

**CITY OF ELIZABETH CITY
PLANNING COMMISSION
REGULAR MEETING
Tuesday, September 5, 2017**

MEMBERS PRESENT

Ernest Sutton - Chairman
Gary White
Sonny DiGirolamo - Vice Chairman
Carlton O'Neal
Johnson Biggs
Suzanne Stallings

Also present were Matthew Schelly, Community Development Director; Kaitlen Alcock, Planner; and members of the audience.

Chairman Sutton called the meeting to order at approximately 4:15pm and stated there was a quorum. Chairman Sutton asked for a motion to APPROVE the agenda as presented. Mr. White made a motion to **APPROVE** the agenda as presented. Mr. Biggs seconded the motion. **ALL IN FAVOR: WHITE, DIGIROLAMO, O'NEAL, STALLINGS, AND BIGGS. NONE OPPOSED. MOTION CARRIED.**

Chairman Sutton asked for a motion to **APPROVE** the minutes from the Tuesday, August 1, 2017 meeting. Mr. White made a motion to approve the minutes from the Tuesday, August 1, 2017 meeting. Mr. DiGirolamo seconded the motion. **ALL IN FAVOR: WHITE, BIGGS, O'NEAL, SUTTON, STALLINGS, AND DIGIROLAMO. NONE OPPOSED. MOTION CARRIED.**

Chairman Sutton asked for Mr. Schelly to 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.

New Business is CASE NO.: SUP 01-17 submitted by Helen Williams for property located at 701 North Road Street. This property is zoned Residential (R-6). The applicant is requesting to operate a rooming house at this location.

Ms. Kaitlen Alcock presented the following report:

The first item on the agenda this afternoon is SUP 01-17 filed by Helen Williams to operate a rooming house at 701 North Road Street. Should the permit be approved, it is the Applicant's intention to rent the four-bedroom house on a monthly basis. The Elizabeth City Unified Development Ordinance places

certain development standards on a rooming house operation which was detailed on pages 7 and 8 of the staff report provided to the Commission. Two of the main standards include the following:

- The use must be operated by a resident owner or manager
- The use permit must be renewed annually

The Technical Review Committee reviewed the request at their June meeting and, after a lengthy discussion, recommended approval of the request subject to the Committee's conditions. The Fire Department set the maximum occupancy at five individuals and noted that should the occupancy exceed that threshold, different Fire and Building Code Standards would apply and certain safety measures, such as an alarm and sprinkler system, would be required. Although not required, Fire did strongly recommend the installation of smoke detectors in every room, carbon monoxide detectors on each floor, fire extinguishers, and exit signs. Staff conducted an on-site visit in early June and did note that every room did contain a smoke detector. The Inspections Department provided the Applicant with a list of repairs that must be completed prior to final approval. In speaking with the inspector this afternoon a few minor repairs remain incomplete. As you recall the Planning Commission heard this case in August and requested staff to provide additional information regarding the emergency calls to the property as well as clarification from the Fire Department regarding overnight guest. A summary report of the call logs was included in the staff report provided to the Commission, while the entire list was included as an Addendum to the report. In speaking further with the Fire Marshall, he stated the maximum occupancy would remain at five, which would include permanent and temporary guests. Should the occupancy exceed that threshold, the additional State safety measures mentioned previously would be required. If the Commission deems the request appropriate and recommends approval to the Board of Adjustment, Staff offers the following as conditions of the approval:

- All comments made by the Technical Review Committee shall be satisfactorily addressed prior to the permit issuance;
- Continued adherence to the development standards found in Article 11-4.17 of the Unified Development Ordinance;
- The special use permit shall be renewed annually. It shall be the responsibility of the applicant or property owner to contact Planning Staff in a timely manner to ensure the permit is renewed prior to the noted expiration date;
- A list of current residents shall be provided to the Planning Department monthly. The list shall include the complete given name of all tenants residing at the home and indicate how long each tenant has lived on the premises;
- City Staff shall be authorized to conduct on-site inspections as deemed necessary to ensure compliance with the conditions of the permit;
- The applicant shall have the approved permit recorded with the Pasquotank County Register of Deeds within ten (10) business days after notification of the decision.

This concluded Ms. Alcock's report.

Chairman Sutton asked were any speakers present in the audience. The Ms. Helen Williams, applicant, and Ms. Selma White, adjacent property owner, were present.

Ms. Williams approached the podium and reintroduced herself to the Commission. Ms. Williams, property manager, informed the Commission her intentions of establishing a rooming house.

Mr. DiGirolamo stated the police reports were requested from the Commission's August meeting and the police reports are included in the agenda packets. Mr. DiGirolamo questioned Ms. Williams about her involvement with the facility starting back in 2016. Ms. Williams responded she was on and off looking after the property but, wasn't designated to do so. Plus she didn't know anything about the police reports. Mr. DiGirolamo questioned Ms. Williams about her involvement with the house around February 2017. Ms. Williams responded she was checking on the property during that time for the property owner but, she wasn't the one calling the police. Mr. DiGirolamo read names of persons listed as callers on the police report. Ms. Williams recalled a Susan Allen name off of the police report list. Mr. DiGirolamo questioned about any additional follow ups after July 2017. Ms. Alcock responded she hasn't received any additional follow ups. Mr. White questioned the call for assistance made by Ms. Williams on July 24, 2016. Ms. Williams responded she doesn't recall the call for assistance.

The Commission allowed Ms. Williams time to review the police reports, while Ms. Selma White came forth to discuss her concerns with the rooming house.

Ms. White approached the podium and reintroduced herself to the Commission. Ms. White stated she lives at 108 West Cypress Street, which is adjacent to the property located at 701 North Road Street. Ms. White gave the Commission some background information of what she has witnessed through the years of living at 108 West Cypress Street. Ms. White was concerned about the issues and activities that are transpiring at the rooming house.

Mr. Sutton questioned Ms. White about what she would like to see done differently with the rooming house based on her experience within the neighborhood. Ms. White responded she would like to see the home become a single family home. Mr. Sutton questioned Ms. White about what other options would she suggest or the home if the home couldn't be a single family home. Ms. Williams responded she would like to see the home become an assistant living facility.

Chairman Sutton called Ms. Williams back to the podium to answer any follow up questions proposed by the Commission.

Mr. White asked Ms. Williams if she could elaborate on any of the calls listed on the police report that she reviewed. Ms. Williams responded she could attest to some of the calls but, she didn't make the calls. Ms. Williams continued to respond by stating there are problems within the neighborhood but all of the problems in the neighborhood are not being contributed by the rooming house. Ms. Williams stated people's behaviors are unpredictable and she can't predict or promise the Commission that nothing is ever going to happen. Mr. DiGirolamo questions the statements that Ms. Williams had made in reference to the rooming house and the activities within the neighborhood. Ms. Williams responded she was just talking in general about the ongoing activities within the neighborhood.

Mr. O'Neal questioned can anyone control the amount of people coming and going at the rooming house at any particular time. Ms. Williams responded all she can do is request that all guest are gone from the rooming house by 11pm.

Mr. Sutton questioned Ms. Williams about having some type of orientation for the residents of the rooming house. Ms. Williams agreed she would have an orientation process that would inform tenants of the do's and don'ts of the resident. Mr. Sutton also questioned would there be a governing policy of that process. Ms. Williams responded she doesn't have a policy but, she has a procedure and her procedure isn't written down. Mr. Sutton continued to question Ms. Williams about having a written policy and procedure in order to guide and maintain rules and regulations within the residence as well as hold each resident accountable for their actions. Ms. Williams agreed having policies and procedures within the residence in order to have the residents to sign an agreement in case any incidents should occur.

Ms. Stallings questioned Ms. Williams in regards to what is her screening process for potential residents obtaining residency at the rooming house. Ms. Williams responded she doesn't have a formal screening process but, she does ask general questions of the potential tenants. Ms. Williams did further respond she doesn't do background checks but she has a way to check and see if individuals have upcoming court dates. Ms. Stallings enlightened Ms. Williams to incorporate a Plan of Action and a Strike Policy in order to deter recurring incidents at the residence.

Mr. DiGirolamo questioned Ms. Williams about the caretaker at the residence. Ms. Williams responded the caretaker tries to keep the grounds clean and he has been at the residence for about a year. Mr. White asked Ms. Williams to clarify what keeping the grounds clean means. Ms. Williams responded cutting the grass and raking. Mr. Biggs asked Ms. Williams would you describe keeping the grounds clean to also include picking up debris on the property. Ms. Williams responded the resident manager doesn't have transportation to haul trash but, we call the City to come pick up the trash. Mr. Biggs described in detail what he saw as he drove by the address, 701 North Road Street in regards to the trash and the view of the property last week. Mr. Biggs inquired from Ms. Alcock if the Commission can regulate the parking spaces for curb stops. Ms. Alcock responded the parking spaces for curb stops could be listed as a recommendation from the Planning Commission to the Board of Adjustments.

Mr. DiGirolamo questioned Ms. Williams about the issue of damage to the neighbor's property from the last meeting. Ms. Williams responded about replacing the neighbor's gate and having the tree limb trimmed and removed from hanging over the neighbor's property. Mr. DiGirolamo questioned Ms. Williams about any damage to the neighbor's roof. Ms. Williams responded she didn't see any damage to the neighbor's roof and all she saw was the tree limb hanging over the neighbor's roof but, she's not disputing what the neighbor stated. Mr. DiGirolamo questioned is the tree limb scheduled to be taken care of soon. Ms. Williams responded they are talking with someone to come and cut the tree limb down.

Mr. Biggs questioned Ms. Williams would she be having a policy for all visitors to leave by 11pm. Ms. Williams responded yes. Mr. Biggs stated if there's a call for service to the rooming house at 11:30pm and the arriving officer observes more than five people on the premises, wouldn't this be a violation of the Special Use permit. Ms. Alcock stated the policy would have to be a formal condition of the Special Use Permit in order to be an actual violation. If it's her policy but, it's not written into the Special Use Permit then, it's unenforceable. Ms. Williams responded the violation should be a strike against the

particular resident and not the entire rooming house. Chairman Sutton stated policy is established to hold the residents accountable, if the policy is continually violated then action would be imposed by the resident manager or property manager but, if action isn't imposed by the property manager then action shall be imposed by the Commission. Mr. DiGirolamo inquired about Ms. Williams's proximity to the address, 701 North Road Street. Ms. Williams responded she lives approximately ten to fifteen minutes from the property and on any given day her driving route takes her by the property plus she does monthly cleaning inspections at the rooming house. Mr. DiGirolamo asked Ms. Williams if there were any other properties that she manages. Ms. Williams responded she also manages a women and children emergency shelter.

Chairman Sutton commended Ms. Williams and Ms. White for what they are trying to do for their community. Chairman Sutton called for a motion or recommendation for the Special Use Permit.

Mr. White reminded the Commission about the due process of law. Mr. Biggs stated his comments were in regards to having a great tool to manage the number of occupants at the rooming house. Mr. Schelly commented it's not the Commission's responsibility to adhere to the law or the regulations.

It is the landlord and tenant's responsibility to adhere to the law and regulations of the rooming house. The Commission's responsibility is to enforce the rules and regulations and not to adhere to them. Mr. Schelly continued to comment on how the condition that allows on-site inspections could be useful in verifying the number of occupants at the rooming house as well as implementing the screening and interviewing process of the applicants into the conditions of the Special Use Permit would be beneficial. Mr. Schelly also commented all these discussion issues could possibly be added in the Commission's motion including the parking space for curb side. Ms. Alcock stated she was informed by the City's Attorney, Bill Morgan, the Commission cannot require the applicant to impose background checks on potential renters for the rooming house as a condition of the Special Use Permit but, the Commission may recommend the applicant to do so.

Mr. DiGirolamo questioned Ms. Williams about what the residence used for prior to applying for the Special Use Permit. Ms. Williams responded the owner of the residence had an adult daughter and a mother with four kids staying at the residence and the kids were destroying the residence. Two families lived at the residence once but, one family moved to New York and Ms. Williams didn't know where the other family went. The residence is now rented to a Mr. Reynolds and he's been living there for about nine months to a year now. Mr. Johnson questioned Ms. Williams if Mr. Reynolds lease will end if the Special Use Permit is granted. Ms. Williams agreed. Ms. Williams commented that one room must be painted for environmental issues. Ms. Alcock questioned Ms. Williams about Mr. Reynolds acting as the residential manager. Ms. Williams stated yes, Mr. Reynolds would act as the resident manager.

Ms. Stallings questioned Ms. White about feeling comfortable in her house since Mr. Reynolds (Goodwrench) has been living at the residence. Ms. White responded her concerns were with the activities at the residence. Ms. White also commented she doesn't have a problem with Mr. Goodwrench/Mr. Reynolds but, she has concerns with the other people living in the house. Ms. Williams commented she has observed cars sitting in the driveway of the residence and pull off when she pulls up to the residence. Mr. Biggs responded to Ms. Williams' observation as to why the Commission prefers an on-site manager being at the residence so that person can be responsible for calling law enforcement. Ms. Williams responded calling law enforcement would increase the number of calls to the residence. Mr. Biggs commented the same person calling would be explainable and the resident manager should be your eyes and ears.

Mr. DiGirolamo inquired about the next step in the Special Use Permit application. Ms. Alcock responded the next process would be going before the Board of Adjustment.

Chairman Sutton called for a motion to approve or deny the request.

Mr. O'Neal inquired about who is the on-site manager. Ms. Alcock responded Mr. Reynolds is the on-site manager. Mr. O'Neal made a motion to APPROVE with conditions. Mr. DiGirolamo seconded the motion. **ALL IN FAVOR: O'NEAL AND DIGIROLAMO. ALL OPPOSED: WHITE, STALLINGS, AND BIGGS. Motion FAILED.**

Ms. Alcock informed the Commission that the Special Use Permit application would still move forward to the Board of Adjustment, whether approved or denied. Therefore, the Commission could make a recommendation of denial to the Board of Adjustment.

Mr. Biggs commented on making another motion with recommendations for additional conditions such as curb stops, a chain across the designated parking spaces, and a curfew to deter more people equaling more opportunity for activities.

After much discussion, the clarification of Mr. Biggs recommendations for a motion to be approve with additional conditions made by the Commission were discussed because, the previous motion to approve made by Mr. O'Neal didn't include any recommendations for any additional conditions made by the Commission. Therefore, the motion made by Mr. O'Neal was a **FAILED** motion.

Mr. Biggs made a new motion to recommend **APPROVAL** to the Board of Adjustment with recommendations for additional conditions such as curb stops for four parking spaces, a barrier for the four parking spaces in the form of a chain to keep unwanted guest out, and guest to be off the premises after 11pm be acknowledge on the lease agreement. Mr. Biggs amended his motion by stating the curb stops could be replaced with providing proof that there were four visible parking spaces. Mr. White seconded the motion. **ALL IN FAVOR: BIGGS, WHITE, O'NEAL, STALLINGS, AND DIGIROLAMO. NONE OPPOSED. MOTION CARRIED.**

STAFF REPORTS

Ms. Alcock informed the Commission about:

- Two Text Amendments coming before the Commission in October.
- Training modules.

CHAIRPERSON'S REPORT

Chairman Sutton notated a correction needed to be made to the agenda. Mr. DiGirolamo is the Vice Chairperson instead of Mr. White. Chairman Sutton further stated the Commission has to be mindful of our accountability on how we handle future cases.

MEMBER'S CONCERNS

No comments were made.

Mr. White made a motion to **ADJOURN** the meeting. Mr. O'Neal seconded the motion. **ALL IN FAVOR: BIGGS, WHITE, O'NEAL, STALLINGS, AND DIGIROLAMO. NONE OPPOSED. MOTION CARRIED.**

Respectfully Submitted,

Yvette M. Chamblee
Secretary of the Planning Board