



OAK RIDGE TOWN COUNCIL MEETING
DECEMBER 5, 2013 – 7:00 P.M.
OAK RIDGE TOWN HALL

MINUTES

Members Present

Ray Combs, Mayor
Roger Howerton, Mayor Pro Tem
Danny Yanusz
George McClellan
Spencer Sullivan
Jim Kinneman
Mike Stone

Staff Present

Sandra Smith, Town Clerk
Bruce Oakley, Town Manager
J. Michael Thomas, Town Attorney
Sam Anders, Finance Officer
Bill Bruce, Town Planner

1. CALL TO ORDER

Mayor Ray Combs called the meeting to order at 7:02 p.m.

A. Invocation

B. Pledge of Allegiance

2. APPROVE AGENDA

Councilman Danny Yanusz made a motion to approve the December 5, 2013, meeting agenda. Councilman Spencer Sullivan seconded the motion, and it was passed unanimously (5-0).

3. APPROVE MINUTES OF NOVEMBER 7, 2013, MEETING

Councilman George McClellan made a motion to approve the November 7, 2013, meeting minutes. Mayor Pro Tem Roger Howerton seconded the motion, and it was passed unanimously (5-0).

4. RECOGNITION OF OUTGOING COUNCIL

Danny Yanusz. Combs recognized outgoing Council member Danny Yanusz by calling him and his wife to the front of the room presenting him with a plaque.

Roger Howerton. Combs then called Mayor Pro Tem Roger Howerton and his wife forward and recognized Howerton, who decided after 15 years on the Council not to run for re-election. Kyle Anders, chairman of the Board of Directors of Oak Ridge Fire and Rescue spoke about Howerton's longtime service to the fire department, and Dr. Roy Carter, pastor of Central Baptist Church, spoke on Howerton's contributions there. Combs and Judge

Stuart Albright then presented the governor's Order of the Longleaf Pine to Howerton. He was also given a plaque from the Town for his lifetime of community service.

5. OATH OF OFFICE FOR NEWLY ELECTED MEMBERS OF COUNCIL

Jim Kinneman and Mike Stone, who were elected to Council in November, were sworn into office by Judge Stuart Albright.

6. ELECTION OF MAYOR

Councilman Kinneman nominated Ray Combs. There were no other nominations. A vote was taken, and Combs was elected unanimously (5-0).

7. ELECTION OF MAYOR PRO TEM

Councilman McClellan nominated Spencer Sullivan. With no other nominations, a vote was taken and Sullivan was elected unanimously (5-0).

8. RESOLUTIONS, PROCLAMATIONS, ANNOUNCEMENTS

Councilman McClellan made a **motion** to approve resolutions of appreciation to Yanusz and Howerton. **Councilman Kinneman** seconded the motion, and it was passed unanimously (5-0).

9. TOWN MANAGER'S REPORT

Town Manager Bruce Oakley presented:

• **Board of Adjustment appointments/reappointments**

- Recommendation for Gray Cassell to serve as ETJ representative on Board of Adjustment
- Bill Barbour to Board of Adjustment
- Jay Cumbus, who was moved from an alternate position on the Board of Adjustment to a regular seated member
- Reappointment of Beth Walker to Board of Adjustment

Councilman Kinneman made a **motion** to approve the appointments and reappointments as presented. **Mayor Pro Tem Sullivan** seconded the motion, and it was passed unanimously (5-0).

• **Historic Preservation Commission reappointment**

- Reappointment of Ann Schneider

Councilman McClellan made a **motion** to approve the reappointment of Schneider. **Mayor Pro Tem Sullivan** seconded the motion, and it was passed unanimously (5-0).

- **Change January Council meeting date**

Councilman McClellan made a **motion** to move the January 2, 2014, Council meeting to January 9, 2014. **Mayor Pro Tem Sullivan** seconded the motion, and it was approved unanimously (5-0).

10. PUBLIC HEARINGS

- **Special Use Permit Case #13-10-ORPL-04910:** AG to AG-SP (athletic field). The property is located on the south side of Haw River Road, approximately 122 feet west of Harrell Road, in Oak Ridge Township. Being Guilford County Tax Parcel 0166319 (part), approximately 3.8 acres. Owned by Bethel United Methodist Church. The applicant requests a Special Use Permit for an athletic field.

Town Planner Bill Bruce presented the case, saying the athletic field has been in place for 15-20 years, but a building permit was never issued. The applicant now wishes to add a restroom facility, which triggered the process of requesting a Special Use Permit. The granting of the permit should clear up the nonconforming zoning situation so a building permit can be requested.

Bruce read from the staff report, which is hereby incorporated by reference and made part of the minutes. He reminded Council that it must make findings of fact, which were included in the staff report.

Public hearing:

Commie Johnson, chair of Bethel United Methodist Church's administrative council, spoke. Johnson said the ball field had been in existence for many years and was used by local teams for practice. There is no lighting at the field, Johnson said, and a Porta-John has been on the site for many years for safety reasons because the field is on the opposite side of the road from the church. The church had decided to get rid of it and build a permanent, brick, handicap accessible restroom, and was surprised to learn about issues involving the site. Regarding the required conditions, Johnson said the addition of the restroom would not endanger the public health, and the ball field and parking lot are in character with the surrounding area.

No one else spoke in favor of or in opposition to the Special Use Permit.

Bruce told Council that staff does not typically make recommendations on Special Use Permit applications, but that the Planning & Zoning Board had unanimously recommended approval.

Mayor Pro Tem Sullivan made a **motion** to grant the Special Use Permit for the following reasons:

- The existing use of a ball field will not materially endanger the public's health or safety, as it has been there for some time and not created any issues, and it meets all the conditions and specifications of the ordinance.
- The Special Use will not substantially injure the value of the adjoining or abutting property, as it is primarily open fields and agriculturally zoned areas call for open space.
- The use is in harmony with the area, and it conforms to the planning requirements of the Town.

Councilman McClellan seconded the motion, and it was passed unanimously (5-0).

11. NEW BUSINESS

• **Subdivision Case #13-04-ORPL-01740. Oakhurst Downs (revised).** The property is located on the north side of Oak Ridge Road, approximately 800 feet east of Pepper Road, in Oak Ridge Township. Being Guilford County Tax Parcel 0165724. This subdivision consists of twelve lots and right-of-way dedication for a total of approximately 25 acres. Zoned RS-40, Scenic Corridor Overlay Zone. Owner/Applicant: Bill Yearns. Designer: Allred Land Surveying.

Bruce explained that this was a technical review and not a public hearing. The major subdivision of the property had already been unanimously approved. He said the ordinance requires Council to approve special purpose lots which, in this case, was being requested for offsite septic. In staff's and the Planning & Zoning Board's opinions, the plan meets the requirements of the ordinance.

Councilman Kinneman made a **motion** to approve the revised subdivision plan. **Councilman Stone** seconded the motion, and it was passed unanimously (5-0).

12. CITIZEN COMMENTS

- Jerry Cooke commended Howerton for years of service, saying he was a good man who had served the community well.
- Frank Whitaker also commended Howerton, saying he had observed Howerton for 15 years on the Council, and calling him a role model.
- Jimmy Morgan spoke about large, 53-foot tractor trailers and double trailers being seen on the rural roads in and around Oak Ridge and Colfax. He asked for the Town's help and suggestions.

13. MONTHLY FINANCIAL UPDATE

Finance Officer Sam Anders reported the following activities:

- The Town is in a strong financial position, with \$2.579 in net assets.
- Another payment on the park loan is due in January, but a significant amount will be saved due to the \$1 million early payment made in 2013.
- A total of \$22,416 was received during the month from Guilford County for property taxes.
- Investments are being updated at the various financial institutions.

Councilman McClellan made a **motion** to approve the financial report. **Councilman Stone** seconded the motion, and it was passed unanimously (5-0).

9. COMMUNITY UPDATES

A. Fire Department

Fire Chief Steve Simmons gave a report for the previous month, saying that the department received 66 calls (30 medical and 36 fire/service-related), received 201 hours of training, and maintained an average response rate of 4.5 minutes. Simmons offered several tips on fire safety related to Christmas trees.

B. Historic Preservation Commission

Combs announced that a Historic Marker had recently been installed and dedicated at the Old Mill of Guilford, and reminded those in attendance that another marker dedication is scheduled at St. James AME Church on December 15.

C. Parks and Recreation Commission

Chair Bill Edwards presented:

- **Green space/trail permit fee.** At the November meeting, Council had directed Edwards to take the issue back to the Commission for further discussion about creating a tiered system so that various size groups or those only using the park for a portion of a year would be charged different rates. Edwards presented the revised policy, which is based on group size (\$100 for 1-20 members, \$200 for 21-50, and \$300 for 51+). The permits would be issued on a semi-annual basis.

Based on additional concerns on issues such as if a large group was to meet at the park, Council asked Edwards to discuss the policy further with the Parks and Recreation Commission and make revisions.

Edwards also reported on:

- **PARTF grant application.** Work is ongoing on the application, and a meeting held immediately prior to the Council meeting for public input would also help satisfy N.C. PARTF requirements. At the January Town Council meeting, the Council will be asked to approve the submittal of the application, which is due to the state by January 31, 2014.
- **Dog Park.** Construction is nearly complete.

D. Finance Committee

No meeting, no report

E. Planning and Zoning Board

No report

F. Board of Adjustment

No report

10. CITIZEN COMMENTS

- Patti Stokes of the Northwest Observer expressed appreciation to Howerton and Yanusz. She also announced the Merchants Association of Oak Ridge's tree lighting would be held at Oak Ridge Military Academy on December 8.

11. COUNCIL COMMENTS

- **Councilman McClellan** said it had been a privilege serving with Howerton and Yanusz, and said he looked forward to working with Stone and Kinneman. He also said he would like to see the Town complete another sidewalk in the upcoming year, and that he looked forward to hearing more about the Parks & Recreation Commission's plans.
- **Mayor Pro Tem Sullivan** said it had been an eventful evening, in which they had said goodbye to Howerton and Yanusz. He thanked the other Council members for entrusting him with the position of mayor pro tem, and said Howerton had set the bar high.
- **Councilman Kinneman** said it was a privilege to know and work with Yanusz and Howerton. He thanked the citizens who elected him to serve on Town Council.
- **Councilman Stone** thanked his family for their support, and said his father had taught him that service, especially to the community, is important. He thanked Yanusz for his friendship, and said while he couldn't fill the shoes of Howerton, he could stand on his shoulders.
- **Mayor Combs** said it had been fantastic to work with Howerton and Yanusz, and welcomed the new Council members. He thanked the other Council members for electing him to the position of mayor.

13. CLOSED SESSION

To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body pursuant to N.C.G.S. 143-318.11(a)(3).

Councilman Kinneman made a **motion** to go into closed session at 8:44 p.m. **Councilman Stone** seconded the motion, and it was passed unanimously (5-0).

Councilman Kinneman made a **motion** to return to open session at 8:58 p.m. **Mayor Pro Tem Sullivan** seconded the motion, and it was passed unanimously (5-0).

14. ADJOURNMENT

Councilman McClellan made a **motion** to adjourn the meeting at 8:59 p.m. **Mayor Pro Tem 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