Town of Oriental
Town Board Meeting Minutes
October 4, 2016

The Town Board of Oriental Town Board Meeting on Tuesday, October 4, 2016 was called to order at 7:00pm. The Mayor Sally Belangia determined a quorum to be present, she said we have a Public Comment period and Public Hearing if you wish to speak for either please make sure you are signed up on the correct sheet. We will call the meeting to order with the Pledge of Allegiance.

Present: Mayor Belangia, Commissioner Overcash, Commissioner White, Mayor Pro Tempore Venturi, Commissioner Price, Town Manager Miller, Chief Dwaine Moore and Members of the Public. Commissioner Winfrey was absent.

1. Approval of Agenda

(a) **MOTION** made by Commissioner White to approve the Agenda, seconded by Commissioner Venturi. Motion passed 4-0.

2. Consent Agenda:

(a) **MOTION** made by Commissioner White to approve the Town Board Regular Meeting Minutes including the Public Hearing of September 22, 2016. Seconded by Commissioner Venturi. Motion passed 4-0.

3. Public Comment Period: Mayor Belangiaasks that if anyone would like to speak. Limit comments to 3 minutes and comments to full board not individual.

Peggy Vick, 413 Whittaker Point Road, property adjoins Whittaker Creek Marina development project, was out of town for the Public Hearing. She has lived there for almost five years, directly across from the proposed development and would like to voice concerns regarding the boat wash. Previously served on the Planning Board in Cumberland County and then served on Fayetteville City Planning Board. She feels that the adjacent property owner is misrepresented. Property owner is John Koble and on the plat is attributed to the prior owner and is unsure as to if the current owner has been contacted. She states the property boundaries are not shown and does not show that her home is directly opposite where the boat lift and pump out will be. She feels that having this in front of her home will affect her property values as well as a high decibel noise level from the washout. She feels that the property has not been well maintained in the past and would like to have time to have a real estate appraiser look at it to consider noise factor, visual problems and environmental issues. Copy of statement attached.

Jennifer Haggard, 100 Starboard Circle, street sign has been missing for months, has been replaced several times. A neighbor had a medical incident and the ambulance could not find the street so feels that this is a safety hazard.

Neill Haggard, 100 Starboard Circle, states that the water tastes a lot better.

Commissioner Winfrey present at 7:19pm

4. Public Hearing:
Mayor Belangia asked for a motion to open the Public Hearing on the SUP application from Mr. Chris Fulcher.

MOTION: Commissioner Venturi moved to open the Public Hearing, seconded by **Commissioner Overcash.** Passed 5-0.

Mayor Belangia: The Mayor and Board will hear the recommendations from the Planning Board on SUP application for Mr. Chris Fulcher on installing a boat wash at Fulcher Point. Manager Miller.
Manager Diane Miller: I just wanted to go through the procedure because we had some confusion last time. The Mayor is going to open the Public Hearing. I am going to present the request. The applicant or his agents may add anything that is pertinent. The Board goes through the questions per Section 86 of the Growth Management Ordinance. Section 86 directs the procedure here and I wanted to note that the Public Hearing has been noticed as required by state statute. We are the only adjacent property owner that was required to be noticed (inaudible). Last public meeting of 9/13, I gave notice to the Board that this property right adjacent to ours was the subject of today's Public Hearing. These are the seven questions that the Board is asked and note that the ordinance is written in the negative so the Town Commissioners shall grant the requested Special Use Permit unless one of those conditions is satisfied. And it is that it is within their jurisdiction, meaning that they are capable ruling on this particular property and this particular project. Number two is that the application is complete and then the others are if completed as described in the application, it will not comply with one or more requirements of the chapter, meaning the GMO. It will materially endanger public health or safety. It will substantially injure the value of adjoining or abutting property or it will not be in harmony with the existing development or uses in the area. Number seven is it will not be in general conformity with the Land Use Plan, thoroughfare plan or other plans officially adopted by the Town. As we are in the situation now, the time of decision, the Commissioners must take final action within 65 days. Our previous Special Use Permit application finished its Public Hearing portion but the Commissioners deferred their decision until this evening so that's the procedure. They will take public comment on each of the questions so when we are at the "does the Board have jurisdiction over this matter" that is not the place where you would ask to speak about it injuring the value of property so let's try to keep with the questions because we got kind of confused last time with the wrong questions going with the wrong section. Then the Mayor will close the Public Hearing. The Board will go through the questions and they will do the motion on granting or not granting. The Board also has the option of granting and attaching conditions that are relative to the permit. The permit is then filed with the County. The permit moves (?) with the property.
Mayor Belangia: The people that have signed up for the Public Hearing have to be sworn in.
Commissioner White: Just one clarification. There were two applications submitted for this boat wash and travel lift. The travel lift goes under a Land Use Permit that the Manager has already approved. This is the application and the Special Hearing for the boat wash, just wanted to make sure that they were two separate processes.
Mayor Belangia: The people that would like to speak, if you will come up and we will swear you in. I've got Lisa Thompson, Peggy Vick, Mac Ernest, Steve Snyder, Carol Small, Bob Arrington, Neill Haggard. Is there somebody else we missed? Madeline Sutter.
Manager Diane Miller: I, state your name, do solemnly swear or affirm to tell the truth, the whole truth and nothing but the truth so help me God.
Mayor Belangia: Manager Miller…..
Manager Diane Miller: Everybody is sworn in, we're good.
Mayor Belangia: Good, thank you, let's get started. The Town Commissioners shall issue the requested permit unless, we are going to go through all of these questions, number one, the permit is not within its jurisdiction. Does Mr. Fulcher agree that the application is within the jurisdiction of the Board, and I understand he is not here tonight. Chris Machle, are you going to?
Chris Machle: Yes ma'am.
Mayor Belangia: So would you say
Chris Machle: Yes.
Mayor Belangia: Okay. Does staff have any evidence on completeness to disclose?
Manager Diane Miller: No ma'am. This application is within your jurisdiction and is complete.
Mayor Belangia: Does the public have any comment on jurisdiction of the application? Commissioner questions.
Commissioners: No.
Mayor Belangia: Number two, the application is incomplete. The application has been deemed complete by the Land Use Administrator and the Planning Board. Does Mr. Fulcher contend that the application is complete?
Chris Machle: Yes.
Mayor Belangia: Does staff believe that the application is complete?
Manager Diane Miller: Yes ma'am.
Mayor Belangia: Does the public have any comment on the completeness of the application?
Bob Arrington: Yes. I would like to speak to several things specifically to the application. I am speaking on behalf of Bernard Dennecke (sp?) and the letter that he wrote today addressing the application and the permit. A question

was raised about the survey not being properly sealed by the engineer and no signature or date provided across the seal.
Manager Diane Miller: We do not require engineering documents for the application to be considered complete.
Bob Arrington: Do you not consider the drawings to have all of the information of the site present on the drawings?
Manager Diane Miller: All of the information that is requested pertinent to this project is on the drawings. It is simply the boat wash.
Bob Arrington: And so the other buildings on the drawings, that would be relative to the position of that boat wash and how that boat wash is in scale to that property are not required to be shown on the drawings.
Manager Diane Miller: They are on the drawings. The closest building is on the drawings.
Bob Arrington: So you are saying only the closest building is required to be on the drawing.
Manager Diane Miller: None of the other buildings is required to be platted on the property where it will be sitting on the property.
Bob Arrington: The dimensions of the travel lift are not on the drawings.
Manager Diane Miller: The travel lift is not what we are talking about tonight.
Bob Arrington: I understand that. Those are my questions then.
Mayor Belangia: Okay thank you, any others? Commissioners questions.
Commissioner White: Yes. In relation to the application and Chris, this may be a question that you can answer, is the idea, I understand, that the boats will be washed down in a concrete wash down pad.
Chris Machle: Correct.
Commissioner White: Then they will be moved, if there is any sanding, they will be moved totally inside the building and be covered inside. They will fit in the building with a covered roof.
Chris Machle: Also correct.
Commissioner White: Okay, so if any sanding takes place the shrimpers will all be inside and you all feel that it will fit in that building and obviously the building will have to be adjusted or amended to make it fit.
Chris Machle: Correct, it will fit inside.
Commissioner White: Thank you.
Chris Machle: Yes sir.
Mayor Belangia: Do we have a Commissioner question?
Bob Arrington: Based on Commissioner White's questions, I have some follow up questions if we are going to continue that line of questioning then.
Mayor Belangia: Okay, sure.
Manager Diane Miller: This is the application (inaudible)
Bob Arrington: Okay, I will come back to that, that's fine.
Mayor Belangia: We'll come back to that I'm sure.
Bob Arrington: Okay, thank you very much.
Mayor Belangia: Number three, if completed as proposed, will not comply with one or more requirements of the Chapter GMO. Does Mr. Fulcher contend that this proposal complies with the GMO?
Chris Machle: Yes.
Mayor Belangia: Does staff agree that the project complies with the GMO?
Manager Diane Miller: Yes ma'am.
Mayor Belangia: Does any of the public have any evidence to offer concerning compliance with the GMO?
Mac Ernest: Is the noise ordinance considered part of the GMO?
Manager Diane Miller: No ma'am, it's a general ordinance.
Bob Arrington: Is a question on the application relative to the intended use of the property and the existing use of the property pertinent to this section because the application says the intended use of the property is fishery/boatyard/marina or maybe not in those words and the current use of the property, same. That's incorrect. The current use of the property does not have the ability to do what is proposed so the proposed use of the property is changing.
Mayor Belangia: Chris, would you like to comment on that?
Chris Machle: Only to say that I understand that boat work already takes place and certainly the location of the work will change and the mode by which things are transported for work will change but I understand that the work is already taking place and has historically taken place at that facility in the water as well as things they have brought in off of those on to land.
Bob Arrington: You cannot clean the bottom of a boat in the water.
Chris Machle: That's not true.
Bob Arrington: Pardon.

Chris Machle: Well they have divers (inaudible).
Bob Arrington: You cannot paint the bottom of a boat in the water. (inaudible) So the proposed use, the proposed use, of this Special Permit is different from the current use of the property. The current work that is being done on the boats is being done in the water, not on the property.
Manager Diane Miller: Ma'am.
Mayor Belangia: Thank you Mr. Arrington.
Manager Diane Miller: That is what the application is for so that the proposed activities will now be done in a different location that is more environmentally conscious than the previous work that was done in the harbor that was objectionable.
Mayor Belangia: Are there any Commissioner questions?
Bob Arrington: So the application is incorrect that the use of the property is changing from the current use.
Mayor Belangia: Let's move on to the next.(inaudible) We have to go through all of these questions. Will material endanger public health or safety? Does Mr. Fulcher believe that the project endangers public health or safety?
Chris Machle: No he does not.
Mayor Belangia: Does staff have any comment on this project endangering public health or safety?
Manager Diane Miller: Ma'am we have not been presented any evidence that shows that it endangers public health or safety, quite the opposite. There were several complaints in the past of activity that was happening in the harbor and this project hopes to remedy some of those issues and contain some of the contaminants that were previously allowed to enter.
Mayor Belangia: Does any member of the public have any comment on endangerment of public health and safety?
Carol Small: Carol Small, 109 Pineview. I do remember a time when Chris Fulcher was scraping and painting a boat, ship, and there was red paint in our town dock for a long time and no one in the town thought it important to call or to look into why this paint was in the harbor, was it a problem to the fish, you know how junk piles up right there. It all piled up, it stuck on the sides of cruisers who were coming by. It was really a bad deal and I was just amazed that nobody thought it was a bad deal except for me. I mean, I said, "People, isn't this really awful. Shouldn't somebody be doing something about this." Now you're telling me that environmentally this will all be taken care of and it will be pristine. You can probably drink the water that comes off of those boats but is anybody going to really enforce it, nobody enforced it before.
Mayor Belangia: Thank you. Are there any Commissioner questions? Commissioner Overcash.
Commissioner Overcash: That clean up, Carol, that you are talking about, this will be contained and if there's any hint of it, there are several avenues to go to, to complain about it and I am sure now with everybody's awareness of this that they are going to be watching.
Carol Small: I was just informed that a member of our community did inform the proper authorities about that incident I am speaking, and nothing was done about it.
Commissioner Overcash: Who were the proper authorities? Not the town.
Unknown: Air quality and they proceeded with fines.
Commissioner Overcash: Okay, so it did happen then.
Commissioner White: We don't control the harbor. We don't have jurisdiction over the harbor. That's either state or Department of Water Quality or Department of Natural Resources. They were called when that paint was in the water and I do believe fines were there. I do have a question about public safety. The proposed plan calls for a catch basin for the water in the wash down, which by the way is different from the other two boatyards which don't have any catch basins which are continuing to spray now so this will be much better to catch it in the basin. 300 gallons, is that enough, I mean, the size of the tank was
Chris Machle: It's 2,000 gallons
Commissioner White: Oh, it's 2,000 gallons, I'm sorry
Chris Machle: inaudible
Commissioner White: My mistake, I read it wrong, and then the following question is would you all be opposed to monitoring where that stuff is taken to, where its disposed, in other words put a log together that says that on such and such a date we pumped it. It was carried by this carrier. It was disposed of over here and then make that available for either our inspection or other parts of the state inspection. And then one last thing is that I just read an article, two years ago, the state passed a new set of ordinances about best practices in marinas. If I understand this correctly, you basically contact the Division of Water Quality and tell them what you are going to do. They will come out and inspect what you are doing and tell you what type of permit you have to have and then they will ask you to implement some best practices of marinas. Will you all be willing to do that, well we have to because that's state.
Mayor Belangia: Manager Miller.

Manager Diane Miller: After our last public hearing, I spoke to Anthony Scarborough of the Division of Water Quality today. We go through this process tonight and following this process, if the permit is granted, then the applicant has to go through a complete CAMA process. They have jurisdiction over other things and they also do not have the same burden of proof that we have. In speaking to Mr. Scarborough today, he indicated that part of the CAMA permitting process is the applicant would submit to them their proposal and that then pulls in 10 different state and federal agencies to all comment as well as an additional public comment period so all of those things that affect the water that we do not have jurisdiction over, CAMA will be monitoring. One of the things that came out as a question from our last hearing was the monitoring of pump and haul facilities and according to Mr. Scarborough, pump and haul does require identifying, logging, when it's pumped out, who is the hauler and where it goes and its final resting place. I did also get from him information on which entities to call if we have issues either during construction or during operation of either of the facilities that we were discussing today if they go forward, so there is a significant number of permits that are going to kick in immediately once a CAMA application is filed and a CAMA application, on my recommendation, was not filed yet just because our process is relatively inexpensive and if you cannot get through our process, there is no sense in going and paying that fee to CAMA which is significantly more expensive and a much lengthier process with all of the additional permits that kick in. If we get though this, then they still have a relatively long road with CAMA and the environmental agencies so it made more sense to go through our process first, but know that this is not the end process. I just wanted to make sure that everybody understood that things that we don't have jurisdiction over are still, with the new rules, significantly regulated storm water, pump and haul, air quality has to be involved, land and mineral department has to be involved, they are all connected to this one project. Thank you ma'am.
Mayor Belangia: Thank you Manager Miller. Commissioner Venturi.
Commissioner Venturi: Is there a pumpout, if these boats are coming on shore and they have human effluent, is that all going to be cleared, pumped out, is there a pumpout there now?
Chris Machle: I don't know if there is now. The pumpout of this is unrelated to that.
Commissioner Venturi: I understand, this is two different things.
Chris Machle: I don't know if there is or not.
Mayor Belangia: Let's move on to the next. Will this injure the value of adjoining or abutting properties? Does Mr. Fulcher have any reason to believe that the project will injure the value of abutting or adjoining property?
Chris Machle: No.
Mayor Belangia: Does staff have any evidence that would indicate the project would injure the value of abutting or adjoining property?
Manager Diane Miller: No ma'am.
Mayor Belangia: Does any member of the public have any evidence to offer that indicates that the project will injure the value of adjoining or abutting property? Carol Small.
Carol Small: Carol Small, 109 Pineview. If I am dining, this is a question, if I am dining at the Toucan, outdoors enjoying myself, how will this new business affect my experience out on the Toucan's porch. Will there be noise, will there be, whatever? I don't know; I am raising the question.
Mayor Belangia: Chris, did you want to…
Chris Machle: I don't expect there will be any noise different than what probably already is experienced there at different hours. I think the location…
Carol Small: I've heard no noise so far. This doesn't make noise?
Chris Machle: I think the operation of the travel lift certainly would by description and the pressure washer or whatever else is utilized so I guess it depends on the hour of the night if there is a certain time
Carol Small: Lunch time
Chris Machle: I would expect work will be going on and commencing as it already does on occasion. Time specifics I couldn't tell you.
Mayor Belangia: Thank you Carol.
Chris Machle: Work has been done on site/off site on boats all hours of the night.
Mayor Belangia: Who is next? Madeline Sutter.
Madeline :I have a question. Is this a timely comment on the injury to the community? Or does this come at a later time?
Mayor Belangia: The property, adjoining property.
Madeline Sutter: Only adjoining properties, but what about the value of properties in the town or the community at large. Is this the time to comment on that?
Commissioner Overcash: It doesn't follow the scope of that.
Commissioner Winfrey: That's not even a question.

Commissioner Venturi: That's in a later question.
Mayor Belangia: Well, later.
Madeline Sutter: Will there be that question?
Mayor Belangia: Possible. We'll let you talk if it is. Lisa Thompson.
Lisa Thompson: I am Lisa Thompson. I am the Chairman of the Harbor Waterfronts Committee and as the Committee that oversees the abutting property; I suppose this is an appropriate time to make our statement. As the immediate neighbor to the property subject to Mr. Fulcher's Special Use Permit application, the Harbor Waterfronts Advisory Committee believes we should comment on this permit as the neighbor and in accordance with the directive that the Committee monitor Oriental's harbor, waterways, and waterfront facilities. The Committee was appointed by the Town Board to work to preserve, protect, maintain, improve and enhance access to public waterways, waterfronts and the water-related facilities in and around the Town of Oriental. Fulcher Point, LLC's property is located on Raccoon Creek adjacent to the Town of Oriental's Town Dock #2. The creek is currently home to a marina, public and private docks, two commercial fisheries, marinas, boatyards, the umbrella term there, fish and wildlife. The Committee strongly supports the marine, marina and commercial fishing industries as enhancements to the town so long as local, state and federal laws, rules, regulations, guidelines, including current best marina practices promulgated by the North Carolina Department of Environmental Quality are followed and enforced. The two commercial fisheries and marinas, boatyards were here first and have been, for many years, an integral part of Oriental's harbor and town. They are assets to the town in many ways, their financial contributions through employees, seafood sales, equipment supply purchasing and taxes. They provide a picturesque tourist attraction along with movement of the commercial boats in and out of the channel keeps it open and no need for dredging. Both fisheries have been good neighbors to the town and many boaters using the harbor and most recently to the town docks and its visitors. Over the years, yes, there have been problems from commercial fishing boats presence, offloading, their repair but those problems have been remedied as best as possible along the way. The commercial fisherman do value the surrounding waters as it's imperative for their livelihood. Commercial boat repair has gone on for years in and around the harbor and continues today. With the proposed washdown and the enclosed repair area, the repairs can continue to be done but with appropriate containment and off the water. The Special Use Permit along with the combined oversight conditions attached to it and the required compliance with CAMA and DEQ air and water quality rules can be a good thing for the harbor, the town and the county. After wrestling with the pros and cons, the majority of the Committee believes the Special Use Permit being applied for to install the boatwash at 101 South Avenue is something that should be granted as long as the recommendations and conditions set out by the Planning Board are included along with the appropriate oversight with the construction and compliance. Thank you.
Mayor Belangia: Thank you, Lisa and the Harbor Waterfront Advisory Committee. Commissioner questions.
Commissioner White: Chris I do have a question. You currently use pressure washers now to pressure wash the tops of boats, correct?
Chris Machle: Correct.
Commissioner White: And during the marine operations.
Chris Machle: Yes.
Commisioner White: Do you currently also use sanding devices or sandblasting devices on the premise?
Chris Machle: We do.
Commissioner White: That's correct, so that has been going on for a while now too, and you also use mechanical equipment in the loading and unloading of catches.
Chris Machle: Correct.
Commissioner White: That come in at all times, so there is noise that comes out of the harbor, now a resident inside the town may not hear it but there is noise in the harbor area now.
Commissioner Venturi: I have a question about the containment facility, the structure within which a lot of the work will be done. Is that going to be required to have filters, some way of filtering the air that is expelled from that building.
Mayor Belangia: Dennis Fornes, the surveyor, did you want to..
Dennis Fornes: Well, I am sure that since it is going to be contained and there will be dust generated as well as paint fumes, sandblasting, there will have to be a system by which there is a major filtration of fumes as well as dust and cleaning operations.
Commissioner Venturi: Some kind of scrubber.
Dennis Fornes: It is expended into the air, so, yes, I am sure that is going to be a part of the final design of this refurbishing and painting facility would be a filtration system.
Commissioner Overcash: So we can put that on the recommendation if you feel sure about it?

Dennis Fornes: Yes.
Commissioner Winfrey: I would think that would be an OSHA requirement.
Commissioners Overcash and Venturi: I would think so too.
(Inaudible)
Dennis Fornes: If any of these elements or these foreign products, paint fumes, sand from sandblasting, is expended into the atmosphere, then it would be a filtration system.
Commissioner Venturi: So it would need to be controlled in some way. Thank you.
Mayor Belangia: Manager Miller.
Manager Diane Miller: I believe that is one of the permits that would kick in for air quality.
Mayor Belangia: Commissioner White.
Commissioner White: One more final question; am I correct in reading your design, that the wash pad will be constructed of concrete?
Chris Machle: Yes.
Commissioner White: Because what I worry about is if you just do a tarp over gravel, carrying around heavy sprayers and dropping it on a tarp will poke a hole in it right away but if it's concrete, it's just going to…
Chris Machle: It will be concrete to the curb.
Commissioner White: Okay, concrete to the curb, and you drain towards the middle, correct?
Chris Machle: Correct.
Commissioner White: Thank you.
Commissioner Venturi: I am just curious, I imagine these boats weigh a lot. How thick does that concrete have to be?
Chris Machle: Good question.
Commissioner Venturi: How thick is the concrete, considering the weight of these vessels (inaudible).
Dennis Fornes: Well, that is one of the final design criteria. There is a lot of structural considerations here because of the weight of the equipment and the dead load of the boats so certainly when this project, if this project, moves forward, then there will be professionals that take care of all of these designs just to be sure that weights are distributed properly.
Commissioner Overcash: Will these boats come off the travel lift to be worked on, are they on stands or will they be in the sling?
Dennis Fornes: The plan is to extract them from the water on to the travel lift, bring it over to the wash pad, do the initial cleaning of the bottom and then from there it will be transported to the refurbishing facility by way of the travel lift and the final refurbishing, sanding, painting, would be done in that enclosed facility. There would be a temporary storage of vessels on that yard to accommodate a flow of cleaning and…
Commissioner Overcash: From what you are saying though there won't be any heavy weight on that concrete pad. It will be suspended at that point and moved somewhere else to be worked on. Is that what you are saying?
Dennis Fornes: Yes it will, but those travel lifts, I think those tires are like 10 feet wide. They distribute loads, just an excessive amount of surface contact, so the square inch pressure is not that high.
Mayor Belangia: Thank you. Let's move on to next.
Unknown: When is it appropriate for the public to ask questions concerning the answers that are being given to the commissioners' questions?
Scott Davis (?): This is a hearing to present evidence. It's not so much a Q and A. It's like a little hearing, a little trial, where the applicant presents their application and opponents offer evidence contrary to application, to disprove the elements.
Mayor Belangia: That's the attorney.
Unknown: Thank you.
Mayor Belangia: The next question is, is it in harmony with the existing uses development in the area. Does Mr. Fulcher have any comment on the harmony of existing uses in the area?
Chris Machle: He feels that it is in keeping with the existing use and function of that facility.
Mayor Belangia: Thank you. Does staff have any evidence that indicates the project is not in harmony with the existing uses in the area?
Manager Diane Miller: No ma'am.
Mayor Belangia: Does any member of the public have any evidence that the project is not in harmony with existing uses in the area?
Mac Ernest: I hope this is the right time..
Mayor Belangia: Mac Ernest?

Mac Ernest: I live at 300 Midyette Street in the condos at the far side of the bridge and while the noise is not excessive from the boat yard currently, I would expect that with the travel lift the noise is going to go up quite a bit. The General Ordinances of Oriental say that sound levels cannot exceed 92 decibels. They also say that we expressly prohibit the creation of loud and excessive noise in connection with loading or unloading any vehicle; and the travel lift would be considered a vehicle (inaudible). I have looked at other ordinances and towns in the area including Beaufort and Carolina Beach and several others and the maximum decibel level in those towns is in the 60-75 decibel range. My concern is that the travel lift will exceed what is in the general area but will also exceed our town ordinance, both from a decibel level and by creating loud and excessive noises because of a conveyance and would like to have answers and comments. Thank you.
Mayor Belangia: Thank you. Any Commissioner questions on that? Commissioner Winfrey.
Commissioner Winfrey: Mr. Ernest, I have spent a fairly extensive amount of time around fish houses and equipment and things like that and I can pretty well tell you that a travel lift isn't going to make any more noise than a seafood truck that goes back and forth and they are basically powered by the same thing, just travel lift's on a smaller scale. I really don't feel like the noise issue is going to be a big deal.
Mac Ernest: I am just reading the ordinance and…but they are different because they are vehicles that can come and go and the ordinance specifically mentions vehicles so that's a different type of noise.
Commissioner Winfrey: Well, you had just brought up the noise level and I don't feel like the travel lift is going to be any noisier than a Peterbilt hauling shrimp down there.
Commissioner Venturi: Just a comment on that. We do limit noise to 92 +/- 2 decibels and the ability to measure within 20 feet of wherever the source of the noise comes from. My understanding that all of this is considerably further away from the property line than the 20 feet so that noise is definitely going to go down as you get further and further away from the source of the noise.
Mac Ernest: My understanding though is it is not the property line, that's a different issue because that is if a resident complains about noise and then you measure from the resident's point of view. The ordinance just says 20 feet from the source. It doesn't say the source property line; it says 20 feet from the source.
Commissioner Venturi: No, I know that. But what I am saying is the 20 feet from the source is considerably within the property line. So when you get to the property line of where this project will be built, the noise level should be considerably lower than just 20 feet away from where the travel lift would be hauling a boat around into the structure.
Mac Ernest: My understanding is it doesn't matter where the property line is. It's 20 feet from the source, period.
Commissioner Venturi: Yes, yes, you are limited to 92 decibels, period, within 20 feet of the source.
Mayor Belangia: Thank you, any other questions for Commissioners?
Commissioner Overcash: Well, I can just say that my property where I live abuts diagonally to the corner of Deaton's Boat Yard and I can barely hear his travel lift moving and he is in and out of there quite a bit.
Mayor Belangia: We're on Commissioner questions.
Unknown: I just had a question, what size travel lift are we talking about here?
Dennis Fornes: A 300-ton.
Unknown: How does that compare to Deaton's?
Dennis Fornes: It would dwarf Deaton's travel lift in a way that you couldn't even imagine.
Mayor Belangia: Okay, we need to move on, sorry. Last question, does Mr. Fulcher believe that the project is in conformity with the local plans?
Chris Machle: Yes, he does.
Mayor Belangia: Does staff have any indication that the plan is not in conformity with local adopted plans?
Manager Diane Miller: No ma'am. During the Planning Board's discussion, one of the things, because the same day we were working on the CAMA Land Use Plan and the CAMA Land Use Plan is very heavy on environmentally protecting run off into the water, the interaction between storm water and the water in the harbor and having just gone through all of those things for the CAMA Land Use Plan, this project was presented as a project that would rectify the problem that had been presented in the past. And Mayor Pro Tem Venturi also raised the issue with the Vision Statement so that is one of the long range documents adopted by the town that should be taken into consideration.
Commissioner Venturi: In 2009, the town approved a long range vision for the town. This was a project started in 2006. It included a number of public meetings over a two-year period. It also included a survey of the community in which more than 500 individual surveys were returned to the town and those 500 surveys were simplified down by the Long Range Planning Committee into these two pages. And of all of the things that the community expressed a sincere interest in, the most important, which was why it was put first in the vision, was Oriental's waterfronts and also the harbor. By the way, this is on the Town's website, and it is our over arching planning document for the

community. One of the things, and it's only two pages, but one of the things on here is that the town wants to encourage public and private expansions of commercial and recreational maritime activities and services along Oriental's traditional working waterfronts. This is a document that's been in place in the town since 2009 and was worked on for three years between 2006 and 2009, and the community at that time, 500 responses in a community of fewer than 1,000 is rather extraordinary, although we did accept input from boaters who keep their boats here, people who are part-timers, we call them friends of Oriental. All of this information is available to anybody who would care to look at it. We still have a pretty thick pile of it all but it was clear at the time, ten years ago, that the community liked having the working waterfronts in the town and did not want to see those forced out in such that this would become something like Hilton Head, that the working aspect of it was important.
Mayor Belangia: Thank you. Are there any other questions from the Commissioners? Have all questions been asked that the Commissioners want to ask? If so, we need to close the Public Hearing.

MOTION:
Commissioner Overcash: I move that we close the Public Hearing.
Commissioner Winfrey: I second.
Mayor Belangia: I've got a motion to close the Public Hearing by Commissioner
Madeline Sutter: Sally, may I speak.
Commissioner Venturi: She had asked before.
Madeline Sutter: I wanted to talk about the community and the project.
Commissioner Overcash: She did ask earlier if she could speak.
Mayor Belangia: Alright, three minutes.
Madeline Sutter: I'm Madeline Sutter. I live at 300 Whittaker Point Road. I have lived here for 27 years. I am a recent, curiously, graduate of the College of Design at NC State. I am a volunteer, community conservation. We go out to communities and little towns around North Carolina. We spent a week on Ocracoke Island. We convinced them to tell the man who drove the Greyhound bus to Bridge Cemetery not to do it anymore. What I submit is we have to be very, very careful here in Oriental not to be, in the words of Billy Patton, another ugly little town on the coast of North Carolina. I am going to talk about something no one ever talks about. When I go to the College of Design, they say, "You live in Oriental, ha haha. Can't you get rid of that blue scaffolding on the harbor." Is now the time to ask Mr. Fulcher to make nice, that he close off that scaffolding and stop being a laughingstock in other communities and maybe give a little park or something along with his project. It's time to make nice.
Mayor Belangia: Thank you.
Madeline Sutter: You're welcome.

MOTION:
Mayor Belangia: We had a motion to close the Public Hearing by Commissioner Overcash and Commissioner Winfrey seconded. Any discussion? All those in favor say aye.
Commissioners: Aye.
Mayor Belangia: The Public Hearing is closed.

1. The permit is not within its jurisdiction.
MOTION: Commissioner Overcash. Second: Commissioner Winfrey. No discussion. Motion passed.

2. The application is incomplete. The application has been deemed complete by the Land Use administrator and the Planning Board.
MOTION: Commissioner Venturi. Second: Commissioner Winfrey. No discussion. Motion passed.

3. If completed as proposed, will not comply with one or more requirements of this chapter.
MOTION: Commissioner Venturi. Second: Commissioner Overcash. No discussion. Motion passed.

4. Will materially endanger public health or safety.
MOTION: Commissioner Venturi. Second: Commissioner White. No discussion. Motion passed. Comment by Commissioner Venturi: An opportunity to see unfinished building turned into something useful in the community will be welcome.

5. Will substantially injure the value of adjoining or abutting property.

MOTION: Commissioner White. Second: Commissioner Overcash. Comment by Commissioner Overcash. The Planning Board did study and came up with no evidence that it would be detrimental. Commissioner Venturi: Does not imply that there may not be conditions put on this project. Motion passed.

6. Will be in harmony with existing uses/development in the area.
MOTION: Commissioner Overcash, there is no evidence that it would be against the harmony. Second: Commissioner Winfrey. Commissioner Venturi: Likes the fact that in Oriental, commercial fishing and recreational boaters intermingle. Believes they are a big part of the community. Decision must be based on evidence, not opinion. Commissioner Winfrey: Project could bring jobs. Commissioner White: Believes it is very consistent in harmony as we have boat yards in residential areas. Motion passed.

7. Will not be in conformity of the Land Use Plan or other plan officially adopted by the Town.
MOTION: Commissioner Venturi. Second: Commissioner Price. Comment by Commissioner Overcash: Fishing industry should stay and be encouraged. Motion passed.

Conditions to approve: Commissioner White:
1. The applicant to be compliant with CAMA, state and county laws, processes and procedures and regulations concerning the installation and the operation of the proposed boat wash.
2. That a standard procedure include a shroud be in place during boat wash operations.
3. All DEQ, CAMA, state, local, county laws process and procedures and regulations regarding any sanding, stripping accomplished are followed including a collection system that prevents airborne or drainage carrying contaminants into the ground or towards the Neuse River and Raccoon Creek.
4. That the solid liquids waste from the boat wash holding tank be pumped out, recorded and moved off site to a proper disposal facility by the owner.
5. The marina owner will be responsible for keeping a log book including dates of pump out, waste carrier disposal facilities and quantity.
6. The marina owner will provide access to these records to the town and other entities as required or for review.
7. All hazardous waste, chemical materials be handled and stored in a legal and environmental appropriate manner.
8. The applicant will install a pump out station for heads.
9. The enclosed, unroofed structure that will be used to sand, paint, etc. will be enclosed and contained (roof on building).

MOTION TO APPROVE: Commissioner White. Second: Commissioner Overcash. Commissioner Venturi: Happy that project is finally going forward. Motion passed. SUP is granted. Mr. Fulcher will receive a letter that this is granted with these conditions, will also be filed with the County Register of Deeds that goes with the property.

5. Boat Wash for Whittaker Creek Yacht Harbor.
The Board will render decision, Public Hearing held on September 22. Although public opinions have been received later, Board can only consider what was presented at Public Hearing. From the perspective of the Board, it was two separate permits. A Land Use permit, which the Town Manager can approve on her own and a Special Use permit which requires the approval of the Town Board.Board did make a condition that they would not issue the Special Use permit until setbacks and design necessary for the Land Use permit had also been submitted as these two things are connected by CAMA, although separate to the Town. Drawing has been reconfigured. Closest point to other Mixed Use property is now 8.4', it was 7' and is required to be 15'. This is the point at which it is closest to the residential property. Point is in a corner well off the road. Wash pad is a significant distance off the road.

The Town Commissioners shall issue the requested permit unless:
1. The permit is not within its jurisdiction.
MOTION: The permit is within jurisdiction. Commissioner Venturi. Second: Commissioner White. Motion passed.

2. The application is incomplete. The application has been deemed complete by the Land Use.
MOTION: Commissioner Venturi. Second: Commissioner Overcash. No discussion. Motion passed.

3. If completed as proposed, will materially endanger public health or safety.

MOTION: Commissioner Venturi, will not endanger public health or safety. Second: Commissioner Winfrey. No discussion. Motion passed.

4. If completed as proposed, will substantially injure the value of adjoining or abutting property.
MOTION: Will not injure the value, Commissioner Overcash. Second: Commissioner Winfrey. No discussion. Motion passed.

5. If completed as proposed, will not be in harmony with existing uses, development in the area.
MOTION: Will remain in harmony, Commissioner Winfrey. Second: Commissioner Price. Discussion: Commissioner Venturi, properties on Whittaker Point evolved from Whittaker Point Marina as it was the first thing there. The reason it is MU is because Oriental did not have zoning until the 90s, was called "spot zoning." When zoning began, marinas were already established enterprises and it was acknowledged that these were multi-use properties therefore spot zoning will affect some homeowners negatively, unfortunately there are no numbers and this is how the Town has evolved. Motion passed.

6. Will not be in conformity of the Land Use Plan or other plan officially adopted by the Town.
MOTION: Commissioner Venturi, is consistent with Land Use Plan, GMO, and Town's Long Range Vision. Second: Commissioner Overcash. Discussion: Commissioner Overcash, goes along with other SUP, part of the Long Range Planning to help out the businesses. Commissioner Venturi, and to do whatever we can to have public water-oriented commercial establishments. Motion passed.

7. If completed as proposed, will not comply with one or more requirements of this Chapter GMO.
MOTION: Commissioner Overcash, will comply with the GMO chapter. Second: Commissioner Winfrey. Discussion: Commissioner Venturi, would like to thank the Planning Board for their excellent job on both of the Special Use Permits. Motion passed.

Commissioner White/Commissioner Venturi, conditions imposed:

1. Applicant to be compliant with all CAMA, state, local and county laws and procedures, process and regulations concerning the installation and operation of the boat wash.

2. Standard procedure to include a shroud to be in place during the boat wash operations as indicated and consented by the application and the Planning Board meeting.

3. All DEQ, CAMA, state, local and county laws processes and procedures and regulations regarding any sanding, stripping accomplished are followed including collection systems that prevent airborne and drainage carrying contaminants into the ground or towards the Neuse River and Whittaker Creek east and west.

4. The proposed program as diagramed be no closer than 15 feet to the nearest residential property.

5. A working pump out station be installed prior to beginning the boat wash operation.

6. Proposed wash down pad and curb surrounding the pad be constructed of concrete and not just a tarp.

7. Solid liquids waste from the boat wash holding tanks to be pumped out, recorded and moved off site to proper disposal facilities by the marina owner. Marina owner responsible for keeping a log book of dates of pump out, waste carrier, disposal facility and quantity.Marina owner to provide access to these records to the Town and other entities for periodic review.

8. Sunken boat at applicant's marina will be removed following CAMA, state, local and county laws, process and procedures before moving forward with CAMA or any other application process. In the event of any other sunken boats at the marina they will be removed safely following CAMA, state, local and county laws, process and procedures.

9. Hazardous waste and chemicals will be handled and stored in legally and appropriate manner.

Commissioner Venturi: Is there a boom around sunken boat to prevent seepage of fluids? Mr. Bysheim states there is no boom, but there is no visible contaminants in the water. Commissioner White stated that the only way to know would be a water sample. Commissioner Winfrey asked about owner responsibility. Commissioner Overcash requested that applicant and marina owner to business owner as with Mr. Fulcher for consistency, and Mr. Bysheim must agree to conditions before going forward with SUP. Mr. Bysheim agrees to conditions of following CAMA guidelines with permit and state and local agencies, agrees to keep a log. States according to Anthony Scarborough, wash water must go to on-site septic or county sewer, that they it does not need to be trucked off site. Mr. Bysheim chooses to have a containment tank rather than Bay River Sewer or existing septic. Manager Miller: Spoke with Mr. Scarborough to confirm Mr. Bysheim's testimony, said that part of the permitting process is that if he chooses pump and haul, they do require a permit and he will be held to the log, who took it, quantity and where it was taken. Mr. Connell at CAMA in Morehead City would be monitoring this as well as being the contact for the Town. Commissioner Overcash feels that the conditions reflect the public comment. Mr. Bysheim does not feel that he should volunteer/agree to a condition (sunken boat) that is unrelated to the wash pad. He states that the sunken boat is 900 feet from the wash pad and is not related to the wash pad. Mr. Bysheim does agree to the on-site pump out for human waste, which CAMA requires. Mr. Bysheim feels if the Town includes the sunken boat as one of the conditions, this will postpone his permit. He will agree to the conditions if the sunken boat is removed. Commissioner White stated he believes the neighbors are not opposed to the business, but to the condition of the facilities. Mr. Bysheim stated two inflatable bags were purchased to raise the boat.
MOTION: Commissioner Overcash, to approve SUP. Second: Commissioner Winfrey. Motion passed 4-1. (Commissioners Overcash, Winfrey, Venturi and Price – for.Commissioner White against). The SUP is granted. Manager Miller stated the SUP with conditions will be filed at the County as soon as possible. Mrs. Spears at CAMA is awaiting a letter from Manager Miller, SUP will be filed, letter will be sent to Mr. Bysheim and CAMA regarding the application.

6. Setting Public Hearing.
Mr. and Mrs. Yearick have rented their home on short term basis and would like bring their property into compliance with a Special Use Permit. Notes from the Planning Board meeting attached. Manager Miller notes that this property has been rented regularly since its purchase from November 1 through April 30 each year with the owners occupying it the other months. Manager recommends that the hearing be set for some time in November as owners are out of town. No registered complaints with Police. Town Hall has no registered complaints on the property during the time it has been rented. The Yearick's meet all requirements for the permit. Application is paid and complete. Members of Planning Board agree with Manager's recommendations and forward it to the Board to request a date for Public Hearing for SUP.

Since process has begun, it has been discovered that the Town has been receiving Occupancy Tax but the homes are unknown to us.

7. Police Report
One incident at the Silos, details are not available as investigation is still ongoing. Manager Miller will give an update on the impending storm. Nothing further to report.

8. Manager's Report
Financial statements uploaded and available for review. The first newsletter is at the printer. We are still collecting pothole addresses. Auditors will be here October 17. Manager Miller will be attending a conference in Wilmington October 18. Jesse Burgess has passed Physical Chemicals test. We now have all licenses required to operate plant in house and all back up licenses. Planning Board is working on CAMA plan update as required by state. Mrs. Olsen has resigned from Parks and Rec, have a viable candidate. Dottie Gray Ambulance about to launch a fundraiser for a Quick-Response vehicle, more info coming. Hurricane Matthew: Two days away. We will feel some effect. Public Works is in their 48 hours out drill – topping off generators, priming sump pumps. If anyone needs help, please call Town Hall. Hodges and Main Streets are already under water. There is absolutely no parking at the Fire House, it is a designated landing zone for EastCare. Cars are subject to towing. Manager Miller will be attending a meeting with the County Manager and second meeting with the in-house Emergency Management Team to include Town staff and representatives from local churches. Commissioner Price is attached to one of the churches, emails have been sent out to members regarding who needs help and volunteers. AEDs will be charged in case they are needed. Chief Moore requests that residents should leave identification in any vehicle parked.

9. Committee/Board Reports

a. Parks & Recreation Advisory Board – No minutes submitted
b. Planning Board – 9-21-16
c. Tourism Board – No minutes submitted
d. Tree Board – No September meeting.
e. Water Advisory Board – Did not meet
f. Harbor Water/Fronts Advisory Committee – No September meeting
g. Bay River Metropolitan Sewer District – No minutes submitted.

12. Commissioners' Comment/Discussion Period

Nozzle was removed from pump out. Need a way to move boats forward at the pump out. Lisa Thompson suggested stenciling. Docks will close as soon as Town is under tropical storm watch of a named storm. Manager Miller stated we have a demolition permit for the Hinman house.

13. Adjourn

MOTION: Commissioner Winfrey moved to adjourn. Seconded by Commissioner Overcash. Motion passed 5-0.

Meeting adjourned 8:30pm.

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Sally Belangia, Mayor Diane H. Miller, Town Manager/Clerk

Approved , 2016_____