

Town of Oriental - Board of Commissioners Meeting
And Public Hearing
December 5, 2006

The Oriental Town Board of Commissioners met on Tuesday, December 5 at the Oriental Town Hall. Present were Mayor Styron and Commissioners Bohmert, Herlands, Inger, Johnson, and Venturi. Public attendance was standing room only.

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

Commissioner Herlands made a motion to approve the November 2nd and 7th minutes. Second by Commissioner Bohmert. Vote 5-0.

Commissioner Herlands made a motion to approve the November 8th minutes with corrections. Second by Commissioner Inger. Vote 5-0.

Commissioner Herlands made a motion to approve the November 13th minutes with corrections. Second by Commissioner Inger. Vote 5-0.

David Singleton with Seiler, Zachman & Associates presented the Town 2005-2006 financial audit (copy of audit on file). A clean opinion was issued. (Copy of Commissioner Herlands' summary memo is in the minutes book.)

Public hearing #1 pertaining to the special use permit sought by the Oriental Cottage Ind. to build a three unit condo at 1082 New Street was opened. Those wishing to speak were sworn in. Mr. Steve Williams of the Oriental Cottage Ind. gave a brief recap on the project and indicated he was submitting the site plan, building plan and application as evidence. The Board questioned Mr. Williams about parking, drainage and elevation of the property. In response to a question concerning parking opportunities for visitors and deliveries to the project, Mr. Williams stated that the parking area for the adjoining Oriental Harbor Marina Complex was a "public parking lot."

After answering additional questions posed by the commissioners, there being no public input, the Board proceeded by addressing the 7 elements;

1. Is the requested SUP within the jurisdiction of the Board of Commissioners?
Response: Yes
Public response: None
2. Is the application complete?
Response: Yes
Public response: None
3. Does the development comply with the GMO?
Response: Yes

- Public response: None
4. Will the development materially endanger the public health or safety?
Response: No
Public response: None

 5. Will the development substantially injure the value of adjoining or abutting property?
Response: No.
Public response: None

 6. Will the development be in harmony with the existing development and use within the area in which it is located?
Response: Yes
Public response: None

 7. Will the development be in general conformity with the any plans officially adopted by the Town Commissioners?
Response? Yes
Public response: None

Commissioner Herlands made a motion that the application is in compliance with all 7 of the elements. Second by Commissioner Johnson. Vote 5-0.

Commissioner Herlands made a motion to approve the SUP subject to the following conditions

1. That the applicant shall complete the development strictly in accordance with the building and site plans submitted to the Board of Commissioners, copies of which are filed in Town Hall. Any deviations from those plans require, prior to their implementation, further applications to and approval from the Town of Oriental pursuant to GMO section 67.
2. This approval is subject to the condition that the applicant shall submit “as built” plans to the Town of Oriental to confirm compliance with applicable height limitations.

Further, this approval shall expire after one year from the date hereof if substantial site development or construction has not commenced. Second by Commissioner Bohmert. Vote 5-0.

Commissioner Herlands made a motion that the Town Administrator be directed to record this permit with the Pamlico County Registrar of Deeds. Second by Commissioner Inger. Vote 5-0.

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

Public Hearing #2 was opened. This preliminary discussion pertained to Extra Territorial Jurisdiction (ETJ) for an area bounded by North Street to the south, Silverbrook Road to the west, Straight Road to the north, and White Farm Road to the east. Commissioner Johnson pointed to the area in question on the Town map. The Town must first receive permission for the State Legislature to apply ETJ authority.

It was explained that those people living within the proposed ETJ area, if in fact the Town was granted the authority and chose to exercise it, would not pay additional taxes, would not receive extra services but new building projects would have to comply with the Town's GMO. They will have representation on the Planning Board and on the Board of Adjustment. After some discussion, Commissioner Johnson made a motion to close the public hearing. Second by Commissioner Inger. Vote 5-0.

Commissioner Herlands made a motion to transmit a request to the State Legislature, through Representative Alice Underhill, requesting it to grant the limited ETJ only to the northern boundaries as discussed in this public hearing. Second by Commissioner Inger. Vote 5-0.

Public Hearing #3 was opened pertaining to the proposed annexation of property owned by the Town. Comments were taken from the public. Commissioner Bohmert made a motion to close the public hearing. Second by Commissioner Johnson. Vote 5-0.

Commissioner Herlands made a motion to adopt the resolution to annex the proposed areas. Second Commissioner Johnson. Vote 5-0.

Commissioner Herlands made a motion to ask the Planning Board to propose what the zoning should be for the newly annexed properties, within 30 days. Second by Commissioner Johnson. Vote 5-0.

Manager Cutler relayed a request to the Board from a resident on Whittaker Point Rd. The request was for the Whittaker Creek Marina proposed condo property to officially return that property to its former use as a parking lot. After much discussion, no action was taken. Mr. Cutler then relayed another request to the Board to consider rezoning that property. Again, no action was taken.

The Planning Board report was given by Chairman Sage (copy of report in minute book). The next Planning Board meeting was rescheduled to December 19th at 7:00 pm.

Commissioner Herlands discussed the CAMA Land Use Plan. He stated that in his opinion, this plan is more important than the GMO in some respects. He requested that the finished plan be brought to the Town Board and that the public be given a 30 day comment period to see if everyone agrees to the plan's guiding principles which will govern any changes that are made to the GMO.

Members of the CAMA LUP update committee stated that as this is an update to the 2004 LUP and not a newly written document they were opposed to having a public review before resubmitting the plan. In a short time a new LUP will have to be written and a new committee will be formed and public input will be sought then.

Commissioner Herlands made a motion to direct the CAMA LUP Update Committee and the Planning Board to submit the finished document to the Board of Commissioners for review and to allow a public comment period of 30 days. Second by Commissioner Johnson for discussion purposes. This plan was originally submitted in 2004 and returned February of 2006 to be reformatted. Once this plan comes back from the State it will be returned for public comment. Vote 1-4. The motion did not carry.

Commissioner Venturi made a motion to schedule a joint meeting/workshop on January 2, 2007 at 4:00 pm between the Board of Commissioners and the Planning Board with Attorney Scott Davis and Wyatt Cutler as well as any of the public who want to become familiar with issues and procedures regarding special use permits. Second by Commissioner Bohmert. Vote 5-0.

The River Neuse Suites condotel project was discussed. Commissioner Herlands made a motion to direct the Town Manager to issue a notice to the River Neuse Suites LLC informing them they are in violation of the GMO and that enforcement actions authorized under Article VI will be pursued unless the applicant commences to comply by filing a special use permit application for their current project by February 16th, 2007 and thereafter continues to comply with the GMO. Second by Commissioner Johnson.

Mr. Mike Rogers, one of the principal owners of River Neuse Suites, stated that in talking with Mr. Cutler he understands that to begin the process, he needs to get the application for the Special Use Permit in by January 4, 2007. Along with that application they would like to also submit their plans for additional rooms. Commissioner Herlands stated that would be acceptable however the plans will be treated separately. The fee that was paid for the Land Use Application may be applied towards the fee for the special use permit. The vote was then taken; Vote 5-0.

Attorney Scott Davis gave an update on the South Avenue right-of-way issue. He met with the bankruptcy trustee who is dealing with Mr. Henry's property. In November, Mr. Davis had proposed to the other party a resolution. No action was taken then and now Mr. Davis has been instructed to file the motion and get a court date.

The Tourism Board Report was given by Commissioner Bohmert. Tourism Board Chairman Gary Dubiel presented a report on fine mesh netting (copy of report in minutes book). After a lengthy discussion both against and for the use of fine mesh nets, the Board decided to take no action.

The Bay River Report was given by Commissioner Nancy Inger (copy of report in minutes book).

Police report was given. Chief Casassa reported that there was a break-in at Croakertown and The Healthy Dragon on Thanksgiving. There are two suspects. Next week one of the MDT will be installed in the police car.

The Stakeholders' Report was given by Kathy Enzerink (copy of report in minutes book). They will meet Wednesdays at 6:30 pm at the Village Restaurant.

The Manager's Report was given.

1. Have received a couple quotes on paving. The work won't start until late in the first quarter of 2007.

2. Paid \$43,000 for stored pipe for the new 10" water line on White Farm Road. Waiting on the permits from the State to begin the work.

3. We are about \$50,000 under budget on the water tank and about \$15,000 under budget on the altitude valve and pipe line work. The Rural Center may reimburse part of the money and may allow us to apply some of the money to the water plant discharge permit.

4. Continuing work on drainage problems.

5. Working on the minor permit for the picnic shelter at the Town Beach and the major permit for the new pier at Lou-Mac Park.

The financial report was given Mr. Cutler (copy of report in minutes book).

Mr. Joe Valinoti, Recycling Coordinator, stated that in the 6 years he has overseen the recycling program in Oriental, recycling has increased from 19% to over 30%, saving the Town approximately \$33,000 in landfill tipping fees. He then discussed the recycling center at the Town 'n Country grocery store. On an increasing basis, people are leaving garbage at the site causing a substantial, unsightly mess. It is the Town of Oriental that maintains that site and the Public Works Dept. has to spend more and more hours cleaning up the site. Mr. Valinoti has observed that the majority of the people who use it do not live in Oriental. He questioned the logic of the Town paying to maintain a site that should be the County's responsibility. He asked for support in sending a letter to the County telling them to take over the maintenance of the site or to get rid of it. Mr. Cutler pointed out the County is short handed and needs another truck. Commissioner Herlands suggested billing the County for the Town's man-hours. Commissioner Inger suggested they request that the bins be emptied on Fridays instead of Wednesdays. Mr. Cutler said he will meet together with Tim Buck and Joe Valinoti to try to resolve the problems.

Commissioner Johnson gave an update on the Boardwalk behind the Oriental Harbor Condos (report is in minutes book).

Discussed the NC League of Municipalities Resolution. Commissioner Inger suggested some changes in the wording. Commissioner Inger made a motion to adopt the Resolution. Second by Commissioner Johnson. Vote 5-0.

Commissioner Inger reported on the possible purchase of land for parking (copy of report in minutes book).

Commissioner Venturi gave an update on the Long Range Planning. Getting people to volunteer on the board has been difficult and she asks that the Commissioners and the Mayor help by nominating people to serve on the board. Commissioner Inger suggested that Ms. Venturi outline the 10 most important items to focus on. She also suggested that the group focus on enhancing our image of “Sailing Capital of North Carolina”. Various ideas were discussed on how to get more participation from the public.

Commissioner Johnson discussed the new meeting room. He asked that an architect be found to draw up plans for the renovation of the Town Hall. Commissioner Inger requested that the topic be put on next month’s agenda.

Commissioner Bohmert made a motion to adjourn. Second by Commissioner Inger. Vote 5-0. Meeting ended at 11:54 pm.

Mayor

Town Manager