



ORIENTAL TOWN BOARD MEETING

Tuesday, January 8, 2019 at 7pm

507 Church Street, Oriental, NC

Mayor Sally Belangia Officiating

6 The Town Board of Oriental Town Board Meeting on January 8, 2019 was called to order at 7pm. The Mayor Sally
7 Belangia determined a quorum to be present and opened the meeting with the Pledge of Allegiance. She said we
8 have a Public Comment period, if you wish to speak please make sure you are signed up on the correct sheet.

9
10 Present: Mayor Sally Belangia, Mayor Pro Tempore White, Commissioner Overcash, Commissioner Simmons,
11 Commissioner Dammeyer, Commissioner Price, Town Manager Diane Miller, Deputy Finance Director Tammy
12 Cox, Administrative Assistant Jeannine Russo, Administrative Assistant Samantha McKinney, Officer Nic Blayney,
13 Officer Bill Wichrowski and Members of the Public.

14 15 **1. Approval of Agenda**

16 **Commissioner Overcash** made a **MOTION** to approve the Agenda. Seconded by **Mayor Pro Tempore White**.
17 Motion passed 5-0.

18 19 **2. Consent Agenda (Tab 1)**

- 20 a. Consider approval of Minutes from Town Board Regular Meeting December 4, 2018

21
22 **Mayor Pro Tempore White** made a **MOTION** to approve the Consent Agenda. Seconded by **Commissioner**
23 **Simmons**. Motion passed 5-0.

24 25 **3. Public Comment Period**

26 **Mayor Belangia** stated that there is also a Public Hearing tonight and to be sure speakers are signed up on the
27 correct sheet.

28 **Larry Summers:** Great job by Public Works on repairs at Hodges Street and South Avenue. He expressed
29 disappointment that there are no contracts awarded yet for the fishing pier and small boat launch and South Avenue
30 and that there is asphalt remaining on residents' yards on South Avenue. He feels the Town should have money to
31 finance these and do not need FEMA guarantees on them. Last approved audit, 2014-15, that he saw and said we
32 had approximately \$370,000 in unassigned General Funds and more in Occupancy which can be used for docks,
33 does not know why this has not been done. He also asked when those audits will be presented to the Board. He stated
34 \$14,500 was spent on an engineering grant on Hodges Street and do we have any results from that? Also, coming
35 into Town, there is a 35mph sign on our side of the Piglet and feels there should be one on the other side.

36
37 **Lisa Thompson:** Regarding the Whittaker Pointe Restoration Project ongoing, it is oyster season and shells are
38 needed for part of this project. Instead of having to buy them, they will be placing a trash can marked for oyster
39 shells only and urges people to contribute them to the project. The can will be near Town Dock #2 where the
40 restrooms are against the fence on the right, oyster shells ONLY. She also stated with the temperature dropping, the
41 pumpout will be shut down until it stops freezing at night.

42
43 **Buddy Kelly:** He and his sister have bought their family home from their aunt and uncle on the corner of South and
44 Vandemere beside the Town beach - keeping the home in their family for the third generation. He made a request to
45 the Board where it regards the South Avenue project. He would like see a promenade and feels the Town needs a
46 draw that is not a road, leave it blocked off so no one loses their access to their driveways and 911. He feels it would
47 be a draw for the Town for people to walk, ride bikes or drive golf carts. He urges the Board to consider his request.

48
49 Manager Miller addressed some of the public comments. The bidding rules have changed and the reason that there is
50 not a contract in place (addressing Mr. Summers) is because of what has to be done prior to that. The bid is out for
51 the engineering for the Whittaker Pointe project. The project at South Avenue is a stepped project that has to be
52 done in a very specific order due to the damage. The wall has to be done first as it is holding up the road and
53 sidewalk. The notice to proceed was given on December 28 and should be starting at the end of this week (week
54 ending January 11) to get the wall fixed that adjoins Mr. Kelly's property at one end and attaches to the fishing pier

55 at the opposite end. Following this, the second issue to be addressed is the water line that stretches along South
56 Avenue. It is buried under the asphalt and gravel and the reason it has not been moved as we have been identifying,
57 until today, who does and does not have service. If there is no water to the house, this means there is a crimp
58 somewhere. We have spoken to the owners and have identified that the water is going through. This is a good sign
59 but equipment has to be in place in the event that the asphalt and gravel are moved and we run into a problem. We
60 are also working with an engineer on the design for the repaving of South Avenue. Due to the cost, this will have to
61 go through the bid process as well. Manager Miller stressed, again, there is a specific order to these repairs. For
62 example, when the gravel is laid down, there is a machine that vibrates to compact it rather than wait for it to happen
63 naturally – this equipment cannot be used while the wall is broken. The 2015-16 Audit is balanced to the dollar and
64 in the LGC for their approval. We should be able to move quickly from there as the problems have been resolved.
65 We do have a significant amount in reserve and will need to use some of that up front for these repairs. We did add,
66 significantly, to our reserve as we operated conservatively during the year while we were aware that the financial
67 software was off. When 2015-16 is approved by the LGC, we will receive the presentation from the Auditor.
68

69 **4. Public Hearing** – Short term rental for Mr. John Alison at 807 Midyette Street. Planning Board has forwarded a
70 recommendation and the application is in Tab 2.

71
72 **Mayor Belangia** asked for a Motion to open the Public Hearing.

73
74 **Commissioner Overcash** made a **MOTION** to open the Public Hearing. Seconded by **Commissioner Price**.
75 Motion passed 5-0.

76 **Mayor Belangia:** We have a short-term rental for 807 Midyette Street. Planning Board has forwarded a
77 recommendation and the application is in Tab 2. Manager Miller...

78 **Manager Miller:** Yes ma'am. You have an application for Mr. Alison who owns property at 807 Midyette Street
79 which is zoned R3. He would like to take it from an owner occupied, single family residence to a part time, owner
80 occupied, single family residence and part time, short term rental. That would be the combination of uses. There is a
81 change of use that goes with that. They have adequate parking spaces. We have no police record of any problems at
82 that specific address and, like you just stated, the Planning Board recommendation is in your package. The property
83 has been owned without incident. The property has sufficient parking and we have received no evidence of any
84 detrimental effects from the surrounding neighbors and that was signed by Dr. Aeschleman on 11/21. Anybody that
85 would like to speak to this needs to be sworn in.

86 **Mayor Belangia:** Okay, we have Buddy Kelly.

87 **Manager Miller and Mr. Kelly:** I, Buddy Kelly, do solemnly swear that the evidence I will present is the truth, the
88 whole truth and nothing but the truth so help me God.

89 **Buddy Kelly:** I don't know this gentleman for the SUP on the short term rental but I am all for it because our house
90 where we are, we are not zoned for that. We are, maybe, an R1. Is that right?

91 **Manager Miller:** Yes sir.

92 **Buddy Kelly:** And somehow we are looking to recoup our losses from the sea wall. We have to rebuild the sea wall
93 and we are going to have to do the roof. We are going to have to do some siding. We have a lot of expenses down
94 there and we are looking at short term rentals as a way to recoup our losses from the storm so I am all for this
95 gentleman on Midyette Street to get his place rezoned for short term rental and I guess we need to start the process. I
96 guess it is a different thing than an SUP, according to Diane. I have got to pay for and do a bunch to do the
97 application. Like I said, we are looking to recoup some of our losses and we think a short term, Air BnB, our place
98 would be perfect. I was not here for the battle of the rezoning, or whatever, so I don't know but I just know that my
99 neighbors all around me can do short term rentals and for some reason, we can't, so you will be probably be hearing
100 from us with an application or maybe the Board can just vote on it tonight and say.....we are all here right? So that
101 is, like I said, whoever this guy is on Midyette Street, more power to him. I think this town needs short term rentals
102 so people can come here and experience, you know, fall in love with Oriental, so that is my two cents, thank you.

103 **Mayor Belangia:** Thank you. Is there anybody else that didn't sign up? Alright, we will continue on with this
104 permit. So it has been submitted to the Planning Board and we have posted, we have done everything and now it is
105 time for the Town Commissioners – shall issue the requested permit unless – we are going to go through all of these
106 questions and answers.

107 1. The permit is not within its jurisdiction. The property is within jurisdiction of Town of Oriental. Does the
108 public have any comment on jurisdiction of the application? Commissioners' questions?

- 109 2. The application is incomplete. The application has been deemed complete by the Land Use Administrator
110 and the Planning Board. Does the public have any comment on the completeness of the application?
111 Commissioners' questions?
- 112 3. If completed as proposed, will not comply with one or more requirements of this Chapter GMO. Does any
113 of the public have any evidence to offer concerning compliance with the GMO? Commissioners'
114 questions? **Mayor Pro Tempore White:** No, just that it is R2 already so it is in the Table of Permissible
115 Uses. **Manager Miller:** It is R3.
- 116 4. Will materially endanger public health or safety. Does any member of the public have any comment on
117 endangerment of public health and safety? **Mayor Pro Tempore White:** Just that the Planning Board held
118 two meetings on this – one on 11/12 and one on 12/20 and nobody showed up so there is no evidence.
- 119 5. Will substantially injure the value of adjoining or abutting property. Does any member of the public have
120 any evidence to offer that indicates that the project will injure the value of adjoining or abutting property?
121 Any questions?
- 122 6. Will not be in harmony with existing uses, development in the area. Does any member of the public have
123 any evidence that the project is not in harmony with existing uses in the area? Okay?
- 124 7. Will not be in conformity of the Land Use Plan or other plan officially adopted by the Town. Does any
125 member of the public have evidence that the project is not in conformity with existing plans? No
126 Commissioner questions? Okay.

127
128 **Mayor Belangia:** Have all of the questions been asked?

129 **Mayor Pro Tempore White:** Yes.

130 **Mayor Pro Tempore White** made a **MOTION** to close the Public Hearing. Seconded by **Commissioner**
131 **Overcash**. Motion passed 5-0.

132
133 **Mayor Pro Tempore White** made a **MOTION** but would rather state it in a positive as opposed to the negative.
134 The reason we have to go through the seven questions is this is a quasi-hearing so this all has to be a part of our
135 minutes and we have to allow people the rights to come forward to say yay or nay against the thing.

136 **Commissioner Overcash:** It is the law.

137 **Mayor Pro Tempore White:** It is the law that we have to follow, it is a State law. I am just going to make this in
138 the positive and Diane I can give you a copy of this after the meeting.

- 139 • The permit is within our jurisdiction.
- 140 • The application is complete.
- 141 • No evidence was presented here or at the Planning Board that will endanger public safety or will
142 harm existing abutting or adjoining properties.
- 143 • The request is within the harmony of existing conditions that exist within that neighborhood.
- 144 • It will comply with the Land Use Permit and other permits that have been voted on by the Board.

145
146 **Mayor Pro Tempore White** made a **MOTION** to adopt, seconded by **Commissioner Overcash**. Motion passed 5-
147 0.

148
149 **Manager Miller** wished to address Mr. Kelly so that he could have better guidance and showed the location of Mr.
150 Kelly's property on the overhead – which consists of two lots, one with a home and one without. Each application
151 for rezoning is by parcel. She suggested that he may want to do only one because if one did not pass, the other
152 would not either. After further consideration, she felt one parcel would be more likely to be considered spot zoning
153 and two may not necessarily be considered spot zoning taking back her original recommendation. Manager Miller
154 asked the Board if they would like to add anything and showed the surrounding properties and their zones. Manager
155 Miller stated she did not want to give Mr. Kelly the wrong direction about applying for one parcel if this will give
156 him spot zoning, which is illegal in North Carolina. Mayor Pro Tempore White stated he needs to go through the
157 Planning Board first. Manager Miller stated his application may be differently viewed for one parcel rather than for
158 two and the decision lies with him and wanted him to have all of the information. Commissioner Dammeyer wished
159 to clarify that if Mr. Kelly did apply for the two lots, it may improve his changes if it is not spot zoning but does not
160 guarantee anything. Manager Miller stated if he were to rezone one parcel and the other remained R1, that is the
161 definition of spot zoning so is not sure if it would be looked on less favorably if he tried to rezone one parcel rather
162 than two. Mr. Kelly asked if everything going toward Whittaker Creek is R1, and it is, as he rented a house there in
163 the past. This has been this way since 1998. Commissioner Overcash added that there was one person renting short

164 term that was unaware of the restriction and stopped once she was notified. Manager Miller stated that long term
165 rentals are allowed, longer than 30 days. Mayor Pro Tempore White stated the argument can be made that if it is R1
166 all the way down, even if two parcels are rezoned it may still be considered spot zoning and suggested Mr. Kelly
167 think things through. Mr. Kelly asked if the Stallings House is the only waterfront short term rental in the old
168 village. Commissioner Overcash stated they were grandfathered, doing it continuously before the GMO and
169 actually, the Stallings House is zoned R2.

170
171 **5. January meeting agenda/Quarterly workshop scheduled for January 31, 2019**

172 Manager Miller asked for topics to be discussed at the Quarterly Agenda Workshop on January 31. Mayor Pro
173 Tempore White asked if the Board could limit this to three, no more than four. Manager Miller stated we are also
174 having our scheduled Retreat on March 1. Mayor Pro Tempore White said one of the things deferred from the last
175 meeting was the abandoned boat issue as a possible topic, also the Whittaker Pointe and Whittaker Creek projects
176 and South Avenue and the pier. Commissioner Simmons stated they had discussed the abandoned boat issue at the
177 last meeting and would like to see that as an item. Commissioner Dammeyer agrees with those topics. Mayor Pro
178 Tempore White feels the Board needs to focus on the repairs to the Town and the grant projects rather than take on
179 any new ventures.

180
181 **6. Police Report**

182 Officer Blayney presented the police report stating we have had several Town events – Spirit of Christmas and
183 everything related to that. The police event at Spirit of Christmas turned out really well, a lot of feedback. There are
184 no trends to report, all related to the holidays. They did a lot with the Sheriff’s office as far as traffic stops and check
185 points. There was a big issue with boaters. Officer Wichrowski feels this is due to it being transient season and
186 overstaying their welcome. Spirit of Christmas, the star lighting, dropping the Croaker, all went very well. Mayor
187 Pro Tempore White inquired about the larcenies, four of them. Officer Blayney said they were spotty.

188
189 **7. Manager’s Report**

- 190 • Financials are attached – brought to the Board’s attention that there is a 3,363% of our expected police
191 reports revenue at \$1,009 as the Police Department received a donation from a very grateful citizen that
192 they had assisted. Whittaker Creek Dredging grant money is up to \$79,815. Some of the administrative
193 lines are in the red; this is because they get transferred over from water periodically. Storm preparedness
194 was not budgeted and on page 9 has all of the Florence lines, also not budgeted. We do this so when FEMA
195 reimburses us, we know exactly which lines they will go to. Line for Raccoon Creek engineering study is a
196 carryover from the previous year. When we get through audit; that will go back to previous year so that
197 expense will not be on this year. Revenue statements are good – looks like we are \$105,000 off; we are not.
198 We have a deposit for almost exactly that amount that has not hit the books yet. Budget amendments will
199 cover these issues. There has been a significant additional expense for the Charger. The cost for the
200 installation of new taps has gone up, from our contractor, so our projection does not cover our cost, will be
201 adjusted in Chapter S when we get to budget.
- 202 • Manager Miller and Lisa Thompson attending a scoping meeting in Little Washington with all of the
203 agencies, except those on furlough, that have the ability to comment on our CAMA permit for the
204 Whittaker Pointe project. Dr. Weaver attended, who secured the \$450,000 grant from North Carolina
205 Wildlife for us. She asked questions, from a scientific standpoint, what our limits are, how far we can go
206 out, fill, structures, granite, living shoreline, etc. The environmental agencies suggested we need a wall of
207 granite. We have put out an RFQ for engineering including management/over site of the construction. Eight
208 engineering firms came from as far away as Delaware. The damage done in Florence was bad and lost
209 approximately another 20 feet of shoreline from the old rock to the escarpment. The agency said our limit
210 on a major permit is 30 feet from the existing shore/escarpment. They advised us to phase the project but
211 get the rock in the water as soon as we can. Dr. Weaver is working quickly to get the engineering firm on
212 board. RFQs are due on January 18. Engineers are waiting for answers to some of their questions and will
213 be interviewing firms shortly after that. We can request to amend the permit but need to get rock in the
214 water. They also discussed dredging and filling but still wanted to get the rock in and see if we get any
215 accretion naturally and can see if we need to add material for planting. State and Federal agencies have
216 offered a lot of support. Manager Miller is hopeful that we can move forward shortly. Commissioner
217 Dammeyer asked if we did start with the rock, would this protect the existing shoreline from natural
218 activity. Manager Miller said yes, because the height is higher than what is existing, which is aggregate and

- 219 not granite and suggested we use big granite. Commissioner Overcash asked if they understood that the
 220 spoil we would like to use is coming from that property already. Manager Miller is still working on that.
- 221 • Thursday (January 10) we are scheduled for FEMA inspection. FEMA has already inspected the small
 222 things, coming Thursday to do the big things. CAMA permits have been secured to rebuild the fishing pier
 223 and have located the original design documents and ready to go to bid. Manager Miller hopes to get these
 224 projects moving in such a way that makes sense to minimize the mobilization costs. Concerning FEMA
 225 reimbursement, each time there is a disaster, the process changes. We are guaranteed 75% reimbursement,
 226 no more than that on the big projects which are costly – such as the road, the water line, storm drainage, the
 227 wall, the railing and dock facilities. Manager Miller showed photos from the storm and the damage and
 228 some of the recovery and repairs. The gravel has been replaced between the two tongue-in-groove walls
 229 and the boardwalk has been repaired. Manager Miller commended Andrew Cox and the Public Works crew
 230 as they had to remanufacture and weld the brackets that hold the 4x4s. A lot of progress has been made.
 231 Small repairs at the dinghy dock and Town Dock #1 are complete. The PEV station and lattice at the harbor
 232 restrooms still need to be done and the fishing pier and fountain at Lou Mac Park remain as well as the
 233 hydrant. The parking bollards and the drain at the Tingle house will be looked at on Thursday. The wall
 234 will be started this week. There are culvert drain issues. We will abandon those and start from scratch. A
 235 new gangway will be ordered for the small boat dock. Benches will be replaced. We are looking to replace
 236 the generator at Town Hall. The front door was ripped from the jamb so needs to be replaced. The building
 237 separated from the porch and there is some cracking of the floors. Because of how the building performed
 238 in the past, we elected to take the League’s flood insurance rather than FEMA which has a \$50,000
 239 deductible. Mayor Pro Tempore White stated there is more debris on the roads and sees trucks in Arapahoe;
 240 will they be coming back? Manager Miller stated they will. There is the issue of root balls remaining from
 241 large trees and will need assistance if we need to remove them if the county does not, which would be a
 242 reimbursable expense and be the last thing we take care of.
 - 243 • Mayor Pro Tempore White stated, referring to the earlier comment from Mr. Summers, that going out of
 244 town, the speed limit is 35/35 but coming in to town and you do not it is 45 and you do not see the 35mph
 245 sign until the Piggly Wiggly and feels we need a warning sign. Manager Miller agrees and has spoken with
 246 DOT. There is also an issue at Pickers where three cars have gone upside down in the ditch since the
 247 repaving and encourages everyone to drive carefully. Roofing trucks have also torn up our street trees on
 248 the other side of the bridge.
 - 249 • February 4, the entire staff is taking a vacation day. Town Board meeting will still be held February 5.

251 **8. Committee Reports**

- 252 I. Tree Board – November Minutes

254 **9. Commissioner Comments**

256 **10. Adjourn – Next meeting scheduled as January 31, 2019 at 8am.**

257 **Commissioner Simmons** made a **MOTION** to adjourn. Seconded by **Commissioner Overcash**. Motion passed 5-
 258 0.

259 Meeting adjourned at 7:51pm.

264 _____
 265 Sally Belangia, Mayor

 Diane H. Miller, Town Manager/Clerk

267 Approved _____, 2019 _____