



**OAK RIDGE HISTORIC PRESERVATION COMMISSION MEETING  
JUNE 12, 2013 - 7:00 P.M.  
OAK RIDGE TOWN HALL**

**MINUTES**

**Members Present**

Ann Schneider, Chair  
Mac McAtee  
Ann Pitz  
Michelle Ungurait, Alternate (Sitting)

**Staff Present**

Sandra Smith, Town Clerk/HPC Staff

**Members Absent**

Debbie Shoenfeld, Vice Chair  
Ron Simpson  
Jim Kinneman, Alternate

**1. CALL MEETING TO ORDER**

Ann Schneider called the meeting to order at 7:00 p.m.

**2. APPROVE AGENDA**

**Mac McAtee** made a **motion** to approve the meeting agenda. **Ann Pitz** seconded the motion, and it was passed unanimously (4-0).

**3. APPROVE MINUTES OF MAY 8, 2013, MEETING**

**Ann Pitz** made a **motion** to approve the May 8, 2013, meeting minutes. **Mac McAtee** seconded the motion, and it was passed unanimously (4-0).

**4. NEW BUSINESS**

- **Request for COA:** Oak Ridge Fire & Rescue Company, 8325 Linville Road, Oak Ridge, NC 27310, requests a COA for modification of an existing sign. Guilford County tax parcel number 0165642. Zoning classification RS-30.

Schneider said this was a revised version of the COA application and that the case had been continued from the May 8 meeting. Schneider said the Design Guidelines state that they are designed to provide recommendations for the aesthetics of development in the historic district. They establish criteria for the Historic Preservation Commission to use in its review of applications for Certificates of Appropriateness. Schneider said the Guidelines also state that the job of the Commission is to approve or disapprove applications from property owners who wish to make changes to properties that are locally designated landmarks or are in locally designated historic districts to ensure that inappropriate changes are not made.

Schneider added that the procedures established for the Commission say that their role is to be impartial, not to express individual opinions, but to consider the evidence, apply the standards established in the Design Guidelines, make findings of fact, and render a decision accordingly. The HPC can approve, disapprove or continue consideration of a COA, but a decision must be made within 180 days from the date of the application.

In order to maintain impartiality, Schneider said it was important to ascertain whether any sitting HPC member has a conflict of interest. She asked if any of the seated HPC members had any fixed opinions; if they had undisclosed, ex parte communications with or about the applicant; if they had a close family, business or other relationship with the applicant; or if they had a financial interest in the outcome of the COA. Board members said they had no such conflict.

Schneider asked the applicant to be sworn in to present the case. Town Clerk Sandra Smith administered the oath to Fire Chief Steve Simmons.

Simmons said he had realized about two years ago that the fire department had a need for a way to get information to the public. Although the local paper does a great job, a changeable message board appeared to be the best option. Simmons said his idea was to modify the existing sign and add a changeable message board, and he had been working with Stewart Signs on the concept. Knowing that he would have to meet local and county ordinances, he had spoken with Town Manager Bruce Oakley and Town Planner Bill Bruce. He had also spoken with Danny Yanusz about the lighting of the sign. Simmons said it was his hope that the fire department would be able to move forward with the project and get messages regarding safety as well as events out to the community.

Simmons said he believed the COA application (which is hereby incorporated by reference and made part of the minutes) contained some good basic information, and said he had since obtained samples of materials for the HPC to view. Schneider invited Simmons to bring the samples forward, and he presented samples of the color for the red background and gold lettering for the top of the sign and a sample of the color and material to go on the top of the sign. Simmons said the material for the sign's top matched the roof of the building and blends it in with the building.

McAtee asked if the Town could retain the samples as part of the record, and Simmons said yes. Simmons said the sign will be manufactured and shipped, and the fire department will do the work of cutting out the middle brick portion of the sign and installing the new sign inside it.

Simmons had submitted photographs of the existing sign with the application, and said the intent was to remove the center brick portion between the two columns. The row of brick across the top would be saved and used again because otherwise there would be a gap between the columns and the sign; those bricks would be used in that area to take up about 3 inches and reduce the size of the gap. There would also be mounting brackets on the bottom of the sign and on each side to hold the sign in place; Simmons said he did not know the exact size of those brackets. He said he could "adjust" the height of the sign depending on how many rows of bricks he leaves in at the bottom but, as the drawing shows, the height of the entire sign would be no more than 6 feet.

McAtee asked where the 6-foot height was measured from; Simmons said flower bulbs had been planted in front of the sign a couple of years ago, which actually grew taller than he would like. Over the years, the mulched flower bed had increased in height and spread out. He said he planned to move the bulbs to another location. McAtee asked if the height measurement was from the regular ground surface, and Simmons said yes, although he added that the yard is sloped in that area, so one side would be built up slightly. He said he planned to leave a little mulch around the sign, just enough to help camouflage the light fixtures. He added that a cut sheet of the light fixtures had been included in the application. The lighting fixtures had been recommended by Yanusz, who had suggested the same type as are used at the State Employees' Credit Union. McAtee asked how far from the sign the light fixtures would be placed, and Simmons said he did not know yet; he would need to turn them on at night and place them in the appropriate location. Simmons said there are two bushes on the sides of the sign that would remain where they are.

McAtee asked if the fire department is considered a governmental entity, and Simmons said they are quasi judicial. Schneider said the department is also a nonprofit, and Simmons agreed, saying they are organized as a 501(c)(3) corporation. McAtee asked who owns the property, and Simmons and Oak Ridge Fire & Rescue, Inc. Schneider said she had noticed the name on the bylaws is Oak Ridge Fire & Rescue but the current sign said Oak Ridge Fire Department. Simmons said there had been a tremendous amount of confusion, but the organization had been advised by an attorney at some point that if it wanted to perform rescue operations, then the word "rescue" needed to be included in the official name. Simmons said they were OK with either name being used on the sign, but the official name is Oak Ridge Fire & Rescue, Inc. McAtee asked who the fire department answers to, and Simmons said they have a board of directors. McAtee asked if they answered to the Town Council; Simmons said no, because they were not affiliated with the Town, other than they had contracted with the town to provide service. They also have a contract with Guilford County to provide services in the Oak Ridge Fire District. The property technically belongs to the taxpayers, Simmons said. McAtee said he was just trying to clarify if the fire department is a government entity.

Schneider said she noticed there was no logo on the new sign, and Simmons confirmed that was correct.

McAtee asked what the white portion of the sign was made of, and Simmons said it was plastic. In response to a question from Schneider, Simmons said the entire sign was metal with the exception of the white plastic area. He added that it is a "vandalism proof" sign with plastic or Plexiglas doors that raise up to allow the message to be changed and that are lockable.

Regarding the light fixtures, Simmons said they come with a standard bulb but Yanusz had recommended a different bulb be installed. The fixture itself has a brushed bronze-type finish and is very similar to what is at the credit union. Simmons said he planned to install a small concrete pad for each of the fixtures to be mounted on.

*Board discussion:*

Schneider asked if anyone had any questions or concerns about the eligibility of the COA application. Hearing none, she reminded HPC members that one of their jobs was to ensure that the application was complete; if not, they could choose to disapprove it and

ask the applicant to reapply, or continue the case. She directed HPC to the section of the Design Guidelines on page 34 that address signage, and reminded them that the Guidelines are more restrictive in the Historic District than elsewhere in Town, that signs are to be more specific in type to the building to which they are associated as well as fewer in number, smaller in size, and more limited in the use of illumination. The sign's location, size, materials, graphics, scale, color, supports, lighting and character need to be considered.

McAtee asked Simmons if there are any other freestanding signs on the fire department property, and Simmons said no. Simmons also supplied several other photos of the existing sign (which are hereby incorporated by reference and made part of the minutes) that were taken from further away, some of which also show the mulch bed, trees and the part of the building.

Schneider said the existing sign is handsome and very much in keeping with the building; she said she appreciated the fact that the existing brick was being incorporated in the new sign. She asked HPC members if they felt the proposed sign was compatible in terms of scale, even though it is a little taller than the existing sign. She also asked if it was compatible in terms of material, color and overall character; McAtee said he thought it was, because the department has red fire trucks with gold lettering, the sign has the same green metal roof as the building, and the same bricks are being used. Pitz said she felt like the green metal top was congruent with the roof of the building. Schneider said the bricks were of a historic material, the metal was congruent, and the plastic portion of the sign was a necessity.

McAtee asked Simmons if there would be landscaping to camouflage the lighting fixtures, and Simmons said there would be some mulch around them but that he would need to look at the fixture instructions to see how close they could be placed to combustible materials and how hot they get. Simmons said he did not want the concrete pads that the lights are mounted on to be seen and that he wanted to keep the lights as low to the ground as possible. McAtee asked if anything would be placed in the area; Schneider said sometimes there are some low bushes or something like that. Simmons said he would likely stay away from a flower, but said some type of low evergreen, perhaps a Blue Rug juniper, might be used. McAtee asked if Simmons would agree if that were added as a condition, and Simmons said yes.

Schneider said the Design Guidelines do say to conceal undecorative features, except for those used temporarily. While the fixtures are designed to be unobtrusive, they are not decorative, Schneider said, adding that it would be nice to camouflage them as a way of concealing them.

In review, Schneider asked if HPC members felt they had complete information on the sign's size and on materials and their appropriateness, and HPC members indicated they did. She asked about the graphics, and Pitz said they seemed to be in keeping with what is seen on fire trucks. Schneider said the scale, color and supports seem appropriate, the lighting wattage is low, and the fixture is the same as another one in the Historic District and seems appropriate. She said there had been discussion about concealing the light fixture with some plant material.

McAtee said he was looking at the part of the Guidelines that say it is not appropriate to use plastic signage. Schneider said the sign does have plastic in it, and McAtee said he could see no other way to accomplish what the applicant wants to do without its use. Pitz said she didn't see how a changeable message sign could be installed without using plastic unless electronics were used; she added that she did not think that would be a better solution. Schneider said she felt the intent of the Guideline was to prevent the use of entirely plastic signs; in looking at what is being proposed, Schneider said she did not think the sign was predominantly plastic. McAtee agreed. Schneider also said it was consistent with the sign at Oak Ridge Elementary School, which is also in the Historic District. Michelle Ungurait said in reviewing the Guidelines, she thought the intent was to avoid using all plastic signs, even though it does not come right out and say that. Ungurait said she thought the type of sign selected would have easy upkeep. Schneider said acrylic that is used today is almost like glass, so she would not be concerned about it being the type of plastic that is considered inappropriate. Schneider asked if the Sherwin Williams sign is plastic or acrylic, and Pitz said she thought it was plastic although she hadn't actually touched it.

Schneider said she felt the brick surround was an important feature, and she might have questioned the appropriateness of the sign without it. Simmons agreed, saying he had considered that in designing the sign. McAtee said governmental signs do not fall within the Historic Guidelines. Simmons showed HPC an earlier version of the sign's design, which had a bigger gap between the brick and the sign and also had a curvier top on it; he said he had asked for the top to be changed because it did not seem consistent with the roof of the building. Pitz agreed that what was presented as more in keeping with the building.

Pitz said she knew there was wording in the Guidelines about plastic signs, but she did not feel the intent of what was being presented was to create a plastic sign; rather she thought plastic was being incorporated in order to give the sign a specific purpose. She said she thought that it fell in line with other signs that currently exist in the Historic District, and McAtee agreed.

Schneider confirmed that HPC felt the materials seemed appropriate despite the use of some plastic because it is a higher-grade acrylic, it is being used for a purpose, and it is not the predominant material.

McAtee requested that it be noted in the record that no one in the audience seemed to be in objection to the sign.

**Ann Pitz** made a **motion** to approve the COA with the following conditions: (1) That groundcover plantings be installed in order to conceal, as much as possible, the light fixtures at the base of the sign; and (2) That the sample materials submitted by the applicant be the same materials that are used when the sign is constructed. **Mac McAtee** seconded the motion, and it was passed unanimously (4-0).

## 5. OLD BUSINESS

**A. Town Council report.** Schneider said a report was not given at the last Town Council meeting.

- B. **COAs approved/reviewed at staff level.** Sandra Smith reported that there had been none in the previous month.
- C. **COAs approved but not completed.** Smith said Carolyn Brown had not yet planted trees in connection with her approved COA due to the weather, but she was aware that it needed to be done.
- D. **Other.** Schneider asked Smith if there was any update on the CrossFit case. Smith said the Town had been served with notification that the case was being appealed to Superior Court. Smith said she would notify HPC members when a court date had been set.

## 6. CITIZEN COMMENTS

- Ungurait asked if the Town had any kind of noise ordinance. Smith said yes, although it did not fall under the HPC. She said the Town had largely adopted the County noise ordinance with minor revisions, such as allowing a cannon to be fired at Oak Ridge Military Academy. Ungurait mentioned excessive noise by a neighboring property owner heard at the park in the evenings, and Smith suggested Ungurait speak with staff regarding particular times when noise seemed to be excessive.
- McAtee said the Town may need to look at the ordinance in regard to if someone brought in a large amount of dirt and wanted to place a sign on top of it. He said he thought the wording should say something about the height of the sign would be measured from natural ground level in order to prevent that from happening. Schneider said she thought that would be disapproved by HPC, because the mound of dirt would have to be approved as part of a landscaping plan. Smith said building up the area under the sign was addressed by the Town sign ordinance, which states that the height of a sign must be measured from the level of the road or natural ground level.

## 7. UPDATES

- A. **Quasi-judicial procedure review.** Schneider said she had made a statement at the beginning of the meeting regarding conflict of interest, and she felt it was important to make that statement at each meeting. She said she thought it was important to note exactly what is considered a conflict of interest. Regarding ex parte communication, Schneider noted that it included not only communication with the applicant, but about the applicant. She said conflict of interest also included coming into a hearing with a fixed opinion, and she thought it was important that the Commission be impartial. Conflict of interest also obviously includes a financial interest, she said.

Schneider said she wanted to continue to do some type of continuing education with the Commission, and she had spoken with a member of the Greensboro HPC about possibly partnering with them on training. She also encouraged HPC members to attend training sessions put on by the state.

Pitz said she thought it would be good to share materials with other members of the HPC. Schneider said perhaps HPC members could fill a section in their binders with information, such as on what a conflict of interest is. The section would not be intended to be comprehensive, she said, but would serve as a reminder to Commission members.

Smith said Town Manager Bruce Oakley had also suggested the Commission attend Greensboro HPC meetings and said that information could be obtained from watching another quasi judicial board. Smith said she had a list of Greensboro HPC's meeting dates; she had also contacted their staff about the possibility of the Commission attending their meetings. Smith said she had also communicated with Greensboro HPC staff about the possibility of joint training, and they were very receptive to the idea. Schneider summarized that the HPC had discussed:

- Attending a Greensboro HPC meeting and/or attending joint training with Greensboro HPC,
- Addressing various points about quasi judicial proceedings at each meeting,
- Sharing materials regarding quasi judicial procedures,
- Perhaps building up a section in the HPC binder on quasi judicial procedures.

- B. Budget update.** Schneider said the Commission would spend nearly all its 2012-13 budgeted funds soon when it orders three historic markers. She also announced that the 2013-14 budget was approved recently by the Town Council; HPC received its full budget request, which included money for three more historic markers, a display case, communications, training and educational materials.
- C. Historic inventory/Markers.** Schneider said there was inaccurate information given regarding the number of characters allowed on each sign. She presented the most recent edited version of the proposed marker text from the subcommittee, and it was discussed by the Commission and approved by consensus. The text will be submitted to the Town Council for approval, and then the markers ordered before the end of the fiscal year on June 30.
- D. Communications outreach.** Schneider said she would like to wait until the markers have been ordered and then talk to the Northwest Observer about what type of coverage they might be willing to give on the marker locations prior to another ad being purchased.

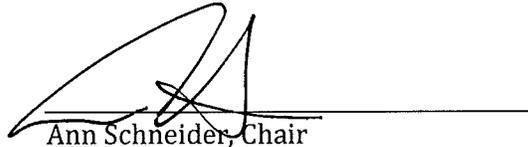
## 8. ADJOURNMENT

**Ann Pitz** made a **motion** to adjourn the meeting at 8:04 p.m. **Mac McAtee** seconded the motion, and it was passed unanimously (4-0).

Respectfully Submitted:



Sandra B. Smith, Town Clerk



Ann Schneider, Chair