



ORIENTAL TOWN BOARD MEETING

Tuesday, April 3, 2018 at 7pm
507 Church Street, Oriental, NC
Mayor Sally Belangia Officiating

6 The Town Board of Oriental Town Board Meeting on April 3, 2018 was called to order at 7pm. The Mayor Sally
7 Belangia determined a quorum to be present. She said we have a Public Comment period, if you wish to speak
8 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, Administrative Assistant Jeannine
12 Russo, Officer Nic Blayney and Members of the Public.
13

14 APPROVAL OF AGENDA

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

18 1. Consent Agenda

- 19 a. Minutes from Retreat March 2, 2018
- 20 b. Minutes from Regular Meeting March 6, 2018
- 21 c. Minutes from Closed Session March 6, 2018
22

23 **Commissioner Overcash** made a **MOTION** to approve the Consent Agenda. Seconded by **Commissioner**
24 **Dammeyer**. Motion passed 5-0.
25

26 REGULAR BUSINESS

28 2. Public Comment Period

29 No Public Comment.
30

31 3. Boat Show presentation

32 Sam Myers and Tony Santore were present at the meeting. Mr. Myers stated at Manager Miller's suggestion, Rotary
33 would like to add a second satellite parking lot and have asked the folks at St. Peter's Parish to staff the lot
34 belonging to Chris Fulcher beside Marsha's Cottage to include moving and replacing the barriers and policing the
35 lot, Saturday only, to assure the cars have vacated and replace the barriers by 6:30pm with the Board's consent.
36 They generally have 50-60% of their foot traffic on Saturday. Last year this number was approximately 1,500+ and
37 would have stretched the Town's parking spaces and feel satellite parking is a good idea, especially on Saturday.
38 After consulting with neighbors, including Dave Sargent of M & Ms, they are asking for street closures starting on
39 South Water just beyond the driveway of M & Ms and continuing around South Water Street and on New Street,
40 just passed M & Ms handicap parking for the length of New Street where there will be a second gate. They are
41 requesting closures begin at 8-9:00 Thursday morning for early set up and continue through 6pm on Sunday.
42 Commissioner Price asked if the homeowners will be able to get to their homes and Sam responded they will.
43 Commissioner Overcash wanted to clarify the location outside of M & Ms on South Water Street. Manager Miller
44 inquired if Mr. Fulcher requires a letter and will write the letter for the Rotary. Mayor Pro Tempore White asked if
45 Mr. Fulcher wishes the Town to assume liability and he does not. He will be covered under the Rotary umbrella
46 policy. Mr. Fulcher is only asking for the Board's permission for the lot to be used for parking that day. Mr. Myers
47 stated since the show has been moved to its current location, there has been a need for satellite parking and have
48 used the lot at the corners of Hodges and Midyette Streets with different charities manning the site. Commissioner
49 Overcash stated he had spoken with Dave Sargent who will allow the Rotary half of his front lawn for a boat but the
50 grass near his large parking lot is for the fire department to set up a tent.
51

52 **Commissioner Dammeyer** made a **MOTION** to approve the street closures as requested and ask Manager Miller to
53 write the letter to Mr. Fulcher. Seconded by **Commissioner Overcash**. **Mayor Pro Tempore White** wanted to be

54 sure that the day and usage hours are in the letter, the barriers are to be put back in place and St. Peter's is aware of
55 all of this. Sam Myers stated 9am to 6:30pm would be satisfactory. Motion passed 5-0.
56

57 **4. Pamlico Arts Council – re-joining the Board following the Manager and Board's discovery that contingent**
58 **preparations had not been completed for relocation of Art on the Neuse**

59 Nancy Crain stated she came to tonight's meeting to see where they stand on the venue for Art on the Neuse, unsure
60 if they have approval. They feel they have addressed all of the concerns. Ms. Crain asked if there were questions for
61 her. Manager Miller stated when it was first presented, the Town wrongfully assumed that all of the steps had been
62 taken care of and they had not. Manager Miller further states that Mr. Edwards had asked about a trash plan and
63 restroom plan. Ms. Crain stated she told Mr. Edwards it was taken care of and that Mr. Edwards stated he did not
64 want anything in writing and it was covered. She spoke to Mr. Edwards "in depth" about all of the things needed, in
65 the process of addressing every issue and was surprised when he came to the March Board Meeting not in favor of
66 what Arts Council was doing. Mr. Edwards, who was present at the meeting, spoke and wished to clarify that it is
67 not that the Marina Association is not in favor but the Board had given approval before speaking with him about
68 using the facilities and to be closed in front, has questions about the parking, whose parking spaces are they using
69 and who can give approval. Ms. Crain and Arts Council were under the impression that they needed to make sure
70 they could use the property from the Marina Association and they had already spoken with O'Town and Beth, had
71 Mr. Edwards on the list to speak with, and stated that she and Mr. Edwards had already covered his concerns. They
72 have an insurance policy, \$2,000,000, naming the Boat Owners Association and Mr. Jayne. Manager Miller stated
73 the Town was concerned these things need to be taken care of as during a normal annual event, we give permission
74 because all of those things are taken care of. After permission was granted, it was indicated that all of those things
75 had not been taken care of so the Arts Council was invited to the meeting to clarify. Mr. Edwards stated the
76 Association's concern was about restrooms and trash pickup and that the Arts Council stated they are not providing
77 for restrooms facilities but will pick up trash. Manager Miller stated the Town, if requested, can put additional trash
78 receptacles out. Ms. Crain feels trash is not an issue as this is an art show with no food vendors or hand outs. Mayor
79 Pro Tempore White stated the Town would request trash cans be there as people will buy food and walk around and
80 the burden should not fall on the property owners and is confused as to what the Arts Council will and will not do; it
81 was an error in giving permission without knowing if they had spoken to anyone. Mayor Pro Tempore White asked
82 Mr. Edwards if he and the homeowners approve of this. Mr. Edwards stated the Association is okay with this with
83 the understanding that their restrooms are not available; Ms. Crain stated they will not be used. Mr. Edwards does
84 have a parking concern, one option is First Citizens, and at the last meeting this had not been clarified.
85 Commissioner Simmons asked if "we're there." Manager Miller needs Ms. Crain to reaffirm the street closures.
86 Commissioner Overcash asked Mr. Edwards if he was satisfied. Mayor Pro Tempore White asked if all of the
87 business owners were informed and if she could state again which streets are being closed – starting at Water Street,
88 on an angle, by OYC going around almost to New Street. Commissioner Overcash asked, in the future, if there could
89 be more attention to detail as the Town had assumed things had been taken care of until Jim Edwards had come to
90 the Board. Mayor Pro Tempore stated we had a similar situation with the boat show. Ms. Crain said it was hard to
91 know where to start and you cannot promote something if the Town will not allow you to do it and to through "all of
92 the hoops you need to go through with the property owners." Commissioner Overcash reiterated when planning an
93 event, you need to speak with the property owners. Ms. Crain said she spoke with most of them, just not the
94 Association.
95

96 **Commissioner Dammeyer made a MOTION to confirm. Seconded by Commissioner Overcash. Motion passed**
97 **5-0.**
98

99 **5. Status of 1216 Lupton Drive (Rezoning request)**

100 The Planning Board has recommended that the Board set a Public Hearing for May 1 for rezoning. The property is
101 currently zoned R1 and has been used, for quite some time, as parking and storage for Sail Craft Marina. The
102 Planning Board has asked to set the Public Hearing date so we can move forward with the rezoning request, noticing
103 adjacent/nearby property owners, posting signs, etc. In addition, Manager Miller stated she has little difficulty
104 acknowledging the current use of storage and parking was grandfathered to the property and clarified the meaning –
105 grandfathered means a non-conforming use for an R1 property and has been continuously used as such since the 70s
106 or 80s predating the enactment of the GMO. If the use is discontinued on a non-conforming property for six months
107 or longer, the entire property will convert back to an R1 use and not be allowed to be used as there are new parking
108 regulations – barriers, buffers, impervious surface restrictions, etc. At this point, it is a grandfathered use on a non-

109 forming lot. Mr. Arnfast is present this evening to answer any questions from the Board. The Planning Board will
110 discuss this on April 18 and forward a recommendation on his rezoning request and will be heard at Public Hearing,
111 if the Board chooses to set one, on May 1 at 7pm or as soon as can be reached, for petition for rezoning from R1 to
112 MU. One issue with allowing the grandfathered use is an unpermitted storage shed on the property, which, to
113 Manager Miller's knowledge is in the process of being taken down and if Manager Miller were to write the letter for
114 a grandfathered use, it is an unpermitted building on a non-conforming lot so presents additional problems. Mayor
115 Pro Tempore White asked if it would be acceptable to put in the letter for the closing on the 13th, stating that it is
116 grandfathered in. Mr. Arnfast stated that the prospective owners, Michael and Jennifer (Pawlikowski) are in
117 attendance and are working with the SBA and appears that they would be willing to accept the non-conforming use
118 of property, grandfathered since the 70s, but is unsure if that is definite. The process has been going on for four to
119 five months and the SBA has certain standards and is a long process as opposed to a commercial bank. Manager
120 Miller stated there was an indication from their attorneys that the letter would (inaudible) in getting their closing on
121 schedule. Manager Miller is willing to write the letter as long as the building comes down. Mr. Arnfast stated at the
122 Planning Board meeting that was erected for Art and Terry Halpern to build a boat on the property temporarily.
123 Commissioner Dammeyer confirmed as a condition of receiving the letter that the building will come down and he
124 will proceed with that, will be down by the end of the week. Commissioner Dammeyer addressed Manager Miller
125 asking about the application in the documents where it said "petition" and wanted clarification. Manager Miller said
126 the request can be accepted in the form of a form or a letter. Mr. Arnfast has brought us the information from the
127 County, property owners surrounding.

128
129 **Mayor Pro Tempore White** made a **MOTION** to set the Public Hearing for May 1. Seconded by **Commissioner**
130 **Simmons**. Motion passed 5-0.

131
132 **6. Adjusting Chapter S – Schedule of Fees**

133 This is generally done in July but we may have some new development coming in, particularly a subdivision, which
134 takes an extreme amount of time and effort and would be fair to charge a fee. Manager Miller enclosed a few local
135 fee schedules and spoke with Managers from similar demographically qualified communities and anywhere from
136 \$250 to \$500 is reasonable plus X number of dollars per unit. To change a development fee requires a Public
137 Hearing. While it is Chapter S, it is still a development fee. Manager Miller would like to work with one or two
138 Board members to pull something together from the examples that is reasonable to justify the amount of time spent
139 working. Manager Miller believes this should be done in the near future as development is up in Town, four houses
140 currently in progress with two developments almost ready to go. Manager Miller needs two volunteers willing to go
141 over the examples and then forward to the Board for review. Water fees, there is nothing in the fee schedule for after
142 hours. It does cost the Town money to call someone in on the weekend. We could then charge a fee and have
143 someone on call. If someone needs to go through the records in addition to someone to turn the water on, it will be
144 double the fee.

145
146 **Commissioner Simmons** made a **MOTION** to set a Public Hearing for May 1. **Commissioners Simmons and**
147 **Overcash** have volunteered to assist **Manager Miller**. Seconded by **Commissioner Overcash**. Motion passed 5-0.

148
149 **7. Pamlico County Fishes and Loaves Resolution 2018-07**

150
151 **Mayor Pro Tempore White** made a **MOTION** to adopt the Pamlico County Fishes and Loaves Resolution 2018-
152 07. Seconded by **Commissioner Overcash**. Motion passed 5-0.

153
154 **8. Water Shortage Response Plan (update)**

155 This is a longstanding plan on the books which has been updated by ORC Andrew Cox according to the Public
156 Water Sections Regulations and must be approved by the Board and filed with the Public Water Supply Section by
157 June 1. Mayor Pro Tempore White asked if the County files a water shortage with the State, do we abide by what the
158 State or County does. Manager Miller stated we do not. Every water system is required to have its own plan on file
159 with the State and because we have a separate water system, we have a separate plan as there may be provisions in
160 our plan that are not what the County asks for. Mayor Pro Tempore White brought up the fact that some people still
161 have wells and can continue to use water normally. Do we make any delineation between our water system and
162 having a well? The Water Shortage Response Plan only has to do with water usage from our water system. Most of
163 the people in Town that do have wells are on our system as well so they can switch back to the well if needed.

164 Commissioner Overcash asked who determines who is breaking the law in this case – the ORC (Andrew Cox). In
165 the absence of Andrew Cox, Manager Miller would fill this role.

166
167 **Mayor Pro Tempore White** made a **MOTION** to approve the Water Shortage Response Plan. Seconded by
168 **Commissioner Dammeyer**. Motion passed 5-0.

169
170 **9. Manager's Report**

- 171 • Financials are attached
- 172 • Manager Miller will be attending class in Chapel Hill from April 24-27, last class and graduation
- 173 • Budget Sessions are scheduled for April 9 and 23 in the large board room from 8-10am. The projections
174 from the League have come in and are included in the package
- 175 • NC General Statutes in July of 2017 enacted something that gives us a period of time to do a required
176 engineering study if the Town wishes to charge impact fees. We have a small system and it is unlikely that
177 we will increase our capacity therefore we do not have to do this. There is a time limit and if we want to
178 reinstate impact fees (on legal counsel, we have pulled back on them) we would need to go through this
179 engineering study. Manager Miller has contacted several engineering firms and are waiting for estimates.
180 The difficulty with this ruling from the General Assembly is that it has to be completed and in place by July
181 1. Manager Miller has been in contact with the attorney and is awaiting an answer. Manager Miller feels his
182 opinion is that the money we would invest in this study would not be recovered.
- 183 • Annual Burn Out of the water system April 25-May 31
- 184 • Mike Hill from NCRWA was here to do our Consumer Confidence Report and will be posted publicly in
185 May
- 186 • Manager Miller met with the Duke Law Professors in March and spoke about the many issues we face
187 related to water, have been directed toward a few fixes, additional resources may be devoted to assisting us
188 to gain control over our harbor
- 189 • Mr. Davis from DEQ came out for the Pierce Creek dredging final inspection. We have a projected path to
190 secure additional funds which would reduce the portion we would need to put toward the Whittaker Point
191 Project
- 192 • Playground installation is complete
- 193 • Dog park tags are in, some of the signage is in. At the Board's discretion, we can set a start date but
194 Manager Miller would like to get the last sign in, water fountain is plumbed in. Commissioner Overcash
195 has secured benches through Parks and Rec at the County, coming along nicely
- 196 • Welcome to Oriental signs are almost ready
- 197 • General Assembly is considering HB 56 – considering exempting certain distances from the water from
198 land tax. In Pamlico County, this amounts to 21,000 acres, unsure of how much of this is in Oriental and
199 may affect us in the near future
- 200 • Alligator hunting – North Carolina has decided that there will be, at the discretion of the Counties and
201 Municipalities included in: Carteret, Craven, Pamlico, Onslow, Pasquotank, Hyde and Tyrrell Counties.
202 We have until May 1 to inform the State if we decide to allow alligator hunting. Then from May until July,
203 the State will come in and do a count to decide how many tags will be available. Names are put in for a
204 lottery and the hunt is from September 1 to October 1.
- 205 • Eastern Carolina Council – The priorities that came out of the Legislative Lunch attended by Mayor
206 Belangia and Commissioner Simmons are listed in Commissioner's packages. The event was well attended
207 and well received by our elected officials

208
209 Commissioner Price had a question on water fund revenues asking if it is typical for it to be that low at this time of
210 year. Manager Miller stated it is as we are going into April, May and June and visitors will be arriving. In July, the
211 money received for the new bill will be backed in to June.

212
213 **10. Police Report**

214 There were 8 traffic stops, 75 business checks, 11 assists to law enforcement. All in all, pretty good month. Officer
215 Blayney believes some of the increases were due to the weather getting warmer. Officer Blayney has been working
216 on a project, and has spoken with Manager Miller, with the Board's permission he would like to have a workshop
217 with the business owners, before summer season, to discuss security, lighting, being aware of surroundings, having a

218 plan in the event of a shoplifting, etc. This would include gathering after hours contact information. Commissioner
219 Overcash inquired why he had not gone to Manager Miller as the Police Administrator. She stated he had and
220 wanted him to present it to the Board, date to be determined. Officer Blayney stated if this is successful, he would
221 like to do one for homeowners and residents as well. Commissioner Price asked how the previous weekend went
222 with the college sailors in town and it went well. Mayor Pro Tempore White asked about the larcenies and property
223 damage. The larcenies were identity theft and someone lent out their debit card and was not immediately returned.
224

225 11. Commissioners Comments

226 Mayor Pro Tempore White spoke about the walking session with Mr. Davis from DEQ and felt it was outstanding.
227 He took a real interest in Whittaker Point. Dr. Weaver is going forward with the grant and we are one of three
228 townships. Our portion is approximately \$400,000 of which our match is 1/3, about \$125,000. This is the federal
229 grant. According to Mr. Davis, his federal grant writes 50% of that that we could then apply towards our cost.
230 Manager Miller stated we will see if we can leverage the value of the land. Mr. Davis told Mayor Pro Tempore
231 White that his grant is due June 30 but would like it two weeks ahead of that so he has time to review it. Mayor
232 Pro Tempore White would like to see the Whittaker Point be done and submitted and in the budget and those should
233 be the two working items between now and the end of the (inaudible). Mayor Pro Tempore fees he would not take
234 on the engineering study (inaudible) impact fees. He feels Manager Miller should oversee this process but task
235 Harbor Waterfronts and Commissioners to write portions of it and take some of the workload off of Manager Miller.
236 Mr. Davis of DEQ spent five hours here, taking notes and listening. Commissioner Overcash asked what his position
237 is. Lisa Thompson responded he is an Administrator with DEQ, really took an interest, willing to go forward.
238 Commissioner Simmons commented that in reading the Commissioner comments from an earlier meeting and all
239 voiced the opinion that Whittaker Point is very important. This is a Federal opportunity through Coastal Federation.
240 There are three communities involved but submitting it in one lump. Placing more granite may be less expensive.
241 Owners (Henry Frazer, Ben Hollowell) are willing to deed the property to us. These are two projects – Whittaker
242 Point reconstruction, which involves the Town, and the other is Whittaker Creek dredging which Henry Frazer and
243 Ben Hollowell are running with the Friends of Whittaker Creek and Town has no involvement. Commissioner
244 Simmons has volunteered to help. Harbor Waterfronts will assist with the Grant. Commissioner Price spoke about
245 Sailpack over the weekend and spoke with one of the coaches from Jacksonville. He said they will be coming back
246 and this is the best college sailing event that they attend. Town is very welcoming.
247

248 12. Auxiliary Boards

- 249 1. BRMSD February 22, 2018
 - 250 2. HWAC March 8, 2018
 - 251 3. Tourism February 20 and March 20, 2018
 - 252 4. Parks and Recreation – Did not meet
 - 253 5. Tree Board March 27, 2018
- 254

255 Mayor Pro Tempore White felt in the Tourism minutes where they mentioned instead of starting their own website,
256 they would work with Towndock but Towndock is a private entity that can choose what information they use or do
257 not use. Commissioner Simmons stated that the Town of Oriental does already have a website and Towndock was
258 thinking of doing some films. Mayor Pro Tempore White reiterated that Towndock is private and they do not want
259 them to rely on them as they can decide not to run something and it is “their privilege to do that.”
260

261 **Mayor Pro Tempore White** made a **MOTION** to accept the Closed Sessions Minutes of March 6. Seconded by
262 **Commissioner Simmons**. Motion passed 5-0.

263
264 **Commissioner Simmons** made a **MOTION** to adjourn. Seconded by **Commissioner Dammeyer**. Motion passed 5-
265 0.

266
267 **13. Adjourn.** Meeting adjourned at 8:02pm.

268
269 Next meeting scheduled as April 9, 2018, 8-10am (Budget) and April 23, 2018, 8-10am, May 1, 2018, 7pm, regular
270 Town Board meeting.

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Sally Belangia, Mayor

Diane H. Miller, Town Manager/Clerk

Approved _____, 2018 _____