

**MINUTES**  
CITY OF ELIZABETH CITY  
**PLANNING COMMISSION**  
REGULAR MEETING  
TUESDAY, October 1, 2013  
4:00 PM

**MEMBERS PRESENT**

Ernest Sutton, Chairman  
Lena Council  
Sonny DiGirolamo  
Don Witosky

Also present were Cheryl Eggar, Planner and June Brooks, Planning Director.

Chairman Sutton called the meeting to order.

Chairman Sutton asked for a motion to adopt the agenda; asking that the election of officers be held over to the end of the meeting. Mr. Witosky made a motion to adopt the agenda as amended for October 1, 2013. Mr. DiGirolamo seconded the motion. ***ALL IN FAVOR: COUNCIL, DIGIROLAMO, SUTTON and WITOSKY. MOTION PASSED.***

Chairman Sutton asked for a motion to approve the September 3, 2013 minutes. Ms. Council made a motion to APPROVE the September 2013 Planning Commission minutes. Mr. DiGirolamo seconded the motion. Chairman Sutton asked for any discussion. Mr. Witosky amended the motion that a correction be made to page three, paragraph three that the motion read "...Planning Commission go with Staff's recommendation for CASE No.: RR 96-100803 and APPROVE the Residential (R8) zoning be continued for this site." Mr. DiGirolamo seconded the amendment. ***ALL IN FAVOR: COUNCIL, DIGIROLAMO, SUTTON and WITOSKY. MOTION PASSED.***

First item on the agenda was for the Commission to hear and make recommendation to City Council to recertify and adopt the zoning map for the City of Elizabeth City and its Extraterritorial Jurisdiction. Ms. Eggar gave an overview as follows.

Ms. Eggar stated while reviewing the official zoning map for Elizabeth City, it has come to Staff's attention that some mapping errors and inconsistencies occurred while converting the official zoning map to the current digital format.

In addition, Staff located mapping errors for properties which were rezoned and were never properly mapped and properties which were erroneously included in the mapping of approved rezoning requests.

Ten mapping errors were found that were made prior to the adoption of the 1999 official zoning map.

- Five of the errors are attributed to never having been mapped after an approved rezoning;
- Two properties were mapped with an incorrect zoning designation;

- And two rezoning requests were mapped that included properties which were not part of the rezoning; and the mapping of one rezoning request failed to include the complete parcel.

It was noted that ten errors occurred while converting the paper map to the current digital format.

Since the 1999 map adoption, five mapping errors were found which occurred between 2001 and 2005.

- Four of these errors consisted of properties which were never mapped to reflect the approved rezoning;
- And the mapping of one rezoning request included properties which were not part of the rezone request.

Through the review process, the Planning Commission established a subcommittee to review the zoning issues that were discovered. During the subcommittee meetings all of the various issues revealed during Staff's research were discussed and evaluated. Furthermore, Staff contacted the School of Government and a Land Use Law attorney for guidance in how to rectify the lack of a certified zoning map and how to correct the errors which were identified. Based upon legal advice, Staff is moving forward to have the City Council readopt and recertify the 2013 Zoning Map.

To correct the mapping errors, the Planning Staff is requesting that the City Council recertify and adopt the replacement map as the 2013 Official Zoning Map of Elizabeth City.

Mr. DiGirolamo asked if there had been a subcommittee from the Planning Commission. Ms. Eggar stated yes. Ms. Brooks stated that Mr. Sutton, Linda Etheridge and Lena Council were on the subcommittee. They met approximately four to five times.

Ms. Eggar stated that in the members agenda packets a map had been included that listed the zoning issues with a breakdown of each.

Ms. Brooks pointed out the zoning maps on the wall. The map on the left was the current zoning map and the map on the right is the updated map that reflects the changes.

(Inaudible) Ms. Brooks stated that Staff will be doing the legal requirements from the State. A half page legal advertisement has to be done for two consecutive times. Almost 2,000 out-of-area property owners have been identified and notification has to be mailed to them. Ms. Council asked if the owners are aware. Ms. Brooks stated that NC Law reads that if there are property owners within your jurisdiction that are outside the reading area of your local newspaper they must be notified by mail. Instead of doing a small advertisement in the paper, Staff has to take out a half page ad to notify the residents within the viewing area. Mr. Sutton asked if there was a timeline that the owners have to respond. Ms. Brooks stated that the owners do not have to respond. Staff just has to notify them by first class mail. The letters that have been drafted is pretty self-explanatory; however, if the property owners have questions Staff will deal with them one-on-one. They can come in and look at the map. It will be on the City's website, the library, City Hall, Planning Department office and the Customer Service satellite

office at the mall. Mr. DiGirolamo asked if the process will be completed in 2013. Ms. Brooks stated yes. Staff is hoping it will be heard at City Council in November.

There were two attendees at the meeting; however they indicated that Ms. Eggar had already answered their questions and thank her for the assistance.

Chairman Sutton asked for a motion. Mr. Witosky made a motion to APPROVE Staff's recommendation for the Zoning Map changes as presented here today and to be presented to City Council. Ms. Council seconded the motion. ***ALL IN FAVOR: COUNCIL, DIGIROLAMO, SUTTON and WITOSKY. MOTION PASSED.***

Chairman Sutton stated that the Commission will have a new board member in November, Mr. Carlton O'Neal. The Commission still does not have a recommendation from the County for Mr. McGuire's replacement. Chairman Sutton asked the Commission if they would like to hold officer elections today or defer until November.

Mr. DiGirolamo made a motion to TABLE the Election of Officers until the November meeting. Ms. Council seconded the motion. ***ALL IN FAVOR: COUNCIL, DIGIROLAMO, SUTTON and WITOSKY. MOTION PASSED.***

It was determined that the Planning Commission will meet in November regardless of whether there are any applications. Planning Commission's regular scheduled meeting date is November 5, 2013.

With no further business Mr. DiGirolamo made a motion that the meeting be adjourned. Ms. Council seconded the motion. All in favor. Motion passed and meeting was adjourned.

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