



ORIENTAL TOWN BOARD MEETING

Wednesday, November 7, 2018 at 7pm

507 Church Street, Oriental, NC

Mayor Sally Belangia Officiating

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

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

APPROVAL OF AGENDA

Commissioner Overcash made a **MOTION** to approve the Agenda. Seconded by Commissioner Dammeyer. Motion passed 5-0.

1. Consent Agenda (Tab 1)

- a. Approve Minutes from Regular Town Board Meeting October 2, 2018
- b. Approve Minutes from Town Board Workshop Meeting September 28, 2018

Commissioner Overcash made a **MOTION** to approve the Consent Agenda. Seconded by Commissioner Dammeyer. Motion passed 5-0.

REGULAR BUSINESS

2. Hurricane Florence Update. Manager Miller presented the current situation with respect to debris removal, contracted services for recovery and status with NCLM Insurance and FEMA claims and completed recovery projects.

Manager Miller explained that it was in the best interest of the Town to go with the County's contract; we signed the MOU on September 28 to sign on to their contract, as their contractor is removing 24 double loads per day instead of 8 single loads per day. On November 1st, we foresaw one full pass after they got through their first full pass. We are still not through the first full pass. We are still identifying, with police assistance, where there are still large piles of debris. People are still coming back to their homes for the first time as they are second homes. We are trying to avoid rushing to a final pass as people are still pulling debris from their homes. Manager Miller encourages residents to inform us if there are any new debris piles added as well as hanging limbs. Manager Miller showed a photo of the waterfront from 12:57pm on September 14, which was close to the height of floodwaters. We have had some small issues with the contractor that the County has been addressing. Any damages done by the hauler needs to be reported to the County to hold them responsible. Second passes will be done with the same equipment, which has not been successful. Manager Miller spoke about an incident that occurred Monday, November 5, where construction debris was scooped up at M & Ms where the lights in front of the sign were removed. Wednesday, November 7 at 405 Mildred St., a water meter was lifted out of the ground. A meter was run over at Oriental West Condos, a 2" meter at a cost of \$1,200, but the Town looks much better. This storm, the debris is being calculated in cubic yards where during Irene, it was calculated in tons. By November 5, collection was at 33,000 cubic yards – a little over 16,000 cubic yards was collected in all of Irene so we are at more than twice the pick-up. Manager Miller spoke to the County Manager and we are more than twice countywide, not just Oriental. Some of the debris from Irene was not compensated because the hauler took it to the wrong place. This was another reason we held off because our site was not permitted.

Damages and Repairs: The repair that was deemed exigent by FEMA and our insurance agent – we cannot work on the road until we are sure that the road is shored up by the sea wall. Where South becomes Vandemere, the road is undermined by about 10". Previously, the cement wall ended (showing photos) where there was a grassed surface

and poles in cement which are completely uncovered now and the granite is down. Most of this was still covered by granite so outflow was just as strong. There is sheet piling that is not capped with concrete so will be reinstalled on this line up to where the road becomes private property and capped with parapet holes to allow for drainage. The wall will come down to grade and meet the road. Additional granite will be added. We have a contract and engineering and design and completed. Once this cement begins to cure, heavy equipment can be brought in. The asphalt and substrate that was deposited on front lawns is sitting on our water system. Equipment cannot be brought in until the wall is shored up. Manager Miller showed photos of where the wall currently ends, also exigent, and the fishing pier, which will also need extensive repair. The wall is tongue-in-groove, wooden, two layers with gravel in between. Manager Miller showed where the boards are missing and explained the repair done by staff – missing and ripped out boards, refilled gravel, and re-boarded. Wall will be extended that holds up the sidewalk and road with steel reinforced concrete cap like the other end. Manager Miller showed where the water line goes from a tree (showed photo) down to the fire hydrant at the corner of Freemason and South. A good portion of that is now under two feet of gravel, concrete and oyster shells. Beach erosion was significant, went to the wrong side of the road. People came and took some of it. In an effort not to lose another block, we will shore everything up fairly quickly.

Designation of the Applicant's Agent: Manager Miller presented FEMA paper that designates herself as the primary agent and Tammy Cox, Deputy Finance Director, as the secondary agent so either of them can sign paperwork to keep the process going.

Commissioner Overcash made a **MOTION** to accept Manager Miller and Deputy Finance Director Cox and primary and secondary agents regarding FEMA. Seconded by **Commissioner Simmons**. Motion passed 5-0. **Mayor Pro Tempore White** inquired about the contract, that it had been awarded as it did not need to be bid, awarded to Bobby Cahoon. Work is to begin in the next few weeks. **Commissioner Overcash** asked if this will tie in with the fire hydrant repair. **Manager Miller** stated this decision will be made after we see if FEMA or the insurance company will pay for this. **Manager Miller** has already received a quote. If they do not pay, this is a \$65,000 repair to run brand new line, replace the fire hydrants at South and Vandemere and Freemason and South and all of the line between them plus isolating valves. Discussed replacing water lines before the roads are paved so we do not have to cut new roads to get to the water lines. Quote was \$56,000-\$65,000 - labor included – depending upon the kind of pipe used. **Mayor Pro Tempore White** inquired about the time frame, this is a long-term project. He also added that due to the recent rain, reeds that had been left behind after the clean-up are clogging our drainage. **Manager Miller** stated anything that homeowners can do would be helpful.

3. Public Comment Period:

Deb Jaeger – 509 New Street – Ms. Jaeger read from Article 4, Section 60.2.3 which states:

60.2.3 Temporary habitation of travel trailers or recreational vehicles (RVs) may be granted for a period up to six continuous months with the issuance of a land use permit provided that there exists, on the lot where the travel trailer/RV is to be located, one or more primary structures or dwellings units that have functional sanitary systems for water and sewage, including bathroom facilities (tub, shower, toilet, etc.) and power that conform to existing rules, laws and regulations.

She made reference to a trailer beside her home and has been told the owner has the temporary permit for six months. She asked to be added to the Agenda for next meeting to address some questions she has about this issue and why it was permitted. She stated there is another large, enclosed trailer behind the other and would like to get some answers. Mayor Pro Tempore White stated she does not need to wait for the next meeting and suggested she meet with Manager Miller to discuss. He further stated that he was on the Planning Board when this legislation was put forward and that if there is no structure on the lot, they have to allow for their byproducts, waste water and waste. He explained due to the storm, we have waived the Land Use Fee but not the Permit and this allows one stay of six months. If construction is not completed, Manager Miller has the authority to authorize one more stay. Ms. Jaeger stated this is a new construction and has questions about the compliance and rules, etc. Mayor Pro Tempore White stated, again, that she should meet with Manager Miller and offered for Ms. Jaeger to attend the Planning Board meeting on November 19 if she is unsatisfied with this process.

4. Public Hearing (Tab 2)

Manager Miller: Yes ma'am. We have a Public Hearing this evening. Mr. Lamont Jones has applied for a Special Use Permit for 401 Broad Street. 401 Broad Street was previously used for a similar purpose and that purpose did not require an SUP because the property had been used as such prior to the enactment of the GMO so the continuous use had been grandfathered in. Since the business was closed for more than 180 consecutive days, that grandfathering expired, so Mr. Jones is here seeking an SUP for that property to be used as a, what we call, a restaurant/bar and what he is calling a lounge. The Planning Board met on October 17 and their recommendations are in your package. I had a few issues/concerns with parking. The thing that he submitted was a parking plan and there is my markup copy with the parking plan and it removed one of his parking spaces for a reason that he would not have been aware of that it was over top of a sewer line in the middle of the property, but he cannot be parking on top of a sewer manhole. Also, we talked about at the Planning Board meeting, correct me if I'm wrong, that the parking that is designated for that particular structure is onsite parking. If it becomes a, they can't contain it, Mr. Jones would have to, just like everybody else, solicit some form of satellite parking at a nearby property that will hold any overflow. There will be, as my recommendations went to the Planning Board and the Planning Board agreed, no parking on this side of the building (shows diagram) this is Hodges Street, this is Broad Street and this is Hodges Street, so we would not allow parking here. The reason is this road is a grand total of 14' wide and the building comes right up to the sidewalk. Turning on to Hodges Street and to the right from Broad Street coming from here would put you straight into the grill of somebody's vehicle if they were to be allowed to park here. Part of our recommendation is that no parking be allowed here. I did have further conversation with the police following the Planning Board's meeting about potential solutions because I had a couple of residents that are on the opposite side of the street asking about this particular issue with this building being reopened. If you were to put no parking on both sides of the street, the houses on this side of the street have very little space from their front door to the street just like the building does so they might get a car into their own driveway but if they had guests, their parking on right of way, not necessarily on the street but on the right of way. If we were to put up no parking signs, that would hurt them just as much as anybody else. And you can't say no parking if you are going to this building and you can't say "You guys can't park here, but you guys can park here" so that was obviously not a solution. We discussed parking by permit where we would make up so many permits per house and hand laminated permits to the homeowners so any guests that they had could put it in their windshield and the police would not have any cause to have any issue with that. But again, that is down the road, should he open and that become a problem, we have thought that far, because parking does come up as an issue with this structure. The other issue is safety. One of the things we talked about at Planning was the porch on the back is absolutely useless and Mr. Jones agreed that that has got to go, unsafe and structurally unsound. It has actually moved away from the building so that would have to be demolished. Whatever else the building inspector, because it has been closed for 180+ days, everything else would have to come up to code. We all have concerns about damage that was done during the flooding and obviously it was flooded again. Whatever the building inspector would recommend to bring the building up to code would, obviously, be part of our issues. Like I said, the Planning Board's recommendation is in there for you. It is nothing that I have not covered. One of the concerns was the constant police presence there in its former iteration but we cannot hold the problems of a former owner against a prospective owner so none of that would be valid. What would be valid as evidence, for example, is if Mr. Jones owns a building in another city and the police are constantly at this; that would be considered good evidence that could be presented to you this evening to say "You should not grant this gentleman this SUP." Problems with that building under a previous owner cannot be held against Mr. Jones. I just need to remind you that your decision is by statute required to be to grant the SUP unless you are presented evidence this evening, not opinion, evidence. I would be more than happy to answer any questions and Mr. Jones and his staff would be happy to also answer any questions.

Commissioner Dammeyer: I also have some concerns about the parking issue. Maybe you can help me with, and I see Mr. Aeschleman is here too from the Planning Board. My calculations from what you are -- you've got your drawing that you did, Diane?

Manager Miller: Yes.

Commissioner Dammeyer: With the slots marked. The building is 63' by 50' and I think you calculated a kitchen deduction for 1,150' and brought it down to 2,000'. So my math says that you need 20 spaces first of all.

Manager Miller: Right, but there is also attached to your paperwork, the language in the GMO for number of parking spaces required and on the....

Commissioner Dammeyer: 167?

Manager Miller: Yes, this one (inaudible) says that this cannot possibly cover all scenarios and that the Board has leeway in arranging, so he comes to 19 and the 19 are based on my best guess of the use of that facility. If he were to

163 use five square feet more, he would only need 19, as prep area, he can use it as kitchen, as serving, as anything that
 164 does not seat customers.

165 **Commissioner Dammeyer:** So you would have to reduce the dining area down to the right number in order to make
 166 that so then the application is not complete because that is not included in the application which is the governing
 167 instrument for that project.

168 **Manager Miller:** We had this conversation and I don't know that it can be, at this stage, any more complete than a
 169 best guess of how much floor space would be used because the building has got to be gutted and start over, so he is
 170 aware that he can only use X number of square feet. He has got to use this much as prep area because that is all the
 171 parking spaces. If he comes to a point where he needs more than 20, he has got to secure satellite parking.

172 **Commissioner Dammeyer:** The problem I have is that the GMO makes it clear to me that if you are looking at
 173 trying to fit parking spaces that will satisfy the GMO on the lot and does not work, the Commissioners are allowed
 174 to stray from the requirements but that requires there is satellite parking. It says AND (inaudible) 167.1.4.1. So in
 175 order to get that exemption from that requirement, there has to be already in place a plan for satellite parking
 176 (inaudible). I think that the difference between 19 and 20, if he wants to make it up with a change in the number of
 177 square feet and put that on the application, I am okay with that as long as it is on the application so that we know
 178 what that is going to be. I also think that you could probably help things by having traffic flow go the other direction
 179 because the other problem that I see here on this diagram that you did, is that the first two parking spaces would
 180 require that the person who is backing out of that space back onto the highway, which is not allowed under our
 181 statutes as well as the one that is at the end of the alley to Hodges and you've got three spaces that would require
 182 illegal backing up in order to get out. I also consider that to be not in compliance with the GMO and it should be
 183 rectified.

184 **Manager Miller:** There is also the option of the space down here, that is only part of a space, can be justified as
 185 motorcycle parking.

186 **Commissioner Dammeyer:** If you brought that in, though, that is 19. You are really two short and if you do a deck
 187 at all, you are going to have to add more.

188 **Manager Miller:** But the existing deck is going to be removed.

189 **Commissioner Dammeyer:** If that is part of the application, if that is established as part of the application, it is not
 190 going to....

191 **Manager Miller:** The application came in and then the Planning Board discussed that the back porch needed to be
 192 removed. When the application came in, there was no discussion of that porch, so that was one of the conditions that
 193 the Planning Board imposed.

194 **Commissioner Dammeyer:** The original diagram, was that included in the original application, the diagram?

195 **Manager Miller:** What?

196 **Commissioner Dammeyer:** The first diagram.

197 **Manager Miller:** The one without this writing on it, yes.

198 **Commissioner Dammeyer:** Okay, it shows a deck and that is my problem is that I am seeing a deck that you are
 199 saying is not supposed to be there so we need to have a public understanding in writing, to me, that that is not going
 200 to be used. It is not going to be a deck.

201 **Manager Miller:** That is the recommendation from the Planning Board, to you, to impose, that that be removed,
 202 yes. The application comes in the way it is and then you can impose that. They cannot impose that.

203 **Commissioner Overcash:** The Planning Board looked it over and, I was at the meeting and the Chairman is here,
 204 he can give me better detail, but the Planning Board felt like, at that time, that there was enough information to go
 205 forward and that there was a gray area on the parking and Mr. Jones said he would, if need be, secure satellite
 206 parking. Can we go forward with that in hand?

207 **Manager Miller:** You can. I think my estimate of space was conservative. I think it is more likely than not that he
 208 will take up more space with serving and the kitchen than less space. You can absolutely require satellite parking as
 209 part of the SUP, absolutely.

210 **Commissioner Dammeyer:** I would be in favor of this if the floor, dining space, was reduced to 1,900' with the
 211 understanding that there would be no deck and that there would be satellite parking.

212 **Commissioner Overcash:** He could keep the dining space if the satellite parking were imposed.

213 **Manager Miller:** Right.

214 **Mayor Pro Tempore White:** It's one or the other.

215 **Manager Miller:** You don't have to reduce the floor space if you secure satellite parking or

Commissioner Dammeyer: But without the satellite parking I don't think it complies with the GMO, regardless of what the Planning Board said. I think that the GMO is real clear about the formula and I think it's got to have – that is just my position.

Manager Miller: Correct me if I'm wrong, the Planning Board's position was that there is some flexibility granted.
Dr. Stan Aeschleman – Planning Board Chair: That is what we discussed and yes, we also made a stipulation that if excess parking was needed that he would have to secure satellite parking.

Manager Miller: I think that is a more than reasonable condition dependent upon floor space that we would recalculate once the floor space was decided between customer space and staff space; then we would revisit the number.

Commissioner Dammeyer: That would work as long as we have the agreement that we recalculate it at that time.

Manager Miller: That is reasonable.

Mayor Pro Tempore White: If he recalculates it and it goes down and conforms to 19 spaces, we can't then stipulate that he also do satellite parking. It is one or the other, right?

Manager Miller: Right.

Mayor Pro Tempore White: Either he reduces the floor plan to get to the 19 spaces or he goes with the greater space and agrees to secure satellite parking. It is either/or. He can do either one as he comes through this process which allows him some flexibility as he takes (inaudible) of his building to see what he may or may not need to do with that because we all know when you get into renovations, you are going to find things that you did not know about. He could require an additional air conditioning unit that could require him to take away space to put it in there or a bathroom needs to be larger than it does.

Manager Miller: The only other issue that I have, Madam Mayor, is that this application was submitted prior to Hurricane Florence, shortly after we approved signing on to the Pamlico County Flood Prevention Ordinance, so again, it goes back to the building inspector as to whether or not the building can be used as is or substantial renovations to get it out of flood status. I don't know what would be required. I know some buildings are buildings are being raised and some buildings – obviously this building would not be able to be raised – but there is an option with the high ceilings to fill in the floor and come up to avoid the recurrent, perpetual flooding at that particular corner. Again, it would go back to the building inspector and his recommendations according to the....it is a brand new ordinance that we just recently signed on to and it helps us prevent people from putting themselves in a position. Dr. Aeschleman, is there something else that I have missed?

Dr. Stan Aeschleman – Planning Board Chair: No, I think that you have got it now, thank you.

Mayor Belangia: Do we have a Motion?

Mayor Pro Tempore White made a **MOTION** to open the Public Hearing. Seconded by **Commissioner Dammeyer**. Motion passed 5-0.

Manager Miller: Anybody who wants to testify needs to be sworn in and Mr. Jones, if you intend to speak, any of you or your crew, needs to be sworn in.

Unknown: First of all, I just want to say thank you.

Manager Miller: Left hand down, right hand up. Do you swear or affirm that the evidence that you shall give to the Board in this action shall be the truth, the whole truth, and nothing but the truth so help you God.

All: Yes, I do.

Manager Miller: When you speak, please give us your name and address so that we can make sure it is in the minutes.

Patty Rosencrantz – 602 Hodges Street: My name is Patty Rosencrantz and I live at 602 Hodges Street which is right behind the Steamer. This drawing of the parking lot seems to omit one major thing, which is if this is going to be a restaurant, it requires a dumpster. There is no space on here for a dumpster. Currently, there is a concrete pad that takes up about a parking space and a half for a dumpster and the way the trucks come in, they have to come in either through here (demonstrating on diagram) or usually, they came in this way through what I'll call the alley, because it is the only way they can tip it up. Dumpsters along here are not feasible. This area can take recycling bins but it cannot take the full-sized dumpster which is what a real restaurant will require. As far as evidence, I don't know if firsthand, visual knowledge counts, but I do know that when Jeff first opened the Steamer, he did have parking blocks. Nobody paid attention to them. They parked any way they wanted to. Along here, we have had our fence bashed in from people parking, people coming out here, drunks. We have had our mailbox smashed twice. I would ask if you permit this to go through, that there is no way that back porch can ever be replaced. We lived in vocal hell for a year and a half, the noise that was coming out of there. There was people screaming, fights. I was

watching drug dealing going on in the parking lot. So yes, I am very worried about this becoming nothing more than a glorified bar. He says restaurant, I hope you mean it. I do not want this being just a lounge. Thank you.

Mayor Belangia: Thank you.

Kathy (inaudible): My name is Kathy (inaudible). I am from New Bern. We understand the problem that was brought to our attention, the issues that were going on with the previous bar. I assure you, that is not the type of clientele that we want to bring. We want to bring a more family oriental place. If that is going to be an issue, maybe we can work on maybe putting up a fence or something or working something out with the parking. We plan on having a very nice establishment and just having something (inaudible) for the community whether it be poetry or art. It is not going to be that typical type of bar. We want to have all different types of music from karaoke to local artists. That is the type of establishment that we want to see as well. We want to bring something good to the community, something fun for the people, something good for people to get together and enjoy and have a good time. We don't want the hootin' and hollerin' and wild things. If people get out of control, that is something that sometimes may or may not happen but that is not the type of establishment that we chose to present to you – the people here in Oriental. We understand the history of the previous establishment and everything (inaudible). We plan to be a neighborhood-oriented establishment and respect the traditions and values of the community and its residents and the expectations of who will visit Oriental. Our lounge will have exceptional style and design while providing a level of comfort that will appeal to a more affluent customer base where there will be jazz, poetry, live entertainment offering both Eastern Carolina favorites to local talents. We just want to have somewhere fun for people to go and do (inaudible), maybe to go out to the movies or just to go out and eat and go home, have a little music, have a little fun. We are not trying to be some rowdy kind of place or anything like that.

Patty Rosencrantz: I am still hearing bar or lounge vs. restaurant.

Kathy (inaudible): Absolutely we are going to be serving food. We are not going to be a restaurant, typical, where you get a full course meal but just casual, comfort food – wings to oysters, steamers, clams, something a little bit for everybody but we are not going to have a full major menu. It's not going to be just a restaurant. We do enjoy having some local jazz bands and some poetry nights, maybe having an art night. I know there are a lot of places around that do art walks. We would like to be present for that as well. If the local fisherman, local people that come and visit Oriental, we want them to have a nice place to go and have a good time instead of just having a place to eat and then go back to hotel rooms and sit there, just have something fun to do, maybe dance, have a little karaoke night, something fun to do. As far as I know, in the entire area, there is really not a whole lot to do so I figured it would be something fun for the community to do something, maybe even a little dart league or something, just something fun for the community. I think a lot of people will enjoy it. We spoke to many, many people in the area and even as far as New Bern that are looking for something fun to do outside of New Bern but don't have anywhere else to go. They don't want to drive to Jacksonville because it's more military base. They want something more on an upscale based atmosphere.

Mayor Belangia: Thank you. Alright, are you guys ready to go through the questions?

Commissioner Overcash: Do you want her to (inaudible) the permission to include your concerns?

Manager Miller: Do you have anybody else that needs to comment before you close?

Mayor Belangia: Any other comments?

Unknown: Was there going to be an SUP on Midyette Street?

Mayor Belangia: That is one of the next items. Do I have a MOTION to close the Public Hearing?

Commissioner Overcash made a **MOTION** to close the Public Hearing. Seconded by **Commissioner Dammeyer**. Motion passed 5-0.

The Commissioners moved on to the questions. Mayor Pro Tempore White requested instead of making a Motion after each question, if he could take notes on each of the seven items and make one Motion at the end. All were in agreement. Mayor Belangia asked the Commissioners if they had an opportunity to look at the Planning Board's recommendations and they had.

The Town Commissioners shall issue the requested permit unless:

1. The permit is not within its jurisdiction. Property is within the jurisdiction of the Town of Oriental. Public has no comment. Commissioners have no comment.
2. The application is incomplete. The application has been deemed complete by the Land Use Administrator and Planning Board. Public has no comment. Commissioner Dammeyer commented that they find the

application is complete with the understanding that the parking space issue will be modified based on the dining floor space and there will not be a deck on the back unless there is an adjustment with regard to that. Mayor Pro Tempore White stated, based on the earlier comments, they are to either reduce the floor space to comply with parking OR secure satellite parking and feels the application is complete with the following: Reduce floor space to accommodate parking or secure satellite parking.

3. If completed as proposed, does any of the public have any evidence to offer concerning compliance with the GMO. No public comment. Mayor Pro Tempore White stated since it has been a bar/restaurant since at least 2000; it complies with what is currently in the GMO.
4. Will it materially endanger public health or safety. No public comment. Manager Miller states they Board may want to add that there is no provision for placement of trash or recycling receptacles that will need to be added. Commissioner Dammeyer added that this should be part of the parking space issue as they may have to use some of the spaces for the trash dumpster. Mayor Pro Tempore White stated that the rear deck needs to be moved and the building needs to comply with current building standards for the public safety.
5. If completed as proposed, will substantially injure the value of adjoining or abutting properties. No public comment. No Commissioner comments.
6. If completed as proposed, will not be in harmony with existing uses in the area. No public comment. No Commissioner comments.
7. Is not in conformity with existing plans. No public comment. Manager Miller stated it may or may not be compliant with the Flood Prevention Ordinance that was recently adopted. That would something we would refer to the building inspector. Commissioner Simmons wanted to confirm that these things will be stipulated in the application – the dumpster – which may change the parking, the inspections, etc. Manager Miller stated the stipulations will be noted as conditions on the granting of the SUP.

Mayor Pro Tempore White made a **MOTION** to the following:

1. The application is permitted within the Town's jurisdiction.
2. The application is complete under the following conditions:
 - a. It must reduce the floor space to comply with the existing parking or secure satellite parking and must accommodate a dumpster or trash receptacles.
3. The application does comply with the current existing GMO.
4. The application will not endanger public safety.
 - b. No evidence was submitted here or during the Planning Board meeting on October 17. We also know that the rear deck must be removed and the applicant must comply with existing building code and inspectors recommendations.
5. The application will not substantially injure adjoining property values and no evidence was presented to that effect either here or at the Planning Board meeting on October 17.
6. The application is in harmony with existing developments.
7. Conforms with existing Land Use Permits as well as other plans that have been officially adopted by the Town with the exception that we need to review to be sure it complies with the newly issued Flood Prevention Ordinance that was passed.

With those conditions, the Board recommends that the application be granted. **MOTION** seconded by Commissioner Dammeyer. Commissioner Simmons inquired if there has been no evidence presented and Planning Board has already reviewed this and the Public Hearing is complete, the Board approves this because there is no reason not to. Manager Miller stated the Board is required by State Statute to approve the SUP unless evidence is presented. Motion passed 5-0.

Mr. Lamont Jones spoke to room stating is it a privilege for he and his team to come to Oriental. Addressing Mrs. Rosencrantz, he stated he noticed her home and has been concerned about how close she is to the establishment and assured her she will not have a problem. He also added that he is in search of a baby grand piano if anyone knows where he can find one.

5. Signs (Update):

Manager Miller stated the Town Board referred to the Planning Board the issue about temporary signage, in particular signs made from the same material as political temporary signs, to look at our restrictions. Are they enough or should they be restricted further. At their October 17 meeting, Planning Board deferred action to give

their members the opportunity to research further and come back with a more informed opinion at the next meeting. If changes need to be made, a request will be forwarded to the Town Board at their December meeting to schedule a Public Hearing, as it is part of the GMO. Mayor Pro Tempore White addressed Planning Board Chair Dr. Aeschleman, Member Martin Barrow has been designated to lead the discussion on the Ordinance and is the point of contact.

6. Request for Public Hearing for SUP for Short Term Rental (Alison) (Tab 3):

Manager Miller stated there is a short-term rental request for 807 Midyette Street, in R3 zone, by Mr. John Alison. Planning Board requests that a Public Hearing be scheduled for January. Planning Board will formulate a recommendation at their November 19 meeting and forward it to the Board for use in that hearing. This property is a second home and the owner would like to make it available for short-term rentals when the owners are away. This is not a complete change of use, only when they are not there. There is no police record on this residence.

Commissioner Simmons made a **MOTION** to schedule the Public Hearing on January 8, 2019 at 7pm. Seconded by **Mayor Pro Tempore White**. Motion passed 5-0.

7. Annual Closing Resolution Adjustment: (Tab 4)

Manager Miller referred to a discussion following presentation by Sam Myers to move the Boat Show venue in the spring. This has been changed to Hodges Street. The Boat Show was not on the previous Closing Resolution. It has been added with the new venue and can be changed in the future if needed. The last line of the Resolution gives the Board the right to cancel any granted closures or events for public streets upon issuance of a hurricane watch or tropical storm warning. Mayor Pro Tempore White proposed two small changes to add the occurrence of severe weather warnings. He would also like to add "The Town Manager, at their discretion, may alter the above with minor changes but significant changes should be referred to the Town Commissioners for approval." This will allow Manager Miller some discretion to work with this document for minor changes. Manager Miller stated Commissioner Price brought to her attention that during the Ol' Front Porch Music Festival we were not under a warning as it had passed and wanted to be sure this includes the event and the aftermath of the event so we have the ability to cancel an event in the aftermath of a severe weather event. Mayor Pro Tempore White suggested the addition of "In the occurrence of a severe weather warning or state of emergency."

Mayor Pro Tempore White made a **MOTION** to allow **Manager Miller** and **Mayor Belangia** to sign the Resolution with the additional changes discussed. Seconded by **Commissioner Price**. Motion passed 5-0.

8. Manager's Report (Tab 5):

- Financials are attached.
- 2015-16 Audit is finished, balanced to the penny. Unrestricted/unreserved is up significantly, 40%. There was a difficult turnover to the new software and as Manager Miller was not confident in the numbers the system was showing, the Town saved more than expected. The following years, as we started to find and fix problems, we were spending more of what was budgeted. This is also the year that Sales & Use Tax started including labor so it almost doubled. We added more personal property – boats, cars, etc. Revenues were higher and we spent less.
- Flu shot clinic – twice as many as last year. Encourages everyone to get one.
- Manager Miller will be out of the country on vacation from November 26 – December 18. Deputy Finance Director Tammy Cox will be in charge. Any issues will go through her. Manager Miller is requesting a Resolution stating in her absence, Ms. Cox is authorized to sign. If there is a significant problem, she will find a way to either postpone or contact Manager Miller.
- There is a vehicle delivery upcoming. There was a delay as the color we ordered was discontinued.
- The transfer of the land at Whittaker Pointe is complete. We were also awarded a DEQ grant in the amount of \$200,000 and are up to \$1,200,000 and have a \$450,000 additional grant pending with Fish and Wildlife. All of this should get us the entire project.
- Speed limit signs: Mr. John Barrow is checking with DOT. The storm put this off.
- Construction on Hwy 55: Prior to the milling and grinding, they are required by statute to make the curbed sidewalks ADA compliant.
- Board of Adjustment may have a zoning request coming in. A resident has discussed requesting a zoning change with Manager Miller. She explained the process to him.

Commissioner Price made a **MOTION** to authorize Tammy Cox to execute documents necessary in place of Manager Miller for the period of time from November 26 through December 18. Seconded by Commissioner Overcash. Motion passed 5-0.

9. Police Report (Tab 6):

Officer Nic Blayne presented the Police Report. He made reference to an earlier comment regarding sand missing from the beach and has seen bottles showing up that say "Official Hurricane Florence Sand." He is looking into this. There were a few events in Town - Halloween, Ol' Front Porch Music Festival. There were several check points, which account for the alcohol related reports. All is all, went well.

10. Committee Reports (Tab 7)

- a. Harbor Waterfronts 8/9/18
- b. Harbor Waterfronts 5/24/18
- c. Bay River Metropolitan Sewer District 10/18/18

11. Commissioners' Comments

Mayor Pro Tempore White stated he received a letter, prior to the hurricane, from Lou and Lucy Athey (Inn at Oriental) concerned about the noise from the siren. He contacted Chris Murray (Fire and Emergency Management Coordinator). The Athey's would like to silence the siren. Mr. Murray said he is required by State law to have two forms of communication to contact his firefighters and EMTs. There are 30 EMT and/or firefighters associated with the Southeast Pamlico Fire District we are part of. They currently use cell phones and sirens. There are two-way pagers at a cost of \$600 per pager and they do not have the budget for these devices. They may break it up and by a few each year. The issue with this is that they may be phased out and newer models come in before the purchase is completed so the siren is here to stay. Mayor Pro Tempore White stated, for a liability issue, he does not believe the Town telling the fire department to get rid of the siren that they require. If the fire department says it is okay, we will remove it but we should not be the ones to tell the fire department to remove it. After referring this information back to the Athey's, he received another letter stating they will follow up with the other Commissioners as well so they may receive some requests. Mayor Pro Tempore White intends to speak with the Athey's again to follow up. There was a plan at one point to move it, under a previous Town Manager, but was met with resistance from the fire department, as the intended location was not appropriate. The severity of the call determines how many times the alarm goes off. Commissioner Overcash also raised the fact that if we limit the amount of ways to get in touch with our firefighters and EMTs, this can raise insurance rates. Mayor Pro Tempore White also met with Sam Myers regarding the Oriental In-Water Boat Show. One of the vendors trying to come to the show is called EZ Docks who make floating dock sections, 8-10 feet long. Town has discussed for quite some time to extend the dinghy dock and mentioned to Sam Myers that the Town could potentially acquire used docks from them at a reduced rate. Mayor Pro Tempore White has seen them firsthand at camp and states they are durable. Town also discussed purchasing a floating dock to be used for sailing venues where they could be towed out into the river and anchored.

Manager Miller also added that Daniel Early from our Public Works department had completed C-Distribution and Shoring school, certificates are attached, and finished C-Well at the top of his class. Public Works Director Andrew Cox had surgery today, went well. Tammy Cox added that Daniel Early will sit in February for his State Exam portion.

12. POTENTIAL Closed Session: The Board will go into Closed Session for personnel matters according to N.C.G.S. 143-318.11 (a) (6) for personnel matters.

Mayor Pro Tempore White made a **MOTION** to go into Closed Session according to N.C.G.S. 143-318.11 (a) (6) for personnel matters. Seconded by Commissioner Overcash. Motion passed 5-0.

Mayor Pro Tempore White made a **MOTION** to return from Closed Session. Seconded by Commissioner Simmons. Motion passed 5-0.

13. Adjourn: Next meeting scheduled as December 4, 2018, 7pm at Town Hall.

Commissioner Simmons made a **MOTION** to adjourn. Seconded by Commissioner Overcash. Motion passed 5-0.

Diane H. Miller, Town Manager/Clerk

, 2018 _____