

Town of Oriental
Town Board Agenda Meeting
November 19, 2015

The Town Board of Oriental held its regularly scheduled Agenda Meeting on Thursday, November 19, 2015 at 7:00 PM. Mayor Johnson determined a quorum to be present.

PRESENT: Mayor Johnson, Commissioner Venturi, Commissioners White, Commissioner Overcash, Commissioner Summers and Town Manager Miller.

ABSENT: Commissioner Winfrey

Public Present: New Mayor Sally Belangia (effective December 1, 2015), New Commissioner (effective December 1, 2015) Allen Price & Chairman of Planning Board Eric Dammeyer

Mayor Johnson began the meeting by stating Approval of Agenda would be the first thing at the meeting on Tuesday, December 1, 2015. The Board will only be responsible for the Minutes below and old business.

2. Consent Agenda (Tab 1)

- a) Consider Minutes from Town Board Agenda Meeting October 29, 2015.
- b) Consider Minutes from Town Board Regular Meeting on November 3, 2015.
- c) Consider Minutes from November 19, 2015 (Available December 1)

3. No members of the public wished to speak during the public comment period.

4. (Tab 2)-Mayor Johnson said next business is Public Hearing on GMO. Mayor Johnson: Revision of the GMO which formats rennumbers & removes inconsistencies. There is no intent to change any rules, regulations & nothing in that area has been changed. Do I have a motion to open the Public Hearing on the GMO revision?

MOTION: Commissioner Overcash: **MOTION:** to open the Public Hearing. Seconded by, Commissioner Summers. Mayor Johnson asks any discussion? No discussion went to a vote of the Motion passed 4-0.

Mayor Johnson: The Public Hearing is now open. If we have anyone that would care to speak or if our Planning Board Chairman would care to say anything? We know the board has done a wonderful job with long hours.

Chairman Dammeyer said, yes very long hours. I don't know if there is anything to add. I would be happy to answer any questions you may have or a summary.

Commissioner Overcash ask if Chairman Dammeyer would like to state for the record a synopsis of the first page.

Chairman Dammeyer: Sure, The hand out that you have is a memo that went with the submitted change to GMO provisions. It points out what we did which was to first and foremost to correct grammar and spelling. Then rearrange logically the GMO because, one of the big problems we all experienced is stuff was in different places. Sometimes not even in a logical place just stuck in somewhere and it was easy to forget in the heat of a moment or during a project that there was another provision with it or we would have a problem just finding them. I can't remember where that is, so now it is going to be easier to do it. And also having unified the document as one word document now you can search for words and find wherever they are in the GMO. We also worked on logical flow of different issues. Like building a home, the part that has to do with that are alongside of one another. Then we also looked at definitions and tried to clarify somethings. And what we listed here in this memo were the things that were either added or changed. Someone could maybe say were a substantive change to the GMO rather than just a verbal or grammatical change. For example, we have in the definition of "the floor area" we added an example. Just so someone could confirm that yes this is the math that you do. Or in another place we changed the words for what use to be called a nursing home. We had the benefit of having Dr. Kibbe and Cecily Lohmar on the planning board-medical people, and I myself work in this field in a legal way. We added the correct legal term which is Skilled Nursing Facility. Other than that we have recommended the new provision has been renumbered and reformatted.

Mayor Johnson: On behalf of everyone thank you for all the work that has been done.

Commissioner Overcash made a **MOTION**: I move we close this Public Hearing. Seconded by Commissioner Summers Passed 4-0.

Commissioner Overcash made a **MOTION**: to accept the revisions of the GMO as written.

Town Manager Miller: I have a motion by Commissioner Summers with all the dates and accepting it if I can use that?

Commissioner Summers: I can read it for you. **MOTION**: I move that the Board of Commissioners of the Town of Oriental approve the revision to the Town of Oriental Growth Management Ordinance as presented by the Planning Board. The original Growth Management Ordinance, with an effective date of 1 February 1999, and all subsequent amendments and revisions are hereby superseded as of the effective date of this revision. The effective date of this revision will be the date that this revision is approved by the Town of Oriental Board of Commissioners. Seconded by, Commissioner Overcash. After discussion Mayor Johnson asks for discussion. Motion died due to the new amended motion.

Mayor Pro Tempore Venturi: After struggling with this thing for over 15 years I am happy to see some structure; a step back has been taken rather than add another pod to it. She is glad a board actually did it. It is so much time and did not know if any board would do it.

Commissioner Summers: I would like to say and I put this into motion also that it will superseded the original amendment, all additional amendments, all additional revisions on it simply because our records in the Town have not been very good.

Planning Board Chairman Eric Dammeyer: In the process of going through this one of the things we considered was the legal reality that if you say this is all brand new as of today there is going to be a grandfathering issue automatically created. I am concerned the provisions that remain unchanged were affected back in 1999 and that would bring them up until now so anything that was not done right up until today is grandfathered in. If you say this is all brand new.

Commissioner Summers: Believes it should supersede all others before it. He also believes that the GMO needs some additional revisions later.

Commissioner White: Eric lets us an example so I know what you are saying. We had a special hearing a while ago about a deck that was not in compliance. What you are saying is if we agree to it right now and never took that issue up that deck would have automatically been grandfathered in as ok.

Planning Board Chairman, Eric Dammeyer: No that is not what I am saying.

Town Manager Miller: It is the date the Board approves. We have 2 copies that are retired. When we retired them the 1999 is still in effect.

Discussion about if we can use the word supersede among the Commissioners and Planning Board Chairman and Town Manager Miller.

Planning Board Chairman, Eric Dammeyer said we are not starting over we are just revising the old copy.

Commissioner Summers: **MOTION:** That we refer this to the town attorney and bring it back in the December meeting. Motion died due to no second.

Planning Board Chairman, Eric Dammeyer said if you use the word Amendment it is ok to use Superseding Amendment.

Commissioner Barb Venturi **MOTION:** To amend the above motion by Commissioner Summers to read: I move that the Board of Commissioners of the Town of Oriental approve the revision to the Town of Oriental Growth Management Ordinance as presented by the Planning Board. The effective date of this revision will be the date that this revision is approved by the Town of Oriental Board of Commissioners Seconded by Commissioner Overcash. Motion passed 3-1 passed.

5. Any other Old Business: No comments at this time on this.

6. Swearing in New Mayor and Board Member (Tab 3)

Clerk of Superior Court Steven E. Hollowell will be present to swear in our New Mayor Sally Belangia and New Commissioner Allen Price. Question was asked by Commissioner Overcash to Town Manager Miller if the commissioners that are remaining in office need to swear in again. She will check and let them know.

7. Any additions to the new agenda from newly seated Mayor and Board (Dec. 1).

8. Approval of the Agenda of New Business by the newly seated Mayor and Board (Dec. 1)

9. Election of Mayor Pro Tempore.

10. Dock Reservation for December 11

Town Manager Miller asks the board to consider a request for the docks to be reserved for the Flotilla from Noon, Friday, December 11, 2015 until Noon, Sunday, December 13, 2015. She will be asking that we reserve the Docks. They are asking if we can back that up for the Flotilla from Noon Thursday, December 10, 2015 until Noon Sunday, December 13, 2015.

Commissioner White: **MOTION:** To reserve docks from Noon Thursday, December 10, 2015 until Noon Sunday, December 13, 2015. And the 48 hours is waived. Seconded by Commissioner Overcash. Motion passed 4-0 after discussion.

Commissioner Summers ask that we give it to Spirit of Christmas and not Flotilla alone.

Commissioner White said he would rather leave it the way it is and ask that Larry work it out with Flotilla. Commissioner Overcash asked if Town Manager would arrange with Flotilla organizer that we could open the docks up if, for some reason, the Flotilla is cancelled.

Town Manager Miller summarized the items that she will be presenting in her Manager's Report on Tuesday. Additionally, she introduced the

11. Board of Adjustment Appointment

The Board of Adjustment requests that the Board appoint Mr. Warren Johnson to its membership following his exit from the Town Board. Mr. Johnson graciously agreed to serve as interim Mayor since July, and was required to resign from his position on the Board of Adjustment to serve as Mayor.

12. Scheduled Meetings

We have traditionally cancelled the December agenda meeting, and moved forward with the January regularly scheduled meeting. This question will be asks to the New Board what they would like to do.

13. Manager Report: Town Manager Miller (Tab 4)

Town Appreciation will be December 4, 2015 at 5:00pm in Board Room at Town Hall for all employees, Board Members & Spouse's.

Thanks to your approval of the new floating holiday schedule we will be open on Christmas Eve and Monday after, which would have normally been a vacation day.

Update on Software we are going live with our Utility Software on December 21st. We will go live with Financial Software beginning of December. We have a few more days of training and the trainer will be here onsite to walk us through.

14. Police Report (Tab 5)

15. Committee/Board Reports (Tab 6)

16. Commissioners' Comment/Discussion Period – Commissioner Summers commented again on the GMO revision. Commissioner Overcash commented that Joe Wakefield passed away this week and in his will he specified that he wanted a party at the Tiki bar. Sunday at 3PM all are invited for a celebration of his life.

17. Adjourn: **MOTION** made by Commissioner Venturi to adjourn the meeting 2nd by Commissioner White.

Motion passed 4-0

The meeting adjourned at 7:30 PM

Warren Johnson, Mayor

Diane H. Miller, Town Manager

Approved Dec 1, 2015 _____