

Town of Oriental
Town Board Meeting
April 2, 2013

A regularly scheduled meeting of the Town of Oriental Town Board was held at Oriental Town Hall on Tuesday, April 2, 2013, beginning at 7:00 PM.

Present: Mayor Sage; Commissioners Johnson, Styron, Summers, and Venturi; Town Manager Maxbauer, Town Attorney Clark Wright; Deputy Clerk Johnson-Clark; Police Captain Moore; and public

Absent: Commissioner Bessette

Mayor Sage determined that a quorum was present. He opened the meeting and led the Pledge of Allegiance.

MOTION: Commissioner Summers made a motion to approve the Agenda as presented. Commissioner Styron seconded. Motion passed. 4-0

The **Consent Agenda** listing approval of the Agenda Workshop minutes from March 28, 2013; the minutes from Town Board meeting March 5, 2013; Closed Session minutes from February 20, 2013; and approval of Jackie Wall as a member and a Chairman of the Tourism Board was discussed.

MOTION: Commissioner Summers made a motion to approve the Consent Agenda as presented. Commissioner Johnson seconded. Motion passed. 4-0

Mayor Sage informed the Commissioners that Item 4 on the Agenda, the Look Out, Shoot Out Poker Run event had been postponed until the Fall of this year, 2013, so there would not be any discussion needed by the Commissioners at this time as to the closing of Hodges Street for this event. Mayor Sage then introduced Attorney Clark Wright who would bring an update later in the meeting in regards to the South Avenue Litigation.

Public Comment: Mayor Sage instructed the public of the Town Board's policy of limiting comments to 3 minutes at the Town Board meetings. The following people spoke: David Cox, Carol Small, John Zeren, Grace Evans, and Missy Tenhet. Three members of the public, Barbara Stockton, Ben Cox and Jim Privette read from letters, a copy of which is to be made a part of these official Minutes. The members of the public who spoke had varying views as to the Town's recent exchange of land at South Avenue. A few members of the public who spoke asked if there could be a question and answer period instead of only a comment period at the Town Board meetings.

Mayor Sage introduced Dee Sage who spoke briefly about the upcoming Brossman Seminars to be held, May 9, 2013. A lunch session at Brantley's Restaurant from 11:00 am to 1:30 pm and an evening session at the Town Hall from 6:00 pm to 9:00 pm are planned. Mrs. Sage introduced Mike Jones, Director of the Pamlico Community College's Small Business Center and Bill Wheeler of Nautical Wheeler, a local business. Mr. Jones requested a partnership with the Town of Oriental to offer this Seminar to businesses and others who have an interest. Mr. Jones

informed the Commissioners that the total cost of the Seminar is \$800.00 and it would be up to the Town as to how much the Town wished to contribute. Mr. Wheeler spoke referencing his experience with the information he implemented from attending a Brossman Seminar and how it is helping his business.

MOTION: Commissioner Venturi made a motion to allocate \$800.00 of the Town's Tourism funds to support and allow use of the Town Hall for the Brossman Seminar. Commissioner Summers seconded. Discussion was held by Commissioner Johnson and Styron as to the use of Tourism funding for this purpose. Mr. Jones suggested that the Small Business Center cover \$300.00 towards the lunch and the Town cover the \$500.00 towards the evening session.

AMENDED MOTION: Commissioner Venturi amended her Motion to: subsequent to and dependent upon the Tourism Board using money from their restricted fund to support the evening Seminar. Commissioner Summers feels the Town can use part of the restricted funds for the Seminars.

MOTION: Commissioner Summers made a Motion to refer this to the Tourism Board. Commissioner Venturi seconded. Motion passed 4-0.

MOTION: Commissioner Venturi made a Motion that referenced the Tourism Board voting yes to use the Tourism funds. She moved to allow the use of Town Hall for the evening session contingent upon full funding for the Seminars. Commissioner Styron seconded. Discussion was held with Commissioner Johnson asking if for profit businesses can use Town Hall. Motion passed 4-0.

South Avenue Update: Attorney Clark Wright spoke initially how if people see a community full of litigation, and a community fighting among themselves with negativism, that this will run off visitors or others who may be deciding about living in Oriental. He further stated that people need to hear positive things about Oriental, not negative fighting. Attorney Wright then stated that on March 4, 2013 there was a Hearing in which the Town of Oriental won on the facts of the law regarding the South Ave. litigation. There is a thirty day window for Mr. Cox to appeal, but this does not stop the Town from going forward with the exchange of the properties.

MOTION: Commissioners Summers made a Motion to adopt the Resolution to Exchange Real Property, a copy of which is to be attached to these official Minutes. Commissioner Styron seconded. Discussion held. Attorney Wright suggested adding "and other applicable laws" after NCGS. Section 160-A-271.

Mayor Sage stated the motion is to be amended to show "and other applicable laws" after NC GS. Section 160-A-271. Motion passed 4-0.

MOTION: Commissioner Summers made a Motion to Close Western Terminus of South Avenue, a copy of which is to be attached to these official Minutes. Commissioner Venturi seconded. Mayor Sage reread Motion. Discussion was held. Motion passed. 4-0

MOTION: Commissioner Summers made a Motion of Intent for the land at South Ave. The Motion reads: It is the intent of the Town of Oriental Board of Commissioners that any property obtained by the Town of Raccoon Creek, as a direct or indirect consequence of closing the right

of way on South Avenue, will be dedicated as a public park with public Water Access on Raccoon Creek. The Town envisions, as a minimum, that a new town dock, public restrooms and a Visitor Information Center will be established at such a location. Discussion was held. Commissioner Johnson and Venturi felt there needed to be more discussion about including in the motion the "Visitor Information Center".

AMENDED MOTION: Commissioner Summers amended the Motion to leave off the Visitor Information Center. Motion passed 4-0.

Manager's Report: A manager's monthly report was received and reviewed by the Board (a copy of which to be made a part of these official Minutes).

The various aspects of the Budget Amendment were discussed, a copy of which will be made a part of these official Minutes.

MOTION: Commissioner Johnson made a Motion to approve the Budget Amendment of April 2nd with the following conditions: Upon receipt of the \$76,000. FEMA reimbursement, \$63,900. will be repaid to the GF Fund Balance. Also \$2,060.00 is to be taken from Restricted Fund Balance line item # 10210, a copy of which will be made a part of these official Minutes. Commissioner Venturi seconded. Discussion was held. Commissioner Styron stated that the \$76,000 would automatically go to the Fund Balance. The adjustments didn't have anything to do with the Fund Balance. Any money that is not spent at the end of the year goes back to Fund Balance. Motion passed 4-0.

MOTION: Commissioner Johnson moved to defer the hiring of the third police officer during the 2012-2013 fiscal year. Commissioner Venturi seconded. Discussion was held. Town Manager stated there is money in the Budget to hire another police officer and that the new officer would be used more on the police side, as the part time officer we currently have will be used more for Public Works. Commissioner Styron encouraged the Manager to hire the right person. Commissioner Summers said "The Town Manager is supposed to manage. We need to let him manage." Motion was restated by Mayor Sage: Motion to defer the hiring of the third police officer during the 2012-2013 fiscal year. Ayes: Commissioners Johnson and Venturi, Nays: Commissioners Summers and Styron. Tie break was by Mayor Sage with a nay. 2-3 Motion failed.

MOTION: Small Boat dock repair bids were discussed. RFP quotes came in at \$2550.00; \$3997.00 and \$4866.00. Commissioner Summers made a Motion to authorize the Manager to spend \$5,000 to repair the dock and to provide a Kayak launcher. Mayor Sage, hearing no second, proceeded to move on. Motion failed.

Budget Workshops were scheduled for April 17, 8:00 am; and April 19th, 4:00 pm.

Commissioner Johnson requested the Manager provide the Board with a proposed Budget. Suggested they start with the Water Fund.

Commissioner Venturi inquired about the status of the Debris Bags for vegetative pick up. Manager stated that half the bags are in stock and a Debris Bag policy was being written.

Police Report: The police report was received and reviewed by the Board, a copy of which to be made a part of these official minutes. Per Captain Moore, the town had a very good month. No action by the Board was taken.

MOTION: Commissioner Venturi moved to nominate members for the Oriental Harbor/Waterfront Committee, a copy of which is to be made a part of these official Minutes. The Nominations included the following:

1. Tourism Board: Primary member; Jackie Wall, Chairman, Alternate: Marsha Paplham
2. Parks & Recreation Advisory Committee: Primary Member: Jim Edwards, Chairman, Alternate: Pat Stockwell
3. Planning Board: Primary member: Charlie Overcash, Chairman, Alternate: David White

Commissioner Summers seconded. Discussion was held. Motion passed. 4-0

Committee/Board Reports: The minutes for the various Committees/Boards were reviewed, a copy of which to be made a part of these official Minutes. No action was taken.

Manager Evaluation: schedule date and time. Monday April 15, 2013 at 8:00 am was set for the Board to discuss procedure for Manager's Evaluation and the scheduling of the same.

Commissioners' Comment/Discussion Period: Commissioner Johnson mentioned the use of Town Hall. He stated the Town already has a policy in place that should be considered.

Commissioner Summers mentioned the DAV of Pamlico County will be meeting soon, and there are two Bills before the Senate (Bill 58) and House regarding the Ferry Tax.

MOTION: There being no further business, Commissioner Johnson made a **motion** to adjourn. Commissioner Venturi seconded. Motion passed. 4-0. Meeting was adjourned at 9:30 PM.

William R. Sage, Mayor

Robert J. Maxbauer, Town Manager