

Town of Oriental  
Town Board Meeting/Public Hearing  
August 7, 2012

A regular scheduled meeting of the Town of Oriental Town Board and a public hearing was held at Oriental First Baptist Church, August 7, 2012, beginning at 7:00pm.

**Council Present:** Mayor Sage; Commissioners Bessette, Johnson, Summers, Styron, and Venturi.

**Others Present:** Town Manager Maxbauer; Interim Police Chief Dwaine Moore; Barbara Baker; various town residents; and media.

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

**MOTION:** Commissioner Johnson made a motion to approve the agenda as presented. Commissioner Summers seconded. Motion passed. 5-0

**MOTION:** Commissioner Johnson made a motion to approve the minutes from May 31, 2012 and June 28, 2012. Commissioner Styron seconded. Motion passed. 5-0

**MOTION:** Commissioner Summers made a motion to approve the July 3, 2012 minutes. Commissioner Johnson seconded with discussion. Commissioner Johnson noted that as we have two sets of minutes for June 5, 2012, there needs to be some clarification. The July 3, 2012 minutes are to be amended by inserting, in the 3<sup>rd</sup> motion after the words June 5, 2012, the words agenda meeting. There were no further discussions. Motion passed 5-0

**Public Comment Period:** Mayor Sage opened the floor for public comments. Mr. John Zeren wanted to know if the council read and understood his letter to the editor regarding the land swap proposal. Ms. Grace Evans voiced a complaint about the dredging being done at the end of Midgette Street. Per Ms. Evans, there is a tremendous amount of dirt and dust being left on the street and people's property. She wanted to know if the town had gotten any deposits to be used in case of damage done to the road. Bill Brennon asked for clarification regarding a motion on the South Avenue and Avenue A issue being a possible contradiction. Mayor Sage responded to Mr. Brennon that the Town Attorney had approved the motions and the minutes reflect that decision. All comments were noted and no further actions were taken.

**South Avenue Update:** Mayor Sage announced that as Mayor, he was served a civil summons today at 10:10am. This summons is designating an appeal and action for declaratory judgment, listing David R. Cox as plaintiffs and Town of Oriental as defendants. The matter has been transmitted to the Town attorney and the Town's insurance carrier. The Town Council will reserve comment on it and proceeding further on the South Avenue matter until such time we have consulted with the Town's attorney. Meanwhile, the Town has received an appraisal on the three pieces of property. The appraisal will be available at the Town Hall if anyone is interested.

**Public Hearing:** Mayor Sage opened the public hearing regarding the Buckman property which consists of two separate lots. He announced that it has been recommended for annexation by the

Planning Board. It would still be considered a satellite annexation. The findings of the certificate of sufficiency, submitted by Town Manager Maxbauer were reviewed by the Council.

Mayor Sage recognized Mr. Al Herlands. Mr. Herlands recommended that the Board turn down the application for annexation and R-1 zoning as filed, but that the Board approve a refiling (without charging a fee) should the application be refiled if both lots were conforming. Mr. Herlands noted that one of the lots had a pipestem entry only 41 feet wide, whereas the GMO requires lots zoned R-1 essentially to have a 60 foot wide street front. Mr. Herlands believed that replatting the lots to make them both conforming would be relatively easy and inexpensive since the lots were in common ownership.

Mayor Sage stated that he believes the annexation provisions provide that a nonconforming lot is permissible to bring into the town. There were no further comments.

**MOTION:** Commissioner Venturi made a motion to close the public hearing. Commissioner Johnson seconded. Motion passed. 5-0

There was some discussion regarding the nonconforming lot and whether or not it meets all the requirements of the GMO.

**MOTION:** Commissioner Summers made a motion to adopt an ordinance to extend the corporate limits of the Town of Oriental, North Carolina. Commissioner Styron seconded.

Regarding the wordage in the Ordinance, there was a friendly amendment suggested by Mayor Sage to replace, in the first subparagraph, the words “must be” with the word “is”. The sentence would then read, “The nearest point on the proposed satellite corporate limits **is** not more than three (3) miles from the primary corporate limits of the Town of Oriental.”

In the second paragraph beginning with “WHEREAS” the word should read “at” Oriental First Baptist Church instead of “as” Oriental First Baptist Church.

In the second subparagraph, replace the words “may be” with the word “is”. The sentence would then read, “No point on the proposed satellite corporate limits **is** to the primary corporate limits of another city than to the primary corporate limits of the Town of Oriental.”

In the paragraph beginning with “NOW THEREFORE”, delete the words “Oriental Town” from the words “Oriental Town Board” as it seems to repeat itself. The sentence would then read “NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Town of Oriental, North Carolina that:”.

Finally, in the last paragraph beginning Section 2, substitute the words “Town Manager” for the word “Mayor”. The sentence would then read “The Town Manager shall cause to be recorded in the Office of the Register of Deeds of Pamlico County, and in the Office of the Secretary of State in Raleigh, North Carolina, an accurate map of the annexed territory, with a certified copy of this ordinance.

Commissioner Summers accepted the friendly amendments as did Commissioner Styron. Motion passed. 5-0

Commissioner Venturi noted the Town needed to be more scrupulous in our annexing process.

**MOTION:** Commissioner Summers made a motion to adopt the ordinance amending the map of the Oriental Growth Management Ordinance. Commissioner Venturi seconded. Motion passed. 5-0

Mayor Sage introduced the matter of considering a proposed revision to Chapter N of the General Ordinance.

**MOTION:** Commissioner Summers made a motion to revise the Ordinances of the Town of Oriental Chapter N: Parks and Recreation Advisory Committee to make it Chapter N: Parks and Recreation, with Article 1-Town Parks and Article II-Parks and Recreation Advisory Committee. There was no second. Motion dies.

Mayor Sage introduced the matter of a proposed motion of dissolving the ad hoc Electronics/Communication Committee. Commissioner Summers stated that this committee was set into motion last December and the committee has basically died.

**MOTION:** Commissioner Summers made a motion to: 1. Dissolve the ad hoc Electronics/Communication Committee; 2. Direct the Town Manager to make a Website Plan that allows all Town Websites to be controlled and updated from the offices of the Town of Oriental; 3. Direct the Town Manager to work toward making all Town of Oriental Websites available from mobile devices; and 4. Direct the Town Manager to develop an emergency plan to enable the Town of Oriental to update Websites when faced with any emergency including a power outage and/or a server failure. Commissioner Styron seconded.

There was some discussion. Commissioner Johnson questioned #3 of the motion in regards to clarification of “mobile devices” and how long it will take as well as the expense. Commissioner Venturi stated that #3 does seem a little vague and that it is the Town’s ability to communicate that is in question and not the devices.

**MOTION:** Commissioner Venturi made a substitute motion to accept the first points of the previous motion, to delete #3 entirely, and revise #4 to read “Direct the Town Manager to develop an emergency plan to enable the Town of Oriental to update websites and to communicate in a timely manner when faced with any emergency including a power outage and/or a server failure.” Commissioner Bessette seconded. Motion passed 5-0

Commissioner Summers stated that he has no objections to the substitute motion. He does believe that the Town needs to get its websites into a format that will accommodate mobile devices.

**Manager Report:** Town Manager Maxbauer gave a brief update in that Barbara Baker, formally of Bayboro, had joined the administration staff; progress on the new town hall building is on schedule; the new “sample tap” project at the water plant mandated by NC Public Water was completed during the month of July; progress on the aerator installation at the water plant project is progressing and planned for switchover to the new system on Tuesday, August 14<sup>th</sup>, with County water being on stand-by if needed.

Mayor Sage announced that in regards to the new town hall, the porch overhang is encroaching into the setbacks and that, per the Town Attorney, the Town needs to request a variance in keeping with the Town Ordinances. Mayor Sage stated that the earliest time to have a special meeting and a public hearing would be Friday morning, August 10, 2012, subject to open meeting laws being followed.

**MOTION:** Commissioner Johnson made a motion to hold a special meeting and public hearing to consider a variance to the setbacks for the new town hall on Friday, August 10, 2012 at 8:00am at the Oriental First Baptist Church. Commissioner Venturi seconded. Motion passed. 5-0

Commissioner Johnson noted that Town Manager Maxbauer completed his last two exams in July with passing grades and is now qualified by the State to be the ORC (Operator in Responsible Charge) of our water plant. Per Town Manager Maxbauer the change over documentation and associated transition from Terry Groom's responsibility will be taking place by the end of September. The Council congratulated him on his achievement.

There was some discussion regarding the police report submitted by Interim Police Chief Moore. Ongoing investigations cannot be commented on.

Mayor Sage commented upon the matter of internet sweepstakes cafes. The Planning Board has been instructed to investigate what stance other towns have taken. The results will be forwarded to the Town's Attorney and it will then be determined what approach the Town of Oriental will take.

**Non-agenda Items:** Commissioner Summers commented on the tourism branding workshop that was recently held. He stated that there were a lot of good ideas passed around and Carol Mabe did a fabulous job.

Commissioner Summers announced the Dragon Boat racing will be this weekend with 21 teams registered. Also, the Oriental Regatta is scheduled for September 14-16, 2012.

There being no further business, Commissioner Johnson made a motion to adjourn. Commissioner Venturi seconded. Motion passed. 5-0. Meeting was adjourned.

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William R. Sage, Mayor

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Robert J. Maxbauer, Town Manager