

**CITY OF ELIZABETH CITY
PLANNING COMMISSION
REGULAR MEETING
Tuesday, October 2, 2018**

MEMBERS PRESENT

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

Also present were Matthew Schelly, Community Development Director and Yvette M. Chamblee, secretary to the Commission.

Chairman Sutton called the Planning Commission meeting to order at approximately 4:02pm and determined there was a quorum. Chairman Sutton called for motion to approve the agenda. Mr. Biggs made a motion to **APPROVE** the agenda as presented. Mr. White 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, September 4, 2018 Planning Commission minutes. Mr. Biggs made a motion to **APPROVE** the Tuesday, September 4, 2018 Planning Commission minutes. Mr. White 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 asked if any Commissioner had a disclosure of interest in case number TA-02-18. No Commissioner had a disclosure of interest in the case of TA-02-18.

NEW BUSINESS: CASE NO: TA 02-18 filed by the City of Elizabeth City to amend the City Code Chapter 154, Floods, and Chapter 159, the Unified Development Ordinance; removing, adding, revising, and replacing language to comply with the requirements of the National Flood Insurance Program (44 CFR 60.3) and NC Session Law 2000-150, Senate Bill 1341 (NCGS 143.-215.51-.61) associated with updated flood hazard data developed for Pasquotank County through the National Flood Insurance Program of the Federal Emergency Management Authority (FEMA).

BACKGROUND:

The current Floods Chapter and UDO Sections were last revised when the flood insurance rate maps (FIRMs) were last updated in the 1980s. The flood maps for Elizabeth City have now been revised using updated technology and increased accuracy. These maps are required by the Federal Insurance Program (FIP) to be adopted by December 21, 2018, in order that property owners will be able to buy flood insurance. Along with the update to the maps, the City is also required to adopt revisions to the City's flood ordinances. The State Emergency Management Office has prepared a model ordinance for us to use.

The amendments include revisions to the UDO. Article XII, Environmental and Special Purpose Regulations, includes Section 12-2, which is the regulation for the Flood Hazard District Overlay. The definitions of UDO Subsection 12-2.1 are a mirror image of the regulations to be adopted in Chapter 154 in the City Code.

ANALYSIS:

The proposed text amendment would replace the existing Chapter 154 of the City Code with text almost identical to the model ordinance provided by the NCEM Office. As before, the requirements only apply to the Special Flood Hazard Areas on the FIRMs. The model did allow a few options which would make the regulations more appropriate to local conditions.

The first of the two most significant options shown in this proposal is to add, only for Special Flood Hazard Areas, a "freeboard" height for new construction and for "Substantial Improvements." A freeboard is a set distance that is higher than the minimum allowed, which is the Base Flood Elevation (BFE), creating a sort of margin of safety, called the Regulatory Flood Protection Elevation (RFPE). The staff recommends a two-foot freeboard, especially since the new maps show a BFE that is lower than the current BFE. The owners of buildings built at the freeboard height or higher benefit with significantly discounted flood insurance costs. In addition, these buildings are less likely

to be affected by floods than if they had been built to the BFE. This not only reduces damage and recovery costs, but also reduces emergency response risks.

The second most significant option shown in this proposal is to prohibit the construction of "new solid waste disposal facilities and sites, hazardous waste management facilities, salvage yards, and chemical storage facilities." ... "A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a Special Flood Hazard Area only if the structure or tank is either elevated or floodproofed to at least the Regulatory Flood Protection Elevation and certified in accordance with the provisions of Section 154.26(3)." Several City department directors, the City Manager, and the Pasquotank-Camden Emergency Management Agency Coordinator, Christy Saunders, recommend adoption of this option, primarily, as Ms. Saunders said, "to avoid compounding the flood situation."

The definitions for the UDO subsection should be adopted as proposed in order to ensure all definitions are consistent.

See the attached document for the proposed text amendment.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the proposed text amendment TA 02-18, as drafted.

Mr. White questioned the definition of "Freeboard." Mr. Schelly commented freeboard is a set distance that is higher than the minimum allowed, which is the Base Flood Elevation (BFE). Staff recommends a two-foot freeboard. The current freeboard is five-foot with the waterfront having a zero freeboard. Mr. Schelly commented the new maps would have four-foot above the Base Flood Elevation.

Chairman Sutton called for a motion. Mr. White made a motion to **APPROVE** TA 02-18 as presented. Mr. Biggs seconded the motion. **ALL IN FAVOR: BIGGS, O'NEAL, AND WHITE. NONE OPPOSED. MOTION CARRIED.**

STAFF REPORT

- Discussed the Wireless Communication Facilities Ordinance update or modifications. Specific modifications to the ordinance were as follows: change in definitions; revised definitions to advise State terms; added more text; clarify the term for height; and adjust a section on public right of way on single family.

CHAIRPERSON'S REPORT

- Chairman Sutton discussed the Planning Commission Communication Strategy and how the Planning Commission needs to be funded adequately, sufficiently,

and efficiently in order to educate the board members. The proposed increased budget would be used for training the Commission board members and educating the community on what the Planning Commission does. Chairman Sutton emphasized that the community needs to know what the Planning Commission does, how we do it, and why we do it.

- Chairman Sutton and Mr. Schelly will have a meeting on Tuesday, October 9, 2018 to discuss how to inform the community. All Planning Commission members are welcomed to join the meeting as well. Chairman Sutton commented nothing discussed in the meeting will be launched to the public until the Planning Commission has a chance to meet in November 2018. Mr. O'Neal and Mr. Biggs will be unable to meet on this day due to prior engagements.
- Chairman Sutton discussed the need to have two more board members appointed to the Planning Commission. One person to replace Mr. Sonny and another person to fulfill a vacancy for the County seat on the Planning Commission.

No **MEMBERS CONCERNS** were given.

Chairman Sutton called for a motion to adjourn. Mr. White made a motion to **ADJOURN** the Tuesday, October 2, 2018 Planning Commission meeting. Mr. Biggs seconded the motion. **ALL IN FAVOR: BIGGS, O'NEAL, AND WHITE. NONE OPPOSED. MOTION CARRIED.**

The Tuesday, October 2, 2018 Planning Commission meeting was adjourned at 4:28pm.

Respectfully submitted,

Yvette M. Chamblee
Secretary to the Planning Commission