

Town of Oriental – Board of Commissioner Meeting
and
Public Hearing
April 5, 2005

The Oriental Town Board of Commissioners met on Tuesday, April 5, 2005 at 7:00 p.m. at the Southeast Pamlico Fire Station on Straight Road. Present were Mayor Styron, Commissioners Bohmert, Harris Midyette, Moat and Wagoner.

Mayor Styron opened the meeting and led the Pledge of Allegiance.

Commissioner Moat made a motion to approve the March 2005 minutes as corrected. Second by Commissioner Bohmert. Vote 5-0.

Mayor Styron continued the public hearing from March 29, 2005, which addressed proposed ordinance changes to the GMO and opened the floor for comments. Fifteen people commented on the changes, with most addressing the proposed height change. Kathy Kellam offered an additional 24 signatures to be added to a petition asking for a height reduction.

Commissioner Harris made a motion to close the public hearing. Second by Commissioner Wagoner. Vote 5-0

Commissioner Moat read from a prepared statement supporting his belief that the recommendations of the Planning Board are supported and the height be lowered.

Commissioner Bohmert also read from a prepared statement expressing her opinion why the height should remain unchanged.

Commissioner Wagoner reminded the Board and audience that historically time tempered public opinion as witnessed from past displeasure's with certain buildings that no longer troubled the public.

Mayor Styron informed the public that there was no truth to some implied statements that insurance cost would escalate due to the permitted height in Oriental.

The full text of the proposed ordinances were addressed individually as follows:

1. Commissioner Moat made a motion to approve the change to limit multi-family units to no more than two units per lot in the R-2 District. Second by Commissioner Bohmert. Vote 5-0.
2. Commissioner Wagoner made a motion to reject the request to increase the lot size required from 5000 sf for the first unit and 3000 sf for the second unit to 5000 sf for the first unit and 4000 sf for the second unit in the R-2 District. Second by Commissioner Midyette. Vote 4-1 with Commissioner Harris voting against the rejection.

3. Commissioner Bohmert made a motion to approve the modification of the definition of “multi-unit residences” to include duplex units and the definition of “residence, duplex” be deleted. Second by Commissioner Harris. Vote 5-0.
4. Commissioner Bohmert made a motion to delete 1.122, in the Table of Permissible Uses, - manufactured home park, delete the definition “manufactured home park,” and delete the supplementary Use Regulations (Section 158) applicable to manufactured home parks. Second by Commissioner Midyette. Vote 5-0.
5. Commissioner Harris made a motion to approve the requirement that when more than one single family detached dwelling unit is located on one lot, each dwelling unit shall require the minimum lot size that would otherwise be required if the structures were located on individual lots and each dwelling units must have a setback of at least 14 feet from any other dwelling unit located on the same lot. Second by Commissioner Moat. Vote 5-0.
6. Commissioner Bohmert made a motion to approve the creation of an additional development district, R-3, with the same permitted uses and development standards as the current R-2 district (prior to the change in the R-2 in # 1 above) Second by Commissioner Moat. Vote 5-0.
7. Commissioner Moat made a motion to reject the proposed reduction in the maximum building height allowed in the MU-1 district by 3.5 feet. Second by Commissioner Midyette. Vote 5-0.
8. Commissioner Midyette made a motion to reject the proposed reduction in the maximum building height allowed in the R-1, R-2, R-3 and MU districts by 2.5 feet. Second by Commissioner Harris. Vote 3-2 with Commissioners Moat and Wagoner voting to approve the change.

Planning Board Report by Frank Swain:

1. Surveyor Jerry Ryan reported on progress of street right of ways and requested assistance with deed research to minimize cost.
2. Oriental Harbor had submitted a storm water drainage plan showing how Midyette Street storm water would be handled when the new condos were completed.
3. The Board would like to seek legal assistance in order to supplement current state and federal regulations pertaining to storm water drainage.
4. The Board requested that the Town Board grant permission for them to correct grammatical errors in the GMO without the necessity of holding a public hearing.

Commissioner Bohmert made a motion to give the Planning Board authority to correct grammatical errors as requested. Second by Commissioner Moat. Vote 5-0

Financial Report: Town Manager Cutler reported that there were four more months in which to receive property tax and that all categories appeared to be on target.

BRMSD Report: Commissioner Midyette reported that an attorney was present to explain how DWQ determined Bay River's sewer capacity. When 80% of capacity was reached, the sewer district is required to have a plan to increase capacity. DWQ had agreed to forego the 80% rule for Bay River if a written policy was in place explaining how it was prepared to handle future growth. A special meeting was held March 31, 2005 to adopt a resolution for wastewater capacity. New rules include higher impact fees, the requirement that fees be paid when the permit was issued and that monthly fees apply once the permit is issued. It was noted that the permit would be good for one year and applicants could apply for an extension. All decisions could be appealed in writing within 15 days.

Commissioner Moat made a motion to set a public hearing for May 3, 2005 for proposed zoning changes and proposed amendment to section 67 of the GMO. Second by Commissioner Bohmert. Vote 5-0.

Commissioner Bohmert made a motion recommending the Planning Board review a rezoning request from Mike Craig. Second by Commissioner Harris. Vote 5-0.

The Board discussed fees, with the consensus that the Water Board should review fees associated with water and the Planning Board review fees associated with the GMO. Commissioner Bohmert made a motion to ask the Planning Board to review fees pertaining to the GMO. Second by Commissioner Harris. Vote 5-0.

Ethics Statement was tabled until the next meeting.

Town Manager Cutler reported that white and brown goods would be picked up April 16.

Commissioner Moat submitted an ad he had prepared to go into the Pamlico News for a Land Use Administrator and asked that "Town Dock" post it on their website.

Commissioner Bohmert made a motion to approve Al Spruill's request for a batting cage at the Recreation Park. Second by Commissioner Midyette. Vote 5-0.

Manager Cutler would schedule budget workshops.

Manager Cutler reported that the existing elevated tank had been repainted, the State had approved the water test for the new well, and the water plant project was scheduled to be completed by May 31, 2005.

Commissioner Wagoner moved to adjourn. Second by Commissioner Bohmert. Vote 5-0.

Mayor

Town Manager