



ORIENTAL TOWN BOARD MEETING

Tuesday, October 3, 2017 at 7pm

507 Church Street, Oriental, NC

Mayor Sally Belangia Officiating

6 The Town Board of Oriental Town Board Meeting on Tuesday, October 3, 2017 was called to order at 7pm. The
7 Mayor Sally Belangia determined a quorum to be present. She said we have a Public Comment period, if you wish
8 to speak please make sure you are signed up on the sheet. We will call the meeting to order with the Pledge of
9 Allegiance.

10
11 Present: Mayor Sally Belangia, Pro Tempore Barbara Venturi, Commissioner Overcash, Commissioner White,
12 Commissioner Winfrey, Commissioner Price, Town Manager Diane Miller, Deputy Finance Director Tammy Cox,
13 Administrative Assistant Jeannine Russo, Officer Nicholas Blayney, Norma Yanez, Representative from Waste
14 Industries and Members of the Public.

15 16 **1. Approval of Agenda**

17 (a) **Commissioner Venturi** made a **MOTION** to approve the Agenda, seconded by **Commissioner White**.
18 Motion passed 5-0.

19 20 **2. Consent Agenda: (Tab 1)**

21 (a) Consider Approval of Minutes from Town Board Regular Meeting September 5, 2017

22
23 **Commissioner Overcash** made a **MOTION** to approve the Consent Agenda, seconded by **Commissioner**
24 **Winfrey**. Motion passed 5-0.

25
26 **3. Public Comment Period:** Mayor Belangia asked if anyone would like to speak. Limit comments to 3 minutes
27 and comments to full board not individual.

28
29 **Knute Bysheim:** Mr. Bysheim had questions about adopting the definitions of a commercial travel lift not to exceed
30 35 tons. Will his travel lift be limited – he has a permit.

31
32 **Madeline Sutter, 300 Whittaker Point Road:** Mrs. Sutter believes we are becoming less of a community and more
33 business oriented. She also mentioned poor drainage issues at her home and spoke about Bay River Sewer and
34 Cayton Plumbing using the right of ways and Town property. She stated that she was “fobbed off” when calling Bay
35 River. Made reference to the Fulcher project and noted that, to date, he has not broken any laws and does employ a
36 certain number of people.

37 38 **4. Public Hearing: GMO changes to the Permissible Use Table**

39
40 **Commissioner White** made a **MOTION** to open the Public Hearing. Seconded by **Commissioner Venturi**. Motion
41 passed 5-0.

42
43 Manager Miller stated the purpose of the Public Hearing is to review the proposed changes to the Permissible Use
44 Table. The Planning Board worked through several workshops to revise the table in response to objections to the last
45 SUP request. The Planning Board would like the Board to know that there will be more revisions to the sections
46 concerning rehabilitation facilities but they are forwarding this list as finished work on sections 1.000 through 6.000
47 and note that some uses have been moved to other sections as they felt this was more appropriate placement. Several
48 definitions have been added defining light, medium and heavy industry and the definition of halfway houses has
49 been changed to become consistent with the Fair Housing Standards Act. Changes may be made after the Public
50 Hearing. The draft presented to the Board this evening reflects the approved version by the Planning Board that has
51 been legally reviewed and adjusted.

52 **Planning Board Chair Eric Dammeyer** stated that the Planning Board worked on the Table from its beginning to
53 9.25 and will keep going but things “mushroomed” as they were working. The definition of halfway houses was
54 moved. Housing cannot be limited due to disability, however, we can limit criminals and anyone who is a danger to

55 the public. Section 4 addressed the three levels of industry (light, medium and heavy) and will zone out heavy
56 industry.

57 **Manager Miller:** Spoke with our attorney: heavy industry, by definition, is more likely to cause pollution. Due to
58 environmental sensitivity, we are within our rights to zone this out.

59 **Eric Dammeyer:** Concerned that toxins being removed – metals, chemicals – can become airborne. Should we
60 make an exception for high-pressure bottom spraying?

61 **Commissioner Overcash:** Stated CAMA can regulate things we cannot control.

62 **Eric Dammeyer:** Sand blasting and scaling can be heard for a mile.

63 **Manager Miller:** We would address new ventures but they must be enclosed.

64 **Eric Dammeyer:** Such existing businesses are grandfathered in.

65 **Bonnie Knapp:** Regarding changes to R1, low density residential, schools, libraries, galleries, religious institutions
66 are not allowed and proposed changes will have a negative influence on the community and should remain a “purely
67 residential community.” Please keep restricted.

68 **Rick Knapp:** When you buy in an area, you research and do your homework and stated “it is not fair to change the
69 game in the middle.”

70 **Madeline Sutter:** We need to know the risk involved and states after one Cayton project, she was unable to leave
71 her home due to gravel in her driveway.

72 **Greg Bohmert:** Referring to the definitions, boat and ship scaling, all contained. Once you say yes to these things,
73 businesses like his cannot exist and feels these items seem counterproductive.

74
75 **Commissioner White** made a **MOTION** to close the Public Hearing. Seconded by **Commissioner Overcash**.
76 Motion passed 5-0.

77
78 **Discussion:**

79 **Commissioner Overcash:** Regarding Knute Bysheim’s comment – he has a legal SUP granted and would be
80 grandfathered. He did not specify the capacity.

81 **Commissioner Venturi:** How big is this lift?

82 **Knute Bysheim:** Lift is rated to 65 tons but only lifts 20-30 tons.

83 **Commissioner Overcash:** Regarding 5.1, 5.2 and 5.3, we can restrict.

84 **Commissioner White:** R1 is not completely restricted. The SUP process cannot allow a permit under “not in
85 harmony.”

86 **Greg Bohmert:** Can he have a heavy lift crane that can be retracted? The more over capacity, the less likely for an
87 accident as there is more leeway.

88 **Commissioner Overcash:** What is the criteria for a light crane?

89 **Eric Dammeyer:** 30’ seemed to be a common height.

90 **Commissioner Overcash:** We need to revisit.

91 **Greg Bohmert:** Things not allowed to offer – counterproductive.

92 **Commissioner Overcash:** Environmental health of the Town is foremost as he and David are advisors to the
93 Planning Board.

94
95 **Commissioner Overcash** made a **MOTION** to table until the next meeting. Seconded by **Commissioner Winfrey**.
96 Motion passed 5-0.

97
98 **Commissioner Venturi** commends the Planning Board and thanks them for their effort.
99

100 **5. Waste Industries Contract:**

101 Waste Industries has purchased GDS and is in the process of securing and putting on line new equipment. They will
102 also be checking our receptacles for wear and replacement. It will take some time for the changeover and likely will
103 come with slight issues until the process is fully turned over and new personnel are used to our route. Attached is a
104 contract that extends our contract with GDS to Waste Industries until the agreed upon end. Manager Miller is
105 requesting authorization to execute this document. Norma Yanez, a representative of Waste Industries attended the
106 meeting. She stated there should be very little change. Our calls will now be answered in New Bern rather than a call
107 center. There was a question from the public regarding the trucks with the automated arm. Ms. Yanez stated that the
108 reason for these trucks is safety and that they have had incidents where workers were hurt as a result of being hit by

109 vehicles that could not stop. Cecily Lohmar inquired about new trucks in the future, if the weight would remain the
110 same; Ms. Yanez stated they will.

111
112 **Commissioner Overcash** made a **MOTION** to execute the document. Seconded by **Commissioner Winfrey**.
113 Motion passed 5-0.

114 115 **6. Project Ordinances**

116 Manager Miller requests that the Board approve a Project Ordinance for 3 separate Grant Projects. The Town has
117 received more than \$500,000 in Grant Funds through the Whittaker Creek Dredging project – as agreed previously,
118 resolution supporting already passed, grant documents executed, please approve; Pierce Creek Dredging project – as
119 agreed previously, resolution supporting passed, grant documents executed, please approve; and Raccoon Creek
120 Flood Abatement Engineering Study – as agreed previously, resolution supporting passed, grant documents
121 executed, please approve.

122
123 **Commissioner Venturi** made a **MOTION** to approve the Project Ordinance. Seconded by **Commissioner White**.
124 Motion passed 5-0.

125 126 **7. Noise Ordinance**

127 Manager Miller asks the Board to approve an amendment to the Chapter H as follows: to change the beginning time
128 in Section 3, Letters (f) and (m) from 11pm to 9pm and in Section 5, Letters (a) and (b) to change Chief of Police to
129 Oriental Police Officer.

130
131 **Commissioner White** made a **MOTION** to approve the Amendment to the Noise Ordinance. Seconded by
132 **Commissioner Overcash**. Motion passed 5-0.

133 134 **8. CDBG support resolution**

135 Pamlico County has begun the process to secure CDBG funds for flood mitigation. Mayor Belangia represented the
136 Town at a meeting with County Manager Tim Buck concerning Oriental's participation. The attached Resolution is
137 required. **Commissioner White** inquired if this is in addition to FEMA and it is.

138
139 **Commissioner White** made a **MOTION** to adopt the application. Seconded by **Commissioner Overcash**. Motion
140 passed 5-0.

141 142 **9. Budget Amendment:**

143 Budget Amendment #2 account for an unforeseen expense in Tourism – the reprinting of the maps/brochures that
144 are distributed up and down the Eastern Seaboard for Tourism. Funds are pulled from the reserve. Manager Miller is
145 asking the Board to please allocate these funds.

146
147 **Commissioner Venturi** made a **MOTION** to approve. Seconded by **Commissioner White**. Motion passed 5-0.

148
149 Commissioner Overcash added that we did not pay for the design, it was created by ECU students.

150 151 **10. Gravel/Paving of Gilgo/Windward:**

152 The Manager requests direction on potential paving of temporary road installed by Bay River during their
153 rehabilitation process. Quotes were discussed. The bill from Cayton was approximately \$7,900. Anderson Paving is
154 \$12,500. A.J. and Son Asphalt Specialists gave us two options – a single layer at a cost of \$5,000 or a double layer
155 with a binder at a cost of \$9,000. There was discussion; Commissioner Overcash asked if one layer would suffice.
156 Commissioner White stated he believed it would be better for trucks if the road were wider. A Town resident stated
157 that lines would be helpful. Commissioner Venturi felt a single layer with lines would do.

158
159 **Commissioner White** made a **MOTION** to allow for the \$9,000 – the double layer with lines at the Manager's
160 discretion. Seconded by **Commissioner Price**. Motion passed 5-0.

161 162 **11. Fulcher CAMA Permit response required**

163 A CAMA permit request was delivered on 9/22/17 for comment as the adjacent landowner. A revised MP-4 was
164 sent to Manager Miller at 3:40pm on 10/3/17. Manager Miller will discuss the new project and potential issues and
165 requests direction on draft response. There is now no boatlift or travel lift, and no new fuel facilities. Will there be
166 sampling of storm water? Will samples be submitted on an annual basis? Are they holding to their permit? With the
167 new permit, they seek to repair and replace the dock. Manager Miller seeks approval the response to CAMA. A
168 resident asked what the huge tanks are; are they replacement fuel tanks? Manager Miller will give a revised
169 response.

170
171 **Commissioner Overcash** made a **MOTION** to approve. Seconded by **Commissioner Winfrey**. Motion passed 5-0.

172
173 Commissioner White asked if this is a reply to CAMA, it is.
174

175 **12. Public Hearing requests**

- 176 1. The Planning Board requests a new Public Hearing be set for the remaining corrections to the Permissible
177 Use Table.
178 2. Mr. Dutton’s SUP request, which was cancelled for this month, is requested to be put back on the agenda
179 for November in the hopes he can secure the documentation from all owners to re-file the plat for Seahorse
180 Landing.
181 3. Annexation request by Mr. Billy Flockhart for Piggly Wiggly
182

183 **Commissioner White** made a **MOTION** to schedule the Public Hearings for our next Board Meeting.
184 **Commissioner White** also made a **MOTION** to move the November 7th Board Meeting to November 8th at 7pm.
185 Seconded by **Commissioner Winfrey**. Motion passed 5-0.
186

187 **13. November meeting (reschedule?)**

188 **MOTION** previously made to address November meeting on Agenda Item #12.
189

190 **14. Street Closing request:**

191 Harbor Waterfronts Board has organized a celebration of our waterfront on October 19 at Town Dock 1. Request
192 (per legal advice) to close the street in front of the Dock from 12:30-2:30pm for this event – hot dogs from the Piglet
193 and music on the deck of the Bean.
194

195 **Commissioner White** made a **MOTION** to close Hodges Street from South Water to Main Street. Seconded by
196 **Commissioner Overcash**. Motion passed 5-0.
197

198 **15. Police Report**

199 Fairly quiet, not a lot to report.
200

201 **16. Manager’s Report**

- 202 • Financials attached
203 • Revised CCR acknowledging two tests in one quarter and none the next accepted by NCDWQ.
204 • Hazardous Household Waste Drop Off at Pamlico County Courthouse on October 14 from 9am to noon.
205 • OFPMF Fish Fry will use our parking lot
206 • Flood Insurance Issue: Secured new elevation certificate and have requested review of current policy/rate
207 • Communication from NCDOT – study commencing to inform the decision on speed limits in town
208 • Manager School: Manager will be in Chapel Hill October 17-20
209 • Events: OFPMF October 6-7, Classic Car Show October 14, HWAC Party on the Harbor October 19
210 • Water Tower Painting – permits in place, paint ordered, likely will happen shortly – contingent upon
211 weather
212

213 **17. Committee Reports**

- 214 1. Tree Board
215 2. Tourism Board
216

217 **18. Annexation of Piggly Wiggly Property**

218 Piggly Wiggly is contiguous to Town Property
219
220 **Commissioner White** made a **MOTION** to adopt Resolution. Seconded by **Commissioner Venturi**. Motion passed
221 5-0.
222

223 **19. Commissioners' Comments**
224

225 **20. Adjourn:** Next meeting scheduled as November 8, 2017, 8pm
226

227 **Commissioner Winfrey** made a **MOTION** to adjourn. Seconded by **Commissioner Price**. Motion passed 5-0.
228

229 **Meeting adjourned 8:50pm.**
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231
232
233
234

235 _____
Sally Belangia, Mayor

Diane H. Miller, Town Manager/Clerk

236
237
238
239 Approved _____, 2017_____