

Town of Oriental – Board of Commissioners Meeting  
July 7, 2009

The Oriental Town Board of Commissioners met on Tuesday, July 7, 2009 at 7:00 pm at the Oriental Town Hall.

Present were: Mayor Sage and Commissioners Bohmert, Cox, Kellam, Inger and Styron  
Town Manager Cahoon  
Town Attorney Davis

Mayor Sage opened the meeting and led the Pledge of Allegiance

SOUTH AVENUE CASE – Mayor Sage announced that the NC Court of Appeals issued a unanimous opinion in favor of the Town. The Town does own the South Avenue right-of-way. Commissioner Cox, as well as Grace Evans, was commended for the work he did in gathering information for the case and was asked to read the last paragraph of the opinion;

“Accordingly, as there were no genuine issues of material fact as to whether the Town was the owner of the South Avenue terminus, the Town was entitled to judgment as a matter of law. We hold that the trial court erred in granting summary judgment in favor of the Henrys and in failing to grant summary judgment in favor of the Town. We thus reverse and remand this matter to the Pamlico County Superior Court with instructions to enter an order consistent with this opinion.”

APPROVAL OF MINUTES - The minutes for the closed sessions were not available for review and will be approved at the next meeting.

MOTION: Commissioner Styron made a motion to approve the May 26\*, May 28, June 2 and June 11 minutes with corrections to the May 28<sup>th</sup> minutes. Second by Commissioner Inger. Vote 5-0.

\* Regarding the May 26 minutes, Commissioner Inger asked if Mr. Davis had looked into the encroachments on the Town’s property at the end of Hodges Street. (As he was unaware of the request he did not do it yet.) Commissioner Bohmert requested that, if the area is not paved, to leave it as a conservation area.

MUTUAL AID AGREEMENT – Regarding the mutual aid agreement, Commissioner Bohmert stated that she should have said something during the June meeting but did not. The mutual aid agreement with Newport was arranged for the Croaker Festival and while she appreciated it, she usually gets assistance from the county sheriff’s department.

TOWN ATTORNEY REPORT – Mr. Davis stated that when he first started working for Oriental in March of 1996, the South Ave. case was his first big issue and that he is very pleased with the outcome.

TOWN MANAGER REPORT – A copy of the report is in the minutes book. He discussed the situation between Bay River and Sea Horse Landing. Should anything be worked out between them, Sea Horse Landing will have to apply for a new permit.

Mr. Cahoon shared some facts about the rumble strips that will be placed on Midyette St. A lengthy discussion then ensued about the goals, pros and cons of the strips. One citizen suggested talking with

other towns that use the strips and get their views of them. Mayor Sage ended the discussion by saying they would hold off on purchasing the rumble strips until further investigation is done.

The Board then discussed David Singleton, the Town's auditor. Disappointed with the delay in getting last year's audit to the State, changing auditors was considered. Mr. Singleton will present the audit at the August 4<sup>th</sup> meeting.

Mr. Cahoon then asked the Board to consider Mr. Kirk Nelson's request to be reimbursed the \$512 for his hot water heater that broke during the pressure spike that occurred back in March '09.

MOTION: Commissioner Styron made a motion to deny paying the claim. Second by Commissioner Cox. Vote 5-0.

Regarding Mr. Thomas Smith's request for financial aid in the upkeep of the cemetery on Silverbrook Road, the Board agreed to deny this request as the cemetery is outside the town's limits.

PUBLIC COMMENT PERIOD – Mr. Frank Roe complimented Commissioner Bohmert and Chief Casassa for the smooth handling of the Croaker Festival. Mr. Tony Tharp asked how much the auditor cost the town (\$14,000). Mr. Larry Gwaltney, representing the Oriental Harbor Place Condos, stated that on busy weekends parking is a problem at the end of Midyette St. with cars parking on the grass along the side of the road (on the right-of-way). The condos owners are willing to pay for having 6x6 posts placed every 5' to discourage parking on the right-of-way. He asked the Board to consider making that area a "no parking" zone. Commissioner Bohmert stated that she had a problem with his request because the condos were built on the town right-of-way. She did not think it appropriate to decrease the parking there at the Wild Life Ramp. Mr. Gwaltney and Mr. Cahoon both agreed that the condos and the ponds are in the right-of-way. When asked by Mayor Sage how that happened, Mr. Gwaltney said they received an easement from the town. As this needs more investigation, no action was taken.

CONFLICT OF INTEREST STATEMENT - Mr. Cahoon pointed out that this form would need to be signed by all board and committee members as well as all employees. Mayor Sage asked that the state statutes be reviewed and that Scott Davis review it as well.

CAMP CREEK DEED - The deed was recorded on June 2, 2009. (It was recorded too late to be included on this year Town's Powell map.)

SPVFD – VERIFICATION FROM MUNICIPALITY RESOLUTION -

MOTION: Commissioner Bohmert made a motion to approve the resolution. Second by Commissioner Inger. Vote 5-0.

PLANNING BOARD REPORT – A copy of the report is in the minutes book. Mr. Marlowe asked the Board to consider reappointing Jim Barton and Roger Cordes for another term.

MOTION: Commissioner Bohmert made a motion to reappoint Mr. Barton and Mr. Cordes for another term. Second by Commissioner Inger. Vote 5-0.

TOURISM BOARD - A copy of the report is in the minutes book. Mrs. McIlhenny presented a revised budget. (It will be approved at a later date after the Board has a chance to look it over.) She also handed out copies of the newest town brochure.

PARKS & REC ADVISORY COMMITTEE – The Board did not meet in June.

TREE BOARD – As the computer was down, there were no minutes. Commissioner Kellam addressed the e-mail she received from the Bob Miller, Chairman of the Tree Board, regarding trees on High Street that need to be cut down. Mr. Cahoon pointed out that several other trees need to be removed and he feels all the trees should be handled at the same time. The Board agreed.

LONG RANGE PLANNING MEETING – A copy of the report is in the minutes book. Mrs. Sage stated that the committee is about one meeting away from completing their task. She asked the Board to think about a date when they can present their work to the Board. Commissioner Kellam suggested meeting one hour before the next Agenda Meeting.

BAY RIVER REPORT – A copy of the report is in the minutes book.

POLICE REPORT – A copy of the report is in the minutes book. As Chief Casassa was not present, Mr. Cahoon informed the Board that the police car went to the Bridgeton police department. Commissioner Kellam informed the Board that a bailiff from New Bern will be working with Chief Casassa as an auxiliary police officer. The only costs the deputy will incur are insurance and uniforms.

MOTION: Commissioner Cox made a motion to approve the hiring of the auxiliary police officer. Second by Commissioner Kellam. Vote 5-0.

FINANCIAL STATEMENTS – A copy of the statements is in the minutes book.

SET PUBLIC HEARINGS –

MOTION: Commissioner Bohmert made a motion to set public hearings for changes to the GMO; (1) Article X – Section 160 Final Plat and (2) Article XVI – Definition of Bed & Breakfast. Second by Commissioner Cox. Vote 5-0.

COMMISSIONERS' COMMENT PERIOD – None

NON AGENDA ITEMS – Commissioner Styron commented on the handicapped parking that was painted outside the Baptist Church on Broad St. – he feels that number of spaces should be reduced. This will be taken up with Chief Casassa. Mr. Cahoon mentioned the sidewalk that was put in outside the Body Balance building (the owner did not get approval from the Town for this project). Mayor Sage mentioned the lack of 'no passing' street markings at the intersection of HWY 55 and White Farm Road. (DOT will be contacted about this issue.) He also stated that the Craven airport would like a banner from Oriental to fly at the airport. (Mr. Cahoon will get the banner to the airport.)

There being no further business;

MOTION: Commissioner Styron made the motion to adjourn. Second by Commissioner Inger. Vote 5-0.

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William Sage, Mayor

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Randall Cahoon, Town Manager