

Town of Oriental – Board of Commissioners Meeting
June 5, 2007

The Oriental Town Board of Commissioners met on Tuesday, June 5, 2007 at 7:00 pm at the Oriental Town Hall. Present were Mayor Styron and Commissioners Bohmert, Inger, Herlands, Johnson, and Venturi. Also present were Planning Board members Cox, Marlowe, Olson and Sage as well as over 70 members of the public.

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

MOTION: Commissioner Herlands made the motion to approve the minutes for May 24th, May 17th (including the closed session), May 15th, May 1st (after some corrections are made in the Commissioners' Comments), and April 26. Second by Commissioner Johnson. Vote 5-0.

CAMERAS AT LOU MAC PARK - The public hearing on Article XI was delayed so that agenda items #4 and #4a could be addressed first. Mr. Tony Tharp was asked to state his case against the cameras that Mr. Keith Smith of towndock.net put up at the Town Dock area and at Lou Mac Park. While Mr. Tharp understands that there is nothing the town can do to force Mr. Smith to take down the cameras, he wished to publicly voice his opposition to the "spycams". He feels that they are an invasion of privacy. Mr. Tharp requested that, at the very least, there needs to be signage to warn people of the cameras. When asked, Mr. Smith stated that he will look into changing the angle of the camera at Lou Mac Park so that it shows the Neuse River and not the park. He will not change the camera overlooking the Town Dock area.

NOISE ORDINANCE/KEITH SMITH – Mr. Keith Smith presented a petition with 10 signatures voicing "their weariness of the excessive volume and music playing late in the night in the Old Village", referring to the music venues at the Tiki Bar. Mr. Tom McIlhenny, manager of the Tiki Bar, presented a petition with 215 signatures in favor of the music. After hearing several comments both for and against the music, in an effort to maintain peace in the village, the general consensus was to obtain a decibel meter to monitor the noise level and to research other towns' noise ordinances in an effort to update ours.

MOTION: Commissioner Bohmert made a motion to have the town manager issue the noise permits. Should the town manager not be available, the commissioner overseeing the police department will sign the permit. Second by Commissioner Johnson. Vote 5-0.

PUBLIC HEARING/ARTICLE XI, ARTICLE IX, ARTICLE XIV - It was agreed to receive comments section by section.

Section 181 - A few people stated that leaving out #2, which pertained to excluding CAMA wetlands in the equation of developable property, was a mistake. Others voiced their opinions that the State over-regulates them already and that leaving that section in

the GMO creates a hardship to property owners. Commissioners Venturi, Inger and Herlands agreed that this needs to be researched more.

Section 182 – A few people questioned the renumbered #3 pertaining to density requirements on lots under 9,000 sq.ft. Planning Board member Paul Olson explained the reasoning behind it.

Section 183 – Planning Board member Bill Marlowe pointed out that with the current rules, flag lots are not allowed.

Section 184 - Business and property owner Missy Baskervill voiced her opinion that the alternate 184 was too restrictive. Bob Baskervill felt the eave height should be raised to 27 ft.

Section 185 - One change to wording recommended.

Section 186 – The majority of those who spoke were in favor of leaving 60% impervious service in MU and MU-1.

Section 187 - Ms. Baskervill was in favor of this addition to the GMO. Town attorney, Scott Davis, felt the goals of Section 187 might be better achieved with conditional zoning. (The Planning Board will be asked to come up with ‘conditional zoning’. Until that time, Section 187 will remain.)

Definitions – Consensus was to address the amendments to the definitions as one group. No further comments were made.

MOTION: Commissioner Bohmert made the motion to close the public hearing. Second by Commissioner Herlands. Vote 5-0.

MOTION: Commissioner Bohmert made the motion to approve Section 181 of the GMO. The Town has determined that the amendment is not inconsistent with any comprehensive or other plan adopted by the Town within the meaning of section 214 of the Oriental Growth Management Ordinance, and that the Town Board has determined that the amendment to section 181 of the Oriental Growth Management Ordinance is reasonable and in the public interest because it enabled small businesses to make use of the small lots in the MU-1 district. Second by Commissioner Venturi. Vote 5-0.

MOTION: Commissioner Bohmert made the motion to approve Section 182 of the GMO. The Town has determined that the amendment is not inconsistent with any comprehensive or other plan adopted by the Town within the meaning of section 214 of the Oriental Growth Management Ordinance, and that the Town Board has determined that the amendment to section 182 of the Oriental Growth Management Ordinance is reasonable and in the public interest because it (a) increases the maximum allowable

density in R-2 development districts to a level considered appropriate; (b) it decreases the maximum density allowable in R-3 development districts where more than 8 units are in single buildings so that sufficient open space will be available; (c) sets standards for the proportions of residential and nonresidential uses in mixed use buildings in the MU and MU-1 development districts that will be allowed greater lot coverage pursuant to section 186; and (d) allows flexible use, without per-unit requirements, for lots under 9,000 square feet in MU-1 development districts so that small business will not be further discouraged from operating within the district. Second by Commissioner Venturi. Vote 3-2 with Commissioners Herlands and Johnson voting no.

MOTION: Commissioner Bohmert made the motion to approve Section 183 of the GMO. The Town has determined that the amendment is not inconsistent with any comprehensive or other plan adopted by the Town within the meaning of section 214 of the Oriental Growth Management Ordinance, and that the Town Board has determined that the amendment to section 183 of the Oriental Growth Management Ordinance is reasonable and in the public interest because it clarifies the allowable business use of residential property. Second by Commissioner Johnson. Vote 5-0.

MOTION: Commissioner Herlands made the motion to approve Section 184 of the GMO. The Town has determined that the amendment is not inconsistent with any comprehensive or other plan adopted by the Town within the meaning of section 214 of the Oriental Growth Management Ordinance, and that the Town Board has determined that the amendment to section 184 of the Oriental Growth Management Ordinance is reasonable and in the public interest because it (a) makes it easier to use by transferring definitions to Article XIV with other definitions; (b) allows streetscapes harmony where grandfathered buildings already invade front setback lines; and (c) increases setback requirements for upper floors of tall buildings to prevent them from overshadowing the street or their neighbors. Second by Commissioner Bohmert. Vote 4-1 with Commissioner Johnson voting no.

MOTION: Commissioner Bohmert made the motion to approve Section 185 of the GMO after deleting “Subject to subsection” in number 5). The Town has determined that the amendment is not inconsistent with any comprehensive or other plan adopted by the Town within the meaning of section 214 of the Oriental Growth Management Ordinance, and that the Town Board has determined that the amendment to section 185 of the Oriental Growth Management Ordinance is reasonable and in the public interest because it increases architectural harmony by establishing standards for roof pitches. Second by Commissioner Inger. Vote 4-1 with Commissioner Johnson voting no.

MOTION: Commissioner Herlands made the motion to approve Section 186 – Alternate Version of the GMO. The Town has determined that the amendment is not inconsistent with any comprehensive or other plan adopted by the Town within the meaning of section 214 of the Oriental Growth Management Ordinance, and that the Town Board has determined that the amendment to section 186 of the Oriental Growth Management

Ordinance is reasonable and in the public interest because it (a) reduces density for residential buildings in mixed-use development districts; (b) establishes maximum building footprints in R-2, R-3, MU, and MU-1 development districts to preserve harmony with existing buildings; and (c) improves storm water runoff management by decreasing the portion of certain lots in a mixed-use district that may be covered by impervious materials. Second by Commissioner Bohmert. Vote 4-1 with Commissioner Johnson voting no.

MOTION: Commissioner Herlands made the motion to approve Section 187 of the GMO with the addition of: "... The Board of Commissioners may, after a public hearing, modify..." and, "The views of the Planning Board shall be solicited prior to the public hearing." The Town has determined that the amendment is not inconsistent with any comprehensive or other plan adopted by the Town within the meaning of section 214 of the Oriental Growth Management Ordinance, and that the Town Board has determined that the amendment to section 187 of the Oriental Growth Management Ordinance is reasonable and in the public interest because it enables the Town Board flexibility to obtain public amenities that benefit the Town during development and redevelopment of large waterfront lots in the MU-1 development district. Second by Commissioner Inger. Vote 4-1 with Commissioner Johnson voting no.

MOTION: Commissioner Venturi made the motion to approve the revised Definitions within Sections IX and XIV. The Town has determined that the amendment is not inconsistent with any comprehensive or other plan adopted by the Town within the meaning of section 214 of the Oriental Growth Management Ordinance, and that the Town Board has determined that the amendment to definitions of the Oriental Growth Management Ordinance is reasonable and in the public interest because they move definitions from other sections to the section with other definitions and/or add minor definitions for clarification of terms used elsewhere. Second by Commissioner Inger. Vote 5-0.

MOTION: Commissioner Inger made a motion to continue the meeting until Wednesday, June 6 at 2:00 pm at the Oriental Town Hall. Second by Commissioner Bohmert. Vote 5-0.

Meeting ended at 11:00 pm.

Mayor

Town Manager

