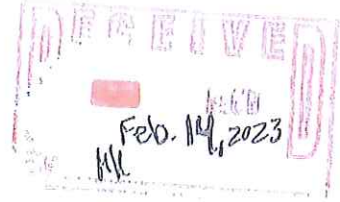


Sailcraft Rezoning Request



Application for Rezoning

Town of Oriental
P O Box 472, 507 Church St
Oriental, NC 28571
252.249.0555(ph) 252.249.0208 (fax)



Date: 2/13/23 Filing Fee (\$500) check /cash pd (init) ML

Applicant's Name: AXL Properties, LLC

Mailing Address: 1218 Lupton Dr., Oriental, NC 28571

Location of Requested Change: 1216 Lupton Drive, Oriental, NC 28571

Contact Phone Number

Contact email: j

Parcel ID #: JO82-320-36

Tax ID# (PIN): 6497245800000

Current Growth Mgmt Ordinance Classification of Property: (circle one)

MU-1 R-1 R-2 R-3

Requested Growth Mgmt Ordinance Classification of Property: (circle one)

MU MU-1 R-1 R-2 R-3

Signature of Applicant: *Jennifer Pawb* Date: 2/13/23

Please attach names and addresses of all property owners within 150 ft of the property requesting rezoning, a copy of the Pamlico County Tax Record, and a GIS or equivalent map.

AXL Properties, Rezoning of 1216 Lupton Drive
Owners/Properties Within 150 Feet

1. Owners of 1214 Lupton Drive, Oriental, NC
PIN 6497243796000:

Michael Pawlikowski
Jennifer Pawlikowski
55 Boathouse Rd.
Oriental, NC 28571
2. Owners of 1212, Lupton Dr., Oriental, NC
6497242794000:

Erik Hardtle
Jean Hardtle
1212 Lupton Dr.
Oriental, NC 28571
3. Owners of 1218 Lupton Dr., Oriental, NC 28571
PIN 6497246855000:

AXL Properties, LLC
1218 Lupton Dr.
Oriental, NC 28571
4. Owner of 1302 Tosto Circle, Oriental, NC 28571
PIN 6497256095000:

Henry V. Frazer
2105 White Farm Rd.
Oriental, NC 28571
5. Owner of 1306 Neuse Dr., Oriental, NC 28571
PIN 6497248743000:

Deaton Yacht Services, Inc.
c/o John Deaton
PO Box 977
Oriental, NC 28571
6. Owner of 1219 Link Lane, Oriental, NC 28571
PIN 6497245536000:

Tarpon Owners Association
c/o Jean C. White
100 Gull Circle
Oriental, NC 28571

7. Owner of Boat Slip 1, Tarpon Channel, on Neuse Dr., Oriental, NC,
PIN 6497245620000:

Richard H. Knapp
Bonnie J. Knapp
1114 Link Lane
Oriental, NC 28571

8. Owner of Boat Slip 2, Tarpon Channel, on Neuse Dr., Oriental, NC,
PIN 6497245509000:

Eric C. Dammeyer, Trustee
Debra A. Dammeyer, Trustee
Dammeyer Family Trust
1116 Link Lane
Oriental, NC 28571

9. Owner of Boat Slip 3, Tarpon Channel, on Neuse Dr., Oriental, NC,
PIN 6497244598000:

O. Temple Sloan, Jr., Trustee
O. Temple Sloan, III, Trustee
Sloan C. Hamilton Trust
4900 Falls of the Neuse Rd.
Raleigh, NC 27609

10. Owner of Boat Slip 4, Tarpon Channel, on Neuse Dr., Oriental, NC,
PIN 6497244578000:

David J. White
Jean C. White
100 Gull Circle
Oriental, NC 28571

11. Owner of 102 Gull Circle, Oriental, NC
PIN 6497244426000:

Ronald W. Zielinski, Trustee
Linda M. Zielinski, Trustee
102 Gull Circle
Oriental, NC 28571

12. Owner of 104 Gull Circle, Oriental, NC
PIN 6497242498000:

Joseph McGovern
Barbara G. McGovern
104 Gull Circle
Oriental, NC, 28571

13. Owner of 1117 Link Lane, Oriental, NC 28571
PIN 6497245486000:

Deaton Enterprises, LLC
1306 Neuse Dr.
Oriental, NC 28571

14. Owner of 100 Gull Circle, Oriental, NC
PIN 6497245306000:

David J. White
Jean C. White
100 Gull Circle
Oriental, NC 28571

15. Owner of Tosto Circle, Oriental, NC
PIN 6497255272000:

Windward Views Townhouse Association
2105 White Farm Rd.
Oriental, NC 28515

16. Owner of 1213 Lupton Dr., Oriental, NC
PIN 6497240976000:

Elsbeth J. Mitchell, Trustee
PO Box 876
Rockport, ME 04856

LUPTON DRIVE LOT 36
BLOCK B SEA VISTA

AXL PROPERTIES LLC
1218 LUPTON DR

AXL PROPERTIES LLC
1218 LUPTON DR

PARCEL: 3082-320-36
6497245800000

0006422

ORIENTAL NC 28571
Current ID#: 32934

ORIENTAL NC 28571
Jan.1 ID#: 32934

1216 LUPTON DR

Bldg No. :
Appraiser :
Appr Date :
Imp Desc :
Grade :
Act Yr Bt :
Effect Yr :
Stories :
Rooms :
Bedrooms :
Bathrooms :
Exemption Code :
1/2 Baths :

SUM LND ACRES: .574
DEED ACRES:
MAP ACRES: .574

LAND VALUE 128,576
MISC VALUE 40,804
BLDG VALUE 0
IMP VALUE 40,804
TOTAL VALUE 169,380
VALUED BY RCNLD METHOD
PRIOR YEAR 169,380

APPRaiser MIC
APPR DATE 11/01/2019
USE CODE 1 PAVED
DISTRICT 124 ORIENTAL
NBHD 2054

PARCEL EXEMPTION CODE
FINISHED AREA
RCN
QG RCN
DEPR .00

ADD PHYS DEPR
FUNC OBS
ECON OBS
LOCAT OBS

BUILDING
BOOK PAGE DATE QS SALES PRICE
000636 000803 4/30/2018 A
DEED TYPE: WD
000369 000067 9/14/2001 P 142,500
DEED TYPE:
PERMIT NO TYPE DATE AMOUNT

PROPERTY NOTES:

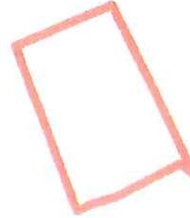
BLDG CODE	DESC	UNITS	EYS	DT	PCT	ADD.DEPR	PCT
101 22	PIER 132 X 5	660.00		D1	50.00		
102 28	BULKHEADING 132 X 1	132.00		D2	75.00		
103 25	BOAT SLIP 4 X 560	2,240.00		D1	50.00		
					.00		
					.00		

VALUE EXEMPTION MODS
9,504
3,300
28,000

REC LUSE	DESC	EXEMPT	FRONTAGE	DEPTH	UNITS	ACRES	PRICE	ADJUSTMENTS	VALUE
1 AC 25	CANAL WF				.574	.574	160,000.00	SZ	128,576

3082-320-36

1216 LUPTON DR



Pamlico County, NC

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Pamlico County, NC
202 Main Street
Bayboro, NC 28515

PIN:	6497245800000
MAPID:	J082-320-36
CALACRES:	0.574096841643795
ACRES:	0
ACCOUNT:	32934
OWNER_NAME:	AXL PROPERTIES LLC
OWNER_NAME2:	
OWNER_ADDR:	1218 LUPTON DR
OWNER_CITY:	ORIENTAL
OWNER_STATE:	NC
OWNER_ZIP:	28571
SITUS_ADDR:	1216 LUPTON DR
DEED_ACRES:	0
DEED_YR:	20180430
DEEDBOOK:	000636
DEEDPAGE:	803
SALEDATE:	4/30/2018
SALE_AMT:	0
LEGAL_DESC:	LUPTON DRIVE LOT 36
BLDG_VAL:	40804
LAND_VAL:	128576
TOTAL_VAL:	169380
CALC_ACRES:	0.6

Correspondence 12/22

KIRKMAN WHITFORD BRADY BERRYMAN & GORDON, P.A.

ATTORNEYS AT LAW

POST OFFICE BOX 1347

MOREHEAD CITY, NORTH CAROLINA 28557-1347

TELEPHONE (252) 726-8411

FACSIMILE (252) 726-6974

E-mail: lawyers@kirkmanwhitford.com

www.kirkmanwhitford.com

STREET ADDRESS:

710 ARENDELL STREET - SUITE 105
MOREHEAD CITY, NC 28557

NEIL B. WHITFORD
CAROLYN B. BRADY*
MELISSA BERRYMAN
JANE A. GORDON**

* ALSO LICENSED IN GEORGIA

**ALSO LICENSED IN NEW YORK

October 4, 2022

Ms. Diane Miller, Manager
Town of Oriental
507 Church Street
Oriental, NC 28571

Re: M & J Marine, LLC, d/b/a Sailcraft Service
Boatyard at 1216 Lupton Drive

Dear Ms. Miller:

We have been engaged by M & J Marine, LLC, d/b/a Sailcraft Service in connection with the uses permitted to them, from a zoning perspective, on their boatyard at 1216 Lupton Drive which is a part of the Sailcraft Service complex. As you know, Sailcraft is a full service boatyard. It is my understanding that in 2018 the Town of Oriental took the view that while boats could be stored on 1216 Lupton, any work on such boats would violate the Growth Management Ordinance in that the lot is zoned R-1, a residential district, and that work on the boats would be a commercial operation not permitted in the R-1 zone. Though the Town has not officially contacted my client since 2019 about its operations on 1216 Lupton, my client has found it impossible to maintain the lot solely for boat storage and from time to time work has been performed on the boats there. While the town has not officially objected, there have been occasional comments from town representatives, most often a commissioner, that Sailcraft's operations on the lot are violating the GMO. Michael and Jennifer Pawlikowski are weary of worrying about a legal skirmish with their town and thus they have asked me to investigate and give them an opinion of the legality of their operation. I have done that and it is summarized below.

I want to start with the nature of a boatyard. Boats too large to store on typical boat trailers are most often 'permanently' kept afloat usually moored to a dock. Typically they are not pulled from the water and placed on stands for storage except in the rare

case of hauling them from the water for safe keeping in the face of a hurricane. When a boat too large to keep on a trailer is pulled from the water and placed on stands in a boatyard, it is most often for work on the boat. The work can be bottom scraping and painting, fiberglass repair, repair or replacement of woodwork, repair to windows and hatches, engine servicing, engine repair, engine overhauling, engine replacement, electrical work, plumbing work, HVAC work, mast and rigging repair, sail and canvas repair or replacement - essentially any maintenance, repair or servicing the boat needs.

The work on boats of this nature is done by three classes of people or companies. First is the boat owner on a "do it yourself" (DIY) basis. Second is by personnel employed by the boatyard. Third is by independent contractors hired by either the owner or the boatyard.

Now back to a 2019 written communication from the Town. It acknowledges that previously, 1216 Lupton had been used for boat storage and that storage was "grandfathered" but that repair work was not. Here was the problem with that position. When the Town acknowledged that boats were stored on the lot, for the large boats on stands, they were there primarily for work as I have described in the two previous paragraphs. So with the Town's acknowledgement that boats had been stored on the lot, given the inherent nature of boatyards, this was an admission that work on those boats had also taken place and such work was also grandfathered.

Your GMO was adopted in 1999. Any nonconforming uses that existed at that time could continue under the grandfather clause of Section 191.1 of the GMO. Prior to 1999, 1216 Lupton was used to repair and service boats that had been hauled from the water. That kind of work has continued on the lot until today. This work has not occurred every single day since 1999, but there has never been a time when such activities have been abandoned for a consecutive period of 180 days.

In developing the facts that support this opinion, we have procured written statements from ten individuals attesting to the fact that 1216 Lupton has been used for boat servicing and repair long before 2019 and, for the individuals with decades of knowledge of the area, such work has gone on for more than 25 years. These letters are attached.


Michael and Jennifer Pawlikowski through M & J Marine, LLC, d/b/a Sailcraft Service are good corporate residents of your town. They provide valuable service to many boat owners in the "Sailing

Page 3 of 3

Capital of North Carolina." Yours is a water dependent community and one would think you would support your legitimate water related businesses.

To support this business and remove any cloud relating to 2019 communications to them, I ask that you send them a letter acknowledging that in light of the information we have provided to you, the repair and servicing operations on 1216 Lupton are grandfathered. At a minimum, I ask that you not bother them again with any threat of enforcement action. There is a curious statute that allows an individual successfully challenging a municipal action to recover attorneys' fees in certain situations. I am confident we can prove the repair and servicing work on 1216 Lupton to be grandfathered and thus we will be successful challenging any enforcement action the Town may take. But my clients do not want legal actions and stress. They simply want to operate their business in peace.

Sincerely,


Neil B. Whitford

Cc: Michael and Jennifer Pawlikowski

Enclosures

To Whom It May Concern:

I have been familiar with operations at the boat yard in Oriental known as Sailcraft Service since at least 1985, if not before. During that time, my late husband and I have had several boats stored and worked on in the two lots occupied by Sailcraft. The work included bottom painting, fiberglass repair, painting, cleaning, and woodworking. We did some of the work, and Sailcraft staff did other tasks.

For more than the last 25 years, the Sailcraft Service boat yard has used two lots that are connected. The street addresses for the lots are 1216 and 1218 Lupton Street. 1218 Lupton is the lot where the boat yard has buildings. 1216 Lupton is west of and adjacent to 1218. 1216 Lupton has no buildings and is an "open" lot.

From my personal observation over this time, boats have constantly been placed on blocks on 1216 Lupton, and either the boat owners, contractors, and/or the owner operator of Sailcraft have performed typical boat maintenance work on the boats while in that yard. Over at least the last 25 years, there has never been a time of 180 continuous days or more, about six months or more, that some work on boats on blocks at 1216 Lupton, typical of boat yard operations, did not take place. While 1216 Lupton Street is an open lot, it has been continuously used for typical boat yard operations, that includes work on boats, for 25 years or more.

AS Parker 7/15/22

ANNE S PARKER

160 BLACKWELL POINT LOOP

ORIENTAL, NC 28571

To Whom it May Concern:

For the past 25+ years I have been a client of Sailcraft Service through 3 different owners. During those years we had a slip at Sailcraft Marina and owned a townhouse at Windward Views on Tosto Court which is adjacent to the boatyard. We never had any issues with the work or activities going on at Sailcraft Service, they were always a great neighbor! During those 25+ years the boatyard used the open lot 1216 Lupton Street to place boats and to perform needed services. I never remember a time that that space was not used for those purposes and never was contacted about it be a problem. This space is very important to Sailcraft Service and it's customers to be able to perform timely services. If lot 1216 is restricted from doing the work it has done for years then you are negatively affecting their income! Our town should be doing all we can to help our business partners grow and prosper.

Thanks

Chuck Gordon

June 21, 2022



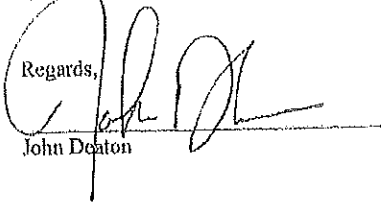
June 24, 2022

To Whom it May Concern:

Deaton Yacht Service, Inc has been located at 1306 Neuse Drive since 1985 and at that time, Sailcraft Service was operating as a service facility.

While never personally having done any work on the lot to the west and adjacent to Sailcraft Service, 1216 Lupton Drive, it has always been my impression that commercial work associated with the repair of vessels has taken place on the so mentioned lot.

Regards,


John Deaton

June 22, 2022

To Whom It May Concern:

I have worked in the marine industry for the last fifty years as a marine mechanic, boat builder and owner of a cordage enterprise and battery business in New York and the Caribbean. In 2010 I retired and purchased a home in Oriental, with plans to build a 37 foot catboat from a one hundred year old design that would be suitable for sailing on the Neuse River. I entered into a contract with Alan Arnfast former owner of Sailcraft boat yard to build the boat on the area of the boatyard at 1216 Lupton, where marine work was being conducted on an open lot. I built a platform and put up a shelter Logc building 50' x 30' x 20' and proceeded to build a one of a kind catboat during the next two years. Construction continued on a daily basis on that site until the boat was launched in July 2014. During construction marine work continued on the open lot all around the building I had constructed, at the request of Alan Arnfast I left the building standing and the yard then used it for marine repairs.

If you require any additional information or clarification, please feel free to contact me at (252) 249-7299.

Sincerely,



Art Halpern
306 Whittaker Point Road
Oriental, NC 28571

Robert Luhrs
65 Point Lane
Merritt, NC 28556

July 11, 2022

To Whom It May Concern,

I have recently heard that there is an issue with the use of the lot at 1216 Lupton St. in Oriental by Sailcraft Service. I have lived in the area for 16 years and have used Sailcraft Service a few times. They provided a valuable, helpful service to me for my boat repair and maintenance, and I know many other people who have benefited from their services as well. Not only is this a valuable service for Oriental and Pamlico County, but it also provides a positive economic impact to us all. I hope Sailcraft will be able to continue their services, at both 1216 and 1218 Lupton St., as they have been doing for many years.

Sincerely,



Bob Luhrs

To Whom It May Concern,

I have lived in the Oriental area for over 30 plus years. For most of those years, I have lived at my present address on Starboard Circle, around the corner from Lupton Road and from Sailcraft Service. I have friends who live or have lived on Tosto Circle, just past Sailcraft, and frequently have driven by or walked one of my dogs by Sailcraft's boat yard and operations. On occasion, have also had business and visits with one of the previous owners.

During all those years, have observed boat owners, contractors, and Sailcraft employees at work on the properties at 1216 and 1218 Lupton Road. The primary buildings are at 1218. The adjacent lot, 1216, has no buildings on it. I have frequently and consistently over the years seen boats on blocks on that property, 1216 Lupton, as well as 1218 Lupton, with typical and varied boat yard work and services being performed by Sailcraft, boat owners, and contractors on both properties.

I am not aware that there has been any period of 180 continuous days, that some typical boat yard work on boats on blocks did not occur during that period on the lot at 1216 Lupton Road
Always seemed to be boats coming and going, workers of all sorts coming and going from boats on blocks on both of Sailcraft's working lots.

Aug 11, 2022

Missy Tenhet

From: Kathryn Garcia <kpaddles@yahoo.com>
Date: July 11, 2022 at 10:06:40 AM EDT
To: jennifer@sailcraftservice.com
Subject: Support for M & J Marina
Reply-To: Kathryn Garcia <kpaddles@yahoo.com>

To Whom It May Concern:

My husband and I have been familiar with Sailcraft boat yard, now M & J Marine, since we moved to Pamlico County in 2005. We have had work done at this boat yard. Our son worked there from 2006 - 2007 cleaning hulls, painting and striping boats. His work took place on the 1216 Lupton lot where the buildings are located. The 1218 lot was being used by the Sailcraft rigger who was working on numerous masts and other rigging needs. In 2012 we visited our friend Art Halpern who put up a tent to build a boat on the 1218 lot. We watched his boat take shape under this tent. In a county where boating is so important. We are grateful to the marinas who do this work.

Respectfully,
Kathryn and Enrique Garcia
S/V Pelican

K E N L A S E R A R C H I T E C T, P L L C
PO Box 447, Oriental, NC 28571 Ph:252/249-0422 C:917/763-3826 e-mail: ken@kenlaser.com

July 21, 2022

To Whom It May Concern:

I have been a customer of and frequent visitor at the boat yard Sailcraft Service in Oriental for more than the last 11 years. As part of their operations, boats are hauled out of the water and placed on stands where boat owners, contractors, or the yard operators work on them. The work going on there includes cleaning and painting hulls and bottoms, wood and fiberglass repair, engine repair, electrical, electronic, plumbing and air conditioning work, window/porthole, door repair and replacement, boom and mast repair and replacement, as well as rigging, and canvas work. During the time I have been a customer, the Sailcraft Service boat yard has used two contiguous lots. The street addresses for the lots are 1216 and 1218 Lupton Street. 1218 Lupton is the lot where the boat yard has buildings. The 1216 Lupton lot is west of number 1218, has no buildings and is an open lot. From my personal observation for more than the last 11 years, boats have constantly been placed on stands on 1216 Lupton, and either the boat owners, contractors, and/or the owner operator of Sailcraft have performed work on the boats while in that yard. Typical of boat yard operations, boats on the 1216 Lupton lot are continuously being worked on. Over the last 11 years, I have never witnessed a time that some work on the boats on blocks at 1216 Lupton, was not underway on that open lot.

Respectfully,

Ken Laser

Ray's Creek Side Marina, Inc.

336 Blackwell Point Loop Road, Oriental, NC 28571
Mailing Address: P. O. Box 593, Oriental, NC 28571
Tel: 252-249-2777 Cell-Billy: 252/617-2316 Cell-Donna:919-631-0934 E-mail:
creeksideoriental@gmail.com

June 5, 2022

Re: Work Done at Sailcraft yard 1216 Lupton Dr., Oriental, NC 28571

TO WHOM IT MAY CONCERN:

I've been sailing my boats in Oriental, NC for more than 40 years, over that time I have worked on and had work done to my boats at Sailcraft Service at 1216 Lupton Drive, Oriental NC. There were often others also working on their boats at the same location. Feel free to contact me if you have questions.



Billy J. Creach
Ray's Creekside Marina, Inc.

June 2, 2022

To Whom It May Concern:

I have been familiar with operations at the boat yard in Oriental known as Sallcraft for more than the last 25 years. By the very nature of boat yard operations, boats are hauled out of the water and placed on blocks where boat owners, contractors, or the yard operators work on them. The work on boats in a boat yard is quite varied. It includes cleaning and painting hulls and bottoms, wood and fiberglass repair, engine repair, electrical work, electronic work, plumbing work, air conditioning work, window/porthole and door repair and replacement, boom and mast repair and replacement, rigging, and canvas work. This is just a partial listing of the work that takes place at a boat yard. For more than the last 25 years, the Sallcraft boat yard has used two lots that are connected. The street addresses for the lots are 1216 and 1218 Lupton Street. 1218 Lupton is the lot where the boat yard has buildings. 1216 Lupton is west of and adjacent to 1218. 1216 Lupton has no buildings and is an "open" lot. From my personal observation for more than the last 25 years, boats have constantly been placed on blocks on 1216 Lupton, and either the boat owners, contractors, and/or the owner operator of Sallcraft have performed customary work on the boats while in that yard typical of boat yard operations. Over the last 25 years, there has never been a time of 180 continuous days or more, about six months or more, that some work on boats on blocks at 1216 Lupton, typical of boat yard operations, did not take place. While 1216 Lupton Street is an open lot, it has been continuously used for typical boat yard operations, that includes work on boats, for more than the last 25 years.

Signature





TOWN OF ORIENTAL
PO Office Box 472
Oriental, North Carolina 28571
(252) 249-0555 ~ Fax (252) 249-0208
www.townoforiental.com

December 30, 2022

Mr. Neil B. Whitford
Kirkman Whitford Brady Berryman & Gordon, P.A.
P.O. Box 1347
Morehead City, NC 28557-1347

Re: M & J Marine, LLC, d/b/a Sailcraft Service
Storage and Parking facility at 1216 Lupton Drive

Dear Mr. Whitford:

I received your letter dated October 4, 2022 regarding the above-referenced matter. As the Town's Land Use Administrator, I appreciate your argument that the use classification of "storage and parking" (Use 10.000) for a boatyard is synonymous with the use classification of "boatyard" (Use 9.200). However, I don't find that argument compelling for a number of reasons, aside from the obvious fact that the Town's Growth Management Ordinance clearly defines both as separate and distinct uses.

As I'm sure you are aware, your client was represented by Mr. Arey Grady at Sumrell Sugg when it acquired the property in 2018. The seller, Arnfast Properties, LLC, was represented by attorney John King of Stubbs Perdue. Mr. Grady requested and received a decision of the Land Use Administrator dated April 4, 2018 regarding an official decision as to the uses allowed at 1216 Lupton Drive. Mr. King was also provided a copy of the decision. My decision clearly stated that the use at 1216 Lupton Dr. for storage and parking was "part of the operation contained at 1218 Lupton, and the contiguous Marina at the corner of Lupton and Tosto Circle, . . ." {emphasis added} By the plain meaning of the letter, and the clear understanding of your client's counsel and counsel for the seller, the zoning use classification at 1216 Lupton Drive was for "storage and parking" and not the actual of the operation of the boatyard contained at 1218 Lupton Drive. This clear understanding was objectively established by the fact that Mr. Arnfast and your client subsequently requested that the zoning for the subject parcel be changed from R-1 to MU so that the parcel could be used as a boatyard rather than being limited to storage and parking. The Board of Commissioners denied the request following the public hearing held on May 1, 2018. Most importantly, no appeal was taken from either the decision of the Land Use Administrator or the zoning amendment request. As such, I consider this matter closed.

In closing, I would add that your client has confirmed to me on numerous occasions over the last several years, both verbally and in writing, that they understand the limited zoning use of storage and parking at 1216 Lupton Drive, and that they have been diligently complying with the zoning restrictions. As I have mentioned to your client many times, the Town appreciates their service and contributions to the community. I have always enjoyed working with your client and have appreciated their professionalism as we have worked through various issues involving their business. Unfortunately, the zoning issue addressed herein was resolved several years ago as neither Arnfast Properties, LLC nor your client took issue with the decision of the Land Use Administrator or the denial of the rezoning, or timely appealed either decision.

Sincerely,

Diane H. Miller, MPA, ICMA-CM
Land Use Administrator/Town Manager

April 18, 2018 Planning Board



ORIENTAL PLANNING BOARD MEETING MINUTES

Wednesday, April 18, 2018
Oriental Town Hall – 507 Church Street, Oriental, NC

CALL MEETING TO ORDER AND ESTABLISH QUORUM

Chairman Stan Aeschleman calls the meeting to order at 3:03, noting that Member Flaherty is on the way and the rest of the Board is present. Member Flaherty arrives at 3:07.

OLD BUSINESS

- Approve Minutes from March 21 Meeting : Vice Chair Lohmar makes a **MOTION** that the Minutes from March 21, 2018 be approved. Member Barrow seconds. 4-0.

NEW BUSINESS

- Rezoning request- R-1 on 1216 Lupton Dr to MU- recommendation to forward to Town Board: Chairman Aeschleman notes the rezoning request has been forwarded to the Town Board and a request to set a Public Hearing was accepted. The Hearing is set for May 1, 2018 where the Planning Board will need to forward a recommendation for that Hearing.

Chairman opens the floor for Public Comment. Vice Chair Lohmar asks if the map we are looking at is the same map as in the pkg. It is not- for ease of use, the Manager has replaced that map with one highlighting the property of the request.

Susan Dillard (1204 Lupton Dr) purchased 2014, has used the Marina. Opposed to rezoning. Wants to understand the grandfathering of the use. If the uses grandfathered, that is not objectionable- if the grandfathered terms are overreaching or different uses may be objectionable. Hoping not more open ended than what it is being used for today. Other concern is annexing and creep- availability of additional lots in the future- moving down Lupton. Happy to help monitor the uses on the property.

Manager offers to address. Manager Miller: grandfathering action. The USE is parking and storage ONLY. Those things can continue in perpetuity- through several owners, but only the approved uses. Because there has been a fluid use, dependent on seasonal use, sometimes it's heavier and sometimes lighter. It is not a permitted parking- if it was, there would be buffers required and limited numbers by available spaces. Commissioner Overcash noted that the use cannot expand to OTHER uses. Mayor Pro Tempore White notes that the temporary building has been removed. Ms. Dillard asks if there are 10 boats there now, and in the future there were 25, is that acceptable? Yes- it's the USE, not the VOLUME.

A discussion ensued concerning the number of boats docked, covenants vs. ordinances.

Mr. McGovern (104 Gull Circle) is discussing covenants and riparian rights. Manager notes that CAMA riparian lines are regulated by the State, not us. We also do not get in the middle of covenant issues- that's between neighbors.

Jennifer Pawlikowski: (prospective Buyers): question: is the channel blocked by boats? David White indicates it is not because there have been conversations between owners to make sure that didn't happen- and also, Alan dug out (with CAMA permit) the back end of the property to allow for rafting and use by catamarans. The current arrangement works.

Eric Dammeyer (1116 Link Lane) notes that Sailcraft has always moved anything that impeded his ingress or egress from his slip. Also opposes rezoning. No issues with the grandfathering. Note that everything that COULD be in an MU is the problem. Notes the direction of section 240 that specifically advises the Town Commissioners must consider ALL of the potential uses, and none of the representations of the petitioners. Would like to see the Planning Board to note the reasons for their recommendation.

Chairman Aeschleman thinks the direction is fairly vague, but the biggest issue is that ANYTHING can go into that zone.

Manager has forwarded a draft that the Planning Board can use for its recommendation. Sections 237 through 240 address the specific job of both the Planning and Town Boards. Several interesting documents. In searching for the rezoning request from Deaton's "about 15 years ago"- there is no rezoning request in that period for that property. The only rezoning found was for the Inn at Oriental. Note that subdivision lines encompass some MUs and not others, some subdivisions only zoned subdivision inclusions as R-1. No consistency in that on both sides of the same creek. Also note if the lot in question was being used as it is today, there was an argument to be made at that time for a change in zoning as the map was being approved- missed opportunity. Also found indication of interest in rezoning in 2003- where there was on the agenda the potential for asking the Town Board to schedule a Public Hearing and the process was tabled. (Attached)

Manager notes the clean environmental studies produced by Mr. Arufast in light of the Planning Board's interest in protecting the waterways. As exists, there is no buffer between R-1 and MU, that lack of buffer would simply move the lack of buffer one property down. Manager Miller noted all potential reasoning the Board could use for their recommendation.

Jennifer Pawlikowski: Seems that this was an oversight in the original mapping. Again the Manager notes that there was an opportunity with the draft map to come forward and argue the proposed zoning. The School of Government notes that imposed zoning on an existing set of uses is difficult and generally zones according to existing uses.

Vice Chair Lohmar indicates reasons to not rezone: That this sets a precedent for going down the line, the array of potential uses, and actually, based on the Land Use Plan and need to protect the waters, the MU uses are not compatible with waterfront properties. She noted that the grandfathered use is in perpetuity. Manager notes that we had this very discussion with the Fisheries on the Harbor- that if those properties were sold and the use discontinued for 180 or more days- that same operation would NOT be allowed in those MU zones on the Harbor. For these reasons, she opposed the rezoning.

Member Barrow notes we are looking at the most restrictive residential up against a proposed least restrictive zone. There is no compelling reason to rezone this parcel.

Chairman Aeschleman notes the vague direction. Our obligation as the Planning Board is to allow citizens to engage in the process, but the real negative is the possibilities once rezoned. He asks for a Motion in the affirmative.

Vice Chair Lohmar makes the motion in the affirmative (to approve the rezoning), Member Flaherty seconds. 0-4, with Member Winfrey abstaining. Recommendation to rezone is not accepted.

Chairman Aeschleman takes the draft and removes those items that would approve the request, and will have it signed and forwarded to the Town Board.

- Compliance forms from March/April: Oriental Professional Properties boats on MU for sale (LUP required), Tim Balfour (new residential), Richard Sammons ("park home" addition to permanent residence) potential revision to Chapter H- potential to have livestock in Town. Restrictions currently may be unreasonably strict, and revisable. Questions about fowl in town- noted the rooster/chickens in question have been a continuous flock since property established in 1964. Any new that have come into town have immediately been met with neighbor complaints and removed. More new home starts coming next month on vacant parcels.
- Potential new business at Hodges St- inquiries for property on Hodges St in MU-1 for use as restaurant (wood-fired pizza). Manager notes the prospective owner is asking the right questions from us and the Health Dept Director- no paperwork has been forwarded. (LUP required in MU-1). Discussion went on about ensuring there is no back-out parking.
- Previous projects: unfinished projects: Noted that we need to finish up the CAMA LUP, which was shelved following GMO update needs. Chair suggests that different members reread and bring the whole documents back to the Board. Manager notes Member Winfrey has some access to someone who could assist in fixing the graphics required. Manager notes the water classifications are correct and up to date. Vice Chair Lohmar asks Chair Aeschleman to find a workable date and then contact other members for availability.
- Member Flaherty asks about progress on Whittaker Pointe restoration. Manager notes the ongoing processes and agencies involved.

- Chairman Aeschleman notes progress on the King Tides project as it affects Oriental. Placement of a staff gauge at Town Dock #1 would assist both them and us on documenting our higher than normal water levels.
- Vice Chair Lohmar would like for the Board to address Dark Skies again especially addressing external lights on new housing.
- Manager notes the Engineer that joined us last month concerning new development lost her husband last week, so the project has not brought a petition for annexation, and likely would not before the next meeting
- Update on Duke lighting. limited options for shielding on existing fixtures. Potential for experimenting with solar off-grid lighting.

ADJOURN: Member Winfrey made a MOTION to adjourn. Vice Chair Lohmar seconded.
5-0. Adjourned 4:20PM.

Stan Aeschleman, Chairman

Diane Miller, Clerk to the Board

Approved: _____

240.1 In deciding whether to adopt a proposed amendment to this chapter, the central issue before the Town Commissioners is whether the proposed amendment advances the public health, safety or welfare. All other issues are irrelevant, and all information related to other issues at the public hearing may be declared irrelevant by the mayor and excluded. When considering proposed amendments to the Official Growth Management Map:

240.1.1 The Town Commissioners shall not consider any representations made by the petitioner that, if the change is granted, the property in question will be used for only one of the possible range of uses permitted in the requested classification. Rather, the Town Commissioners shall consider whether the entire range of permitted uses in the requested classification is more appropriate than the range of uses in the existing classification.

240.1.2 The Town Commissioners shall not regard the advantages or disadvantages to the petitioner requesting the change, but shall consider the impact of the proposed change on the public at large.

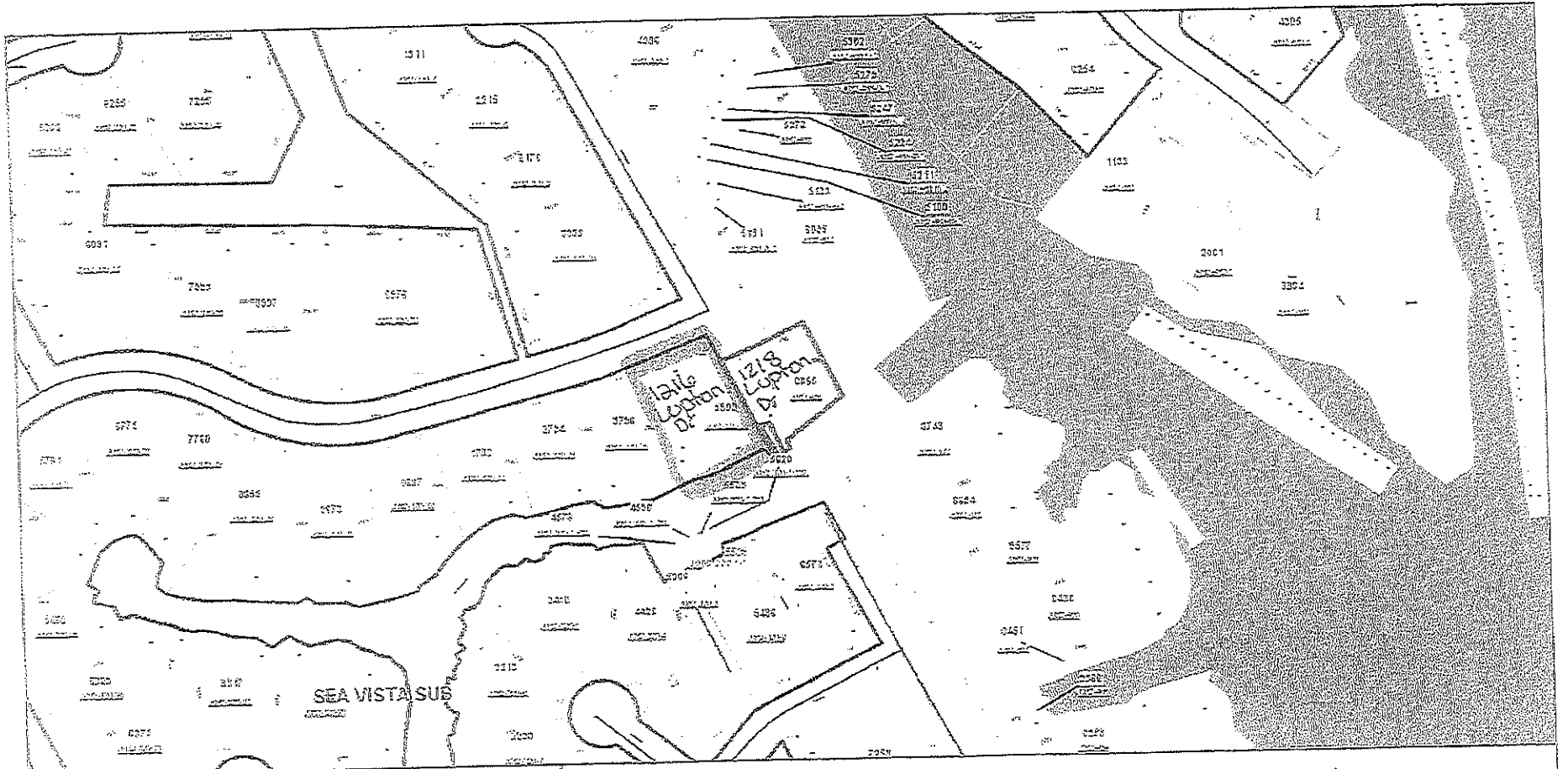
237.1 The Planning Board, after allowing for public comment at a Planning Board meeting, shall, within thirty five (35) days of its first appearance on the Planning Board's agenda, render a written recommendation for approval, denial, or modification of the petition to the Town Commissioners.

237.2 The Planning Board shall advise and comment in writing on whether the proposed amendment is consistent with any comprehensive plan or long range plan that has been adopted and any other officially adopted plan that is applicable. The Planning Board shall provide a written recommendation to the Town Commissioners that addresses plan consistency and other matters as deemed appropriate by the Planning Board. A written comment by the Planning Board that a proposed amendment is inconsistent with any such plans shall not preclude consideration or approval of the proposed amendment by the Town Commissioners.

237.3 Whenever the Planning Board is called upon to make a recommendation concerning an amendment to the Official Growth Management Map, the Land Use Administrator shall post on or near the subject property one or more notices that are sufficiently conspicuous in terms of size, location and content to provide reasonably adequate notice to potentially interested persons of the matter that will appear on the Planning Board's agenda at a specified date and time. Such notice(s) shall be posted at least seven (7) days prior to the meeting at which the matter is to be considered.

238.2 The Land Use Administrator shall publish a notice of the public hearing on any proposed amendment to the provisions of this chapter once a week for two successive weeks in a newspaper having general circulation in the area. The notice shall be published for the first time not less than ten (10) days nor more than twenty-five (25) days before the date fixed for the hearing. In computing this period, the date of publication shall not be counted but the date of the hearing shall be counted.

238.3 With respect to proposed amendments to the Official Growth Management Map, the Land Use Administrator shall mail written notice of the public hearing to the record owners for tax purposes of all properties whose development classifications are changed by the proposed amendment, as well as the owners of all properties which are within 150 feet of the properties so affected by the proposed amendment.



Pamlico County, NC

Disclaimer:
The materials available at this web site are for informational purposes only and do not constitute a legal document.



50 m
200 ft

Mar/08/2018
Scale 1:2400

pin : 6497246855000
mapid : J082-486
calacres : 0.41974910364835

owner_name : ARNFAST ALAN K

owner_addr : 6S SHORELINE CT

owner_city : ORIENTAL
deedbook : 000554
deedpage : 706

█ 1216 Lupton Dr. = R1
— 1218 Lupton Dr. = MU

Book Page
0354 0710

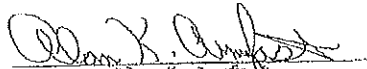
Exhibit "A"

PROPERTY DESCRIPTION FOR THE LAND OF
ALAN K. ARNFAST

A certain lot or parcel of land in the Town of Oriental, Number Two (2) Township, Pamlico County, North Carolina, particularly described as follows:

On the north side of Tarpon Channel, south of the intersection of Tosto Circle and Lupton Drive, BEGINNING at a point 45 feet South 21° 18' East from the point in the southern line of Lupton Drive which is intersected by the western line of Tosto Circle extended southwardly, and running thence North 68° 42' East 136 feet; thence South 19° 47' East 135.05 feet to Tarpon Channel; thence westwardly with Tarpon Channel about 135 feet to the western edge of Tosto Circle extended southwardly; thence North 21° 18' West along said circle edge as so extended 144.46 feet to the point of BEGINNING, containing 44/100 of an acre, more or less, according to a survey and map by A. Hugh Harris, Jr., PB-RLS, dated June 18, 1902, copy of which is attached to the deed recorded in Book 225 at Page 224, Pamlico County Registry. Said lot is also shown on a map prepared by said Harris, dated December 8, 1987.

AS AN APPURTENANCE to the above-described lot there is conveyed herewith a perpetual, non-exclusive easement for ingress, egress and regress between it and Lupton Drive and Tosto Circle over and across that portion of Tosto Circle extended which lies between the north line of said lot and the same street intersection as shown on said Harris map recorded in Deed Book 225 at Page 224 as "Easement for Access."


Alan K. Arnfast

NOTICE OF PUBLIC HEARING FOR REZONING

The Town of Oriental Board of Commissioners will hold a Public Hearing on a Tuesday, May 1, 2018 at 7:00 PM, or as soon thereafter as can be reached, at Town Hall, 507 Church Street, Oriental, NC 28571.

The purpose of this Public Hearing is to hear a request for rezoning parcel # J082-320-36, 1216 Lupton Drive from R-1(Residential- single family) to MU (Mixed Use).

ALSO

The Planning Board will discuss this request at their April 18, 2018, 3PM meeting, also at Town Hall, from which a recommendation will be made to the Board of Commissioners on the request.

BOTH meetings are open to the Public and interested parties are welcome to speak to both Boards.

Substantial changes in the proposed amendments may be made following the public hearing.

Diane H. Miller, Land Use Administrator



April 18, 2018 Statement of Zoning Inconsistency from the Planning Board

On March 21, 2018, the Planning Board met, and, as part of their agenda, passed a recommendation to the Town Board to schedule a Public Hearing for the rezoning of 1216 Lupton Dr from R-1 to MU

The Planning Board recommends, by a vote of 4-0 with one abstention (Winfrey) that the Town Board not rezone the property.

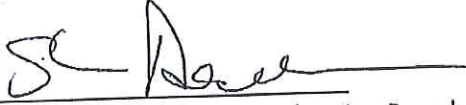
Per § 160A-383, The Planning Board notes that the rezoning of parcel J081-320-36, further described in the metes and bounds submitted as part of the petition to rezone by Alan K. Arnfast, would be deemed an amendment to the official Growth Management Ordinance Map (GMO Map) for the Town of Oriental, and will be amended if so directed by the Town Board, and

That the rezoning of the above named property does not meet the development needs of the community by extending area on which Sallcraft Boatyard and Marina can operate; and

That this rezoning is not reasonable and in the public interest, as evidenced by the recent revision of acceptable uses; and

That the rezoning amendment to the GMO Map is inconsistent with the Comprehensive Land Use Plan and the GMO; and

The Planning Board recommends that the property in question not be rezoned MU (Mixed Use) as is not compatible with residential properties in the vicinity, and as designed to expand the uses on the adjacent property.


Stan Aeschleman, Chair, Planning Board


Diane Miller, Recording, Town Clerk

Book 0354 Page 0708

FILED
PAMLICO COUNTY
ON OR 2000 11:27 AM
JOYCE C. KARPAN
Register of Deeds

SATISFACTION: The debt secured by the within Deed of Trust together with the interest accrued thereon has been satisfied in full
On the _____ day of _____, 19____
Signed: _____

Recording: Name, Book and Page

Tax Lot No. _____ Parcel Identifier No. _____

Verified by _____ County on the _____ day of _____, 19____

by _____

Map after recording to **RETURNED TO [Signature]**
DATE RETURNED 6-16-2000

This instrument prepared by **HOLLOWELL & HOLLOWELL**

Brief Description for the Index _____

NORTH CAROLINA DEED OF TRUST

THIS DEED OF TRUST made this 7th day of JUNE, 2000, 2000, by and between:

GRANTOR	TRUSTEE	BENEFICIARY
ALAN K. ARNEFASCI	BERNARD B. HOLLOWELL, JR. P.O. Box 218 Bayboro, NC 28515	RALPH D. KUDARI

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g. corporation or partnership.
The designation Grantor, Trustee, and Beneficiary as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that whereas the Grantor is indebted to the Beneficiary in the principal sum of SIX HUNDRED FORTY-NINE THOUSAND THREE HUNDRED AND 65/100 Dollars (\$ 649,309.65), as evidenced by a Promissory Note of even date herewith, the terms of which are incorporated herein by reference. The final due date for payment of said Promissory Note, if not sooner paid, is JUNE 7, 2020.

NOW, THEREFORE, as security for said indebtedness, advancements and other sums expended by Beneficiary pursuant to this Deed of Trust and costs of collection (including attorneys fees as provided in the Promissory Note) and other valuable consideration, the receipt of which is hereby acknowledged, the Grantor has bargained, sold, given, granted and conveyed and does by these presents bargain, sell, give, grant and convey to said Trustee, his heirs, or successors, and assigns, the parcels of land situated in the City of Oriental, Number Two (2) Township, Pamlico County, North Carolina, (the "Premises") and more particularly described as follows:

PROPERTY DESCRIPTION ATTACHED HERETO AS EXHIBIT "A" AND INCORPORATED HEREIN BY REFERENCE.

THIS IS A PURCHASE MONEY DEED OF TRUST.

N.C. Bar Assoc. Form No. 5 * 1976, Revised * 1985 * Printed by Association of NC Bar Associations - Inc. * Copyrighted by * P.O. Box 3215 * Raleigh, NC 27602-0321

Exhibit "A"

PROPERTY DESCRIPTION FOR THE LANDS OF
ALAN K. ARNFAST

A certain lot or parcel of land in the Town of Oriental, Number Two (2) Township, Pamlico County, North Carolina, particularly described as follows:

On the north side of Tarpon Channel, south of the intersection of Tosto Circle and Lupton Drive, BEGINNING at a point 45 feet South 21° 18' East from the point in the southern line of Lupton Drive which is intersected by the western line of Tosto Circle extended southwardly, and running thence North 68° 42' East 136 feet; thence South 19° 47' East 135.05 feet to Tarpon Channel; thence westwardly with Tarpon Channel about 135 feet to the western edge of Tosto Circle extended southwardly; thence North 21° 18' West along said circle edge as so extended 144.45 feet to the point of BEGINNING, containing 44/100 of an acre, more or less, according to a survey and map by A. Hugh Harris, Jr., PE-RLS, dated June 10, 1982, copy of which is attached to the deed recorded in Book 225 at Page 224, Pamlico County Registry. Said lot is also shown on a map prepared by said Harris, dated December 6, 1987.

AS AN APPURTENANCE to the above-described lot there is conveyed herewith a perpetual, non-exclusive easement for ingress, egress and regress between it and Lupton Drive and Tosto Circle over and across that portion of Tosto Circle extended which lies between the north line of said lot and the same street intersection as shown on said Harris map recorded in deed Book 225 at Page 224 as "Easement for Access."


Alan K. Arnfast



Application for Rezoning

Town of Oriental
P O Box 472, 507 Church St
Oriental, NC 28571
252.249.0555(ph) 252.249.0208 (fax)

Date: 3/12/2018 Filing Fee (\$400) check #/cash 3572 pd (init) NS

Applicant's Name: Alan Arnfast

Mailing Address: 68 Shoreline Ct

Location of Requested Change: 1216 LUPTON DRIVE

Contact Phone Number: 252-626-1374 Contact email: _____

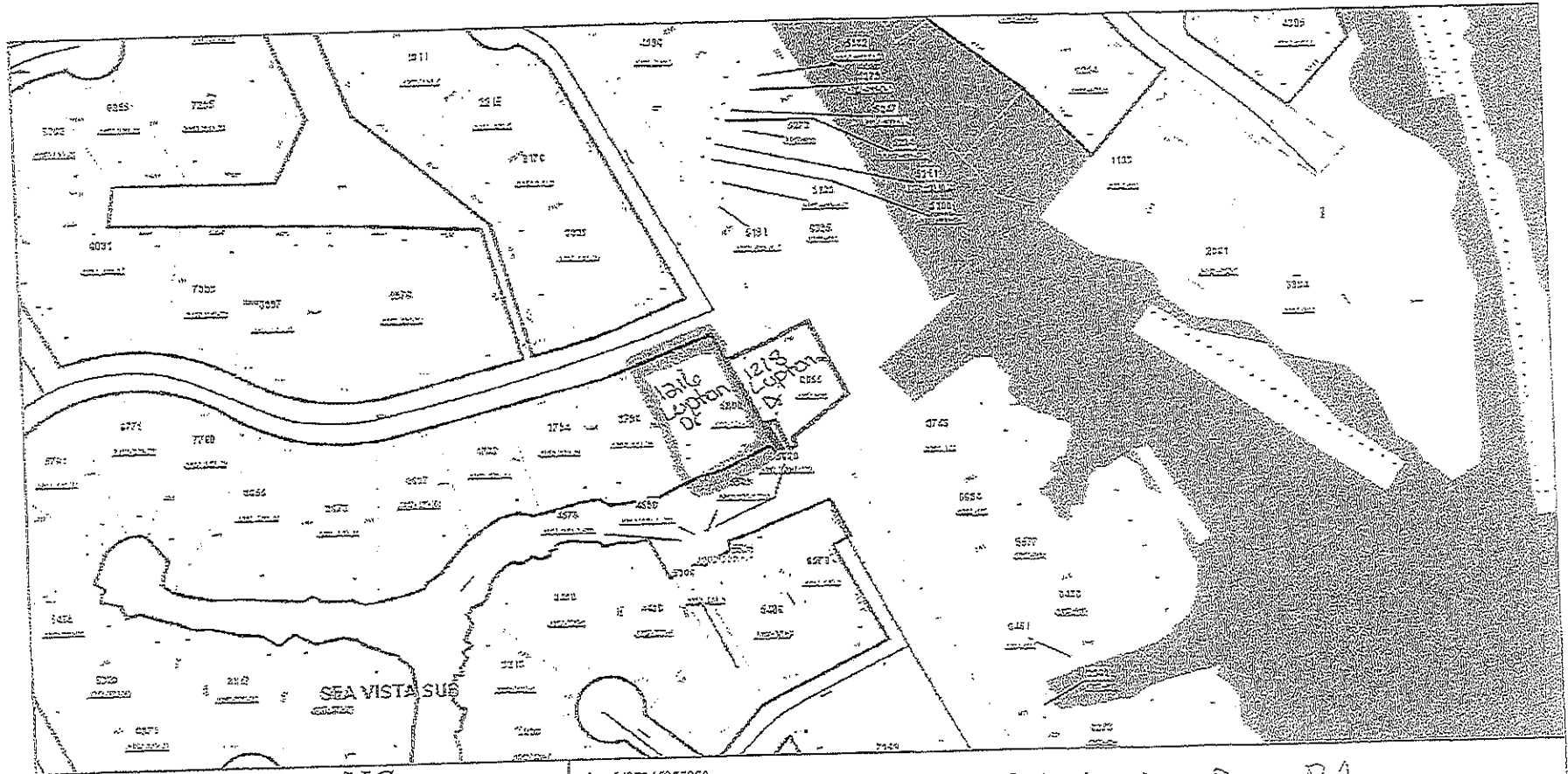
Parcel ID # 5082-320-36 Tax ID# ARNfastproperties@gmail.com

Current Growth Mgmt Ordinance Classification of Property: (circle one)
MU MU-1 R-1 R-2 R-3

Requested Growth Mgmt Ordinance Classification of Property: (circle one)
MU MU-1 R-1 R-2 R-3

Signature of Applicant: Alan Arnfast Date: 3/12/2018

Please attach names and addresses of all property owners within 150 ft of the property requesting rezoning, a copy of the Pamlico County Tax Record, and a GIS or equivalent map.



Pamlico County, NC

Disclaimer:
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50 m
 200 ft

Mar/08/2018
 Scale 1:2400

pin : 6497246355000
 mapid : J082-486
 celacres : 0.41974910364835

owner_name : ARNFAST ALAN K
 owner_addr : 68 SHORELINE CT

owner_city : ORIENTAL
 deedbook : 000554
 deedpage : 706

1216 Lupton Dr. = R1
 1218 Lupton Dr. = MU

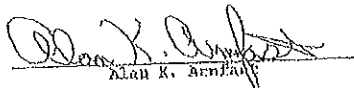
Exhibit "A"

PROPERTY DESCRIPTION FOR THE LOTS OF
ALAN K. ARNHEAST

A certain lot or parcel of land in the town of Oriental, Number Two (2) Township, Pamlico County, North Carolina, particularly described as follows:

On the north side of Tarpon Channel, south of the intersection of Tosto Circle and Lupton Drive, BEGINNING at a point 45 feet South 21° 10' East from the point in the southern line of Lupton Drive which is intersected by the western line of Tosto Circle extended southwardly, and running thence North 68° 42' East 136 feet; thence South 19° 47' East 135.05 feet to Tarpon Channel; thence westwardly with Tarpon Channel about 135 feet to the western edge of Tosto Circle extended southwardly; thence North 21° 10' East along said circle edge as so extended 144.06 feet to the point of BEGINNING, containing 64/100 of an acre, more or less, according to a survey and map by A. Hugh Harris, Jr., P.E.-R.S., dated June 10, 1982, copy of which is attached to the deed recorded in Book 225 at Page 224, Pamlico County Registry. Said lot is also shown on a map prepared by said Harris, dated December 8, 1907.

AS AN APPURTENANCE to the above-described lot there is conveyed herewith a perpetual, non-exclusive easement for ingress, egress and regress between it and Lupton Drive and Tosto Circle over and across that portion of Tosto Circle extended which lies between the north line of said lot and the same street intersection as shown on said Harris map recorded in Deed Book 225 at Page 224 as "Easement for Access."


Alan K. Arnheast



TOWN OF ORIENTAL
PO Office Box 472
Oriental, North Carolina 28571
(252) 249-0555 ~ Fax (252) 249-0208
www.townoforiental.com
manager@townoforiental.com

April 4, 2018

RE: 1216 Lupton Drive- Grandfathered Nonconforming Use

TO: Mr. Arey Grady, III
Attorney
Sumrell Sugg Attorneys at Law
416 Pollock St, New Bern, NC 28560

Following discussion and submitted photographic evidence documenting the use at 1216 Lupton Dr. for storage and parking as part of the operation contained at 1218 Lupton, and the contiguous Marina at the corner of Lupton and Tosto Circle, it is my decision as the Land Use Administrator for the Town of Oriental, that the use predates the enactment of the Growth Management Ordinance (GMO) which restricts such use in the R-1 zone.

A grandfathered nonconforming use may continue until and unless that property ceases to serve those specific uses for a continuous period of 180 days or more (Section 196.2, 196.3). At that time, the only allowable uses will revert to those designated acceptable in the R-1 zone according to the most recent Permissible Use Table (Section 60 of the GMO).

In addition, an unpermitted temporary structure, erected in the 2010 time frame, is currently in the process of being removed from the lot to alleviate the additional nonconformity of the parcel.

If there is anything else you need from the Town concerning the parcel in question, please do not hesitate to ask.

Sincerely,

Diane H. Miller, MPA
Town Mgr/ Land Use Administrator

Town of Oriental – Board of Commissioners Meeting
and
Public Hearing

January 7, 2003

The Oriental Town Board of Commissioners met on Tuesday January 7, 2003 at 7:00 p.m. the Oriental Town Hall. Present were Mayor Styron, Commissioners Harris, Marco, Wagoner and Sadler.

Mayor Styron opened the first public hearing pertaining to Whittaker Point Subdivision Annexation. Ben Hollowell briefly explained the location of property to be annexed. With no further comments, the public hearing was closed.

Mayor Styron opened the second public hearing, the rezoning of property at the Inn at Oriental. The Planning Board had voted 3 to 2 to approve the change. Both views of those opposed and those who approved the change were heard. With no further comments the public hearing was closed.

Mayor Styron opened the regular meeting and led the pledge allegiance.

Commissioner Marco made a motion to approve the minutes from the December 3, 2002 meeting. Second by Commissioner Wagoner. Vote 4-0

Commissioner Harris made a motion to approve the annexation request for the Whittaker Point Subdivision. Second by Commissioner Marco. Vote 4-0

Commissioner Marco made a motion to approve the Inn at Oriental's request to rezone their property from R2 to MU. Second by Commissioner Harris. Vote 4-0

Jenny Lassiter, Pamlico County Health Department Director, informed the Board of Pamlico County's current and future efforts to control the mosquitoes as well as their efforts to solicit funding for future control programs. Dan Baker, Oriental Public Works Director, informed the Board of Oriental's need for a microscope to assist with mosquito identification. Identification plays a significant role in mosquito control. It was noted that the NC Department of Environment and Natural Resources, Public Health Pest Management, would reimburse 50% of the purchase of the microscope provided it did not exceed the current contract amount. Commissioner Marco made a motion to purchase the microscope providing NCDENR verifies, in writing, the 50% reimbursement. Commissioner Harris seconded. Vote 4-0

Town Manager Cutler informed the Board of the receipt of \$9,800.00 in franchise tax that was not budgeted. The governor had withheld franchise tax reimbursements in the past.

Chuck Lee and Ken King discussed the possible location for a small boat launch dock in Oriental. The Town has received a \$8500.00 grant from the Harold Bate Foundation to be used in the construction of the dock / launch area. After reviewing a number of sites, it was felt that the end of Midyette Street, next to the Wildlife Ramp, would be the best location. Parking was discussed. The Board was in favor of the dock being constructed at the end of Midyette Street.

Rich Happ of Pamlico Information Network Enterprise asked the Board for permission to place an antenna on the water tank in order to provide high speed internet access to the area residents. He suggested that the Oriental Police Department and Town Hall receive free internet in exchange for the water tank use. Commissioner Sadler excused herself from voting due to a possible conflict of interest. Commissioner Marco made a motion to approve the request to put an antenna on the water tank pending review and approval of the contract. Commissioner Wagoner seconded. Vote 3-0 with Commissioner Sadler not voting. Manager Cutler will meet with attorney Davis to design a contract.

Planning Board Report: Member Alice DeBaun asked that the Town Board review Oriental Marina's plans for a 3 phase project that involved the sale of individual motel rooms, the construction of additional motel rooms, and the construction of a new restaurant. It was suggested that full time residence in the unit not be permitted. The project would also consider sale of boat slips to individual owners.

BRMSD Report: Commissioner Harris reported that the State determined a "finding of no significant impact concerning the Reelsboro sewer project.

Financial Report: Commissioner Sadler reported that this was to be a tight year. The General Fund was down \$6,500.00 and the Water Fund bottom line was on the plus side but cash was down \$3,500.00.

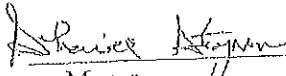
Pamlico County Board Meeting Report: Commissioner Sadler reported that the County voted to approve a \$75,000 grant to the non profit Coastal Carolina Action for individuals to learn how to write grants. The Board approved new uniforms for the Sheriff's department. The County received \$400,000.00 for scattered sites housing under CDBG, which includes the Oriental area.

The Board discussed a proposed change to the ordinance on past due water bills. Commissioner Sadler made a motion to approve changes to the ordinance as presented. Second by Commissioner Marco. Vote 4-0

Commissioner Sadler made a motion to set a Public Hearing at the next Board Meeting, February 4, 2003 on two parking amendments to the GMO. Second by Commissioner Harris. Vote 4-0

The Town of Grantsboro requested that local boards get together once a year to discuss common interests. It was reported that the proposed meeting would be in early February 2003. Manager Cutler was asked to inform Grantsboro's mayor of Oriental's agreement to attend.

With no further business, Commissioner Harris made a motion to adjourn. Second by Commission Sadler. Vote 4-0.



Mayor



Town Manager

Rezoning request NOTES from the Manager:

The rezoning of the Deaton parcels in question:

Mr. Arnfast noted Deaton rezoning in similar situation "about 15 years ago":

There is nothing registered at the Register of Deeds for this to have happened in that time frame. The Town's paperwork is shaky at best due to watersoaked and moldy documents having been purged by temporary employees in the aftermath of Hurricane Irene. The time frame has several documents still in our possession half soaked and moldy, in the time frame where this is said to have taken place, however, there is no indication that the rezoning was filed at the Register of Deeds. Also, Mr. David White noted that the Deaton parcels were parking lots prior to the GMO's existence. One lot is zoned MU, and one (clearly) residential lot used for parking, storage and slips is zoned residential. Both lots are considered part of the subdivision. The lot on the corner of Neuse and Link is zoned MU (J082-321-36) and is not considered part of the subdivision (see Deaton photo pulled from GIS). The lot in question for rezoning (J082-320-36) is included in the subdivision and zoned R-1 currently. This indicates a lack of consistency in past zoning decisions and allows for interpretation both by this Board and the Town Board. Attached also is the only Public Hearing for rezoning considered by the Town Board during the time frame given (Inn at Oriental, January 7, 2003).

Consistency/Inconsistency with Long Range Plans and other sections of the GMO:

Consistency:

The parcel obviously (through photographic proof) was used in an MU capacity predating the GMO and MAY have been coded incorrectly during the creation of the Official map- imposing zoning on preexisting use generally (according to SOG guidelines) notes the current uses as allowable when zoning is imposed, so as not to create nonconformities from the beginning.

The CAMA Plan notes that uses should be employing BMPs for uses on the water, and Mr. Arnfast's submission of clean Phase I Environmental study and clean discharge results indicate the history of the entity as compliant.

The CAMA Plan and Town's long range Land Use Plan indicate a mix of uses, support for commercial businesses in Town, emphasis on Tourism industry, services.

Inconsistency:

There appears to have been no buffer imposed between MU (heaviest uses) and R-1 (most restrictive uses), and rezoning would expand the lack of buffer and allowance for larger operation of boatyard activities, which the Planning Board spent several months working to restrict further in MU zones. The range of possibilities in any MU are most incompatible with R-1 uses, according to the revised Permissible Use Table of the GMO.

There is no evidence of consistent rezoning for parcels connected to residential subdivisions to Mixed Use or consistently not rezoning to Mixed Use.

The range of uses that can be allowed in a Mixed Use zone must be considered by both the Planning Board and the Town Board in that, despite any assurances given by the petitioner, the entire range of potential uses must be considered, as in, or not in, the public interest.

ORIENTAL PLANNING BOARD MINUTES

May 27, 2003

Members in Attendance

Candy Bohmert
Joe Wakefield
Frank Swain
Jim Frederick

The regular meeting was called to order at 7:10 p.m.

The minutes of the April 29th meeting were approved as presented.

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It should also be noted that the encroachment area is now deeded to another entity. Mr. Dobson should only be regarded as an agent.

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The meeting was adjourned at 8:00 p.m.

April 18, 2018 Statement of Zoning Inconsistency from the Planning Board

On March 21, 2018, the Planning Board met, and, as part of their agenda, passed a recommendation to the Town Board to schedule a Public Hearing for the rezoning of 1216 Lupton Dr from R-1 to MU

The Planning Board recommends, by a vote of 4-0 with one abstention (Winfrey) that the Town Board not rezone the property.

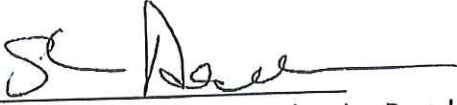
Per § 160A-383, The Planning Board notes that the rezoning of parcel J081-320-36, further described in the metes and bounds submitted as part of the petition to rezone by Alan K. Arnfast, would be deemed an amendment to the official Growth Management Ordinance Map (GMO Map) for the Town of Oriental, and will be amended if so directed by the Town Board, and

That the rezoning of the above named property does not meet the development needs of the community by extending area on which Sailcraft Boatyard and Marina can operate; and

That this rezoning is not reasonable and in the public interest, as evidenced by the recent revision of acceptable uses; and

That the rezoning amendment to the GMO Map is inconsistent with the Comprehensive Land Use Plan and the GMO; and

The Planning Board recommends that the property in question not be rezoned MU (Mixed Use) as is not compatible with residential properties in the vicinity, and as designed to expand the uses on the adjacent property.


Stan Aeschleman, Chair, Planning Board


Diane Miller, Recording, Town Clerk



ORIENTAL PLANNING BOARD MINUTES

Wednesday, March 21, 2018
Oriental Town Hall – 507 Church Street, Oriental, NC

CALL MEETING TO ORDER AND ESTABLISH QUORUM

At 3:03PM, Chairman Stan Aeschleman called the meeting to order and noted a quorum with all present: Chairman Aeschleman, Vice Chair Lohmar, Members Flaherty, Winfrey.

OLD BUSINESS

- Approve Minutes from Meeting: Member Flaherty made a **MOTION** to approve the February Minutes and Member Winfrey seconded. 4-0.

NEW BUSINESS

- Swearing in of Martin Barrow (document attached)

- Rezoning request for 1216 Lupton Dr from R-1 to MU- falls under an amendment to the GMO Map. Manager Miller lays out the process. Planning Board sees it today and requests that the Town Board schedule a Public Hearing for May 1. They will require from you a recommendation for approval or denial. The background of the project is as follows: Contiguous use to both R-1 and MU. After extended conversation with attorney this morning, the situation is similar to one we've had in the past- proof produced that the nonconforming use has been continuous from prior to enactment of the GMO. This use (storage and parking is currently grandfathered as a nonconforming continuous use) can continue regardless of rezoning decision until and unless it is discontinued for more than 180 consecutive days. Manager Miller lays out the property in question and surrounding properties.
- Mr. Arnfast (requestor) History: 1985 until present has been there, and from 1975 has been same use (storage and parking). Parking, Boatyard, and Marina. He brought photo from the area in 1985-1989 timeframe and delineated the property in question. Mr. Andy Denmark operated. All boats arranged and docked- about 15 boats (prior to travel lift) about 1975. Arnfast purchased in 2001 including slipcenters, boat service clientele, etc. Property has continuously been used the same way. Deaton's lots opposite on the canal lobbied for rezoning from residential to MU successfully. [Manager's note: The box that would contain paperwork of Mr. Deaton's rezoning contained documents that were water damaged and any documents prior to 2005 petition to annex and rezone would have been the next sets of documents. Staff has been told that boxes and boxes of documents were thrown out following Hurricane Irene. The documents located from 2005 were obviously water-damaged and partially molded. Suggesting that those preceding were determined to be unrecoverable. We have requests in to the Register of Deeds to try and recover those documents.] Mr. Arnfast believes that the Deaton rezoning was "about 15 years ago." Mr. Arnfast believes that the current existing use of the property is well within the Land Use Plan, and that when things are busy in the good

weather, the lot in question alleviates additional parking that would be on the street. The outflow on the lot is monitored and Sailcraft is noted to be a good environmental steward. Also, the property has passed a Phase I Site evaluation twice. (document attached). Down to 8 particulates, down from 43. Working hard to reduce the environmental footprint. Petroleum product discharge is less than 5. Mr. Arnfast details the temporary structure on the lot in question. It was constructed for a patron to build a boat. The building was left on the property for Mr. Arnfast's use. It is currently used for storage, but he would be happy to take the building down as it is likely at the end of its lifespan anyway. Manager Miller noted that she had advised Mr. Arnfast to forward as much information as possible as soon as possible for the Boards to review. One of the results of the rezoning would be that any expansion of his business onto that lot, if rezoned, would be restricted by the newly enacted GMO permissible use table restrictions, so would be more strictly regulated than other MU properties in town. Questions arise about vegetative buffers. Those would only kick in if rezoned. Sale is the 1216 R-1, the 1214 R-1 (with the house on it), and 1218 MU [all three properties] Liaison- Commissioner Overcash- 3 choices- rezone, don't rezone, leave as grandfathered use. Mr. Ken King-cannot see something that would be any more drastic than what it is being used for now. Chairman Aeschleman notes the process- today we recommend that the Commissioners set a Public Hearing. At our next meeting, we make a recommendation on the actual rezoning. Vice Chair Lohmar makes a **MOTION** that the Planning Board set a Public Hearing. Member Flaherty seconds, 5-0. Chairman Aeschleman notes 237.2 directive to Planning Board as well as 239.3 charge to Commissioners must adopt the consistency statement also. 241- Town Board must consider whether amendment advances Public Health Safety and Welfare. Manager notes that third option is now available where the rezoning is approved, even though it is inconsistent, which de facto, changes the long range plans. Commissioner Overcash asks if the rezoning not going through is a deal-breaker for the mortgage company. Mr. Arnfast is not sure. He notes that he will stay on for at least a year post-sale, as he turns the business over to the new owners.

- Potential request for the addition of new subdivision- off the end of Shorey Court out White Farm Rd. with design on Whittaker Creek. The property is not currently annexed into town. While we had worked on "the process" for getting a subdivision approved. Noting that the current version of the GMO is posted in three parts while we were reformatting the entire document. Advice from legal counsel is that we have no jurisdiction over this property. Attorney advised that we not give the cheat sheet to the developer for the quick version of process for the fact that we might miss something. We are recommending that you give the whole project and our GMO to your attorney, and see if the project will fit inside the regulations. Until the property is annexed in, we have no jurisdiction on your plans. Sue Sayger, representing Mr. Martin Pratt, lays out where they are in the planning processes. We have discussed our water issues/pressure/flow rate/etc- trying to get an easement through Whittaker Harbor to loop the water system. Manager Miller discusses potential fix for looping that halted pursuit of this development previously. Allowances in the GMO are there for geographically or topographically difficult or impossible requirements. Ms. Sayger notes that the owner/developer has every intention of annexing in. Manager Miller notes a few things that may have to be changed on the proffered design, like private roads, etc. Ms. Sayger asked if there is anything we would like to see when they go to make the design more compliant with

the GMO. Chairman Aeschleman states that we cannot go down that road until the property is annexed in. Ms. Sayger notes that at one time they had toyed with making the development include retail/restaurant space- which would be addressed with zoning. She asks for annexation process. What is required. Manager Miller notes the very few requirements for annexation and describes the process. A short discussion of potential zoning ensued.

- Permits issued: A they conversion of garage into apartment was permitted under a LUP, DeCain construction of modular home (regulated as a stick built home) is going in next to Lupton Park- you can see the foundation already laid- awaiting delivery of the modules to be fitted together onto the foundation. (documents attached.)
- A discussion ensued concerning potential addition of development regulation as affects fire hydrant placement and looping water system as a requirement. Planning recommends that these additions be made to Chapter K and not the development standards. The need is to go away from blowoffs and flushing and reduce the amount of treated water flushed through the system. An extension from the main of NIT 6 inches halfway to the end of any new cul de sac, install a hydrant, reduce to No Smaller than 4 inches and loop back around the cul de sac so that all lines are looped back to the main. It's a safety/conservation issue that needs to be addressed. Ms. Miller will bring these changes to the Town Board in Chapter K, and adjust the compliance form to include general ordinances as well as the GMO.
- Agenda for April
 - We'll have to give recommendations for rezoning. Ms. Miller will forward a consistency or nonconsistency option.
 - Potentially, we will be discussing the annexation of the 3 Lions project.
 - Chairman Aeschleman notes the presentation to the Commissioners at retreat about accomplishments and priorities. The things we started that did not come to their end because of pressing issues need to be continued. Dark Skies and Sidewalks, as well as CAMA Land Use Plan are in draft form currently. If we have time, let's put those other things on the agenda. Chairman Aeschleman asks Ms. Miller to send out the marked up copy of the CAMA LUP.
- **NON-AGENDA ITEMS / PUBLIC COMMENT**
 - Manager Miller notes the GMO is posted in sections to the website- need fresh formatting- looking at a few people willing to do that- 144 page document. Board agrees that needs to be done.
 - Commissioner White asks that we make sure we get word out to make sure everyone is aware of the rezoning. Accompanying documents can be forwarded to the Board with the recommendations. Any letter sent to Planning can be attached to their recommendations- this is why we

encourage people- especially those who may not be able to attend the Town Board meeting, so their opinions are registered. This is why we encourage people to attend Planning Board meetings. Commissioner White notes that the lots at Deaton's were purchased and used as they are prior to enactment of the GMO, so we are likely to not find paperwork on a rezoning.

ADJOURN

Member Winfrey made a MOTION to adjourn. Vice Chair Lohmar seconded. 5-0
Meeting adjourned at 4:31PM.

Stan Aeschleman, Chairman

Diane Miller, Clerk to the Board

Approved 4/18/18 _____

Additional information

From: Michael S Davis [mailto:dhwlegal1@me.com]
Sent: Saturday, March 10, 2018 12:01 PM
To: Town Manager
Subject: Fwd: Town of Oriental

FYI. We can chat about this on Monday.

Scott

Michael Scott Davis
Davis Hartman Wright, PLLC
209 Pollock Street
New Bern, North Carolina 28560
Telephone: 252.514.2828
Facsimile: 252.514.9878
Cellular Telephone: 252.571.2050
www.dhwlegal.com

Begin forwarded message:

From: John King <[jking@stubbsperdue.com](mailto:king@stubbsperdue.com)>
Subject: Town of Oriental
Date: March 9, 2018 at 2:43:39 PM EST
To: Scott Davis <dhwlegal1@me.com>

FROM APPLICANT'S
PREVIOUS ATTORNEY

Scott,

Do you still represent the Town of Oriental? If so, I have a quick question. Couple owns two adjacent lots. One zoned multi use and the other residential. Both are used for the business, which is a boatyard. They are proposing to sell both properties and the Oriental Town Manager sent a letter to the proposed buyer that the residential lot was a nonconforming use. It also said that if the land changed hands it would no longer comply and would be prohibited from being used for the same use. (my clients say that they only use it for storing or parking boats and no work is done on the residential lot).

I am not aware of an ordinance that stops a nonconforming use when ownership changes hands. Usually, it's only if the use ceases for a period of time. I'm guessing that the town would not rezone this parcel and therefore, it is critical that its use be allowed to continue.

Please let me know if you are aware of something different in the ordinances. My clients would like to sell the property.

John W. King, Jr.

*Certified Specialist in Real Property; Commercial, Industrial, Business and Residential
Certified Specialist in Estate Planning and Probate*

Certified Superior Court Mediator



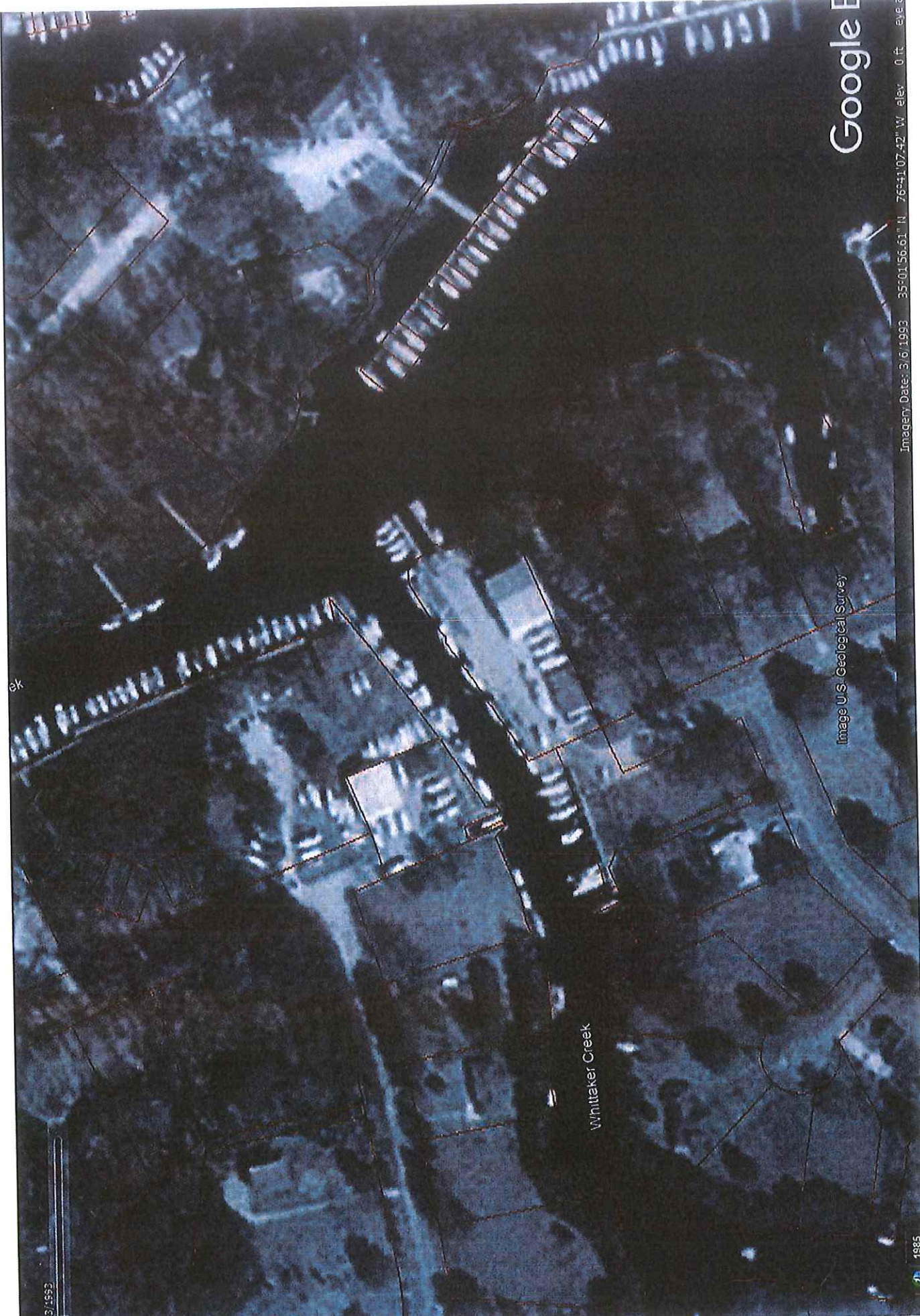
STUBBS PERDUE
ATTORNEYS AT LAW

Stubbs Perdue, P.A.
P.O. Box 1654
New Bern, North Carolina 28563
252.633.2700
252.633.9600 (Fax)
jking@stubbsperdue.com

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Thank you



3/1993

Whittaker Creek

Image U.S. Geological Survey

Google Earth

Imagery Date: 3/16/1993 35°01'56.61" N 76°41'07.42" W elev 0 ft eye 2

1985



Google Earth

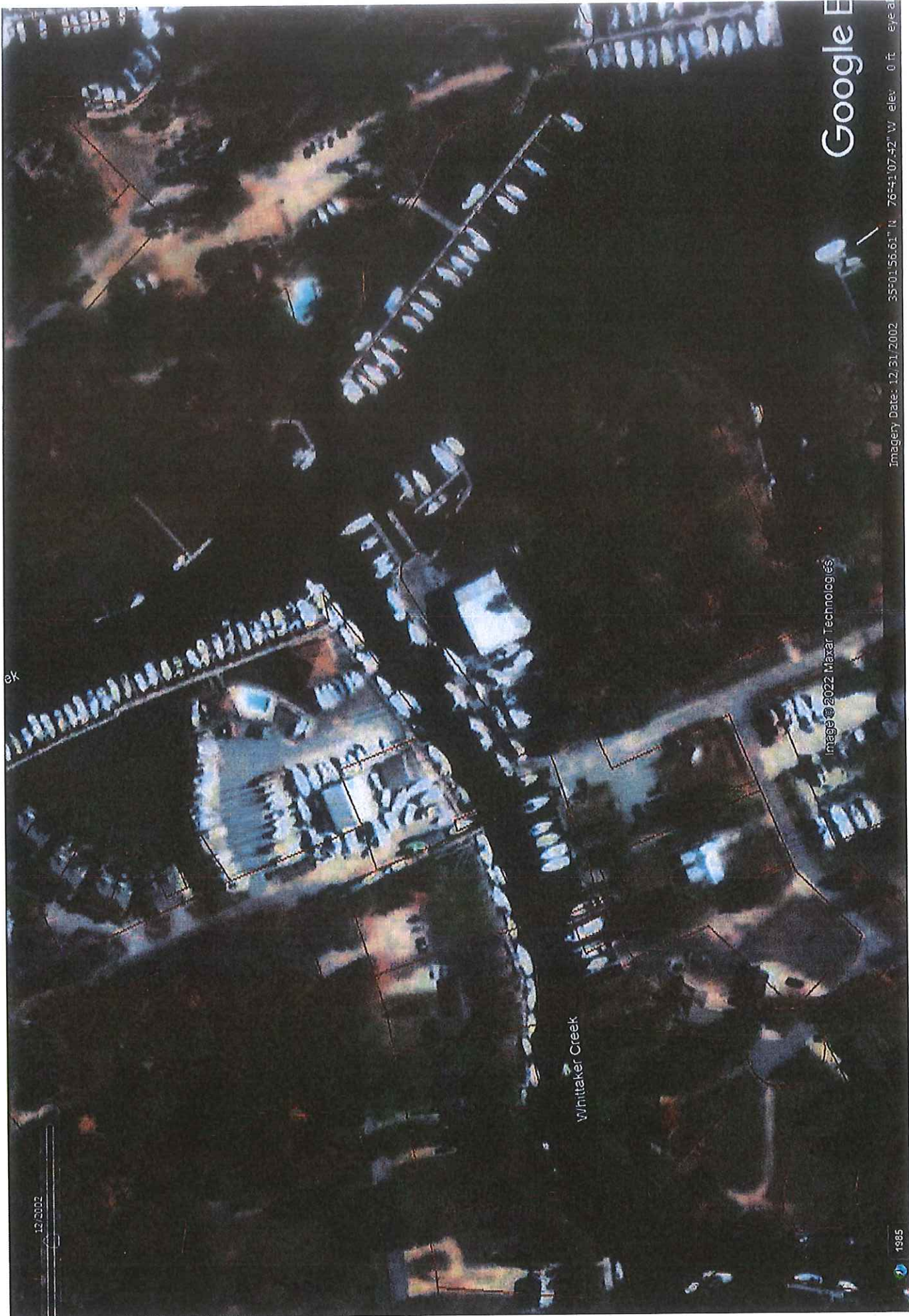
Imagery Date: 1/24/1998 35°01'56.61" N 76°41'07.42" W elev 0 ft eye 3

Image U.S. Geological Survey

Whittaker Creek

1/1998

1998



ek

12/31/2002

Whittaker Creek

Image © 2022 Maxar Technologies

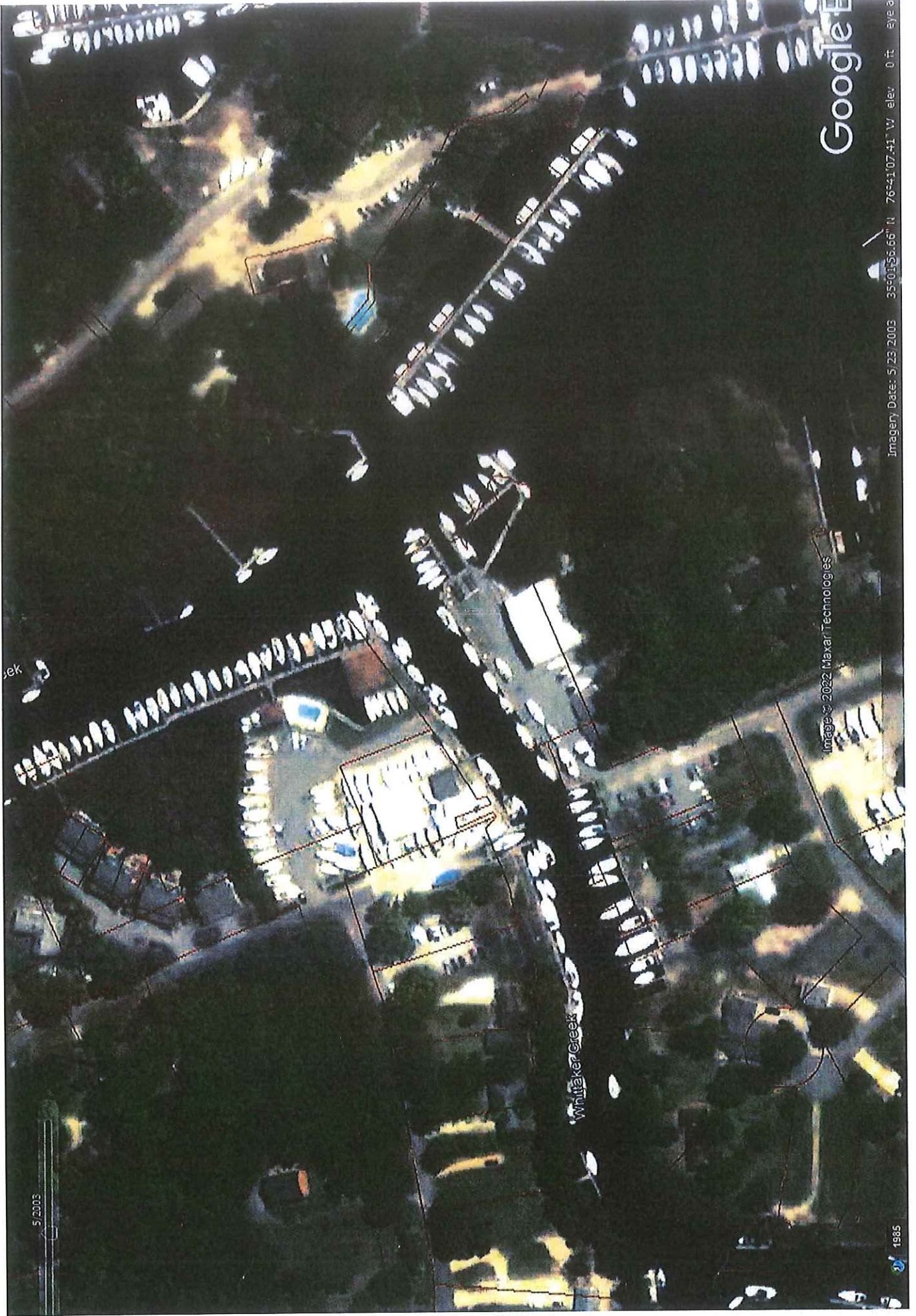


Google Earth

Imagery Date: 12/31/2002 35°01'56.61" N 76°41'07.42" W elev 0 ft eye at

1985





ek

5/2003

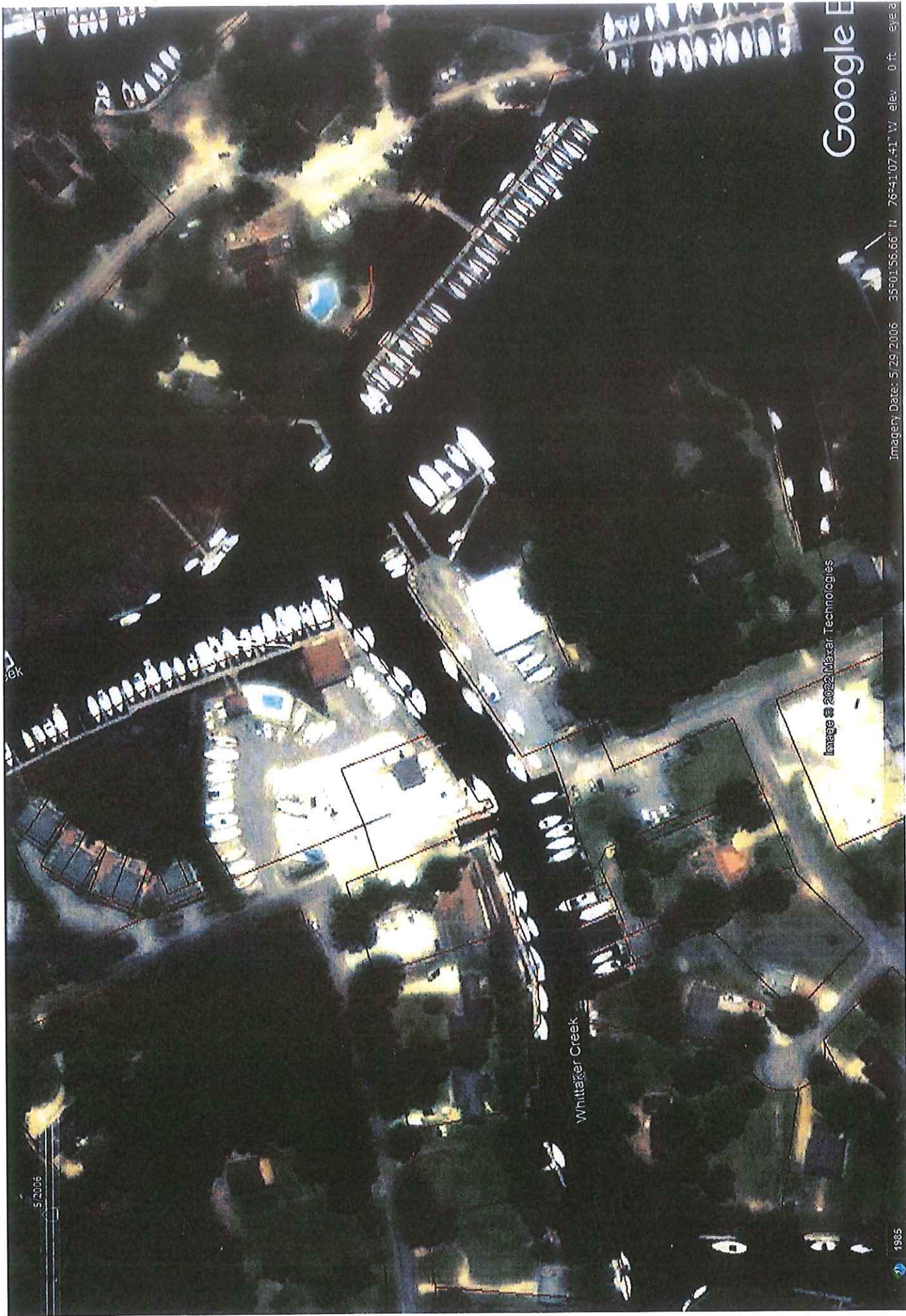
Whitaker Creek

Image © 2002 Maxar Technologies

Google

Imagery Date: 5/23/2003 35°01'55.66" N 76°41'07.41" W elev. 0 ft eye a

1985



5/2006

Whittaker Creek

Image © 2002 Maxar Technologies

1985

Imagery Date: 5/29/2006

35°01'56.66" N

76°41'07.41" W

elev. 0 ft.

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Google Earth

Imagery Date: 2/29/2008 33°01'56.66" N 76°41'07.41" W elev. 0 ft. eye a

Images of St. Geological Survey

Whittaker Creek

1985

ORIENTAL PLANNING BOARD MINUTES

May 27, 2003

Members in Attendance

Candy Bohmert
Joe Wakefield
Frank Swain
Jim Frederick

The regular meeting was called to order at 7:10 p.m.

The minutes of the April 29th meeting were approved as presented.

Frank Swain presented the plans for the next phase of the "condo-tells", and explained where the new restaurant will be located. However, CAMA, DWQ, and the county must approve the plan first.

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The meeting was adjourned at 8:00 p.m.



TOWN OF ORIENTAL
PO Office Box 472
Oriental, North Carolina 28571
(252) 249-0555 ~ Fax (252) 249-0208
www.townoforiental.com
manager@townoforiental.com

April 15, 2019

FINAL NOTICE OF ZONING ORDINANCE VIOLATION

Dear Mr. and Mrs. Pawlikowski,

This letter will serve as the **FINAL NOTICE** pursuant to Section 228.2 of the Town's Growth Management Ordinance ("GMO") regarding violations at the real property located at 1216 Lupton Drive, Oriental, N.C., and further identified by Pamlico County Tax ID Number J082-320-36 ("Subject Property"), owned by AXL Properties, LLC ("Owner"). The Town received a complaint that the Subject Property is in violation of the GMO, specifically regarding the use of the residentially-zoned property to provide commercial boat repair/cleaning services.

VIOLATION #1:

After investigating the complaint, I have confirmed that the Subject Property is located in an R-1 residential zoning district, and is being used to provide commercial boat repair/cleaning services. Prior to the zoning change to an R-1 residential zoning district, the Subject Property was used for storage and parking. Such uses constitute an existing non-conforming use, and may be continued. However, using the Subject Property to provide commercial boat repair/cleaning services violates Sections 50 and 66 of the GMO.

CORRECTION REQUIRED:

You are hereby required to bring the Subject Property into compliance with the GMO by discontinuing your use of the Subject Property to provide any commercial services, or to otherwise use the Subject Property in violation of the GMO, within ten (10) days of the date of this letter.

FAILURE TO TAKE CORRECTIVE ACTION:

If you fail to take corrective action to bring the Subject Property into compliance with the GMO as provided above, civil penalties shall accrue at the rate of \$50.00 per day pursuant to GMO Sections 229.2 and 229.4, which provide in part as follows:

"Section 229. Penalties and remedies for violations.

...

229.2 Any act constituting a violation of the provisions of this chapter or a failure to comply with any of its requirements, including violations of any conditions and safeguards established in connection with the grants of variances or special use permits, shall also subject the offender to a civil penalty of fifty dollars. If the offender fails to pay this penalty within ten days after being cited for a violation, the penalty may be recovered by the Town in a civil action in the nature of a debt. A civil penalty may not be appealed to the Board of Adjustment if the offender was sent a final notice of violation in accordance with Section 228 (Procedures Upon discovery of Violations) and did not take an appeal to the Board of Adjustment within the prescribed time.

...

229.4 Each day that any violation continues after notification by the Land Use Administrator that such violation exists shall be considered a separate offense for purposes of the penalties and remedies specified in this section.

....”

VIOLATION #2:

After investigating the complaint, I have confirmed that the Subject Property is located in an R-1 residential zoning district, and is being used to provide commercial boat repair/cleaning services that include sanding and pressure washing with no method of capturing runoff as required by Section 251 “Commercial Boat/Ship Yard” of the GMO.

CORRECTION REQUIRED:

You are hereby required to bring the Subject Property into compliance with the GMO by discontinuing your use of the Subject Property to provide any commercial services, or to otherwise use the Subject Property in violation of the GMO, within ten (10) days of the date of this letter.

DECISION MAY BE APPEALED:

Pursuant to Section 228.2 of the GMO, please be advised that this decision may be appealed to the board of adjustment pursuant to the provisions Section 200 of the GMO. If you wish to discuss the matter, please contact me at 252-249-0555. Once you’ve brought the Subject Property into compliance as specified above, please contact me so that an onsite inspection can be conducted. Your cooperation in complying with the GMO is appreciated.

Sincerely,



Diane H. Miller
Land Use Administrator/Manager
Town of Oriental

Town of Oriental – Board of Commissioners Meeting
and
Public Hearing
October 7, 2003

Mayor Styron opened the public hearing for Whittaker Point Subdivision's request for a Special Use Permit for a Marina. Town Manager Cutler used a map to show the location of the proposed 50-slip marina as well as the parking. Grace Evans asked if the parking would be constructed of pervious or impervious material. Mr. Fraizer explained that rock would be used and that the area would be pervious. With no further comments, Mayor Styron closed the public hearing.

Mayor Styron opened the second public hearing for Deaton Yacht Service's, request to rezone lot 36 (1206 Neuse Drive) from R-1 to MU. Town Manager Cutler briefly explained that the minutes from the September 1998 meeting stated that Mr. Deaton, representing Mr. Anderson, had requested the Town Board of Commissioners to re-zone his lots from R-1 to MU. The minutes from the December 1998 meeting noted that Commissioner Sadler had made a motion to have the minutes specifically reflect the map changes agreed upon at the September 1998 meeting for several individuals including Mr. Anderson at 1207 Neuse Drive. A public hearing was to be held in January 1999 to adopt the map and GMO. The minutes from the January 1999 meeting only indicate that the map and GMO were accepted. Later it was found that the map did not reflect a change from R1 to MU as specified. Several individuals expressed their objection to the property being classified as MU feeling that it would increase traffic and devalue their property.

With no further comments Commissioner Wagoner made a motion to close the public hearings. Second by Commissioner Hickok. Vote 5-0

Mayor Styron opened the regular meeting and led the Pledge of Allegiance. Present were Mayor Styron and Commissioners Harris, Hickok, Marco, Sadler, and Wagoner.

Commissioner Hickok made a motion to approve the September 2, 2003 minutes as corrected. Second by Commissioner Harris. Vote 5-0

The Board discussed the request for a special use permit for a marina at Whittaker Point. Commissioner Sadler made a motion to address the following findings of fact as a group:

1. Will not endanger the public health or safety
2. Will not injure the value of adjoining or abutting property
3. Will be in harmony with existing development and uses within the area in which it is to be located
4. Will be in conformity with the land use plan, thoroughfare plan, or other plan officially adopted by the Town Commissioners.

Second by Commissioner Marco. Vote 5-0

Commissioner Sadler made a motion to approve the request for a special use permit. Second by Commissioner Marco. Vote 5-0

Second public hearing on rezoning request: After much discussion, Commissioner Harris made a motion to approve Deaton's request to rezone lot 36, 1206 Neuse Drive, from R-1 to MU. Second by Commissioner Marco. Vote 4-1 with Commissioner Sadler voting no.

Commissioner Hickok made a motion to approve a street and sidewalk ordinance amending Chapter D of the General Ordinances as written. Second by Commissioner Harris. Vote 5-0

Planning Board Report: Ms. Bohmert reported that the board discussed impervious and pervious surface definitions and possible eave height revisions. Ms. Bohmert also reported that the first CAMA Land Use meeting would be held Wednesday, October 8, 2003 at 6:30 p.m. in the Town Hall. It was also reported that Dee Sage had resigned from the CAMA Committee and the Planning Board recommended Paul Olson as a replacement.

Financial Report: Commissioner Sadler made a motion to approve the budget amendment as presented. Second by Commissioner Marco. Vote 5-0.

Tom Dixon discussed the possibility of natural gas coming to Oriental. He explained that the Town would need to determine local interest and then issue a franchise to the gas company. He agreed to contact a natural gas representative to speak at a future Town meeting.

Chris Mele informed the Town Board that new storm water rules had been proposed by the State and she explained their impact on the area. Pamlico County had passed a resolution that would be presented at the State level protesting lack of notification of the new rules.

Commissioner Sadler made a motion to set the following public hearings for November 4, 2003 at 7:00 p.m.

1. Proposed change in definition for pervious and impervious surface in the GMO
2. Proposed change in maximum eave height from 27' to 32' in the GMO as well as a possible change in the overall building height limit
3. Request for a Special Use Permit for the replacement of the building used by Coldwell-Banker at 401 Hodges Street.

Second by Commissioner Marco. Vote 5-0