

**CITY OF ELIZABETH CITY
PLANNING COMMISSION
REGULAR MEETING**
Tuesday, January 3, 2017
4:00 PM

MEMBERS PRESENT

Ernest Sutton, Chairman
Don Witosky, Vice-Chairman
Sonny DiGirolamo
Carlton O'Neal
Suzanne Stallings
Gary White

Also present were Kaitlen Alcock, Planner; Dawn Harris, Secretary to the Board; members of the audience.

Chairman Sutton called the meeting to order and stated that there was a quorum. He asked for a motion to approve the agenda as presented for tonight's meeting. Mr. White made a motion to **APPROVE** the agenda as written for the January 3, 2017 meeting. Mr. DiGirolamo seconded the motion. ***ALL IN FAVOR: SUTTON, WITOSKY, DIGIROLAMO, O'NEAL, STALLINGS and WHITE. NONE OPPOSED. MOTION PASSED.***

Chairman Sutton asked for a motion to approve the minutes from the December 6, 2016 meeting. Mr. White made a motion to **APPROVE** the minutes as read from the December, 2016 Planning Commission meeting. Mr. DiGirolamo seconded the motion. ***ALL IN FAVOR: SUTTON, WITOSKY, DIGIROLAMO, O'NEAL, STALLINGS and WHITE. NONE OPPOSED. MOTION PASSED.***

Chairman Sutton asked for Ms. Harris 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 governmental 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 the public record, as per City of Elizabeth City Code of Ordinances Section 2-113. Any member of the Planning Commission who has an interest, as defined in Section 2-111 of the City of Elizabeth City Code of Ordinances, in any official act or action before the Commission shall publicly disclose on the record of the Commission the nature and extent of such interest, and shall withdraw from any consideration of the matter if excused by the Commission pursuant to G.S. 160A-75.

The first item on the agenda was **CASE NO.: RZ-02-16** - filed by Water Street Properties, Inc. for property located northwest of the intersection of North Water Street and Pearl Street. (Parcel ID# 891420905413; Tax Map 5-B-7). The site lies approximately 375 feet from the intersection

of Water and Elizabeth Streets. The applicant is requesting a Rezoning from General Industrial (I-2) to Central Business (CB). Ms. Alcock gave the following report:

STAFF REPORT

The request before you today is RZ 02-16, made by Cully Jennette on behalf of Water Street Properties, Incorporated to rezone a 18,000 square foot parcel from General Industrial to Central Business. The property in question is located northwest of the intersection of N Water Street and Pearl Street. When making a determination on a rezoning request, Staff considers the area's zoning pattern, adjacent land uses, the joint Pasquotank County and Elizabeth City Land Use Plan as well as the impact on City infrastructure including roads and utilities. Staff also takes into account the impact the proposed rezoning will have on adjacent property owners.

The property in question is surrounded by a mix of zoning districts, including General Business, General Industrial, and Central Business. The proposed rezoning would lessen the intensity of allowable uses while still remaining compatible with the surrounding zones. The Joint Pasquotank County and Elizabeth City Land Use Plan classifies the tract as Downtown Mixed Use, which designates properties that are located in, and immediately surrounding, the Elizabeth City Central Business District and downtown waterfront area. According to the plan, properties located in the Downtown Mixed Use category can accommodate a variety of retail, office, business and personal services. The Central Business zoning designation is considered generally consistent with the Downtown Mixed Use classification. As stated in the supplemental documentation provided by the Applicant, there is no specific use in mind for the property at this time, but the Applicant feels the new zoning designation will make the property more marketable to future business owners.

Considering the aforementioned elements which were explained in greater detail in the staff report provided to the Commission, Staff recommends APPROVAL of the request as presented.

This completed Ms. Alcock's report.

There were no questions from the Commission for Ms. Alcock. Chairman Sutton asked for the applicant to come forward. Mr. Cully Jennette came forward on behalf of the application. He stated that he would like to compliment the Planning Department. He stated that Staff handled his needs very professionally and without prejudice. Mr. Jennette stated that he is trying to get the property in line with what is designated around it. Water Street Properties, Inc. owns a couple of different parcels. This parcel was purchased separate from another parcel which is Central Business. He stated that they are trying to do a little "housekeeping." He stated that he went to the Planning Department and talked with them and they embraced the idea. They thought it was a good idea. Mr. Jennette stated that the City Manager had come with Ms. Brooks, [planning director] and walked through the property and said that they thought this could be done without a lot of problems. They did not have issues at that time. He stated that he made application. Most of this property, if not all of it, is the old B & M tract that they purchased a number of years ago. He stated that they are just trying to get it all zoned the same. With the idea that Central Business District will give more flexibility to be able to use the property down the road considering the development and changes that are taking place in the City. The current designation will limit them from being able to do retail.

Mr. DiGirolamo asked about the utilities and stated that he did not see where they were going into the facilities. Mr. Jennette stated that this is a functioning building. All of the buildings have electric, water and sewer going to them.

Mr. DiGirolamo stated that apparently as time progresses according to the Land Use Plan, it looks like they want to try to make some of the sites on the other side of Elizabeth City to downtown mixed use and spread that zoning into your area. He asked if that is where Mr. Jennette is planning to go with this property down the road. Mr. Jennette stated that yes. If you take the Jennette Brother's tract and Water Street tract it is about 3 1/2 to 4 acres which is a very large tract for downtown. Long term, he would like to see the Jennette tract rezoned; however, that cannot be done right now because they are operating in the manufacturing district and they are a distribution company. Long term, he stated he does see it going Central Business.

Chairman Sutton asked if Mr. Jennette had any immediate plans for the parcel. Mr. Jennette stated that they may put a little retail place in. One of the buildings adjoins their USDA process facility. They may in the next 12 months put a retail operation in. It is not an immediate plan. Mr. Sutton stated that he appreciates the long term contributions that Mr. Jennette has made to the City.

With no further discussion, Chairman Sutton asked for a motion.

Mr. White made a motion to **APPROVE RZ-02-16** filed by Water Street Properties, Inc. Mr. DiGirolamo seconded the motion. ***ALL IN FAVOR: SUTTON, WITOSKY, DIGIROLAMO, O'NEAL, STALLINGS and WHITE. NONE OPPOSED. MOTION PASSED.***

Next item on the agenda was **CASE NO.: SUP 02-16** Special Use Permit filed by the City of Elizabeth City on behalf of Visions of Hope Emergency Shelter and Outreach Center. The applicant is proposing a homeless shelter to be located at 709 Herrington Road. Zoning classification for this property is Residential (R6). Ms. Alcock gave the following report:

STAFF REPORT

The City of Elizabeth City purchased 709 Herrington Road in 2006 with Community Development Block Grant funds. The 1,500 square foot, two-story residential structure sits on a 0.95 acre parcel and is zoned R-6 Residential. Because this property was purchased with CDBG funds it has to be used to serve low to moderate income individuals. A Special Use Permit was issued in 2006 to operate a homeless shelter for woman and children at this facility. Over the past several years, several nonprofit groups have operated the homeless shelter, the most recent being Visions of Hope Emergency Shelter and Outreach Center. Visions of Hope first received a special use permit in January 2015; however, did not satisfy the annual renewal criteria and therefore had to reapply for the permit. Staff has received comments from City Departments and all indicate they have no concern about the facility resuming as a homeless shelter. The Fire Department has set a maximum occupancy of 8 individuals. The proposed request is consistent Joint Pasquotank County Elizabeth City Land Use Plan as well as the development standards specific to homeless shelters found in the Elizabeth City Unified Development Ordinance. As such, Staff recommends approval of the special use permit with the conditions that they comply with the aforementioned development standards as well as the conditions of the previous use permit as follows:

- All state and city code regulations and Ordinance-required conditions are satisfied prior to permit issuance and maintained in proper standing thereafter;
- No more than eight persons, including a resident manager, shall be sheltered at the facility at one time;
- The applicant, Visions of Hope, shall renew said permit annually with the deadline for renewal calculated as twelve months from the previous issue date; failure to renew the permit by the requisite deadline shall void the original permit; and
- If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this permit shall be void and of no effect.

This completed Ms. Alcock's report.

There were no questions from the Commission for Ms. Alcock.

Chairman Sutton called the applicant forward. Ms. Helen Williams came forward as representative. Ms. Williams stated that she is founder of Visions of Hope and Emergency Shelter Outreach Center. They would like to have this permit to continue running the shelter. She stated that they have had calls over the holidays and not able to provide any services to them. If they can get this permit back and get the center back up and running they will continue to do and succeed in what they were doing in the past.

Ms. Stallings stated that the Center failed to meet the annual renewal criteria. She asked Ms. Williams why. Ms. Williams stated that she feels it was just an oversight. They were just so busy and an oversight. She stated that she just forgot about it.

Mr. Witosky asked if the Center serves both male and female. Ms. Williams stated no. Only on their outreach do they serve males and that is providing personal items, linking them to needed services. The Center only houses females. Mr. Witosky asked when they were operating what was the average occupancy. Ms. Williams stated eight. They are at capacity all the time.

Mr. White asked Staff how the City had acquired this property. Ms. Alcock stated through a Community Development Block Grant. Mr. White asked if the property owner had been willing to sell to the City. Ms. Alcock stated that she assumed so; it was before her time here. Mr. White asked what the City's original intent was for purchasing the property with the grant. Ms. Alcock stated that it has been a homeless shelter since it was purchased. She was not sure if that was the original intent or not; however, with CDGB funds it does have to serve low to moderate income individuals as a condition of the CDBG grant. In being awarded that grant it was under the stipulations that it serve low to moderate individuals whether through a homeless shelter or other means.

Chairman Sutton asked Ms. Williams if they had a waiting list. She stated that currently they do have a waiting list. She stated that these are not just local women. They also come from other counties. Chairman Sutton asked how many are on the waiting list. Ms. Williams stated right now they have four. Chairman Sutton asked if four was the normal number of women on the waiting list. Ms. Williams stated that sometimes she has to call out to other shelters to see if they have anything because Visions of Hope cannot meet their needs. Chairman Sutton asked if they

keep a record of those that they are unable to house. Ms. Williams stated yes. He asked how many would she guess as being on the list for the past 12 months that she had to refer elsewhere. Ms. Williams stated that she would guess between 20 to 25 people.

Mr. DiGirolamo stated that he read that one of the Center's purposes is to help families become self-sufficient and obtain permanent housing as soon as possible. He asked what type of training they provide these people. Ms. Williams stated that they conduct life skills and they also link them with outside resources such as HUD housing, Trillium Housing depending on whether they have mental behavior needs. They have to assess what is going on with each individual. Mr. DiGirolamo asked how long it takes for these people to become self-sufficient. Ms. Williams stated that is a question that they will not always know. They come in at different levels. There may be some that has been put out of housing because of charges or some has been put out because of finances. She stated that they look at each individual and from their they will link them with different resources that are available. They try to keep abreast when EIC funds are available and they assist them with applications.

Ms. Cole, Assistant City Manager came forward to speak. Ms. Cole stated that she wanted to offer that Visions of Hope is a two or three time recipient of community support grant funding. That is an annual grant program that City Council offers for our community organizations so they can provide services over and above what the City can provide. Typically, the funds awarded to Visions of Hope goes toward their utility payment. In addition to that, City Council considered in December the subrecipient agreement that is necessary in order for Visions of Hope to operate out of 709 Herrington Road. They recommended approval of that agreement. Staff is working with Ms. Williams to get that document executed.

Ms. Sutton stated that he would like to thank Ms. Williams for the service she provides to the citizens of Elizabeth City.

Mr. White stated that he would like to hear from the City Manager. Chairman Sutton asked for the Manager to come forward. Mr. Rich Olson, City Manager stated that 709 Herrington Road was purchased with proceeds from the Hugh Cale Grant that the City received. It was approximately 2.5 million dollars back in 2002/2003 to help redevelop the Hugh Cale area. He stated that the Hugh Cale training center was built with those funds. It cost approximately \$43,000 to purchase 709 Herrington Road and then the City spent another \$48,000 to redo the structure. A number of years ago there was some concerns from one member of City Council that somehow we paid twice for the building. City Council commissioned an outside audit firm to do a detail audit and it was determined that the City did not purchase it twice. Also, regarding the subrecipient agreement; there have been two or three other individuals that have had the subrecipient agreement. There is also a lease agreement associated with this property that does not run concurrently with the subrecipient agreement. The subrecipient agreement ends on a yearly basis while the lease agreement ends in 2020. Our legal attorney advised that was how it should be done. Chairman Sutton asked what the property tax value was. Mr. Olson stated he believe \$63,000/\$64,000. Two years ago in 2014 Staff made a recommendation to sell this house. It is not that Staff doesn't believe in the mission of Visions of Hope, but Staff also realizes that they are struggling to meet the needs. The City's subrecipient agreement and lease agreement requires that Visions of Hope does certain things. Staff is aware that they do not have the financial resources to do some of the basic maintenance related items. That is now coming

out of the City's general fund to help support the mission. That is on top of the community support grant.

Chairman Sutton asked if the City did not have this service was there other services that could be used. Mr. Olson stated no there is not. Right now there is only one other shelter: Tabernacle of Faith run by Rev. Robinson. Rev. Robinson has a structure on Bell Street he would like to use as a men's shelter, but he does not have the finances to convert it. The home population is a need within this area. Ms. Cole stated that there is Hope Line. This is a battered woman's shelter.

With no further discussion, Chairman Sutton asked for a motion. Mr. Witosky made a motion to **APPROVE SUP-02-16**, a Special Use Permit of the City of Elizabeth City on behalf of Visions of Hope located at 709 Herrington Road. **ALL IN FAVOR: SUTTON, WITOSKY, DIGIROLAMO, O'NEAL and STALLINGS. ALL OPPOSED: WHITE. MOTION PASSED.**

Next item on the agenda was Staff Reports. City Manager Rich Olson and Assistant City Manager Angela Cole came forward. Mr. Olson stated that they thought it would be appropriate for them to update the Commission concerning what is going on in the Planning Department. He stated that as they are aware June Brooks, who has been the Director for the past 11 years retired as of the end of 2016. She has done an excellent job working for the City. Mr. Olson stated that they have done an assessment center on three applicants. They have made an offer of employment to one of the applicants and anticipate that individual will be accepting that offer of employment. He stated he will be taking a recommendation to City Council at their January 9th meeting to ratify his appointment. Mr. Olson stated that the individual they have made the offer to has extensive planning background. He is AICP certified and also a licensed architect. Mr. Olson stated that they hope to have this individual on board by the first of February. So he should be able to attend the next Planning Commission meeting. Mr. Olson stated that one of the things they are trying to do in the Planning Department is to change the focus. The City used to have a Community Development Department. That was back when Mike Avery was the Planning Director. They are going back to that concept. Planning, Inspections and Code Enforcement will be under one central heading, supervised by Ms. Cole. One of the things they are trying to accomplish is to get a high level of customer service. One of the complaints that they have heard is that the process is disjointed. They are trying to have a more streamline process.

Ms. Cole stated that they are trying to raise the bar and trying to keep the Commission as well as the other boards up-to-date. She stated that they should provide the Commission with a strong candidate that will led the City toward Comprehensive Planning and Neighborhood Planning. Council's goals were shared with each candidate and they hope that they get the full understanding of where the City wants to go.

Mr. Olson stated that he has spoken with Chairman Sutton regarding training for the Planning Commission members. He stated that they will see if Adam Lovelady can come down and meet with the Commission.

Mr. Witosky stated that he believes his term ends in February. Mr. Olson stated that he is correct. Vivian White is in the process of looking at a number of vacancies on a number of our

boards. Mr. Witosky has termed out and will need a replacing. Mr. Olson asked for recommendations from the Commission.

Mr. Olson asked if the Commission had anything else they would like to discuss. Mr. White asked about the utility bills. Mr. Olson stated that they are making a lot of progress and getting close. Mr. Olson made a suggestion that the Commission adjourn and he would be glad to speak to anyone regarding non-planning issues.

Chairman Sutton thanked the City Manager and Assistant City Manager for providing their updates. He stated that they had conversations regarding strengthening the process. It is important that every tool be available and information be available. He stated that he thinks it is important to realize that we are our own first customer. In saying that, we need to make sure as staff and commission members; we treat ourselves well so that can reflect back to the community.

Chairman Sutton stated that he was not in attendance for Ms. Brooks' last meeting. He thanked her for the work she had done for the Commission. He stated that it looks easy from the outside looking in, but when you get down to the "nitty gritty" there are a lot of bases you have to cover and there is a lot of room to be criticized. But that's okay as long as you do it in the right spirit because at the end of the day we are here to serve the community the best way we possibly can. Chairman Sutton stated that he particularly has concern when we don't treat ourselves well and Staff is not treated well and customers. He stated that what bothers him is that he knows the job Staff does and knows what it takes to get all the things that needs to be done.

Chairman Sutton thank City Manager, Rich Olson and Assistant City Manager, Angela Cole for their attendance at the meeting. He asked for any member concerns. Mr. DiGirolamo mentioned there was an item left out of his agenda packet.

With no further business, Mr. White made a motion to adjourn. Mr. DiGirolamo seconded the motion. All were in favor. Motion passed and meeting was adjourned.

Respectfully submitted by,

Dawn Harris
Secretary to the Commission

**Minutes APPROVED at the February 7, 2017 Planning Commission meeting.*