

# Tab 1



ORIENTAL TOWN BOARD REGULAR MEETING  
Tuesday, September 3, 2024, 6PM  
507 Church Street, Oriental, NC  
Mayor Sally Belangia officiating

1 The Town Board of Oriental regular meeting was held on Tuesday, September 3, 2024 and was called to order at 6  
2 PM. Mayor Belangia determined a quorum to be present. The meeting was open to the public. All documents for the  
3 meeting were available through the Town's website at [www.TownofOriental.com](http://www.TownofOriental.com). Mayor starts with the Pledge of  
4 Allegiance.

5  
6 Present: Mayor Belangia(SB), Mayor Pro Tempore Price (AP), Commissioner Overcash(CO),  
7 Commissioner Litzenberger(BL), Commissioner Roe(FR), and Commissioner Crosser(BC). Town Manager Diane  
8 Miller(DM), Dep Finance Officer Lisa Millington, and 30 members of the Public.

9  
10 Public Comment: Judy Smith- concerned with the \$265K being carried-and why was it not fixed. Manager responds  
11 that we cannot fix it without the entry from the auditor. Greg Bohmert appreciates the effort to get to BMPs. Gene  
12 Klark discussed his qualifications for the BOA.

13  
14 Approval of the Agenda: An item was moved. The OI Front Porch Music Festival was moved to after the Consent.  
15 FR made a MOTION to approve the amended agenda. CO seconded. 5-0.

16  
17 Consent Agenda: FR made a MOTION to approve the Consent agenda. CO seconded. 5-0.

18  
19 OFPMF: Marjorie Dufek presented the parking plan for this year's festival, noting there were no changes to the  
20 closures, only to the path for golf carts as they were a problem previously.

21  
22 Public Hearings: Short Term Rental (STR) Special Use Permit (SUP) is requested for 306 Mildred. AP makes a  
23 MOTION to open the PH. FR seconds. 5-0. Manager notes the Planning Board's recommendation is included in your  
24 package.

25 Mayor Sally Belangia goes through the questions required:

26 1) The permit is not within its jurisdiction (property is within jurisdiction of TOO)  
27 Does the Public have any comment on jurisdiction of the application?

28 Commissioner questions?

29 2) The application is incomplete (the application has been deemed complete by the Land Use Administrator and the  
30 Planning Board.)

31 Does the Public have any comment on the completeness of the application?

32 Commissioner questions?

33 3) If completed as proposed:

34 a) will not comply with one or more requirements of this chapter (GMO)

35 Does any of the Public have any evidence to offer concerning compliance with the GMO?

36 Commissioner questions?

37 b) will materially endanger public health or safety

38 Does any member of the public have any comment on endangerment of public health and safety?

39 Commissioner questions?

40 c) will substantially injure the value of adjoining or abutting property

41 Does any member of the Public have any evidence to offer that indicates that the project will injure the value of  
42 adjoining or abutting property?

43 Commissioner questions?

44 d) will not be in harmony with existing uses/development in the area.

45 Does any member of the public have any evidence that the project is not in harmony with existing uses in the area?

46 Commissioner questions?

47 e) will not be in conformity of the Land Use Plan or other plan, officially adopted by the  
48 Town.

49 Does any member of the public have evidence that the project is not in conformity with existing plans?

50 Commissioner questions?  
51 No questions, evidence arose. AP makes a MOTION to close the PH. FR seconds. 5-0.  
52 AP makes a MOTION in the affirmative to grant the SUP. FR seconds. 5-0.  
53  
54 PH #2 SUP request for STR at 503 Mildred. Same as prior. PB report in the package. CO makes a MOTION to open  
55 the PH. FR seconds.  
56 Mayor Belangia goes through the questions:  
57 1) The permit is not within its jurisdiction (property is within jurisdiction of TOO)  
58 Does the Public have any comment on jurisdiction of the application?  
59 Commissioner questions?  
60 2) The application is incomplete (the application has been deemed complete by the Land Use Administrator and the  
61 Planning Board.)  
62 Does the Public have any comment on the completeness of the application?  
63 Commissioner questions?  
64 3) If completed as proposed:  
65 a) will not comply with one or more requirements of this chapter (GMO)  
66 Does any of the Public have any evidence to offer concerning compliance with the GMO?  
67 Commissioner questions?  
68 b) will materially endanger public health or safety  
69 Does any member of the public have any comment on endangerment of public health and safety?  
70 Commissioner questions?  
71 c) will substantially injure the value of adjoining or abutting property  
72 Does any member of the Public have any evidence to offer that indicates that the project will injure the value of  
73 adjoining or abutting property?  
74 Commissioner questions?  
75 d) will not be in harmony with existing uses/development in the area.  
76 Does any member of the public have any evidence that the project is not in harmony with existing uses in the area?  
77 Commissioner questions?  
78 e) will not be in conformity of the Land Use Plan or other plan, officially adopted by the  
79 Town.  
80 Does any member of the public have evidence that the project is not in conformity with existing plans?  
81 Commissioner questions?  
82 AP makes a MOTION in the affirmative to grant the SUP. FR seconds. 5-0.  
83  
84 Auxiliary Board reports: Parks and Recreation will be having a fundraiser at the Rec Park Nov. 2 with Fire personnel,  
85 Police, K-9 demonstration, bocce ball, and lots of entertainment- still lining it all up. Tourism has started on a digital  
86 campaign and will have their rep in town 9/6-9/7 filming various activities in Oriental. BC reports that TRC will have  
87 recommendations to the committee by the end of September.  
88  
89 Manager's report: Financial is attached. BRMSD is complete with construction at Apple/Mildred. Still need  
90 replacement for D. Khouri on BRMSD Board. Notice of Violation received for June Copper exceedance. TRC has  
91 been engaged to assist. Office cross training going well. A few sidewalk issues. Public Works/Tree Board discussing  
92 options to keep trees and sidewalks. Also need any additional topics for workshop. Noted that financial consultant  
93 Tammy Cox has submitted resignation, effective Sept 30, 2024. FEMA money from Florence came in today- we still  
94 expect a bit more.  
95  
96 Financial Liaison report: BC reiterates that the Manager could not fix the carried numbers without the auditor making  
97 those entries and that it was an "accounting nightmare" that got us to this point. Three auditors, all leaving following  
98 catastrophic issues that had nothing to do with the Town, and leaving those entries to the next auditor. We have faith  
99 that the newest auditor can clean this all up. Requests (Motion) that the Board allocate additional funds for that  
100 effort. CO seconds. 5-0. We have made progress in reconciliations, and separation of duties is accomplished. Looking  
101 forward to the audit. Auditors coming in Sept 9 and 10<sup>th</sup> to finish up.  
102  
103 Board of Adjustment appointment: The Board had two candidates in addition to Mr. Moffatt's request to be  
104 reappointed. Several Commissioners noted that both candidates were a good fit for that Board, regardless of how the

105 vote turns out. BL made a MOTION that Chris Moffatt be reappointed to the BOA. CO seconds. 5-0. BL makes a  
106 MOTION to appoint Gene Klark to the BOA. CO seconds. 3-2, Roe and Price dissenting.  
107 Budget Amendment: adds the \$5.4M water project to the budget. BC makes a MOTION to accept. CO seconds. 5-0.  
108  
109 Police Report: Officer Blayney tells the Board of a 100% grant opportunity for some crowd equipment and barricades  
110 and asks to move forward. Board asks Manager,- Manager notes when we have confirmation it is 100% grant funded,  
111 we should accept. Officer Blayney will keep moving forward.  
112  
113 Mayor and Commissioner comments: FR commends BC on her work as Financial Liaison, untangling the whos and  
114 whats of the financial reports and processes.  
115  
116 CO makes a motion that we adjourn- next meeting September 25, 9AM with topics that we removed in August. FR  
117 seconds. 5-0.  
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 Sally Belangia , Mayor 

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 Diane H. Miller, Town  
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 Manager/Clerk  
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126 Approved , 2024  
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## **ORIENTAL TOWN BOARD MEETING ACTION ITEMS**

Tuesday, September 3, 2024 @ 6PM

507 Church Street, Oriental, NC

Mayor Sally Belangia Officiating

- 1. Approved Special Use Permit (SUP) for Short Term Rental (STR) at 306 Mildred St.**
- 2. Approved SUP for STR at 503 Mildred St.**
- 3. Reappointed Mr. Chris Moffatt to Board of Adjustment (BOA)**
- 4. Appointed Mr. Gene Klark to BOA.**
- 5. Directs Officer Blayney to move forward with grant application.**
- 6. Directs Workshop meeting to take up items tabled in August on Sept 25, 9AM.**



ORIENTAL TOWN BOARD SPECIAL MEETING  
Tuesday, September 3, 2024, 10:30AM  
507 Church Street, Oriental, NC  
Mayor Sally Belangia officiating

1 The Town Board of Oriental regular meeting was held on Tuesday, September 3, 2024 and was called to order at  
2 10:30AM. Mayor Belangia determined a quorum to be present. The meeting was open to the public. All documents  
3 for the meeting were available through the Town's website at [www.TownofOriental.com](http://www.TownofOriental.com). Mayor starts with the  
4 Pledge of Allegiance.

5  
6 Present: Mayor Belangia(SB), Mayor Pro Tempore Price (AP), Commissioner Overcash(CO),  
7 Commissioner Litzenberger(BL), Commissioner Roe(FR), and Commissioner Crosser(BC). Town Manager Diane  
8 Miller(DM), Attorney (SD)M. Scott Davis, and few members of the Public.

9  
10 Attorney begins noting to the Board that usually a class on Special Use processes is around 8 hours, so they are  
11 getting the bare bones. Ahead of the meeting, distributed notes on the process and legal implications.

12  
13 SD notes that Special Uses are almost always granted, used for the opportunity to apply conditions. Conditions  
14 usually mean it affects traffic or safety. So the first step may be to go over the Table of Permissible Uses for those  
15 items that need to have conditions imposed to make them safe. The other option is to review and see which zones  
16 uses are allowed into. EX: schools, mining operations, landfill, multifamily projects, marinas, hospitals, etc.

17  
18 Board members are acting as judges- so- should not have conversations about the issue outside of the Board room.

19  
20 Board is familiar with the 7 items that must be allowed to grant the SUP. Proof of cost is on the people who do NOT  
21 want the use. If on the applicant, the applicant would have to provide an appraisal- not of simply his own home, but  
22 of the appraisal of surrounding (adjacent and abutting) if the use is instituted- a significant cost. Then if the  
23 surrounding owners disagree, they can commission their own studies to refute.

24  
25 Experts must be present to show proof.

26  
27 Generalized fear is not proof.

28  
29 Public Health and safety will require a professional study. So does "Injuring value".

30  
31 Harmony is judged by- if it is on the permissible Use Table- it has already been deemed in harmony- it's allowed.  
32 Standing requires someone who would experience damages, separate from the larger community, but statute allows  
33 members without standing to present competent, substantial, and material evidence.

34  
35 Planning Board's recommendation cannot be used as basis for the decision.

36  
37 Decision making can be assigned to Governing Board, Planning Board, or Board of Adjustment.

38  
39 Appeals are filed with Superior Court.

40  
41 If the Town violates statute or case law, setting unambiguous limits on its authority, the court shall award reasonable  
42 attorneys fees and costs to the party that challenged the decision.

43  
44 Rezoning, or downzoning (adding a new zone) is a possibility for those areas to be allowed to start new STRs, of  
45 course all already granted are attached to deeds and would remain. Option to remove the use from residential  
46 zone(s). Option to impose conditions- fire safety, parking spaces, number of unrelated people in a house, whole  
47 house versus room by room rentals, etc.

48

49 FR: makes a motion to direct the Planning Board to take a look at the Table of Permissible Uses and forward those  
50 recommendations for changes to the Board. BC: seconds. 5-0.

51  
52 AP makes a MOTION to go into Closed Session for legal matters. BL seconds. 5-0.

53  
54 BL makes a motion to adjourn. CO seconds. 5-0.

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57  
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Sally Belangia , Mayor

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Diane H. Miller, Town  
Manager/Clerk

59  
60 Approved , 2024  
61  
62

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