



ORIENTAL TOWN BOARD MEETING

Tuesday, February 6, 2018 at 7pm

507 Church Street, Oriental, NC

Mayor Sally Belangia Officiating

6 The Town Board of Oriental Town Board Meeting on February 6, 2018 was called to order at 7pm. The Mayor Sally
7 Belangia determined a quorum to be present. She said we have a Public Comment period, if you wish to speak
8 please make sure you are signed up on the correct sheet.
9

10 Present: Mayor Sally Belangia, Mayor Pro Tempore White, Commissioner Overcash, Commissioner Simmons,
11 Commissioner Dammeyer, Town Manager Diane Miller, Deputy Finance Director Tammy Cox, Administrative
12 Assistant Jeannine Russo, Officer Nic Blayney and Members of the Public. Commissioner Price was absent.
13

14 1. Approval of Agenda

15 (a) **Commissioner Overcash** made a **MOTION** to approve the Agenda. Seconded by **Commissioner**
16 **Dammeyer**. Motion passed 4-0.
17

18 2. Consent Agenda

19 a. Minutes from January 2, 2018
20

21 **Commissioner White** made a **MOTION** to approve the Consent Agenda. Seconded by **Commissioner**
22 **Simmons**. Motion passed 4-0.
23

24 3. Public Comment Period

25 Larry Summers: Mr. Summers wanted to inform everyone about Chinese New Year celebration on Saturday,
26 February 17. Chef from Great Wall Restaurant will be at the Farmer's Market doing a wok cooking demo. Dragon
27 Run at 2pm. Most of the restaurants will be having specials. The brewery is doing a dragon painting contest. This
28 event has been widely publicized.
29

30 Grace Evans: Ms. Evans inquired about the SUP public hearing for the house on High Street. Manager Miller
31 explained that when those minutes are finished, they will be published. Also, when the new contract is signed with
32 Waste Management whether we will receive the same service that the County has as far as what can and cannot be
33 recycled. Manager Miller explained that the County is working on a solution that may alter our contract – they may
34 go to curbside recycling as the unmanned recycling sites are most times contaminated. They are working out the
35 details where more items are acceptable. Commissioner White stated that he thought Waste Industries picked up our
36 current contract, Manager Miller confirmed, which means they picked it up as it was. At renewal, we can ask for
37 additional things. Manager Miller stated she was like a more specific visual of what is acceptable.
38

39 4. Pamlico Arts Festival

40 We currently have a standard Resolution, recently revised, for the Arts Festival. Lynn Whalen, of Pamlico County
41 Arts Council, is asking for a possible change of venue. They have received complaints from some of the artists about
42 uneven ground and the boat show has been very successful at its location. If they change the venue, they would like
43 to request that South Water St. be blocked off from 6am to 6pm. The show hours are 10am to 4pm but this would
44 allow for set up and clean up. Commissioner Overcash asked if this will be a permanent change to this spot as the
45 Board would need to change the Ordinance for closing the streets. Ms. Whalen stated if this successful, this will be
46 the new venue. They are hoping to attract new people and would outgrow the other location. Manager Miller
47 recommends to the Board if they approve this request, that it be approved as a stand-alone and the following year, if
48 they choose to continue at this location, then amend the Resolution.
49

50 **Commissioner Overcash** made a **MOTION** to approve the request for this year. Seconded by **Commissioner**
51 **White**. Motion passed 4-0.
52

53 5. Military Training from MCAS Cherry Point

54 There is a Joint Training Plan issued from Cherry Point. There will be approximately 10 Squadrons – HMLA 269,
55 Super Cobras and UH-1Y, which are Venoms – gunrunners, out of New River and HMLA-167 – the Warriors, out
56 of New River. They will be flying at 500’ and below. The exercise spans a wide area that encompasses us and south
57 of us, BT9 and BT11. Manager Miller does have the designation of all of the different kinds of aircraft involved.
58 There are four squadrons of F/A-18E/F, which are “screamers” and have been requested to stay above 1,500’.
59 Commissioner Overcash inquired if they will stay subsonic. Manager Miller could not guarantee. Super Hornets are
60 coming out of Oceana. Five squadrons are coming out of Cherry Point, Carrier Strike Group 4 out of Norfolk, 104th
61 Fighter Squadron out of Maryland, A-10C Warthogs. The Thunderbolts will be here, which Manager Miller said we
62 may not see again so it would be worth watching. The 77th Fighter Squadron from Shaw AFB in South Carolina are
63 coming with F-16 Lightnings. One of the things discussed is that stationary bombing targets do not move so there
64 will be moving assets targeted – people, vehicles. Manager Miller did stress that we have an elderly population,
65 speed limits, golf carts and animals in the road. The Town has authorized flight below the 1,500’ noise sensitive
66 area. They have requested rotary aircraft to go below at 500’, not the fixed wing. Flight is approved above town, at
67 pilot’s discretion. No ordnance or Class 4 lasers in the Town are approved. There is a lost communication procedure
68 in place. We are getting the word out that we are helping our military neighbors train. Commissioner White asked,
69 and Manager Miller confirmed, that this will be publicized.

70
71 **6. Dog Park drafts**
72 Brief discussion was held at our Agenda Workshop. Manager Miller is meeting with the County Manager to discuss
73 the name of the park. A meeting was held and the rules reviewed by Berkeley Hill, Pamlico County Animal Control,
74 and the Parks and Rec director, has been legally vetted. Brochure states liability is on the pet owner, how to enter the
75 dog park, warning signs of a fight. There was discussion about the cost. Manager Miller stated staff will do as
76 directed. Registrations will be tracked on a spread sheet. As soon as the Board is comfortable with the rules and cost,
77 Manager Miller and County Manager Buck will discuss at their meeting. The Board also needs to decide on locking
78 or not locking. One resident stated at a previous meeting that dog park users themselves tend to police the area on
79 their own. Commissioner Overcash felt it should not be locked. Manager Miller feels if it is locked, there is more the
80 Town needs to do. Commissioner Overcash stated the large gate for vehicles will be locked. Commissioner
81 Dammeyer asked where the legal language came from on the waivers. Manager Miller stated these were all from the
82 Town of Swansboro, where they recently opened a dog park, and was vetted by their attorney. Commissioner
83 Overcash spoke to them, stated they were helpful and shared information with him. Commissioner White
84 commented that it basically states the owner is responsible for injury or damage. Commissioner Dammeyer pointed
85 out that the word “indemnify” means if you are a member of this and someone gets hurt, the Town is not liable, but
86 everyone else who goes to the park is liable for that injury, feels that the residents should know that and with an
87 indemnification clause, you go at your own risk. He believes it should be out of it and it is one thing to have the
88 Town protect itself but when you ask each individual to indemnify against claims, this means everyone registered
89 becomes a defendant. Commissioner Overcash asked how we would change that. Commissioner Dammeyer stated
90 remove it, but we should ask our Town attorney. Commissioner Overcash felt we should not make a MOTION or
91 vote until we are clear. After her meeting with the County Manager, Manager Miller will have the signs made up
92 with the rules to be posted.

93
94 **7. Whittaker Pointe potential project**
95 Discussion was held at our Agenda Workshop. There were several meetings to assess who would be involved, who
96 owns the land, etc. The presentation by Mr. Jim Blackerby was very revealing showing the extent of the damage
97 that has been done to Whittaker Point. Manager Miller stated it is her professional opinion that a significant portion
98 of the Town is subjected to the problems cause by the erosion of Whittaker Point including both of the Town’s
99 working boatyards. The slide that had the most effect on Manager Miller was the one showing the point completely
100 gone and the potential for what could happen. Dr. Lexia Weaver of North Carolina Coastal Federation was in
101 attendance at this meeting and stated this would be devastating quickly. The Town receives sales tax income,
102 tourism income to the B&Bs, restaurants and retail stores from boaters along the Intercoastal. If these travelers
103 cannot access our services, they will go elsewhere and bypass Oriental. Manager Miller believes this would be
104 devastating to our economy and will speak with the County Manager and their willingness to participate. Dr.
105 Weaver, at the meeting, spoke about a proposed structure to protect the point, a substantial structure but not a huge
106 rip rap, something different. Dr. Weaver took all of our information back to the other scientists at the North Carolina
107 Coastal Federation. After reviewing the documentation and the site visit, they went back to extending the giant rip
108 rap. What had been protected was still there and what was not protected was significantly changing the estimate of

109 \$800/foot down to \$200/foot. This is a better outcome to do more, or all, of this project at an affordable cost on a
110 matching grant. She has already begun an application with this supporting documentation. Manager Miller will
111 speak with the County Manager about sharing the match as they do profit from sales tax that comes from Oriental.
112 There was a 20% increase in sales tax that we received from the County, who receives it back from the State due to
113 the new tax on labor (a lot of labor happens at Deaton and Sailcraft). As the economy recovers, these activities will
114 grow. These revenue streams keep us from having to raise taxes for those services. The benefit is not only to those
115 boatyards or those residents. The different between a deep water dock and a two foot dock is a \$30,000 property
116 valuation. We have a responsibility to protect that part of our Town. We need more information before we commit
117 to anything. Manager Miller brought this up again for anyone not at our Agenda Meeting so they know we are being
118 transparent, looking at problems and potential solutions – most fiscally responsible solutions. Commissioner White
119 brought an article from Boat US magazine about Washington state where they applied for a large grant to repair the
120 jetties in a certain area that were washing away. They received over 1.4 million and there is a guarantee for another
121 three years. Manager Miller stated it was a great article with photos, where the funds are coming from and what is
122 available. Commissioner White asked for this to be added to the Agenda Workshop agenda on March 2 for
123 continued discussion. Commissioner Dammeyer wanted to remind everyone of the discussion and presentation by
124 Jim Blackerby regarding the environmental impact of the point disappearing. There is a significant nursery there and
125 if the point is gone, the nursery is gone. This is an important issue.

126
127 **8. NC Treasurer Visit**

128 The Coach Team from the NC Treasurer came to try to help find the problems. We are still working on 2015-16
129 Audit and we are \$5,500 out of balance. Neither the auditor nor the NC Treasurer could find the problem, obviously
130 on the backside on the accrual side. We can match the paperwork to the bank statements to the penny. We are not
131 matching the software, which has something running behind the scenes that we cannot find. Manager Miller has
132 proposed a solution, and the Treasurer agrees, is to sign whatever is needed and move on as we cannot find the issue
133 until we are current. Deputy Finance Director Tammy Cox has been working with the auditor and software company
134 and has corrected over 250 issues. If we cannot find the problems by the end of the 2017-18 current fiscal year,
135 Manager Miller will recommend that we obtain different software. We went with the fiscally responsible choice,
136 recommendations were good from other companies – but these went from full accrual to full accrual system where
137 we went from a spreadsheet to full accrual system and things are not working behind the scenes the way they should.
138 We are being as transparent as we can be and we are balanced to the penny to the bank statement from our in-house
139 documentation.

140
141 **9. Budget Amendment**

142 This Budget Amendment accounts for the check from Duke for our PEV stations. After this Amendment is
143 approved, Tammy Cox will redistribute it back to where the money was spent. It was a \$10,000 grant and our
144 expense was \$11,008 which included a significant portion of in-house labor. Manager Miller stated they are being
145 used.

146
147 **Commissioner White** made a **MOTION** to approve the Budget Amendment. Seconded by **Commissioner**
148 **Dammeyer**. Motion passed 4-0.

149
150 **10. Resolution opposing seismic blasting**

151 This Resolution is in opposition to seismic testing and oil and gas exploration off the North Carolina coast. Manager
152 Miller deferred to Mr. Bill Hines. He stated it had recently been in the news that the EPA Director was meeting with
153 Governor Cooper and not getting where he wanted to since Florida has already been taken off of this list. Governor
154 Cooper is willing to move forward with a lawsuit against the Federal Government about this issue. Mr. Hines
155 believes this will have an immediate impact on our recreational and commercial fishing locally. This blasting will
156 drive the fish stock away and will kill everything directly under it. It will impact shellfish as it penetrates the shells,
157 which will kill them or stop their growth at that point and this could have a major impact on us and rather quickly
158 with the possibility that there is no oil. Governor Cooper has said the citizens need to speak loudly and while there is
159 objection to it from the State government, he wants to hear local objection. At last count, there were 135
160 municipalities and counties up and down the coast that have spoken and about 34 of those are here in North
161 Carolina. Mr. Hines stated after we pass, he is moving on to the County. Manager Miller asked who we should send
162 this to – the Governor. Commissioner Overcash asked who drafted the Resolution. Mr. Hines stated he did, that the
163 Coastal Federation has all of them, he looked through them and found ones local and similar to us. Manager Miller

164 made some revisions. Commissioner Dammeyer inquired about Mr. Hines' educational background as far as
165 knowledge on this subject. Mr. Hines stated absolutely none; he went to the Coastal Federation and did research.
166 Commissioner Dammeyer asked if the Coastal Federation also took this position and they did. Grace Evans, Oriental
167 resident, stated they have been having these meetings for approximately five years and how it affects us. Ms. Evans
168 stated when the drum are running, the parking lot at the wildlife ramp is "slam full." At some of the Coastal
169 Federation meetings, some of the scientists were bringing in regular fish and how this affects their eardrums. She
170 further states that the commercial fishermen that speak at these meetings say they use fish finders until they see them
171 and then cut it off because the fish scatter when they hear the pinging so Ms. Evans agrees with what Mr. Hines is
172 saying and that Coastal Federation is one of the best authorities to give us advice. Commissioner Dammeyer
173 continued his questioning, with regard to where it says the full impact of seismic blasting is not yet fully understood
174 by scientists, but Mr. Hines implied this has been determined that these terrible things would happen to the wildlife,
175 seems inconsistent to him. Mr. Hines stated that is what they have found so far and around the world where it has
176 been used, there have been actual killings in areas and driving off of fish stock, this is a known fact. Some of this is
177 also dependent on the bottom structure. Commissioner Dammeyer stated he is also careful about the environment but
178 is questioning where it also says that the impact on marine life is not fully understood by scientists. Mr. Hines said
179 some of these things have to do with long term changes in breeding cycles and such. Commissioner Dammeyer
180 asked for documentation to confirm his statements. Manager Miller stated all of these things, after reading, are true
181 according to research Coastal Federation and other organizations have done but there is more and that, as she
182 understands it, this will not be a comprehensive list as we do not know what will happen in 20 years. Commissioner
183 Dammeyer stated that before he can make a finding, he would like to read that material himself. Mr. Hines directed
184 him to two websites - Oceana and NC Coastal Federation. Manager Miller suggested striking the second "whereas."
185 Commissioner Overcash felt this Resolution may be more to show solidarity with the other communities to give
186 Governor Cooper the amount of people concerned, not specifics. Manager Miller suggested the Resolution could
187 also be amended before signing. Commissioner Dammeyer also had issue with the paragraph regarding offshore
188 drilling as it is a different subject and that he is trying to accomplish to different issues in one Resolution. While he
189 is not opposed to what Mr. Hines is trying to do. His issue is that he feels that Mr. Hines is asking the Board to find
190 something they do not know. Mr. Hines offered to provide the documents he used to form the Resolution.
191 Commissioner Dammeyer stated he will not vote for this until he sees the material himself. Commissioner White
192 felt, as Commissioner Overcash, that we are trying to show solidarity. Commissioner Dammeyer is fine with that
193 part, but not with the Town making a finding about scientific facts, not convinced they are all true. Mr. Hines asked
194 Commissioner Dammeyer if he objected to exploration off of our coast, he was unsure.

195
196 **Commissioner Overcash** made a **MOTION** to accept the Resolution. Seconded by **Commissioner White**.
197 **Commissioner Overcash** stated while he understands what **Commissioner Dammeyer** is saying, feels we are
198 showing support and more documentation may be good but are there time constraints and feels we should move
199 forward with what we have. **Commissioner White** stated, the way he understands it, they are using the seismic
200 blasting to determine if there is oil. In the past, he lived in Florida where they did not allow offshore drilling but
201 Louisiana and Mississippi did and believes they did not use seismic blasting, other means were used. He made
202 reference to the BP disaster stating prior to that, the oil rigs actually brought in fish habitats and were very good but
203 he is opposed to the blasting and supports this. **Commissioner Simmons** commented that it was her belief that this
204 oil and gas will not be for American use. Mr. Hines believes there are five companies seeking contracts to do this so
205 there is a possibility all five can do this up and down our coast. Motion passed 3-1 with **Commissioner Dammeyer**
206 opposed.

207 208 **11. Manager's Report**

- 209 • Financial records are attached.
- 210 • We had a complaint about drainage on South Water and Main. That project was started this time last year
211 where several thousand dollars were spent clearing the catch basin between Wilma and Melinda and Keith
212 that goes to the duck pond. Five months after this, the catch basin across the street started sinking. The road
213 needs to be cut and reconnect catch basins. Elevation was shot along South Water Street to see which way
214 the water ran. There was discussion at last retreat about curb at gutter down South Water. The resident who
215 complained suggested we clear out the grass and put in gravel which would undermine the soil under the
216 road. Curb and gutter may be a permanent fix. Contractor will be coming to give an estimate. It is not that
217 we are not working on it. When you fix one thing, you have to see how it affects something else before
218 continuing. Also, asphalt plants are closed this time of year.

- 219 • Contacted NCDOT concerning speed limit. We requested for DOT to consider lowering the speed limit on
220 Highway 55 from Piggly Wiggly toward town. Previously, residents had a path in a 35 MPH zone for
221 bicycles and golf carts to a store. Piggly Wiggly has been annexed so we have several things in our favor in
222 making that argument. DOT has taken this request seriously. They had a traffic counter so they are working
223 on it. Manager Miller has inquired where they are in the process.
- 224 • DOT has also been contacted concerning Croakerfest Fireworks about closing the Robert Scott bridge, have
225 not heard back from them yet.
- 226 • CRAC nomination is set, copy is in the documents.
- 227 • Manager Miller will be at SOG in Chapel Hill from February 20-22, the Friday class has been cancelled.
- 228 • Andrew Cox will be out February 12 and the next two weeks for hand surgery.
- 229 • There is a problem with a tree next to the beach. There is a broken branch in a very large tree hanging over
230 the beach. Manager Miller has called the property owner, while we had the tree trimmer there for another
231 issue, and she allowed us to remove it.
- 232 • Mr. Langston is not able to join the Planning Board. Please try to find us another member.
- 233 • Commissioners Dammeyer and Simmons will be attending Ethics Training in New Bern at the Eastern
234 Carolina Council of Governments on February 22.
- 235 • Manager Miller will be attending the quarterly Manager's meeting in New Bern.
- 236 • Fulcher parking lot was approved after consulting Dr. Bob Miller of the Tree Board on the landscaping
237 plan. It makes every other requirement in our GMO.
- 238 • There were incidents at the harbor last Thursday (February 1). One was a bilge dump, carbon based,
239 nontoxic. The other was old diesel blown into the harbor off of a southeast and southwest wind. Manager
240 Miller, Lisa Thompson of Harbor Waterfronts and PW Director Andrew Cox responded and managed to
241 get the oil out relative quickly. Manager Miller encourages residents to call immediately when they see
242 something of this nature.
- 243 • Coast Guard is coming to meet with Manager Miller and Lisa Thompson on Thursday, February 15, to
244 continue discussion from Agenda Meeting on spill response.
- 245 • NCDOT widening - Resolution was done and project will move forward. Part of this is bridge replacement.
246 We do not want a repeat of the 304 project where businesses were negatively affected. The Town, County
247 and several residents have requested DOT to consider to do realignment before they knock down the old
248 bridges. They are aware of our issues.
- 249 • Manager Miller asked the Board to consider any long-term retreat items and have them to her as soon as
250 possible. All department heads are already working on budget numbers.
- 251 • The Board has a draft of the kayak rack rules. Harbor Waterfronts will take this issue up again.
- 252 • March 1 at 5:30pm in the large board room, DEQ will be coming and citizens will be able to respond to
253 survey items that staff and Board have already answered as the public looks at these issues from a different
254 point of view. Will also speak with them about what we can do to fix the flooding in the harbor.
- 255 • March 2 at 8am until finished, we will have our yearly retreat. Volunteer Committees will present their
256 priorities for budget for upcoming fiscal year. Manager Miller will present what the Town wants, needs and
257 has to have.
- 258 • ECCOG has invited the Board to a luncheon they are hosting on Wednesday, March 14 from 11am-2pm.
259 This is an opportunity for local elected officials to interact with North Carolina Representatives and
260 Senators in an informal setting.
- 261 • We have received the appraisal from the North Carolina League of Municipalities which may affect our
262 insurance rate for next year as we are up-valued.
- 263 • The Board will receive Manager Miller's version of her evaluation by the end of the week. Commissioner
264 White will instruct the Board as to what their next step is.
- 265 • The North Carolina Treasurer's Team suggested that we authorize Tammy Cox, Deputy Finance Officer, to
266 have check signing authority in Manager Miller's absence and has asked the Board to consider.

267
268 **Commissioner Overcash** made a **MOTION** to authorize Tammy Cox as a check signer. Seconded by
269 **Commissioner Simmons**. Motion passed 4-0.

270
271 **12. Police Report**

272 There were not a lot of incidents this month. The only thing out of the ordinary was an animal control call, also had,
273 what is considered to be, a domestic disturbance by statute, more like a family dispute and nothing physical. There
274 was one larceny which was tracked down and there is a court date for it. There was a trespass complaint, suspicious
275 vehicle, suspicious person, one traffic citation with one collision unrelated to weather, three collisions due to
276 weather. Commissioner Overcash inquired about the animal control call. Officer Blayne worked with Berkeley Hill
277 of Pamlico County Animal Control on this. A dog was bitten by another dog. Resident Larry Summers stated that
278 someone entered the storage area on Straight Road and 10 locks were cut off of units, one of them was his but he
279 had nothing missing, not sure about the others. He stated the Sheriff's Department is investigating as this is not in
280 Town. Commissioner Dammeyer asked about the Ordinance violations, if they were loud sounds. Two violations
281 were at the docks and one was a trailer in the roadway not attached to a vehicle, all resolved.
282

283 **13. Commissioner's Comments**

284 Commissioner White stated that Manager Miller's yearly review is coming up and offered to speak with
285 Commissioners Dammeyer and Simmons and go over the procedure. He spoke about the performance plan that
286 Manager Miller has had in place since last year. Commissioner White has given Manager Miller her review to fill
287 out her comments on how she has done. Commissioner White will take that information and ask the Board and
288 Mayor Belangia to make comments on her performance and offered his assistance to the new Board members.
289 Commissioner White will summarize the reports and numbers and at the March 6 meeting will sit down and do the
290 review in Closed Session.
291

292 **14. Auxiliary Boards**

293 Lisa Thompson stated Harbor Waterfronts has been rescheduled to February 15 as the Tourism Board is having a
294 town wide meeting and encouraged everyone to attend at Brantley's at 8am on February 8. Mayor Belangia
295 confirmed the time for Annual Retreat as 8am. Manager Miller stated that the public is welcome to attend.
296

297 **15. Adjourn**

298 **Commissioner Simmons** made a **MOTION** to adjourn. Seconded by **Commissioner Overcash**. Motion passed 4-
299 0.

300 Next Meeting scheduled for March 2, 2018, Annual Retreat.

301 Meeting adjourned at 6:13pm.
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308 _____
Sally Belangia, Mayor

Diane H. Miller, Town Manager/Clerk

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310
311
312 Approved _____, 2018 _____