



**OAK RIDGE TOWN COUNCIL MEETING
JUNE 6, 2024 - 7:00 P.M.
OAK RIDGE TOWN HALL**

MINUTES

Members Present

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

Staff Present

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

1. CALL TO ORDER

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

A. Invocation.

Patti Dmuchowski offered the invocation.

B. Pledge of Allegiance.

2. APPROVAL OF AGENDA

Councilwoman Ann Schneider made a motion to approve the amended agenda which reflected the removal of Item 9E, presentation of myrec.com facility reservation system, from the agenda, and Mayor Pro Tem Mike Stone seconded. The motion was passed unanimously (5-0).

3. APPROVAL OF MINUTES

Councilman Jim Harton made a motion to approve the minutes of the May 2, 2024, regular meeting, and Mayor Pro Tem Mike Stone seconded. The motion was passed unanimously (5-0).

4. RESOLUTIONS, PROCLAMATIONS, ANNOUNCEMENTS

None.

5. REPORT FROM GUILFORD COUNTY SHERIFF'S OFFICE

No representative from the Guilford County Sheriff's office was present, but the report for the month of May 2024 was included in the meeting packet and made available by request.

6. REPORT FROM OAK RIDGE FIRE DEPARTMENT

Chief Ken Gibson reported a total of 86 calls during the month of May, 42 being calls for emergency medical services, 36 were calls for service, and 5 were false alarms. Gibson noted that the new fire training facility was operational and being used by neighboring fire departments. Mayor Kinneman interjected that the department would take donations of wooden pallets and hay which are used for training purposes. Gibson offered advice on safe grilling practices, noting that over twenty thousand injuries had resulted from improper grilling practices in a year. Gibson concluded his report with a presentation of the Strength and Honor Fund Scholarship to Wilson Anders and Logan Bryant. He explained that the scholarship fund had been instituted by Roland and Sarah Russoli whose son, a former member of the fire department, was mortally wounded as a marine in combat in 2005.

7. PUBLIC HEARINGS

Mayor Kinneman explained that twenty minutes to speak would be given to individuals in favor of the trail closing and another twenty minutes would be given to individuals against the trail closing, followed with a five-minute period of rebuttals for both sides. He added that discussion by members of council would occur following the period of public comment.

A. Public Trail Easement Closing: consideration of the closing of the public trail easement in the Ashford subdivision.

Planning Director Sean Taylor introduced the public hearing for the request to close a public trail easement along the western boundary of the Ashford Subdivision by applicant Joe Brady representing Green Horse LLC. Taylor read the staff report which is hereby incorporated by reference and made a part of the record.

Proponents:

Attorney Patrick Hayward, 3508 Twin Oaks Drive in Greensboro, distributed binders to Council members with information and documents citing relevant legal statutes which are hereby incorporated by reference and made a part of the record. He requested the recusal of Councilman Jim Harton from the hearing based on his public support of and monetary donations to the Mountains-to-Sea-Trail organization. Kinneman chose to proceed with Harton's participation. Hayward pointed out that the actual issue regarding the public trail easement was not whether developer Joe Brady offered the easement to the Town voluntarily, but whether the easement was effective. He deemed the easement dedication not to be

effective. He cited NC General Statute 160D-806 in tab five of the binder stating that approval of the plat did not constitute acceptance of the easement dedication. Hayward cited Sec. 30-623(d) in tab six stating again that approval of the plat did not constitute acceptance of the easement dedication. He referred to a case law interpreted by the NC Court of Appeals, Kraft vs. Town of Mt. Olive, in tab seven and stated that the Town did not accept the easement dedication in a formal resolution, and that formal acceptance must be made before a revocation of the dedication can take place. Hayward furthered his point by referring to a second case, Waterway Drive Property Owners Association v. Town of Cedar Point, in tab eight. He noted that acceptance of the dedication must be made by the mayor of the municipality for it to be valid. He reinforced this same point by referring to case law Bumgarner v. Reneau in tab nine, stating that the statute established in this case reiterated the standard that the dedication required formal acceptance to constitute its validity and mere recordation of the dedication was insufficient. Referencing information in tab ten, Hayward commented on the unsuitability of the easement as a pathway for a MST trail by pointing out that it did not meet the width requirements of a MST trail, its terrain was too rough for a pathway and that it did not connect to any location.

Jon Deline, 7796 Polar Drive, spoke on behalf of the Bear Creek Homeowners Association (HOA). He stated the HOA's support of removing the trail easement indicating a petition signed by all members of that HOA. He cited issues of security, safety, and nuisance with the trail's location and the prohibitive cost of \$100,000 to build a necessary bridge over a ravine to accommodate the trail. Deline stated that he had identified an alternative route for the trail that would connect to Bandera Farms in Summerfield and to the Piedmont trail. If the easement were not to be removed, Deline requested the Town's cooperation to further investigate alternate pathways for the trail and to provide a ten-year moratorium on trail development on the easement.

Lindsey Clark, 6816 Koala Drive, cited numerous procedural failures during the approval process of the plat design as evidence in support of removing the public trail easement. She noted that ordinance requirements to seek public comment, to provide notice of approval and update within 60-days of preliminary plat approval, and, to receive quasi-judicial review of a variance in the plat after it had deviated from the ordinance standard by adding the easement dedication after the plat's approval was not met. She added that the trail on the easement was not incorporated into the design as a pedestrian accommodation when it was approved as required by Land Use Plan 2.2.2. Clark stated that the approval of the preliminary plat was ineligible due to the addition of the easement dedication post approval.

Opponents:

Stephanie Ferrell, 5839 Billet Road, spoke in favor of keeping the public trail easement at the Ashford subdivision open and commented on how its closure could negatively impact the community as the Town's trails had been receiving national recognition. She pointed out that 1.3 miles of the six miles of trails in the town had been successfully built on easements granted by developers. Ferrell referenced the considerations for easement closure made by Kevin Rust, the attorney for Green Horse, LLC, and countered each point with further explanation:

1. "The trail would run through a tree preservation zone": Ferrell countered that tree preservation was a priority among trail builders who often reroute trails to accommodate trees.
2. "The topography of the trail area would make construction challenging": Ferrell countered that easements are often granted because the topography of the area is deemed undesirable for building by developers.
3. "A creek subject to overflowing in heavy rains runs through the trail area": Ferrell countered that the committee and its volunteers were adept at building bridges over waterways.
4. "Two neighborhoods impacted by the trail's location do not want the trail": Ferrell commented that the MST committee had been actively engaged in discussions with the concerned residents of the Bear Creek and Ashford subdivisions and have offered workable solutions to their concerns such as suggesting plantings and fences between the trail and property lines for enhanced safety.
5. "Green Horse LLC has been unable to find builders willing to build on the lots beside the proposed trail": Ferrell pointed out that to date every lot but one had been sold.
6. "The trail would invite increased traffic to the area": Ferrell pointed out that there was no statistical evidence of crime around trail areas and that illegal parking was strongly discouraged by the committee. She added that trails without designated parking or trailheads do not experience increased traffic from users of the trails. Ferrell further stated that the North Carolina Recreational Use Statute Chapter 38A shields private landowners from liability issues resulting from trail use.

Ferrell noted that the committee along with Jon Deline and members of the trails organization in Summerfield worked amicably to identify an alternate area to move the trail. She stressed the need to keep the easement open as efforts continue to create workable options for trail placement. She emphasized the multi-faceted benefits of trails and pointed out that all trails built on easements within the Town were done so with respect to the landowners whose land border these easements.

Mike Kimel, 5601 Canyon Court, emphasized the safe nature of trails and trail users by drawing on his personal experiences. He referenced the trails located around the nearby River Gate development off Haw River Road and pointed out that no issues had been raised by that community regarding the trail since its development. Kimel addressed the concerns regarding illegal parking by trail users by pointing out that trail users typically park at trail head parking lots to access trails which are conveniently mapped on trail apps such as the Piedmont Discovery app. He referenced two trailhead parking lots in Oak Ridge and noted current efforts by the Town and MST Committee to establish a third trailhead parking lot. Kimel stressed his belief that the concerns of safety voiced by residents of Bear Creek and Ashford subdivisions were unfounded.

Matthew Rasch, 6900 River Gate Court, stated that his property abuts a trail and attested to having no issues with parking, trash or crime regarding the trail's use. He stressed his support of trails and the benefits which trails and trail use offer.

Joel Deaton, 6101 Gwynedd Road, stated that he was the taskforce leader in 2016 investigating the viability of trails in Summerfield and Oak Ridge for the MST and had worked with Guilford County to plan trails out of the Cascades Preserve to the River Gate and Riverside developments. He reiterated the opinion that neither issues nor concerns had been raised by residents of either development regarding the trails or regarding the trail's proximity to their homes. Deaton pointed out that the MST trail in Oak Ridge had been designated a state trail which is an important distinction. He stressed that the area had over 202 volunteers to build and maintain trails and that dirt trails were typically two feet wide to enable meandering around obstacles.

Rebuttals in favor

Patrick Hayward, 3508 Twin Oaks Drive in Greensboro, pointed out that the legal and practical issues raised regarding the trail closure were not addressed and he reiterated his stand that the eight-foot-wide straight trail, the terrain of the area in question and the lack of connection of the trail to anywhere were impractical. He pointed out that parties on both sides of the issue mentioned efforts to find alternate routes for the trail.

Lindsey Clark, 6816 Koala Drive, stressed that the desire to close the easement was not based on being opposed to trails, but based on the illegitimacy, undesirability and impracticality of the location of the trail easement. She noted that the comparison with the trails at River Gate were invalid due to conditional zoning requirements and based on the unique features of the trail at Ashford which no other trails in the Town have.

Rebuttals in opposition

None

Mayor Kinneman closed the public hearing.

Kinneman asked if any Council members had conflicts of interest in hearing the case to close the public trail easement at Ashford. No conflicts of interest were stated. Kinneman asked Town Attorney Michael Thomas if there was concern of a conflict of interest regarding Councilman Harton, and Thomas replied that there was no concern in this case.

Council Discussion

Councilman Michael Greeson reflected that no easement had been present at the Bear Creek subdivision when it was built in 2009. He stated his concern for lack of privacy at Bear Creek should the trail be built on the easement. He stated his intent to vote to remove the easement.

Mayor Pro Tem Mike Stone asked for clarification regarding the stipulation for sidewalks in the Land Use Plan Section 2.2.2. Town Manager Bill Bruce responded

that sidewalks are not required in RS-40 zoned properties outside of the Town's core, making trails the sole option for pedestrian accommodations. Stone asked if sidewalks were not practical for this use. Bruce responded that the Land Use Plan did not advocate specifically for sidewalks outside of the Town Core.

Stone asked Hayward to explain his statement about the easement being rescinded before it was accepted. Hayward referred to Tab 11 of the binder and explained that as the offer to grant the trail easement was not formally accepted by the governing body of the Town as required by NC General Statutes, it was therefore revoked by Green Horse LLC. Stone asked to verify his understanding that the offer to grant the easement must be formally accepted by means of a vote or resolution by Council to be viable. Hayward affirmed that this understanding was accurate. Town Attorney Michael Thomas referenced the letter he had written in response to Trisha Barfield, a legal representative of Brady, in which he specified that Sec. 30-623(d)(1) of the Oak Ridge Code of Ordinances under Land Development provisions stated that acceptance of an easement is accomplished through the process of administrative approval and recordation. He considered provision 160(d) cited by Hayward which stated that express acceptance must be made for a dedication to be valid, and he clarified that Oak Ridge regulated zoning and subdivisions by stating through ordinance that dedication of an easement occurred at the time of administrative approval and recordation. He stated that this action allowed the owner/developer to observe ahead of the action that the dedication would be valid with the plat's approval. Thomas further clarified that acceptance of a dedication did not constitute acceptance of maintenance responsibilities of that easement. He concluded that the dedication was valid and accepted per Oak Ridge Code of Ordinance and that Oak Ridge had adhered to the requirements of NC General Statute § 160A-299 in pursuing the discussion of closing streets and public alleys, and by extension trailways.

Stone asked Ferrell to answer his questions on behalf of the MST Committee. Stone asked if the parties involved in discussions with the MST Committee had identified alternative solutions to the trail location and if the execution of the alternative solution would require time. Ferrell responded affirmatively to both queries. Stone asked if placing a hold on trail development on the easement was recommended. Ferrell responded affirmatively. Stone asked how long of a hold would be recommended by the Committee. Ferrell responded that the moratorium recommended would be subject to Council's review, but she suggested a term of at least one year after which the Committee could revisit the issue.

Councilman Jim Harton expressed concern about having his judgment, spirit of philanthropy and involvement in committee work for the Town questioned in regard to his participation in the public hearing. He emphasized his campaign promise to represent all citizens of the Town and not just a few. He noted that the easement was an asset to the Town and supported the recommendation to place a moratorium on trail development for a shorter period than the proposed 10 years, which surpassed the present Council's terms of service. Harton supported the efforts of Ferrell and the MST Committee to continue working with citizens towards viable solutions.

Councilwoman Ann Schneider pointed out that the Land Use Plan provision 2.2.2 applied to local trail connections and not to MST trails. She added that the trail easement abutted **was in** the Ashford subdivision and not the Bear Creek subdivision from which most concerns were being voiced. She commented that she was unaware of any residents of Ashford, other than its developer, having opposition to the trail easement. She stressed the value of local trails in providing connections between neighborhoods and to other trailways, in promoting walkability and in making open spaces accessible to residents. She added that the potential for portions of these trails to become a part of the MST trail was also valuable. Schneider noted that easements were a normal and legal tool which many towns used to develop trails. She referenced a conversation she held with the Director of Government Affairs of the North Carolina League of Municipalities who stated that the Town's methods for pursuing and accepting easements were typical and legal. Schneider stated that the Director pointed out that state legislative support through discretionary funding and grants for trails had increased in the recent seven years due to the heightened desirability of trails by individuals relocating to the area for industry. Acknowledging the state's rebranding as the Great Trails State, Schneider pointed out the positive impact trails have had on homeowners' property values. She believed that the Town's staff had appropriately and legally obtained the easement dedication without coercion and remarked on the unaccepted invitation by Bear Creek residents to discuss the ordinances relevant to the easement dedication with Town Staff. She reiterated the value of trails in providing connectivity which is supported by the Town's Land Use Plan and strategic plan.

Mayor Kinneman reinforced Thomas' assessment that the Town legally obtained ownership of the easement. He reflected on his tenure serving on the Planning & Zoning Board and stated that trail easements were frequently sought for their potential to connect areas of the community. Kinneman spoke on several trail connections which could be established and eventually provide eight to ten miles of links between neighborhoods with minimal road use. He added that no trees in the easement at Ashford would need to be removed to accommodate the trail. He did not believe that a ten-year moratorium was legally viable but stated that he would support a more practical eighteen-month suspension from trail development during which funding could be sought to support future development and solutions could be worked on to improve connectivity. He noted that the need to build a bridge over the existing ravine in the area posed a de facto moratorium. Kinneman stated his support for preserving the easement because he believed trails improved property values and a sense of community. He mentioned that trail workdays drew volunteers from across the state which was a testament to the desirability of trails.

Stone stated more concern for the Town's citizens' thoughts on trails than on what others throughout the state thought of trails in Oak Ridge. He judged the placement of the trail easement to be ill-conceived as it posed a detriment to the privacy of abutting properties in Bear Creek. He believed that plans to provide privacy along the trail should have been considered before the easement was proposed. He noted that building the bridge necessary to cross the ravine would be more involved than a boy scout project and would require funds that were not yet budgeted. Rather than relying on a de facto moratorium he advocated establishing a legitimate moratorium. He questioned the practicality of continuing a legal discussion over the

dedication of the easement which would cost both sides more time and money regardless of its outcome. He thought that the conflicts thus far over the issue of the easement had cast an undeserved negative pallor on the MST Committee and stated that continued discussions would jeopardize establishing trail connections to Summerfield. Stone concluded that nothing would be lost in the preservation of the easement that was more valuable than what would be gained by addressing citizens' concerns regarding the easement.

Schneider clarified that offers to pay for landscaping **and possibly fencing** to provide privacy along the trail had been made directly to Deline and Clark as well as to others who have properties abutting trail easements. She added that paying for fencing, a costlier solution, would be a **budget consideration**. She noted that the MST supported preserving the easement for future connectivity.

Kinneman voiced concern about infilling the discussion of issues with the dedication would create complications. He noted that making a distinction between existing and new developments when seeking easements would make obtaining an easement from an existing development more difficult. He shared an anecdote about a property owner who built a fence at the back of his property fearing criminal activity by trail users who later removed that fence to set chairs by the trail and allow interaction with trail users.

Mayor Pro Tem Stone made a motion to close the public trail easement in the Ashford subdivision based on information received, and Councilman Michael Greeson seconded.

Stone noted that his issues with the easement dedication were focused on practical and mechanical concerns regarding the trail and its topographical complexities, width, practicality and usefulness. He believed that its closure would be the right thing to do for the citizens of Oak Ridge.

Greeson noted that his concerns centered around issues of privacy for properties abutting the trail, and he would support its removal.

Harton pointed out that the easement was an asset to the entire Town and he would not support its closure.

Schneider believed that closing the easement would set a troublesome precedent for future opportunities to pursue connections through easements. She pointed out that efforts to discuss the trail were largely unacknowledged by concerned residents of the subdivisions, though some had met with members of the trail committee. She believed that privacy from the trail would be preserved with landscaping. She stated that she would not support the motion to close the easement.

Kinneman stated that all the Town's amenities resided in someone's backyard after the home was established. He repeated his concern over continued efforts to infill the discussion which would distract from resolving the issues. He voiced his disfavor of the motion.

Stone reintroduced the possibility of suspending action on the easement for eighteen months after which the issue would be revisited with the understanding that funding for bridge construction had not been budgeted.

Kinneman clarified that the approval or denial of the application should be conducted separately from the discussion of suspending development of the trail. He suggested a pause from activity on the easement for eighteen months with a status check at twelve months.

Thomas stated that the applicant was entitled to a vote on the application separated from the discussion of a pause in activity on the easement.

The motion failed 2-3 (Stone and Greeson voted for the motion).

Thomas stated that with the vote having been cast, it would be appropriate next to discuss the self-imposed delay in development on the easement.

Kinneman suggested a one-year delay.

Harton suggested an eighteen-month delay, though he was uncertain if this period of time would surpass the present Council's terms.

Schneider expressed her preference for a one-year delay, with the understanding that the period of time was merely a pause in the development of the trail and that planning for the trail's development and funding could continue.

Kinneman stressed that the period of pause would be an opportunity for continued discussions between property owners and MST committee members. He stressed that future council members would have the opportunity to amend this period of time.

Thomas stated that the adopted motion in whatever form it took would be the presiding rule governing staff action on the easement until Council amended it.

Greeson pointed out that the next Council term would begin on December 4, 2025, and advocated delaying action until this date.

Kinneman suggested a period of eighteen months.

Harton suggested shortening the period to seventeen months.

Schneider reiterated her support for a twelve-month period as recommended by the MST Committee.

Stone asked if using the term "moratorium" to describe the delay would be acceptable. Thomas explained that moratorium was a term typically invoked by legislation and suggested instead describing the action as an instruction to staff to refrain from development for a determined period of time.

Mayor Pro Tem Mike Stone made a motion to refrain from development of the easement at the Ashford subdivision for a period of seventeen months with a status check made after twelve months and again at seventeen months.

Stone motioned to Bruce for comprehension of the motion. Bruce reflected his understanding of refrainment as refraining from development and construction activity on the easement, and Stone added a refrainment from access to the easement.

Councilman Michael Greeson seconded the motion.

Kinneman clarified that the refrainment from development would not prohibit discussion or efforts towards resolution or compromise from taking place. He intoned that status checks could occur sooner than prescribed.

Bruce asked Stone to clarify the intent behind his statement regarding refrainment from access to the easement. Stone noted that accessibility would be available to members of staff and the MST committee for evaluation but not to the public for use.

The motion was passed unanimously (5-0).

A five-minute break was initiated at 8:57 p.m.

The meeting was reconvened at 9:02 p.m.

B. 2024-25 Fiscal Year Budget and Consideration / Approval of Ordinance O-2024-03 adopting the 2024-25 Fiscal Year Budget

Town Manager Bill Bruce read from the Fiscal Year 2024-25 Budget Message which is hereby incorporated by reference and made a part of the records. He noted an anticipated 4.5 percent increase in revenue which he said would be offset by a 9.5 percent increase in operating expenses. He stated that all requests for expenses, estimates of income and investments in major capital projects were conservatively reviewed and resulted in a recommendation to keep the property tax rate of 8 cents per \$100 unchanged and left adequate fund reserves in excess of \$2 million.

Proponents

Finance Committee Member John Jenkins, 6700 Ashton Park Drive, reported that the Finance Committee had reviewed the line-item budget, comparing it to past years' budgets and deemed the 2024-25 fiscal year budget to be fair. He noted that the committee had discussed a potential reduction in the property tax rate but concluded that the ability to fund the Town's initiatives would be negatively impacted by a tax rate decrease. He summarized that any change to the tax rate would bear a significant impact on the town with minimal impact on citizens.

Patti Dmuchowski, 7320 Hidden View Drive, stated her support of what she believed to be a conservative plan.

Finance Committee Chair Stuart Mease, 1810 Wild Fern Drive, expressed his support of the proposed FY2024-25 budget. He stated that between the years 2021 and 2024, the Town had experienced positive dividends from a well-managed Town, as demonstrated by the increase in the median selling price of homes in Oak Ridge to 47 percent which occurred without a concurrent increase in property tax rate. He pointed out that this positive outcome was achieved despite the negative impacts of a devastating pandemic, high inflation and high population growth. He remarked that the fund balance continued to grow while the Town continued to invest in amenities benefitting the community.

Opponents

Chuck Salmon, 8505 Merriman Road, pointed out that maintaining the same property tax rate for the Town while property appraisals experienced an increase of 22 percent in 2023 resulted in a 22 percent tax increase for property owners. He believed the proposed budget to be conservative not due to its prudent spending strategies but due instead to excessively high tax rates. He did not support the claim to not reduce the tax rate because it would hinder the Town's funding efforts as he pointed out a 30 percent increase in spending on the Town's parks in the proposed budget. Salmon requested Town Council do the following:

1. Disapprove the proposed FY2024-25 budget
2. Change the tax rate to 6.25 percent
3. Schedule the public hearing of the budget to be presented one month and consequently voted on in the subsequent month
4. Place the public hearing of the budget before any other public hearing on the agenda

Salmon concluded that voting to approve the proposed budget would be equivalent to voting to approve a tax increase due to the increase in property tax valuations.

Rebuttals in favor

Ben Walraven, 5931 Pepper Road, stated that although the value of homes increased by 22 percent with a concurrent increase in taxes, inflation also increased to 25 percent, which meant that citizens were paying taxes with cheaper dollars. He pointed out that the Town had \$2 million in a "rainy day fund" and that lowering the tax rate would not be beneficial. Walraven stated his support of the budget with an unchanged 8 percent tax rate.

Jacob Binder, 7022 Carriage Cove Drive, expressed that the Town's spending had decreased significantly from the previous year's budget, and he deemed the current proposed budget to be reasonable. He commented that the estimated revenue from property taxes had increased by \$53,000 from last year even as the Town invested in beneficial projects such as the new park. Binder pointed out that the budget had been presented last month, and that finance committee meetings were open to the public giving citizens ample opportunity to interact and voice their concerns on the proposed budget. He stated his support for the budget.

Rebuttals in opposition

None.

The public hearing was closed.

Councilwoman Ann Schneider made a motion to adopt and ratify the Town of Oak Ridge budget for Fiscal Year 2024-25, and Councilman Jim Harton seconded.

Council Discussion

Councilwoman Schneider confirmed that the current tax rate was necessary to fund the Town's future initiatives in the Capital Improvement Plan. She explained that a lowered tax rate would stall progress of larger projects, such as building tennis or pickleball courts at Heritage Farm Park, past the planned five-year window. She pointed out that a half cent reduction in the tax rate would amount to approximately \$146,000 and when coupled with the consequent loss of County tax revenue the total would increase to approximately \$200,000. In a few more years this total would grow cumulatively to approximately \$1 million. She described that lowering the rate at a time when the Town's population, services and parks were growing would paralyze the progression of initiatives such as ~~continuing to service the debt on Heritage Farm Park, which is the largest capital expense in the budget, and developing the municipal water system~~ **progress on water infrastructure for the Town**. She pointed out that this in turn negatively impacted the economic development of the commercial core. She noted that the Town was focused on meaningful investments in services and amenities which citizens want rather than on just accumulating wealth. She explained that the recent valuation of the Town's properties was attributed to the desirable reputation of the Town and that she supported the proposed budget.

Mayor Pro Tem Stone confirmed that property owners were paying higher property taxes, and that Guilford County was the biggest draw from the Town's tax revenue. He pointed out that while the Town could not control the County's impact on its revenue, it could manage its spending practices which also impact its property valuations. He pointed out that growth in the Town generated increased property tax revenue which could offset tax increases from the County, but only if the Town controlled its spending. He stated that the largest capital expense assumed by the Town aside from servicing the debt on the park was on personnel. He pointed out that staff managed the Town's parks, which is its largest and only service providing asset. Stone explained that the Town's spending commitments had placed it in the position where the current tax rate was necessary to fund its dues. He pointed out that the Town did not spend its reserve to offset effects of the pandemic or inflation but used it instead to fund the Redmon House project. Stone concluded with the wish to revisit the suggestion to present the budget for public comment one month prior to taking a vote on the budget.

Councilman Harton remarked on citizens' continued interest to expand the Parks' amenities and suggested looking into grants to help fund these initiatives. He supported keeping the tax rate unchanged and approving the budget.

Mayor Kinneman explained that his focus was less on the tax rate and more on the value being derived from taxes. Using an analogy of paying a \$1000 family membership to the Y for use of its pool, he pointed out that the value of taxes paid to the Town is derived from its parks, trails, athletic fields and other amenities. He noted that upkeep of Heritage Farm Park was much more than simply tending to grass as it required irrigation, mowing and maintenance. He believed that the Town was providing those amenities and services which citizens have voiced a need for while maintaining an unchanged tax rate. Kinneman commented that issues which are continued from previous meetings are considered Old Business and thereby placed for discussion first before other hearings. He added that ample public engagement with budget discussions was available through participation in Finance Committee meetings, in public comment sections from the previous month's presentation of the budget and through personal outreach from council members inviting comment on budget issues.

The motion was passed unanimously (5-0).

C. Petition for Voluntary Annexation and Consideration / Approval of Ordinance O-2024-04 to Extend the Town's Corporate Limits

Planning Director Sean Taylor introduced the petition for voluntary annexation of property proposed for development as a subdivision known as Southern Pines. He noted that the plat had been approved for development and that the owners had agreed as part of the approval to request annexation into the town corporate limits. Taylor indicated that the property was located on the southern side of Forsyth Road on the west side of Oak Ridge.

Proponents

None.

Opponents

None.

The public hearing was closed.

Councilwoman Ann Schneider made a motion to approve the petition for Voluntary Annexation O-2024-04, and Mayor Pro Tem Mike Stone seconded. The motion was passed unanimously (5-0)

8. PUBLIC COMMENTS

Brian Dawson, 5902 Pepper Road, cited several statistics in support of accelerating plans to develop pickleball courts in Heritage Farm Park. He noted the benefits of playing pickleball on health, social and economic outcomes.

Frank Carroll, 1389 Forsyth Road, stated his belief that Planning & Zoning processes should not interact with the voluntary annexation process.

John Colby, 6706 Bugle Run Drive, pointed out that eleven break-in incidents occurred at Bur Mil Park which operates a security camera system. He referenced research which revealed that security camera systems were only effective in identifying and aiding in prosecuting perpetrators if the system is actively monitored and incidents are detected while they are occurring. He urged that the Town resolve issues surrounding operation of the security system and management of security footage or data before implementing the system. He believed that other less costly and less invasive methods of providing security existed.

Chelsea Young, 5902 Pepper Road, supported developing pickleball courts in Oak Ridge citing that it is a highly social activity which had positive economic impact for local businesses. She described the pickleball culture as friendly, welcoming and diverse.

Parks & Recreation Advisory Board Co-Chair Adrian Eckenrod, 5679 Timber Trace Way, explained that the park security project would provide a security system, add and expand WiFi capability and expand power delivery throughout both parks. He added that the security system was highly advanced and capable of active monitoring and sophisticated filtering of data to assist with crime prevention. Eckenrod pointed out that the system would be largely funded by a \$70,000 grant which would be lost if unspent.

Maria Adams, 5999 Morganshire Drive in Summerfield, referred to the request made by the Guilford County Board of Education Chair, Deena Hayes, to municipalities to allocate a portion of their property taxes to fund tutoring services for Guilford County Schools. She noted that the request was made without a vote from members of the Board nor input from representatives from the school's districts. She pointed out that Guilford County citizens already contribute fifty percent of property taxes to Guilford County Schools. Adams commended Council for deciding not to comply with this request.

Ben Walraven, 5931 Pepper Road, encouraged Town staff and Council to consider progressing into Phase Two in development of the Veterans Honor Green for continuity and cost savings, pointing out that \$60,000 had been budgeted for this purpose.

Bill Goebel, 1402 Westridge Road in Greensboro, noted that students had regressed academically by 10 years as a result of Covid and that the County's tutoring service was valuable in addressing this issue. He pointed out that the state ranked 47th in the nation in education. Goebel encouraged the idea of building an education endowment to fund schools over asking taxpayers to finance schools.

9. TOWN MANAGER'S REPORT

A. Consideration / Approval of R-2024-05 Addition of Caison Drive (Extension) to the N.C. State Maintenance System

Mayor Pro Tem Mike Stone made a motion to approve the addition of Caison Drive to the N.C. State Maintenance System, R-2024-05, and Councilman Jim Harton seconded. The motion passed unanimously (5-0).

B. Consideration / Approval of R-2024-06 to repeal speed limit and change to 25 mph in Stonehenge Subdivision

Town Manager Bill Bruce explained that the request to reduce the speed limit from 30 to 25 mph originated from the homeowners of Stonehenge.

Councilman Jim Harton made a motion to approve R-2024-05 to repeal speed limit and change to 25 mph in the Stonehenge Subdivision, and Councilwoman Ann Schneider seconded.

Stone asked where the request came from. Town Clerk / Assistant Town Manager Sandra Smith explained that the request was made to the Town by the Stonehenge Homeowners Association. Smith noted that she directed the homeowners to contact the NC Department of Transportation to request their input. The NC DOT performed a study and deemed the request appropriate.

The motion passed unanimously (5-0).

C. Consideration / Approval to approve revised 2024 Meeting Schedule to move Water Advisory Committee to the second Wednesday of each month

Bruce explained that members of the Water Advisory Committee asked to move their regular meeting schedule from the fourth Wednesday to the second Wednesday of each month. He added that the Mountains-to-Sea Trail Committee had adjusted their meeting venue from meeting remotely to meeting in person.

Mayor Pro Tem Mike Stone made a motion to approve the revised 2024 Meeting Schedule as presented, and Councilwoman Ann Schneider seconded. The motion passed unanimously (5-0).

D. Consideration / Approval of Interlocal Agreement for animal shelter and control services by Guilford County

Bruce explained that the Guilford County Interlocal Agreement for animal shelter and control services had been on a three-year renewal cycle but had changed to occur on a two-year renewal cycle. He noted that the County had devised a new method for calculating the charges pro-rating the cost and basing it on a per capita percentage of total population in the County. The new cost totaled \$500 less than the previous Agreement.

Councilwoman Ann Schneider made a motion to approve the Interlocal Agreement for animal shelter control services by Guilford County, and Councilman Michael Greeson seconded. The motion was passed unanimously (5-0).

E. Presentation of myrec.com facility reservation system

This item was removed.

10. OLD BUSINESS
Consideration / Approval of contract for park security system

Bruce explained that the discussion was being reintroduced to reflect the inclusion of costs quoted by a subcontracted vendor for boring holes. He noted that the total cost of the project amounted to \$71,559.92 and that \$1,100 of this amount was an annual subscription fee for licensing software. He deferred further discussion of the project to Co-Chair Adrian Eckenrod.

Stone commented that the “smash and grabs” had been sporadic in nature in the park and that the best preventative for such activity was for park visitors to be diligent in securing their valuables. He stressed that the security system would not be activated until clear policies were developed to regulate its placement, operation and management. He added that the system would not be used for surveillance of persons or activities unless directly related to law enforcement investigation. He noted that any unauthorized access to the system would be subject to legal action. He stated that data retained from the system would be held for the minimum period of time legally allowed.

Kinneman clarified that Town staff was studying the issue and consulting with appropriate sources to develop a policy for the park security system. He made note that legal details had not been completely vetted and cautioned against moving with the absolutes expressed by Stone.

Town Attorney Michael Thomas verified that he had been involved in discussions with Town Staff on the subject and had suggested that the policy be defined in terms of purposes of law enforcement. He explained that if footage obtained from the security cameras were designated for purposes of law enforcement, then the data would not be subject to release per the Public Records Act. He clarified that the vote taking place at this meeting was a vote for the security camera equipment and encouraged Council to ensure that a clear policy was adopted before the security system is deployed in the interest of preserving public safety.

Schneider supported the points made by Stone.

Councilwoman Ann Schneider made a motion to approve the updated contracts for the park security system and Mayor Pro Tem Mike Stone seconded.

Schneider voiced her support of moving forward with the park security project.

Kinneman shared that he had similar concerns if the security system would prove to be a deterrent to criminal activity in the park, but he pointed out that the project would also enhance the infrastructure of the parks by adding and enhancing WiFi connectivity which would include coverage at Heritage Farm Park and the Farmhouse Community Center. He stated that the Guilford County Sheriff's Department supported having a security system at the Park and the grant was financed by Guilford County itself.

The motion passed unanimously (5-0).

11. MONTHLY FINANCIAL UPDATE

Finance Officer Sam Anders presented the financial report for the month of June, which is hereby incorporated by reference and made a part of the minutes. Anders added a request to grant him the authority to adjust the budget through June 30, 2024 to ensure a balanced budget, and to report his findings to Council via email on June 30, 2024, and in person on July 11, 2024.

Councilwoman Ann Schneider made a motion to approve the financial report as presented by the Finance Officer, and Councilman Jim Harton seconded. The motion was passed unanimously (5-0).

Councilwoman Ann Schneider made a motion to grant Finance Officer Sam Anders the authority to adjust the budget through June 30, 2024, and Councilman Michael Greeson seconded. The motion was passed unanimously (5-0).

12. COMMITTEE REPORTS

A. Mountains-to-Sea Trail Committee

No report.

B. Conservation Easement Committee

No report.

C. Special Events Committee

Chair Patti Dmuchowski reported that \$12,750 had been raised in donations to the Veterans Honor Green during the current quarter. She noted that 114 bricks were being engraved and orders were being collected for a second round of bricks to be engraved. She described the recent Memorial Day Observance event and paid homage to the 80th anniversary of D-Day in Normandy, France. She spoke about the upcoming July 4 Kids Bike Parade, Heritage Day in September and the December 7 Light Up the Night event indicating that all proceeds from these special events would be directed to the Veterans Honor Green fund.

D. Tree Committee

Chair Austin Goldman reported that of approximately 35 birch trees along the asphalt walkway at Oak Ridge Park, ten had root systems causing the asphalt to rise and crack. He noted that Park Staff had painted compromised areas to alert walkers to the potential tripping hazard. Goldman stated that the Committee had met with a Guilford County forester and an urban forester to evaluate the situation and was advised to sever the roots of the offending trees, install a root barrier system along the walkway to prevent further encroachment of roots, and to enlist the advice of an arborist before proceeding with any action. He noted that the committee was

engaged in researching labor and material costs for this action. Goldman added that the Committee would be conducting a second Treasure Tree program and nominations would be due on August 31, 2024. He concluded with a request for any interested individuals to apply for an open position on the committee.

E. Parks & Recreation Advisory Board

Co-Chair John Browning reported a record attendance of 1,500 to 1,600 people at the previous Music in the Park event. He commented that the next event occurring on June 8 was anticipated to have even larger crowds of up to 3,000 people. He commented that the grand opening of Heritage Farm Park and its inclusive playground was scheduled for June 9 and he hoped that the park would remain open to the public despite a few remaining issues pending completion at the park.

Kinneman inquired about the status of water issues at Oak Ridge Town Park. Bruce responded that a plumber would be attending to the issues the next morning and that the Town had pre-emptively obtained portable toilets to service the park in the event the water issue could not be resolved in a timely manner. Kinneman encouraged more volunteers to assist with the projected crowds at the upcoming Music in the Park event.

F. Finance Committee

No report.

G. Water Advisory Committee

Bruce reported that the committee would be meeting at the Joint Town Council and Water Advisory Committee Special Meeting on June 27, 2024. Kinneman added that the meeting would be a work session to discuss current and future water initiatives and would be open to the public.

H. Historic Preservation Commission

Courtenay Harton reported that the Commission did not meet in May. She noted that the Oak Ridge Historic Book had been submitted to a graphic designer for layout, and one design review meeting was held in the past month.

I. Planning & Zoning Board

No report.

13. COMMUNITY ORGANIZATION REPORTS

A. Oak Ridge Military Academy

No report.

B. Oak Ridge Elementary School

No report.

C. Oak Ridge Youth Association

No report.

14. PUBLIC COMMENTS

Secretary and Treasurer of Oak Ridge Fire Department and Fire and Rescue at 8325 Linville Road Sam Anders reported that the County's budget included a request from the fire department to increase the fire tax rate by 2.5 cents per \$100. He noted that this rate had not been changed in eight years, but it had become a necessary consideration due to increased call levels and costs for equipment and personnel. He reported a 24 percent increase in call loads throughout the county since Covid restrictions were lifted in 2021. He stated that the period for public comment on the County's budget opened this evening.

Stone asked what the current fire tax rate was, and Anders replied that it was 0.0977.

District 3 Guilford County School Board member Michael Logan announced that the current principal at Southern Guilford High School, Brian Muller, would be reassigned to Northwest High School in the same position. Logan stated that Muller would be replacing Ashley Young who had been promoted to the central office as Zone 1 principal supervisor.

15. COUNCIL COMMENTS

Council members reflected on the various events occurring around the community and expressed congratulations to various scholarship recipients and graduates.

16. CLOSED SESSION

Councilwoman Ann Schneider made a motion to go into closed session to establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease pursuant to N.C.G.S. 143-318.11 (a)(5).

Councilwoman Ann Schneider made a motion to return to open session at 11:05 p.m., and Councilman Michael Greeson seconded. The motion was passed unanimously (5-0).

17. ADJOURNMENT

Councilman Jim Harton made a motion to adjourn the meeting at 11:05 p.m., and Councilman Michael Greeson seconded. The motion was passed unanimously (5-0).

Respectfully Submitted:

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

Jim A. Kinneman
Mayor

DRAFT