



Agenda

Greenville City Council

February 10, 2022

6:00 PM

City Hall Council Chambers, 200 West 5th 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 - Mayor Connelly

III. Pledge of Allegiance

IV. Roll Call

V. Approval of Agenda

VI. Special Recognitions

1. Bobby Stainback - Public Works Department Retiree
2. Henry Best - Fire/Rescue Department Retiree

VII. 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.

VIII. Appointments

3. Appointments to Boards and Commissions

IX. New Business

Public Hearings

4. Resolution to Close a portion of Southeast Alley
5. Ordinance requiring the demolition and removal of the dwelling located at 1217 Battle Street, Tax Parcel #10006

Other Items of Business

6. Ordinance Amending City Code Title 9, Chapter 1, Article E, "*Repair, Closing or Demolition of Abandoned Structures*" and Title 9, Chapter 1, Article F, "*Minimum Housing Code*" to Authorize Filing and/or Cancelling a Notice of Lis Pendens in Minimum Housing and Abandoned Structure Code Enforcement Cases
7. Second reading and adoption of an ordinance requested by the Police Department to amend Section 12-1-3 of the City Code to establish civil and criminal penalties in compliance with Session Law 2021-138

X. City Manager's Report

XI. Comments from Mayor and City Council

XII. Adjournment



City of Greenville, North Carolina

Meeting Date: 02/10/2022

Title of Item: Appointments to Boards and Commissions

Explanation: City Council appointments need to be made to the Affordable Housing Loan Committee, Human Relations Council, Police Community Relations Committee, Recreation and Parks Commission, and Youth Council.

The City Council updated the Boards and Commission Policy on October 9, 2017 to include a provision for extended vacancies: Nominations for Extended Vacancies "In the event there is a vacancy on a City board or commissions 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 nomination and elections in Robert's Rules of Order." Under this provision, the following seats are open to nominations from the City Council:

Olive Barrett - Human Relations Council
James Cox - Human Relations Council
Mark Rasdorf - Human Relations Council
10 seats on the Youth Council

Fiscal Note: No direct fiscal impact

Recommendation: Make appointments to the Affordable Housing Loan Committee, Human Relations Council, Police Community Relations Committee, Recreation and Parks Commission, and Youth Council.

ATTACHMENTS

 [February 2022 Appointments to Boards and Commissions.pdf](#)

Appointments to Boards and Commissions

February 2022

Affordable Housing Loan Committee

Council Liaison: Mayor Pro-Tem Rose Glover

Name	District #	Current Term	Reappointment Status	Expiration Date
Kevin Howard	2	1-year term	Final	February 2022
Martin Tanski	3	1-year term	Final	February 2022
Judy Wagner	4	1-year term	Final	February 2022

Human Relations Council

Council Liaison: Mayor Pro-Tem Rose Glover

Name	District #	Current Term	Reappointment Status	Expiration Date
Olive Barrett	5	Second term	Ineligible	September 2021
James Cox	4	First term	Resigned	September 2021
Mark Rasdorf	4	First term	Resigned	September 2022

Police Community Relations Committee

Council Liaison: Council Member Will Bell

Name	District #	Current Term	Reappointment Status	Expiration Date
Robert Cherry Jr.	4	Filling unexpired term	Eligible	October 2021

(Council Member Rick Smiley)

Recreation and Parks Commission

Council Liaison: Council Member Monica Daniels

Name	District #	Current Term	Reappointment Status	Expiration Date
Nicole Caswell		Second term	Resigned	May 2023

(Council Member Will Bell)

Youth Council

Council Liaison: Mayor Pro-Tem Rose Glover

Name	Current Term	Reappointment Status	Expiration Date
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10 spots open

Seats that are open to nominations from the City Council are highlighted.

Applicants for Affordable Housing Loan Committee

None.

Applicants for Human Relations Council

Reginald Watson
211 Pin Oak Court
Greenville, NC 27834

District #: 5

Application 7/27/2020

Home Phone: (252) 355-3380
Business Phone: (252) 328-6684
Email: walston.tyrone@gmail.com

Rebecca Renee Houston
512 Westminster Circle
Greenville, NC 27858

District #: 4

Application 10/16/2019

Home Phone: (757) 880-7869
Business Phone:
Email: rebeccarwhouston@yahoo.com

Applicants for Police Community Relations Committee

None.

Applicants for Recreation and Parks Commission

Joel Sweeney
3440 Briarcliff Drive Apt I
Greenville, NC 27834

District #: 1

Application 9/8/2021

Home Phone: (319) 327-2152
Business Phone:
Email: joel.sweeney@overtongroup.net

Betsy Byma
1903 Tottenham Ct
Winterville, NC 28590

District #: 5

Application 1/11/2021

Home Phone: (607) 745-7661
Business Phone:
Email: betsy.k.byma@gmail.com

John Ashby
3903 A Elkin Ridge Drive
Greenville, NC 27858

District #: 4

Application 2/5/2020

Home Phone: (252) 714-7614
Business Phone: (252) 296-1200
Email: john1993ashby@gmail.com

Applicants for Youth Council

None.



City of Greenville, North Carolina

Meeting Date: 02/10/2022

Title of Item: Resolution to Close a portion of Southeast Alley

Explanation: The City received a request to close a portion of Southeast Alley over and upon the properties of Greenville Ventures NC, LLC, the future site of a Hotel.

In 1973 and 1974, by agreements and easements, the City acquired the right to construct and maintain a public access-way, now known as the Southeast Alley, over and upon private properties from Fourth Street to Cotanche Street. Greenville Ventures NC, LLC, purchased several of the parcels impacted by the public access-way and has requested the City to close the portion of the Southeast Alley upon their properties.

The Planning and Zoning Commission gave a favorable recommendation to the petition for closure during its December 21, 2021, meeting.

City Council adopted a Resolution of Intent to Close a portion of Southeast Alley during its January 10, 2022, meeting setting the date for the public hearing on the regularly scheduled City Council meeting on February 10, 2022.



Pursuant to the provisions of G.S. 160A-299, a Notice of the Public Hearing was published once a week for four (4) successive weeks in The Daily Reflector, the Notice of the Public Hearing 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.

A temporary utility easement will be reserved upon the alley section to be closed until the utilities have been relocated.

Fiscal Note: Budget funds for this section of Southeast Alley will no longer be needed.

Recommendation: Hold a public hearing on the question of whether or not 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 this street section is not contrary to the public interest and that no individual owning property in the vicinity of this street section 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 Southeast Alley.

ATTACHMENTS

-  [1159231 - CC Agenda 2-10-2022 Resolution to close a portion of Southeast Alley - 1 - COG.pdf](#)
-  [STREET CLOSING OF A PORTION OF ALLEYWAY-Model.pdf](#)

RESOLUTION NO. _____
AN ORDER OF THE CITY COUNCIL OF THE CITY OF GREENVILLE, NORTH
CAROLINA TO CLOSE A PORTION OF SOUTHEAST ALLEY

WHEREAS, the City Council of the City of Greenville, at its January 10, 2022, meeting, adopted a resolution declaring its intent to close a portion of Southeast Alley; 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 public hearing will be held during their meeting on the February 10, 2022, on the question of closing said street section; and

WHEREAS, a copy of the resolution was sent by certified mail to all owners of the property adjoining said street section, 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 section; and

WHEREAS, a hearing was conducted on the 10th day of February, 2022, 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 said street section 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 the street is located would thereby be deprived of reasonable means of ingress and egress to their property;

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 street purposes is released in accordance with the provisions of G.S. 160A-299:

Location: Being that certain tract or parcel of land lying and being situate in the City of Greenville, Greenville Township, Pitt County, North Carolina and being that portion of Southeast Alley over and upon the properties of Greenville Ventures NC, LLC.

Description: BEGINNING at a point at the intersection of two brick walls, the southeastern corner of Greenville Ventures NC, LLC property recorded in Deed Book 4213, Page 855, being a common corner with II and III, LLC property recorded in Deed Book 3297, Page 464, and also being in the common property line with FNZ Prosperity Investment Group, LLC property recorded in Deed Book 3801, Page 314, with said Beginning Point being referenced as N 78°50'00" W – 130.24' from the corner of a brick wall in the eastern right of way of Evans Street, a common corner between Greenville Ventures NC, LLC, and V&M Property Holdings, LLC, recorded in Deed Book 3839, Page 817; thence from said located BEGINNING POINT and running along the common line between Greenville Ventures NC, LLC and II and III, LLC, the southern edge of the alley, N 78°50'00" W – 8.76' to a point in the brick wall; thence leaving the brick wall and running through the property of Greenville Ventures NC, LLC, being the western edge of the alley, N 10°00'09" E – 39.98' to a point; thence, N 78°44'32" W – 5.26' to a point; thence, N 11°04'47" E – 46.71' to a building corner, a point in the common line with the T.F. Jackson & Associates, Inc. property recorded in Deed Book 1642, Page 375; thence with the common line and running across the alley, S 78°45'06" E – 14.41' to a point, a common corner between Greenville Ventures NC, LLC recorded in Deed Book 4206, Page 642, and the T.F. Jackson & Associates, Inc. property, also being a point located in the western line of the City of Greenville property recorded in Deed Book T-43, Page 473, and shown on Map Book 77, Page 172; thence with the City property, the eastern edge of the alley, S 11°00'21" W – 30.01' to a point; thence, S 34°55'15" E – 21.38' to a point in the northern property line of the FNZ Prosperity Investment Group, LLC property recorded in Deed Book 3801, Page 314; thence running along the common line with FNZ Prosperity Investment Group, LLC, N 78°21'31" W – 15.36' to the northwestern property corner of the FNZ Prosperity Investment Group, LLC, a common corner with the Greenville Ventures NC, LLC, property recorded in Deed Book 4213, Page 855; thence with the common line, S 10°00'09" W – 16.52' to a building corner; thence, continuing along the common line, being the western edge of a brick wall, S 11°05'50" W – 23.44' to a point in the intersection of two brick walls, the POINT OF BEGINNING; having an area of 1,150 square feet.

IT IS FURTHER ORDERED BY THE CITY COUNCIL OF THE CITY OF GREENVILLE that the City of Greenville reserve its right, title, and interest in any utility improvement or easement within the street section closed pursuant to this order. Such temporary 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 closing have a utility agreement or franchise with the City of Greenville. This temporary reservation of easement shall become null and void when all existing utilities within the street section closed have been relocated.

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 after the effective date of this Order.

ADOPTED this the 10th day of February, 2022.

P.J. Connelly, Mayor

ATTEST:

Valerie Shiuwegar, City Clerk

NORTH CAROLINA
PITT COUNTY

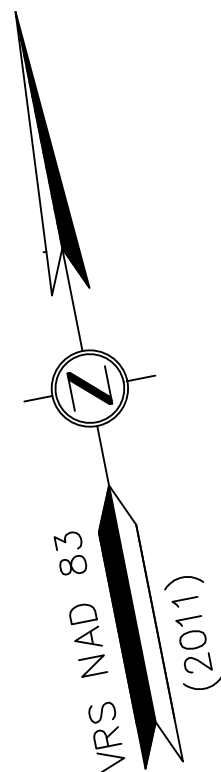
I, _____, a Notary Public for said County and State, certify that Valerie Shiuwegar personally came before me this day and acknowledged that she is the City Clerk of the City of Greenville, a municipality, and that by authority duly given and as the act of the municipality, the foregoing instrument was 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 10th day of February, 2022.

Notary Public

My Commission Expires: _____

E. FOURTH STREET



VICINITY MAP

LEGEND

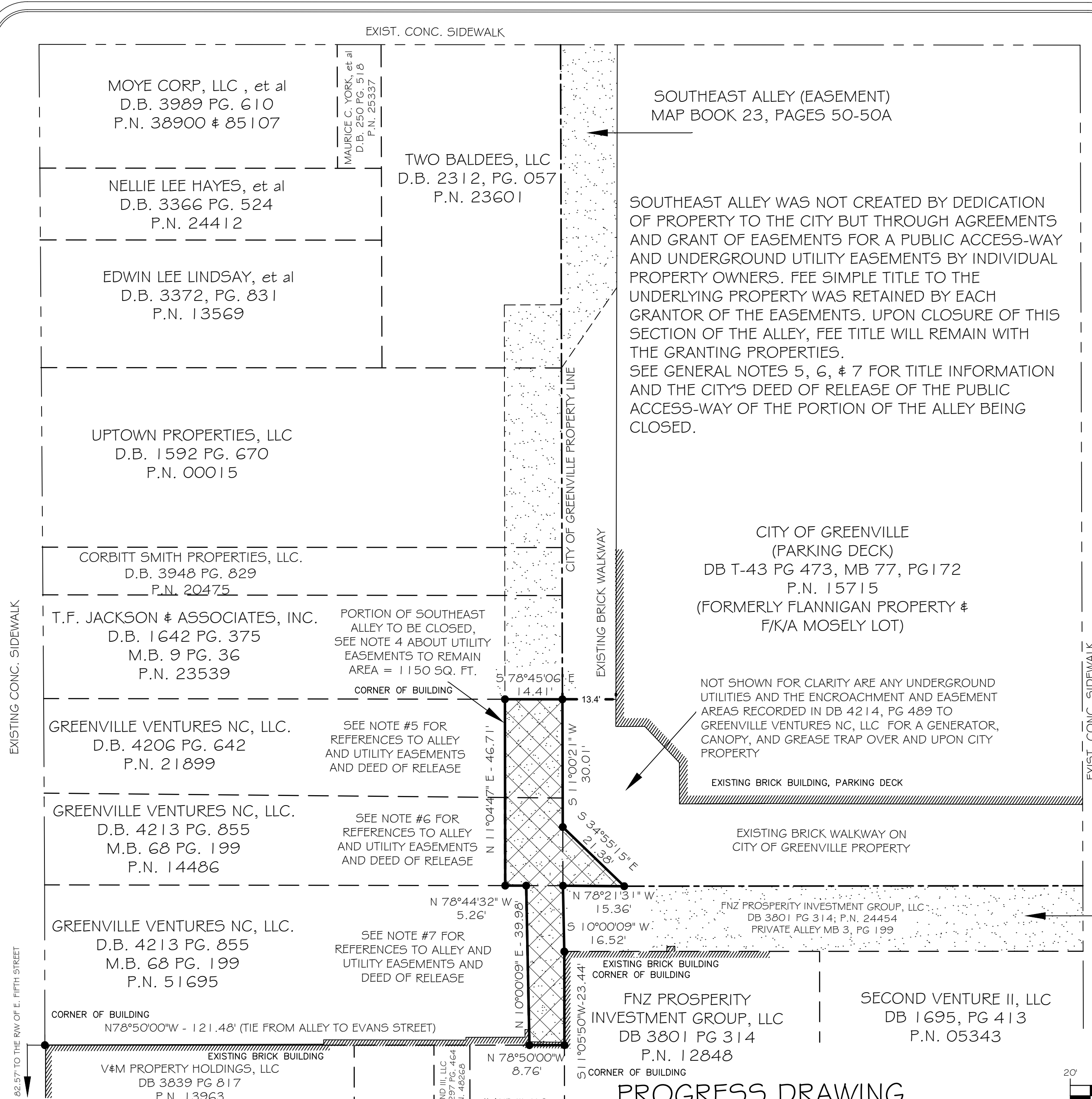
- - NPS= NO POINT SET (POINTS NOT LABELED)
- = EXISTING SOUTHEAST ALLEY
- = SOUTHEAST ALLEY TO BE CLOSED

GENERAL NOTES

1. ALL AREAS CALCULATED BY COORDINATE GEOMETRY.
2. ALL BEARINGS ARE NC GRID; ALL DISTANCES ARE GROUND MEASUREMENTS UNLESS OTHERWISE NOTED.
3. PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA AS DETERMINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY. REF: FIRM 3720468700K, JULY 7, 2014.
4. ALL EXISTING UTILITY EASEMENTS TO REMAIN UNTIL THE UTILITIES ARE RELOCATED OUTSIDE THE FOOTPRINT OF THE FUTURE BUILDING.
5. EASEMENTS CREATING THE THE ALLEY DB W-42, PG 618, AND DB C-20, PG 164 RELEASE OF THE EASEMENT, DB 4214, PG 480.
6. EASEMENTS CREATING THE THE ALLEY DB W-42, PG 637, AND DB C-20, PG 164 RELEASE OF THE EASEMENT, DB 4214, PG 483.
7. EASEMENTS CREATING THE THE ALLEY DB W-42, PG 637, AND DB C-20, PG 164 RELEASE OF THE EASEMENT, DB 4214, PG 486.

EVANS STREET

COTANCHE STREET



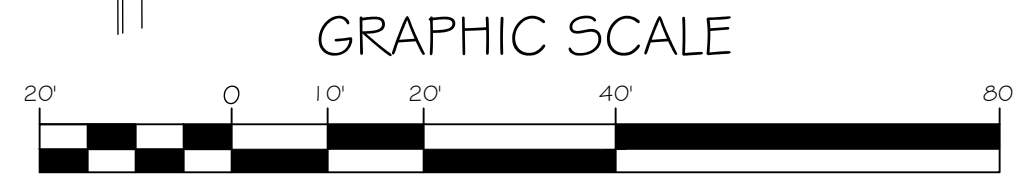
SOUTHEAST ALLEY (EASEMENT)
MAP BOOK 23, PAGES 50-50A

SOUTHEAST ALLEY WAS NOT CREATED BY DEDICATION OF PROPERTY TO THE CITY BUT THROUGH AGREEMENTS AND GRANT OF EASEMENTS FOR A PUBLIC ACCESS-WAY AND UNDERGROUND UTILITY EASEMENTS BY INDIVIDUAL PROPERTY OWNERS. FEE SIMPLE TITLE TO THE UNDERLYING PROPERTY WAS RETAINED BY EACH GRANTOR OF THE EASEMENTS. UPON CLOSURE OF THIS SECTION OF THE ALLEY, FEE TITLE WILL REMAIN WITH THE GRANTING PROPERTIES. SEE GENERAL NOTES 5, 6, & 7 FOR TITLE INFORMATION AND THE CITY'S DEED OF RELEASE OF THE PUBLIC ACCESS-WAY OF THE PORTION OF THE ALLEY BEING CLOSED.

CITY OF GREENVILLE
(PARKING DECK)
DB T-43 PG 473, MB 77, PG 172
P.N. 15715
(FORMERLY FLANNIGAN PROPERTY & F/K/A MOSELY LOT)

NOT SHOWN FOR CLARITY ARE ANY UNDERGROUND UTILITIES AND THE ENCROACHMENT AND EASEMENT AREAS RECORDED IN DB 4214, PG 489 TO GREENVILLE VENTURES NC, LLC FOR A GENERATOR, CANOPY, AND GREASE TRAP OVER AND UPON CITY PROPERTY

SOUTHEAST ALLEY (EASEMENT)
MAP BOOK 23, PAGES 50-50A



GRAPHIC SCALE

(IN FEET)
1 inch = 20feet.

PROGRESS DRAWING
NOT FOR RECORDATION

SHEET 1 OF 1

STREET CLOSING MAP
PORTION OF SOUTHEAST ALLEY
BEING OVER AND UPON A PORTION OF THE
PROPERTY OF GREENVILLE VENTURES NC, LLC,
DB 4213, PG 855 & DB 4213, PG 642
GREENVILLE, GREENVILLE TOWNSHIP, PITT COUNTY NORTH CAROLINA



SURVEYED: BLM	APPROVED: LK
DRAWN: BLM	DATE: 12/14/21
CHECKED: TW	SCALE: 1" = 20'

SUBDIVISION
EXEMPTION CERTIFICATE

THE CITY OF GREENVILLE HEREBY ACKNOWLEDGES THAT THIS SURVEY IS EXEMPT FROM THE DEFINITION OF A SUBDIVISION.

CITY OF GREENVILLE
PLANNING DEPARTMENT

REVIEW OFFICER'S CERTIFICATE

I, _____, 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 _____

MAYORS CERTIFICATION

THIS IS TO CERTIFY THAT THE CITY COUNCIL OF THE CITY OF GREENVILLE HAS PASSED A RESOLUTION TO CLOSE A PORTION OF SOUTHEAST ALLEY.

RESOLUTION NO. _____
SIGNED _____
P.J. CONNELLY, MAYOR
ATTEST _____
VALERIE SHIUWEGAR, CITY CLERK

SURVEYOR'S CERTIFICATION

I, _____, CERTIFY THAT THIS PLAT WAS DRAWN BY ME FROM AN ACTUAL FIELD SURVEY PERFORMED UNDER MY SUPERVISION FROM DEED DESCRIPTIONS RECORDED IN BOOKS REFERENCED HEREON; THAT THE BOUNDARIES NOT SURVEYED ARE DRAWN FROM INFORMATION FOUND IN BOOKS REFERENCED HEREON; THAT THE RATIO OF PRECISION IS 1: 10,000+; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED.

I, FURTHER CERTIFY PURSUANT TO G.S. 47-30 (b)(1)(k), THIS SURVEY IS OF ANOTHER CATEGORY AND IS AN EXEMPTION TO THE DEFINITION OF A SUBDIVISION.
WITNESS MY ORIGINAL SIGNATURE AND SEAL THIS THE _____ DAY OF _____, 2021.
SIGNED _____
PROFESSIONAL LAND SURVEYOR No. L- _____

PROGRESS DRAWING
NOT FOR RECORDATION



City of Greenville, North Carolina

Meeting Date: 02/10/2022

Title of Item: Ordinance requiring the demolition and removal of the dwelling located at 1217 Battle Street, Tax Parcel #10006

Explanation: The Planning and Development Services Department is requesting that the City Council approve an ordinance requiring the owner(s) of a dwelling or dwelling units on one parcel to demolish and remove the dwelling(s) pursuant to the City Code Section 9-1-75 (C) (2): "ordering the Code Enforcement Coordinator or officer to cause the structure to be removed or demolished, as provided in the original order of the Code Enforcement Coordinator or officer". The proposed ordinance provides that the owner has 90 days to demolish and remove the dwelling(s) and if the owner fails to accomplish this within 90 days, then the City will proceed with demolishing and removing the dwelling(s).

- On February 17, 2021, Notice of Violation and Hearing was sent by certified mail to the listed owner(s) and heirs
- On March 5, 2021, the City held a hearing. No owners, parties in interest, or their agent or attorneys attended.
- Notice of Order was sent by certified mail on April 1, 2021 to the listed owner(s) and heirs
- The Order instructed the listed owner(s) and heirs to bring the dwelling into compliance with the Abandoned Structure Code of the City of Greenville by repairing, altering or improving the dwelling in order to render it in compliance with the minimum standards or by demolishing and removing the structure by a date no later than April 17, 2021.
- On November 6 and 13, 2021, Notice of Violation and Hearing was published in the Greenville, NC Daily Reflector to the listed owner(s) and

heirs to ensure all owners and parties in interest, specifically unknown and unnamed, received proper notice and an opportunity for hearing on the action(s) to be taken by the City for the dwelling located at 1217 Battle Street, Tax Parcel #10006.

- On December 2, 2021, the City held an additional hearing. No owners, parties in interest, or their agent or attorneys attended.
- On December 11 and 18, 2021, Notice of Finding of Fact and Order was published in the Greenville, NC Daily Reflector.
- The Order instructed the listed owner(s) and heirs to bring the dwelling into compliance with the Abandoned Structure Code of the City of Greenville by repairing, altering or improving the dwelling in order to render it in compliance with the minimum standards or by demolishing and removing the structure by a date no later than January 28, 2022.
- The dwelling(s) has/have been vacated and closed without utilities for well over 5 years.
- The current Pitt County Tax Assessor's report values the property at \$24,448 (Building value is listed as \$20,767, Extra features value of \$0, and the land value is \$3,681 for a total tax value of \$24,448).
- The estimated cost to repair the main dwellings is \$101,335.00.





Fiscal Note:

Costs to test and abate asbestos (if present) and demolish the structure are estimated at \$10,000. The cost of demolition and removal shall constitute a lien against the real property upon which the cost was incurred. The lien shall be filed, have the same priority, and be collected in the same manner as the lien for special assessment established by Article 12 of Chapter 160D of the North Carolina General Statutes. If the dwelling is removed or demolished by the public officer, the local government shall sell the materials of the dwelling, and any personal property, fixtures, or appurtenances found in or attached to the dwelling, and shall credit the proceeds of the sale against the cost of the removal or demolition, and any balance remaining shall be deposited in the superior court by the public officer, shall be secured in a manner directed by the court, and shall be disbursed by the court to the persons found to be entitled thereto by final order or decree of the court.

Recommendation:

Staff recommends that Council approve the ordinance requiring the demolition and removal of the dwelling located at 1217 Battle Street, Tax Parcel #10006.

ATTACHMENTS

-  [1159312 - Updated Ordinance for 1217_Battle_Demo 1-27-22 - 1 - COG.DOCX](#)
-  [1217 Battle-front of house.jpg](#)
-  [1217 Battle-side open crawl space.jpg](#)
-  [1217 Battle-hole in roof.jpg](#)

ORDINANCE NO. ____

ORDINANCE REQUIRING THE DEMOLITION AND REMOVAL OF THE DWELLING
LOCATED AT:
1217 BATTLE ST, TAX PARCEL NUMBER# 10006
(CODE CASE# CEAS-2021-00004)

WHEREAS, pursuant to the enforcement of the Abandoned Structure Code contained in Title 9, Chapter 1, Article E of the Code of the City of Greenville, North Carolina, as authorized by the provisions of Article 12 of Chapter 160D of the North Carolina General Statutes (G.S.), the owner of the dwelling described below has failed to comply with an Order to either (i) repair, alter, or improve the dwelling to bring it into compliance with the minimum standards established by the Abandoned Structure Code or (ii) demolish and remove the dwelling;

WHEREAS, the City Council of the City of Greenville does hereby find and determine that the owner of the dwelling described below has been given a reasonable opportunity to bring the dwelling in conformity with the minimum standards established by the Abandoned Structure Code contained in Section 9-1-71 through 9-1-79 of the Code of the City of Greenville, North Carolina; and

WHEREAS, G.S. § 160D-1203 and Section 9-1-75 (C)(2), of the Code of the City of Greenville, North Carolina empower the City Council of the City of Greenville to enact this ordinance to authorize and direct the Code Enforcement officer to remove or demolish a dwelling when the owner has failed to comply with an Order of the Code Enforcement Officer issued pursuant to the provisions of the Abandoned Structure Code;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Greenville that:

Section 1. The owner(s), any other un-named, unknown heirs at law of David Blake heirs deceased, Mary Lee Foreman, Doris Vail Suggs (Guardian of Marsha Ann Ware), Marsha Ann Ware, Soloman Blake, Clarence Blake, Pearlie Blake Edwards, & David Blake Jr., of the dwelling located at 1217 Battle St, Tax Parcel # 10006 in the City of Greenville, North Carolina, is hereby directed and required to demolish and remove the dwelling within ninety (90) days from the effective date of this ordinance.

Section 2. The Code Enforcement Supervisor is hereby authorized and directed to proceed to demolish and remove the dwelling in the event the owner fails to comply with the provisions of Section 1 of this ordinance within ninety (90) days, said dwelling being located at 1217 Battle St, Greenville, North Carolina, and owned by Any other un-named, unknown heirs at law of David Blake heirs deceased, Mary Lee Foreman, Doris Vail Suggs (Guardian of Marsha Ann Ware), Marsha Ann Ware, Soloman Blake, Clarence Blake, Pearlie Blake Edwards, & David Blake Jr.

Section 3. The cost of demolition and removal shall constitute a lien against the real property upon which the cost was incurred. The lien shall be filed, have the same priority, and be collected in the same manner as the lien for special assessment established by Article 12 of Chapter 160D of the North Carolina General Statutes. The usable material of the dwelling and any personal property, fixtures, or appurtenances found in or attached to the dwelling shall be sold and the proceeds shall be credited against the cost of removal or demolition and

any balance remaining shall be deposited in superior court where it shall be secured and disbursed in the manner provided by G.S. § 160D-1203(7).

Section 4. This ordinance shall be recorded in the Office of the Register of Deeds of Pitt County and shall be indexed in the name of the property owner in the grantor index.

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

This the 10th day of February, 2022.

PJ Connelly, Mayor

ATTEST:

Valerie Shiuwegar, City Clerk

NORTH CAROLINA
PITT COUNTY

I, _____, a Notary Public in and for said state and county, do hereby certify that Valerie Shiuwegar personally appeared before me this day and acknowledging that she is the City Clerk 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 the Mayor, sealed with the corporate seal and attested by herself as its City Clerk.

Witness my hand and notarial seal this _____ day of _____ 2022.

Notary Public

My Commission Expires:

Jul 14, 2021 1:55:47 PM



Jul 14, 2021 1:59:04 PM



Jul 14, 2021 1:59:37 PM





City of Greenville, North Carolina

Meeting Date: 02/10/2022

-
- Title of Item:** Ordinance Amending City Code Title 9, Chapter 1, Article E, "*Repair, Closing or Demolition of Abandoned Structures*" and Title 9, Chapter 1, Article F, "*Minimum Housing Code*" to Authorize Filing and/or Cancelling a Notice of Lis Pendens in Minimum Housing and Abandoned Structure Code Enforcement Cases
- Explanation:** The City's Abandoned Structures and Minimum Housing Codes do not currently authorize the filing and/or cancellation of a notice of lis pendens. A notice of lis pendens is a formal notice filed with the clerk of superior court to notify subsequent purchasers or transferees of property that there is a legal action affecting the property, and the action becomes binding on successors and assigns of owner. Currently, the Code Enforcement Coordinator and officers have encountered property getting transferred during the City's enforcement actions, which requires the Code Enforcement Coordinator and officers to start the enforcement process from the beginning upon transfer. This revision will allow the City's Code Enforcement Coordinator and officers to continue enforcement actions even if the property is transferred during the pendency of the code enforcement action. This notice of lis pendens and cancellation of same is authorized by North Carolina General Statute § 1-120.2, and state law requires the City Council to adopt a specific ordinance authorizing the use and cancellation of the notice of lis pendens.
- This is a request to revise the City's Code of Ordinances to authorize filing and/or cancellation of notices of lis pendens by the Code Enforcement Coordinator or officers and would codify an additional tool which can be used in achieving code enforcement compliance.
- Fiscal Note:** The cost to file a notice of lis pendens is \$6.00 for the first page and \$0.25 for every subsequent page. Additional resources will be used to properly serve the notice of lis pendens on all owner(s) and party(ies) in interest, including those individual(s) who require service by publication. It is anticipated for the City to save fiscal and human resources by not having to reinstitute code enforcement actions upon change in property ownership or parties in interest.
- Recommendation:** City Council adopt an ordinance amending Article E, "*Repair, Closing or Demolition of Abandoned Structures*" and Title 9, Chapter 1, Article F, "*Minimum Housing Code*" to authorize filing and/or cancelling notice of lis pendens in minimum housing and abandoned structure code enforcement cases by the Code Enforcement Coordinator and officers.

ATTACHMENTS

 **AN ORDINANCE AMENDING TITLE 9 CHAPTER 1 ARTICLE E REPAIR CLOSING OR DEMOLITION OF ABANDONED STRUCTURES AND TITLE 9 CHAPTER 1 ARTICLE F..pdf**

ORDINANCE NO. 22-___

AN ORDINANCE AMENDING TITLE 9, CHAPTER 1, ARTICLE E: *REPAIR, CLOSING OR DEMOLITION OF ABANDONED STRUCTURES* AND TITLE 9, CHAPTER 1, ARTICLE F: *MINIMUM HOUSING CODE* TO AUTHORIZE FILING AND/OR CANCELLING A NOTICE OF LIS PENDENS IN MINIMUM HOUSING AND ABANDONED STRUCTURE CODE ENFORCEMENT CASES

WHEREAS, North Carolina General Statute (“G.S.”) § 1-120.2 authorizes the City Council of the City of Greenville to cause the filing of a notice of lis pendens upon the issuance of a complaint and notice of hearing or order with the clerk of superior court of the county where the property is located in minimum housing, including abandoned structure, code cases; and

WHEREAS, G.S. § 1-120.2 also allows the City Council of the City of Greenville to authorize cancellation of the notice of lis pendens under certain circumstances; and

WHEREAS, to avoid having to reinstitute minimum housing, including abandoned structures, code enforcement proceedings when there is a change of ownership, the City Council of the City of Greenville desires to provide for the filing of a notice of lis pendens to notify current and future property owners and parties in interest that minimum housing and abandoned structure code enforcement actions are being taken; and

WHEREAS, in reviewing the City Code of Ordinances, City staff identified necessary technical changes, and recommends amending Title 9, Chapter 1, Article E, “*Repair, Closing or Demolition of Abandoned Structures*” and Title 9, Chapter 1, Article F, “*Minimum Housing Code*” to include authorization for filing and/or cancelling a notice of lis pendens;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Greenville that:

Section 1. Title 9, Chapter 1, Article E, “*Repair, Closing or Demolition of Abandoned Structures*”, Section 9-1-75 “*Procedure for Enforcement*” of the Code of Ordinances, City of Greenville, is hereby amended by adding subsections (A)(1) and (A)(2) and said subsections shall read as follows:

(A) *Preliminary investigation; notice; hearing.*

1. **Filing a Notice of Lis Pendens.** After a Code Enforcement Coordinator or officer issues a complaint and a notice of hearing or issues findings of fact and an order pursuant thereto, any Code Enforcement Coordinator or officer may file a notice of lis pendens with the Clerk of Superior Court of the county where the property is located. A copy of the complaint and notice of hearing or a copy of the findings of fact and order shall be attached to the notice of lis pendens. The notice of lis pendens and a copy of the complaint and notice or findings of fact and order shall be indexed and cross-indexed in accordance with the indexing procedures of G.S. § 1-117. From the date and time of indexing, the

complaint and notice or findings of fact and order shall be binding upon the successors and assigns of the owners of and parties in interest in the building or dwelling at the time of filing. When the notice of lis pendens is filed with the Clerk, it shall also be served on the owners and parties in interest in the building or dwelling, including any lienholders and tenants who may be determined by the exercise of reasonable diligence in accordance with G.S. §160D-1206 and the method of service procedures set forth in Title 9, Chapter 1, Article E, Sec. 9-1-76 “*Methods of Service of Complaints and Orders.*” The notice of lis pendens shall remain in full force and effect until it is cancelled.

2. **Cancellation of Notice of Lis Pendens.** Any Code Enforcement Coordinator or officer may cancel the notice of lis pendens upon a determination by the Code Enforcement Coordinator or officer that the property fully complies with Title 9, Chapter 1, Article E, “*Repair, Closing or Demolition of Abandoned Structures*” or if the enforcement action is settled, discontinued or abated. Cancellation of the notice of lis pendens must be made in a writing signed by the Code Enforcement Coordinator or officer and filed with the Clerk of Superior Court where the property is located.

Section 2. Title 9, Chapter 1, Article F, “*Minimum Housing Code*”, Section 9-1-110 “*Procedure for Enforcement*” of the Code of Ordinances, City of Greenville, is hereby amended by adding subsections (A)(1) and (A)(2) and said subsections shall read as follows:

(A) *Preliminary investigation; notice; hearing.*

1. **Filing a Notice of Lis Pendens.** After a Code Enforcement Coordinator or officer issues a complaint and a notice of hearing or issues findings of fact and an order pursuant thereto, any Code Enforcement Coordinator or officer may file a notice of lis pendens with the Clerk of Superior Court of the county where the property is located. A copy of the complaint and notice of hearing or a copy of the findings of fact and order shall be attached to the notice of lis pendens. The notice of lis pendens and a copy of the complaint and notice or findings of fact and order shall be indexed and cross-indexed in accordance with the indexing procedures of G.S. § 1-117. From the date and time of indexing, the complaint and notice or findings of fact and order shall be binding upon the successors and assigns of the owners of and parties in interest in the building or dwelling at the time of filing. When the notice of lis pendens is filed with the Clerk, it shall also be served on the owners and parties in interest in the building or dwelling, including any lienholders and tenants who may be determined by the exercise of reasonable diligence in accordance with G.S. § 160D-1206 and the method of service procedures set forth in Title 9, Chapter 1, Article F, Sec.

9-1-112 “*Methods of Service of Complaints and Orders.*” The notice of lis pendens shall remain in full force and effect until it is cancelled.

2. **Cancellation of Notice of Lis Pendens.** Any Code Enforcement Coordinator or officer may cancel the notice of lis pendens upon a determination by the Code Enforcement Coordinator or officer that the property fully complies with Title 9, Chapter 1, Article F, “*Minimum Housing Code*” or if the enforcement action is settled, discontinued or abated. Cancellation of the notice of lis pendens must be made in a writing signed by the Code Enforcement Coordinator or officer and filed with the Clerk of Superior Court where the property is located.

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 upon its adoption.

This the 10th day of February, 2022.

P.J. Connelly, Mayor

ATTEST:

Valerie P. Shiuwegar, City Clerk

DM # 1159114



City of Greenville, North Carolina

Meeting Date: 02/10/2022

Title of Item: Second reading and adoption of an ordinance requested by the Police Department to amend Section 12-1-3 of the City Code to establish civil and criminal penalties in compliance with Session Law 2021-138

Explanation: Historically, violations of a City ordinance have been punishable as a misdemeanor unless the ordinance stated that they were not. In 2021, the General Assembly passed Session Law 2021-138 which provides that a violation of a City ordinance is not a misdemeanor or infraction unless the ordinance expressly provides that it is. S.L. 2021-138 also lists certain ordinances that can never be punished by a criminal penalty. These changes became effective on December 1, 2021.


Based on Session Law 2021-138, the City of Greenville Code §12-1-3 (Discharge of Firearms and Other Weapons) has been decriminalized. To address the interests of public safety, in compliance with Session Law 2021-138, the Police Department is requesting to amend City Code §12-1-3 to add a new subsection (F) to impose civil and criminal penalties for violations of the ordinance.

The statutory language of Session Law 2021-138 states: “Notwithstanding G.S. 160A-75, no ordinance specifying a criminal penalty may be enacted at the meeting in which it is first introduced.” This item was discussed at the February 7, 2022, City Council meeting. This is the second reading and request to approve the Ordinance to amend the City Code.

Fiscal Note: N/A

Recommendation: Hear discussion on the second reading and approve the Ordinance to Amend City Code §12-1-3.

ATTACHMENTS

 [COG-#1157094-v1-DRAFT_ORDINANCE--City_Code_12-1-3--Discharge_of_Firearms_and_Other_Weapons--Criminal_Enforcement_Under_Session_Law_2021-138.pdf](#)

ORDINANCE NO. 22-

AN ORDINANCE TO REVISE THE CIVIL ENFORCEMENT AND TO SPECIFICALLY ALLOW THE CRIMINAL ENFORCEMENT OF PART II, TITLE 12, CHAPTER 1, SECTION 3 OF THE GREENVILLE CITY CODE AS REQUIRED BY SESSION LAW 2021-138

WHEREAS, Session Law 2021-138, Part XIII. Section 13.(b) amends N.C.G.S. § 160A-175(b) to state that “[e]xcept for the types of ordinances listed in [N.C.G.S. § 160A-175(b1)], a violation of a city ordinance “may be a misdemeanor or infraction as provided by [N.C.] G.S. [§] 14-4 only if the city specifies such in the ordinance” and that “[a]n ordinance may provide by express statement that the maximum fine, term of imprisonment, or infraction penalty to be imposed for a violation is some amount of money or number of days less than the maximum imposed by [N.C.] G.S. [§] 14-4.”; and

WHEREAS, Session Law 2021-138, Part XIII. Section 13.(c) amends N.C.G.S. § 14-4(a) to state that “[e]xcept as provided in [N.C.G.S. § 14-4(b) or N.C.G.S. § 14-4(c)], if any person shall violate an ordinance of a county, city, town, or metropolitan sewerage district created under Article 5 of Chapter 162A, he shall be guilty of a Class 3 misdemeanor and shall be fined not more than five hundred dollars (\$500.00)” and that “[n]o fine shall exceed fifty dollars (\$50.00) unless the ordinance expressly states that the maximum fine is greater than fifty dollars (\$50.00).”; and

WHEREAS, based on the foregoing provisions found in Session Law 2021-138, Part XIII city ordinance enforcement has been decriminalized effective December 1, 2021, which includes Part II, Title 12, Chapter 1, Section 3 (City Code § 12-1-3) (Discharge of Firearms and Other Weapons); and

WHEREAS, the addition of criminal enforcement of City Code § 12-1-3 along with revised civil penalties is necessary to address the interests of public safety;

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

SECTION 1. That City Code Sec. 12-1-3 is amended to add a new subsection (F) so that the entirety of the ordinance now reads as follows:

SEC. 12-1-3 DISCHARGE OF FIREARMS AND OTHER WEAPONS.

(A) It shall be unlawful for any person to fire or discharge any firearm, including guns, rifles, pistols, pellet guns, air guns or air rifles within the city, on or off his or her premises, except that this section shall not be construed to prohibit any law enforcement officer or authorized employee in the Division of Animal Control from discharging a firearm in the performance of his or her duty, nor to prohibit any citizen from discharging a firearm when lawfully defending person or property.

In addition, this subsection shall not prohibit a properly licensed person for hunting purposes from discharging a firearm in the following area(s) only with the permission of the

property owner and only during established hunting seasons as determined by the state wildlife resources commission:

(1) *Sunny Side area.* The area, as shown on the official zoning map of the city, encompassing approximately 158 acres and more specifically delineated by the map prepared by the City of Greenville Planning and Development Services Department entitled “Sunny Side Hunting Overlay.”

(B) Said discharge of firearms for hunting purposes shall be restricted from within 300 feet of residences and street rights-of-way.

(C) It shall be unlawful to take deer with rifles, except in one of the aforementioned areas and from a position elevated at least eight feet above the ground and not affixed to a motor vehicle. As used in this section, “to take” means to take as that term is defined in G.S. 113-130(7).

(D) Any property used for hunting purposes must be posted in accordance with G.S. 14-159.7. Regulations as to posting of property.

(E) Any person who shall knowingly and willfully permit his or her minor child under 18 years of age to discharge, fire, shoot or operate, within the city any such air rifle, BB gun or pellet gun shall be guilty of a misdemeanor. This subsection shall not apply when said minor child is accompanied by an adult in a designated recreational/sport hunting overlay listed in subsection (A) of this section.

(F) *Penalties.* A violation of this section may subject the offender to any or all of the following penalties:

(1) *Criminal.* Any person violating any provision of this section shall be guilty of a Class 3 misdemeanor pursuant to G.S. 14-4 and G.S. 160A-175 and shall pay a criminal penalty of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00).

(2) *Civil.*

(a) Any person violating any provision of this section shall be issued a civil citation or citations, as may be required, as follows:

1. *First violation.* A violation of this section shall subject the violator to a civil penalty of two hundred fifty dollars (\$250.00).

2. *Subsequent violation within 365 days of the first violation.* Any subsequent violation of this section by the violator within 365 days from herein defined first violation

shall subject the violator to a civil penalty of five hundred dollars (\$500.00).

- (b) *Service of civil penalties.* Civil citations issued under this section shall be served personally upon the violator by a member of the Greenville Police Department or by any other means authorized for the service of civil process by the North Carolina Rules of Civil Procedure.
 - (c) *Payment of civil penalties.* All civil citations issued under this section must be paid to the revenue division of the City's Financial Services Department within five business days from the date of issuance.
 - (d) *Methods of recovery of unpaid civil penalties.* If a civil penalty issued under this section is not paid within five business days from the date the violator has been cited for the violation, the City may recover the unpaid civil penalty by any or all of the following methods:
 - 1. A civil action in the nature of a debt.
 - 2. The use of a collections agency.
 - 3. The use of the provisions Chapter 105A (The Setoff Debt Collection Act) and G.S. 18C-134.
 - 4. Equitable remedies issued by a court of competent jurisdiction.
 - 5. Any other method authorized by law to secure, collect, satisfy, or otherwise recover any civil penalty owed.
- (3) *Continuing violations.* Each day's continuing violation of this section shall be a separate and distinct 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. In accordance with Session Law 2021-138, Part XIII., Section 13.(b), this ordinance specifying a criminal penalty has been enacted at the meeting other than that in which it was first introduced.

SECTION 5. This ordinance will become effective _____, 2022.

This the _____ day of _____, 2022.

P. J. Connelly, Mayor

ATTEST:

Valerie Shiuwegar, City Clerk

STATE OF NORTH CAROLINA
COUNTY OF PITT

I, Camillia Smith, a Notary Public for said County and State, certify that Valerie Shiuwegar personally came before this date 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 the Mayor, sealed with the corporate seal, and attested by herself as its City Clerk.

Witness my hand and official seal, this the _____ day of _____, 2022.

Camillia Smith, Notary Public

My Commission Expires: October 25, 2023