

Town of Oriental – Board of Commissioners Emergency Meeting  
December 19, 2007

The Oriental Town Board of Commissioners met on Wednesday, December 19 at 12:00 pm at the Oriental Town Hall for an emergency meeting with Town Attorney Scott Davis. The purpose of the meeting was to discuss legal issues involving South Avenue. Present were Mayor Sage and Commissioners Cox, Inger, Kellam and Styron. Commissioner Bohmert arrived at the end of the meeting.

Mayor Sage opened the meeting.

MOTION: Commissioner Inger made a motion to go into closed session according to S/S 143.3.1183 to discuss the South Avenue litigation. Second by Commissioner Styron. Vote 4-0.

Mr. Davis informed the Board that as Judge Crowe will be travelling the month of January he informed both parties that he would hear their briefs on December 31, 2007. Mr. Davis then reviewed the whole case for the sake of the new Board members.

The Town's burden is to prove the street was accepted and to "put in on the ground".

Options:

1. The Town wins and retains the property as a street right-of-way.
2. The Town gets 30' down the middle to the water line; Mr. Henry improves the bulkhead and the Town requests access down one of the two piers and transient access on the southern pier. (The Town would have to release its riparian rights to allow Mr. Henry to build his marina.)
3. The Town gets 20' down the southern side to the water. Mr. Henry gets 40' and builds his docks. The Town would request access across the southern pier and transient dockage on the same pier. Mr. Henry pays the cost – the Town gets the water access it wants.
4. There are a number of other options but of course Mr. Henry would have to agree.

In an attempt to reach an agreement before needing to go to trial, The Board agreed to have Mr. Davis push for option #2. He requested that Mr. Sage be his point of contact.

MOTION: Commissioner Styron made a motion to go out of closed session. Second by Commissioner Cox. Vote 4-0.

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Mayor

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Town Manager