



Agenda

City Council Workshop

August 8, 2019

4:00 PM

City Hall Conference Room 337

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. Roll Call

III. Approval of Agenda

IV. New Business

1. Presentation on the Creation of an Entertainment District in the Uptown Area
2. Presentation on Proposed Amendment of the Obstruction of Sidewalks Ordinance
3. Presentation on Proposed Sidewalk Encroachments in the Uptown Area
4. Presentation on Proposed Parking Changes in the Uptown District
5. Presentation on Proposed New Year's Eve Celebration

V. Adjournment



City of Greenville, North Carolina

Meeting Date: 8/8/2019
Time: 4:00 PM

Title of Item: Presentation on the Creation of an Entertainment District in the Uptown Area

Explanation: Community Development staff will provide a presentation on a proposed Entertainment District to improve the overall environment of the uptown area in order to attract additional appropriate reinvestment.

Fiscal Note: No direct cost.

Recommendation: Hear presentation from Community Development staff



City of Greenville, North Carolina

Meeting Date: 8/8/2019
Time: 4:00 PM

Title of Item: Presentation on Proposed Amendment of the Obstruction of Sidewalks Ordinance

Explanation: **Abstract:** One of the recommendations to improve issues facing the uptown area is to modify the obstruction of sidewalks ordinance. Staff will present details outlining the proposed amendment to City Code Title 12, Chapter 1, Section 18.

Explanation: Modifying the obstruction of sidewalks ordinance was one recommendation for improving the night-time environment in the uptown district. Staff recommends rewriting Title 12, Chapter 1, Section 18 so it now reads "Refusal to Disperse When Obstructing Passage." A copy of the proposed amendment is attached for your review.

Fiscal Note: No cost to the City.

Recommendation: Hear the presentation from staff on the proposed ordinance to amend Title 12, Chapter 1, Section 18 of the Greenville City Code relating to obstruction of sidewalks

ATTACHMENTS:

☐ **ORDINANCE--Prohibit_the_Failure_to_Disperse_When_Obstructing_Passage_1112037**

ORDINANCE NO. 19-

AN ORDINANCE TO AMEND CITY CODE, TITLE 12 (“OFFENSES AND PUBLIC NUISANCES”), CHAPTER 1 (“SPECIFIC OFFENSES”), SPECIFICALLY SECTION 12-1-18

WHEREAS, the City Council of the City of Greenville, North Carolina, has the authority pursuant to N.C.G.S. § 160A-296 over public streets, sidewalks, alleys, bridges, and other ways of public passage within the corporate limits of the City except to the extent that authority and control over certain streets and bridges is vested in the Board of Transportation;

WHEREAS, included within this authority and pursuant to N.C.G.S. § 160A-296(2) is the duty to keep the public streets, sidewalks, alleys, and bridges open for travel and free from unnecessary obstructions;

WHEREAS, pursuant to N.C.G.S. § 160A-300, the Council may by ordinance prohibit, regulate, divert, control, and limit pedestrian or vehicular traffic upon the public streets, sidewalks, alleys, and bridges of the City;

WHEREAS, N.C.G.S. § 160A-174 provides that a City may by ordinance define, prohibit, regulate, or abate acts, omissions, or conditions, detrimental to the health, safety, or welfare of its citizens;

WHEREAS, groups of individuals have begun to congregate on sidewalks outside of various establishments within the City limits;

WHEREAS, such congregation by groups of individuals on sidewalks is impeding safe pedestrian travel; and

WHEREAS, the Council is desirous for providing for safe pedestrian travel upon public streets, sidewalks, alleys, and other ways of public passage within its corporate limits;

NOW, THEREFORE, BE IT ORDAINED by the Greenville City Council as follows:

Section 1: Title 12, Chapter 1 is hereby amended by rewriting Section 18 so that Section 18 will now read as follows:

SEC. 12-1-18 REFUSAL TO DISPERSE WHEN OBSTRUCTING PASSAGE.

(A) Whenever the free passage of any street, sidewalk, alley, or public walkway in the City shall be obstructed by a person or persons, so that another person’s passage is thereby blocked, the person or persons obstructing said passage shall disperse or move on to allow the other person to pass when directed to do so by a police officer. It shall be unlawful for any person to refuse to so disperse or move on when so directed by a police officer as herein provided.

(B) Penalty. A violation of this section shall constitute a class 3 misdemeanor and shall subject the offender to a fine of \$100.00 for each offense.

Section 2: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3: 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 4: This ordinance shall become effective upon its adoption.

This _____ day of August, 2019.

P. J. Connelly, Mayor

ATTEST:

Carol L. Barwick, City Clerk

#1112037



City of Greenville,
North Carolina

Meeting Date: 8/8/2019
Time: 4:00 PM

Title of Item: Presentation on Proposed Sidewalk Encroachments in the Uptown Area

Explanation: Community Development staff will provide a presentation on proposed sidewalk encroachments in the uptown area.

Fiscal Note: No direct cost to the City.

Recommendation: Hear presentation from Community Development staff

ATTACHMENTS:

- ❑ Sidewalk_encroachments_ord_1112174

ORDINANCE NO. 19-
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 ____, 2019 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

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

Section 1: That Title 6, Chapter 2, of the City Code, is hereby amended by adding the following:

ARTICLE H. UPTOWN SIDEWALK ENCROACHMENT PERMIT

SEC. 6-2-100 DEFINITIONS.

Uptown sidewalk encroachment permit. Area that utilizes public sidewalks and/or alleys that contains removable chairs, tables, plants, exterior lighting and related appurtenances. Here in referred to an “encroachment area”

Uptown sidewalk encroachment area. The area where uptown outdoor dining is allowed by permit and which is located in the geographic area within the following boundary: 3rd Street between Washington Street and Cotanche Street, Cotanche Street between 3rd Street and 4th Street, 4th Street between Cotanche Street and Reade Street, Reade Street and Reade Circle between 4th Street and Evans Street, Evans Street between Reade Circle and 5th Street, 5th Street between Evans Street and Washington Street, and Washington Street between 5th Street and 4th Street.

SEC. 6-2-101 MINIMUM SUBMISSION STANDARDS.

All applications for a sidewalk encroachment permit shall be submitted on a form provided by the city and contain the following information:

(A) Five (5) copies of a scaled sketch plan showing the proposed outdoor dining area boundary and surrounding streetscape details including property lines, sidewalks, lighting, trees, tree grates, planters, parking meters, benches, street signs, bus stops, and fire hydrants. The plan shall also include location, number and arrangement of tables, chairs and other appurtenances. The plan will be reviewed for compliance with applicable rules, regulations, ordinances, law, and statutes by the following departments/divisions: Police, Fire/Rescue, Engineering and Inspections.

(B) Proof of valid insurance policy that provides a minimum liability of \$ 1,000,000, and

has the City of Greenville designated as an additional insured under the policy; and

(C) Written permission of abutting property owner (if the sidewalk encroachment area includes an area adjacent to the abutting property beyond the property upon which the establishment is located).

SEC. 6-2-102 CONDITIONS.

The following conditions apply to the sidewalk encroachment permit:

(A) A minimum sidewalk width of no less than 84 inches is required for a sidewalk encroachment permit and the business must share a common boundary line with a public sidewalk.

(B) Sidewalk encroachment permit must be associated with an operating establishment in the Uptown Sidewalk Encroachment Area that is under the same management.

(C) Sidewalk encroachment area shall be in accordance with the plan approved by the sidewalk encroachment permit.

(D) Sidewalk encroachment area shall not be enclosed by fixed walls and shall be open to the air.

(E) Furniture may be of any construction except plastic.

(F) No tents or cash registers are allowed in the encroachment area.

(G) All furniture must be removed from the encroachment area each day by 1:00 am or secured firmly against the storefront wall with a chain or similar locking device. Furniture cannot be stacked or stored in the encroachment area. Furniture may be returned to the encroachment area after 6:00 a.m. the following day.

(H) No additional signage shall be allowed in the outdoor dining area except as allowed in Title 9, Chapter 4, Article N of the City Code.

(I) Temporary barriers are allowed provided that these are no more than 36 inches in height and of all-metal construction.

(J) Umbrellas are allowed provided vertical and horizontal clearances on sidewalks, as required by the North Carolina State Building Code and the Americans with Disabilities Act, are maintained.

(K) No space heaters may be used in the encroachment area.

(L) No electrical/extension cords may be used in the encroachment area.

(M) No flooring, decking, terracing or other floor material may be installed in the encroachment area.

(N) Accessible routes, as required by the North Carolina State Building Code, shall be maintained at all times.

(O) Encroachment area may be expanded to an abutting property with the written permission of the abutting property owner and the inclusion of the area in the encroachment permit.

(P) Permit holder must comply with all applicable rules, regulations, ordinances, laws or statutes, including the Americans with Disabilities Act (ADA) and those regulations promulgated or enforced by the North Carolina Alcohol Beverage Control Board. No chairs, tables, plants, exterior lighting and related appurtenances can be placed in the required 4 feet (48 inches) minimum pedestrian clearance.

(Q) No chairs, tables, plants, or related appurtenances can extend to within sight triangles at street intersections or driveway entrances.

(R) Encroachment area operation must comply with all State and local regulations.

(S) The permit holder shall maintain general commercial liability insurance, naming the city as additional insured in the amount of not less than \$1,000,000 and submit a current certificate of insurance demonstrating continued compliance with this subsection. Such insurance shall not be cancelled without 30 day written notice to the city.

(T) The city maintains the right to enter the encroachment area at any time for inspecting the area, ascertaining compliance with conditions of the permit or making any repairs to public sidewalks and/or alleys.

(U) The permit holder agrees to maintain no less than 4 feet (48 inches) minimum pedestrian clearance at all times.

(V) The permit holder is liable for all damages and repairs to the streetscape, trees and vegetation, sidewalks, streets, or other public amenities that directly relate to the use of the permitted spaces.

(W) Permit holders may be required to remove private materials or accessories temporarily to allow street, sidewalk, or utility access for maintenance operations or during approved special events.

(X) Special event permits supersede annual permits. During a special event approved by the City, annual permits are temporarily suspended.

(Y) Street furniture must be placed directly in front of the property and on the same side of the street no further than 3 feet out from the façade.

(Z) Street furniture must not be attached to trees.

(AA) An unobstructed sidewalk space 4 feet (48 inches) wide must be maintained parallel to the street for pedestrian traffic at all times. Where existing obstructions are present (such as fire hydrants), the corridor can be measured to go around these obstructions. For tree grates, the corridor is measured from the outer edge of the grate, unless an ADA-compliant grate is installed, in which case the 4 feet can be measured directly from the tree trunk.

(BB) Pots and planters must not be more than 3 feet (36 inches tall - excluding plant height).

(CC) Building mounted light fixtures must not extend more than 18 inches into public space if less than 7 feet above sidewalk grade.

(DD) Light fixtures must be shielded to prevent glare for pedestrians, motorists, adjacent businesses, residents, or tenants. For example, bulbs (lamps) must not extend past the fixture housing.

(EE) All lighting fixtures must meet the standards of the City Lighting Ordinance.

(FF) Light fixtures must be directed at the building or the ground, keeping uplighting to a strict minimum.

(GG) Rotating, blinking or strobe lights are prohibited.

(HH) Color, neon and LED lights are prohibited.

(II) All street furniture and accessories must be removable for periodic maintenance of public space.

(JJ) Private furnishings such as benches are allowed in public space only if the back of the benches are within 6 inches of the building façade.

(KK) Street furniture and accessories must not block pedestrian access to and visibility of building entrances.

SEC. 6-2-103 RESPONSIBILITIES.

In addition to the conditions specified in § 6-2-63, the permit holder of an uptown sidewalk encroachment permit shall comply with the following:

(A) Permit holder shall keep the encroachment area free of garbage, trash, refuse, and other waste materials and maintain the security of chairs, tables, plants, exterior lighting and related appurtenances.

(B) Permit holder shall maintain the encroachment area in a clean and usable state and must protect the right-of-way from damage.

(C) Permit holder shall properly clean and remove, for the safety of pedestrians and for environmental concerns, any food, drink, and other items spilled in the sidewalk, alley, or adjacent areas located in the right-of-way.

(D) Permit holder shall use and occupy the encroachment area in a safe and reasonable manner in accordance with applicable laws including the provisions of this article; and

(E) Permit holder shall keep and maintain the encroachment area in good and complete state of repair and condition, except for ordinary wear and tear.

SEC. 6-2-104 NON-TRANSFERABILITY.

The sidewalk encroachment permit is not transferable. A change in ownership of the establishment requires re-application. The sidewalk encroachment permit is valid for one year on a calendar year basis (from January 1 through December 31) and will expire on December 31 regardless as to when the sidewalk encroachment permit is issued.

SEC. 6-2-105 REVOCATION.

The sidewalk encroachment permit may be revoked if it is determined that the permit holder:

(A) Deliberately misrepresented or provided false information in the permit application;

(B) Violated any provision of the City Code or county health department regulations in connection with the operation of the establishment;

(C) Violated any law, regulation, or ordinance regarding possession, sale, transportation or consumption of intoxicating beverages or controlled substances;

(D) Operated the encroachment area in such a manner as to create a public nuisance or to constitute a hazard to public health, safety, and welfare; specifically including failure to keep the encroachment area clean and free of refuse;

(E) Failed to maintain any health, business, or other permit or license required by law for the operation of the establishment.

SEC. 6-2-106 ENFORCEMENT AND APPEALS.

Enforcement of this article will be the responsibility of the Director of the Planning and Development Services Department or designee. An appeal of a citation or of a denial or revocation of a permit shall be presented in writing to the Director of the Planning and Development Services Department no later than five calendar days after its issuance.

SEC. 6-2-107 PENALTIES FOR VIOLATIONS.

(A) Any violation of the provisions of this section shall subject the offender to a civil penalty in the amount of \$50. Violators shall be issued a written citation, which must be paid within 72 hours. If the person fails to pay the civil penalty within 72 hours, the city may recover the penalty including all costs and attorney fees by filing a civil action in the general court of justice in the nature of a suit to collect a debt.

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

Section 2: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3: 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 4: This ordinance shall become effective upon its adoption.

This 8th day of August, 2019.

P. J. Connelly, Mayor

ATTEST:

Carol L. Barwick, City Clerk

1112174



City of Greenville, North Carolina

Meeting Date: 8/8/2019
Time: 4:00 PM

Title of Item: Presentation on Proposed Parking Changes in the Uptown District

Explanation: City staff will make a presentation on proposed parking changes in the Uptown district to maximize the efficiency of public parking and enhance nighttime safety.

Fiscal Note: Program costs and revenues to be determined.

Recommendation: Hear the presentation from staff.



City of Greenville,
North Carolina

Meeting Date: 8/8/2019
Time: 4:00 PM

Title of Item: Presentation on Proposed New Year's Eve Celebration

Explanation: City staff has been working with representatives from Uptown Greenville, Greenville-Pitt County Convention and Visitors Bureau, Greenville-Pitt County Chamber of Commerce, Greenville Jaycees, and Pitt County Arts Council at Emerge to plan a New Year's Eve celebration for December 31, 2019. Assistant City Manager Ken Graves will present information on the event.

Fiscal Note: Total anticipated costs for the event are still being determined. No funds have been budgeted. City staff will seek sponsors to assist with the event's cost.

Recommendation: Hear the presentation on the proposed New Year's Eve celebration.
