

CITY OF ELIZABETH CITY  
BOARD OF ZONING ADJUSTMENT  
REGULAR MEETING  
TUESDAY, FEBRUARY 18, 2014  
5:30 PM

**MEMBERS PRESENT**

Odell Harris, Vice-Chair  
Joda Bollard  
Carlton Etheridge  
Calvin Gutman  
David Harris  
Lemuel Lamb  
Robert Thorne

Also present were Angela Cole, Senior Planner and Dawn Harris, Secretary to the Board.

Roll call was done and it was determined there was a quorum.

First item on the agenda was Election of Officers. Mr. Etheridge made a motion that Odell Harris become Chairman of the Board of Adjustment. Mr. Thorne seconded the motion. ***ALL WERE IN FAVOR: BOLLARD, ETHERIDGE, GUTMAN, D. HARRIS, LAMB and THORNE. NONE OPPOSED. MOTION PASSED.***

Mr. Thorne made a motion that Carlton Etheridge be Vice-Chair of the Board of Adjustment. Mr. Gutman seconded the motion. ***ALL WERE IN FAVOR: BOLLARD, GUTMAN, D. HARRIS, O. HARRIS, LAMB and THORNE. NONE OPPOSED. MOTION PASSED.***

At this time Chairman Harris called for a motion for the Adoption of the Agenda. Mr. Thorne made a motion to ADOPT the February 18, 2014 Agenda. Mr. Etheridge seconded the motion. ***ALL WERE IN FAVOR: BOLLARD, ETHERIDGE, GUTMAN, D. HARRIS, O. HARRIS, LAMB and THORNE. NONE OPPOSED. MOTION PASSED.***

Next item on the Agenda was the adoption of the November 19, 2013, December 17, 2013 and Closed Session December 17, 2013 Board of Adjustment Minutes. Mr. Thorne made a motion to ADOPT the November 19 and December 17 2013 minutes. Mr. Lamb seconded the motion. ***ALL WERE IN FAVOR: BOLLARD, ETHERIDGE, GUTMAN, D. HARRIS, O. HARRIS, LAMB and THORNE. NONE OPPOSED. MOTION PASSED.***

Mr. Thorne made a motion to ADOPT the Closed Session December 17, 2013 minutes of the Board of Adjustment. Mr. Gutman seconded the motion. ***ALL WERE IN FAVOR: BOLLARD, ETHERIDGE, GUTMAN, D. HARRIS, O. HARRIS, LAMB and THORNE. NONE OPPOSED. MOTION PASSED.***

New Business for the Board was a Special Use Renewal for Tabernacle of Faith. The applicant requests to continue operating the existing homeless shelter located at 515 South Road Street. Rev. Oliver Robinson came forward and was sworn in by Ms. Harris.

Ms. Cole stated there were no other persons to be sworn in. Ms. Cole asked if there were any Board conflicts. There were none.

Ms. Cole stated that in speaking with the representative tonight Mr. Brian Sabin who handled the renewal last year and initiated the renewal this year is no longer with Tabernacle of Faith. There has been some disconnect from Rev. Robinson the founder of Tabernacle of Faith and Mr. Sabin up to this point. Rev. Robinson is present and able to speak of the history and general foundation and mission of Tabernacle of Faith, but the Board is also equipped with information regarding the financials. The past fiscal year Rev. Robinson has not had opportunity to review the financials. Staff would prefer to have someone from his Board of Directors here alongside him to answer for those financials. Ms. Cole asked the Board to postpone/continue their consideration until their next regular meeting.

Mr. Lamb asked if the continuance would have to be done if the Board was going to vote to extend the Special Use Permit. Ms. Cole stated that it is at the Board's discretion. If they want to go ahead with the information that has been supplied and not receiving any testimony under oath from the applicant they can certainly do with the case as they see fit. In continuing the case, the Board can allow Rev. Robinson to continue operation of the shelter under the terms of the existing permit. Mr. Thorne stated that technically the problem is that the person who made the application is no longer connected to the shelter. Ms. Cole stated yes. Mr. Thorne asked if that would necessitate starting the process over or just substituting the new applicant's name. Ms. Cole stated that substituting the representative's name at this point. She stated that according to Rev. Robinson nothing about the shelter has changed, but he cannot provide any specific details speaking to the report before the Board or what the future holds for them.

Mr. Etheridge asked Rev. Robinson if he would have someone in place by next week. Rev. Robinson stated that the only change has been in the Board of Directors. The president has moved to Georgia. Rev. Robinson stated that he [Rev. Robinson] is the CEO. He has been on leave for a while but is now back and is here to represent the organization. He stated that he doesn't have all the data up-to-date. Rev. Robinson stated that he had been in contact with the secretary and may be on the way. He is not certain what paperwork has been compiled, but apparently Mr. Sabin has been in contact with the Planning Department. He stated that he would assume that the Board knows there is a meeting. Rev. Robinson stated that he received a letter from the Planning Department regarding tonight's meeting. He stated that he has limited information that he can give. He knows that the shelter is full. They have a treasurer and a vice-president. They have renovated the shelter. Mr. Etheridge asked if the secretary would have the information and be here for next week. Rev. Robinson stated he would have her here with the information.

Chairman Harris asked for any other questions, comments or suggestions. Mr. Lamb stated that since this is something that they have gone through and the Board is familiar with the shelter; he is satisfied with what he saw in the application. He stated that Planning Staff recommended that it be approved. He asked Staff if the Board could just vote on it tonight. Ms. Cole stated that Mr. Lamb is correct in that Technical Review Committee members did have opportunity and did give Zoning Administrator input. There was no objection. Police record did not indicate any activity at the site. There were no fire calls. The standards of the petition response for renewal were about the same as last year; there are no physical changes, they don't want to expand operations. Staff is dealing with some constant variables, but the decision remains the Board's to decide to continue... Mr. Lamb asked if the Board could decide to continue. Ms. Cole stated to continue in terms of holding the case or decide to

approve therefore authorizing the shelter to continue. Mr. Lamb stated that he doesn't have issue allowing them to continue the shelter. Mr. Thorne stated that he doesn't have problem with that; however, his only concern is legally the Board has a person that has made application and now that person is no longer making the application but someone else in the organization. He asked if legally the Board is on good ground if they accept the contingency that nothing has changed. Ms. Cole stated yes. Mr. Sabin applied for the permit renewal as representative of Tabernacle of Faith. Mr. Thorne stated that it is the organization itself that is making application. Ms. Cole stated yes.

Mr. Lamb made a motion to APPROVE the renewal of SUP-01-08 to continue operating as a homeless shelter based on the information presented in the application. Mr. Thorne seconded the motion. **ALL WERE IN FAVOR: BOLLARD, ETHERIDGE, GUTMAN, D. HARRIS, O. HARRIS, LAMB and THORNE. NONE OPPOSED. MOTION PASSED.**

Next item on the agenda was Committee Reports. There were no reports at this time.

Chairman Harris asked for Staff Reports. Ms. Cole stated that the text amendment affecting the Variance process, Appeals and Special Use Permits was approved by City Council. The Board will receive updates to their UDOs.

There was no Old Business.

Chairman Harris asked for any New Business. Ms. Cole stated there is an amendment to the Bylaws; §6.7.4 Quorum and Voting. "The conferring vote of 4/5<sup>ths</sup> of regular Board membership excluding vacancies shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator or to decide in favor of the applicant any matter upon which it is required to pass under any ordinance; including the issuance of a Conditional Use Permit or to grant any Variance. All other actions of the Board shall be taken by majority vote a quorum being present."

Ms. Cole stated that this text needs to be amended. No longer is it required for a 5/5<sup>ths</sup> vote in order to pass an Appeal, Conditional or Special Use Permit. The Board has to have just a simple majority vote. The 4/5<sup>ths</sup> is required for the Variance. Staff asks permission from the Board to amend this subsection of the Bylaws so it reflects the State Statutes.

Mr. Thorne made a motion to allow Staff to make necessary changes to the Board of Adjustment Bylaws. Mr. Etheridge seconded the motion. **ALL WERE IN FAVOR: BOLLARD, ETHERIDGE, GUTMAN, D. HARRIS, O. HARRIS, LAMB and THORNE. NONE OPPOSED. MOTION PASSED.**

Ms. Cole mentioned that she would like the Board to consider an opportunity for training. As a result of the Board's last regular meeting and going into Closed Session, Staff realized that it has been a while since the Board has had a collective refresher course. Ms. Cole has met with each member to give training and basic orientation but nothing involved. Staff thinks this is a good opportunity with the approximately 50% changeover to have this training. Staff has been in touch with David Owens from the Institute of Government to arrange for him to visit Elizabeth City and give a three to four hour training session. He is available April 15, 2014. Ms. Cole confirmed that everyone would be available on this date. It was determined that those present were available for that date. Pasquotank County's Board of Adjustment will also be invited to the training.

Ms. Cole mentioned that the Board members have at their workstation the 2014 Schedule.

Mr. Thorne asked if there was Board protocol for acknowledging the prior service of members who go off the Board. He stated that we have lost a lot of years of experience. Ms. Cole stated that typically Staff sends out a written communication. The Mayor and Manager see to the certificate and acknowledgement and thanking for service.

Motion was made to adjourn. ***ALL WERE IN FAVOR: BOLLARD, ETHERIDGE, GUTMAN, D. HARRIS, O. HARRIS, LAMB and THORNE. NONE OPPOSED. MOTION PASSED.***

*Respectfully Submitted,  
Dawn Harris, Secretary of the Board*