

## Town Dock Information

September 2, 2014

- Bottom line: We are talking about the use of 26.2 ft. on the new Town Dock (Town Dock 2). In the past, there was never an issue with the other Town Docks (Town Dock 1, dingy dock or small boat launching dock) of large commercial vessels using these spaces. So the issue comes down to the left of Town Dock 2 (Chris Fulcher's side), which is 26.2 ft. wide from the dock's walkway. The other side of Town Dock 2, which is 26.7 ft., but narrows to 25.8 ft. at the outer end, cannot be used for large vessels because of the potential blockage of Oriental Inn and Marina's fuel dock operations.

- Town Dock 2 was acquired in the land swap deal with Chris Fulcher in which the Town swapped 8,000 -10,000 sq. ft. of right of way (not exactly sure but within this range) and 75 ft. of Harbor waterfront for 5,000 sq. ft. of land, 59 ft. of Harbor waterfront, a historical white wooden building and an 80 ft. dock. Our new dock space and land was acquired via an exchange with Chris Fulcher where both sides received value.

- In statements from the Town Commissioners at various Board meetings (have confirmed this with a prior Commissioner), it was stated that one of the main reasons for the swap was to isolate recreational boating from commercial boating. Our prior 75 ft. Harbor waterfront before the land swap) was in the middle of a commercial operation and it was stated that not having recreational vessels maneuvering around commercial vessels would enhance boating pleasure and safety. So why has this changed?

- A motion made at the April 2, 2013 Town Board meeting by Commissioner Summers stated, "It is the intent of the Town of Oriental Board of Commissioners that any property obtained by the Town on Raccoon Creek, as a direct or indirect consequence of the closing of the right of way on South Avenue, will be dedicated as a public park with public water access on Raccoon Creek". While it states public access, previous discussions by the Commissioners and statements from the Town Commissioners sought to have a clear delineation between commercial and recreational use, and use of the new dock and water access was intended for recreational boaters.

- Our application for the pump out grant, which was recently granted, used the text, "The newly extended Town Dock has been busy with cruisers and day trippers and adding a pump out station would further encourage visitors to our Town." There was no specific language about commercial vessels used when securing this grant.

- Additionally, in our signing of the application for a pump out, we accepted all the terms and condition and Item P. on page 5 of the application states "All recreational

vessels must have easy access to pump out and dump stations funded under this grant program. Pump out facilities shall continue to be easily accessible and operable for the full period of their useful life of five years.” There was no mention of commercial vessels and we applied only for recreational use. Item P. language will be incorporated into the terms and conditions of the contract. Also, with large commercial vessels using the new Town Dock (like the recent visit by Gulf Stream III), there is a potential of violating this clause by blocking access or not providing easy access to the pump station.

- Our grant application for restroom facilities, which was recently approved, did not include any use of commercial vessels and only spoke of recreational vessels. While we maintain that the restrooms will have public access, it was specifically stated that the Town’s intent was for recreational use. Commercial vessels were left off the application because it was felt that our request may have been denied if we included for profit operations, which should provide their own facilities. We were applying for recreational public use. Our verbiage stated, “We continue to encourage transient boater and local boaters to visit Oriental, which is consistent with our Long Range Plan.” It did not include commercial use.

- Town of Beaufort, NC has operated their public docks (public/private operation outsourced to a private vendor for daily operations under a lease) for 36 years and does not allow any commercial operations. This has never has been challenged by the fishing industry or other commercial operations.

- Town of Washington, NC allows no commercial operations since 2003 except for three exceptions approved by the City Council - a commercial dinner operation (“The Belle of Washington”), a 72 ft. sail boat (“The Jeannie B”) and Seatow. They had a situation where a shrimper tied up claiming to be a pleasure boat, with its outriggers up, but it tied up across the dock impeding access, stressing the dock with its size and using lights and generators. It moved when requested and has not been back.

- Elizabeth City, NC allows no commercial fishing operations the use of Town Docks. They, similar to Oriental, will allow recreational charter fishing to use the docks along with sailing schools. Their commercial issues were with crabbers leaving catch residue on the docks.

- Town Manager spoke with the Town Attorney and per the Attorney, we have the right to limit commercial usage at our Town Docks as we have done in the August 5, 2014 revision on Town Dock usage.

- Insurance: Per our insurance carrier we do not list the new Town Dock 2 separately and as such carry no specific insurance. If we did list the dock it would only cover fire and vandalism. Liability is covered through our general liability policy. Recourse for damages would be through the visiting boaters insurance. Therefore, size of the vessel does matter as large boats (over 50ft.) could cause more damage.

