



## ORIENTAL PLANNING BOARD MINUTES

Wednesday, August 19, 2020 3:00PM  
Oriental Town Hall – 507 Church Street, Oriental, NC

### CALL MEETING TO ORDER AND ESTABLISH QUORUM

AT 3:05PM, Chairman Flaherty called the meeting to order, noting that all members were physically present (Chairman Flaherty, Vice Chair Rahm, Members Stone, Willi, Allen, as well as the LUA, Commissioners Barrow, Overcash, Price, and Simmons.

July 15, 2020 Minutes for approval. Member Stone makes a MOTION to approve minutes from the July 2020 meeting. Vice Chair Rahm seconds. 5-0

### OLD BUSINESS

- **GMO for review:** LUA Miller goes through the selected sections of the GMO that Chairman Flaherty suggested be reviewed by the Planning Board.
- **Article I:** Recent fee changes, allows for changing those when it becomes necessary. When we last annexed property, we spent considerably more than the fee in legal fees. Annexation fee was adjusted to cover those costs. Legal costs and map changes come with significant costs.
- **Article III: Development Districts** TPU not in your documents- it is listed separately. Nothing you can do to make this document all inclusive- ex: the boat wash- we followed for car wash, then added the boat wash language following. Do the best we can until chance to change to include. Also- 162.2- rv use significantly restricted. Change in Use- Potential for new use in Wit's End- might be coming to you. Contracted parking, etc.- potential for takeout only- not a need for additional parking? Awaiting the application. Landscape buffer- Broad St Overlay was left out, even though had been approved to be added previously- was reinserted in this evolution.
- **Article VI: descriptions of RV Park:** LUA notes that the one RV Park in Oriental is very detailed to make sure any issues that could be an issue were addressed- very restrictive-
- **Also-** contacted again by Three Lions Engineer to have a meeting- we must be included- have not been yet. We might see something from them coming.
- **Draft Ordinance/other documents for Housing Ordinance** Attorney forwarded draft Ordinance. Second review- today we will take questions- the Attorney will join the Town Board at their quarterly workshop September 24 to answer questions from both PB and TB. Questions developed:

-It's only residential. Can we add commercial or do we need a separate Ordinance to remove commercial dilapidated buildings? Language said unfit for human habitation. LUA says the Attorney advises that there is a different set of regulations for commercial because the rules are different.

-State law governing business (forwarded NCGS)- are they (businesses) already covered in this?

-Commissioner Barrow believes the scope is ahead of where we want to go. It talks about getting folks out of occupied buildings and we talked about vacant buildings- don't know that we want to be putting people out of buildings. Suggests that as we go through- look at it from vacant buildings, not occupied building at all. We may want to discuss a currently occupied building- that when it becomes vacant, then what can we do? Most of it is vacant, dilapidated, how we manage that with the owner, whether we do something that minimizes the cost to the Town upfront and gives us a clear path of recovery of that expense. This was Commissioner Barrow's understanding of the scope as left by the TB to the Planning Board and Attorney.



-Commissioner Overcash: If such a building is indeed occupied, do we get the County Health Dept involved? If it's not fit for habitation, can we/should we do anything, or is it the purview of the Health Dept?

-Tipping point may be the Board established to discussed- what is the majority/unanimous decision to be made to actually step in and do something about a structure? What makes it unfit?

- Commissioner Barrow says the threshold for action needs to be pretty high, but once met, needs to be a clear process laid out. Either through repair or demolishing. Key is how to be paid and reimbursed.

-LUA notes we would fund the action, there is an option to enter agreement with property owner- the advantage is that property is valuable with the bad structure. If the owner enters into an agreement and we take it down, the owner can pay over a designated time the amount it cost to take it down, he retains ownership. So for a relatively small investment, he can recover/rebuild on that land. If not, we take the property and sell it.- There is likely, for most property, a profit to be made in order to fund additional actions. Recovery comes with the owner paying back and selling or rebuilding. That's not the problem property. The problem property is structure next to commercial with dilapidated structure taken down, not attractive, might sit vacant for a long time. Or owner contact not possible. Still a vacant structure in the same category. Then you have structure in a place like Camp Creek where you have to slice through the woods to get to it- is that selective? Or is it like everything else where it's complaint driven? Is it selective enforcement if you can't reach it?

-Mentioned receivership- it appears that it is not in the new statute- that would bring it back to the process Scott recommended.

-Chairman Flaherty: If we tear down the building, the property owner still owns the land? Yes- we enter an agreement with him. He will pay us back X\$ until paid back or sell. If the owner defaults on that payment plan, it defaults to us. Also- if the owner gets into a situation where he needs an extension- we can grant that. But walking away defaults- at the time of the agreement, all is put into the agreement- problem is fixed, owner recovers cost. Even if he tears down, pays off, does not rebuild, problem is still solved- structure gone.

-Commissioner Barrow: process starting with condemnation- starts with building code. Starts with recommendation from the LUA to the TB to establish Board to review the case- building inspection, etc- have a hearing- here are all the hoops that need to be met to deem it needing attention. Then we start serving notice, starting the process. Also- there is a lot on the Building Inspector. Is there anything that can be removed from the BI's plate and put onto the LUA's plate in this process to save that cost? When we involve Skip, we're going to have to pay.

-Skip is familiar and knows how to move through the process. There are places where the BI HAS to do those things. There are others where maybe we can do the work- serving the notices, drafting the documents, etc. (Question for Scott) Which are requirements of a certified BI, or can anyone do this "X" task?

-Things that are part of the checklist- for occupied vs unoccupied buildings- heat source required. If not occupied, does it have to have a heat source? If habitable, does it have to have a heat source? Some of this is Health Dept maybe? Not just vacant, also uninhabitable- does a heat source make it uninhabitable? How is that structurally necessary? Is electric necessary? Is a bathroom necessary? LUA- some things are acceptable to not have heat- Stallings House does not- by law/insurance cannot be rented because there is no heat- not eligible. We're looking at safety issues- not how does it look? Member Willi notes it seems like this targets rental properties- minimal requirements before it can be inhabited. Might look like this because that's where the problems are? Do we want people to be able to rent moldy homes? If a renter comes and says I have no heat, no running water, etc- should we not step in there?

-Then there's a 50% threshold- if the whole thing is full of mold and tearing it all out costs more than 50%, then YES- it does qualify.

-There is a conflict- one place says 50%, one says 75%.

-In a larger city, condemned by BI- corrected and then useable again. Then it sits and rots until dilapidated and then the tearing down option comes in.

-The heating issue can be adjusted to say heating from October to April?

-Stallings House doesn't have it, but not available in that period. We're talking about permanent residences- year round.



-Member Willi said the County started to look at this and the Commissioners stopped the process- the cost would be unrecoverable in the County.

-Clarification on revision: Do we propose revision? Do we ask Scott to revise? LUA notes that we need to form questions for Scott about specifics- and see if revision is possible? Is it too much?

-Vice Chair Rahm- Section 9- the order for enforcement. The section talks about Historic District- we don't have one.

-Member Allen: Do we issue certificates of occupancy? No- BI does. So on pages 13-16 C-COA from the Town needs to say from the BI. Legal Latin- P 12 Section 10, para C and D- could it just say legal action?

-P 11 Para 8, 2: lien on any other real property owner might have except the owner's primary residence. In the statute?

-Are we already talking about taking out everything that says occupied buildings?

-Issue is trying to get something that works on Hodges St and on Midyette St, on Whittaker Point Rd and on Neuse Dr.

- an unsafe building is unsafe whether commercial or residential.

-objective is to get dilapidated buildings gone, whether residential or commercial. Julie suggests we do it phased- residential first, then commercial. Timing is likely different.

-Talked about the Hinman House that was unoccupied, braced from one side, nonconforming, no Ordinance in place that would allow the BI to act.

-Sections 20,22- owner occupied vs unoccupied, non-owner occupied distinctions. If occupied by either, still needs all the things, but the one that is vacant does not necessarily need all of those things. Tangible structural faults that make it unsafe- "disrepair that makes it unsafe..."

-How much is eligible to be removed? If you want to remove a in Section 8, or if we take out a, do we have to take out the whole section?

-if the property meets building code, is our Ordinance more restrictive? Is this a tipping point issue? Skip inspects- he tells us after inspection, where it is deficient.

-This as something different than the County/State Building Code, we would pay him to do Oriental-only things. Where we impose something different (more restrictive), we are required to pay for extra services. He enforces the compliance forms as we sign it- if they are not building according to what we approve, he stops it.

-Cost of repair to establish- who makes that estimate? BI? Appraiser? Certifying cost? Cost of building comes from tax value. Is that an additional cost to us? Do we have to state how that cost is established?

- PB will have another shot at questions before the Attorney comes to answer those.

-VC Rahm asks if we are going to ask about removing all occupied building references?

Member Allen- vacant? Or to be rented? Commissioners are leaning to that merits discussion?

-Commissioner Barrow submits that we need to go from vacant, abandoned FIRST.

-LUA: also- forwarded as GO amendment, not GMO amendment- as a public nuisance Ordinance. Easier to amend in future as GO. We'll have this discussion. GOs are mostly complaint driven, GMO is strict building code.

-Clean and sanitary, good repair- leave a lot of judgment space- maybe not palatable, but not necessarily unsafe. The criteria seem a little arbitrary. TB said from the first that aesthetics are not to be addressed.

-If vacant, how long does it have to have been vacant?

-especially if short term rental?

-If PB has any additional thoughts, please send to Diane- we can have more discussion at next meeting.

## NEW BUSINESS

- **Compliance forms for review:** This month's compliance forms were posted online. They were all basic. Hardtle retroactive permit for shed. Christian raising house, Daniels replacing shed. Also note new cheat sheets to help you get the right numbers into the right places. 400 South Ave vacant parcel- clarification from Attorney depending on property lines in middle of street- different setbacks, dependent on ROW width- makes it difficult to build.

New deeds show build lines- inside ROW. Four new structures under construction on Vandemere- all on same build line. Bohmert storage structure being adjusted- still compliant but larger. Also- Jennings have extended their permit to build out at Dolphin Point- will be resubmitting larger structure- still compliant.

- Articles 6,8,9,10 of GMO for next month.

**ADJOURN:** Member Allen made a **MOTION** to adjourn. Member Stone seconds. 5-0. Next Meeting scheduled for September 16, 2020, 3PM

Signed: \_\_\_\_\_

Richard Flaherty, Chairman

Attest: \_\_\_\_\_

Diane H. Miller, LUA to Board