

Mayor & Board of Aldermen –Special Call Meeting, Immediately following Work-Session

Meeting Minutes

- August 26, 2024

Present: Mayor Michael Brown
Vice Mayor Wiggins
Aldermen Frank Cates, Jeff Fisher, Debbie Hummel & Ken Sutton

1. Call to Order

Mayor Brown called to order.

2. Prayer and Pledge of Allegiance

3. Establish Quorum

All were present.

4. Business: Kroger Company Design Review Appeal

A motion was made by Alderman Sutton to hear. Vice Mayor Wiggins seconded the motion. All in favor, none opposed. The motion carried.

Vice Mayor clarified this is an appeal process, a *motion to accept* the Design & Review Boards recommendation “*means Kroger would have to go back to the drawing board*”, where a *motion to reject* the Design Review Boards recommendation *will allow Kroger to proceed*. Attorney Minor stated that was correct, adding that it’s an “up or down vote” according to the procedures of the guidelines.

Hayes Laughlin and Christina Hall were in attendance representing the Design Review Commission. Alderman Cates requested Mr. Laughlin to repeat his comment made in the work-session (previous to this Special Call Meeting) regarding the amendment submitted by Kroger Company to the Mayor and Board dated August 20, 2024. Mr. Laughlin stated until now, he had not seen the information dated August 20, 2024, however based on the brick Kroger added tonight he felt the Design & Review Commission may reconsider its decision at their September 3rd meeting.

Alderman Fisher pointed out that once the issue was tabled at the August 15, 2024 meeting, Kroger reconsidered and is now submitting an amendment at the appeal hearing, which is not the process.

Planning Director Courton reiterated Mr. Laughlin’s comment; the August 20 submission could be presented at the DRC’s next meeting (September 3rd) allowing them to reconsider their past decision, which must be determined at the start of the meeting and requiring an “up or down vote”. In doing so they may reconsider the new elevation submitted Aug. 20th, or possibly, hear it and determine to uphold their August 6th decision. While there is no guarantee of the decision, he interjected it could prove favorable.

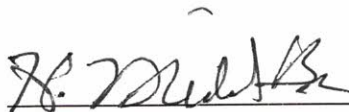
Attorney Minor stated the appeals language says, "the Board at this hearing, *shall* consider the record and any other evidence that maybe pertenate or requested, and shall either approve or disapprove". He pointed out that "any other evidence" could be interpreted as, this hearing is on the record and being recorded; and, the Kroger representative has come before the Board on the appeal with a written document committing to add the brick. Attorney Minor stated the building plans being submitted with an inconsistent building permit; the building permit could be denied.

Alderman Sutton made a motion to "accept the build with a new condition that Kroger presented tonight". Alderman Hummel seconded the motion. All in favor, none opposed. The motion passed.

5. Adjournment

Motion made to adjourn by Alderman Cates.

Date August 26, 2024



H. Michael Brown, Mayor



K. Yvonne Bullard, Town Recorder

CONTEXT OF DISCUSSION: (Taken from August 15, 2024 Regular Meeting)

Oakland's Planner Ed Courton stated Kroger Company was appealing the Oakland Design and Review Commission's (DRC) decision dated August 6, 2024, regarding additional brick. Mr. Courton stated the Board was also presented with records and minutes from July 2 and August 6, 2024 DRC meetings, earlier in the week. He pointed out DRC based their decision on the DRC Guidelines. The first step of the DRC's review is found on page 8, section 2 Architectural Character – talking about exterior building treatments. Reading the Guidelines, the portion dealing with primary materials (75% factor) with exterior walls, exclusive of all windows, doors, roofs and walk-way covers SHALL be materials such as clay brick, stone, marble, limestone or natural wood. The next 2 paragraphs provide flexibility, which the state allows. On a case-by-case basis, the DRC MAY consider alternative materials by a design professional. Mr. Courton stated the DRC offered Kroger Company the compromise of increasing the brick percentage from 5% to 30%. Kroger Company chose to file an appeal instead, that was presented at the August 15, 2024 Regular Board Meeting.

Mr. Courton reiterated to the Town of Oakland Mayor and Board of Aldermen, the appeal must be denied or approved. Approving the appeal is approving Kroger's July 12, 2024 Building Elevation. In denying the appeal, the motion established by the DRC stands.