



## ORIENTAL TOWN BOARD REGULAR MEETING

Tuesday, October 6, 2020 at 7PM

507 Church Street, Oriental, NC

Mayor Sally Belangia Officiating

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

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9 It should also be noted that except for Commissioner Overcash, the Board was present. The following staff were  
10 also present: Manager Diane Miller, Attorney M. Scott Davis, Officer Blayney, Admin Director /Deputy Finance  
11 Officer Tammy Cox, Water Clerk Heather Hall, as were several members of the Public were present. The Mayor  
12 started the meeting with the Pledge of Allegiance.

13  
14 The Agenda was approved by a MOTION from Mayor Pro Tempore White, Second by Commissioner Barrow.  
15 Commissioner Simmons asks to add a discussion of the potential to reopen the building for meetings and logistics  
16 surrounding. Added after Item 7. 4-0.

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18 The Consent Agenda. Mayor Pro Tempore White makes a MOTION to accept the Consent Agenda- meeting  
19 minutes 9-1-20, 9-24-20. Commissioner Simmons seconds. 4-0.

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21 Public Comment: No public comment.

22  
23 Draft Minimum Housing Code- Manager introduces that several meetings have been held between the Planning  
24 Board and the Town Board. Our attorney forwarded a draft and has received the compiled question list, but has an  
25 alternative, rather than going through all of your questions individually.  
26 Attorney Scott Davis: How to discuss this as simply as possible. This can be a deep and complicated rabbit hole.  
27 The second sheet I forwarded tried to encompass all the different nuisance abatement issues a town can encounter.  
28 The corresponding statutory solutions for each. First step is to identify which problems you're trying to solve. To  
29 simplify, it seems that the primary problem is that you have nothing- no leverage at all. So the first step would be to  
30 give you some leverage to engage with property owners. On the first handout, these problems are solved by talking  
31 to the people who own the properties. Once you get down to involving the lawyer, it's the worst case scenario. And  
32 it's going to be expensive. In the overwhelming majority cases I deal with, having conversation with the property  
33 owner to understand how the property got in this condition or what's the problem- resources? Sentiment? Money?  
34 There are creative solutions, but have to understand the problem. The hard way is we get frustrated, spend a lot of  
35 money and tear down structures. Two of the target properties are residential structures- both dilapidated, cost to  
36 repair would exceed value of the existing, but having said that, he's seen many properties almost collapsed brought  
37 back. We want houses on properties that don't negatively affect the properties around it. Those structures can be  
38 dealt with from your draft- your draft is designed to help avoid getting there. Once they get there, they come down.  
39 NCGS 1117-1125 mirrors minimum housing code- notification, processes- can work just fine for those two  
40 properties. Those two (Hodges St)- we can, in a page and a half, reduce your draft to deal with those two. The  
41 commercial building is tougher- great historic feel to it- many folks would love to see that type saved. It's also- we  
42 wouldn't want to be in court trying to explain how that building was torn down as a structurally integral brick  
43 building- it would have to be made weather-tight and secure, but tearing it down for structural fault would be hard.  
44 Condemnation statutes provide leverage, but that's not really the tool for that building. Attorney believes what  
45 we're looking for is something that allows you to go to the nuclear option, so you have some leverage to make the  
46 recovery possible. So you could have it on the books and not have to use it at all. On the first page, the starting  
47 small solution 1117-25 may provide deterrent to others to understand that the town is paying attention to this and it  
48 gives the Manager and the Board some leverage. This house is shaky, what can we talk about now before we get to  
49 the code blue stage. I also have some nuisance abatement- we can put more beef on yours to keep out weeds,  
50 climbing vines, junk cars, etc. It can always be added to if you need to, but that's a good start. Commissioner  
51 Barrow- does it rely on 1119? Condition...Attorney says you have to take into account the whole section- not just  
52 one. They use different terms- they all make the same point that it's rotten, and has to come down. The policy I  
53 advise to be unreasonably reasonable. If we get to tearing it down, want everything stacked in the town's favor-  
54 meetings, photos, we send them letters, detailing what needs to be done. They say they need three months, we give

55 them six, and put that in the letters, if you have problems, call me. Sadly while people have great aspirations, they  
56 can't deliver. Ultimately, what they don't see is that we have been accumulating all of this documentation and when  
57 they default on agreement and the house comes down, they will sue us. That makes a big difference in solving  
58 these. He asks for questions.

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60 Manager asks where it would go- GMO or General Ordinance? It is in the Land Use Code- so it should go into the  
61 GMO- not nuisance abatement.

62  
63 Mayor Pro Tempore White: in 221- adopting 160D- that's the key- don't go after existing 160A, when it will be  
64 repealed and replaced by 160D. Take the statute into more simple language. Condemnation statutes came out 100  
65 years ago, minimum housing statutes 30-40 years ago- so those are more easily readable and clearer with how they  
66 work. Step one- give notice- what does that mean? Owner, "parties in interest"- renter, mortgage holder, etc. It's so  
67 long because it details WHO exactly gets notified, this is what defines NOTICE- processes, and minimum of what  
68 we want to accomplish.

69  
70 Mayor Pro Tempore White notes we do not ever want to go into weaponizing the population to use it against  
71 neighbors because they don't like the color, or against lower economic ability part of the population who may be  
72 unable to financially keep an appearance standard.

73  
74 Commissioner Price: If there are more than you are looking at, then what do we do? Attorney- houses that everyone  
75 agrees have to be torn down. May have significance. Again, the code becomes the leverage to help the owner save  
76 the structure- try to find a buyer- find someone who is interested in restoring. Tearing it down is a lose-lose.

77  
78 Commissioner Barrow- where is the trigger? How can you decide where the line is?

79  
80 Attorney- Good for one, good for all. Also- it's a complaint-based process. We're talking about unsafe and falling  
81 down. Imagine in front of the judge crying about grandad's house being torn down. No- we're going to be there  
82 with photos of terrible problems, dangerous conditions, and documentation of attempts to help.

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84 Commissioner Barrow: 1201-1212: Where's the threshold? Do you recommend that that language accompany? Or  
85 do we do one and then the other? It's also the one that mentions "morals" in it- the older code.

86  
87 Attorney: I still think a start small option is the best option. Not concerning occupied, but if you need to get them  
88 out, you get them out. If it's dangerous, it's dangerous whether occupied or not.  
89 1201 is the better tool for "Hey, you're going down the wrong path". What I recommend tonight is that we start with  
90 the code blue process (the houses that are too far gone) so people know you are serious, and then have some  
91 discussions with those in the yellow and red situations, to keep it from getting worse. If you need the tool, add it  
92 later.

93  
94 Mayor Pro Tempore White: What happens if we don't do anything? Start with discussion- talk to the owner.  
95 Doesn't 160D automatically roll in and we can use that? Or do we have to have something in OUR Ordinance?

96  
97 Attorney: Once 160D comes into play January 1, it is a direct grant of power. Generally, local statutes are enabling-  
98 allows you to create a stick; others are "here's your stick". 160D does not lay out the steps- who's the owner? What  
99 does "notice" mean? I would take a page and a half to lay out those steps for the citizens to understand the process.  
100 You do two things- put it in your Ordinance- apply it with equal treatment, according to the steps. Must be applied  
101 evenly- star with code blue houses- and see if you get a reaction that helps none get worse.

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103 Manager- do you want a draft? Do you want to start small? The Planning Board and Town Board both object to the  
104 18 page draft. Clarify and add 1125 to make it crystal clear.

105  
106 Commissioner Barrow- great opportunity to have you here, but we need to consider what you have provided, talk at  
107 Planning Board about their views. We don't want the Planning Board to create something we won't use.

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109 Manager notes Planning Vice Chair is present- Planning Board got to many, many questions. What that 18 pages  
110 does is set out the process that goes with the 6 steps in the statute with explanation. To focus on the worst of the  
111 worst, you might not need all of this.  
112  
113 Commissioner Barrow notes that we need to articulate our priorities to make sure we're going after the problem we  
114 perceive. Vice Chair Rahm notes that the start small option seems to be a good place to start.  
115  
116 Commissioner Simmons asks if we can limit ourselves to abandoned, vacant? Attorney notes that it's hard to get to  
117 a point where someone is living in a code blue home. You want to find every solution you can rather than dragging  
118 someone out of their home. Always need the tool in the code to remove someone or keep the building vacant while  
119 you are going through the process. Time limits- utility service- power's off, it's not occupied.  
120  
121 Mr. Valinoti: Power of the Ordinance lies in its definitions. 6 month vacancy- the Webster dictionary definition- if  
122 it's vacant today, it's vacant- question is always about the condition of the structure. Once we start into a process, it  
123 can no longer be occupied- after the hearing where the owners have a chance to say everything they have to say, and  
124 we go into all the details about factfinding on the property.  
125  
126 Mayor Pro Tempore White notes we would have to go through the GMO if we add this and make sure that the  
127 definitions are consistent.  
128  
129 Commissioner Price asks about hurricanes making a house unlivable. Attorney says same rules apply- to fire,  
130 hurricane- whatever makes it unsafe. The Building Inspector makes these decisions. Own controls the process,  
131 Skip is the one in the field making those decisions.  
132  
133 Attorney is happy to ZOOM into a Planning Meeting if that would be helpful. Following more discussion, there  
134 may be more instruction for the Attorney.  
135  
136 Budget Amendment: This amendment takes into account the money received from CARES Act funding for COVID  
137 relief that the Board signed off on last month. It distributes those funds to the places documented in our application.  
138 Manager notes that the contractor services continue to mount. This will continue to mount- the public safety money  
139 currently supplants what you have already approved- at the end of the year, there will be extra in that fund that can  
140 be moved to cover extra cleaning expenses. Mayor Pro Tempore White makes a MOTION to approve the Budget  
141 Amendment, Commissioner Price seconds. 4-0.  
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143  
144 Replacement of the Police Charger: Large, expensive repairs, we have spent half of its value three months into the  
145 FY. We might need to move forward with purchasing a replacement prior to the next fiscal year. Manager notes we  
146 are in a good financial position to start the process. Last one took us 8 months to make it happen. Commissioner  
147 Barrow asks if this is priority above the truck. Manager notes yes. Board agrees to allow us to move down the road  
148 to purchase.  
149  
150 Appointments: There are two candidates for the Parks and Recreation Advisory Board, Mr. Rasmussen, who lives  
151 in town and Mr. Bensabat, who does not, but the P&R Board allows for up to two out of Town members.  
152 Commissioner Barrow makes a MOTION to approve appointments. Commissioner Simmons seconds. 4-0.  
153  
154 Added Item: Use of Public Buildings: Manager notes people are starting to call regularly to see if our building is  
155 available for use. Of course, to open it back up, we would have to limit to being complete by 5PM, and also  
156 increase the cleaning schedule- perhaps charge a cleaning fee to compensate for having to have it cleaned after each  
157 use. If we were to enact a fee, it would likely NOT have to have a public hearing because it is a temporary fee  
158 instituted for emergency purposes. Currently being cleaned (restrooms) three times daily, 7 days per week. Mayor  
159 Pro Tempore White notes that we could not pick and choose, if we open, we would HAVE to clean. He thinks it  
160 would cost more than \$25. Mayor asked if people will be willing to pay? We had not asked. Commissioner  
161 Barrow asked if anymore COVID funds are coming? Mr. Buck indicates not. Mayor Pro Tempore White notes that  
162 we should just leave it move a month- this also puts staff at risk. Some have been meeting on our porch. Tree  
163 Board meets outside and then works, P&R met at the Park, HWAC moved to outside. Other Board members agree.

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Police Report: Numbers are mostly down- just a few incidents. Officer Blayney notes mileage down on one vehicle while in for repair, Pirate Jam went well, no issues. Trailers stolen recovered. County handled fight in town recently- one person hospitalized- moved across town from one place to another.

Manager's Report: Financials attached. Shows that we have paid out \$400K more than actually gone- check has been cut. We will be off regularly until that project is settled as we pay it first, then receive reimbursement. Water Operators are in their last required continuing education for the year. We have a new mixer (to replace the one that blew out in Florence due to faulty install- we won't pay for this one either. Whittaker Pointe is about at 90% (showed photos) Engineer and Restoration Systems personnel in the water. We will still have an opportunity for volunteer participation. Showed the issue with high water recently. Engineers also forwarded a major modification request to CAMA for extension of the jetty and also some winged structure added to our crossover. Latest Governor's Order does not affect us- no bars, large venues, concert halls, etc.

Additional parking restrictions discussed last meeting- anything that has to be changed must be first changed in the Ordinance. Let the Manager know if you want anything changed.

New development potentially coming- had the meeting with owners in proximity. Trash issues: First day with manned recycling- few issues- getting better. We had a few dumping trash in our cans at the dog park. We knew that was coming. Mayor Pro Tempore White notes signage may help out there. Commissioner Barrow asks if we can gate the access. We could after the entry to the storage units. Street survey came in this afternoon. We'll review it at our January workshop.

Money appropriated for benches at Tennis Courts was reverted back to GF after end of FY, we need to move that back to cover benches you approved last year. Issues with the playground at the Rec- County also looked at it- dangerous, we have roped it off. Garry is looking to see if repair is possible or if we need to replace. Potential to replace- we should consider replacing just so that it will be a destination and get additional traffic out there. Christmas decorations- additional project to wrap the old oak in Lou Mac for Christmas- we have Ireland in town looking at all of our light fixture connections. Commissioner Barrow asks if they can work on batteries- we would have to check.

Police- Award authorized the Governor's Crime Commission Grant awarded- read letter from the state (attached) Commissioner Barrow, Mrs. Barrow, and Nicholas Blayney did a lot of work to upfit our communications and electronics to make sure we are connected to the dispatch and all electronics are hooked together. Also- new vehicle will be outfitted with a mobile radio mounted in the car- we have occasional connectivity issues. Board and audience congratulates Officer Blayney.

Committee Reports: Parks and Rec has a Survey on TownDock.net- about 200 responses to the survey. Numerous comments, alerts to equipment damage, etc. Can still turn them in.

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

Meeting adjourned at 8:24PM

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Sally Belangia, Mayor

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Diane H. Miller, Town Manager/Clerk

Approved \_\_\_\_\_, 2020\_\_\_\_\_