

To: Oriental Town Board

From: Debra Khouri, BRMSD Board Member

Re: The Bay River Metropolitan Sewerage District Board at its monthly meeting held on April 19, 2018

No actions were taken at this meeting.

Items discussed:

The Bayboro Holding Pond Motors have had a history of malfunction. A long discussion of probable causes and solutions took place.

Oriental Phase 2 is completely finished. The flow of rainwater into the treatment system has decreased by over 50%.

We discussed changing the time of the monthly meeting from 7pm to 6pm. Because of conflicts with some of the board members, we will keep it as it currently is.

The board discussed the lack of adequate capital reserves for emergencies and large purchases. In the months ahead, we plan to look carefully at this and come up with a plan to be better prepared for unexpected events. We wish to keep the costs to our customers as low as possible while, at the same time, stay on firm financial footing.

DRAFT

Town of Oriental, NC Harbor Waterfronts Advisory Committee Meeting Minutes – April 12, 2018

A quorum being present, Ms. Lisa Thompson called the meeting to order at 8:04AM. Present were Ms. Lisa Thompson, Mr. Jim Blackerby, and Mr. Pat Stockwell. Commissioners present were Ms. Diane Simmons and Mr. Allen Price

Approval of 12 March 2018 Meeting Minutes: Motion to approve March 08 minutes by Mr. Stockwell, seconded by Mr. Blackerby

OLD BUSINESS

Status of Current Projects:

- Small watercraft racks – Ordinance waiting approval from attorney; In line for construction
- Small boat dock project - Waiting on welding equipment to become available for work
- Pumpout - Operational
- New Burgees due in 3 weeks
- New Harbormaster proposal – working on contract and advertise position
- Spring Cruising - Season is well under way.

Joint Meeting with Tourism & Parks and Rec

Date to be announced

Work Day

March 22nd 9am H&W workday – flags and flag poles installed, dock boards secured, grounds cleaned up

Whittaker Creek Issues

Under assessment. Issues have been turned over to appropriate authorities

NEW BUSINESS

Meeting with Duke Attorneys

Environmental law students (will provide timeframe for work and visits) “Prioritized” 1. dinghy dock extension – easement issues. Continuing review of town’s options, 2. abandoned boats and other topics including, littering, bilge releases, boat bottom work and its effects on water quality, hazmat approvals, ADA access at net house.? What are our options?

NC King Tides Project

NC King Tides Project –moving forward - tide measuring device will be located at Town Dock #2.

Meeting with Grace Evans

See attached notes

NC DEQ Grant Application Assistance

- Grant application paperwork and support documentation to be completed by the HWAC
- June 1st deadline
- Committee members reviewed and discussed the Grant application and process and agreed to meet on 19 April at 1PM and 24 April at 9AM with regularly scheduled meeting to follow.

DRAFT

Without objection, the meeting was recessed at 9:25 AM to reconvene on April 19 at 1:00PM.

Respectfully submitted,
Jim Blackerby, Secretary – HWAC

DRAFT

NOTES FROM MEETING WITH GRACE EVANS 10 MARCH 2018

Grace Evans asked to meet with Lisa Thompson so that waterfront concerns that she has could be brought before the HWAC. They agreed to meet and did so on 10 March for almost 3 hours. Highlights of Grace's concerns and the conversation are:

Overall many concerns about parking at Wildlife ramp

1. The area around the small boat dock area that was grassed takes up parking space for vehicles and trailers using the wildlife ramp.
2. When the garbage cans are put out for pick-up they block additional parking places
3. With larger vehicles and boat trailers - not as many can park as had in past
4. With watercraft racks – even parking spaces will be needed
5. Ms. Grace believes that cars without trailers are not allowed to park at wildlife ramp – so where would they park
6. As to watercraft - does the law allow the launch of watercraft from the land? Erosion issues
7. Someone making a “breakwater” of old concrete pieces near small boat dock to block erosion at land boat “launch-walk in area” – what would CAMA allow for land watercraft launch at small boat dock area?

Other concerns:

1. Remove old fishing pier pilings – they create a hazard
2. Clean out the Duck Pond

My limited responses with proviso that all issues would be taken to the HWA Committee:

1. Most wildlife ramp parking issues fall under the jurisdiction of NC Fish & Wildlife
2. The Town's property around small boat dock had to be repaired/protected because of runoff issue from condominiums
3. As a temporary/training fix – perhaps spray paint lines on the gravel to encourage vehicles park closer together or a way to maximize parking in the area so that so many don't park along the street
4. Is there a place around Town for overflow parking of vehicles and trailers – reducing the parking along the street and yards?

Draft

Town of Oriental, NC
Harbor Waterfronts Advisory Committee
Meeting Minutes – April 19, 2018

With a quorum not being present the meeting of April 12 continued in recess until April 24 at 9AM.

Respectfully submitted,
Lisa Thompson, Chairman HWAC

Draft

Town of Oriental, NC Harbor Waterfronts Advisory Committee Meeting Minutes – April 24, 2018

A quorum being present, Ms. Lisa Thompson called the meeting to order at 9:05AM. Present were Ms. Lisa Thompson, Mr. Jim Blackerby, Mr. Pat Stockwell, and Mr. Walter Vick. Commissioners present were Mr. David White, Ms. Diane Simmons, and Mr. Allen Price

NCDEQ GRANT APPLICATION ASSISTANCE

The Committee went through the grant application package and discussed thoughts, ideas and plans for each section of the grant and divided up the work load between committee members and commissioners.

- All parties involved
 - Town
 - County – Soil Conservation District, Economic Development
 - Contractors
 - State bid?
 - Engineering
 - Coastal Federation
 - NCDEQ
 - CAMA
- Possible studies and information as attachments
 - Photos – area, overlay flood zones
 - Nature survey
 - Revetment proof from Raccoon/Smith creek jetty
 - Costs
 - Property & business owners' agreement/signatures
 - Survey & valuation of property
 - Tax impact
 - Flooding
 - valuation
 - repairs
 - loss of business
 - costs to Town
 - maintenance costs
 - tourism dollars
- Develop talking points
 - Business
 - Tourism

Draft

Environmental

Fish habitat

Both commercial & recreational

Storm water issues

- Project name

Neuse River/Oriental Barrier Restoration

so as not to confuse with Whittaker Creek Dredging Project

Schedule for meetings to continue the application process:

April 30 – 9AM

May 3 – 9AM

May 7 – 9AM

Possible public hearing in evening from 6-8

Week of May 14 – door to door campaign

May 15 – 5:30PM - Joint meeting with Tourism Board

May 16 – 5PM

May 17 – 7:30A - present info at Tourism – Business Meeting at Brantley's

May 21 – 9AM

Respectfully submitted,

Lisa Thompson, Chairman HWAC



ORIENTAL PLANNING BOARD MINUTES

Wednesday, March 21, 2018

Oriental Town Hall – 507 Church Street, Oriental, NC

CALL MEETING TO ORDER AND ESTABLISH QUORUM

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

OLD BUSINESS

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

NEW BUSINESS

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

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

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

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

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

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

ADJOURN

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

Stan Aeschleman, Chairman

Diane Miller, Clerk to the Board

Approved 4/18/18_____



ORIENTAL PLANNING BOARD MEETING MINUTES

Wednesday, April 18, 2018

Oriental Town Hall – 507 Church Street, Oriental, NC

CALL MEETING TO ORDER AND ESTABLISH QUORUM

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

OLD BUSINESS

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

NEW BUSINESS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ADJOURN: Member Winfrey made a MOTION to adjourn. Vice Chair Lohmar seconded.

5-0. Adjourned 4:20PM.

Tree Board Minutes - April 24, 2018 (draft)

The regular meeting of the Oriental Tree Board was held at Town Hall on Tuesday, April 24, 2018 at 9:00 am.

Members present were Bob Miller (chairman), Ken King, Phil Borders, Missy Tenfiet, Dick Creighton, Lynne Kaplan and Council Member Allen Price. Absent was Toni Leavitt.

The minutes of the March meeting were approved with corrections.

Old Business

- Pruning update - Vine removal at Lupton Park and Wall St. have been completed.
- Pamlico Tree Care will prune 13 trees on South Ave. No date set as yet.
- A Tulip Poplar was planted at Lupton Park to shade the play area.
- The Dogwood at Hodges and Broad St. has been pruned by the Tree Board and it is blooming. No plan to remove it at this time.

New Business

- Bob wrote an article about Palm Tree Winter Damage for local publication.
- We are starting to get requests for tree planting for next winter. We will put info on Town Dock at a later date.
- Public Works built a storage container to hold tools in the Tree Board trailer.
- Ken and others will continue with tree cuff replacements next week.
- The relocated Live Oak at Lou Mac Park is doing well. Tree Bd. will weed the area and fertilize with Osmacote.
- Pruning work will continue.
- The ditch at the Dog Park has been brushed out. Bob will talk to Diane to set a date to have a couple town crew members to train with us.

The meeting adjourned at 9:35.

Respectfully submitted by Lynne Kaplan