

Town Of Oakboro

Board of Commissioners

Minutes

Monday, April 15, 2019

6:30 PM Briefing

7:00 PM Public Hearing

Board Meeting

Mayor Little declared the Public Hearing Open. Don Misenheimer requesting a zoning change from R-20 to HB for vacant lot at corner of Hwy. 205 and Kennedy Ford Road. Those signed up to speak: Don Misenheimer, Larry Coble, Terry Eudy, Mike Efird, Larry Tucker, Matthew Whitley and Terry Whitley.

Don Misenheimer took the floor first. He stated he wanted to build a ballfield on that piece of property and was told that the zoning would have to be changed and it would add to the gym. It was his opinion that it would make the community better. It would train a lot of people – there would be better teams. He welcomes the community input. He wants to spruce it up with a nice ballfield.

Commissioner Efird asked to recuse himself from the Board in order to speak as he would have a conflict of interest. Mayor Little asked each Commissioner, individually, if they would approve this. They were in agreement, unanimously.

Commissioner Efird addressed the Board. He stated that there are two things that is being looked at with rezoning this piece of property. The Planning and Zoning Board found no reason not to rezone this piece of land and sent it to the Town Board with a favorable recommendation. Whenever the Board considers rezoning a piece of property, it has to be considered on it's own merits. They can't take any consideration as to what the property is being used for. That is one of the reasons he wanted to speak, tonight. This piece of property is about 175 feet wide. To have a minimum little league ballfield it would require 230 feet. Mr. Efird owns the property directly adjacent to this. Mr. Efird then read from the zoning book on General Site Arrangement "Structures are to be placed and arranged as not to adversely affect adjacent properties. Adverse effects shall include, but not be limited to, the creation of hazards, nuisances, danger, reasonable loss of light, air, solar access or unreasonable loss of privacy." He further stated that he has a swimming pool that is 15 feet from property line. A ballfield placed in that area would make his family directly in the line of fire of foul balls, pop flies, errant throws and create a danger for the people that would be in his yard – including his grandchildren. The next thing would be parking. Mr. Misenheimer has made it clear that he wants to put in a ballfield, concrete

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bleachers, lights and be able to bring in teams to play ballgames there at night. The lights would not only light up the field but would light the entire community. He doesn't think this is in the best interest of the property. It would create a problem for everyone around the property. If he would be allowed to do this with bleachers, it is required to have one parking space for every four seats that he creates. At a normal ballgame, you'll have 18 kids with appx. 75 parents. That alone would be a minimum of 25 parking places. That parking must be on the property for which it serves. There are setbacks that will require buffers. Glenwood Street has a 40 ft. right of way – when you set over 20 feet and then another 30 feet for required buffer then it's even cutting a smaller space available for the ballfield. He then turned to "permitted uses"....he said that if the Board did approve the zoning for "Highway Business" and he has no problem with things permitted but after researching, it doesn't include ballfields. Under "Application Regulations" under "uses prohibited" "if a use or class of uses is not specifically indicated as being permitted in a district either as a right or as a conditional use, such use or class is prohibited. Nowhere in the permitted use table does it say a ballfield is permitted. In summary, Mr. Efird has no problems with changing the zoning but if the board does change the zoning, he hopes that they will hold Mr. Misenheimer accountable to the permitted uses in zoning book.

Terry Whitley was the next to speak. He wanted to echo what Mr. Efird had said. He doesn't have a problem with the property being rezoned necessarily but normally when something comes before the Town Board such as this there are some kind of drawings, specifications and things like that. To his knowledge, there are none of these. Issues like what will be done with the water? When Mr. Whitley was on the Board and District Park was built, it took about 30-40 feet around the building to drain the water and meet engineering requirements. There's a little creek that comes through that property at Kennedy Ford and 205. It would seem to him that before voting on a piece of property with intentions of putting in a ballfield we would have some kind of drawings. Would it pass all the regulations, buffer zones? Landowners, adjacent and near would need to see what is going there. Another problem Mr. Whitley has is that he lives on Kennedy Ford Road and one of the first roads in Oakboro was Kennedy Ford Road. That was the main street of Oakboro. When Hwy. 205 was built, a different route was taken at the arch that goes into the cemetery. On his deeds, when he owned the property that now houses Pro Fit gym, it shows an easement of state right of way. It basically cuts Mr. Misenheimer's piece of land in half, comes straight across in front of Mr. Efird's house and his house. It's

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on the Powell Bill. It also goes behind Mark Whitley's house, Margaret Stewart's house and Georgia Harvey's mother's house. It keeps going behind Quik Chek and those areas. So how, when the Huneycutt family put it up for sale, Atty. Charles Brown says there wasn't necessarily a deed, so they did away with it. He was not sure how he would be allowed to do that. If that's the case, then we could do away with everything all down through Oakboro that is in that same right of way that used to be the main road into Oakboro. Before the Town decides, he thinks more information is needed. He would like to know more about the right of way situation because it seems to work for everyone else besides Kennedy Ford residents. He doesn't know how that could have been done, legally.

Larry Tucker was the next to speak. He personally would like to see the land left residential. There are houses beside it, behind it and across the road. He realizes there is a business right beside of it but it's been there for over 70 years. He agrees with the things that Mike Efird says. He does not think this would be a place for a ballfield, mainly because of the lights and traffic and noise. If it would go to "HB", he would like to see a nice building housing an inside business.

Matthew Whitley was next to speak. He stated that his concerns had already been voiced by Mr. Efird.

Larry Coble was the next to speak. He stated that he didn't know all about it but he does have great grandchildren and grandchildren and it would be a good place for them to play ball. He further stated that it would be a great place for them to practice defense. He also stated that he doesn't know the zoning laws but it is a good suggestion if feasible.

Terry Eudy was the next to speak. He stated that he's known Don Misenheimer for 40+ years, he has worked for him on several big projects and everything he tackles is a challenge to him. As a rule, everything that he does turns out to be a super good project. Also, he wants to refurbish the end of the building to make it more presentable. A small ballfield for the children would be a good project for him. I know it will be a challenge for him but when it takes on a challenge, he takes it wholeheartedly.

Since no one else is signed up to speak, Mayor Little declares this public hearing closed.

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NEXT PUBLIC HEARING: TAB Properties, LLC requesting a zoning change from Industrial to R-9 for their property at 228 S. Coble Avenue.

John Teal with TAB Properties, LLC was the first to speak. He owns the property at corner of Rocky River Road and S. Coble Avenue. The property that faces Rocky River Road is currently zoned Industrial and he's asking for the rest of his property to be zoned R-9 in order to build duplexes.

Since no one else is signed up to speak, Mayor Little declares this public hearing closed.

Patti Efird, Town Clerk administered the Oath of Office to Latoya Q. Jackson as Commissioner for Oakboro's Board of Commissioners. Ms. Jackson's Mother, Dorothy Jackson, held the bible for her oath. Commissioner Jackson then took her seat on the Board.

Mayor Little welcomed everyone to the Town Board meeting and had the Town Clerk call the roll with the following present: Commissioner Efird, Commissioner Huneycutt, Commissioner Smith, Mayor Little, Commissioner Watkins, Commissioner Jackson and Town Administrator, Doug Burgess.

Mayor Little led the pledge of allegiance to the flag.

Commissioner Efird led devotions.

Commissioner Efird made a motion to approve the Agenda. Commissioner Smith seconded the motion and it carried, unanimously.

Commissioner Huneycutt made a motion to approve the minutes from March 18, 2019, April 1, 2019 and April 4, 2019. Commissioner Watkins seconded the motion and it carried, unanimously.

Commissioner Huneycutt made a motion to approve the Accounts Payable in the amount of \$111,665.08. Commissioner Smith seconded the motion and it carried, unanimously.

Doug Burgess, Town Administrator brought up the amount that is being charged to use the old community building. Currently it is \$50.00 plus a \$100.00 refundable cleaning fee. He is proposing since they've spent so

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much money remodeling the building, it should increase to \$150.00 to rent plus a \$150.00 refundable cleaning fee.

Commissioner Huneycutt made a motion to raise the rental rates for the old community building to \$150.00 per day with a \$150.00 refundable cleaning fee if building is left clean. Commissioner Efird seconded the motion and it carried, unanimously.

Commissioner Huneycutt made a motion to set the new rental rate as of May 1, 2019. Commissioner Jackson seconded the motion and it carried, unanimously.

OPEN FORUM:

David Heath: Mr. Heath was representing GOBA (the greater Oakboro business association) with a project they have been discussing for some time. It has to do with displaying American Flags in Town. Different organizations have done this but it seems to have fizzled out. GOBA would like to display 32 flags at the Memorial Park on Martin Luther King Day, President's day, Memorial Day, Labor Day, 911 and Veteran's day. That would be 6 holidays per year. They will be placed, uniformly, around the semi-circle walkway. There will be 3 ft. by 5 ft. flags on a 10 ft. pole. They would like to put in a 12-inch PVC sleeve in the ground – flush in the ground with a cap on it for easy placement. GOBA is going to pay for flags with funds from their treasury.

Betsy Heath: Last April 16th she came before the Board with concerns about Police coverage in town at night. The Chief did a great job and we were provided two officers on duty at night. She says now we are back to having one officer on duty. She would like to see the Police Department put a little more effort into hiring officers. Also, she would like to see if we could get movies and concerts at our Oakboro District Park.

Dr. James: He wanted to thank the Board for their support of the school system. He wanted to let everyone know that they have completed a few things on the list that they promised the public. There are camera systems in all elementary schools that is tied into a system called Watch Dog. Key pads have been installed on outside doors. Everyone must use a form of ID to get into one of our schools. It will be scanned and shows anyone on child predator list. He mentioned that it is very hard to find school resource officers. There is talk of turning West Stanly High School into a "STEAM" school. Science, Technology, Engineering, Art and Math. Dr. James wanted

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everyone to know that a lot of great things are happening in our schools throughout the county.

Department Updates:

Budget and Finance: Doug Burgess – He reported that we are 75% in General Fund Exp. 5 % in Water and 68% in sewer. We are well below where we need to be. Mr. Burgess would like for the Board to set a Public Hearing for May 20, 2019 to hear comments about next years Budget.

Commissioner Smith made a motion to set a Public Hearing on May 20, 2019 to hear comments regarding next years Budget. Commissioner Watkins seconded the motion and it carried, unanimously.

Cemetery/Streets: Commissioner Watkins – No report

Police Department: Commissioner Huneycutt. He recognized Chief Smith. Smith reported that, in the last month, his department had 2 arrests, 1055 home and business checks, 231 calls for service and 73 citations. He did want everyone to know that the department would be changing addresses soon, to the building purchased on W. 3rd street.

Parks and Recreation: Commissioner Smith – He recognized Josh Almond, head of Parks and Recreation. Almond reported that it's a very busy time of year for Parks and Recreation. He wanted to take a second to recognize Rodney Hahn and Trevor Drye. They've done a tremendous amount of work the last couple of months cleaning up District Park – taking load upon loads of dead limbs – they've put in many hours doing that. He wanted their hard work to be recognized.

Water and Sewer: Commissioner Efird – no report

Advisory Board/Code Enforcement: Commissioner Efird. It was decided by the Board and voted on, unanimously, that we bring TJ Smith on as Zoning Enforcement Officer which is a big deal here in Oakboro. We look forward to working with him. As we begin to clean up Oakboro, we hope that you will see some things happening in the next several months.

Commissioner Efird stated that there is a request for a back lit sign from Uwharrie Bank. This sign would be above the ATM at the old SunTrust

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building that they are renovating to house Uwharrie bank. Currently we have an antiquated ordinance that prohibits back lit signs and Board needs to address this.

Commissioner Efird made a motion to allow Uwharrie to install a back lit sign above their ATM. Commissioner Huneycutt seconded the motion and it carried, unanimously. Commissioner Jackson recused herself from the vote due to a conflict of interest.

In regards to Public Hearing #1 – Donald Misenheimer – The Mayor wanted to make it clear that the Board was voting strictly on the rezoning from R-20 to Highway Business and not for what is put there because there's a list against what he's wanting to use the property for.

Commissioner Huneycutt made a motion to grant the rezone the property at the corner of Hwy 205 and Kennedy Ford Road from R-20 to HB and contingent on requirements set for by zoning. Commissioner Smith seconded the motion and it carried. Commissioner Efird recused himself from voting due to conflict of interest.

Again, Mayor Little stressed that this vote was strictly for the zoning change.

Commissioner Efird made a motion to grant a zoning change from Industrial to R-9 at 228 South Coble Avenue. Commissioner Jackson seconded the motion and it carried.

Commissioner Watkins made a motion to accept David Heath's proposal to put out 32 flags on 6 different holidays. Commissioner Smith seconded the motion and it carried, unanimously.

Mayor and Board Member Comments:

Mayor Little: She thanked everyone for being at the meeting tonight – it was great to see a full room. She also wanted to again, thank Commissioner Jackson for filling the empty seat on the board. She wanted to thank the town's employees for hard work. She also reminded everyone about the National Day of Prayer at Memorial Park at noon on May 2, 2019.

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Commissioner Efirm: He wanted to thank everyone for showing up to voice their concerns. He said it was so good to see so many and for everyone to remember that we are here for the people of Oakboro. He wished everyone a Happy Easter.

Commissioner Huneycutt: He thanked Commissioner Jackson for joining our Board. He also wanted to thank Oakboro's town employees. He appreciated Betsy Heath voicing you concerns. He wished everyone a wonder Easter and Happy Mother's Day.

Commissioner Smith: He said he was very proud of Commissioner Jackson. He thinks she will bring a youthful prospective to the Board and he's looking forward to working with her. He also thanked Dr. James for his overview. He echoed what Josh Almond said about Rodney Hahn – he keeps our park looking like a show piece. He wanted to also tell everyone that the podium was made, recently, by the West Stanly Cabinet Making Class. They made two for us – the other one is at the New Community Building.

Commissioner Watkins: He was glad to see Georgia Osborne and thank you for all that you've done.

Commissioner Jackson: She wanted to thank her family and friends for showing up for her Oath of Office. She also wanted to thank the Town of Oakboro for allowing her this opportunity to serve on such a great Board. She looks forward to serving the great community of Oakboro.

Lynn Huneycutt wanted everyone to know that Tiffany N. Hill was in the audience and she saved a child's life and was on the news, recently. She received a round of applause.

Commissioner Efirm made a motion to go into Closed. **Commissioner Watkins** seconded the motion and it carried, unanimously.

Closed Session – Action Taken

Commissioner Jackson make a motion to go into Open Session. **Commissioner Smith** seconded the motion and it carried, unanimously.

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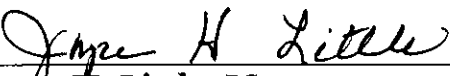
Commissioner Huneycutt made a motion to promote Officer Jason Eschert and Officer Bryce Kaus to Sergeant rank. Officer David Daigle and Officer

Matt Howard promoted to Corporal rank and Officer Mark Shue to Lieutenant. Commissioner Jackson seconded the motion and it carried, unanimously.

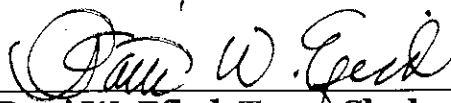
Commissioner Huneycutt made a motion to allow AD Construction to repair the ceiling at the new Police Department for \$2000.00. Commissioner Smith seconded the motion and it carried, unanimously.

Commissioner Efird made a motion to continue this meeting. Commissioner Smith seconded the motion and it carried, unanimously.

This the 15th day of April, 2019.



Joyce H. Little, Mayor



Patti W. Efird, Town Clerk

