

City Council Meeting

December 14, 2020



Greenville
NORTH CAROLINA

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Item 7

Resolution Authorizing the Sale of
Property Located at 431 West Fifth
Street by Upset Bid Method



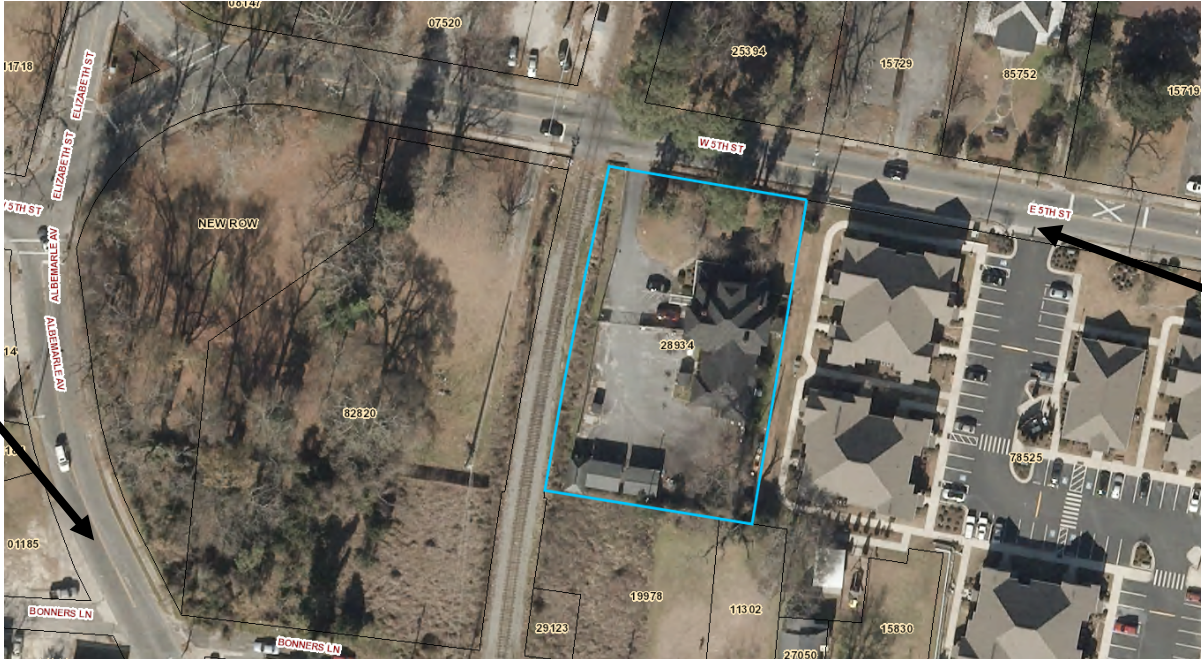
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City of Greenville
Resolution Authorizing the Sale of Property
Located at 431 West Fifth Street

- The City owns an approximate 0.68 acre parcel of property identified as Pitt County tax parcel 28934 located at 431 West Fifth Street.
- The property has a fair market value, as established by an independent appraisal dated December 1, 2018, of \$148,000
- The City has identified the parcel as having no short-term or long-term use to the City.

City of Greenville
Resolution Authorizing the Sale of Property
Located at 431 West Fifth Street

Albemarle Avenue



West 5th Street



City of Greenville
Resolution Authorizing the Sale of Property
Located at 431 West Fifth Street



City of Greenville
Resolution Authorizing the Sale of Property
Located at 431 West Fifth Street

- North Carolina General Statute 160A-269 Authorizes the City to Sell the Property by Upset Bid, After Receiving an Offer to Purchase.
- The Following are the Steps to be Taken as Part of the Upset Bid Process Based on State Statute

City of Greenville
Resolution Authorizing the Sale of Property
Located at 431 West Fifth Street

- Council Shall Authorize the Sale of the Property by Upset Bid at a Minimum Price of \$148,000
- City Clerk Shall Publish a Notice to Sale Describing the Property, the Amount of the Offer and the Terms Under Which the Offer May be Upset
- City Will Accept Sealed Bids from Persons Wishing to Purchase the Property for a 30 Day Period
- At the Conclusion of the 30 Day Period, the Clerk Shall Open the Bids and the Highest Bid Shall Become the High Bid Offer
- The Clerk Shall Publish a New Notice of Upset Bid for a 10 Day Period and Shall Repeat the Process Until a 10-Day Period has Passed Without a New Qualifying Upset Bid Being Received

City of Greenville
Resolution Authorizing the Sale of Property
Located at 431 West Fifth Street

- A Qualifying High Bid is One That Raises the Existing Offer by Not Less Than 10% of the First \$1,000 of that Offer and 5% of the Remainder of That Offer
- A Qualifying High Bid Must Also be Accompanied by a Deposit in the Amount of 5% of the Bid
- At the End of the Upset Bid Process, Staff Will Present the Highest Bid to Council for Consideration
- The City Reserves the Right to Withdraw the Property From Sale at Any Time Before the Final High Bid is Accepted and the Right to Reject at Any Time All Bids.

City of Greenville
Resolution Authorizing the Sale of Property
Located at 431 West Fifth Street

Staff Recommendation

Council Approve the Resolution Authorizing
the Sale of the Property by Upset Bid Method

Item 8

Resolution Authorizing the Sale of
Property Located off New Street by
Upset Bid Process



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City of Greenville
Resolution Authorizing the Sale of Property
Located Off New Street by Upset Bid Process

- The Overton Group, LLC has Submitted an Offer to Purchase an Approximate 1.94 Acre Portion of City Property Located Off New Street (Tax Parcel 29030)
- The Property has Been Identified as Having No Short Term or Long Term Use to the City
- The Property has a Fair Market Value of Between \$249,000 and \$292,000 Dependent on the Property's Intended Use
- The Offer From the Overton Group is to Purchase the Property at \$260,000

City of Greenville
Resolution Authorizing the Sale of Property
Located Off New Street by Upset Bid Process



City of Greenville
Resolution Authorizing the Sale of Property
Located Off New Street by Upset Bid Process

- The City Purchased the Property Approximately 89 Years Ago for the Use of Greenville Utilities

- Over the Last 40 Years the Property has Been Utilized For:
 - Public Works Operations Center
 - Parks Maintenance Operations Center
 - Laydown Area and Storage Area for Various Public Projects

- The Property Contains Three Storage Facilities Used by the City to Store Various Miscellaneous Items

City of Greenville
Resolution Authorizing the Sale of Property
Located Off New Street by Upset Bid Process



City of Greenville
Resolution Authorizing the Sale of Property
Located Off New Street by Upset Bid Process

- The 1.94 Acre Property is a Portion of Tax Parcel 29030 Which is Approximately 7.46 Acres
- If Council Approves the Upset Bid Process, Staff Will Move Forward With the Procedure to Subdivide the Parcel into Two Separate Parcels

City of Greenville
Resolution Authorizing the Sale of Property
Located Off New Street by Upset Bid Process

- North Carolina General Statute 160A-269 Authorizes the City to Sell the Property by Upset Bid, After Receiving an Offer to Purchase.
- Per the State Statute, Overton has Paid the Five Percent Deposit on the Offer.
- The Following are the Steps to be Taken as Part of the Upset Bid Process Based on State Statute

City of Greenville
Resolution Authorizing the Sale of Property
Located Off New Street by Upset Bid Process

- Council Shall Authorize the Sale of the Property by Upset Bid
- City Clerk Shall Publish a Notice to Sale Describing the Property, the Amount of the Offer and the Terms Under Which the Offer May be Upset
- City Will Accept Sealed Bids from Persons Wishing to Upset the Offer for 10 Days After the Notice is Published
- At the Conclusion of the 10 Day Period, the Clerk Shall Open the Bids and the Highest Bid Shall Become the New Offer
- If a New High Bid is Received, the Clerk Shall Publish a New Notice of Upset Bid and Shall Repeat the Process Until a 10-Day Period has Passed Without a New Qualifying Upset Bid Being Received

City of Greenville
Resolution Authorizing the Sale of Property
Located Off New Street by Upset Bid Process

- A New Qualifying High Bid is One That Raises the Existing Offer by Not Less Than 10% of the First \$1,000 of that Offer and 5% of the Remainder of That Offer
- A New Qualifying High Bid Must Also be Accompanied by a Deposit in the Amount of 5% of the Bid
- If No Qualifying Upset Bid is Received After the Initial Public Notice, the Offer Set Forth Above is Hereby Accepted. The City Manager Shall be Authorized to Execute the Instruments Necessary to Convey the Property to The Overton Group, LLC.

City of Greenville
Resolution Authorizing the Sale of Property
Located Off New Street by Upset Bid Process

Terms of Sale:

- The Council Approve the Final High Offer Before the Sale is Closed Which Shall be Done Within 45 Days of the Completion of the Upset Bid Process
- Conveyance of the Property will be by Limited Warranty Deed as Specified in the Resolution
- The Buyer Will Have a 45 Day Due Diligence Period to Complete an Environmental Inspection, at the Buyer's Sole Expense, and Review the Environmental Inspection to the Buyer's Satisfaction

City of Greenville
Resolution Authorizing the Sale of Property
Located Off New Street by Upset Bid Process

Staff Recommendation

Council Approve the Resolution Authorizing
the Sale of the Property by Upset Bid Method

Item 9

Clarification of Mayor's Authority to
Issue Emergency Proclamations



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Emergency Proclamations

- City Council delegated to the Mayor authority to issue emergency proclamations in 2002.
 - Code provision authorized the Mayor to impose certain restrictions. (e.g., curfew).
- State law entitled *N.C. Emergency Management Act* includes restrictions NOT listed in the Code:
 - Prohibit movement of people in public places;
 - Prohibit operation of offices, and business establishments, to or from which people may travel or congregate;
 - Other activities or conditions the control of which may be reasonably necessary to maintain order and protect lives or property



Emergency Proclamations

- Council enacted temporary ordinance in response to COVID-19 that delegated to Mayor authority to impose all restrictions in state law.
 - Expires on Dec. 31, 2020.
- Proposal aligns with City Code with State law
- Proposal delegates to Mayor authority to impose all restrictions in state law.

Recommendation:

- Council approve the ordinance clarifying the Mayor's authority to issue emergency proclamations.



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Item 10

Chapter 160D: A New Land Use
Law for North Carolina



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Chapter

160D

A New Land Use Law for North Carolina



Greenville
NORTH CAROLINA

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Purpose

- **Consolidate**
- **Reorganize**
- **Adopt consensus reforms**



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Consolidate

- **Chapter 160A – Municipal Planning Statutes**
- **Chapter 153A – County Planning Statutes**

Combined to form Chapter 160D



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Consolidate

- **Makes development more straight forward, changing jurisdictions no longer means changing rule sets**
- **Staff skills transferable between city and county**



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Reorganize

- Regulations used to be hidden in different parts of state statute, in an unintuitive manner
- New organization groups statutes in a more logical and easy to grasp order



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Consensus Reforms

- **No major policy changes**
- **Clarifying amendments**
- **Eliminate archaic jargon**



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Consensus Reforms

- **Removal of Conditional Use Permits/Districts**
- **Plan Consistency statements are simplified**
- **Vested Rights Timelines Codified**



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Archaic Terms

- **Some portions of statute written over 100 years ago**
- **Standardizing some definitions such as “development regulation”**
- **Clarified decision types – legislative vs quasi-judicial vs administrative decisions**



Plan Consistency Statements

- **Consistency statements do not need to be formally adopted in rezonings**
- **Plans and consistency MUST be discussed during the hearing and clearly taken into consideration if no statement is adopted.**



Vested Rights

Type of Permit/Rights	Period of Validity	Summary of Applicability
Development Permits	12 months	General rule that development approvals (site plans, plats, special use permits, and more) are valid for twelve months unless altered by other statutes. Local regulations may extend the period of validity. G.S. 160D-108.
Site-Specific Vesting Plan	2 years (up to 5)	Certain approvals identified by local ordinance create extended vesting. Permit must be identified as such at the time of approval. G.S. 160D-108.1.
Multi-Phased Development	7 years from first site plan approval	Qualifying development enjoys extended vesting. Must be at least 25 acres in size, subject to a master development plan with committed elements, to be permitted and built in phases. G.S. 160D-108.
Validity after Development Discontinuation	2 years	For a development that has substantially commenced work, statutory vested rights expire after 24 consecutive months of discontinuance of the project. The discontinuance period is tolled for any litigation relating to the project or property. (Building permits limited to 12 months of discontinuation.) G.S. 160D-108.
Development Agreement	Per agreement	Negotiated agreement between developer and local government specifying a range of development topics, including period of vesting. G.S. 160D-108 & -1007.

Conflict of Interest

“ A board member must not vote on a decision if the outcome would have a direct, substantial, and readily identifiable financial impact on the board member.”

“A governing [or appointed] board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship.”



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Conflict of Interest

“No staff member shall make a final decision on an administrative decision . . . if the applicant or other person subject to that decision is a person with whom the staff member has a close familial, business, or other associational relationship.”



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Conflict of Interest

Quasi-Judicial Decisions:

In addition to the financial and relationship conflicts, for quasi-judicial decisions a board member also must not vote if the board member has bias or undisclosed *ex parte* communications. This was the case under prior law also



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Prior Projects

- **Any approvals given under the old rules will remain valid**
- **Rules at time of approval will apply**



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Deadlines

**Ch. 160D becomes fully effective
(and 160A provisions repealed)
when:**

- 1) We update our development regulations**
- 2) On July 1, 2021**

Whichever happens first



Staff Timeline

- **February 2021 – Draft ordinance complete, Planning & Zoning Commission Hearing**
- **March 2021 – Public Hearing and Discussion of first half of update**
- **April 2021- Public hearing covering second half of update. Action by Council.**



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Wildwood Park

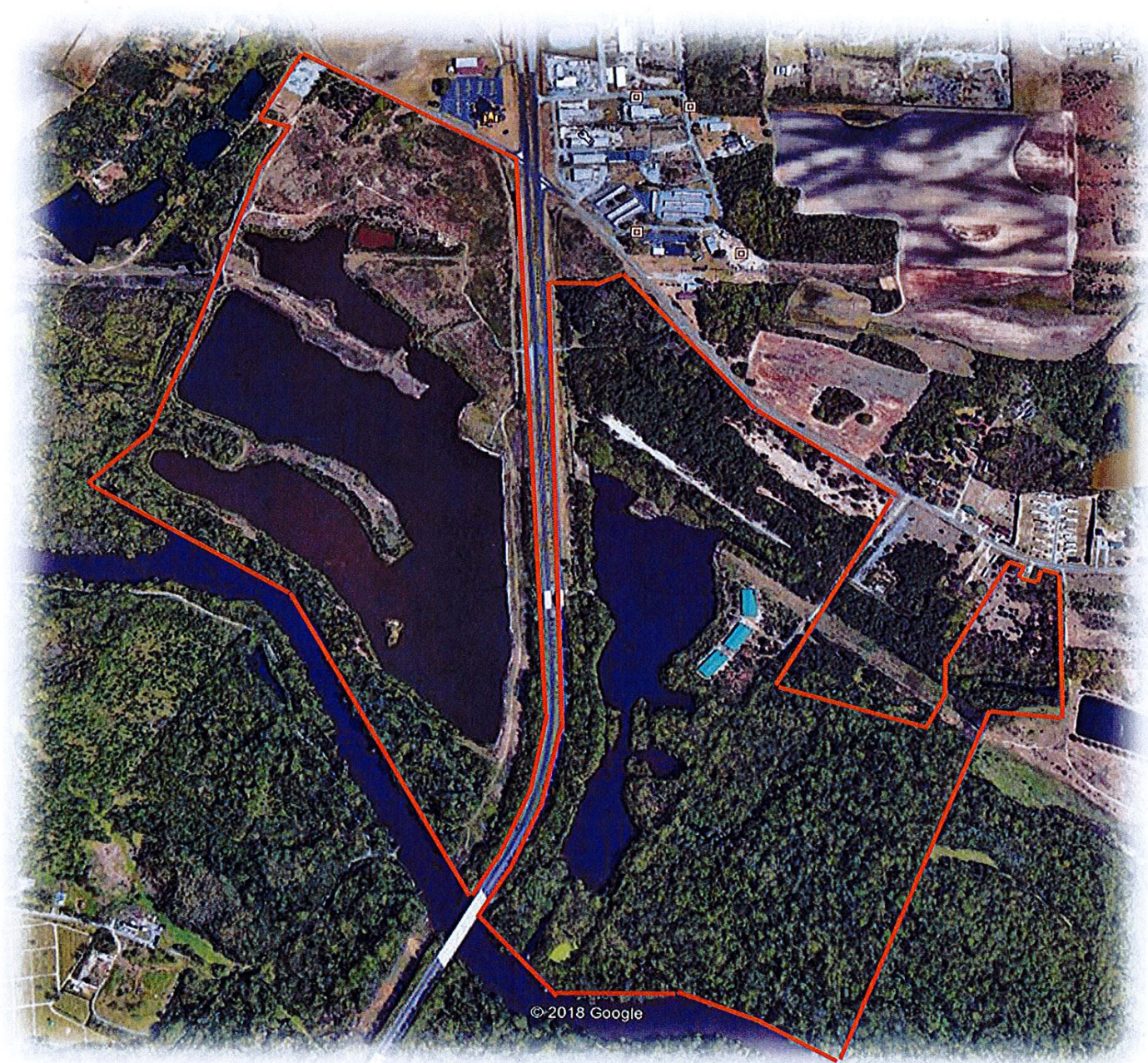
East & West Sectors

Over 340 Acres



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“Wildwood West”

2020 OPIS Values

5 Parcels



Parcel #	Acreage	2020 OPIS Value
00072	.88	\$95,832
10256	12.0	\$350,089
22504	137.48	\$314,709
24274	6.72	\$24,997
35488	27.7	\$165,976
TOTALS	184.78	\$951,603



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