

**Town of Oriental
Town Board Meeting Minutes
January 3, 2017**

The Town Board of Oriental Town Board Meeting on Tuesday, January 3, 2017 was called to order at 7:00pm. The Mayor Sally Belangia determined a quorum to be present, she said we have a Public Comment period and Public Hearing if you wish to speak for either please make sure you are signed up on the correct sheet. We will call the meeting to order with the Pledge of Allegiance.

Present: Mayor Belangia, Commissioner Overcash, Commissioner White, Commissioner Price, Town Manager Miller, Chief Dwaine Moore and Members of the Public. Mayor Pro Tempore Venturi and Commissioner Winfrey were absent.

1. Approval of Agenda

- (a) Commissioner Overcash made a **MOTION** to approve the Agenda, seconded by Commissioner White. Motion passed 3-0.

2. Consent Agenda:

- (a) Commissioner White made a **MOTION** to approve the Town Board Meeting Minutes of December 6, 2016. Seconded by Commissioner Overcash. Motion passed 3-0.

3. Public Comment Period: Mayor Belangia asks that if anyone would like to speak. Limit comments to 3 minutes and comments to full board not individual.
No Public Comment.

4. PUBLIC HEARING (Tab 2). Public Hearing for short-term rental at 409 High Street.

Commissioner Overcash made a **MOTION** to open the Public Hearing. Seconded by Commissioner White. No discussion. Motion passed 3-0.

Mayor Belangia: The Mayor and the Board will hear the recommendations from the Planning Board, Manager and the public on SUP application for Mr. and Mrs. Gallinger on short-term rental for 409 High Street.

Manager Miller: We generally go through this when we have to do a Special Use Public Hearing so the audience knows at what point they need to make a comment. When we do a Public Hearing,

Mayor Belangia: The applicants are not here, correct?

Manager Miller: Correct. What we are going to do is the Mayor will open the Hearing and I will present the request. The applicant, who is not here, has the opportunity to add anything that they feel is pertinent. The Board goes through the questions. When the Board goes through the questions, what is important on this slide is that, the public hearing has finally been noticed properly, that is why we didn't do it last month. These are the seven questions that are required to be answered and the Board is required to grant the Special Use Permit unless they find, our Ordinance is written in the negative, at one of these places. When the Mayor goes through the questions, she will go through the questions one at a time and if you have a question or evidence to offer at those individual questions that would be the time to stand and address the SUP.

Mayor Belangia: Can I go over the Special Use guidelines that the Planning Board has recommended?

Manager Miller: Yes ma'am, and if Jeannine can get this up, she will pull up that document.

Mayor Belangia: This is all we have to look at. Our computers are not working up here.

Manager Miller: Do you want me to read it?

Mayor Belangia: Yes, that would help.

Manager Miller: The Planning Board hereby recommends approval of the short-term rental SUP for Mr. and Mrs. Gallinger at 409 High Street. We have found no evidence that the SUP approval would be detrimental to the surrounding neighborhood because:

1. The property has been operating without SUP as a rental for the past 10+ years without police incident reported.
2. The property has sufficient parking for the contained number of bedrooms in the home without utilizing the street parking.
3. We have received no evidence of any detrimental effects from the surrounding neighbors.

The application was discussed at both the 11/16/16 Planning Board meeting and the 12/21/16 regularly scheduled Planning Board meeting. Nobody appeared to speak to this application. It is signed by the Chair Eric Dammeyer and myself as the Recording Secretary.

Commissioner Overcash: I wonder if it would help to read those seven scenarios, just read them out and then take them one by one so that everybody will kind of know what is coming since we can't see it up there.

Mayor Belangia: Okay.

Commissioner Overcash: Is that something you think we could do?

Mayor Belangia: Yes, starting off with the number one, okay.

Commissioner White: But first maybe you ought to just give an overview so that everybody is up to the same page.

Manager Miller: This property is coming into compliance with the current GMO. It has been a rental property since the owners purchased it. They just simply want to continue it being a rental property with the proper permits in place. We did give the address to the Chief who did a police check on it and he has no reports from this property. There is sufficient parking for the number of bedrooms contained on the property. I have no evidence to offer you to deny this permit.

Commissioner White: Just so that everybody is understanding, in our GMO, it is rated R2 which allows short-term rental with a Special Use Permit so the reason we are here is that the person has filed a Special Use Permit and now the hearing is about that.

Mayor Belangia: I would like to go over the Planning Board, the Planning Board submitted October 19 and they reviewed the recommendations at their November 16 meeting and the Planning Board recommendations are attached, and I don't know if we have that but I was going to read it.

Manager Miller: That's the part I just read.

Mayor Belangia: Oh, you just read over all of that, okay perfect, so let's go to the next part of the Town Commissioners. The Town Commissioner shall issue the requested permit unless: The permit is not within its jurisdiction - 409 High Street is within jurisdiction of TOO. Does the public have any comment on this question?

Unknown: On that first question, no.

Commissioner Overcash: But you are giving them an opportunity for each of the seven correct?

Mayor Belangia: Yes. How about the Commissioners? The second one is the application is incomplete. The application has been deemed complete by the Land Use Administrator and the Planning Board. Does the public have any comment on the completeness of this application? Does the Commissioners have any questions? If completed as proposed, will not comply with one or more requirements of this chapter, GMO, does any of the public have any evidence to offer concerning compliance with the GMO? Yes.

Jackie Mahan: I live across the street and I can tell you that we have lived there for nine years this month and in those nine years, I have seen it rented four, maybe five, times per year, many times just for a weekend, occasionally for a week, but it has not been rented more than four or five times. I have seen it rented over the last four or five years most, not for ten. They claim ten; I can't either deny or remember that because we're out of town but I am just giving you an idea of how long it was rented.

Mayor Belangia: Are there any Commissioner questions? B) Will materially endanger public health or safety. Does any member of the public have any comment on endangerment of public health and safety? Commissioners? Will substantially injure the value of adjoining or abutting property. Does any member of the public have any evidence to offer that indicates that the project will injure the value of adjoining or abutting properties? Commissioner questions? Will not be in conformity of the Land Use Plan or other plan officially adopted by the Town. Does any member of the public have any evidence that the project is not in conformity with existing plans?

Jackie Mahan: According to the GMO Section 1.51 through 1.54, it requires a Special Use Permit to use for this purpose for short-term and whatever rentals. It has not had that Special Use Permit to my knowledge over the course of this so it has been out of compliance for several years.

Mayor Belangia: Any questions for the Commissioners?

Commissioner Overcash: Have they been paying the Occupancy tax?

Manager Miller: They have been paying the Occupancy Tax. Part of it is, we discovered that there were many homes that were being advertised in the Town out of compliance and letters went out to everybody. If this is what you want to do, you have to come into compliance so that is why we have had one after the other coming in. Everybody is coming into compliance. Most of them were not aware, somehow, that it was required.

Commissioner Overcash: We had one that had an SUP and didn't want it. They didn't even know they had it.

Manager Miller: There was only one active in Town and they didn't want it.

Mayor Belangia: Have all questions been asked that the Commissioners want to ask? Do I have a motion to close the Public Hearing?

Commissioner White: Well we had one gentleman that wanted to speak.

Butch Rasmussen: Butch Rasmussen, 306 Mildred Street. If we could back up a minute, I can't comment from being abutting or adjoining the property, and that was concerning the property values. On that line, basically, an approval to leave a property vacant does not add value to any neighborhood anywhere and that is basically what an approval would be. I live at 306 Mildred Street, the next block up on the block surrounded by High Street, First Street and Mildred Street. Of all of the houses on that block, one is occupied full time and that is where we make our home and call it our residence. Where do you draw the line with these Special Use Permits? How do you say yes to this one and not approve the next three or four on the block where I'm at so I would now live in party central. Do I stop investing my time and money renovating 306 Mildred?

Mayor Belangia: Manager Miller?

Manager Miller: On advice from our attorney, the way the Ordinance is written, if you were to oppose this SUP to be granted, you would have to offer evidence, evidence in the form of: According to a real estate study that says within X number of hundred feet of this property in this area, property values are decreased surrounding the home that is being rented. So without offering evidence like that at this kind of Public Hearing which has been discussed at two separate prior Planning Board hearings, the Board, by Ordinance, has to grant the SUP unless you offer them evidence that says – My property value, adjoining and abutting is going to decrease if you allow this. Just explaining how that goes and the other thing is to offer that kind of evidence the property owner would also have the opportunity to rebut it. The burden of proof is on those who are choosing to say that it would hurt their property value.

Jackie Mahan: Is the Public Hearing about to be closed?

Mayor Belangia: Yes.

Commissioner Overcash: I would like to make a comment to the gentleman standing there. The SUP is something you can come and talk about at Planning Board meetings and pre-meetings. There are all kinds of opportunities leading up to this day we are at now and it is always on the Town website and I think we put it on Facebook too about the meetings and what they are going to cover in the Agenda so you may not have been aware of that. Anything anybody wants to find out about, there is a lot that goes into it before it happens and that is a good time to come in and state your feelings, your objections, whatever, before it ever gets here.

Jackie Mahan: Apologies for not bringing this up but we were out of town for two previous meetings of the Planning Board. One of things that I did want to mention that there are what I perceive as potential issues, which I am assuming that our local Police Chief and company will handle as needed – parking, parties, noise, excess trash, but I also am asking the Board is there not a potential issue to the commercial businesses in town who are inns and B and B's and hotels, etc. as a result of this. I think we may be opening Pandora's Box so I am just cautioning you on that. Another thing, just so you are aware is I know that Air BnB is being used in this town and there are some requirements on Air BnB's parts that you identify either whether the owner is going to be present or you are renting out the entire home. So it is just something to consider as an overlay to kind of protect the town. If this does cause issues, my question is what is the town's recourse. Can the town remove the Special Use Permit, once it has been permitted, can you remove it? The second question is if I am going to present the evidence, it is really hard to present a forward view of what my property value will be next year assuming there is a rentable space across the street from me, so I am assuming that if I bring in evidence and say here, my property value has declined because one of the rental sites indicates my property is in the range, will that be sufficient. So the two major questions are if this causes issues, what is the recourse and then the other one is what is the proof that I could bring in to you in a year because I can't provide a forward projection of what the impact is going to be on my property value. What is the proof that you require in say six months or a year that this has impacted my property value.

Commissioner White: Diane let me just update, she asked can an SUP be removed, is the first question.

Manager Miller: It can, it's a legal process.

Commissioner White: And then the second question is that, and I may be wrong on this one, but we're taking evidence for this SUP now. If you don't have the evidence now, you can't come a year from now and tell us

Jackie Mahan: But it's the chicken and the egg is my point.

Commissioner White: But we've done all the proper...

Manager Miller: But the evidence shows that the property has been rented, and you testified to that, the property has been rented for X number of years.

Jackie Mahan: It's not listed in an area that allows renters.

Commissioner White: Yes it does.

Jackie Mahan: The point I am making is a shift to an area that will now be considered in a rental zone because of zone.

Manager Miller: It's always been in a rental zone. R2 has always been a rental zone as long as it has an SUP.

Commissioner White: Short term with an SUP

Manager Miller: Short term with an SUP prior to you building your home, it's been allowed there with an SUP.

Jackie Mahan: I'm just making a point, I can't prove my value now with that place across the street if it's been being rented without an SUP and with no rental sites having knowledge other than the Gwaltneys acting as their agent. Okay, just making a point.

Commissioner White: Well, I would counter to say that you could by taking this to a realtor before we had the SUP with that same question and commissioning a formal study the realtor or an appraisal could have done the same thing. All you are saying is you would do it a year from now but you could have done it prior to this meeting.

Jackie Mahan: Okay, so you are saying an appraisal would have indicated this.

Commissioner White: If you could show something that says that I bought my house for X number of dollars and because this property is being run now it's X minus dollars and you have evidence from a reliable source, a real estate firm or something that provides the evidence, we would listen to that but you can't come in and say well I want to take it up a year from now because I don't have anything right now.

Manager Miller: The issue with, talking about going forward, we can't adjudicate anything on what might happen. However, if there is any kind of an issue, if it is a noise issue it goes to police and the Chief will do the noise test and all of that and those are the grounds by which an SUP can be revoked for repeated and constant violations of existing Ordinances and if they can't rent it and stay within the Ordinances then they can't rent.

Jackie Mahan: Repeat violations, three or more in six months? I'm just looking for a...

Commissioner Overcash: Also, on the noise, I have personally had people complain and come to me after the fact and complain. You have to complain while it's going on.

Jackie Mahan: I will absolutely, you know not to worry about that.

Commissioner Overcash: And on the Air BnB part, we had Bonnie Knapp, as you might remember, on the Planning Board look up everybody that was listed on Air BnB and I know one in particular in my neighborhood that stopped listing as soon as they were aware.

Manager Miller: And we actually get a check from Air BnB for properties that are not listed on there. We require to list the address and we are in communication with them to try to get them to document and then those that are advertised openly, after we get to the end of this group of houses that voluntarily came forward to get the SUP, we will go to those others and say you will get the SUP or the LUP. We have had a couple that were in MU and MU1 which require only an LUP that have gone through the process and when we get to the end and there are still rentals out there then those folks will be told to either come in to compliance or cease the operation.

Jackie Mahan: Okay.

Mayor Belangia: Alright, are we ready for a motion to close the Public Hearing?

Commissioner White made a **MOTION** to close the Public Hearing. Seconded by Commissioner Overcash. No discussion. Motion passed 3-0.

Commissioner White made a **MOTION** to approve all conditions after discussion.

1. Property is within R2 jurisdiction
2. Application is complete
3. If completed as proposed, it is in compliance with the GMO.
4. The application, as presented, will not endanger public safety and health or that no evidence has been presented indicating that it will.
5. No evidence has been submitted stating that there will be an injury to property values either adjoining or abutting.
6. The property and the SUP as stated will be in compliance with the LUP and Long Range Plan.

Seconded by Commissioner Overcash. No discussion. Motion passed 3-0. The SUP is granted.

5. Setting PUBLIC HEARING (Tab 3): The Mayor and the Board were asked to set the Public Hearing for the Bacon Microbrewery SUP request for February, 2017.

The application is in an MU Zone and is the former Croakertown property. The petitioners are asking that they be allowed to open an on premise taproom and craft microbrewery. Notice will be sent to all property owners within 150 feet. They are welcome to offer evidence of they have an objection to this SUP being granted. SUP is subject to the same rules as one granted tonight, will be granted unless there is evidence showing it should not be granted. Application is complete and comes with a change of use from retail to the taproom/microbrewery therefore it is also subject to inspection by Bay River Metropolitan Sewer District in addition to a litany of permits. Town suggested to Mr. Bacon that he should go through our process first. This has been posted on our website and Facebook page. It will be put before the Planning Board at their January meeting and the public is welcome to have a discussion with the Planning Board.

Commissioner White made a **MOTION** to set the Public Hearing for the Bacon Microbrewery for February 7, 2017. Seconded by Commissioner Overcash. No discussion. Motion passed 3-0.

6. Floodplain Mapping.

Manager Miller encouraged the public to attend the January 10 meeting at Pamlico County Courthouse and go on the website to view the trial maps. This allows the public to view their own property. Properties that were previously in a flood zone may no longer be in a flood zone with new mapping. Public will be able to correct information that may be incorrect. Information is pre-Irene, 2010.

7. Rotary Boat Show presentation by Sam Myers.

The Oriental In-Water Boat Show will be held the weekend of April 21-23. The Charleston In-Water Show is the following weekend and a few exhibitors may lost to that show. Almost two dozen exhibitor applications have already been received, six or seven of which are new. Mr. Myers states that he believes they have outgrown the current site. He is asking for the road closures of New Street and South Water from New Street all the way around to the Marina. These road closures are usually for exhibitor and handicap parking. Mr. Myers believes these areas may be used this year for displays and tent booths to accommodate the growth of the show. These would be the only changes proposed to utilize the streets. M & M's requests access to his parking lot as he has done in the past. Rotary believes this is best and biggest economic opportunity for Oriental and the County. Mr. Myers requests the road closures at 7am Friday to begin set up and reopen Sunday at 6pm. Wristband sales will be across from M & M's and at the corner of Broad and New Streets. O'Town has given his entire parking lot for the show.

Commissioner Overcash made a **MOTION** to close the requested streets for the Oriental In-Water Boat Show, seconded by Commissioner White who requested the that the closures be from 7am Friday to 7pm Sunday, rather than 6pm. Motion passed 3-0.

8. Duke PEV Charging Station Grant.

The Town has been awarded a Grant for a Plug-In Electric Vehicle Charging Station from Duke Energy. Manager Miller requested a Motion and a Second to accept the award and to name Manager Miller as the authorized agent to execute the document.

Commissioner Overcash made a **MOTION** to accept the Grant and name Manager Miller as the authorized agent, seconded by Commissioner White. Commissioner Overcash asked if the station would have more than one type of outlet. Manager Miller stated that the Town would have to look at the types of stations available and their price ranges. The grant is for \$10,000. One is to be placed at Town Hall and one at the Public Restrooms. Manager Miller believes that the adaptor that goes to the charging station may be universal and the end that plugs into the car is unique but this will be looked into to be able to serve as many options as possible. This agreement was sent to our attorney and he believes this is a good agreement. The only cost overrun may be where the cement pads at both locations may need to be extended to comply with ADA standards and parking requirements. Motion passed. 3-0.

9. Police Report.

Everything went well New Year's Eve. Nothing new to report. Commissioner White suggested next year the Town may put up barricades as cars were trying to turn onto Hodges Street.

10. Manager's Report.

Financials are attached. There will be some budget amendments coming up in February. The budget looks good. We generally receive the bulk of our tax remittance in January and February so at that point we will be ahead and able to absorb anything that may go wrong. There is an expense listed under South Avenue Pier 2, dock construction, which was an asset during the recent rains. Recreation Department is currently showing negative as we have not been able to accurately move the donation from the Bate Foundation into the proper lines. Street signs ran over and will have to make a budget amendment. Signs we had do not meet the new DOT visibility and reflective properties so any extra signs we had we could not use. Public Works is currently refitting the signs and getting them up properly. The extra cost in the water fund is for engineering that we were not aware of when we started the process to change over our green sand. The \$16,000 encumbrance for salt is a paperwork issue and will be corrected as our accounting system was not clearing out purchase orders correctly. Occupancy tax is doing well. We are in the process if getting Logics issues fixed. For the auditors, we are into the month of February and are down to \$35.64. Manager Miller is still in contact with FEMA and going through the process for Hurricane Matthew. We were waiting for, and just received, documentation from our contractor. Duke Progress: 15 out of the 16 additional light poles we requested were lit. One is an old pole belonging to Century Link, the pole is rotten and we could not put a fixture on it. We are waiting for Century Link to remove it. PCC classes, Tai Chi and Chair Yoga, will start up again in January. The mixer at the 75,000 gallon tank is in and working, which will save significantly on flushing activity in the summer and be more efficient. The tennis court poles have been installed. Powerwashing, repainting and pickle ball lines will be completed when the weather is warmer and then the nets will be restrung. Signage for the public restrooms requested by Mr. Summers has been installed. Water operators attended a six-hour class/workshop, which we hosted. Demetrious Green completed small engine repair class at PCC which will allow us to keep more repairs in house and contract less. Landscaping at the public restrooms is almost complete. Drainage and ditch clearing project continues. Neighborhoods with drainage issues are our first priority. Commissioner Overcash noticed the Christmas trees around town. The green waste dumpster is available for collection and while we are not picking them up, if a resident cannot take it themselves, we will pick it up. Commissioner White commented on the white house. Manager Miller has lead testing supplies and is waiting for drier weather. Commissioner Overcash inquired about the demolition and this is dependent upon the hauler. The demolition crew is on standby, progress is being made. Commissioner White asked about the retreat in March. Questions were raised as to whether it could be held at Town Hall and there was some discussion as to whether the meeting could be held without interruptions. Mayor Belangia stated that she would like to hold it at Pamlico Community College. Tentative dates are March 24 or 31.

11. Committee/Board Reports

- a. Parks & Recreation Advisory Board – Did not meet.
- b. Planning Board – December minutes not ready.
- c. Tourism Board – No minutes submitted
- d. Tree Board – November 29, 2016
- e. Water Advisory Board – Did not meet
- f. Harbor Water/Fronts Advisory Committee – Did not meet.
- g. Bay River Metropolitan Sewer District – Did not meet.

12. Commissioners' Comment/Discussion Period

No comments.

13. Adjourn.

Commissioner Price made a **MOTION** to adjourn. Seconded by Commissioner Overcash. Motion passed 3-0.

Meeting adjourned 8:00pm.

Sally Belangia, Mayor

Diane H. Miller, Town Manager/Clerk

Approved _____, 2017_____