



Agenda

Greenville City Council

December 8, 2016
6:00 PM
City Council Chambers
200 West Fifth Street

Assistive listening devices are available upon request for meetings held in the Council Chambers. If an interpreter is needed for deaf or hearing impaired citizens, please call 252-329-4422 (voice) or 252-329-4060 (TDD) no later than two business days prior to the meeting.

I. Call Meeting To Order

II. Invocation - Council Member Connelly

III. Pledge of Allegiance

IV. Roll Call

V. Approval of Agenda

- **Public Comment Period**

The Public Comment Period is a period reserved for comments by the public. Items that were or are scheduled to be the subject of public hearings conducted at the same meeting or another meeting during the same week shall not be discussed. A total of 30 minutes is allocated with each individual being allowed no more than 3 minutes. Individuals who registered with the City Clerk to speak will speak in the order registered until the allocated 30 minutes expires. If time remains after all persons who registered have spoken, individuals who did not register will have an opportunity to speak until the allocated 30 minutes expires.

VI. Special Recognitions

- Community Appearance Commission Biennial Awards

VII. Appointments

1. Appointments to Boards and Commissions

VIII. New Business

Public Hearings

2. Resolution to Close College View Drive
3. Resolution to Close a Portion of South Pitt Street
4. Ordinance requested by Debbie and Jackie James to rezone 2.2609 acres located at the northeastern corner of the intersection of North Greene Street and Martin Street from CDF (Downtown Commercial Fringe) to CH (Heavy Commercial)
5. Ordinance requested by Hart Trust c/o Don Parrott to rezone 1.7619 acres located at the northwestern corner of the intersection of Davenport Farm Road and Frog Level Road from O (Office) and CN (Neighborhood Commercial) to R6A (Residential [Medium Density Multi-family]) for Tract 1 and from R6A (Residential [Medium Density Multi-family]) to O (Office) for Tract 2
6. Ordinance to amend the Zoning Ordinance to add placement and aesthetic review criteria for distributed antenna systems (DAS)
7. Ordinance Amending Chapter 2 of Title 6 of the Greenville City Code Relating to Distributed Antenna Systems Equipment

Other Items of Business

8. Presentation by the North Carolina Department of Transportation on Safety Improvements at Memorial Drive and West 5th Street
9. Presentation on Firetower Road and Portertown Road Widening Project by the North Carolina Department of Transportation
10. Presentation on Evans Street Widening Project
11. Update on the 10th Street Safety Study between Charles Boulevard and Oxford Road
12. Discussion of a resolution on hate crime reporting
13. Discussion of a process to develop a policy to allow the consumption of alcohol on the Town Common

IX. City Manager's Report

X. Comments from Mayor and City Council

XI. Adjournment



City of Greenville, North Carolina

Meeting Date: 12/8/2016
Time: 6:00 PM

Title of Item: Appointments to Boards and Commissions

Explanation: **Abstract:** The City Council fills vacancies and makes reappointments to the City's boards and commissions. Appointments are scheduled to be made to eight of the boards and commissions.

Explanation: City Council appointments need to be made to the Historic Preservation Commission, Human Relations Council, Investment Advisory Committee, Pitt-Greenville Convention & Visitors Authority, Planning & Zoning Commission, Public Transportation & Parking Commission, Redevelopment Commission, and the Youth Council.

The City's Board and Commission Policy on the Pitt-Greenville Convention & Visitors Authority states that the City Council shall make the nomination to the County on five of the members, and appointment of County members shall be made by the Pitt County Commissioners based on the nominations of City Council. The County seats for Beatrice Henderson and Christopher Jenkins are up for nomination.

The City Council updated the Board and Commission Policy on August 15, 2016. A provision for extended vacancies was included:

Nominations for Extended Vacancies

In the event there is a vacancy on a City board or commission which has been on the City Council agenda for appointment by City Council for more than three (3) calendar months in which a regular City Council meeting has been held, then any Council Member may make a nomination to fill the vacancy without regard to any other provision relating to who has the authority to make the nomination. If there is more than one nomination, the appointment shall be conducted in accordance with the procedure for nominations and elections in Robert's Rules of Order.

Under this provision, the following seats are open to nominations from the City

Council:

David Hursh - Affordable Housing Loan Committee

Maurice Whitehurst - Human Relations Council, Pitt Community College Seat

Ron Feeny - Pitt-Greenville Convention & Visitors Authority, City -

Owner/Operator of a hotel/motel

Beatrice Henderson - Pitt-Greenville Convention & Visitors Authority, County -

Resident not involved in tourist or convention-related business

9 vacant seats - Youth Council, Pitt County High Schools

Fiscal Note:

No direct fiscal impact.

Recommendation:

Make appointments to the Historic Preservation Commission, Human Relations Council, Investment Advisory Committee, Pitt-Greenville Convention & Visitors Authority, Planning & Zoning Commission, Public Transportation & Parking Commission, Redevelopment Commission, and the Youth Council.

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 [Muni_Report_2015_Appointments_to_Boards_and_Commissions_998631](#)

Appointments to Boards and Commissions

December 2016

Historic Preservation Commission

Council Liaison: Mayor Pro-Tem Kandie Smith

Name	District #	Current Term	Reappointment Status	Expiration Date
Charles Dennard	1	Filling unexpired term	Resigned	January 2017
David Hursh	3	Filling unexpired term	Resigned	January 2018
Elizabeth Wooten	5	Filling unexpired term	Resigned	January 2017

Human Relations Council

Council Liaison: Council Member Rose Glover

Name	District #	Current Term	Reappointment Status	Expiration Date
Kathy Moore <i>(Shaw University)</i>	3	First term	Eligible	October 2016
Maurice Whitehurst <i>(Pitt Community College)</i>	2	Second term	Did not meet attendance requirement	Oct. 2015

Investment Advisory Committee

Council Liaison: Council Member PJ Connelly

Name	District #	Current Term	Reappointment Status	Expiration Date
Cameron Evans	5	First term	Eligible	October 2016

Pitt-Greenville Convention & Visitors Authority

Council Liaison: Council Member Rose Glover

Name	District #	Current Term	Reappointment Status	Expiration Date
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Ron Feeney	City	First term	Resigned	July 2017
<i>(Owner/operator of hotel/motel)</i>				
Beatrice Henderson	County	First term	Eligible	July 2016
<i>(Resident not involved in tourist or convention related business)</i>				
Christopher Jenkins	County		Resigned	July 2017
<i>(Resident not involved in tourist or convention related business)</i>				

Planning & Zoning Commission

Council Liaison: Council Member PJ Connelly

Name	District #	Current Term	Reappointment Status	Expiration Date
Dustin Mills <i>(Council Member Smiley)</i>	5	Filling unexpired term	Resigned	June 2017

Public Transportation & Parking Commission

Council Liaison: Council Member Rick Smiley

Name	District #	Current Term	Reappointment Status	Expiration Date
Will Russ		First term	Resigned	January 2018

Redevelopment Commission

Council Liaison: Council Member McLean Godley

Name	District #	Current Term	Reappointment Status	Expiration Date
Angela Marshall <i>(Mayor Pro-Tem Smith)</i>	1	Unexpired term	Eligible	Nov 2016

Youth Council

Council Liaison: Council Member Calvin Mercer

Name	Current Term	Reappointment Status	Expiration Date

13 Available Spots

9 spots open to the City Council

*Seats that are open to nomination from the City Council are highlighted.

Applicants for Historic Preservation Commission

Jamitress Bowden
111 Brownlea Drive Apt. O
Greenville, NC 27858

Application Date: 8/8/2014

District #: 3

Home Phone:
Business Phone:
Email: jamitressbowden@gmail.com

Justin Edwards
905 E. 5th Street
Greenville, NC 27858

Application Date: 2/12/2016

District #: 3

Home Phone: (252) 717-3232
Business Phone:
Email: edwardsj@ecu.edu

Applicants for Human Relations Council

Dee Dinsdale
532 Crestline Blvd
Greenville, NC

Application Date: 6/29/2016

District #:

Crystal M Kuegel
1200 B Glen Arthur Avenue
Greenville, NC 28540

Application Date: 2/23/2015

District #: 4

Antonio M. Milton
229 B. South Pointe Drive
Greenville, NC 27858

Application Date:

District #: 5

Lomax Mizzelle
1988-B Hyde Drive
Greenville, NC 27858

Application Date: 5/28/2016

District #: 4

Deborah J. Monroe
1308 Old Village Road
Greenville, NC 27834

Application Date: 1/15/2015

District #: 1

Bridget Moore
4128A Bridge Court
Winterville, NC 28590

Application Date: 8/28/2014

District #: 5

Emmett Sarkorh
3224 F Mos
Greenville, NC 27858

Application Date:

District #: 3

Travis Williams
3408 Evans Street Apt. E
Greenville, NC 27834

Application Date:

Home Phone: (252) 864-9803

Business Phone:

Email: deeicum@yahoo.com

Home Phone: (252) 885-9245

Business Phone: (252) 885-9245

Email: crystal.kuegel@gmail.com

Home Phone: (252) 508-1081

Business Phone:

Email: arm192021@hotmail.com

Home Phone: (252) 215-9245

Business Phone: (757) 604-9726

Email: tancream@hotmail.com

Home Phone: (252) 714-0969

Business Phone:

Email: debj.monroe@gmail.com

Home Phone: (252) 355-7377

Business Phone: (252) 355-0000

Email: bmoore2004@netzero.com

Home Phone: (980) 229-5803

Business Phone:

Email: EmmettSarkorh@yahoo.com

Home Phone: (252) 412-4584

Business Phone:

District #: 5

Email:

Applicants for Investment Advisory Committee

Yifan Guo
3420 Briarcliff Dr. Apt. X
Greenville, NC 27834

Application Date: 9/10/2016

Home Phone: (215) 756-4710

Business Phone:

Email: guoyifan82@gmail.com

District #: 1

Applicants for Pitt-Greenville Convention & Visitors Authority (City)

Robert Scott Barker
2212 Lexington Farms
Greenville, NC 27834

Application Date: 4/18/2016

District #:

Home Phone: (252) 689-3596
Business Phone: (252) 757-3787
Email: scott.barker@suddenlink.net

Robert Kevin Howard
2745 North Chatham Court
Winterville, NC 28590

Application Date: 5/29/2014

District #: 2

Home Phone: (252) 258-7900
Business Phone: (252) 227-4313
Email: gvegasmagazine@hotmail.com

Lettie Micheletto
929 Bremerton Drive
Greenville, NC 27858

Application Date: 7/13/2016

District #: 5

Home Phone: (252) 355-8991
Business Phone: (252) 321-3640
Email: mitchell@pitt.k12.nc.us

Antonio M. Milton
229 B. South Pointe Drive
Greenville, NC 27858

Application Date:

District #: 5

Home Phone: (252) 508-1081
Business Phone:
Email: arm192021@hotmail.com

Emmett Sarkorh
3224 F Mos
Greenville, NC 27858

Application Date:

District #: 3

Home Phone: (980) 229-5803
Business Phone:
Email: EmmettSarkorh@yahoo.com

Terri Williams
PO Box 3109
Greenville, NC 27836

Application Date: 11/20/2013

District #: 4

Home Phone: (252) 756-9346
Business Phone: (252) 375-8620
Email: twilliams110@suddenlink.net

Applicants for Pitt-Greenville Convention & Visitors Authority (County)

Applicant Interest Listing

Convention & Visitors Authority

Debbie Avery
3010 Sapphire Lane
Winterville NC 28590

Day Phone: (252) 531-4590
Evening Phone: (252) 756-9832
Fax:
E-mail: davery60@hotmail.com

Gender: F
Race: White
District: 4
Priority:

Applied for this board on: 1/16/2009

Application received/updated: 01/20/2011

Applicant's Attributes: County Planning Jurisdiction
District 4
VolAg Southwest

<u>Experience (Educ./Vol./Prof. Assoc./Military/Other Appointed Positions, etc.)</u>			
	<u>Organization</u>	<u>Description</u>	<u>Date(s)</u>
Education	East Carolina	BS - Education	
Education	Ayden Grifton High		
Experience	First State Bank		1978-1984
Experience	ECU School of Medicine	Standardized Patient	2007-present
Experience	Pitt County Schools	Middle School Science Teacher	30 years
Experience	Winterville Chamber of Commer	Executive Director	
Volunteer/Prof. Associations	Winterville Kiwanis Club		
Volunteer/Prof. Associations	Winterville Watermelon Festival		

<u>Boards Assigned To</u>	
Development Commission	12/31/2013 to 12/31/2016

Chenele Coleman-Sellers
3469 Old River Road
Greenville NC 27834

Day Phone: (252) 258-0644
Evening Phone:
Fax: (919) 237-1957
E-mail: chenele1128@gmail.com

Gender: F
Race: African
District: 2
Priority:

Applicant Interest Listing

Experience	NC National Guard
Volunteer/Prof. Associations	Fountain Wellness Ctr Board
Volunteer/Prof. Associations	Rural Fire Board
Volunteer/Prof. Associations	Meals on Wheels
Volunteer/Prof. Associations	Past Fireman

<u>Boards Assigned To</u>	
Fire District Commission	2/15/2016 to 12/31/2015
Fountain FD	

Brad Guth
113 Loran Circle
Greenville NC 27858

Day Phone: (704) 240-1095
Evening Phone: (252) 689-4323
Fax:
E-mail: bradjguth@bellsouth.net

Gender: M
Race: White
District: 6
Priority:

Applied for this board on: 4/22/2016

Application received/updated: 04/22/2016

Applicant's Attributes: Greenville ETJ
VolAg Southeast
South of the River

<u>Experience (Educ./Vol./Prof. Assoc./Military/Other Appointed Positions, etc.)</u>		
	<u>Organization</u>	<u>Description</u>
Education	University of Tenn Knoxville TN	MS
Education	Furman U. Greenville SC	BA
Education	Travelers Rest High School, SC	
Experience	Gaffney Main Street Program, G	Executive Director
Experience	Pride of Kinston, Kinston NC	Executive Director
Experience	City of Lincolnton, NC	Business & Community Development
Experience	Craven County Schools	Teacher
Volunteer/Prof. Associations	Lincoln County Apple Festival	

Applicant Interest Listing

Volunteer/Prof. Associations	Habitat For Humanity
Volunteer/Prof. Associations	Rotary
Volunteer/Prof. Associations	Gaston-Lincoln Comm Action/H
Volunteer/Prof. Associations	Lincolnton-Lincoln Co. Chamber
Volunteer/Prof. Associations	Lincolnton-Lincoln Co. Historic
Volunteer/Prof. Associations	United Way of Lincoln County

Ralph Hall Jr
111 Hardee Street
Greenville NC 27858

Day Phone:
Evening Phone: (252) 756-0262
Fax:
E-mail: bajhall@aol.com

Gender: M
Race: White
District: 6
Priority: 0

Applied for this board on: 2/26/2003

Application received/updated: 02/26/2003

Applicant's Attributes: District 6
Greenville ETJ
VolAg Southeast

Experience (Educ./Vol./Prof. Assoc./Military/Other Appointed Positions, etc.)			
	Organization	Description	Date(s)
Education	University of South Carolina	Civil Engineering	1955-1957
Education	Edenton High		
Experience	Phillippines Construction	Project Manager	1962-1966
Experience	Foreign Service Staff Officer	Civil Engineer	1966-1969
Experience	Odell Associates	Hospital Construction Engineer	1969-1973
Experience	PCMH	Vice-President of Facilities	1973-2001
Volunteer/Prof. Associations	N.C. Bio-Medical Association		
Volunteer/Prof. Associations	N.C. Association of Health Care		
Volunteer/Prof. Associations	American Society of Health Care		

Applicant Interest Listing

Volunteer/Prof. Associations	American Cancer Society
Volunteer/Prof. Associations	State Board of Directors

<u>Boards Assigned To</u>	
Industrial Revenue & Pollution Control Authority	3/15/2004 to 3/15/2007

Michelle Joyner
264 Cooper Street
Winterville NC 28590

Day Phone:
Evening Phone: (252) 756-5546
Fax:
E-mail: michellejoyner28590@gma

Gender: F
Race: Other
District: 6
Priority:

Applied for this board on: 3/27/2015

Application received/updated: 03/27/2015

Applicant's Attributes: Winterville City Limits
South of the River
VolAg Southeast

<u>Experience (Educ./Vol./Prof. Assoc./Military/Other Appointed Positions, etc.)</u>			
	Organization	Description	Date(s)
Education	Everest University	Criminal Justice	
Education	Farmville Central HS		
Experience	NC Education System		
Experience	Philanthropist & Civil Activist		
Experience	Asso Minister in PC & Eastern N		
Volunteer/Prof. Associations	Parks & Recreations		
Volunteer/Prof. Associations	The Civitan Club		
Volunteer/Prof. Associations	Chamber of Commerce		
Volunteer/Prof. Associations	Ruritian Club		
Volunteer/Prof. Associations	WHR Library Sci Program		
Volunteer/Prof. Associations	WH Robinson Ele School BED P		

Applicant Interest Listing

	Organization	Description	Date(s)
Education	2 years of College	Commercial Artist	
Education	High School - yes		
Experience	Retired CIA		20+ years
Volunteer/Prof. Associations	Town of Fountain		

<u>Boards Assigned To</u>			
Fire District Commission			2/15/2016 to 12/31/2015
Fountain FD			

Eric Williams
527 Rachel Lane
Grimesland NC 27858

Day Phone: (252) 258-5002
Evening Phone:
Fax:
E-mail: logetw423@gmail.com

Gender: M
Race: African
District: 3
Priority:

Applied for this board on: 12/11/2014 Application received/updated: 02/01/2016

Applicant's Attributes: County Planning Jurisdiction
South of the River
VolAg Southeast

<u>Experience (Educ./Vol./Prof. Assoc./Military/Other Appointed Positions, etc.)</u>			
	Organization	Description	Date(s)
Education	East Carolina University		
Education	J.H. Rose High		
Experience	East Carolina University	Helpdesk Tech. Spec.	
Experience	NC National Guard Army		

<u>Boards Assigned To</u>			
P.C. Nursing Home/Adult Care Community Advisory			3/7/2016 to 3/17/2019

Applicants for Planning and Zoning Commission

Andrew Thorpe Denton
1413-A Oak Ridge St.
Greenville, NC 27834

District #: 3

Dee Dinsdale
532 Crestline Blvd
Greenville, NC

District #:

Jim Hooker
3605 Bayley Lane
Greenville, NC 27858

District #:

Lettie Micheletto
929 Bremerton Drive
Greenville, NC 27858

District #: 5

Tyler James Russell
3856 Forsyth Park Ct.
Winterville, NC 28590

District #:

Uriah Ward
106 Osceola Drive
Greenville, NC 27858

District #: 3

Application Date:

Home Phone: (252) 292-3437

Business Phone: (252) 355-7006

Email: andrew@overtongroup.net

Application Date: 6/29/2016

Home Phone: (252) 864-9803

Business Phone:

Email: deeicum@yahoo.com

Application Date: 4/7/2016

Home Phone: (703) 994-5001

Business Phone:

Email: jameshooker@cox.net

Application Date: 7/13/2016

Home Phone: (252) 355-8991

Business Phone: (252) 321-3640

Email: mitchell@pitt.k12.nc.us

Application Date:

Home Phone: (910) 840-0337

Business Phone: (252) 215-4000

Email: tjr@wardandsmith.com

Application Date: 5/7/2013

Home Phone: (252) 565-2038

Business Phone:

Email: uriahward@yahoo.com

Public Transportation & Parking Commission

Deborah J. Monroe
1308 Old Village Road
Greenville, NC 27834

Application Date: 1/15/2015

Home Phone: (252) 714-0969

Business Phone:

Email: debj.monroe@gmail.com

District #: 1

Applicants for Redevelopment Commission

Byron Aynes
1903 Brook Road
Greenville, NC 27858

District #: 4

Andrew Thorpe Denton
1413-A Oak Ridge St.
Greenville, NC 27834

District #: 3

Dee Dinsdale
532 Crestline Blvd
Greenville, NC

District #:

Robert Kevin Howard
2745 North Chatham Court
Winterville, NC 28590

District #: 2

Application Date: 9/17/2016

Home Phone: (252) 414-1710

Business Phone:

Email: byron.rha@gmail.com

Application Date:

Home Phone: (252) 292-3437

Business Phone: (252) 355-7006

Email: andrew@overtongroup.net

Application Date: 6/29/2016

Home Phone: (252) 864-9803

Business Phone:

Email: deeicum@yahoo.com

Application Date: 5/29/2014

Home Phone: (252) 258-7900

Business Phone: (252) 227-4313

Email: gvegasmagazine@hotmail.com

Youth Council

None.



City of Greenville, North Carolina

Meeting Date: 12/8/2016
Time: 6:00 PM

Title of Item: Resolution to Close College View Drive

Explanation: **Abstract:** The City received a petition from College View of Greenville, LLC, requesting the closure of College View Drive from East Tenth Street to the northern terminus. The petitioner is the owner of all of the property adjoining the street section requested to be closed. College View of Greenville, LLC, will redevelop the property along College View Drive.

Explanation: In response to a petition from College View of Greenville, LLC to close College View Drive, City Council adopted a Resolution of Intent to Close College View Drive during its October 17, 2016, meeting and also set the date for a public hearing at the regularly scheduled City Council meeting on December 8, 2016. The petition has been reviewed by City staff and the Greenville Utilities Commission (GUC). GUC has requested an easement over and upon the utilities that will remain in the closed street right-of-way. The Planning and Zoning Commission gave a favorable recommendation to the petition for closure during its September 20, 2016, meeting.

Required Notices: Pursuant to the provisions of G.S. 160A-299, the Resolution of Intent to Close was published in The Daily Reflector on four consecutive Mondays (November 14, 21, 28 and December 5, 2016), a copy thereof was sent by certified mail to all owners of property adjacent to the street as shown on the Pitt County tax records, and a notice of the closing and public hearing has been prominently posted in two places along the street section to be closed.


Fiscal Note: Budgeted funds for the maintenance of this street section will no longer be required upon the effective date of the Order to Close by City Council. The City will no longer receive Powell Bill funds for the closed street sections.

Recommendation: Hold a public hearing on the question of whether the closing would be detrimental to the public interest or the property rights of any individual. If it

appears to the satisfaction of City Council after the hearing that closing the street is not contrary to the public interest and that no individual owning property in the vicinity of the street in the subdivision in which it is located would thereby be deprived of reasonable means of ingress and egress to their property, City Council may adopt the Resolution to Close a Portion of College View Drive.

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 [College View Drive Closure](#)

 [Resolution for College View Drive 1040924](#)

FILE: CITY OF GREENVILLE

RESOLUTION NO. _____
AN ORDER OF THE CITY COUNCIL OF THE CITY OF GREENVILLE
TO CLOSE COLLEGE VIEW DRIVE

WHEREAS, the City Council of the City of Greenville, at its October 17th, 2016 meeting, adopted a resolution declaring its intent to close College View Drive; and

WHEREAS, pursuant to the provisions of G.S. 160A-299, said resolution was published once a week for four (4) successive weeks in The Daily Reflector setting forth that a hearing will be held on the 8th day of December, 2016, on the question of closing said street; and

WHEREAS, a copy of the resolution of intent to close said street was sent by certified mail to all owners of the property adjoining the said street as shown on the County tax records, and a notice of the closing and the public hearing was prominently posted in at least two (2) places along said street; and

WHEREAS, a hearing was conducted on the 8th day of December, 2016, at which time all persons interested were afforded an opportunity to be heard on the question of whether or not the closing will be detrimental to the public interest or the property rights of any individual; and

WHEREAS, it appears to the satisfaction of the City Council of the City of Greenville, North Carolina, after conduction of said hearing, that the closing of that a portion of College View Drive is not contrary to the public interest, and that no individual owning property in the vicinity of said street or in the subdivision in which said street is located would thereby be deprived of reasonable means of ingress and egress to their property; and

IT IS NOW THEREFORE ORDERED BY THE CITY COUNCIL OF THE CITY OF GREENVILLE that, upon the effective date of this Order, the property described below be and the same is closed, and all right, title and interest that may be vested in the public to said area for alleyway purposes is released in accordance with the provisions of G.S. 160A-299:

To Wit: Being the 50 foot wide right of way of College View Drive as shown on that plat entitled "Street Closing Map For College View Drive", prepared by Rivers and Associates, Inc., drawing Z-2616, dated July 29, 2016, and revised on September 7, 2016.

- Location: Lying and being situated in the City of Greenville, Greenville Township, Pitt County, North Carolina, and being located on the north side of East Tenth Street and being about 500 feet west of Heath Street.
- Description: Beginning at a point, located in the northern right of way of East 10th Street (NCSR 1598), said point being located N 77°21'56" E 447.58 feet from an existing iron pipe marking the common front corner of the now or formerly Palewco Park, Inc. property recorded in Deed Book 513 Page 541 and the property of College View of Greenville, LLC property recorded in Deed Book 3361 Page 64 and Deed Book 3341 Page 546; thence with the western right of way of College View Drive the following 4 calls, (1) N 12°41'04" W - 15.00 feet to the point of intersection with the western sight distance right of way for East 10th Street (NCSR 1598); (2) N 12°41'04" W - 143.72 feet to a point, (3) with a curve turning to the right, having an arc length of 217.40 feet, a radius of 740.00 feet, and a chord bearing and distance of N 04°16'05" W - 216.62 feet, (4) N 04°08'54" E - 167.11 feet to a point marking the point of curvature for the terminus cul-de-sac right of way of College View Drive; thence with the terminus cul-de-sac right of way of College View Drive the following 3 calls, (1) with a curve turning to the right, having an arc length of 78.51 feet, having a radius of 48.00 feet, a chord bearing and distance of N 07°36'32" W - 70.04 feet to a point in the southern property line of College View of Greenville, LLC property recorded in Deed Book 3358 Page 610, (2) continuing with a curve turning to the right, having an arc length of 64.02 feet, a radius of 48.00 feet, and a chord bearing and distance of N 77°27'15" E - 59.38 feet to a point in southern property line of College View of Greenville, LLC property recorded in Deed Book Deed Book 3358 Page 610, (3) continuing with a curve turning to the right having an arc length of 106.48 feet, a radius of 48.00 feet, a chord bearing and distance of S 00°47'19" E - 85.95 feet to the point of tangency of the terminus cul-de-sac right of way of College View Drive; thence with the eastern right of way of College View Drive the following four (4) calls, (1) S 04°08'54" W - 167.11 feet to a point; (2) with a curve turning to the left, having an arc length of 202.71 feet, a radius of 690.00 feet, and a chord bearing and distance of S 04°16'05" E - 201.98 feet, (3) S 12°41'04" E - 143.76 feet to the point of intersection with the eastern sight distance right of way for East 10th Street (NCSR 1598); (4) S 12°41'04" E - 15.00 feet to a point in the northern right of way of 10th Street (NCSR 1598); thence with the northern right of way of East 10th Street (NCSR 1598) S77°21'56"W - 50.00 feet to the POINT OF BEGINNING, having an area of 0.78 acres, and being all of College View Drive recorded in Map Book 7 page 70 and Deed Book I-29 Page 199 and shown on a Street Closing Map for College View Drive, prepared by Rivers and Associates, Inc., drawing Z-2616, dated July 29, 2016, and revised on September 7, 2016 and incorporated herein by reference.

IT IS FURTHER ORDERED BY THE CITY COUNCIL OF THE CITY OF GREENVILLE that the City of Greenville does hereby reserve its right, title, and interest in any utility improvement or easement within the street closed pursuant to this order. Such reservation also extends, in accordance with the provisions of G.S. 160A-299(f), to utility improvements or easements owned by private utilities which at the time of the alley closing have a utility agreement or franchise with the City of Greenville.

IT IS FURTHER ORDERED BY THE CITY COUNCIL OF THE CITY OF GREENVILLE that, upon the effective date of this Order, the Mayor and City Clerk are authorized to execute quit-claim deeds or other legal documents to prove vesting of any right, title or interest to those persons owning lots or parcels adjacent to the street in accordance with G.S. 160A-299(c), provided all costs shall be paid by any adjoining landowner requesting such action, all documents must be approved by the City Attorney and all documents, when appropriate, must reserve to the City any easements retained by the City. The intent of this paragraph is to authorize the execution of quit-claim deeds when requested by adjacent property owners; however, none are required and this paragraph is not intended to alter the vesting of title by operation of law as established by G.S. 160A-299(c).

IT IS FURTHER ORDERED BY THE CITY COUNCIL OF THE CITY OF GREENVILLE that a copy of this Order shall be filed in the Office of the Register of Deeds of Pitt County.

ADOPTED this the 8th day of December, 2016.

Allen M. Thomas, Mayor

ATTEST:

Carol L. Barwick, City Clerk

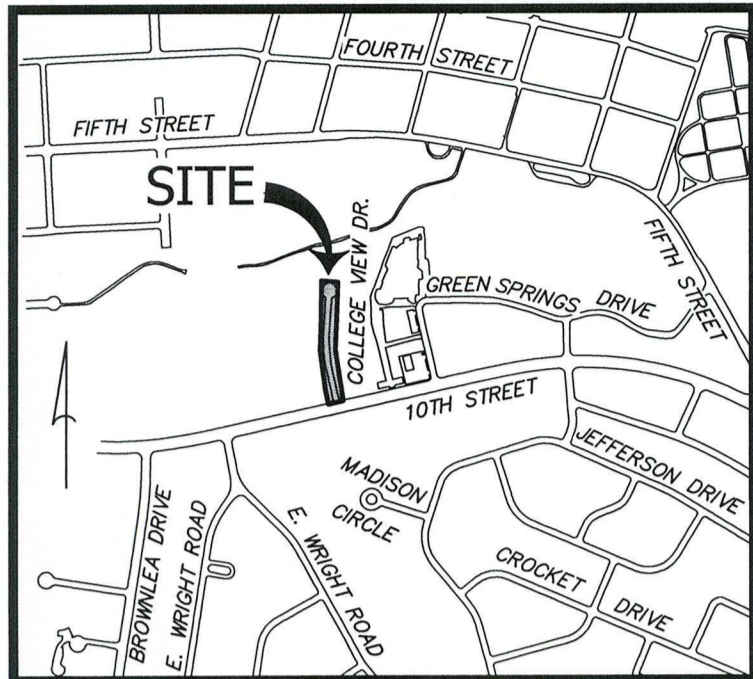
NORTH CAROLINA
PITT COUNTY

I, Polly Jones, a Notary Public for said County and State, certify that Carol L. Barwick personally came before me this day and acknowledged that she is the City Clerk of the City of Greenville, a municipality, and that by authority duly given and as the act of the municipality, the foregoing instrument was signed in its name by its Mayor, sealed with the corporate seal, and attested by herself as its City Clerk.

WITNESS my hand and official seal this 8th day of December, 2016.

Notary Public

My Commission Expires: August 5, 2021

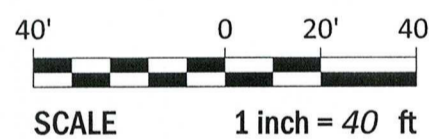


Vicinity Map

SCALE: 1" = 1000'

COLLEGE VIEW OF GREENVILLE, LLC
D.B. 3358 PG. 610
P.N. 10024

N/F PALEWCO PARK, INC.
D.B. 513 PG. 541
P.N. 01797



OWNER:

COLLEGE VIEW OF GREENVILLE, LLC
5316 OAK LEVEL ROAD
ROCKY MOUNT, NC 27803
(252) 908-3401
MAZIE P. HOLLOWAN, MANAGER

REFERENCES:

- D.B. 3361 PG. 64
- D.B. 3341 PG. 546
- D.B. 3358 PG. 610
- M.B. 5 PG. 95
- M.B. 7 P.G. 70
- D.B. 1 29 PG 199
- D.B. B 40 PG. 622
- D.B. B 40 PG 721
- D.B. 215 PG. 73
- D.B. S 46 PG 832
- D.B. S 46 PG. 829
- STATE HIGHWAY BOOK 1 PG. 12-F
- P.N. 04539
- P.N. 10024

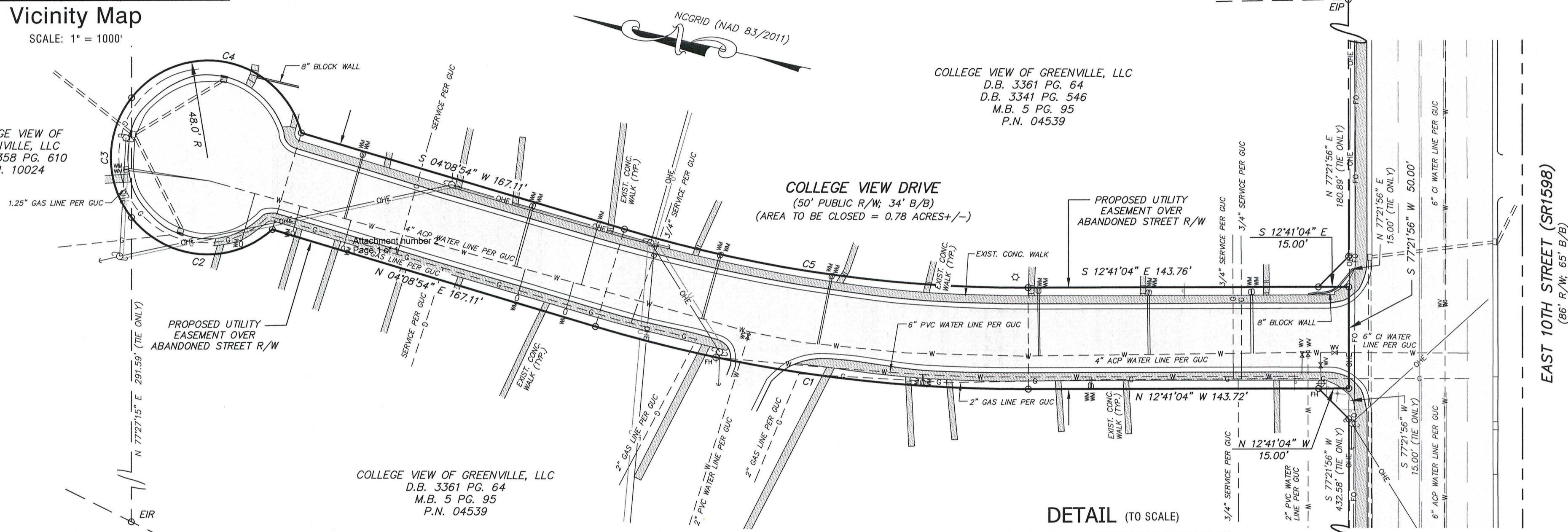
NOTES:

1. ALL DISTANCES ARE HORIZONTAL GROUND MEASUREMENTS.
2. NO POINTS SET UNLESS OTHERWISE INDICATED.
3. THIS PROPERTY IS LOCATED WITHIN A MINIMAL FLOOD RISK AREA, "ZONE AE" (AREAS INSIDE THE 1% ANNUAL CHANCE FLOOD) AND "ZONE X" (AREAS OUTSIDE THE 0.02% ANNUAL CHANCE FLOOD), AS DETERMINED FROM FIRM MAP NUMBER 3720469700K PANEL 4697, EFFECTIVE JULY 7, 2014.
4. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE COMMITMENT REPORT. RIVERS AND ASSOCIATES DOES NOT CLAIM THAT ALL MATTERS OF RECORD WHICH MAY OR MAY NOT AFFECT THIS PROPERTY ARE SHOWN HEREON.
5. PROPERTY SUBJECT TO ANY AND ALL EASEMENTS, RIGHTS OF WAY, RESTRICTIVE COVENANTS WHICH MAY BE OF RECORD.
6. UNDERGROUND UTILITIES PLOTTED IN PART FROM ACTUAL MAPS PROVIDED BY OTHERS AS NOTED. ACTUAL LOCATIONS MAY VARY. OTHER UTILITIES MAY EXIST. SURVEYOR CANNOT PROVIDED ACCURACY OF NC811 MARKINGS. CONTRACTOR SHOULD CONTACT NC811 AT 1-800-632-4949 TO HAVE UNDERGROUND UTILITIES LOCATED PRIOR TO EXCAVATING OR TRENCHING.
7. THE SURVEYOR MAKES NO GUARANTEE THAT THE UTILITIES SHOWN ARE COMPRISED OF ALL SUCH UTILITIES IN THE AREA OF SURVEY EITHER IN SERVICE OR ABANDONED. THE SURVEY FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED. THE SURVEYOR DOES HEREBY CERTIFY THAT ALL UTILITIES ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY UNCOVERED AND LOCATED ANY UNDERGROUND UTILITIES.

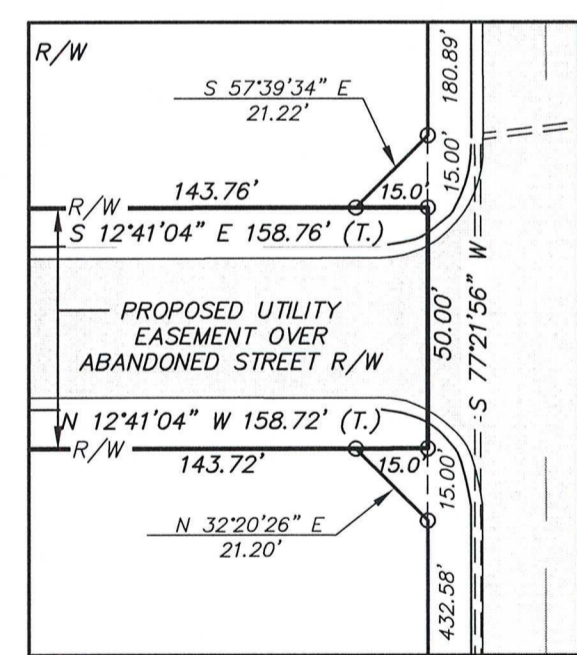
CURVE TABLE

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	217.40'	740.00'	16°49'58"	N 04°16'05" W	216.62'
C2	78.51'	48.00'	93°42'33"	N 07°36'32" W	70.04'
C3	64.02'	48.00'	76°25'00"	N 77°27'15" E	59.38'
C4	106.48'	48.00'	127°05'52"	S 00°47'19" E	85.95'
C5	202.71'	690.00'	16°49'58"	S 04°16'05" E	201.98'

**TOTAL AREA IN COLLEGE VIEW STREET
RIGHT OF WAY = 0.78 ACRES**



DETAIL (TO SCALE)



LEGEND

— R/W —	RIGHT-OF-WAY (R/W)	CP	CONCRETE PIPE	WM	WATER METER
— FO —	FIBER OPTIC (OVERHEAD - GUC)	CI	CAST IRON	WV	WATER VALVE
— OHE —	ELECTRIC (OVERHEAD - GUC)	B/B	BACK TO BACK	CB	CATCH BASIN
— S.C.B. —	STREET CLOSING BOUNDARY	M.B.	MAP BOOK	FD	FIRE HYDRANT
— G —	GAS LINE (GUC)	D.B.	DEED BOOK	GW	GUY WIRE
— U —	OVERHEAD UTILITY	P.G.	PAGE	SP	SIGN
— S.D. —	STORM DRAIN (STRM)	P.N.	PARCEL NUMBER	UP	UTILITY POLE
— W —	WATER LINE (GUC)	R/W	RIGHT OF WAY	LP	LIGHT POLE
— S —	SANITARY SEWER (SS)	EIP	EXISTING IRON PIPE	UL	UTILITY POLE W/ LIGHT
— PL —	PARCEL LINE	EIR	EXISTING IRON ROD	○	NO POINT SET
— ASP —	ASPHALT				
— CON —	CONCRETE				

REVISIONS: #1- 9/07/16 : REVISED PER CITY/GUC REVIEW COMMENTS.

MAYOR'S CERTIFICATE

THIS IS TO CERTIFY THAT THE CITY COUNCIL OF THE CITY OF GREENVILLE HAS PASSED A RESOLUTION TO CLOSE COLLEGE VIEW DRIVE AS SHOWN HEREON.

RESOLUTION NO. _____

SIGNED _____ MAYOR

SIGNED _____ CITY CLERK

STATE OF NORTH CAROLINA
COUNTY OF PITT

I, _____
A REVIEW OFFICER OF PITT COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

REVIEW OFFICER _____
DATE _____

SOURCE OF TITLE

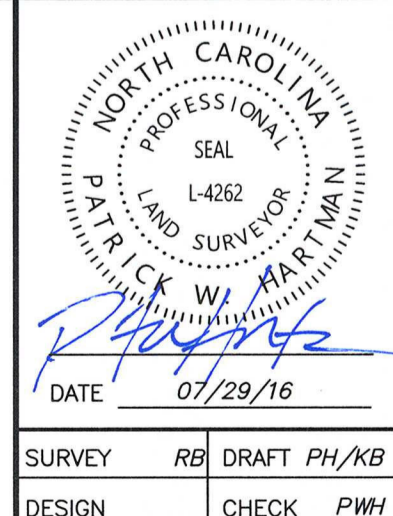
THIS IS TO CERTIFY THAT THE LAST INSTRUMENT(S) IN THE CHAIN OF TITLE OF THIS PROPERTY AS RECORDED IN THE PITT COUNTY REGISTRY AT GREENVILLE, NORTH CAROLINA IS: (AS NOTED ABOVE)

PROFESSIONAL LAND SURVEYOR _____
REGISTRATION NO. L-4262

NORTH CAROLINA, PITT COUNTY

I, PATRICK W. HARTMAN, CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE BY RANDY BIEBER/MATTHEW SHELDON ON 7/25/16 - 7/29/16; THAT THE RATIO OF PRECISION IS 1:10,000+; THAT BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES PLOTTED FROM INFORMATION FOUND IN BOOKS REFERENCED HEREON; THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. I FURTHER CERTIFY PURSUANT TO G.S. 47-30 (f) (11) THAT THIS SURVEY IS OF ANOTHER CATEGORY, BEING A SURVEY FOR A STREET CLOSING. WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS 29TH DAY OF JULY, 2016.

PROFESSIONAL LAND SURVEYOR *Patrick W. Hartman*
REGISTRATION NUMBER L-4262



NC License: F-0334

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& ASSOCIATES, INC.
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Surveyors
Landscape Architects
107 East Second Street
Greenville, NC 27858
(252) 752-4135

**STREET CLOSING MAP FOR
COLLEGE VIEW DRIVE**

CITY OF GREENVILLE, GREENVILLE TOWNSHIP, PITT CO., N.C.

SURVEY RB	DRAFT PH/KB	SCALE 1" = 40'	DRAWING NO. Z-2616	SHEET 1 OF 1
DESIGN	CHECK PWH			

P:\LandDev\Press - College View Apts - 20160809\SURVEY\DWG\Z-2616 (Street Closing 20160809 Press).dwg, 18 X 24, Hartmap, Web Sep 07, 2016 at 10:00am



City of Greenville, North Carolina

Meeting Date: 12/8/2016
Time: 6:00 PM

Title of Item: Resolution to Close a Portion of South Pitt Street

Explanation: **Abstract:** The City received a petition from RDC Gather Uptown, LLC requesting closure of a portion of the right-of-way of South Pitt Street. This closure is a reduction in the width of the existing street right-of-way with the reduction being taken from the eastern side of South Pitt Street between West Fourth Street and West Fifth Street. The petitioner is the owner of all of the property adjoining the street section requested to be closed.

Explanation: In response to a petition from RDC Gather Uptown, LLC, City Council adopted a Resolution of Intent to Close a portion of South Pitt Street during its November 7, 2016, meeting and also set the date for a public hearing at the regularly scheduled City Council meeting on December 8, 2016. The petition has been reviewed by City staff and the Greenville Utilities Commission, and there are no comments. The Planning and Zoning Commission gave a favorable recommendation to the petition for closure during its November 15, 2016, meeting.

Required Notices: Pursuant to the provisions of G.S. 160A-299, the Resolution of Intent to Close was published in The Daily Reflector on four consecutive Mondays (November 14, 21, 28 and December 5, 2016), a copy thereof was sent by certified mail to all owners of property adjacent to the street as shown on the Pitt County tax records, and a notice of the closing and public hearing has been prominently posted in two places along the street section to be closed.


Fiscal Note: There will be no fiscal impact to the City.

Recommendation: Hold a public hearing on the question of whether the closing would be detrimental to the public interest or the property rights of any individual. If it appears to the satisfaction of City Council after the hearing that closing the street is not contrary to the public interest and that no individual owning property in the vicinity of the street in the subdivision in which it is located would thereby be

deprived of reasonable means of ingress and egress to their property, City Council may adopt the resolution to close a portion of South Pitt Street.

Viewing Attachments Requires Adobe Acrobat. [Click here](#) to download.

Attachments / click to download

 [Pitt Street Closure](#)

 [Resolution for South Pitt Street Closure 1040922](#)

RESOLUTION NO. _____
AN ORDER OF THE CITY COUNCIL OF THE CITY OF GREENVILLE
TO CLOSE A PORTION OF SOUTH PITT STREET

WHEREAS, the City Council of the City of Greenville, at its November 7, 2016 meeting, adopted a resolution declaring its intent to close a portion of South Pitt Street; and

WHEREAS, pursuant to the provisions of G.S. 160A-299, said resolution was published once a week for four (4) successive weeks in The Daily Reflector setting forth that a hearing will be held on the 8th day of December, 2016, on the question of the closing a portion of said street; and

WHEREAS, a copy of the resolution of intent to close said street was sent by certified mail to all owners of the property adjoining the said street as shown on the County tax records, and a notice of the closing and the public hearing was prominently posted in at least two (2) places along said street; and

WHEREAS, a hearing was conducted on the 8th day of December, 2016, at which time all persons interested were afforded an opportunity to be heard on the question of whether or not the closing will be detrimental to the public interest or the property rights of any individual; and

WHEREAS, it appears to the satisfaction of the City Council of the City of Greenville, North Carolina, after conduction of said hearing, that the closing of that a portion of South Pitt Street is not contrary to the public interest, and that no individual owning property in the vicinity of said street or in the subdivision in which said street is located would thereby be deprived of reasonable means of ingress and egress to their property; and

IT IS NOW THEREFORE ORDERED BY THE CITY COUNCIL OF THE CITY OF GREENVILLE that, upon the effective date of this Order, the property described below be and the same is closed, and all right, title and interest that may be vested in the public to said area for alleyway purposes is released in accordance with the provisions of G.S. 160A-299:

To Wit: Being a reduction in street right of way width of South Pitt Street with the reduction being from the eastern side of South Pitt Street between West Fourth Street and West Fifth Street as shown on the plat entitled, "Street Closure Plat of South Pitt Street Adjoining the Properties of RDC Gather Uptown, LLC", prepared by McKim & Creed and dated October 28, 2016.

Location: Lying and being situate in the City of Greenville, Greenville Township, Pitt County, North Carolina, located along the existing eastern right of way of South Pitt Street between West Fourth Street and West Fifth Street and adjoining properties of RDC Gather Uptown, LLC

Description: BEGINNING at a PK Nail set having NC Grid (NAD83/11) coordinates of Northing = 681,616.13 feet, Easting = 2,482,919.40 feet; thence along a tie line, S 70°15'19"W - 273.57 feet to a an iron rod set on the northern right-of-way line of West Fifth Street (allowing 60 feet), with said iron rod being the POINT OF BEGINNING; thence from said located beginning point and running along a new line within the existing right of way of South Pitt Street the following five calls: N 78°55'43" W - 15.40 feet to an iron rod set; N 14°58'34" W 23.54 feet to an

iron rod set; N 12°07'01" E - 307.60 feet to an iron rod set; N59°37'15"E - 11.12 feet to an iron rod set; and S 78°16'30" E - 7.59 feet to an iron rod set in the existing eastern right of way of South Pitt Street, a point in the western property line of RDC Gather Uptown, LLC (DB 3476, Pg. 713); thence with eastern right of way line of South Pitt Street, the property line of RDC Gather Uptown, LLC the following five calls: S 53°39'59" W - 9.78 feet to an iron rod found; S 12°10'09" W - 86.01 feet to an iron rod set; N 78°22'01" W - 2.31 feet to an iron rod set; S 11°31'09" W - 203.60 feet to an iron rod set; and S 11°34'53" E - 42.49 feet to an iron rod set, the POINT OF BEGINNING and containing +/- 0.070 acres (3,060 square feet) as shown on the plat entitled, "Street Closure Plat of South Pitt Street Adjoining the Property of RDC Gather Uptown, LLC", prepared by McKim & Creed and dated October 28, 2016.

IT IS FURTHER ORDERED BY THE CITY COUNCIL OF THE CITY OF GREENVILLE that, upon the effective date of this Order, the Mayor and City Clerk are authorized to execute quit-claim deeds or other legal documents to prove vesting of any title or interest to those persons owning lots or parcels adjacent to the street in accordance with G.S. 160A-299(c), provided all costs shall be paid by any adjoining landowner requesting such action, all documents must be approved by the City Attorney and all documents, when appropriate, must reserve to the City any easements retained by the City. The intent of this paragraph is to authorize the execution of quit-claim deeds when requested by adjacent property owners; however, none are required and this paragraph is not intended to alter the vesting of title by operation of law as established by G.S. 160A-299(c).

IT IS FURTHER ORDERED BY THE CITY COUNCIL OF THE CITY OF GREENVILLE that a copy of this Order shall be filed in the Office of the Register of Deeds of Pitt County.

ADOPTED this the 8th day of December, 2016.

Allen M. Thomas, Mayor

ATTEST:

Carol L. Barwick, City Clerk

NORTH CAROLINA
PITT COUNTY

I, Polly Jones, a Notary Public for said County and State, certify that Carol L. Barwick personally came before me this day and acknowledged that she is the City Clerk of the City of Greenville, a municipality, and that by authority duly given and as the act of the municipality, the foregoing instrument was signed in its name by its Mayor, sealed with the corporate seal, and attested by herself as its City Clerk.

WITNESS my hand and official seal this 8th day of December, 2016.

Notary Public

My Commission Expires: August 5, 2021

Curve Table						
Curve #	Radius	Length	Tangent	Chord Bearing	Ch. Length	Delta
C1	5.00'	7.95'	5.10'	S32°43'08"E	7.14'	091°08'12"

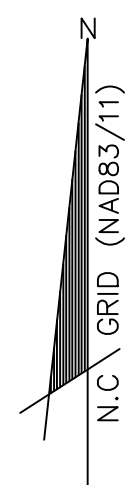
Line Table		
Line #	Direction	Length
L1	N78°55'43"W	15.40'
L2	N14°58'34"W	23.54'
L3	N59°37'15"E	11.12'
L4	S78°16'30"E	7.59'
L5	S53°39'59"W	9.78'
L6	N78°22'01"W	2.31'
L7	S11°34'53"E	42.49'
L8	S53°39'59"W	13.84'

LEGEND

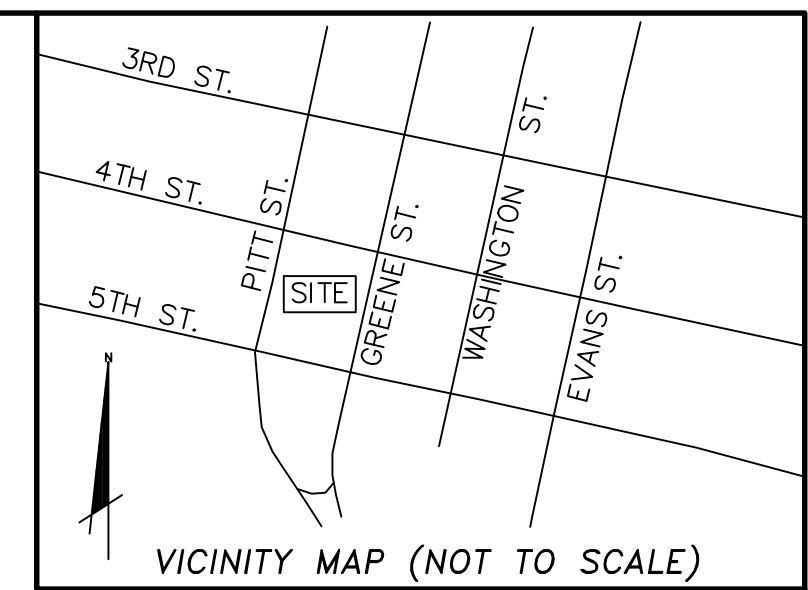
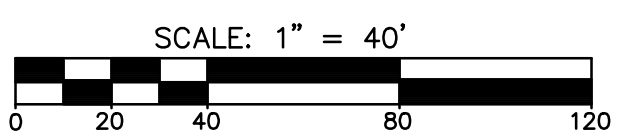
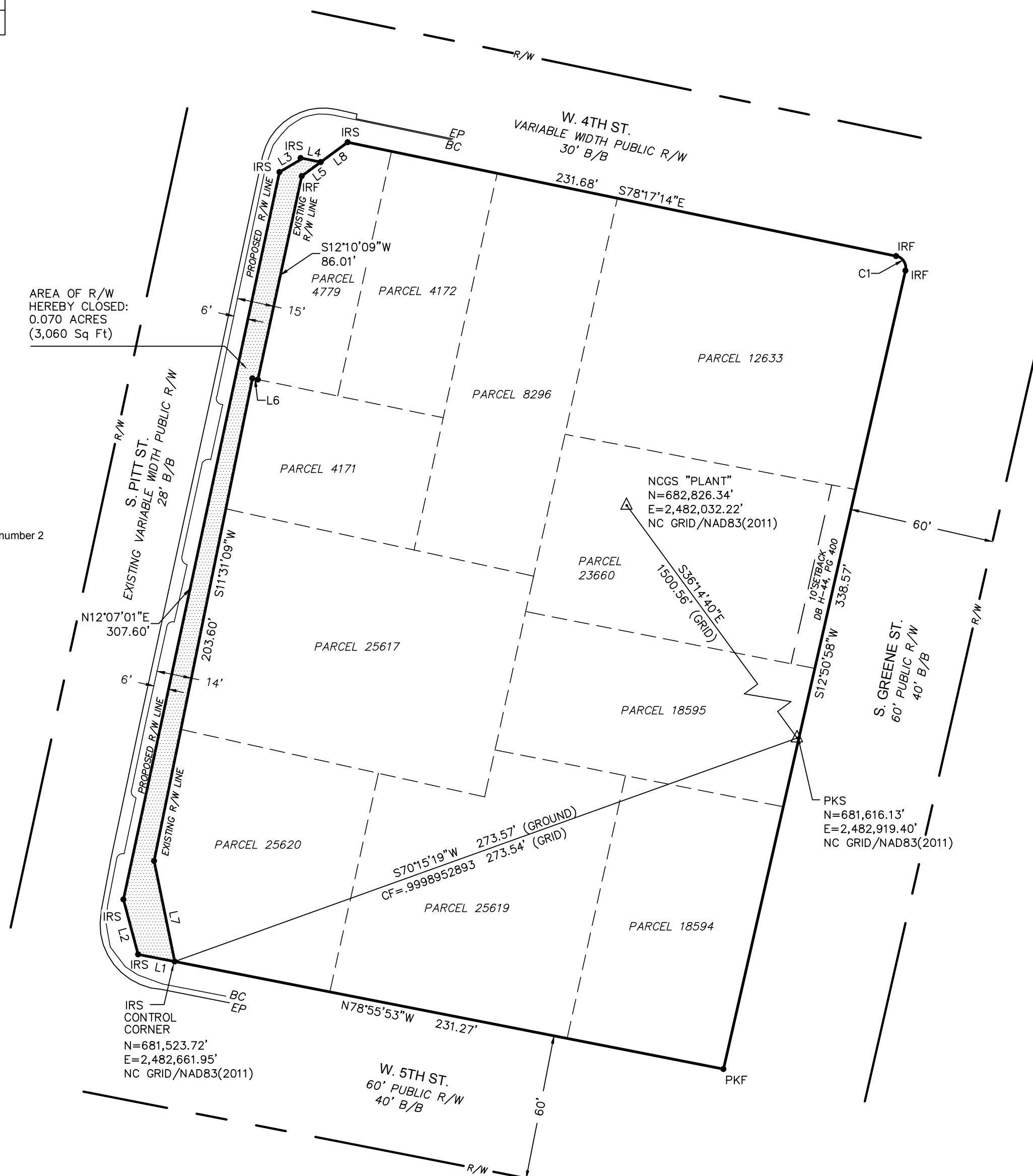
R/W	RIGHT-OF-WAY
B/B	BACK OF CURB TO BACK OF CURB
PKS	PK NAIL SET
PKF	PK NAIL FOUND
RC	REBAR WITH CAP
IRS	IRON ROD SET
IRF	IRON ROD FOUND
DB	DEED BOOK
MB	MAP BOOK
PG	PAGE
BC	BACK OF CURB
EP	EDGE OF PAVEMENT
△	CONTROL POINT

NOTES:

- ALL DISTANCES SHOWN ARE HORIZONTAL GROUND DISTANCES IN U.S. SURVEY FEET. (UNLESS OTHERWISE STATED)
- ALL BEARINGS ARE BASED ON THE NORTH CAROLINA STATE PLANE COORDINATE SYSTEM (NAD 1983\11).
- THIS PROPERTY IS IN ZONE X, AREAS DETERMINED TO BE OUTSIDE THE ANNUAL 0.2% ANNUAL CHANCE FLOODPLAIN ACCORDING TO FIRM MAP 37204688BOOK, WITH AN EFFECTIVE DATE OF 07/07/14.
- LINE NOT SURVEYED SHOWN AS DASHED.
- ZONING AND SETBACK INFORMATION SHOWN PER REPORT BY THE PLANNING & ZONING RESOURCE COMPANY, PZR SITE NUMBER 95091-1 DATED 7/20/2016. SEE ALSO DB H44, PG 401 FOR 10' SETBACK ALONG GREENE STREET AFFECTING PARCEL 23660.
- NO ABOVE-GROUND FEATURES ARE LOCATED WITHIN THE PROPOSED AREA OF CLOSURE.
- THE PURPOSE OF THIS PLAT IS TO CLOSE A PORTION OF THE PUBLIC RIGHT-OF-WAY OF SOUTH PITT STREET ADJOINING PARCEL NUMBERS 4779, 4171, 25617, AND 25620.



Attachment number 2
Page 1 of 1



AREA SUMMARY OF STREET CLOSING
0.070 Acres 3,060 SqFt

REFERENCES

- DB 3476, PG 713
- DB 3453, PG 295
- DB 2705, PG 793
- DB 2705, PG 796
- DB 894, PG 466
- DB H-44, PG 400
- DB B-42, PG 601
- MB 61, PG 188
- MB 26, PG 10
- MB 24, PG 51
- PLANS FOR STATE HIGHWAY PROJECT 8.2220601

CLASS OF SURVEY: AA
 POSITIONAL ACCURACY: 0.01M(HORIZONTAL), 0.008M(VERTICAL)
 TYPE OF GPS FIELD PROCEDURE: VRS
 DATES OF SURVEY: 11-04-15 THRU 10-25-16
 DATUM/EPOCH: NAD 83/2011
 PUBLISHED/FIXED CONTROL USE: FIXED CONTROL
 GEIOD MODEL: GEOID 12B
 COMBINED GRID FACTOR(S): 0.9998952893
 UNITS: US SURVEY FEET
 TYPE AND MODEL OF GPS RECEIVER USED: TRIMBLE R8

CERTIFICATION

NORTH CAROLINA PITT COUNTY

I, DAVID S. CLARK, PLS L-4729, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION FROM INFORMATION SHOWN IN DEED BOOKS REFERENCED ON MAP AND MAP BOOKS REFERENCED ON MAP; THAT ANY LINES NOT ACTUALLY SURVEYED APPEAR AS BROKEN LINES AND WERE PLOTTED FROM INFORMATION AS NOTED ON THE PLAT; THAT THE RATIO OF PRECISION AS CALCULATED IS BETTER THAN 1:10,000; THAT THE AREA IS COMPUTED BY COORDINATE METHOD; THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED.

I FURTHER CERTIFY PURSUANT TO G.S. 47-30 (f)(11): THAT THE SURVEY IS OF ANOTHER CATEGORY, BEING A SURVEY FOR A STREET CLOSING; WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER, AND SEAL THIS ____ DAY OF ____ A.D., 2016.

DAVID S. CLARK L-4729
 PROFESSIONAL LAND SURVEYOR

**STREET CLOSURE PLAT OF
SOUTH PITT STREET**
 ADJOINING PROPERTIES OF
RDC GATHER UPTOWN, LLC
 GREENVILLE, GREENVILLE TOWNSHIP, PITT COUNTY, NORTH CAROLINA

ADJOINING OWNER(S): RDC Gather Uptown, LLC ADDRESS: 1100 Quail Street, Newport Beach, CA 92626	SURVEYED: TG/MR	NORTH CAROLINA PITT COUNTY
 1730 Varsity Drive Suite 500 Raleigh, North Carolina 27606 NC FIRM # F-1222 Phone: (919)233-8091 Fax: (919)233-8031 www.mckimcreed.com	DRAWN: DSC	I, _____ A REVIEW OFFICER OF PITT COUNTY, N.C., CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.
	CHECKED: DSC	BY _____ REVIEW OFFICER
	APPROVED: DSC	DATE _____ DATE
	DATE: 10/28/2016	SCALE: 1"=40'

SOURCE OF TITLE
 TO THE BEST OF MY KNOWLEDGE, THE LAST INSTRUMENT(S) IN THE CHAIN OF TITLE OF THIS PROPERTY AS RECORDED IN THE PITT COUNTY REGISTRY AT GREENVILLE, NORTH CAROLINA IS:
 DEED BOOK 3476, PAGE 713 (ADJOINERS)
 DEED BOOK 894, PAGE 466 (EX. R/W)

MAYOR'S CERTIFICATE
 THIS IS TO CERTIFY THAT THE CITY COUNCIL OF THE CITY OF GREENVILLE HAS PASSED A RESOLUTION TO CLOSE A PORTION OF SOUTH PITT STREET AS SHOWN HEREON.
 RESOLUTION NO. _____
 SIGNED (MAYOR) _____
 SIGNED (CITY CLERK) _____

PRELIMINARY PLAT
 NOT FOR RECORDATION, CONVEYANCE, OR SALES

SURVEYOR'S SEAL

DATE _____



City of Greenville, North Carolina

Meeting Date: 12/8/2016
Time: 6:00 PM

Title of Item: Ordinance requested by Debbie and Jackie James to rezone 2.2609 acres located at the northeastern corner of the intersection of North Greene Street and Martin Street from CDF (Downtown Commercial Fringe) to CH (Heavy Commercial)

Explanation: **Abstract:** The City has received a request from Debbie and Jackie James to rezone 2.2609 acres located at the northeastern corner of the intersection of North Greene Street and Martin Street from CDF (Downtown Commercial Fringe) to CH (Heavy Commercial).

Required Notices:

Planning and Zoning meeting notice (property owner and adjoining property owner letter) mailed on October 31, 2016.
On-site sign(s) posted on October 31, 2016.
City Council public hearing notice (property owner and adjoining property owner letter) mailed on November 22, 2016.
Public hearing legal advertisement published on November 28 and December 5, 2016.

Comprehensive Plan:

The Future Land Use and Character Map recommends commercial (C) at the southwestern corner of the intersection of North Greene Street and Mumford Road transitioning to conservation/open space (PCOS) in the interior areas.

The Future Land Use Map identifies certain areas for conservation/open space uses. The map is not meant to be dimensionally specific and may not correspond precisely with conditions on the ground. When considering rezoning requests or other development proposals, some areas classified as conservation/open space may be determined not to contain anticipated development limitations. In such cases, the future preferred land use should be based on adjacent Land Use Plan designations, contextual considerations, and the general policies of the comprehensive plan.

Commercial Description:

Primarily community- and regional-scale commercial development situated near and along major roadway corridors. Existing development is characterized by buildings set back from streets behind surface parking. That existing pattern should evolve to become more walkable with shorter blocks, buildings near streets, shared parking and connections to surrounding development.

Intent:

- Provide connectivity to nearby uses (paths, streets)
- Locate new buildings near street on at least one side and accommodate parking to the side or rear of buildings
- Improve/provide public realm features such as signs, sidewalks, landscaping
- Reduce access-points into development for pedestrian and vehicular safety
- Reduce and consolidate surface parking

Primary uses:

Commercial (small and large format)

Office

Secondary uses:

Institutional/civic

Thoroughfare/Traffic Report Summary (PWD-Engineering Division):

Since the subject property can accommodate the same size development under the current and requested rezoning, no net traffic impact is anticipated, and a traffic report was not generated.

During the review process, measures to mitigate traffic impacts will be determined.

History/Background:

In 1972, the property was zoned CH. In 1983, the property was part of a large scale rezoning request (19 acres) to CDF.

Present Land Use:

Shopping Center with one (1) outparcel

Water/Sewer:

Water and sanitary sewer are available to the subject property.

Historic Sites:

There are no known effects on designated sites.

Environmental Conditions/Constraints:

The property is impacted by the 100-year floodplain associated with the Tar River.

Surrounding Land Uses and Zoning:

North: CDF - El Azador Restaurant and one (1) vacant lot (City-owned)
South: CDF- One (1) vacant lot; CH - Budget Bail Bonds
East: CH - Warehouses; R6 - Two (2) vacant lots (1 City-owned)
West: IU - One (1) vacant lot; R6 - Two (2) vacant lots and one (1) single-family residence

Density Estimates:

Under the current zoning (CDF) and the requested zoning (CH), the property could accommodate the same size development with similar uses.

Fiscal Note:

No cost to the City.

Recommendation:

In staff's opinion, the request is in compliance with Horizons 2026: Greenville's Community Plan and the Future Land Use and Character Map.

"In compliance with the comprehensive plan" should be construed as meaning the requested zoning is (i) either specifically recommended in the text of the Horizons Plan (or addendum to the plan) or is predominantly or completely surrounded by the same or compatible and desirable zoning and (ii) promotes the desired urban form. The requested district is considered desirable and in the public interest, and staff recommends approval of the requested rezoning.

The Planning and Zoning Commission voted unanimously to approve the request at its November 15, 2016 meeting.

If the City Council determines to approve the zoning map amendment, a motion to adopt the attached zoning map amendment ordinance will accomplish this. The ordinance includes the statutorily required statement describing whether the action taken is consistent with the comprehensive plan and explaining why Council considers the action taken to be reasonable and in the public interest.

If City Council determines to deny the zoning map amendment, in order to comply with this statutory requirement, it is recommended that the motion be as follows:

Motion to deny the request to rezone and to make a finding and determination that the rezoning request is inconsistent with the adopted comprehensive plan including, but not limited to, Policy 1.1.1 guide development with the Future

Land Use and Character Map and Policy 1.1.6 guide development using the Tiered Growth Approach, and further that the denial of the rezoning request is reasonable and in the public interest due to the rezoning request does not promote, in addition to the furtherance of other goals and objectives, the safety and general welfare of the community because the requested zoning is consistent with the recommended Future Land Use and Character designation and is located in a Primary Service Area.

Note: In addition to the other criteria, the Planning and Zoning Commission and City Council shall consider the entire range of permitted and special uses for the existing and proposed zoning districts as listed under Title 9, Chapter 4, Article D of the Greenville City Code.

Viewing Attachments Requires Adobe Acrobat. [Click here](#) to download.

Attachments / click to download

- [Attachments](#)
- [Ordinance__Debbie_and_Jackie_James_1040519](#)
- [Minutes__Debbie_and_Jackie_James_1040685](#)
- [List_of_Uses_CDF_to_CH_1013954](#)

ORDINANCE NO. 16-
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GREENVILLE
REZONING TERRITORY LOCATED WITHIN THE PLANNING AND ZONING
JURISDICTION OF THE CITY OF GREENVILLE, NORTH CAROLINA

WHEREAS, the City Council of the City of Greenville, North Carolina, in accordance with Article 19, Chapter 160A, of the General Statutes of North Carolina, caused a public notice to be given and published once a week for two successive weeks in The Daily Reflector setting forth that the City Council would, on the 8th day of December, 2016, at 6:00 p.m., in the Council Chambers of City Hall in the City of Greenville, NC, conduct a public hearing on the adoption of an ordinance rezoning the following described territory;

WHEREAS, the City Council has been informed of and has considered all of the permitted and special uses of the districts under consideration;

WHEREAS, in accordance with the provisions of North Carolina General Statute 160A-383, the City Council does hereby find and determine that the adoption of the ordinance zoning the following described property is consistent with the adopted comprehensive plan and other officially adopted plans that are applicable and that the adoption of the ordinance zoning the following described property is reasonable and in the public interest due to its consistency with the comprehensive plan and other officially adopted plans that are applicable and, as a result, its furtherance of the goals and objectives of the comprehensive plan and other officially adopted plans that are applicable;

WHEREAS, as a further description as to why the action taken is consistent with the comprehensive plan and other officially adopted plans that are applicable in compliance with the provisions of North Carolina General Statute 160A-383, the City Council of the City of Greenville does hereby find and determine that the adoption of this ordinance is consistent with provisions of the comprehensive plan including, but not limited to, Policy 1.1.1 guide development with the Future Land Use and Character Map and Policy 1.1.6 guide development using the Tiered Growth Approach; and

WHEREAS, as a further explanation as to why the action taken is reasonable and in the public interest in compliance with the provisions of North Carolina General Statute 160A-383, the City Council of the City of Greenville does hereby find and determine that the adoption of this ordinance will, in addition to the furtherance of other goals and objectives, promote the safety and general welfare of the community because the requested zoning is consistent with the recommended Future Land Use and Character designation and is located in a Primary Service Area;

THE CITY COUNCIL OF THE CITY OF GREENVILLE, NORTH CAROLINA, DOES HEREBY ORDAIN:

Section 1. That the following described territory is rezoned from CDF (Downtown Commercial Fringe) to CH (Heavy Commercial).

TO WIT: Jackie James Properties

LOCATION: Located at the northeastern corner of North Greene Street and Martin Street.

DESCRIPTION: Being those certain tracts or parcels of land lying and being situate in the City of Greenville, Greenville Township, Pitt County, North Carolina, being bounded on the west by North Greene Street (NCSR 1531), on the north by East Dudley Street, on the east by North Pitt Street (formerly First Street), on the south by Martin Street (formerly Perkins Street) and being more particularly described follows:

BEGINNING at an existing iron pipe located at the intersection of the east right-of-way of North Greene Street with the south right-of-way of East Dudley Street, said beginning point being located S 18°58'26" W, 49.87 feet from an existing iron pipe located at the northeast corner of the intersection of the rights-of-way of the two aforementioned streets; thence from said beginning point so established with the south right-of-way of East Dudley Street S 70°21' 51" E, 279.50 feet to an existing iron pipe at the intersection of the south right-of-way of East Dudley Street with the west right-of-way of North Pitt Street (formerly First Street); thence with the west right-of-way of North Pitt Street S 19°39'00" W, 350.63 feet to an existing iron bar located at the intersection of the west right-of-way of North Pitt Street with the north right-of-way of Martin Street (formerly Perkins Street); thence with the north right-of-way of Martin Street N 70°47'11" W, 281.47 feet to an existing concrete right-of-way monument located at the intersection of the north right-of-way of Martin Street with the east right-of-way of North Greene Street; thence with the east right-of-way of North Greene Street N 20°12'36" E, 202.65 feet to an existing iron pipe; thence continuing with the east right-of-way of North Greene Street N 19°38' 43" E, 150.06 feet to the POINT OF BEGINNING containing 2.2609 acres and being comprised of Pitt County Tax Parcels 82436, 24007, 28153 and 18504 as described in Deed Book 3282, Page 691 and Deed Book 3298, Page 140 of the Pitt County Registry. This property is further known as Lots 11 through 24 and Lots 46 through 52 of the Fleming and Perkins Subdivision as shown in Map Book 2, Page 179 of the Pitt County Registry, LESS AND EXCEPT that portion of said Lots 11 through 24 that has been deeded, dedicated or taken for the right-of-way of North Greene Street.

Section 2. That the Director of Community Development is directed to amend the zoning map of the City of Greenville in accordance with this ordinance.

Section 3. That all ordinances and clauses of ordinances in conflict with this ordinance are hereby repealed.

Section 4. That this ordinance shall become effective upon its adoption.

ADOPTED this 8th day of December, 2016.

Allen M. Thomas, Mayor

ATTEST:

Carol L. Barwick, City Clerk

Doc. # 1040519

Excerpt from DRAFT the Planning & Zoning Commission Minutes (11/15/2016)

ORDINANCE REQUESTED BY DEBBIE AND JACKIE JAMES TO REZONE 2.2609 ACRES LOCATED AT THE NORTHEASTERN CORNER OF THE INTERSECTION OF NORTH GREENE STREET AND MARTIN STREET FROM CDF (DOWNTOWN COMMERCIAL FRINGE) TO CH (HEAVY COMMERCIAL) – APPROVED

Ms. Gooby delineated the property. It is located in the northeast quadrant of the city along North Greene Street. This rezoning is for the entire block bounded by North Greene, East Dudley, North Pitt and Martin Streets. The property is impacted by the 100-year floodplain associated with the Tar River. There are currently two buildings located on-site. There are various commercial activities in the area and vacant properties due to the buy-out of flood-damaged homes. The current zoning is CDF (Downtown Commercial Fringe) and the request is for CH (Heavy Commercial). This rezoning will allow for uses in excess of the current zoning. Several months ago, there was a similar rezoning in the area. No increase in traffic is anticipated. The Future Land Use and Character Map recommends C (Commercial) between North Greene Street and North Pitt Street transitioning to PCOS (Potential Conservation Open/Space). There is CH zoning adjacent to the property. There should be minimal impact to the scattered residential properties. In staff's opinion, the request is in compliance with Horizons 2026: Greenville's Community Plan and the Future Land Use and Character Plan Map.

Chairman King opened the public hearing.

Steve Spruill, representative of the applicant, spoke in favor of the request.

No one spoke in opposition.

Chairman King closed the public hearing and opened for board discussion.

Motion made by Mr. Overton, seconded by Ms. Reid, to recommend approval of the proposed amendment to advise that it is consistent with the Comprehensive Plan and other applicable plans and to adopt the staff report which addresses plan consistency and other matters. Motion passed unanimously.

EXISTING ZONING

CDF (Downtown Commercial Fringe)

Permitted Uses

(1) General:

- a. Accessory use or building
- b. Internal service facilities
- c. On-premise signs per Article N
- e. Temporary uses; of listed district uses
- f. Retail sales; incidental
- g. Incidental assembly of products sold at retail or wholesale as an accessory to principle use

(2) Residential:

- a. Single-family dwelling
- b. Two-family attached dwelling (duplex)
- c. Multi-family development per Article 1
- k. Family care home (see also section 9-4-103)
- q. Room renting

*(3) Home Occupations (see all categories):*None*

(4) Governmental:

- b. City of Greenville municipal government building or use (see also section 9-4-103)
- c. County or state government building or use not otherwise listed; excluding outside storage and major or minor repair
- d. Federal government building or use
- g. Liquor store, state ABC

(5) Agricultural/ Mining:

- a. Farming; agriculture, horticulture, forestry (see also section 9-4-103)

(6) Recreational/ Entertainment:

- f. Public park or recreational facility
- g. Private noncommercial park or recreation facility
- o. Theater; movie or drama, including outdoor facility

(7) Office/ Financial/ Medical:

- a. Office; professional and business, not otherwise listed
- c. Office; customer service not otherwise listed, including accessory service delivery vehicle parking and indoor storage
- d. Bank, savings and loan or other savings or investment institutions
- e. Medical, dental, ophthalmology or similar clinic, not otherwise listed

(8) Services:

- c. Funeral home
- e. Barber or beauty shop
- f. Manicure, pedicure, or facial salon
- g. School; junior and senior high (see also section 9-4-103)
- h. School; elementary (see also section 9-4-103)
- i. School; kindergarten or nursery (see also section 9-4-103)
- k. Business or trade school
- n. Auditorium
- o. Church or place of worship (see also section 9-4-103)
- p. Library

- q. Museum
- r. Art Gallery
- s. Hotel, motel, bed and breakfast inn; limited stay lodging (see also residential quarters for resident manager, supervisor or caretaker and section 9-4-103)
- u. Art studio including art and supply sales
- v. Photography studio including photo and supply sales
- w. Recording studio
- z. Printing or publishing service including graphic art, map, newspapers, magazines and books
- aa. Catering service including food preparation (see also restaurant; conventional and fast food)
- kk. Launderette; household users
- ll. Dry cleaners; household users
- mm. Commercial laundries; linen supply
- oo. Clothes alteration or shoe repair shop
- pp. Automobile wash

(9) Repair:

- d. Upholsterer; furniture
- f. Appliance; household and office equipment repair
- g. Jewelry, watch, eyewear or other personal item repair

(10) Retail Trade:

- a. Miscellaneous retail sales; non-durable goods, not otherwise listed
- c. Grocery; food or beverage, off premise consumption (see also Wine Shop)
- c.1 Wine shop (see also section 9-4-103)
- d. Pharmacy
- e. Convenience store (see also gasoline sales)
- f. Office and school supply, equipment sales
- h. Restaurant; conventional
- i. Restaurant; fast food
- l. Electric; stereo, radio, computer, television, etc. sales and accessory repair
- m. Appliance; household use, sales and accessory repair, excluding outside storage
- n. Appliance; commercial use, sales and accessory repair, excluding outside storage
- p. Furniture and home furnishing sales not otherwise listed
- q. Floor covering, carpet and wall covering sales
- r. Antique sales; excluding vehicles
- s. Book or card store, news stand
- v. Video or music store; records, tape, compact disk, etc. sales
- w. Florist
- x. Sporting goods sales and rental shop
- y. Auto part sales (see also major and minor repair)
- ee. Christmas tree sales lot; temporary only (see also section 9-4-103)

(11) Wholesale/ Rental/ Vehicle- Mobile Home Trade:

- c. Rental of cloths and accessories; formal wear, etc.
- f. Automobiles, truck, recreational vehicle, motorcycles and boat sales and service (see also major and minor repair)

(12) Construction:

- a. Licensed contractor; general, electrical, plumbing, mechanical, etc. excluding outside storage
- c. Construction office; temporary, including modular office (see also section 9-4-103)
- e. Building supply; lumber and materials sales, plumbing and/or electrical supply excluding outside storage
- f. Hardware store

(13) Transportation:

- b. Bus station; passenger and related freight
- c. Taxi or limousine service
- e. Parcel delivery service
- f. Ambulance service

(14) Manufacturing/ Warehousing:

- c. Bakery; production, storage and shipment facilities

(15) Other Activities (not otherwise listed - all categories): None*

CDF (Downtown Commercial Fringe)

Special Uses

(1) General: None*

(2) Residential:

- d. Land use intensity multifamily (LUI) development rating 50 per Article K
- e. Land use intensity multifamily (LUI) development rating 67 per Article K
- j. Residential quarters for resident manager, supervisor or caretaker; including mobile homes
- m. Shelter for homeless or abused
- n. Retirement center or home
- o. Nursing, convalescent center or maternity home; major care facility
- o.(1). Nursing, convalescent center or maternity home; minor care facility
- r. Fraternity or sorority house

(3) Home Occupations (see all categories):

- a. Home occupation; including barber and beauty shops
- c. Home occupation; including manicure, pedicure or facial salon

(4) Governmental:

- a. Public utility building or use

(5) Agricultural/ Mining: None*

(6) Recreational/ Entertainment:

- d. Game center
- i. Commercial recreation; indoor and outdoor not otherwise listed
- l. Billiard parlor or pool hall
- m. Public or private club

(7) Office/ Financial/ Medical: None*

(8) Services:

- a. Child day care facilities
- b. Adult day care facilities
- l. Convention center; private
- x. Dance studio
- bb. Civic organizations
- cc. Trade or business organizations
- hh. Exercise and weight loss studios; indoor only

(9) Repair:

- a. Major repair; as an accessory or principal use
- b. Minor repair; as an accessory or principal use

(10) Retail Trade:

- b. Gasoline or automotive fuel sales; accessory or principal use, retail
- g. Fish market; excluding processing or packing
- j. Restaurant; regulated outdoor activities
- t. Hobby or craft shop
- u. Pet shop (see also animal boarding; outside facility)

(11) Wholesale/ Rental/ Vehicle- Mobile Home Trade: None*

(12) Construction:

- d. Building supply; lumber and materials sales, plumbing and/or electrical supply including outside storage

(13) Transportation:

- h. Parking lot or structure; principal use

(14) Manufacturing/ Warehousing:

- g. Cabinet, woodwork or frame shop; excluding furniture manufacturing or upholstery

(15) Other Activities (not otherwise listed - all categories):

- a. Other activities; personal services not otherwise listed
- b. Other activities; professional activities not otherwise listed
- c. Other activities; commercial services not otherwise listed
- d. Other activities; retail sales not otherwise listed

PROPOSED ZONING

CH (Heavy Commercial)

Permitted Uses

(1) General:

- a. Accessory use or building
- b. Internal service facilities
- c. On-premise signs per Article N
- d. Off-premise signs per Article N
- e. Temporary uses; of listed district uses
- f. Retail sales; incidental
- g. Incidental assembly of products sold at retail or wholesale as an accessory to principle use

(2) Residential: None*

*(3) Home Occupations (see all categories):*None*

(4) Governmental:

- a. Public utility building or use
- b. City of Greenville municipal government building or use (see also section 9-4-103)
- c. County or state government building or use not otherwise listed; excluding outside storage and major or minor repair
- d. Federal government building or use
- e. County government operation center
- g. Liquor store, state ABC

(5) Agricultural/ Mining:

- a. Farming; agriculture, horticulture, forestry (see also section 9-4-103)
- b. Greenhouse or plant nursery; including accessory sales

- d. Farmers market
- e. Kennel (see also section 9-4-103)
- h. Animal boarding not otherwise listed; outside facility, as an accessory or principal use

(6) Recreational/ Entertainment:

- b. Golf course; par three
- c. Golf driving range
- c.(1). Tennis club; indoor and outdoor facilities
- e. Miniature golf or putt-putt course
- f. Public park or recreational facility
- h. Commercial recreation; indoor only, not otherwise listed
- i. Commercial recreation; indoor and outdoor, not otherwise listed
- j. Bowling alleys
- n. Theater; movie or drama, indoor only
- o. Theater; movie or drama, including outdoor facility
- q. Circus, carnival or fair, temporary only (see also section 9-4-103)
- s. Athletic club; indoor only
- t. Athletic club; indoor and outdoor facility

(7) Office/ Financial/ Medical:

- a. Office; professional and business, not otherwise listed
- b. Operation/processing center
- c. Office; customer service not otherwise listed, including accessory service delivery vehicle parking and indoor storage
- d. Bank, savings and loan or other savings or investment institutions
- e. Medical, dental, ophthalmology or similar clinic, not otherwise listed
- f. Veterinary clinic or animal hospital (see also animal boarding; outside facility, kennel and stable)
- g. Catalogue processing center

(8) Services:

- c. Funeral home
- e. Barber or beauty shop
- f. Manicure, pedicure, or facial salon
- n. Auditorium
- o. Church or place of worship (see also section 9-4-103)
- q. Museum
- r. Art Gallery
- s. Hotel, motel, bed and breakfast inn; limited stay lodging (see also residential quarters for resident manager, supervisor or caretaker and section 9-4-103)
- u. Art studio including art and supply sales
- v. Photography studio including photo and supply sales
- y. Television, and/or radio broadcast facilities including receiving and transmission equipment and towers or cellular telephone and wireless communication towers [unlimited height, except as provided by regulations]
- z. Printing or publishing service including graphic art, map, newspapers, magazines and books
- aa. Catering service including food preparation (see also restaurant; conventional and fast food)
- bb. Civic organization
- cc. Trade or business organization
- hh. Exercise and weight loss studio; indoor only
- kk. Launderette; household users
- ll. Dry cleaners; household users
- mm. Commercial laundries; linen supply
- oo. Clothes alteration or shoe repair shop
- pp. Automobile wash

(9) Repair:

- b. Minor repair; as an accessory or principal use
- c. Upholster; automobile, truck, boat or other vehicle, trailer or van
- d. Upholsterer; furniture
- f. Appliance; household and office equipment repair
- g. Jewelry, watch, eyewear or other personal item repair

(10) Retail Trade:

- a. Miscellaneous retail sales; non-durable goods, not otherwise listed
- b. Gasoline or automotive fuel sale; accessory or principal use
- c. Grocery; food or beverage, off premise consumption (see also Wine Shop)
- c.1 Wine shop (see also section 9-4-103)
- d. Pharmacy
- e. Convenience store (see also gasoline sales)
- f. Office and school supply, equipment sales
- g. Fish market; excluding processing or packing
- h. Restaurant; conventional
- i. Restaurant; fast food
- k. Medical supply sales and rental of medically related products
- l. Electric; stereo, radio, computer, television, etc. sales and accessory repair
- m. Appliance; household use, sales and accessory repair, excluding outside storage
- n. Appliance; commercial or industrial use, sales and accessory repair, including outside storage
- p. Furniture and home furnishing sales not otherwise listed
- q. Floor covering, carpet and wall covering sales
- r. Antique sales; excluding vehicles
- s. Book or card store, news stand
- t. Hobby or craft shop
- u. Pet shop (see also animal boarding; outside facility)
- v. Video or music store; records, tape, compact disk, etc. sales
- w. Florist
- x. Sporting goods sales and rental shop
- y. Auto part sales (see also major and minor repair)
- aa. Pawnbroker
- bb. Lawn and garden supply and household implement sales and accessory sales
- cc. Farm supply and commercial implement sales
- ee. Christmas tree sales lot; temporary only (see also section 9-4-103)

(11) Wholesale/ Rental/ Vehicle- Mobile Home Trade:

- a. Wholesale; durable and nondurable goods, not otherwise listed
- b. Rental of home furniture, appliances or electronics and medically related products (see also (10) k.)
- c. Rental of cloths and accessories; formal wear, etc.
- d. Rental of automobile, noncommercial trucks or trailers, recreational vehicles, motorcycles and boats
- e. Rental of tractors and/or trailers, or other commercial or industrial vehicles or machinery
- f. Automobiles, truck, recreational vehicle, motorcycles and boat sales and service (see also major and minor repair)
- g. Mobile home sales including accessory mobile home office

(12) Construction:

- a. Licensed contractor; general, electrical, plumbing, mechanical, etc. excluding outside storage
- c. Construction office; temporary, including modular office (see also section 9-4-103)
- d. Building supply; lumber and materials sales, plumbing and/or electrical supply excluding outside storage
- f. Hardware store

(13) Transportation:

- c. Taxi or limousine service
- e. Parcel delivery service

- f. Ambulance service
- h. Parking lot or structure; principal use

(14) Manufacturing/ Warehousing:

- a. Ice plant and freezer lockers
- b. Dairy; production, storage and shipment facilities
- c. Bakery; production, storage and shipment facilities
- g. Cabinet, woodwork or frame shop; excluding furniture manufacturing or upholster
- h. Engraving; metal, glass or wood
- i. Moving and storage of nonhazardous materials; excluding outside storage
- k. Mini-storage warehouse, household; excluding outside storage
- m. Warehouse; accessory to approved commercial or industrial uses within a district; excluding outside storage
- u. Tire recapping or retreading plant

*(15) Other Activities (not otherwise listed - all categories): * None*

**CH (Heavy Commercial)
Special Uses**

(1) General: None*

(2) Residential:

- i. Residential quarters for resident manager, supervisor or caretaker; excluding mobile home
- j. Residential quarters for resident manager, supervisor or caretaker; including mobile home

(3) Home Occupations (see all categories): None*

(4) Governmental: None*

(5) Agricultural/ Mining: None*

(6) Recreational/ Entertainment:

- d. Game center
- l. Billiard parlor or pool hall
- m. Public or private club
- r. Adult uses

(7) Office/ Financial/ Medical: None*

(8) Services:

- a. Child day care facilities
- b. Adult day care facilities
- l. Convention center; private
- dd. Massage establishment

(9) Repair:

- a. Major repair; as an accessory or principal use

(10) Retail Trade:

- j. Restaurant; regulated outdoor activities
- n. Appliance; commercial use, sales and accessory repair, excluding outside storage
- z. Flea market

(11) Wholesale/ Rental/ Vehicle- Mobile Home Trade: None*

(12) *Construction*:* None

(13) *Transportation*:* None

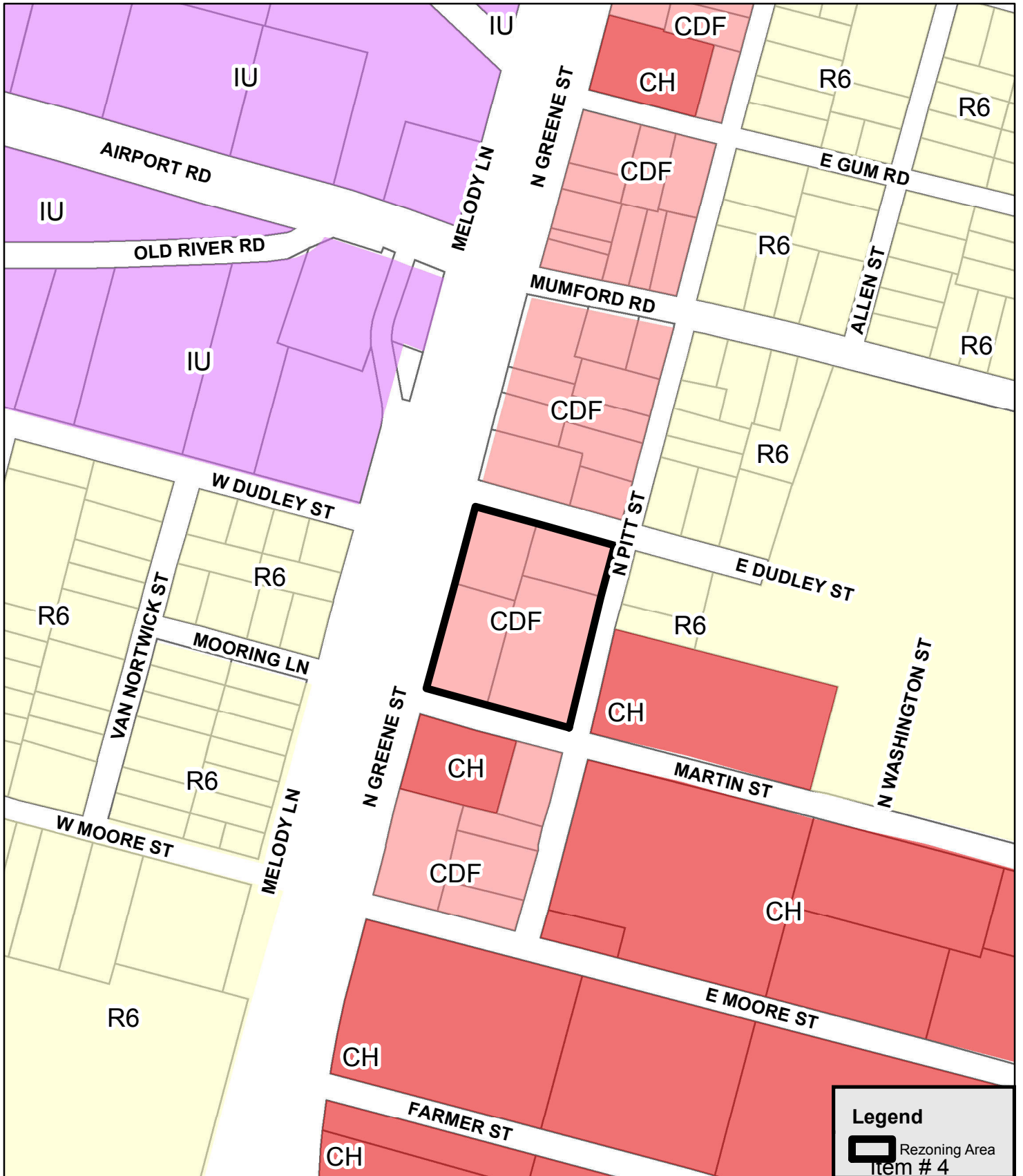
(14) *Manufacturing/ Warehousing*:

- d. Stone or monument cutting, engraving
- j. Moving and storage; including outside storage
- l. Warehouse or mini-storage warehouse, commercial or industrial; including outside storage
- y. Recycling collection station or facilities


(15) *Other Activities (not otherwise listed - all categories)*:

- a. Other activities; personal services not otherwise listed
- b. Other activities; professional activities not otherwise listed
- c. Other activities; commercial services not otherwise listed
- d. Other activities; retail sales not otherwise listed

Debbie and Jackie James
From: CDF to CH
October 24, 2016

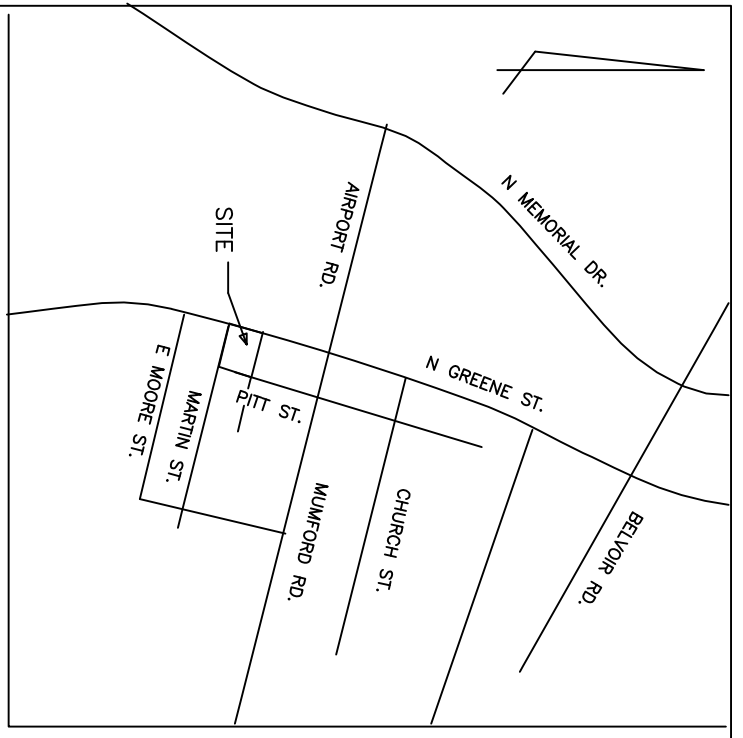


Legend

 Rezoning Area
Item # 4

Debbie and Jackie James
From: CDF to CH
October 25, 2016





- LEGEND**
- ⊕ EXISTING ANGLE IRON
 - ⊙ EXISTING IRON PIPE
 - ⊗ EXISTING IRON BAR
 - ▽ EXISTING MONUMENT
 - NO POINT SET
 - ⊕ LIGHT POLE
 - PP OVERHEAD UTILITY LINE AND POLE

LIST OF ADJOINING PROPERTIES WITHIN 100' LYING WEST OF SEABOARD COASTLINE RAILROAD (ALL ZONED R6)

PARCEL	OWNER
13718	KEYSLEWIS PROPERTIES, LLC
15549	KEYSLEWIS PROPERTIES, LLC
37025	CITY OF GREENVILLE
37024	CITY OF GREENVILLE
37023	MELODY CHAPEL CME CHURCH
37021	IDA MAE WILLIAMS AND DEBRA JEAN WILLIAMS
37020	CITY OF GREENVILLE
80865	GREENVILLE COMMUNITY CHRISTIAN CHURCH INC.

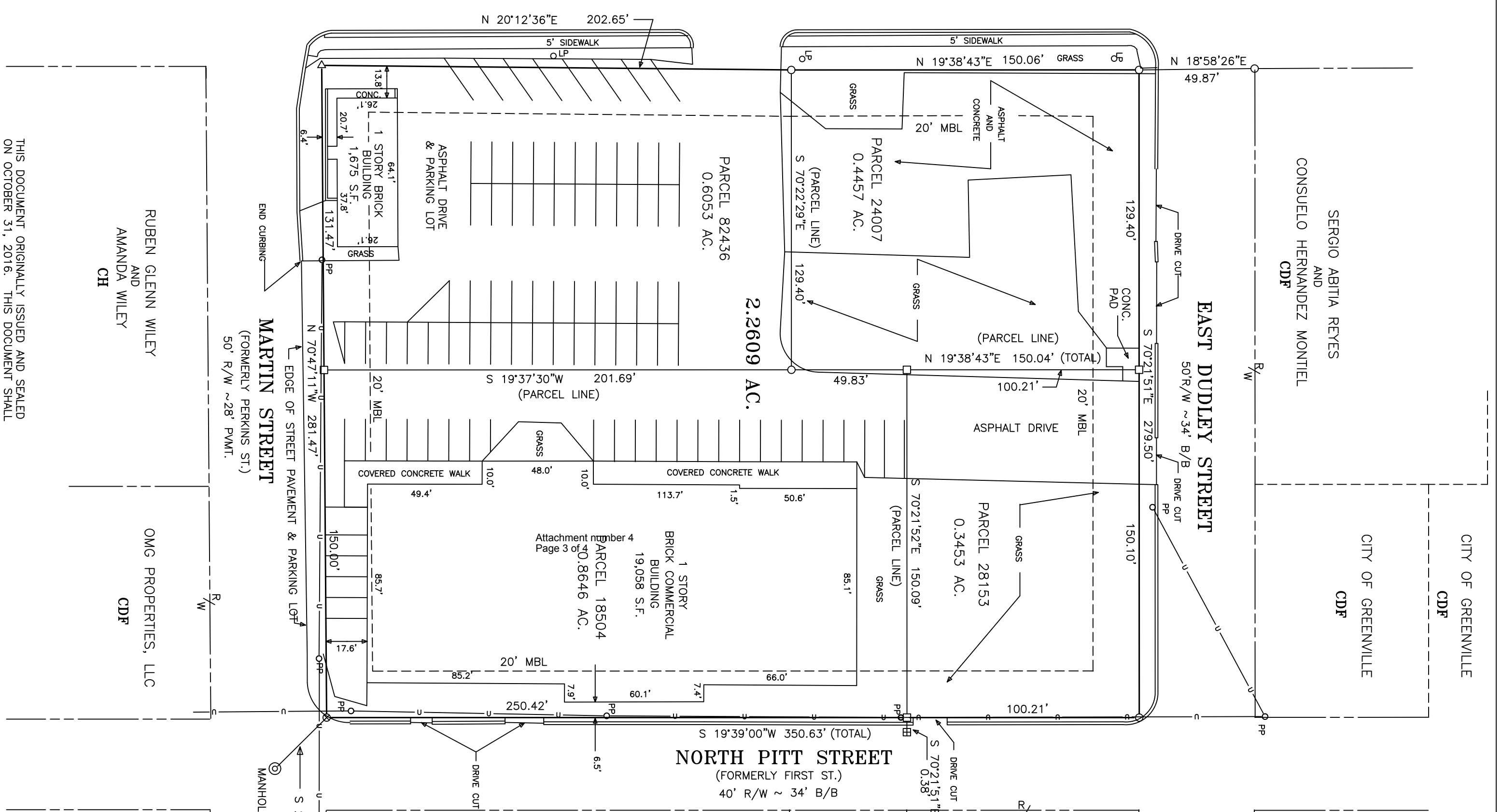
STATE OF NORTH CAROLINA, PITT COUNTY

I, STEPHEN N. SPRULL, CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION, THAT THE RATIO OF PRECISION AS CALCULATED IS 1:21,673; THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED, WITNESS MY HAND AND SEAL THIS DAY OF OCTOBER, 2016

STEPHEN N. SPRULL L-27223

SEABOARD COASTLINE RAILROAD
130' R/W (NOT TO SCALE)

NORTH GREENE STREET ~ NCSR 1531
100' R/W ~ 50' B/B



SERGIO ABTIA REYES AND CONSUELO HERNANDEZ MONTEIL
CDF

CITY OF GREENVILLE
CDF

EMMA JEAN EBROUN AND KENNIE EBROUN
R6

KEVIN ANDREWS
R6

VAN C. FLEMING & CO.
R6

RUBEN GLENN WILEY AND AMANDA WILEY
CH

OMG PROPERTIES, LLC
CDF

GRADY F. SMITH & CO., INC
CH

OMG PROPERTIES, LLC
CH

OWNER
JACKIE E. JAMES
3675 MACGREGOR DOWNS RD.
GREENVILLE, NC 27835

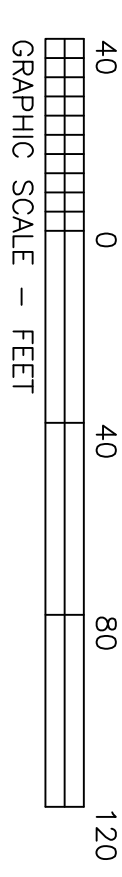
CURRENT ZONING : CDF
PROPOSED ZONING: CH

REZONING REQUEST SURVEY FOR
JACKIE E. JAMES
AND WIFE

DEBBIE A. JAMES

DEED BOOK 3298, PAGE 140
DEED BOOK 3282, PAGE 691
CITY OF GREENVILLE

GREENVILLE TOWNSHIP ~ PITT COUNTY ~ NORTH CAROLINA
DATE: SEPTEMBER 27, 2016
SCALE: 1" = 40'



NOTES

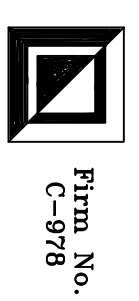
- THIS IS A REZONING REQUEST SURVEY OF PITT COUNTY TAX PARCELS 24007, 28153, 18504 AND 82436
- AS PER FEMA FLOOD INSURANCE RATE MAP 3720488900K, DATED 7-7-14, THIS PROPERTY IS LOCATED IN A SPECIAL FLOOD HAZARD AREA (ZONE AE)
- STREET MINIMUM BUILDING LINES SHOWN HEREON ARE BASED ON THE PROPOSED ZONING DESIGNATION. STREET MINIMUM BUILDING LINES IN CDF ZONES ARE 10 FEET

REFERENCES

- D.B. 3298, P. 140
- D.B. 3282, P. 691
- M.B. 2, P. 179
- PITT COUNTY REGISTRY

THIS DOCUMENT ORIGINALLY ISSUED AND SEALED ON OCTOBER 31, 2016. THIS DOCUMENT SHALL NOT BE CONSIDERED A CERTIFIED DOCUMENT SEE ORIGINAL FOR SEAL AND SIGNATURE

Sprull & Associates Inc.
2747 East Tenth Street
Greenville, North Carolina 27858
(252) 757-1200
sprull@coastalnet.com



04/30/07

BUFFERYARD SETBACK AND VEGETATION SCREENING CHART

For Illustrative Purposes Only

Bufferyard Requirements: Match proposed land use with adjacent permitted land use or adjacent vacant zone/nonconforming use to determine applicable bufferyard.

PROPOSED LAND USE CLASS (#)	ADJACENT PERMITTED LAND USE CLASS (#)					ADJACENT VACANT ZONE OR NONCONFORMING USE		PUBLIC/PRIVATE STREETS OR R.R.
	Single-Family Residential (1)	Multi-Family Residential (2)	Office/Institutional, light Commercial, Service (3)	Heavy Commercial, Light Industry (4)	Heavy Industrial (5)	Residential (1) - (2)	Non-Residential (3) - (5)	
Multi-Family Development (2)	C	B	B	B	B	C	B	A
Office/Institutional, Light Commercial, Service (3)	D	D	B	B	B	D	B	A
Heavy Commercial, Light Industry (4)	E	E	B	B	B	E	B	A
Heavy Industrial (5)	F	F	B	B	B	F	B	A

Bufferyard A (street yard)		
Lot Size	Width	For every 100 linear feet
Less than 25,000 sq.ft.	4'	2 large street trees
25,000 to 175,000 sq.ft.	6'	2 large street trees
Over 175,000 sq.ft.	10'	2 large street trees

Street trees may count toward the minimum acreage.

Bufferyard B (no screen required)	
Lot Size	Width
Less than 25,000 sq.ft.	4'
25,000 to 175,000 sq.ft.	6'
Over 175,000 sq.ft.	10'

Bufferyard C (screen required)	
Width	For every 100 linear feet
10'	3 large evergreen trees 4 small evergreens 16 evergreen shrubs

Where a fence or evergreen hedge (additional materials) is provided, the bufferyard width may be reduced to eight (8) feet.

Bufferyard D (screen required)	
Width	For every 100 linear feet
20'	4 large evergreen trees 6 small evergreens 16 evergreen shrubs

Bufferyard width may be reduced by fifty (50%) percent if a fence, evergreen hedge (additional material) or earth berm is provided.

Bufferyard E (screen required)	
Width	For every 100 linear feet
30'	6 large evergreen trees 8 small evergreens 26 evergreen shrubs

Bufferyard width may be reduced by fifty (50%) percent if a fence, evergreen hedge (additional material) or earth berm is provided.

Bufferyard F (screen required)	
Width	For every 100 linear feet
50'	8 large evergreen trees 10 small evergreens 36 evergreen shrubs

Bufferyard width may be reduced by fifty (50%) percent if a fence, evergreen hedge (additional material) or earth berm is provided.

Parking Area: Thirty (30) inch high screen required for all parking areas located within fifty (50) feet of a street right-of-way.



City of Greenville, North Carolina

Meeting Date: 12/8/2016
Time: 6:00 PM

Title of Item: Ordinance requested by Hart Trust c/o Don Parrott to rezone 1.7619 acres located at the northwestern corner of the intersection of Davenport Farm Road and Frog Level Road from O (Office) and CN (Neighborhood Commercial) to R6A (Residential [Medium Density Multi-family]) for Tract 1 and from R6A (Residential [Medium Density Multi-family]) to O (Office) for Tract 2

Explanation: **Abstract:** The City has received a request from the Hart Trust c/o Don Parrott to rezone 1.7619 acres located at the northwestern corner of the intersection of Davenport Farm Road and Frog Level Road from O (Office) and CN (Neighborhood Commercial) to R6A (Residential [Medium Density Multi-family]) for Tract 1 and from R6A (Residential [Medium Density Multi-family]) to O (Office) for Tract 2.

Required Notices:

Planning and Zoning meeting notice (property owner and adjoining property owner letter) mailed on October 31, 2016.
On-site sign(s) posted on October 31, 2016
City Council public hearing notice (property owner and adjoining property owner letter) mailed on November 22, 2016.
Public hearing legal advertisement published on November 28 and December 5, 2016.

Comprehensive Plan:

The Future Land Use and Character Map recommends traditional neighborhood, medium-high density (TNMH) at the northwestern corner of the intersection of Davenport Farm Road and Frog Level Road transitioning to residential, low-medium density (LMDR) to the north and west.

Traditional Neighborhood, Medium-High Density:

Primarily residential area featuring a mix of higher density housing types ranging

from multifamily, townhomes, and small-lot single-family detached. They are typically located within a walkable distance to a neighborhood activity center. Traditional neighborhoods should have a walkable street network of small blocks, a defined center and edges, and connections to surrounding development.

Intent:

- Provide street scape features such as sidewalks, street trees and lighting
- Allow neighborhood-scale commercial and mixed use centers at key intersections within neighborhoods

Primary Uses:

Multifamily residential

Single-family residential attached (townhomes) and detached (small-lot)

Secondary uses:

Institutional (neighborhood scale)

There is a designated neighborhood activity center at the intersection of Davenport Farm Road and Frog Level Road. These centers are intended to contain 20,000-50,000 square feet of conditioned floor space and serve an area within one mile.

Thoroughfare/Traffic Report Summary (PWD-Engineering Division):

This rezoning request is intended for zoning lines to follow parcel lines associated with the preliminary plat for Taberna Subdivision, Phase 4. As such, this should not result in a significant change in density or related traffic generating tendencies.

During the review process, measures to mitigate traffic impacts will be determined.

History/Background:

In 1998, the property was incorporated into the City's extra-territorial jurisdiction (ETJ) and zoned RA20 (Residential-Agricultural). In 2001, the property was rezoned to its current zoning pattern.

Present Land Use:

Vacant

Water/Sewer:

Water and sanitary sewer are available.

Historic Sites:

There are no known effects on designated sites.

Environmental Conditions/Constraints:

There are no known environmental conditions/constraints.

Surrounding Land Uses and Zoning:

North: R6A - Vacant (under common ownership as the applicant and is part of the approved preliminary plat for Taberna Subdivision, Phase 4)

South: O and CN - Vacant (under common ownership as the applicant)

East: O - Vacant

West: R9S - Taberna Subdivision

Fiscal Note:

No cost to the City.

Recommendation:

In staff's opinion, the request is in compliance with Horizons 2026: Greenville's Community Plan and the Future Land Use and Character Plan Map.

"In compliance with the comprehensive plan" should be construed as meaning the requested zoning is (i) either specifically recommended in the text of the Horizons Plan (or addendum to the plan) or is predominantly or completely surrounded by the same or compatible and desirable zoning and (ii) promotes the desired urban form. The requested district is considered desirable and in the public interest, and staff recommends approval of the requested rezoning.

The Planning and Zoning Commission voted 6-2 to approve the request at its November 15, 2016 meeting.

If the City Council determines to approve the zoning map amendment, a motion to adopt the attached zoning map amendment ordinance will accomplish this. The ordinance includes the statutorily required statement describing whether the action taken is consistent with the comprehensive plan and explaining why Council considers the action taken to be reasonable and in the public interest.

If City Council determines to deny the zoning map amendment, in order to comply with this statutory requirement, it is recommended that the motion be as follows:

Motion to deny the request to rezone and to make a finding and determination that the rezoning request is inconsistent with the adopted comprehensive plan including, but not limited to, Policy 1.1.1 guide development with the Future Land Use and Character Map and Policy 1.1.6 guide development using the Tiered Growth Approach, and further that the denial of the rezoning request is reasonable and in the public interest due to the rezoning request does not promote, in addition to the furtherance of other goals and objectives, the safety and general welfare of the community because the requested zoning is consistent with the recommended Future Land Use and Character designation and is located

in a Primary Service Area and at a neighborhood activity center.

Note: In addition to the other criteria, the Planning and Zoning Commission and City Council shall consider the entire range of permitted and special uses for the existing and proposed zoning districts as listed under Title 9, Chapter 4, Article D of the Greenville City Code.

Viewing Attachments Requires Adobe Acrobat. [Click here](#) to download.

Attachments / click to download

- [Attachments](#)
 - [Ordinance Hart Trust 1040929](#)
 - [Minutes Hart Trust c o Don Parrott 1040759](#)
 - [List of uses R6A O and CN 1036981](#)
-

ORDINANCE NO. 16-
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GREENVILLE
REZONING TERRITORY LOCATED WITHIN THE PLANNING AND ZONING
JURISDICTION OF THE CITY OF GREENVILLE, NORTH CAROLINA

WHEREAS, the City Council of the City of Greenville, North Carolina, in accordance with Article 19, Chapter 160A, of the General Statutes of North Carolina, caused a public notice to be given and published once a week for two successive weeks in The Daily Reflector setting forth that the City Council would, on the 8th day of December, 2016, at 6:00 p.m., in the Council Chambers of City Hall in the City of Greenville, NC, conduct a public hearing on the adoption of an ordinance rezoning the following described territory;

WHEREAS, the City Council has been informed of and has considered all of the permitted and special uses of the districts under consideration;

WHEREAS, in accordance with the provisions of North Carolina General Statute 160A-383, the City Council does hereby find and determine that the adoption of the ordinance zoning the following described property is consistent with the adopted comprehensive plan and other officially adopted plans that are applicable and that the adoption of the ordinance zoning the following described property is reasonable and in the public interest due to its consistency with the comprehensive plan and other officially adopted plans that are applicable and, as a result, its furtherance of the goals and objectives of the comprehensive plan and other officially adopted plans that are applicable;

WHEREAS, as a further description as to why the action taken is consistent with the comprehensive plan and other officially adopted plans that are applicable in compliance with the provisions of North Carolina General Statute 160A-383, the City Council of the City of Greenville does hereby find and determine that the adoption of this ordinance is consistent with provisions of the comprehensive plan including, but not limited to, Policy 1.1.1 guide development with the Future Land Use and Character Map and Policy 1.1.6 guide development using the Tiered Growth Approach; and

WHEREAS, as a further explanation as to why the action taken is reasonable and in the public interest in compliance with the provisions of North Carolina General Statute 160A-383, the City Council of the City of Greenville does hereby find and determine that the adoption of this ordinance will, in addition to the furtherance of other goals and objectives, promote the safety and general welfare of the community because the requested zoning is consistent with the recommended Future Land Use and Character designation and is located in a Primary Service Area and at a neighborhood activity center;

THE CITY COUNCIL OF THE CITY OF GREENVILLE, NORTH CAROLINA, DOES HEREBY ORDAIN:

Section 1. That the following described territory is rezoned from O (Office) and CN (Neighborhood Commercial) to R6A (Residential).

TO WIT: Robert D. Parrott, CPA, Trustee (Tract 1)

LOCATION: Located near the northwestern corner of the intersection of Frog Level Road and Davenport Farm Road.

DESCRIPTION: Lying and being situate in Winterville Township, Pitt County, North Carolina and being more particularly described as follows:

Beginning at the southeast corner of Lot 13 Taberna, Phase 1, Section 1 as recorded in Map Book 61, Page 8 of the Pitt County Registry, thence from said point of beginning N 85°26'28" E, 456.42', thence S 45°22'12" W – 298.26', thence S 85°26'28" W – 248.82' to the eastern line of Taberna, Phase 1, Section 1, thence with the eastern line of Taberna, Phase 1, Section 1 N 06°39'54" W – 47.30', thence N 00°50'20" E – 37.14', thence N 05°22'49" E – 109.40' to the point of beginning containing 1.5730 acres.

Section 2. That the following described territory is rezoned from R6A (Residential) to O (Office).

TO WIT: Robert D. Parrott, CPA, Trustee (Tract 2)

LOCATION: Located near the northwestern corner of the intersection of Frog Level Road and Davenport Farm Road.

DESCRIPTION: Lying and being situate in Winterville Township, Pitt County, North Carolina and being more particularly described as follows:

Beginning at a point in the western right-of-way of NCSR 1127 – Frog Level Road said point being located N 04°32'18" E – 224.20', thence N 03°50'42" E – 99.10', thence N 01°08'18" E – 16.83', thence N 01°20'38" E – 81.55', thence N 02°34'28" W – 98.57', thence N 04°10'24" W – 99.49', thence N 04°33'32" W – 207.82' from the intersection of the western right-of-way of NCSR 1127 and the northern right-of-way of NCSR 1128 – Davenport Farm Road, thence from said point of beginning leaving the western right-of-way of NCSR 1127 S 85°26'28" W – 182.78', thence N 45°22'12" E – 85.06', thence N 85°26'28" E – 117.69' to the western right-of-way of NCSR 1127, thence with the western right-of-way of NCSR 1127 S 04°33'32" E – 54.76' to the point of beginning containing 0.1889 acres.

Section 3. That the Director of Community Development is directed to amend the zoning map of the City of Greenville in accordance with this ordinance.

Section 4. That all ordinances and clauses of ordinances in conflict with this ordinance are hereby repealed.

Section 5. That this ordinance shall become effective upon its adoption.

ADOPTED this 8th day of December, 2016.

Allen M. Thomas, Mayor

ATTEST:

Carol L. Barwick, City Clerk

Doc. # 1040929

Excerpt from DRAFT the Planning & Zoning Commission Minutes (11/15/2016)

ORDINANCE REQUESTED BY HART TRUST C/O DON PARROTT TO REZONE 1.7619 ACRES LOCATED AT THE NORTHWESTERN CORNER OF THE INTERSECTION OF DAVENPORT FARM ROAD AND FROG LEVEL ROAD FROM O (OFFICE) AND CN (NEIGHBORHOOD COMMERCIAL) TO R6A (RESIDENTIAL [MEDIUM DENSITY MULTI-FAMILY]) FOR TRACT 1 AND FROM R6A (RESIDENTIAL [MEDIUM DENSITY MULTI-FAMILY]) TO O (OFFICE) FOR TRACT 2 – APPROVED

Ms. Gooby delineated the property. It is located in the southwestern quadrant of the city at the intersection of Frog Level Road and Davenport Farm Road. This rezoning is in conjunction with a preliminary plat for Taberna, Phase 4 that was approved by the commission in a previous item tonight. This rezoning will have zoning lines follow lot lines of the plat. This area is mainly residential and vacant properties. This area was part of an extra-territorial jurisdiction (ETJ) in 1998 and was rezoned to its current zoning pattern in 2001. The Future Land Use and Character Map recommends TNMH (Traditional Neighborhood, Medium-High Density) at the northwestern corner of the intersection of Frog Level Road and Davenport Farm Road transitioning to LMDR (Residential, Low-Medium Density). In staff's opinion, the request is in compliance with Horizons 2026: Greenville's Community Plan and the Future Land Use and Character Plan Map.

Ms. Leech asked if it was possible to rezone these lots to R6S to alleviate the concerns of the neighborhood?

Attorney Holec stated the Commission can only rezone the properties that are included in this request tonight. You have the ability to rezone all of the property that is included in the preliminary plat to R6S but would need the consent of the property owner. The Commission may only vote on the request that is before it tonight. The representative of the applicant has indicated the applicant would be amenable to rezoning all the property to R6S.

Ms. Darden asked if we can make a motion to change the request to R6S?

Attorney Holec stated that the commission would need the representative of the applicant to agree to the change or the commission can wait until the end of the meeting to initiate a rezoning of the entire property.

Mr. Overton stated that he was surprised to learn that the commission can initiate a rezoning. This could set a bad precedent. However, if the representative is amenable, then a new rezoning would take care of the neighborhood concern.

Chairman King asked if Mr. Malpass are you willing to state that that applicant is willing to amend the request to R6S?

Mr. Malpass stated that the applicant would be willing to request the entire area be rezoned R6S.

Mr. Schrade stated the applicant brought a preliminary plat for single-family lots. I don't understand why the commission would require a rezoning to R6S.

Mr. Malpass stated the only objection would be that the lots not be split-zoned: R6A and R6S. The developer's intent is to develop single-family homes.

Attorney Holec asked Mr. Malpass if he was willing to submit a new rezoning application and fee for a new rezoning for the entire property?

Mr. Malpass stated that the applicant would be amenable but would hate to pay additional fees when the intent to build single-family homes is still accomplished under the current rezoning request. I prefer the commission to initiate the rezoning.

Ms. Leech asked if the new request would have to come back next month as a new request?

Ms. Bellis asked Mr. Malpass if this action would slow down your progress?

Mr. Malpass stated no.

Mr. Mills stated he would not support the commission initiating a rezoning request of someone else's property. We are making this harder than it has to be. We have already approved a single-family preliminary plat tonight. Staff has explained this request will clean up the zoning lines to match lot lines. I don't want to subject the property owner to additional fees and time. We need to vote on what is before us tonight so that the request can go to Council.

Chairman King opened the public hearing.

Ken Malpass, representative of the applicant, spoke in favor of the request.

Chekesha Hukins, 1101 Bryson Court, stated she wants a guarantee for the homeowners that the property will be developed as single-family.

James Kieffer, 1101 Josh Court, stated my cul-de-sac will be extended to connect with the approved preliminary plat and objects to the rezoning and wants the property to stay as commercial and office.

Mr. Malpass stated the standards for streets are the same for residential and non-residential streets so Josh Court will still connect with any streets regardless of the zoning. This allows for inter-connectivity.

Chairman King closed the public hearing and opened for board discussion.

Motion made by Mr. Overton, seconded by Mr. Mills, to recommend approval of the proposed amendment to advise that it is consistent with the Comprehensive Plan and other applicable plans and to adopt the staff report which addresses plan consistency and other

matters. Those voting in favor: Overton, Reid, Collins, Bellis, Mills and Schrade. Those voting against: Darden and Leech. Motion passed.

CURRENT AND PROPOSED ZONING

R6A (Residential)

Permitted Uses

(1) General:

- a. Accessory use or building
- c. On-premise signs per Article N

(2) Residential:

- a. Single-family dwelling
- b. Two-family attached dwelling (duplex)
- b(1). Master Plan Community per Article J
- c. Multi-family development per Article 1
- f. Residential cluster development per Article M
- k. Family care home (see also section 9-4-103)
- q. Room renting

*(3) Home Occupations (see all categories):*None*

(4) Governmental:

- b. City of Greenville municipal government building or use (see also section 9-4-103)

(5) Agricultural/ Mining:

- a. Farming; agriculture, horticulture, forestry (see also section 9-4-103)
- l. Beekeeping; minor use (see also section 9-4-103)

(6) Recreational/ Entertainment:

- f. Public park or recreational facility
- g. Private noncommercial park or recreational facility

(7) Office/ Financial/ Medical: None*

(8) Services:

- o. Church or place of worship (see also section 9-4-103)

(9) Repair: None*

(10) Retail Trade: None*

(11) Wholesale/ Rental/ Vehicle- Mobile Home Trade: None*

(12) Construction:

- c. Construction office; temporary, including modular office (see also section 9-4-103)

(13) Transportation: None*

(14) *Manufacturing/ Warehousing*: * None

(15) *Other Activities (not otherwise listed - all categories)*:* None

R6A (Residential)

Special Uses

(1) *General*:* None

(2) *Residential*:

- d. Land use intensity multifamily (LUI) development rating 50 per Article K
- e. Land use intensity dormitory (LUI) development rating 67 per Article K
- l. Group care facility
- n. Retirement center or home
- o.(1). Nursing, convalescent center or maternity home; minor care facility
- p. Board or rooming house
- r. Fraternity or sorority house

(3) *Home Occupations (see all categories)*:

- a. Home occupation; not otherwise listed
- b. Home occupation; barber and beauty shops
- c. Home occupation; manicure, pedicure or facial salon

(4) *Governmental*:

- a. Public utility building or use

(5) *Agricultural/ Mining*:* None

(6) *Recreational/ Entertainment*:

- a. Golf course; 18-hole regulation (see also section 9-4-103)
- a(1). Golf course; 9-hole regulation (see also section 9-4-103)
- c.(1). Tennis club; indoor and outdoor facilities

(7) *Office/ Financial/ Medical*:* None

(8) *Services*:

- a. Child day care facilities
- b. Adult day care facilities
- d. Cemetery
- g. School; junior and senior high (see also section 9-4-103)
- h. School; elementary (see also section 9-4-103)
- i. School; kindergarten or nursery (see also section 9-4-103)
- m. Multi-purpose center
- t. Guest house for a college and other institutions of higher learning

(9) *Repair*:* None

(10) *Retail Trade*:* None

(11) *Wholesale/ Rental/ Vehicle- Mobile Home Trade*:* None

(12) *Construction*:* None

(13) *Transportation*:* None

(14) *Manufacturing/ Warehousing*: * None

(15) *Other Activities (not otherwise listed - all categories)*:* None

O (Office)

Permitted Uses

(1) *General*:

- a. Accessory use or building
- b. Internal service facilities
- c. On-premise signs per Article N
- f. Retail sales; incidental

(2) *Residential*:* None

(3) *Home Occupations (see all categories)*:*None

(4) *Governmental*:

- b. City of Greenville municipal government building or use (see also section 9-4-103)
- c. County or state government building or use not otherwise listed; excluding outside storage and major or minor repair
- d. Federal government building or use

(5) *Agricultural/ Mining*:

- a. Farming; agriculture, horticulture, forestry (see also section 9-4-103)

(6) *Recreational/ Entertainment*:

- f. Public park or recreational facility

(7) *Office/ Financial/ Medical*:

- a. Office; professional and business, not otherwise listed
- d. Bank, savings and loan or other savings or investment institutions
- e. Medical, dental, ophthalmology or similar clinic, not otherwise listed

(8) *Services*:

- c. Funeral home

- e. Barber or beauty shop
- g. School; junior and senior high (see also section 9-4-103)
- h. School; elementary (see also section 9-4-103)
- i. School; kindergarten or nursery (see also section 9-4-103)
- o. Church or place of worship (see also section 9-4-103)
- p. Library
- q. Museum
- r. Art Gallery
- u. Art studio including art and supply sales
- v. Photography studio including photo and supply sales
- w. Recording studio
- x. Dance studio

(9) *Repair*:* None

(10) *Retail Trade*:

- s. Book or card store, news stand
- w. Florist

(11) *Wholesale/ Rental/ Vehicle- Mobile Home Trade*:* None

(12) *Construction*:

- c. Construction office; temporary, including modular office (see also section 9-4-103)

(13) *Transportation*:* None

(14) *Manufacturing/ Warehousing*: * None

(15) *Other Activities (not otherwise listed - all categories)*:* None

O (Office)

Special Uses

(1) *General*:* None

(2) *Residential*:

- i. Residential quarters for resident manager, supervisor or caretaker; excluding mobile homes

(3) *Home Occupations (see all categories)*:* None

(4) *Governmental*:

- a. Public utility building or use

(5) *Agricultural/ Mining*:* None

(6) *Recreational/ Entertainment*:* None

(7) *Office/ Financial/ Medical:** None

(8) *Services:*

- a. Child day care facilities
- b. Adult day care facilities
- j. College and other institutions of higher learning
- l. Convention center; private
- bb. Civic organizations
- cc. Trade and business organizations

(9) *Repair:** None

(10) *Retail Trade:** None

(11) *Wholesale/ Rental/ Vehicle- Mobile Home Trade:** None

(12) *Construction:** None

(13) *Transportation:** None

(14) *Manufacturing/ Warehousing:* * None

(15) *Other Activities (not otherwise listed - all categories):** None

CN (Neighborhood Commercial)

Permitted Uses

(1) *General:*

- a. Accessory use or building
- b. Internal service facilities
- c. On-premise signs per Article N
- f. Retail sales; incidental

(2) *Residential:** None

(3) *Home Occupations (see all categories):**None

(4) *Governmental:*

- b. City of Greenville municipal government building or use (see also section 9-4-103)

(5) *Agricultural/ Mining:*

- a. Farming; agriculture, horticulture, forestry (see also section 9-4-103)
- l. Beekeeping; minor use (see also section 9-4-103)

(6) *Recreational/ Entertainment:*

- f. Public park or recreational facility

s. Athletic club; indoor only

(7) Office/ Financial/ Medical:

- a. Office; professional and business, not otherwise listed
- d. Bank, savings and loan or other savings or investment institutions
- e. Medical, dental, ophthalmology or similar clinic, not otherwise listed

(8) Services:

- e. Barber or beauty shop
- f. Manicure, pedicure, or facial salon
- o. Church or place of worship (see also section 9-4-103)
- x. Dance studio
- hh. Exercise and weight loss studio; indoor only
- kk. Launderette; household users
- ll. Dry cleaners; household users

(9) Repair: None*

(10) Retail Trade:

- c. Grocery; food or beverage, off premise consumption (see also Wine Shop)
- c.1 Wine shop (see also section 9-4-103)
- d. Pharmacy
- e. Convenience store (see also gasoline sales)
- h. Restaurant; conventional

(11) Wholesale/ Rental/ Vehicle- Mobile Home Trade: None*

(12) Construction:

- c. Construction office; temporary, including modular office (see also section 9-4-103)

(13) Transportation: None*

*(14) Manufacturing/ Warehousing: * None*

(15) Other Activities (not otherwise listed - all categories): None*

CN (Neighborhood Commercial)

Special Uses

(1) General: None*

(2) Residential: None*

(3) Home Occupations (see all categories): None*

(4) Governmental:

a. Public utility building or use

(5) *Agricultural/ Mining:** None

(6) *Recreational/ Entertainment:*

t. Athletic club; indoor and outdoor facilities

(7) *Office/ Financial/ Medical:*

* None

(8) *Services:*

a. Child day care facilities

b. Adult day care facilities

aa. Catering service including food preparation (see also restaurant; conventional and fast food)

(9) *Repair:*

b. Minor repair; as an accessory or principal use

(10) *Retail Trade:*

b. Gasoline or automotive fuel sales; accessory or principal use, retail

i. Restaurant; fast food

j. Restaurant; regulated outdoor activities

u. Pet shop (see also animal boarding; outside facility)

(11) *Wholesale/ Rental/ Vehicle- Mobile Home Trade:** None

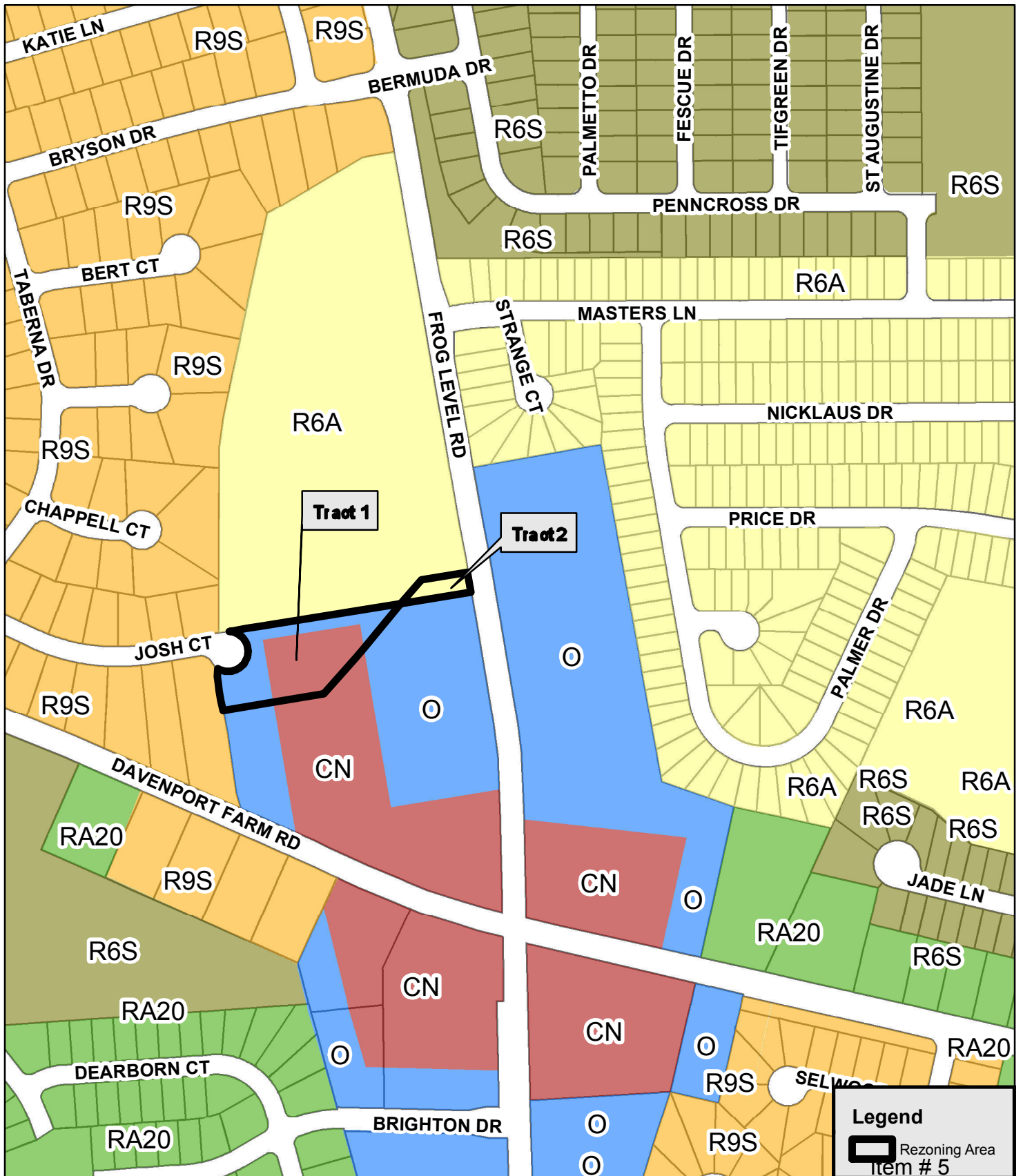
(12) *Construction:** None

(13) *Transportation:** None


(14) *Manufacturing/ Warehousing:* * None

(15) *Other Activities (not otherwise listed - all categories):** None

Hart Trust c/o Don Parrott
Tract 1: O and CN to R6A (1.5730 acres)
Tract 2: R6A to O (0.1889 acres)
September 6, 2016

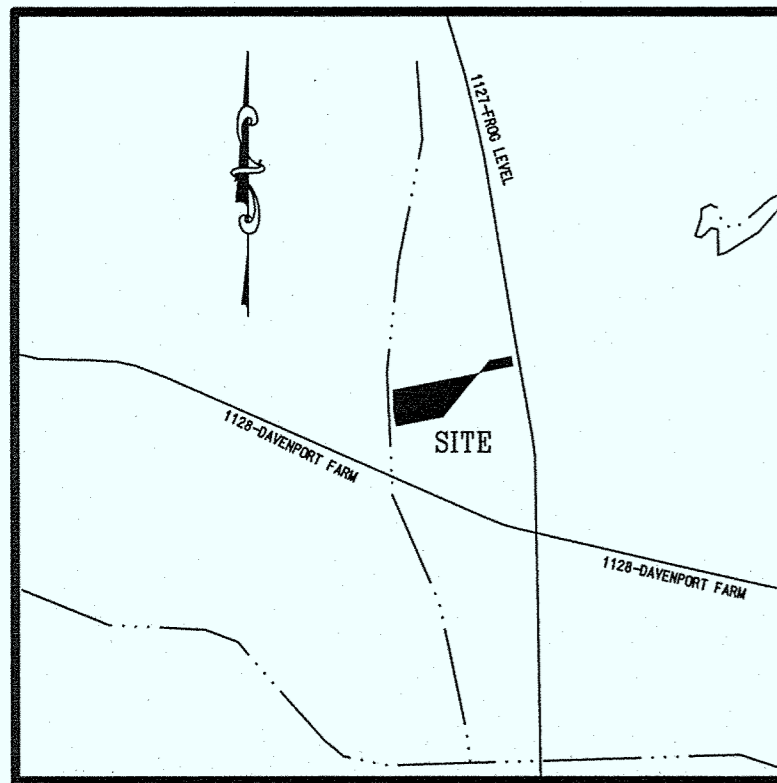


Legend

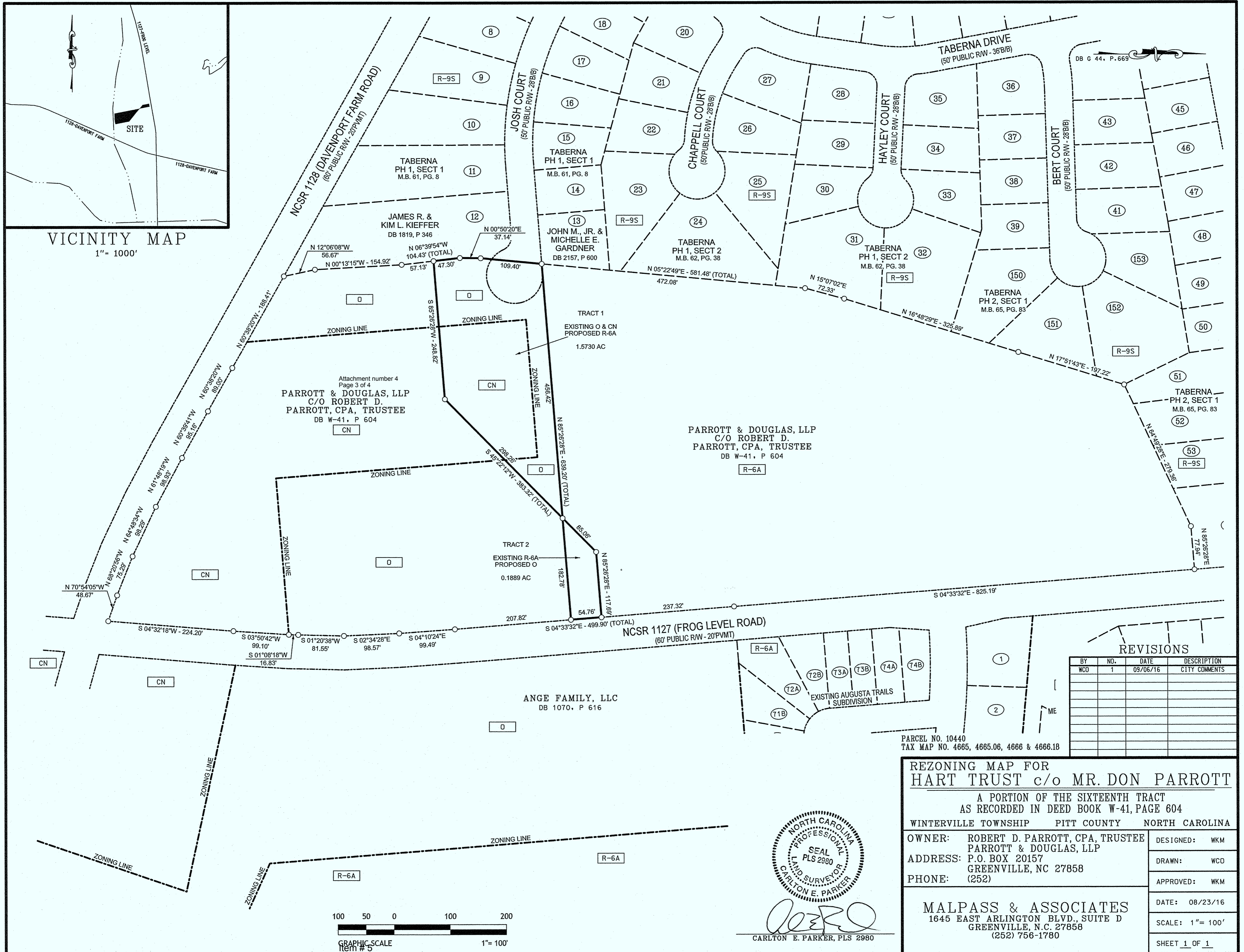
 Rezoning Area
Item # 5

Hart Trust c/o Don Parrott
Tract 1: O and CN to R6A (1.5730 acres)
Tract 2: R6A to O (0.1889 acres)
September 6, 2016





VICINITY MAP
1" = 1000'



REVISIONS			
BY	NO.	DATE	DESCRIPTION
WCO	1	09/06/16	CITY COMMENTS

PARCEL NO. 10440
TAX MAP NO. 4665, 4665.06, 4666 & 4666.18



CARLTON E. PARKER, PLS 2980

**REZONING MAP FOR
HART TRUST c/o MR. DON PARROTT**

A PORTION OF THE SIXTEENTH TRACT
AS RECORDED IN DEED BOOK W-41, PAGE 604

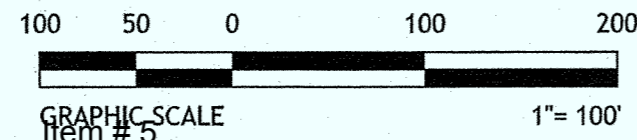
WINTERVILLE TOWNSHIP PITT COUNTY NORTH CAROLINA

OWNER: ROBERT D. PARROTT, CPA, TRUSTEE
PARROTT & DOUGLAS, LLP
ADDRESS: P.O. BOX 20157
GREENVILLE, NC 27858
PHONE: (252)

DESIGNED: WKM
DRAWN: WCO
APPROVED: WKM

DATE: 08/23/16
SCALE: 1" = 100'
SHEET 1 OF 1

MALPASS & ASSOCIATES
1645 EAST ARLINGTON BLVD., SUITE D
GREENVILLE, N.C. 27858
(252) 756-1780



04/30/07

BUFFERYARD SETBACK AND VEGETATION SCREENING CHART

For Illustrative Purposes Only

Bufferyard Requirements: Match proposed land use with adjacent permitted land use or adjacent vacant zone/nonconforming use to determine applicable bufferyard.

PROPOSED LAND USE CLASS (#)	ADJACENT PERMITTED LAND USE CLASS (#)					ADJACENT VACANT ZONE OR NONCONFORMING USE		PUBLIC/PRIVATE STREETS OR R.R.
	Single-Family Residential (1)	Multi-Family Residential (2)	Office/Institutional, light Commercial, Service (3)	Heavy Commercial, Light Industry (4)	Heavy Industrial (5)	Residential (1) - (2)	Non-Residential (3) - (5)	
Multi-Family Development (2)	C	B	B	B	B	C	B	A
Office/Institutional, Light Commercial, Service (3)	D	D	B	B	B	D	B	A
Heavy Commercial, Light Industry (4)	E	E	B	B	B	E	B	A
Heavy Industrial (5)	F	F	B	B	B	F	B	A

Bufferyard A (street yard)		
Lot Size	Width	For every 100 linear feet
Less than 25,000 sq.ft.	4'	2 large street trees
25,000 to 175,000 sq.ft.	6'	2 large street trees
Over 175,000 sq.ft.	10'	2 large street trees

Street trees may count toward the minimum acreage.

Bufferyard B (no screen required)	
Lot Size	Width
Less than 25,000 sq.ft.	4'
25,000 to 175,000 sq.ft.	6'
Over 175,000 sq.ft.	10'

Bufferyard C (screen required)	
Width	For every 100 linear feet
10'	3 large evergreen trees 4 small evergreens 16 evergreen shrubs

Where a fence or evergreen hedge (additional materials) is provided, the bufferyard width may be reduced to eight (8) feet.

Bufferyard D (screen required)	
Width	For every 100 linear feet
20'	4 large evergreen trees 6 small evergreens 16 evergreen shrubs

Bufferyard width may be reduced by fifty (50%) percent if a fence, evergreen hedge (additional material) or earth berm is provided.

Bufferyard E (screen required)	
Width	For every 100 linear feet
30'	6 large evergreen trees 8 small evergreens 26 evergreen shrubs

Bufferyard width may be reduced by fifty (50%) percent if a fence, evergreen hedge (additional material) or earth berm is provided.

Bufferyard F (screen required)	
Width	For every 100 linear feet
50'	8 large evergreen trees 10 small evergreens 36 evergreen shrubs

Bufferyard width may be reduced by fifty (50%) percent if a fence, evergreen hedge (additional material) or earth berm is provided.

Parking Area: Thirty (30) inch high screen required for all parking areas located within fifty (50) feet of a street right-of-way.



City of Greenville, North Carolina

Meeting Date: 12/8/2016
Time: 6:00 PM

Title of Item: Ordinance to amend the Zoning Ordinance to add placement and aesthetic review criteria for distributed antenna systems (DAS)

Explanation: **Abstract:** Adoption of this Zoning Ordinance Text Amendment will allow the City to apply placement and aesthetic review criteria to distributed antenna systems (DAS).

Explanation: Distributed Antenna Systems (DAS) equipment is a network of spatially separated antenna sites and supporting equipment connected to a common source that provides wireless service within a geographic area or structure. This equipment is utilized to improve the connection to wireless services by those using wireless devices. Recent changes by the Federal Communications Commission has made this technology more readily available in communities to improve wireless services.

The proposed ordinance establishes certain standards for the use and placement of DAS equipment located within the public right-of-way and on existing utility devices as well as standards for equipment mounted outside of the public right-of-way on private property. Standards are also established for placement of DAS equipment in the Downtown Commercial (CD) zoning district.

Details regarding this text amendment are provided in the attached staff report.

Fiscal Note: No cost to the City.

Recommendation: In staff opinion, the proposed Zoning Ordinance Text Amendment is in compliance with Horizons 2026: Greenville's Community Plan.

The Planning and Zoning Commission unanimously voted to recommend approval of the request at its November 15, 2016 meeting. (Exhibit A)

If the City Council determines to approve the text amendment, a motion to adopt the attached text amendment ordinance will accomplish this. The ordinance includes the statutorily required statement describing whether the action taken is consistent with the comprehensive plan and explaining why Council considers the action taken to be reasonable and in the public interest.

If the City Council determines to deny the text amendment, in order to comply with statutory requirements, it is recommended that the motion be as follows:

"Motion to deny the requested text amendment, to make a finding and determination that the requested text amendment is inconsistent with the comprehensive plan or other applicable plans, including but not limited to the following: Horizons 2026: Greenville's Community Plan, Chapter 4, Policy 4.1.4 to: continue to market Greenville's excellent business climate; where appropriate, promote flexibility in development regulations to ensure a business climate that encourages growth and expansion; support business growth, expansion, and retention through strategic public investments; ensure land use regulations align with industry needs.

Viewing Attachments Requires Adobe Acrobat. [Click here](#) to download.

Attachments / click to download

 [Staff Report and Exhibit A](#)

 [DAS_Zoning_Ordinance_Text_Amendment_1040309](#)

ORDINANCE NO. 16-
AN ORDINANCE AMENDING THE ZONING ORDINANCE
OF THE CITY OF GREENVILLE, NORTH CAROLINA

WHEREAS, the City Council of the City of Greenville, North Carolina, in accordance with Article 19, Chapter 160A, of the General Statutes of North Carolina, caused a public notice to be given and published once a week for two successive weeks in The Daily Reflector setting forth that the City Council would, on December 8, 2016, at 6:00 p.m., in the City Council Chambers of City Hall in the City of Greenville, NC, conduct a public hearing on the adoption of an ordinance amending the City Code; and

WHEREAS, in accordance with the provisions of North Carolina General Statute 160A-383, the City Council of the City of Greenville does hereby find and determine that the adoption of the ordinance involving the text amendment is consistent with the adopted comprehensive plan and other officially adopted plans that are applicable and that the adoption of the ordinance involving the text amendment is reasonable and in the public interest due to its consistency with the comprehensive plan and other officially adopted plans that are applicable and, as a result, its furtherance of the goals and objectives of the comprehensive plan and other officially adopted plans that are applicable;

WHEREAS, as a further description as to why the action taken is consistent with the comprehensive plan and other officially adopted plans that are applicable in compliance with the provisions of North Carolina General Statute 160A-383, the City Council of the City of Greenville does hereby find and determine that the adoption of this ordinance is consistent with provisions of the comprehensive plan including, but not limited to, Horizons 2026: Greenville's Community Plan, Chapter 4, Growing the Economic Hub, Policy 4.1.4, Support a Positive Business Climate;

WHEREAS, as a further explanation as to why the action taken is reasonable and in the public interest in compliance with the provisions of North Carolina General Statute 160A-383, the City Council of the City of Greenville does hereby find and determine that the adoption of this ordinance will, in addition to the furtherance of other goals and objectives, improve health and safety, and of existing nonconforming uses and to continue to market Greenville's excellent business climate, promote flexibility in development regulations to ensure a business climate that encourages growth and expansion, and support business growth, expansion, and retention through strategic public improvements;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GREENVILLE, NORTH CAROLINA, DOES HEREBY ORDAIN:

Section 1: That Title 9, Chapter 4, Article B, Section 9-4-22 of the City Code is hereby amended by adding the following definition for "Distributed Antenna System":

Distributed Antenna Systems (DAS) equipment. A network of spatially separated antenna sites and supporting equipment connected to a common source that provides wireless service within a geographic area or structure, DAS and supporting DAS equipment are not

considered a public utility or use and as such, are not exempt from placement preference regulations when DAS equipment is proposed on city-owned property, within public rights-of-way and on or adjacent to existing or planned sidewalks as set forth in Section 9-4-103(Q). The equipment and structures to support DAS are free-standing telecommunication towers even if they are intended to replace existing light poles, utility poles, or similar structures.

Section 2: That Title 9, Chapter 4, Article B, Section 9-4-22 of the City Code is hereby amended by replacing the definition for “Public utility building or use” to read as follows:

Public utility building or use. Any above-ground building or use necessary for the delivery of electric, water, sanitary sewer, storm drainage, gas, telephone, cable TV or other utility service system which meets any one of the following conditions. Distributed Antenna Systems (DAS) and supporting DAS equipment are not considered a public utility or use.

- (1) Utilizes structures in excess of 100 square feet;
- (2) Utilizes any structure in excess of 15 feet in height;
- (3) Requires any on-site permanent maintenance or service attendant;
- (4) Requires or utilizes three or more parking spaces; and
- (5) Creates noise, smoke, dust, odor, glare or any other condition which may have an adverse impact on area properties or uses.

Section 3: That Title 9, Chapter 4, Article F, Section 9-4-78 (Appendix A), of the City Code is hereby amended by adding the following new land use:

(8)(y)(4). “Distributed Antenna System (see also 9-4-103(Q))”; by allowing as a permitted land use, by right, in the MI, MS, MO, MCG, MR, MCH, MRS, OR, O, CD, CDF, CG, CH, IU, I, PIU, and PI zoning districts.

Section 4: That Title 9, Chapter 4, Article F, Section 9-4-98 of the City Code is hereby amended by rewriting subsection (A) to read as follows:

- (A) The height limits of these regulations shall not apply to a church spire, belfry, cupola or dome; an ornamental tower not intended for human occupancy; a conveyor or a parapet wall not extended more than three feet above the roof line of the building; and other necessary mechanical or communication appurtenances attached to the roof of a building. Height limits of these regulations shall apply to distributed antenna systems (DAS) installed on all types of posts, towers and structures.

Section 5: That Title 9, Chapter 4, Article F, Section 9-4-103 of the City Code is hereby amended by rewriting the title of subsection (Q) to read as follows:

- (Q) Television and radio broadcast, cellular telephone, wireless communication towers and distributed antenna systems (DAS).

Section 6: That Title 9, Chapter 4, Article F, Section 9-4-103 of the City Code is hereby

amended by adding subsection (Q)(4) to read as follows:

- (4) Digital antenna systems (DAS) located within right-of-way, on city owned infrastructure, on Greenville Utilities Commission owned infrastructure and/or on city property shall be subject to all of the following requirements even if they are intended to replace existing light poles, utility poles or similar structures or are proposed as free-standing towers. Only the minimal use of the public right-of-way and/or city owned and Greenville Utilities Commission owned infrastructure is allowed because the space in the right-of-way should be reserved for public utilities and should be free of safety hazards. In addition, telecommunications facilities located in the right-of-way and mounted on city owned and Greenville Utilities Commission owned infrastructure have the potential of being very visible to pedestrians and the traveling public. In order to locate in a public right-of-way, the size and visibility of DAS equipment and their support structures must use be minimized. Application and permitting of DAS equipment are subject to review procedures in Title 6, Chapter 2:
 - (a) DAS located within right-of-way, on city owned infrastructure, on Greenville Utility Commission owned infrastructure, replacing existing power or lights poles owned by the City or Greenville Utilities Commission and/or on city owned property within any district and adjacent to a designated major or minor thoroughfare except within the CD District, shall be subject to all of the following requirements:
 - (1) The height of DAS equipment, including support poles, whether they are replacing existing light posts, are mounted to existing light posts or are freestanding poles shall not exceed 35 feet above grade, including the top of an antenna.
 - (2) Where ground-mounted equipment and support poles are proposed on city owned sidewalks, there must be a minimum of five feet of unobstructed sidewalk remaining for pedestrians to pass by the installation or as determined by the Director of Public Works.
 - (3) The location of DAS equipment and support structures must not restrict sight triangles of pedestrians or motorists to roadway intersections and public or private driveways.
 - (b) DAS located within right-of-way, on city owned infrastructure, on Greenville Utility Commission owned infrastructure, replacing existing power or lights poles owned by the City or Greenville Utilities Commission and/or on city owned property within the CD District, shall be subject to all of the following requirements:
 - (1) The height of DAS equipment, including support poles, whether they are replacing existing light posts, are mounted to existing light posts or are freestanding poles shall not exceed 25 feet above grade, including the

antenna, must not have antennas longer than 6 feet, must be painted to match the color of the poles.

- (2) Ground-mounted DAS accessory equipment is not allowed in the CD district.
- (3) Where DAS support poles are proposed on city owned sidewalks, there must be a minimum of five feet of unobstructed sidewalk remaining for pedestrians to pass by the installation or as determined by the Director of Public Works.
- (4) The location of DAS equipment and support structures must not restrict sight triangles of pedestrians or motorists to roadway intersections and public or private driveways.
- (5) DAS equipment shall be painted to match the poles to which they are affixed or shall match the color of city-owned and Greenville Utilities Commission owned light poles if they are new or are replacing light poles and shall be designed to minimize the visibility of cables and other appurtenances.

Section 7. That any part or provision of this ordinance found by a court of competent jurisdiction to be in violation of the Constitution or laws of the United States or North Carolina is hereby deemed severable and shall not affect the validity of the remaining provisions of the ordinance.

Section 8. That this ordinance shall become effective immediately upon adoption.

Adopted this 8th day of December, 2016.

Allen M. Thomas, Mayor

ATTEST:

Carol L. Barwick, City Clerk

#1040309

Staff Report to City Council Distributed Antenna Systems (DAS) – Text Amendment

Contents

Background	1
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**City of Greenville
Community Development Department - Planning Division
November 18, 2016**

Background

The City's zoning regulations for communications towers, antennas, and base units are contained in the Greenville Code of Ordinances, Title 9, Chapter 4, Article F, Section 9-4-103(Q). The current regulations were drafted at a time when antennas were bulky and bolted to the tops of guyed or lattice towers. While that kind of "macrocell" deployment still exists and will continue to exist, there are now a variety of complementary and alternative technologies that are much smaller. Distributed antenna system (DAS) networks and other small cell systems of different nomenclature use components that are a fraction of the size of macrocell deployments, and can be installed on utility poles, buildings, and other smaller structures.

Currently, DAS and small cell networks do not exist on infrastructure in the public right-of-way in Greenville. In response to these technological advances, the City has received a number of requests to attach telecommunications antennas to City-owned infrastructure, replace existing light poles with new light poles outfitted with DAS equipment and install DAS equipment on other city owned property not located within rights-of-way, allowing carriers to manage signal demand in areas with high volume usage such as downtown Greenville and along major roadway corridors.

A companion ordinance to amend the Greenville Code of Ordinances, Title 6, Public Works for the City Council's December 8, 2016 meeting is being prepared to create an application and permitting process for DAS equipment. Under that ordinance, eligible requests would be approved by the Director of Public Works through a permitting process while applying the placement and aesthetic regulations what will reside in the Zoning Ordinance proposed in this text amendment.

This text amendment proposes to allow the City to administratively review DAS equipment, by right, without the step of requiring a special use permit (SUP). DAS and small cell networks require a large number of small antennas to achieve network benefits, which would consequently require the processing of a large number of SUPs. Processing a SUP for each attachment on each pole would be burdensome for all parties and the level of scrutiny would not be commensurate with the impact of the use. Antennas mounted to light poles and similar structures that do not meet these provisions would continue to require a SUP.

The reasons for the proposed amendment are to remove barriers to fair, reasonable, and non-discriminatory access to available capacity on City-owned infrastructure located within the public right-of-way, to ensure that communication antennas and associated equipment are placed appropriately and are compatible with surrounding uses, and to do so in an equitable manner consistent with applicable federal, state, and local laws.

Another reason this amendment is necessary is related to a Federal requirement to conduct timely reviews of telecommunication equipment of this kind. Federal law limits the review period for telecommunications applications to 150 days. Meeting the federally imposed time frames will be made less burdensome by allowing administrative review for applications that fall within the provisions of the ordinance.

Reviewing attachment permits administratively significantly shortens the review period and eliminates the uncertainties associated with a special use permits.

DAS and small cell systems will work in conjunction with traditional macrocell deployments to provide increased coverage in areas with very high cell phone usage. Allowing this new and smaller telecommunication technology could substantially improve service levels in high-density areas, such as downtown Greenville and along major roadway corridors, while reducing the need for additional macrocell antennas.

Attached are photographs of DAS and small cell equipment.

Proposed Text Amendment

In order to amend the Zoning Ordinance to allow the City to review placement and aesthetic criteria of DAS equipment, a text amendment would need to be adopted. The Planning and Zoning Commission reviewed this proposed text amendment during their November 15, 2016 meeting and unanimously recommended adoption. This text amendment application requires a public hearing before City Council.

Proposed text amendments to add placement and aesthetic review criteria for DAS equipment are illustrated below using underlined text to denote regulations to be added in three areas of the Zoning Ordinance.

Title 9, Chapter 4, Article B, Section 9-4-22 of the City Code is proposed to be amended by adding the following definition for “Distributed Antenna System”:

Distributed Antenna Systems (DAS) equipment. A network of spatially separated antenna sites and supporting equipment connected to a common source that provides wireless service within a geographic area or structure, DAS and supporting DAS equipment are not considered a public utility or use and as such, are not exempt from placement preference regulations when DAS equipment is proposed on city-owned property, within public rights-of-way and on or adjacent to existing or planned sidewalks as set forth in Section 9-4-103(O). The equipment and structures to support DAS are free-standing telecommunication towers even if they are intended to replace existing light poles, utility poles, or similar structures.

Title 9, Chapter 4, Article B, Section 9-4-22 is proposed to be amended by replacing the definition for “Public utility building or use” to read as follows:

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- (1) Utilizes structures in excess of 100 square feet;
- (2) Utilizes any structure in excess of 15 feet in height;
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Title 9, Chapter 4, Article F, Section 9-4-78 (Appendix A), is proposed to be amended by adding the following new land use:

(8)(y)(4). “Distributed Antenna System (see also 9-4-103(Q)); by allowing as a permitted land use, by right, in the MI, MS, MO, MCG, MR, MCH, MRS, OR, O, CD, CDF, CG, CH, IU, I, PIU, and PI zoning districts.

Title 9, Chapter 4, Article F, Section 9-4-98 is proposed to be amended by rewriting subsection (A) to read as follows:

- (A) *The height limits of these regulations shall not apply to a church spire, belfry, cupola or dome; an ornamental tower not intended for human occupancy; a conveyor or a parapet wall not extended more than three feet above the roof line of the building; and other necessary mechanical or communication appurtenances attached to the roof of a building. Height limits of these regulations shall apply to distributed antenna systems (DAS) installed on all types of posts, towers and structures.*

Title 9, Chapter 4, Article F, Section 9-4-103 is proposed to be amended by rewriting the title of subsection (Q) to read as follows:

- (Q) *Television and radio broadcast, cellular telephone, ~~and~~ wireless communication towers and distributed antenna systems (DAS).*

Title 9, Chapter 4, Article F, Section 9-4-103 is proposed to be amended by adding subsection (Q)(4) to read as follows:

- (4) Digital antenna systems (DAS) located within right-of-way, on city owned infrastructure, on Greenville Utilities Commission owned infrastructure and/or on city property shall be subject to all of the following requirements even if they are intended to replace existing light poles, utility poles or similar structures or are proposed as free-standing towers. Only the minimal use of the public right-of-way and/or city owned and Greenville Utilities Commission owned infrastructure is allowed because the space in the right-of-way should be reserved for public utilities and should be free of safety hazards. In addition, telecommunications facilities located in the right-of-way and mounted on city owned and Greenville Utilities Commission owned infrastructure have the potential of being very visible to pedestrians and the traveling public. In order to locate in a public right-of-way, the size and visibility of DAS equipment and their support structures must use be minimized. Application and permitting of DAS equipment are subject to review procedures in Title 6, Chapter 2:

- (a) DAS located within right-of-way, on city owned infrastructure, on Greenville Utility Commission owned infrastructure, replacing existing power or lights poles owned by the City or Greenville Utilities

Commission and/or on city owned property within any district and adjacent to a designated major or minor thoroughfare except within the CD District, shall be subject to all of the following requirements:

- (1) The height of DAS equipment, including support poles, whether they are replacing existing light posts, are mounted to existing light posts or are freestanding poles shall not exceed 35 feet above grade, including the top of an antenna.
 - (2) Where ground-mounted equipment and support poles are proposed on city owned sidewalks, there must be a minimum of five feet of unobstructed sidewalk remaining for pedestrians to pass by the installation or as determined by the Director of Public Works.
 - (3) The location of DAS equipment and support structures must not restrict sight triangles of pedestrians or motorists to roadway intersections and public or private driveways.
- (b) DAS located within right-of-way, on city owned infrastructure, on Greenville Utility Commission owned infrastructure, replacing existing power or lights poles owned by the City or Greenville Utilities Commission and/or on city owned property within the CD District, shall be subject to all of the following requirements:
- (1) The height of DAS equipment, including support poles, whether they are replacing existing light posts, are mounted to existing light posts or are freestanding poles shall not exceed 25 feet above grade, including the antenna, must not have antennas longer than 6 feet, must be painted to match the color of the poles.
 - (2) Ground-mounted DAS accessory equipment is not allowed in the CD district.
 - (3) Where DAS support poles are proposed on city owned sidewalks, there must be a minimum of five feet of unobstructed sidewalk remaining for pedestrians to pass by the installation or as determined by the Director of Public Works.
 - (4) The location of DAS equipment and support structures must not restrict sight triangles of pedestrians or motorists to roadway intersections and public or private driveways.
 - (5) DAS equipment shall be painted to match the poles to which they are affixed or shall match the color of city-owned and Greenville Utilities Commission owned light poles if they are new or are replacing light poles and shall be designed to minimize the visibility of cables and other appurtenances.

Compliance with the Comprehensive Plan

Consideration of any modification to the city zoning ordinance should include a review of the community's comprehensive plan and other officially adopted plans that are applicable.

Greenville's comprehensive plan, Horizons 2026: Greenville's Community Plan, contains adopted goals, policy statements and objectives that should be reviewed and considered to ensure that the proposed text amendments are in compliance with the Plan, and effectively with the community's values.

Staff reviewed the Plan and provides the following findings regarding consistency between the proposed text amendment and the Plan. The proposed Zoning Ordinance Text Amendment is in compliance with Horizons 2026: Greenville's Community Plan, Chapter 4, Growing the Economy, Policy 4.1.4. Support a Positive Business Climate.

Policy 4.1.4 Support an Positive Business Climate. Continue to market Greenville's excellent business climate. Where appropriate, promote flexibility in development regulations to ensure a business climate that encourages growth and expansion. Support business growth, expansion, and retention through strategic public improvements. Ensure land use regulations align with industry needs.

Recommendation

The Planning and Zoning Commission reviewed this proposed text amendment during their November 15, 2016 meeting and unanimously recommended adoption.



DAS and small cell antennas

EXHIBIT A – EXCERPT OF DRAFT MEETING MINUTES OF THE PLANNING AND ZONING COMMISSION MEETING, 11/15/16

DRAFT OF MINUTES PROPOSED FOR ADOPTION BY THE GREENVILLE PLANNING AND ZONING COMMISSION

November 15, 2016

The Greenville Planning and Zoning Commission met on the above date at 6:30 p.m. in Council Chambers of City Hall.

Mr. Terry King –Chair *

Mr. Dustin Mills - *	Ms. Chris Darden – *
Mr. Doug Schrade – *	Ms. Ann Bellis – *
Ms. Margaret Reid - *	Mr. John Collins - *
Ms. Betsy Leech –*	Mr. Les Robinson - X
Mr. Anthony Herring – X	Mr. Michael Overton - *

The members present are denoted by an * and the members absent are denoted by an X.

VOTING MEMBERS: Mills, Schrade, Darden, Bellis, Reid, Collins, Leech, Overton

PLANNING STAFF: Thomas Weitnauer, Chief Planner; Chantae Gooby, Planner II and Amy Nunez, Staff Support Specialist II

OTHERS PRESENT: Dave Holec, City Attorney; Ben Griffith, Director of Community Development; Scott Godefroy, City Engineer and Cathy Meyer, Land Development Engineer

Chairman King stated the applicant of item #4, Happy Trails Farms, LLC, requested via email to continue their request to the December 2016 meeting.

Motion made by Mr. Overton, seconded by Mr. Schrade to continue the preliminary plat request at “Westhaven South, Section 5”. Motion passed unanimously.

MINUTES: Motion made by Ms. Leech, seconded by Ms. Reid, to accept the September 20, 2016 minutes as presented. Motion passed unanimously.

OLD BUSINESS

PRELIMINARY PLATS

REQUEST BY PARROT & DOUGLAS, LLP FOR A PRELIMINARY PLAT ENTITLED, “TABERNA, PHASE 4”. THE SUBJECT PROPERTY IS LOCATED NORTHWEST OF THE INTERSECTION OF FROG LEVEL ROAD AND DAVENPORT FARM ROAD AND IS FURTHER IDENTIFIED AS TAX PARCEL NUMBER 10440. THE PROPOSED PLAT CONSISTS OF 29 LOTS ON 13.96 ACRES. – APPROVED

Mr. Thomas Weitnauer presented the staff report.

TEXT AMENDMENTS

ORDINANCE TO AMEND THE ZONING ORDINANCE TO ADD PLACEMENT AND AESTHETIC REVIEW CRITERIA FOR DISTRIBUTED ANTENNA SYSTEMS (DAS).- APPROVED

Mr. Weitnauer presented the Staff report. The City's zoning regulations for communications towers, antennas, and base units are contained in the Greenville Code of Ordinances, Title 9, Chapter 4, Article F, Section 9-4-103(Q). The current regulations were drafted at a time when antennas were bulky and bolted to the tops of guyed or lattice towers. While that kind of "macrocell" deployment still exists and will continue to exist, there are now a variety of complementary and alternative technologies that are much smaller. Distributed antenna system (DAS) networks and other small cell systems of different nomenclature use components that are a fraction of the size of macrocell deployments, and can be installed on utility poles, buildings, and other smaller structures.

Currently, DAS and small cell networks do not exist on infrastructure in the public right-of-way in Greenville. In response to these technological advances, the City has received a number of requests to attach telecommunications antennas to City-owned infrastructure, replace existing light poles with new light poles outfitted with DAS equipment and install DAS equipment on other city owned property not located within rights-of-way, allowing carriers to manage signal demand in areas with high volume usage such as downtown Greenville and along major roadway corridors.

The reasons for the proposed amendment are to remove barriers to fair, reasonable, and non-discriminatory access to available capacity on City-owned infrastructure located within the public right- of-way, to ensure that communication antennas and associated equipment are placed appropriately and are compatible with surrounding uses, and to do so in an equitable manner consistent with applicable federal, state, and local laws.

Another reason this amendment is necessary is related to a Federal requirement to conduct timely reviews of telecommunication equipment of this kind. Federal law limits the review period for telecommunications applications to 150 days. Meeting the federally imposed time frames will be made less burdensome by allowing administrative review for applications that fall within the provisions of the ordinance.

A companion ordinance to amend the Greenville Code of Ordinances, Title 6, Public Works for the City Council's December 8, 2016 meeting is being prepared to create an application and permitting process for DAS equipment. Under that ordinance, eligible requests would be approved by the Director of Public Works through a permitting process while applying the placement and aesthetic regulations what will reside in the Zoning Ordinance proposed in this text amendment.

This text amendment application proposes to amend Title 9, Chapter 4 as summarized as follows:

- Sec. 9-4-22, Add a definition for DAS;
- Sec. 9-4-22, Amend the definition of Public Utility or Use to exclude DAS from definition;
- Sec. 9-4-78, Add DAS to Table of Uses, by right, in all nonresidential zoning districts;

- Sec. 9-4-104(Q), Add DAS to list of heading.

Sec. 9-4-104, Add placement and aesthetic review criteria for distributed antenna systems (DAS) as summarized as follows:

DAS in right-of-way, on city owned infrastructure, on GUC owned infrastructure and/or on city property **in any non-residential district, except CD district:**

- 35 ft maximum height, including the antenna;
- Ground-mounted equipment cannot reduce sidewalks to a width less than 5 ft; and
- Location must not restrict sight triangles of roadway intersections or driveways.

DAS in right-of-way, on city owned infrastructure, on GUC owned infrastructure and/or on city property in **CD (Downtown Commercial) district:**

- 25 ft maximum height including the max. antenna of 6 ft;
- Ground-mounted equipment is not allowed;
- Support poles cannot reduce sidewalks to a width less than 5 ft;
- Location must not restrict sight triangles of roadway intersections or driveways; and
- DAS painted to match posts.

Consistency Review

The proposed Zoning Ordinance Text Amendment is in compliance with three Horizons 2026: Greenville's Community Plan:

Chapter 4, Growing the Economy Policy 4.1.4: ***“Support a Positive Business Climate.”***

Continue to market Greenville's excellent business climate. Where appropriate, promote flexibility in development regulations to ensure a business climate that encourages growth and expansion. Support business growth, expansion, and retention through strategic public improvements. Ensure land use regulations with align with industry needs.

Staff recommends a motion of approval of the proposed text amendment.

Ms. Darden asked why the color is important and will it hamper the integrity of the antenna.

Mr. Weitnauer stated the color would be to match the pole and it shouldn't hamper.

Ms. Leech asked if the access was for anyone to install or specific cell carriers only.

Mr. Weitnauer stated that independent vendors install and lease out to cell carriers.

Ms. Leech asked if it could turn into a monopoly and if a fee is imposed for the use of public property.

Mr. Weitnauer stated it has been in other cities and needs to be studied further.

Mr. Overton stated it would be one per pole and there are not that many providers in the area.

Ms. Leech asked if it would go into residential areas as well.

Mr. Weitnauer stated there are cities that allow it in residential zones. The amendment is limited to non-residential zones to see how it works and looks and possibly modify it later.

Mr. Mills asked if the 25 feet height standard was limited to ground level or building level.

Mr. Weitnauer stated the zoning ordinance has some exemptions of antennas on structures but this amendment will not allow DAS to have those exemptions.

Mr. Mills asked, other than the height and color, are there any other aesthetic criteria.

Mr. Weitnauer stated local government can regulate the size of the equipment but cannot set up a cubic volume criterion. He stated that technology continues to change.

Mr. Mills asked if Staff has the authority to deny approval based on aesthetics.

Mr. Weitnauer stated yes if they do not follow adopted regulations.

Mr. Overton asked if Staff has the final approval or denial.

Attorney Holec stated approvals and denials will be part of the companion ordinance. Both parts of the ordinance will have regulations.

Mr. Scott Godefroy, City Engineer, stated he has seen some of the earlier DAS equipment which was very unattractive. The requests of installations of DAS equipment needs to be approved but regulations can be in place to minimize the impact.

Ms. Leech asked if language was needed stating the need for individual evaluation.

Mr. Weitnauer stated that it is required by the FCC and the City should not overstep.

Attorney Holec stated that the national initiative is to encourage this communication. Regulations are needed because without them, vendors can do anything they want. He recommended that the Commission, in order for the item to progress, could approve the item and suggest that Staff add additional regulations prior to going to City Council.

Mr. Mills stated he would support Attorney Holec's recommendation.

Chairman King opened the public hearing.

No one spoke in favor or opposition.

Chairman King closed the public hearing and opened for Board discussion.

Motion made by Mr. Schrade, seconded by Ms. Darden, to recommend approval of the proposed amendment to advise that it is consistent with the Comprehensive Plan and other applicable plans and to adopt the staff report which addresses plan consistency and other matters. Motion passed unanimously.



City of Greenville, North Carolina

Meeting Date: 12/8/2016
Time: 6:00 PM

Title of Item: Ordinance Amending Chapter 2 of Title 6 of the Greenville City Code Relating to Distributed Antenna Systems Equipment

Explanation: **Abstract:** The City has received requests for locating distributed antenna systems (DAS) or “small cell” structures within City rights-of-way. The small cells improve speed and data capacity in areas where there is a concentration of use of cell phones or provide coverage in areas where coverage is not available. An ordinance is proposed to provide procedures and criteria for processing these requests.

Explanation: The City has received requests for locating distributed antenna systems (DAS) or “small cell” structures within City rights-of-way. The small cells improve speed and data capacity in areas where there is a concentration of use of cell phones or provide coverage in areas where coverage is not available.

The recent requests received are from companies which are not wireless carriers but are companies which are installing these for use by wireless carriers. The companies have been granted Certificates of Public Convenience and Necessity from the North Carolina Utilities Commission. Because of this, these companies have the right to locate in the right-of-way but are still subject to local regulations.

The Federal Telecommunications Act was enacted for the purpose of promoting competition and higher quality in telecommunication services and to encourage rapid deployment of new telecommunications technologies. The Federal Communications Commission (FCC) is the federal agency charged with creating rules and policies to implement this law. Under federal law, a city:

- (1) cannot unreasonably discriminate among providers of functionally equivalent services;
- (2) cannot regulate these providers in a manner that prohibits or has the effect of prohibiting the provision of telecommunications service or personal wireless service;

(3) must act on applications within a reasonable time, and
(4) must document denial of an application in writing supported by substantial evidence.

This is an issue which is being encountered by cities across the country. Cities want to embrace the new technologies in order to progressively have these services available to citizens and businesses. But cities also want to ensure that safety and aesthetic concerns are addressed.

In order to address this issue both a Zoning Ordinance amendment and a right-of-way management ordinance are proposed. The Zoning Ordinance amendment addresses location and aesthetic criteria. The right-of-way management ordinance addresses the procedures and criteria for processing requests.

Fiscal Note:

The City can charge an application and processing fee for applications. However, due to 2016 legislation adopted by the North Carolina General Assembly, the ability to charge an on-going fee for location within the right-of-way is doubtful.

Recommendation:

Approval of the attached Ordinance will establish procedure and criteria for processing requests for the location of small cells within city right-of-way.

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[Ordinance Amending Chapter 2 of Title 6 Relating to Distributing Antenna Systems 1040984](#)

ORDINANCE NO. 16-
AN ORDINANCE AMENDING CHAPTER 2 OF TITLE 6 OF THE CODE OF
ORDINANCES OF THE CITY OF GREENVILLE, NORTH CAROLINA RELATING TO
DISTRIBUTED ANTENNA SYSTEM (DAS) EQUIPMENT

WHEREAS, the public health, safety, and welfare is promoted by ensuring that residents and businesses within the City of Greenville have reliable access to telecommunication services while ensuring that this objective is accomplished according to appropriate public safety, land development, and zoning issues including aesthetics; and

WHEREAS, North Carolina General Statute 160A-296 authorizes the City of Greenville to regulate the placement within street rights-of-way of any pipes, poles, wires, fixtures, or appliances of any kind either on, above, or below the surface and Part 3E of Article 19 of Chapter 160A of the North Carolina General Statutes authorizes the City of Greenville to regulate the placement of wireless communications facilities within its planning and land use jurisdiction;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GREENVILLE, NORTH CAROLINA, DOES HEREBY ORDAIN:

Section 1: That Chapter 2 of Title 6, of the Code of Ordinances of the City of Greenville, North Carolina, is hereby amended by adding an Article G which article reads as follows:

Article G. USE OF RIGHT-OF-WAY FOR DISTRIBUTED ANTENNA SYSTEMS.

SEC. 6-2-90 PURPOSE.

The purpose of this article is to establish a policy for use of city right-of-way to enable the city to manage the public right-of-way to protect the public health, safety, and welfare by minimizing the congestion, inconvenience, cost, visual impacts, deterioration, safety hazards and other adverse effects on the public right-of-way which could result from the construction, operation, and maintenance of additional structures.

SEC. 6-2-91 DEFINITIONS.

For the purposes of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Applicant means a person who applies to use city right-of-way to install Distributed Antenna System (DAS) Equipment.

City right-of-way means areas dedicated for public use as streets that have been accepted for permanent maintenance by the City of Greenville.

Distributed Antenna System (DAS) Equipment means antenna and supporting equipment connected to a common source that provides wireless service within a geographic area or structure, including the pole or similar structure upon which the antenna and supporting equipment is attached.

Distributed Antenna System (DAS) Equipment permit means the permit for a person to install or maintain Distributed Antenna System (DAS) Equipment on or in city right-of-way pursuant to a permit issued under this article.

Director means the Director of the Greenville Public Works Department or, unless the context indicates otherwise, the Director's designee.

User means a person who has been granted the right to install or maintain Distributed Antenna System (DAS) Equipment under this article.

SEC. 6-2-92 RESTRICTIONS ON USE OF CITY RIGHT-OF-WAY.

(A) *The right to use city right-of-way.* The eligibility of a person to apply for or use city right-of-way to install Distributed Antenna System (DAS) Equipment is governed by this article.

(B) *Authority of the Director.* The Director shall control the installation and maintenance of Distributed Antenna System (DAS) Equipment on city right-of-way and administer this article. The Director shall develop non-discriminatory policies and regulations to implement, administer, and enforce this article.

(C) *Priority of usage.* The city has priority of use of city right-of-way.

(D) *Reservation and restrictions.* The use of a city right-of-way is controlled by the city. The city retains complete discretion as to use of city right-of-way as to both current and subsequent requests, including requests for co-location or modification.

(E) *Unauthorized use prohibited.* An applicant, user, or other party does not have the right to install Distributed Antenna System (DAS) Equipment on city right-of-way except as authorized by the Director. If unauthorized Distributed Antenna System (DAS) Equipment is discovered, the Director may remove the unauthorized Distributed Antenna System (DAS) Equipment from city right-of-way without incurring liability to the owner, and at the owner's sole expense, if the owner of the unauthorized Distributed Antenna System (DAS) Equipment does not:

- (1) Remove the unauthorized Distributed Antenna System (DAS) Equipment within three (3) business days; or
- (2) Apply for permission to have the Distributed Antenna System (DAS) Equipment on city right-of-way within three (3) business days, including payment of applicable charges or penalties.

A Distributed Antenna System (DAS) Equipment can be removed immediately if necessary to protect public safety or prevent imminent damage to city right-of-way

SEC. 6-2-93 APPLICATION TO USE CITY RIGHT-OF-WAY.

(A) *Authorized user.* Unless otherwise required by law, only a person who holds a valid permit, franchise, license, or other authority, to use a city right-of-way will be granted a Distributed Antenna System (DAS) Equipment permit. An applicant's use of city right-of-way is limited to the purposes specified in the applicant's franchise, permit, license, or

other authority. Distributed Antenna System (DAS) Equipment used for a purpose not authorized by an applicant's permit, franchise, license, or other authority, is unauthorized Distributed Antenna System (DAS) Equipment. A person who applies to use city right-of-way for a private purpose will not be granted a Distributed Antenna System (DAS) Equipment permit.

(B) *Application process.* An applicant must file an application with the city to use city right-of-way on a form as prescribed by the Director. The Director shall consider each application on a first come, first served basis. If an application cannot be approved as presented, the Director may approve a conditional application.

(C) *Denial of an application.*

- (1) The Director may deny an application for a Distributed Antenna System (DAS) Equipment permit if:
 - a. The applicant fails to submit a complete application;
 - b. The applicant fails to supplement its application with additional information or otherwise cooperate with the city as requested in the evaluation of the application;
 - c. The applicant fails to submit a structural engineering analysis by a North Carolina registered professional engineer certifying that the pole or other structure that is proposed to support the Distributed Antenna System (DAS) Equipment can reasonably support the proposed Distributed Antenna System (DAS) Equipment considering the conditions of the street and the anticipated hazards from traffic to be encountered at the location;
 - d. The Director determines, in the Director's judgment, that the proposed Distributed Antenna System (DAS) Equipment would present a safety hazard;
 - e. The Director determines, in the Director's judgment, that the proposed Distributed Antenna System (DAS) Equipment is not adequately shrouded or camouflaged and, as a result, would, in the opinion of the Director, create adverse visual impact;
 - f. The Director determines, in the Director's judgment, that the proposed Distributed Antenna System (DAS) Equipment is located in a location which would, in the opinion of the Director, have a substantial adverse impact on a single property;
 - g. The Director determines, in the Director's judgment, that the proposed Distributed Antenna System (DAS) Equipment is located too near other structures within the city right-of-way which would, in the opinion of the Director, create adverse visual impact;
 - h. The Director determines, in the Director's judgment, that the proposed Distributed Antenna System (DAS) Equipment would impair the city's

ability to operate or maintain the city right-of-way in a reasonable manner;

- i. The Director determines, in the Director's judgment, that the proposed Distributed Antenna System (DAS) Equipment and its placement would violate the city's standard design criteria;
- j. The Director determines, in the Director's judgment, that the proposed Distributed Antenna System (DAS) Equipment would violate the provisions of the Zoning Ordinance;
- k. The applicant is not in compliance with any provision of this article; or
- l. The applicant fails or refuses to sign a written agreement presented by the Director to the applicant intended to assist with the implementation of the provisions of this article or intended to assist with the implementation of the policies and regulations developed by the Director that are intended to preserve the city's right to control of the city right-of-way.

- (2) If an application is denied, the Director shall notify the applicant in writing of the reason for the denial. If an application is denied, an applicant may file a new application that corrects the reason for the denial. If an application is denied, the applicant may appeal the denial to the Director of Public Works for reconsideration no later than the thirtieth day after the date of the denial.

(D) *Additional costs.* The applicant or user is responsible for all costs as determined by the city to replace, enlarge, or upgrade city right-of-way to accommodate the applicant's proposed Distributed Antenna System (DAS) Equipment.

(E) *Permit requirements.* A user may not change the number, kind, or location of Distributed Antenna System (DAS) Equipment, the method of construction or installation, or the use of the Distributed Antenna System (DAS) Equipment authorized under a Distributed Antenna System (DAS) Equipment permit without the prior written consent of the Director.

SEC. 6-2-94 USER'S DUTIES AND RESPONSIBILITIES.

(A) *Compliance with law.* Distributed Antenna System (DAS) Equipment shall comply with all applicable federal, state, and local laws, rules, and regulations, city policies, applicable codes and industry standards.

(B) *Operational and maintenance requirements.*

- (1) A user shall install, and continuously maintain approved Distributed Antenna System (DAS) Equipment to prevent interference with the city's facilities, the city's use of city right-of-way, or the facilities or operations of other users.
- (2) A user may not construe a contract, permit, correspondence, or other communication as affecting a right, privilege or duty previously conferred or

imposed by the city to or on another person. The city reserves the right to continue or extend a right, privilege, or duty or to contract with additional users without regard to resulting economic competition.

- (3) A user is solely responsible for the risk and expense of installation, operation, and maintenance of the user's Distributed Antenna System (DAS) Equipment. The city does not warrant or represent that the city right-of-way is suitable for placement of a user's Distributed Antenna System (DAS) Equipment. A user shall submit a structural engineering analysis by a North Carolina registered professional engineer certifying that the pole or other structure that is proposed to support the Distributed Antenna System (DAS) Equipment can reasonably support the proposed Distributed Antenna System (DAS) Equipment considering the conditions of the street and the anticipated hazards from traffic to be encountered at the location. A user shall inspect the city right-of-way on which the user's Distributed Antenna System (DAS) Equipment will be placed and shall base its determination of the suitability of the city right-of-way for user's purposes on such inspection, on a structural engineering analysis by a North Carolina registered professional engineer certifying that the pole or other structure that is proposed to support the Distributed Antenna System (DAS) Equipment can reasonably support the proposed Distributed Antenna System (DAS) Equipment considering the conditions of the street and the anticipated hazards from traffic to be encountered at the location. A user accepts the city right-of-way "as is" and "where is" and assumes all risks related to the use. The city is not liable for any damage to Distributed Antenna System (DAS) Equipment due to an event causing damage to the Distributed Antenna System (DAS) Equipment.
- (4) If the Director determines that a user's Distributed Antenna System (DAS) Equipment impairs safety, the Director may require the user, at user's sole expense and risk, to change, move, remove, or rearrange the Distributed Antenna System (DAS) Equipment. The Director may also require a user to move or rearrange its Distributed Antenna System (DAS) Equipment to maximize the available useable infrastructure and accommodate the Distributed Antenna System (DAS) Equipment of an additional user, unless the movement or rearrangement of Distributed Antenna System (DAS) Equipment materially impairs the use or function of the existing user's system. An existing user is only required to comply with this subsection if the additional user agrees to compensate the existing user for its actual costs to move or rearrange Distributed Antenna System (DAS) Equipment. If a user fails or refuses to comply with the Director's request to change, move, remove or rearrange any of its Distributed Antenna System (DAS) Equipment, the Distributed Antenna System (DAS) Equipment becomes unauthorized. The city may change, move, remove, or rearrange an unauthorized Distributed Antenna System (DAS) Equipment without liability to user and at user's sole cost.

- (5) The Director may inspect, at any time, the construction or installation of a user's Distributed Antenna System (DAS) Equipment on city right-of-way. If the Director determines that a user's installation or construction may violate this article, applicable electrical codes, the city's standards for the city right-of-way involved, or the conditions of the user's application or permit, the Director may immediately suspend the user's construction or installation activities. The Director shall send written notice to the user not later than the third business day after a suspension identifying the alleged violation. A suspension under this subsection is effective until the user corrects the alleged violation, at the user's sole expense. A user may appeal a suspension under this subsection to the Director of Public Works.
- (6) As a condition of the user having its facilities in city right-of-way, the user agrees to and shall, to the extent permitted by law, defend, indemnify and hold harmless the city, its employees, officers, agents and contractors against any claim of liability or loss of any kind, including administrative orders and regulations, and specifically including, without limitation, any claim of liability or loss from personal injury or property damage resulting from or arising out of the presence of user's equipment in city right-of-way and also as to any willful misconduct of the user, its employees, contractors or agents, except to the extent such claims or damages may be due to or caused by the willful misconduct of the city, or its employees, officers, contractors or agents.
- (7) The city shall not be liable to the user, or any of its respective agents, representatives, or employees for any lost revenue, lost profits, loss of technology, use of rights or services, incidental, punitive, indirect, special or consequential damages, loss of data, or interruption or loss of use of service, even if the city has been advised of the possibility of such damages, whether under theory of contract, tort (including negligence), strict liability or otherwise that is related to, arises out of, flows from or is, in some part, caused by user's Distributed Antenna System (DAS) Equipment to or use of city right-of-way.

(C) *Termination.*

- (1) The city may immediately suspend the permission of a user to install new or additional Distributed Antenna System (DAS) Equipment if the user materially fails to comply with the terms of its permit, or if the city provides written notice to the user for cause. If the user fails to cure the default on or before the sixtieth day after receipt of the notice, the city may terminate the user's Distributed Antenna System (DAS) Equipment permit.
- (2) A user shall immediately begin removal of its Distributed Antenna System (DAS) Equipment after termination of a user's Distributed Antenna System (DAS) Equipment permit for violations of the terms of a franchise, permit, license or other authority, a voluntary termination by a user, or a termination by the city for cause. Unless the Director grants an extension of time, a user

must remove all Distributed Antenna System (DAS) Equipment not later than the sixtieth day after the effective date of termination.

- (3) After termination of a user's Distributed Antenna System (DAS) Equipment permit, the user must comply with the terms of this article, the user's franchise, permit, license, or other authority until all Distributed Antenna System (DAS) Equipment are removed.

SEC. 6-2-95 UNAUTHORIZED DISTRIBUTED ANTENNA SYSTEM (DAS) EQUIPMENT PROHIBITED.

(A) No person shall knowingly install or maintain or fail to remove an unauthorized Distributed Antenna System (DAS) Equipment on city right-of- on demand by the city or any authorized representative thereof.

(B) No person shall use a Distributed Antenna System (DAS) Equipment on city right-of-way to provide a service not authorized by a franchise, permit, license, or other authority.

(C) Each unauthorized Distributed Antenna System (DAS) Equipment or use is a separate offense. Each day a violation of this article continues is a separate offense.

SEC. 6-2-96. PENALTIES.

(A) Any violation of the provisions of this article or a failure to comply with any of its requirements shall subject the offender to a civil penalty in the amount of two hundred and fifty dollars (\$250.00) for each offense.

(B) Violators shall be issued a written citation which must be paid within seventy-two (72) hours. If a person fails to pay the civil penalty within seventy-two (72) hours, the city may recover the penalty, together with all costs and reasonable attorneys' fees, by filing a civil action in the general court of justice in the nature of a suit to collect a debt.

(C) This article may also be enforced by any appropriate equitable action.

(D) Each day that any violation continues shall be considered a separate offense for purposes of the penalties and remedies specified in this section.

(E) Any one, all, or any combination of the foregoing penalties and remedies may be used to enforce this chapter.

(F) Any violations of the provisions of this article shall be deemed a non-criminal violation and shall not be a misdemeanor or infraction pursuant to North Carolina General Statute 14-4.

Section 2. That the Manual of Fees of the City of Greenville, North Carolina, be and is hereby amended by adding to the list contained in the Public Works Fees - Engineering section a provision relating to the fee for Application for a Distributed Antenna System (DAS) Equipment Permit which addition reads as follows:

PUBLIC WORKS FEES

ENGINEERING

Account Number	Code	Service	Fee
010-01-55-00-000-000-477003	ER	Fee for Application for a Distributed Antenna System (DAS) Equipment Permit	\$500.00

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. Any part or provision of this ordinance found by a court of competent jurisdiction to be in violation of the Constitution or laws of the United States or North Carolina is hereby deemed severable and shall not affect the validity of the remaining provisions of the ordinance.

Section 5. This ordinance shall become effective immediately upon its adoption.

This the 8th day of December, 2016.

Allen M. Thomas, Mayor

ATTEST:

Carol L. Barwick, City Clerk



City of Greenville, North Carolina

Meeting Date: 12/8/2016
Time: 6:00 PM

Title of Item: Presentation by the North Carolina Department of Transportation on Safety Improvements at Memorial Drive and West 5th Street

Explanation: North Carolina Department of Transportation staff will make a presentation on safety improvements at Memorial Drive and West 5th Street.

Fiscal Note: There are no fiscal impacts with this presentation.

Recommendation: Council receive presentation

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City of Greenville, North Carolina

Meeting Date: 12/8/2016
Time: 6:00 PM

Title of Item: Presentation on Firetower Road and Portertown Road Widening Project by the North Carolina Department of Transportation

Explanation: The North Carolina Department of Transportation (NCDOT) staff will give a presentation on the widening project for Firetower Road and Portertown Road.

Fiscal Note: There are no fiscal impacts associated with this presentation.

Recommendation: Council receive presentation.

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City of Greenville, North Carolina

Meeting Date: 12/8/2016
Time: 6:00 PM

Title of Item: Presentation on Evans Street Widening Project

Explanation: Council Member PJ Connelly requested to have a representative from the North Carolina Department of Transportation (NCDOT) present at the December 8th City Council meeting to discuss the Evans Street Widening Project. Specifically, Council Member Connelly would like to discuss the alternatives, approval process, proposed timeframe, reasoning for eliminating the traditional traffic pattern, and cost to the City.

Fiscal Note: There are no fiscal impacts associated with this presentation.

Recommendation: Council receive presentation from NCDOT and discuss the project as requested by Council Member Connelly.

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City of Greenville, North Carolina

Meeting Date: 12/8/2016
Time: 6:00 PM

Title of Item: Update on the 10th Street Safety Study between Charles Boulevard and Oxford Road

Explanation: The North Carolina Department of Transportation (NCDOT) hired a consultant to evaluate roadway improvements that could be done to improve both pedestrian and vehicle safety along the 10th Street Corridor. Previously, the Council was updated on the plan for each section of the 10th Street Corridor during the May 9, 2016 City Council meeting. A request has been made to have NCDOT provide an update on the status of this project.

Fiscal Note: There are no fiscal impacts associated with this item.

Recommendation: City Council receive an update from NCDOT on the Safety Study for the 10th Street Corridor between Charles Boulevard and Oxford Road

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City of Greenville, North Carolina

Meeting Date: 12/8/2016
Time: 6:00 PM

Title of Item: Discussion of a resolution on hate crime reporting

Explanation: Mayor Pro-Tem Kandie Smith requesting an item be added to the agenda to discuss a resolution on hate crime reporting. A draft resolution is attached.

Fiscal Note: No direct cost to discuss the issue.

Recommendation: Discuss the issue as requested by Mayor Pro-Tem Smith.

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[RESOLUTION_RELATING_TO_HATE_CRIME_REPORTING_BY_THE_POLICE_DEPARTMENT_OF_THE_CITY_OF_GREENVILLE_NORTH](#)

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GREENVILLE, NORTH CAROLINA RELATING TO HATE CRIME REPORTING BY THE POLICE DEPARTMENT OF THE CITY OF GREENVILLE, NORTH CAROLINA

WHEREAS, hate crimes inflicted because of a person or group's real or perceived race, color, ethnicity, gender, sexual orientation, religion, disability, age, or national origin are particularly malicious and evil acts which threaten the integrity of our state and nation as a whole;

WHEREAS, the history of hate crimes contains some of the most alarming and brutal racially-motivated crimes, including the torture and murder of individuals, and the assassination of others;

WHEREAS, accurate and detailed reporting is essential in identifying, predicting, and hopefully eradicating the occurrence of hate crimes; and

WHEREAS, an adequate, well-known system to report hate crimes is necessary to encourage victims of hate crimes to also report these vicious acts.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENVILLE, NORTH CAROLINA THAT:

SECTION 1. Definition of Hate Crime.

Any crime committed because of the actual or perceived race, color, religion, ethnicity, national origin, gender, sexual orientation, age, or disability of the victim.

SECTION 2. Responsibilities Relating to Hate Crime Reporting.

- (a) The Police Department of the City of Greenville, North Carolina shall develop guidelines for the collection and documentation of hate crimes committed within the corporate limits of the City of Greenville, North Carolina.
- (b) The Police Department of the City of Greenville, North Carolina shall provide training to its law enforcement personnel on criminal laws involving hate crimes as well as departmental policies on proper reporting of hate crimes.
- (c) The City Council of the City of Greenville, North Carolina shall ensure that sufficient resources are made available to the Police Department of the City of Greenville, North Carolina to develop and implement a standardized system for collecting and analyzing hate crimes committed within the corporate limits of the City of Greenville, North Carolina.
- (d) The Police Department of the City of Greenville, North Carolina shall provide annual statistical data regarding the occurrence of hate crimes and the groups or individuals targeted to the Federal Bureau of Investigation, pursuant to 28 U.S.C. 534, for entry into the national crime information databases.
- (e) The Police Department of the City of Greenville, North Carolina shall:

- (1) Complete training on the nature of hate crimes, the victim(s), the perpetrator(s), and the procedures for recording hate crimes statistics.
- (2) Identify victims of hate crimes committed within the corporate limits of the City of Greenville.
- (3) Prepare an annual report of the occurrence of hate crimes committed within the corporate limits of the City of Greenville, North Carolina for the previous year.

SECTION 3. Severability Clause.

Should any sentence, paragraph, subdivision, clause, phrase, or section of this Resolution be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this Resolution as a whole, or any part or provision thereof other than the part declared to be invalid, illegal, or unconstitutional.

SECTION 4. Effective Date.

This Resolution shall be effective upon its adoption.

This the 8th day of December, 2016.

Allen M. Thomas, Mayor

Carol L. Barwick, City Clerk



City of Greenville, North Carolina

Meeting Date: 12/8/2016
Time: 6:00 PM

Title of Item: Discussion of a process to develop a policy to allow the consumption of alcohol on the Town Common

Explanation: **Abstract:** The purpose of this item is to discuss the development of a policy and associated guidelines to allow consumption of alcohol on the Town Common in connection with sponsored events.

Explanation: City staff continues to receive requests for the development of a policy and guidelines to allow the consumption of alcoholic beverages at the Town Common in connection with special events such as Piratefest, Sunday in the Park, concerts, and other sponsored events. City Council last considered this issue at the September 8, 2014 meeting of City Council. An excerpt of the minutes from that meeting are attached.

City staff is seeking guidance from City Council on this issue. If approved by City Council, staff will develop a list of standards for City Council's consideration. Staff will work with partners in the development of the standards in order to bring back a set of guidelines that has input from organizations that sponsor events in the park.

Fiscal Note: There are no costs associated with this request.

Recommendation: City Council to provide guidance and direction on this item.

Viewing Attachments Requires Adobe Acrobat. [Click here](#) to download.

Attachments / click to download

 [9-8-14 CC Minutes Excerpt Regarding Alcohol](#)

EXCERPT FROM THE ADOPTED MINUTES
MEETING OF THE CITY COUNCIL
CITY OF GREENVILLE, NORTH CAROLINA
MONDAY, SEPTEMBER 8, 2014



The Greenville City Council met in a regular meeting on the above date at 6:00 p.m. in the Council Chambers, third floor of City Hall, with Mayor Allen M. Thomas presiding. The meeting was called to order, followed by the invocation by Pastor William K. Neely of First Presbyterian Church and the Pledge of Allegiance to the flag.

Those Present:

Mayor Allen M. Thomas; Mayor Pro-Tem Calvin R. Mercer; Council Member Kandie D. Smith; Council Member Rose H. Glover; Council Member Marion Blackburn; Council Member Rick Smiley and Council Member Richard Croskery

Those Absent: None

Also Present:

Barbara Lipscomb, City Manager; David A. Holec, City Attorney; Carol L. Barwick, City Clerk; and Polly Jones, Deputy City Clerk

ALCOHOL POLICY FOR CITY PARKS AND RECREATION FACILITIES

Director of Recreation and Parks Gary Fenton stated the following during his presentation:

Several months ago, the City Council directed the Director of Recreation and Parks to look into whether some modification in the City's policy regarding service and consumption of alcoholic beverages on City properties might be appropriate and to develop some sort of related recommendation. There had been several requests to consider the issue of modifying some existing policies. He researched online how other communities and park systems handle it in their parts of the country and he was able to secure information about 30 different communities including large cities like Denver and Atlanta, midsize communities (Durham and Baton Rouge) and smaller North Carolina towns (Burlington, and Kannapolis). In most communities, there is a general prohibition on alcohol consumption in parks, though many of the policies have exceptions built into them. Alcohol is a delicate and challenging issue and it is known that there can be problems associated with it. It is clear that careful deliberation has been given to all of the policies that he reviewed in order to lessen the chance of problems that are related to alcohol. If the City is going to allow any level of alcohol consumption in its parks, there first must be a well thought out and thorough policy designed to minimize the likelihood of negative instances that can result from alcohol consumption. A policy that fosters a consistent treatment of all applicants, adherence to state and local law, the safety of all citizens, the protection of the facilities and enjoyment of all event participants including those choosing not to participate in consuming alcoholic beverages. In developing a proposed policy, he conferred with the City Attorney's Office, Police Department, City Manager, City departmental staff, and his Recreation and Parks Department (Department) colleagues.



The proposed policy's purpose is to establish the rules, requirements, and procedures regarding the sale and or service and the associated consumption of alcoholic beverages in the City's parks and facilities. At the Recreation and Parks Department, the staff works to provide residents with a broad range of opportunities to enjoy the City's facilities while protecting citizens from abuse and from disruptive behavior.

Therefore, staff is proposing that alcoholic beverages continue to be generally prohibited in all of the Greenville Recreation and Parks Department's parks and facilities except, if the City Council desires, for a limited number of locations that could be referred to as sites designated for conditional service and consumption of alcoholic beverages. These will be a few clearly defined exceptions where sales and consumption might be permissible at specified, but limited times, in a specified area of a specified park, in a specified building for specified types of alcoholic beverages, with those exceptions being clearly defined in the policy and for events open to the general public always requiring the issuance of a special permit, which would include the payment of an administrative fee. Staff is proposing that within the park system that there be four such sites for beer and wine service only in addition to the one that exists now which is Bradford Creek Public Golf Course (Bradford Creek) where beer and wine service is already permissible. Additional sites include the leased building at the Perkins Complex during theater productions and similar events hosted inside of the facility by the nonprofit lessee, Magnolia Arts Center. The second being the Science and Nature Center at River Park North indoors and after public hours only when the Center is rented for a private event and service is provided by a licensed caterer. The third is within the portion of the Eppes Recreation Center and leased by the Eppes Alumni Association during Alumni events associated with their annual reunion, which takes place in July. At Town Common in a designated fenced location with a single entrance and exit, a maximum of four hours of service falling between the hours of 1:00 p.m. and 8:00 p.m. with two special duty police officers present at the designated site during service and consumption for events sponsored by a nonprofit 501(c)(3) or a similar nonprofit designation or by the City of Greenville. In addition, no one will be able to bring their own alcoholic beverages into the park or the designated area, the sponsor must obtain the alcoholic beverages permits required by law, insurance coverage must acknowledge alcohol service and consumption, and the City must be named as an additional insured, and the sponsor must absorb all related costs including the fencing of the designated area, required insurance coverage, two special duty police officers stationed in the designated area for the duration of service and consumption and in addition to the cost of any other special duty police officers already required for the event.

This proposed policy obviously has numerous restrictions associated with it and the Recreation and Parks Commission and the Recreation and Parks Director feel that is the way it needs to be should the City Council decide that some level of alcohol sales and consumption should be permissible. The City hosted a public meeting recently to give the citizens an opportunity to express their thoughts on this particular issue and about 20 people attended.



For the most part, the concerns that have been expressed both at that meeting and through telephone calls received have centered on Town Common. They have included the potential for intoxication, the fact that those drinking beer or wine in the designated area could mix with the crowd after drinking beverages in this area. Other concerns were the possibility of drunk driving, and the desire that Sunday in the Park remain a non-alcohol event. Although the proposed policy is limited to only a few sites and is quite restrictive and puts numerous requirements on the event sponsors, some people fear that this policy could lead to future policies that might include more sites or have less restrictive conditions on them. There are some people who would like to see a less restrictive policy put in place from the start. However, the members of the Recreation and Parks Commission and the Director of Recreation and Parks believe that by having a more restrictive policy, it helps to avoid the possibility of some of the problems mentioned above rather than having to address them once they occur.

If the City Council chooses to approve this policy, the City Council might consider doing it as a pilot program and then consideration will be given as to whether any changes are needed and feasible. At the July 9, 2014 meeting of the Recreation and Parks Commission, members in attendance voted unanimously that if the City Council wishes to allow some level of alcohol service and consumption within the City's parks system, that this policy be adopted to address that.

Council Member Smith stated that she has received several inquiries about why this item is before the City Council for consideration. Material in the agenda package indicates that several requests for the waiver of the prohibition on alcohol were received. There are many questions about this agenda item because three years ago, a request was made including everything that has been presented by staff this evening and that request was denied unequivocally. The question is whether this policy is being developed for a certain group of people because three years ago, no one thought it was important enough to come up with a policy for discussion. But now, suddenly, it seems like it is being pushed for consideration by the City Council. Staff has indicated that the Director of Recreation and Parks along with the Police Department and city staff developed the proposed policy and it was reviewed by the Recreation and Parks Commission. The proposed policy states that it is for nonprofits or the City of Greenville only so any nonprofit can make a request to use alcohol in the designated parks, i.e. Town Common.

Director of Recreation and Parks Fenton stated that the individual would have to go through all of the conditions that are cited in the policy, but if they are nonprofits, they would be qualified to make a request. The permit would then have to be approved based on them meeting all of the requirements associated with insurance coverage and all of the other stipulations.

Council Member Smith asked that if individuals present the insurance coverage and their request meets all of the other stipulations, their request will not be denied based upon someone being subjective instead of objective. Director of Recreation and Parks Fenton responded that their request will not be denied. The Recreation and Parks Department was assigned to do develop this proposed policy. In the past, there have been



opportunities for people to get around the City's policy regarding alcohol on public property by receiving permission from the City Manager for that purpose whether it is a park or some other piece of city-owned land. That has happened on occasions, but there were no clear cut stipulations and conditions that helped the City Manager to make a decision regarding whether he or she should not do it.

Council Member Smith stated there are concerns because requestors were denied by the City Manager and had seen alcohol being in the park at events. She is asking whether this policy is going to be the same way in regards to denying some and approving other requests, which is a legitimate question because it has occurred in the past.

Council Member Smith asked why Bradford Creek was included in this proposed policy since alcohol consumption is already allowed at this location. Director of Recreation and Parks Fenton responded that the ordinance would have to be changed. Bradford Creek is already in the ordinance as an exception to the prohibition of having alcohol on public land and would have to be included in the new ordinance.

Council Member Smith asked how many events are held currently after hours at River Park North. Director of Recreation and Parks Fenton responded that the Department has received requests from people wanting to use River Park North for receptions, etc., but they were interested in having alcohol and wine service associated with their requests. There might have been two requests.

Council Member Smith asked whether the request for a reception was from a nonprofit. Director of Recreation and Parks Fenton responded that type of request (wedding, business reception, etc.) would be the same as a rental at Bradford Creek. It would be for a private group and not an open public event.

Council Member Smith asked whether an individual would be allowed to have alcohol and wine consumption at a wedding reception or business reception after hours at River Park North. Director of Recreation and Parks Fenton responded if they met the stipulations, they would not have to be a nonprofit in order to hold a wedding reception serving alcohol at River Park North.

Council Member Croskery asked whether the C. M. Eppes Alumni Association would only be used for that one event and no one would be able to rent that facility. Director of Recreation and Parks Fenton responded that is correct, and that one event is held several days in early July. No one would be able to rent the facility and the alcoholic beverages would be restricted to the leased area of the building.

Council Member Croskery asked whether staff has any estimate of what it would cost an individual to do an event at the Town Common including the fencing, extra police security, permits, and other requirements. Director of Recreation and Parks Fenton responded that no estimate has been done, but it would cost probably a few thousand dollars because of



the fencing of the designated area. The cost depends on the size of the event, usage of the stage, size of the fencing, etc.

Council Member Croskery asked whether the fencing installation would cause the park grounds to be damaged by the holes in the ground. Director of Recreation and Parks Fenton responded that bicycle rack barricades are used that do not impact the soil at the Town Common.

Mayor Thomas asked if this could be a money maker for the event holders because there is a charge for the alcoholic beverages. Director of Recreation and Parks Fenton responded that the sale of alcoholic beverages is a revenue source certainly or it could be a sponsored event by an alcohol company. For some of the bigger cities where he has worked, they funded their major events with the sponsorship and it was not always alcohol sponsorship, but sometimes it was.

Council Member Glover asked what would happen when too many people attend the C. M. Eppes Alumni Association "meet and greet" in the gym and alcoholic beverages are being served in the leased area of the facility. Director of Recreation and Parks Fenton responded that he certainly understands that situation. The issue really becomes that is a recreation center and staff was trying to avoid placing the designated area next to the gym. For example, you would not put the designated area for the sale and consumption of alcoholic beverages next to a playground. Most of the places that he looked at avoided using the recreation centers and sometimes the senior centers, cultural art centers were appropriate. Staff feels that if that door was opened to other parts of the Eppes Recreation Center, it might create some other problems. The C. M. Eppes Alumni was kind enough to understand what the implications are.

Council Member Glover stated that a former Recreation and Parks Department employee was held at gunpoint and robbed at the Eppes Recreation Center when he was sober, alone and working.

Council Member Glover asked if one of the event participants exits the facility intoxicated, who would be liable if that person was injured or killed due to a similar situation. City Attorney Holec responded that those kinds of issues were considered by staff.

Council Member Smith stated that the City Council is considering that this is a park and recreation facility. The City does not want to move in that venue, but the sale and consumption of alcoholic beverages is moving into a park, the Town Common. Council Member Smith asked how the City will begin to justify the difference between the two because people take their families to parks just like families would go to a gym.

Director of Recreation and Parks Fenton stated that the C. M. Eppes Alumni will not be renting the building. The Eppes Alumni leases that part of the building from the City and the Department works with them during their events to open the rest of the building to them. The meet and greet is normally held on a Saturday night. The proposed policy is free



to be changed and modified as the City Council sees fit. He is recommending that if the City Council wants to have some level of alcohol service in any of its parks, this will be the safest way to get it done.

Council Member Smith stated that if the City is looking at and/or making policies and want them to be equal and after receiving a request for the sale and consumption of alcoholic beverages at the Town Common and another request for the same at the C. M. Eppes Recreation Center, she wants to know if the Commission came up with some recommendations of why the two requests are so different. She has listened to the excuses of denying a request for having alcoholic beverages at a gym and that the City does not want to allow it at a recreation building that is a park. She urges the City Council to change that because it does not show equality at all.

Director of Recreation and Parks Fenton stated that a concern was whether it shows equality, if the City does that and will there still be an option then to deny other people's requests about using the C. M. Eppes Recreation Center for events with alcohol consumption. That is staff's and the Commission's concern about this whole thing. Whether the City can open the door and control how far that door is opened are their concerns. He would not like to see regular rental events in a recreation center and to have alcohol associated with them.

Council Member Smith stated that she is referring to the C. M. Eppes Recreation Center versus the Magnolia Arts Center being exclusive, i.e. no one else can come in and lease the buildings, the lessee not being able to use certain areas or the lessee can use the entire building.

Director of Recreation and Parks Fenton stated that if the City Council would like for the policy to be done that way, it is certainly feasible. The C. M. Eppes Alumni does not lease the whole building as the Magnolia Arts Center does.

Council Member Smiley stated that this proposed policy sounds a lot like what these organizations do in Greenville already. He has attended many of the events at the Five Points Plaza where there is a controlled area in which the alcohol has to stay in that area. An example of a bigger event is when the controlled area was on First Street for the PirateFest. It sounds like what is being proposed for the guidelines for how this could work on the Town Common is essentially similar in character approaches that the City has already been using to control these sorts of events that have been successful.

Council Member Smiley asked if the City has found that these sorts of approaches have worked with the festivals and have there been significant problems related to alcohol such as people leaving the designated area and being served inappropriately. Also, Council Member Smiley asked what is staff's opinion about how will all of this work. Director of Recreation and Parks Fenton stated that there were a few problems with PirateFest. Initially, some of the barricades were moved and some people wandered out of that area without authority and walked into the park carrying a beer. It got to a point that it was too



much, but there were not problems associated with it ultimately except that they were in violation of law. Staff talked to the police about it and there were plenty of police officers around. The issue is to secure the fencing and to have police officers within the fencing and that was not provided in that particular case. The City did it again during the Fourth of July and had no problems.

Mayor Thomas asked if there are parameters set around sizing the beer garden area. Director of Recreation and Parks Fenton stated that staff knows that some events might attract a larger number of people. Staff would sit down with each individual sponsor and have a discussion, which is done anyway, about the number of special duty officers required based upon an anticipated popularity event, what type of crowd is expected, how long does it go on, and other things.

Council Member Croskery stated that the reason people want to rent Town Common is largely because there is a band shelter there for music events and people can take advantage of a stage.

Director of Recreation and Parks Fenton stated that the Department has received requests for events that do not take advantage of the stage. That is why it was decided to have the fenced area farther to the east or west within the park and not in front of the stage at Town Common. However, most events will somehow take advantage of the amphitheater. Council Member Smith asked what are the Chief of Police's thoughts on the proposed policy with alcohol service in the Town Common area and how does this affect policing and how to change the perception of the downtown area being unsafe. Chief of Police Hassan Aden stated from the Greenville Police Department (GPD) involvement at the beginning, GPD made no statements about that, but they focused on safety and security should the proposed policy be adopted by the City Council. If a designated area is fenced, GPD can keep it safe provided that certain measures are adhered to relating to the Alcoholic Beverage Control (ABC) regulations such as who is serving, how much is being served and what container types are used. As far as a general policy, the GPD did not engage in an opinion on whether it is a good idea or not.

Council Member Smith asked how safe does GPD feel it will be to have the sale and consumption of alcohol at the Town Common. Chief of Police Aden stated that if the area is fenced off and the age is controlled and the manner in which the alcohol is served, it is just like a restaurant. It can be that kind of environment. It is always tricky when dealing with alcohol, but this is why GPD gave its opinion on scope size and control. Obviously, GPD will pay close attention to anyone bringing alcohol into the park outside of the beer garden. The consumption of wine and beer only is being talked about and no liquor.

Council Member Smith asked whether the amount of alcoholic beverages served to individuals is going to put a burden on having only two police officers. Chief of Police Aden stated that police officers will not be involved with that, but anyone serving beer in any of these locations would have to be certified to pour alcohol and have gone through the safety courses. The ABC will be present and paying close attention to service and over serving.



Council Member Smith asked who deals with those individuals who are over served. Chief of Police Aden stated that would be the ABC, but if there are any instances of drunk in public or disorderly conduct, GPD will certainly handle that.

Mayor Thomas asked if there is a scalable component to how many officers are required based on the estimated size of the event that they have to pay for. Chief of Police responded that there are two minimally, but if the scope is much larger and GPD determines that two police officers cannot handle it, five or six officers may be required.

City Manager Lipscomb stated that what is being discussed presently are the general parameters of a policy. If she is required to sign off on these requests, then she would set up an administrative policy that would cover issues like when to come in for the permit and what is the size of the event. Those people who want to have an event and beer garden would go through the same format that is currently being used for any street closing for an event that serves alcohol. There is another component to this that is separate from the general overall policy.

Mayor Thomas asked who will set that criterion. City Manager responded that the City Council will set the overall criterion, but the City Manager could set up an administrative policy stating when an application must be filed, who will review and sign off on the application, i.e. a committee, and other types of things.

Council Member Smith asked whether the City Manager would approve all of these events at Town Common or everywhere. City Manager Lipscomb responded that she will not be doing approvals within the facilities per se. This whole notion is somewhat similar to the regular street closures for events that serve alcohol more than anything else such as the PirateFest and the July 4th event.

Council Member Smith asked whether the City would be responsible for any incidents that may occur at Town Common when incidents become overwhelming. City Manager Lipscomb stated that the requestors would have to name the City as an additional insured.

City Attorney Holec stated there is always the possibility that the City would be brought into a lawsuit. Anytime anything is done and the City is involved, there is that possibility, but the organization that is sponsoring and running the event is the one who would be responsible. For protection, the City is requiring the insurance coverage with the City being an additional insured. With this proposed policy and with it being designed as it is, it is built in with the protections, if brought into a lawsuit, and the City has taken reasonable precautions relating to that and that will be the City's defense.

Council Member Smith asked when was this item sent as a request to be placed on the agenda and who made that request. Director of Recreation and Parks Fenton responded that it was four to five months ago. City Manager Lipscomb responded that Council Member Blackburn requested this item to be researched and placed on the agenda.



Motion was made by Council Member Blackburn and seconded by Council Member Smiley to adopt the proposed Alcohol Policy for City Parks and Recreation Facilities.

Council Member Blackburn stated that the reason why she requested that this item be placed on the agenda is because of the comments that she received from so many people that said this is something that is done in other communities and asked whether the City could consider it. She attended an event at Chastain Park in Atlanta, Georgia many years ago that was so nicely done. Many people are concerned about Sunday in the Park and this is not a Sunday in the Park type of policy. Sunday in the Park is a precious event for the City and many kids and families attend. The proposed policy is not to include events like it or any of the great similar events. But, the proposed policy would include an evening mature event for a mature community, a progressive event, something that young professionals could attend and enjoy, and something that is so carefully monitored. The policy has allowed the City to have that kind of mature sophisticated event. The policy is a conservative, cautious policy that has been researched thoroughly. It is so restrictive, but that is needed if the City Council is going to decide to do this. The people that she has heard from have envisioned this as not something that will consequently change the community or events held in the Town Common. These events with alcohol service will be additional events at the Town Common and at other locations that have been suggested. It is a progressive policy and a step for the City when talking about the creative class and young professionals that the City is trying to keep in Greenville. Some people during the public forum were concerned about the change and others were excited. The Recreation and Parks Commission had a good conversation about the proposed policy and unanimously passed it. These events will not be damaging to the community, but will be something that will enhance it and give a different type of entertainment and cultural offering.

Council Member Smiley stated that it is obvious that two places that the City Council are having large conversations about are the C. M. Eppes Recreation Center and the Town Common. With respect to the Town Common, it is indeed a City park, but it is different from the other City parks, as is the case in many other communities. Across the country, there are lots of places where parks are seen as festival spaces. It is clear that the City sees the Town Common that way and a band shelter is placed there, which has also been renovated. There is no doubt that the City currently uses and programs entertainment into that space on its own. There is no reason why any of that has to change. He has heard no one suggest that the City sponsored events should be changed. Trying to find additional opportunities for that space to be used is being talked about. So it is not just when the City can come up with an idea and funding to make something happen, but when a nonprofit group wants to bring a band or put on a festival, it can be done. The way most of those events fund themselves is by selling all sorts of things. It has been done very successfully all over the country and the citizens have a public space that is very active. This is an excellent way for the City to step into that and begin to make the Town Common the kind of place where someone can go to on a regular basis. It is not just seven or twelve Sundays in the summer, but many times during the week, there might be some sort of event that the City is not having to put on. This is a way of leveraging a facility that the City wants to make even more use of. The City Council spent time talking about how to make the Town



Common and the Tar River a better place and getting people out there more often. This is one way to do that. It is clear that the City has experience with these types of events. It has not generated an unstoppable cascade of catastrophe. Adjustments were made due to an event that did not turn out as the City had planned or wanted and an event was held since then that worked very well. He would encourage supporting this very well crafted and well considered policy and ordinance.

Mayor Thomas asked whether the surrounding cities such as New Bern, Washington, Rocky Mount, Wilson, and Kinston have an alcohol policy. Director of Recreation and Parks Fenton stated that he pulled information from ordinances that were posted online, and those cities have some level of alcohol services associated with events. Some cities limit alcohol sales and service to special event venues versus a park.

Council Member Smith asked whether the motion excludes making recommendations and changes to the C. M. Eppes Recreation Center. Council Member Blackburn stated that her intention is to be inclusive and to use equity. For instance, if a City Council Member desires to take a look at the Eppes component, she feels that is something reasonable for the City Council to do.

Council Member Croskery stated that the proposed policy has been carefully researched and put together well and with anything like this, there are always stumbling blocks. Open area events in the uptown area have been cosponsored or approved by the City of Greenville for years. The PirateFest, Freeboot Friday, Umbrella Market and the July 4th event have been enjoyable things. The City has experience with other open area things being held in the City such as football tailgates when a huge area in the City is covered with people having alcohol in public. There are restaurants in the City that have outdoor dining facilities where feasibly someone could walk off with a beer. The policy could be amended to include a clause about the Eppes Recreation Center, if the use of the gym would be helpful to the C. M. Eppes Alumni. If a policy is adopted including an open area part for one of the City' parks, i.e. Town Common, it would be done properly and safely. He has some personal misgivings about that one particular space. In the future, he may not have those misgivings about including the Town Common in a policy if one that works well is put in these contained spaces and it is demonstrated a year later that there were no problems and the City has learned what is needed.

Motion was made by Council Member Croskery and seconded by Council Member Smith to amend the original motion to remove the Town Common from the Alcohol Policy for the City Parks and Recreation Facilities as presented and to expand the use by the C. M. Eppes Alumni Association during the C. M. Eppes Alumni Weekend to include all of the C. M. Eppes Recreation Center.

Council Member Smith stated that she is in support of the amendment because everything else is contained in certain areas and that one is not. The biggest concern that she has heard is the sale and consumption of alcoholic beverages are being taken into the park where there are families. One key thing is that several months ago, the City Council



adopted a policy to remove smoking from the parks and now the City Council is considering having alcohol in the park.

Council Member Smiley stated that he certainly recognizes the sensibility that drives this motion. The notion that there is a possibility of the City Manager approving an event that would put alcohol in the Town Common after the City Council had specifically voted against it is more aspirational than real. There has been discussion about doing everything possible to make better use of that area and having other entities to be able to program that performance space only helps as a city.

Council Member Blackburn stated that the Town Common is a shared festival space. With the amended change, the City would be making a policy for three groups of people (the C. M. Eppes Alumni Association and Magnolia Arts Organization and people who are getting married) that excludes most people in the community that can potentially benefit from being able to have an additional type of event. It is unfair to all of the young people who have contacted her and the young professionals and the people who would like to see the City take this step to have this additional type of event. GPD has reported that they do not believe that the policy, as written, is going to cause additional problems. This is a sound policy including the Town Common and to remove the Town Common is disingenuous because it is saying that the City is willing to do something for three groups and not doing it for the whole community.

Mayor Thomas stated that he supports the motion of taking this in appropriate deliberate steps.

There being no further discussion, the motion to amend the original motion to remove the Town Common from the Alcohol Policy for the City Parks and Recreation Facilities as presented and to expand the use by the C. M. Eppes Alumni Association during the C. M. Eppes Alumni Weekend to include all of the C. M. Eppes Recreation Center, passed with a 4:2 vote. Mayor Pro-Tem Mercer and Council Members Smith, Glover and Croskery voted in favor of the motion and Council Members Blackburn and Smiley voted in opposition.

Council Member Blackburn withdrew her motion to adopt the proposed Alcohol Policy for City Parks and Recreation Facilities.

Council Member Glover stated that she is in opposition to having the sale and consumption of alcoholic beverages at any public facility. Because of personal and moral reasons, she will vote against the adoption of this policy. She has spoken to several ministers and they agree with her position and she agrees with their position.

Motion was made by Council Member Croskery and seconded by Council Member Smith to adopt the Alcohol Policy for the City Parks and Recreation Facilities with the removal of the Town and the addition to expand the use by the C. M. Eppes Alumni Association during the C. M. Eppes Alumni Weekend to include all of the C. M. Eppes Recreation Center, with a 4:2



vote. Mayor Pro-Tem Mercer and Council Members Smith, Smiley, and Croskery voted in favor of the motion and Council Member Glover and Blackburn voted in opposition.