

MINUTES
CITY OF ELIZABETH CITY
PLANNING COMMISSION
REGULAR MEETING
TUESDAY, November 5, 2013
4:00 PM

MEMBERS PRESENT

Ernest Sutton, Chairman
Lena Council
Sonny DiGirolamo
Carlton O’Neal
Don Witosky

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

Chairman Sutton called the meeting to order.

Chairman Sutton welcomed everyone and introduced the Commission’s new member, Mr. Carlton O’Neal. Chairman Sutton asked that each member introduce themselves. Commission members and Staff introduced themselves to Mr. O’Neal. Mr. O’Neal followed with an introduction of himself to the Commission and Staff.

Chairman Sutton asked that before the call for nominations for Election of Officers that Ms. Cole reviews the portion of the Commission’s Bylaws that governs the election. Ms. Cole read into record as follows:

In accordance with Ordinance Section 3-1 governing the Planning Commission and Bylaws –

Section 5-5 The Election of Officers: “The election of officers shall be by majority vote of its membership excluding vacancies in accordance with Ordinance Section 3-1.5 Nomination shall be made from the floor at the regularly scheduled meeting in June of each year. Election of Officers shall be the first order of business. Members shall be notified by the secretary in writing of the Election of Officers prior to that regular meeting.”

Section 5.5.1 The Chairman: “The chairman’s term of office shall be for one year and until his successor is elected. The chairman shall be eligible for reelection.”

Section 5.5.2 The Vice-Chairman: “A vice-chairman shall be elected by the Commission from among its members in the same manner as the chairman. The vice-chairman’s term of office shall be for one year.”

Section 5.5.3 Election: “A candidate receiving a majority vote of the entire membership of the Commission shall be declared elected and shall serve for one year or until his or her successor shall take office.”

At this time Chairman Sutton opened the meeting for nominations for chairman of the Planning Commission. Mr. Witosky nominated Mr. Ernest Sutton for chairman. Nomination was seconded

by Ms. Council. ***ALL IN FAVOR: COUNCIL, DIGIROLAMO, O'NEAL and WITOSKY. MOTION CARRIED.***

Chairman Sutton asked for nominations for vice-chairman of the Planning Commission. Mr. DiGirolamo nominated Mr. Don Witosky for vice-chairman. Nomination was seconded by Ms. Council. ***ALL IN FAVOR: COUNCIL, DIGIROLAMO, O'NEAL and SUTTON. MOTION CARRIED.***

Both Chairman Sutton and Vice-Chair Witosky shared sentiments that they will do the best job they can during the following term. Chairman Sutton stated that he feels that there are some really exciting opportunities coming for our City. Our Mayor has just been reelected and Chairman Sutton stated that he was glad to see him reelected. He stated that Mayor Peel really has a vision for our City and how to move it forward. Chairman Sutton stated that he certainly does pledge his support to the Mayor in doing all that he can do as Chairman of the Planning Commission to help move the City forward. He also feels that it is an opportunity for the Commission to help move the City forward by providing input and using Staff. Staff needs to be more involved and consulted more in the type of things that the Mayor has put forth. A lot of times there are resources available to us that are overlooked. Chairman Sutton is looking into how to better engage Staff in matters that they deal with on a day to day basis.

Chairman Sutton called for a motion to approve the Agenda. Mr. DiGirolamo made a motion to APPROVE November 5, 2013 Planning Commission Agenda. Mr. Witosky seconded the motion. ***ALL IN FAVOR: COUNCIL, DIGIROLAMO, O'NEAL, SUTTON and WITOSKY. MOTION CARRIED.***

Chairman Sutton called for New Business. Ms. Cole stated that she had met with Director Brooks earlier today and with discussions from a few months ago there are two items that they wanted to bring before the Commission by way of text amendments. She stated that they have reduced the amendments to only one. The internet sweepstakes amendment will be left alone until Staff knows how it is going to end in the Courts. The City's District Attorney has made it absolutely clear that anyone operating internet or electronic gambling will be shut down with proper enforcement; however, Staff is not sure how State Legislature will deal with this item.

The second item that will be brought to the Commission in December is an amendment regarding the Board of Adjustment and the rules that governs how they do conduct business on matters of appeal, interpretation from the Zoning Administrator, items of variance as well as special use permits. They are a quasi-judiciary board, different from the Planning Commission's advisory status. Their hearings on appeals and variances have a binding status in terms of law and are recorded with the Register of Deeds. All text amendments come before the Planning Commission because the Commission renders a recommendation to City Council before they make a decision. The order of business will be for Staff to draft the text amendment, take it to the Board of Adjustment to inform them of the changes that will be made. At the Planning Commission's December meeting the item will be heard for recommendation to City Council. The amendment will move for to Council so this item will be effective in our Ordinance by the end of January. Ms. Cole stated that with the passing of the State law these rules are already in effect whether they are put in the Ordinance or not. We have to abide by at least the State's

minimum standards. The State made this effective as of October 1, 2013. This is a formality, but a necessary one.

There was brief discussion on the Board of Adjustment's differences from the Planning Commission. Ms. Cole reviewed some of the processes regarding different applications (i.e. special use permits, conditional use permits) that the Board hears. The Board of Adjustment deals with all matters of appeals regarding land use and development.

Lastly, at the December Planning meeting the Commission will hear an application for a rezoning.

Chairman Sutton made a Point of Order. The minutes were not approved earlier for the October meeting. He called for motion to approve the October 1, 2013 meeting. Ms. Council made a motion to APPROVE the October 1, 2013 minutes. Mr. DiGirolamo seconded the motion. ***ALL IN FAVOR: COUNCIL, DIGIROLAMO, O'NEAL, SUTTON and WITSOKY. MOTION CARRIED.***

There were no Staff Reports.

There were no Member Concerns.

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

Respectfully Submitted,
Dawn Harris, Secretary of the Board