

Town of Oriental – Board of Commissioners Meeting
August 4, 2009

The Oriental Town Board of Commissioners met on Tuesday, August 4, 2009 at the Oriental Town Hall.

Present were: Mayor Sage and Commissioners Bohmert, Cox, Inger, Kellam and Styron
Manager Cahoon
Recording Secretary Wagoner
Planning Board members Marlowe and Barton
Long Range Planning members Sage and Venturi
Tourism Board member McIlhenny
12 members of the public

APPROVAL OF MINUTES –

MOTION: Commissioner Styron made a motion to approve the June 25 and July 7 minutes with corrections to each. Second by Commissioner Bohmert. Vote 5-0

2007-2008 FISCAL AUDIT REPORT – Mr. David Singleton, of Seiler, Singleton & Assoc., reviewed the audit and answered questions. He apologized for the delay in submitting our audit to the State citing the departure of a fellow employee and the chaos that then ensued in splitting up that person's accounts as the reason. The Town received a 'clean opinion'.

PUBLIC HEARING – ARTICLE X – SECTION 160 FINAL PLAT. Mayor Sage opened the first Public Hearing. There being no public input;

MOTION: Commissioner Bohmert made the motion to close the Public Hearing. Second by Commissioner Cox. Vote 5-0.

MOTION: Commissioner Bohmert made a motion to adopt the ordinance. Second by Commissioner Cox. Vote 5-0.

Mr. Cahoon reminded the Board to complete the Consistency Statement for this ordinance.

PUBLIC HEARING – DEFINITION OF BED & BREAKFAST – Mayor Sage opened the Public Hearing and read the proposed definition. Mr. Roy Teixeira asked the Board to define 'permanent residence of the manager'. (The mayor explained that the State Statute's definition of a B&B requires either the owner or manager of the B&B to actually reside at that residence in case of emergencies.) Mrs. McIlhenny asked why the State felt the need for the regulation. (Mayor Sage did not know.) Mrs. Sage asked what the State's interest is in this definition; what is the enforcement? (Mayor Sage said it is overseen by the public health department for sanitation purposes.) There being no further questions;

MOTION: Commissioner Bohmert made the motion to close the Public Hearing. Second by Commissioner Cox. Vote 5-0.

MOTION: Commissioner Bohmert made a motion to adopt the definition. (During the discussion, Commissioner Kellam clarified that the definition applies to all new businesses; existing B&B's are grandfathered in under the old definition. Should a B&B change owners, as

long as the business stays a B&B, the new owner will also be grandfathered in.) Second by Commissioner Cox. Vote 5-0.

CONSENT AGENDA – APPROVE GENERAL ORDINANCE CHANGES – The proposed changes were to:

Chapter A – Fee Schedule
Chapter F - Traffic Schedule III – Intersections w/ stop signs
Chapter G – Property Kept Clean
Chapter H – Disorderly Conduct & Public Nuisance: Section 5 – Violations
Chapter K – Application For Service
Chapter L – Tourism: - Article 1 – General, Section 2 – Composition a)
Chapter M – Trees: Article 1 – General

After some discussion, Chapter M – Trees was removed from the consent agenda.

MOTION: Commissioner Cox made a motion to approve the changes to Chapter A, F, G, H, K and L. Second by Commissioner Styron. Vote 5-0.

MOTION: Commissioner Inger made a motion to approve the change to Chapter M – Trees after removing “v)” from subsection b). Second by Commissioner Kellam. Vote 5-0.

MOTION: Commissioner Styron made a motion to correct Section 2. of each ordinance change to read “...after the date of its adoption” instead of ‘inception’. Second by Commissioner Cox. Vote 5-0.

TOWN ATTORNEY REPORT – Mr. Davis was not present. Commissioner Cox reported that on Friday, July 31, the clerk of the court received the mandate from the Court of Appeals. It included a provision that the losing side must pay the court costs. Mr. Steve Weeks will draft the order and present it to the judge for signature. Fifteen days after the order is signed the Town of Oriental can proceed with its plans for the terminus of South Ave.

TOWN MANAGER’S REPORT - A copy of Mr. Cahoon’s reports are in the minutes book. Concerning the proposed Bay River Metro Sewer Interlocal Agreement, the Board directed Mr. Cahoon to have it reviewed by attorney Ben Hollowell.

PUBLIC COMMENT PERIOD – The Wagoner family, Amron, Logan and Lori, informed the Board that their cat was attacked by 2 free-roaming dogs and had to be put down. They felt their experience exposed the inadequacies of the ordinance and asked the Board to revisit the General Ordinance, Chapter H, Article III – Animals. While there are guidelines in the ordinance for such situations as theirs, when called, the Oriental Police Department just told them to call Trinity Smith, the County’s Animal Control Officer. Ms. Wagoner also complained that the Police Reports submitted each month are not accurate as not all of the animal complaints are recorded. The Board agreed to review the ordinance.

Mr. Gwinn Hedrick and Mr. Ed Bryant asked how their businesses could be included on the new tourism maps. Mrs. McIlhenny explained that the brochure is not a ‘town brochure’ but rather hers and that the Tourism Board agreed to help cover some of the cost. After finding errors in it, the brochure was pulled from circulation and new ones will be printed by the end of the month. While she was able to get a few more advertisers to help with some of the reprinting cost, Mrs. McIlhenny will foot the rest of that bill. She will only list businesses that she deems are ‘tourism related’.

PLANNING BOARD REPORT – A copy of the report is in the minutes book. Mr. Marlowe stated that his board did not “punt” the issue of the trailer at the hardware store; they determined that it was not against regulations. Commissioner Bohmert pointed out a typo in the minutes.

TOURISM BOARD REPORT – A copy of the report is in the minutes book. Mrs. McIlhenny pointed out a change to the tourism budget; the \$5,000 requested by the Croaker Festival is not needed. Commissioner Kellam said she reviewed the town budget and thought they had decided not to include the rollover. She asked that the minutes be reviewed to confirm this. Commissioner Bohmert voiced the need to approve their budget as invoices need to be paid. Commissioner Styron pointed out that they had already approved \$9,000 in the Town’s budget. After a lengthy discussion;

MOTION: Commissioner Bohmert made a motion to approve the Tourism Budget at \$9,000. The past minutes will be reviewed to confirm what was agreed upon regarding the rollover money. Second by Commissioner Styron. No vote was taken. Commissioner Bohmert later withdrew her motion.

MOTION: Commissioner Cox made a motion to ratify and approve the expenditures that the Tourism Board has already obligated including the \$1,000 for the brochure; not to exceed the \$9,000 the Town Board has already budgeted. Second by Commissioner Styron. Vote 5-0.

Mayor Sage requested a revised tourism budget to be presented at the next meeting for approval. Mr. Bill Breitling, representing the Oriental History Museum, requested a line item for the museum within the tourism budget so that they do not have to appear before the board each time they want to spend money. It was agreed that Mr. Breitling will submit an itemized budget to Mrs. McIlhenny for approval.

MOTION: Commissioner Styron made a motion to authorize Mr. Cahoon to pay the Tourism Board invoices totaling no more than \$3,000 between now and the next meeting in September. Second by Commissioner Bohmert. Vote 5-0.

Mayor Sage thanked Ms. Pugh for her time served on the Tourism Board. Commissioner Bohmert asked that the town manager write a letter of appreciation be sent to Ms. Pugh. Commissioner Kellam asked that the accounts be reviewed to see what the grand total is in the tourism budget.

PARKS & REC COMMITTEE REPORT – No report was available. Ms. Venturi reminded the Board that they need approval for the Bike & Pedestrian Plan from Rob Will of ECC.

MOTION: Commissioner Cox made a motion to approve the expenditures necessary for Phase 1 of the Bike & Pedestrian Plan. Second by Commissioner Bohmert. Vote 5-0.

TREE BOARD – A copy of the report is in the minutes book.

LONG RANGE PLANNING COMMITTEE REPORT - Mrs. Sage reported that they are just about finished with the vision statement. They are requesting a meeting date of August 29 at 10:00 am at the Oriental Baptist Church on Broad Street for the presentation.

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. Chief Casassa was not present for the meeting. Commissioner Bohmert stated that she had several questions for the Chief, some concerning the drowning victim over the 4th of July weekend and Commissioner Inger had questions about the loud noise reports.

FINANCIAL STATEMENTS – A copy of the statements is in the minutes book. Mr. Cahoon pointed out the \$6440.11 under Sales & Use Tax was posted there in error; it is actually a payment for the previous fiscal year. He will meet with the auditors and discuss changing from accrual to cash accounting.

COMMISSIONER COMMENT PERIOD – Commissioner Bohmert stated that there is still a need to figure out the right-of-way at the end of Midyette St. She would like that end of the street re-surveyed. Mayor Sage stated that he and Mr. Cahoon went to that area and talked with Grace Evans who does not mind having cars park on her yard. She removed the No Parking sign but Chief Casassa said that was illegal. They discussed moving the No Parking signs to the other side of the street.

NON AGENDA ITEMS – Mr. Cahoon reported that Larry Gwaltney, property manager for the School House Condos, is going to ask the town to check the right-of-way on Church Street. A large tree needs to come down and he wants to determine who actually owns the tree.

There being no further business;

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

William Sage, Mayor

Attest: _____
Randy Cahoon, Town Manager