



**OAK RIDGE TOWN COUNCIL MEETING
SEPTEMBER 3, 2020 – 7:00 P.M.
OAK RIDGE TOWN HALL
(Held electronically via Zoom)**

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
George McClellan
Doug Nodine
Martha Pittman

Staff Present

Bill Bruce, Town Manager
Ashley Royal, Deputy Clerk
Sean Taylor, Planning Director
Sam Anders, Finance Officer
Michael Thomas, Town Attorney

1. CALL TO ORDER

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

A. Invocation/Moment of Silence.

Spencer Sullivan offered the invocation.

B. Pledge of Allegiance.

Councilwoman 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 deputy town clerk. She stated that Council members would identify themselves when speaking, and all votes would be taken by roll call.

3. APPROVE AGENDA

Mayor Pro Tem Jim Kinneman made a motion to approve the agenda, and Councilwoman Martha Pittman seconded. Via a roll-call vote, the motion was passed unanimously (5-0).

4. APPROVAL OF MEETING MINUTES

Schneider told Council members that the August 6, 2020 regular meeting minutes were not yet ready.

Councilman George McClellan made a motion to approve the minutes of the August 6, 2020 regular meeting, and Councilwoman Martha Pittman seconded. Councilman Doug Nodine made a friendly amendment to change the date of the approved minutes to July 9, 2020, and McClellan and Pittman agreed. Via roll-call vote, the motion was passed unanimously (5-0).

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 87 calls for service in Oak Ridge in August. One of those was for burglary of a residence and two were for larceny. Fuller said that officers were increasing their surveillance on NC 68 due to multiple reports of speeding in the area where the speed limit decreases to 35 mph. Fuller said that the speeding trailer will be placed in the area to monitor that corridor in the future. As a safety tip, Fuller warned citizens to secure their lawn equipment as they begin fall seeding in their yards. Lt. Fuller then introduced Capt. Daryl Loftis, who is the new commander of the District 1 office. Capt. Loftis said he was a lifelong resident of Guilford County and had spent more than 25 years in law enforcement.

7. REPORT FROM OAK RIDGE FIRE DEPARTMENT

Captain Ken Gibson reported that the department had received 69 calls in August, with 46 percent of them being medical in nature, 20 percent of them being good intent calls, and 15 percent being service-related calls. He said department members received 179 hours of training in August. As a safety tip, Gibson warned citizens that the hurricane season is upon us and for motorists to avoid driving on flooded roads.

8. PUBLIC HEARINGS

Mayor Schneider read the following prepared statement:

This public hearing is being conducted electronically over Zoom. The public has been invited to join in by phone or electronic device, and instructions for joining have been publicized widely. Residents wishing to comment on this case have been

invited to sign up in advance, to share comments live during the meeting, or to submit written comments to be read via phone or email. All materials regarding this hearing are posted on the Town's website. Schneider said that the period for public comment would remain open for 24 hours from the end of this public hearing. She said that the applicant had executed a waiver of an in-person hearing on this application. Schneider said that although Town Council will have the opportunity to discuss the application and the public will have the chance to make comments, Council will not vote on the application tonight. She said that a special called meeting will be announced shortly, with 48-hour notice, at which time Council will vote on this matter. In this way, Schneider said Oak Ridge is meeting all statutory requirements while complying with the Governor's orders in response to the COVID-19 outbreak.

- A. RZ-20-01:** AG (Agricultural) to RS-40 (Residential). The property is located on the south side of Oak Ridge Road bordering Williard Road to the west and bordering Billet Road to the east, approximately 750 feet south of the intersection of Oak Ridge Road and Billet Road, in Oak Ridge Township. It is owned by Charles M. Benbow Co.

Planning Director Sean Taylor read the property description into the record and presented the staff report, which is hereby incorporated by reference and made a part of the minutes. Taylor said that the applicant, Brian Hall, held a meeting with adjacent property owners on August 18, 2020. He said that the Town notified all property owners within 500 feet of the subject property and posted public hearing notifications on the property prior to the Planning & Zoning Board meeting and the Town Council meeting.

Taylor said that the Planning & Zoning Board heard this case at its August 27, 2020 meeting, and voted to recommend approval to Town Council for the rezoning application. The Board determined that the proposal is consistent with the adopted Land Use Plan, is reasonable, and is in the public interest. Taylor reported that the motion was made by Jason Streck, was seconded by Patti Paslaru, and was approved 6-0 in favor of the rezoning.

Taylor read, as a part of his staff report, the following memorandum from Town Clerk Sandra Smith:

During staff meeting, I was asked to research the possibility that a cemetery, perhaps where slaves are buried, is located in the Oak Ridge Historic District behind the Jesse Benbow House. Here are my findings:

- The book *Family Burying Grounds & Abandoned Church Cemeteries in Guilford County* has no record of any type of cemetery on this property. (There is a small cemetery with about eight graves, known as the Graham-Holt cemetery, that is located across Oak Ridge Road from the Jesse Benbow House. I have found no information regarding a connection between that cemetery with the Benbow family or any slaves.)
- Internet research turned up no information about a cemetery here.
- Bob Benbow is a member of the Benbow family who is a great-great-grandson of Jesse Benbow. Mr. Benbow is 96 years old and is quite sharp. He has written his memoirs, which include information about his part in D-Day in WWII. He has also transcribed and indexed letters from

four Benbow brothers who served in the Civil War, which he made into a book. Mr. Benbow was not familiar with any graveyard on the former Jesse Benbow farm.

- Paynie Stafford is a lifelong resident of Oak Ridge who is 97 years old and is mentally sharp. Mr. Stafford said he had never heard of a slave cemetery behind the Jesse Benbow House.
- Jim and Ann White are former owners of the Jesse Benbow House. The Whites were instrumental in the formation of the Oak Ridge Historic District. Neither had ever heard anything about any graveyard behind their former property.
- Bennie and Sadie Craven were local farmers who lived in Oak Ridge for decades. Although they have moved away, they still own property here. The Cravens farmed the property in question for many years for the former owners. They spoke to another staff member and said they had no knowledge of a cemetery.
- Kyle Anders has lived in Oak Ridge for many years and has mown hay on the property in question that formerly belonged to the Charles M. Benbow Co. He said he saw no evidence of a cemetery on the property, but there was a large pile of rocks that was indicative of a place where farmers would pile rocks found as they were plowing the field.
- Finally, I spoke with Richard Watkins, who is 90 years old, a longtime Oak Ridge resident, and has a great deal of knowledge about the African American community in Oak Ridge. His father, Nathaniel Watkins, was raised by the Benbow family and grew crops on the former Jesse Benbow farm property. Mr. Watkins said he spent much time playing in the fields behind the Jesse Benbow House. He was unfamiliar with any graveyard on that property, but did recall the field being called “the rock pile” for the rocks that farmers had piled up on the property.
- Planning Director Sean Taylor and I visited the property with Brian Hall. Although we saw a significant number of large rocks, we were unable to determine that any of them were grave markers.

In conclusion, I have been unable to find any substantial evidence about an abandoned cemetery or slave graveyard on the property behind the Jesse Benbow House currently up for rezoning. I would be happy to speak with anyone who has information on this topic so that I could document it for the Town’s history.

Ron Simpson, Planning and Zoning Board Chair, told Council members that the Board reviewed Taylor’s staff report and listened to the applicant’s presentation of this project. The Board felt that the request was consistent with the Town’s Land Use Plan and it was unanimously approved for recommendation to Council. Simpson said that the Board had sympathy for the residents of Merriman Farm Estates concerning their drainage issues, but that those issues were not relevant to the rezoning request. Simpson said that the drainage issues would be addressed in the subdivision plan review.

Schneider asked Council members if they had any questions for Mr. Simpson, and none were voiced.

- Brian Hall, the proposed developer, presented a short PowerPoint presentation. He said its July 15, 2020 meeting, the Historic Preservation Commission had unanimously recommended approval, saying that the plan is appropriate to be

in the Historic District. The Planning & Zoning Board had also unanimously recommended approval of the rezoning at its August 27, 2020 meeting. He said his goals for the property were a low-impact development and to preserve as much land in a single tract as was financially feasible, which was 12 acres. He pointed out that the location of the tract on a map and noted that the Future Land Use Plan recommended RS-40 zoning, which is what he was requesting. He said 12 people had attended an informational meeting on August 18, 2020. He said an environmental and historical report done on the property showed drainage ditches had existed since the 1950s, and the houses in Merriman Farms had been placed as close to those ditches as possible. He said he had met with the neighbor who would be most affected by the proposed development and discussed possible options to mitigate drainage issues. He said the company that did the environmental/historical report, a licensed surveyor, and a licensed soil scientist had all said there was no evidence of graves on the property, which was supported by the report of Town staff. He also discussed concerns voiced by neighbors that included traffic, property values, and consistency of home sizes.

Schneider opened the public hearing.

Kinneman said Mr. Hall's time counts toward those in support of the rezoning, and Schneider said no because he was the applicant.

Kinneman said that in past history, the applicant's time had always been counted toward people who wish to speak in favor of the rezoning, and Schneider replied that she had checked on this topic with staff and they indicated that the applicant's presentation was separate. Schneider asked Bill Bruce for his thoughts regarding this matter.

Bruce said that he had seen it done both ways, but his recollection of the last several rezoning requests was that applicants had been allowed to make their presentations and then 20 minutes was allowed for the proponents and 20 minutes was allowed for the opponents.

Proponents:

- Courtenay Benbow Harton, 5901 Pepper Road, Oak Ridge, said the property had been purchased from a family land holding company by Hall. She said that her family had owned the 22 acres for several years. She said Hall had shared his plan, and she believed his proposed development would be a great outcome for the Town's Historic District.
- Royal read comments in support of the rezoning submitted by Stanley Sacks and Paul Woolf into the record. The comments are hereby incorporated by reference and made a part of the minutes.

Opponents:

- Stephen DeHaven, 5907 Billet Road, Oak Ridge, said that he lived on the corner of Billet Road and Merriman Farm Road and had sent Council a video of the most recent rainfall showing his yard as it rains. DeHaven said that he is impacted on three sides of his property which results in flooding. He said that he was concerned about the five new proposed lots going in on Billet Road because all that runoff will increase the flooding impact to his property. He said that if Council knows Merriman Farm Estates has issues with drainage now, they

should address those issues before new homes are built. DeHaven said that he has no assurance that current residents will be looked after in the future regarding these flooding issues. He encouraged Council members to deal with the flooding issue from a holistic point of view and not just one step at a time.

- Angelia Turner, 8516 Merriman Farm Road, Oak Ridge, shared several slides and videos showing the flooding issues around several properties in Merriman Farm Estates, which she says are not new. Turner shared with Council a slide on the effects of imperviousness on runoff and infiltration, and said that the proposed development would increase infiltration from 50 percent to 35 percent at Merriman Farm Estates. Turner played several videos and shared photos with Council members showing properties on Billet Place, Billet Road and Merriman Farm Road during different rain events, and said the culverts are already at capacity.

Turner said the information regarding the cemetery had come from Clinton Jordan, who lives on Billet Road. She said Jordan's daughter used to play with former property owner Dick Hall's daughter, who had reportedly told Jordan's daughter about the possible slave graveyard.

Regarding runoff, Turner said her septic system has an alarm, and it goes off even with just a typical rain.

Turner told Council members that she had submitted a petition to Town Hall against this rezoning with 45 of 55 residents' signatures. She asked that Council try to see the issues from the perspective of residents of Merriman Farm Estates.

- Cathy Roberts, 5903 Billet Road, Oak Ridge, said that her family was against this rezoning for a variety of reasons. She said that water runoff is already a huge problem, and when there is a lot of rain, the water floods both drainage and non-drainage areas. Roberts said that this is not a new issue and has been a problem since they moved into their home in 2004 because the land gradually flows downhill from Oak Ridge Road. Roberts said rezoning the land will cause more water runoff.

She said that another issue is the lack of groundwater in the area, and that the land being considered for rezoning did not perk for a community well on two different occasions. Roberts said a neighbor north of the Benbow property posted on Nextdoor.com a month or two prior that her well ran dry. She said that if the Benbow property is rezoned, the possibility those new homes would take water that would normally go to the Merriman Farm well is very real.

Roberts said neighbors are also concerned about the rezoning because of the historic significance of this property. The issue of a slave cemetery on the property is an important issue and a thorough archeological study needs to be conducted by an outside, non-biased party. Rezoning this property to RS-40 (or anything else) does nothing to honor or uphold the current agricultural/historical designation.

Roberts said many neighbors are also concerned about home values. Their homes, which are in the historic district, are at least 3,000 square feet in size, and her home is more than 4,000 square feet. If the minimum square footage requirement is less than what most neighbors have - that, combined with the above-mentioned water issues, would greatly hurt existing home values.

She said most neighbors moved to Oak Ridge partially for its open spaces and neighboring farm areas, and more development would take away from that. Roberts said neighbors want to preserve their neighborhood, their home values,

and their quality of life – and not add additional water issues or change their historic area.

- Charles L. Salmon, 8505 Merriman Farm Road, Oak Ridge, said he was against the rezoning because of water runoff. He said the staff report says each lot would front either Williard Road or Billet Road, but it does not say anything about the lot in the middle or how it would be accessed. Salmon said the plan does not include any commitment from the developer, and there was nothing to prevent him from asking for additional rezoning changes in the future. He said the developer does not need to rezone the entire property, as he only needs to rezone the lots on Billet Road and Williard Road and leave the 12-acre lot in the center as agricultural. Salmon said the current runoff problem would be amplified with more dense development.

Rebuttal – proponents:

- Brian Hall said that regarding the impervious chart that Mrs. Turner shared, the proposed development would have the lowest impervious surface area at 10 to 20 percent of the entire 22-acre site. Hall said that the drainage videos that Turner shared shows a lot of water. He said the subdivision plan for Merriman Farm Estates put into place 60-foot drainage easements that run in between the houses, which is where the water is draining. Hall said that the stub on Clarky Road would be the access point to the 12 acres. He said that he has no plans to extend Clarky Road, but that it is the public right of way that borders the 12 acres.

Rebuttal – opponents:

- Angelia Turner said neighbors understand that when their neighborhood was built, drainage easements were put into place, but they want to guard against future problems. She said that the houses in Merriman Farm Estates were not allowed to have garages that faced the road, and she believed that Clarky Road was built to enable those residents to gain access to their driveways. Turner said that 20 percent of water runoff was more than what they are prepared to take on.
- Charles Salmon said that the developer indicated that access to the center of the property would be from Clarky Road, not from Billet Road or Williard Road as Planning Director Taylor had previously stated. He said that indicated to him that Hall is rezoning the whole property and showing a partial plan for development for the nine lots, but with no plan for the center of the property. Salmon said that the developer does not need to rezone the center 12 acres as RS-40, but could keep it as Agricultural and develop that portion in the future, with no say-so from neighbors. He reminded Council that it is being asked to approve the rezoning request, not Hall's development plan.
- Stephen DeHaven said that when Merriman Farm Estates was developed that the drainage was designed to handle the runoff, but the flooding that affects his property is outside of that. He said that his lot will take the brunt of the additional drainage from the proposed five lots on Billet Road. DeHaven said that the request includes no assurances for the future.

Schneider closed the public hearing.

Council comments/questions:

- McClellan asked Hall if he was working with the Merriman Farms Estates residents to address the water issues. Hall replied yes, saying that he was trying to be a good neighbor and had met with civil engineers to discuss the drainage issues. Hall said that the best proposed solution would be to get the water out of the ditch and into a pipe.
- McClellan asked Planning & Zoning Board chair Ron Simpson if that Board would address water issues during the site plan approval process technical review. Simpson said that the Board will focus on the drainage impacts from the new development and will try to minimize the incremental increase that the new nine lots will add. Simpson said that Hall is not required to solve the overall drainage problem in Merriman Farm Estates.

McClellan asked staff if the fire department accesses the center part of the property via Clarky Road, and Taylor said yes.

McClellan asked Taylor about the alleged cemetery on the property and asked if staff is fairly certain that there is no cemetery. Taylor responded that he is certain that there are state statues that protect cemeteries. Taylor said that if anyone finds bones in their yard and are not certain of their origin, they should contact the Sheriff's Department immediately. He said that the complaint would start a formal investigation with the Department of Historic Resources.

McClellan asked Hall if he was planning to develop the portion of the property where the alleged cemetery is located, and Hall replied that he has no plans to do anything there.

McClellan said that a citizen had contacted him regarding the Historic Preservation Commission (HPC) and its review of this rezoning and the Certificate of Appropriateness (COA) process. Taylor said that the role of HPC in a rezoning in the historic district does not involve a COA, and that HPC only provides an advisory opinion to the Planning & Zoning Board and to Town Council. McClellan asked Taylor if Hall would have to apply for a COA before any new homes were built, and Taylor said that if everything is approved that each builder would be required to submit landscaping plans and architectural renderings for the exterior of each house. McClellan asked if neighbors would be notified when a COA is submitted and if the date for the public hearing would be publicized, and Taylor said a COA application does not require a public hearing. McClellan asked if HPC agendas are publicized, and Taylor said yes.

McClellan said that based upon what he sees at this stage, this rezoning request meets the Land Use Plan and the ordinance requirements.

- Kinneman asked Taylor if the area called the cemetery had been farmed consistently for an extended period of time, and Taylor said that the area had been farmed for over 200 years. Kinneman said that he felt it was safe to say that there is no obvious burial area other than perhaps under the pile of rocks in the middle, and it would be difficult and expensive to move them. He said that if bones are discovered during development, they are obligated to stop and determine if there actually is a cemetery.

Kinneman asked Taylor if any new houses along Billet Road and Williard Road would be required to have drainage ditches in front of them, and Taylor said builders would have to follow DOT requirements.

Kinneman asked Taylor to clarify whether, if Hall installs a driveway to reach his property from Clarky Road, Hall would have to go through the process of terminating the road and building a turnaround; Taylor said yes, and that Hall would have to work with DOT to do that. Kinneman said that the stub street was put there with the anticipation that the property may be developed in the future, so if that property was developed completely, the stub street would be extended into that property. In response to a question, Taylor said Clarky Road is not maintained by DOT, but that Merriman Farm Road is.

Kinneman asked Taylor if the developer will be required to submit a drainage plan, and Taylor said that subdivision plans have to include a stormwater plan. Taylor said that the Town cannot ask developers to go above and beyond the stormwater requirements, but he felt Hall is already doing that in his discussions with a neighbor.

Kinneman asked Taylor if an erosion control program would be required, and Taylor said not at this time because Hall is not planning to do any land disturbance that would require him to initiate a full erosion control and sedimentation plan, but that decision will be made by Guilford County officials who review this plat. Kinneman said he sympathizes with neighbors, but the runoff issue has been there for many years. He said there are no requirements to reduce current runoff – only runoff caused by new development and that adding drainage ditches on the roads will offer some help.

Kinneman said the request for RS-40 zoning meets the Land Use Plan.

- Nodine said that he thinks that the proposed plan is the best solution for the property and runoff issues. He asked to clarify that there are no conditions on this straight RS-40 request, and if approved, Hall could build up to 24 units on 22 acres; Taylor said yes. Nodine asked Hall why he did not include a condition limiting the number of units, and Hall said he was following Town staff's recommendation. Nodine asked Hall if he would be opposed to conditions limiting the number of units; Hall said that he would discuss it, but that this was the first time he had heard about adding conditions. Nodine said if Hall dropped dead the following day, the next developer could put 24 units on the site and said that would harm residents on Billet Road. Nodine said that he would prefer to have a conditional use of limiting the number of units. Taylor said he had suggested the straight RS-40 rezoning request after viewing the site and observing the stormwater runoff in the drainage areas; those areas create a "V" shape on the property, making them undevelopable, and would be designated as drainage easements. Taylor said that this issue, along with no road additions, would significantly reduce the amount of developable property on the tract.
- Pittman said she had also questioned whether the zoning could be conditional because she has much empathy for the neighboring property owners who want to preserve the land and are concerned about water runoff. She said Council is supposed to put aside personal feelings and make decisions based on what is allowed and what is required in the ordinances and the plans. She said she felt this plan is the best for this property in terms of density and land use.

Pittman asked Stephen DeHaven when he had taken the photo that he shared with Council, and Mr. DeHaven said that the video showing the runoff in three different areas into his property was shot two weeks prior.

Pittman asked Taylor where water drains from that development, and Taylor responded that it goes into Reedy Fork Creek, which eventually ends up in Jordan Lake near Durham and Raleigh. Taylor said that the Jordan Lake

Watershed Rules strengthen the Town's review, but they were adopted by the Town after Merriman Farm Estates was developed. Pittman asked who owned the plat where Merriman Farm Estates was developed, and Taylor said that it was also owned by Charles Benbow. She said she hopes that the stormwater issues can be addressed as a part of the site plan.

- Schneider asked Taylor to confirm that it would be Brian Hall's decision to amend his rezoning application to make it conditional. Taylor said yes, and that by state statute the Town cannot ask him to impose any as conditions. Taylor said those conditions would have to be offered by Hall. Schneider asked if the reason staff had talked with Hall about rezoning this property straight RS-40 was because the Land Use Plan called for that in this area, and Taylor said yes. Schneider asked if Hall would be required to submit a final development plan to the Planning & Zoning Board for review, and Taylor answered yes. She asked whether a new site plan would have to be submitted to the Planning & Zoning Board if Hall changes his mind or sells the property. Taylor said yes.

Schneider said a previous development plan for this property would have put more than 20 houses on it. She said Hall's plan was a great thing for the Historic District, and since Hall is a member of the Historic Preservation Commission, she has a high level of confidence that he will do what he says. She said that like this property, Merriman Farm Estates is built on what was the historic, 200-acre Benbow farm.

Schneider said that the Town's Land Use Plan has not changed in its default recommendation for RS-40 zoning. She said that it is hard for her to see why this rezoning should be judged by different standards than the rezoning for Merriman Farm Estates. She said HPC's role in this process was appropriate and very limited, and that HPC obviously has no information about a cemetery since it did not come up in their review of the subdivision.

Schneider said that she was gratified to hear that Mr. Hall was willing to work with neighbors on the runoff issue. She said that she is grateful that the 12 acres in the center of this property will be preserved according to this current plan.

Schneider said that digging wells is tricky, and although a groundwater survey shows we have lots of groundwater in Oak Ridge, there are places where very deep, expensive wells are required. She said that she was largely convinced that this is the best use of the property because its minimum intrusion will be compatible with the Historic District. Schneider said that she was in support of this rezoning despite the concerns mentioned during the public hearing.

Note: Due to the COVID-19 pandemic and recent legislation on public hearings and voting during electronic meetings, Council will vote on the application at a special called meeting (date to be announced).

- B. RZ-20-02:** PD-R (Planned Unit Development-Residential) to Amended PD-R (Amended Planned Unit Development-Residential) (addition of 1 lot). The property is located on the south side of Haw River Road bordering Linville Road to the west, approximately 800 feet east of the intersection of Haw River Road and Linville Road, in Oak Ridge Township. It is Guilford County Tax Parcel 166301, is located in the Greensboro (GW-III) Watershed, and is owned by Agency Partners LLC. *(Note: If rezoning is approved, the Council will need to vote to approve/deny revised Unified Development Plan.)*

Taylor told Council that the applicant for RZ-20-02 had requested that this application be withdrawn. Since the application has been advertised, Council will need to vote to accept or deny the withdrawal request. Taylor said that the applicant would like to amend the original application and resubmit it in the future.

Councilman George McClellan made a motion to accept the developer's request to withdraw application RZ-20-02, and Mayor Pro Tem Jim Kinneman seconded. Via roll-call vote, the motion was passed unanimously (5-0).

- C. RZ-20-03:** AG (Agricultural) to CU-RS-40 (Conditional Use-Residential). The property is located north of Bentrige Forest Drive, approximately 1,150 feet north of the intersection of Vanhoy Road and Bentrige Forest Drive, in Oak Ridge Township. Being Forsyth County Tax Parcels 6990-30-1268.00, consisting of approximately 35.6 acres. Owned by Mary A. Leight. *(Request to withdraw this application was approved by Planning & Zoning Board)*

Taylor informed Council that the applicant had requested to withdraw this application for rezoning, RZ-20-03, due to technical errors made on the application itself. Taylor said that since the application has already been advertised for a public hearing, Council will need to make a motion to accept the withdrawal.

Councilwoman Martha Pittman made a motion to accept the applicant's request to withdraw the application, RZ-20-03, and Mayor Pro Tem Jim Kinneman seconded. Via roll-call vote, the motion was passed unanimously (5-0).

- D. Text amendment:** Amendments are proposed to Chapter 30 (Land Development) of the Oak Ridge Code of Ordinances, which would amend portions of the zoning ordinance. The proposed amendments include Article VII- Zoning.

Schneider told Council that the Planning and Zoning Board had continued its review and recommendation regarding the proposed text amendment in order to have more time to discuss the attorney's comments. She said that Council has the choice to move ahead on this matter or continue it.

Councilman George McClellan made a motion to continue the case regarding the text amendment to the meeting in October, and Councilman Doug Nodine seconded. Via roll-call vote, the motion was passed unanimously (5-0).

9. TOWN MANAGER'S REPORT

- A. Committee appointment policy.** Bruce said at the previous month's meeting, Council directed staff to craft a committee appointment policy based on direction given by Council. He said that the policy was included in Council's packet. Bruce said that the policy was very simple, and that the highlight was to emphasize that committee, board and commission appointments are made solely at the discretion of Town Council. He said there was a series of steps in which applicants can submit an application, and that there is a process for which they would be reviewed. Bruce requested approval from Council on the proposed policy.

Mayor Pro Tem Jim Kinneman made a motion to approve the committee appointment policy as presented, and Councilman George McClellan seconded.

McClellan said that the policy was very straightforward and that appointees serve at the pleasure of the Council. He said that the policy clarified the processes that were unclear in the past.

Kinneman said that the policy brought the Town in line with common practice and said it made the process very clear on whose responsibility it was to make appointments.

Pittman said that the policy streamlined and strengthened the Town's process. She said that she wanted to note that every member of Council served as a volunteer on a town board or committee prior to being elected to Council, and they are aware of the value that volunteers bring to the Town. Pittman thanked staff for the research that went into drafting the policy. She said that she remained committed to consulting with committee chairs to determine what their needs are and to consult with them in terms of the qualifications that they are looking for in future committee members. Pittman said she thought that the policy clearly stated that the buck stopped with Council and she was happy to take that on.

Schneider requested that the policy be posted on the Town's website where the volunteer applications are posted. She said that the policy was consistent with best practices and was consistent from one committee to another. Schneider said that the policy was also consistent with the Town's ordinances. She said she would also continue to speak with committee chairs and committee members to determine their needs. Schneider said that she preferred for Council to take on this burden rather than putting it on volunteer committee members.

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

B. Any other business.

- None

10. PUBLIC COMMENTS

- None

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.

Schneider asked if a restricted fund had been established for the donations to the Veterans Memorial, and Anders replied that by virtue of taking the donations, the funds are under restriction. He said that his office did not structurally have the account set up inside the Black Mountain software, but will soon.

Schneider said that the Special Event Committee will begin fundraising soon and that they would like to be able to see that restricted fund balance.

Councilwoman Martha Pittman made a motion to approve financial report, and Councilman George McClellan seconded. Via roll-call vote, the motion was passed unanimously (5-0).

12. COMMITTEE REPORTS

A. Finance Committee.

No report

B. Historic Preservation Commission.

No report

C. Planning & Zoning Board.

Deputy Clerk Ashley Royal read a report from chair Ron Simpson, which is hereby incorporated by reference and made a part of the minutes.

D. Mountains-to-Sea Trail.

Royal read a report by co-chairs Bill Royal and Anne Steele on the committee's activities, which includes two workdays planned during September for the Riverside project. She reported that bridge work will begin in October. The MST Committee reviewed 40 submissions for its trail theme naming project and plan on selecting a winner soon. The Committee has been working with Selby Chipman on her Eagle Scout project, which is a wildlife and nature viewing platform near the small pond along the Riverside trail project.

E. Conservation Easement Committee.

No report

F. Special Events Committee.

Patti Dmuchowski, committee chair, reported that the committee continues to work on the Veterans Memorial. The newly created publicity sub-group has put out information on the Memorial and upcoming events on the Town's website, Facebook and Nextdoor sites. Their plan is to publish timely items of the events connected to the Memorial. At their next meeting next week, the committee will focus on fundraising plans and plan for the November Open House. On September 15, members will meet with Revington Reaves for a first look at the preliminary drawings. With permission from the Parks & Recreation Advisory Board and the Town Manager, the Committee will provide two memorials for a 9-11 remembrance. Two blue lights will be placed at the Town's flagpoles at Town Hall and the Town Park. There will also be a small sign with the words, "Never forget."

G. Parks & Recreation Advisory Board

Royal read a report by vice-chair Phyllis Anders, who reported that the McCandless structures were recently demolished. Jim Kinneman was selected to be a non-voting member on the Oak Ridge Youth Association Board. Both RidgeFest and Heritage Day have been canceled due to COVID-19. A drive-in movie, co-hosted by Summit Church and the Town, is scheduled for September 26. John Garrett reported that \$2,100 was to be deposited into the fund for the Veterans Memorial from the brick sale sponsored by Parks & Recreation Advisory Board. Music in the Park scheduled for October 10 will be voted on at the September 17 meeting after Governor Roy Cooper announces his reopening plan for North Carolina.

13. COUNCIL COMMENTS

14. ADJOURNMENT

Mayor Pro Tem Jim Kinneman made a motion to adjourn the meeting at 9:23 p.m., and Councilman George McClellan seconded. Via roll-call vote, the motion was passed unanimously (5-0).

Respectfully Submitted:

Ashley Royal
Deputy Clerk

Ann K. Schneider
Mayor