



ORIENTAL TOWN BOARD WORKSHOP MEETING

Thursday, September 24, 2020 at 8AM

507 Church Street, Oriental, NC

Mayor Sally Belangia Officiating

6 The Town Board of Oriental Town Board Meeting on September 24, 2020 was called to order at 8AM. Mayor
7 Belangia determined a quorum to be present and called the meeting to order.

8

9 It should also be noted that the entire Board was present, and following staff: Manager Diane Miller, Admin
10 Director /Deputy Finance Officer Tammy Cox, County Building Inspector Skip Lee, Vice Chair of the Planning
11 Board Julie Rahm, as were several members of the Public.

12

13 The Agenda was approved by a MOTION from Commissioner Overcash, Second by Commissioner Simmons. 5-0.

14

15 Three topics were chosen for the Workshop, with one item of business to be decided due to time constraints.

16

17 Item 1: Draft Housing Ordinance:

18 With the Building Inspector present, the Board and Manager asked the Inspector questions that had been formulated
19 by the Planning and Town Boards while discussing the draft.

20 What is Vacant? Is it Vacant today?, Vacant for the past two weeks, months? BI Lee notes that vacant is the
21 Webster's dictionary definition- empty- right this minute. Noted that we would have to ask the attorney about
22 vacant duration for progressing. If it's NOT vacant and we believe it SHOULD be because of safety, how do we
23 prevent it from being inhabited again? (Back to vacant-only or will we consider occupied that should NOT be
24 occupied- renting situations, specifically). BI Lee also says to consider those who spend significant time away from
25 their Oriental residence. Abandoned is a different thing. Abandoned is has not been occupied for a long period. If a
26 house is vacant, you need verification from the owner- have to consider trespassing- permission from the owner to
27 go in and look around. Or even to look around the outside on the property. (Barrow) Can you (BI) get an
28 administrative warrant? (BI) You can, but you have to go back and document the damage. Have been on jobs where
29 they ask me to leave- and I have to leave. There is a section in statute, but the process is that you must notify the
30 owner and have a meeting with the owner to discuss the intent of the owner. Give him time to fix, demolish, etc, if
31 not, you file order to have the building taken down. You pay for removal, and if they don't, you put a lien on the
32 property. Manager notes- that's why we asked for a draft Ordinance- last time discussed, BI told Manager we
33 needed an Ordinance before it can be done. BI says we don't have to have one, Vandemere did not- took down
34 several. [worth noting here that POST-MEETING, BI sent email reversing this statement, agreeing that we DO need
35 to have an Ordinance in place following legal discussions] Manager notes that the last conversation is what
36 prompted the Board to go down the road toward Ordinance. BI states there are places in the County that have been
37 taken down without. (Overcash) If we have an unsafe building, can you look at it? BI: Yes. (White) Leaning house
38 that came down on Wall/South- write to the property owner and owner has right to try and fix it. BI: In that case,
39 someone was in the house, but the wall was about to fall toward new house under construction. Situation was
40 resolved because building was sold, not because it was condemned. Manager notes that Ordinance lays out the
41 procedure- according to the statute-we can choose- the BOA, Town Board or Planning Board is designated as the
42 entity that needs to look at grievances against buildings. (Barrow) 160A- BI works in commercial, 160D- residential
43 by Ordinance- so if we don't, are you (BI) limited to commercial? Can you do residential now?

44

45 Another question we have is- there are sections where it says the BI and sections where it says the BI and/or his
46 designee. Is there a place in here where only you can do because of your certifications- are there any places where I
47 can be the designee? The administrative parts? Sending the notices and such? For making the determinations of
48 safe/not safe- those are the inspector, but the processes that have to be done- levying the lien, letters and such-
49 Manager can perform those parts (confirmed).

50

51 We have had extended discussions talking about funding the process- either by agreement with the owner OR by
52 processing the condemnation and paying for the removal- the lien is not recovered until the property is sold.

53 (White) Owner can also take us to court- if he believes this has not been done properly. Manager concurs- we will
54 pay legal costs, we will pay filing costs, Skip's fees, demolition fees, etc. (White) It comes down to do we want to

55 take it on. (BI)- Letter to owner starts the process- can appeal the BI decision to the Board and lay out a plan. Other
56 issues are that if they do not fix/demolish, then the structure ends up damaging other properties in storms. (Barrow)
57 Statute residential and nonresidential buildings unsafe to the BI, the BI can affix a notice to the structure. Goes back
58 to special danger- may be able to rely on the statute to take care of those. Previous owner could not understand that
59 the building was a danger to the adjacent structure. (White)- Maybe instead of an Ordinance, maybe we need to run
60 the process as online. Manager notes that the process would have to be through the process before the old statute
61 expires. (White)- Could we simply do an Ordinance that says we follow the statute? (Manager) That's what the
62 draft in front of you is supposed to do. (White)-Not all of this- it talks about appearance and occupied houses, and
63 we don't want to do that. Manager thinks those questions have to go through the attorney. Mayor Pro Tempore
64 White notes that we could simply write to follow the state statute. Manager notes there is nothing simple and that
65 the attorney will have to explain it better than she can.

66
67 Another question is the trigger point- what triggers this going into effect? Also these rules (statute) are good until
68 January, then a new set of rules takes over in January. BI notes you could follow fire code- Beaufort requires
69 upgrades from 1800s construction standards. Also- trash/junk vehicles, etc may be a way to get people to start
70 cleaning it up. BI notes you ticket them and then go to court to recover. (White) Is there anything from Health
71 perspective? (BI) Trash piling up, etc. (Manager)- We already have those in place. Health Department has been
72 helpful when we have had concerns about health of residents. One thing we do not have is help when it affects
73 others' health- animals in and out because of no windows. (BI)There are also standards for renters to get money
74 back – have to go through the courts. (Simmons)- one renter in question didn't want to go to court- just wanted out.
75 How do we prevent people from renting unsafe property? BI-There are also statutes that protect renters, but again,
76 it's a civil court matter.

77
78 Manager asks Mrs. Rahm if there was anything that the Planning Board forwarded that we have missed? No.

79
80 (Barrow) 160D online- Jan 1, 2021- designated as unsafe appearing to the BI (list of deficiencies) notice of danger
81 to the structure- language almost the same. (Manager) notes that the statute for cities and counties not exactly the
82 same prompting the Carthage lawsuit- this is a reconciliation- subtle changes to make the statutes consistent with
83 State and County rules enforcing all the same way- subtle differences. Barrow confirms that we need the Ordinance
84 to empower the BI to do all the rest of the process.

85
86 Manager notes all should review the Statutes and the draft and forward specific questions on specific items in the
87 draft for questions to be posed to the attorney by page and item. BI notes you can also implement additional (more
88 stringent than) the general statutes. Abandoned buildings demolished in Vandemere- kids getting in to old
89 abandoned homes and causing problems- owners were glad to have them gone. Big places have whole departments
90 that do nothing but these instances.

91 Commissioner Simmons made a **MOTION** to adjourn. Seconded by Commissioner Barrow. Motion passed 4-0.

92
93 Item #2: Whittaker Pointe Progress

94 Manager lays out all the spreadsheets that cover the project, noting that these were accurate on Tuesday, the 22nd,
95 and are no longer- so these are a snapshot- as work is still happening, invoices being generated, invoices paid, and
96 reimbursements received.

97
98 The one large sheet (used by DEQ) is the only one that holds ALL of the information- very difficult to read. Each
99 funding agency has its own sheet that tracks expenses allocated to that source. Until it all got onto the one large
100 sheet, mistakes happen- that are all being corrected on the outgoing reimbursement requests. What happens is
101 sometimes a cost is allocated to one agency, gets denied, is moved to another, then the first one ends up paying it
102 anyway after denial, now we have one cost split 3 ways for half the cost each.

103
104 The paperwork attached lays out the snapshot of the progress on Tuesday. Total today- totals expended, totals
105 reimbursed, totals pending reimbursement. NCCF/NFWF- from NFWF to NCCF, \$50,000 to NCCF, \$400,000 to
106 actual construction- they are paying invoices directly, we just keep the records. Shaded areas are the next
107 reimbursements going out. Red areas are the corrections to be made in this evolution. Costs are split in order to take
108 smaller amounts from all agencies and hopefully leave all of them with some remaining funds to be rolled over into
109 other projects they are sponsoring.

110 USDA/NCDA is paying the lion's share, including manager's time and Mr. Blackerby's time. This will allow us to
111 have additional funds in reserve to help with the expected spring replanting. Once some of those grants end, we will
112 still have work to do and fund.

113
114 We have received the last invoice from Carolina Marine Structures. Amounts moving forward will be significantly
115 smaller.

116
117 Town of Oriental costs: land credit (\$58,600), Sea Harbour donations of fill- \$85,000 worth of fill, charged for
118 additional fill and the work to remove it and move it from Sea Harbour. Town's actual cost is \$500 cash in the
119 project. Expect another oyster invoice, one more planting invoice, and then spring planting, plus any additional work
120 from Quible. Regardless of additional work from here, we now have a 9'tall, 18' wide sill protecting the Pointe.
121 Engineer still potentially pushing for the amendment that extends the jetty. That would be re-mobilizing rock
122 coming in.

123
124 (White)- What to do about designation following completion. (Manager) We have an access easement, not public
125 easement for access- people are out there on foot, ATVs, bikes across private property. Once Mr. Wallace is
126 complete, we will need to establish something semi-permanent (gate vs fence) so we can access it. We may need to
127 put something at the end of his driveway stopping people before they get to the water. Not a park- we cannot protect
128 people and therefore have liability. (Barrow) Can add to Parks and Rec Ordinance. Manager notes that we can add
129 it to traffic and street- we likely don't want to designate it a park, because that indicates it is open to the public.
130 (Lisa Thompson) Not a park- may be restricted by the grant agreements- we are responsible to continue to grow the
131 plants, oysters, keep it from eroding again, save the harbor, the waterway. Engineer is working on the solution.
132 (White) the structure IS working- can see the water flow going past the Pointe.

133
134 Item #3- FEMA status.

135
136 Manager went through the projects list noting what has been received, what we are awaiting. One full project was
137 moved to large project and we await the reimbursement from the fishing pier, Lou Mac projects. Waiting for the
138 remainder requested following overage requested from the road project. (Received \$242,000 of \$323,000 estimate).
139 Also Category Z funds- capped at 5% of total requests- for administrative work performed. (\$37,000). Also
140 received insurance money from Florence- listed separately.

141
142 Showed all funds received and requested from Florence, Dorian, COVID and Isiais (not yet filed) which included
143 debris removal and force account labor as well as contracted (GFL) removal of yard waste. Also received \$500 from
144 IRENE in the middle of the Florence filings(!)

145
146 Discussed receipt of CARES Act funding (\$34,524.37)- budget amendment coming for distribution of that money to
147 accrued costs. Note that costs are STILL accruing. (all spreadsheets attached.)

148
149 Threshold for Storm Prep (Category B) is \$3600- all the money and time we put out getting ready for a storm must
150 exceed \$3600 or more (time, equipt, supplies- tarps, rope, diesel fuel, caution tape, etc). We did not fund this line
151 this year, but we did expend it.

152
153 Item #4- ADA Plan

154 ADA Plan is a required unfunded mandate from both federal and state entities. ECCOG has received a grant that
155 will allow them to perform this work and give us an acceptable ADA plan. It compiles accessibility of Public
156 Properties- we're in good shape as we have rebuilt all things ADA accessible on the rebuild- this building, the public
157 restroom, fishing pier, etc. Due to ECCOG tomorrow to apply. Otherwise, we will have to fund it totally on our
158 own. MOTION by Mayor Pro Tempore White to forward the requested information to ECCOG for review and
159 apply to be part of their grant. Commissioner Simmons seconds. 5-0.

160
161 Commissioner Comments: Barrow- Where are we with the road on Maritime? They came back out to survey the
162 actual damage on the road, any additions/subtractions. White Farm held up well, Maritime not so much. We need to
163 issue an RFP (twice, likely). Will we be piggybacking on that for other roads? MAYBE- depending on cost and
164 any other roads as determined by the survey.

165 Belangia- Can we do anything about the high water signs (Hodges St/ Main St)? They don't seem to work.
166 Manager- Signs are there- they have to see them, drivers are not paying attention. When Police are there, we can do
167 something, otherwise, not.

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169

170 Commissioner Simmons made a MOTION to adjourn. Commissioner Price seconds. 5-0.
171 Meeting adjourned at 9:06AM

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174 _____

175 Sally Belangia, Mayor

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179 Approved _____, 2020_____

Diane H. Miller, Town Manager/Clerk