



**OAK RIDGE TOWN COUNCIL MEETING
MARCH 4, 2021 – 7:00 P.M.
(Held simultaneously in person and electronically via Zoom)**

This meeting was conducted remotely under N. C. Gen. Stat. § 166A-19.24 by use of simultaneous communication by appearing in person or using the Zoom online platform and in which Town Council members participated by simultaneous communication. Council members were given the choice to meet in person or by remote link due to continuing COVID-19 pandemic concerns. Town Council members who joined by Zoom participated in the entire meeting, unless otherwise noted.

MINUTES

Members Present

Ann Schneider, Mayor
Jim Kinneman, Mayor Pro Tem (via Zoom)
George McClellan
Doug Nodine
Martha Pittman

Staff Present

Bill Bruce, Town Manager
Sandra Smith, Town Clerk
Sean Taylor, Planning Director (via Zoom)
Sam Anders, Finance Officer (arrived at 7:10 p.m.)
Michael Thomas, Town Attorney

1. CALL TO ORDER

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

A. Invocation/Moment of Silence.

Milana Nostrand of BSA Troop 219G offered the invocation.

B. Pledge of Allegiance.

BSA Troop 219G led the Pledge.

2. MAYOR'S STATEMENT CONCERNING THE EMERGENCY

Mayor Schneider read from a prepared statement, explaining that the meeting was being conducted in person with remote participation for those Council members and staff who chose. She said the public had been invited to join either in person or by viewing the livestream, and instructions had been widely publicized. Schneider said agendas were available in the meeting room, and agendas and meeting materials had been posted on the Town website. She said the Town is meeting all statutory requirements while complying with the current Governor's Emergency Order. She stated that all votes would be taken by roll call. She asked that all meeting attendees keep their masks on at all times.

3. APPROVE AGENDA

Councilman George McClellan 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

Councilwoman Martha Pittman moved that the February 4, 2021 regular meeting and the January 21, February 8, and February 10, 2021 special meetings minutes be approved. Councilman Doug Nodine seconded. Via roll-call vote, the motion was passed unanimously (5-0).

5. RESOLUTIONS, PROCLAMATIONS, ANNOUNCEMENTS

Mayor Schneider read a proclamation recognizing members of the inaugural class of female Eagle Scouts from BSA Troop 219G. She presented copies of the proclamation to those female Eagle Scouts who were present at the meeting.

6. REPORT FROM GUILFORD COUNTY SHERIFF'S OFFICE

Town Clerk Sandra Smith presented a report from Lt. Jeremy Fuller of the District 1 office of the Guilford County Sheriffs Office, who was unable to attend the meeting.

7. REPORT FROM OAK RIDGE FIRE DEPARTMENT

Assistant Chief Sam Anders did not have monthly statistics, but he reported that the department had responded to three calls for chimney fires in five days. He advised residents to check and clean their chimneys before using their fireplaces each year. He said crews from the department had been out cutting trees from roadways during the recent icy weather. He urged residents not to cut trees touching any type of wire in case the wire is live. He reported that the station had stayed open despite being without power for more than 24 hours.

8. TOWN MANAGER'S REPORT

A. Board/Committee appointments/reappointments.

Councilman George McClellan moved to approve the appointments of Barbara Engel and Courtenay Harton as full members of the Historic Preservation Commission, and Councilwoman Martha Pittman seconded. Via roll-call vote, the motion was passed unanimously (5-0).

B. Deer Urban Archery Season 2022.

Town Manager Bill Bruce reported that the season in 2022 would be January 15-February 20.

Mayor Pro Tem Jim Kinneman made a motion to approve participation in Urban Archery Season in 2022, and Councilman Doug Nodine seconded. Via roll-call vote, the motion was passed unanimously (5-0).

9. NEW BUSINESS

A. Resolution R-2021-02 to hold a public hearing to remove streets in the Mountain View subdivision from state dedication.

Planning Director Sean Taylor reported that the residents of the Mountain View subdivision had requested the removal of Hidden View Drive from public dedication. He said if the request was approved, the road would be replatted as a private street. He said a multi-step process was required that included Council passing a resolution and then public hearings be held before the Planning & Zoning Board and Town Council. Taylor said the Mountain View residents had submitted a petition with the signatures of all adjoining landowners. He requested Council accept his staff report, which is hereby incorporated by reference and made a part of the minutes, as submitted.

Council questions/discussion:

Councilman McClellan asked if the road would, in effect, become one long cul-de-sac if it were closed to the public. Such a cul-de-sac exceeds what is allowed in the development ordinance, he said. Taylor said yes. McClellan asked if closing the road to the public would restrict access to the Beeson family property, into which it stubs. Taylor said yes. McClellan asked if that could potentially impact the value of the Beeson's property; Taylor said he could not make that determination. McClellan then asked if it could restrict the development opportunities for the Beeson family's property, and Taylor said yes.

Mayor Pro Tem Kinneman asked if the Beeson property was large enough that 50 or more homes could be located on it. Taylor said yes, as the Beeson family property consisted of about 98 acres. Kinneman asked if it could potentially be difficult for the Beesons to have two accesses to their property if Hidden View Drive is closed, and Taylor said yes.

Councilman Nodine asked if the resolution would only require Council to schedule the public hearings. Taylor said yes.

Councilwoman Pittman asked if Hidden View Drive would be allowed as a private street if the request was for a new subdivision. Town Manager Bruce said it would probably require a waiver to be approved. Pittman asked about the language in the resolution, which says that it is the intent of the Council to close the street to public use, and whether that is just required, technical language.

Town Attorney Michael Thomas said that in his opinion, the resolution was not well phrased. Thomas elaborated that the Town is somewhat straitjacketed by the statutory language which calls it a notice of intent to close, and this type of request tended to be used when a road right of way was unused or unopened. He said such a

closing would affect the title of the land because the property had previously been dedicated for public use, but it would now revert to the adjoining landowners. He said it was an unusual situation in that it had remained open all these years and was part of the public road system, although it was currently not up to state standards. He said the Council was required to entertain the request, but it could make the decision now not to schedule the public hearing. He said Council could also hold the public hearing and then make a decision on the request. Thomas said if Council did not feel like closing the road to the public was a good idea, it was not required to move forward. He said the Council could also refer the request to the Planning & Zoning Board for its opinion. He said if he had worded the resolution, he would have done it differently.

Councilman Nodine asked if Thomas thought it was advisable to send the resolution back to staff and have it reworded.

Thomas said that would not be overkill, because it could affect the title of the land.

Town Manager Bruce clarified that the resolution was worded as it was because state statute requires that the Town advertise using that wording. He said even if the resolution had been worded differently, the statute requires the advertisements to be worded a particular way. He said that was what had led to the wording of the resolution. Bruce said he had discussed the issue with Attorney Thomas, who had agreed that the statute was what had created the problem. He reiterated that nothing binds the Council to move forward with a public hearing.

Thomas agreed. He said staff does an excellent job, but he would have worded the resolution differently.

Councilwoman Pittman asked if it could be a problem in the future if Council members approve the resolution, which says it is Council's intent to close the street to the public, but do not approve the request to close the road. Thomas said it would not.

Mayor Schneider asked if it was Thomas's opinion that the resolution could be reworded, but the advertisement would have to include the statutory language. Thomas said yes. She again asked if the Council was at any legal risk if it adopts the resolution saying it intends to close the road, even if it decides otherwise. Thomas said no, that Council was doing as required by statute, but it was a legislative decision on Council's part. He said that Council had gone through the correct process.

Schneider said the Thoroughfare/Collector Street Plan shows a future connection to the Beeson family's property using Hidden View Drive. She asked Planning Director Taylor to explain why the Town ordinance did not allow a cul-de-sac of this length at the end of the road. Taylor said the road was originally approved as a stub road, and that was legal because the plan was to eventually connect to the Beeson property if it is developed. He said a cul-de-sac at the end of a road this length would not be approved, but, in effect, that is what the Town would be creating if it approved the request to close the road to the public.

Schneider asked if approving the closing could create possible problems with safety and emergency access. Taylor said yes, and those issues exist currently.

Mayor Pro Tem Kinneman asked if the development ordinance only allowed streets to be a certain length. Taylor said that applied to cul-de-sacs, but not technically to stub streets.

McClellan asked if agreeing to the request would technically violate the Town's ordinance, and Taylor said yes.

Nodine asked if the Council would ever approve a new request like this since a connection is shown on the Thoroughfare/Collector Street Plan. Taylor indicated it would not.

Schneider said in addition to agreeing to a public hearing, Council could also decide to change the language in the resolution, approve it as is, deny it, or table the matter until it has been considered by the Planning & Zoning Board.

Councilman George McClellan motioned to deny the resolution.

Before a second could be made, Attorney Thomas recommended against the motion because Council would be taking action on the matter without a public hearing. He said he thought Council could table the issue or ask that it be reviewed by the Planning & Zoning Board if a Council member wanted to make that motion, as long as the motion gives that direction. He said he thought that would be better than taking an action in opposition.

Councilman George McClellan made a motion to table consideration of Resolution of Intent R-2021-02 and to send the matter to the Planning & Zoning Board for consideration. Councilman Doug Nodine seconded the motion.

Mayor Pro Tem Kinneman asked for an amendment to the motion. He suggested removing the tabling part and just sending the matter to the Planning & Zoning Board.

McClellan said he wanted to keep the motion as stated. He said he thought the request went against the development ordinance and the Thoroughfare/Collector Street Plan, and it is an infringement on the Beeson family. He said he could not think of a single good reason to close the road for private use.

Kinneman responded that he thought the Council should hear more about the matter. He said he had no problem with holding the public hearing, and that the Town may hear alternate ways on how to deal with the issue.

Councilwoman Pittman said she liked the idea of sending the request to the Planning & Zoning Board for investigation and a recommendation. She said she was also willing to hold a public hearing if it was a valid request. She said she had serious reservations about the validity of the request based on McClellan's comments, but she thought all points needed to be considered. She said she would need to hear convincing arguments and good reasons why the Town should go against its ordinances, and at this point she did not feel the request meets the intent of the development ordinance. She said she thought sending it to the Planning & Zoning Board for input was a good next step.

Schneider said she was concerned about the same issues. She said the subdivision residents' requests to close the road had been going on for many years and she thought it had gotten mired in the process. She said she knew staff had told the Mountain View residents that this would not be an automatic approval, but she did not know if they were aware of the ordinances and the Thoroughfare/Collector Street Plan. She said she knew sometimes there were mitigating circumstances, but she was concerned about what would essentially be a 1-mile-long cul-de-sac. She also said she would want to know that the Hidden View Drive residents had worked with all the adjoining property owners so neither the ordinances nor any landowners' rights were trampled on.

By roll-call vote, Council's vote in favor of the motion was unanimous (5-0).

B. Conservation Easement Committee priorities.

Mayor Schneider said the Conservation Easement steering committee had presented its report in January. In order to move forward, she said she thought Council needed to consider creating a committee to facilitate the plan. Council also needs to discuss budgeting the \$20,000 recommended by the steering committee in next fiscal year's budget.

Councilman George McClellan moved to appoint a committee to oversee the conservation easement program and to recommend to the manager to include up to \$20,000 for the easements in next fiscal year's budget. Mayor Pro Tem Jim Kinneman seconded the motion.

Councilman Nodine asked how the committee derived the \$20,000 figure.

Town Manager Bruce said the committee had analyzed the typical costs for establishing historic preservation and conservation easements, which could include legal fees, surveying, closing costs and management fees from the holding agency. He said \$20,000 would support 1-3 easement acquisitions per year, depending on the size of the property and other factors. He said the idea was that each year, the fund would be seeded with a certain amount of money and the committee would choose how many easements to fund that year.

In response to a question from Nodine, Bruce said costs would essentially be the costs of administration and could include legal fees, closing costs, survey fees, and annual fees to the group acquiring and managing the easements, such as the Piedmont Land Conservancy. He said there would be a one-time fee to establish an easement, to have the documents prepared and to close on it.

Councilwoman Pittman explained that the money was more like a grant, and the Town would be assisting the property owner.

Bruce said there is also a management fee that land conservancies typically charge. Schneider added that it is a one-time fee, which covers the easement in perpetuity.

Mayor Pro Tem Kinneman asked if the Committee would have to get permission from Council before an easement is approved. Bruce said that it was Council's discretion if it wants final approval of the easement grants. Kinneman said he thought Council should have final approval for at least the first couple of years.

Nodine asked if there was any obligation on the part of the Town. Schneider said the Town would only be facilitating the establishment of the easement, and then the Town no longer has anything to do with it other than an ongoing interest.

Pittman said she understood after costs such as legal fees and surveying were paid, a percentage of the value of the land would go to the monitoring organization, which would hold it against any future monitoring costs.

Bruce agreed and said the fee goes toward the monitoring organization's responsibility of management, which he said is not the Town's responsibility.

Nodine asked if the property owner would pay anything, and Bruce said no. Nodine asked if the property owner would get the tax benefit, and Bruce said yes.

Schneider pointed out that the Strategic Plan includes a goal to help set up historic preservation and conservation easements. She said the program would be of interest to someone who might want to ensure the preservation of their property for future generations.

Nodine said the usual inducement is immediate tax benefit, and Schneider pointed out that the easement reduces the value of the land immediately.

After additional conversation and questions, Nodine said he did not think Council understood everything, but it sounded like a good idea overall and he would support it.

Schneider said the Committee will work with staff and Council and that Council will assess the program each year and plan accordingly. She said she thought residents had asked Council to be proactive in this area.

Council's roll-call vote in favor of the motion was unanimous (5-0).

C. Voluntary annexation.

Bruce reported that another one of the goals of the Strategic Plan was to develop a plan for future voluntary annexations. He presented a memo and a map of the area, which is hereby incorporated by reference and made a part of the minutes, where possible voluntary annexation could occur since the 20-year moratorium on Oak Ridge's boundaries had expired.

McClellan pointed out that all annexation done by cities and towns must now be done voluntarily.

Pittman said she had discussed the issue with Bruce, and that there were about 700 acres in the area that might one day be part of Oak Ridge. She said each time a property is annexed into the Town, more properties are eligible since the Town boundaries grow. She said she understood there was at least one party now interested in being voluntarily annexed.

Bruce pointed out that in order to be effective for the next fiscal year, any annexations need to be completed before July 1.

Town Attorney Thomas noted that there were several steps that had to be taken by staff including verification for eligibility by the Town Clerk, followed by title searches and preparing a description of the metes and bounds to create the perimeter of the area to be annexed. He said that must all be completed by June 30 to be effective for the next fiscal year. Although the Town has annexed properties in the past, he said, if it wanted, the Council could just create an annual deadline and continue to accept voluntary annexation petitions from property owners every year. He suggested a May 1 deadline to allow staff time to take the necessary steps.

Councilman George McClellan moved to adopt a voluntary annexation policy as presented to include the ETJ and the voluntary annexation area shown on the map with an open enrollment period lasting until May 1 for fiscal year 2021-22. Petitions received after May 1 each year will be considered for annexation the following fiscal year. Councilwoman Martha Pittman seconded the motion. Via roll-call vote, Council's vote in favor was unanimous (5-0).

D. Water scope of work to be submitted for receipt of allocated funds.

Bruce presented a memo and associated documents, which are hereby incorporated by reference and made a part of the minutes, for submittal to the state for the Town's \$1.154 million water appropriation.

Councilwoman Martha Pittman made a motion to approve the scope of work and annual budget as presented for the state grant of \$1.154 million. Councilman George McClellan seconded the motion.

Council members McClellan and Kinneman expressed approval in order to take advantage of the state funds.

Nodine said he had never been enthusiastic about a water system, and it seemed as if the Council were asking the state for approval to spend funds when it did not even know what the costs were going to be. He said the Town had been asking for concrete numbers for a year and had yet to receive them. He said he thought it would be foolish and a bad practice to spend money without knowing the total costs.

Pittman noted that this was not a commitment to spend the money, but was a thoughtful process on how the money might be spent.

Schneider said she wanted to clarify that the goal is to gain access to the funds. She said the deal on purchasing some existing community wells might not go through and the Council may not approve a water system, but if it did, she wanted to use the money from the state to benefit Oak Ridge citizens. She said Council had recently appointed members to a Water Advisory Board, and if purchasing the wells does not happen, the advisory group could be used to help understand other strategies. She said because of the state deadline, the move suggested would allow the Town to move forward on multiple tracks.

Via roll-call vote, Council voted 4-1 in favor of the motion (Nodine against).

E. Veterans site presentation.

Caroline Ruch, vice chair of the Special Events Committee, presented a report and showed slide presentation on the proposed design for the veterans memorial. The slide show is hereby incorporated by reference and made a part of the minutes

Councilman George McClellan motioned to approve the final conceptual design of the veterans monument site. Councilwoman Martha Pittman seconded the motion. Via roll-call vote, Council's vote in favor was unanimous (5-0).

10. 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 approval of a budget amendment to include \$6,150 for unemployment and \$4,940 for web hosting.

Councilwoman Martha Pittman moved to approve budget amendments to cover the increase in unemployment for Administration and Parks & Recreation Department employees and to increase the amount for web hosting for a total of \$11,090. Councilman George McClellan seconded. Via-roll call vote, the motion was passed unanimously (5-0).

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

11. PUBLIC COMMENTS

- Town Attorney Michael Thomas said it was an honor to be present when members of the first class of female Eagle Scouts was recognized. He said it was a tradition at Eagle ceremonies that the presiding officer ask all Eagle Scouts present to stand. Mayor Schneider said she was unaware of the tradition and asked all Eagle Scouts attending the meeting to stand, and Thomas stood.
- Town Clerk Sandra Smith read a comment submitted by Northwest High School seniors Caroline Howard and Hishi Ulak regarding their fundraising efforts for the Leukemia & Lymphoma Society.

12. COMMITTEE REPORTS

A. Finance Committee.

Chairman John Jenkins reported that the committee's first meeting of the year was March 1, and he was pleased to announce that the Town has more revenue than anticipated. He said the next meeting is March 15 at 6 p.m. It will be held virtually, and Jenkins invited the public to attend.

B. Water Advisory Board.

No meeting

C. Historic Preservation Commission.

Vice Chair Caroline Ruch reported on the Commission's February 15 meeting in which it approved a Certificate of Appropriateness (COA) for a change of paint color at Oak Ridge Swim Club. A COA for a residence was continued, and Ruch and Chair Debbie Shoenfeld attended a design review meeting with the applicant and staff.

D. Planning & Zoning Board.

No report

E. Mountains-to-Sea Trail.

Smith read the report, which is hereby incorporated by reference and made a part of the minutes.

F. Special Events Committee.

Vice Chair Caroline Ruch reported on the group's activities on the veterans monument regarding plans for fundraising and sponsorships. She said the committee has raised \$8,399 so far, and she promised updates as the process continues.

G. Parks & Recreation Advisory Board.

Town Clerk Smith read the report submitted by co-chairs John Garrett and John Browning, which is hereby incorporated by reference and made a part of the minutes.

13. COMMUNITY ORGANIZATION REPORTS

A. Oak Ridge Elementary School.

Smith read a report from Penny Loschin, school principal, which is hereby incorporated by reference and made a part of the minutes.

B. Oak Ridge Youth Association.

No report.

C. Oak Ridge Military Academy.

No report.

14. COUNCIL COMMENTS

15. ADJOURNMENT

Councilman Doug Nodine made a motion to adjourn the meeting at 9:16 p.m., and Councilman George McClellan seconded. Via roll-call vote, the motion was passed unanimously (5-0).

Respectfully Submitted:

