

**CITY OF ELIZABETH CITY
PLANNING COMMISSION
REGULAR MEETING
TUESDAY, September 3, 2019
4:00 PM**

MEMBERS PRESENT

Ernest Sutton - Chairman
Johnson Biggs - Vice Chairman
Carlton O'Neal
Suzanne Stallings (Absent)
Gary White

Also, present were Angela Cole, Assistant City Manager; Cheryl Eggar, Planner II; Yvette Chamblee, Secretary to the Commission; and there were no members of the audience.

Chairman Sutton called the meeting to order at approximately 4:02 pm and stated a quorum.

Chairman Sutton called for a motion to approve the agenda as presented. Mr. White made a motion to **APPROVE** the agenda as presented. Vice Chairman Biggs seconded the motion. **ALL IN FAVOR: BIGGS, O'NEAL, AND WHITE. NONE OPPOSED. MOTION CARRIED.**

Chairman Sutton called for a motion to approve the Tuesday, April 2, 2019 Planning Commission minutes and the Tuesday, July 2, 2019 Planning Commission minutes. Vice Chairman Biggs made a motion to **APPROVE** the Tuesday, April 2, 2019 Planning Commission minutes. Mr. O'Neal seconded the motion. **ALL IN FAVOR: BIGGS, O'NEAL, AND WHITE. NONE OPPOSED. MOTION CARRIED.**

Vice Chairman Biggs made a motion to **APPROVE** the Tuesday, July 2, 2019 Planning Commission minutes. Mr. O'Neal seconded the motion. **ALL IN FAVOR: BIGGS, O'NEAL, AND WHITE. NONE OPPOSED. MOTION CARRIED.**

Ms. Chamblee, secretary to the Commission read the **STATEMENT OF DISCLOSURE** as follows:

Elizabeth City Code of Ethics provides that public officials and employees be independent, impartial, and responsible to the public; that government decisions and policy be made in proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals and in keeping with the ethical standards of conduct for city public officials and its employees, disclosure of interest in legislative action must be stated

for public record, as per City of Elizabeth City Code of Ordinances Section 32.04. Any official act or action before the Planning Commission shall be publicly disclose on the record of the Commission the nature and extent of such interest and the Commissioner shall withdraw from any consideration of the matter if excused by the Commission pursuant to G. S. 160A-75.

Chairman Sutton notated none of the Commissioners had a disclosure of interest in case TA 01-19.

CASE NO. TA 01-19 is a proposal by the Community Development staff to amend the Unified Development Ordinance, specifically Article XI Development Standards, Section 11-4.25, to add and update language designed to regulate communication facilities within the City.

Ms. Eggar presented the following Staff report:

Last October the City Council adopted a text amendment to the communication facilities regulations within the Unified Development Ordinance. The amendment was in response to a changes in the state statues for the regulation of small cell wireless facilities. Since the adoption of the text amendment, the City has hired a Consultant, CTS - Carolina Telecommunication Services, to review our applications for communication facilities. While reviewing the regulations with our consultant, it was noted that the ordinance was silent on some aspects of wireless facilities and needed clarification in other sections.

A highlight of some of the changes are:

The ordinance was silent on the maximum height of new towers. A maximum height of 199 feet is now established for new towers; and

There was no required separation from existing structures, only setbacks from property lines. There is now a minimum setback requirement from existing structures of 110% of the height of the tower; and

Clarification that the distance for public notifications for the balloon test and neighborhood meeting will be measured from the tower site as opposed to the property line; and

The submittal of a Radio Frequency Emission Certification will be required with the application submittal; and

When necessary, allow the City to relocate communication facilities within the public right-of-way, at the owner's expense, for maintenance, street reconfiguration, or other public projects; and

A Certificate of Completion will be issued when construction has been completed. The allotted time frame is six months for a non-substantial co-location or two years for substantial modifications and new construction. All facilities are to be activated for service within one year of the issuance of the Certificate of Completion.

Back in 2018 when the text amendment was adopted, staff overlooked adding a consistency statement to the amendment. Once staff was aware of the oversight, David Owens with the School of Government was contacted about how to best resolve the issue. Since we are amending the original text David states it is sufficient that the consistency statement for the pending amendment also include the original text amendment.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of proposed text amendment TA 01-19 and to adopt the proposed consistency statement for both TA 01-19 and the original text amendment TA 01-18.

The Elizabeth City, City Council finds the action to amend the text in Article 11, Section 11-4.25 of the Unified Development Ordinance to be consistent with the Pasquotank County, Elizabeth City Advanced Core Land Use Plan based on the following policies:

B. Elizabeth City Land Use Compatibility Policies

Policy 12: It is the policy of Elizabeth City to ensure consistency of land use and development proposals with the goals, objectives, and policies of the adopted Land Use Plan.

C. Elizabeth City Infrastructure Carrying Capacity Policies

Policy 6: The City recognizes the connection between economic development and the provision of necessary infrastructure, i.e. water, sewer, proper transportation access, etc. Elizabeth City will seek to provide necessary infrastructure to support development, within the constraints of its economic capacity, and support state and/or federal efforts to do the same.

G. Elizabeth City Areas of Local Concern Policies

Policy 15: Committed to the preservation of its many invaluable historic and cultural resources. The City will continue to support preservation programs and activities of the Historic District Commission.

This concluded Ms. Eggar's presentation.

There were no comments made by the Commissioners in regards to TA 01-19.

Mr. White made a motion to **APPROVE** TA 01-19 in which was previously reviewed by the Planning Commission with the following Staff recommendations:

Staff recommends APPROVAL of proposed text amendment TA 01-19 and to adopt the proposed consistency statement for both TA 01-19 and the original text amendment TA 01-18.

The Elizabeth City, City Council finds the action to amend the text in Article 11, Section 11-4.25 of the Unified Development Ordinance to be consistent with the Pasquotank County, Elizabeth City Advanced Core Land Use Plan based on the following policies:

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G. Elizabeth City Areas of Local Concern Policies

Policy 15: Committed to the preservation of its many invaluable historic and cultural resources. The City will continue to support preservation programs and activities of the Historic District Commission.

Vice Chairman Biggs seconded the motion. **ALL IN FAVOR: BIGGS, O'NEAL, AND WHITE. NONE OPPOSED. MOTION CARRIED.**

STAFF REPORT

- Assistant City Manager Angela Cole discussed the following:
 1. Changes in the Community Development Department leadership;
 2. Informed Commissioners she will be attending Planning Commission meetings and will be the liaison for the Planning Commission to City Council meetings.
 3. Vacancies and terms of the Planning Commissioners.
- Chairman Sutton discussed the Radio Launch, which would give citizens an idea as to what the Planning Commission duties are and the importance of the Planning Commission to the community.

- Assistant City Manager Cole discussed the Planning Commission coming together with City Council and having a conversation about the Land Use Plan and the Unified Development Ordinance.
- Revising the Land Use Plan and the landscape regulations in the Unified Development Ordinance.
- Mr. White discussed having a representative from the University of North Carolina School of Government to train and advise the Planning Commissioners about the importance of their job duties and what power the Planning Commission have and do not have. There were also discussions about the Community Development budget in making this event happen as well as possibly collaborating with other surrounding counties in order to make the event happen. Chairman Sutton inquired about obtaining grants to alleviate the cost for the event. Assistant City Manager Cole commented she's unaware of any grants that would fund monies for civilian boards but, possibly the State Historic Preservation Office (SHPO) may have some available funds.

CHAIRPERSON REPORT

Chairman Sutton briefly commented on the following:

- Wished everyone had a wonderful summer;
- Shootings; and
- Hurricanes.

No **MEMBERS CONCERNS** were given.

Chairman Sutton called for a motion to adjourn. Vice Chairman Biggs made a motion to **ADJOURN** the Tuesday, September 3, 2019 Planning Commission meeting. Mr. White seconded the motion. **ALL IN FAVOR: ALL IN FAVOR: BIGGS, O'NEAL, AND WHITE. NONE OPPOSED. MOTION CARRIED.**

The Planning Commission meeting adjourned at approximately 4:30pm.

Respectfully submitted,

Yvette M. Chamblee
Secretary for the Planning Commission