



**OAK RIDGE TOWN COUNCIL MEETING
JULY 9, 2020 – 7:00 P.M.
OAK RIDGE TOWN HALL**

MINUTES

Members Present

Ann Schneider, Mayor
Jim Kinneman, Mayor Pro Tem
George McClellan
Doug Nodine
Martha Pittman

Staff Present

Bill Bruce, Town Manager
Sandra Smith, Town Clerk
Sean Taylor, Planning Director
Sam Anders, Finance Officer
Michael Thomas, Town Attorney
Terry Lannon, Parks & Recreation Director

This meeting was conducted remotely under N. C. Gen. Stat. § 166A-19.24 by use of simultaneous communication using the Zoom online platform and in which Town Council members participated by simultaneous communication. Town Council members were joined and participated in the entire meeting, unless otherwise noted.

1. CALL TO ORDER

Mayor Ann Schneider called the meeting to order at 7:00 p.m. Schneider asked Town Clerk Sandra Smith to conduct a roll call for Council members and staff.

A. Invocation/Moment of Silence.

Rajan Zed, president of the Universal Society of Hinduism, offered the invocation.

B. Pledge of Allegiance.

Councilwoman Martha Pittman led the Pledge of Allegiance.

2. MAYOR'S STATEMENT CONCERNING THE EMERGENCY

Mayor Schneider read from a prepared statement, explaining that the meeting was being conducted electronically over Zoom due to the COVID-19 pandemic and that the public had been invited to join by phone or electronic device. Schneider said residents who wanted to make public comments had been invited to participate in the electronic meeting or provide their comments to the town clerk.

3. APPROVE AGENDA

Councilman George McClellan moved to approve the meeting agenda as amended after the addition of Discussion/Approval of Speed Limit Changes as item 8.E. under New Business.

Mayor Pro Tem Jim Kinneman seconded. Via roll-call vote, the motion was passed unanimously (5-0).

4. APPROVAL OF MEETING MINUTES

Councilwoman Martha Pittman made a motion to approve the minutes of the June 4, 2020 regular meeting, the June 18, 2020 special meeting, and the June 22, 2020 special meeting. Councilman Doug Nodine seconded. Via roll-call vote, the motion was passed unanimously (5-0).

5. RESOLUTIONS, PROCLAMATIONS, ANNOUNCEMENTS

None

6. REPORT FROM GUILFORD COUNTY SHERIFF'S OFFICE

No one from the Sheriff's Office was present. Town Clerk Sandra Smith said she would forward information she had received to Council.

7. REPORT FROM OAK RIDGE FIRE DEPARTMENT

Capt. Ken Gibson reported that the department had received 67 calls in June, with 22 of them being medical in nature. As a safety tip, Gibson warned citizens about the dangers of cooking while drinking alcohol.

8. TOWN MANAGER'S REPORT

A. Unseal closed session minutes of June 6, 2019.

Mayor Pro Tem Kinneman made a motion to unseal the closed session minutes, and Councilman McClellan seconded. Via roll-call vote, the motion was passed unanimously (5-0).

B. Board/Committee appointment/reappointment.

Councilwoman Pittman moved to reappoint Jay Cumbus to the Board of Adjustment, and Mayor Pro Tem Kinneman seconded. Via roll-call vote, the motion was passed unanimously (5-0).

C. Historic Heritage Grant restricted fund.

Town Manager Bill Bruce reported that one of the 2019-20 Historic Heritage Grant recipients was unable to complete their project due to complications arising from the COVID-19 pandemic. The Historic Preservation Commission had requested \$750 of restricted funds be released in order to allow the grant to be completed and paid during the 2020-21 fiscal year.

Councilwoman Pittman moved to unrestrict \$750 of the HPC's Historic Heritage Grant funds to allow the unfinished grant to be paid in the 2020-21 fiscal year, and Councilman McClellan seconded. Via roll-call vote, the motion was passed unanimously (5-0).

D. Water funding update.

Bruce asked Councilman McClellan to update the Council. McClellan announced that House Bill 1163 had been signed by the governor, which would allow Oak Ridge, Summerfield, and Stokesdale to each get roughly \$1.1 million for water. The funds must be used within 2 years.

E. Speed limit changes.

Bruce requested that Council approve ordinances O-2020-04 and O-2020-05, which would ask NCDOT to rescind the 45-mph speed limit on Linville Road and then enact the 45-mph speed limit at a different location. The action would effectively change the speed limit on Linville Road from town hall to .325 miles north and west of Scoggins Road to 35 mph.

Mayor Pro Tem Kinneman made a motion to approve O-2020-04 and O-2020-05, and Councilman McClellan seconded. Via roll-call vote, the motion was passed unanimously (5-0).

9. NEW BUSINESS

A. Consider/approve 2020 Oak Ridge Youth Association (ORYA) Usage Agreement.

Mayor Schneider said the agreement, which is hereby incorporated by reference and made a part of the minutes, represented a significant departure from those of the past. She reported that in January of 2020, Councilwoman Pittman, Mayor Pro Tem Kinneman, Town Manager Bruce and Parks & Recreation Director Terry Lannon were appointed to a Youth Athletics subcommittee. She read the subcommittee's formal charge, which included determining how the Town and ORYA could partner to best serve the youth of the community and their families.

Pittman provided an overview of how the process had unfolded and the recommendations being made to the Town Council in the proposed agreement. In the past, the Town had been subsidizing ORYA by approximately \$20,000 per year. The subcommittee was recommending that subsidy be increased to \$30,000 per year.

Kinneman explained the \$30,000 subsidy and pointed out that the Town would not be giving ORYA \$30,000 in cash, but would instead be allowing a \$30,000 credit to be used as the organization sees fit. He said the agreement and amount of the subsidy would be re-examined each year. He added that the Town would continue its investment in capital to support ORYA by planning to build additional athletic fields. Both the Town's and ORYA's contributions to youth athletics would be acknowledged.

McClellan thanked Councilwoman Pittman and Councilman Kinneman for all of their work on the 2020 Usage Agreement. McClellan also thank ORYA President, Tom Collins, for coming to the table to work on this Agreement.

Councilman McClellan made a motion to approve the ORYA Usage Agreement as presented, and Councilman Nodine seconded.

Questions and additional discussion ensued.

Via roll-call vote, the motion was passed unanimously (5-0).

B. Consider/approve proposal from Envirolink Inc. response to RFP for proposed municipal water system operation, maintenance, billing and customer service.

Bruce presented a memo regarding the Town's proposed water system to Council, which is hereby incorporated by reference and made a part of the minutes. Bruce said the proposal was consistent with costs in the financial analysis prepared by Envirolink in 2019.

Councilman McClellan asked if the figures quoted in the RFP represented real numbers, and Bruce said yes.

Councilman Nodine asked if the Town would need to hire additional staff, and Bruce said he did not anticipate it. Nodine asked if more consultants would be needed, and Bruce said the Town's on-call engineering firm would probably be needed more than it is currently. Nodine asked for an approximate amount, and Bruce said he was unsure. He said he anticipated the Town would recoup some of those costs with plan review fees.

Councilwoman Pittman said she knew all questions might not be able to be answered right now, but she wanted to ensure that the Town did not lose sight of them. She said she would like to see an analysis of the costs and services included in the monthly fee as compared to contracts Envirolink has with other municipalities. She said she would like to know whether the 18 percent markup of chemicals and fuel for the generators were included in the original analysis, and whether it is best for the Town to purchase them or to allow Envirolink to do so. She asked if Envirolink was committed to helping the Town set rate schedules or if additional consultants or resources would be needed.

Mayor Schneider asked if Bruce had contacted the references supplied by Envirolink. Bruce said yes, and that he had spoken with staff from North Carolina municipalities of Wade, Laurinburg, Robersonville, and Vance County all had reported they were pleased with Envirolink's service, responsiveness, and professionalism. He said Envirolink supplies varying levels of service for the municipalities he contacted. Schneider asked if an analysis of fees was done for different levels of service, and Bruce said yes. He added that it also depends on the size of the system, and that there are some economies of scale. She asked if the Town's proposed system was different from what other towns had, and Bruce said yes.

Mayor Pro Tem Kinneman asked if the contract with Envirolink would require Council's approval, and Bruce said yes. He said the requested action would instruct staff to begin negotiations on a contract, that would be brought before Council for an approval. Mayor Schneider pointed out that Council could add conditions to its motion if there was additional information or actions it wanted.

Mayor Pro Tem Kinneman moved to approve the RFP and direct staff to enter into negotiations for a contract with Envirolink, and Councilman McClellan seconded. Mayor Schneider offered a friendly amendment to explore whether Envirolink would be willing to lower the monthly connection fee for developments with fewer than 30 lots, and Kinneman and McClellan accepted it.

Councilman Nodine said he was assured a year ago that the proposal would outline hard numbers, but it included the same numbers the Council saw a year ago. He said he was disappointed with staff or committee members who had worked on the issue for a year but obtained no new numbers. He said the projections showed no costs for major maintenance, additional staff if it were needed, repair of equipment owned by the Town, utilities required to run the system, chemicals, facility maintenance, licensing, application fees, meeting any new OSHA requirements, the Town maintaining a parts inventory, absorption costs, vacancy costs during operation. Nodine added that even absent those costs, developments with 30 units would lose money. He speculated costs would be \$25,000-\$50,000 per development while they ramp up and become occupied. He said he thought it was premature to discuss approving the proposal, and that no other Towns operate under the model being proposed by Oak Ridge. He said he thought the liability was being shifted from the developers to the existing taxpayers, who get no benefit from the system. He said the proposed system was lacking in the three major areas that Council had indicated why it was interested in water – it did not provide a new source of water, it did nothing to provide a supply of water for fire suppression, and it did nothing to supply safe drinking water for existing residents.

Councilwoman Pittman said she was a firm supporter of exploring and making plans to begin to develop a water system in Oak Ridge and she was glad the Town was taking steps. She said she also had questions, but she felt sure Council could obtain the information before a contract is completed. Pittman said she wanted to know exactly what is included in operations and maintenance so the Town can determine if anything is missing. In response to a question from Kinneman, she asked to make a friendly amendment to the motion that the Town receive clarification and expansion of the items included in the model.

Councilwoman Pittman moved to make a friendly amendment to the motion that the Town receive clarification and expansion of the items included in the model. Kinneman and McClellan agreed to the amendment.

Schneider said she was confused because the Council had approved the RFP. She asked Bruce whether there was any information, other than financial, that was not provided by Envirolink. Bruce said he was not aware of anything. Schneider said the cost of \$1,350 per month for chemicals was provided in the model analysis, but that information was not requested as part of the RFP. She added that the Council could determine if it was worthwhile to purchase chemicals from Envirolink or purchase them independently. She said every well has different maintenance costs depending on its age. She responded to Nodine, saying that there would be no maintenance

costs while the equipment is under warranty, but that everyone who runs wells recommends putting aside 5 to 10 percent of gross revenues for what were minor repairs in the beginning, but as the system ages, for major repairs. She said there was no way to determine how any well would function over time. She said she would like to get information regarding the possibility of purchasing one or all four of the four community well systems in the Town that Envirolink currently operates. She said the Town had proposed a unique model, but the Town was in a different place than most municipalities since, at 20 years of age, most either had a municipal water system or had decided to never have one. Regarding no new water source, Schneider said the Town had spent a year on the regional water study, which investigated but did not find any new water sources that were good for the entire region or that were affordable to Oak Ridge alone. She said the regional study was done because none of the involved municipalities or the county could afford a system on its own, which cost around \$50 million for phase 1. She noted that was the price of bringing in new water. Schneider said Stokesdale was looking at bringing in water from Winston-Salem, and the Town would investigate whether it might be able to join that effort. She said the point of the model being proposed was to take current circumstances and have a modest beginning of a municipal water system that did not require anyone on private wells to hook on and no major infrastructure costs. She said she remained committed to providing the proposed new option. Schneider said individual wells are great when they work, but the cost can be prohibitive if you have to dig a new well or dig your well deeper. She said the proposed system would allow the Town to gradually expand it and that an unprofitable community well might provide infrastructure for an area of Town. Schneider noted that as connections are added, it would become more profitable. She said 5 years of losses incurred while a development is being built out could be made up in a maximum of 2-3 years. She said the point of the system is to serve the citizens and provide water alternatives, and she thought the proposed system was a good strategy for doing that. She added that she would support a longer term for the contract so the Town could lock in the prices proposed.

As questions arose about the cost of the chemicals, Nodine said that cost is minute compared to the Council being ready to commit millions of dollars. He said the Council should table the matter until the entire pro forma is received, something he thought the Town would get as part of the year-long water study that was done. He said the pro forma received the year before included no maintenance or other costs.

Schneider asked what was going to cost millions of dollars, and Nodine said the entire project over a period of years. Schneider said Envirolink did refer to 10 percent maintenance costs. In response to a question from Schneider, Town Manager Bruce said it would be easy enough to calculate those costs once the Town knows the amount of its expected revenue.

After additional discussion, Councilman Nodine made a substitute motion to table the matter until additional information is obtained. The motion died for lack of a second.

Mayor Pro Tem Kinneman said the Town would not incur any costs until a well system is purchased.

Councilman McClellan called the question. Via roll-call vote, the motion was passed by a 4-1 vote (Nodine voting in opposition).

C. Consider/approve establishment of a Water Advisory Board.

Councilman McClellan made a motion to establish a Water Advisory Board, and Councilwoman Pittman seconded. Via roll-call vote, the motion was passed by a 4-1 vote (Nodine voting in opposition).

10. PUBLIC COMMENTS

Mayor Schneider then asked if anyone wanted to speak to the Council.

- Tom Collins, president of the Oak Ridge Youth Association, 5244 Larue Court, Summerfield, thanked everyone involved in the review and update of the new Oak Ridge Youth Association Usage Agreement. He said what had come out of the process is that the Town of Oak Ridge and ORYA have a true partnership.

Town Clerk Sandra Smith read comments, which are hereby incorporated by reference and made a part of the minutes, submitted by the following:

- Steve Holmes, president of the Linville Oaks Homeowners Association, 8503 Parkchester Place, Oak Ridge. Holmes' letter had to do with water runoff and erosion in the Linville Oaks subdivision as a result of building in the Knights Landing subdivision. He also submitted a photo.
- Ben Walraven, 5931 Pepper Road, Oak Ridge. Walraven asked the Council and the Parks & Recreation Advisory Board to consider making a natural area in the field adjacent to the proposed site of the veterans' memorial.
- Barbara Engel, 8524 Rosedale Drive, Oak Ridge. Engel also asked the Town to make a natural area with wildflowers beside the veterans' memorial site. Engel also expressed concern with vehicles that have very loud engines/mufflers and that squeal tires on NC 68, NC 150 and Linville Road.

11. MONTHLY FINANCIAL UPDATE

Finance Officer Sam Anders presented the financial report, which is hereby incorporated by reference and made a part of the minutes. He also asked for a budget amendment needed for adjustments to balance the budget for the end of the 2019-20 fiscal year. Another budget amendment was requested to the 2020-21 budget for items that were not completed in 2019-20 and would be carried over to the current year.

Councilwoman Pittman made a motion to approve two budget amendments, and Councilman McClellan seconded. Via roll-call vote, the motion was passed unanimously (5-0).

Mayor Pro Tem Kinneman made a motion to approve financial report, and Councilman McClellan seconded. Via roll-call vote, the motion was passed unanimously (5-0).

12. COMMITTEE REPORTS

A. Special Events Committee.

Patti Dmuchowski, committee chair, reported that the committee had continued to meet both in person and via Zoom, and their major focus was on the proposed veterans' memorial. The committee had met with several landscape architects, and narrowed it down to two. Based on cost submissions and overall interaction with the committee, Revington Reaves was chosen. November 10th has been chosen for a community open house. Dmuchowski also reported that the Thanksgiving parade is scheduled for November 21st.

B. Parks & Recreation Advisory Board.

Phyllis Anders, vice chair, reported on the Board's activities, which included a lengthy discussion regarding the Council's charge to the Board regarding the feasibility of horse trails in the park. Anders submitted a written report, which is hereby incorporated by reference and made a part of the minutes, to the Council explaining the Board's rationale. After much research and deliberation, the Board's opinion was that horse trails are not recommended on the Whitaker property.

C. Historic Preservation Commission.

Chairwoman Debbie Shoenfeld reported that work would begin this fiscal year on a tabletop book highlighting historic properties in Oak Ridge.

D. Planning & Zoning Board.

Smith read a report from chair Ron Simpson, who reported that the Board had unanimously approved a site plan for a 10-space parking lot at 8509 Linville Road on Town-owned property. The parking lot would provide access to the Mountains-to-Sea Trail.

E. Mountains-to-Sea Trail Committee.

Smith read a report by co-chairs Bill Royal and Anne Steele on the committee's activities, which include recent and future workdays on the Riverside trail project, a small grant from the Greensboro REI store, an Eagle Scout project, and a request for the public to help name the Town's trails.

F. Conservation Easement Committee.

No report

13. COUNCIL COMMENTS

14. CLOSED SESSION

Schneider said Council had the option of dispensing with the closed session to discuss a personnel matter to go into closed session in order to discuss it. Council opted by consensus not to go into closed session to consider adjustment of the town manager salary.

Councilwoman Pittman moved to approve the 2.5 percent salary increase for Town Manager Bill Bruce that was approved for other Town employees in the 2020-21 fiscal year budget, and Mayor Pro Tem Kinneman seconded. Via roll-call vote, the motion was passed unanimously (5-0).

15. ADJOURNMENT

Councilman McClellan made a motion to adjourn the meeting at 9:18 p.m., and Mayor Pro Tem Kinneman seconded. Via roll-call vote, the motion was passed unanimously (5-0).

Respectfully Submitted:

Sandra B. Smith, CMC, NCCMC
Town Clerk

Ann K. Schneider
Mayor