OAK RIDGE TOWN COUNCIL MEETING
SEPTEMBER 6, 2012 – 7:00 P.M.
OAK RIDGE TOWN HALL

MINUTES

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

Staff Present
Sandra Smith, Town Clerk
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 6:59 p.m.

- **Invocation**

  Mayor Pro Tem Howerton gave the invocation.

- **Pledge of Allegiance**

2. APPROVE AGENDA

Councilman George McClellan made a **motion** to approve September 6, 2012, agenda. **Councilman Spencer Sullivan** seconded the **motion,** and it was passed unanimously (5-0).

3. APPROVE MINUTES OF AUGUST 2, 2012, MEETING

Councilman Danny Yanusz made a **motion** to approve the minutes of the August 2, 2012, meeting. **Councilman McClellan** seconded the motion, and it was passed unanimously (5-0).

4. RESOLUTIONS, PROCLAMATIONS, ANNOUNCEMENTS

- Mayor Combs asked Council to consider adopting a proclamation to be signed by all Council members in remembrance of the events of September 11, 2001. He then read the following proclamation aloud:

PROCLAMATION

IN REMEMBRANCE OF THE EVENTS OF SEPTEMBER 11, 2001

WHEREAS, on September 11, 2001, terrorists attacked America, causing great loss of innocent U.S. life and tremendous damage; and

WHEREAS, the events of that day instantly transformed countless American lives, either through personal loss or through an unfamiliar sense of individual and national vulnerability; and

WHEREAS, in the aftermath of these horrendous events, the American people demonstrated that they are stronger than ever, responding with a tremendous outpouring of revitalized patriotism, service and goodwill and finding the strength to recover and rebuild; and

WHEREAS, we pay tribute to the selfless heroes and innocent victims of September 11, 2001, and we reaffirm the spirit of patriotism, service and unity that we felt in the days and months that followed; and

WHEREAS, Congress has designated September 11 of each year as "Patriot Day" and requested the observance of September 11 as an annually recognized "National Day of Service and Remembrance";

NOW, THEREFORE, BE IT RESOLVED, that the Town Council of the Town of Oak Ridge hereby proclaims September 11, 2012, as

9/11 National Day of Service and Remembrance

in the Town of Oak Ridge and urges our citizens to recognize the heroism public safety and rescue workers, military service members and the many volunteers who responded to these tragic events with courage, compassion, determination and skill; and to dedicate September 11 as a day to mourn, reflect and remember the victims and innocent lives lost as a result of the tragic events of September 11, 2001.

Mayor Combs made a **motion** to adopt the proclamation in remembrance of the events of September 11, 2001. **Councilman McClellan** seconded the motion, and it was passed unanimously (5-0).

5. TOWN MANAGER'S REPORT

Town Manager Bruce Oakley presented:

- **Duke Energy tree pruning.** Oakley announced the utility company planned to do vegetation maintenance work in the rights of way in Oak Ridge. A link to the energy company, which explains pruning and vegetation removal methods, will be posted on the town website. Staff will be meeting with Duke Energy representatives on September 13, although the town is limited in what it can require. Two council members may also attend the meeting. The vegetation maintenance will begin about September 18 and will occur mainly along Oak Ridge Road, although it will encompass a good portion of the town.

  Combs said while it is necessary for Duke Energy to remove tree limbs from around power lines, in the past it appears they have sometimes done a "hatchet job." He encouraged citizens who have input to also attend the meeting.

6. PUBLIC HEARING

- **Rezoning Case # 12-07-ORPL-03211:** AG to RS-40. Located on the east side of Pepper Road, approximately 600 feet north of N.C. Highway 150 West, in Oak Ridge Township. Being Guilford County Tax Parcel 0165732 (part), approximately 8.1 acres. Owned by Lindsey C. and Justin Stewart. Located in the Scenic Corridor Overlay Zone.

  Combs explained the process for the public hearing.

  Town Planner Bill Bruce presented the case from the staff report, saying that the applicant is proposing a 6-lot subdivision on 8.1 acres. The town's Land Use Plan identifies the area as appropriate for low-density residential. Surrounding uses are residential subdivisions on the south and west sides and rural residential on the north; the east side is vacant. The rezoning should have a negligible effect on traffic, and because staff has determined there is no regulated stream on the property, the Jordan Lake Rules will not come into effect. Staff recommends approval, saying the rezoning request is consistent with the Land Use Plan and with neighboring uses. The Planning & Zoning Board voted in favor of recommending the request.

  Proponents:
  Chris Rohrer of Land Solutions spoke on behalf of the applicant, who was unable to attend the meeting, and requested approval of the request.

  Opponents:
  None

Councilman Sullivan made a motion to approve the rezoning request, saying it is consistent with the town's Land Use Plan and approval was recommended by the Planning & Zoning Board; that it is reasonable as stated in a town staff report and is consistent with the Land Use Plan and surrounding uses; and that it is in the public interest as stated in a town staff report and will allow the owners to use the property in a manner that is consistent with surrounding uses. **Councilman McClellan** seconded the motion, and it was passed unanimously (5-0).

7. NEW BUSINESS

- **Request from Board of Trustees of Old Union Cemetery.** Marie Lowrey Armstrong, one of the members of the cemetery's Board of Trustees, said her great-great-great-grandfather, John Lowrey, died in 1849 at 100 years of age and is buried in the cemetery, which is located on East Harrell Road. In 1801, property was deeded to nine trustees, all of which were Methodist. Armstrong said she believed the former church on the property and cemetery were associated with the Methodist Church, although documentation confirming that has not been found. In 2007, the land was surveyed and contains 1.61 acres. Among those buried there include at least three Revolutionary War veterans, a Civil War veteran and Allen Lowrey, a founding trustee of Oak Ridge Military Academy and who gave land for the development of that institution. The earliest grave is from 1787. Over the years, members of the Board of Trustees have passed away, and although some have been replaced; there are now only eight members – two of which are more than 90 years old. In 2007, a historic marker was erected at the site by the town's Historic Preservation Commission, and in 2008, Oak Ridge resident Will Florence and his

Boy Scout troop installed a split-rail fence as part of Florence's Eagle Scout project. Over the years, many volunteers have tried to keep up the graveyard, but it has become a task too great for the Board of Trustees to continue and volunteers have pretty much been exhausted. Because of the town's equipment and personnel, Lowrey requested the town take possession of the historic site. She offered to donate around $750 toward cleaning up the cemetery, and said she felt the site is historically significant and would add to the prestige of the Town of Oak Ridge.

Mayor Combs said the Council was aware of the cemetery and many members had helped in clean-up efforts. He asked Armstrong if the Board of Trustees was requesting to sell the property to the Town, and Armstrong said their desire was to turn it over to someone who could take care of it. Combs asked for a motion and second so the issue could be discussed, and said that Oakley and Town Attorney Michael Thomas could advise the Council on some of the consequences of the Town accepting the property.

Councilman McClellan made a **motion** for the town to accept ownership of the Old Union Cemetery from its Board of Trustees. **Councilman Sullivan** seconded the motion.

Oakley said he and Parks & Recreation Director Terry Lannon had visited the property. To have several dead and leaning trees removed and the site cleaned up and maintained for the remainder of the fiscal year would cost an estimated $6,700.

Combs asked Thomas if it would be better for the Town to receive the property as a gift or to purchase it for a nominal amount, such as $1, and Thomas said it could be gifted to the Town. While everyone realizes the historical significance of the property, Thomas warned that it is real property and, as such, he would want to look at the title to make sure there are no irregularities before it is accepted by the Town. Combs asked if Thomas would be willing to handle the legal side of accepting the property, and Thomas said yes. He added that he would report back to Council and proposed drafting a deed to present to Council members. Combs asked if there was any reason Council should not accept the property at that time, and Thomas said not as long as the acceptance was conditional.

Combs asked Finance Officer Sam Anders if a budget amendment could be made for the unbudgeted expense, and Anders said yes.

Mayor Combs asked Councilman McClellan if he was amenable to **amending his motion** for the Town to accept ownership of the cemetery to say that it was conditional upon the town attorney researching the title and included a budget amendment of $6,700, and McClellan said yes.

Councilman Yanusz asked the value of the property, and Oakley said the tax value is $35,000, although that is not a real market value. Yanusz asked for an estimate of the cost of ongoing maintenance, and Oakley gave a conservative estimate of $3,600 per year, although that amount is if maintenance is contracted to an outside source; it will be handled by park staff if possible. Thomas said although the tax department has put a value on the property, because by law very little could be done with a cemetery, effectively it has no value. Anders agreed, calling the tax value of the property "ludicrous." Thomas added that the Town would be taking on additional liability with the property, and said the Town would need to check with the insurance carrier to make sure that wouldn't be an issue.

Councilman Sullivan asked Armstrong if the Board of Trustees had explored other options by talking to private organizations or churches. Armstrong said at one time the cemetery was considered a precursor for Oak Ridge United Methodist Church, but nothing could be found to validate that. Requests of several organizations had been made, and the Board of Trustees felt they and the pool of volunteers had been exhausted and they had nowhere else to turn.

Council's vote in favor of McClellan's amended motion was unanimous (5-0).

8. CITIZEN COMMENTS

- Mike Stone thanked the Oak Ridge Fire Department and Fire Chief Steve Simmons for the rapid response when his house filled with smoke after it was struck by lightning on Labor Day.

- Jimmy Morgan thanked Oakley for helping get Voluntary Agricultural Districts (VADs) approved for Oak Ridge. An Enhanced VAD is also available, which requires a 10-year commitment. Morgan said either program sends a message that the property owner is committed to agriculture and proud of what he does. He also offered to help local residents file the appropriate paperwork to be designated as a Century Farm; the primary requirement is that the farm has to have been in operation by members of the same family for at least 100 years.

- Jim Kinneman thanked players and sponsors of the Oak Ridge Lions Club's recent Tom Brown Memorial Golf Tournament, which was very successful.

8. MONTHLY FINANCIAL UPDATE

Finance Officer Sam Anders presented:

- The Town continues to have a strong financial position.

- An unprecedented $424,000 in early tax revenue has been collected.

- He is continuing to work with the auditors on the annual financial audit and the bulk of the field work has been completed.

- He will contact the insurance carrier about any possible liability issues concerning the land transfer of Old Union Cemetery to the Town.

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

8. COMMUNITY UPDATES:

- **Schools**

Angelo Kidd, Western Region Superintendent of Guilford County Schools, gave a report to Council on the status of schools in Guilford County and in the Western Region, which includes Oak Ridge Elementary, Northwest Middle and Northwest High schools.

- **Fire Department**

  Fire Chief Steve Simmons responded to Mike Stone's comments, saying the two were fire officers at Western Guilford High School and he was glad to be able to help an old friend. Simmons reported that in August, the department responded to 52 calls (19 medical and 33 fire/service related). Department members also completed 154.5 hours of training, installed 11 car seats and attended five public education events the previous month. Average response time for the month was 4.5 minutes.

  Since school is back in session and many people seem to be using the crosswalk in front of Oak Ridge Elementary, Simmons urged drivers to be patient and courteous and watch out for children.

  On behalf of the Fire Department, Simmons thanked Combs for the resolution remembering the events of September 11, 2001. The events of that day changed many peoples' lives significantly, and Simmons said resolutions such as the one passed by Council will help people remember that day and those who lost their lives as a result.

- **Historic Preservation Commission**

  Debbie Shoenfeld said there have been no Certificates of Appropriateness to be reviewed, but the Commission has been working on several projects. It is in the process of making revisions to the Historic Guidelines to make it more user-friendly, working on a Historic Architectural Inventory and setting up criteria for installing historic markers.

- **Parks & Recreation Commission**

  Bill Edwards reported that SECU had donated an additional 10 bluebird houses for the town park, which will be put up soon. Paving has been completed in the area between the ball fields and concession stand, which had tended to be muddy.

- **Planning & Zoning Board**

  Mike Stone reported that the Board had only heard one case in the previous month, which was the rezoning and site plan for the case ruled on previously in the meeting by Council.

- **Board of Adjustment**

  The Board did not meet in August because there were no cases to be heard.

- **Finance Committee**

No report

- **Pedestrian Plan Committee**

  Oakley reported that the next meeting is scheduled for September 18.

9. CITIZEN COMMENTS

- Marie Armstrong emotionally thanked Council for its decision regarding Old Union Cemetery and said she would sleep well that night knowing that those buried there would not be forgotten.

10. COUNCIL COMMENTS

- **Mayor Pro Tem Howerton** said the Council had gone from the 1700s to 2012 and the future and covered it all in the meeting. Howerton said he appreciated seeing all those in attendance.

- **Councilman McClellan** thanked the volunteer committee members, who he said make Oak Ridge the envy of the state.

- **Mayor Combs** asked Chief Simmons if the resolution regarding September 11, 2001, could be posted at the Fire Department and if Simmons would pass on the Town's thanks to department members. Combs commended Town Clerk Sandra Smith on the wording of the resolution.

11. ADJOURNMENT

Mayor Pro Tem Howerton made a **motion** to adjourn at 8:11 p.m. **Councilman Sullivan** seconded the motion, and it was passed unanimously (5-0).

Respectfully Submitted:

Sandra B. Smith, Town Clerk

Roger Howerton, Mayor Pro Tem