



**OAK RIDGE TOWN COUNCIL MEETING
AUGUST 6, 2020 – 7:00 P.M.
OAK RIDGE TOWN HALL**

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.

MINUTES

Members Present

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

Staff Present

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

Members Absent

George McClellan

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.

Patti Dmuchowski offered the invocation.

B. Pledge of Allegiance.

Mayor Schneider 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

Mayor Schneider said that the July 9, 2020 regular meeting minutes were not ready and would be approved at the August meeting.

Mayor Pro Tem Jim Kinneman moved to approve the meeting agenda as presented. Councilwoman Martha Pittman seconded. Via roll-call vote, the motion was passed unanimously (4-0).

4. APPROVAL OF MEETING MINUTES

Schneider announced that the minutes were not ready and would be approved at the next meeting.

5. RESOLUTIONS, PROCLAMATIONS, ANNOUNCEMENTS

None

6. REPORT FROM GUILFORD COUNTY SHERIFF'S OFFICE

Lt. Jeremy Fuller from the District 1 office of the Guilford County Sheriff's Office reported that there were 84 calls for service in Oak Ridge in July. Two of those were for burglary and four were for larceny of properties. Fuller said that call volume is down due to COVID-19. He encouraged citizens to report suspicious activity.

7. REPORT FROM OAK RIDGE FIRE DEPARTMENT

Lt. Hill reported that the department had received 74 calls in July, with 37 of them being medical in nature, and 37 of a fire/service-related nature. He said department members received 149.5 hours of training in July. As a safety tip, Hill warned citizens to avoid driving on roads with standing water and downed power lines.

8. TOWN MANAGER'S REPORT

A. Committee appointment report.

Town Clerk Sandra Smith shared with Council her report on how other municipalities handle appointments to board and committees. Smith said that it had been tradition in the Town of Oak Ridge for the clerk to handle completed applications and that openings were announced at Council meetings, posted on social media or even submitted to the Northwest Observer for publication. Smith said that when an application is submitted, the applicant would be invited to attend a meeting to introduce themselves to the board or committee and answer any questions the members might have. The board/committee would then make a recommendation to Council on whether to appoint the applicant. Smith said that board and committee members have always served at the pleasure of the Council, but this policy has never been put into writing or adopted as a policy. Smith went on to say that for reappointments, the committee member was contacted to see if

they were interested in serving another term. If they said yes, Council would be asked if it wanted to reappoint them.

Smith said that she sent out a list of questions to neighboring towns and to the Clerks' Listserv (through the School of Government) to see how other municipalities handle vacancies on their boards and committees as well as to see a copy of their ordinance or policy regarding appointments. Smith said that she received feedback from 10 municipalities, and all indicated that they do not ask board or committee members to make recommendations for appointments to their respective board or committee. Smith presented Council with a document, which is hereby incorporated by reference and made a part of the minutes, that compiled this information. Smith asked Council for direction on how appointments and reappointments to Boards should be handled going forward.

Kinneman said that this process had been informal and was based on tradition. He said that he would be in favor of making board appointments 100 percent the responsibility of Council to make appointments to board and commissions.

Nodine said that he agreed with Kinneman and also suggested having term limits for board and committee members.

Pittman said that she agreed that the buck stopped with Council when it comes to committee and board appointments. Pittman asked Town Attorney Michael Thomas whether a policy that gives Council total appointment authority means that Council members are unable to contact committee members, committee chairs or potential applicants on an individual basis about an appointment if they choose. Thomas said there is nothing unethical about that. Pittman said that she would like to see a standard policy put into place that streamlines the process that reinforces the value that Council places on all Town volunteers and that Council supports the work they are doing.

Mayor Schneider said she supported a policy that will be more consistent with what is clearly best practice in other towns. She said that asking committees to make recommendations on appointments sometimes puts committee members in an awkward position. Schneider said that she thought that Council should take on the burden of directly appointing board/committee members. She said she would also like to contact committee chairs regarding new appointments. Schneider thanked resident Mike Stone for his feedback and inquiries about this process, which had led Council to ensure that the policy was consistent.

Mayor Pro Tem Jim Kinneman made a motion to direct staff to create a formal policy indicating that board and committee appointments would be made solely by Town Council. The Council will act upon applications at their discretion, as need arises, and make appointments as needed. Martha Pittman seconded the motion. Via roll-call vote, the motion was passed unanimously (4-0).

Councilman Nodine lost internet connection from 7:17 p.m. to 7:21 p.m.

B. Town Council recommendation of appointment to ORYA Board.

Town Manager Bill Bruce said that the adoption of the 2019-20 Oak Ridge Youth Association Usage Agreement stipulated that Council would nominate a

representative to serve on the ORYA Board of Directors as a non-voting member, subject to ORYA Board's approval. Bruce said he requested that Council nominate a member to serve as a non-voting member on the ORYA Board of Directors.

Councilman Kinneman lost internet connection 7:22 p.m. to 7:24 p.m.

Councilwoman Pittman made a motion to nominate Mayor Pro Tem Jim Kinneman as the Town's representative on the Oak Ridge Youth Association's Board of Directors as a non-voting member, and Councilman Nodine seconded.

Pittman said she had nominated Kinneman because she felt like he would do great a job representing the town in the ORYA partnership. She said that as a member of the Youth Athletics Subcommittee, Kinneman worked closely with representatives from ORYA, Bill Bruce, Terry Lannon and herself. Pittman said Kinneman often took the lead in finding creative and workable solutions that addressed both the needs of ORYA and the Town.

Schneider said that Kinneman will serve well in this capacity. She thanked Pittman and Kinneman for their work with staff and the ORYA Board as members of the Youth Athletics Subcommittee and for making this appointment possible because it parallels the seat the Town provides to ORYA on our Parks & Recreation Advisory Board.

Via roll-call vote, the motion was passed unanimously (4-0).

C. Update on proposed contract with Envirolink Inc.

Town Manager Bruce presented a document, which is hereby incorporated by reference and made a part of the minutes. He said that at the July meeting of the Town Council, instruction had been given to staff to begin contract negotiations with Envirolink. He said at that meeting, specific concerns had been voiced to which they had been trying to obtain answers. The supplemental information being requested included details on costs associated with the Town's responsibilities, a reduction in proposed operational and maintenance costs for systems with less than 30 customers, a reduction in mark-up costs for reimbursements, and additional detail on the variety of service contracts the firm provides statewide.

Councilman Nodine said that he would appreciate it if Finance Officer Sam Anders would put together a pro forma so that all of the Envirolink information can be together in one place. Nodine also requested that Anders provide his opinion on the positive cash flow from the Envirolink proposal.

Schneider said that she had a spreadsheet with that information on it and would discuss with Bruce the best way to share that information.

Pittman agreed with Nodine on the need for a pro forma due to the difficulty in piecing all of the information together.

Schneider said that she has been tracking all of that because she has been working on the water subcommittee. She said she has been very impressed with Mike Myers and the senior staff at Envirolink on their responsiveness and their knowledge. She said the only information the Town is waiting on is related to the updated expense

information on the four wells located in Oak Ridge and what interest there is in purchasing any of them with the money that the Town will get from the state.

Bruce said he would review Schneider's spreadsheet with Anders and then distribute it to Council members.

D. Other business.

Bruce told Council that he had received an Intergovernmental Agreement for participation in Guilford County's COVID-19 reimbursement program from County Manager Marty Lawing. The agreement specifies that Oak Ridge will receive \$68,290 from the CARES Act. Bruce said that Anders and Thomas had both reviewed the agreement.

Councilman Kinneman made a motion to approve the Intergovernmental Agreement, and Councilwoman Pittman seconded.

Kinneman said that the agreement indicates that expenses may also include economic development programs designed to support and defray the costs of local businesses. He asked Town Attorney Thomas if the CARES Act money can help Oak Ridge businesses. Thomas said if an economic development plan was put into place during the current calendar year, then qualified expenses could be paid out of the fund. Thomas said it would be difficult to do without an economic development program. Thomas said that Council could request staff to research how to develop a plan for how that would work. Kinneman said he would like to explore options with staff on how to assist local businesses. Kinneman said that he was just one Council member and he would be interested to hear other Council members' thoughts.

Nodine asked how much had been spent that would qualify for reimbursement under the CARES ACT, and Bruce replied that it was several thousand dollars.

Pittman said that she supported the motion and also liked the idea of assisting local businesses through economic development.

Schneider said that she supported the motion and was also concerned about how to support our local businesses. She said that she would like to help small businesses, but does not feel comfortable committing to ongoing assistance. She asked if it was appropriate to start something and probably not operate it for very long. She added that an economic development plan would need to be fleshed out.

Via roll-call vote, the motion was passed unanimously (4-0).

Kinneman asked if there was enough interest from Council members to ask staff to investigate the possibility of using the remaining CARES Act funds to assist local businesses.

Schneider replied that she thought there was enough interest to investigate it, but not to approve it.

Bruce said that several months prior, staff had started to look into the idea and already had some research done. He said he would share the research with Thomas and they can flesh out something for Council to review.

Thomas said that the clause that Kinneman cited does not address whether you have such a program and that presumably what is disburseable under the CARES Act funding is money based on the same expense analysis. Thomas said that you cannot provide reimbursement for just anything.

Kinneman said that the CARES Act says that money can be reimbursed to local businesses who were negatively impacted by the executive orders which required such businesses to close or have their operations seriously curtailed.

Thomas said that the guidelines are very general.

Schneider suggested that staff look into the matter and bring research back to Council next month.

9. NEW BUSINESS

A. Appointments to Water Advisory Board.

Mayor Schneider said Council members have five volunteer applications in their packets from Francis Disney, Erin English, Brian Hall, Phillip McNamara and Spencer Sullivan. All are Oak Ridge residents and are eligible to serve on the Water Advisory Board that was approved in July 2020. Schneider reminded Council that this Board will advise Council on matters related to public water, including expenditures of the state funds that amount to over \$1 million and oversight of a possible municipal water system.

Councilman Nodine made a motion to approve the residents as a group, and Councilwoman Pittman seconded. Via roll-call vote, the motion was passed unanimously (4-0).

B. Bandera Farms Memorandum of Understanding (MOU).

Bruce presented a memo regarding the MOU, which is hereby incorporated by reference and made a part of the minutes. The agreement would be between the Town, Piedmont Land Conservancy, the Town of Summerfield, Guilford County, and the City of Greensboro, and would establish roles and responsibilities for each regarding the purchase and use of the 113-acre Bandera Farms. He said the property was currently envisioned for use as walking trails and equestrian trails. The MOU would signal the Town's commitment to spend \$50,000 toward the purchase of the property. He asked Council to approve or deny the MOU. Bruce introduced Palmer McIntyre and Kevin Redding of Piedmont Land Conservancy, who were virtually attending the meeting and could answer questions.

Councilwoman Pittman made a motion to approve the Memorandum of Understanding regarding the purchase of Bandera Farms, and Mayor Pro Tem Kinneman seconded.

Kinneman reiterated that no estimate on developing or maintaining the site had been given, and that the MOU did not obligate the Town for any of those costs. Kinneman said he thought the Cascades Preserve should be a good illustration as there is not a great deal of maintenance required. In response to a question, Palmer McIntyre said no restrooms are anticipated that this time, just a simple parking lot.

Kinneman said he thought the Town would be getting a jewel, like it had in the Cascades Preserve. He said the property was just barely outside of Oak Ridge, and he thought the benefit would be well worth the investment.

Nodine asked Town Attorney Thomas about his email regarding property ownership and whether the Town's ownership issue was satisfied based on it having an easement on the property. Thomas said that was correct and that he hoped the Town, the Town of Summerfield, and Piedmont Land Conservancy (PLC) can look at the land grant documents before any money is spent by the Town. He said it was his determination that the Town could not spend money outside the Town without retaining some type of interest in the land itself. He said that would be satisfied by a conservation easement paralleling the one to be retained by PLC.

Nodine asked if Thomas's opinion was based on case law, and Thomas said no. He said it was based on legal analysis and the expenditure of tax dollars, and whether the Town is empowered to expend money on property outside the Town other than what it owns or has an ownership interest in. He said he had been unable to find any precedent or any authority for that type of expenditure. Nodine asked how Thomas had reached that opinion, and Thomas reiterated that he had not found authority under statute for spending money on land outside the Town where the Town was not buying something. He said otherwise, the Town would just be giving \$50,000 to someone outside the Town to spend on land, even if there were some type of ongoing understanding of maintenance or purpose. Thomas said the safest thing for the Town to do would be to retain an interest in the land.

Nodine asked whether an easement would satisfy that requirement, and Thomas said yes, absolutely. Nodine asked if Council members would have any personal liability, and Thomas said potentially yes, if they spend money that is not authorized. He said his job was to keep that from happening. He said by purchasing an easement, no one could say the Town had given away money – regardless of how laudable the purpose – without getting something in return.

Schneider asked if a friendly amendment should be made to clarify that no money would be spent until an easement is purchased. Thomas said he would advise insisting on it before any money leaves the Town under the MOU. He said he was satisfied if that was reflected in the minutes as part of Council's discussion. Schneider said she understood the easement is in perpetuity, which would protect the Town's investment in perpetuity. She said the easement would limit the use of the property to the purposes stated, which are hiking, biking and equestrian trails, and Thomas agreed. Schneider said that would prevent other uses for the property, and she thought this was an exciting opportunity.

Pittman said she agreed with Kinneman about establishing only a parking lot and trails on the tract. She also agreed with Palmer McIntyre that with the right leadership, a lot could be done with a small amount of money if the community is behind it. Pittman said she was glad to get the clarification about the conservation easement. She said she is familiar with the Piedmont Land Conservancy and had attended some of their trails conferences, she admired their work, and she had confidence in their ability to make this arrangement work out for all parties involved.

Schneider asked Palmer McIntyre what the next steps were if the purchase is successfully completed. McIntyre said a trails plan would be created, noting that they wanted to ensure that the equestrian trails were designed well so maintenance is minimal. She said PLC would be fundraising for the cost of that as well as design of the parking lot. They then planned to apply for a state Parks and Recreation Trust Fund (PARTF) grant to leverage state dollars against matching contributions from the partner entities. If all goes well, the goal would be to open the trails within a couple of years, McIntyre said.

Schneider said she was particularly excited about the location, since the property boundary in some cases is no more than 250 feet from the town limits. She said the plan would preserve public open space in perpetuity for the enjoyment of Oak Ridge and other local residents, which would benefit area residents for generations.

As voting began, Councilman Nodine began expressing his concern about ownership. Schneider apologized, but said the discussion period had ended since voting had begun. Nodine said then he would vote in opposition to the motion.

Via roll-call vote, the motion was passed by 3-1 vote (Nodine voting against).

In response to a question from Schneider regarding whether she was correct, Town Attorney Thomas agreed that it would be improper, unless the entire Council agreed to suspend the rule that normally applies, and that once the question had been called, Council would normally be required to proceed to the vote.

10. PUBLIC COMMENTS

- Timothy Blake Mitchell, 7614 Charles Place Drive, Kernersville, said he had sent an email to Council members earlier that day regarding Oak Ridge Youth Association playing games at Oak Ridge Town Park. He said he had been in touch with both Town Manager Bruce and Parks & Recreation Director Terry Lannon, and he had done some research into guideline interpretation that might allow games to be played. Mitchell said the government had been somewhat ambiguous regarding guidelines about gatherings during the COVID-19 pandemic. He said ORYA would agree to do 10 things over and above government regulations. He said he hoped Council would find a way to allow the children of the community to participate in sports.

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 to the 2020-21 budget for the new website and, upon Council's request, to increase the budget for Historic Preservation Commission (HPC) grants by releasing \$750 from restricted funds.

Mayor Pro Tem Kinneman made a motion to approve financial report, and Councilman Nodine seconded. Via roll-call vote, the motion was passed unanimously (4-0).

Councilwoman Pittman made a motion to adopt the proposed budget amendment for the new website and for the HPC grants, and Mayor Pro Tem Kinneman seconded. Via roll-call vote, the motion was passed unanimously (4-0).

12. COMMITTEE REPORTS

A. Parks & Recreation Advisory Board.

Smith read a report from the Board regarding their outside meeting at the park on July 16, 2020, which included an update from Randy Floss and Terry Lannon regarding the status of 2020 RidgeFest given the COVID-19 restrictions. The Board announced that the personalized brick pavers were recently installed around the Park flagpole and that a Drive-in Music in the Park event featuring Barefoot Modern would be held on August 1.

B. Finance Committee.

No report

C. Historic Preservation Commission.

Chairwoman Debbie Shoenfeld reported that the Commission had met in July via Zoom and heard information concerning the rezoning of a planned subdivision of land in the Historic District. She reported that the Commission voted to recommend approval as the subdivision was an appropriate use of land in the Historic District. The Commission also voted on changes to the Design Guidelines that are meant to help clarify some information and make the guidelines more user friendly.

D. Planning & Zoning Board.

Smith read a report from chair Ron Simpson, who said that the Board has a subcommittee working with Town Planner Sean Taylor on reducing the number of business classifications in the Code of Ordinances. The intent of the task will be to narrow the classifications to those consistent with a small town. Simpson also reported that Board members have received a second part of the training class on the purpose and functions of a planning board that was provided by the City of Jamestown Planner Matt Johnson.

E. Mountains-to-Sea Trail.

Smith read a report by co-chair Bill Royal on the committee's activities which included that trail construction on the Riverside project is complete, except for construction of a bridge and a small boardwalk. The Committee encourages the public to begin using the trail and can access it from Pepper Road or from the end of Shields Drive off of Pepper Road. The Committee met via Zoom in July and reviewed plans for an Eagle Scout project, a wildlife viewing platform, that will be built on the new Riverside trail project. The Committee will conclude their trail naming contest and will announce the winning theme in August.

F. Conservation Easement Committee.

No report

G. Special Events Committee.

Patti Dmuchowski, committee chair, reported that the committee had met in person with landscaping architectural firm Revington Reaves to review ideas for items such as lighting, flags, benches and quiet, reflective areas for the Veterans Memorial. They will process the input and meet with the committee again on September 15. November 10 has been chosen for a community open house. Dmuchowski also reported that the Thanksgiving parade is scheduled for November 21. Dmuchowski thanked the Parks & Recreation Advisory Board for their donation to the Veterans Memorial from their brick paver sale.

13. COUNCIL COMMENTS

14. ADJOURNMENT

Mayor Pro Tem Kinneman made a motion to adjourn the meeting at 8:31 p.m., and Councilman Nodine seconded. Via roll-call vote, the motion was passed unanimously (4-0).

Respectfully Submitted:

Sandra B. Smith, CMC, NCCMC
Town Clerk

Ann K. Schneider
Mayor