

Town of Oriental – Board of Commissioners Meeting
September 1, 2009

The Oriental Town Board of Commissioners met on Tuesday, September 1, 2009 at 7:00 pm the Oriental Town Hall.

Present were: Mayor Sage and Commissioners Bohmert, Cox, Inger, Kellam and Styron
Manager Cahoon and Attorney Scott Davis
Recording Secretary Wagoner
Planning Board Chairman Marlowe
Tourism Board Chairman McIlhenny
Tree Board Chairman Miller
Long Range Planning members Sage and Venturi
County Commissioner Mele
12 members of the public

APPROVAL OF MINUTES –

MOTION: Commissioner Bohmert made a motion to approve the July Agenda Mtg. and August 4 Board Mtg. minutes. Second by Commissioner Cox. Vote 5-0

TOWN ATTORNEY REPORT - Mr. Davis reported that, as expected, Mr. Henry has filed a petition for a discretionary review with the Supreme Court. Commissioner Cox added that it took the Court of Appeals approximately 10 days to decline the petition for a rehearing. The Town will have 10 days from the date the petition is served to file a brief, should we choose to do so.

TOWN MANAGER REPORT – A copy of his reports is in the minutes book. Regarding the bids from Pamlico Tree Care and Affordable Tree Care;

MOTION: Commissioner Cox made a motion to accept Affordable Tree Care's bid provided he is able to show proof of insurance and bonding within the next 3 days. Should he fail to do this, Pamlico Tree Care will be hired to remove the trees. Second by Commissioner Kellam. Vote 5-0.

Regarding the consistency statement for the new definition of Bed & Breakfast;

MOTION: Commissioner Cox made a motion to approve the consistency statement. Second by Commissioner Styron. Vote 5-0.

Regarding the tree removal in front of the school house apartments;

MOTION: Commissioner Styron made a motion to split the cost of having the tree removed with Larry Gwaltney. Second by Commissioner Bohmert. Vote 5-0.

Regarding the payment for the removal of the trees, Tree Board Chairman Miller recommended that the two trees at the Perry Griffin apartments on High St. and the one tree in front of the school house apartments should be paid out of the Tree Board line item; the pine trees around the water plant should be paid for out of the Water Fund; and the trees on Windward Dr. between Dr. Willi and Mr. Crowley's homes should come out of the Powell Bill line item.

MOTION: Commissioner Cox made a motion to approve Mr. Miller's recommendations. Second by Commissioner Inger. Vote 5-0.

PUBLIC COMMENT PERIOD - Ms. Lori Wagoner submitted some suggested changes to the Animal Ordinance including a request to allow chickens within 300 feet of a dwelling. Mrs. Amron Eggers encouraged the Board to consider voting for the revised Animal Ordinance citing a recent incident involving free roaming dogs. Ms. Barb Venturi commented on the change which defines a 'potentially dangerous animal' (it is graphic) and that enforcing the ordinance appears to be up the county; she asked what role Oriental plays in enforcing the rules. Mr. Bob Miller stated that not all of the dogs are a problem and that the ordinance is necessary for those dog owners who do not take proper responsibility for their pets. Ms. Marsha Papham voiced her opinion that the town had already gone over all this a year ago.

ORIENTAL CUP REGATTA BRIEFING – Mr. Larry Summers reported that the regatta was moved from June to September. This year there is a VIP boat (a 53" Hatteras) and he invited the Board to come aboard to watch the race. To accommodate the boat entries he asked for permission to allow rafting on the north side of the Town Dock provided Garlund Fulcher Seafood's boats are away.

MOTION: Commissioner Bohmert made a motion to allow the Oriental Cup Regatta use of the entire Town Dock for the regatta between September 18th through the 20th. Second by Commissioner Inger. Vote 5-0.

PLANNING BOARD REPORT – A copy of the report is in the minutes book. Several new definitions were approved at their last meeting but the Board decided to hold off scheduling the Public Hearing. At the next meeting the Planning Board will discuss reviewing and updating the sign inventory including photographs of the signs.

TOURISM BOARD REPORT – A copy of the report is in the minutes book. Commissioner Kellam distributed a handout that summarized a discussion held on the tourism budget during a workshop meeting held earlier (a copy of this is in the minutes book).

MOTION: Commissioner Bohmert made a motion to approve the Tourism Board's budget as is. Second by Commissioner Kellam. (During the discussion period Commissioner Styron questioned the \$900 for administrative fees – he thought that number was to be reduced. A lengthy discussion then ensued and the motion was amended to approve the Tourism Board's budget minus the \$900 for administrative fees.) Second by Commissioner Inger. (During discussion Commissioner Kellam voiced her concerns with the History Museum's policy of only displaying its members' brochures. This matter will be resolved by the Tourism Board.) Vote 5-0.

TREE BOARD – A copy of the report is in the minutes book. Chairman Miller asked the Board to appoint a new member to the Tree Board.

MOTION: Commissioner Bohmert made a motion to appoint Kelly Cohen to the Tree Board. Second by Commissioner Cox. Vote 5-0.

M&M'S REQUEST FOR REIMBURSEMENT – This was handled during the agenda workshop. Commissioner Inger was commended for the detailed work she did in determining the restaurant's water usage over the last 5 years.

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. After being asked about the animal complaint Chief Casassa remembered that he failed to include a second incident.

FINANACIAL STATEMENTS – A copy of the statements is in the minutes book. When asked about the Occupancy Tax entry (Commissioner Bohmert felt the number was too high) Mr. Cahoon explained that

the auditors requested several folders which were left on Ms. Wagoner's desk unfiled and that the auditors seem to change things on a daily basis. Commissioner Cox inquired about the entry made to line item #22300 Bay River Payable and Mr. Cahoon explained that the (\$80.00) was a capacity fee for the bathroom as yet unfinished at the water plant. Commissioner Inger asked what the delay was in getting it finished and told Mr. Cahoon to encourage the Public Works Dept. to make it a top priority as they deserve to have a bathroom where they work.

EMPLOYEE PERFORMANCE EVALUATIONS – Commissioner Kellam stated that she encouraged Mr. Cahoon to proceed with the employee evaluations and then inquired about the evaluation of the manager. Mayor Sage responded by saying steps were being taken to create the evaluation and they will be working Mr. Cahoon. Commissioner Kellam requested a timeline for the completion of the evaluations. Mr. Cahoon responded by pointing out that his contract states his evaluation is done in conjunction with the budgeting process and is 'tied to performance' whereas the employees are not. By the end of the month the standards of the manager's evaluation will be in place and will be completed in October as a mid-year review.

PROPOSED CHANGES TO ANIMAL ORDINANCE – Commissioner Kellam reviewed the proposed changes. At the present time Trinity Smith, the Pamlico County Animal Control Officer, can enforce the dangerous and potentially dangerous dog statues but she cannot enforce the rest of the animal ordinance (issue citations) unless we have a Memorandum of Understanding with the County which would outline Ms. Smith's duties and hours. In reviewing the proposed changes, Ms. Smith disagreed with allowing voice control over the dogs and with *encouraging* identification stating that it should be *required*. In answering a question posed earlier, Commissioner Kellam stated that dogs living outside of Oriental who wander into town *are* subject to the Animal Ordinance.

MOTION: Commissioner Kellam made a motion to form a committee to evaluate the draft proposal and provide suggestions to the Board as well as draft the Memorandum of Understanding with the County. The committee will consist of 5 members (4 citizens and 1 commissioner). An announcement will be placed on the town's website to seek volunteers. Second by Commissioner Inger. The vote was called but as the commissioners were voting Commissioner Cox said "I don't know what I'm voting for" and the vote count could not be determined.

After more discussion;

MOTION: Commissioner Kellam made a motion to form a committee to evaluate the draft proposal and provide suggestions to the Board as well as draft the Memorandum of Understanding with the County. The committee will consist of 5 members (4 citizens and 1 commissioner). An announcement will be placed on the town's website to seek volunteers and explain the goal of the committee. Volunteers will be asked to send an email or a letter requesting to be on the committee and the applications will be reviewed at the next agenda workshop. Second by Commissioner Inger. Vote 3-2 with Commissioners Styron, Cox and Bohmert voting no.

No further action was taken.

COMMISSIONER'S COMMENT PERIOD - Commissioner Cox addressed the issue of closed minutes – there are minutes that could now be unsealed. Mayor Sage informed him that Ms. Wagoner had compiled a list of closed minutes and suggested that it be put on next month's agenda for consideration.

NON-AGENDA ITEMS –

1. Commissioner Cox stated that the Long Range Planning Committee's Visit Statement now needs to be adopted. Commissioner Bohmert recommended that it be sent to the Planning Board for their approval but Chairman Marlowe said that would not be appropriate.

MOTION: Commissioner Bohmert made a motion to schedule a Public Hearing on October 6, 2009 to receive comments on the Vision Statement. Second by Commissioner Cox. Vote 5-0.

2. Mayor Sage presented a Daughters of the American Revolution Proclamation;

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

There being no further business;

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

William Sage, Mayor

Randy Cahoon, Town Manager