

CURRITUCK COUNTY
NORTH CAROLINA
MARCH 21, 2005

The Currituck County Board of Commissioners met at 6:00 p.m. prior to the regular meeting to discuss development phasing.

The Currituck County Board of Commissioners met on Monday, March 21, 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: Chairman Martin, and Commissioners Bowden, O'Neal, Miller and Etheridge.

Invocation and Pledge of Allegiance

Bob Henley, was present to give the invocation.

Approval of Agenda

Commissioner O'Neal approved the agenda. Commissioner Etheridge seconded the motion. Motion carried.

- Item 3 Recognition of out-going Whalehead Board of Trustee members
- Item 4 Knotts Island Citizens Committee to discuss the Knotts Island Fire Dept.
- Item 5 Public Hearing on CDBG Application
- Item 6 Public Hearing and Action on PB 04-60 LBH/Shirley Webber-rezone 244 acres from Agricultural to Residential.
- Item 7 2005 Tax Re-valuation Presentation.
- Item 8 Discussion on Register of Deeds Technology.
- Item 9 Update on the Old Jarvisburg School.
- Item 10 Discussion on Open Space Parcels and possible action.
- Item 11 Further discussion on residential rezoning
- Item 12 Appointments to Whalehead Drainage District.
- Item 13 Appointments to Whalehead Board of Trustees.
- Item 14 Consent Agenda
 - Budget Amendments
 - Resolution declaring surplus property
 - Resolution on Designation of an official to sign ABC permits.
- Item 15 Commissioners Report
- Item 16 County Managers Report
- Adjourn

Public Comment

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

Chairman Martin opened the public comment period.

Jeff Shell, Coinjock, requested the Board to help with getting DOT to maintain Canal Road in Coinjock.

Ginger Webster, Land Use Committee, updated the Board on the Land Use Plan and announced that the next meeting is April 5.

Commissioner O'Neal stated he had received a call regarding the maintenance on Snows Lane.

Commissioner Miller commended the high school on their performance over the weekend at the school musical.

There being no further comments, the public comment period was closed.

Recognition of out-going Whalehead Board of Trustee members.

Ralph Webster, Chairman of the Whalehead Board of Trustees, presented a plaque to the out-going members and thanked them for all their work over the past several years.

Penny Leary-Smith
Beans Weatherly
Barbara Snowden
Mike Doxey
Tom Nash
Sharon Meade
Bill Walsh

Knotts Island Citizens Committee to discuss the Knotts Island Fire Dept.

Terry King, Knotts Island Fire Department, stated the County Manager had cleared up the confusion with the residents of Knotts Island regarding the new fire department and the property that was purchased for the building.

Commissioner Bowden thanked the Fire Department for their service.

Public Hearing on CDBG Application

Dick George, Albemarle Commission, reviewed the grant in the amount of \$360,000 and the local match is \$40,000. Bids will go out when the Federal Funds become available.

Commissioner O'Neal requested regular updates from Mr. George.

Commissioner O'Neal moved to approve the application. Commissioner Etheridge seconded the motion. Motion carried.

Public Hearing and Action on PB 04-60 LBH/Shirley Webber-rezone 244 acres from Agricultural to Residential.

Gary Ferguson, Planning Director, reviewed the request.

TYPE OF REQUEST: Request for rezoning 244 acres from Agricultural (A) to Residential (R).

LOCATION: This site is located on the west side of Caratoke Highway (NC 158) approximately 1,000' south of Forbes Road; Poplar Branch Township.

TAX ID: TM 109, Parcel 156

PROPERTY OWNER: Shirley Webber

APPLICANT: LBH, LLC; Robert Prodan II Managing Member

AGENT: Hyman & Robey

| | | |
|----------------|------------------------------|--------------------------------|
| ZONING: | <u>Current Zoning</u> | <u>Proposed Zoning</u> |
| | Agricultural | Residential & General Business |

ZONING HISTORY: This property has been zoned Agricultural (A) since the adoption of the 1989 Zoning Map.

SURROUNDING ZONING/LAND USE:

NORTH: Agricultural/Farmland & Woodland

SOUTH: Residential/ Mining, Farmland & Woodland

EAST: Agricultural & General Business/Mining, Residential, Medical Clinic, Woodland

WEST: Albemarle Sound

EXISTING LAND USE: Mining, farmland and woodlands

PROPOSED LAND USE: Development of a major residential subdivision with 10 acres of General Business zoned property fronting Caratoke Highway (US 158)

LAND USE PLAN : In the County's 1990 Land Use Plan this property appears to be designated as Limited Transition along Caratoke Highway and Rural for the remaining part. It should be noted that the maps are not clear due to a diminished scale and it is difficult to precisely determine the exact locations of these classifications on this property.

The Rural area described in the LUP calls for low density dispersed single-family residential uses at a gross density of approximately one unit per acre. The purpose of the Limited Transition class is to provide for development in areas that will have some services, but are suitable for lower densities than those associated with the urban transition class. This class

is intended for residential developments with densities of three units per acre or less and non-residential uses along major transportation routes.

This rezoning is consistent with the current Limited Transition and Rural classifications. The current Land Use Plan is dated. Staff has concerns about this plan guiding the future development of the County, especially since an updated Land Use Plan is in the works.

PUBLIC SERVICES AND UTILITIES:

Lower Currituck Volunteer Fire Department provides fire protection for this area. Electric, natural gas, telephone, county water, and cable are currently available in the area.

TRANSPORTATION:

The ingress/egress for this property is on Caratoke Highway which is classified as a Minor Arterial in the 1988 NCDOT Thoroughfare Plan.

SOILS:

On the eastern one third of the site is marginally suitable for septic systems while the majority of the remaining site is favorable for septic systems. Soils inadequate for septic systems are located along at the rear of the property along the northern and southern property lines. Swamp Forest wetlands are located along the northwest portion of the property adjacent to Albemarle Sound

FLOOD ZONE:

According to FEMA maps, a majority of the property is located outside of the 100 yr. floodplain (Zone C). A small portion at the northwestern end of the site is located within the 100 yr. floodplain with a base flood elevation of 8' (Zone A4). 75' of frontage along Albemarle Sound is within the CAMA Area of Environmental Concern.

STAFF COMMENTS:

- The Land Use Plan promotes commercial nodal development instead of having it stretched out along the highway. The commercial area is located in the area classified as Limited Transition in the Land Use Plan. The conceptual plan submitted with the rezoning request shows the 10 acre commercial area fronting along Caratoke Highway with two entrances to the shopping area. Staff has concerns that this layout will encourage strip commercial development.
- Under the proposed rezoning, single family density would increase from 1 unit every 3 acres to 1 unit every 40,000 square feet.

- Due to the size of the tract, 244 acres, the development will be required to be developed as a Conservation Subdivision which allows lot sizes down to 20,000 sf.
- Based on the USDA Soils Survey and the wetland delineations, it appears that only the center portion of the site is acceptable for development. In the areas where the soil is marginal for septic systems, it is recommended that lot sizes for a future conservation residential development should not be less than 30,000 square feet.
- The 1990 Land Use Plan is out-of-date and is presently being updated. It is anticipated that the new Land Use Plan will be completed in the summer of 2005.

STAFF**RECOMMENDATION:**

This site is contiguous with an existing Residential zone that extends over two miles to the south. The rezoning represents an expansion of this existing residential zoning. This proposed land use conforms to the existing uses found in the area.

The site is not contiguous with any General Business zoned land. The closest General Business zoned properties are located across Caratoke Highway, approximately 650' north and 750' south of the site. This rezoning may foster strip commercial development along Caratoke Highway.

Staff recommends denial of this major rezoning request since conformity with the new Land Use Plan can not yet be determined. There are additional concerns with the impact that the increased density through residential rezoning may have on school and water capacities.

PLANNING BOARD**DISCUSSION:**

Mr. Hawley asked about the possibility of downsizing the project due to being considered a conservation subdivision.

Ms. Eggar said that 45% is conserved as open space and the lots can be reduced to 20,000 sq. ft.

Mr. Hawley asked what the number of units anticipated is.

Ms. Eggar said that is hard to determine at this time. Once septic suitable soils, wetlands etc. are established, yield can be determined.

Mr. Hyman pointed out application was submitted while the 1990 Land Use Plan was being used. This rezoning is consistent with that plan. The surrounding area is currently residential.

Mr. Arnold restated that this plan was in process prior to the new Land Use Plan idea. He thinks this could set a nice 'tone' to the

new plan because there is over 50% of open space in this plan, and there is a flow to the street plan. He envisions Coastal Carolina type housing, and a 'tax positive' development with homes over \$350,000. He said that the commercial part of the project would impact the local job market.

Mr. Kovacs asked how many units were envisioned.

Mr. Arnold said they hadn't determined how many at this time. He is hoping for 40,000 sq ft lots and approx. 200 units. The soils seem to be very sandy.

Mr. Kovacs stated that the area would be greatly reduced because the property is only 1/3 suitable for development.

Mr. Arnold said that he is not going to compromise the scenic unity of the property.

Mr. Hawley asked how Mr. Arnold would feel about moving the commercial area off the property.

Mr. Arnold said that he would certainly be open to that as a suggestion and he sees the property as having a nicer area than just a strip mall type development.

Mr. Hawley asked what is on the north side of Fisher Landing road.

Ms. Eggar said there is a major sub with 10 lots, Wright Medical Clinic.

Mr. Hawley stated that this is primarily an Agricultural area all the way north to Grandy.

Mr. Bell asked what the target is for build out.

Mr. Arnold said 5-6 years.

PLANNING BOARD On December 14, 2004 the Planning Board reviewed
RECOMMENDATION: this request and recommended approval of
this rezoning with the condition that the GB
zoning is removed from the site.

Chairman Martin opened the public hearing.

John Wright, Jarvisburg, opposes the request and supports open space preservation.

Denise Newbern, Powells Point, supports property owner's right to develop.

Diane Newbern, Powells Point, supports request.

Paul Lipman, adjacent landowner, supports request.

Shirley Webber, property owner, requested support for development.

Jerry Wright, Jarvisburg, requested Board not to consider until land use plan has been adopted and opposes the amount

of homes that will be built in the next 5 - 10 years in this area.

Candice and Tommy Wright, oppose request and such high density.

Bill Robbins, supports maximum use of land.

Jim Arnold, supports request.

There being no further comments, Chairman Martin closed the public hearing.

Commissioner moved to continue to meet with developer and discuss density. Commissioner Miller seconded the motion. Motion carried.

2005 Tax Re-valuation Presentation.

Tracy Sample, Tax Supervisor, reviewed the results of the county-wide 2005 revaluation. The real estate values between the Outer Banks and mainland are as follows:
Outer Banks \$4.96 billion and the Mainland is \$1.48 billion.
Total real property value is \$6.44 billion.

Mr. Sample reviewed the comparison of taxes for 2005 vs. 2004. The tax rate will come down from 62 cents per \$100 to about 28 cents per \$100.

Discussion on Register of Deeds Technology.

County Manager Scanlon stated that an amendment is requested to facilitate the upgrade of the Register of Deeds Cott Resolution system.

The cost to upgrade will be \$118,728.00.

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

Update on the Old Jarvisburg School.

County Manager Scanlon stated that the deed has been recorded. The County will take the lead for the restoration process and we are working with a contractor to have a tarp placed over the building.

Discussion on Open Space Parcels and possible action.

Commissioner Miller stated that he had concerns with the open

space in subdivisions that do not have homeowners associations to keep the property maintained. He wanted to know if the open space could be deeded to the county.

County Attorney will review and bring back to the Board.

Further discussion on residential rezoning.

Commissioner Etheridge requested that the Board delay rezoning property until the Land Use Plan has been completed.

Commissioner O'Neal discussed phasing.

Chairman Martin opened the floor for comments from the public.

Diane Newbern, opposed any delays in rezoning request.

Andy Newbern, opposed county holding up rezoning requests.

H.D. Newbern, stated the county needed development.

The Board took no action and will discuss further.

Appointments to Whalehead Drainage District.

Commissioner O'Neal moved to appoint Lee Foreman and Ginger Webster. Commissioner Etheridge seconded the motion. Motion carried.

Appointments to Whalehead Board of Trustees.

The Board appointed the following:

Commissioner O'Neal, Greg Schwarga, Neal Conoley, Sandra Jordan Lee.

Commissioner Miller and Bowden will make appointments at the next meeting.

Consent Agenda

Budget Amendments

Resolution declaring surplus property

Resolution on Designation of an official to sign ABC permits.

Commissioner Etheridge moved to approve. Commissioner O'Neal seconded the motion. Motion carried.

| <u>ACCOUNT NUMBER</u> | <u>ACCOUNT DESCRIPTION</u> | <u>DEBIT</u> | <u>CREDIT</u> |
|-----------------------|----------------------------|--------------|---------------|
| 10511-531000 | Gas, Oil, Etc | \$ 5,000 | \$ |
| 10511-511000 | Telephone & Postage | 1,000 | |
| 10511-545000 | Contract Services | 125,000 | |
| 10511-513000 | Utilities | | 36,000 |
| 10330-423000 | Jail Fees | | 7,500 |
| 10390-499900 | Fund Balance Appropriated | | 87,500 |
| | | \$ 131,000 | \$ 131,000 |

EXPLANATION: Jail (511) – Transfer budgeted funds for increase in fuel costs and telephone and postage increases. Increase contract services due to need for jail housing. This budget was based on the new jail facility being operational in the fall 2004 and therefore we would have a decreased need for additional housing facilities.

NET BUDGET EFFECT: Operating Fund (10) – Increased by \$95,000.

| <u>ACCOUNT NUMBER</u> | <u>ACCOUNT DESCRIPTION</u> | <u>DEBIT</u> | <u>CREDIT</u> |
|-----------------------|----------------------------|--------------|---------------|
| 10793-532000 | Supplies | \$ 2,000 | \$ |
| 10330-449900 | Miscellaneous Grants | | 2,000 |
| | | \$ 2,000 | \$ 2,000 |

EXPLANATION: Smart Start – Eat Smart, Move More (793) – Increase budgeted line items to reflect an increase in grant funding.

NET BUDGET EFFECT: Operating Fund (10) – Increased by \$2,000.

| <u>ACCOUNT NUMBER</u> | <u>ACCOUNT DESCRIPTION</u> | <u>DEBIT</u> | <u>CREDIT</u> |
|-----------------------|----------------------------|--------------|---------------|
| 10480-545100 | Data Processing | \$ 5,595 | \$ |
| 10480-590000 | Capital Outlay | 113,133 | |
| 10340-453000 | Register of Deeds Fees | | 118,728 |
| | | \$ 118,728 | \$ 118,728 |

EXPLANATION: Register of Deeds (480) – To increase budgeted line items to upgrade the Register of Deeds imaging/indexing system per agenda item #8.

NET BUDGET EFFECT: Operating Fund (10) – Increased by \$118,728.

**RESOLUTION
SURPLUS PROPERTY**

Whereas, The Board of Commissioners of Currituck County, North Carolina during it is regular meeting held on March 21, 2005 authorized the following property listed below, be disposed of;

WHEREAS, property owned by the Sheriff's Department will be sent to landfill.

1971 Ford Bus VIN# B50CC170245

**RESOLUTION
SURPLUS PROPERTY**

WHEREAS, the Board of Commissioners of Currituck County, North Carolina During its regular scheduled meeting held on March 21, 2005 authorized the following , pursuant to GS 160A and 270(b), that the property listed below, be disposed of (if not auction, List means of disposal – donated to other governmental unit, sent to landfill, traded in, etc.)

NOW, THEREFORE BE IT RESOLVED, the Currituck County Board of Commissioners authorize the following property be declared surplus property.

Smith and Wesson 9mm. model #5906 Handguns with the following serial numbers:

1. VDA 8219
2. TCR 1213
3. VDA 7258
4. TDK 0791
5. TCR 3556
6. VCE 8308
7. TDE 1714
8. TZZ 5798
9. VCE 7518
10. VDA 8214
11. VYV 5248

Commissioners Report

Commissioner Bowden questioned the audio on BOC tapes for Knotts Island; Carova Beach Park.

Commissioner Etheridge expressed concerns with citizens who call in violations to the county and having their name being public information.

County Managers Report

Adjourn

