



**OAK RIDGE TOWN COUNCIL MEETING
SEPTEMBER 5, 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.

Caroline Ruch offered the invocation.

B. Pledge of Allegiance.

2. APPROVAL OF AGENDA

Councilwoman Ann Schneider made a motion to approve the agenda, and Mayor Pro Tem Mike Stone seconded. The motion was passed unanimously (5-0).

3. APPROVAL OF MINUTES

Councilwoman Ann Schneider made a motion to approve the minutes of the August 1, 2024, regular meeting, and the July 22, 2024, Special Called meeting and Councilman Jim Harton seconded. The motion was passed unanimously (5-0).

4. RESOLUTIONS, PROCLAMATIONS, ANNOUNCEMENTS

Mayor Jim Kinneman read a Proclamation recognizing the 237th anniversary of the drafting of the Constitution, and designated September 17 through 23 as Constitution Week.

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 August 2024 was included in the council meeting packet and made available at the back table of the chamber.

6. REPORT FROM OAK RIDGE FIRE DEPARTMENT

Fire Engineer Andrew Morton reported a total of 103 calls of varying types which were responded to during the month of August. He reported a total of 613 hours of training. Morton encouraged a monthly inspection of smoke alarms and suggested replacing units that were ten years or older. He advised families to practice a fire escape plan.

Loren Hughes presented information about CERT – Community Emergency Response Team. He explained that the team is comprised of volunteers from the community with assorted backgrounds as medical personnel, accountants, homemakers and others, and that they are trained to provide emergency response services when a disaster or life-threatening situation occurs that overwhelm professional rescue systems. He stated that CERT was affiliated with the NC CERT organization, FEMA and the Guilford County Emergency Management Services and that the team adhered to the protocols established by these services and supported local and neighboring fire departments. Hughes noted that the organization is a non-profit 501(c)(3) group who rely on fundraisers and donations to support their needs. He pointed out that the team is trained to respond to various situations including light search and rescue efforts, fire safety, first aid, disaster psychology and firefighter rehabilitation, and that they do so with basic emergency response and disaster relief supplies.

John Browning added that the CERT team would not replace fire or EMS services, but instead would work to support them. He underscored the ongoing recruitment of volunteers to the organization.

Kinneman commented that the CERT team's financial needs would be considered during the annual review of the Town budget. Councilman Jim Harton asked how the team coordinated their efforts with the Red Cross. Hughes explained that the Red Cross operated separately from the team and that the CERT team primarily worked to support the fire departments when called upon for assistance.

7. PUBLIC COMMENTS

Brian Dawson, 5902 Pepper Road, advocated accelerating consideration of constructing pickleball courts in Oak Ridge.

Lynne Williams DeVaney, Mayor Pro Tem of Summerfield, offered appreciation for support given to Summerfield against the deannexation attempts to property in Summerfield.

Brian Muller, 5904 Crutchfield Farm Road, introduced himself as the new principal at Northwest High School.

Michael Logan, 5202 Rambling Road, presented the North Carolina Report Card revealing that Oak Ridge Elementary and Northwest High School both retained their grade score of A exceeding growth levels while Northwest Middle School remained at grade score of B. He added that the report revealed a thirty percent chronic absentee rate and mentioned bus transportation issues in the area.

Caroline Ruch, 1976 Beeson Road, reported on the successful fundraiser held at Oak Ridge Military Academy for the preservation of the historic Maple Glade house. She pointed out that \$10,000 was raised through the collaborative efforts of Oak Ridge Military Academy and the Guilford Battle Chapter of the Daughters of the American Revolution.

8. TOWN MANAGER'S REPORT

A. Consideration/Approval of reappointment of Denise Sacks to Historic Preservation Commission

Councilwoman Ann Schneider made a motion to approve the reappointment of Denise Sacks to the Historic Preservation Commission, and Councilman Jim Harton seconded. The motion was passed unanimously (5-0).

B. Consideration/Approval of revised meeting schedule (move Special Events meeting from second Tuesday to second Thursday of each month)

Councilman Jim Harton made a motion approve the revised meeting schedule, and Councilman Michael Greeson seconded. The motion was passed unanimously (5-0).

C. Consideration/Approval of annual contract with Freese & Nichols for stormwater engineering

Town Manager Bill Bruce explained that the annual fee cap for stormwater engineering services with Freese & Nichols had been \$15,000 since 2018, and that this fee included plan review services along with inspection and enforcement of all stormwater matters related to private developments in the Town. He pointed out that demands for additional services which include an annual administration of the Jordan Lake Rules report to the NC Department of Environmental Quality, and annual inspection, and management of remediation of all stormwater devices under heightened state oversight prompted an increase of the fee cap to \$23,000.

Kinneman asked if the increased fee would impact the budget, and Bruce replied that the fee increase had been anticipated and worked into the consulting budget.

Harton asked if the increase in the hourly line-item rates impacted the rate increase, and Bruce responded affirmatively.

Councilman Jim Harton made a motion to approve the annual contract with Freese & Nichols for stormwater engineering, and Councilwoman Ann Schneider seconded. The motion was passed unanimously (5-0).

D. Consideration/Approval to surplus Oak Ridge Town Park bleachers

Bruce explained that a second set of old bleachers at Oak Ridge Town Park needed to be surplussed and removed off the premise. He stated that new bleachers to replace the old bleachers had been purchased and installed.

Councilwoman Ann Schneider made a motion to surplus Oak Ridge Town Park bleachers, and Councilman Jim Harton seconded. The motion was passed unanimously (5-0).

Kinneman asked if the Town of Stokesdale purchased the old bleachers, and Bruce confirmed the purchase by Stokesdale Parks & Recreation.

E. Any other business

Pursuant to a request made by Mayor Pro Tem Mike Stone, Bruce provided an overview of the Town owned Old Union Cemetery. Bruce explained that the 1.5-acre property was donated to the Town in 2012 by the trustees of the property due to their inability to continue maintaining the grounds. Bruce stated that the Town performed general maintenance on the site which included mowing along the roadway and fence line every two weeks and a twice-yearly upkeep which included removing dead fall and debris and mulching leaves. He noted additional maintenance performed by volunteer organizations such as the Girl Scouts and Daughters of the American Revolution, and he pointed out that \$30,000 had been spent to remove dead and dying trees on the site in 2021. Bruce added other improvements being considered for inclusion in the following year's budget were installation of a gravel parking lot and park benches, repairing fallen or broken headstones, rebuilding the fence, and performing a ground penetrating survey to analyze the subsurface of the site. He stated that non-budget cycle improvements could be considered at the direction of Council.

Stone acknowledged that the site required more attention and advocated devising a plan to improve and maintain the site.

Harton noted that Park Superintendent Brock Dunigan had stated his willingness to increase the maintenance of the site with clear direction from Council.

Schneider asked if protocol was adhered to in the upkeep of the grounds, and Bruce responded that care is taken around identifiable areas of historic import, but that many areas are severely weathered and indistinguishable. He pointed out that the ground penetrating radar study would help identify areas of significance. Schneider added that Town Clerk/Assistant Town Manager Sandra Smith had offered to coordinate volunteer efforts to clean the site and suggested listing other related

tasks as potential Eagle Scout projects. She favored adding a ground penetrating radar study and a small parking lot for consideration in the following year's budget.

Kinneman stated that the current schedule of maintenance was acceptable, but he stressed that adding more tasks to this schedule could require additional resources. He asked if organizations such as Preservation Oak Ridge or the Town's Historic Preservation Commission might offer supplemental assistance to staff.

Stone remarked that he did not have enough information to make a recommendation on maintenance expectations for the site. He suggested visiting the site and continuing to make suggestions to staff at Council briefings.

Schneider suggested asking staff to obtain cost estimates for a ground penetrating radar service and a small parking lot for consideration in the following year's budget.

Kinneman reiterated his suggestion for staff to coordinate their efforts with the help of committees and other relevant organizations. He expressed his concern for overextending staff responsibilities by adding to the tasks involved in maintaining the cemetery. Stone asked if examples of best practices might be obtained from organizations that focus on historical cemeteries. Schneider replied that guidelines for the care of cemeteries had been established and Smith added that the National Park Services had guidelines. Stone noted that these guidelines could be reviewed as a baseline in making recommendations for the upkeep of the site.

9. NEW BUSINESS

A. Consideration / Approval of Surveillance Information Policy

Bruce presented the Surveillance Information Policy and explained that the license plate and dome camera system was being installed at the parking lot entrances to the parks and infrastructure for Wi-Fi extension to the camera sites as well as electrical components were being prepared. He stated that the policy sufficiently addressed concerns regarding public accessibility to the camera footage by restricting accessibility to law enforcement only for purposes of crime investigation.

Kinneman emphasized that access to data was prohibited by staff unless otherwise directed by law enforcement and that the data would be destroyed after thirty (30) days. He stated that the cameras would not provide live streaming of the area as a webcam would.

Stone stressed that the cameras were not intended for use as surveillance of the property but were instead intended for use to assist in crime investigations. He believed that the policy maintained the initiatives for security set forth by Council.

Schneider favored the limited accessibility of security data generated by the cameras.

Kinneman stated that security footage could be made accessible to entities other than law enforcement by court order only. He expressed uncertainty that the security system would halt criminal activity, but he emphasized the need to remain vigilant in storing valuables outside of plain view in a vehicle.

Mayor Pro Tem Mike Stone made a motion to approve the Surveillance Information Policy, and Councilman Jim Harton seconded. The motion was passed unanimously (5-0).

B. Discussion regarding combining Board of Adjustment with Planning & Zoning Board

Bruce requested guidance from Council on the issue of folding the Board of Adjustment (BOA) duties under the Planning & Zoning (P&Z) Board. He explained that the BOA had met infrequently in the past six years due to the low volume of requests for variances or zoning appeals. He noted the challenge to keep BOA members engaged and to recruit volunteers to sit on the BOA. He pointed out that the BOA was not currently fully appointed despite efforts to recruit volunteers. Research of best practices from surrounding communities revealed to Bruce that it was not uncommon to combine the BOA with the P&Z Board as both entities review similar subject matter, that being land use regulations, but use different review procedures. He noted a crossover in membership and experience currently between the two boards and added that chairs from both boards had not voiced any objection to the prospect of combining the boards. Bruce asked for Council's direction to proceed in the drafting of a transition plan to combine the BOA with the P&Z Board.

Stone asked how the combined board would manage hearing BOA and P&Z cases, noting that the BOA acts in a quasi-judicial capacity and the P&Z does not. Bruce replied that BOA and P&Z cases would be handled in separate meetings.

Town Attorney Michael Thomas noted that combining boards was not unusual, and he recommended the board not meet at the same time to review BOA and P&Z matters as he believed doing so would be confusing to both the public and to board members. He pointed out that the transition of two structurally different boards into one board would require training and a willingness to adapt to the different roles and functions of each board.

Kinneman asked if either board overlapped the other in responsibilities, and Thomas replied that P&Z ruled on zoning issues and rendered advisory opinions and that any overlap in responsibilities with BOA would be indirect. Bruce added that he knew no scenario where BOA would hear an appeal from P&Z. Thomas continued to explain that P&Z's only actual authority was in granting waivers, and appeals of waivers are reviewed by Council, not by the BOA.

Councilman Jim Harton made a motion to instruct staff to prepare a text amendment to the development ordinance assigning Board of Adjustment responsibilities to the Planning & Zoning Board and include any other associated amendments. Councilwoman Ann Schneider seconded the motion, and it was passed unanimously (5-0).

C. Discussion of Council Members attendance at Committee/Commission/Board meetings

Kinneman acknowledged the importance of this topic for discussion expressing his concern for potential conflicts with open meeting laws when three or more council members attend a Town committee, commission, or board meeting. In consulting with the Town's attorney regarding this issue, he shared that advance notice of any meeting where three or more council members would be in attendance would be required because of the potential for council to take action on an issue at the meeting. He questioned the practice of council members attending committee meetings because of the possibility for their presence to unintentionally influence the dynamics of that meeting.

Councilman Michael Greeson noted his agreement and commented that he does not go to meetings.

Stone said that he would not be allowed to attend a Parks & Recreation Advisory Board meeting as a citizen if two other council members were already in attendance at that meeting. He encouraged having a policy or procedure in place which defined council attendance at meetings. He stated a preference for a policy that would instead require that all committee meetings be audio and, or video recorded to enable more widespread and efficient access to information from that meeting. He pointed out that four committees currently were not recording their meetings.

Harton expressed dissatisfaction with the proposed policy as it provided fewer rights for him as a council member than as a citizen in attending Town meetings. He noted that as a new member of Council, he would like to attend meetings in order to observe and learn about Town matters. He reflected on his background in corporate business, commenting that he learned more about his business and his employees through personal interaction with them. He did not believe that council attendance at meetings was a problem which warranted policy guidelines.

Schneider pointed out that it was not technically necessary for Stone to have left a Parks & Recreation Advisory Board meeting at which both she and Kinneman were in attendance. She suggested that a disclaimer be included on the Town's meeting schedule which would read, "All meetings of the Oak Ridge Town Council and its Town boards and committees are open to the public. Although Council members may attend board and committee meetings, the presence of three or more council members shall not constitute a public meeting of the Council without official required notice to the contrary." She believed the disclaimer would be a simple solution to the issue being discussed. She encouraged the use of good judgment guided by a code of ethics when in a Town meeting to not disrupt its process. She reinforced Harton's opinion that the policy was being written for a non-existing problem. She questioned the notion that a council member's presence at a town meeting negatively impacted the meeting. Schneider asserted that committee members were challenged with responsibilities which required careful discernment and balance to be able to render recommendations that would impact citizens and the Town. She remarked that the presence of Council members at their meetings could be construed as positive and supportive rather than intimidating or influential. She countered that all residents should instead be encouraged to attend Council and Town meetings to foster broad public participation. Schneider referenced Thomas' declaration that the open meetings law does not disable Town

Council members from citizenship rights and therefore questioned the legality of creating a policy restricting Council member attendance at Town meetings.

Thomas agreed that such a policy would not be legal and therefore unenforceable. He stated that a consensus of practice rather than a policy would be more suitable to manage the issue of Council members attending committee meetings. He explained that in the public realm, the open meetings law renders all meetings of all public bodies, with few exceptions, are open. He advocated pursuing a standard for best practice over a mandate defining Council member attendance at meetings.

Kinneman clarified that his intent to discuss this issue was to raise an awareness of it rather than to develop a policy to govern it. He reinforced his belief that a Council member is viewed as an authority figure and thereby had the potential to negatively or positively influence the behavior of committee members in a meeting.

Greeson asked whether attending a meeting or listening to a recording of a meeting would be preferred. Schneider answered that she would prefer to attend a meeting of interest to her or contact the staff liaison of the committee for information.

Stone added that opposing views voiced by council members at a meeting could interfere with the meeting's progress and that committees should be left to carry out their tasks independently. He noted that a council member's presence at a meeting could communicate distrust of the committee to carry out its duties. Schneider countered Stone with her observation that committees believe that Council supported their work regardless of whether they agreed with the directions taken by the committee. Harton interjected that his presence at Town meetings was not to participate in the meeting but to observe and learn from the meeting. He added that a Council member's presence at a meeting could be construed to be supportive and encouraging rather than as influencing.

Schneider asked if a disclaimer should be created, and Thomas responded that adding a disclaimer would avoid the legal requirement for providing advance notices of meetings and relieve Council members from having a de facto meeting if they were to engage in conversation at a meeting. He promoted implementing a practice or consensus approach regarding Council member attendance at Town meetings.

Kinneman asked if council members would be permitted to speak during the public comments section of meetings if three or more were in attendance, and Thomas responded that this scenario could arise theoretically.

Schneider said that the issue being discussed was not a pressing problem and committees should be permitted to conduct their business without interference.

Councilman Jim Harton made a motion to add a disclaimer to the Town Meeting schedule, and Councilwoman Ann Schneider seconded.

Stone requested that all public meetings be recorded. Schneider referred to the special called meeting held earlier in the year when this topic had been discussed stating that consensus was reached at that time to allow all committees which are

not statutory to meet without being recorded to allow free and open discourse. Stone contended that all meetings are public and therefore should be recorded. Schneider pointed out scenarios involving MST and Conservation Easement Committees where discussion of specific properties could be considered proprietary. She stated that the discussion of recording meetings was not on the agenda and that the issue had already been addressed at a past meeting. She suggested that the discussion be added as an agenda item and be continued to a separate meeting. Kinneman agreed and added that his long-term goal was to livestream all Town meetings.

The vote was unanimously approved (5-0).

10. MONTHLY FINANCIAL UPDATE

Finance Officer Sam Anders reported that reimbursements from PARTF and County grant awards were being processed. He identified an issue where tax collection reports had been recorded as being higher than ACH transfers. He noted that this was due in part to a personnel error at Guilford County Tax Department which was being corrected. He reported normal proceedings with the audit and stated that efforts were ongoing to secure Truist as the Town's credit card provider. He concluded by noting that the annual penalties collected from property taxes had been successfully transacted.

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

11. COMMITTEE REPORTS

A. Tree Committee

No report.

B. Parks & Recreation Advisory Board

Co-Chair John Browning reported that the Board approved the installation of a memorial butterfly garden by the Hoffman family at the Town Park. He stated that the Board reviewed and discussed both the policies and procedures proposed for the Farmhouse Community Center and the Park Surveillance system. Browning noted that Park Superintendent Brock Dunigan was working on a punch list of construction issues at Heritage Farm Park with Bar Construction Company. He concluded by announcing upcoming events at the park which included RidgeFest that opened this evening, Heritage Day which would occur later in September, and the final Music in the Park scheduled in October.

C. Finance Committee

No report.

D. Water Advisory Committee

Bruce reported that the Committee was working on a marketing and outreach program to inform residents of the impending water main line along NC Hwy 150.

E. Historic Preservation Commission

No report.

F. Planning & Zoning Board

Planning Director Sean Taylor noted that the Board had met in August but did not have a quorum to hold the meeting. He noted that the meeting agenda would be pushed to the next meeting in September and would include a discussion of the Metropolitan Planning Organization's Street plan.

G. Mountains-to-Sea-Trail Committee

Chair Anne Steele reported that a crew of volunteers had cleared approximately 30 trees along the trails at the Headwaters and Cascades Preserves. She added that two Eagle Scout projects had been approved by the Committee to build a bridge along the trails at Carriage Cove and to improve the MST campsite at Oak Ridge Town Park. Steele drew attention to the newly constructed MST Kiosk at the park and acknowledged Mike Kimel for his efforts in leading this project. She announced the Committee's participation at Heritage Day and their next workday scheduled for September 21.

H. Conservation Easement Committee

A report was previously emailed to Council.

I. Special Events Committee

Chair Patti Dmuchowski reported that the Veterans Honor Green was approaching completion with military medallions and benches awaiting shipping. She acknowledged Mark Reaves, construction architect with Revington Reaves Landscape Architecture and Planning for his efforts on the project. She announced that the grand opening ceremony was scheduled for October 24. She added that a request for bids for Phase 2 of the Veterans Honor Green would be forthcoming. Dmuchowski reported that the Veterans Day ceremony would feature NC House Representative John Hardister as speaker, a remembrance ceremony for 9/11 was scheduled on September 8 at 6:00 p.m., a fruit pie baking contest would be held at Heritage Day and that Light Up the Night was scheduled for December 7.

13. COMMUNITY ORGANIZATION REPORTS

A. Oak Ridge Elementary School

No report.

B. Oak Ridge Youth Association

No report.

C. Oak Ridge Military Academy

No report.

13. PUBLIC COMMENTS

Frank Carroll, 1389 Forsyth Road in Kernersville, stated that combining the Board of Adjustment with the Planning & Zoning Board did not make sense and would produce conflicts of duties which should be kept separate. He questioned the limits of accessibility to security camera footage by the Guilford County Sheriff's Office and stated that any footage transmitted to physical media would be difficult to destroy in 30 days as required by the newly approved policy.

Thomas addressed Carroll's remarks by clarifying that any footage obtained by the Sheriff's Office for purposes of criminal investigation would be subject to laws pertaining to information collected and held as evidence by law enforcement. He explained that the Town would no longer own any information requested by the Sheriff's Office. He further explained that direct user access to the footage would only be triggered by events requiring review to determine the need for further investigation. He added that any information transmitted into physical media for purposes of investigation would be governed by a separate body of law.

Kinneman included further explanation in response to Carroll's comments regarding combining the Board of Adjustment with the Planning & Zoning Board. He stated that the Planning & Zoning Board would not be able to rule on its own decisions, thereby reducing any conflict of duties between the two boards.

14. COUNCIL COMMENTS

Mayor Pro Tem Mike Stone sought to clarify past comments he made regarding the cost to construct pickleball courts. He stated that his information about the cost to construct pickleball courts came from the Winston-Salem Parks & Recreation Sedgefield Garden division who had constructed 10 courts for \$259,000. He listed 28 pickleball courts within an approximate 20-mile radius of Oak Ridge and supported further discussion of constructing pickleball courts in Oak Ridge.

Councilman Jim Harton gave a positive nod to the efforts of the Red Cross and to the success of the Historic Preservation Symposium organized by the Daughters of the American Revolution in collaboration with Oak Ridge Military Academy.

Councilwoman Ann Schneider described several upcoming involvements with the NC League of Municipalities. She voiced her concern regarding the request to

demolish the Gardner House, which is a contributing structure in the Historic District. She stated that the house's demolition could jeopardize the Town's Historic District status determined by the State's Historic Preservation office. She advised others to voice their concerns to her or to members of the Historic Preservation Commission. Town Attorney Michael Thomas interjected by explaining that the request to demolish the structure was a pending matter before the Historic Preservation Commission and therefore it would be inappropriate for individuals to contact members of the Historic Preservation Commission about it. He advised that individuals contact the owner of the property instead. Schneider added that individuals could seek information about the structure from her. Mayor Jim Kinneman added that members of Council were also not permitted to speak to members of Historic Preservation Commission about the request to demolish the structure. Schneider concluded her comments by stating her preference to review the athletic courts project in full in a fiscally prudent manner.

Mayor Jim Kinneman asked the public to respect the construction zones at Heritage Farm Park and allow proper installation of the thermoplastic games along its walkways. He announced the Lion's Club annual golf tournament on September 26, stating that it was the club's primary fundraiser. He concluded his comments by encouraging everyone to register and to vote.

15. ADJOURNMENT

Councilwoman Ann Schneider made a motion to adjourn the meeting at 9:05 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