



**OAK RIDGE TOWN COUNCIL MEETING
SPECIAL CALLED MEETING
MARCH 11, 2024 - 11:00 A.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.
Michael Thomas, Town Attorney

1. CALL TO ORDER

Mayor Jim Kinneman called the meeting to order at 11:00 a.m.

2. APPROVAL OF AGENDA

Mayor Pro Tem Mike Stone made a motion to approve the agenda and Councilman Michael Greeson seconded. The motion was passed unanimously (5-0).

3. CONSIDERATION / APPROVAL OF BOARD / COMMITTEE APPOINTMENT

Councilwoman Ann Schneider made a motion to approve the appointment of Spencer Sullivan to the Finance Committee as the Water Advisory Committee liaison, and Councilman Harton seconded. The motion passed unanimously (5-0).

4. CONSIDERATION / APPROVAL OF POLICIES / PROCEDURES REGARDING COUNCIL

Councilman Harton asked for the reason for the meeting. Mayor Kinneman responded that several items for discussion had been raised by specific members of Council and he deemed it suitable to address the items in a less formal manner which was still open to the public.

A. Attendance and reporting on events / conferences / meetings

Mayor Kinneman explained that in his experience, standard corporate practice required prior approval for employees to attend conferences, meetings, or events for professional development opportunities. In addition, summaries of information garnered from these events were typically shared among colleagues to promote workplace education. Kinneman felt that having a policy in place to manage the process of approving Council member attendance at conferences, meetings, and events would provide a more even accessibility to events among all Council members, improve communication and transparency in the sharing of information from the events, and help to manage budgeted allowances for such events.

Schneider reflected that the Town's standard practice for conference attendance had been to receive approval and manage reservations for the event through the Town Manager and Assistant Town Manager. She added that dissemination of information garnered from these events typically occurred at Council meetings during Council Comments. She expressed concern that instituting a formal policy to manage attendance at conferences and to manage the filtering of information from the events would over bureaucratize the process.

Extensive discussion ensued over defining the parameters of the proposed policy's requirements for conference attendance and included comments regarding the present standard of practice for attending conferences and sharing information upon return from that event. A suggestion to develop a budget for conference attendance by Council members was discussed followed by a discussion surrounding issues regarding how to obtain useful information about conference offerings. Town Attorney Michael Thomas offered a general summary of the discussion by advocating developing a resolution that would clearly define the type of events Council members would be encouraged or discouraged from attending based on their content and an outline on how to process a request to attend a conference with the expectation for a summary report on its contents upon the individual's return. Thomas noted that a resolution with these constructs would act as a benchmark to clarify the process without elevating it to a formal policy. Kinneman offered to author the resolution.

Consensus was reached to develop a resolution outlining the standards of practice in attending conferences for council members.

B. Expense Reimbursement

Mayor Kinneman introduced the topic of expense reimbursement for mileage incurred by travel by Council members. He reflected that the stipend established by a former Council was partially intended to cover expenses incurred by local travel ventures. He stipulated that a policy or a practice of requesting reimbursement for travel outside of Guilford County could be in order. Councilwoman Schneider noted that a salary and not a stipend had been established and that travel within Guilford County was not typically requested for reimbursement. Other Council members interjected with their practice of requesting mileage reimbursement only for travel outside Guilford County.

Kinneman ended the discussion since an expense reimbursement practice had already been established. No action was taken.

C. Social Media Policy

Mayor Pro Tem Mike Stone requested consideration of establishing a social media policy for Council and committee members, noting that the presiding Town's social media policy, P-2022-05, related only to Town staff. Discussion took place which pointed out that a policy governing a citizen's communication on social media, whether that citizen is a Council or committee member, would be considered an infringement of an individual's right to free speech. It was noted that only Town staff post official statements on social media on behalf of the Town, and that Council members represent themselves and not the entire Council or the Town when engaging in social media.

Assistant Town Manager/Town Clerk Sandra Smith explained that the School of Government instructs that either all comments made on social media be comprehensively disallowed or comprehensively allowed, and that no comment may be deleted once posted as it becomes a matter of public record unless it violates issues outlined in the policy. Further discussion pointed out that recourse for violation of the social media policy by staff is defined in the policy, but it cannot be applied to Council members.

It was agreed that members use social media responsibly to reflect their own opinions and beliefs and guard against posting inaccurate or misleading information. No action was taken.

D. Discussion of Elections

Mayor Pro Tem Stone requested that Council agree to cease the practice of self-promotion or endorsement of candidates from the dais during an election cycle. He explained that Council comments carry the weight of authority and influence when spoken from the dais and advocated stepping off the dais to speak as a citizen when endorsing a candidate. Discussion centered around the act of restricting Council comments as an infringement on that Council member's right to free speech.

No action was taken.

Mayor Kinneman called for a 5-minute break at 12:15 p.m. and the meeting was reconvened at 12:20 p.m.

5. CONSIDERATION / APPROVAL OF POLICIES / PROCEDURES REGARDING BOARDS / COMMITTEES

A. Appointments

Mayor Pro Tem Stone requested consideration for developing a hybrid approach to appointing committee members that would blend previous practices with current practices for committee appointments. He explained that the previous process of committee application began with an individual submitting an application to a committee, which would then be reviewed by that committee. If appropriate, the

review process would next elevate to an interview of that individual and, based on positive findings, that applicant would be recommended to Town Council for approval.

In contrast, Councilwoman Schneider later added that the current standard of practice begins with an application submission to the Town Clerk, which is then distributed to members of Council for review. Interested Council members would consequently approach the applicant for discussion of interest level, qualifications and understanding of the committee's purpose and process, and may additionally involve committee chairs in consultation. The decision for appointment is then voted on by Council.

Stone requested consideration of a process that would encourage a greater diversity of thought and ages of volunteers who apply for a committee. Discussion ensued, which centered around validating the process of appointing individuals who support the committee's mission and Council's initiatives. It was pointed out that present committees' makeups were diverse, yet supportive of Town initiatives, and that membership on all committees and boards was more active and abundant than most neighboring towns.

Discussion moved to issues regarding encouraging volunteerism among a wider age group. No action was taken.

B. Standardization

Mayor Pro Tem Stone requested a discussion on standardizing the number of committee/board seats to five regular seats with two alternate seats. Discussion centered around how committees were created and on the scope of each committee's authority and procedures as defined by statute or ordinance. It was pointed out that the committee's makeup was guided in part by their function, some being quasi-judicial and thereby bound by legislative processes, others being Council appointees and still others being ad hoc committees.

Town Clerk/Assistant Town Manager Smith handed out a spreadsheet outlining each of the Town's committees with their membership and other pertinent information regarding that committee. She noted that she managed each committees' member's terms to ensure continuous coverage.

No action was taken.

C. Regular Rotation

Mayor Pro Tem Stone noted that alternate members frequently sit on committees without opportunities to serve or vote as a regular member. He suggested regularly rotating alternates to regular positions to help these members gain more experience on the committee. It was pointed out that many committees already naturally rotate their members due to absenteeism of regular members. Town Attorney Thomas cautioned against intentionally rotating members as it could create a false optic of manipulating votes.

Stone asked that committee chairs proactively engage less active members in the committee's processes. Kinneman suggested instead a rotation in service terms where a regular member would apply as an alternate at the termination of his/her term, allowing an alternate member to apply to be a regular member.

Discussion culminated with the understanding that Council maintained final oversight of committees and boards and that Smith would continue to oversee committee activity to help maintain coverage and balance in rotating alternates onto regular seats. No action was taken.

D. Conflict of Interest Policy

No discussion.

E. Social Media Policy

Previously discussed. See Section 4.C.

F. Minutes and audio / video recording of meetings

Mayor Kinneman and Mayor Pro Tem Stone stated their favor of having audio and/or video recordings of all public meetings and that these recordings be made consistently available to the public. Each stated their wish to provide information from these meetings in the interest of transparency and ease for those unable to attend the meetings.

Assistant Town Manager/Town Clerk Smith pointed out that the Town's website did not have the capability to upload audio or video recordings unless they were produced through a livestream. Smith explained that the School of Government and the state's Division of Archives recommend the destruction of audio/visual recordings once the paper minutes have been approved to avoid having competing minutes where only one set has been officially approved. Town Attorney Thomas explained that with the exception of statutory committees (Planning & Zoning Board, Board of Adjustment, and Historic Preservation Commission), all other committees exist to achieve limited self-government effectively through volunteer committees. He pointed out that Town Council provides final direction and approval for these committees' membership, tasks and procedures, and expectations for record retention. He reiterated Smith's disclosure that retention of audio and video recordings are not legally required once minutes have been approved.

The discussion concluded with an understanding that the requirements and expectations discussed would not apply to the ad hoc Special Events Committee.

No action was taken.

6. CONSIDERATION / APPROVAL OF POLICIES / PROCEDURES REGARDING STAFF:

A. Conflict of Interest Policy

No discussion.

B. Minutes and audio / video recording of meetings

Previously discussed. See section 5.F.

C. Bidding guidelines and specifications

Mayor Pro Tem Stone introduced a discussion of bidding processes and questioned how best to obtain more bids on projects. Councilman Greeson voiced his concern over awarding a bid when only one bid was submitted for consideration, noting that it would be fiscally imprudent to award a project with one bid without completely examining competing opportunities.

Town Manager Bruce offered insight into how bids are requested, reviewed, and recommended to Council for consideration. He stated that efforts are made throughout the process to publicize requests for bids, but extenuating considerations such as dated obligations of grant funds sometimes impact the process. He commented on the challenge of obtaining more than one bid in recent requests.

Councilman Harton stepped out of the meeting at 1:44 p.m. and returned minutes later.

Town Attorney Thomas pointed out that economic constraints from past years had adversely impacted construction projects in terms of supplies and availability of contractors. He reflected that the COVID outbreak had similarly diminished production causing delays and cost increases, and that the large injection of federal funding to bolster infrastructure development and improvements caused an influx of construction demands and a consequent increase of demand on contractors.

Mayor Kinneman stressed that adopting the general practice of taking two meetings to approve a bid would allow for more comprehensive reviews of bids by committees, staff and Council, and also allow time for public comment, pointing out the standard 60-day allowance for responses to bids. He recognized that extenuating circumstances on certain projects could require adjustment to this general practice, but said he believed that adopting this stance moving forward would be helpful.

No action was taken.

7. PUBLIC COMMENTS

- Patti Dmuchowski, 7320 Hidden View Drive, reinforced the existence of diversity in age of committee memberships by noting that a Scout representative sat on the Special Events Committee and a high school student acted as a teen advisor on the Parks & Recreation Advisory Board. She added that minutes from the Special Events Committee meetings were shared with the clerk staff and posted on the website.

- Adrian Eckenrod, 5679 Timber Trace Way, encouraged volunteerism and motivated individuals to offer input rather than simply posting comments on social media. He voiced concern that making recordings of meeting public could stifle creative, brainstorming conversations among members.
- John Jenkins, 6700 Ashton Park Road, noted his concern that recordings of meetings would infringe on members' freedom of free speech.
- Caroline Ruch, 1976 Beeson Road, spoke to the issues of diversity on committees and rotations of members on committees. She expressed that the notion of maintaining diversity among members was not as valid as obtaining the desire to serve, having the ability to serve, and maintaining expertise in serving on a committee. She stated that subjecting members to a rotation schedule could compromise the level of expertise required to carry out the full duties of sitting and voting on issues on a committee. Ruch commented on the discussion regarding the requirement to record meetings and make them public as inappropriate in some committees such as the Special Events Committee. She encouraged attendance at meetings or referring to published minutes for information. She also encouraged more trust in staff and committee chairs to successfully manage committee tasks, and pointed out that volunteering is a difficult task, but those that do are doing so out of a sense of service. She stated that imposing requirements on volunteers would make it harder to retain volunteers. She expressed that she did not believe any of the processes in place to be problematic and in need of reparative solutions.
- Martha Pittman, 8018 Fogleman Road, commented that though she had no problem with recording meetings as they are public and open meetings, she did have a concern over making information available that would not be ready for public consumption. She pointed out that the public assembled at the meeting were the volunteers and committee chairs who represented the major stakeholders in the discussions being held and that they should be informed of the conclusions made, if any, out of the meeting's discussions.
- Spencer Sullivan, 7917 Quiet Place, noted his belief that the established policies and procedures for committees function successfully and were not in need of wholesale changes. He expressed concern with recording meetings as it pertained to the Water Advisory Committee as many technical discussions take place during the meetings which could be subject to faulty comprehension leading to misinformation spread by the public. He stressed that the technically competent committee regularly performed strenuous review and oversight of plans and specifications in making careful recommendations to Council. He commented that switching members around in rotations could create problems.
- John Jenkins, 6700 Ashton Park Road, stressed that members on the Finance Committee were equally sought for input and participation regardless of their status as a regular or alternate member. He noted that the sole difference between the members lay in their ability to vote on an issue. He emphasized that a member's experience is what matters in a committee.

- Ben Walraven, 5931 Pepper Road, cautioned against retaining recordings that are not records required for retention, stating that managing records requests consumes staff manpower hours. He advocated quickly dispensing with data not required for retention while remaining within the guidelines of good governance.

16. ADJOURNMENT

Mayor Pro Tem Mike Stone moved to adjourn the meeting at 2:13 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