

REQUEST FOR BOARD ACTION / CONTRACT CONTROL FORM

Tracking Number: 19.

Date of Request: August 25, 2008

Date Request Received: August 25, 2008

Board Meeting Date Requested: September 2, 2008

Board Meeting Date Assigned: September 2, 2008

Short Title: Discussion Items From County Manager, County Attorney & County Commissioners

Request Status:

- Request is proceeding to Board of Commissioners
- More information is needed – see attached
- Request on hold – no further information needed
- Other:

(Administrative Use Only)

Background:

1. Items from County Manager:
 - a. The US 17 Overlay District project is progressing well, and the objective is to have completion by the end of the year such that it can be incorporated as a component of the comprehensive plan and unified development ordinance. A written report is being prepared for the Board by Penny Tysinger (COG)-the project coordinator.
 - b. County staff is partnering with WID on the utility and master planning for the US 421 industrial park property. Certification of the site relative to NC Department of Commerce standards is critical for successfully marketing the property for industrial development. Staff would like the Board's concurrence in moving forward with the site certification process, which will include seeking proposals from engineering firms. Funding requirements and availability will be forthcoming for Board consideration and approval.
 - c. Patrick Davenport, Planning Director has asked for further Board clarification on code enforcement policy. I have attached a memo from Davenport outlining code enforcement issues.

2. Items from County Attorney:
3. Items from County Commissioners:

Specific Action Requested: No specific action is requested unless recommended during discussion.

Requested by: County Manager's Office
Department:
Title:
Contact Phone: 910.259.1200
Contact Fax: 910.259.1295

CONTRACT TYPE

- Renewal
- For Service(s)
- Intergovernmental – County as Grantee
 - Federal Grantor
 - State Grantor
 - Grantor
- County as Grantor
 - County Funds
 - Other Funds:
- Revision
- For Equipment

PURCHASING

Budgeted Item: Yes No
Date Rec'd: Reviewed and Approved
 Comments on Reverse

Date Sent:

Signed:

ATTORNEY

Date Rec'd: Reviewed and Approved
 Legal Problem(s)
 Comments on Reverse

Date Sent:

Signed:

FINANCE

Sufficient Funds Available Not Available
Date Rec'd: Budget Amendment Necessary
 Budgeted Amendment is Attached
 Comments on Reverse

Date Sent:

Signed:

CLERK

Signature(s) Required:
 Board Chairman/County Manager
 Other:

Date Rec'd Approved by Board: Yes No
At meeting on

MEMORANDUM

TO: Rick Benton, County Manager
FROM: Penny Tysinger, CFCOG
DATE: August 27, 2008
RE: Status Report on Hwy 17 Overlay Committee

OBJECTIVE OF THE COMMITTEE

A Committee was appointed by the Board of Commissioners to present a zoning overlay district for US Highway 17 from the New Hanover county line to the Onslow county line. The overlay will be presented as a zoning text amendment once it reaches the Planning Board and Board of Commissioners level. The Commissioners appointed two members from the Planning Board to be on this Committee. These members have an additional duty of keeping the Planning Board updated on the committee's activities. It is anticipated that the Planning Board will receive the recommendation of the Committee around the end of the year.

BACKGROUND

The Highway 17 Overlay Committee has been meeting monthly at the Library in Hampstead since February with the exception of the month of July. To provide an organized approach to the committee's work, the amendment is divided into 5 categories. These 5 categories are the same ones presented to the public at our public kick off forum last year. The 5 categories are Aesthetics, Landscaping, Signage, Land Uses, and Transportation. Each category takes a two meeting approach. At the first meeting on a category, the item is introduced. An educational component is added due to the fact that the majority of the members do not have any formal training in planning or ordinance writing. Once this presentation is given, a discussion follows where members are allowed to freely express opinions on how they think Hwy 17 should look based on the category being discussed. During the second meeting, the committee recaps the previous meeting and discusses any additional issues they may have after digesting the previous month's discussion on the topic and then agrees by consensus on what elements they would like to see in the overlay amendment. The remainder of the second meeting is used to discuss the next category.

STATUS OF THE PROJECT

Since February, the Committee has completed recommendations on the Aesthetics, Landscaping, Signage, and Land Use categories. During the September/October meetings, the committee will study and make their recommendation on the final category

of Transportation. In addition, the Committee will have a list of separate recommendations for the County that was outside the scope of the original project. These recommendations are in conjunction with the project and are simply recommendations to consider that will enhance the categories discussed not only in the overlay district but through out the County.

NEXT STEPS

Once each of the categories has a recommendation from the committee, they will be presented with a comprehensive zoning ordinance text amendment, projected for the November meeting. Two meetings have been scheduled (November & December's meetings) to discuss any final details before making their final recommendation and forwarding to the Planning Board for their recommendation. It is anticipated that the Planning Board will be able to make their recommendation at their February meeting and forward to the Commissioners for their March meeting. As the facilitator of this project, I would recommend holding a second public forum (like we held last year) at the school to present to the public the committee's final product. While this is not a legislative requirements, the forum may help the Planning Board and Commissioners formal public hearings go smoother. This is a projected timeline and is subject to change depending on each Board's review of the amendment.

SUMMARY

While this committee is a very dynamic group, they have been committed to attending meetings and fulfilling their duty. This process has helped involve the citizens who will be directly effected and hopefully taught them how an ordinance actually comes into being law. Since the inception of this project, the County has embarked on two important projects with developing a comprehensive plan and a major rewrite of its land use ordinances. The Committee hopes this small piece of work will be included in the final outcome of the major rewrite of the ordinances.

If you have any questions or comments, please feel free to contact me.

TO: Rick Benton, County Manager

FROM: Patrick T. Davenport, Planning and Community Development Director

Date: August 25, 2008

RE: Code Enforcement issues

Here is a summary of the how the Code enforcement section currently operates. The Code enforcement section is responsible for investigating violations of the zoning and subdivision ordinances but primarily focuses on zoning ordinance compliance. The planning staff, through its administration of new development plans enforces the codes associated with new projects, including CAMA permitting.

The Code enforcement section's philosophy is that it operates mainly on a "reactive" basis- that is a code enforcement investigation begins when a complaint is received. However, with the addition of a second employee (part time) the section felt like it took direction from the Board of Commissioners and got into "proactive" mode by investigating potential code violations prior to receiving a complaint. In being "proactive", the code enforcement staff is focusing on the main routes throughout the County and looks for perceived important issues negatively affecting adjoining properties, the travelling public or issues potentially affecting health and safety. There remains a gap in responsibility of coverage in solid waste ordinance enforcement.

Total code enforcement cases investigated over the past 3 ½ years:

2005= 85
2006=99
2007=100
2008=96 (as of August 25)

The approximate breakdown of violations by type and % for the same period is:

Salvage and inoperable vehicles: 60%
Failure to obtain zoning permit for construction: 30%
Miscellaneous: 15%
 Improper use and storage of travel trailers and mobile homes
 Swimming pool fencing
 Signs and sign placements
 Business in residential area
 Home occupations without permits

The Code enforcement staff needs direction and clarification on how to continue its enforcement activities. I am able to meet with you at your convenience to discuss further if necessary.

Thank you.