



ORIENTAL TOWN BOARD REGULAR MEETING

Tuesday, June 25, 2020 at 7PM

507 Church Street, Oriental, NC

Mayor Pro Tempore David White Officiating

The Town Board of Oriental Town Board Meeting on June 25, 2020 was called to order at 7PM. Mayor Pro Tempore White determined a quorum to be present and called the meeting to order. Mayor Belangia and Commissioner Barrow not present. (Commissioner Barrow attempted to participate by ZOOM, but the program indicated to the room it was functioning while remote participants confirmed following the meeting that it did not transmit sound nor video.)

Manager Diane Miller, Admin Director /Deputy Finance Officer Tammy Cox, Officer Nic Blayney, Public Works Director/ORC Drew Cox, Intern Mackenzie Deal as were several members of the Public present. The meeting was livestreamed through ZOOM in order to allow the Public to see the entire proceeding. (There was, as described above, technical malfunction) The Board was able to take comment through the Manager's email (manager@townoforiental.com) prior to the meeting. (None submitted) Following the Governor's Executive Order 147 that exempted governmental functions from any mass gathering restrictions, the Public was allowed and invited. All documents for the meeting were available through the Town's website at www.TownofOriental.com The Board started with the Pledge of Allegiance. Mayor Pro Tempore noted that this is our end of the year meeting- to get things in order for year end, and also replaces our July meeting. There will be no July meeting.

1. The Agenda was approved by a MOTION from Commissioner Overcash and a second by Commissioner Simmons. 4-0.
2. The Consent Agenda. Commissioner Overcash makes a MOTION to accept the Consent Agenda. Commissioner Simmons seconds. 4-0.
3. Public Comment:
Jennifer Roe (502 South Ave) raised issue with the Manager's report- that the Manager took personal offense at her previous comments, which could not be further from the truth and went on to congratulate the Manager on her Pelican Award. She noted that the Board needs to ask if the Board, in this budget, is being a good steward of Public Resources. Are we pushing off a tax increase? Even the Manager agreed that this is not the time for a tax increase. Manager notes that there was no offense taken and that the response to Mrs. Roe's comments at the previous Public Hearing were only to correct inaccuracies.
4. Hurricane Preparedness: Capt Mackenzie Deal gave a presentation on Hurricane Prep, noting new potential for adjustments for evacuation procedures concerning COVID-19 (guidance has not been released yet). Capt Deal introduced herself prior to the presentation. All documents briefed will be available on the Town's website for download. We also have paper packets prepared that can be picked up tonight and afterward in Town Hall. She noted difference between watches/warnings and wind concerns vs water (surge/flooding) concerns. Currently already 4 names into the 2020 Season-looking for Eduardo next. New for this year is "Know Your Zone"- we are in ZONE A- priority for evacuation. If an order is issued, you need to leave FIRST and don't wait. Point of the info distribution is to be informed and prepared. They consist of updated evacuation sheets (to be posted on the inside of your front door if you evacuate), vehicle cards (for vehicles moved to higher ground), inventory and prep lists, contact information. Manager reinforced some points made and noted that the emergency team would be meeting in the coming weeks. Manager thanked Captain Deal for gathering and organizing all the tools that both citizens and staff need to prepare for and recover from another hurricane. Officer Blayney noted that when you do those inventories, add serial numbers of high ticket items.
5. Census 2020- Capt Deal gave a brief on the procedure and importance of filling out the 2020 Census- our funding (state and federal) is dependent upon us answering for the next 10 years. There is no official end date- still accepting entries. Online responses have to be done in one sitting- you can't save and return to it.

If you need assistance, please contact Town Hall- we can help walk you through it and all staff that assist are sworn to not reveal any details disclosed during that process.

6. Capital Improvement Plan: The plan is posted online, not in your paperwork because it's very difficult to read when we get it on one page. Public Works Director notes the usefulness of the sheet in order to prioritize what we need and its life expectancy, and when it SHOULD be replaced. The first time we showed you this, the single year replacement cycle added to over \$850,000. This helps Drew make the priority list and address the most urgent issues first. He noted the replacement dates for equipment, noting dates back as far as 1975- original pipes/valves. Meter changeout has led us to either excellent condition or poor condition- nothing in between. All remaining are close to the end of life expectancy. We are under the warranty numbers. Replacement is to help us recover water loss. PW Director Cox will take any questions. Mayor Pro Tempore White notes that this sheet feeds the budget requests.
7. Capital Reserve Ordinance. The existing (2019-08) Ordinance is not due to be spent until 21-22. We can still push this off until we have a FEMA answer on the overage funds. We have learned that NCDPS has signed off, and it is now in FEMA's hands. \$27,500 still in reserve- request to FEMA involves land activities, truck replacement, and car replacement. Commissioner Overcash thinks it's smart to put it off until we hear from FEMA. Manager notes our closeout conference is tomorrow to fix the numbers.
8. Water Billing format change- Water billing will be changing in the upcoming fiscal year. They are moving from the card format to a regular letter sized bill- fewer abbreviations, more explanations, better chance it will not be caught up in the advertisements. Also, we will be able to go to e-billing, where we can opt-out of receiving a paper bill and receive it electronically. Manager went through the new format. We expect it to come in the July bills (that you will receive the first week in July) *[information received following the meeting prior to approval of these minutes indicates that the turnover will be on the July USAGE- billed in August, not in the July-issued bills]*.
9. Title VI Compliance: NCDOT was the first State entity to push the compliance of Title VI. (Non-discrimination policy) as attached to funds received by municipalities for Powell Funds. Ensuring nondiscrimination for use of state and federal funds has been mandated. While we were compliant by requirements listed in both our personnel policy and also in our contracting, we did not have an overall policy in place. The documents you have tonight (A resolution adopting the Policy, the Policy, and a complaint form/process) are standard, legally vetted boiler plate language of what all entities receiving state and federal funds must approve to continue receiving those. (Resolution 2020-05). Commissioner Price makes a MOTION to approve the Resolution, the policy, and the complaint form/process. Commissioner Overcash seconds. 4-0.
10. Closeout of the Whittaker Creek Dredge project and turnover of excess funds and paperwork for the project. The project cost \$256,100.82. The grant portion was \$170,661.15, and we have already received that reimbursement. We have also transferred the match portion (\$85,439.67) into the Town's general fund as reimbursement (the Town paid the bills). The overage of collected match (\$29,904.33) was turned over to the Friends of Whittaker Creek (FOWC), a nonprofit 501 (c)(3) with an account at First Citizens (as was laid out for procedure when the Town began accepting donations toward the match required. Mr. Dan Allen, as one of the Board has custody of the paperwork for the project. I expect that Mr. Allen will be contacting all of those who contributed as members of the group, and tell them where the overage is and get the seed money to move forward in collecting funds that can be used to dredge in the future. Audience members asked Mr. Allen, who was present, several questions concerning the FOWC and movement forward.
11. Budget Amendment: Manager goes through all portions of the Budget Amendment that gets us inline prior to year-end. All departments are solvent with this amendment. One item that drew comment was that we surveyed South Water St (again). Apparently it had been surveyed years prior, which we had no record of, and the complaint by a property owner on the street required us to re-survey the street prior to work being done on the road. Commissioner Overcash makes a MOTION to accept the Budget Amendment as written. Commissioner Simmons seconds. 4-0.

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12. The Parrothead Regatta has requested reservation of one of our Public overnight docks for their events July 25. The HWAC has requested that they be reserved 12 Noon July 25 to July 26, 12 noon. We will also reserve Town Dock 2, not Town Dock 1. The advertisement notes the COVID restrictions, and says they will be compliant when they come. There will be no rafting. Commissioner Overcash makes a MOTION to reflect the above restrictions, and Commissioner Price seconds. 4-0.
 13. Direction to Planning Board on deteriorated/dilapidated housing/structures. Slide shows today's screenshot of the current laws. In your package you have a 120 page Session Law 2019-111. This repeals and replaces current statute on planning regulations for our purposes. The new laws will be in force not before and on January 1, 2021. This is why we have not received anything as a template from our attorney. If we had worked on something to be compliant with statute now, it would no longer be compliant as of January 2021. If we enact a 2021 version now, it will not be compliant with current statute. The Manager recommends that the Board draw the line where they want the Planning Board to go between deteriorated/dilapidated and appearance standards, so that when the version that is 2021 compliant is forwarded, they will have an accurate starting point. Commissioner Simmons has forwarded the Board some examples that might be good exemplars. She discussed different levels of deterioration. There has also been some discussion of receivership. Those discussions should also wait until we receive further legal guidance. Mayor Pro Tempore White noted that we want to avoid appearance, but deal with those that had health and safety issues- uninhabitable as the standard. The Board's discussion followed those lines and examples we'll be looking at.
 14. Annual Meeting Calendar. Draft calendar passed out June 2. The one that becomes a concern is the November meeting. Mayor Pro Tempore White notes that he prefers we move it one week out rather than later in that evening. Commissioner Overcash makes a MOTION that we adopt the draft calendar with the movement of the November meeting one week forward. Commissioner Simmons seconds. 4-0.
 15. July 4th weekend- Fireworks organized by private citizens will go Friday July 3. Social Distancing is encouraged. Oriental's advantage is the high-rise bridge gives many vantage points. Signs have been fixed giving people notice that the bridge would be closed prior to and during the event. All other events have been cancelled. Mayor Pro Tempore White noted that the NCDOT, Emergency Mgmt, and Sheriff signed off. Manager notes that there may be some event being organized by a BLM entity to march through Oriental July 4th. We don't have a lot of information on the event.
 16. Whittaker Pointe shoreline restoration: Manager shows today's photo of progress at the Pointe. Noting the breach and progress toward the restoration. Accelerating erosion and places where some marsh grass has reestablished. Rock sill placement beginning into the breach, but this will take quite some effort- the water is deeper than where they have been and needs significantly more fill to allow the movement of the equipment. Mayor Pro Tempore White noted that he was out there with Mr. Blackerby, one of our inspectors. The Manager noted that a few requests are in to CAMA for modification resultant from peninsula migration since the project started.
 17. Mini-Brooks Resolution 2020-06 for exception to engineering bidding requirements. Also the approval of street assessment contract with J.M. Teague to perform the street assessment. Commissioner Overcash made a MOTION to approve resolution 2020-06 and also award the street assessment contract to J.M. Teague Engineering. Commissioner Simmons seconds. 4-0.
 18. Trash discussion: Manager notes the current costs for garbage/tipping/ per bin cost plus weight. Also the cost of recycling plus new handling fees. Revenues versus expenses. Overage costs- produced by over on the trash, but lost to actual cost for recycling. Also- green waste is not funded at all through fees charged. Trash and recycling together loses \$3.20/bin/month, which equals upwards of \$25,000/year before the tipping charges (\$24,000) or the green waste (\$22,000) costs are added. Annual loss in the sanitation fund for 2020-2021 is expected to be (\$69,000-\$72,000). The Board does not have to consider fee increases or budget amendment from GF until and unless we go past the budgeted amount for trash pickup. This discussion can be pushed forward until that time, but we all need to understand that the draw from the GF

164 to supplement what residents are charged is approximately \$.03-\$.04/\$100 on the tax rate. As the Manager
165 has previously cautioned, contracted services should operate as an enterprise fund (like Bay River)- what
166 we take in is what we pay out. At the request of Commissioner Barrow, we pulled from the system how
167 many people have additional bins. Only 5 residents have extra bins (2 each) and only one business pays for
168 additional bins over the allocated \$2/bin up to 5. After 5 bins, businesses are charged \$11.30/bin/month.
169 There is only one of those. Several businesses have between 2 and 5 bins. We had discussed several
170 options. All options must have additional numbers to figure if we remove recycling, the amount of weight
171 added to the tipping and also number and size of bins. Currently, Recycling is still less expensive than per
172 bin cost of garbage and we pay no tipping on recycling. If all recycling goes to trash, there is not
173 necessarily a savings. Once we do away with recycling, we will not get it back. Question about the
174 recycling bins' cost at the Rec Park- the County pays for those. County Manager is coming in the near
175 future to one of our meetings, we could have a trash discussion when he does. Green waste advantages are
176 arguably worth the cost- respiratory issues and drainage issues addressed. Potential to get weight of
177 recycling to try and figure the tipping for recycling if it's moved to trash. Noted that Joe Valinoti, our
178 recycling coordinator needs to be brought in. Manager notes that Mr. Valinoti is in agreement as far as we
179 have gone in this contract. Question about town costs for town trash- we pay tipping, not per bin costs. No
180 guesses on tourist trash amounts- Manager notes that people do, and have been caught dumping outside of
181 town household trash in town bins to avoid trash contracts.

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- 183 19. Police report: Not included in the original package (partial month) and Officer Blayney was "slacking"
184 because he GOT MARRIED THIS WEEK! Congratulations! Officer Blayney notes that the report is not
185 complete because it's not the whole month, but a good report in that basically a lot of business and
186 residential checks.
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- 188 20. The Manager went through her monthly report:
- 189 a. Financials YTD are attached. (today's budget amendment has not been entered yet)
- 190 b. Year end close- we will close Town Hall at noon Tuesday to close out water billing and then
191 move the year out and the new budget in. Staff will be here, but we will be focused on making
192 the transition correct- several of the reports are one chance only to get right.
- 193 c. Emergency Mgmt team will be meeting shortly to go through what worked and what did not-
194 update contact information.
- 195 d. Responses to Mrs. Rose's concerns voiced at the Public Hearing.
- 196 e. Water Supply Plan accepted by the State.
- 197 f. Sessions on ZOOM by Mrs. Cox concerning changes to this year's audit procedures,
198 including the audit contract you have already signed, detailing that you do have someone on
199 staff with the necessary SKs to process all paperwork for the audit. You have the Manager
200 designated. Also, changes to procedures regarding COVID filing (some things are taxed/not
201 taxed differently in payroll), other financial adjustments according to other changes in NC
202 Treasurer's procedures. Pre-Audit notes sent for what he will be looking for when he does
203 come. Original due date for audit is October 31, has been pushed to December 2020.
- 204 g. SOG email on EO147- "in other words, EO147 is no changes for local government."
- 205 h. Mr. Buck would like to update us on County procedures, making arrangements to join us.
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- 207 21. Commissioner Comments: Mayor Pro Tempore White asks about EO147 extends our ability to continue
208 meetings in person. Rules may change by then. New order in effect 5PM tomorrow. Manager notes that the
209 new order is very "porous". Anybody who claims an exception to the mask order states so and no questions
210 can be asked. No legal repercussions for citizens, unless business wants trespassers removed or blatant and
211 repeated abuse of the order's mandates.
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214 Mayor Pro Tempore White noted that the next meeting is scheduled for August 4, 2020, 7PM. Commissioner
215 Simmons made a **MOTION** to adjourn. Seconded by Commissioner Price. Motion passed 4-0.

216 Meeting adjourned at 8:45PM

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David White, Mayor Pro Tempore

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225 Approved _____, 2020 _____

Diane H. Miller, Town Manager/Clerk

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ORIENTAL TOWN BOARD SPECIAL MEETING

Tuesday, July 13, 2020 at 9AM

507 Church Street, Oriental, NC

Mayor Sally Belangia officiating

The Town Board of Oriental Town Board Special Meeting on July 13, 2020 was called to order at 9AM. Mayor Belangia determined a quorum to be present and called the meeting to order. All commissioners were physically present.

Manager Diane Miller, Admin Director /Deputy Finance Officer Tammy Cox, and several members of the Public were present.

The Agenda was for a one item review- "dangerous and wild animal" addition to General Ordinance in Chapter H.

Manager Miller noted the impetus for the Special Meeting: Dr. Forbes with the USDA called Friday afternoon to ask if we had any Ordinance that restricts Wild Animals from our Town Limits. Ms. Cox took the call shortly before closing, as the Manager had others with development issues in her office. Immediately, Manager Miller called the attorney, who forwarded the posted language. Notice of the meeting was properly posted and circulated, allowing a 48 hour notice. Apparently, wild animals can be kept in 3 other states along with North Carolina *unless* there is a local Ordinance restricting them. Mgr Miller noted that our seasonal potential issues and the devastation caused during hurricanes is more than enough reason for the Board to consider banning such activity, similarly to the fact that we ban any heavy industrial uses near the water's edge for the potential for dangerous consequences.

Manager Miller presented the draft Ordinance sections, crafted by the attorney to be fit into Chapter H. Following publication of the draft language, it was suggested to add the word "venomous" to the language, as well as to insert "no longer than 7 days" as related to allowance for same to be in town temporarily as part of a travelling exhibit, circus, etc. In addition, adding "within 24 hours" in the Penalties section for a limit to the period to have an animal removed from the Town limits. There was no Public Comment. (Mr. McGuire mistakenly signed the comment sheet).

A MOTION from Mayor Pro Tempore White to accept the draft with noted corrections and a second by Commissioner Barrow. 5-0.

A copy of the accepted Ordinance is attached to these Minutes.

Commissioner Simmons made a **MOTION** to adjourn. Seconded by Commissioner Barrow. Motion passed 5-0.

Meeting adjourned at 8:45PM

Sally Belangia, Mayor

Diane H. Miller, Town Manager/Clerk

Approved _____, 2020 _____