



ORIENTAL TOWN BOARD MEETING

Tuesday, June 28, 2018 at 8am

507 Church Street, Oriental, NC

Mayor Sally Belangia Officiating

6 The Town Board of Oriental Town Board Meeting on June 28, 2018 was called to order at 8am. 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.

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10 Present: Mayor Sally Belangia, Mayor Pro Tempore White, Commissioner Overcash, Commissioner Simmons,
11 Commissioner Price, Town Manager Diane Miller, Deputy Finance Director, Administrative Assistant Jeannine
12 Russo, Officer Nic Blayney and Members of the Public. Commissioner Dammeyer was absent.

13 14 APPROVAL OF AGENDA

15 Mayor Pro Tempore White made a MOTION to approve the Agenda. Seconded by Commissioner Overcash.
16 Motion passed 4-0.

17 18 1. Consent Agenda

- 19 a. Approve Closed Session Minutes from Regular Town Board Meeting June 5, 2018
20 b. Approve Minutes from Regular Town Board Meeting June 5, 2018

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22 Commissioner Overcash made a MOTION to approve the Consent Agenda. Seconded by Mayor Pro Tempore
23 White. Motion passed 4-0.

24 25 REGULAR BUSINESS

26 27 2. Public Comment Period

28 No Public Comment Period.

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30 Manager Miller asked the Board to skip to Number 10 and announced that William Wichrowski has accepted our
31 offer and will be our new police officer and the state is processing paperwork, did not receive it in time to swear him
32 in. The Board does not need to swear him in; Manager Miller can do that, so when the paperwork does come in, he
33 will be sworn in. Even if he is not a sworn officer this weekend, he will be helping us as an employee of the Police
34 Department as we did with Officer Blayney when we were waiting for his paperwork. Manager Miller asked for all
35 to welcome him as our second full time police officer.

36 37 3. Josh Gibson: 20 Years of Service

38 Mayor Belangia, the Board and Town Staff, recognized Josh Gibson for his 20 years of service to the Town of
39 Oriental and was presented with a gift of two chairs and a table for his porch. Manager Miller spoke about Josh
40 stating he has our "institutional memory," is our go-to guy when we need answers and his service is much
41 appreciated.

42 43 4. Flood Damage Prevention Ordinance (Tab 2)

44 Manager Miller stated this Ordinance is a Step 2 from the Pamlico County Hazard Mitigation Plan that was
45 approved in 2015. This was supposed to happen shortly after but communication was not clear. The Town
46 interpreted this as the County wanted us to incorporate facets of that Ordinance into our GMO so the Planning Board
47 did go through that and had this in mind when they did the changes to the GMO, for example, the new standards for
48 mobile homes, where you can and cannot build, etc. The County is asking for a Resolution that allows them to
49 enforce the Flood Ordinance as part of the Building Code in Town limits. No additional action from us is required.
50 This is an additional line on our Compliance Form that says "Have you checked with the County Building Inspector
51 to make sure that your design meets the Flood Prevention Ordinance." This will be one of the documents that we
52 would reference when we do our Statement of Consistency from the Planning Board. There is a recommendation
53 from the Planning Board to accept the Resolution. Manager Miller also asked the Board to set a Public Hearing for

54 July 9 at 8am as it is a Land Ordinance and requires a Public Hearing. It will be posted so people can look at it and it
55 cannot be approved until we hold a Public Hearing.

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57 **Commissioner Overcash** made a **MOTION** to hold a Public Hearing on July 9. Seconded by **Commissioner**
58 **Simmons**. Motion passed 4-0.

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60 **5. Whittaker Pointe Restoration Project (Tab 3)**

61 Manager Miller stated a lot of progress has been made on the Whittaker Pointe project and has received a lot of
62 letters from businesses in addition to many pages of signatures on the petition in support of the project. Lisa
63 Thompson has worked on the NCDEQ application and Manager Miller has been working on the Golden Leaf
64 application. They will go in together tomorrow (June 29). There are three pages in Tab 3 – A Resolution that
65 supports the DEQ application along with a Conflict of Interest Certification and a second Resolution to support the
66 Golden Leaf application – with change to title. Mayor Pro Tempore White asked if we have accepted the land yet.
67 Manager Miller said we have not. We are in the process of this but a regular appraiser that does residential and
68 commercial property cannot handle this. The current owners are paying for an appraisal by a specialist in
69 undeveloped land. This affects us in that we are using the land value as a match to the grant and if we do not have a
70 current appraisal, tax value will be used, which is currently \$24,600. We believe the value is significantly higher
71 which would cover more of the match. DEQ requires us to wait to take possession and Golden Leaf requires us to
72 have possession.

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74 **Mayor Pro Tempore White** made a **MOTION** to adopt both Resolutions with the changes to the title that says
75 Golden Leaf. Seconded by **Commissioner Simmons**. Motion passed 4-0.

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77 **6. Budget Amendment/Project Conclusion (Tab 4)**

78 This is our final clean up, Water Front Enhancement Appropriated to cover the cost of the engineering for the
79 Whittaker Pointe design, to be hand delivered to us today, for inclusion with the application from Stroud
80 Engineering – this was previously approved. The other General Fund Fund Balance Appropriated for \$16,950,
81 which is the Raccoon Creek Flood Abatement Study and that is 100% reimbursable but is paid up front. Mayor Pro
82 Tempore White asked for clarification, from one fund to another.

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84 **Mayor Pro Tempore White** made a **MOTION** to approve the Budget Amendment. Seconded by **Commissioner**
85 **Overcash**. Motion passed 4-0.

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87 **7. Chapter E Additions for Watercraft Racks (Tab 5)**

88 The Watercraft rules and lease agreement rules and Amendment to Chapter E, addition to our Docking Ordinance to
89 cover Watercraft Racks; has been vetted by our attorney. Will make available for public use unless there are
90 changes. There is a Resolution and an Ordinance to change Chapter E.

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92 **Mayor Pro Tempore White** made a **MOTION** to approve the Resolution and to adopt the changes to Chapter E.
93 Seconded by **Commissioner Simmons**. Motion passed 4-0.

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95 **8. Adjustments to Chapter H – Nuisance Ordinance for Dogs (Tab 6)**

96 Manager Miller compared our existing Ordinance to State Statute and made the appropriate changes. In addition, our
97 definition of habitual was not in line with other municipalities and counties. This was changed to something more in
98 line. Instead of being four times in one month, it is three times in six months. Manager Miller stated keep in mind,
99 the only thing the Pamlico County Animal Control officer can enforce is State Statute. The rest of the document is
100 State Statute and allows one of our officers to take reports and accumulate numbers on a specific animal that has
101 been harassing residents. One administrative change – from Police Chief to Oriental Police. Significant change
102 under Article 6 – Penalties, the state has revised where penalties were specifically allowable. Manager Miller stated
103 this Statute is usually not as graphic as this Statute is which says: To kill someone or break bones or disfiguring or
104 maiming. The penalty sections allows someone to go after anybody, with litigation, who suffers injuries from a dog.
105 Our wording is directly from state statute but had not been updated in some time.

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107 **Commissioner Simmons** made a **MOTION** to update the Ordinance. Seconded by **Commissioner Overcash**.
108 Motion passed 4-0.

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9. Mini-Brooks Resolutions for Engineering Contract for Whittaker Pointe and Water Impact Fee studies (Tab 7)

Manager Miller referred to our last meeting on June 5 where the Board, after Closed Session, approved a contract with Stroud Engineering for the design for Whittaker Pointe and did not include the Mini-Brooks Resolution that goes with that contract. If we are contracting for engineering design services under \$50,000, with this Resolution, we are not required to go to bid. The other project, the Water Impact Fee Study, was approved – and at that time we were under time constraints – to secure the engineering firm to do our study at half the cost of the other companies. The Mini-Brooks Resolution needs to go with that \$7,500 contract as well. This cost will be recovered in three new constructions. Mayor Pro Tempore White asked to clarify that Manager Miller has discretionary authority under \$50,000; this is correct.

Mayor Pro Tempore White made a **MOTION** to adopt both Resolutions as stated. Seconded by **Commissioner Overcash**. Motion passed 4-0.

10. Swearing in of new Police Officer (Tab 8) Pending approval paperwork from the state in a timely manner for this meeting.

See Manager’s comment below #2.

11. Manager’s Report

- We were officially released from our previous auditing contract allowing our new auditor to put his contract through the LGC. Our 2015-16 audit is almost complete. Our 2016-17 fiscal year is balanced to a number consistent for the final seven months and because we have been able to get that far, we will be able to open our new fiscal year on Monday.
- Approximately 10,000 people will be inbound for Croaker Festival. The Robert Scott Bridge will be closed from 3-11pm to all traffic other than emergency services due to the fireworks. Detour routes are posted and were discussed. This year there is a rain date of Sunday for fireworks.
- The Board will be receiving a letter and information from the Franklin Partnership, as discussed at the last meeting during closed session, offering their assistance on the Whittaker Pointe Project. This will be considered as we move forward. Their assistance would be for permitting and federal and state issues we would face.

12. Police Report: (Tab 9).

Officer Blayney presented a somewhat projected report, subject to change after the Croaker Festival. There have been more EMS calls than usual, presumably due to the heat. There are less animal control calls than usual. There were two larcenies at Dollar General, both people arrested. Things are going well, mostly information requests and citizen assists. He will present a full report at our next Board Meeting. Manager Miller added that we will do a welcome for Officer Wichrowski at our August meeting.

13. Commissioner Comments

Mayor Pro Tempore White commented that at the last meeting, many people spoke up for and against the Whittaker Pointe Project and since then has not heard from any residents against it, only in support. Marsha Paplham spoke about an event through the Tourism Board on July 19 at the Old Theater. There will be an informational symposium to dispel any rumors and possibly start to collect donations for the Whittaker Creek Dredging, which will be the focus of the meeting. Flyers will be handed out at Croaker Festival. Resident Susan King wished to thank Manager Miller and the Board on the Dog Ordinance and hopes we do not ever need to use it.

14. Auxiliary Boards (Tab 10)

- BRMSD - 6-21-18
- Tree Board - 5-21-18

15. Adjourn – Next meeting scheduled as August 7, 2018, 7pm at Town Hall

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

Meeting Adjourned at 8:32am.

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Sally Belangia, Mayor

Diane H. Miller, Town Manager/Clerk

Approved _____, 2018 _____



ORIENTAL - SPECIAL MEETING/PUBLIC HEARING

Monday, July 9, 2018 at 8am
507 Church Street, Oriental, NC
Mayor Sally Belangia Officiating

6 The Town Board of Oriental Special Meeting/Public Hearing to take comment on the proposed Flood Prevention
7 Ordinance Resolution on July 9, 2018 was called to order at 8am. The Mayor Sally Belangia determined a quorum
8 to be present. She said we have a Public Comment period, if you wish to speak please make sure you are signed up
9 on the correct sheet.

10
11 Present: Mayor Sally Belangia, Mayor Pro Tempore White, Commissioner Overcash, Commissioner Simmons,
12 Commissioner Price, Commissioner Dammeyer, Town Manager Diane Miller, Administrative Assistant Jeannine
13 Russo and Members of the Public.

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15 **Mayor Pro Tempore White** made a **MOTION** to open the Public Hearing. Seconded by **Commissioner**
16 **Overcash**. Motion passed 5-0.

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18 **Public Comment:**

19 **Grace Evans, 301 Midyette Street:** I looked at it and it's good to see Skip here (Skip Lee, Pamlico County
20 Building Inspector/Subdivision Administrator/CAMA) because he has been looking after us for a long, long time.
21 But one of the questions I had, with what the Ordinance seems to require, more visits in some cases and I wondered
22 if the County has funded Skip's office enough to do that or whether he has enough people. I know years ago, some
23 of you may remember it, we tried to help Skip and his department out and hire someone here in Oriental to go
24 around and check, that was while Alice (inaudible) was here, and go around and check whether there really was 7'
25 in between and whether there was drainage and all of that kind of thing. We hired someone part time but also Alice
26 and other members of the Planning Board looked at the regulations to see what was going on. I don't know if that's
27 a good idea. The other thing, I did not see CAMA referenced at all in this Ordinance and I wondered whether or not
28 the setbacks are in accordance with the CAMA setbacks and what CAMA has required, because it seemed since we
29 are using data from 2005, I think it was, the only mention of what was making a difference in the tidal difference or
30 whatever we had, was due to construction. There was nothing about erosion from heavy waters or certainly not
31 anything about a sea level rise in this and I did wonder about that and think it was 2004 data. I have also wondered, I
32 have gotten notices from FEMA that I need to have someone come and check the height of my first floor, mine is at
33 8 ½', at least when it was done last, but I think they want it at 9 now, I am not sure. Whether this makes any
34 difference, whether this Ordinance and being under the County and whether County Inspections would cover my
35 height or whether it is still necessary to get someone to come and do it personally to get that flood proofing
36 certificate and elevation certificate that are mentioned in the Ordinance. I wondered what that had to do with me
37 doing it personally or how that all works. Those were my main questions but how we here in Oriental, even though
38 this is a county-wide Ordinance, how we in Oriental can help, because we have our own problems here, how we can
39 help with Skip's office. That's my main thing.

40 **Skip Lee:** (Inaudible) about the elevation on your house. When we do the elevation on the house, all you have to do
41 is call my office and we get you a copy of your elevation. In 2004 was when we adopted the Flood Sites, basically,
42 in the County. As far as the new maps coming out, some of the areas will be out of the flood zone and some will
43 actually decrease. In Oriental, there are areas that will be out of the flood zone. Of course, those people can actually
44 apply with a surveyor to come back and re-shoot it as an X zone and get their rates decreased. The reason for this
45 meeting, as far as I am concerned, is adopt it from the County Flood Ordinance and the Town of Oriental will adopt
46 it through their Ordinance in order for us to enforce it for elevation of the houses. It also helps you get a better rate,
47 there is 1 through 8. Of course, if you do build a house and, most of you know, you have got to have flood elevation
48 in your (inaudible) anyway, so that would increase based on your payment for your loan. That could mean a lot as
49 far as the increase on the insurance of the total amount which you have to pay on your loan. Basically, CAMA and
50 all of those issues for the Ordinance, everybody knows it is 75' from the water. We have got an Ordinance in our
51 County that if it was platted prior to 1995, you must stay beyond 75', close to 7'. Oriental does not have that. Other
52 than that, that's about all I can say. Have you got any questions?

53 **County Manager Tim Buck:** Typically, Mrs. Grace, we need to see specifically who is asking. I am assuming it is
54 your flood insurance company. Is it FEMA directly? Or is it the flood insurance company?

55 **Grace Evans:** Yes, FEMA.
56 **County Manager Tim Buck:** It would be good to have a survey but when I asked the surveyor and when I asked
57 some realtors, they said no, don't bother.
58 **County Manager Tim Buck:** I am assuming it is through, are you renewing your flood insurance, is that
59 specifically why they are asking?
60 **Grace Evans:** I don't know. They just send me a notice and say it would be a good idea.
61 **County Manager Tim Buck:** We can sure look at it.
62 **Grace Evans:** Because they go up every year, FEMA does, so I think this has to do with how much it goes up.
63 **County Manager Tim Buck:** We can sure look at it and as far as assistance from Skip, he could tell you what you
64 need. This specific Ordinance has been in effect from the County's perspective since 2015. I don't think you have
65 had really any issues with the requirements. It really wasn't that much different than the older Ordinance and we
66 didn't have a lot of say-so. We took the template from the State that they provided. We did put our Freeboard, which
67 is what we have had, Skip you can tell us when we put the original Freeboard requirements in, but we did change
68 what version of flood maps we were using but other than that, we didn't do a lot of modifications. Then once we had
69 it, we had to send it to the State and their guy had to approve it for the NFIP, for the flood insurance program. There
70 are two different agencies that we have been working with and the reason we are here this morning is we also
71 participate in, and Oriental does also, called the Community Rating System. That is what Skip is talking about, that
72 should get a discount. By doing certain things, by doing certain mitigation efforts, for citizens, when they apply for
73 flood insurance, they get some amount of discount for participating in that program. I think, under the current
74 guidelines, it was 10%, we can get you those numbers. There is some discounting that takes place for participation
75 in that program. You don't have to but it's common sense stuff that we have to do to make sure folks aren't
76 constructing in a place that is considered hazardous for structures and properties. That is why we are here is because
77 we recently underwent, what we call for lack of a better term, an audit where the Community Rating System folks
78 come in and check all of our permits or they sample our permits. They make sure the Flood Elevation Certificates,
79 the flood vents, the permitting, that we are following the Ordinance. That is when they noticed that we really never
80 had an agreement with Oriental to be enforcing this Ordinance. Their suggestion was that we get one in place. I
81 didn't go back and do the research but my thought is at some point, the Town and County did enter into an
82 agreement to enforce the existing Ordinance within Town limits so that agreement probably still did apply but our
83 thought was to go ahead, do some outreach to you guys and see if you were interested in us enforcing it within the
84 limits. You certainly don't have to. My recommendation is if you want to do something specific within the Town,
85 maybe you do this today and that will give you some time to see if you want to make any changes, if you want to do
86 anything different within the Town's jurisdictions. By adopting that today, it would at least allow us to comply with
87 the current audit for review requirements. We get points, basically, is what we are talking about.
88 **Manager Miller:** When we first got the information from Tim's office, the communication went kind of wonky,
89 and we approved the Pamlico County Hazard Mitigation Plan and we were under the impression that we were to
90 take the Flood Prevention Ordinance and incorporate it to our Ordinances, which is not what we are doing today.
91 Today, we are here to allow Skip to enforce that Ordinance within our limits. All it does for us is we add one line to
92 our compliance form that says that Skip has looked at this and it is now compliant. In the meantime, when Mr.
93 Dammeyer was Chairman of the Planning Board, we did take that Ordinance and incorporated several portions of it,
94 moving toward the flood mitigation kinds of things. We restricted placement of mobile homes. We put in a
95 Terraforming Ordinance that you can't do that to affect drainage on other people's properties. We have done a lot of
96 things, little bits and pieces, but we didn't incorporate it as a whole, so this allows Skip to do the whole Ordinance
97 and while we are still tweaking the GMO, and the one thing we did talk about with the mobile homes, was that we
98 didn't want those who are least capable of flood insurance and regular insurance things to be erecting homes in a
99 place where they shouldn't and a quality of home that they shouldn't so the restrictions on the mobile homes were to
100 save people from themselves more than anything so that we would not be pulling in emergency services and we
101 were building to a code that would keep our own citizens safe. The Planning Board has incorporated, especially the
102 sweeping changes that you enacted in November, a lot of those included things from the Flood Prevention
103 Ordinance, so this just allows him to come in and deal with the whole thing in Town. They will still go through us
104 with the compliance forms and we will check our setbacks and our drainage and all of that kind of thing and then
105 they will go to Skip to make sure. When we switch to the preliminary flood plain maps, the ones that Mr. Buck was
106 talking about, 250 of our structures, both residential and commercial, will be coming out of the flood zone and
107 things that were in the AE Zone will now be in the X zone. So, Oriental did really well with the new maps. Further
108 inland in the County, some folks, there is the same number that is going in the opposite direction. Increasing the
109 regulations puts that many more out of the flood zone. I think it is a good idea for us.

110 **Mayor Pro Tempore White:** The good thing that I read about it is that this coexists with our GMO so it is just
111 some added protection building homes but our GMO also will so...

112 **Manager Miller:** But moving forward, remember we have a statement of consistency and compliance, when they
113 do that statement, this will be one of the Ordinances that they will reference as – we are part of this program with the
114 County and that will be one that will likely reference the CAMA Land Use Plan and we reference the GMO and we
115 will now reference the Pamlico County Flood Prevention Ordinance.

116 **Mayor Pro Tempore White:** And then the second thing is that most builders today, I think, our height limit is 9 or
117 10', it was 9, did it go to 10 after Irene?

118 **Skip Lee:** I think what is it, 9 there?

119 **Manager Miller:** I think it's 9.

120 **Mayor Pro Tempore White:** Most will recommend you build higher than that if you are close to the water so your
121 builder is going to work with you to get it above, 9 is minimum I would think if you are on the water.

122 **Grace Evans:** On that, can I just say that was one thing I know that the Planning Board had made this change but
123 this reinforces it and I feel strongly about it because of where I live that fill shall not be used as structural support
124 and that way you can affect the adjacent properties.

125 **Manager Miller:** We put that in in March of 2017.

126 **Grace Evans:** But this really, I think, helps support that because I am not a happy camper with doing that. The other
127 thing that I have noticed again, it's with my property, it's not so much the rise, it's the land sinking, the undermining
128 down near the water and that will show up on the maps and that is just something we can't do anything about
129 although we look at the bulk heading. One other thing was something in this Ordinance about the costs of doing
130 something that changes the flow of the water. I didn't know, just reading that, I wondered whether that would have
131 anything to do with what we are wanting to do with Whittaker Pointe. It is just one paragraph in there and I didn't
132 write it down but it had to do with considering the costs of deflecting water current.

133 **Manager Miller:** I think I am going to (inaudible) end up as an exception because it is restoring back to what it
134 used to be.

135 **Lisa Thompson:** I think that had more to do with stream flow if you were diverting a stream to build in a particular
136 area.

137 **Mayor Pro Tempore White:** I read it to about diverting streams and also if you divert the flow of water, if you put
138 your house up high and you divert the flow of water around it, when the surge comes in it may flood other people's
139 property.

140 **Grace Evans:** I know that well.

141 **Manager Miller:** That's what the Terraforming Ordinance did and we actually had an owner, in the past year, who
142 put an addition that was on a not-level lot, put an addition on the back side and had to pipe the drainage all the way
143 back to the front of the property to the existing neighborhood drainage ditch and they did it, at great expense.

144 **Mayor Pro Tempore White:** But we changed our Ordinances after we had two houses or three houses built on
145 Neuse Drive that raised it up and what they do is flood other people's property. Now, if you flood other people's
146 property, you have to have an engineering study that says you are not going to flood the property and if you are, you
147 have to put mitigation processes in place to make sure it doesn't do that.

148 **Grace Evans:** Well you know about the condos across the street.

149 **Mayor Pro Tempore White:** I know Grace.

150 **Mayor Belangia:** Are there any other comments? If not, we will have a motion to close the Public Hearing.

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152 **Commissioner Overcash** made a **MOTION** to close the Public Hearing. Seconded by **Commissioner Dammeyer**.
153 Motion passed 5-0.

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155 **Mayor Pro Tempore White** made a **MOTION** to approve and adopt the joint Resolution of Pamlico County and
156 Oriental as referenced in the Public Hearing. Seconded by **Commissioner Simmons**. Motion passed 5-0.

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158 **Commissioner Dammeyer** made a **MOTION** to adjourn. Seconded by **Commissioner Price**. Motion passed 5-0.

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160 **Meeting Adjourned at 8:22am.**

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166 Sally Belangia, Mayor

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170 Approved , 2018 _____

Diane H. Miller, Town Manager/Clerk