

Oriental Water Advisory Board
Friday, December 13, 2024
Meeting Minutes

Water Advisory Board Meeting Minutes
December 13, 2024 Town Hall 9:00am

Attendees: Daniel Early, Jeff Sanders, Commissioner Bonnie Crosser and Allen Price, Manager Diane Miller. Ethan Gartin, TRC Consultant, and Steve Drew by phone.

TRC Project Update

The decision was made to split the project, at this time, into three components; White Farm Road Booster Station, Water System Valve Rehabilitation, and the Water Treatment Rehabilitation.

A. White Farm Road Booster Station

Ethan provided insight into the anticipated pressure increases (10-15 psi depending on final design). Also, the benefits of chemical addition at the location to reduce chlorine residuals in the system. The location optimizes building costs - proximity to power, etc.

B. Water Treatment Rehabilitation

Currently, waiting status of the DWI Grant request, anticipate update in the February 2025 timeframe. TRC to coordinate with the Town's DEQ contact regarding the additional Grant leveraged. Components included: new SCADA cabinet, surge protection, inspection of wells, aerator tower replacement/rehabilitation, wiring inspections, and chlorine room repairs. Once receipt of information on the Generator - will determine project scope.

C. Water System Valve Rehabilitation

Replacement of 36 Gate Valve(s) and installing 5 new Gate Valve(s). Asphalt Surface repair is included in the project scope.

TRC to submit Engineering proposals for White Farm Road Booster Station and the Water System Valve Rehabilitation. Once reviewed and approved; TRC to prepared to begin the design Phase in early January 2025. It is anticipated that, with design, permitting reviews, the bid process, and experience with similarly sized projects (TRC) that a construction contract should be in place in late 2025.

Discussion on the pipe sizes in Dolphin Point

Daniel reviewed the testing todate on the 6" 4" 2" waterlines at end of Dolphin Rd. Sufficient pressure has been measured at the customers meter.

TRC comments: clarify that Public Water Supply allows up to 20 residential customers on a 2" waterline. To prevent water age, it is not uncommon for cul-de-sacs to utilize 2-inch waterlines outside of providing fireflows to hydrants (which require a 6" line). Therefore, TRC would not consider the Town as operating out of the ordinary given the number of houses being served. So long as sufficient pressures are provided at the customer meter, the Town is performing is required duties to provide water service.

Copper Testing

Researching the concept of "Copper" caught in the Softeners. Daniel to test hard water softening during the first couple of weeks in January 2025. Adjusting the from 125 to 68 to 48 for one week intervals.

Jeff Sanders has agreed to continue with the Water Advisory Board. Thank you.

Next Meeting January 10, 2025

Prepared by Bonnie Crosser

Town of Oriental

Harbor and Waterfront Advisory Committee

DRAFT Meeting Minutes from Nov. 14, 2024

The meeting was called to order @ 8:00am, in the Town Hall Meeting room by Chairperson Jim Blackerby with the following committee members in attendance: Dan Allen, Jim Kellenberger, Don McGuire and Pat Stockwell. Also present were Commissioner, Charlie Overcash and Town Manager, Diane Miller

August, September and October, 2024 minutes were approved unanimously.

Chairperson comments: Commissioner Crosser had asked about Christmas lights on the Town Fishing Pier, Diane Miller advised that the Town would take care of the lights.

Town Manager Comments: No updates to report.

From Jim B. Regarding the Spill in the Harbor, The Coast guard took samples but no word has come back. We do not know if samples were taken from the trawler "Jesus Lives".

Dan A proposed that we add easily recognized signage to Town Dock 2 as "Registration". All were in favor

Tourism is putting together a new Town Map. Not available yet.

Jim B is not in favor of painting new signs directly on Town Docks or blue and yellow painted stringers. Instead, we could try using vertical signs at Town Dock 2 to delineate the pump out zone and endcap signs for TD1, 2 and the Dinghy Dock. Dan Allen will look into the option of the vertical signage.

The previously ordered guide and Pull Forward signs are at the vendor now.

Jim K. We (HWAC) need another member to assist in HWAC inspections – several names are being considered

ADV/Derelict Vessels

Jim K. Is working on drafts for Chapter E. Definitions will be a separate piece.

Jim B will send a rough draft of a "Town of Oriental substituted into the Morehead City's ADV/Derelict Vessels ordinance" to the committee members for review.

Comment [jb1]:

Jim B. to check with CAMA (Jessica Thomas) about what designs may be allowable for sand stabilization and improved drainage at JBB. *I talked with Jessica Thomas about a jetty or extension of a bulkhead out into the river from the existing one. She asked if there was a permit still open and will check to see if additional sand can be added to the beach. She plans to take it up with Kelly Spivey and then get back.*

Jim B. HWAC was questioned about abandoned vessels in Greens Creek. Greens Creek nor any waterways are in Oriental's jurisdiction. However, there are abandoned vessels in the creeks.

Meeting adjourned at 9:55
Next Regular Meeting, Dec. 12, 2024

Respectively submitted,
Don McGuire



ORIENTAL PLANNING BOARD WORKSHOP MINUTES

Monday, December 18, 2024, 3:00PM
Oriental Town Hall – 507 Church Street, Oriental, NC

CALL MEETING TO ORDER AND ESTABLISH QUORUM: At 3:00PM, Chair DeWeese calls meeting to order. Members Strickland, Flood and Rasmussen and were present. LUA Miller, Commissioner Roe was also present. Member Crothers was absent (excused). [Arrived at 3:12PM]

APPROVAL OF THE AGENDA

This is the planning board meeting. We have a two item agenda today. Um, and for the record, Carl Crothers is not with us today.

VC Rasmussen makes a MOTION to approve the agenda. Member Flood seconds. 4-0.

Alright. So we are here today to discuss the table of permissible uses once again, specifically the issue with nursery schools or schools in general.

Commissioner Roe- Commissioner Price asked me to make sure it was brought up. I'm not confident to say what his concern really is.

In his email to the Chair, his concern was that the OUMC, Oriental United Methodist Church, once ran a nursery program. Many, many years ago when one of our police officers was a child. So a long time ago, um, and they no longer run one, but his concern was, imposing a fee for a traffic study or other similar issue for them to get a permit to run a school again out of there.

He did ask if we could change them to a mixed use from a residential. We cannot do that. That is spot zoning. Additionally, we would also have to change, I would think, the Episcopal Church to an MU. But again, it's not been requested. They haven't asked for it. And they're aware of this being a change. Beyond that, the other issue I see with this, uh, is the fact that if the church wanted to open up a nursery, there are a lot of licensing requirements they would have to go through, not just ours, including state requirements, health and sanitation, building and fire code inspections, licensing for any providers that they have. And to have a traffic survey done would be a drop in the bucket. They run anywhere from two to three thousand to maybe five thousand dollars, depending upon what you're dealing with. I couldn't see that really being an issue around here.

I can't imagine a situation where we would permit a school to be open anywhere in town and not be looking at how it impacts traffic. First Baptist was talking about 25 kids, and we actually, we looked at how that's going to affect traffic, pretty significantly for 25 kids.

And I know he was thinking specifically of the churches, but the other thing there, um, if that church were to have a child care center or a, started up, they would use Lupton Park. They would have to cross Mildred. Mildred has heavy traffic, especially with trucks running down to the waterfront to the fish houses. And not only that, but the neighborhood also has the right to be aware of what's going into their neighborhood.

So we went line by line in six meetings through the TPU. The whole direction from the board and the attorney was to remove those S's that would automatically be approved anyway.

I got your horse stables and golf courses. I got your horse stables and golf courses.

You wouldn't want it not to be reviewed. It's for the health and safety of our community. We need to review that.

If you knock down Neuse Suites and put a school there. Yeah, because that is the only MU right there.

The attorney says that you want to use special use permits to protect the town and allow special conditions. So he said he did not want to be misconstrued to do away with all S. U. P. s, he said if somebody wanted to put up some kind of a business, and the town wanted to make sure you met certain requirements, that's the safety of an S.U. P.

The planning board can recommend. You must do these things to happen. So he said you want to be careful eliminating too many.

Board looks at current MU distribution.

And anything out here that we were to annex in is not going to affect the traffic to the community.

For the record, Carl Crothers has arrived.

SUPs for 5.130. And question 2.4 it is. Because anything that we annex in on the future, It's going to be Broad Street, and we do need to have those discussions so that we can Or White Farm.

Change 5.13, Nursery School Daycare, the L to an S in an MU, given they're along larger thoroughfares.

And thank you very much, Commissioner Rowe, for being here and talking through that with us.

The short term rental restrictions for discussion. Board received New Bern's List, the goal here is to create a list that we approve for, to send a commissioner so they can pick and choose what it is that they want to attach to the permit.

That way you have a a la carte sort of thing that you can choose from. I pulled from previous meetings that we had discussed as well as an email from the town attorney and some of New Bern's articles as well.

- (1) to require a responsible person in charge who must live within X miles of the property and be on call in case of emergency whenever the place is occupied or unoccupied if it's fully an Airbnb. if they go through an agency to handle their Airbnb. But there has to be a body, a responsible person in charge.
- (2) Another suggestion was to show proof of paid occupancy tax because the Airbnb website does not require owners to do this, nor does it do it automatically. This would come in with their monthly paperwork. So number one, we know that they are registered and number two, that they are paying. We have no other way of tracking that. And we know that there are ones in town that we're probably not getting tax from because they don't have to report it. It's self reporting. This would help us ensure that we know how that's going.
- (3) another suggestion is to show the monthly dates of occupancy to include the number of guests that part of the form. They're supposed to fill out monthly, and even if they are not, say they're having family in from Thanksgiving to Christmas and they're not going to rent for a whole month, they should turn in a form that says we're not renting at this point.

- (4) We can also require that there be no parties. Prohibiting parties or special events at the house unless it's grandfathered in, like the Stallings house. I mean, nobody wants 20 teenagers in a house alone. You can't have giant graduation 50 people staying at this house.
- (5) The way that is usually defined, and I can look it up, Is more of like, you know, you can have two people per bedroom. Or two people per room. or there is a limit. I know it also happens in parking is a good way to control that. You can have one parking space per bedroom and it's either on site or no off site parking.
- (6) Every vehicle needed to be able to get out. And I said, we, we're good with parking on the grass because it's permeable surface that will take up their rain water. So we generally, if you want to park on the grass, we don't stop you from parking on the grass. Off street parking space per bedroom was a suggestion and no on street parking. It's really difficult to try to hold guests to a completely different standard and then for us to be able to know who's the resident and who's the guest.
- (7) Fire extinguishers- safety information posted. # extinguishers per sq ft or per bedroom. Question about inspections. We will not. The owner must certify that these things are established in the home. We're not going to be inspecting these places. The short term, yeah, Schroeder versus Wilmington when they said you cannot have anything that looks like a registration. So the regular, regularity of submitting paperwork requiring an annual permit, for example, may be instructive but it's not determinative as to whether it is a permit or registration. And this is where we run afoul of this. Um, you cannot have something That looks like one thing, but is in effect a registration. (Manager will contact the attorney) Applicable standards and you have to submit and say, yes, I have X amount of Fire extinguishers, CO2 monitors for the safety because you are now talking about health and safety of your residence. Then it's not a registration. This is building code and health and safety compliance. So that would be a way for us to say, all right, annually, you have to say that you have complied with this.
- (8) We could require proof of insurance. Renter's insurance or liability insurance or whatever the insurance would be to have a rental. You know, we could be like, all right, where's your insurance certificate that says that you can rent this, that you have liability insurance if something goes wrong and you're not there. And you'll have to determine limits, though.
- (9) But that's why I'm thinking third party. Yeah. And I like that- third party inspector.
- (10)
- (11)

The Stallings House will turn in a form saying that we are closed from here to here, and they turn it in up front. One of the things that we have, uh, discussed doing, this is so you're aware too, is after we get all of these, uh, conditions hammered out mass email to, or a mass mailing to every homeowner about what an permit is, what the requirements are, what happens if you don't meet them and how you're going to lose it.

We can ask about it, you know, and just find out if we can require like a, an independent third party inspection saying, here's all the things you have to have. Because the other thing is, is that if you are now taking this thing and running it like a business, which it is, then you should also, and you're, you're, you're paying for cleaning services, you're paying for maintenance. It would not, I would think. And I'm sure there's going to be an argument to it, but I'm throwing it out there.

If you have a B& B, not an Airbnb, if you have a B& B, aren't you subject to health department inspection? Yes, every six to eight months. We're expected and have to post a grade in a prominent place, yes.

You serve the food. Because you're serving food. And, and you also have to have all your employees trained and post that certificate. Mm-hmm . In its check six to eight months. Serve safe. You gotta go online, take a course. I see. Take your quiz. And it costs you money. Because you're running a business.

My biggest concern is enforcement.

But again, these are things that we can ask the attorney about. And whatever he says is okay, I put on the list to forward up to the board. Yeah, and then the board would pick and choose. This is for the board to pick and choose. We are throwing things at them. So what we would do is include is add a section in the GMO that says under the residential, because that's where it's going to be, right?

No. Um, All right. So I'm sorry. I was listening to different conversations there. All right. So then we are going with no rentals of any kind under 30 days in residential and R1 and then R2 and 3. MU and M1 is now all land use and not SUPs. VC BR: I'm completely opposed to the favoritism of R1.

You know, I think that would be a tough call in the courtroom. You mean excluding Airbnbs from R1? Yep. There's a lot of things that you can't do in R1 that you can do in R2. So then the question becomes, with that in mind, do you want exclude all Airbnbs and all short term rentals from all residential areas?

What are we trying to achieve with this conversation? We are trying to remove the automatic approval of the SUP in R2 and R3. We're trying to make it safe for visitors. That's the point of the restrictions. There's no requirement for any safety equipment. We have no way of tracking any of that. I think it addresses that in sort of an indirect way by raising the bar, then there will be some people that simply won't invest in that.

I think that's what we're trying to do is strike some, some type of balance there. The other thing that New Bern does, that we may look at, is New Bern differentiates between a whole house rental and a single room rental. I'm going back to enforcement. That is our biggest issue, enforcement. So a whole set of, a different set of requirements if it's a house versus a room? The suggestion there is that there's something happening, somebody's there to make sure it's okay, and that house is occupied and somebody's keeping tabs on what's going on. So that becomes like just a room in your house that you rent out.

And there was a wedding party that I remember going out to and I mean they had the road completely blocked. Yeah, they couldn't get out of it. Residents couldn't get out of the driveway.

That is the other part of it is putting out these requirements. So no on street parking, how do you enforce that? When you call the thing is, is the way it would be enforced. It has to be neighbors reporting.

Send somebody to record it. And that becomes. It becomes a strike against the S. U. P. In the future. So that if you have things like this, and that's part of why I want a suggestion was events. If you have huge events, you can only have so much parking or eliminate by parking, you know, only one car per bedroom on the grass.

It should be in that letter that goes out then that all residents understand that they have this option. That's what we're trying to do. **What we're trying to do today is to put the conditions on these**

short term rentals that addresses the problems that our residents have already complained about.

It also elevates our Airbnbs for safety because they are very unregulated and having rented Airbnbs. I really like that, having the person to contact. I would like to see more of our local real estate agents.

Taking care of the short term rentals because then I know who I'm contacting. Airbnb doesn't do that, and they're the ones that have such a lobby in Congress that we can't hold them accountable. We can't get the paperwork out of them. I can't get them to identify which properties they're sending a check for.

I'm sure a local realtor would love to have that opportunity. But also saying that whenever you post monthly, whenever you submit your paperwork, monthly, you have to provide. Showing that you paid occupancy tax. We need to see proof of occupancy tax because we have no way to track that.

It's a huge company and they're protected. You were asking why are we doing this, what's the point today?

But that is part of the thing, because there are a lot of people who have absolutely said, We want fewer of these. In fact, some of the businesses in town there have flat out said, this is competition for us. So the thing is, is the more reasonable restrictions, honestly, that we can put into our short term rentals to make them healthy, happy, healthy, safe.

Some people look at it as an investment opportunity and their investment is not actually taking care of the property. It's just renting it out until it falls down. He mentioned that the next time that they apply for a permit and it goes out to the neighborhood, they're going to suggest that we don't give them that permit.

And that's what we're trying to do because we don't, we cannot require a registration because we cannot charge a fee, we cannot have anything that looks like a registration, but we can have things that look like development standards that are meeting the standards we're putting in place.

Which is why I was looking at proof of insurance, the inspection that you pointed out, which is why we're asking the attorney that runs in a foul of Wilmington and Schroeder. But if we can say, all right, you need to meet that. You've got fire extinguishers in, you know.

Then it would be an annual thing. So I have a question about to take off. But if there's no report, there's no request to revoke the permit. But that's, I think at this point, they're up to here.

Because they basically, the question to me was, is this something that they have to get approval for every year? And if they do, You know, and it goes out for the right. That's why we're trying to do this is to make sure that we have it on the annual.

Yeah, we will emphasize in this letter that neighbors have to make a report. That is how enforcement happens. And that those reports have to come in, you've got to put your name on it, you cannot be anonymous. And then, so many strikes or whatever, and you lose your SUP, or your LUP.

So the SUP is attached to the, the deed in it. And moves with the property. While Scott says that's. Enough reason to go after them and have it revoked.

If the property conveys the land use permit does not convey. A special use permit does convey. But it would come with all the requirements that we're, that we would put in place now.

So I will give this list to the attorney. My question is, is were there any other things we wanted to add to the list?

No, but you also, those tend to fall under, not always, but often tend to fall under, long term rentals, which this does not cover.

I can't enforce what we have. That's why the enforcement has to be through other means. We have to outsource our enforcement of this.

All right. Mr Rasmussen, you were saying, I believe we are putting onerous regulations upon personal property rights. So the question then becomes, what do you want to do?

Do you just want them to have STRs with no restrictions of any kind? Or do you want them to, do you not want to, because here's the thing, everything that we're suggesting, we're not choosing. Commissioners are going to choose. We're supplying that list. We are supplying the list, but it's a pick and choose.

I like the registration idea, but we're not going to do that. That's, yeah, we don't know if we can do it. Can we ask them to sign a form that says, you know, if you sign this, you agree that you've done these things?

I think personal certification, fire extinguishers. It could be, but the other thing that I'm arguing - yeah, it could be expensive, but you're also running a business. And anytime you have a business, you're paying, you're having expenditures for that business.

And in fact, Frank just sat here and says that his wife's business has similar expenditures for providing a similar service. This is, Airbnb is a huge lobby because they are so profitable.

Right. So the other thing is, is yeah, people can do what they want with their own property. But I do not have a problem saying your property has to be up to code and it has to have insurance to make sure the people on it are safe if you are not there. Because that is not, that is not even all of the requirements that an inn or an Airbnb or a hotel requires.

But you are still operating as one even if you are just a humble homeowner. You still have those requirements. So I generally, if you're running a business, I don't have a problem with those types of fees.

Are these people, are we running businesses in residential areas? Absolutely. Is that permitted? According to the GMO. According to the GMO it is. Table of permissible uses. Which you also have the opportunity to change. Take it completely out of residential.

And nobody can have any kind of business, including a home business where, except the ones that are grandfathered with a special use permit existing.

So I honestly, I would not touch that. My biggest concern is the outside inspections. Make that list and make them sign it. I'm a marine surveyor So I inspect recreational vehicles, vessels for Safety, condition, and value. Now they get a list of recommendations from me and it goes to their insurance

company The insurance company basically sends them a letter and says tell me you did this And they have to certify one way or another? Their signature certifies You just tell them you did it It's a liability issue is what it is. And it takes the liability from us and transfers it to them. Right. If these people on these boats, if they don't take care of these, any one of these things, any claim could be denied, even if it's not related to what they didn't take care of.

I'm still perfectly okay with that. Again, you're running a business. It is, yes, out of your home, but it's a business and you need to make sure that the people are going to be safe. Is there any particular one of these that bothered you? It's the outside inspectors.

I also don't understand the insurance. What kind of insurance are we talking about? Liability. Liability. Does that come in with homeowners? Not always. If you have renter's insurance. Or if you don't have a mortgage. I don't have a mortgage, but we have insurance. But you don't have to have insurance if you don't have a mortgage. Kind of like flood insurance, we're not in a flood plain, but we have it anyway. You and I are both risk averse. I have both, even though I don't need it, but.

I sort of have a problem with requiring a paid inspector. It seems to me if we have a form that says you're required to do these things, sign here, most people are going to apply. Yeah, they're gonna abide by that. And we have the form that they signed if something happens.

I'm good with that. My whole point was send it to the, the attorney to see if it is. And then let them choose if they want to do it or if they want to put it off and just have themselves report and find out what's legal. Find out what's legal and we'll send a legal list to them.

Where did the legislature leave the STR this time, do we know? It has not moved since last you saw it. I think it'll expire when Congress comes in. The only good thing about that whole bill was the having to have somebody close.

Maybe other things that have mentioned this shorter versus Wilmington. If we're trying to limit these things-cap and distance. So Chapel Hill had legislation, had litigation Where they tried to say that only X percentage of the eligible homes can be rented at any given time and the courts ruled that you cannot restrict an opportunity from one homeowner that you had given to another homeowner in exactly the same situation.

So you couldn't put quotas on it. You couldn't put percentages on it. I would think that that would fall in the same. And that was the very first short term rental trying to limit. They tried really hard to limit it in Chapel Hill. The only way we're going to limit this is to take it out of residential areas entirely.

And we're not going to suggest that, which is why we're looking at the restrictions. Airbnb, I mean it's, most cities have it in residential districts, don't they? Yeah. I'm sure all across the country you could.

Someone might challenge that-you cannot limit a use from all zones. The only way we can get away with Limiting heavy industrial from all zones is because every part of us touches the water. And that's the only way we can get away with that. But other than that, you have to allow every use in some zone.

Whether you put it in an SUP or an LUP or nothing at all. When you get exempt, you have to allow everything in one zone.

AD: like to make a motion that we send this list up to the town attorney to go over for legal reasons.

Can I get a second? BR Second. 5-0.

After he Agrees, disagrees, strikes, whatever. Would you send that out to our board just to have a look at it?

The parking takes care of the parties issue. And then it will come back to us before going to commissioners. What about table permissible uses? We did that.

It was the motion to, to, with the nurseries and stuff. Yeah. And change one and change, uh, change it all to SUPs for nursery school, daycare.

So homeless shelters we put under 1.31, No, we moved it to section 7.

AD: make a motion to send this. Can I get a second? Second. 5-0 Merry Christmas. There you go.

ADJOURN: Next Meeting scheduled for January 15, 2025 3PM.

ADJOURN: Member Crothers makes a MOTION to adjourn. Chair DeWeese seconds. 5-0.

Allison DeWeese, Chair

Diane H. Miller, Clerk to the Board/LUA