

CURRITUCK COUNTY
NORTH CAROLINA
JULY 18, 2005

The Board of Commissioners met at 6:00 prior to their regular meeting with the Fire Departments to discuss concerns and questions with contracts.

The Currituck County Board of Commissioners met on Monday, July 18, 2005, at 7:00 p.m. for their regularly scheduled meeting at the Historic Courthouse in the Commissioners Meeting Room with the following members present: Vice Chair O'Neal, Commissioners Bowden, Etheridge and Miller. Chairman Martin was absent

Invocation and Pledge of Allegiance

Mr. Bob Henley, was present to give the invocation and lead the Pledge of Allegiance.

Approval of Agenda

Commissioner Etheridge moved to amend the agenda by adding consideration of extension of Fire contracts. Commissioner Bowden seconded the motion. Motion carried.

- Item 2 Public Comment
Please limit comments to items not appearing on the regular agenda, please limit comments to 3 minutes.
- Item 3 Public Hearing and Action PB 05-14 Whispering Pines Sketch Plan to create 10 lots on the east side of Narrow Shores Rd. approximately 200' north of Soundview Dr. Tax Map 91, Lots 11E, Poplar Branch Township.
- Item 4 Volunteer Fire Department contract extension
- Item 5 Appointment to Economic Development Board.
Consent Agenda:
Declare Surplus property parcel located in Poplar Branch Township
Request DOT to add Long Lane to the State system.
Approval of July 5 Minutes.
Re-appoint Bob Henley to Social Services Board for 3 year term.
- Item 6 Commissioner's Report
- Item 7 County Manager's Report
Adjourn

Public Comment

Please limit comments to items not appearing on the regular agenda, please limit comments to 3 minutes.

Vice Chair O'Neal opened the public comment period.

Mitch Copeland, Volunteer Fire Department, thanked Board for meeting with them and discussing their issues.

Earl & Edith Brickhouse, NC Senior Tar Heel Legislature delegates, reviewed the proposed legislation for Senior Citizens.

Commissioner Miller stated that he met with DOT on Shingle Landing Bridge and DOT will bring to the Board a proposal

for public hearing. He also requested a work session for 10 acre subdivisions and mainland water.

Commissioner Etheridge, expressed his concerns with the proposal for a gate and permit system for the northern beach access. He does not support this request.

Public Hearing and Action PB 05-14 Whispering Pines Sketch Plan to create 10 lots on the east side of Narrow Shores Rd. approximately 200' north of Soundview Dr. Tax Map 91, Lots 11E, Poplar Branch Township.

Sworn testimony was given prior to making statements.

Gary Ferguson, Planning Director, reviewed the request.

LOCATION: East side of Narrow Shores Road
approximately 250' north of Soundview Road, Poplar Branch Township.

TAX ID: 0091-000-011E-0000

ZONING DISTRICT: Residential

OWNER:
James L. Lea
174 Mariner's Way
Moyock, NC 27958

APPLICANT/AGENT
Performance Engineering
8604 Caratoke Hwy.
Powell's Point, NC 27966

LAND USE/ZONING OF SURROUNDING PROPERTY:

- NORTH:** Residential - zoned R
- SOUTH:** Residential - zoned R
- EAST:** Residential - zoned R
- WEST:** Residential - zoned R

NARRATIVE OF REQUEST:

James Lea is seeking Sketch Plan/Special Use Permit approval for 10 single family lots through the major subdivision process. The acreage of the entire development is approximately 10 acres.

This property is zoned Residential. No open space is required or provided. Seven of the lots within this development are proposed to be 40,000 sq. ft. with the remaining two lots being in excess of 45,000 sf.

The subdivision will have one point of entry from Narrow Shores Road. Since the surrounding area is developed with single family homes, the site does not offer an opportunity future street connectivity. The lots will be served by individual septic systems and county water.

OTHER IMPORTANT ELEMENTS TO THIS PLAN:

STREETS: All streets will be built to NCDOT Design and Construction Standards. The developer expects the street will be dedicated for maintenance to the NCDOT.

WATER: This development will be served by county water.

FIRE: This development will be located within the jurisdiction of the Lower Currituck Volunteer Fire Department.

WASTEWATER: Individual, on-site septic systems are proposed.

SOILS: The majority of the soils found on the site are favorable for septic systems. There is a low spot towards the center of the site where the soils are only provisionally suitable for septic systems.

SCHOOL CAPACITIES: Using national averages for school age student generation from the 1987 *American Housing Study*, one can expect 0.4243 elementary students, 0.084 Jr. high students and 0.1568 High school students per dwelling unit. (Note: *These figures were verified by a field check of Currituck subdivisions in 1994*). Poplar Branch Township has an occupancy rate of 0.7764

Based on these pupil generation figures, Currituck can expect three elementary students, one junior high student, and one high school student from this development.

According to the January 2005, school population projections, Griggs Elementary School will be -126 over capacity after full development of approved subdivisions within Poplar Branch Township. The proposed subdivision is **not** reflected in the student population count nor is the proposed elementary school for Jarvisburg. Once the new 300 student school is in operation the student count will be an additional capacity of 14 students.

OPEN SPACE: No open space is required or provided.

DRAINAGE: Roadside and property line swales/ditches will be used to address drainage for this property.

FLOOD ZONES: The property is located outside of the 100 year floodplain (flood zone C).

LAND USE PLAN: The property is classified as "Rural with Services" in the 1990 Land Use Plan. Low intensity residential uses with a gross density of approximately one unit per acre, where lots sizes are large and where the provision of services will not disrupt the primary rural character of the landscape are consistent with the intent of the rural with services class. Proposed density for the total 10 lot subdivision is 1 unit per gross acre which is consistent with the Land Use Plan.

STAFF COMMENTS:

- On May 12, 2004, Technical Review staff reviewed this application. Staff's concerns included the following:
 1. The primary concern was with the drainage and drainage outlet due to a depressed area towards the center of the site.
 2. Increasing the size of the cul-de-sac so as to be able to handle a laddered fire truck.
 3. Lots 1 and 10 need a 5' non-access buffer along Narrow Shores Road.
 4. It was suggested that the installation of a fire hydrant be considered by the developer.
 5. It was suggested that means be taken to preserve the rows of leyland cypress along the side property lines of the site.
- In response to concerns expressed by the TRC, the Sketch Plan has been revised to reflect the following changes:
 - o The cul-de-sac was increased in size.
 - o The non-access buffer was added.

QUESTION(S) BEFORE THE BOARD:

1. *Is the application complete?*

Based on staff review all required information has been submitted for review.

2. *Does the proposal comply with the provisions in the UDO for Sketch Plan approval?*

The proposal complies with all UDO requirements for Sketch Plan approval.

3. *Does the proposal comply with the general standards found in Section 1402(2) for a Special Use Permit/Sketch Plan?*

(a) *Will not endanger the public health or safety.*

Public health and safety issues including fire protection, stormwater management, and access for emergency services have been adequately addressed within this proposal.

(b) *Will not injure the value of adjoining or abutting property.*

The proposed residential subdivision should have no negative impact on adjoining property;

(c) *Will be in harmony with the area in which it is located.*

The subdivision would consist of residential properties that would be in harmony with the surrounding area;

(d) *Will be in conformity with the Land Use Plan, Thoroughfare Plan or other plans officially adopted by the Board.*

The proposal will be consistent with the CAMA Land Use Plan and with the Thoroughfare Plan;

(e) *Will not exceed the county's ability to provide adequate public facilities, including, but not limited to, schools, fire and rescue, law enforcement, and other county facilities. Applicable state standards and guidelines shall be followed for determining when public facilities are adequate. Such facilities must be in place or programmed to be in place within 2 years after the initial approval of the sketch plan. In the case of subdivision and multifamily development at the sketch plan/special use, preliminary plat, or final plat stage, the Board of Commissioners may establish time limits on the number of lots/units available for development to assure adequate public facilities are available in accordance with Section 2015.*

Currituck can expect three elementary students, one junior high student, and one high school student from this development.

According to the current school population projections Griggs Elementary School has (-126) additional student capacity after full development of the currently approved subdivisions. The proposed subdivision is **not** reflected in the student population count.

STAFF RECOMMENDATION:

Staff recommends approval, subject to the Board of Commissioner's determination that adequate school facilities exist, or will exist, to meet the demands generated by this subdivision. If the Board of Commissioners so finds, staff also recommends the following conditions:

1. That applicant shall be required to meet all requirements of the UDO including, but not limited to the planting of street trees along all newly paved streets; installation of a water line; water services, and adequate drainage facilities to serve the development.
2. That a Preliminary Plat shall be submitted for review within 24 months from the date the Sketch Plan is approved by the Board of Commissioners; and
3. That as a continuing condition to this approval, the applicant will meet and continue to meet all requirements of the County's Unified Development Ordinance.

Vice Chair O'Neal opened the public hearing.

Stacey Smith, representing adjoining property owners, questioned the drainage issues.

James Lea, owner, stated that he would address the drainage issues.

There being no further comments, Vice Chair O'Neal closed the public hearing.

Commissioner Miller moved to approve. Commissioner Bowden seconded the motion. Motion carried.

Consideration of extending Fire Department Contracts.

Commissioner Etheridge moved to continue last year's contract for 60 days beginning July 1, 2005. Commissioner Bowden seconded the motion. Motion carried.

Appointment to Economic Development Board.

Commissioner Miller moved to re-appoint Ginger Morris, John Schrote, and Ernie Bray and to appoint Dr. Richard Morris. Commissioner Etheridge seconded the motion. Motion carried.

Consent Agenda:

Declare Surplus property parcel located in Poplar Branch Township

Request DOT to add Long Lane to the State system.

Approval of July 5 Minutes.

Re-appoint Bob Henley to Social Services Board for 3 year term.

Commissioner Etheridge moved to approve. Commissioner Miller seconded the motion. Motion carried.

RESOLUTION

WHEREAS, Currituck County obtained title to parcel 110B-004-0012-0000 located in the Poplar Branch Township through a property tax foreclosure; and

WHEREAS, this parcel is not currently serving a governmental use or purpose; and

WHEREAS, this parcel holds only a nominal value to Currituck County, and the County would be better served if this parcel was returned to the County tax roll.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of Currituck County, North Carolina, during its regularly scheduled meeting held on July 18, 2005, authorized that parcel 110B-004-0012-0000 located in Poplar Branch Township, recorded in Deed Book 183, page 724 is declared as surplus property, pursuant to North Carolina General Statute Section 160A-265.

RESOLUTION AUTHORIZING UPSET BID PROCESS

WHEREAS, The County of Currituck owns certain property, PIN 110B-004-0012-0000, 141 Parker Street, Lot 12, Block 4, Albemarle Sound Beach Estates, Jarvisburg, NC, located within Poplar Branch Township; and

WHEREAS, North Carolina General Statute 160-269 permits the county to sell property by upset bid, after receipt of an offer for the property; and

WHEREAS, the County has received an offer to purchase the property described above, in the amount of \$1,500.00, submitted by Candy Deweese, Jarvisburg, NC.

WHEREAS, Candy Deweese has paid the required five percent (5%) deposit on this offer;

THEREFORE, THE COUNTY COMMISSIONERS OF CURRITUCK COUNTY RESOLVE THAT:

1. The Board of Commissioners authorizes sale of the property described above through the upset bid procedure of North Carolina General Statute 160A-269.
2. The County Clerk shall cause a notice of the proposed sale to be published. The notice shall describe the property and the amount of the offer, and shall state the terms under which the offer may be upset.
3. Persons wishing to upset the offer that has been received shall submit a sealed bid with their offer to the office of the County Clerk within 10 days after the notice of sale is published. At the conclusion of the 10-day period the County Clerk shall open the bids, if any, and the highest such bid will become the new offer. If there is more than one bid in the highest amount, the first such bid received will become the new offer.

4. If a qualifying higher bid is received, the County Clerk shall cause a new notice of upset bid to be published, and shall continue to do so until a 10-day period has passed without any qualifying upset bid having been received. At that time, the amount of the final high bid shall be reported to the Board of Commissioners.
5. A qualifying higher bid is one that raises the existing offer by not less than ten percent (10%) of the first \$1,000.00 of that offer and five percent (5%) of the remainder of that offer.
6. A qualifying higher bid must also be accompanied by a deposit in the amount of five percent (5%) of the bid; the deposit may be made in cash, cashier's check, or certified check. The County will return the deposit on any bid not accepted, and will return the deposit on an offer subject to upset if a qualifying higher bid is received. The County will return the deposit of the final high bidder at closing.
7. The terms of the final sale are that
 - the County Commissioners must approve the final high offer before the sale is closed, which it will do within 30 days after the final upset bid period has passed, and
 - The buyer must pay with cash at the time of closing.
8. The County reserves the right to withdraw the property from sale at any time before the final high bid is accepted and the right to reject at any time all bids.
9. If no qualifying upset bid is received after the initial public notice, the offer set forth above is hereby accepted. The appropriate County officials are authorized to execute the instruments necessary to convey the property to Candy Deweese.

Commissioner's Report

Commissioner Miller requested letter from Attorney on Dozier Acres and meeting with BD&A.

Commissioner Bowden is opposed to any system that will restrict access to the Northern Outer Banks. The solution is to work on a road behind the dunes to bring vehicles off the beach.

Commissioner O'Neal stated that there is legislation to eliminate the fee on telephone service for 911 and asked citizens to call legislators to voice opposition to this legislation.

Commissioner O'Neal requested a work session for staff to develop a process for the zoning and inspection permit process to simplify the process, because of the many complaints he has received from people trying to get a building permit.

The Board requested a work session on the UDO.

County Manager's Report

No comments.

Adjourn

There being no further business, the meeting adjourned.