

Town of Oriental – Board of Commissioners Meeting
And Public Hearing
August 1, 2006

The Oriental Town Board of Commissioners met on Tuesday August 1 at 7 pm at the First Baptist Church Fellowship Hall. Present were Mayor Styron, Commissioners Bohmert, Herlands, Inger, Johnson and Venturi. Community Development Planners Lee Padrick and Charles Halsall were also present. Public attendance was standing room only.

Mayor Styron opened the meeting and led the Pledge of Allegiance.

Commissioner Bohmert made a motion to approve the minutes after correcting the spelling of two peoples' names. Second by Commissioner Inger. Vote 5-0.

Mayor Styron then opened the first public hearing regarding the Special Use Permit sought by the Pierce Creek Landing. Mr. Roy Stefanowski of Red Mast Ventures gave a short recap of the project. In an effort to make sure everyone was clear about the project the public was invited to ask questions;

Will you build up? Yes. The first floor will be at 10' with parking beneath the units. Each unit will be two stories high, reaching the maximum allowable height of 48 ½'.

Was a traffic study done? No, it was not needed for the size of this project.

Will there be storage facilities for boats and RV's? None are planned.

Will the road going through the project be public? No. They thought it would be advantageous to the Town to designate it as a private road so that the Town would not need to pay for its upkeep.

What about the bike trail? It will go the length of the property along White Farm Road. They are also willing to give \$15,000 to the Town towards more trails.

Discussed how the road and lake will be built and whether or not 'no parking' signs will be put up to keep the main road open to emergency vehicles. The informal questions/answers session was ended and Town resident Kathy Enzerink was sworn in and stated her desire for the road through the project to be public.

As part of the Special Use Permit process, Attorney Scott Davis suggested that the conditions to the permit be laid out. The first condition being that the road be public and comply with Section 84 of the GMO. As the road in question conforms to Section 84 of the GMO, Commissioner Johnson made a motion stating that. Second by Commissioner Herlands. Vote 5-0.

The second condition is that the developers must comply with the conditions / amenities written in the three letters, dated July 12, 2006, one undated, and July 31, 2006 (copies of letters in minute book).

The third condition is that sales office will be moved to either the club house or a condo unit as soon as either is finished.

The fourth condition is that either a bond or surety or letter of credit be required to assure in writing that the lake will be completed in Phase III.

The fifth condition is that a dry hydrant be installed to allow access to the water in Pierce Creek in the event of a fire.

The sixth condition is that they do not build a berm along White Farm Road but instead keep the trees which will be thinned under the guidance of the Tree Board.

Property owner John Rawdanowicz was then sworn in. He asked that “berm” be defined so as not to exclude landscaping mounds.

Mr. Stefanowski was then sworn in and was asked the following questions;

1. Will this project endanger the public health or safety?

Answer: No.

Public Comment: None

2. Will this project injure the value of adjoining property?

Answer: No.

Public Comment: Mr. Rawdanowicz had concerns about the buildings being pushed to the back of the property and the potential for noise and water pollution. After being sworn in, Michelle Bissett, voiced her concerns about the disruption to her view and to the wildlife as well as possible pollution from pesticide use and noise. She also questioned what the project will do to her property value.

3. Will this project be in harmony with the existing development and uses within the area in which it is to be located?

Answer: Yes

Public Comment: None

4. Will this project be in conformity with the land use plan, thoroughfare plan, or other plan officially adopted by the Town Commissioner?

Answer: Yes

Public Comment: None

Commissioner Venturi made a motion to close the public hearing. Second by Commissioner Johnson. Vote 5-0.

Commissioner Herlands made a motion to grant the Special Use Permit to the Pierce Creek Landing Project subject to the conditions adopted by the Board. Second by Commissioner Bohmert. Vote 5-0.

Mayor Styron then opened the second public hearing regarding the Special Use Permit sought by Donald Staub. Mr. Staub gave a brief recap of the brew pub project, now called “The All Nations Brew Pub- Orient ale”. In an effort to make sure everyone was clear about the project the public was invited to ask questions;

How much beer will you be brewing? 25 gallons

Will you be serving food? Only peanuts and pretzels. No prepared foods.

Parking? There will be 5 spaces in the back. Overflow will park on Broad Street. Discounts will be given to all customers who walk and cycle to get there.

Do you have a sketch of the plan? Not yet.

Will the First Baptist Church allow the use of their parking lot? No.

How many patrons can you accommodate? 15-20

Can patrons take their beer outside? Yes, within the garden though there will be no outside seating. The garden will be landscaped in such a way to keep patrons from wandering into neighbors’ yards.

Do you plan to play loud music? No music will be played at all.

Kathy Enzerink was again sworn in and asked, what will happen if the conditions change? What if the brew pub is successful and they want to make changes? Then Mr. Staub would have to apply for an amendment to his permit. Mr. Kent Carter of 601 Broad St. was sworn in. Referring to the Town’s vision statement, Mr. Carter asked that the business density along Broad Street be addressed. While leery about the proposed brew pub he was willing to wait and see. Mr. Roland Crain of 507 Broad St. was sworn in and stated that Broad Street is “a miracle block slowly building up” and that with its transformation into a business district, parking has become a problem and needs to be addressed.

Commissioner Herlands made a motion to consider applying conditions to the application on two parts: they must live up to the commitments that they made in writing to the Planning Board and to the Town Manager in their June 5th application and their memorandum written on July 15th and, with respect to the hours of operation, not to exceed those represented by the

applicant in its written presentation to the Planning Board on May 30. Second by Commissioner Johnson. Vote 5-0.

Mr. Staub was then sworn in and was asked the following questions;

1. Will this project endanger the public health or safety?
Answer: No.
Public Comment: No
2. Will this project injure the value of adjoining property?
Answer: No.
Public Comment: None
3. Will this project be in harmony with the existing development and uses within the area in which it is to be located?
Answer: Yes
Public Comment: None
4. Will this project be in conformity with the land use plan, thoroughfare plan, or other plan officially adopted by the Town Commissioner?
Answer: Yes
Public Comment: None

Commissioner Bohmert made a motion to close the second public hearing . Second by Commissioner Johnson. Vote 5-0.

Commissioner Herlands made a motion to grant the Special Use Permit to the “All Nations Brew Pub- Orient-ale” project provided all the conditions are met. Second by Commissioner Bohmert. Vote 5-0.

The third public hearing regarding the Special Use Permit for the B&B at 501 First Avenue was withdrawn.

The fourth public hearing regarding the proposed amendments to Sections 21, 22, 32, 71, 212, 213, 214, 216 of the GMO was opened. Commissioner Herlands made a motion to adopt the changes to Section 21. Second by Commissioner Johnson. Vote 5-0.

Commissioner Bohmert made a motion to adopt the changes to Section 22 after correcting...? is reasonably likely to have a direct, substantial and readily identifiable financial impact on the member.” Second by Commissioner Johnson. Vote 5-0.

Commissioner Venturi made a motion to continue the public hearing on Section 32. Second by Commissioner Johnson. Vote 5-0.

Commissioner Bohmert made a motion to adopt the changes to Section 71. Second by Commissioner Johnson. Vote 5-0.

Commissioner Bohmert made a motion to adopt the changes to Section 212. Second by Commissioner Johnson. Vote 5-0.

Commissioner Bohmert made a motion to adopt the changes to Section 213. Second by Commissioner Johnson. Vote. 5-0.

Commissioner Johnson made a motion to adopt the changes to Section 214. Second by Commissioner Herlands. Vote 5-0.

Commissioner Herlands made a motion to continue the public hearing on Section 216. Second by Commissioner Bohmert. Vote 5-0.

Lee Padrick then gave a presentation on the ETJ / Annexation Feasibility Study (copy of his report is in minutes book). He suggested that if the Town wants to get on the next legislative calendar the request needs to be submitted no later than the end of October. He stated that if we're considering asking for a special act of the General Assembly and want to consider going further than one mile, it might worth the Board's time to request the full amount.

Commissioner Herlands pointed out that if we enforce ETJ, those people have certain rights. Mr. Padrick said they will have proportional representation to the Planning Board and Board of Adjustment. Commissioner Johnson made a motion to hold a workshop to further discuss the ETJ Feasibility Study on August 31 at 3:30 pm at the Town Hall. Second by Commissioner Herlands. Vote 5-0.

Due to events which occur during the Croaker Festival, Mr. Steve Williams of Oriental Harbor, requested help during next year's festival. He wants porta-johns, extra garbage cans, and extra police during the fireworks. It was pointed out that the Town does not organize the festival but would try to help with the extra cans and police.

The Planning Board report was given by Ms. Dee Sage (copy of report in minutes book). Ms. Sage requested that the Commissioners consider their request for a professional planner. Manager Cutler reported that the cost will be between \$60-\$90/hour. It was suggested that Coastal Resources be contacted as a possible source. Commissioner Venturi made a motion to have the Town Manager explore options for hiring a professional planner and to pursue funding for this position. Second by Commissioner Herlands. Vote 5-0.

The Tourism Report was given by Commissioner Bohmert (copy of report in minutes book.) Commissioner Johnson made a motion to approve the budget for the Molasses Creek concert. Second by Commissioner Inger. Vote 5-0. Tourism Chairman Mim Miller has resigned so the Board now needs a new member.

A copy of the Parks & Rec Report is in the minutes book.

Commissioner Inger gave the Bay River Report (copy of report in minutes book). Briefly discussed BRMSD's request for an easement across the edge of the property (right field) of Oriental Recreational Park. Also considered asking for a free tap for future bathrooms at that site. Commissioner Bohmert made a motion to grant the easement to Bay River. Second Commissioner Venturi. Vote 5-0. Commissioner Inger also requested additional people to serve on the Water Board.

Police Report was given by Chief Casassa. He presented a grant resolution which will provide funding for a second full time police officer. Commissioner Venturi made a motion to approve the N.C. Governor's Highway Safety Program/Local Government Resolution. Second by Commissioner Inger. Vote 5-0. Commissioner Bohmert made a motion to hire Police Officer Bill Careway full time starting September 1, 2006. Second by Commissioner Herlands. Vote 5-0. Commissioner Venturi made a motion to approve receipt of the grant for mobile communication for the police car. Second by Commissioner Johnson. Vote 4-1 with Commissioner Bohmert voting against.

Manager's Report – The Town received a "Notice of Violation/Unpermitted Water Treatment Plant Discharge". While the Town will not be fined it will need to spend from \$10,000 to \$15,000 for an engineer's alternative analysis. The problem might be as easy to fix as a simple diffuser or might need an expensive pipeline to the Neuse. At the present time, Oriental discharges 200,000 gallons of backwash water per month.

Financial Statements. Commissioner Herlands made a motion to approve the budget amendment after the Town Manager's salary was increased. Second by Commissioner Johnson. Vote 5-0.

Commissioner Johnson made a motion set two public hearings for September 5, 2006;

1. Request for a Special Use Permit by Sylvan Friedman for 12 unit Condo Project behind the Post Office.
2. Proposed change on Health & Disease Protection – Lawns in the General Town Ordinances.

Second by Commissioner Herlands. Vote 5-0.

Discussed John Sheppard's project on Freemason and Factory Streets. The project is close to completion and he now needs to either put in the previously agreed upon sidewalk in front of the complex along Freemason or, he proposes to give \$2,300 towards fixing the drainage problem that exists on Factory Street. Commissioner Johnson made a motion to have the Town Manager request they complete the sidewalk in front of the condos on Freemason and see if they will extend the sidewalk to fill the remaining gap in front of 401 Freemason. Second by Commissioner Bohmert. Vote 5-0.

Commissioner Venturi made a motion to adjourn. Second by Commissioner Inger. Vote 5-0. Meeting was adjourned at 11:45 pm.

Mayor

Town Manager