

Finance Officer Sam Anders said the deposit would be for construction, and there was a sufficient balance in the capital equipment fund for the down payment.

Councilman McClellan made a **motion** to enter into a contract and authorize payment of \$6,301.50 for a down payment on the trailer. **Councilwoman Schneider** seconded the motion, and it was passed unanimously (5-0).

C. Finance Committee.

No report

D. Planning & Zoning Board.

Chair Ron Simpson said the Council had already acted on the rezonings the Board had heard at its meeting. He said the Board had also approved a site plan for Happy Tails Puppies at the corner of Alcorn Road and NC 68. Simpson said that typically it was rare to get more than a yawn from residents, but occasionally issues do arise. He said it was clear that the Board currently does not have a process to allow public

input during a technical review. He said he will contact the Town Attorney to see if it is possible to do that at the site plan stage.

E. Mountains to Sea Trail Committee.

Rita Lewandowski said the committee had met April 24 and would have a work day at the Cascades Preserve on May 18. She also outlined other public events being planned, and said the committee would have a booth at RidgeFest.

F. Merchants of Oak Ridge.

MOR member Patti Stokes said the merchants are getting ready for RidgeFest, and that they appreciate again partnering with the Town on this event. She said there would be live music, food, rides, classic cars, a Glow Run, and other new things

G. Board of Adjustment

No meeting

12. PUBLIC COMMENTS

None

13. COUNCIL COMMENTS

14. ADJOURNMENT

Mayor Pro Tem Kinneman made a **motion** to adjourn the meeting at 8:53 p.m. **Councilman McClellan** seconded the motion, and it was passed unanimously (5-0).

Respectfully Submitted:

Sandra B. Smith, NCCMC, CMC
Town Clerk

Spencer Sullivan
Mayor