



**OAK RIDGE TOWN COUNCIL MEETING
MARCH 1, 2012 - 7 P.M.
OAK RIDGE TOWN HALL**

MINUTES

Members Present

Ray Combs, Mayor
Roger Howerton, Mayor Pro Tem
Danny Yanusz
George McClellan
Spencer Sullivan

Staff Present

Bruce Oakley, Town Manager
J. Michael Thomas, Town Attorney
Sam Anders, Finance Officer

1. CALL TO ORDER

Mayor Ray Combs called the meeting to order at 7 p.m.

A. Invocation

Mayor Pro Tem Roger Howerton led the group in a moment of silence

B. Pledge of Allegiance

2. APPROVE AGENDA

Councilman George McClellan made a **motion** to approve the March 1, 2012, agenda with the addition of Old Business 7B: Cell Tower. **Councilman Spencer Sullivan** seconded the **motion** and it was passed unanimously (5-0).

3. APPROVE MINUTES OF FEBRUARY 2, 2012, MEETING

Mayor Pro Tem Howerton made a **motion** to approve the minutes of the February 2, 2012, meeting. **Councilman Sullivan** seconded the motion and it was passed unanimously (5-0).

4. RESOLUTIONS, PROCLAMATIONS, ANNOUNCEMENTS

There were no resolutions, proclamations or announcements.

5. TOWN MANAGER'S REPORT

Town Manager Bruce Oakley presented:

- The town will again open a period of time through May to accept voluntary annexation petitions. The town recently received an annexation petition from Guilford County for 63 acres of open space just outside the town border that will eventually be called Cascades Park. Individuals have also requested permission to be able to be annexed into the town.

Council agreed by consensus.

- Individuals recommended for the Pedestrian Plan Steering Committee – Jane Foy, Bill Edwards and Randy Floss.

Councilman McClellan made a **motion** to appoint these members to the Pedestrian Planning Committee. **Mayor Pro Tem Howerton** seconded the motion and it was passed unanimously (5-0).

- The N.C. Wildlife Resources Commission had asked if the town would like to renew the Urban Archery Season, which allows the period of time bow hunters can hunt deer each season within town limits with the permission of the property owner. The season will run Jan. 12-Feb. 16, 2013.

Mayor Pro Tem Howerton made a **motion** to renew Urban Archery Season in the town for 2013. **Councilman Sullivan** seconded the motion and it was passed unanimously (5-0).

- A recommendation to move the November 1, 2012, Town Council meeting to November 8, 2012, to accommodate early voting in the town hall.

Councilman McClellan made a **motion** to change the November 1, 2012, Town Council meeting to November 8, 2012. **Councilman Danny Yanusz** seconded the motion and it was passed unanimously (5-0).

6. NEW BUSINESS

- **Site Plan Case #12-02-ORCP-00351. Oak Ridge United Methodist Church Expansion.** Oak Ridge United Methodist Church requests approval of a 28,317 square foot expansion. Located at 2424 Oak Ridge Road in Oak Ridge Township. Guilford County Parcel # 0163172. Zoned PI, Greensboro (WS-III) Watershed, Scenic Corridor Overlay Zone. Engineer: Michael Westcott.

The applicant requested to continue the case until the next council meeting, but Mayor Combs requested council's vote on excusing two council members from voting when the case is heard because of potential conflict of interest.

Mayor Pro Tem Howerton made a **motion** to excuse Councilmen George McClellan and Spencer Sullivan from voting on the matter, as they are members of the church. **Councilman Yanusz** seconded the motion and it was passed unanimously (5-0).

7. OLD BUSINESS

A. ORYA Agreement

Councilman Yanusz made a **motion** to approve the agreement with ORYA, which is the same as in the past with the addition of lacrosse and use of the parking lot.

Mayor Pro Tem Howerton seconded the motion and it was passed unanimously (5-0).

B. Cell Tower

Mayor Combs said American Tower had approached the town and presented a site plan to build a cell tower, which was approved by the town. However, what was presented at the meeting was not what had been constructed. The town attorney asked the company to present a plan to bring the tower into compliance with the town's requirements and what had been agreed to. The town received the plan, which is available for review at town hall, on Feb. 29. After discussion of the matter, council could take action, if desired.

- **Mayor Pro Tem Howerton** said he specifically asked American Tower's attorney on the night the plan was approved if the drawings presented were what was going to be built in Oak Ridge, and he said yes. The constructed tower has about half the limbs that were shown on the drawings presented to council. Howerton said he didn't like to be promised something and then not have it fulfilled, and that he was not pleased with the result.
- **Councilman Yanusz** agreed with Councilman Howerton, saying the town was asking American Tower to build the cell tower as it had been presented. Photographs of a similar tower supplied by the company show that such construction is possible.
- **Councilman McClellan** said he was not a member of the council when the plan was approved, but said from his understanding the company had outright lied to the town. McClellan said he believed the company should not be allowed to have electricity at the site because the company had violated business ethics and lied. If he had his way, the tower would be torn down and reconstructed.
- **Councilman Sullivan** was also not a member of the council at that time, but said he had studied the original plan and that it was clear that what had been presented was not what had been built. Either unintentionally or by design, American Tower had misrepresented its plans to the town. The revised plan submitted to the town falls short and does not provide enough information for the town to have any confidence that the company will do what it verbally agrees to. He agrees with other council members that the town needs to seek a remedy through due process.
- **Mayor Combs** said when the town is told something will be done and it is not, the town will continue to be pushed if doesn't respond in a manner that will garner attention.

Councilman Sullivan made a **motion** to instruct the Town Manager to begin zoning enforcement procedures against American Tower. **Councilman McClellan** seconded the motion and it was passed unanimously (5-0).

8. CITIZEN COMMENTS

Amy Lindley took the podium:

- Announced plans to open a charter school in northwest Guilford County
- Lived in northwest Guilford County all her life; gave her credentials and background
- Owns Lindley Habilitation Services
- The company's educational division currently provides free tutoring services in Title I schools, trains teachers and staffs five classrooms for the Cerebral Palsy Association at McIver Education Center
- Plans to hold informational meetings and the group is looking for temporary locations to house the school for the first year

Robyn Varga took the podium:

- 11-year resident of Oak Ridge
- Gave her credentials and background
- Has been working with Lindley to gain community interest and support for a new charter school in this area
- They have created an online survey and are gathering opinions

Doug Nodine, president of Preservation Oak Ridge, took the podium:

- Completed the stabilization phase of the Ai Church renovation; beginning to work inside
- Continuing to fundraise: Have completed cookbook in cooperation with Old Mill of Guilford, which is now available for purchase; yard sale planned for the spring; auction dinner scheduled for Oct. 13; will be involved in Belk's charity sale April 21 and tickets are for sale

9. MONTHLY FINANCIAL REPORT

Finance Officer Sam Anders presented:

- Strong cash position
- Net assets of \$3.07 million
- Normal activity in previous month
- Large civil penalty assessed on clear-cutting issue on Fogleman Road has been received; 90 percent of the amount collected turned over to the county school system per state law
- Continuing to work on draft 2012-13 fiscal year budget

In response to questions from Mayor Combs, Anders said he had not heard anything concrete about amounts the county might charge the towns for services in 2012-13 or tax revaluation amounts.

Councilman McClellan made a **motion** to accept the financial report. **Mayor Pro Tem Howerton** seconded the motion and it was passed unanimously (5-0).

Oakley added to the Manager's Report, saying that the DOT had requested a reduction in speed limit on Chartwell Drive to 25 mph.

Mayor Pro Tem Howerton made a **motion** to accept a Certificate of Municipal Declaration to Enact Speed Limits on Chartwell Drive. **Councilman McClellan** seconded the motion and it was passed unanimously (5-0).

10. COMMUNITY UPDATES:

- **Board of Adjustment**

Jim Kinneman presented:

A case is scheduled to be heard on March 8; as a quasi-judicial hearing, those wishing to speak would need to be sworn in.

- **Finance Committee**

As no one from the committee was present, Mayor Combs announced that the group is moving rapidly on forming next fiscal year's budget. Citizens wishing to have input should contact Oakley.

- **Fire Department**

Steve Simmons presented:

- January: 45 calls—20 medical—25 fire or service related
- Average response time 5.2 minutes
- 162 hours of training
- 1 car seat installed
- February: 40 calls—25 medical—15 fire or service related
- Average response time 5 minutes
- 131.5 hours of training
- Installed 2 smoke detectors and 4 car seats
- Thanked those who attended the dedication of the new fire engine
- Fire department spring BBQ is March 17

- **Historic Preservation Commission**

Steven Lantz presented:

- He was sworn in at the last meeting as chair for another year; Debbie Shoenfeld was sworn in as vice chair
- COA from CrossFit to remove a tree was approved in February; the sidewalk was discussed, and a total landscape plan needs to be submitted
- Historic guidelines are being reorganized and made more user-friendly
- A 5-year plan for historic district markers is being discussed
- Outreach is being continued to make the public aware of the district

- **Parks & Recreation**

Bruce Oakley presented:

- Surveys have been mailed out; Return rate has been outstanding

- **Walkability Subcommittee**

No report

- **Planning & Zoning**

Doug Nodine presented:

- Site plan for addition at Oak Ridge United Methodist Church was approved 5-1 with the addition of a sidewalk

11. CITIZEN COMMENTS

No citizens wished to comment

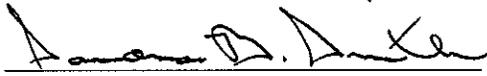
12. COUNCIL COMMENTS

- Mayor Pro Tem Howerton thanked those in attendance who stayed for the entire meeting
- Councilman McClellan thanked the Historic Preservation Commission for their work on updating the Historic Guidelines and for considering a 5-year plan for historic markers
 - He reminded citizens that this is their town, and encouraged them to become involved and volunteer
- Mayor Combs asked citizens to remember to return their completed park surveys to help the council know what they want
 - He asked the Historic Preservation Commission to consider putting historic markers at Ai Church and St. James AME Church
 - Said some council members often go to Bistro 150 after the council meeting and citizens are welcome to come and “bend their ears”
 - Town Attorney Michael Thomas added that no town deliberations go on at the Bistro

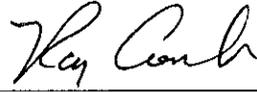
13. ADJOURNMENT

Mayor Pro Tem Howerton made a **motion** to adjourn at about 7:50 p.m.
Councilman Sullivan seconded the motion and it was passed unanimously (5-0).

Respectfully Submitted:

A handwritten signature in cursive script, appearing to read "Sandra B. Smith", written above a horizontal line.

Sandra B. Smith, Town Clerk

A handwritten signature in cursive script, appearing to read "Ray Combs", written above a horizontal line.

Ray Combs, Mayor